

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar il-Periti (Kap. 390)

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

1. (1) It-titolu fil-qosor ta' dan Att huwa l-Att tal-2011 li jemenda l-Att dwar il-Periti, u dan l-Att għandu jinqara u jiftiehem ħaġa waħda mal-Att dwar il-Periti, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-seħh.

Kap. 390.

(2) Id-dispożizzjonijiet ta' dan l-Att jidhlu fis-seħh f'dik id-data li l-Ministru responsabbli għax-xogħlijiet, jista' b'avviż fil-Gazzetta jstabbilixxi u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minflok it-tifsira "Bord" għandha tidhol din it-tifsira ġdida li ġejja:

“ "Bord dwar il-Kondotta Professjonali tal-Periti" jew "Bord dwar il-Kondotta Professjonali" tfisser il-bord imwaqqaf bl-artikolu 15;

(b) minnufih wara t-tifsira ġdida “Bord dwar il-Kondotta Professionali tal-Periti” jew “Bord dwar il-Kondotta Professionali”, għandha tiżdied din it-tifsira ġdida li ġejja:

“Bord tal-*Warrants* tal-Periti” jew “Bord li joħroġ il-*Warrants*” tfisser il-Bord imwaqqaf bl-artikolu 5;”;

(ċ) it-tifsiriet “awtorità kompetenti”, “provvidur ta’ servizz” u “Trattat” għandhom jiġihassru;

(d) minnufih wara t-tifsira ġdida “Bord tal-*Warrants* tal-Periti” jew “Bord li joħroġ il-*Warrants*”, għandha tiżdied din it-tifsira ġdida li ġejja:

“ “detentur ta’ *warrant*” tfisser Perit.”.

(e) minflok it-tifsira “Kamra” għandu jidhol dan li ġej:

“ “Kamra tal-Periti” jew “Kamra” tfisser il-Kamra tal-Arkitetti u Inġinieri Ċivili;

(f) fit-tifsira “Ministru”, minflok il-kliem “tinkludi l-Bord” għandhom jidhlu l-kliem “tinkludi l-Bord li joħroġ il-*Warrants* u l-Bord dwar il-Kondotta Professionali”;

(g) minnufih wara t-tifsira “Ministru” għandha tiżdied din it-tifsira ġdida li ġejja:

“ “Perit” tfisser persuna li jkollha *warrant* biex tipprattika u li tissejjaħ kif hawn f’dan l-Att biex tipprovdi servizzi ta’ disinn, direzzjoni, spezzjoni u approvazzjoni ta’ xogħlijiet arkitettoniċi, ta’ inġinerija ċivili u strutturali sew kollettivament sew separatament, u li tkun tassumi responsabbiltà f’dak li għandu x’jaqsam ma’ dawk is-servizzi u attivitajiet;”;

(h) minflok it-tifsira “professjoni” għandu jidhol dan li ġej:

“ “professjoni” tfisser il-professjoni eżercitata taħt it-titolu ġeneriku ta’ Perit;” u

(i) minflok it-tifsira “*warrant*” għandu jidhol dan li ġej:

“*warrant*” tisser *warrant* mogħti taħt l-artikolu 4;”.

3. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “l-artikolu 5” għandhom jidhlu l-kliem “l-artikolu 4”;

(b) fis-subartikolu (2) tiegħu –

(i) minnufih wara l-kliem “*warrant* kemm-il darba” għandhom jizdiedu l-kliem “dik il-persuna”;

(ii) fit-test Inġliż, fil-paragrafi (a), (b) u (c) tiegħu, minflok il-kliem “he is” għandha tidhol il-kelma “is”;

(iii) fil-paragrafu (d) tiegħu, minflok il-kliem “ma tissodisfax lill-Bord” għandhom jidhlu l-kliem “ma tissodisfax lill-Bord li joħroġ il-*Warrants*”;

(iv) fis-subparagrafu (i) tal-paragrafu (d) tiegħu, minflok il-kliem “wara li jkun ikkonsulta lill-Kamra, jippreskrivi:” għandhom jidhlu l-kliem “wara li jkun ikkonsulta lill-Kamra, jippreskrivi, jew ikollha fil-pussess tagħha kwalifiki akkademiċi komparabbli miksubin wara li tkun temmet b’suċċess kors ta’ studju f’università jew xi istituzzjoni akkademika oħra hekk kif din tista’ tkun rikonoxxuta u elenkata kif għandu jkun għal dak l-għan fid-Direttiva tal-UE relattiva”; u

(v) minflok is-subparagrafi (ii) u (iii) tal-paragrafu (d) tiegħu, għandu jidhol dan li ġej:

“(ii) għal perjodu ta’ mhux inqas minn sentejn wara l-pubblikazzjoni uffiċjali tar-riżultati akkademiċi finali li jkunu jikkonfermaw li tkun kisbet il-kwalifiki uffiċjali msemmija fis-subparagrafu (i) ta’ dan il-paragrafu, li tkun kisbet esperjenza fix-xogħol professjonali tagħha f’Malta jew fi Stat Membru taħt is-supervizjoni ta’ detentur ta’ *warrant* li jipprattika u li jkun rikonoxxut kif dovut mill-iStat Membru rilevanti, kif hemm f’dawk il-linji gwida li l-Ministru jista’, wara li jikkonsulta lill-Kamra, jordna:

Iżda meta l-kwalifiki akkademiċi msemmija fis-subparagrafu (i) jinkisbu wara kors *full-time* li jdum għaddej għal ħames snin jew aktar, jew l-ekwivalenti *part-time* ta' dak il-kors, il-perjodu ta' taħriġ imsemmi f'dan is-subparagrafu jkun ta' sena;

(iii) tkun giet eżaminata u approvata kif imiss mill-Bord li joħroġ il-*Warrants* f'xi eżami li jsir għaldaqstant u li l-Ministru jista', li jikkonsulta lill-Kamra, jordna.”; u

(ċ) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied dan is-subartikolu ġdid li ġej:

“(4) Persuni li jkollhom isimhom inkluż fil-lista pubblikata ta' detenturi ta' *warrant* maħruġa taħt dan l-Att u kif jidhru fil-Gazzetta sad-data meta jibda jseħħ dan l-Att kif hemm fl-artikolu 3 ta' dan l-Att, għandhom ikunu awtomatikament immiżżlin fiż-żewġ registri ta' Periti Arkitetti u ta' Periti Inġinieri Ċivili:

Iżda detentur ta' *warrant* jista', fi żmien tliet xhur minn meta jibda jseħħ dan l-Att, jippreżenta talba bil-miktub lill-Bord li joħroġ il-*Warrants* biex ikollu ismu jew isimha mniżżel f'xi wieħed jew l-ieħor mir-Registri biss:

Iżda wkoll kandidati li japplikaw wara li jibda jseħħ dan l-Att jistgħu japplikaw għand il-Bord li joħroġ il-*Warrants* biex l-eligibbiltà tagħhom li jiġu reġistrati f'xi registru minnhom jista' jiġi deċiż mill-Bord kif hemm fis-subartikolu (2) (d) (iii)”.

Thassir tal-artikolu 4 tal-Att prinċipali.

Enumerazzjoni mill-ġdid u emenda tal-artikolu 5 tal-Att prinċipali.

