

ABBOZZ TA' LIĠI
imsejjah

ATT biex jipprovdi għall-affarijiet li għandhom x'jaqsmu mal-kostruzzjoni ta' bini u hwejjeġ oħra konnessi ma' dan u biex jagħmel emendi konsegwenzjali u oħrajn.

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. (1) It-titolu fil-qosor ta' dan l-Att huwa Att tal-2009 dwar ir-Regolamenti tal-Bini. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data jew dawk id-dati li l-Ministru responsabbli għall-industrija tal-bini jista' jstabilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispozizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra – Tifsir.

“affarijiet li jolqtu l-bini” tfisser kull bini jew haġ'oħra dwar il-bini, li dwarha jkunu f'kull ċirkostanza japplikaw dan l-Att jew regolamenti dwar il-bini;

“avviż ta' l-infurzar” għandha l-istess tifsira mogħtija lilha bl-artikolu 14;

“bini” tinkludi parti minn bini u kull klassi ta’ strutturi li l-Ministru jista’ jordna li jitqiesu bhala bini għall-finijiet ta’ dan l-Att;

“il-Bord” tfisser il-Bord li Jirregola l-Bini stabbilit taħt l-artikolu 3;

“ċertifikati ta’ konformità” tfisser dokumenti maħruġin minn perit jew inginier liċenzjati, li jkun jiċċertifika li xi bini jew xogħlijiet ikunu konformi mar-regolamenti dwar il-bini;

“data operattiva” tfisser il-ġurnata meta xi regolamenti dwar il-bini partikolari jidhlu fis-seħh għall-ewwel darba;

“detentur ta’ *warrant*”, fir-rigward ta’ perit jew inginier, tfisser persuna li jkollha *warrant* biex tkun tista’ teżerċita bhala perit jew inginier, kif jista’ jkun il-każ, taħt l-Att dwar il-Periti jew l-Att dwar il-Professjoni ta’ l-Inġinerija;

Kap. 390.

Kap. 321.

“id-Direttur” tfisser id-Direttur responsabbli għall-Uffiċċju dwar ir-Regolament tal-Bini jew kull uffiċċjal pubbliku li jista’ jinħatar biex jassumi r-responsabbiltajiet ta’ l-Uffiċċju dwar ir-Regolament tal-Bini;

“disinn” tinkludi l-preparazzjoni ta’ pjanti, dettalji, skizzijiet, speċifikazzjonijiet, kalkoli u kull twettieq ieħor ta’ għan li abbażi tagħhom jiġu eżegwiti l-kostruzzjoni, l-estensjoni, it-tibdil, it-tiswija jew it-tiġdid involuti, u “iddisinjat” għandha tiftiehem kif hawn f’ din it-tifsira;

“dokument ta’ gwida teknika” tfisser dokument li jipprovdi gwida teknika fuq hwejjeġ li għandhom x’jaqsmu ma’ kull aspett tar-regolamenti dwar il-bini u tinkludi wkoll kull metodoloġija;

“funzjonijiet” tinkludi setgħat u dmirijiet;

“inginier” għandha l-istess tifsira mogħtija lilha fl-Att dwar il-Professjoni ta’ l-Inġinerija;

Kap. 321.

“konsulent dwar in-nirien” tfisser kull persuna jew azjenda li, wara li tapplika għand il-Bord u tippreżenta quddiem dak il-Bord diplomi, ċertifikati u kull prova oħra ta’ kwalifiki formali li juru l-għarfien u l-esperjenza professjonali tad-detentur tagħhom fl-inġinerija relatata mas-sigurtà kontra

n-nirien, tiġi aċċettata u reġistrata minn dak il-Bord bħala konsulent rikonoxxut dwar is-sigurtà kontra n-nirien;

“kostruzzjoni” tinkludi t-twerttieq ta’ xogħlijiet konnessi mal-bini u kull att jew operazzjoni meħtieġa jew li għandhom x’jaqsmu mal-kostruzzjoni, l-estensjoni, it-tibdil, it-tiswijiet jew it-tiġdid ta’ bini u “mibni” għandha tiftiehem kif hawn f’din it-tifsira;

“kuntrattur tal-bini u rġiel fis-sengħa tal-bini” tfisser kull persuna, inkluż korp ta’ persuni u kull korp magħqud imwaqqaf b’xi liġi jew taħtha, li jkun elenkat taħt l-artikolu 5(4);

“il-Ministru” tfisser il-Ministru responsabbli għall-industrija tal-bini;

“ordnat” tfisser ordnat permezz ta’ regolamenti magħmulin mill-Ministru taħt dan l-Att;

“perit” għandha l-istess tifsira kif mogħtija lilha bil-kelma “professjoni” fl-Att dwar il- Periti;

Kap. 390.

“persuna awtorizzata” tfisser persuna awtorizzata għall-finijiet ta’ dan l-Att mid-Direttur ta’ l-Uffiċċju dwar ir-Regolament tal-Bini, jew mill-Bord li Jirregola l-Bini (fil-każ ta’ appelli li jsiru skond l-artikolu 13), kif jista’ jkun il-każ;

“manager tas-sit” għandha t-tifsira mogħtija lilha fir-Regolamenti ta’ l-2007 dwar l-Immaniġġar Ambjentali tas-Siti tal-Kostruzzjoni;

A.L. 295 ta’ l-2007.

“regolamenti dwar il-bini” tfisser ir-regolamenti magħmulin mill-Ministru taħt l-artikolu 6;

“Uffiċċju dwar ir-Regolament tal-Bini” tfisser dik l-organizzazzjoni tal-Gvern li tkun responsabbli għall-amministrazzjoni tar-regolamenti dwar il-bini u għar-regolamenti dwar il-kontroll tal-bini magħmulin skond dan l-Att, u dik l-amministrazzjoni tista’ tinkludi, iżda mhix limitata għal, kull sorveljanza dwar kif jiġu applikati r-regolamenti dwar il-bini, il-kontrofirem ta’ ċertifikati ta’ konformità, l-infurzar ta’ regolamenti dwar il-kontroll tal-bini u l-għoti ta’ għajnuna teknika lill-Bord meta dan ikun qed jipprepara dokumenti ta’ gwida teknika;

“xogħlijiet” tinkludi kull att jew ħidma li jkollhom x’jaqsmu ma’ kull kostruzzjoni, estensjoni, alterazzjoni, tiswija jew rinnovazzjoni ta’ xi bini.

Bord dwar ir-Regolament tal-Bini.

3. (1) Għandu jkun hemm Bord, li jkun magħruf bħala l-Bord li Jirregola l-Bini, hawn iżjed ’il quddiem imsejjaħ il-Bord, li jkun magħmul minn *chairperson*, u mill-inqas sitt membri kif ġej:

(a) perit li jkollu mill-inqas tmien snin esperjenza fil-kostruzzjoni tal-bini, li jippressjedi,

(b) żewġ persuni oħra, li wieħed minnhom ikun perit nominat mill-Kamra tal-Periti u l-ieħor, inginier detentur ta’ warrant nominat mill-Kamra ta’ Inġinieri Professionali;

(c) mill-inqas erba’ persuni oħra, li kull wieħed minnhom ikollu kwalifiki professjonali u, jew għarfien u esperjenza f’affarijiet li għandhom x’jaqsmu mal-kostruzzjoni tal-bini, jew mas-saħħa u s-sigurtà, jew mas-servizzi tal-bini.

Il-membri kollha tal-Bord għandhom jinħatru mill-Ministru għal żmien tliet snin.

(2) Iċ-*Chairperson* u kull wieħed mill-membri l-oħra tal-Bord għandhom, qabel ma jibdew jaqdu d-dmirijiet tal-kariga tagħhom, jieħdu l-gurament fil-forma hawn stabbilita:

“Jienanaħlef illi naqdi fedelment id-dmirijiet ta’ *Chairperson*/Membru tal-Bord li Jirregola l-Bini mingħajr favuri jew parzjalità skond il-liġi. Hekk Alla jgħinni.”.

(3) Mill-inqas erba’ membri tal-Bord, flimkien maċ-*Chairperson*, jiformaw kworum.

(4) Fil-qadi tal-funzjonijiet tiegħu, il-Bord għandu –

(a) jiġi kkonsultat mill-Ministru skond l-artikoli 4(1), 6(1), 6(6), 11(1), 18(2) u 19 dwar regolamenti li jistgħu jsiru minn żmien għal żmien taħt dan l-Att;

(b) jikkonsulta ma’ persuni li jkollhom interess f’affarijiet konnessi ma’ regolamenti dwar il-bini u regolamenti dwar il-kontroll tal-bini;

(c) jagħti parir lill-Ministru fuq kull haġa li jkollha x'taqsam mar-regolamenti dwar il-bini u regolamenti dwar il-kontroll tal-bini, u kull funzjoni oħra ordnata b'dan l-Att;

(d) jistabbilixxi l-parametri, skond l-artikolu 5(1), li l-Uffiċċju dwar ir-Regolament tal-Bini għandu permezz tagħhom jivvaluta l-ħiliet ta' –

(i) kuntratturi tal-bini u rġiel fis-sengħa tal-bini; u

(ii) bennejja,

biex joħroġilhom il-liċenzi u jirreġistrom f'xi waħda mill-klassijiet jew sub-klassijiet stabbiliti bl-artikolu 5(4);

(e) jagħti parir lill-Ministru fuq kif jiġu stabbiliti kriterji għas-sospensjoni jew ir-revoka ta' ċertifikat ta' registrazzjoni jew tal-liċenza;

(f) joħroġ dokumenti ta' gwida teknika hekk kif jistgħu jkunu meħtieġa minn żmien għal żmien;

(g) jiddeċiedi dwar jekk xi ħtieġa fir-regolamenti dwar il-bini għandhiex titwarrab jew tiħfief, fuq talba li ssirli jew minn jeddu, skond l-artikoli 6 sa 10;

(h) jikkunsidra appelli minn deċiżjonijiet tad-Direttur skond l-artikoli 12 u 13;

(i) iwettaq kull attività jew funzjoni li jkollha x'taqsam mar-regolamenti dwar il-bini jew regolamenti dwar il-kontroll tal-bini li tista' tiġi mogħtija lil bis-saħħa ta' regolamenti magħmulin mill-Ministru skond id-dispożizzjonijiet ta' dan l-Att.

(5) Il-Bord għandu jirregola l-proċeduri tiegħu nnifsu.

(6) Għandha tiħallas lill-Membri tal-Bord dik ir-rimunerazzjoni li l-Ministru jista', bi qbil mal-Ministru responsabbli għall-finanzi, jistabbilixxi.

(7) Il-Ministru għandu jahtar uffiċjali pubbliċi biex jiffurmaw is-segretarjat amministrattiv tal-Bord, li jkunu jikkonsistu f'Segretarju u uffiċjali jew impjegati oħra li jistgħu

jkunu meħtieġa biex jassistu lill-Bord b'mod effiċjenti dwar dawk l-affarijiet li l-Bord ikollu s-setgħa li jittratta.

(8) Il-Membri tal-Bord għandhom, meta jiskadi ż-żmien tal-kariga tagħhom, ikunu eligibbli li jerggħu jinħatru.

(9) (a) Il-Bord għandu jzomm registru tad-deċiżjonijiet tiegħu kollha dwar –

(i) jekk għandhomx jeħfiefu jew jitwarrbu xi regolamenti dwar il-bini skond l-artikolu 10; u

(ii) l-appelli magħmulin taħt l-artikolu 13(3).

(b) Dwar kull deċiżjoni li tittiehed, l-informazzjoni li tinzamm fir-registru għandha tinkludi l-isem ta' l-applikant u d-dettalji tal-proposta, inklużi dokumenti, pjanti dettaljati, jekk ikun il-każ, u l-motivazzjonijiet tad-deċiżjoni.

(c) Ir-registru għandu jkun disponibbli biex jiġi spezzjonat mill-pubbliku f'dawk il-hinijiet raġonevoli li jistgħu jiġu stabbiliti mill-Bord u fuq il-*website* ta' l-Uffiċċju dwar ir-Regolament tal-Bini jew, jekk l-Uffiċċju dwar ir-Regolament tal-Bini għal xi zmien ma jkollux *website*, fuq il-*website* ta' xi dipartiment tal-gvern ieħor jew ta' xi aġenzija, u f'dak il-każ dik il-*website* l-oħra għandha tkun avżata b'avviż fil-Gazzetta.

(10) Fil-qadi ta' dmirijietu, il-Bord ikun jista' minn zmien għal zmien jahtar sottokumitati bil-għan li jikkumpilaw rapporti tekniċi:

Iżda ir-rimunerazzjoni li tithallas lill-membri ta' dawk is-sottokumitati għandha tiġi stabbilita mill-Ministru bi ftehim mal-Ministru responsabbli għall-finanzi.

Kumitat ta' l- Appelli.

(11) Jekk ikun hemm il-bżonn, u wara li l-Ministru japprova, il-Bord jista' jahtar Kumitat ta' l-Appelli li jkun mill-inqas magħmul minn tliet membri, li wieħed minnhom ikun maħtur minn fost il-membri tal-Bord u li jkun jippresjedi l-laqgħat tal-Kumitat.

(12) Il-membri l-oħra tal-Kumitat ta' l-Appelli jkunu perit, inginier detentur ta' *warrant* jew xi professjonist ieħor li jkollu l-kwalifiki meħtieġa u, jew esperjenza f'affarijiet li għandhom x'jaqsmu mal-kostruzzjoni tal-bini, jew mas-saħħa u s-sigurtà, jew mas-servizzi tal-bini. Id-dispożizzjonijiet tas-subartikoli (2), (6), (7) u (8) ta' dan l-artikolu għandhom ikunu jgħoddu, *mutatis mutandis*, għall-Kumitat ta' l-Appelli.

