Nru. 1686

AWTORITÀ TAL-BINI U L-KOSTRUZZJONI

Noti ta' Spjegazzjoni[1]

1. Introduzzjoni

Titolu tar-Regolamenti	Regolamenti tal-2026 li jemendaw ir-Regolamenti dwar l-Evitar ta' Ħsara lil Proprjetà ta' Terzi Persuni
Attività li għanda tiġi rregolata	Twaqqigħ, skavar u kostruzzjoni
Entità responsabbli	Awtorità tal-Bini u l-Kostruzzjoni

2. Taqsira u l-isfond

Dawn ir-regolamenti qegħdin jemendaw ir-Regolamenti dwar l-Evitar ta' Ħsara lil Proprjetà ta' Terzi Persuni (L.S. 623.06) u jħassru r-Regolamenti dwar l-Obbligi ta' Assigurazzjoni ta' Siti ta' Kostruzzjoni (L.S. 623.11). L-għan ta' dawn ir-regolamenti huwa li ssaħħaħ il-protezzjoni disponibbli għal terzi persuni affettwati minn xogħlijiet ta' kostruzzjoni permezz tat-twaqqif ta' Riżerva ta' Garanzija tal-Industrija, billi tipprovdi lir-residenti affettwati b'aċċess għal appoġġ, rimedju u kumpens fejn iseħħu danni, filwaqt li tkompli ssaħħaħ il-fiduċja tal-pubblika fil-qafas regolatorju tal-industrija tal-kostruzzjoni. Il-leġiżlazzjoni tfittex ukoll li tissostitwixxi l-mekkaniżmu eżistenti tal-garanzija bankarja b'sistema aktar effiċjenti u aċċessibbli, billi tnaqqas il-piż amministrattiv u finanzjarju fuq l-iżviluppaturi u l-kuntratturi permezz tat-tneħħija tal-ħtieġa li tinkiseb u tinżamm garanzija bankarja, u b'hekk tittejjeb il-likwidità tagħhom u jiġu ssimplifikati l-obbligi ta' konformità, filwaqt li jiġi żgurat li jibqgħu disponibbli fondi adegwati sabiex jiġu indirizzati talbiet relatati ma' danni kkawżati minn attivitajiet ta' kostruzzjoni.

3. Ħarsa ġenerali tal-istruttura tal-istrument

Dawn ir-regolamenti huma magħmula minn ħdax (11)-il regolament u jikkonsistu f'dan li ġej:

Regolament 1: Titolu u bidu fis-seħħ.
Regolament 2 : Jemenda r-regolament 2 tar-regolamenti prinċipali.
Regolament 3: Jemenda r-regolament 3 tar-regolamenti prinċipali.
Regolament 4 : Jissostitwixxi r-regolament 4 tar-regolamenti prinċipali.
Regolament 5: Iżid regolament ġdid mar-regolamenti prinċipali.
Regolament 6: Jemenda r-regolament 6 tar-regolamenti prinċipali.
Regolament 7 : Jemenda r-regolament 7 tar-regolamenti prinċipali.
Regolament 8: Iżid regolamenti ġodda mar-regolamenti prinċipali.
Regolament 9: Jissostitwixxi r-regolament 26 tar-regolamenti prinċipali.
Regolament10: Jemenda t-Tieni Skeda li tinsab mar-regolamenti prinċipali.
Regolament 11: Iżid Skedi ġodda mar-regolamenti prinċipali.
Regolament 12: Jħassar il-Liġi Sussidjarja 623.11.

4. Kummentarju

Kif rifless fir-regolamenti 2, 3 u 4 l-għan ta' dawn l-emendi huwa dak li jkompli jsaħħaħ il-qafas regolatorju għall-protezzjoni ta' proprjetà ta' terzi waqt xogħlijiet ta' kostruzzjoni. B'mod partikolari, ir-regolament 5 jintroduċi l-obbligu li qabel ma jibdew xogħlijiet ta' twaqqigħ, skavar jew kostruzzjoni għandha tinkiseb approvazzjoni bil-miktub mill-Awtorità tal-Bini u l-Kostruzzjoni. Din tikkostitwixxi miżura importanti maħsuba sabiex issaħħaħ il-kontroll u s-superviżjoni tal-proġetti.

