

## **Kamra tal-Periti**

### **Minutes of the Extraordinary General Meeting**

**Held 21th June 2019 at the Catholic Institute, Floriana**

#### **Agenda**

1. Welcome Addresses
2. Opening Motion
3. Introduction by President: Overview of the Current Situation
4. Presentation by Vice-President: Building and Construction Regulation Framework
5. Legal Notice: Avoidance of Damage to Third Party Property Regulations
6. Presentation and Approval of Motions
7. Closing Remarks

#### **Welcome Address by the Honorary Secretary**

The meeting was opened by Perit Amber Wismayer, KTP Honorary Secretary, who welcomed those present and thanked them for attending at this critical time for the profession. She advised members that the press would be present for the first few minutes of the meeting, but would be asked to leave prior to the reading of the first motion. She then invited the President of the Kamra tal-Periti, Perit Simone Vella Lenicker and the Vice-President, Perit Andre Pizzuto to the stage; declared the meeting officially open and presented the agenda.

#### **Welcome Address by the President**

Perit Simone Vella Lenicker also welcomed the participants.

She noted that:

This meeting had been called by the Council at a time when the building industry was in crisis, and the response from the members, in terms of the number present, had exceeded all expectations. The Kamra had been calling for an overhaul of the Regulatory System since 2007 but the response had been slow. The Government is in the process of setting up the Building and Construction Authority but this would take time. The matter had come to a head due to the recent spate of serious construction incidents which led to the suspension, by Government, of all excavation and demolition works and the issuing of revised regulations, currently undergoing public consultation. Immediate action was required, or the situation could only worsen.

She thanked all those who had helped in the preparation for the meeting, including the Catholic Institute, individual and organisational consultees, the staff of the Kamra tal-Periti and the members of the Council. She thanked the members of the profession for their support and for their presence at the meeting.

The members of the press left the room.

#### **Opening Motion**

Perit Amber Wismayer presented Motion 1, proposed by the Council and seconded by Perit Lara Brincat. The motion referred to participation in the present meeting by student and graduate periti, as well as non paid-up members, in addition to full members. The full text of the motion, as well as all other motions, as presented and as approved, is included in Annex A.

The motion was approved with no votes against and no abstentions.

## **Introduction by the President: Overview of the Current Situation**

Perit Vella Lenicker addressed the meeting and gave a brief overview of the work of the Kamra in favour of quality of the built environment, starting in 2007 with the publication of *The Urban Challenge*. The Kamra has made contributions in several areas including Transport and Mobility, Housing Liveability and Affordability, Heritage Preservation and Quality of Procurement. With regards to public buildings, she spoke of the Council's efforts to convince Government to focus on quality rather than price. Here she referred to the Sustainable Communities project. With regards to the promotion of quality in design, she referred to the launching in 2018 of the Emanuele Luigi Galizia Awards, which would be held again this year, as well as the Council's continuing efforts for the introduction of Design Review Panels. With regards to quality of service and quality in construction, she noted the work of the Kamra in relation to the Periti Act and proposals for the Building Regulations.

## **Presentation by the Vice President: Building and Construction Regulation Framework**

Perit Andre Pizzuto gave an overview of the document *A Modern Building and Construction Regulation Framework for Malta*. He spoke of the shortcomings of the current regulatory system and its consequences on the quality of construction and construction safety, as well as on the practice of the profession. This concern led the Council to set up a Working Group with the scope of producing the document, which has now been launched. A press conference had been held and discussions on the document had already taken place with: Parliamentary Secretary Chris Agius; the Opposition; the Chamber of Commerce; the Chamber of Engineers; and BICC. Perit Pizzuto gave an overview of the objectives of the document and its proposals for a comprehensive system of building regulations. He differentiated between building regulations related to the building as products, and construction regulations which should not form part of the responsibility of the perit. He referred to the current crisis in the industry due to the serious incidents at construction sites. He noted that the work which had been done in the preparation of this document enables the Kamra to give a detailed and researched response.