TAQSIMA I

Registrazzjoni tal-Kuntratturi

4. (1) Il-Ministru jista', wara li jikkonsulta l-Bord, jagħmel regolamenti biex jirregola jew xort'oħra jipprovdi dwar kull haġa li għandha x'taqsam mal-ħruġ ta' licenzi u r-registrazzjoni ta' rġiel fis-sengħa tal-bini u kuntratturi tal-bini, u jista' permezz ta' dawk ir-regolamenti –

Setgħa li jsiru regolamenti biex irġiel tas-sengħa u kuntratturi tal-bini jigu registrati.

(a) jipprovdi dwar il-ħruġ ta' licenzi u r-registrazzjoni ta' persuni, kumpanniji u entitajiet oħra biex tiġi uffiċjalment rikonoxxuta l-kapaċità li jkollhom li jagħmlu xogħol jew jipprovdu materjal għall-industrija tal-kostruzzjoni tal-bini u biex jawtorizzahom iwettqu dak ix-xogħol;

(b) jipprovdi għat-thassir ta' licenzi jew taċ-ċertifikati ta' registrazzjoni u li xi licenza jew ċertifikat maħruġin taħt id-dispożizzjonijiet ta' dan l-Att jittieħdu lura;

(c) jistabbilixxi dawk is-sub-klassijiet għall-klassijiet prinċipali msemmija fl-artikolu 5(4) skond ma jista' jqis li jkun xieraq;

(d) jordna l-għamla ta' kull avviż, ordni jew dokument ieħor li jkun awtorizzat jew meħtieġ taħt dan l-Att li jsir, jingħata jew jingieb;

(e) jistabbilixxi l-kriterji għall-ħruġ ta' licenza u r-registrazzjoni ta' l-applikanti taħt din it-Taqsima;

(f) jistabbilixxi l-formuli u l-proċeduri li għandhom jintużaw fit-thaddim tar-Registru għat-twettieq tad-dispożizzjonijiet ta' din it-Taqsima;

(g) jistabbilixxi, bi qbil mal-Ministru responsabbli għall-finanzi, id-drittijiet li għandhom jithallsu fir-rigward ta' xi licenza u registrazzjoni ta' rġiel fis-sengħa tal-bini u ta' kuntratturi tal-bini taħt din it-Taqsima.

(2) Regolamenti li jsiru taħt dan l-artikolu jistgħu jkunu jipprovdut li kull min jikser jew jonqos milli jħares xi dispozizzjoni tagħhom ikun ħati ta' reat kontra dan l-Att jew kontra dawk ir-regolamenti u jista', meta jinsab ħati, jeħel multa ta' mhux iżjed minn għaxart elef euro (€10,000), jew prigunerija għal żmien mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien.

Valutazzjoni
tal-kapaċitajiet u
reġistrazzjoni.

5. (1) L-Uffiċċju dwar ir-Regolament tal-Bini għandu jkun l-entità li jkollha r-responsabbiltà toħroġ liċenzi u ċertifikati ta' reġistrazzjoni għall-bennejja, kuntratturi tal-bini u rġiel fis-sengħa tal-bini.

(2) Id-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, għandu jezammina l-applikazzjonijiet li jsirulu għall-ħruġ ta' liċenzi u r-reġistrazzjoni ta' bennejja, kuntratturi tal-bini u rġiel fis-sengħa tal-bini abbażi tal-kriterji li jistgħu jiġu ordnati mill-Ministru u jekk applikant ikun jissodisfa l-kriterji stabbiliti, id-Direttur għandu joħroġ liċenza meta dan ikun japplika u jirreġistraha fil-klassi jew sub-klassi li tkun taqa' taħtha skond il-każ.

(3) Fil-qadi tal-funzjonijiet taħt is-subartikolu (2) id-Direttur jista' jahtar esperti tekniċi *ad hoc* biex jeżaminaw, jevalwaw u jirrappurtaw fuq il-ħiliet tekniċi tal-kuntratturi tal-bini, rġiel fis-sengħa tal-bini u bennejja.

(4) Ir-reġistrazzjoni tal-kuntratturi u ta' rġiel fis-sengħa tal-bini għandha tiġi kategorizzata skond is-sengħa jew l-attività ta' l-applikant, f'waħda minn dawn il-kategoriji prinċipali tax-xogħol li ġejjin:

(a) bini u inġinerija ċivili ġenerali;

(b) bini (biss);

(c) inġinerija ċivili (biss);

(d) tħaffir (biss);

(e) armar ta' parank (biss);

(f) stallazzjonijiet;

(g) tlestija tal-bini; u

(h) kull kategorija oħra li l-Ministru jista' jqis xieraq li jordna.

TAQSIMA II

Regolamenti dwar il-Bini

6. (1) Il-Ministru jista', wara li jikkonsulta lill-Bord, jagħmel regolamenti dwar kull funzjoni tal-Bord u li jkollha x'taqsam ma' kull haġa konnessa mar-regolamenti dwar il-bini.

Setgħa li jsiru regolamenti dwar il-bini.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) dawk ir-regolamenti li jsiru taħt dan l-artikolu jistgħu, partikolarment rigward ir-regolamenti dwar il-bini, ikunu jipprovdu għal kull haġa jew xi waħda minn dawn li ġejjin:

- (a) id-disinn u l-kostruzzjoni tal-bini;
- (b) l-alterazzjonijiet materjali jew l-estensjoni ta' bini;
- (ċ) il-provvista ta' servizzi, stallazzjonijiet u tagħmir fil-bini jew li għandhom x'jaqsmu mal-bini;
- (d) id-dispożizzjonijiet li għandhom ikunu japplikaw meta jsir xi tibdil materjali fl-għanijiet li għalihom jintuża l-bini;
- (e) biex jiġu żgurati s-saħħa, is-sigurtà, il-konvenjenza u l-benesseri ta' –
 - (i) persuni għol-bini li qiegħed jinbena jew madwaru; u
 - (ii) persuni li jistgħu jkunu affettwati mill-bini jew minn dak kollu li għandu x'jaqsam mal-bini;
- (f) għall-ħtiġiet ta' persuni li jkollhom diżabilitajiet f'dak li hu l-aċċess tagħhom fil-bini;
- (g) għall-konservazzjoni ta' karburanti u enerġija li jintużaw f'xi bini;
- (h) biex jiġi żgurat fir-rigward ta' kull bini l-użu effiċjenti ta' rizorsi;
- (i) bil-għan li tiġi inkoraġġita prattika tajba fil-bini;

(j) dwar dak kollu li jidher li jkun meħtieġ jew spedjenti fir-rigward tal-bini;

(k) drittijiet li jistgħu ikollhom jithallsu skond dan l-Att;

(l) għall-finijiet li jiġu stipulati penali amminstrattivi għall-ksur ta' regolamenti magħmulin taħt dan l-Att; u

(m) għall-fini li jiġu stipulati pieni għal reati kriminali kontra regolamenti magħmulin taħt dan l-Att.

(3) Mingħajr preġudizzju għar-regolamenti magħmulin taħt is-subartikolu (2)(d), għandu jitqies li jkun sar tibdil materjali fl-għanijiet li għalihom jintuża l-bini jekk, fid-data operattiva jew wara –

(a) bini jew parti minn bini, li ma kienx originarjament mibni biex jiġi okkapat bħala abitazzjoni, jew li, għalkemm inbena għal dak il-għan, ikun ġie użat għal skopijiet oħra, jerga' jintuża bħala post għall-abitazzjoni;

(b) bini li ġie originarjament mibni biex jiġi okkapat bħala abitazzjoni għal familja waħda biss, jiġi okkapat minn żewġ familji jew aktar; jew

(c) meta r-regolamenti dwar il-bini jkun fihom dispożizzjonijiet speċjali fir-rigward ta' bini użat għal xi għan partikolari, xi bini li qabel kien użat għal dak il-għan jintuża għal xi għan li japplikaw għalih ir-regolamenti.

(4) Regolamenti dwar il-bini li jirrigwardaw –

(a) xi tibdil materjali li jsir fl-għanijiet li l-bini jintuża għalihom; jew

(b) alterazzjonijiet materjali jew estensjonijiet fil-bini; jew

(c) il-provvista ta' servizzi, stallazzjonijiet jew tagħmir, f'xi bini jew konnessi miegħu,

jistgħu japplikaw għal xi bini, li jkun beda jinbena qabel id-data operattiva, sakemm dak il-bini jkun affetwat b'xi tibdil materjali għall-għanijiet li dak il-bini jintuża għalihom jew

kull alterazzjoni materjali, estensjoni, provvista ta' servizzi, stallazzjoni jew tagħmir, kif jista' jkun il-każ, li ssir fid-data operattiva jew wara u fil-każijiet l-oħra kollha għandhom japplikaw ir-regolamenti dwar il-bini biss dwar dak il-bini li jibda jiġi mtella' fid-data operattiva jew wara dik id-data.

(5) Bla ħsara għas-subartikolu (7) u għal kull twarrib jew thaffif mogħti –

- (a) mill-Bord, skond l-artikoli 7 jew 10; jew
- (b) wara xi rikors lill-Qorti li jkun gie milqugh,

kull bini li għalih jgħoddu r-regolamenti dwar il-bini għandu jkun iddisinjat u mibni skond id-dispożizzjoniet ta' dawk ir-regolamenti.

(6) Ir-regolamenti dwar il-bini jistgħu –

(a) jordnaw *standards* jew jirrakomandaw kodiċijiet ta' Prattika, li jiġu espressi skond it-twertieq, tipi ta' materjal, metodi ta' kostruzzjoni jew xort'oħra, fir-rigward ta' kull waħda jew x'uħud mill-affarijiet speċifikati fl-Iskeda jew fir-rigward ta' kull haġa oħra li, fil-fehma tal-Ministru f'konsultazzjoni mal-Bord, tkun rilevanti għall-finijiet li għalihom jistgħu jsiru regolamenti dwar il-bini;

(b) jeħtieġu li tittiehed azzjoni speċifika f'konnessjoni ma' bini;

(c) jipprovdu għar-regolament ta' azzjonijiet speċifiċi fil-bini jew madwaru;

(d) jispeċifikaw kif għandhom isiru l-operazzjonijiet li għandhom x'jaqsmu mal-bini; u

(e) ikun fihom dawk id-dispożizzjonijiet supplimentari u inċidentali li l-Ministru, bil-parir tal-Bord, jidhirlu li jkunu meħtieġa jew spedjenti:

Izda regolamenti dwar il-bini jistgħu jispeċifikaw livelli jew kodiċijiet ta' Prattika differenti għal, jew jagħmlu dispożizzjonijiet differenti fir-rigward ta', klassijiet jew deskrizzjonijiet differenti ta' bini.

(7) Regolamenti dwar il-bini jistgħu, biss f'parti jew għal kolloxx, jeżentaw minn kull jew xi dispożizzjoni ta' dawk ir-regolamenti, dawk il-klassijiet jew deskrizzjonijiet ta' bini, servizzi, stallazzjonijiet jew tagħmir hekk kif jistgħu jiġu speċifikati fir-regolamenti, inklużi klassijiet jew deskrizzjonijiet ta' bini, servizzi, stallazzjonijiet jew tagħmir f'xi żona speċifikata fir-regolamenti.

(8) Regolamenti dwar il-bini, jew kull dispożizzjoni li jkun fihom, jistgħu jsiru hekk li jiġu applikati b'mod ġenerali, jew fir-rigward ta' xi żona speċifikata fir-regolamenti, u r-regolamenti jista' jkun fihom dispożizzjonijiet differenti għal żoni differenti:

Iżda r-regolamenti dwar il-bini għandhom ikunu wkoll japplikaw għal kull bini li jappartjeni lill-Gvern jew li jkun okkupat minnu hlief għal dak il-bini li jintuża fuq bazi temporanja, postijiet ta' detenzjoni għal persuni detenuti in konnessjoni ma' jew bhala konsegwenza ta' proceduri kriminali, u bini użat mill-Korp tal-Pulizija u mill-Forzi Armati ta' Malta jew minn xi Awtorità oħra stabbilita, għall-fini ta' detenzjoni jew ta' difiża tal-Istat.

Każijiet ta' twarrib jew thaffif tar-regolamenti dwar il-bini.

7. Meta r-regolamenti dwar il-bini jkunu hekk jipprovdu, il-Bord jista', wara li ssirli applikazzjoni għal ordni taht dan l-artikolu, iqis li tkun haġa mhux raġonevoli li jadotta xi htieġa f'dawk ir-regolamenti dwar il-bini fir-rigward tal-każ partikolari li l-applikazzjoni tkun qegħda ssir dwaru, u għalhekk joħroġ ordni li biha jwarrab jew ihaffef dik il-htieġa, bla hsara għal kull kondizzjoni miżjuda li l-Bord jqis adatta.

Applikazzjoni għal twarrib jew thaffif ta' xi każ.

8. (1) Applikazzjoni konformi mal-artikolu 7 tista' tkun f'dik l-għamla u jkun fiha dawk id-dettalji li jistgħu jkunu ordnati.

(2) L-applikazzjoni għandha ssir lill-Bord u għandha tkun tinkludi rapport tekniku dettaljat li fih jingħataw ir-raġunijiet għal dak it-twarrib jew thaffif fil-każ.

Reklamar tal-proposta għat-twarrib jew thaffif tar-regolamenti dwar il-bini f'xi każ.

9. (1) Mhux inqas minn wieħed u għoxrin jum qabel ma tinhareg ordni skond l-artikolu 7 fir-rigward ta' xi xogħol partikolari, il-Bord għandu jippubblika, mill-inqas fi tliet ġurnali, avviz li –

(a) jindika is-sit u x-xorta tax-xogħol u l-htieġa li jsir twarrib jew thaffif; u

(b) jiddikkjara li jistgħu jsiru sottomissjonijiet fir-rigward ta' l-effett li l-ordni jista' jkollha fuq is-saħħa jew is-

sigurtà pubblika sa dik id-data li tista' tiġi speċifikata fl-avviż, li m'għandhiex tkun inqas minn wieħed u għoxrin jum mid-data ta' l-avviż,

u l-Bord jista', bħala kondizzjoni biex jikkunsidra l-applikazzjoni, jeħtieġ lill-applikant iħallas jew jintrabat li jħallas l-ispejjeż tal-pubblikazzjoni.

