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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Francis Zammit Dimech, M.P., Ministru għall-Ambjent, u moqri għall-Ewwel darba fis-Seduta tal-31 ta' Lulju, 1995.

ATT dwar il-Periti.

A BILL introduced by the Honourable Francis Zammit Dimech, M.P., Minister for the Environment, and read the First time at the Sitting of the 31st July, 1995.

AN ACT to regulate Architecture and Civil Engineering Professionals (*Periti*) and to provide for matters connected therewith or ancillary thereto.

ABBOZZ TA' LIĠI msejjaħ

ATT dwar il-Periti.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1996 dwar l-Arkitetti u Inġinieri Ċivili (Periti), u għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għax-xoghlijiet jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

Titolu fis-qosor u bidu fis-sehh.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra —

Tifsir.

“Bord” tfisser il-Bord tal-Warrant tal-Periti stabbilit bl-artikolu 6 ta' dan l-Att;

“Kamra” tfisser il-Kamra ta' l-Arkitetti u Inġinieri Ċivili;

“Ministru” tfisser il-Ministru responsabbli għax-xoghlijiet u, sal-limitu ta' funzjonijiet delegati lilu mill-Ministru, tinkludi l-Bord;

“preskritt” tfisser preskritt b’regolamenti taht dan l-Att;

“professjoni” tfisser il-professjoni li tassumi responsabbiltà ghad-disinn u kostruzzjoni ta’ xoghlijiet, taht it-titlu ġeneriku ta’ “Perit” u tinkludi Professjonisti li jkunu Arkitetti, Inġinieri Ċivili u Inġinieri Strutturali;

“warrant” tfisser *warrant* moghti taht l-artikolu 5 ta’ dan l-Att, u “detentur ta’ warrant” ghandha tiftiehem skond hekk.

Kwalifiki ghal
warrant.

3. (1) Ebda persuna ma tista’ teżerċita l-professjoni kemm-il darba ma jkollhix *warrant* skond l-artikolu 5 ta’ dan l-Att.

(2) Persuna ma tikkwalifikax għall-ghoti ta’ *warrant* kemm-il darba —

(a) ma tkunx ċittadin ta’ Malta jew xort’ohra jkollha l-permess li tahdem f’Malta bis-sahha ta’ xi liġi;

(b) ma tkunx ta’ kondotta tajba;

(ċ) ma tkunx tista’ taġixxi għal kollox skond il-liġi; u

(d) ma tissodisfax lill-Bord li:

(i) jkollha kwalifiki akkademiċi miksuba wara li tkun għaddiet minn kors shih ta’ studju ta’ mill-anqas erba’ snin, jew l-ekwivalenti *part-time* tiegħu, fl-Università ta’ Malta jew f’dik l-Università ohra jew istituzzjoni akkademika ohra li tista’ tiġi rikonoxxuta għal dak l-ghan mill-Bord wara li jkun ikkonsulta lill-Kamra, liema kors ikun fih dak il-minimu ta’ suġġetti ċentrali fl-oqsma ta’ l-arkitettura, ta’ l-inġinerija ċivili u ta’ l-inġinerija strutturali li l-Ministru jista’, wara li jkun ikkonsulta lill-Kamra, jippreskrivi;

(ii) għal perijodu ta’ mhux inqas minn sentejn wara li tkun kisbet il-kwalifiki akkademiċi msemmija fis-subparagrafu (i) ta’ dan il-paragrafu, tkun tharrġet f’Malta fl-eżerċizzju ta’ detentur ta’ *warrant* fil-prattika, skond il-*guidelines* li l-Ministru jista’, wara li jkun ikkonsulta lill-Kamra, jippreskrivi:

Izda meta l-kwalifiki akkademiċi msemmija fis-subparagrafu (i) ta’ dan il-paragrafu jinkisbu wara kors ta’ hames snin *full-time* jew iżjed, jew l-ekwivalenti *part-time* tiegħu, il-perijodu ta’ tahrig imsemmi f’dan is-subparagrafu ghandu jkun ta’ sena;

Iżda wkoll, bl-approvazzjoni tal-Bord, dak it-tahriġ jista', għal perijodu ta' mhux iżjed minn sena, fl-imsemmi perijodu ta' sentejn, isir fi Stat barra minn Malta ma' professjonista f'dixxiplini relatati, li jkun hekk kwalifikat kif imiss biex jeżerċita l-professjoni f'dak l-Istat;

(iii) tkun giet eżaminata kif imiss u approvata mill-Bord f'eżami jew eżamijiet għal dak l-ghan, skond kif il-Ministru jista', wara li jkun ikkonsulta lill-Bord, jippreskrivi:

Iżda l-Bord jista' jeżenta persuna li tkun kisbet il-kwalifiki akkademiċi mill-Università ta' Malta jew minn dik l-Università oħra jew istituzzjoni akkademika oħra approvata għal dak l-ghan mill-Bord wara li jkun ikkonsulta lill-Kamra, minn dak l-eżami jew eżamijiet għal kollox jew f'parti.

4. Il-Ministru jista', minkejja d-dispożizzjonijiet ta' l-artikolu 3 ta' dan l-Att, jagħti *warrant* lil persuna li tkun tippossjedi l-kwalifiki elenkati fil-paragrafi (a), (b) u (ċ) tas-subartikolu (2) ta' l-artikolu 3, u fis-subparagrafi (ii) u (iii) tal-paragrafu (d) ta' l-imsemmi subartikolu, jekk il-Bord ikun sodisfatt li dik il-persuna jkollha grad akkademiku miksub wara li tkun għaddiet minn kors shih ta' studji fl-arkitettura, inginerija ċivili jew dixxiplini relatati f'Università jew istituzzjoni akkademika ekwivalenti, u li dik il-persuna, meta l-kors ta' studji fil-fehma tal-Bord,

Cirkostanzi speċjali.

(i) kien ta' inqas minn erba' snin ta' studji, jew ta' tul *part-time* ekwivalenti, jew

(ii) ma kienx fih dak il-minimu ta' suġġetti fl-oqsma ta' l-arkitettura u inginerija ċivili kif preskritti mill-Ministru skond is-subparagrafu (i) tal-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 3,

tkun għamlet tahriġ Prattiku għal perijodu ta' mhux inqas minn sitt xhur u mhux iżjed minn tliet snin skond kif l-imsemmi Bord jista' jistabbilixxi minn każ għal każ, taht is-sorveljanza ċċertifikata ta' detentur ta' *warrant* li jkollu l-prattika, skond dawk il-*guidelines* li l-Ministru, wara li jkun ikkonsulta lill-Kamra, jista' jippreskrivi:

Iżda l-Bord jista' wkoll jehtieg li dik il-persuna tiġi eżaminata f'dawk is-suġġetti li jista' jqis meħtieġa.