4. L-artikolu 4 tal-Att prinċipali għandu jifhassar.

5. L-artikolu 5 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 4 tal-Att u għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li tinsab miegħu, għandhom jidhru l-kliem “*Warrant* biex persuna tippratika bħala Perit.”;

(b) fis-subartikolu (1) tiegħu, minflok il-kliem “tal-Bord” u “ ta' l-artikoli 3 jew 4” għandhom jidhru l-kliem “tal-Bord li joħroġ il-*Warrants*” u “tal-artikolu 3” rispettivament;

(ċ) fis-subartikolu (2) tiegħu, minnufih wara l-kelma “Perit” għandhom jiżdiedu l-kliem “jew “Perit Arkitett” jew “Perit Inġinier Ċivili” jew “Perit Arkitett u Inġinier Ċivili” ”;

(d) fis-subartikolu (3) tiegħu, minflok il-kliem minn “fedelment u” sal-kliem “li naf” għandhom jidhlu l-kliem “fedelment u b’kull onestà u reqqa d-dmirijiet ta’ Perit mill-aħjar li naf”; u

(e) minnufih wara is-subartikolu (3) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:

“(4) Kull detentur ta’ *warrant* għandu jkun unikament responsabbli għall-azzjonijiet u l-ommissjonijiet tiegħu nnifsu l-għemil ta’ dmirijietu, f’li jzomm *standard* u kondotta professjonali kif meħtieġa, u b’mod ġenerali fit-twettiq tal-obbligazzjonijiet tiegħu taħt dan l-Att jew kull liġi oħra li tapplika.”.

6. L-artikolu 5A tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 5. Enumerar mill-ġdid tal-artikolu 5A tal-Att prinċipali.

7. L-artikolu 6 tal-Att prinċipali għandu jiġi emendat kif ġej: Enumerazzjoni mill-ġdid u emenda tal-artikolu 6 tal-Att prinċipali.

(a) minflok in-nota marginali li tinsab miegħu, għandhom jidhlu l-kliem “Bord tal-*Warrants* tal-Periti”;

(b) fis-subartikolu (1) tiegħu, minflok il-kliem “Bord tal-*Warrant* tal-Periti” għandhom jidhlu l-kliem “Bord tal-*Warrants* tal-Periti”; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem “fl-ittra tal-ħatra tagħhom.” għandhom jidhlu l-kliem “fl-ittra tal-ħatra tagħhom.” u l-proviso li hemm miegħu għandu jithassar.

8. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit kif ġej: Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

“Funzjonijiet tal-Bord li joħroġ il-*Warrants*.

7. (1) Il-funzjonijiet tal-Bord li joħroġ il-*Warrants* huma:

(a) li jikkonsidra u jipproċessa applikazzjonijiet għall-ħruġ ta’ *warrant* kif hemm fl-artikolu 3, u jagħmel ir-rakkomandazzjonijiet tiegħu dwarhom lill-Ministru;

(b) li jorganizza, jirregola u jiddeċiedi talbiet għal reġistrazzjoni ma' listi separati kif imfissra fl-artikolu 6(3);

(ċ) li jirregola l-kundizzjonijiet ta' taħriġ prattiku kif hemm fid-dispożizzjonijiet tal-artikolu 3(2)(d)(ii);

(d) li japprova universitajiet jew istituzzjonijiet akkademiċi kif hemm fl-artikolu 3(2)(d)(i);

(e) li jagħti pariri lill-Ministru u jorganizza u jirregola l-eżamijiet adatti u l-perjodi ta' taħriġ prattiku kif provdut fl-artikolu 3; u

(f) li joħroġ dikjarazzjoni li tkun tiċċertifika, jekk ikun meħtieġ, li l-persuna li tkun trid tipprttika l-professjoni fi Stat Membru tkun qegħda legittimament teżegwixxi l-attivitajiet tagħha fil-qasam tal-arkitettura u, jew inginerija ċivili f'Malta fejn tkun stabbilita;

(g) li jirreferi kull informazzjoni jista' jirċievi jew isir jaf biha li jkollha x'taqsam ma' xi kontravvenzjoni kontra dan l-Att lill-awtoritajiet kompetenti biex dawn jinvestigawhom kif hemm fis-subartikolu (4) ta' dan l-artikolu.

(2) Fl-eżercizzju tal-funzjonijiet tiegħu, il-Bord jista' jikkonsulta lil dawk il-persuni li jistgħu jidhrulu adatti u jista' wkoll jahtar kumitati, fejn il-president tagħhom ikun membru tal-Bord, bl-għan li jaqdu dawk id-dmirijiet jew kull ħidma oħra li l-Bord jista' jassenjalhom.

(3) Il-Bord għandu jzomm registru ta' detenturi ta' *warrant* li għandu jkun fih Periti Arkitetti u Periti Inġinier Ċivili u għandu, mhux iżjed tard minn tliet xhur wara tmiem kull sena, jippubblika fil-Gazzetta u fil-*website* tal-Ministeru jew b'kull mezz pubbliku ieħor adatt, lista ta' persuni li, fil-31 ta' Diċembru ta' dik is-sena, kienu reġistrati bħala detenturi ta' *warrant* mahruġ taħt dan l-Att. Bl-istess mod u fl-istess ħin, il-Bord għandu jippubblika lista ta' soċjetajiet reġistrati kif hawn fl-artikolu 8 ta' dan l-Att.

(4) Meta l-Bord ikun tal-fehma li xi azzjoni meħuda minn individwu tkun tikser l-artikoli 21 and 22 ta' dan l-Att, dan għandu minghajr dewmien jgħaddi kull informazzjoni li jirċievi jew isir jaf biha fuq dik l-azzjoni lill-awtoritajiet kompetenti biex dawn imexxu l-investigazzjonijiet.”.

9. L-artikolu 7A tal-Att prinċipali għandu jithassar.

Thassir tal-artikolu 7A tal-Att prinċipali.

10. L-artikolu 8 tal-Att prinċipali għandu jiġi sostitwit kif

Sostituzzjoni tal-artikolu 8 tal-Att prinċipali.

għej:

“Setgħa tal-Ministru li jagħmel regolamenti.

8. Il-Ministru jista', wara li jikkonsulta lill-Kamra, jagħmel regolamenti, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, biex jagħti aktar seħħ lil kull dispożizzjoni ta' dan l-Att u b'mod ġenerali biex jirregola l-professjoni u, minghajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, regolamenti bħal dawk jistgħu partikolarment jinkludu dispożizzjonijiet li jkollhom x'jaqsmu:

(a) mal-għemil tat-tariffa ta' drittijiet li għandhom jithallsu lid-detenturi ta' *warrant* għal xogħol u servizzi professjonali, iżda dik it-tariffa għandha tkun bla ħsara għad-dispożizzjonijiet tal-artikolu 16 tal-Att dwar Servizzi li jingħataw fis-Suq Intern;

Kap. 500.

(b) mad-drittijiet li jistgħu jkollhom jithallsu għall-ħruġ ta' *warrant* jew għar-registrazzjoni ta' soċjetà ta' detenturi ta' *warrant*, jew għal kopji relattivi, jew biex jiġi pprezentat ilment lill-Bord dwar il-Kondotta Professjonali;

(ċ) mal-bidu fis-seħħ tad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku tal-Kwalifiki, u ta' liġijiet sussidjarji mahruġin taħtu, dwar ir-rikonoxximent reċiproku tal-kwalifiki ta' Perit;

Kap. 451.