(2) Ma jkun meħtieġ li jiġi pubblikat ebda avviż taħt is-subartikolu (1) meta l-Bord ikun jidhirlu li kull effett li l-ordni jista' jkollha fuq is-saħħa u s-sigurtà pubblika ikun limitat għas-sit tax-xogħol jew għall-binja li tmiss mas-sit tax-xogħol, iżda f'dan l-aħħar każ il-Bord għandu jagħti dak l-avviż lis-sidien u lil min ikun jokkupa dik il-binja kif huwa jista' jqis li jkun adegwat għalihom biex ikunu jistgħu jagħmlu kull sottomissjoni meħtieġa.

(3) L-avviż imsemmi fis-subartikoli (1) jew (2) ikun meħtieġ ukoll meta x-xogħol jinvolvi biss xi parti interna mill-bini.

(4) Qabel ma joħroġ l-ordni, il-Bord għandu jikkunsidra kif imiss kull sottomissjoni li tiġi pprezentata.

10. (1) Jekk il-Bord jikkunsidra li t-tħaris ta' xi ħtieġa tar-regolamenti dwar il-bini ma jkunx raġonevoli fir-rigward ta' xi klassi speċifikata ta' ħidma fil-bini, xogħlijiet jew materjal, il-Bord jista', jew wara li ssir applikazzjoni lill-Bord jew il-Bord minn jeddu, jordna li dik il-ħtieġa titwarrab jew titħaffef b'mod ġenerali għal ċertu tip ta' bini, jew –

Twarrab jew thaffif tar-regolamenti dwar il-bini għal klassijiet speċifiċi ta' xogħlijiet jew materjal.

(a) mingħajr ebda kondizzjoni; jew

(b) bla ħsara għal konformità ma' kull tali kondizzjoni li tista' tiġi speċifikata fl-ordni, sakemm dawn ikunu kondizzjonijiet dwar affarijiet direttament konnessi mat-twarrab jew it-thaffif.

(2) Ordni taħt is-subartikolu (1) –

(a) jekk tkun hekk tipprovdi, għandha ttemm milli jibqa' jkollha effett fit-tmiem ta' dak il-perjodu li jista' jiġi speċifikat fl-ordni; u

(b) tista' tiġi mibdula jew revokata b'ordni sussegwenti tal-Bord.

(3) (a) Regolamenti dwar il-bini jistgħu ikunu jehtiegu li l-persuna li tkun qegħda tagħmel applikazzjoni taħt is-subartikolu (1) tħallas lill-Bord kull dritt li jista' jiġi stipulat, u dawk ir-regolamenti li jsiru għal dak l-għan jistgħu ikunu jistipulaw drittijiet differenti għal kazijiet differenti.

(b) Il-Bord jista', jekk ikun jaqbel għal kollox jew biss f'parti ma' l-applikazzjoni, iħallas lura dak id-dritt kollu kemm hu jew parti minnu bis-saħħa ta' dan is-subartikolu.

(4) B'żjieda mad-dispożizzjonijiet ta' l-artikolu 3(9), meta l- Bord jagħti ordni taħt is-subartikolu (1), il-Bord għandu jikteb lill-Ministru fejn jgħarrfu b'dik id-deċiżjoni u jinkludi l-motivazzjoni għaliha.

(5) Jekk jiġri li xi ordni taħt is-subartikolu (1) li tkun twarrab jew tħaffef xi htieġa tar-regolamenti dwar il-bini tieqaf milli tibqa' jkollha effett skond is-subartikolu (2)(a), jew tiġi varjata jew revokata taħt is-subartikolu (2)(b), dan m'għandux jaffettwa t-tħaddim imkompli tal-ordni jew ta' kull kondizzjoni speċifikata fiha, f'kull każ fejn qabel dak iż-żmien, fil-bidu tat-tħaddim dwar il-bini, il-pjanti dwar ix-xogħol propost kienu skond ir-regolamenti dwar il-bini kif dawn kienu japplikaw għal dak il-bini qabel ma t-twarrab jew it-tħaffif temmew milli jibqa' jkollhom seħħ.

(6) Il-Bord għandu f'kull każ jgħarraf lill-applikant bil-miktub jekk l-applikazzjoni għat-tħaffif jew it-twarrab tar-regolamenti tal-bini tkunx giet aċċettata jew le fi żmien tliet xhur minn meta ssir l-applikazzjoni. Dik id-deċiżjoni għandha tkun tinkludi l-motivazzjonijiet li jkunu jiġġustifikaw id-deċiżjoni tal-Bord.

(7) Kull deċiżjoni tal-Bord għandha tittiehed wara li ssir analiżi ta' kull każ għalih u ebda deċiżjoni m'għandha tkun tikkostitwixxi precedent għal kazijiet oħra, hekk li kull każ għandu jiġi deċiż skond il-merti tiegħu.

(8) Id-deċiżjoni tal-Bord għandha tkun waħda finali hlied dwar punti ta' dritt, li minnhom ikun jista' jsir appell quddiem il-Qorti tal-Appell (Ġurisdiżzjoni Inferjuri) fi żmien għoxrin jum mill-ġurnata meta dik id-deċiżjoni tkun giet notifikata lill-parti involuta.

TAQSIMA III

Regolamenti dwar il-Kontroll tal-Bini

11. (1) Il-Ministru jista', wara li jikkonsulta mal-Bord, jagħmel regolamenti li jkunu jipprovdu dwar kwistjonijiet ta' proċedura, amministrazzjoni u kontroll għall-finijiet li tiġi assigurata l-implimentazzjoni u l-konformità mal-htigiet tar-regolamenti dwar il-bini, u jista' permezz ta' dawk ir-regolamenti dwar il-kontroll tal-bini jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali jew supplimentari skond ma jidhiru, fuq l-parir tal-Bord, li jkunu meħtieġa jew spedjenti.

Setgħa biex isiru regolamenti dwar il-kontroll tal-bini.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1), ir-regolamenti dwar il-kontroll tal-bini jistgħu jkunu jipprovdu dwar kull haġa jew xi haġa minn dawn li ġejjin:

(a) li tkun teħtieġ –

(i) il-preżentata lid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, taċ-ċertifikati ta' konformità mis-sid jew mir-rappreżentant tiegħu, mimlija u iċċertifikati kif imiss minn perit jew inġinier kwalifikat bil-*warrant* jew mit-tnejn skond ma jkun jeħtieġ il-każ, u dawk iċ-ċertifikati għandhom ikunu jirrigwardaw il-konformità mar-regolamenti dwar il-bini (bla ħsara għal kull twarrib jew tħaffif rilevanti li jkunu diġà ingħataw mill-Bord, skond l-artikoli 7 jew 10, jew mill-Qorti tal-Appell), qabel ma titlesta l-kostruzzjoni ta' xi xogħlijiet ta' bini jew ta' xi klassi ta' xogħol li dawk ir-regolamenti japplikaw għalihom;

(ii) fir-rigward ta' bini, jew ta' xi klassi jew klassijiet ordnati, li jiġi ppreżentat mis-sid jew mir-rappreżentant tiegħu ċertifikat ta' sigurtà dwar il-kontroll tan-nirien maħrug minn konsulent dwar in-nirien, li jkun juri li bini, jekk dan ikun inbena skond il-pjanti, id-dokumenti u l-informazzjoni ppreżentati, jew hekk mibni, ikun konformi (bla ħsara għal kull twarrib jew tħaffif rilevanti li jkunu diġà ngħataw mill-Bord, skond l-artikoli 7 jew 10, jew mill-Qorti tal-Appell), mad-dispożizzjonijiet tar-regolamenti dwar il-bini kif dawn ordnati;

(iii) li jiġi pprezentat “avviż ta’ bidu tax-xogħlijiet” lid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, qabel il-bidu tal-kostruzzjoni ta’ kull bini, xogħlijiet, jew klassijiet ta’ xogħol li għalihom japplikaw ir-regolamenti dwar il-bini;

(b) li tkun tordna –

(i) il-forma u l-kontenut ta’ ċertifikati ta’ konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta’ bidu ta’ xogħlijiet;

(ii) il-pjanti, dokumenti u informazzjoni li għandhom jiġu pprezentati flimkien maċ-ċertifikati ta’ konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta’ bidu ta’ xogħlijiet;

(iii) iż-żmien li fih għandhom jiġu pprezentati dawk iċ-ċertifikati jew avvizi;

(iv) ir-rapport ta’ xi perit, inġinier jew konsulent speċjalista li jkun professjonalment responsabbli għax-xogħlijiet, li għandu jiġi inkluz fiċ-ċertifikat jew miegħu;

(ċ) it-tismija ta’ persuni jew il-klassi ta’ persuni li jistgħu jagħtu ċertifikati ta’ konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta’ bidu ta’ xogħlijiet, u l-klassijiet ta’ bini jew xogħlijiet li dwarhom jistgħu jingħataw dawk iċ-ċertifikati;

(d) ir-registrazzjoni ta’ ċertifikati ta’ konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien, avvizi ta’ bidu ta’ xogħlijiet, u ta’ dik l-informazzjoni li tista’ tiġi ordnata, u li dik l-informazzjoni tintgħamel disponibbli lil dawk il-persuni hekk kif jista’ jiġi ordnat;

(e) il-ħlas ta’ drittijiet biex–

(i) jiġu registrati ċertifikati ta’ konformità, ċertifikati tas-sigurtà dwar il-kontroll tan-nirien u avvizi ta’ bidu tax-xogħlijiet;

(ii) jingħataw kopji ta’ ċertifikati jew dokumenti oħra jew estratti minnhom; u

(iii) isiru spezzjonjiet u testijiet u l-ittestjar ta' kampjuni mehuda skond m'hemm fl-artikolu 16;

(f) l-amalgamazzjoni, f'dokument wiehed, ta' tnejn jew aktar minn xi applikazzjoni, avviż, ċertifikat, jew dokument ieħor li hemm provdut dwaru f'dan l-Att jew f'regolamenti magħmulin taħt dan l-Att;

(g) it-twarrib minn xi dispożizzjoni dwar il-prezentata ta' ċertifikati ta' konformità jew ċertifikati tas-sigurtà dwar il-kontroll tan-nirien, ta' dak il-bini, jew ta' klassijiet tiegħu kif jista' jkun speċifikat fir-regolamenti;

(h) kull haġa oħra li l-Ministru, bil-parir tal-Bord, iqis li tkun xierqa.

(3) Ir-regolamenti dwar il-kontroll tal-bini jistgħu jagħmlu dispożizzjonijiet differenti fir-rigward ta' bini differenti jew ta' klassijiet ta' bini li jkunu jinsabu f'żoni differenti, jew fir-rigward ta' dispożizzjonijiet differenti tar-regolamenti dwar il-bini.

(4) Meta ċertifikat ta' konformità, ċertifikat tas-sigurtà dwar il-kontroll tan-nirien, jew avviż ta' bidu tax-xogħlijiet jiġi pprezentat lid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, l-imsemmi Direttur ma jkollu ebda dmir x'jaqdi taħt ebda persuna, entità jew istituzzjoni biex hekk:

(a) jiġi żgurat li l-bini jew ix-xogħlijiet li ċ-ċertifikat jew l-avviż ikunu jirreferu għalihom għandhom, jew waqt li jkun qed isir ix-xogħol jew meta dan jitlesta, ikunu konformi mal-ħtiġiet tar-regolamenti dwar il-bini jew li jkunu ħielsa minn kull difett;

(b) jiżgura li ċ-ċertifikat ikun konformi mal-ħtiġiet ta' dan l-Att jew mar-regolamenti jew ordnijiet magħmulin taħt dan l-Att, jew

(ċ) jivverifika li l-fatti dikjarati fiċ-ċertifikat ikunu veri u preċiżi.

12. (1) Persuna jew istituzzjoni jew kull dipartiment jew agenzija tal-Gvern li jhossu ruħhom aggravati b'xi deċiżjoni jew ordni mogħtija mid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, jistgħu jressqu appell quddiem il-Bord. Appelli.

(2) L-appell kontra xi deċiżjoni jew kull ordni maħruga mid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, għandu jsir fi żmien għoxrin gurnata mill-ħruġ ta' dik id-deċiżjoni jew ordni b'rikors ipprezentat lis-Segretarju tal-Bord. Għandu jiġi notifikat avviz dwar dak ir-rikors lid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, u rappreżentant tad-Direttur għandu jkollu d-dritt li jidher, jinstema' u jgħib provi matul is-smiġħ tar-rikors.

(3) Il-Bord jista' jiddelega s-smiġħ ta' appelli li jkunu ġew ipprezentati lil Kumitat ta' l-Appelli, iżda dak il-Kumitat għandu jkun ġie maħtur kif imiss mill-Ministru skond l-artikolu 3(11).

Dispożizzjonijiet li għandhom x'jaqsmu ma' l-appelli.

13. (1) Id-dispożizzjonijiet ta' dan l-artikolu għandhom ikunu jgħoddu għal appelli pprezentati lill-Bord dwar xi deċiżjoni meħuda mid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini.

(2) Il-Bord jew il-Kumitat ta' l-Appelli, kif jista' jkun il-każ, għandu setgħa jisma' u jiddeċiedi l-appelli kollha li jsiru minn xi persuna jew istituzzjoni jew minn xi dipartiment jew aġenzija tal-Gvern li jhossu ruħhom aggravati b'deċiżjoni tad-Direttur, Uffiċċju dwar ir-Regolament tal-Bini.

(3) Id-deċiżjonijiet tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, ikunu finali hliel fir-rigward ta' punti ta' dritt, li għandu jkun hemm appell minnhom quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri).

(4) Id-deċiżjonijiet tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, għandu jkollhom is-sostenn tal-maġġoranza tal-membri komponenti kollha; kull deċiżjoni tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, għandha tingħata fil-pubbliku u għandha tinżamm f'reġistru li jkun disponibbli għall-ispezzjoni mill-pubbliku skond l-artikolu 3(9).