Fir-rigward tal-protezzjoni ta' terzi persuni, ir-regolament 6 jimponi rekwiżiti aktar stretti dwar l-assigurazzjoni, inkluż kopertura minima ta' responsabbiltà lejn terzi ta' €750,000, sabiex jiġu mħarsa persuni li jistgħu jbatu danni jew telf minħabba xogħlijiet ta' kostruzzjoni.

[1]Dawn in-Noti ta' Spjegazzjoni huma skont u għall-fini tal-artikolu 3(2)(ċ) tal-Att dwar l-Intrapriżi ż-Żgħar (Kapitolu 512 tal-Liġijiet ta' Malta).

Barra minn hekk, ir-regolament 7 isaħħaħ il-proċeduri relatati mar-rapporti dwar il-kondizzjoni tal-proprjetajiet ġirien u jipprovdi aktar drittijiet lis-sidien affettwati sabiex jikkontestaw jew jirrevedu rapporti u method statements permezz ta' perit tal-għażla tagħhom. Dan jikkontribwixxi sabiex jiġi żgurat livell akbar ta' trasparenza u protezzjoni.

Waħda mill-aktar innovazzjonijiet sinifikanti tinsab fir-regolament 8 li tintroduċi numru ta' regolamenti li jipprovdu għat-twaqqif ta' Riżerva ta' Garanzija tal-Industrija u kumitat dedikat sabiex jamministra pretensjonijiet għal danni minuri relatati ma' attivitajiet ta' kostruzzjoni. Dan il-mekkaniżmu għandu l-potenzjal li jipprovdi rimedju aktar mgħaġġel u effettiv għal persuni li jsofru danni.

Fl-aħħar nett, ir-regolament 9 jipprovdi għal ċerti eżenzjonijiet fejn il-perit tal-proġett jiċċertifika li l-interventi strutturali ma jaffettwawx proprjetà ta' terzi, filwaqt li jinżamm grad ta' superviżjoni mill-Awtorità fejn dan ikun meqjus meħtieġ.

B'mod ġenerali, l-emendi proposti jsaħħu r-responsabbiltà tal-partijiet involuti fl-attivitajiet tal-kostruzzjoni, iżidu l-protezzjoni għal sidien ta' proprjetà ġirien, u jintroduċu mekkaniżmu ġdid għal kumpens ta' danni.

5. Sezzjonijiet konklużivi

Dawn ir-regolamenti għandhom jidħlu fis-seħħ fid-data tal-pubblikazzjoni fil-Gazzetta tal-Gvern, ħlief ir-regolament ġdid 20A kif miżjud f'dawn ir-regolamenti.

Għal aktar informazzjoni jekk jogħġbok ikkuntattja lill-Awtorità tal-Bini u l-Kostruzzjoni fuq:

Email: info@bca.org.mt

Telefon: 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 ma humiex deċiżjoni awtorevoli dwar l-interpretazzjoni tal-leġiżlazzjoni.

Dawn in-Noti ta' Spjegazzjoni jirreferu għall-Avviż Legali Nru. 305 ippubblikat fil-Gazzetta tal-Gvern Nru. 21,743 tat-30 ta' Ottubru, 2026.

It-3 ta' Novembru, 2026

No. 1686

BUILDING AND CONSTRUCTION AUTHORITY

Explanatory Notes[1]

1. Introduction

Title of regulations	Avoidance of Damage to Third Party Property (Amendment) Regulations
Activity to be regulated	Demolition, excavation and construction
Responsible entity	Building and Construction Authority

2. Summary and background

These regulations are amending the Avoidance of Damage to Third Party Property Regulations (S.L. 623.06) whilst repealing the Construction Sites Insurance Obligations Regulations (S.L. 623.11). The scope of these regulations is to strengthen the

[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).

protection available to third parties affected by construction works through the establishment of an Industry Guarantee Reserve, providing affected residents with access to support, redress and compensation where damages occur, whilst further enhancing public confidence in the construction regulatory framework. The legislation also seeks to replace the existing bank guarantee mechanism with a more efficient and accessible system, reducing the administrative and financial burden on developers and contractors by eliminating the need to obtain and maintain bank guarantees, thereby improving liquidity and streamlining compliance, while ensuring that adequate funds remain available to address construction-related claims.

3. Overview of the structure of the instrument

These regulations are made up of eleven (11) regulations and consist of the following:

Regulation 1: Citation and commencement.

Regulation 2: Amends regulation 2 of the principal regulations.