## **Legal Notice – Avoidance of Damage to Third Party Property Regulations**

Perit Simone Vella Lenicker referred to the current clampdown on demolition and excavation works and the proposed revisions to LN 72/2013 - Avoidance of Damage to Third Party Property Regulations, currently undergoing public consultation. She noted that, in the opinion of the Council, these changes represent a piecemeal approach to very serious issues and have the appearance of a knee-jerk reaction, to appease public concern. The Kamra has been active in the media, noting that the whole industry needs a complete overhaul. The Public Consultation on the proposed changes to the Legal Notice are due to close at midnight on the same day as the EGM and the Council will submit the position of the Kamra, based on the outcome of the meeting. In the opinion of the Council, and its consultees, the proposed changes were unacceptable for many reasons including the following:

- Confusion in the definition of roles and responsibilities including the role and required competence of the site manager.
- The regulations as proposed do not reflect the responsibility which the Civil Code places on the Contractor
- The proposals regarding method statements, geological investigations and geotechnical reports are unclear and do not take into account the scale of the project.
- The regulations do not address situations where additional floors are erected over an existing building.
- No account is taken of the capacity of the industry to absorb these changes in the short term.

- The Regulations impinge on matters which are the subject of contractual obligations between the parties. Legal instruments should not be used to determine contractual obligations.
- The changes proposed do not give a clear vision of where Government wants the industry to go.

Faced with this situation, the Council is putting forward six motions for the EGM to discuss.

### **Presentation and Approval of Motions**

Perit Amber Wismayer presented six motions, all of which were being proposed by Perit Simone Vella Lenicker, and seconded by Perit Andre Pizzuto. Perit Simone Vella Lenicker explained each motion briefly. The full text of the motions is included in Annex A.

- Motion 2 authorises the Council to proceed with regards to the Building Regulations on the basis of the document *A Modern Building and Construction Regulation Framework for Malta*
- Motion 3 refers to the state of the construction industry and the profession, the current shortcomings, and the need for a holistic approach. It includes measures to be taken in the short and long term.
- Motion 4 refers to the proposed amendments in LN 72/2013, including three principles which are non-negotiable
- Motion 5 refers to additional measures to be taken to address current and long-standing shortcomings in the present system.
- Motion 6 is related Professional Conduct, and refers particularly to the conduct of other periti in a case where a perit has suspended works on a construction site due to instructions not being followed.
- Motion 7 proposed the setting up of a Civil Works Committee to draft proposals in relation to issues which cannot be decided in the short term and require further study. These proposals will be discussed at a future EGM prior to March 2020. The issues identified are: Statutory distances; Excavation of basement parking levels and Additional floors over existing buildings.

After the presentation of motions, a vote was taken on Motion 2. The motion was approved with no votes against and one abstention.

Each of the remaining motions was then discussed in detail. The following are some of the points raised in the general discussion:

Perit Noel Debattista noted that the lists of masons and contractors should be made available immediately. He also noted that the authorisation of the BRO is not required in order to stop works on site: rather the perit may stop works and inform the BRO afterwards. Perit Debattista is against the proposal to submit structural details to a repository. On this point, Perit Simone Vella Lenicker replied that the draft legal notice already requires this, however the point can be discussed.

Perit Konrad Xuereb questioned whether it should be the perit or the contractor who is obliged to submit the drawings to the repository. With regards to the method statement, he felt clear that it is the contractor who should submit the proposed method of carrying out the works. Profs. Alex Torpiano noted that it is important to distinguish between the Method Statement, which is the responsibility of the contractor, and the specifications provided by the perit. If the Contractor cannot understand the specifications, he should engage someone who can, while retaining his civil responsibility. The role of Site Manager, as defined in the Legal Notice, as a kind of go-between the perit and the contractor, creates ambiguity.

Perit Anthony Fenech Vella thanked the Council for all the hard work being undertaken. He noted that the Owner of a development also carries some responsibility and this must be clarified. He expressed regret that it had to be a crisis situation to bring so many periti together.

Perit Alex Bezzina noted that the Legal Notice makes no distinction between temporary works, which are part of the construction process and are the responsibility of the contractor, and permanent works which are the responsibility of the perit. This is normal practice abroad and there is a recent British Standard on this division of responsibility. Profs. Alex Torpiano pointed out that this clear division of responsibility would be in conflict with the Code of Police Laws. Perit Bezzina asked what will happen if the Government does not take the Kamra's position into account. Perit Simone Vella Lenicker replied that this would have to be discussed before the end of the meeting. The Council had been in contact with the person who is drafting the Legal Notice, and it appears that the wording has changed from that originally proposed, however, since there is no official qualification for site managers, it is still intended to pass the responsibility on to the perit.