(d) ma' *standards* dwar il-kondotta professjonali u l-prattika mistennija minn detenturi ta' *warrant* f'Kodiċi dwar il-Kondotta Professjonali, sabiex jinżamm *standard* għoli ta' servizz u kondotta professjonali, biex jinżamm il-prestigju u l-istatus tal-professjoni u biex jitharsu l-interessi tal-komunità;

(e) mal-proċeduri tal-Bord dwar il-Kondotta Professjonali;

(f) mat-tfassil tal-azzjonijiet dixxiplinari li jistgħu jiġi imposti mill-Bord dwar il-Kondotta Professjonali fuq detentur ta' *warrant* meta jiġi stabbilit li detentur ta' *warrant* ikun kiser il-Kodiċi dwar il-Kondotta Professjonali;

(g) ma' żvilupp professjonali kontinwu;

(h) mad-dispożizzjonijiet li għandhom x'jaqsmu mal-assigurazzjoni għal indennizz li d-detenturi ta' *warrant* għandu jkollhom kif hemm fl-artikolu 11;

(i) mad-dritt għall-amministrazzjoni tal-*warrant* li għandu jithallas mid-detenturi ta' *warrant* lill-Kamra bla ħsara għar-regolamenti maħruġin mill-Ministru kif hemm fis-subartikolu 23(3)(ii) ta' dan l-Att;

(j) ma' kull haġa oħra li tista' tkun meħtieġa jew awtorizzata b'dan l-Att u li tiġi ordnata.”.

Emenda tal-artikolu 9 tal-Att prinċipali.

11. Fis-subartikolu (3) tal-artikolu 9 tal-Att prinċipali minflok il-kliem “mill-Bord” għandhom jidhlu l-kliem “mill-Bord li joħroġ il-*Warrants*”.

Sostituzzjoni tal-artikolu 11 tal-Att prinċipali.

12. Minflok l-artikolu 11 tal-Att prinċipali għandu jidhlo dan li ġejj:

“Assigurazzjoni għal indennizz minn detentur ta' *warrant* jew minn soċjetà ta' detenturi ta' *warrant*.”

11. (1) Kull detentur ta' *warrant* jew soċjetà reġistrata taħt dan l-Att li jkunu qegħdin jagħtu servizzi f'Malta għandhom jenħtieġu jissottoskrivu ruħhom għal assicurazzjoni għal indennizz professjonali. Assicurazzjoni bħal dik għandha tkun tipprovdi kopertura biżżejjed għal dawk is-servizzi kollha provduti mid-detentur ta' *warrant* li jipprezentaw xi riskju dirett u partikolari dwar xi telfien jew ħsara lil xi persuna jew haġa. L-assigurazzjoni għal indennizz għandha tkun tkopri lid-detentur ta' *warrant* kontra kull responsabbiltà li dak id-detentur jew soċjetà jistgħu jinkorru għal kumpens dwar telfien jew ħsara lil xi persuna jew haġa b'riżultat ta' xi att ta' negligenza, żball jew ommissjoni,

kaġunati mid-detentur ta' *warrant*, mis-soċjetà, minn xi soċju fiha jew minn xi impjegat. Assigurazzjoni bħal dik għandha tkun tkopri kull talba dwar xi telfien jew ħsara kaġunati minn jew imsejsa f'xi att kriminal jew magħmul b'intenzjoni hażina jew ommissjoni ta' xi impjegat tagħhom:

Iżda –

(a) il-Ministru jista', wara li jikkonsulta mal-Kamra, jagħmel regolamenti li jkunu jispeċifikaw is-servizzi li, għall-fini ta' dan l-artikolu, jitqiesu li jipprezentaw xi riskju dirett u partikolari dwar xi telfien jew ħsara lil xi persuna jew haġa, u li għaldaqstant ikunu meħtieġa li jkunu koperti b'assigurazzjoni għal indennizz;

(b) l-assigurazzjoni għal indennizz għandha tkun adatta għax-xorta u l-qjies tar-riskju, iżda l-limitu ta' indennizz m'għandux ikun inqas minn dak li l-Ministru, wara li jikkonsulta mal-Kamra, jispeċifika b'regolamenti;

(c) id-detentur ta' *warrant* jew soċjetà għandhom iżommu assigurazzjoni għal indennizz b'kopertura għal responsabbiltajiet li jkunu għadhom pendenti kif hemm fl-artikolu 11 ta' dan l-Att. Dan ikun japplika wkoll għal detenturi ta' *warrant* li, għal xi raġuni, ma jkunux għadhom jipprattikaw il-professjoni f'Malta;

(d) id-dispożizzjonijiet ta' dan is-subartikolu m'għandhomx ikunu japplikaw għal detenturi ta' *warrant* li jkunu, u sakemm hekk jibqgħu, impjegati fis-servizz mal-gvern, f'kapacità ċivili jew militari, f'dak li għandu x'jaqsam mad-dmirijiet uffiċjali tagħhom;

(e) id-dispożizzjonijiet ta' dan is-subartikolu m'għandhomx japplikaw għal detenturi ta' *warrant* li jkunu impjegati ta' detenturi ta' *warrant* jew soċjetajiet ta' detenturi ta' *warrant* jew assistenti tagħhom, u li ma joħorgu ebda ċertifikazzjoni ta' xorta arkitettonika u ta' inginier ċivili f'isimhom jew li b'xi mod jiffirmaw xi dokument bħala detentur ta' *warrant*.

(2) Detentur ta' *warrant* għandu jkun eżenti mid-dispożizzjonijiet tas-subartikolu (1) jekk huwa jippreżenta ittra lill-Kamra fejn jiddikjara li ma jkun qiegħed jipprovdi ebda servizz li jkun jippreżenta xi riskju dirett u partikolari dwar xi telfien jew ħsara lil xi persuna jew haġa bla ħsara għal dawn id-dispożizzjonijiet li ġejjin:

(a) il-Kamra għandha taççetta d-dikjarazzjoni tad-detentur ta' *warrant* u ma tistax tiddomanda jew tipprova tikseb kjarifiki oħra fuq din id-dikjarazzjoni;

(b) minnufih malli jitqabbad jagħmel xi xogħol li jkun jinwadra taħt id-dispożizzjonijiet tas-subartikolu (1), dak id-detentur ta' *warrant* għandu jgħarraf lill-Kamra bil-miktub kif dovut u wara dan huwa ma jibqax aktar eżenti mid-dispożizzjonijiet ta' dan l-artikolu.

(3) (a) Dwar soċjetàjiet registrati, fil-każ tal-mewt ta' xi wieħed mis-soċji, kull responsabbiltà għal kull ma jsir jew jithalla milli jsir meta s-soċju li jmut kien għadu jipprattika, għandu jsir solidalment effettiv għal kull wieħed mis-soċji li jifdal.

(b) Dwar detenturi ta' *warrant* li jeżerċitaw għal rashom, l-assigurazzjoni għal indennizz għandha tkun tinkludi provvediment li jkopri l-ġrajja tal-mewt tad-detentur ta' *warrant* u dak il-provvediment għandu jkun ikopri wkoll talbiet li jsiru mill-eredi tad-detentur ta' *warrant* mejjet fi żmien ħames snin minn meta jmut id-detentur ta' *warrant*.”.

