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# Nru. 163

9. 10. 2020

## MALTA

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### KAMRA TAD-DEPUTATI

### HOUSE OF REPRESENTATIVES

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Ian Borg, M.P., Ministru għat-Trasport, l-Infrastruttura u Proġetti Kapitali, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2020.

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A BILL introduced by the Honourable Ian Borg, M.P., Minister for Transport, Infrastructure and Capital Projects, and read the First time at the Sitting of the 5th October 2020.

**ATT biex jirregola l-Periti u sabiex jipprovdi għal hwejjeg li għandhom x'jaqsmu jew li huma ancillari għalihom.**

**AN ACT to regulate *Periti* and to provide for matters connected therewith or ancillary thereto.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex jirregola l-Periti u sabiex jipprovdi għal ħwejjeġ li għandhom x'jaqsmu jew li huma anċillari għalihom.*

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 dwar il-Periti. Titolu fil-qosor u dhul fis-seħh.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jidhlu fis-seħh fid-data li l-Ministru jista' permezz ta' avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

**2.** (1) F'dan l-Att, kemm-il darba l-kuntest ma jeħtieġx Tifsir. xort'oħra:

"Anness V" u "Anness VI" ifissru Anness V u Anness VI tad-Direttiva 2005/36/KE tal-Parlament Ewropew u tal-Kunsill tas-7 ta' Settembru 2005 dwar ir-Rikonoxximent ta' Kwalifiki Professjonali;

"awtorità nominata" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki; Kap. 451.

"bażi temporanja u ta' kultant" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali; L.S. 451.03.

"Bord għall-Imġiba Professjonali tal-Periti" tfisser il-Bord stabbilit mill-artikolu 13;

"Bord li joħroġ il-Warrant tal-Periti" jew "Bord tal-

Warrant" tfisser il-Bord stabbilit mill-artikolu 10;

"ċertifikat għall-prattika" tfisser iċ-ċertifikat mahruġ annwalment mill-Kamra tal-Periti lil detentur tal-warrant, lil soċjetà ta' detenturi tal-warrant jew fornitur ta' servizzi, u li mingħajru tali detentur tal-warrant, soċjetà ta' detenturi tal-warrant jew fornitur ta' servizzi ma jistgħux joffru s-servizzi professjonali;

"Direttiva dwar is-Servizzi" tfisser id-Direttiva 2006/123/KE tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Diċembru 2006 dwar is-servizzi fis-suq intern;

"esperjenza professjonali" tfisser it-twettiq tal-professjoni attwali u legali, *full-time* jew *part-time* ekwivalenti, fi Stat Membru;

"fornitur ta' servizzi" tfisser persuna minn Stat Membru jew minn xi pajjiż miż-Żona Ekonomika Ewropea li teżerċita l-professjoni fuq bażi temporanja u ta' kultant f'Malta, skont id-dispożizzjonijiet tad-Direttiva dwar is-Servizzi;

"IMI" tfisser Sistema ta' Informazzjoni fi hdan is-Suq Intern imsejsa fuq it-teknoloġija tal-informatika li tithaddem fiż-Żona Ekonomika Ewropea;

"Kamra tal-Periti" jew "Kamra" tfisser il-Kamra tal-Periti u tal-Inġiniera Ċivili stabbilita mill-artikolu 12;

"Kodiċi ta' Mġiba Professjonali" tfisser il-Kodiċi preskritt permezz ta' regolamenti li jstipula u jispejga standards ta' mġiba u prattika professjonali, li l-Kamra tal-Periti teħtieġ minn persuni li jipprattikaw din il-professjoni f'Malta;

"migrant" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

"Ministru" tfisser il-Ministru responsabbli għax-Xogħlijiet u, limitatament għall-funzjonijiet delegati lilu mill-Ministru, tinkludi l-Bord li johroġ il-Warrant tal-Periti;

"miżata amministrattiva" tfisser il-miżata li detentur tal-warrant għandu jhallas lill-Kamra tal-Periti meta jissottometti dikjarazzjoni b'rabta mar-rekwiżiti tal-artikolu 18;

"Perit" tfisser it-titolu ġeneriku professjonali, mogħti biex jindika lis-soċjetà li d-detentur tat-titolu huwa kwalifikat b'mod

xieraq u awtorizzat sabiex jipprattika l-professjoni; għal dan il-ghan, ir-referenzi kollha fil-Liġijiet ta' Malta għall-kelma "arkitett" għandhom jitqiesu li jirreferu għal "Perit";

"Periti" tfisser it-titolu ġeneriku mogħti lil grupp ta' individwi, li kull wieħed minnhom għandu d-dritt għat-titolu ta' "Perit", li bejniethom jaqblu, permezz ta' skrittura privata, li jiffurmaw entità kongunta, li, għall-finijiet tar-responsabbiltajiet assunti mill-professjoni, kif hawn taħt imfisser, jaġixxu bħala wieħed u li għandhom jiddaħħlu fir-reġistru taħt il-lista ta' Periti kif imfisser fl-artikolu 16;

"Perit Arkitett" tfisser it-titolu mogħti lill-professjonist skont dan l-Att, u li ismu ddaħħal fir-reġistru taħt il-lista ta' Perit Arkitett, skont il-proċeduri indikati fl-artikoli 4 u 5;

"Perit Arkitett u Inġinier Ċivili" tfisser it-titolu mogħti lill-professjonist skont dan l-Att u li ismu ddaħħal fir-reġistru kemm fil-lista ta' Perit Arkitett kif ukoll fil-lista ta' Perit Inġinier Ċivili, skont il-proċeduri indikati fl-artikoli 4, 5 u 6;

"Perit Inġinier Ċivili" tfisser it-titolu mogħti lill-professjonist skont dan l-Att u li ismu ddaħħal fir-reġistru taħt il-lista ta' Perit Inġinier Ċivili, skont il-proċeduri indikati fl-artikoli 4 u 6;

"perjodu ta' adattament" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali; L.S. 451.03.

"polza ta' assigurazzjoni" tfisser Polza ta' Assigurazzjoni għal Indennizz Professjonali mahruġa skont termini u kundizzjonijiet dokumentati minn fornitur tal-assigurazzjoni lil Perit jew Periti jew fornituri oħra ta' servizzi li joffru servizzi f'Malta taħt dan l-Att, jew kwalunkwe mezz ieħor ta' protezzjoni personali jew kollettiva b'rabta mar-responsabbiltà professjonali;

"preskritt" tfisser preskritt b'regolamenti taħt dan l-Att mill-Ministru, wara konsultazzjoni mal-Kamra tal-Periti;

"professjoni" tfisser il-professjoni regolata li tassumi r-responsabbiltajiet, personalment jew kollettivament, li minn żmien għal żmien jiġu mfissra fil-Liġijiet ta' Malta, u tinkludi servizzi relatati mal-arkitettura u mal-inġinerija ċivili riżervati bil-liġi għad-detenturi tal-warrant, u servizzi professjonali għandha tinftiehem f'dan is-sens;

C 4660

Kap. 451. "professjoni regolata" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki;

"reġistru" tfisser ir-reġistru tad-detenturi tal-warrant imsemmi fl-artikolu 4;

"Sistema Ewropea għall-Akkumulazzjoni u t-Trasferiment ta' Krediti" jew "krediti ECTS" tfisser is-sistema ta' krediti għall-edukazzjoni għolja użata fiż-Żona Ewropea ta' Edukazzjoni Għolja;

Kap. 500. "stabbiliment" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar Servizzi li jingħataw fis-Suq Intern;

"Stat Membru" tfisser stat membru tal-Unjoni Ewropea;

L.S. 451.03. "taġħlim tul il-ħajja" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

"taħriġ Prattiku professjonali" tfisser il-perjodu ta' Prattika professjonali mwettaq taħt superviżjoni, wara li jkunu ġew kompletati l-programmi ta' taħriġ akkademiku rilevanti, kif stabbilit f'dan l-Att;

L.S. 451.03. "test ta' kapacità" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

Kap. 460. "Trattat" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar l-Unjoni Ewropea;

"Unjoni Ewropea" għandu jkollha l-istess tifsira mogħtija lilha fit-Trattat;

"warrant" tfisser warrant mogħti taħt l-artikolu 3, u "detentur tal-warrant" għandha tinftiehem f'dan is-sens;

"żvilupp kontinwu professjonali" tfisser attività strutturata u organizzata, pjanata u mwettqa mid-detenturi tal-warrant sabiex iżommu u jaġġornaw l-għarfien tagħhom fl-arti u x-xjenza tal-professjoni tagħhom, u jtejbu l-abbiltajiet sabiex jeżerċitaw il-professjoni tagħhom, f'kuntast ta' kompetenzi professjonali dejjem aktar mifruxa, kif ukoll sabiex iżommu rwiehhom aġġornati mal-iżviluppi regolatorji u etiċi, u sabiex il-professjonisti jkunu motivati jippersistu f'taġħlim tul il-ħajja rilevanti għall-Prattika sikura u effettiva tal-professjoni tagħhom.

3. (1) Il-prattika tal-arkitettura u tal-inginerija ċivili hija professjoni regolata, fid-dawl tal-ħtieġa imperattiva li jiġi mħares l-interess pubbliku, partikolarment għal dak li għandu x'jaqsam ma' kwistjonijiet relatati mas-saħħa pubblika u s-sigurtà, ħarsien ambjentali, ħarsien ta' wirt kulturali, u l-integrità strutturali ta' binjiet li jirriżultaw minn disinn u s-supervizzjoni tal-kostruzzjoni ta' binjiet u xogħlijiet ta' inginerija; għalhekk għadd ta' liġijiet f'Malta jistipulaw li xogħlijiet relattivi għandhom jitwettqu biss minn detentur tal-warrant.

Warrant għall-prattika bħala Perit.

(2) Il-warrant għall-eżerċizzju tal-professjoni għandu jingħata mill-Bord tal-Warrant lil kull persuna li tissodisfa r-rekwiżiti ta' dan l-artikolu, kif ukoll ir-rekwiżiti tal-artikoli 5 jew 6. L-ebda persuna ma għandha tipprattika l-professjoni kemm-il darba ma jkollhiex warrant għal dan il-għan maħruġ mill-Bord tal-Warrant.

(3) Detentur tal-warrant jista' juża t-titolu ta' "Perit", "Perit Arkitett" jew "Perit Inġinier Ċivili" jew "Perit Arkitett u Inġinier Ċivili" skont kif tniżżel fil-listi deskritti fl-artikolu 5 jew 6 jew 7;

(4) Kull persuna li tingħata l-warrant għandha, qabel ma tibda teżerċita l-professjoni, tiegħu ġurament ta' lealtà u ġurament tal-kariga quddiem il-Qorti tal-Appell, f'seduta pubblika, kif inhu mfisser fl-artikolu 10 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif ġej:

Kap. 12.

Jiena..... naħlef li nkun tassew fidil u leali lejn il-Poplu u r-Repubblika ta' Malta u l-Kostituzzjoni tagħha. Hekk Alla jgħinni.