Regulation 3: Amends regulation 3 of the principal regulations.

Regulation 4 : Amends regulation 4 of the principal regulations.

Regulation 5: Adds a new regulation to the principal regulations.

Regulation 6: Amends regulation 6 of the principal regulations.

Regulation 7: Amends regulation 7 of the principal regulations.

Regulation 8: Adds new regulations to the principal regulations.

Regulation 9: Substitutes regulation 26 of the principal regulations.

Regulation 10: Amends the Second Schedule to the principal regulations.

Regulation 11: Adds new Schedules to the principal regulations.

Regulation 12: Repeals Subsidiary Legislation 623.11.

4. Commentary

As reflected in regulations 2, 3 and 4, the purpose of these amendments is to further strengthen the regulatory framework for the protection of third-party property during construction works. In particular, regulation 5 introduces the requirement that, prior to the commencement of demolition, excavation or construction works, written clearance shall be obtained from the Building and Construction Authority. This constitutes an important measure aimed at strengthening control and oversight of construction projects.

With regard to the protection of third parties, regulation 6 imposes stricter insurance requirements, including a minimum third-party liability cover of €750,000, in order to safeguard persons who may suffer damage or loss as a result of construction activities.

Furthermore, regulation 7 strengthens the procedures relating to condition reports concerning neighbouring properties and provides affected owners with greater rights to challenge or review condition reports and method statements through a perit of their choice. This contributes towards ensuring a higher degree of transparency and protection.

One of the most significant innovations is found in regulation 8 which introduces a number of new regulations providing for the establishment of an Industry Guarantee Reserve and a dedicated committee to administer claims relating to minor damage arising from construction activities. This mechanism has the potential to provide a faster and more effective remedy for persons who suffer damage.

Finally, regulation 9 provides for certain exemptions where the perit in charge of the project certifies that the structural interventions will not affect third-party property, while maintaining a degree of oversight and control by the Authority where this is deemed necessary.

Overall, the proposed amendments strengthen the accountability of the parties involved in construction activities, increase protection for neighbouring property owners, and introduce a new mechanism for the compensation of damages.

5. Concluding sections

These regulations shall come into force on the date of publication in the Government Gazette with the exception of regulation 20A as added in these regulations.

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.

These Explanatory Notes refer to Legal Notice No. 305 published in Government Gazette No. 21,743 of 30th October, 2026.

3rd November, 2026

Nru. 1687

ATT DWAR L-AMMINISTRAZZJONI TAT-TAXXA (KAP. 372) U ATT DWAR IT-TAXXA FUQ IL-VALUR MIŻJUD (KAP. 406)

Artikolu 29 tal-Att dwar l-Amministrazzjoni tat-Taxxa (Kap. 372); u Artikolu 73(2) tal-Att dwar it-Taxxa fuq il-Valur Miżjud (Kap. 406)

SKONT id-dispożizzjonijiet tal-proviso tal-Artikolu 29(1) tal-Att dwar l-Amministrazzjoni tat-Taxxa u/jew tal-Artikolu 73(2) tal-Att Dwar it-Taxxa tal-Valur Miżjud, il-Kummissarju tat-Taxxa u d-Dwana b'dan javża lill-persuna msemmija aktar 'l isfel biex tmur fl-Amministrazzjoni tat-Taxxa u d-Dwana ta' Malta, Large Taxpayer Office, Blokk 2, Triq Vincenzo Dimech, Il-Furjana FRN 1700, fi żmien tletin ġurnata minn dan l-avviż sabiex tiġbor l-avviż/i maħruġa fuqha.

Isem	Referenza
Name	*Reference*
Roderick Muscat	393476M

It-3 ta' Novembru, 2026

No. 1687

INCOME TAX MANAGEMENT ACT (CAP. 372) AND VALUE ADDED TAX ACT (CAP. 406)

Article 29 of the Income Tax Management Act (Cap. 372); and Article 73(2) Value Added Tax Act (Cap. 406)

IN terms of the proviso to Article 29(1) of the Income Tax Management Act and/or Article 73(2) of the Value Added Tax Act, the Commissioner for Tax and Customs hereby notifies the person listed hereunder to call at the Malta Tax and Customs Administration, Large Taxpayer Office, Block 2, Triq Vincenzo Dimech, Floriana FRN 1700, by not later than thirty days from the date of this publication to collect the notice/s issued on such person.

3rd November, 2026