Emenda tal-artikolu
12 tal-Att prinċipali.

13. Fl-artikolu 12 tal-Att prinċipali, minflok il-kliem “Kull ftehim jew arrangament” għandhom jidhlu l-kliem “Kemmil darba ma jigix provdut xort'oħra f'dan l-Att, kull ftehim jew arrangament”.

Emenda tal-artikolu
13 tal-Att prinċipali.

14. L-artikolu 13 tal-Att prinċipali aghandu jiġi emendat kif ġej:

(a) fis-subartikolu (2), minflok il-kliem “lill-persuna skwalifikata” għandhom jidhlu l-kliem “lill-persuna hekk skwalifikata”; u

(b) fis-subartikolu (3), minflok il-kliem “il-Bord” għandhom jidhlu l-kliem “il-Bord li joħroġ il-*Warrants* u l-Bord dwar il-Kondotta Professjonali”.

15. Minnufih wara s-subartikolu (2) tal-artikolu 14 tal-Att prinċipali, għandu jżied dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 14 tal-Att prinċipali.

“(3) Kull responsabbiltà għal kull ma jsir jew jitħalla milli jsir matul il-perjodu meta soċjetà kienet teżisti m’għandhiex ittemm wara li l-*warrant* jiġi ċedut jew dik is-soċjetà tiġi reġistrata u għandu jibqa’ solidalment effettiv għal kull wieħed mis-soċji kif hawn f’dan l-Att u liġijiet oħra rilevanti.”.

16. Minnufih wara l-artikolu 14 tal-Att prinċipali, għandhom jżiedu dawn l-artikoli ġodda li ġejjin:

Zjieda ta’ l-artikoli 15 sa 17 ġodda mal-Att prinċipali.

“Bord dwar il-Kondotta Professjonali tal-Periti.

15. (1) Ikun hemm Bord, li jkun magħruf bħala l-Bord dwar il-Kondotta Professjonali tal-Periti, li jkun magħmul minn:

(a) *chairman* li jinħatar mill-Ministru minn fost persuni li jkunu jew kienu kwalifikati li jinħatru mħallfin f’Malta;

(b) żewġ membri li jinħatru mill-Ministru minn fost detenturi ta’ *warrant*, li kellhom dak il-*warrant* għal mill-inqas tmien snin; u

(ċ) żewġ membri li jinħatru mill-Kamra minn fost detenturi ta’ *warrant*, li kellhom dak il-*warrant* għal mill-inqas tmien snin.

(2) Iċ-*chairman* tal-Bord għandu jinħatar għal żmien tliet snin taħt dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-ħatra li jirċievu.

(3) Il-membri l-oħra tal-Bord għandhom jinqgħu fil-kariga għal żmien sentejn taħt dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-ħatra li jirċievu.

(4) Meta tinholoq xi vakanza fil-Bord, il-Ministru għandu, kemm jista’ jkun prattikament malajr, fil-każ taċ-*chairman* jew ta’ membru mahtur mill-istess

Ministru, jahtar persuna oħra biex timla dik il-vakanza u, fil-każ ta' membru maħtur mill-Kamra, jitlob lill-Kamra tahtar persuna oħra timla dik il-vakanza.

(5) L-għadd ta' membri meħtieġ għal kworum għandu jkun ta' tlieta, imma sakemm ikun hemm kworum, il-Bord xorta jista' jagixxi minkejja kull vakanza fost il-membri tiegħu.

(6) Il-Ministru jista' wkoll jiddelega uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Bord, imma dak is-segretarju ma jkollux vot.

(7) Il-Bord għandu jiġi elenkat taħt l-Ewwel Skeda li tinsab mal-Att dwar il-Ġustizzja Amministrattiva, u għaldaqstant għandhom japplikaw id-dispożizzjonijiet tal-artikolu 3 tal-Att, hliet li s-seduti tal-Bord m'għandhomx isiru bil-miftuħ.

Kap. 490.

Funzjonijiet tal-Bord dwar il-Kondotta Professjonali.

16. (1) Il-Bord dwar il-Kondotta Professjonali għandu, b'inizjattiva tiegħu nnifsu jew wara ilment ta' xi persuna, imexxi inkjesta dwar il-prattici professjonali ta' detentur ta' *warrant* biex jistabbilixxi jekk dawn ikunux jiksru l-Kodiċi dwar il-Kondotta Professjonali jew ikunux inkonsistenti mad-dinjità tal-professjoni, u dwar xi abbużi jew nuqqasijiet imputabbli lid-detentur ta' *warrant* fl-eżerċizzju tal-professjoni tiegħu jew li jkollhom x'jaqsmu ma' affarijiet professjonali.

(2) Il-Bord dwar il-Kondotta Professjonali għandu wkoll imexxi inkjesti li jkollhom x'jaqsmu li jkollhom x'jaqsmu ma' xi ksur li jkun qieged jiġi allegat tal-artikolu 10 (1) ta' dan l-Att.

Il-Bord dwar il-Kondotta Professjonali jista' jieħu azzjoni dixxiplinari.

17. (1) Il-Bord dwar il-Kondotta Professjonali jista', wara li tittiehed il-proċedura xierqa, jieħu azzjoni dixxiplinari kontra kull detentur ta' *warrant* li jinsab haħti ta' mgieba hażina professjonali jew li b'xi mod ikun kiser il-Kodiċi dwar il-Kondotta Professjonali, hekk li dik l-azzjoni dixxiplinari għandha tkun kif hekk stabbilita mill-Ministru b'regolamenti minn żmien għal żmien.

(2) Meta detentur ta' *warrant* jikser l-artikolu 10(1) ta' dan l-Att, il-Bord dwar il-Kondotta

Professjonali jista', wara li jadotta l-proċeduri xierqa kif hawn f'dan l-Att u fir-regolamenti rilevanti, jimponi penali ta' mhux iżjed minn €5,000 jew jirrevoka l-warrant għal perjodu ta' mhux iżjed minn sitt xhur, jew dik il-penali u revoka flimkien.

(3) Azzjoni dixxiplinari li tittieħed mill-Bord dwar il-Kondotta Professjonali kontra detentur ta' warrant m'għandhiex tibda sseħħ qabel ma l-proċedura xierqa, inkluż id-dritt li għandu detentur ta' warrant li jressaq appell kif hemm fl-artikolu 24, tkun debitament eżawrita.”.

17. L-artikoli 15 sa 19 tal-Att prinċipali għandhom jiġu enumerati mill-ġdid bħala l-artikoli 18 sa 22 rispettivament.

Enumerazzjoni mill-ġdid tal-artikoli 15 sa 19 tal-Att prinċipali.

18. L-artikolu 18 kif enumerat mill-ġdid tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 18 kif enumerat mill-ġdid tal-Att prinċipali.