Jiena..... naħlef li naqdi b'mod leali u bl-onestà u bir-reqqa kollha d-dmirijiet ta' Perit, mill-aħjar li naf u bl-aħjar hila tiegħi. Hekk Alla jgħinni.

Jew kif ġej:

Jiena..... solennement niddikjara li nkun tassew fidil u leali lejn il-Poplu u r-Repubblika ta' Malta u l-Kostituzzjoni tagħha.

Jiena..... solennement niddikjara li naqdi b'mod leali u bl-onestà u bir-reqqa kollha d-dmirijiet ta' Perit, mill-aħjar li naf u bl-aħjar hila tiegħi.

(5) Kull persuna li tipprattika l-professjoni skont dan l-Att għandha tkun responsabbli għal għemilha u għan-nuqqasijiet tagħha fil-qadi ta' dmirjietha, għaž-żamma tal-livell u mgħiba professjonali meħtieġa u b'mod generali għat-twettiq tal-obbligazzjonijiet tagħha taħt dan l-Att jew taħt xi liġi oħra applikabbli.

(6) Is-servizzi professjonali, li huma rizerwati għall-professjoni skont xi ligi oħra ta' Malta, għandhom jiġu esklużivament imwettqa minn detentur tal-warrant, minn soċjetà ta' detenturi tal-warrant jew professjonista li jwettaq dawn is-servizzi skont dan l-Att, anke jekk ikunu mwettqa taħt kuntratt ta' impjieg, liema servizzi għandhom jitwettqu mingħajr l-inflwenza mhux xierqa tal-persuna mhux professjonista li tkun qed tħaddem.

(7) Persuna li tipprattika l-professjoni skont dan l-Att għandha tirrifjuta li twettaq dawn is-servizzi professjonali meta l-indipendenza professjonali tagħha tkun kompromessa.

Reġistru tad-  
detenturi tal-  
warrant.

4. (1) Il-Bord tal-Warrant għandu jżomm reġistru tad-detenturi kollha tal-warrant maħruġa skont dan l-Att. Ir-reġistru għandu jinkludi numru ta' listi, kif imfisser f'dan l-Att, bl-għan li l-pubbliku jkollu għad-dispożizzjoni tiegħu l-ismijiet tal-persuni li huma kwalifikati sabiex iwettqu s-servizzi kif imfisser fil-listi rispettivi.

(2) Kull detentur tal-warrant reġistrat mal-Bord tal-Warrant għandu jkollu numru uniku ta' reġistrazzjoni, li għandu jintuża sabiex jiġi identifikat il-professjonist li għandu l-warrant. Dan in-numru ta' reġistrazzjoni għandu jintuża sabiex jikkonferma d-dokumentazzjoni formali kollha maħruġa mill-professjonist li għandu warrant fl-eżerċizzju tal-professjoni tiegħu, taħt ir-responsabbiltà tiegħu.

(3) Kandidat għandu jikkwalifika għar-reġistrazzjoni fil-lista relattiva jekk:

(a) huwa ċittadin ta' Malta jew ċittadin ta' Stat Membru, jew membru ta' familja ta' ċittadini tal-Unjoni Ewropea minn pajjiż terz, jew ċittadin ta' pajjiż terz li huwa intitolat li jgħix u jaħdem f'Malta b'mod permanenti, bis-saħħa ta' xi legiżlazzjoni oħra;

(b) mingħajr preġudizzju għad-dispożizzjonijiet li jirregolaw il-fornituri tas-servizzi u speċifikament l-artikolu 9, il-kandidat ifittex li jistabbilixxi lilu nnifsu f'Malta;

(ċ) huwa ta' kondotta tajba, kif jista' jiġi kkonfermat minn ċertifikat tal-kondotta sħiħ u validu maħruġ mill-awtorità relattiva nazzjonali, mhux aktar kmieni minn tliet (3) xhur qabel id-data tas-sottomissjoni tat-talba tiegħu għar-reġistrazzjoni lill-Bord tal-Warrant;

(d) għandu l-kapaċità legali sħiħa;

(e) għandu għarfien suffiċjenti ta' waħda mil-lingwi uffiċjali ta' Malta, b'tali mod li jkun jista' jagħmel użu minnha



fil-prattika tal-professjoni;

(f) jissodisfa r-rekwiżiti ta' taħriġ akkademiku kif imfissra fl-artikoli 5 jew 6 jew 7;

(g) ikun wettaq tal-inqas sena (1) ta' taħriġ Prattiku professjonali, mill-pubblikazzjoni tar-riżultati li jikkonfermaw it-tlestija b'suċċess tal-programm relattiv ta' taħriġ akkademiku, taħt is-superviżjoni ta' detentur tal-warrant, li jkun ilu bil-warrant mill-inqas għal għaxar (10) snin qabel ma tkun saret tali superviżjoni, skont regolamenti li jistgħu jiġu preskritti:

Iżda taħriġ professjonali mwettaq fi Stat Membru għandu jiġi aċċettat, għal perjodu li ma jeċċedix sitt (6) xhur, sakemm il-Bord tal-Warrant ikun sodisfatt li s-superviżjoni tat-taħriġ professjonali tkun saret minn professjonist li għandu l-kwalifiki u l-esperjenza ekwivalenti;

(h) ikun ġie eżaminat u approvat mill-Bord tal-Warrant f'eżami jew f'eżamijiet għal dan il-għan, fi tmiem il-perjodu ta' taħriġ professjonali, skont regolamenti li jistgħu jiġu preskritti.

(4) Malli jiddaħħal l-isem tal-professjonist li għandu l-warrant fil-lista jew listi rilevanti, il-Bord tal-Warrant għandu joħroġ timbru professjonali li juri l-isem u n-numru ta' reġistrazzjoni, skont disinn li għandu jiġi preskritt permezz ta' regolamenti, liema timbru jista' wkoll jinhareġ f'format elettroniku.

Dan it-timbru għandu jintuża fid-dokumentazzjoni kollha provduta mid-detentur tal-warrant fejn ikun meħieġ it-timbru sabiex tiġi kkonfermata d-dokumentazzjoni kollha formali, u għandu jindika b'mod ċar jekk d-detentur huwiex Perit Arkitett u, jew Perit Inġinier Ċivili.

**5.** (1) Għandu jkun hemm lista tad-detenturi kollha tal-warrant li jkun n-għataw it-titolu ta' Perit Arkitett, skont regolamenti li jistgħu jiġu preskritti. Perit Arkitett.

(2) Kandidat għandu jkun intitolat jagħmel użu mit-titolu ta' Perit Arkitett, u konsegwentement jiddaħħal fil-lista relattiva, jekk minbarra r-rekwiżiti tal-artikolu 4(3)(a) sa (h):

(a) ikun irċieva taħriġ akkademiku f'Malta, tal-inqas fil-livell 13 (e) kif imfisser fir-Regolamenti dwar ir-Rikonossiment Reċiproku ta' Kwalifiki Professjonali, f'università jew istituzzjoni li toffri taġħlim komparabbli, għal perjodu minimu ta' hames (5) snin *full-time*, jew l-ekwivalenti ta' tliet mitt (300) ECTS u jkun temm b'suċċess l-eżamijiet finali f'livell L.S. 451.03.

universitarju, bl-arkitettura tkun il-qasam prinċipali ta' studju li jiggarrantixxi li l-kandidat ikun laħaq profiċjenza tal-anqas f'dawk id-dixxiplini li jistgħu jiġu preskritti:

Iżda d-detenturi kollha tal-warrant, li isimhom ikun jidher fir-registru eżistenti ta' detenturi tal-warrant fid-data tal-pubblikazzjoni ta' dan l-Att, għandhom ikunu intitolati li jiddaħħlu f'din il-lista. Ċittadini ta' Stati Membri, jew pajjiżi terzi, li ġew registrati fir-registru eżistenti tad-detenturi tal-warrant fiż-żmien li dan l-Att ġie ppubblikat, għandhom abbażi tal-Anness V jew VI, ikunu intitolati għar-registrazzjoni fil-lista ta' Perit Arkitett, skont il-kundizzjonijiet imposti mill-Bord tal-Warrant.

(b) Jew, alternattivament għar-rekwiżiti tas-subartikolu (2)(a),

L.S. 451.03.

(i) ikun irċieva taħriġ akkademiku f'Malta tal-inqas fil-livell 13 (e) kif imfisser fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali, f'università jew f'istituzzjoni ta' taġġim komparabbli, għal perjodu minimu ta' erba' (4) snin *full-time*, jew l-ekwivalenti ta' mitejn u erbgħin (240) ECTS, u jkun temm b'suċċess l-eżamijiet finali fil-livell universitarju, bl-arkitettura tkun il-qasam prinċipali ta' studju li jiggarrantixxi li l-kandidat ikun laħaq profiċjenza tal-inqas f'dawk id-dixxiplini li jistgħu jiġu preskritti; u

(ii) ikun wettaq perjodu ta' taħriġ Prattiku professjonali formali għall-perjodu minimu ta' sentejn (2) *full-time*, taħt is-superviżjoni ta', u evalwat minn, korp awtorizzat għal dan il-għan mill-Bord tal-Warrant u li jkun twettaq mhux aktar kmieni mit-tlestija b'suċċess tat-tielet sena tal-istudji, skont regolamenti li jistgħu jiġu preskritti; tal-inqas sena (1) minn dan it-taħriġ għandu jkun iddedikat għall-konsolidazzjoni tal-għarfien, ħiliet u kompetenzi meħtieġa għall-prattika tal-professjoni;

L.S. 390.05.

(3) Kandidat li jissodisfa r-rekwiżiti tal-artikolu 4(3)(a), li għandu d-dritt għat-titolu ta' "Arkitett" skont l-Anness V jew l-Anness VI, u li jixtieq jistabbilixxi l-illuminazzjoni f'Malta, għandu awtomatikament jitqies bħala kwalifikat biex jiddaħħal fil-lista ta' Perit Arkitett, dment li jissodisfa r-rekwiżiti tal-artikolu 4(3) (ċ), (d) u (e). Kandidat li jibbenefika mid-drittijiet miksuba f'konformità mar-regolament 9 tar-Regolamenti dwar ir-Rikonoxximent Reċiproku tal-Kwalifiki ta' Perit, għandu jkollu ċertifikat li jikkonferma t-twertiq tal-attivitajiet inkwistjoni tal-inqas għal tliet (3) snin konsekuttivi matul il-ħames (5)

snin ta' qabel l-għotja taċ-ċertifikat jew ċertifikat ieħor adegwat kif imsemmi fl-artikolu 49 tad-Direttiva 2005/36/KE:

Iżda kandidat li ma jibbenefikax mill-Anness V, l-Anness VI jew l-artikolu 49(1) u l-artikolu 49(2) tad-Direttiva 2005/36/KE, iżda jissodisfa r-rekwiżiti tal-artikolu 4(3)(a) u hu kompletament kwalifikat bħala "Arkitett" fl-Istat tiegħu tal-orgini, fejn din il-professjoni hija regolata, u li jixtieq jistabbilixxi lili nnifsu f'Malta jista' jiġi kkunsidrat bħala kwalifikat biex jiddaħhal fil-lista ta' Perit Arkitett, dment li jissodisfa r-rekwiżiti tal-artikolu 4(3) (ċ), (d) u (e):

Iżda wkoll fil-każ ta' applikant fejn il-professjoni fl-Istat tal-orgini mhix regolata, l-applikant ikun eżerċita l-professjoni fuq bażi *full-time* għal sena (1) jew għal perjodu kumplessiv ekwivalenti fuq bażi *part-time* matul l-għaxar (10) snin preċedenti fi Stat Membru ieħor li ma jirregolax il-professjoni, u għandu attestazzjoni waħda jew iktar ta' kompetenza jew evidenza ta' kwalifiki formali maħruġa minn Stat Membru ieħor li ma jirregolax il-professjoni, dment li jiġu osservati kwalunkwe kundizzjonijiet minimi ta' taħriġ stipulati f'dan l-Att:

Iżda wkoll l-evidenza ta' kwalifiki formali maħruġa minn pajjiż terz għandha titqies bħala evidenza ta' kwalifiki formali jekk id-detentur għandu tliet (3) snin ta' esperjenza professjonali fil-qasam tal-arkitettura fit-territorju tal-Istat Membru li jirrikonoxxi dik l-evidenza ta' kwalifika formali ċertifikata minn dak l-Istat Membru.