(5) Għandu jingħata avviz bil-quddiem ta' mhux inqas minn erbatax-il gurnata tal-laqgħat tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, hekk li l-Bord jew il-Kumitat ta' l-Appelli jista' jqis xieraq. Kull min ikollu interess u qabel ikun fisser il-ħsieb tiegħu li jressaq xi sottomissjonijiet, għandu jkun mistieden jagħmel dan.

(6) Is-seduti tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, għandhom ikunu miftuħa għall-pubbliku, bla ħsara għas-setgħa tal-Bord jew tal-Kumitat ta' l-Appelli li jeskludi

lil xi membru tal-pubbliku jekk ikun jidhiru xieraq li għandu jagħmel dan biex tinzamm l-ordni jew għal raguni ta' sigurta' pubblika.

(7) Il-Bord jew il-Kumitat ta' l-Appelli, kif jista' jkun il-każ, għandu jagħmel hiltu biex jagħti d-deċiżjoni tiegħu fi żmien tliet xhur mill-ewwel seduta tal-każ.

(8) Il-Bord jew il-Kumitat ta' l-Appelli, kif jista' jkun il-każ, jista' jahtar esperti u jista' jitlob lil kull dipartiment jew aġenzija tal-Gvern biex jipprovdu dik l-informazzjoni li l-Bord jew il-Kumitat ta' l-Appelli jista' jqis meħtieġa għall-qadi ta' dmirijietu kif imiss.

(9) L-appelli quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) mid-deċiżjonijiet tal-Bord jew tal-Kumitat ta' l-Appelli, kif jista' jkun il-każ, kif provdut fis-subartikolu (2) għandhom isiru fi żmien għoxrin ġurnata mid-data meta tingħata d-deċiżjoni u dawk l-appelli għandhom ikunu regolati b'dawk ir-regoli tal-qorti hekk kif jistgħu jiġu magħmula skond l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

14. (1) Id-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, jew kull persuna li tkun giet maħtura kif imiss biex taġixxi f'ismu, jistgħu jinnotifikaw avviż ta' l-infurzar f'kull waħda minn dawn iċ-ċirkostanzi li ġejjin –

Avviż ta' l-infurzar.

(a) meta tinbeda jew tintemm il-kostruzzjoni ta' xi bini jew meta jitlestew xi xogħlijiet li dwarhom japplikaw ir-regolamenti dwar il-bini, jew meta jsir xi tibdil materjali fl-għanijiet ta' l-użu ta' xi bini; jew

(b) meta l-bini jew ix-xogħlijiet ma jkunux disinjati jew ma jkunux ġew mibnijin, jew jkunux qegħdin jinbnew, jew isiru konformement mar-regolamenti dwar il-bini; jew

(c) meta n-nuqqas ta' ħarsien tar-regolamenti dwar il-bini ma jkunx tali li l-Bord jista' jikkonċedi twarrib jew tħaffif skond dan l-Att; jew

(d) meta d-Direttur, Uffiċċju dwar ir-Regolament tal-Bini ma jkunx ingħata d-dettalji u, jew id-dokumenti kollha meħtieġa fiż-żmien stabbilit mir-regolamenti dwar il-kontroll tal-bini.

(2) Avviż ta' l-infurzar jista' jiġi notifikat –

(a) lis-sid tal-bini jew tax-xogħlijiet involuti; jew

(b) lil kull persuna oħra li tkun għamlet, jew li tkun qegħda tagħmel, ix-xogħlijiet li l-avviż jgħodd għalihom; jew

(c) lill-okkupant jew lil min ikun qed juża l-bini:

Iżda l-okkupant jew min ikun qed juża l-bini għandu jgħarraf minnufih lil sid il-bini b'dak l-avviż ta' l-infurzar.

(3) Id-Direttur, Uffiċċju dwar ir-Regolament tal-Bini għandu jgħarraf ukoll lill-*manager* tas-sit u lill-perit responsabbli għal dawk ix-xogħlijiet, jekk dan ikun magħruf, li jkun inhareg avviż ta' l-infurzar mill-Uffiċċju dwar ir-Regolament tal-Bini.

(4) Avviż ta' l-infurzar, b'mod partikolari u bla ħsara għal kull dispozizzjoni oħra ta' dan l-artikolu, jista' –

(a) bla ħsara għal kull twarrib jew tħaffif li jkun diġà ngħata mill-Bord, skont l-artikoli 10 jew 13 jew mill-Qorti ta' l-Appell (Gurisdizzjoni Inferjuri), jeħtieġ li jittieħdu dawk il-miżuri kif jista' jiġi speċifikat fl-avviż u dawn għandhom jittieħdu f'dak iż-żmien li jista' jiġi hekk speċifikat bil-għan li jkun hemm konformità mar-regolamenti dwar il-bini, u dak l-avviż jista' jkun jeħtieġ –

(i) it-tneħħija jew l-alterazzjoni ta' xi struttura, servizz, stallazzjoni jew tagħmir, jew li jitneħħa l-periklu minnhom; jew

(ii) it-tmiem ta' kull xogħol jew it-twettieq ta' kull haġa oħra li tista' tiġi speċifikata fl-avviż li jirrigwarda il-bini jew ix-xogħlijiet li dak l-avviż jirreferi għalihom;

(b) jipprojbixxi l-użu ta' xi bini, jew parti speċifika ta' bini, għal xi fini speċifikata fl-avviż sakemm jittieħdu l-miżuri speċifikati għas-sodisfazzjon tad-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, bit-tneħħija jew l-alterazzjoni ta' xi struttura, servizz, stallazzjoni jew tagħmir, jew li jitneħħa l-periklu minnhom, jew bil-waqfien ta' xogħlijiet jew bit-twettieq ta' kull haġa oħra fir-rigward ta' dak il-bini jew ta' dik il-parti speċifikata ta' bini skond ma jista' jkun meħtieġ bl-avviż.

(5) Bla ħsara għas-subartikolu (6), avviż ta' l-infurzar għandu jibda' jseħh meta jiskadi dak il-perjodu, li jkun perjodu ta' mhux inqas minn erbatax-il gurnata li jibda għaddej mid-data meta jiġi notifikat dak l-avviż, hekk kif jista' jkun hemm speċifikat fih:

Izda meta l-avviż ikun jordna l-waqfien ta' xi xogħol, dak l-avviż għandu jibda jseħh minnufih.

(6) Persuna li tkun giet notifikata b'avviż ta' l-infurzar kif mitlub minn dan l-artikolu għandha tikkonforma ruħha mat-termini ta' l-avviż fiż-żmien speċifikat fih.

(7) Meta persuna tonqos milli tikkonforma ruħha mal-ħtiġiet tas-subartikolu (6), id-Direttur, Uffiċċju dwar ir-Regolament tal-Bini jew ir-rappreżentant tiegħu jista' jidhol f'kull bini jew xogħlijiet li l-avviż ta' l-infurzar ikun jirreferi għalihom u jista' jidhol fuq kull art kif jista' jkun meħtieġ għal dak l-għan, u hemmhekk jieħu kull azzjoni jew jagħmel kull haġa meħtieġa bl-avviż.

(8) Meta, konformement mas-subartikolu (7), id-Direttur, Uffiċċju dwar ir-Regolament tal-Bini jew ir-rappreżentant tiegħu jidhol f'xi bini jew xogħlijiet li l-avviż ta' l-infurzar ikun jirreferi għalihom u jieħu xi azzjoni jew jagħmel xi haġa fuq dak il-bini jew f'dawk ix-xogħlijiet, id-Direttur jew ir-rappreżentant tiegħu jista', wara li jissodisfa lill-Qorti li l-persuna li tkun giet hekk notifikata bl-avviż ta' l-infurzar tkun jew is-sid tal-bini jew persuna li tkun għamlet ix-xogħlijiet li l-avviż ta' l-infurzar ikun jirreferi għalihom, jew l-okkupant skond l-artikolu 14(2)(ċ) u li dik il-persuna tkun naqset milli tosserva l-ħtiġiet tas-subartikolu (6), jiġbor lura l-ispejjeż magħmulin fit-teħid ta' l-azzjoni bhala dejn ċivili.

15. (1) Meta avviż ta' l-infurzar ikun awtorizzat taħt dan l-Att li jiġi notifikat lil xi persuna, dan għandu jiġi indirizzat u notifikat lil dik il-persuna permezz ta' xi metodu minn dawn li ġejjin:

Notifika ta' l-avviż ta' l-infurzar.

(a) meta jiġi indirizzat lil dik il-persuna b'isimha, billi jintbagħat lilha personalment;

(b) billi jithalla fl-indirizz fejn dik il-persuna tkun soltu ttrissjedi jew, fil-każ li jkun inġhata indirizz għan-notifika, f'dak l-indirizz;

(c) billi jintbagħat bil-posta reġistrata fl-indirizz fejn dik il-persuna tkun soltu tirisjedi jew, f'każ li jkun ingħata indirizz għan-notifika, f'dak l-indirizz;

(d) meta l-indirizz fejn dik il-persuna tkun soltu tirisjedi ma jkunx jista' jiġi aċċertat għalkemm issir tfittxija raġonevoli u l-avviż ta' l-infurzar ikun awtorizzat li jingħata dwar xi bini jew xogħlijiet partikolari, billi jingħata lil xi persuna li tkun tirisjedi f'dak il-bini jew li tkun impjegata f'dawk ix-xogħlijiet jew billi jitwaħħal f'post fejn ikun jidher sew fuq jew viċin dak il-bini jew dawk ix-xogħlijiet.

(2) Meta avviż ta' l-infurzar ikun awtorizzat b'dan l-Att li jiġi notifikat jew mogħti lis-sid ta' bini jew xogħlijiet jew lil xi persuna li tkun wettqet jew qegħdha twettaq ix-xogħlijiet li r-regolamenti dwar il-bini jkunu japplikaw għalihom, u isem dik il-persuna ma jkunx jista' jiġi aċċertat permezz ta' tfittxija raġonevoli, l-avviż jista' jiġi indirizzat lil "is-sid", "l-okkupant" jew "il-bennej" jew "il-perit", jew "il-*manager* tas-sit" hekk kif iċ-ċirkostanzi jistgħu jeħtieġu, mingħajr ma jissemma s-sid jew il-persuna.

(3) Għall-finijiet ta' dan l-artikolu, kumpannija reġistrata taħt l-Att dwar il-Kumpanniji, għandha titqies li r-residenza ordinarja tagħha tkun fl-uffiċċju reġistrat tagħha, u kull korp ieħor kemm ġuridiku kemm mhux ġuridiku għandu jitqies li jkun soltu jirrisjedi fl-uffiċċju prinċipali tiegħu jew fil-post tan-negozju tiegħu.

(4) Meta avviż ta' l-infurzar jiġi notifikat jew jingħata lil xi persuna skond is-subartikolu (1)(d), għandha tiġi pubblikata kopja ta' l-avviż sa ġimgħatejn wara li ssir in-notifika mill-inqas fi tliet ġurnali ta' kuljum.

(5) L-ispejjeż kollha li raġonevolment isiru mid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini fil-qadi ta' dmirijietu taħt dan l-artikolu għandhom jiġu rkuprati bħala dejn ċivili mill-Uffiċċju dwar ir-Regolament tal-Bini, mingħand sid il-bini involut bla ħsara għal kull dritt ta' rkupru li dik il-persuna jista' jkollha kontra terza persuna.

(6) Kull min matul it-tliet xhur wara li avviż ikun imwaħħal skond is-subartikolu (1)(d), inehħi, iħassar jew jgħarraq l-avviż mingħajr ebda awtorità legittima jkun ħati ta' reat kontra dan l-Att.

16. (1) Kull persuna awtorizzata tista' f'kull hin raġonevoli tidhol fuq kull art jew f'kull bini, sakemm hija tkun tista' tidentifika ruħha u, jekk hekk tkun meħtieġa tagħmel, turi l-awtorizzazzjoni bil-miktub li hija jkollha, u hemm tispezzjona għall-finijiet ta' dan l-Att kull bini, stallazzjoni permanenti fil-bini u kull pjanta jew dokument li jkollhom x'jaqsmu ma' dak il-bini.

(2) Kull persuna awtorizzata tista' –

(a) tispezzjona kull bini –

(i) wara li dan jitlesta; jew

(ii) waqt il-kostruzzjoni, alterazzjoni jew estensjoni tiegħu; jew

(iii) waqt it-twaħħil fih ta' stallazzjonijiet, servizzi jew tagħmir li r-regolamenti dwar il-bini japplikaw għalihom; jew

(iv) li jsir xi tibdil materjali fih f'dawk li huma l-għanijiet li dak il-bini jintuza għalihom;

(b) teħtieġ li tiġi mgħarrfa mis-sid jew mill-okkupant ta' dak il-bini, jew minn kull persuna responsabbli għall-kostruzzjoni ta' dak il-bini, jew minn xi waħda mill-persuni hawn qabel imsemmija, sakemm dawk il-persuni jkunu jifhmu f'dak kollu li jkun għaddej, dwar l-għanijiet li għalihom il-bini, jew xi parti minnu, kien jew ikun qiegħed jintuza jew ser jiġi użat, l-għadd ta' persuni li jkunu, jew li ser jiġu, impjegati jew akkommodati fih jew li jkunu jagħmlu jew ser jagħmlu użu minnu, il-materjal li bih dak il-bini jew parti minn dak il-bini jkun mibni, u l-metodu ta' kostruzzjoni użat u kull haġa oħra li l-persuna awtorizzata tista' tqis li tkun rilevanti;

(c) teħtieġ li s-sid jew l-okkupant ta' dak il-bini, jew kull min ikun responsabbli għall-kostruzzjoni ta' dak il-bini, jipprovdu dawk il-pjanti, dokumenti u tagħrif li jistgħu jkunu meħtieġa biex jiġi stabbilit jekk il-htigiet tar-regolamenti dwar il-bini jkunux qegħdin jiġu mħarsa dwar dak il-bini;

(d) ikun jista' jieħu dawk il-kampjuni tal-materjal użat fl-għemil ta' kull xogħol ta' kostruzzjoni jew jieħu kull

azzjoni oħra fir-rigward ta' dak ix-xogħol ta' kostruzzjoni li tista' titqies li tkun meħtieġa biex jiġi stabbilit jekk il-ħtiġiet tar-regolamenti dwar il-bini jkunux qegħdin jiġu mharsa fir-rigward tal-bini.