(a) l-artikolu sħiħ għandu jiġi enumerat mill-ġdid is-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) kif enumerat mill-ġdid minflok il-kliem “Il-Ministru jista', b'ordni bil-miktub, jissospendi” għandhom jidhlu l-kliem “Il-Bord dwar il-Kondotta Professjonali jista' jagħti parir lill-Ministru jissospendi,”;

(c) fis-subartikolu (1) kif enumerat mill-ġdid –

(i) fil-paragrafu (a), minflok il-kliem “mill-Kamra” għandhom jidhlu l-kliem “mill-Bord dwar il-Kondotta Professjonali”;

(ii) fis-subparagrafu (iv) tal-paragrafu (a), minflok il-kliem “ta' l-artikolu 17” għandhom jidhlu l-kliem “tal-artikolu 19”; u

(iii) fil-paragrafu (c), minflok il-kliem “l-artikolu 13” għandhom jidhlu l-kliem “l-artikolu 12”; u

(d) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jizjed dan is-subartikolu ġdid li ġej:

“(2) Il-Ministru għandu, kif jingħata parir mill-Bord dwar il-Kondotta Professjonali, jissospendi, jirrevoka jew iħassar warrant, jew reġistrazzjoni ta' soċjetà ta' detentur ta' warrant mingħajr ebda dewmien.

Il-parir moghti mill-Bord dwar il-Kondotta Professjonali għandu jkun jinkludi l-motivi għas-sospensjoni, revoka jew thassir tal-*warrant* u l-minuti rilevanti tal-laqgħat jew tas-seduta tal-Bord dwar il-Kondotta Professjonali.”.

Emenda tal-artikolu 19 kif enumerat mill-ġdid tal-Att prinċipali.

19. L-artikolu 19 kif enumerat mill-ġdid tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu shiħ għandu be enumerat mill-ġdid is-subartikolu (1) tiegħu u minflok il-kliem “mill-eżercizzju tal-professjoni tagħha” għandhom jidhlu l-kliem “mill-eżercizzju tal-professjoni”, u fit-test Inġliż minflok il-kliem “he shall cease” għandhom jidhlu l-kliem “shall cease”; u

(b) minnufih wara is-subartikolu (1) kif enumerat mill-ġdid, għandu jżied dan is-subartikolu ġdid li ġej:

“(2) Minkejja dak l-irtirar, dik is-sospensjoni jew revoka ta’ *warrant* kif provdut fis-subartikolu (1), kull responsabbiltà għal kull ma jsir jew jithalla milli jsir matul il-perjodu li l-*warrant* kien attiv għandha tibqa’ seeħħ kif hawn f’dan l-Att u f’kull liġi oħra rilevanti.”.

Emenda tal-artikolu 20 kif enumerat mill-ġdid tal-Att prinċipali.

20. Fl-artikolu 20 kif enumerat mill-ġdid tal-Att prinċipali minflok il-kliem “tal-Bord” kull fejn dawn jinsabu għandhom jidhlu l-kliem “tal-Bord dwar il-Kondotta Professjonali”.

Emenda tal-artikolu 21 kif enumerat mill-ġdid tal-Att prinċipali.

21. L-artikolu 21 kif enumerat mill-ġdid tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “elfejn u tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (2,329.37)” għandhom jidhlu l-kliem “elfejn u ħames mitt euro (2,500.00)”; u

(b) fis-subartikoli (2) to (4) tiegħu, minflok il-kliem “elf u mija u erbgha u sittin euro u disgħa u sittin ċenteżmu (1,164.69)” kull fejn dawn jinsabu għandhom jidhlu l-kliem “elf u mitejn u ħamsin euro (1,250.00)”, u minflok il-kliem “ħdax-il elf u sitt mija u sitta u erbghin euro u sebgha u tmenin ċenteżmu (11,646.87)” kull fejn dawn jinsabu għandhom jidhlu l-kliem “tnax-il elf u ħames mitt euro (12,500.00)”; u

(c) is-subartikolu (5) tiegħu għandu jithassar.

22. L-artikolu 22 kif enumerat mill-ġdid tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 22 kif enumerat mill-ġdid tal-Att prinċipali.

(a) fis-subartikolu (3) tiegħu, minflok il-kliem minn “Għall-finijiet” sa “flimkien mal-kliem “Inġinier Ċivili” jew “Inġinier Strutturali”” għandhom jidhlu l-kliem “Għall-finijiet tal-artikolu 21(2) u (3), l-użu fuq xi biljett, karta tal-ittri, tabella, reklam jew mezz ieħor miktub, stampat, imnaqqax jew elettroniku, strument jew dokument tal-kliem “Perit”, “Arkitett”, “Inġinier Ċivili”, “Inġinier Strutturali”, “Servizzi Arkitetturali”, “Servizzi ta’ Inġinerija Ċivili” jew “Servizzi ta’ Inġinerija Strutturali” jew liema jkunu minn dawk il-kliem”; u

(b) is-subartikolu (4) għandu jithassar.

23. L-artikolu 20 tal-Att prinċipali għandu jithassar.

Thassir tal-artikolu 20 tal-Att prinċipali.

24. Minnufih wara l-artikolu 22 kif enumerat mill-ġdid tal-Att prinċipali, għandhom jiżdedu dawn l-artikoli ġodda li ġejjin:

Zjieda ta’ l-artikoli 23 u 24 ġodda mal-Att prinċipali.

“Shubija u regoli ta’ tmexxija tal-Kamra.

23. (1) Kull detentur ta’ *warrant* ikollu jedd ikun membru tal-Kamra u jippartecipa fl-attivitajiet tagħha wara li jhallas dritt ta’ shubija ta’ kull sena kif stabbilit mill-Kamra.

(2) Il-Ministru għandu jordna x’ikunu l-kondizzjonijiet u r-regoli meħtieġa biex tkun tista’ titwaqqaf il-Kamra kif trid il-liġi u biex jiġu stabbiliti l-funzjonijiet u s-setgħat tagħha.

(3) Il-Ministru jista’, wara li jikkonsulta lill-Kamra, jagħmel regolamenti li bihom ivesti lill-Kamra bis-setgħa li –

(a) jiġbor mingħand id-detenturi ta’ *warrant* informazzjoni li jkollha x’taqsam mal-assigurazzjoni għal indennizz, u

(b) jiġbor mingħand id-detenturi ta’ *warrant* Dritt għall-Amministrazzjoni tal-*Warrant*.

(4) Id-detenturi ta’ *warrant* għandhom ikunu meħtieġa jagħmlu għadd minimu ta’ siegħat ta’ Żvilupp Professjonali Kontinwu. L-għadd minimu ta’ siegħat meħtieġ u parametri oħra rilevanti li jkollhom x’jaqsmu mal-iŻvilupp Professjonali Kontinwu jiġi ordnat mill-Ministru b’regolamenti maħruġin minnu wara

li jikkonsulta lill-Bord li joħroġ il-*Warrants* u lill-Kamra tal-Periti.

Iżda -

(a) meta detentur ta' *warrant* ikun jokkupa xi kariga politika jew xi kariga fis-settur pubbliku li jkun iżommu milli jeżerċita l-professjoni, dak id-detentur ta' *warrant* ikun eżenti mill-ħtiġiet kollha tal-iŻvilupp Professjonali Kontinwu għal kemm żmien idum f'dik il-kariga;

(b) il-Kamra tal-Periti tista' teżenta lil detentur ta' *warrant* wara talba bil-miktub;

(c) id-detentur ta' *warrant* ma jkun meħtieġ jagħmel ebda eżami jew xi għamla ta' valutazzjoni biex jissodisfa xi parti mill-ħtiġiet tal-iŻvilupp Professjonali Kontinwu.