6. (1) Għandu jkun hemm lista tad-detenturi kollha tal-warrant li jkunu ngħataw it-titolu ta' Perit Inġinier Ċivili. Perit Inġinier  
Ċivili.

(2) Kandidat għandu jkun intitolat jagħmel użu mit-titolu ta' Perit Inġinier Ċivili, u konsegwentement jiddaħhal fil-lista relattiva, jekk minbarra r-rekwiżiti tal-artikolu 4(3)(a) sa (h):

(a) ikun irċieva taħriġ akkademiku f'Malta, tal-inqas fil-livell 13 (e) kif imfisser fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali, f'università jew istituzzjoni li toffri taġħlim komparabbli, għal perjodu minimu ta' hames (5) snin *full-time*, jew l-ekwivalenti għal tliet mitt (300) ECTS u jkun temm b'suċċess l-eżamijiet finali f'livell universitarju, bl-inġinerija ċivili tkun il-qasam prinċipali ta' studju li jiggarrantixxi li l-kandidat ikun laħaq profiċjenza tal-anqas f'dawk id-dixxiplini li jistgħu jiġu preskritti: L.S. 451.03.

Iżda d-detenturi kollha tal-warrant, li isimhom ikun jidher fir-registru eżistenti tad-detenturi tal-warrant fid-data tal-pubblikazzjoni ta' dan l-Att, għandhom ikunu intitolati li jiddaħhlu f'din il-lista. Cittadini ta' Stati Membri, jew pajjiżi

terzi, li ġew registrati fir-registru eżistenti tad-detenturi tal-warrant fiż-żmien li dan l-Att ġie ppubblikat, abbażi tar-registrazzjoni tagħhom bħala inġiniera ċivili fl-Istat tagħhom tal-orġini, għandhom ikunu intitolati għar-registrazzjoni fil-lista ta' Perit Inġinier Ċivili, skont il-kundizzjonijiet imposti mill-Bord tal-Warrant.

(b) Jew, alternattivament għar-rekwiżiti tas-subartikolu (2)(a):

L.S. 451.03.

(i) ikun irċieva taħriġ akkademiku f'Malta tal-inqas fil-livell 13(e) kif imfisser fir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali, f'università jew f'istituzzjoni ta' taġġim komparabbli, għall-perjodu minimu ta' erba' (4) snin *full-time*, jew l-ekwivalenti ta' mitejn u erbgħin (240) ECTS, u jkun temm b'suċċess l-eżamijiet finali fil-livell universitarju, bl-inġinerija ċivili tkun il-qasam prinċipali ta' studju li jggarantixxi li l-kandidat ikun laħaq profiċjenza tal-inqas f'dawk id-dixxiplini kif jista' jiġi preskritt; u

(ii) ikun wettaq perjodu ta' taħriġ formali professjonali għall-perjodu minimu ta' sentejn (2) *full-time*, taħt is-superviżjoni ta', u evalwat minn, korp awtorizzat għal dan il-għan mill-Bord tal-Warrant u li jkun twettaq mhux aktar kmieni mit-tlestija b'suċċess tat-tielet sena tal-istudji, skont regolamenti li jistgħu jiġu preskritti; tal-inqas sena (1) minn dan it-taħriġ għandu jkun iddedikat għall-konsolidazzjoni tal-għarfien, ħiliet u kompetenzi meħtieġa għall-prattika tal-professjoni.

(3) Kandidat li jissodisfa r-rekwiżiti tal-artikolu 4(3)(a), li huwa kompletament kwalifikat bħala inġinier ċivili fl-Istat tiegħu tal-orġini, fejn din il-professjoni hija regolata, u li jixtieq jistabbilixxi lilu nnifsu f'Malta, jista' jitqies bħala kwalifikat biex jiddaħħal fil-lista ta' Perit Inġinier Ċivili, dment li jissodisfa r-rekwiżiti tal-artikolu 4(3) (ċ), (d) u (e):

Iżda fil-każ ta' applikant fejn il-professjoni fl-Istat tal-orġini mhix regolata, l-applikant ikun eżerċita l-professjoni fuq bażi *full-time* għal sena (1) jew għal perjodu kumplessiv ekwivalenti, fuq bażi *part-time* matul l-għaxar (10) snin preċedenti fi Stat Membru ieħor li ma jirregolax il-professjoni, u għandu attestazzjoni waħda jew iktar ta' kompetenza jew evidenza ta' kwalifiki formali maħruġa minn Stat Membru ieħor li ma jirregolax il-professjoni:

Iżda wkoll l-evidenza ta' kwalifiki formali maħruġa minn

pajjiż terz għandha titqies bħala evidenza ta' kwalifiki formali jekk id-detentur ikollu tliet (3) snin ta' esperjenza professjonali fil-qasam tal-inginerija ċivili fit-territorju tal-Istat Membru li jirrikonoxxi dik l-evidenza ta' kwalifika formali ċertifikata minn dak l-Istat Membru.

7. (1) Minkejja d-dispożizzjonijiet preċedenti, f'każ li kandidat jissodisfa r-rekwiżiti tal-artikolu 4(3) (a) sa (e), iżda t-taħriġ akkademiku tiegħu ma jissodisfax ir-rekwiżiti tal-artikolu 4(3)(f) sa (h), għal xi waħda mir-raġunijiet li ġejjin:

Access  
alternattiv għall-  
professjoni.

(i) it-taħriġ ikopri sostanzjalment materji differenti li l-għarfien, il-ħila u l-kompetenza tagħhom huma essenzjali għall-eżerċizzju tal-professjoni, kif imfisser fl-evidenza tal-kwalifiki formali elenkati fl-artikoli 5 jew 6 u r-regolamenti rispettivi preskritti, jew

(ii) dak it-taħriġ kien ta' perjodu inqas minn dak indikat fl-artikoli 5 jew 6,

il-Bord tal-Warrant jista' jippermetti l-ammissjoni ta' dik il-persuna fil-lista rispettiva, kemm-il darba dik il-persuna twettaq miżuri kumpensatorji, skont regolamenti li jistgħu jiġu preskritti:

Iżda kull deċiżjoni għandha tkun iġġustifikata b'mod ċar, sabiex l-applikant ikun jista' jifhem is-sitwazzjoni tiegħu.

(2) Il-miżuri kumpensatorji għandhom jinkludu perjodu ta' adattament sa perjodu ta' tliet (3) snin, jew testijiet ta' ħila f'dawk il-materji fejn ikun ġie identifikat li hemm defiċjenza, meta mqabbel mar-rekwiżiti akkademiċi stipulati, bl-għażla tkun tal-kandidat.

(3) Meta migrant jissottometti evidenza ta' kwalifiki professjonali u akkademiċi miksuba f'pajjiż terz, u kemm-il darba jiġu osservati kwalunkwe kundizzjonijiet minimi ta' taħriġ stipulati fid-Direttiva 2005/36/KE fir-rigward tal-arkitetti, il-Bord tal-Warrant jista' jitlob li dak il-kandidat iwettaq tliet (3) snin ta' taħriġ professjonali fid-dixxiplina konċernata, taħt is-superviżjoni ta', u evalwata minn korp awtorizzat għal dan il-għan mill-Bord tal-Warrant, skont regolamenti li jistgħu jiġu preskritti u sussegwentement il-Bord tal-Warrant ikun jista' jiċċertifika li dawk il-kwalifiki professjonali tqiesu bħala evidenza ta' kwalifiki formali f'Malta.

8. (1) Meta ċittadin ta' Stat Membru għandu kwalifiki professjonali rikonoxxuti minn Stat Membru ieħor, iżda l-iskop tal-

Access parzjali.

attivitajiet professjonali huwa aktar limitat minn dawk f'Malta, u d-differenzi fl-oqsma tal-attivitajiet huma tant sostanzjali li jkun mehtieg li l-professjonist jagħmel programm sħiħ ta' edukazzjoni u tahrig sabiex jikkumpensa għan-nuqqasijiet, il-Bord tal-Warrant jista' jagħti lill-kandidat aċċess parzjali għall-professjoni, jew għall-finijiet ta' stabbiliment f'Malta jew inkella għall-provvista ta' servizzi temporanja jew ta' kultant, kemm-il darba l-professjonist jaqbel dwar dan:

Izda dik l-attività professjonali għandha tkun tali li tista' tiġi oġġettivament separata mill-attivitajiet l-oħra li jaqgħu taħt il-professjoni.

(2) F'dan il-każ, l-eżerċizzju tal-professjoni għandu jitwettaq taħt it-titolu professjonali tal-Istat Membru tal-orġini, kemm-il darba dan ma johlqox konfużjoni għall-konsumaturi tas-servizz f'Malta.

(3) Il-Bord tal-Warrant għandu jżomm lista ta' dawk il-professjonisti li jkunu ngħataw aċċess parzjali, u deskrizzjoni xierqa tal-attività professjonali li huma jkunu awtorizzati li jwettqu f'Malta.

Provvista ta' servizzi temporanja jew ta' kultant. L.S.390.05.

**9.** (1) Mingħajr preġudizzju għall-Regolamenti dwar ir-Rikonoxximent Reċiproku tal-Kwalifiki ta' Perit u minkejja d-dispożizzjonijiet ta' dan l-artikolu u tal-artikoli 4, 5 u 6 ta' dawk ir-Regolamenti, kwalunkwe persuna li hija legalment stabbilita fi Stat Membru ieħor, tista' tipprattika l-professjoni f'Malta fuq bażi temporanja u ta' kultant, mingħajr il-ħtieġa li ssegwi l-proċeduri stipulati sabiex tidhol fir-reġistru tad-detenturi tal-warrant, kif soġġett għal rekwiżiti ulterjuri li jistgħu jiġu preskritti taħt dan l-Att. L-applikazzjoni tar-rekwiżiti għall-provvista ta' servizzi tas-soċjetà tal-informazzjoni riżervati għall-professjoni għandha tkun regolata mill-artikoli 8A(3) u 8B tal-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettronici.