5. (1) Il-*warrant* għall-eżerċizzju tal-professjoni għandu jingħata mill-Ministru fuq ir-rakkomandazzjoni tal-Bord lil kull persuna li tissodisfa l-htigiet ta' l-artikoli 3 jew 4 ta' dan l-Att.

Warrant biex wiehed jeżerċita bħala Perit.

(2) Detentur ta' *warrant* jista' juża l-isem "Perit" flimkien ma' ismu.

(3) Kull persuna li jinghatalha *warrant* bhal dak ghandha, qabel ma tibda teżerċita l-professjoni taghha, tiehu quddiem il-Qorti ta' l-Appell, f' seduta bil-miftuh, il-gurament ta' fedeltà msemmi fl-artikolu 10 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kap. 12) u l-gurament ta' kariga kif miġjub hawn taht:

Jiena, nahlef li nagħmel fedelment u bl-onestà u bir-reqqa kollha d-dmirijiet ta' Arkitett u Inġinier Ċivili (Perit) u mill-aħjar li naf u li nista'. Hekk Alla jgħini.

Bord tal-*Warrant*
tal-Periti.

6. (1) Ghandu jitwaqqaf Bord, li jkun maghruf bhala l-Bord tal-*Warrant* tal-Periti, u li jkun magħmul minn:

(a) *Chairman* li jiġi mahtur mill-Ministru minn fost persuni li huma jew kienu kwalifikati biex jinhatru mhallfin f'Malta;

(b) żewġ membri mahtura mill-Ministru minn fost detenturi ta' *warrant* li jkun ilhom detenturi tal-*warrant* taghhom għal mill-anqas tmien snin;

(ċ) żewġ membri mahtura mill-Kamra minn fost detenturi ta' *warrant* li jkun ilhom detenturi tal-*warrant* taghhom għal mill-anqas tmien snin; u

(d) żewġ membri li jiġu eletti b'votazzjoni sigrieta minn fost detenturi ta' *warrant* innifishom.

(2) Iċ-*Chairman* jinhatar għal żmien tliet snin, u taht dawk il-kondizzjonijiet li jiġu stabbiliti fl-ittra tal-hatra tiegħu.

(3) Il-membri l-oħra tal-Bord ghandhom iżommu l-kariga għal żmien sentejn, u taht dawk il-kondizzjonijiet li jiġu stabbiliti fl-ittra tal-hatra taghhom:

Iżda fl-ewwel sena, wiehed minn kull wiehed mill-membri, mahtura jew eletti taht il-paragrafi (b), (ċ) u (d) tas-subartikolu (1) ta' qabel, ghandu jinhatar jew jiġi elett għal sena wahda, hekk illi, wara, nofs il-membri msemmija minbarra ċ-*Chairman* ghandhom jivvakaw il-kariga taghhom kull sena.

(4) Meta jkun hemm xi vakanza fil-Bord, il-Ministru ghandu, hekk kif ikun prattikabbli, fil-każ ta' *Chairman*, jew membru

mahtur minnu, jahtar pesuna ohra biex timla l-vakanza; fil-każ ta' membru mahtur mill-Kamra, huwa ghandu jitlob lill-Kamra biex tahtar persuna ohra biex timla l-vakanza, u fil-każ ta' membru elett jara li ssir elezzjoni biex timtela l-vakanza.

(5) L-ghadd ta' membri mehtieg biex ikun hemm *quorum* ikun ta' tlieta, iżda, dejjem jekk ikun hemm *quorum*, il-Bord jista' jiffunzjona minkejja kull vakanza fost il-membri tieghu.

(6) Il-Ministru jista' wkoll jiddelega ufficjal pubbliku biex jaghmilha ta' segretarju tal-Bord, iżda dak is-segretarju ma jkollux vot.

(7) Barra minn dak imsemmi qabel, il-Bord jista' jaghmel ir-regoli tieghu stess u xort'ohra jirregola l-proċedura tieghu stess.

7. (1) Il-funzjonijiet tal-Bord huma:

Funzjonijiet
tal-Bord.

(a) li jikkonsidra applikazzjonijiet għall-hruġ ta' *warrant*, u jaghmel ir-rakkomandazzjonijiet tieghu dwarhom lill-Ministru;

(b) li jisma' u jiddeċiedi appelli minn deċiżjonijiet tal-Kamra mogħtija skond id-dispożizzjonijiet ta' regolamenti magħmula taht is-subartikolu (2) ta' l-artikolu 8;

(ċ) li jorganizza u jirregola, u jiddeċiedi talbiet għal eżenzjonijiet minn, l-eżami tal-*warrant* professjonali skond l-artikolu 3 ta' dan l-Att;

(d) li jirregola l-kondizzjonijiet ta' tahrig Prattiku barra minn Malta, skond id-dispożizzjonijiet ta' l-artikolu 3 ta' dan l-Att;

(e) li japprova Universitajiet jew istituzzjonijiet akkade- miċi skond l-artikolu 3 ta' dan l-Att;

(f) li jagħti pariri lill-Ministru, u jorganizza u jirregola l-eżamijiet xierqa u l-perijodi ta' tahrig Prattiku, kif provdut fl-artikolu 4 ta' dan l-Att.

(2) Fl-eżerċizzju tal-funzjonijiet tieghu, il-Bord jista' jikkonsulta ma' dawk il-persuni li jidhirlu xieraq u jista' wkoll jahtar kumitati, li l-president tagħhom ikun membru tal-Bord, għall-qadi ta' dawk id-dmirijiet jew ta' dak ix-xogħol iehor li l-Bord jista' jagħtihom.

(3) Il-Bord għandu jżomm registru ta' detenturi ta' *warrant* u għandu, mhux iktar tard minn tliet xhur wara tmiem kull sena, jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru ta' dik is-sena, kienu registrati bħala detenturi ta' *warrant* mahruġ bis-sahha ta' dan l-Att.

Kamra ta' l-Arkitetti u Inġinieri Ċivili u s-setgħa tal-Ministru li jagħmel regolamenti.