Appelli minn
deċiżjonijiet
tal-Bordijiet.

24. (1) Kull deċiżjoni tal-Bord li joħroġ il-*Warrants* u tal-Bord dwar il-Kondotta Professjonali tkun tista' tiġi appellata quddiem it-Tribunal ta' Reviżjoni Amministrattiva mwaqqaf bl-artikolu 5(1) tal-Att dwar il-Ġustizzja Amministrattiva.

(2) Meta persuna ma tkunx taqbel ma' xi deċiżjoni tal-Bord li tkun ittieħdet dwarha, hija tista' tappella quddiem dak it-Tribunal kontra dik id-deċiżjoni mhux iżjed tard minn għoxrin ġurnata minn meta tiġi notifikata bid-deċiżjoni tal-Bord.

(3) It-Tribunal ta' Reviżjoni Amministrattiva jista', meta jkun qed jiddeċiedi xi appell li jsir quddiemu kif hemm fis-subartikolu (1), jikkonferma, jibdel jew ivarja, kollha kemm hi jew f'parti minnha, id-deċiżjoni originali.”.

Enumerazzjoni mill-
gdid
uemenda tal-artikolu
21 tal-Att prinċipali.

25. L-artikolu 21 tal-Att prinċipali għandu jiġi enumerat mill-gdid bħala l-artikolu 25 tiegħu u fis-subartikolu (3) tiegħu minflok il-kliem “l-Kamra msemmija fl-artikolu 8” għandhom jidhlu l-kliem “l-Kamra msemmija fl-artikolu 7”.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex jaġġorna l-Att dwar il-Periti minhabba fit-tibdiliet fil-professjoni b'riferenza partikolari għal assigurazzjoni dwar l-indennità professjonali, it-twaqqif ta' registri u sabiex tiġi regolata l-imġieba professjonali, fost l-oħrajn.

A BILL
entitled

AN ACT to amend the Periti Act (Cap. 390).

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. (1) The short title of this Act is the Periti (Amendment) Act, 2011, and this Act shall be read and construed as one with the Periti Act, hereinafter referred to as “the principal Act”.

Short title and commencement.
Cap. 390.

(2) The provisions of this Act shall come into force on such a 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 different purposes of this Act.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) for the definition “Board” there shall be substituted the following new definition:

“ “Board of Periti Professional Conduct” or “Professional Conduct Board” means the Board established by article 15;”;

(b) the definitions “competent authority”, “service provider” and “Treaty” shall be deleted;

(c) for the definition “Kamra” there shall be substituted the following:

“ “Kamra tal-Periti” or “Kamra” means the Chamber of Architects and Civil Engineers;

(d) in the definition “Minister”, for the words “includes the Board” there shall be substituted the words “includes the Periti Warranting Board and the Professional Conduct Board”;

(e) immediately after the definition “Minister” there shall be added the following new definition:

“ “Perit” means a person holding a warrant to practise and who is entitled in terms of this Act to provide services of design, direction, inspection and approval of architectural, civil engineering and structural engineering works either collectively or separately, and who assumes responsibility associated with such services and activities;”;

(f) immediately after the new definition “Perit” there shall be inserted the following new definition:

“Periti Warranting Board” or “Warranting Board” means the Board established by article 5;”;

(g) for the definition “profession” there shall be substituted the following:

“ “profession” means the profession exercise under the generic title of Perit;”;

(h) for the definition “warrant” there shall be substituted the following:

“ “warrant” means a warrant granted under article 4;”;

(i) immediately after the definition “warrant” there shall be added the following new definition:

“warrant holder” means a Perit.”.

3. Article 3 of the principal Act shall be amended as follows: Amendment of article 3 of the principal Act.

(a) in sub-article (1) thereof, for the words “article 5” there shall be substituted the words “article 4”;

(b) in sub-article (2) thereof –

(i) immediately after the words “a warrant unless” there shall be added the words “such person”;

(ii) in paragraphs (a), (b) and (c) thereof, for the words “he is” there shall be substituted the words “is”;

(iii) in paragraph (d) thereof, for the words “he satisfies the Board” there shall be substituted the word “satisfies the Warranting Board”;

(iv) in sub-paragraph (i) of paragraph (d) thereof, for the words “consulting the Kamra, prescribe:” there shall be substituted the words “consulting the Kamra, prescribe, or he is in possession of comparable academic qualifications obtained after successful completion of a course of study at a university or other academic institution as may be recognized and listed accordingly for the purpose in the relative EU Directive;” ; and

(v) for sub-paragraphs (ii) and (iii) of paragraph (d) thereof, there shall be substituted the following:

“(ii) for a period of not less than two years after the official publication of the final academic results confirming that he has obtained the academic qualifications referred to in sub-paragraph (i) hereof, he has acquired professional work experience in Malta or in a Member State under the supervision of a practising warrant holder duly recognised by the relevant Member State, in accordance with such guidelines as the Minister may, after consulting the Kamra, prescribe:

Provided that where the academic qualifications referred to in sub-paragraph (i) 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 sub-paragraph shall be of one year;

(iii) he has been duly examined and approved by the Warranting Board in any examination for the purpose as the Minister may, after consulting the Kamra, prescribe.”; and

(c) immediately after sub-article (3) thereof, there shall be added the following new sub-article:

“(4) Persons whose name is included in the published list of warrant holders issued under this Act and as appearing in the Gazette by the date this Act comes into force in terms of article 3 of this Act, shall be automatically inscribed in both registers of Periti Arkitetti and Periti Inġinieri Ċivili:

Provided that a warrant holder may, within three months from the coming into force of this Act, submit a request in writing to the Warranting Board to have his or her name inscribed in either one or the other Register only:

Provided further that candidates applying following the coming into force of this Act may apply to the Warranting Board so that the eligibility for registration in any register may be determined by the Board in accordance with sub-article (2) (d) (iii).”.

Deletion of article 4 of the principal Act.

4. Article 4 of the principal Act shall be deleted.

Renumbering and amendment of article 5 of the principal Act.

5. Article 5 of the principal Act shall be renumbered as article 4 thereof and shall be amended as follows:

(a) for the marginal note thereto, there shall be substituted the words “Warrant to practise as Perit.”;

(b) in sub-article (1) thereof, for the words “of the Board” and “articles 3 or 4” there shall be substituted the words “of the Warranting Board” and “article 3” respectively;

(c) in sub-article (2) thereof, immediately after the word “Perit” there shall be added the words “or “Perit Arkitett” or “Perit Inġinier Ċivili” or “Perit Arkitett u Inġinier Ċivili” ”;

(d) in sub-article (3) thereof, for the words from “faithfully and” to the word “knowledge” there shall be substituted the words “faithfully and with all honesty and exactness perform the duties of a Perit to the best of my knowledge”; and

(e) immediately after sub-article (3) thereof there shall be added the following new sub-article:

“(4) Every warrant holder shall be solely responsible for his own actions and omissions in the performance of his duties, the maintenance of the required professional standard and conduct, and generally in the fulfilment of his obligations under this Act or any other applicable law.”.

6. Article 5A of the principal Act shall be renumbered as article 5. Renumbering of article 5A of the principal Act.

7. Article 6 of the principal Act shall be amended as follows: Renumbering and amendment of article 6 of the principal Act.