(3) Persuna awtorizzata jkollha jedd li tiġi assistita minn dawk il-persuni u li ġgorr dak it-tagħmir li hija tqis meħtieġa biex tkun tista' teżerċita s-setgħat li għandha taħt dan l-artikolu.

(4) Kull persuna li –

(a) ma tħallix lil xi persuna awtorizzata tidħol fuq xi art jew f'xi bini; jew

(b) tostakola jew timpedixxi lil xi persuna awtorizzata milli teżerċita xi setgħa mogħtija lilha b'dan l-artikolu; jew

(c) xjentement jew bi traskuraġni tagħti, jew lil xi persuna awtorizzata, jew lill-Uffiċċju dwar ir-Regolament tal-Bini, jew lill-Bord, xi tagħrif falz jew qarrieqi f'xi aspekk materjali, tkun haġta ta' reat kontra dan is-subartikolu.

(5) Meta persuna awtorizzata ma tiffallhiex teżerċita s-setgħa li jkollha li tidħol fuq xi art jew f'xi bini fl-eżerċizzju tas-setgħat tagħha taħt dan l-artikolu, l-Uffiċċju dwar ir-Regolament tal-Bini, jew il-Bord, kif jista' jkun il-każ, jista' jitlob l-assistenza tal-pulizija.

(6) Ebda haġa f'dan l-artikolu ma tagħti s-setgħa lil persuna awtorizzata li tidħol jew tispezzjona xi pjanta jew dokument li jkollhom x'jaqsmu ma' xi art jew bini li jkunu okkupati mill-Forzi Armati jew mill-Pulizija ta' Malta, jew mill-Faċilitajiet Korrettivi jew kull bini ieħor bħal dawk li l-Ministru jista' bil-miktub jsemmi minn żmien għal żmien, jekk fil-fehma ta' l-uffiċjal kmandant rispettiv dak l-ispezzjon ta' dokumenti ikun imur kontra s-sigurtà.

Responsabbiltà tad-Direttur għal danni kaġunati minn traskuraġni kbira.

17. Għall-finijiet ta' l-artikoli 14, 15 u 16 ta' dan l-Att, la d-Direttur lanqas ebda persuna awtorizzata ma jkunu responsabbli għal danni li xi persuna jew proprjetà tista' ġgarrab b'riżultat tal-qadi ta' dmiriethom taħt l-artikoli hawn qabel imsemmija, jew li jkunu jistgħu jiġu attribwiti lill-qadi ta' dmiriethom kif joħorgu minn dan l-Att, kemm-il darba ma tingiebx prova li dik il-ħsara haġget minn malafidi u traskuraġni kbira mid-Direttur jew dik il-persuna awtorizzata.

TAQSIMA IV

Dispożizzjonijiet Mixxellanji

18. (1) Hadd ma jista' jqabba lil xi kuntrattur tal-bini jew raġel fis-sengħa tal-bini biex jagħmel xi xogħlijiet li jinkwadraw taħt dawn ir-regolamenti jekk ma jkunx sar ftehim fuq il-prezz li għandu jithallas għal kull provvista ta' materjal jew xogħol li għandu jsir u dak il-ftehim għandu joħroġ jew minn att pubbliku jew minn skrittura privata.

Kuntratt ta' appalti jew servizzi.

(2) Il-Ministru jista', wara li jikkonsulta l-Bord, joħroġ linji gwida dwar il-format u l-kontenut tax-xorta ta' ftehim imsemmija fis-subartikolu (1) u daww il-linji gwida jistgħu jelenkaw il-materjal li għandu jiġi provdut jew ix-xogħol li jkollu jsir u li ż-żewġ partijiet għandhom jiftiehm fuq prezz għalihom.

19. Il-Ministru jista', wara li jikkonsulta mal-Bord, b'ordni jipprojbixxi l-użu ta' dak il-materjal jew klassijiet ta' materjal jew dik l-għamla ta' kostruzzjoni jew dak it-tip ta' tagħmir, stallazzjonijiet jew servizzi fir-rigward ta' dik il-klassi jew daww il-klassijiet ta' bini jew ta' dik il-klassi jew daww il-klassijiet ta' xogħlijiet kif jista' jiġi speċifikat fl-ordni, jekk huwa jkun tal-fehma li dak l-użu jkun ta' periklu għas-saħħa jew is-sigurtà pubblika jew li dak l-użu jkun imur kontra xi dispożizzjoni tar-regolamenti dwar il-bini magħmulin taħt l-artikolu 6 u jista' b'ordni sussegwenti jemenda jew jirrevoka dik l-ordni.

Setgħa li jiġi pprobit l-użu ta' ċertu materjal, eċċ.

20. (1) Dokument li jkun juri li hu kopja ta' nota mnizzla f'reġistru jew li jkun kopja ta' dokument ipprezentat quddiem il-Bord, jew l-Uffiċċju dwar ir-Regolament tal-Bini, u li jkun iċċertifikat minn uffiċċjal tal-Bord jew ta' l-Uffiċċju dwar ir-Regolament tal-Bini, kif jista' jkun il-każ, li jkun kopja vera ta' dik in-nota mnizzla jew dokument, għandu jkun prova *prima facie* ta' dik in-nota mnizzla jew dokument li jkunu kopja tagħhom u ma jkunx meħtieġ li tingħata prova tal-firma ta' dak l-uffiċċjal l-iehor jew li fil-fatt huwa kien dak l-uffiċċjal.

Awntenċità ta' dokumenti.

(2) Il-prova ta' xi nota mnizzla f'reġistru tista' tingħata billi tingieb kopja ta' dik in-nota, iċċertifikata skond id-dispożizzjonijiet tas-subartikolu (1), u ma jkunx meħtieġ li jingieb ir-reġistru nnifsu.

21. Kull dokument jew metodologija ta' gwida teknika maħruġ f'dak li għandu x'jaqsam ma' dan l-Att jista' jinħareġ sew bil-Malti sew bl-Ingliż biss, jew biż-żewġ lingwi.

Dokumenti ta' gwida teknika.

TAQSIMA V

Reati u Pieni

Penali amministrattivi. **22.** (1) Mingħajr preġudizzju għal kull dispożizzjoni oħra taħt dan l-Att jew dispożizzjonijiet oħra ta' regolamenti magħmulin taħt dan l-Att, li d-Direttur għandu s-setgħa li jinforza, id-Direttur ikollu s-setgħa li jimponi, dwar kull persuna li tikser xi dispożizzjoni ta' dan l-Att jew ta' regolamenti magħmulin taħtu, jew li tonqos milli tobdi xi ordni jew deċiżjoni mogħtijin mid-Direttur jew mill-Bord, sew taħt dan l-Att sew taħt regolamenti maħruġin taħtu, jew taħt kull liġi oħra li d-Direttur għandu s-setgħa li jinforza, penali amministrattiva taħt dawk il-proċeduri stabbiliti f'dan l-Att jew regolamenti magħmulin taħtu.

(2) Meta tiġi imposta penali amministrattiva din m'għandhiex, kemm-il darba ma jiġix provdut xort'oħra b'dan l-Att jew taħtu, tkun ta' iżjed minn mitejn elf euro (€200,000), u elfejn euro (€2,000) għal kull ġurnata, fil-każ ta' reat li jkompli:

Kap.12. Izda kull penali li hemm provdut dwarha f'dan l-artikolu għandha tkun dovuta lill-Gvern bħala dejn ċivili u wara li jiġi notifikat att ġudizzjarju, kif hemm fl-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u dan jew ma jiġix kontestat jew il-kontestazzjoni tiegħu tiġi miċhuda, skond id-dispożizzjonijiet ta' l-imsemmi artikolu, l-istess penali amministrattiva għandha tikkostitwixxi titolu eżekuttiv għall-effetti u l-finijiet kollha tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Reati. **23.** (1) Kull persuna li –

(a) bħala applikant, tagħmel dikjarazzjoni falza għall-finijiet ta' xi applikazzjoni taħt id-dispożizzjonijiet ta' dan l-Att, jew

(b) tagħti informazzjoni falza jew qarrieqa bi ksur tad-dispożizzjonijiet ta' l-artikolu 16(4)(ċ),

tkun haġta ta' reat kontra dan l-Att u tista', meta tinstab haġta, teħel multa ta' mhux iżjed minn elf u ħames mitt euro (€1,500) mingħajr preġudizzju għal kull piena oħra li l-applikant jista' jehel taħt kull liġi oħra.

(2) Kull persuna li tonqos milli tħares xi avviz ta' l-infurzar maħruġ taħt dan l-Att skond l-artikolu 14(6) tista', meta tinstab ħatja, teħel multa ta' mhux iżjed minn elf u mitejn euro (€1,200), u f'każ ta' reat permanenti, multa addizzjonali ta' mitt euro (€100) għal kull ġurnata li fiha jkompli r-reat.

(3) Kull persuna li ma tħallix lil persuna awtorizzata tidħol fuq xi art jew f'xi bini, jew tostakola jew timpedixxi lil xi persuna awtorizzata milli teżercita xi setgħa milli għandha dik il-persuna awtorizzata tkun ħatja ta' reat u tista', meta tinsab ħatja, teħel multa ta' mhux iżjed minn elfejn u erba' mitt euro (€2,400), u multa addizzjonali ta' mitejn euro (€200) għal kull ġurnata li fiha jkompli r-reat.

(4) Kull persuna li tinstab ħatja ta' reat taħt l-artikolu 16(4) tista', fuq talba tal-prosekuzzjoni, tkun skwalifikata milli tiffirma u tippreżenta lid-Direttur, Uffiċċju dwar ir-Regolament tal-Bini, għal perjodu ta' mhux iżjed minn sentejn mid-data meta tkun instabet ħatja tar-reat, ċertifikati ta' konformità, ċertifikati dwar isigurtà għall-kontroll tan-nirien, jew kull ċertifikat ieħor, meħtieġ skond dan l-Att jew skond kull regolamenti oħra magħmulin taħtu u, għalhekk, id-Direttur m'għandux jaċċetta ċertifikati għar-registrazzjoni li jkunu ffirmati minn persuna waqt li din tkun tinsab hekk skwalifikata.

24. Mingħajr preġudizzju għal kull dispożizzjoni speċjali oħra ta' dan l-Att, il-Ministru jista', wara li jikkonsulta lill-Bord, jagħmel regolamenti li jkunu jordnaw li l-ksur ta' regolamenti magħmulin taħt dan l-Att ikun jikkostitwixxi reat kriminali u li jkunu jistabilixxu pieni għal reati kriminali kontra regolamenti magħmulin taħt dan l-Att u daww ir-regolamenti jistgħu:

Setgħa tal-Ministru li jagħmel regolamenti dwar reati kriminali.

(a) jistipulaw prigunerija u multi differenti għal reati differenti; u

(b) jistipulaw multi li jiġu kalkulati skond kemm ikompli r-reat:

Izda daww ir-regolamenti li jistgħu jsiru m'għandhomx ikunu jipprovdu għal:

(i) prigunerija għal iżjed minn sentejn, jew multa ta' iżjed minn mitejn elf euro (€200,000); jew

(ii) multi ta' iżjed minn ħamest elf euro (€5,000) għal kull ġurnata li fiha jkompli r-reat.

Prosekuzzjoni.

25. (1) Il-proċedimenti kriminali għal reat kontra dan l-Att għandhom isiru fil-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), hekk kif jista' jkun il-każ, u għandhom ikunu skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati ta' ġudikatura kriminali.

(2) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell minn kull sentenza li tingħata mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) fi proċedimenti għal xi reat kontra dan l-Att jew regolamenti magħmulin bis-saħħa ta' dan l-Att.

TAQSIMA VI

Emenda tal-Kodiċi tal-Pulizija

Emenda, sostituzzjoni jew thassir tat-Taqsima V tal-Kodiċi tal-Liġijiet tal-Pulizija. Kap. 10.

26. (1) B'seħħ minn dik id-data li l-Ministru jista', b'ordni fil-Gazzetta, jistabbilixxi u mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, l-Ministru jista' b' regolamenti jemenda, jissostitwixxi jew iħassar kull disposizzjoni tat-Taqsima V tal-Kodiċi tal-Liġijiet tal-Pulizija.

(2) Il-Ministru jista' b'regolamenti magħmulin taħt dan is-subartikolu jipprovdi dwar l-għemil ta' dispożizzjonijiet tranzitorji.

TAQSIMA VII

Thassir ta' l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini

Thassir ta' l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini. Kap. 288.

27. (1) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini qiegħed b'dan jiġi mħassar.

(2) Minkejja d-dhul fis-seħħ tad-dispożizzjonijiet ta' dan l-Att u t-thassir ta' l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini, id-dispożizzjonijiet ta' l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini u ta' kull leġislazzjoni sussidjarja magħmula taħt l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini, kif fis-seħħ qabel id-dhul fis-seħħ ta' dan l-Att, għandhom jibqgħu japplikaw dwar kull azzjoni ċivili jew kriminali, dritt ta' azzjoni jew obligazzjoni li jkollha x'taqsam jew li toriġina mill-ħlasijiet dovuti jew magħmulin dwar kull materjal jew xogħol fornut jew magħmul, qabel id-dhul fis-seħħ ta' dan l-Att.

TAQSIMA VIII**Notifikazzjoni**

28. Dan l-Att ġie notifikat skond id-Direttiva 98/34 KE, kif L-Att ġie notifikat.
emendata bid-Direttiva 98/48 KE, kif trasposta bir-Regolamenti ta' A.L. 373 ta' l-2003.
l-2003 dwar Proċedura għall-Provvediment ta' Informazzjoni.