8. (1) Għandu jibqa' jkun hemm Kamra ta' l-Arkitetti u Inġinieri Ċivili li minn issa 'l quddiem ser tissewma bhala l-Kamra tal-Periti, u d-detenturi ta' *warrant* kollha għandu jkollhom id-dritt li jkunu membri ta' dik il-Kamra u li jieħdu sehem fl-attivitajiet tagħha.

(2) Il-Ministru għandu s-setgħa li jagħmel regolamenti —

(a) li jippreskrivu l-kondizzjonijiet u r-regoli meħtieġa għall-kostituzzjoni u l-amministrazzjoni skond il-liġi tal-Kamra, għaż-żamma tagħha, u għall-validità tad-deċiżjoni tagħha, kif ukoll sabiex jiġu stabbiliti l-funzjonijiet u s-setgħat tagħha;

(b) li jassenjaw lill-Kamra d-dmir li tinvestiga l-akkużi ta' imġieba hażina jew abbuż professjonali magħmulin kontra detentur ta' *warrant* dwar l-eżerċizzju tal-professjoni tiegħu jew dwar hwejjeġ li jkollhom x'jaqsmu mal-professjoni;

(ċ) li jagħtu lill-Kamra setgħat dixxiplinarji dwar kull imġieba hażina, jew abbuż imsemmi fil-paragrafu (b) ta' dan is-subartikolu, b'dawk il-mezzi u l-modi li jkunu preskritti b'regolamenti:

Iżda ma tista' tingħata ebda piena mill-Kamra qabel ma d-detentur ta' *warrant* li jkun qed jiġi akkużat jingħata l-opportunità kollha biex jiddefendi ruħu, bla hsara tal-jedd tiegħu li jappella mid-deċiżjoni tal-Kamra lill-Qorti ta' l-Appell fiż-żmien u bil-mod li jiġu hekk preskritti minn żmien għal żmien;

(d) li jipprovdu dwar it-tweġiq tad-deċiżjonijiet tal-Kamra u tal-Bord.

Soċjetajiet ta' detenturi ta' *warrant*.

9. (1) Żewġ detenturi jew iżjed ta' *warrant* jistgħu jiffurmaw soċjetà ċivili, hawnhekk iżjed 'il quddiem imsejha "soċjetà ta' detenturi ta' *warrant*", li jkollha bhala l-iskop wahdieni tagħha x-xogħol tal-professjoni u li jkollha dawk is-setgħat li jistgħu jkunu meħtieġa biex jintlahqu l-ghanijiet tas-soċjetà.

(2) Ebda persuna li ma tkunx detentur ta' *warrant* ma tista' tkun soċju f'soċjetà ta' detenturi ta' *warrant*.

(3) Kull soċjetà bhal dik għandha, meta tkun iffurmata kif imiss skond il-liġi u wara li jsir il-hlas tad-dritt preskritti, tiġi registrata mill-Bord, u ma' dik ir-registrazzjoni s-soċji jkunu, sakemm is-soċjetà tibqa' hekk registrata, awtorizzati li jaġixxu f'isem u in rappreżentanza tas-soċjetà, li jkollha l-jedd li tuża t-titlu "Periti".

(4) Kull soċjetà bhal dik ghandha taghti lill-Ministru jew lill-Bord dak it-taghrif li jkun raġonevolment mehtieg jew li jista' jiġi preskritt, u ghandha taghti avviz lill-Ministru jew lill-Bord dwar kull tibdil rilevanti ta' taghrif li qabel ikun ta fi żmien hmistax-il jum minn meta sar dak it-tibdil.

10. Minkejja d-dispożizzjonijiet ta' xi liġi oħra jew ta' xi ftehim iehor kuntrarju, dawn id-dispożizzjonijiet ghandhom japplikaw ghal soċjetà ta' detenturi ta' *warrant* taht dan l-Att:

Dispożizzjonijiet applikabbli ghal soċjetajiet ta' detenturi ta' *warrant*.

(a) is-soċji jkunu responsabbli *in solidum* ghal kull ghemil u nuqqas ta' kull wiehed minnhom fil-qadi tad-dmirijiet professjonali tagħhom, fiż-żamma tal-livell u l-imġieba professjonali mehtieġa u b'mod ġenerali fit-twettiq ta' l-obbligi tagħhom taht dan l-Att jew taht xi liġi oħra applikabbli, u ghandhom ukoll ikunu responsabbli *in solidum* ghal kull telf jew danni riżultanti;

(b) kull ghemil jew haġa li tista' ssir minn detentur ta' *warrant* tista' ssir minn wiehed jew iżjed mis-soċji f'isem is-soċjetà, u kull ghemil jew haġa li ssir f'isem is-soċjetà ghandha ssir minn wiehed jew iżjed mis-soċji;

(c) ir-responsabbiltajiet u l-obbligi ghal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perijodu li fih id-detentur ta' *warrant* kien soċju f'soċjetà ta' "Periti" ma ghandhomx jieqfu, dwar dik il-persuna, minhabba li din tkun irtirat, mietet jew ghal xi raġuni oħra li minhabba fiha ma tibqax soċju.

11. (1) Kull detentur ta' *warrant* jew soċjetà reġistrati taht dan l-Att jistghu jkunu mehtieġa li jkunu koperti minn assigurazzjoni ghal indennizz minn dik il-kumpannija, b'dak il-mod u ghal dak l-ammont li jistghu jiġu preskritti, kontra kull responsabbiltà li d-detentur tal-*warrant* jew is-soċjetà jista' jkollhom ghal kumpens dwar xi telf jew danni lil xi persuna jew haġa minhabba xi ghemil, żball jew nuqqas negligenti li jkun sar mid-detentur tal-*warrant*, mis-soċjetà, minn xi soċju tagħha, jew minn xi wiehed mill-impjegati tagħhom, kif ukoll kontra kull talba dwar kull telf jew danni li jinholqu jew li jkun hemm kontribut ghalihom b'xi ghemil jew nuqqas kriminali jew doliż ta' xi wiehed mill-impjegati tagħhom:

Assigurazzjoni ghal indennizz minn detentur ta' *warrant* jew minn soċjetà ta' detenturi ta' *warrant*.

Iżda d-dispożizzjonijiet ta' dan is-subartikolu ma ghandhomx ikunu japplikaw ghal detenturi ta' *warrant* li jkunu, u ghal dak iż-żmien li jkunu, impjegati mal-Gvern, f'kariga ċivili jew militari, dwar id-dmirijiet ufficjali tagħhom.