Perit David Bonello stated that it should be the contractor who is responsible for the submission of as-built drawings. Perit Simone Vella Lenicker pointed out that many contractors are not equipped for this. She suggested that design drawings could be submitted instead as an interim measure.

Perit Caroline Caruana emphasised that a list of registered contractors is essential. She asked about the position and responsibility of a perit who works for a contractor. This needs to be clarified.

Perit John Papagiorcopulo expressed concern that many contractors are simply not qualified, and noted that this situation could prove to be an opportunity for periti. He also emphasized the importance of adhering to the law with regards to retaining the statutory 2'6" distance of excavation from 3rd parties.

Perit Ondre Camilleri Gaglione noted that the MDA, as a very strong lobby, is attempting to shift responsibility on to the perit. The perit cannot be the person responsible for supervising the contractor. This would constitute a conflict of interest.

Perit Joanna Spiteri Staines agreed that the profession needs to be in a stronger position. One way in which the position of periti could be strengthened would be to require a perit's declaration for every new property sold certifying the development. Perit Andre Pizzuto stated that the current idea of the Working Group is that each development should have a logbook containing all related documentation and certification, and this would be required for every property put on the market.

Perit Chris Mintoff noted that developers are taking advantage of this opportunity to reduce their responsibility. The perit should only be responsible for what he has been engaged to do. This is an opportunity to set things right with regards to the division of responsibilities. Perit Mintoff suggested that for every accident during construction a detailed technical report should be made available to periti as this could help to prevent similar failures in the future.

Profs. Alex Torpiano stated that this situation is our own fault because we have accepted it when we should have stopped it. Periti are taking enormous risks so that others can make money. And moreover, periti are undercharging for their services.

Perit Andre Pizzuto emphasised that the Legal Notice refers to a register of contractors. Therefore, periti should stop works where the contractor is not registered.

Perit Reuben Sciortino stated that, on more than one occasion, he encountered contractors on site who did not know basic construction terms and procedures.

Perit Pierre Farrugia referred to the phrase 'completely unacceptable' in motion 4 and asked whether this may sound too intransigent. He also noted that, in motion 7, in the list of items to be referred to the proposed Civil Works Committee, excavation should not be restricted to parking levels.

Perit Patrick Calleja, with reference to motion 5, stated that it is not enough for a list of registered contractors to be published. Government should also ensure that someone licensed is present on every site. The equipment of the contractor cannot be taken as an indication of competence. Perit

Simone Vella Lenicker pointed out that licensing of contractors is a different process from registration as it establishes competence. This would take longer.

Perit Charles Azzopardi questioned the responsibility of the owner who takes over the site after the contractor and the perit have left, and engages others to finish the works, often resulting in cutting and drilling in structural elements. Perit Simone Vella Lenicker referred to recent court judgements on the responsibility of the owner, when unauthorized changes are made to the structure. She stressed the importance that the relation between owner and perit is regulated by contract, and in this case, conditions can be imposed regarding cutting or drilling in structural elements

Perit Andre Pizzuto appealed to periti who are willing to help in the work of the council to come forward.

Following the detailed discussion, the motions were voted on, and amended as follows:

#### Motion 3

No amendments were proposed. The motion was voted upon and unanimously approved, with no abstentions and no votes against.

#### Motion 4

Amendment A, proposed by Perit Pierre Farrugia and seconded by Perit Mark Arrigo: to remove the word 'completely' from the phrase 'completely unacceptable'.

The amendment was voted upon and approved with 18 votes against and 3 abstentions, all other votes being in favour.

Amendment B, proposed by Perit Chris Mintoff and seconded by Perit Martin Farrugia: to remove 'the end of September' and replace with 'the coming into force of the amended Legal Notice'.

The amendment was voted upon and approved with 162 votes in favour, 79 votes against and 10 abstentions.

The motion as amended was voted upon and unanimously approved with no abstentions and no votes against.