Kap. 426.

(2) F'dan ir-rigward, dik il-persuna għandha tavża lill-Bord tal-Warrant bil-quddiem, u għandha tissottometti:

- (i) prova ta' nazzjonalità;
- (ii) attestazzjoni li tiċċertifika stabbiliment legali fi Stat Membru;
- (iii) evidenza ta' kwalifiki professjonali;
- (iv) evidenza li mhix ipprojbata milli tipprattika, anke jekk temporanjament, fl-Istat Membru li fih hija stabbilita;

(v) dikjarazzjoni bil-miktub li tinkludi dettalji tal-assigurazzjoni għal indennizz professjonali jew mezzji oħra ta' protezzjoni personali jew kollettiva fir-rigward tar-responsabbiltà professjonali, darba fis-sena, għal kull sena li hija għandha l-intenzjoni li toffri servizzi f'Malta

(3) F'każijiet fejn il-professjoni ma tkunx regolata fl-Istat Membru ta' stabbiliment, il-Bord tal-Warrant għandu, minbarra r-rekwiżiti stipulati fis-subartikolu (2), jitlob prova ta' mill-inqas sena (1) ta' esperjenza professjonali matul l-ghaxar (10) snin preċedenti li jiġu minnufih qabel il-provvista tas-servizzi, qabel mal-professjonist jingħata l-permess sabiex jipprattika f'Malta fuq bażi temporanja u ta' kultant, mingħajr il-ħtieġa li jsegwi l-proċeduri stipulati għad-dhul fir-registru tad-detenturi tal-warrant.

(4) Il-Bord tal-Warrant għandu jevalwa n-natura temporanja u ta' kultant tal-provvista tas-servizzi għal kull każ partikolari, għal dak li għandu x'jaqsam ma' tul ta' żmien, frekwenza, regolarità u kontinwità. Il-Bord tal-Warrant għandu jkollu d-dritt li jitlob informazzjoni, fuq bażi annwali, dwar is-servizzi offruti f'Malta.

(5) Id-dikjarazzjonijiet minn fornituri ta' servizzi għandhom ikunu pproċessati mill-Bord tal-Warrant fi żmien xahar (1) minn meta jirċevihom. Dan jista' jew jippermetti l-provvista tas-servizz, jew, jekk hemm differenzi sinifikanti bejn il-kwalifiki professjonali tal-fornitur ta' servizzi u r-rekwiżiti ta' taħriġ f'Malta, il-kandidat jista' jiġi mitlub jagħmel test tal-ħila, dment li dawn id-differenzi ma jistgħux jiġu kkompensati b'esperjenza professjonali, ħiliet u kompetenzi miksuba permezz ta' tagħlim tul il-ħajja li jkun formalment validat. Il-Bord tal-Warrant għandu jinforma lill-fornitur ta' servizzi bid-deċiżjoni tiegħu mhux aktar tard minn xahar (1) minn meta jirċievi d-dikjarazzjoni u d-dokumenti relatati. F'każ li jkun meħtieġ test tal-ħila, dan għandu jsir fi żmien xahar (1) mid-deċiżjoni tal-Bord:

Iżda meta l-fornitur ta' servizzi jkollu d-dritt għat-titlu ta' "Arkitett" skont l-Anness V jew l-Anness VI, jew drittijiet miksuba b'konformità mar-regolament 9 tar-Regolamenti dwar ir-Rikonossiment Reċiproku tal-Kwalifiki ta' Perit, dan għandu awtomatikament jindika ekwivalenza sħiħa mar-rekwiżiti ta' taħriġ f'Malta: L.S. 390.05.

Iżda wkoll kull deċiżjoni għandha tkun ġustifikata b'mod ċar, inkluż paragun tal-livell ta' kwalifiki mitlub f'Malta u l-livell ta' kwalifiki miksuba, id-differenzi sostanzjali li huma importanti għall-eżerċizzju tal-professjoni f'termini ta' suġġetti u kontenut, u r-raġunijiet għaliex dawn id-differenzi ma jistgħux jiġu kkompensati bl-għarfien, ħiliet, u kompetenzi miksuba matul l-esperjenza

professionali jew miksuba permezz ta' tagħlim tul il-ħajja li jkun formalment validat għal dan il-għan, u għalhekk tispjega għalfejn minħabba dawn id-differenzi sostanzjali l-applikant ma jistax jeżerċita l-professjoni tiegħu b'mod sodisfaċenti f'Malta:

Iżda wkoll f'każ li jinholqu diffikultajiet minħabba d-differenzi fil-kwalifiki professjonali, kif msemmi aktar 'il fuq, li jwasslu għal dewmien fid-deċiżjoni tal-Bord, il-Bord għandu jinnotifika lill-fornitur ta' servizzi bir-raġuni għal tali dewmien fi żmien xahar (1). Il-Bord għandu jsolvi d-diffikultà fi żmien xahar (1) min-notifika tiegħu u għandu jiffinalizza d-deċiżjoni tiegħu fi żmien xahrejn (2) minn meta tkun giet riżolta d-diffikultà.

(6) Fornitur ta' servizzi li jipprattika l-professjoni abbażi ta' dan l-artikolu għandu jibqa' soġġett għar-regoli sew professjonali, statutorji jew ta' natura amministrattiva, li huma relatati direttament mal-kwalifiki professjonali, definizzjoni tal-professjoni, użu ta' titoli, nuqqas professjonali serju, relatati direttament u speċifikament mal-protezzjoni u s-sigurtà tal-konsumatur, u għandu jkun soġġett għad-dispożizzjonijiet dixxiplinarji li huma applikabbli għad-detenturi tal-warrant.

(7) Il-professionisti li l-kwalifiki professjonali tagħhom jiġu aċċettati mill-Bord tal-Warrant, huma intitolati li jużaw it-titolu ta' Perit Arkitett jew Perit Inġinier Ċivili, kif applikabbli u l-Bord tal-Warrant għandu jdahhal l-isem ta' tali professionisti fil-lista msemmija fl-artikolu 4 fuq bażi temporanja.

(8) Wara li jkun temm il-proċeduri kollha kif imfisser fis-subartikoli preċedenti, il-Bord tal-Warrant għandu, fi żmien hmistax (15)-il ġurnata, jinforma lill-Kamra tal-Periti bid-dettalji ta' tali professionista flimkien ma' kopja tad-dikjarazzjoni msemmija fis-subparagrafu (v).

Bord li johroġ  
il-Warrant tal-  
Periti.

**10.** (1) Għandu jkun hemm Bord, li jkun magħruf bħala l-Bord li johroġ il-Warrant tal-Periti, li għandu jkun magħmul minn:

(a) chairman li għandu jiġi maħtur mill-Ministru, b'konsultazzjoni mal-Kamra tal-Periti, minn fost persuni li huma detenturi ta' warrant ta' avukat u pprattikaw il-liġi għal tnax (12)-il sena jew aktar;

(b) żewġ (2) membri maħtura mill-Ministru minn fost id-detenturi tal-warrant, li ilhom bil-warrant mill-inqas għal tmien (8) snin, wieħed mil-lista ta' "Perit Arkitett" u l-iehor mil-lista ta' "Perit Inġinier Ċivili";



(ċ) żewġ (2) membri mahtura mill-Kamra tal-Periti minn fost id-detenturi tal-warrant li jkunu ilhom bil-warrant mill-inqas għal tmien (8) snin, wiehed mil-lista ta' "Perit Arkitett" u l-iehor mil-lista ta' "Perit Inġinier Ċivili"; u

(d) żewġ (2) membri li għandhom jiġu eletti b'votazzjoni sigrieta wara elezzjoni organizzata mill-Kamra tal-Periti skont regolamenti kif jista' jiġi preskritt, liema elezzjoni għandha ssir b'mod elettroniku fost id-detenturi tal-warrant bejniethom, dment li l-membri hekk eletti jkunu ilhom bil-warrant mill-inqas għal tmien (8) snin.

(2) Iċ-chairman għandu jinħatar għal terminu ta' erba' (4) snin u taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-hatra.

(3) Il-membri l-oħra tal-Bord għandhom jibqgħu fil-kariga għal-perjodu ta' tliet (3) snin u taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-hatra:

Iżda matul l-ewwel tmintax (18)-il xahar, wiehed minn kull membru mahtur jew elett taht is-subartikolu 1(b), (ċ) u (d), għandu jinħatar jew jiġi elett għal perjodu ta' tmintax (18)-il xahar, sabiex sussegwentement, nofs l-imsemmija membri għajr iċ-chairman għandhom għal dan il-għan icedu l-kariga tagħhom.

(4) Meta jkun hemm pożizzjoni vakanti fil-Bord, il-Ministru għandu, hekk kif ikun prattikabbli, fil-każ taċ-chairman, jew membru mahtur minnu, jahtar persuna oħra biex timla l-pożizzjoni vakanti; f'każ ta' membru mahtur mill-Kamra, għandu jitlob lill-Kamra sabiex tahtar persuna oħra biex tokkupa l-pożizzjoni vakanti; u f'każ ta' membru elett, jiżgura li tiġi organizzata elezzjoni mill-Kamra sabiex timtela l-pożizzjoni vakanti.

(5) In-numru ta' membri mehtieġ sabiex ikun hemm quorum għandu jkun ta' erbgħa (4), iżda dment li jkun hemm quorum, li għandu jinkludi liċ-chairman, il-Bord ikun jista' jaġixxi minkejja kwalunkwe pożizzjoni vakanti fost il-membri tiegħu.

(6) Il-Ministru għandu jiżgura li l-Bord tal-Warrant tal-Periti għandu r-riżorsi neċessarji biex iwettaq id-dmirijiet indikati f'dan l-Att, inkluż it-twaqqif ta' segretarjat u għandu wkoll jiddelega ufficjal pubbliku sabiex jaġixxi bhala segretarju tal-Bord, u tali segretarju għandu jattendi l-laqgħat tal-Bord iżda ma jkollux vot.

**11.** (1) Il-Bord tal-Warrant għandu jkun l-awtorità nominata għall-professjoni, u għandu jkollu r-responsabbiltajiet, id-dmirijiet, is-setgħat u l-awtorità kif stipulat hawn taht u kif jista' jiġi preskritt b'mod ulterjuri permezz ta' regolamenti:

Funzjonijiet tal-Bord tal-Warrant.

(a) jikkunsidra applikazzjonijiet għall-ħruġ tal-warrant u jagħmel rakkomandazzjonijiet jekk dan ikun meħtieġ;

(b) jirċievi kwalunkwe dokumentazzjoni minn kull persuna eliġibbli għall-provvista ta' servizz temporanju u proviżorju skont l-artikolu 9 u jwettaq kwalunkwe proċess ieħor kif stipulat f'dan l-Att;

(ċ) jagħmel rakkomandazzjonijiet lill-Ministru;

(d) iwettaq il-funzjonijiet l-oħra kollha assenjati lilu taħt dan l-Att.