(2) Kull detentur ta' *warrant* jew soċjetà ta' detenturi ta' *warrant* li jkunu marbutin li jkunu koperti minn assigurazzjoni ghal indennizz taht dan l-artikolu ghandhom, ta' kull sena fi żmien ġimgha minn meta jkunu kkuntrattaw jew ġeddu dik l-assigurazzjoni ghal indennizz, javżaw lill-Bord bil-miktub dwar l-isem tal-kumpannija assiguratrici u n-numru relattiv tal-polza ta' assigurazzjoni.

Ftehim
projbit.

12. Kull ftehim jew arrangament li jkollu l-hsieb li jeżenta lil detentur ta' *warrant* jew soċjetà minn xi responsabbiltà, piż jew dmir taht dan l-Att jew taht xi liġi oħra, jew li jehlishom minnhom jew, hliet taht assigurazzjoni ghal indennizz maghmula taht l-artikolu 11 ta' dan l-Att, biex jinghatalhom indennizz kontra kull obbligi, responsabbiltà jew dmir bhal dawk, ikun null u minghajr effett.

Skwalifika ta'
detentur ta'
warrant.

Kap. 9.

13. (1) Il-kundanna minn tribunal kompetenti ghal reat li ghalih hemm il-prigunerija ghal żmien ta' iktar minn sena, minbarra omiċidju involontarju jew reati oħra kontra l-persuna li jkunu skużabbli skond il-Kodiċi Kriminali, iġġib l-iskwalifika perpetwa li wiehed jikseb jew iżomm il-*warrant*.

(2) Dik l-iskwalifika ghandha fil-każ ta' detentur ta' *warrant* tiġi dikjarata mill-Ministru b'avviż li jiġi pubblikat fil-Gazzetta u li jiġi notifikat lill-persuna skwalifikata, kemm-il darba din ma tkunx ġiet hekk interdetta bis-sentenza innifisha.

(3) Il-Ministru jista', f'kull żmien, u jekk il-Bord hekk jirrakomanda, b'ordni jnehhi l-inabilitazzjoni ddikjarata minnu.

Ċessjoni ta'
warrant jew
reġistrazzjoni ta'
soċjetà.

14. (1) *Warrant* jew reġistrazzjoni ta' soċjetà ta' detenturi ta' *warrant* mahruġa, moghtiya jew maghmula skond id-dispożizzjonijiet ta' dan l-Att jistgħu jiġu rtirati jew imhassra mill-Ministru, fuq it-talba tad-detentur tal-*warrant*, jew soċjetà, skond il-każ.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, *warrant* ġdid, jew reġistrazzjoni ġdida ta' soċjetà ta' detenturi ta' *warrant*, jistgħu jinharġu, jinghataw jew isiru f'kull żmien jekk il-kondizzjonijiet ghal dak il-hruġ jew reġistrazzjoni jkunu ġew sodisfatti.

Sospensjoni jew
revoka ta'
warrant, jew
reġistrazzjoni ta'
soċjetà.

15. Il-Ministru jista', b'ordni bil-miktub, jissospendi, jirrevoka jew ihassar *warrant*, jew reġistrazzjoni ta' soċjetà ta' detenturi ta' *warrant*, jekk id-detentur tal-*warrant*, jew wiehed mis-soċji tas-soċjetà, skond il-każ –

(a) ikun instab hati, wara inkjesta mill-Kamra, salv id-dritt ta' appell quddiem il-Qorti ta' l-Appell ta' dawn l-atti jew nuqqasijiet li ġejjin:

(i) diżonestà, imġieba hażina jew negligenza serja fl-eżerċizzju tal-professjoni tiegħu;

(ii) imġieba li tiskredita l-professjoni;

(iii) nuqqas ta' tharis ta' regolamenti dwar il-livell jew prattika professjonali;

(iv) nuqqas ta' tharis ta' xi kondizzjoni mqieghda f'*warrant* mahruġ taht id-dispożizzjonijiet ta' l-artikolu 17 ta' dan l-Att; jew

(b) ikun instab hati minn qorti kompetenti ta' reat taht id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti li jsiru tahtu; jew

(ċ) minghajr preġudizzju għad-dispożizzjonijiet ta' l-artikolu 13 ta' dan l-Att, ikun instab hati minn qorti kompetenti ta' delitt li jolqot il-fiduċja pubblika jew serq jew frodi jew li xjentement ikun irċieva proprjetà miksuba b'serq jew frodi.

16. Meta *warrant* mahruġ taht dan l-Att jiġi rtirat, sospiż jew revokat, il-persuna li lilha jkun inhareġ il-*warrant* ma tibqax tkun id-detentur ta' dak il-*warrant*, jew tiġi sospiża mill-eżerċizzju tal-professjoni tagħha, skond il-każ, u ma għandhiex tibqa' tuża, jew għandha tissospendi, l-użu ta' l-isem "Perit"; u meta tithassar ir-registrazzjoni ta' soċjetà ta' detenturi ta' *warrant* il-membri ta' dik is-soċjetà u s-soċjetà ma għandhomx jibqgħu jaġixxu f'isem u in rappreżentanza tas-soċjetà u s-soċjetà ma għandhiex tibqa' tuża t-titlu "Periti".

Effetti tar-revoka jew sospensjoni ta' *warrant*, jew registrazzjoni ta' soċjetà.

17. Il-Ministru, li jaġixxi fuq ir-rakkomandazzjoni tal-Bord, jista', wara li tghaddi sena mid-data tar-revoka jew irtir tal-*warrant* jew it-thassir ta' soċjetà ta' detenturi ta' *warrant*, johroġ *warrant* ġdid jew jawtorizza r-registrazzjoni ta' soċjetà taht id-dispożizzjonijiet ta' dan l-Att, taht dawk il-kondizzjonijiet li l-Ministru fuq ir-rakkomandazzjoni tal-Bord jista' jqis li jkunu mehtieġa.

Il-Ministru jista' johroġ *warrant* ġdid.

18. (1) Kull persuna li, sabiex tikseb *warrant*, jew registrazzjoni ta' soċjetà ta' detenturi ta' *warrant*, taht id-dispożizzjonijiet ta' dan l-Att, tagħti tagħrif hażin jew xort'ohra taġixxi b'mod qarrieqi jew bi frodi tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elf lira jew prigunerija għal żmien ta' mhux iżjed minn tnax-il xahar jew dik il-multu u prigunerija flimkien.

Reati.