#### Motion 5

Amendment A, proposed by Profs Alex Torpiano, seconded by Perit Amber Wismayer: to change the provision regarding the suspension of works to '... the perit may suspend the works and shall lodge a report with the BRO'.

The amendment was voted upon and unanimously approved with no abstentions and no votes against.

Amendment B, proposed by Profs Alex Torpiano, seconded by Perit Simone Vella Lenicker: to remove point 2 completely.

The amendment was voted upon and approved with no votes against and 6 abstentions, all other votes being in favour.

The motion as amended was voted upon and unanimously approved with no abstentions and no votes against.

#### Motion 6

No amendments were proposed. The motion was voted upon and approved with no votes against and one abstention, all other votes being in favour.

## Motion 7

Amendment A, proposed by Perit Simone Vella Lenicker, seconded by Perit Iyvonne Grixti: the reference to 'statutory distances' was replaced by 'statutory methodologies'.

Amendment B, proposed by Perit Simone Vella Lenicker, seconded by Perit Iyvonne Grixti: the restriction to parking was removed from 'excavation of basement levels'.

Amendment C, proposed by Perit Simone Vella Lenicker, seconded by Perit Iyvonne Grixti: fourth and fifth items were added as follows '4. Method statement and responsibilities thereof' and '5. Any other matters that the Committee or the Council may deem to be required'.

The motion as amended was voted upon and approved unanimously, with no abstentions and no votes against.

After voting on the previously presented motions had been concluded, an eighth motion was presented by Perit Amber Wismayer, proposed by Perit Simone Vella Lenicker and seconded by Perit Andre Pizzuto. The motion refers to warrant holders who could not attend the EGM and enables them to submit their endorsement or otherwise of the motions presented. Perit Vella Lenicker clarified that this would not affect the outcome of the voting during the meeting, which would remain the official result. The motion was briefly discussed. Since it was not clear what its benefits would be, the motion was withdrawn.

Perit Simone Vella Lenicker then opened the discussion on measures which could be taken if the amended Legal Notice does not address the concerns raised during the meeting, and in particular if the principles listed in motion 4 as non-negotiable were not met. The following are some of the points raised in this discussion:

Perit Simone Vella Lenicker stated that, with regards to the *ipso jure* clause assigning the responsibility of the site manager to the perit, legal advice had been sought and it was confirmed that periti cannot be forced to take on a responsibility which they do not accept. The Council is willing to contest this in Court if it is not removed.

Perit Philip Grech noted that the Legal Notice can be contested by MPs in parliament.

Perit Ondre Camilleri Gaglione emphasized that the Council already has the members' authorisation on non-negotiable principles. It is therefore in a position to issue directives and sanction members who do not follow them.

Perit Martin Farrugia stated that periti could simply refuse to comply with the requirements of the Legal Notice which they do not agree with, including the submission of revised commencement notices, method statements, etc.

Perit Chris Mintoff noted that the members present should give the Council all the tools necessary to take any action they deem necessary.

Perit Joe Galea stated that, provided that the Council keeps in mind the different classes of periti and how each may be affected, the Council should issue directives as necessary and periti would be duty bound to follow them.

Perit Mannie Galea cautioned that the Council should proceed guardedly since this is a sensitive moment. He encouraged the Council to communicate again with the members through another EGM, if necessary.

Perit Simone Vella Lenicker emphasised that the responsibilities with which Council has contention are those which are not the responsibility of the perit.

Perit Duncan Formosa noted that periti can charge for their services if they take on the role of site manager. Profs. Alex Torpiano pointed out that this is not a matter of money, but of important principles which needed to be safeguarded.

## **Concluding Remarks**

Perit Simone Vella Lenicker asked the general meeting to authorise the Council to take any action, and issue directives to members, as it deems necessary in line with the motions approved. Furthermore, she asked the members present to commit themselves to attend if it was necessary to call another Extraordinary General Meeting in the immediate future.

These proposals were agreed to by show of hands.

The EGM was declared closed by Perit Amber Wismayer.