(2) Salv għal dak stabbilit aktar 'il fuq, il-Bord jista' jagħmel ir-regoli tiegħu u jirregola l-proċeduri tiegħu. Il-Bord għandu jwettaq il-funzjonijiet tiegħu b'mod indipendenti u skont il-gudizzju tiegħu. Fit-twettiq tal-funzjonijiet tiegħu, il-Bord jista':

(a) jikkonsulta persuni kif jista' jidhirlu li huwa xierqa, u

(b) jista' wkoll jaħtar sottokomitati fejn iċ-chairman tal-Bord, jew id-delegat tiegħu, jista' wkoll ikun iċ-chairman, għall-finijiet tat-twettiq tad-dmirijiet u kompiti li l-Bord jista' jassenjalhom.

(3) Il-funzjonijiet tal-Bord tal-Warrant għandhom ikunu dawk li għandhom jiġu stipulati permezz ta' regolamenti skont dan l-Att.

Twaqqif tal-Kamra tal-Periti.

**12.** (1) Il-Kamra tal-Periti hija kostitwita b'kontinwazzjoni taċ-Chamber of Architects and Civil Engineers stabbilita permezz tal-Ordinanza Nru. XIV tal-1919 (Avviż tal-Gvern Nru. 202 tat-12 Ġunju 1920) u sussegwentement fl-artikolu 8(1) tal-Att XIV tal-1996.

(2) Il-Kamra tal-Periti għandha tkun rikonoxxuta u approvata bħala r-regolatur nazzjonali u l-korp rappreżentattiv tal-professjoni bil-għan li:

(a) tavvanza l-prattika marbuta mal-attivitajiet tal-professjoni tal-arkitettura u inginerija ċivili f'Malta;

(b) tikkorrispondi mal-Gvern, u viċi-versa, fuq il-kwistjonijiet kollha li jikkonċernaw il-professjoni, inkluż pariri lill-Gvern dwar il-formulazzjoni ta' politika pubblika relatata mal-ambjent mibni;

(ċ) tiżgura li l-membri kollha tal-professjoni jaġixxu b'mod responsabbli u etiku, b'kunsiderazzjoni għall-prattiċi ta' żvilupp sostenibbli, il-protezzjoni tal-wirt nazzjonali, kulturali,

soċjali u ambjentali, iż-żamma tas-saħħa u s-sigurtà pubblika u l-integrità strutturali qabel, matul u wara l-proċessi ta' kostruzzjoni, u b'osservanza tal-Kodiċi għall-Imġiba Professjonali, kif jista' jiġi preskritt permezz ta' regolamentazzjoni.

(3) Il-Kamra tal-Periti għandha ġurisdizzjoni fit-termini ta' dan l-artikolu fuq is-servizzi kollha provduti mill-professjoni f'Malta taħt dan l-Att.

(4) Id-detenturi kollha tal-warrant għandhom jagħmlu parti mill-Kamra malli jiddaħħlu fir-reġistru miżmum mill-Bord tal-Warrant, u għandhom isegwu r-regoli u regolamenti tiegħu u kwalunkwe direttivi maħruġa minnu, u jkunu intitolati jipparteċipaw fl-attivitajiet tiegħu. Barra minn hekk, dawn id-detenturi kollha tal-warrant għandu jkollhom id-dritt li jivvutaw fil-laqgħat generali tal-Kamra u li jagħmlu użu minn kwalunkwe servizzi li tipprovdi l-Kamra bi f'las ta' miżata li għandha tiġi stabbilita mill-Kunsill tagħha.

(5) Il-Ministru għandu jippreskrivi l-kundizzjonijiet u r-regoli rikjesti għat-twaqqif legali u amministrattiv tal-Kamra, iż-żamma tagħha u l-validità tad-deċiżjonijiet tagħha, u sabiex jiġu deċiżi l-obbligi u s-setgħat tagħha.

(6) Il-Kamra għandha tkun rappreżentata minn Kunsill li għandu jiġi kostitwit f'konformità mar-regolamenti stipulati.

(7) Il-Ministru għandu, wara konsultazzjoni mal-Kunsill tal-Kamra, jagħmel regolamenti sabiex:

(a) il-Kunsill tal-Kamra jkollu s-setgħa u d-dover li jwettaq inkjesti f'każijiet ta' mġiba professjonali mhux xierqa jew prattiċi ħżiena jew abbużi jew nuqqasijiet imwettqa minn jew kontra kwalunkwe detentur tal-warrant b'rabta mal-eżerċizzju tal-professjoni jew ma' kwistjonijiet professjonali, sabiex jiġi stabbilit jekk dawn jiksrux il-Kodiċi ta' Mġiba Professjonali, jew humiex inkonsistenti mad-dinjità u mal-prattiċi tajba tal-professjoni, skont proċeduri kif preskritti permezz ta' regolamenti;

(b) il-Kunsill tal-Kamra jkollu s-setgħa li jiddelega l-investigazzjoni ta' kwalunkwe ksur tal-Kodiċi ta' Mġiba Professjonali lil Bord indipendenti li għandu jkun magħruf bħala l-Bord għall-Imġiba Professjonali tal-Periti mwaqqaf għal dan il-għan;

(c) permezz ta' dispożizzjonijiet jiġi assigurat l-infurzar

ta' kull deċiżjoni tal-Bord għall-Imġiba Professjonali tal-Periti, inkwantu dawn huma relatati ma' dispożizzjonijiet taht l-artikolu 14(4), f'liema każijiet l-infurzar jibqa' taht ir-responsabbiltà tal-Bord tal-Warrant;

(d) il-Kunsill tal-Kamra jkollu l-awtorità u responsabbiltà li jiġbor u d-dritt li jitlob informazzjoni mingħand id-detenturi tal-warrant, relatata mal-assigurazzjoni ta' indennizz professjonali;

(e) il-Kunsill tal-Kamra jkollu l-awtorità sabiex kull sena jorogġ ċertifikat għall-prattika lil kull detentur tal-warrant, kemm-il darba huwa jkun sodisfatt li d-dispożizzjonijiet tal-artikolu 18 u kwalunkwe dispożizzjonijiet oħra li jistgħu minn żmien għal żmien jiġu stabbiliti, ikunu ġew sodisfatti;

(f) il-Kunsill tal-Kamra jkollu l-awtorità jiġbor miżata ta' applikazzjoni b'rabta mal-ipproċessar ta' kwalunkwe allegat ksur tal-Kodiċi ta' Mġiba Professjonali jew tal-artikolu 20;

(g) il-Kunsill tal-Kamra jkollu l-awtorità jiġbor miżata amministrattiva mingħand id-detenturi tal-warrant b'rabta mal-ipproċessar tad-dikjarazzjoni annwali tagħhom skont l-artikolu 18.

Bord għall-  
Imġiba  
Professjonali  
tal-Periti.

**13.** (1) Il-Kamra għandha tirreferi l-investigazzjoni fir-rigward ta' kwalunkwe ksur allegat, min-naħa tal-Periti fit-termini ta' dan l-Att lil Bord, li għandu jkun magħruf bħala l-Bord għall-Imġiba Professjonali tal-Periti, li għandu jkun magħmul minn:

(a) chairman, li għandu jinħatar mill-Ministru, b'konsultazzjoni mal-Kamra tal-Periti, minn fost imħallfin jew maġistrati irtirati;

(b) erba' (4) membri magħzula miċ-chairman minn fost numru ta' mhux anqas minn għaxar (10) detenturi tal-warrant li ilhom bil-warrant mill-inqas għal hmistax (15)-il sena, mahtura mill-Ministru b'konsultazzjoni mal-Kamra;

(2) Iċ-chairman għandu jiġi mahtur għal perjodu ta' tliet (3) snin, u taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-ħatra.

(3) Il-membri l-oħra tal-Bord għandhom jibqgħu fil-kariga għall-perjodu ta' sentejn (2) u taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-ħatra. Il-membri tal-Bord jistgħu jiġu mahtura għal termini suċċessivi, sa massimu ta' tliet (3) termini:

Iżda fl-ewwel sena, nofs il-membri hekk mahtura għandhom

jinhatru għall-perjodu ta' tliet (3) snin, biex b'hekk, sussegwentement, nofs l-imsemmija membri għajr iċ-chairman għandhom, kull sena, iċedu l-kariga tagħhom:

Iżda wkoll iċ-chairman u l-membri kollha tal-Bord għandhom jieħdu ġurament biex iwettqu l-funzjonijiet tagħhom skont il-liġi u b'imparzjalità, quddiem Kummissarju b'setgħa li jagħti Ġurament.

(4) Meta l-kariga ta' chairman tal-Bord tkun vakanti, il-Ministru għandu, hekk kif ikun prattikabbli, jahtar persuna oħra biex timla l-vakanza b'konsultazzjoni mal-Kamra.

(5) Meta jkun hemm vakanzi fost in-numru ta' membri maħtura mill-Kamra, għandha tinhatar persuna oħra sabiex timla din il-vakanza skont dan l-artikolu.

(6) In-numru ta' membri meħtieġ biex ikun hemm quorum għandu jkun ta' erbgha (4), iżda, dment li jkun hemm quorum, li għandu jinkludi liċ-chairman, il-Bord ikun jista' jagħxi minkejja kwalunkwe pożizzjoni vakanti fost il-membri tiegħu.

(7) Il-Bord għandu jiġi elenkat taħt l-Ewwel Skeda tal-Att dwar il-Ġustizzja Amministrattiva, għalhekk id-dispożizzjonijiet tal-artikolu 3 tal-imsemmi Att għandhom japplikaw, hlief li s-seduti tal-Bord ma għandhomx jinżammu fil-pubbliku. Kap. 490.

(8) Il-Bord għall-Imġiba Professjonali tal-Periti għandu jwettaq inkjesti fir-rigward ta' prattiċi professjonali tad-detentur tal-warrant sabiex jistabbilixxi jekk dawn jiksru il-Kodiċi ta' Mġiba Professjonali jew humiex inkonsistenti mad-dinjità u l-prattika xierqa tal-professjoni, u fir-rigward ta' kwalunkwe abbużi jew nuqqasijiet attribwiti lill-fl-eżerċizzju tal-professjoni tiegħu jew b'rabta ma' hwejjeġ professjonali, wara li jkun ġie ddelegat biex jagħmel dan mill-Kunsill tal-Kamra tal-Periti u jekk il-Kunsill, wara li jkun għamel l-investigazzjonijiet neċessarji, isib li hemm każ għal azzjoni, għandu jirreferi tali każ lill-Bord.

(9) Il-Bord għall-Imġiba Professjonali tal-Periti għandu wkoll iwettaq investigazzjonijiet relatati ma' kwalunkwe ksur allegat tal-artikolu 18.

(10) Il-Bord jista' jagħmel ir-regoli tiegħu u xort'oħra jirregola l-proċedura tiegħu, b'konsultazzjoni mal-Kunsill tal-Kamra tal-Periti. Il-Bord għandu jeżerċita l-funzjonijiet tiegħu independentement u skont il-ġudizzju tiegħu:

Iżda l-evidenza kollha għandha tiġi pprezentata taħt ġurament, liema ġurament għandu jiġi amministrat miċ-chairman.