SKEDA
[Artikolu 6(6)]

**Affarijiet li fuqhom ir-regolamenti dwar il-bini jistgħu jistipulaw *Standards*
jew jirrakkomandaw Kodiċijiet ta' Prattika**

1. Thejjija ta' siti.
2. Adattibilità, it-tul ta' żmien li jibqgħu tajbin, il-klassifikazzjoni, l-użu u l-ittestjar ta' materjal u komponenti (inklużi l-irtokki tal-wiċċ) użati fil-bini.
3. Is-saħħa strutturali u l-istabbiltà tal-bini inklużi –
 - (a) il-prekawzjonijiet kontra tagħbija żejda, impatt u splużjoni;
 - (b) il-miżuri biex iħarsu lil bini biswit bini ieħor u servizzi;
 - (ċ) l-irfid (underpinning).
4. Reżistenza għall-irtuba u t-tmermir.
5. Prekawzjonijiet kontra n-nirien inklużi –
 - (a) reżistenza ta' l-istruttura kontra li tiegħu n-nar u li dan jinfirex;
 - (b) mezzi ta' evakwazzjoni f'każ ta' nirien u l-miżuri li jiżguraw li dawk il-mezzi jkunu wżati b' mod effettiv u sigur f'kull ħin;
 - (ċ) servizzi, stallazzjonijiet u tagħmir iddisinjat biex jiffaċilita t-tifi tan-nirien biex jitnaqqsu l-effetti tagħhom, biex dawn jinkixfu fi stadju bikri u tilhaq tingħata twissija f'każ ta' xi nirien.
6. Il-prevenzjoni ta' perikli u ostakoli għal persuni fil-bini jew madwar il-bini.
7. Miżuri li jaffettwaw il-ħruġ ta' dhañen, gassijiet, eżalazzjonijiet, naqal jew trab jew sustanzi oħra noċivi jew offensivi.
8. Miżuri li jipprevjenu xi infestazzjoni.
9. Miżuri li jaffettwaw it-trażmissjoni ta' sħana u l-ksib ta' enerġija solari.
10. Miżuri li jaffettwaw it-trażmissjoni tal-ħsejjes.
11. Il-ħażna, it-trattament u t-tneħħija ta' l-iskart jew materjal perikoluż.

12. L-akkomodazzjoni għal għanijiet speċifiċi jew relatati mal-bini, u d-dimensjonijiet tal-kmamar, komponenti jew spazji oħra ġewwa l-bini.
13. Il-ventilazzjoni u t-tidwil naturali (inkluż li jkun hemm spazju miftuħ għaldaqshekk).
14. Il-mezzi ta' dħul f' bini jew hruġ minnu u minn partijiet ta' bini.
15. Is-servizzi ta' l-ilma, kanali, stallazzjonijiet u tagħmir fiss u materjal assoċjati ma' dawn is-servizzi
16. Is-servizzi ta' dawl, kanali, stallazzjonijiet u tagħmir fiss u materjal assoċjati ma' dawn is-servizzi.
17. Id-drenaġġ (inklużi postijiet għar-rimi ta' l-iskart).
18. Servizzi tal-posta u komunikazzjoni elettronika, stallazzjonijiet u tagħmir fiss u materjal assoċjati ma' dawn is-servizzi.
19. Servizzi, stallazzjonijiet u tagħmir anċillari, li jinkludu stallazzjonijiet (inkluż kull apparat, ġiebjja, tagħmir għat-trasferiment tas-sħana, tubi u fannijiet) li jużaw karburanti solidu, żejt, gass, elettriku jew kull karburanti jew enerġija oħra bil-għan tal-provvista ta' sħana jew ventilazzjoni jew il-produzzjoni ta' ilma sħun f'binjiet, jew li jkollu x'jaqsam magħhom.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa biex jipprovdi dwar affarijiet li jkollhom x'jaqsmu mar-registrazzjoni ta' rġiel fis-sengħa tal-bini u kuntratturi tal-bini, mal-konstruzzjoni ta' bini, mat-twaqqif ta' Bord dwar ir-Regolament tal-Bini, l-għemil ta' proċedura għal appelli minn deċiżjonijiet meħuda mid- Direttur, Uffiċċju dwar ir-Regolament tal-Bini jew il-Bord li Jirregola l-Bini u hwejjeġ oħra relatati mal-bini.

**A BILL
entitled**

AN ACT to provide for matters relating to the construction of buildings and other matters connected therewith and to make consequential and other amendments.

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:-

Short title and commencement.

1. (1) The short title of this Act is the Building Regulation Act, 2009.

(2) This Act shall come into force on such a date or dates as the Minister responsible for the building industry may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

“authorised person” means a person authorised for the purposes of this Act by the Director, Building Regulation Office, or by the Building Regulation Board (in the case of appeals in accordance with article 13), as the case may be;

“the Board” means the Building Regulation Board established under article 3;

“building” includes part of a building and any class of structures which are prescribed by the Minister to be a building for the purposes of this Act;

“building contractor and building tradesman” means any person, including a body of persons and any body corporate established by or under any law, who is listed under article 5 (4);

“building matter” means any building or other matter whatsoever to which this Act or any building regulations are in any circumstances applicable;

“building regulations” means regulations made by the Minister under article 6;

“Building Regulation Office” means the Government organisation which is responsible for the administration of building regulations and building control regulations made in accordance with this Act which administration may include, but is not limited to, the monitoring of the application of building regulations, the endorsement of certificates of compliance, the enforcement of building control regulations and the provision of technical assistance to the Board in the preparation of technical guidance documents;

“certificates of compliance” means documents issued by a perit or warranted engineer, to certify that a building or works conform with building regulations;

“construction” includes the execution of works in connection with buildings and any act or operation necessary for or related to the construction, extension, alteration, repair or renewal of a building and “constructed” shall be construed accordingly;

“design” includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the construction, extension, alteration, repair or renewal concerned is to be executed, and “designed” shall be construed accordingly;

“the Director” means the Director responsible for the Building Regulation Office or any public officer duly appointed to assume the responsibilities of the Building Regulation Office;

“enforcement notice” has the meaning assigned to it by article 14;

Cap. 321.

“engineer” has the meaning assigned to it in the Engineering Profession Act;

“fire consultant” means any person or firm who, after applying to the Board and presenting to the said Board diplomas, certificates and other evidence of formal qualifications indicating the holder’s professional knowledge and experience in fire safety engineering, is accepted and registered by the said Board as a recognised fire safety consultant;

“functions” includes powers and duties;

“the Minister” means the Minister responsible for the building industry;

“operative date” means the day on which particular building regulations first come into operation;

Cap 390.

“*perit*” has the meaning as defined by the term “profession”, in the *Periti* Act;

“prescribed” means prescribed by regulations made by the Minister under this Act;

LN 295 of 2007.

“site manager” has the meaning assigned to it under the Environmental Management Construction Site Regulations, 2007;

“technical guidance document” means a document which provides technical guidance on matters relating to any aspect of building regulations and shall also include any methodology;

Cap. 390.
Cap. 321.

“warranted”, in relation to a perit or an engineer, means a person who holds a warrant to practice as a perit or as an engineer, as the case may be, under the Periti Act or the Engineering Profession Act;

“works” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building.

3. (1) There shall be a board to be known as the Building Regulation Board, hereinafter referred to as “the Board”, which shall consist of a chairperson and at least six members as follows:

(a) a *perit* with at least eight years experience in building construction, who shall preside,

(b) two other persons, one a *perit* nominated by the Kamra tal-*Periti* and, a warranted engineer nominated by the Chamber of Professional Engineers, and

(c) at least four other persons, each with professional qualifications and, or knowledge and experience on matters related to building construction, or health and safety, or building services.

All the members of the Board shall be appointed by the Minister for a period of three years.

(2) The Chairperson and each of the other members of the Board shall, before entering upon the duties of their office, take an oath in the form set out below:

“I.....do swear that I will faithfully perform the duties of Chairperson/Member of the Building Regulation Board without favour or partiality according to law. So help me God.”.

(3) At least four members of the Board, together with the Chairperson, shall form a quorum.

(4) In the exercise of its functions, the Board shall -

(a) be consulted by the Minister in accordance with articles 4(1), 6(1), 6(6), 11(1), 18(2) and 19 regarding regulations that may be made from time to time under this Act;

(b) consult with stakeholders on matters relating to building regulations and building control regulations;

(c) advise the Minister on all matters relating to building regulations and building control regulations, and any other functions as prescribed by this Act;

(d) set the parameters, in accordance with article 5(1), by which the Building Regulation Office , shall evaluate the capabilities of -

(i) building contractors and building tradesmen;
and

(ii) masons, for the issuing of licences and registration in any of the categories or sub-categories established by article 5 (4);

(e) advise the Minister on the setting of criteria for the suspension or revocation of the registration certificate or licence.

(f) issue technical guidance documents as may be required from time to time.

(g) decide upon the dispensing with or relaxation of a requirement of the building regulations, following an application or on its own accord, in accordance with articles 6 to 10;

(h) consider appeals from any decision taken by the Director in accordance with articles 12 and 13;

(i) carry out any activity or function in relation to building regulations or building control regulations which may be assigned to it by means of regulations made by the Minister in accordance to the provisions of this Act.

(5) The Board shall regulate its own procedures.

(6) There shall be paid to the members of the Board such remuneration as the Minister may, with the concurrence of the Minister responsible for finance, determine.

(7) The Minister shall designate public officers to be the administrative secretariat of the Board consisting of a Secretary and such other officers or employees as may be necessary to assist the Board efficiently in the matters which fall within its jurisdiction.

(8) The members of the Board shall on the expiration of their term of office be eligible for reappointment.

(9) (a) The Board shall keep a register of all its decisions in relation to -

(i) the relaxation or dispensation of building regulations in accordance with article 10; and

(ii) appeals made under article 13(3).

(b) For each decision, the information kept in the register shall include the name of the applicant and details of the proposal including documents, detailed plans, if applicable, and a reasoned justification for the decision.

(c) The register shall be made available for public inspection at such reasonable times as may be determined by the Board and on the website of the Building Regulation Office or, in the case of absence for a while of a website of the Building Regulation Office, on the website of another government department or agency in which case, such other website shall be notified in the Gazette.

(10) In the performance of its functions, the Board shall have the power to appoint from time to time sub-committees for the purpose of compiling technical reports:

Provided that the remuneration payable to members of such sub-committees shall be determined by the Minister with the concurrence of the Minister responsible for finance.

Committee of Appeals.

(11) If the need arises, and after obtaining the approval of the Minister, the Board may appoint a Committee of Appeals composed of at least three members, one of whom shall be appointed from among the members of the Board and who shall preside the Committee meetings.

(12) The other members of the Committee of Appeals shall be a *perit*, a warranted engineer or any other suitably qualified professional with qualifications and, or experience on matters related to building construction, or health and safety, or building services. The provisions of sub-articles (2), (6), (7) and (8) of this article shall, *mutatis mutandis*, be applicable to the Committee of Appeals.

PART I
Registration of Contractors

Power to make regulations on the licensing and the registration of building tradesmen and building contractors.

4. (1) The Minister may, after consultation with the Board, make regulations to regulate or otherwise provide for any matter relating to the issuing of licences and the registration of building tradesmen and building contractors, and may by such regulations -

(a) provide for the issuing of licences and the registration of persons, companies and other entities in order to officially recognize their capacity to perform work or supply material for the building construction industry and to authorise them to perform such work;

(b) provide for the cancellation of the licences or registration certificates and withdrawal of any licence or certificate issued under the provisions of this Act;

(c) establish such sub-categories to the main categories referred to in article 5(4) as he may deem appropriate;

(d) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;

(e) establish criteria for the issue of a licence and registration of applicants under this Part;

(f) establish the forms and procedures to be used in the operation of the Registry for the carrying out of the provisions of this Part;

(g) establish, with the concurrence of the Minister responsible for finance, the fees payable in respect of any of the licences and registration of building tradesmen and building contractors under this Part.

(2) Regulations made under this article may provide that any person who contravenes or fails to comply with any provision thereof shall be guilty of an offence against this Act or against those regulations and shall, on conviction be liable to a fine (multa) not exceeding ten thousand euro (€10,000), or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

5. (1) The Building Regulation Office shall be the entity responsible to issue licences and registration certificates for masons, building contractors and building tradesmen.

Evaluation of capabilities and registration.

(2) The Director, Building Regulation Office shall examine applications for the issuing of licences and registration of masons, building contractors and tradesmen on the basis of the criteria as may be prescribed by the Minister and if an applicant satisfies the established criteria, the Director shall issue a licence where applicable and register it in the designated category or sub-category as the case may be.

(3) In carrying out the functions under sub-article (2) the Director may appoint ad hoc technical experts to examine, evaluate and report on the technical capabilities of building contractors, building tradesmen and masons.

(4) Registration of building tradesmen and building contractors shall be categorized by trade or activity of the applicant, into one of the following main work categories:

- (a) general building and civil engineering
- (b) building (only);
- (c) civil engineering (only);
- (d) excavation(only);
- (e) scaffolding (only);
- (f) installations;
- (g) building completion; and
- (h) any other category which the Minister may deem fit to prescribe.

PART II

Building Regulations

6. (1) The Minister may, after consultation with the Board, make regulations in respect of any of the functions of the Board and in connection with any matter relating to building regulations.

Power to make building regulations.

(2) Without prejudice to the generality of sub-article (1) such regulations under this article may, in particular with respect to building regulations, provide for all or any of the following -

(a) the design and construction of buildings;

(b) material alterations or extensions of buildings;

(c) the provision of services, fittings and equipment in, or in connection with, buildings;

(d) provisions which are to apply where any material change takes place for the purposes for which a building is used;

(e) for securing the health, safety, convenience and welfare of -

(i) persons in or about buildings which are under construction; and

(ii) persons who may be affected by buildings or by matters connected with buildings;

(f) for the requirements of persons with disabilities in relation to buildings;

(g) for the conservation of fuel and energy in relation to buildings;

(h) for securing in relation to buildings the efficient use of resources;

(i) for the encouragement of good building practice;

(j) for such other matters as appear to be necessary or expedient in relation to buildings;

(k) fees which may be payable in accordance with this Act;

(l) for the purposes of prescribing administrative fines for infringement against any regulations made under this Act; and

(m) for the purposes of prescribing penalties for criminal offences against any regulations made under this Act.