(2) Kull persuna li, meta ma tkunx id-detentur ta' *warrant*, tassumi jew tuża t-titlu "Perit", jew b'xi mod turi li jkollha l-jedd li teżercita l-professjoni, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn hames mitt lira jew prigunerija ghal żmien ta' mhux iżjed minn sitt xhur jew dik il-multa u prigunerija flimkien, u dwar it-tieni reat jew reati ohra sussegwenti multa ta' mhux iżjed minn hamest elef lira jew prigunerija ghal żmien ta' mhux iżjed minn sentejn jew dik il-multa u prigunerija flimkien.

(3) Kull persuna li tuża t-titlu "Periti" dwar soċjetà ta' detenturi ta' *warrant*, meta tkun taf li dik is-soċjetà ma tkunx reġistrata skond id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun xjentement taghmel użu minn isem falz li jindika li teżisti soċjetà ta' detenturi ta' *warrant* reġistrata kif imsemmi qabel, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn hames mitt lira jew prigunerija ghal żmien ta' mhux iżjed minn sitt xhur jew dik il-multa u prigunerija flimkien, u dwar it-tieni reat jew reati ohra sussegwenti multa ta' mhux iżjed minn hamest elef lira jew prigunerija ghal żmien ta' mhux iżjed minn sentejn jew dik il-multa u prigunerija flimkien.

(4) Kull persuna li, meta ma tkunx detentur ta' *warrant* skond id-dispożizzjonijiet ta' dan l-Att, teżercita l-professjoni tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn hames mitt lira jew prigunerija ghal żmien ta' mhux iżjed minn sitt xhur jew dik il-multa u prigunerija flimkien, u dwar it-tieni reat jew reati ohra sussegwenti multa ta' mhux iżjed minn hamest elef lira jew prigunerija ghal żmien ta' mhux iżjed minn sentejn jew dik il-multa u prigunerija flimkien.

(5) Kull persuna li tikser id-dispożizzjonijiet ta' l-artikolu 11 ta' dan l-Att tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn mitejn lira iżda mhux iżjed minn elfejn lira u fil-każ ta' reat kontinwu multa addizzjonali ta' tletin lira ghal kull jum li matulu jkompli r-reat.

Dispożizzjonijiet
ohra dwar reati.

19. (1) Id-dispożizzjonijiet ta' dan l-Att li jistabbilixxu reati u pieni dwarhom ma jolqtux l-applikazzjoni ta' xi ligi ohra li tistabbilixxi reati u pieni dwar l-istess atti jew omissjonijiet u ma ghandhomx, b' mod partikolari, jolqtu l-applikazzjoni ta' xi piena oghla taht xi ligi ohra.

Kap. 152.

(2) Id-dispożizzjonijiet ta' l-Att dwar il-*Probation* ta' Hatjin, ma ghandhomx japplikaw ghal dan l-Att.

(3) Għall-finijiet tas-subartikoli (2) u (3) ta' l-artikolu 18 ta' dan l-Att, l-użu fuq xi biljett, karta ta' l-ittri, tabella, kartellun,

panċa, reklam jew mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, tal-kelma “Perit”, “Arkitett”, “Inġinier Ċivili” jew “Inġinier Strutturali”, ikun prova biżżejjed ta’ l-gharfien ta’ dak l-użu mill-persuna li dwar isimha l-imsemmija kelma tkun użata, kemm-il darba dik il-persuna ma tippruvax li l-użu ta’ dik il-kelma sar minghajr l-gharfien tagħha u li meta saret taf bih hadet il-passi xierqa biex twaqqfu.

(4) Għall-finijiet ta’ dan l-Att –

(a) persuna ma titqiesx li teżerċita l-professjoni ta’ detentur ta’ *warrant* jekk taġixxi bhala impjegat ta’, jew bhala assistent ta’, detentur ta’ *warrant* jew ta’ soċjetà ta’ detenturi ta’ *warrant* u ma tohroġ ebda ċertifikazzjoni li jkollha x’taqsam ma’ l-arkitettura jew inġinerija ċivili bil-firma tagħha;

(b) sal-limitu li jiġi hekk preskritt, persuna ma titqiesx li teżerċita l-professjoni ta’ detentur ta’ *warrant* jekk din tkun f’dak l-impieg jew ikollha jew taġixxi f’dik il-kariga, jew tkun tagħmel biss dak ix-xogħol, dawk is-servizzi, dak l-ghemil jew dawk il-funzjonijiet kif jistgħu jiġu preskritti.

20. Il-Ministru jista’, wara konsultazzjoni mal-Kamra, jagħmel regolamenti biex jagħtu effett lil kull wahda mid-dispożizzjonijiet ta’ dan l-Att u b’mod ġenerali biex tiġi regolata l-professjoni, u, bla hsara għall-ġeneralità ta’ dak imsemmi qabel, dawk ir-regolamenti jistgħu b’mod partikolari jinkludu dispożizzjonijiet dwar:

Regolamenti.

(a) l-ghemil ta’ tariffa ta’ drittijiet li għandhom jithallsu lil detenturi ta’ *warrant* għal xogħol u servizzi professjonali mhux imsemmija fit-Tariffa K ta’ l-Iskeda A li tinsab mal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili;

Kap. 12.

(b) id-drittijiet li jistgħu jintalbu għall-hruġ ta’ *warrant* jew għar-registrazzjoni ta’ soċjetà ta’ detenturi ta’ *warrant*, jew għal kopji tagħhom;

(ċ) kull haġa li hija meħtieġa jew awtorizzata b’dan l-Att li tiġi preskritta.

21. (1) L-Ordinanza dwar l-Arkitetti, hawnhekk iżjed ‘il quddiem f’dan l-artikolu msejha l-Ordinanza, hija b’dan imhassra.

Thassir u
riżerva.
Kap. 44.

(2) Ir-regolamenti kollha magħmula taht l-Ordinanza għandhom ikomplu japplikaw kif kienu fis-seħh qabel il-bidu fis-seħh ta’ dan l-artikolu, sa meta jiġu revokati jew emendati, b’dawk il-modifiki, adattamenti u limitazzjonijiet li jistgħu jkunu meħtieġa skond id-dispożizzjonijiet ta’ dan l-Att.

(3) Kull *warrant* moghti qabel il-bidu fis-sehh ta' dan l-Att taht id-dispożizzjonijiet ta' l-Ordinanza ghandu, minkejja kull haġa li tinsab f'dan l-Att, jibqa' fis-sehh wara l-bidu fis-sehh ta' dan l-Att u ghandu jitqies li jkun ġie moghti taht dan l-Att u ghandu jkun regolat bid-dispożizzjonijiet ta' dan l-Att.