(11) (a) L-għażla tal-membri tal-Bord miċ-chairman, għal seduti partikolari tal-Bord, għandha tiżgura li ma jkun hemm l-ebda possibiltà jew perċezzjoni ta' kunflitt ta' interess potenzjali matul id-determinazzjoni ta' każijiet speċifiċi.

(b) Membru għandu jkun skwalifikat milli jpoġġi fuq il-Bord għall-Imġiba Professjonali tal-Periti jekk:

(i) ikun relatat fil-linja diretta b'konsangwinità jew b'affinità, mal-persuna li qed tressaq l-ilment jew mal-persuna li fil-konfront tagħha qed isir l-ilment;

(ii) ikun relatat b'konsangwinità fil-grad ta' aħwa, ziju jew neputi, ziju tal-ġenituri jew tfal tan-neputijiet jew kuġin, jew jekk ikun relatat b'affinità fil-grad ta' aħwa, ziju jew neputi, mal-persuna li qed tressaq l-ilment jew mal-persuna li lilha jkun qed jiġi notifikat l-ilment;

(iii) ikun it-tutor, kuratur, jew werriet prezuntiv tal-persuna li qed tressaq l-ilment jew tal-persuna li lilha jkun qed jiġi notifikat l-ilment;

(iv) huwa jew kien l-aġent tal-persuna li qed tressaq l-ilment jew tal-persuna li lilha jkun qed jiġi notifikat l-ilment;

(v) b'xi mod kien esprima ruħu fuq il-materja inkwistjoni;

(vi) il-persuna li qed tressaq l-ilment jew il-persuna li lilha jkun qed jiġi notifikat l-ilment jipproponu li jsejnhulu b'hala xhud;

(vii) hu, jew il-konjuġi tiegħu, huma direttament jew indirettament interessat fl-eżitu tal-każ;

(viii) jekk il-membru kellu tilwim, argument jew nuqqas ta' qbil ta' kwalunkwe natura mal-persuna li qed tressaq l-ilment jew mal-persuna li lilha jkun qed jiġi notifikat l-ilment.

(c) Membru jista' jiġi kkontestat jew jastjeni mis-smiġħ tal-ewwel appuntament tal-każ, sakemm ma jitressqux raġunijiet għall-iskwalifika f'seduti sussegwenti.

(d) Kull membru li jkun soġġett għall-kontestazzjoni għandu jiddikjara permezz ta' deċiżjoni parzjali jekk hemmx raġuni biex jastjeni abbażi ta' dan l-artikolu.

(e) Appell minn deċiżjoni parzjali mogħtija abbażi tas-subparagrafu (d) jista' jiġi ppreżentat biss flimkien ma' appell mid-deċiżjoni finali tal-Bord.

**14.** (1) Hekk kif jiġi inkarigat mill-Kunsill tal-Kamra tal-Periti biex jinvesitga kwalunkwe allegazzjonijiet kif stipulat taħt dan l-Att, il-Bord għall-Imġiba Professjonali tal-Periti għandu, wara proċedura dovuta, jiddetermina li jaċċetta jew jirrifjuta b'mod sħiħ jew parzjalment, l-allegazzjonijiet imsemmija u jiddetermina l-azzjoni dixxiplinarja li għandha tittiehed kontra kwalunkwe detentur tal-warrant li jinstab ħati ta' mġiba professjonali mhux xierqa jew li b'xi mod tikser il-Kodiċi ta' Mġiba Professjonali jew l-artikolu 21(1)(a), bl-għoti ta' raġunijiet għal tali deċiżjoni, liema azzjoni dixxiplinarja għandha tkun iggwidata f'konformità ma' dan l-Att:

Deċiżjonijiet tal-Bord għall-Imġiba Professjonali tal-Periti.

Iżda d-detentur tal-warrant għandu jkollu d-dritt li jkun rappreżentat matul dawn il-proċedimenti mill-avukat tiegħu f'kull stadju tal-proċess. Jekk id-detentur tal-warrant ma jkunx rappreżentat permezz ta' avukat, dan għandu jitniżżel fil-minuti u l-Bord għandu espressament jitolbu biex jikkunsidra jahtar avukat:

Iżda wkoll l-ebda piena ma għandha tingħata mill-Bord sa ma d-detentur tal-warrant li jkun qed jiġi akkużat jingħata l-opportunità sħiħa biex jagħmel id-difiża tiegħu, salv id-dritt li jappella mid-deċiżjoni tal-Bord quddiem il-Qorti tal-Appell fi żmien u b'dak il-mod u l-forma li għandhom jiġu preskritti minn żmien għal żmien:

Iżda wkoll kull deċiżjoni dwar azzjoni dixxiplinarja għandha tkun sostnuta mill-inqas minn tliet (3) membri tal-Bord.

(2) Meta d-detentur tal-warrant ikun kiser is-subartikolu 18(1), il-Bord għall-Imġiba Professjonali tal-Periti għandu, wara l-proċediment skont dan l-Att u r-regolamenti rilevanti, jimponi multa li ma teċċedix il-ħamest elef euro (€5,000) jew iħassar jew jissospendi l-warrant għal perjodu li ma jeċċedix is-sitt (6) xhur, jew kemm tali multa u revoka jew sospensjoni.

(3) Id-deċiżjoni tal-Bord għall-Imġiba Professjonali tal-Periti għandha tiġi riferuta lill-Kunsill tal-Kamra tal-Periti, li għandu:

(a) jikkomunika tali deċiżjoni lid-detentur tal-warrant u lill-persuna li tkun ressqet l-ilment;

(b) fil-każ ta' deċiżjoni biex tinħareġ twissija jew twiddiba pubblika, jiproċedi għall-ħruġ ta' tali twissija jew twiddiba;

(ċ) fil-każ ta' deċiżjoni li tinkludi l-impożizzjoni ta'

multa, jistipula ż-żmien li fih dik il-multa għandha titħallas, u jiġbor dik il-multa permezz ta' kwalunkwe metodu ta' hlas li jista' jistabbilixxi minn żmien għal żmien;

(d) fil-każ ta' deċiżjoni li tissospendi lid-detentur tal-warrant jew fornitur ta' servizzi milli jipprattika għall-perjodu definit, jipproċedi biex jissospendi ċ-ċertifikat għall-prattika rilevanti għall-perjodu preskritt mill-Bord għall-Imġiba Professionali tal-Periti, u jinforma lill-Bord tal-Warrant dwar tali sospensjoni;

(e) fil-każ ta' revoka tal-warrant, jinforma lill-Bord tal-Warrant li għandu jipproċedi biex iwettaq tali revoka fiż-żmien stipulat mill-Kamra tal-Periti.

(4) L-ebda azzjoni dixxiplinarja kontra d-detentur tal-warrant jew fornitur ta' servizzi ma għandha tidhol fis-seħh qabel ma jkunu ġew eżawriti l-proċedimenti kollha, inkluż id-dritt għas-sottomissjoni ta' appell skont artikolu 23.

Użu ta' titoli  
professionali.

**15.** (1) It-titoli ta' Perit, Perit Arkitett, Perit Inġinier Ċivili, Perit Arkitett u Inġinier Ċivili u Periti huma titoli regolati u protetti, u l-użu mhux awtorizzat ta' dawn it-titoli, jew aġir li b'xi mod jissuġġerixxi awtorità sabiex wiehed jagħmel użu mit-titoli, għandhom jikkostitwixxu reat u jkunu soġġetti għall-penali preskritti fl-artikolu 26.

(2) Dawk il-professjonisti li jitnizzlu fil-lista ta' Perit Arkitett għandhom id-dritt li jużaw it-titolu ta' Perit Arkitett. Dawk il-professjonisti li jitnizzlu fil-lista ta' Perit Inġinier Ċivili għandhom id-dritt li jużaw it-titolu ta' Periti Inġinier Ċivili. Dawk il-professjonisti li jitnizzlu fiż-żewġ listi għandhom id-dritt li jużaw it-titolu kkombinat ta' Perit Arkitett u Inġinier Ċivili. Huma biss dawk is-soċjetajiet li jitnizzlu fil-lista tal-Periti li għandhom id-dritt jagħmlu użu mit-titolu ta' Periti.

Soċjetajiet bejn  
Periti.

**16.** (1) Żewġ detenturi jew aktar tal-warrant jistgħu jidhlu fi ftehim permezz ta' skrittura privata, hawn aktar 'il quddiem imsejha "soċjetà bejn periti", li l-għan esklużiv tagħha jkun l-eżerċizzju kollettiv tal-professjoni.

(2) L-ebda persuna għajr detentur tal-warrant ma jista' jkun soċju f'soċjetà bejn detenturi tal-warrant.

(3) Kull tali soċjetà, meta tiġi ffurmata, għandha tkun reġistrata mal-Bord tal-Warrant, u hekk kif tiġi reġistrata, is-soċji għandhom, sakemm tibqa' hekk reġistrata, ikunu awtorizzati li jaġixxu f'isem kif ukoll għan-nom tas-soċjetà, li għandha tkun intitolata għall-użu tat-



titolu ta' Periti.

(4) (a) B'riżultat tal-iskrittura msemmija fis-subartikolu (1), il-firmatarji jaqblu li jkunu responsabbli *in solidum* għall-għemil u għannuqqasijiet ta' kull wieħed minnhom fit-twettiq tad-dmirijiet professjonali tagħhom, fiż-żamma tal-livelli u tal-imgħiba professjonali meħtieġa u b'mod ġenerali fit-twettiq tal-obbligi tagħhom taħt dan l-Att jew taħt xi liġi oħra applikabbli. Għandhom ukoll ikunu responsabbli *in solidum* għal kull telf jew danni riżultanti mill-istess.

(b) Kull azzjoni jew haġa li tista' ssir minn detentur tal-warrant tista' ssir minn wieħed jew aktar mill-firmatarji f'isem il-firmatarji kollha, u kull azzjoni jew haġa li ssir f'isem il-firmatarji, għandha ssir minn wieħed jew aktar mill-firmatarji.

(c) Ir-responsabbilitajiet u l-obbligazzjonijiet għal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perjodu li fih id-detentur tal-warrant kien firmatarju għal tali ftehim ma jiqafx, fir-rigward ta' tali persuna, mal-irtirar tiegħu, mewt jew raġuni oħra li minhabba fiha ma jibqax firmatarju, sakemm il-ftehim ma jistipulax xort'oħra u dak il-ftehim ikun sar permezz ta' skrittura pubblika quddiem nutar pubbliku u registrat fir-registru pubbliku.

(5) Għandu jkun hemm lista tas-soċjetajiet kollha li jkunu ġew irregistrati mill-Bord tal-Warrant skont is-subartikolu (3) u l-Bord tal-Warrant għandu jniżżel fil-lista, l-isem operazzjonali ta' dik is-soċjetà ta' detenturi tal-warrant, kif ukoll l-ismijiet tad-detenturi tal-warrant individwali firmatarji tal-ftehim imsemmi fis-subartikolu (1), wara li dak il-ftehim ikun ġie vverifikat flimkien mal-istatus professjonali tal-firmatarji individwali, skont regolamenti li jistgħu jiġu preskritti.