(3) Without prejudice to any regulations made under sub- article (2)(d), there shall be deemed to be a material change in the purposes for which a building is used if, on or after the operative date –

(a) a building or part of a building, which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been used for other purposes, is again used as a dwelling;

(b) a building, which was originally constructed for occupation as a dwelling by one household only, is occupied by two or more households ; or

(c) where building regulations contain special provisions in relation to buildings used for any particular purpose, a building which was previously used for such purpose is used for a purpose to which the regulations apply.

(4) Building regulations which relate to –

(a) any material change taking place in the purposes for which the building is used; or

(b) material alterations or extensions of buildings; or

(c) the provision of services, fittings or equipment, in or in connection with, buildings, may apply to a building, the construction of which was commenced before the operative date, in so far as such building is affected by any material change for the purposes for which such building is used or any material alteration, extension, provision of services, fittings or equipment, as the case may be, which occurs on or after the operative date and in all other cases building regulations shall apply only to buildings the construction of which is commenced on or after the operative date.

(5) Subject to sub-article (7) and to any dispensation or relaxation granted -

(a) by the Board, according to articles 7 or 10; or

(b) after any application to the Court which has been allowed,

every building to which building regulations apply shall be designed and constructed in accordance with the provisions of such regulations.

(6) Building regulations may -

(a) prescribe standards or recommend codes of practice, expressed in terms of performance, types of material, methods of construction or otherwise, in relation to all or any of the matters specified in the Schedule or in relation to any other matter which, in the opinion of the Minister in consultation with the Board, is relevant to the purposes for which building regulations may be made;

(b) require specified action to be taken in connection with buildings;

(c) provide for the regulation of specified actions in and about buildings;

(d) specify the manner in which construction operations are to be carried out; and

(e) contain such supplementary and incidental provisions as appear to be necessary or expedient to the Minister on the advice of the Board:

Provided that building regulations may specify different standards or codes of practice for, or make different provisions in relation to, different classes or descriptions of buildings.

(7) Building regulations may exempt, in whole or in part, from all or any of the provisions of such regulations, such classes or descriptions of buildings, services, fittings or equipment as may be specified in the regulations, including classes or descriptions of buildings, services, fittings or equipment in any area specified in the regulations.

(8) Building regulations, or any provisions contained therein, may be made so as to apply generally, or with regard to any area specified in the regulations, and the regulations may contain different provisions for different areas:

Provided that building regulations shall also apply to buildings belonging to or occupied by the Government other than buildings which are used on a temporary basis, places of detention for persons detained in connection with or as a consequence of criminal procedures, and buildings used by the Police Force or the Armed Forces of Malta or by some other established Authority, for the purpose of detention or the defence of the State.

7. Where building regulations so provide, the Board may, following an application for a direction under this article, consider that the adoption of a requirement in such building regulations would be unreasonable in relation to the particular case to which the application relates, give a direction dispensing with or relaxing that requirement, subject to any additional conditions that the Board may deem fit.

Case dispensation or relaxation of building regulations.

8. (1) An application pursuant to article 7 may be in such form and shall contain such particulars as may be prescribed.

Application for case dispensation or relaxation.

(2) The application shall be made to the Board and it shall include a detailed technical report giving the reasons why a case dispensation or relaxation would be justified.

9. (1) Not less than twenty-one days before giving a direction according to article 7 in respect of any particular work, the Board shall publish, in at least three newspapers, a notice -

Advertisement of proposal for case relaxation or dispensation of building regulations.

(a) indicating the site and nature of the work and the requirement to be dispensed with or relaxed; and

(b) stating that representations with regard to the effect that the direction may have on public health or safety may be submitted by such date as may be specified in the notice, which period shall not be less than twenty-one days from the date of the notice, and the Board may, as a condition for considering the application, require the applicant to pay or undertake to pay the cost of publication.

(2) No notice shall be required to be published under sub- article (1) where it appears to the Board that any effect that the direction may have on public health or safety will be limited to the site of the work or to premises adjoining the site of the work, but in the latter case the Board shall give such notice to the owners and occupiers of those premises as it may consider adequate for them to make any necessary representations.

(3) The notice referred to in sub-articles (1) or (2) is required even where the work involves only an internal part of the building.

(4) Before giving the direction, the Board shall give due consideration to any representations made.

Relaxation or dispensation of building regulations to specified classes of works or materials.

10. (1) If the Board considers that compliance with any requirement of building regulations would be unreasonable in relation to any specified class of building operations, works or material, the Board may, either on an application made to the Board or of its own accord, give a direction dispensing with or relaxing such requirement generally in relation to the type of building, either -

(a) unconditionally; or

(b) subject to compliance with any such condition as may be specified in the direction, being conditions on matters directly connected with the dispensation or relaxation.

(2) A direction under sub-article (1) -

(a) if it so provides, shall cease to have effect at the end of such period as may be specified in the direction; and

(b) may be varied or revoked by a subsequent direction of the Board.

(3) (a) Building regulations may require a person making an application under sub-article (1) to pay the Board any such fee as may be prescribed, and regulations so made may prescribe different fees for different cases.

(b) The Board may, if in agreement in whole or in part with the application, remit the whole or part of a fee payable by virtue of this sub-article.

(4) In addition to the provisions of article 3(9), where the Board gives a direction under sub-article (1), the Board shall write to the Minister informing him of such decision and include the reasons that justify it.

(5) If at any time a direction under sub-article (1) dispensing with or relaxing a requirement of building regulations

ceases to have effect in accordance with sub-article (2)(a), or is varied or revoked under sub-article (2)(b), this shall not affect the continued operation of the direction or any conditions specified therein, in any case where before such time, at the commencement of building operations, plans of the proposed work were in accordance with building regulations as applicable to it before the dispensation or relaxation ceased to have effect.

(6) The Board shall, in any case, inform the applicant in writing whether the application for relaxation or dispensation of building regulations has been accepted or not within a period of three months from the date of application. Such a decision shall include the reasons which justify the Board's conclusion.

(7) Each decision by the Board shall be reached following a case by case analysis and no decision shall constitute a precedent for other cases, in that each case has to be decided on its own merits.

(8) The decisions of the Board shall be final except with respect to points of law, from which an appeal shall lie to the Court of Appeal (Inferior Jurisdiction) within twenty days from the day on which such decision shall have been notified to the party concerned.

PART III

Building Control Regulations

11. (1) The Minister may, after consultation with the Board, make regulations providing for matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the requirements of building regulations, and may by such building control regulations make such incidental, consequential or supplementary provisions as may appear to him, on the advice of the Board, to be necessary or expedient.

Power to make building control regulations.

(2) Without prejudice to the generality of sub-article (1), building control regulations may make provision for all or any of the following matters:

(a) requiring -

(i) the submission to the Director, Building Regulation Office, of certificates of compliance by the owner or his representative, duly completed and certified by a *perit* or warranted engineer or both as the case may necessitate, being certificates relating to compliance with the building regulations (subject to any relevant dispensation or relaxation already granted by the Board, in accordance with articles 7 or 10, or by the Court of Appeal), prior to the completion of the construction of any building works or class of work to which such building regulations apply;

(ii) in respect of a building, of a prescribed class or classes, the submission by the owner or his representative of a fire safety certificate issued by a fire consultant, that a building, if constructed in accordance with the plans, documents and information submitted, or so constructed, would comply (subject to any relevant dispensation or relaxation already granted by the Board, according to articles 7 or 10, or by the Court of Appeal), with the provisions of the building regulations as prescribed;

(iii) the submission of a “commencement notice” to the Director, Building Regulation Office, prior to the commencement of the construction of any buildings, works or classes of work to which building regulations apply;

(b) prescribing -

(i) the form and content of certificates of compliance, fire safety certificates and commencement notices;

(ii) the plans, documents and information to be submitted with certificates of compliance, fire safety certificates and commencement notices;

(iii) the time within which such certificates or notices are to be submitted;

(iv) the report of any *perit*, warranted engineer or specialist consultant professionally responsible for the works which is to be included in or with the certificate;

(c) the designation of the persons or the classes of persons by whom certificates of compliance, fire safety certificates and commencement notices may be given, and the classes of buildings or works in respect of which such certificates are to be given;

(d) the registration of certificates of compliance, fire safety certificates, commencement notices, and of such information as may be prescribed, and the making available of such information to such persons as may be prescribed;

(e) the charging of fees for -

(i) the registration of certificates of compliance, fire safety certificates and commencement notices;

(ii) the provision of copies of certificates or other documents or extracts therefrom; and

(iii) the carrying out of inspections and tests and the testing of samples taken pursuant to article 16;

(f) the combining, in one document, of any two or more of any application, notice, certificate or other document provided for in this Act or in any regulations made thereunder;

(g) the dispensation from any provision regarding the submission of certificates of compliance or fire safety certificates, of such buildings, or classes thereof as may be specified in the regulations;

(h) any other matter that the Minister, acting on the advice of the Board, considers appropriate.

(3) Building control regulations may make different provisions in relation to different buildings or classes of buildings situated in different areas, or in relation to different provisions of the building regulations.

(4) Where a certificate of compliance, fire safety certificate, or a commencement notice is submitted to the Director, Building Regulation Office, the Director shall not be under a duty to any person, entity or institution to:

(a) ensure that the building or works to which the certificate or notice relates shall, either during the course of the work or when completed, comply with the requirements of the building regulations or be free from any defect;

(b) ensure that the certificate complies with the requirements of this Act or of regulations or orders made under this Act; or

(c) verify that the facts stated in the certificate are true and accurate.

Appeals.

12. (1) A person or institution or any department or agency of Government aggrieved by any decision, ruling or direction by the Director, Building Regulation Office, may submit an appeal to the Board.

(2) An appeal against any ruling, order or direction issued by the Director, Building Regulation Office, shall be made within a period of twenty days from the issue of such ruling, order or direction, by means of an application filed with the Secretary of the Board. Notice of such an application shall be served on the Director, Building Regulations Office, and a representative of the Director shall be entitled to appear, be heard and submit evidence at the hearing of the application.

(3) The Board may delegate hearing of appeals submitted to it to a Committee of Appeal, provided that this has been duly appointed by the Minister in accordance with article 3 (11).

Provisions relating to appeals.

13. (1) The provisions of this article shall be applicable in relation to appeals submitted to the Board against any decision taken by the Director, Building Regulation Office.

(2) The Board or the Committee of Appeal, as the case may be, shall have the power to hear and determine all appeals made by a person or institution or any department or agency of Government aggrieved by any decision of the Director, Building Regulation Office.

(3) The decisions of the Board or the Committee of Appeal, as the case may be, shall be final except with respect to points of law, from which there shall be an appeal to the Court of Appeal (Inferior Jurisdiction).

(4) The decisions of the Board or the Committee of Appeal, as the case may be, shall be supported by the majority of its members; all decisions of the Board or the Committee of Appeal, as the case may be, shall be delivered in public and shall be kept in a register which shall be available for inspection by the public in accordance to article 3(9).

(5) Advance notice of not less than fourteen days shall be given of the meetings of the Board or the Committee of Appeal, as the case may be, in such manner as the Board or the Committee of Appeal may deem appropriate. An interested party who shall have expressed the intention to make representations shall be invited to do so.

(6) The sittings of the Board or the Committee of Appeal, as the case may be, shall be open to the public, subject to the power of the Board or the Committee of Appeal to exclude any member of the public if it deems it necessary to do so for the maintenance of order or for public security reasons.

(7) The Board or the Committee of Appeal, as the case may be, shall endeavour to give its decision within three months of the first sitting in a case.

(8) The Board or the Committee of Appeal, as the case may be, may appoint experts and may require any department or agency of Government to provide it with such information as the Board or Committee of Appeal may deem necessary for the proper execution of its functions.

(9) Appeals to the Court of Appeal (Inferior Jurisdiction) from decisions of the Board or the Committee of Appeal, as the case may be, as provided in sub-article (2) shall be made within twenty days from the day the decision is delivered and such appeals shall be regulated by such rules of court as may be made in accordance with article 29 of the Code of Organization and Civil Procedure. Cap 12

14. (1) The Director, Building Regulation Office, or any person duly appointed to act on his behalf, may serve an enforcement notice in any of the following circumstances - Enforcement notice.

(a) where the construction of any building or carrying out of any works to which building regulations apply is commenced or has been completed or any material change takes place in the purposes for which any building is used; or

(b) where the building or works are not designed or have not been, or are not being, constructed or carried out in conformity with building regulations; or

(c) where the failure to comply with building regulations is not such that the Board may grant a dispensation or relaxation pursuant to this Act; or

(d) where the Director, Building Regulation Office, is not supplied with the particulars and, or the documentation required within the period established by the building control regulations.

(2) An enforcement notice may be served on -

(a) the owner of the building or works concerned; or

(b) any other person who carried out, or is carrying out, the works to which the notice applies; or

(c) the occupier or persons making use of the building:

Provided that the occupier or person making use of the building shall immediately inform the owner of the building of such enforcement notice.

(3) The Director Building Regulation Office, shall also inform the site manager and the *perit* responsible for the said works, if known, that an enforcement notice has been issued by the Building Regulation Office.

(4) An enforcement notice, in particular and without prejudice to the other provisions of this article, may-

(a) subject to any relevant dispensation or relaxation already granted by the Board, according to articles 10 or 13 or by the Court of Appeal (Inferior Jurisdiction), require such steps as may be specified in the notice to be taken within such period as may be so specified for the purposes of ensuring compliance with building regulations, and such notice may require-

(i) the removal, alteration or making safe of any structure service, fitting or equipment; or

(ii) the cessation of any works or the doing of any other thing as may be specified in the notice in relation to the building or works to which the notice relates;

(b) prohibit the use of a building, or a specified part of a building, for any purpose specified in the notice until the specified measures are taken to the satisfaction of the Director, Building Regulation Office, by the removing, altering or making safe of any structure, service, fitting or equipment or the cessation of any works or by the doing of any other thing in relation to such building or such specified part of a building that may be required by the notice.