## **Annex A\_ Motions**

### **MOTION 1: Participation at this EGM**

*\_ as presented and approved*

Whereas Regulation 31 of the *Kamra tal-Periti* Regulations stipulates that “A general meeting shall be notified to all full members ...”, and therefore by inference only full members may attend and participate in a General Meeting of the *Kamra tal-Periti*; and  
Whereas the Council of the *Kamra tal-Periti* unanimously agrees that the matters to be discussed as communicated in the Meeting Agenda are of national importance and of significant relevance to the profession; and

Whereas in view of the above, the Council decided to invite all Warranted Periti to attend this General Meeting, as well as current students and graduates of the Faculty for the Built Environment at the University of Malta;

Now, therefore, this Extraordinary General Meeting of the *Kamra tal-Periti* hereby agrees to authorise the presence of all warrant holders, and graduates and students of the Faculty of the Built Environment, and to extend voting rights to all warrant holders, irrespective of whether they are full members or not.

Students and graduates will not be allowed to vote.

### **MOTION 2: A Modern Building & Construction Regulation Framework for Malta**

*\_ as presented and approved*

Whereas the Council of the *Kamra tal-Periti* presented its proposals for a new Building and Construction Regulation Framework during the Extraordinary General Meeting held in November 2018, where such proposals were discussed by the profession; and

Whereas the Council finalised its proposals and sent them to all Warrant Holders in May 2019;

Now, therefore, this Extraordinary General Meeting hereby approves the document “**A Modern Building and Construction Regulation Framework for Malta**” and the proposals outlined therein, and authorises the Council to present such proposals to Government and to take them forward for implementation.

### **MOTION 3: Holistic approach to the regulatory framework**

*\_ as presented and approved*

Whereas Government published draft amendments to Legal Notice 72 of 2013 on Monday 17<sup>th</sup> June 2019; and

Whereas the Council of the *Kamra tal-Periti* has already stated that such amendments constitute a piecemeal approach to the current regulatory system and do nothing to ensure public safety but rather only serve to further confuse the various roles and responsibilities on construction sites;

Now, therefore, this Extraordinary General Meeting of the *Kamra tal-Periti* demands that Government commits to:

1. Finalise and enact the Periti Act, in full consultation with the Council of the *Kamra tal-Periti*, in accordance with the discussions being held by the Council with Government, by the end of October 2019, and this to allow the profession be better organized, as it has been requesting for the last 12 years;



2. Immediately enter into discussions with the Council regarding the *Kamra's* proposed Building and Construction Regulation Framework, to agree on a timeframe for its implementation, and to consider the *Kamra tal-Periti* as a key stakeholder and contributor in the process; and
3. Set up the proposed new Building and Construction Authority, but in the interim to immediately provide the Building Regulation Office with all the necessary financial, human and technical resources it requires to deal with its workload, including putting in place a proper system of Building Regulations and Codes of Practice;
4. Implement without further delay the obligations of the regulator regarding the certification of building products, both produced locally and imported, as required by the Laws of Malta since 2011.

#### **MOTION 4: Amendments to Legal Notice 72 of 2013**

*\_ as presented*

Whereas Government published draft amendments to Legal Notice 72 of 2013 on Monday 17<sup>th</sup> June 2019; and

Whereas the Council of the *Kamra tal-Periti* circulated a document with its initial reactions to such draft to all Warrant Holders on Tuesday 18<sup>th</sup> June 2019; and

Whereas such document outlined six overarching issues which were discussed also during this Extraordinary General Meeting; and

Whereas such document also outlined a number of detailed proposed amendments to various Regulations within the Legal Notice;

Now, therefore, this Extraordinary General Meeting of the *Kamra tal-Periti* endorses the document circulated on the 18<sup>th</sup> June 2019 and hereby declares that the Legal Notice as published in draft format is completely unacceptable, and hereby authorises the Council to request amendments to the Legal Notice in line with the above, subject to the following three points being non-negotiable in the Council's discussions with Government:

1. That the only two figures who are responsible for construction works in terms of the Civil Code are the *Perit* and the Contractor. Therefore, the role of site manager as described in the draft amendments must be assumed within the Contractor's setup, since the Contractor is obliged to understand and follow the instructions issued by the *Perit*, and be sufficiently knowledgeable to understand the significance of such instructions. The Contractor may employ or engage a *Perit*, or a suitably qualified person registered with the Building Regulation Office, without diminishing the responsibility of the Contractor in terms of the Civil Code.
2. That a Geotechnical Design Report prepared in accordance with MSA EN 1997-1 should be required for all works covered by the Legal Notice, except that the *Perit* in charge of the project may request an exemption from the Director BRO in circumstances where said *Perit* deems that such Report is not required, or only parts thereof are needed, and such request is to include detailed reasons for such request for exemption.
3. That all civil works Contractors are to be registered with the Building Regulation Office by the end of September 2019 and not permitted to work unless they are so registered and a list thereof published, and that a system of licencing based on technical ability, capacity and resources is in place by the end of March 2020.

\_ as approved

Whereas Government published draft amendments to Legal Notice 72 of 2013 on Monday 17<sup>th</sup> June 2019; and

Whereas the Council of the *Kamra tal-Periti* circulated a document with its initial reactions to such draft to all Warrant Holders on Tuesday 18<sup>th</sup> June 2019; and

Whereas such document outlined six overarching issues which were discussed also during this Extraordinary General Meeting; and

Whereas such document also outlined a number of detailed proposed amendments to various Regulations within the Legal Notice;

Now, therefore, this Extraordinary General Meeting of the *Kamra tal-Periti* endorses the document circulated on the 18<sup>th</sup> June 2019 and hereby declares that the Legal Notice as published in draft format is unacceptable, and hereby authorises the Council to request amendments to the Legal Notice in line with the above, subject to the following three points being non-negotiable in the Council's discussions with Government:

1. That the only two figures who are responsible for construction works in terms of the Civil Code are the *Perit* and the Contractor. Therefore, the role of site manager as described in the draft amendments must be assumed within the Contractor's setup, since the Contractor is obliged to understand and follow the instructions issued by the *Perit*, and be sufficiently knowledgeable to understand the significance of such instructions. The Contractor may employ or engage a *Perit*, or a suitably qualified person registered with the Building Regulation Office, without diminishing the responsibility of the Contractor in terms of the Civil Code.
2. That a Geotechnical Design Report prepared in accordance with MSA EN 1997-1 should be required for all works covered by the Legal Notice, except that the *Perit* in charge of the project may request an exemption from the Director BRO in circumstances where said *Perit* deems that such Report is not required, or only parts thereof are needed, and such request is to include detailed reasons for such request for exemption.
3. That all civil works Contractors are to be registered with the Building Regulation Office by the coming into force of the amended Legal Notice and not permitted to work unless they are so registered and a list thereof published, and that a system of licencing based on technical ability, capacity and resources is in place by the end of March 2020.

#### **MOTION 5: Supplementary provisions to Legal Notice 72 of 2013**

\_ as presented

In addition to the principles approved in Motion 4, this Extraordinary General Meeting of the *Kamra tal-Periti* hereby resolves that the following matters be enacted, and hereby authorises the Council to demand that:

1. The Legal Notice includes a provision that if the developer *qua* owner/employer or the Contractor refuses to comply with the *Perit*'s instructions on matters related to structural integrity, then said *Perit* may lodge a report with the Building Regulation Office and request the suspension of the works;
2. The Legal Notice be made applicable only to works consisting of demolition and excavation in all cases, and to structural alterations to existing buildings in so far as

these affect third party properties, except that the *Perit* in charge of the project may request an exemption from the Director BRO for any part of the provisions of the Legal Notice as may be required;

3. That a list of licenced masons, and whose licence is currently valid is published by the end of June 2019;
4. That the declaration on the planning application form whereby the applicant Perit is made to “assume the direction and responsibility of the work referred to in this application” is immediately removed from said form;
5. That the Commencement Notice submitted by the *Perit* to the Planning Authority is to contain only the details of the Applicant, and of any Monitors and Experts required as per the conditions of permit, and the relevant declarations, and that this system is in place by the end of June 2019;
6. That a new Commencement Notice is created which will be submitted to the Building Regulation Office and which will contain the details and relevant declarations of the persons identified in Schedule 2 of the Legal Notice, and that this system is in place by the end of June 2019;
7. That a Notice of Completion of Civil and Structural Works be created and required to be submitted to the Building Regulation Office together with a set of as-built structural drawings;
8. That all of the above are to be executed in full consultation with the Council of the *Kamra tal-Periti*.