(a) for the marginal note thereto, there shall be substituted the words “Periti Warranting Board”;

(b) in sub-article (1) thereof, for the words “Bord tal-Warrant tal-Periti” there shall be substituted the words “Periti Warranting Board”; and

(c) in sub-article (3) thereof, for the words “letter of appointment:” there shall be substituted the words “letter of appointment.” and the proviso thereto shall be deleted.

8. Article 7 of the principal Act shall be substituted as follows: Substitution of article 7 of the principal Act.

“Functions of the Warranting Board.

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

(a) to consider and process applications for the issue of a warrant in accordance with article 3, and to make its recommendations thereon to the Minister;

(b) to organise, regulate and determine requests for registration with separate lists as defined in article 6(3);

(c) to regulate the conditions of practical training in accordance with the provisions of article 3(2)(d)(ii);

(d) to approve universities or academic institutions in accordance with article 3(2)(d)(i);

(e) to advise the Minister and organise and regulate the appropriate tests and periods of practical training as provided in article 3; and

(f) to issue a declaration certifying, if required, that the person wishing to practise the profession in a Member State is lawfully pursuing the activities in the field of architecture and, or civil engineering in Malta where he is established;

(g) to refer any information it may receive or become aware of relating to any contravention against this Act to the competent authorities for investigation in accordance with sub-article (4) hereof.

(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 which shall include Periti Arkitetti and Periti Inġinier Ċivili and shall, not later than three months after the end of each year, publish in the Gazette and on the website of the Ministry or any other appropriate public agency, a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act. In the same manner and at the same time, the Board shall publish a list of partnerships registered in accordance with article 8 hereof.

(4) Where the Board is of the opinion that any action taken by any individual is in contravention of articles 21 and 22 of this Act, it shall without delay forward any information it receives or becomes aware of on such action to the competent authorities for investigations to be carried out.”.

9. Article 7A of the principal Act shall be deleted.

Deletion of article 7A of the principal Act.

10. Article 8 shall be substituted as follows:

Substitution of article 8 of the principal Act.

“Power of the Minister to make regulations.

8. The Minister may, after consulting the Kamra, make regulations, not inconsistent with the provisions of this Act, to give better 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, provided that such tariff shall be subject to the provisions of article 16 of the Services (Internal Market) Act;

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(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, or for the submission of a complaint to the Board of Professional Conduct;

(c) the bringing into effect of the provisions of the Mutual Recognition of Qualifications Act, and of subsidiary legislation issued thereunder, in relation to the mutual recognition of qualifications of Perit;

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(d) the standards of professional conduct and practice expected of warrant holders in a Code of Professional Conduct, in order to maintain a high standard of service and professional conduct, to maintain the prestige and status of the profession and to safeguard the interests of the community;

(e) the procedures of the Professional Conduct Board;

(f) setting out the disciplinary actions which the Professional Conduct Board may impose upon a warrant holder where it is established that a warrant holder has infringed the Code of Professional Conduct;

(g) continuing professional development;

(h) provisions relating to the indemnity insurance to be held by warrant holders in accordance with article 11;

(i) the warrant administration fee payable by warrant holders to the Kamra subject to regulations issued by the Minister in accordance with sub-article 23(3)(ii) of this Act;

(j) any matter as may be required or authorised by this Act to be prescribed.”.

Amendment of article 9 of the principal Act.

11. In sub-article (3) of article 9 of the principal Act for the words “with the Board” there shall be substituted the words “with the Warranting Board”.

Substitution of article 11 of the principal Act.

12. For article 11 of the principal Act there shall be substituted the following:

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

11. (1) Every warrant holder or partnership registered under this Act rendering services in Malta shall be required to subscribe to a professional indemnity insurance. Such insurance shall provide adequate cover for all those services provided by the warrant holder presenting a direct and particular risk of loss or damage to any person or thing. The indemnity insurance shall cover the warrant holder against any liability which such holder or 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 employee. Such an insurance shall cover 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:

Provided that –

(a) the Minister may, following consultation with the Kamra, issue regulations which will specify the services which, for the purpose of this article, are considered to present a direct and particular risk of loss or damage to any person or thing, and which would thus be required to be covered by indemnity insurance;

(b) the indemnity insurance shall be appropriate to the nature and extent of the risk, provided that the indemnity limit shall not be less than that which the Minister, following consultations with the Kamra, specifies in regulations;

(c) the warrant holder or partnership shall retain an indemnity insurance cover for liabilities which are still pending in accordance with article 11 of this Act. This shall also apply to warrant holders who, for any reason, do not practise any longer the profession in Malta;

(d) the provisions of this sub-article shall not apply to warrant holders who are, and for as long as they are, employed in government service, in a civil or military capacity, in respect of their official duties;

(e) the provisions of this sub-article shall not apply to warrant holders who are employees of, or assistants to warrant holders or partnerships of warrant holders and who do not issue any certification of an architectural and civil engineering nature under their name or in any way sign any document as a warrant holder.

(2) A warrant holder shall be exempt from the provisions of sub-article (1) if he submits a letter to the Kamra declaring that he is not providing any service which presents a direct and particular risk of loss or damage to any person or thing subject to the following provisions:

(a) the Kamra shall accept the warrant holder's declaration and is not authorised to question or to seek any further clarifications on this declaration;

(b) immediately upon being commissioned any work which would fall under the provisions of sub-article (1), such warrant holder shall duly inform the Kamra in writing and he shall thereafter no longer be exempt from the provisions of this article.

(3) (a) For registered partnerships, in the case of the death of one of the partners, the responsibilities and liabilities for anything done or omitted to be done when the deceased partner was practising, shall become jointly and severally effective for each and every remaining partner.

(b) For sole warrant holders, the indemnity insurance shall include a provision to cover the eventuality of the death of the warrant holder and such provision shall also cover insurance claims made by the heirs of the deceased warrant holder within five years from when the warrant holder became deceased.”.

Amendment of article 12 of the principal Act.

13. In article 12 of the principal Act, for the words “Any agreement or arrangement” there shall be substituted the words “Unless otherwise provided for in this Act, any agreement or arrangement”.

Amendment of article 13 of the principal Act.

14. Article 13 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, for the words “the person disqualified” there shall be substituted the words “the person so disqualified”; and

(b) in sub-article (3) thereof, for the word “Board” there shall be substituted the words “Warranting Board and the Professional Conduct Board”.

Amendment of article 14 of the principal Act.

15. Immediately after sub-article (2) of article 14 of the principal Act, there shall be added the following new sub-article:

“(3) The responsibilities and liabilities for anything done or omitted to be done during the period in which a partnership was in existence shall not cease following the surrender of the warrant or registration of that partnership and shall continue to be jointly and severally effective for each and every partner in accordance with this Act and other relevant laws.”.

16. Immediately after article 14 of the principal Act, there shall be added the following new articles:

Addition of new articles 15 to 17 to the principal Act.

“Periti Professional Conduct Board.

15. (1) There shall be a Board, to be known as the Periti Professional Conduct Board, 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; and

(c) two members appointed by the Kamra from among warrant holders, who have held their warrant for at least eight years.

(2) The chairman of the Board shall be appointed for a term of three years under such conditions as may be set out in the letter of appointment.