(5) Subject to sub-article (6), an enforcement notice shall take effect at the expiration of such period, being a period of not less than fourteen days beginning on the date of the service of such notice, as may be specified therein:

Provided that where the notice orders the cessation of any work, it shall have effect immediately.

(6) A person on whom an enforcement notice has been served pursuant to this article shall comply with the terms of the notice within the period specified therein.

(7) Where a person fails to comply with the requirements of sub-article (6), the Director, Building Regulation Office, or his representative may enter into any building or works to which the enforcement notice relates and may enter any land as may be necessary for that purpose, and therein take any action or do anything required by the notice.

(8) Where, pursuant to sub-article (7), the Director, Building Regulation Office, or his representative enters into any building or works to which the enforcement notice relates and takes any action or does anything in relation thereto, the Director or his representative may, on satisfying the Court that the person on whom the enforcement notice was served is either the owner of the building or a person who carried out the works to which the enforcement notice relates, or the occupier in terms of article 14 (2)(c) and that such person failed to comply with the requirements of sub-article (6), recover the costs involved in taking the action as a civil debt.

15. (1) Where an enforcement notice is authorised under this Act to be served on a person, it shall be addressed to such person and may be served on him in one of the following methods:

(a) where it is addressed to such person by name, by delivering it to him in person;

(b) by leaving it at the address at which such person ordinarily resides or, in a case where an address for service has been furnished, at that address;

(c) by sending it by registered mail at the address where such person ordinarily resides or, in a case where an address for service has been furnished, at that address;

(d) where the address at which such person ordinarily resides cannot be ascertained by reasonable enquiry and the enforcement notice is authorised to be given in respect of any particular building or works, by delivering it to a person residing in such building or employed on such works or by affixing it in a conspicuous place on or near such building or works.

(2) Where an enforcement notice is authorised by this Act to be served on or given to the owner of a building or works or a person who carried out or is carrying out the works to which building regulations apply, and the name of such person cannot be ascertained by reasonable enquiry, the notice may be addressed to “the owner”, “the occupier”, or “the builder” or “the architect”, or “the site manager” as the circumstances may require, without naming such owner or person.

(3) For the purposes of this article, a company registered under the Companies Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) Where an enforcement notice is served on or given to a person pursuant to sub-article (1)(d), a copy of the notice shall, within two weeks thereafter, be published in at least three daily newspapers.

(5) All expenses reasonably incurred by the Director Building Regulation Office in the exercise of his powers under

this article shall be recoverable as a civil debt by the Building Regulation Office, from the owner of the building concerned subject to such right of recovery such person may have against any other person.

(6) A person who at any time during the period of three months after a notice is affixed pursuant to sub-article (1)(d), removes, damages or defaces the notice without lawful authority shall be guilty of an offence against this Act.

16. (1) Any authorised person shall be entitled to enter, at all reasonable times, into any land or building, subject to his producing, a means of identification and if so required, the authorisation in writing and thereon inspect for the purposes of this Act any building, permanent building installations and any plans or documents relating to such building.

Powers of inspection
by authorised persons.

(2) Any authorised person may -

(a) inspect any building -

(i) following its completion; or

(ii) during its construction, alteration or extension; or

(iii) during the installation therein of any fittings, services or equipment to which building regulations apply; or

(iv) in respect of which any material change takes place in the purposes for which such building is used;

(b) require to be informed by the owner or occupier of such a building, or by any person responsible for the construction of such a building, or by any of the aforementioned persons, to the extent that such persons have knowledge of the matters in question, as to the purpose for which the building, or any part thereof, has been, is being, or will be, used, the number of persons who are, or will be, employed or accommodated therein or who resort or will resort thereto, the material with which any such building or any part of such building is constructed, and the method of construction employed and as to any other matter which the authorised person considers to be relevant;

(c) require the owner or occupier of the building, or any person responsible for the construction of the building, to provide such plans, documents and information as are necessary to establish whether the requirements of building regulations are being complied with in relation to the building;

(d) be permitted to take such samples of the materials used in the carrying out of any construction work or take such other action in relation to such construction work as may be necessary to establish whether the requirements of building regulations are being complied with in relation to the building.

(3) An authorised person shall be entitled to be assisted by such persons and bring with him such equipment as he considers necessary to enable him to exercise the powers under this article.

(4) Any person who -

(a) refuses to allow an authorised person to enter any land or building; or

(b) obstructs or impedes an authorised person in the exercise of any of the powers conferred on him by this article; or

(c) wilfully or recklessly gives, either to an authorised person, or to the Building Regulation Office, or to the Board, any information which is false or misleading in a material respect, shall be guilty of an offence against this sub-article.

(5) Where an authorised person is prevented from exercising his power of entry into any land or building in the exercise of his powers under this article, the Building Regulation Office, or the Board, as the case may be, may request the assistance of the police.

(6) Nothing in this article shall empower an authorised person to enter into or to inspect any plans or documents relating to land or building which is in the occupation of the Armed Forces of Malta or the Malta Police Force, or Correctional Facilities or such other building that the Minister may designate in writing from time to time, if in the opinion of the respective commanding officers such inspection of documentation would breach security.

17. For the purposes of articles 14, 15 and 16 of this Act, the Director or any authorised person shall not be liable for any damages to any person or any property as a result of the exercise of his powers under the aforementioned articles, or attributable to the performance of his duties imposed by this Act, unless it is proven that such damage resulted from bad faith and gross negligence on the part of the Director or such authorised person.

Liability of Director for damages resulting from gross negligence.

PART IV Miscellaneous Provisions

18. (1) It shall be unlawful for any person to engage a building contractor or building tradesman to undertake any works falling under these regulations without making an agreement as to the price to be charged in respect of material to be supplied or work to be done and such agreement shall result either from a public deed or from a private writing.

Contract for works or services.

(2) The Minister may, following consultation with the Board issue guidelines on the format and content of the agreements referred to in sub-article (1) and such guidelines may list the materials to be supplied or work to be done for which the two parties have to agree a price.

19. The Minister may, following consultation with the Board, by order prohibit the use of such materials or classes of materials or such form of construction or such type of equipment, fittings or services in relation to such class or classes of buildings or to such class or classes of works as may be specified in the order, if he is satisfied that such use would be a danger to public health or safety or that such use would contravene any provision of the building regulations made under article 6 and may by a subsequent order amend or revoke such an order.

Power to prohibit the use of certain materials, etc.

20. (1) A document purporting to be a copy of an entry in a register or to be a copy of a document lodged with the Board, or the Building Regulation Office, and which is certified by an officer of the Board or the Building Regulation Office, as the case may be, to be a correct copy of such entry or document, shall be *prima facie* evidence of the entry or the document of which it purports to be a copy and it shall not be necessary to prove the signature of such officer or that he was in fact such officer.

Authenticity of documents.

(2) Evidence of an entry in a register may be given by the production of a copy of such entry, certified in accordance with the provisions of sub-article (1), and it shall not be necessary to produce the register itself.

Technical guidance documents.

21. Any technical guidance document or methodology issued in connection with this Act may be issued in either the Maltese or English language only, or both.

PART V Offences and Penalties

Administrative Penalties.

22. (1) Without prejudice to any other provisions under this Act, or other provisions of regulations, made under this Act, which the Director is entitled to enforce, the Director shall have the power to impose in respect of any person who infringes any provision of this Act or of any regulations made thereunder, or who fails to comply with any directive or decision given by the Director or the Board, whether under this Act, or regulations prescribed thereunder, or under any other law which the Director is entitled to enforce, an administrative fine using such procedures as established in this Act or regulations made thereunder.

(2) An administrative fine imposed shall not, unless provided otherwise by or under this Act, exceed two hundred thousand euro (€200,000), and two thousand euro (€2,000) each day, in the case where the infringement persists:

Cap. 12.

Provided that all the fines provided for in this article shall be due to the Government as a civil debt and following the service of a judicial act, in terms of article 466 of the Code of Organization and Civil Procedure, which is either not opposed or the opposition of which is denied, according to the provisions of the said article, the same administrative fine shall constitute an executive title for all the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

Offences.

23. (1) Any person who -

(a) being an applicant, makes a false declaration for the purposes of any application made under the provisions of this Act, or

(b) supplies false or misleading information in contravention of article 16(4)(c),

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand five hundred euro (€1,500), without prejudice to any other punishment for which the applicant may have become liable under any other law.

(2) Any person who fails to comply with an enforcement notice issued under this Act in accordance with article 14(6) shall be liable on conviction to a fine (*multa*) not exceeding one thousand two hundred euro (€1,200), and in the case of a continuing offence, to a further fine (*multa*) of one hundred euro (€100) for each day during which the offence continues.

(3) Any person who refuses to allow an authorised person to enter any land or building, or obstructs or impedes an authorised person in the exercise of any of that authorised person's powers shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding two thousand four hundred euro (€2,400), and to a further fine (*multa*) of two hundred euro (€200) for each day the offence continues.

(4) Any person who is convicted of an offence under article 16(4) may, at the request of the prosecution, be disqualified from signing and submitting to the Director, Building Regulation Office, for a period not exceeding two years from the date of conviction for the offence, certificates of compliance or fire safety certificates, or any other certificate required in accordance with this Act or any other regulations made thereunder and, accordingly, the Director, shall not accept certificates for registration which are signed by a person while so disqualified.

24. Without prejudice to any other special provisions of this Act, the Minister may, after consultation with the Board, make regulations which prescribe that the breach of regulations made under this Act shall constitute a criminal offence and which prescribe penalties for criminal offences against any regulations made under this Act, and such regulations may:

Power of Minister to make regulations in respect of criminal offences.

(a) prescribe imprisonment and different fines (*multa*) for different offences; and

(b) prescribe fines (*multa*) calculated in accordance with the duration of the commission of the offence:

Provided that any such regulations as may be made shall not provide for:

(i) imprisonment for more than two years, or a fine (*multa*) of more than two hundred thousand euro (€200,000); or

(ii) fines of more than five thousand euro (€5,000) for each day during which the offence persists.

Prosecution.

25. (1) Criminal proceedings for an offence against this Act shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts of criminal judicature.

(2) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal from any judgement given by the Courts of Magistrates (Malta) or by the Court of Magistrates (Gozo) in respect of proceedings for any offence against this Act or any regulations made by virtue of this Act.

PART VI

Amendment of the Code of Police Laws

Amendment, substitution or repeal of Part V of the Code of Police Laws. Cap 10.

26. (1) With effect from such date as the Minister may, by order in the Gazette, establish and without prejudice to the provisions of sub-article (2) of this article, the Minister may by regulations amend, substitute or repeal any of the provisions of Part V of the Code of Police Laws.

(2) The Minister may by regulations made under this sub-article provide for transitory provisions.

Part VII

Repeal of the Building (Price Control) Act

Repeal of the Building (Price Control) Act. Cap 288.

27. (1) Without prejudice to the provisions of sub-article (2) of this article, the Building (Price Control) Act is hereby being repealed.

(2) Notwithstanding the coming into force of the provisions of this Act and the repeal of the Building (Price Control) Act, the provisions of the Building (Price Control) Act and any subsidiary legislation enacted under the Building (Price Control) Act, as in force prior to the coming into force of this Act, shall continue to apply in respect of any civil or criminal action, right of action or obligation relating to or arising out of payments due or made in respect of any material or work supplied or done, prior to the coming into force of this Act.

PART VIII
Notification

28. This Act has been notified in terms of Directive 98/34/EC, as amended by Directive 98/48/EC, as transposed by the Notification Procedure Regulations, 2003.

Act has been notified.
L.N. 373 of 2003.

SCHEDULE
[Article 6(6)]

**Matters for which building regulations may prescribe Standards or
recommend Codes of Practice**

1. Preparation of sites.
2. Suitability, durability, classification, use and testing of materials and components (including surface finishes) used in buildings.
3. Structural strength and stability of buildings including -
 - (a) precautions against overloading, impact and explosion;
 - (b) measures to safeguard adjacent buildings and services;
 - (c) underpinning.
4. Resistance to moisture and decay.
5. Fire precautions including -
 - (a) resistance of the structure to the outbreak and spread of fire;
 - (b) means of escape in the event of fire and measures to ensure that such means can be effectively and safely used at all times;
 - (c) services, fittings and equipment designed to facilitate fire fighting to mitigate the effects of fire, for the early detection of fire and to provide warning in the event of fire.
6. Prevention of danger and obstruction to persons in and about buildings.
7. Measures affecting the emission of smoke, gases, fumes, grit or dust or other noxious or offensive substances.
8. Measures to prevent infestation.
9. Measures affecting the transmission of heat and solar heat gain.
10. Measures affecting the transmission of sound.
11. Storage, treatment and removal of waste or hazardous material.

12. Accommodation for specific purposes or in connection with buildings, and the dimensions of rooms, components and other spaces within buildings.
13. Ventilation and natural lighting (including the provision of open space thereof).
14. Means of access to and egress from buildings and parts of buildings.
15. Water services, ducts, fittings and fixed equipment and materials associated therewith.
16. Electrical services, ducts, fittings and fixed equipment and materials associated therewith.
17. Drainage (including waste disposal units).
18. Postal and electronic communications services installations, ducts, ancillary fixed equipment and materials associated therewith.
19. Services, installations and ancillary equipment, including installations (including appliances, storage tanks, heat exchangers, ducts and fans) utilising solid fuel, oil, gas, electricity or any other fuel or power for the purpose of, or in connection with, providing heat or ventilation or producing hot water in buildings.

Objects and Reasons

The object of this Bill is to provide for matters relating to the registration of building tradesmen and building contractors, to the construction of buildings, the establishment of a Building Regulation Board, the setting up of a procedure for appeals against decisions taken by the Director Building Regulation Office or the Building Regulation Board and other matters connected with buildings.