(6) Kull soċjetà registrata mal-Bord tal-Warrant għandu jkollha numru uniku ta' registrazzjoni, li għandu jintuża sabiex tiġi identifikata s-soċjetà. Dan in-numru ta' registrazzjoni għandu jintuża sabiex tiġi kkonfermata d-dokumentazzjoni kollha formali maħruġa mis-soċjetà fit-twettiq tal-professjoni, taħt it-termini tal-ftehim imsemmi fis-subartikolu (1).

(7) Mar-registrazzjoni, u sakemm din tibqa' hekk registrata, kull firmatarju għandu jkun awtorizzat sabiex jaġixxi f'isem u għan-nom tal-firmatarji kollha.

(8) Kull soċjetà għandha ttipprova lill-Bord tal-Warrant kull tagħrif li jista' jiġi raġonevolment rikjest jew kif jista' jiġi preskrit, u għandha tavża lill-Bord b'kull tibdil rilevanti f'kull tagħrif mogħti lillu precedentement, fi żmien hmistax (15)-il jum mid-data li fiha jkun sar dak it-tibdil. Kull nuqqas f'dan ir-rigward għandu jitqies bħala reat u

għandu, malli tiġi stabbilita l-ħtija, ikun soġġett għal multa ta' mitejn u ħamsin euro (€250).

(9) (a) Malli jitniżżel isem is-soċjetà fil-lista rilevanti, il-Kamra għandha toħroġ timbru professjonali, liema timbru għandu jkollu l-isem registrat tas-soċjetà u n-numru ta' registrazzjoni.

(b) Tali timbru għandu jintuża fid-dokumentazzjoni kollha prodotta mis-soċjetà jew minn kwalunkwe detentur tal-warrant li jiffirma parti mis-soċjetà fejn ikun meħtieġ it-timbru.

Forom ta' prattika.

**17.** (1) Minkejja d-dispożizzjonijiet tal-artikolu 16, kull personalità ġuridika rikonoxxuta minn, jew miksuba wara registrazzjoni skont il-liġijiet ta' Malta u stabbilita f'Malta, jew il-liġijiet tal-Istat Membru li fih hija stabbilita fil-każ ta' servizzi transkonfinali offruti skont id-Direttiva dwar is-Servizzi, tista' tipprovdi servizzi ta' arkitettura u inġinerija ċivili, iżda għal dawk is-servizzi professjonali riżervati minn xi liġi ta' Malta għad-detentur tal-warrant, l-ismijiet tal-Perit jew Periti, jew il-professjonisti li jkunu qed iwettqu dawk is-servizzi skont dan l-Att u li jassumu r-responsabbiltajiet riżultanti minn dawn is-servizzi professjonali riżervati, għandhom ikunu identifikati b'mod ċar fi kwalunkwe komunikazzjoni formali jew kuntratt ta' servizzi jew materjal promozzjonali; u kemm-il darba jkun hemm assigurazzjoni ta' indennizz professjonali skont l-artikolu 18 maħruġa fl-ismijiet ta' tali professjonist jew professjonisti, liema poloz ta' assigurazzjoni għandhom ikunu disponibbli għal spezzjoni minn kwalunkwe persuna li tixtieq tagħmel użu mis-servizzi professjonali relattivi.

Assigurazzjoni.

**18.** (1) Kull detentur tal-warrant jew soċjetà registrata taħt dan l-Att għandhom ikunu koperti permezz ta' poloz ta' assigurazzjoni u tali assigurazzjoni għandha tipprovdi protezzjoni adegwata għal dawk l-attivitajiet kollha, jew servizzi msemmija fl-artikolu 3(1). Il-poloż ta' assigurazzjoni għandhom ikopru d-detentur tal-warrant jew is-soċjetà kontra kull responsabbiltà li d-detentur tal-warrant jew is-soċjetà jistgħu jkunu soġġetti għaliha, għall-kumpens fir-rigward ta' telf jew dannu lil xi persuna jew oġġett b'riżultat ta' kwalunkwe att negligenti, ksur ta' obbligi, żball jew nuqqas kkommessi mid-detentur tal-warrant, mis-soċjetà, kwalunkwe soċju tagħha jew kwalunkwe mill-impjegati, kif ukoll kontra kull talba għal kwalunkwe telf jew dannu riżultanti jew kontribwiti minn att kriminali jew malizzjuż jew nuqqas ta' xi impjegat tagħhom:

Iżda f'każ ta' ċittadini ta' Stati Membri li joffru servizzi fuq bażi temporanja jew ta' kultant, skont l-artikolu 9, kull meta tkun meħtieġa assigurazzjoni għal indennizz professjonali jew mezzi oħra ta' protezzjoni personali jew kollettiva fir-rigward tar-responsabbiltà professjonali, skont raġunijiet prevalenti taħt l-artikolu 6(1)(b) tal-Att dwar is-Servizzi (Suq Intern), li jikkonċernaw il-politika pubblika, sigurtà pubblika, saħħa pubblika jew il-protezzjoni tal-ambjent, l-assigurazzjoni għal indennizz professjonali jew mezzi oħra ta' protezzjoni personali jew kollettiva fir-rigward tar-responsabbiltà professjonali fl-Istat Membru tal-oriġini, kif dikjarat lill-Bord tal-Warrant skont it-termini tal-artikolu 9 (2)(v), u li jkunu suffiċjenti sabiex ikopru r-responsabbiltajiet għax-xogħol imwettaq kif imfisser aktar 'il fuq, għandhom jitqiesu li jissodisfaw ir-rekwiżiti ta' dan l-artikolu.

Kap. 500.

(2) Ir-responsabbiltà professjonali tal-Perit taħt il-Liġijiet ta' Malta hija mingħajr limitu għall-perjodu preskritt fil-liġi relattiva, sakemm ma jiġix preskritt xort' oħra. Il-poloż ta' assigurazzjoni għandhom jinżammu minn kull detentur tal-warrant, individwalment jew f'isem is-soċjetà u għandhom ikopru kull attività u servizzi offruti mid-detentur tal-warrant jew soċjetà ta' detenturi tal-warrant.

(3) Il-polza tal-assigurazzjoni:

(a) għandha tkun adegwata għan-natura u l-firxa tar-riskju;

(b) m'għandhiex teskludi atti preċedenti tad-detentur tal-warrant jew tas-soċjetà;

(ċ) għandha ttiprovdi indennizz għar-responsabbiltajiet riżultanti mill-attivitajiet u servizzi tad-detentur tal-warrant, provduti qabel l-irtirar tad-detentur tal-warrant jew id-data meta, għal xi raġuni d-detentur tal-warrant jieqaf jipprattika l-professjoni, għal perjodu ta' mhux anqas minn ħames (5) snin mid-data tal-irtirar jew mid-data ta' meta d-detentur tal-warrant jieqaf milli jkollu warrant;

(d) Id-dispożizzjonijiet ta' dan is-subartikolu ma japplikawx għal detentur tal-warrant impjegat mal-Gvern, f'kapacità ċivili jew militari u dawn il-persuni għandhom ikunu eżentati mill-obbligu li jkollhom polza ta' assigurazzjoni, fir-rigward ta' kwalunkwe attivitajiet jew servizzi provduti lill-Gvern fl-iskop tal-kuntratt tal-impjieg tagħhom peress li l-Gvern jaċċetta r-responsabbiltà għall-azzjonijiet tal-impjegati tiegħu meta dawn ikunu qed jaqdu dmirijiet uffiċjali u għal kull responsabbiltà riżultanti minn dawn id-dmirijiet wara li d-

detentur tal-warrant ma jibqax impjegat tal-Gvern;

(4) (a) Detentur tal-warrant għandu jkun eżentat mid-dispożizzjonijiet tas-subartikolu (1) jekk jissottometti ittra lill-Kamra fejn jiddikjara li huwa mhux qed jipprovdi xi attività jew servizz li direttament jew indirettament jaqgħu fit-tifsira ta' servizzi professjonali ta' perit.

(b) Il-Kamra għandha taċċetta d-dikjarazzjoni tad-detentur tal-warrant mingħajr il-htieġa ta' mistoqsijiet jew kjarifiki ulterjuri.

Ċessjoni tal-warrant.

**19.** (1) Warrant maħruġ taht id-dispożizzjonijiet ta' dan l-Att jista' jiġi rtirat jew kanċellat mill-Bord tal-Warrant, fuq talba tad-detentur tal-warrant.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), jista' fi kwalunkwe waqt jinhareġ warrant ġdid, dment li ma jkunux għaddew għaxar (10) snin mid-data li fiha tali warrant jew reġistrazzjoni jkun għew revokati jew kanċellati, kemm-il darba l-kundizzjonijiet għal tali hruġ jew reġistrazzjoni mal-Bord tal-Warrant ikunu għew sodisfatti u l-Bord tal-Warrant jiġi kkonsultat u ma jsib l-ebda oġġezzjoni.

(3) Jekk il-perjodu ta' għaxar (10) snin imsemmi fis-subartikolu (2) ikun għadda, l-applikant ikollu jissodisfa r-rekwiżiti stipulati fl-artikolu 3(2).

(4) Ir-responsabbiltajiet u l-obbligi għal kull haġa magħmula jew li naqset milli ssir matul il-perjodu li fih il-professjonist kien detentur tal-warrant, m'għandhomx jieqfu wara ċ-ċessjoni tal-warrant. L-obbligu taż-żamma ta' kopertura tal-assigurazzjoni skont l-artikolu 18 għandu jibqa' japplika.

Xoljiment jew bdil fis-soċjetà.

**20.** (1) Ir-reġistrazzjoni ta' soċjetà ta' detenturi tal-warrant maħruġa skont id-dispożizzjonijiet ta' dan l-Att tista' tiġi xolta jew emendata, fuq talba tas-soċjetà, dment li r-rekwiżiti tas-subartikolu (2) jiġu sodisfatti.

(2) Ir-responsabbiltajiet u l-obbligi għal kwalunkwe haġa magħmula jew li naqset milli ssir matul il-perjodu li matulu kienet teżisti s-soċjetà m'għandhomx jieqfu wara x-xoljiment jew l-emenda tagħha u għandhom jibqgħu effettivi *in solidum* fir-rigward ta' kull soċju skont dan l-Att u liġijiet oħra rilevanti, sakemm il-ftehim tas-soċjetà ma jistipulax xort'oħra għas-sodisfazzjon tal-Bord tal-Warrant. L-obbligu li tinżamm kopertura tal-assigurazzjoni skont artikolu 18 għandu jibqa' japplika.

21. (1) Il-Bord tal-Warrant għandu fi żmien xahar (1) jirrevoka warrant jew iħassar ir-registrazzjoni tas-soċjetà, jekk id-detentur tal-warrant jew soċjetà kif jista' jkun il-każ -

Sospensjoni jew revoka ta' warrant ta' soċjetà.