(4) It-thassir ta' l-Ordinanza huwa minghajr preġudizzju ghal kull haġa li saret jew li naqset milli ssir taħtha u b'mod partikolari ma jolqot ebda obbligu jew xi penalità jew piena li wiehed ikun garrab dwar xi reat magħmul kontra xi dispożizzjoni tagħha; u kull inkjesta, proċeduri legali, proċeduri għas-sospensjoni jew irtirar ta' *warrant* jew liċenza speċjali jistgħu jitkoplew jew jiġu imposti bhallikieku l-Ordinanza ma gietx imhassra.

(5) Kull riferenza f'xi liġi oħra għall-Ordinanza għandha tiftiehem bħala riferenza għad-dispożizzjonijiet korrispondenti ta' dan l-Att.

(6) Il-Kamra ta' l-Arkitetti u Inġinieri Ċivili stabbilita bl-Ordinanza għandha tkompli bħala l-Kamra msemmija fl-artikolu 8 ta' dan l-Att.

Kostruzzjoni ta' ligijiet.

22. Kull riferenza f'xi liġi għal Arkitett u Inġinier Ċivili, jew għal persuna li jkollha *warrant* taht l-Ordinanza dwar l-Arkitetti u kull riferenza għall-Ordinanza dwar l-Arkitetti mhassra bl-artikolu 21 ta' dan l-Att għandha tiftiehem li tkun riferenza għal detentur ta' *warrant* taht dan l-Att u għal dan l-Att rispettivament.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa biex isiru dispożizzjonijiet godda li jirregolaw l-għoti ta' *warrants* lill-Professjonisti tal-Bini (Periti) b'sostituzzjoni għal dawk li jinsabu fl-Ordinanza dwar l-Arkitetti, Kap. 44, u biex isiru dispożizzjonijiet oħra ancillari.

**A BILL
entitled**

AN ACT to regulate Architecture and Civil Engineering Professionals (Periti) and to provide for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Architecture and Civil Engineering Professionals (*Periti*) Act, 1996, and shall come into force on such date as the Minister responsible for works may by notice in the Gazette establish and different dates may be so established for different provisions or purposes of this Act. Short title and commencement.

2. In this Act unless the context otherwise requires — Interpretation.

“Board” means the *Bord tal-Warrant tal-Periti* established by section 6 of this Act;

“Chamber” means the *Kamra tal-Periti*;

“Minister” means the Minister responsible for works and, to the extent of any functions delegated to it by the Minister, includes the Board;

“prescribed” means prescribed by regulations under this Act;

“profession” means the profession assuming responsibility for the design and construction of works, under the generic title of “*Perit*” and includes Architectural, Civil Engineering and Structural Engineering Professionals;

“warrant” means a warrant granted under section 5 of this Act, and “warrant holder” shall be construed accordingly.

Qualifications
for warrant.

3. (1) No person shall practise the profession unless he is the holder of a warrant under section 5 of this Act.

(2) A person shall not qualify for the award of a warrant unless —

(a) he is a citizen of Malta or is otherwise permitted to work in Malta under any law;

(b) he is of good conduct;

(c) he is of full legal capacity; and

(d) he satisfies the Board that:

(i) he is in possession of academic qualifications obtained after successful completion of a course of study of at least four years full-time duration, or the equivalent part-time duration, at the University of Malta or such other University or academic institution as may be recognised for the purpose by the Board after having consulted the Chamber, which course contains those minimum core subjects in the fields of architecture, civil engineering and structural engineering, as the Minister may, after consulting the Chamber, prescribe;

(ii) for a period of not less than two years after obtaining the academic qualifications referred to in subparagraph (i) of this paragraph, he has trained in Malta in the practice of a practising warrant holder, in accordance with such guidelines as the Minister may, after consulting the Chamber, prescribe:

Provided that where the academic qualifications referred to in subparagraph (i) of this paragraph are obtained after a course of five years full-time duration or more, or its part-

time equivalent, the period of training referred to in this subparagraph shall be of one year;

Provided further that with the approval of the Board such training may, for a period not exceeding one year, in the said period of two years, be undergone in a State outside Malta with a professional in related disciplines, duly qualified to practise in such State;

(iii) he has been duly examined and approved by the Board in an examination or examinations for the purpose, as the Minister may, after consulting the Chamber, prescribe:

Provided that the Board may exempt a person who obtained the academic qualifications from the University of Malta or from such other University or academic institution approved for the purpose by the Board after consulting the Chamber, from all or part of such examination or examinations.

4. Notwithstanding the provisions of section 3, a person who possesses the qualifications listed in paragraphs (a), (b) and (c) of subsection (2) of section 3, and in subparagraphs (ii) and (iii) of paragraph (d) of the said subsection may be granted a warrant, if the Board is satisfied that such person is in possession of an academic degree obtained after the successful completion of a course of studies in architecture, civil engineering or related disciplines at a University or equivalent academic institution, and such person has, where the course of studies in the opinion of the Board, Special circumstances.

(i) was of a lesser duration than four years' studies, or equivalent part-time duration, or

(ii) did not contain those minimum subjects in the fields of architecture and civil engineering as are prescribed by the Minister in accordance with subparagraph (i) of paragraph (d) of subsection (2) of section 3,

undergone practical training for a period of not less than six months and not more than three years as the said Board may establish from case to case, under the certified supervision of a practising warrant holder, in accordance with such guidelines as the Minister, after consulting the Chamber, may prescribe:

Provided that the Board may also require such person to undergo such tests in such subjects which it may deem necessary.

Warrant to practise as a building professional (*Perit*)

5. (1) The warrant to practise the profession shall be granted by the Minister on the recommendation of the Board to any person who satisfies the requirements of sections 3 or 4 of this Act.

(2) A warrant holder may use the designation "*Perit*" with his name.

(3) Any person who is granted such a warrant shall, before entering upon the exercise of his profession, take before the Court of Appeal, in a public sitting, the oath of allegiance referred to in section 10 of the Code of Organization and Civil Procedure (Cap. 12) and the oath of office in the following terms:

I, do swear that I will faithfully and with all honesty and exactness perform the duties of an Architectural and Civil Engineering Professional (Perit) to the best of my knowledge and ability. So help me God.

Bord tal-Warrant tal-Periti.