\_ as approved

In addition to the principles approved in Motion 4, this Extraordinary General Meeting of the *Kamra tal-Periti* hereby resolves that the following matters be enacted, and hereby authorises the Council to demand that:

1. The Legal Notice includes a provision that if the developer *qua* owner/employer or the Contractor refuses to comply with the *Perit*'s instructions on matters related to structural integrity, then said *Perit* may suspend the works and shall lodge a report with the BRO;
2. That a list of licenced masons, and whose licence is currently valid is published by the end of June 2019;
3. That the declaration on the planning application form whereby the applicant Perit is made to “assume the direction and responsibility of the work referred to in this application” is immediately removed from said form;
4. That the Commencement Notice submitted by the *Perit* to the Planning Authority is to contain only the details of the Applicant, and of any Monitors and Experts required as per the conditions of permit, and the relevant declarations, and that this system is in place by the end of June 2019;
5. That a new Commencement Notice is created which will be submitted to the Building Regulation Office and which will contain the details and relevant declarations of the persons identified in Schedule 2 of the Legal Notice, and that this system is in place by the end of June 2019;
6. That a Notice of Completion of Civil and Structural Works be created and required to be submitted to the Building Regulation Office together with a set of as-built structural drawings;
7. That all of the above are to be executed in full consultation with the Council of the *Kamra tal-Periti*.

## **MOTION 6: Matters related to Conduct**

*\_ as presented and approved*

This Extraordinary General Meeting of the *Kamra tal-Periti* hereby acknowledges that all Warrant Holders must bear responsibility for all instances where they may have been negligent or have not exercised due diligence in discharging their services to their Clients, and that therefore they carry part of the fault for the crisis that the industry is currently in, while also bringing the profession into disrepute;

Now, therefore, this Extraordinary General Meeting empowers the Council of the *Kamra tal-Periti* to:

1. Issue any Directives as it deems necessary in relation to the matters discussed during this Extraordinary General Meeting, and to consider a breach of said Directives by Warrant Holders to constitute a breach of the Code of Professional Conduct;
2. In particular, to issue a Directive stating that *Periti* are authorised to refuse to sign a Change of Architect Form in cases where they have submitted a report to the Building Regulation Office stating that the Developer *qua* owner/employer or the Contractor have refused to follow their instructions on matters related to structural integrity, and to consider any actions by another Perit to take over the works concerned as constituting “*supplanting*” in terms of Provision 4 of the Code of Professional Conduct.

## **MOTION 7: Establishment of Civil Works Committee**

*\_ as presented*

This Extraordinary General Meeting hereby requests the Council of the *Kamra tal-Periti* to establish a Civil Works Committee which will be entrusted to draft proposals with regard to the following matters, and to present them for discussion and approval at an Extraordinary General Meeting of the *Kamra tal-Periti* to be held by no later than March 2020:

1. Statutory distances for excavation adjacent to third parties;
2. Excavation of basement levels of underground parking;
3. Erection of additional floors over existing buildings.

*\_ as approved*

This Extraordinary General Meeting hereby requests the Council of the *Kamra tal-Periti* to establish a Civil Works Committee which will be entrusted to draft proposals with regard to the following matters, and to present them for discussion and approval at an Extraordinary General Meeting of the *Kamra tal-Periti* to be held by no later than March 2020:

1. Statutory methodologies for excavation adjacent to third parties;
2. Excavation of basement levels;
3. Erection of additional floors over existing buildings;
4. Method Statement and responsibilities thereof;
5. Any other matters that the Committee or the Council may deem to be required’

**MOTION 8: Endorsement of motions**

*\_ as presented and withdrawn*

Whereas a number of Warrant Holders could not attend this General Meeting for various valid reasons, and

Whereas the statute of the *Kamra tal-Periti* does not currently permit voting by proxy,

Now, therefore, this Extraordinary General Meeting of the *Kamra tal-Periti* authorises the Council to ask those Warrant Holders who are not present to submit their endorsement or otherwise of the motions approved by this General Meeting.