ta' sena (1). It-tieni proviso jipprovdi illi f'każ illi l-applikazzjoni ġiet sottomessa peress illi din hija l-għejxien ta' kuljum tal-applikant mal-għeluq tal-perjodu ta' sena (1), l-applikant għandu japplika mill-ġdid mal-Awtorità sabiex tali liċenzja tinħareġ taħt entità, liema entità għandha tiġi fformulata mill-istess applikant.

Fir-rigward ta' partita 3(b), qiegħda tiġi mħassra l-kelma "full-time" peress illi d-domanda fis-suq hija ikbar minn bennejja liċenzjati, ser inkunu qegħdin nagħtu nifs lil dawk il-kuntratturi li jkollhom aktar minn sit wieħed fil-proċess ta' żvilupp.

5. Sezzjonijiet konklużivi

Dawn ir-regolamenti għandhom jidħlu fis-seħħ mad-data tal-pubblikazzjoni tagħhom fil-Gazzetta tal-Gvern.

Għal aktar informazzjoni jekk jogħġbok ikkuntattja lil:

Email: info@bca.org.mt

Telefown: 2095 5000

N.B. Dawn in-Noti ta' Spjegazzjoni mhumiex maħsuba biex ikunu deskrizzjoni eżawrjenti tal-istrument legali u lanqas sostitut tiegħu jew suppliment leġiżlattiv għalih. Dawn in-Noti ta' Spjegazzjoni mhumiex intiżi bħala deċiżjoni awtorevoli dwar l-interpretazzjoni tal-leġiżlazzjoni.

Is-27 ta' Diċembru, 2024

No. 1813

MINISTRY FOR JUSTICE AND REFORM OF THE CONSTRUCTION SECTOR

Explanatory Notes[1]

1. Introduction

Title of regulations	Construction Industry Licensing (Amendment No. 3) Regulations, 2024
Activity to be regulated	Licensing for the construction industry
Responsible entity	Building and Construction Authority

2. Summary and background

The Construction Industry Licensing (Amendment No. 3) Regulations, 2024 (hereinafter referred to as the "amending regulations") amend the Construction Industry Licensing Regulations, S.L. 623.09 (hereinafter referred to as the "principal regulations").

[1]These Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

3. Overview of the structure of the instrument

These regulations consist of three (3) regulations:

Regulation 1: Citation.
Regulation 2: Amends regulation 16 of the principal regulations.
Regulation 3: Amends Schedule II to the principal regulations.

4. Commentary

Regulation 2 substitutes the first proviso to regulation 16(1) of the principal regulations by means of a new proviso. This proviso provides that the Committee has until 30 June 2025 to decide on all those applications submitted before 31 December 2024.

Regulation 3 is amending item 2 and item 3 (b) of heading C of Schedule II to the principal regulations. In respect of item 2, in the event that a person who has applied for a contractor's licence and is not in possession of a mason's licence, the applicant shall provide the Authority with an agreement of having engaged the services of a licensed mason or employed a licensed mason, which agreement shall be for a period equivalent to the period of validity of the licence.

In addition, two exceptions are being introduced by means of two provisos. The first proviso provides that in cases where the applicant applied for a licence for personal use the said licence shall be valid for a period of one (1) year. The second proviso provides that in the event the application was submitted as this is the applicant's daily living on the expiry of the period of one (1) year, the applicant shall re-apply to the Authority so that such licence is issued under an entity, which entity shall be formulated by the same applicant.

In respect of item 3(b), the word "full-time" is being deleted as demand on the market is bigger than licensed builders, we will be giving breathing space to contractors with more than one site in the process of development.

5. Concluding sections

These amending regulations shall come into force upon their publication in the Government Gazette.

For further information please contact:

Email: info@bca.org.mt

Telephone: 2095 5000

N.B. These Explanatory Notes are not intended to be an exhaustive description of the legal instrument nor a substitute or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative decision on the interpretation of the legislation.

27th December, 2024

No. 1814

MINISTRY FOR JUSTICE AND REFORM
OF THE CONSTRUCTION SECTOR

Explanatory Notes[1]

1. Introduction

Title of regulations	Masons' Licence (Amendment) Regulations, 2024
Activity to be regulated	Masons' licence
Responsible entity	Building and Construction Authority

2. Summary and background

These regulations are amending the Masons' Licence Regulations (S.L. 623.12) and the scope of these regulations is to provide further clarity to the Committee and the applicants in better understanding how the examination will be set up, the procedure that should be used in case someone fails and also provides a way forward on the validity of the licences.

3. Overview of the structure of the instrument

These regulations are made up of four (4) regulations and consist of the following:

Regulation 1: Title.

Regulation 2: Substitutes regulation 15 of the principal regulations.

Regulation 3: Substitutes regulation 18 of the principal regulations.

Regulation 4: Amends regulation 24 of the principal regulations.

4. Commentary

Regulation 2 substitutes regulation 15 of the principal regulations. Regulation 15 of the principal regulation provides first and foremost that in order for the Committee to consider the application for the masons' licence, the applicant shall successfully complete the induction course provided by the Authority or any other accredited course deemed appropriate by the Authority. This regulation is also introducing how the examination shall be evaluated:

(a) attendance of the induction and, or accredited courses – 20%;
(b) written and, or oral – 40%; and
(c) practice – 40%.

[1]These Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

Furthermore, sub-regulation 4 of the same regulation entitles the applicant who fails one of these examinations to sit for such examination at all sessions in that year, but in the event of failure to pass such specified examination within one (1) year of the first examination, he shall have the right to re-apply for a re-builder's licence. Furthermore, the proviso provides that if in that year the applicant has failed two more times he may write to a Committee, which at its discretion shall consider the applicant's application on the basis of experience.

Should the Committee accede to the applicant's request, the regulation is providing the Committee with the power to set up an expert subcommittee in order to be able to evaluate the applicant's portfolio. The composition of this subcommittee shall be of five (5) members who shall have knowledge and expertise on matters related to the building and construction industry, legal affairs, health and safety at work or other subjects related to the construction industry. In addition, amongst the members there shall be a licensed builder and another member holding the warrant of Perit who shall have practised the profession for at least ten (10) years.

Furthermore regulation 15 is empowering a Committee to take a decision within fifteen (15) days of completion of the examination, with a possible one-off allowance of an additional fifteen (15) days. In addition, the Committee may request any information on the applicant from any competent authority as deemed necessary.

Regulation 3 substitutes regulation 18 of the principal regulations. This regulation imposes an obligation on the Committee to send, upon refusal of an application, a notice of refusal within fifteen (15) days of the date on which the examination is completed, to the applicant of the reasons for the refusal. The applicant may within fifteen (15) days request, in writing, a review of the examination and make representations. If the Committee, following the review and recommendation made by the applicant, continues to consider that the applicant has failed the examination, it shall inform the applicant of its decision in writing.

Regulation 4 amends the proviso to regulation 24 of the principal regulations which provides that persons who are currently masons licensed in accordance with the Code of Police Laws and whose licence expires in the year 2024, shall be authorised to retain their licence until 30 June 2025, by which time an application for renewal shall be submitted.

5. Concluding sections

These regulations shall come into force on the date of publication in the Government Gazette.

For further information please contact the Building and Construction Authority:

Email: info@bca.org.mt

Telephone: 2095 5000

N.B. These Explanatory Notes are not intended to be an exhaustive description of the legal instrument nor a substitute or a legislative supplement to it. These Explanatory Notes are not an authoritative decision on the interpretation of the legislation.

27th December, 2024