6. (1) There shall be a Board, to be known as the "*Bord tal-Warrant tal-Periti*" which shall consist of:

(a) a Chairman to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta;

(b) two members appointed by the Minister from among warrant holders, who have held their warrant for at least eight years;

(c) two members appointed by the Chamber from among warrant holders who have held their warrant for at least eight years; and

(d) two members who shall be elected by secret ballot by warrant holders from among themselves.

(2) The Chairman shall be appointed for a term of three years, and under such conditions as may be set out in his letter of appointment.

(3) The other members of the Board shall hold office for a term of two years, and under such conditions as may be set out in their letter of appointment:

Provided that in the first year, one of each of the members, appointed or elected under paragraphs (b), (c) and (d) of subsection (1)

above, shall be appointed or elected for one year, so that, thereafter, half the said members other than the Chairman shall vacate their office each year.

(4) When any vacancy in the Board occurs, the Minister shall, as soon as practicable, in the case of the Chairman, or a member appointed by him, appoint another person to fill the vacancy; in the case of a member appointed by the Chamber, request the Chamber to appoint another person to fill the vacancy, and in the case of an elected member cause an election to be held to fill the vacancy.

(5) The number of members necessary to form a quorum shall be three, but, subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(6) The Minister may also delegate a public officer to act as secretary to the Board, but such secretary shall not have a vote.

(7) Save as aforesaid, the Board may make its own rules and otherwise regulate its own procedure.

7. (1) The functions of the Board are:

Functions of
the Board.

(a) to consider applications for the issue of a warrant, and make its recommendations thereon to the Minister;

(b) to hear and determine appeals from decisions of the Chamber given according to the provisions of any regulations made under subsection (2) of section 8;

(c) organise and regulate, and determine requests for exemptions from, the professional warrant examination in accordance with section 3 of this Act;

(d) regulate the conditions of practical training abroad, in accordance with the provisions of section 3 of this Act;

(e) approve Universities or academic institutions in accordance with section 3 of this Act;

(f) advise the Minister, and organise and regulate the appropriate tests and periods of practical training, as provided for in section 4 of this Act.

(2) In the exercise of its functions, the Board may consult with such persons as it may deem appropriate and may also appoint committees, of which the chairman shall be a member of the Board, for the carrying out of duties or other work as the Board may assign to them.

(3) The Board shall keep a register of warrant holders and shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act.

Establishment of the Chamber of Architects and Civil Engineers and the power of the Minister to make regulations.

8. (1) There shall continue to be a Chamber of Architects and Civil Engineers which shall henceforth be styled *Kamra tal-Periti*, and all warrant holders shall have the right to belong to such Chamber and to participate in its activities.

(2) The Minister shall have the power to make regulations —

(a) prescribing the conditions and rules required for the legal establishment and administration of the Chamber, its maintenance, and the validity of its decisions, and for determining its functions and powers;

(b) assigning to the Chamber the duty of enquiring into any charge of professional misconduct or abuse made against any warrant holder in connection with the exercise of his profession or with professional matters;

(c) vesting the Chamber with disciplinary powers in connection with any misconduct, or abuse referred to in paragraph (b) hereof, by such means and in such form as prescribed by regulations:

Provided that no punishment shall be awarded by the Chamber until full opportunity has been given to the warrant holder charged to make his defence, saving his right to appeal against the decision of the Chamber to the Court of Appeal within such time and in such form as shall be prescribed from time to time;

(d) making provision for securing the enforcement of the Chamber's and the Board's decisions.

Partnerships of warrant holders.

9. (1) Two or more warrant holders may form a civil partnership, hereinafter referred to as a "partnership of warrant holders", having for its exclusive objects to practice the profession and having such powers as are necessary for the attainment of the objects of the partnership.

(2) No person other than a warrant holder may be a partner in a partnership of warrant holders.

(3) Any such partnership shall, when duly formed according to law and on payment of the prescribed fee, be registered with the Board, and upon such registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the partnership, which shall be entitled to the designation "*Periti*".

(4) Every such partnership shall give to the Minister or to the Board such information as they may reasonably require or as may be prescribed, and shall give notice to the Minister or to the Board of any relevant changes in any information previously given to them, within fifteen days after the date on which the change occurs.

10. Notwithstanding the provisions of any other law or other agreement to the contrary, the following provisions shall apply to a partnership of warrant holders under this Act:

Provisions applicable to partnerships of warrant holders.

(a) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them, the performance of their professional duties, the maintenance of the required professional standard and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall also be jointly and severally liable for any loss or damage resulting therefrom;

(b) any act or thing that may be done by a warrant holder may be done by one or more of the partners in the name of the partnership, and any act or thing done in the name of the partnership shall be done by one or more of the partners;

(c) the responsibilities and liabilities for anything done or omitted to be done during the period in which a warrant holder was a partner in a partnership of "*Periti*" shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

11. (1) Every warrant holder or partnership registered under this Act may be required to be covered by an indemnity insurance by such company, in such manner and for such amount as may be prescribed, against any liability which the warrant holder or the partnership may incur for compensation in respect of loss or damage to any person or thing as a result of any negligent act, error or omission committed by the warrant holder, the partnership, any partner thereof, or any of the employees, as well as against any claim in respect of any loss or damage brought about or contributed by a criminal or malicious act or omission of any of their employees:

Indemnity insurance by warrant holder or by partnership of warrant holders.

Provided that the provisions of this subsection shall not apply to warrant holders who are and for as long as they are employed with the Government, in a civil or military capacity, in respect of their official duties.

(2) Every warrant holder or partnership holders bound to be covered by an indemnity insurance under this section shall each year within a week of taking out or renewing such indemnity insurance inform the Board in writing of the name of the insurance company and the relative number of the insurance policy.

Prohibited agreements.

12. Any agreement or arrangement purporting to exempt a warrant holder or a partnership of warrant holders from any liability, responsibility or duty under this Act or under any other law, or to relieve them therefrom, or, except under any indemnity insurance as provided under section 11 of this Act, to indemnify them against any such liability, responsibility or duty shall be null and void.

Disqualification of warrant holder.

13. (1) A conviction by any competent tribunal for any crime liable to imprisonment for a term exceeding one year, other than involuntary homicide or any other crime against the person excusable in terms of the Criminal Code shall be a cause of perpetual disability to obtain or retain the warrant.

Cap. 9.

(2) Such disability shall in the case of warrant holder be declared by the Minister by notice published in the Gazette and shall be communicated to the person disqualified, unless he has been interdicted by the judgement itself.