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

(4) When any vacancy in the Board occurs, the Minister shall, as soon as practicable, in the case of the chairman or of a member appointed by the said Minister, appoint another person to fill the vacancy and, in the case of a member appointed by the Kamra, request the Kamra to appoint another person 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 still 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) The Board shall be listed under the First Schedule of the Administrative Justice Act, and hence the provisions of article 3 of the Act shall apply, except that the sittings of the Board shall not be held in public.

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Functions of the Professional Conduct Board.

16. (1) The Professional Conduct Board shall, of its own initiative or on the complaint of any person, conduct enquiries into the professional practices of a warrant holder to establish whether these are in violation of the Code of Professional Conduct or inconsistent with the dignity of the profession, and into any abuses or failures imputed to the warrant holder in the exercise of his profession or in connection with professional affairs.

(2) The Professional Conduct Board shall also carry out enquiries relating to any alleged infringements of article 10 (1) of this Act.

Professional Conduct Board may take disciplinary action.

17. (1) The Professional Conduct Board may, following due procedure, take disciplinary action against any warrant holder who is found guilty of professional misconduct or in any way breaching the Code of Professional Conduct, whereby such disciplinary action shall be in terms of that established by the Minister from time to time by regulations.

(2) Where a warrant holder is in breach of article 10(1) of this Act, the Board of Professional Conduct may, after due process in accordance with this Act and relevant regulations, impose a fine not exceeding €5,000 or revoke the warrant for a period not exceeding six months, or both such fine and revocation together.

(3) Disciplinary action taken by the Professional Conduct Board against any warrant holder shall not take effect before any due process, including the warrant holder's right to submit an appeal according to article 24, are duly exhausted.”.

17. Articles 15 to 19 of the principal Act shall be renumbered as articles 18 to 22 respectively.

Renumbering of articles 15 to 19 of the principal Act.

18. Article 18 as renumbered of the principal Act shall be amended as follows:

Amendment of article 18 as renumbered of the principal Act.

(a) the whole article shall be renumbered as sub-article (1) thereof;

(b) in sub-article (1) as renumbered for the words “The Minister may, by order in writing, suspend” there shall be substituted the words “The Professional Conduct Board may advise the Minister to suspend,”;

(c) in sub-article (1) as renumbered –

(i) in paragraph (a), for the words “by the Kamra” there shall be substituted the words “by the Professional Conduct Board”;

(ii) in sub-paragraph (iv) of paragraph (a), for the words “article 17” there shall be substituted the words “article 19”; and

(iii) in paragraph (c), for the words “article 13” there shall be substituted the words “article 12”; and

(d) immediately after sub-article (1) as renumbered there shall be added the following new sub-article:

“(2) The Minister shall, in accordance with the advice given by the Professional Conduct Board, suspend, revoke or cancel a warrant, or registration of a partnership of a warrant holder without undue delay. The advice given by the Professional Conduct Board shall include the reasons for the suspension, revocation or cancellation of the warrant and the relevant minutes of the meetings or sitting of the Professional Conduct Board.”.

19. Article 19 as renumbered of the principal Act shall be amended as follows:

Amendment of article 19 as renumbered of the principal Act.

(a) the whole article shall be renumbered as sub-article (1) thereof and for the words “from the exercise of

his profession” there shall be substituted the words “from exercising the profession”, and for the words “he shall cease” there shall be substituted the words “shall cease”; and

(b) immediately after sub-article (1) as renumbered, there shall be added the following new sub-article:

“(2) Notwithstanding such withdrawal, suspension or revocation of warrant as provided for in sub-article (1), the responsibilities and liabilities for anything done or omitted to be done during the period that the warrant was active shall continue to be in effect in accordance with this Act and any other relevant laws.”.

Amendment of article 20 as renumbered of the principal Act.

20. In article 20 as renumbered of the principal Act for the words “of the Board” wherever they occur there shall be substituted the words “of the Professional Conduct Board and the Periti Warranting Board”.

Amendment of article 21 as renumbered of the principal Act.

21. Article 21 as renumbered of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words “two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)” there shall be substituted the words “two thousand and five hundred euro (2,500.00)”; and

(b) in sub-articles (2) to (4) thereof, for the words “one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69)” wherever they occur there shall be substituted the words “one thousand and two hundred and fifty euro (1,250.00)”, and for the words “eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87)” wherever they occur there shall be substituted the words “twelve thousand and five hundred euro (12,500.00)”; and

(c) sub-article (5) thereof shall be deleted.

Amendment of article 22 as renumbered of the principal Act.

22. Article 22 as renumbered of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof, for the words from “For the purposes” to “with the words “Civil Engineer” or

“Structural Engineer”, ” there shall be substituted the words “For the purposes of article 21(2) and (3), the use on any card, letterhead, sign board, advertisement or other written, printed, engraved device or electronic means, instrument or document of the terms “Perit”, “Architect”, “Civil Engineer”, “Structural Engineer”, “Architectural Services”, “Civil Engineering Services” or “Structural Engineering Services” or either of those words”; and

(b) sub-article (4) shall be deleted.

23. Article 20 of the principal Act shall be deleted.

Deletion of article 20 of the principal Act.

24. Immediately after article 22 as renumbered of the principal Act, there shall be added the following new articles:

Addition of new articles 23 and 24 to the principal Act.

“Membership and rules governing the Kamra.

23. (1) All warrant holders shall have the right to belong to the Kamra and to participate in its activities subject to the payment of a yearly membership fee as the Kamra shall determine.

(2) The Minister shall prescribe the conditions and rules required for the legal establishment of the Kamra and for determining its functions and powers.

(3) The Minister may, after consulting the Kamra, make regulations vesting the Kamra with power –

(a) to collate from warrant holders information relating to professional indemnity insurance, and

(b) to collect from warrant holders a Warrant Administration Fee.

(4) Warrant holders shall be required to do a minimum number of hours of Continuing Professional Development. The minimum number of hours required and other relevant parameters relating to Continuing Professional Development shall be prescribed by the Minister in regulations issued by him following consultations with the Periti Warranting Board and the Kamra tal-Periti.

Provided that -

(a) where a warrant holder occupies a political office or a post in the public sector which prohibits him exercising the profession, that warrant holder is exempt from any requirements relating to Continuing Professional Development for the duration of that position;

(b) the Kamra tal-Periti may exempt a warrant holder following a request in writing;

(c) the warrant holder shall not be required to sit for an exam or any form of assessment to satisfy any part of the Continuing Professional Development requirements.

Appeals from decisions of the Boards.

24. (1) Decisions of the Warranting Board and of the Professional Conduct Board shall be subject to appeal before the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

(2) When any person is dissatisfied with any decision of the Warranting Board or of the Professional Conduct Board taken in his regard, he may appeal to the said Tribunal against such decision not later than twenty days of being served of such Board's decision.

(3) The Administrative Review Tribunal may, in its determination on any appeal entered in accordance with sub-article (1), confirm, reverse or vary, in whole or in part, the original decision.”.

Renumbering and amendment of article 21 of the principal Act.

25. Article 21 of the principal Act shall be renumbered as article 25 thereof and in sub-article (3) thereof for the words “the Chamber referred to in article 8” there shall be substituted the words “the Kamra referred to in article 7”.

Objects and Reasons

The object of the Bill is to update the Periti Act in view of changes to the profession with particular reference to professional indemnity insurance, the introduction of registers and regulating professional conduct, amongst others.