(3) The Minister may, at any time, and if the Board so recommends, by order remove the disability declared by him.

Surrender of warrant or registration of partnership.

14. (1) A warrant or a registration of a partnership of warrant holders issued, granted or made under the provisions of this Act may be withdrawn or cancelled by the Minister, at the request of the warrant holder, or partnership, as the case may be.

(2) Notwithstanding the provisions of subsection (1) of this section, a fresh warrant, or registration of a partnership of warrant holders may be issued, granted or made at any time if the conditions for such issue or registration are satisfied.

Suspension or revocation of warrant or registration of partnership.

15. The Minister may, by order in writing, suspend, revoke or cancel a warrant, or registration of a partnership of warrant holders, if the warrant holder, or one of the partners, as the case may be —

(a) has been found guilty, after an inquiry by the Chamber, subject to appeal to the Court of Appeal, of the following acts or omissions:

(i) dishonesty, misconduct or gross negligence in the exercise of his profession;

(ii) conduct discreditable to the profession;

(iii) failure to comply with regulations with respect to professional standards or practices;

(iv) failure to comply with any condition attached to a warrant issued under the provisions of section 17 of this Act; or

(b) has been found guilty by a competent court of an offence under the provisions of this Act or of any regulations made thereunder; or

(c) without prejudice to the provisions of section 13 of this Act, has been found guilty by a competent court of a crime effecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

16. Where a warrant issued under this Act is withdrawn, suspended or revoked, the person to whom the warrant was issued shall cease to be the holder of such warrant, or shall be suspended from the exercise of his profession as the case may be, and he shall cease or suspend the use of the designation "*Periti*"; and upon the cancellation of the registration of a partnership of warrant holders the members of that partnership and the partnership shall cease to act in the name and on behalf of the partnership and the partnership shall cease to use the designation "*Periti*".

Effects of revocation or suspension of warrant, or registration of partnership.

17. The Minister acting on the recommendation of the Board, may, after the expiration of one year from the date of the revocation or withdrawal of a warrant or the cancellation of a partnership of Warrant holders, issue a fresh warrant or authorise the registration of a partnership under the provisions of the Act, subject to such conditions as the Minister on the recommendation of the Board may deem necessary.

Minister may issue fresh warrant.

18. (1) Any person who, for the purpose of obtaining the warrant, or registration of a partnership of warrant holders, under the provisions of this Act, gives wrong information or otherwise acts in a

Offences.

deceitful or fraudulent manner shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand liri or to imprisonment not exceeding twelve months or to both fine and imprisonment.

(2) Any person who, not being the holder of a warrant, assumes or uses the designation "*Perit*", or in any manner indicates that he is entitled to exercise the profession shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) of not more than five thousand liri or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Any person who uses the designation "*Periti*" in relation to a partnership of warrant holders, knowing that such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever knowingly makes use of a name falsely implying the existence of a partnership of warrant holders registered as aforesaid shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) of not more than five thousand liri or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) Any person who, not being the holder of a warrant in accordance with the provisions of this Act, practices the profession shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) not exceeding five thousand liri or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(5) Any person who contravenes the provisions of section 11 of this Act shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than two hundred liri but not exceeding two thousand liri and in the case of a continuing offence to an additional fine (*multa*) of thirty liri for each day during which the offence continues.

19. (1) The provisions of this Act establishing offences and punishments in respect thereof shall not effect the operation of any other law establishing offences and punishments in respect of the same acts

or omissions and shall not, in particular, effect the application of any higher punishment under any other law.

(2) The provisions of the Probation of Offenders Act shall Cap. 152. not apply to this Act.

(3) For the purposes of subsections (2) and (3) of section 18 of this Act, the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the word "*Perit*", "Architect", "Civil Engineer" or "Structural Engineer", shall be sufficient evidence of the knowledge of such use by the person in relation to whose name the said word is used, unless such person proves that the use of such word was made without his knowledge and that upon becoming aware of it, he took adequate steps to stop it.

(4) For the purposes of this Act —

(a) a person shall not be deemed to practise the profession of a warrant holder if he acts as an employee of, or assistant to a warrant holder or a partnership of warrant holders and does not issue any certification of an architectural and civil engineering nature under his name;

(b) to the extent that is so prescribed, a person shall not be deemed to exercise the profession of a warrant holder if he is in such employment or holds or acts in such office, or performs only such work, services, acts or functions as may be prescribed.

20. The Minister may, after consulting the Chamber, make Regulations. regulations to give effect to any of the provisions of this Act and generally to regulate the profession, and without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to:

(a) the making of a tariff of fees payable to warrant holders for professional work and services not included in Tariff K of Schedule A annexed to the Code of Organisation and Civil Cap. 12. Procedure;

(b) the fees that may be charged for the issue of a warrant or for the registration of a partnership of warrant holders, or for copies thereof;

(c) any matter which is required or is authorised by this Act to be prescribed.

21. (1) The Architects Ordinance, hereinafter in this section, referred to as the Ordinance, is hereby repealed.

(2) Any regulations made under the Ordinance shall continue to apply as in force before the coming into force of this section, until revoked or amended, with such modifications, adaptation and limitations as may be necessary in accordance with the provisions of this Act.

(3) Any warrant granted before the coming into force of this Act under the provisions of the Ordinance shall, notwithstanding anything contained in this Act, remain in force after the coming into force of this Act and shall be deemed to have been granted under this Act and shall be governed by the provisions of this Act.

(4) The repeal of the Ordinance shall be without prejudice to anything done or omitted to be done thereunder and in particular shall not effect any liability or any penalty or punishment incurred in respect of any offence committed against any provisions thereof; and any enquiry, legal proceedings, proceedings for the suspension or withdrawal of a warrant or special licence may be continued or imposed as if the Ordinance has not been repealed.

(5) Any reference in any other law to the Ordinance shall be construed as a reference to the corresponding provisions of this Act.

(6) The Chamber of Architects and Civil Engineers established by the Ordinance shall continue as the Chamber referred to in section 8 of this Act.

22. Any reference in any law to an Architect and Civil Engineer, or to a person holding a warrant under the Architects Ordinance and any reference to the Architects' Ordinance repealed by section 21 of this Act, shall be construed to be a reference to a warrant holder under this Act and to this Act respectively.

Objects and Reasons

The object of the Bill is to make new provisions regulating the grant of warrants to Building Professionals (*Periti*) in substitution of those contained in the Architects Ordinance, Cap. 44, and to make other provisions ancillary thereto.