(a) ikun instab ħati, permezz ta' deċiżjoni tal-Bord għall-Imġiba Professjonali tal-Periti, kif soġġett għal appell quddiem il-Qorti tal-Appell, ta' xi wieħed mill-atti jew nuqqasijiet li ġejjin:

(i) diżonestà, imġiba ħażina jew negligenza grossa fl-eżerċizzju tal-professjoni;

(ii) imġiba li tiskredita l-professjoni;

(iii) nuqqas ta' osservanza ta' regolamenti fir-rigward ta' standards jew prattici professjonali;

(iv) nuqqas ta' osservanza ta' xi kundizzjoni marbuta mal-warrant mahruġ taht id-dispożizzjonijiet tal-artikolu 3;

(v) aġir bi ksur ta' kwalunkwe mid-dispożizzjonijiet tal-Kodiċi ta' Mġiba Professjonali;

(vi) nuqqas ta' kooperazzjoni sħiħa mat-talbiet magħmula mill-Bord għall-Imġiba Professjonali tal-Periti fir-rigward ta' investigazzjoni dwar kwistjonijiet relatati ma' dan is-subartikolu; jew

(b) ikun instab ħati minn qorti kompetenti ta' reat taht id-dispożizzjonijiet ta' dan l-Att jew kwalunkwe regolamenti magħmulin tahtu; jew

(ċ) mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 24, ikun instab ħati minn qorti kompetenti ta' reat li jolqot il-fiduċja pubblika jew ta' serq jew ta' frodi jew li jkun xjentement irċieva proprjetà miksuba b'serq jew bi frodi.

(2) Il-Bord tal-Warrant għandu jinnotifika r-revoka tal-warrant jew kancellazzjoni ta' registrazzjoni jew is-sospensjoni taċ-ċertifikat għall-prattika, kif ikun il-każ, fil-Gazzetta tal-Gvern.

(3) Id-deċiżjoni tal-Bord għall-Imġiba Professjonali tal-Periti għandha tinkludi r-raġunijiet għas-sospensjoni taċ-ċertifikat għall-prattika jew revoka tal-warrant, kif ukoll il-minuti rilevanti tal-laqgħat u, jew tas-seduti tal-Bord għall-Imġiba Professjonali tal-Periti.

Effetti tar-revoka jew sospensjoni taċ-ċertifikat għall-prattika, jew kanċellazzjoni ta' reġistrazzjoni ta' soċjetà.

**22.** (1) Meta warrant maħruġ taħt dan l-Att jiġi revokat, jew ċertifikat għall-prattika maħruġ taħt dan l-Att jiġi sospiż, il-persuna li lilha jkun inħareġ il-warrant jew ċertifikat għall-prattika ma tibqax detentriċi ta' tali warrant, jew tiġi sospiża milli teżerċita l-professjoni skont il-każ, u għandha tieqaf milli tuża jew tissospendi l-użu tat-titolu Perit.

(2) Minkejja tali sospensjoni taċ-ċertifikat għall-prattika jew revoka tal-warrant kif provdut fis-subartikolu preċedenti, ir-responsabbiltajiet u l-obbligazzjonijiet għal kwalunkwe haġa li tkun saret jew li naqset milli ssir matul dak il-perjodu meta l-warrant kien attiv, għandhom jibqgħu effettivi skont dan l-Att u liġijiet rilevanti oħra.

(3) Minnufih mal-kanċellazzjoni jew sospensjoni tar-reġistrazzjoni ta' soċjetà ta' detenturi tal-warrant, il-membri ta' dik is-soċjetà u s-soċjetà għandhom jieqfu milli jużaw it-titolu ta' Periti.

Appelli minn deċiżjonijiet tal-Bord.

Kap. 490.

**23.** (1) (a) Id-deċiżjonijiet tal-Bord tal-Warrant jew tal-Kunsill tal-Kamra tal-Periti previsti taħt dan l-Att għandhom ikunu soġġetti għal appell quddiem it-Tribunal ta' Reviżjoni Amministrattiva mwaqqaf skont l-artikolu 5(1) tal-Att dwar il-Ġustizzja Amministrattiva.

(b) Meta persuna ma tkunx sodisfatta b'xi deċiżjoni tal-Bord tal-Warrant jew tal-Kunsill tal-Kamra tal-Periti meħuda fil-konfront tagħha, hija tista' tappella lill-imsemmi Tribunal kontra dik id-deċiżjoni dwar punti ta' fatt u tad-dritt sa mhux aktar tard minn għoxrin (20) ġurnata minn meta tkun giet notifikata bid-deċiżjoni tal-Bord.

(ċ) It-Tribunal ta' Reviżjoni Amministrattiva jista', fid-deċiżjoni tiegħu dwar kwalunkwe appell magħmul abbażi tas-subartikolu (1), jikkonferma, jibdel jew ivarja, totalment jew parzjalment, id-deċiżjoni oriġinali.

(2) Id-deċiżjonijiet tal-Bord għall-Imġiba Professjonali tal-Periti għandhom ikunu soġġetti għal appell quddiem il-Qorti tal-Appell kif kontemplat fl-artikolu 14(1).

Skwalifika ta' detentur tal-warrant.

Kap. 9.

**24.** Id-dikjarazzjoni ta' htija minn xi qorti kompetenti fir-rigward ta' xi reat li jkun soġġett għall-prigunerija għal terminu li jeċċedi sena (1), għajr omiċidju involontarju jew xi delitt ieħor kontra l-persuna li jkun skużabbli skont il-Kodiċi Kriminali, għandha tikkostitwixxi raġuni għall-projbizzjoni perpetwa mill-kisba jew għaž-żamma tal-warrant.

(2) Tali projbizzjoni għandha, fil-każ ta' detentur tal-warrant, tiġi

dikjarata mill-Bord tal-Warrant permezz ta' avviż pubblikat fil-Gazzetta u għandha tiġi komunikata lill-persuna skwalifikata, kemm-il darba ma tkunx għet interdett bis-sentenza nnifisha.

(3) Id-detentur tal-warrant għandu jinforma lill-Bord tal-Warrant li jkun instab haġi fi żmien hmistax (15)-il ġurnata mis-sentenza. Innuqqas li jagħmel dan għandu jitqies bħala reat u għandu meta jinsab haġi jkun soġġett għall-multa ta' tlett elef euro (€3,000).

**25.** Kull ftehim jew arrangament ieħor li jkollu l-ħsieb li jeżenta lil detentur tal-warrant jew soċjetà ta' detenturi tal-warrant minn kwalunkwe obbligu, responsabbiltà jew dmir taħt dan l-Att jew xi liġi oħra, jew li jhollhom minnhom, jew, ħlief taħt xi assigurazzjoni ta' indennizz kif stipulat fl-artikolu 18, li jagħmel tajjeb għal tali obligazzjonijiet, responsabbiltà jew dmir għandu jkun null u bla effett: Ftehim proibit.

Iżda dan l-artikolu m'għandux jinftiehem fis-sens li detentur tal-warrant jew soċjetà ta' detenturi tal-warrant ma jistgħux jagħżlu li jiddelegaw id-dmirjiet u r-responsabbiltajiet professjonali tagħhom lil detentur tal-warrant ieħor jew soċjetà ta' detenturi tal-warrant permezz ta' ftehim reċiproku.

**26.** (1) Kull persuna li, sabiex tikseb il-warrant, jew ir-registrazzjoni ta' soċjetà ta' detenturi tal-warrant taħt id-dispożizzjonijiet ta' dan l-Att, tagħti xi tagħrif hażin jew xort'oħra tagħxi b'mod qarrieqi jew frawdolenti, tkun haġja ta' reat u għandha, meta tinstab haġja, tkun soġġetta għal multa li ma teċċedix l-elfejn u ħames mitt euro (€2,500) jew għal prigunerija għal terminu ta' mhux iżjed minn tnax (12)-il xahar jew għal tali multa u prigunerija f'daqqa. Reati.

(2) Kwalunkwe persuna li ma tkunx detentur tal-warrant u li tassumi jew tuża it-titolu ta' Perit, jew b'xi mod turi li hija intitolata teżerċita l-professjoni, tkun haġja ta' reat u għandha, meta tinstab haġja tkun soġġetta għal multa li ma teċċedix l-elf mitejn u ħamsin euro (€1,250) jew għal prigunerija għal terminu ta' mhux iżjed minn sitt (6) xhur, jew kemm għal tali multa u prigunerija f'daqqa, u f'każ tat-tieni reat jew reat sussegwenti, għal multa li ma teċċedix it tnax-il elf u ħames mitt euro (€12,500) jew għal prigunerija għal terminu ta' mhux aktar minn sentejn (2) jew għal tali multa u prigunerija f'daqqa.

(3) Kwalunkwe persuna li tuża t-titolu ta' Periti b'rabta ma' soċjetà ta' detenturi tal-warrant, meta taf li dik is-soċjetà mhix registrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun, xjentement tuża isem falz li jimplika l-eżistenza ta' soċjetà ta' detenturi tal-warrant registrata kif imsemmi aktar 'il fuq, tkun haġja ta' reat u għandha, meta tinstab haġja, tkun soġġetta għal multa li ma

teċċedix l-elf mitejn u hamsin euro (€1,250) jew għal prigunerija għal terminu ta' mhux aktar minn sitt (6) xhur, jew għal tali multa u prigunerija f'daqqa, u f'każ tat-tieni reat jew reat sussegwenti għal multa li ma teċċedix it tnax-il elf u hames mitt euro (€12,500) jew għal prigunerija għal terminu ta' mhux aktar minn sentejn (2) jew għal tali multa u prigunerija f'daqqa.

(4) Kwalunkwe persuna li ma tkunx detentur tal-warrant skont id-dispożizzjonijiet ta' dan l-Att u li tipprattika l-professjoni, tkun hatja ta' reat u għandha, meta tinstab hatja, tkun soġġetta għal multa li ma teċċedix il-hamest elef euro (€5,000) jew għal prigunerija għal terminu ta' mhux aktar minn sitt (6) xhur jew għal tali multa u prigunerija f'daqqa u f'każ tat-tieni reat jew reat sussegwenti għal multa li ma teċċedix it tnax-il elf u hames mitt euro (€12,500) jew għal prigunerija għal terminu ta' mhux aktar minn sentejn (2) jew għal tali multa u prigunerija f'daqqa.

(5) Kwalunkwe persuna li tinstab tipprattika u li ma jkollhiex ċertifikat għall-prattika mahruġ mill-Kamra tal-Periti, tkun hatja ta' reat u għandha meta tinstab hatja mill-Bord għall-Imġiba Professjonali tal-Periti, tkun soġġetta għal multa ta' mhux anqas minn hames mitt euro (€500) iżda li ma teċċedix il-hamest elef euro (€5,000) jew għas-sospensjoni tal-warrant sa massimu ta' sitt (6) xhur jew għal tali multa u sospensjoni f'daqqa u f'każ ta' reat permanenti għal multa addizzjonali ta' mitt euro (€100) għal kull jum li matulu r-reat ikompli.

(6) Il-multi stipulati taht dan l-artikolu għandhom jizjeddu kull sena skont l-indiċi tal-inflazzjoni.

Dispożizzjonijiet addizzjonali għal reati.

**27.** (1) Id-dispożizzjonijiet ta' dan l-Att li jstabbilixxu r-reati u l-pieni għall-istess, m'għandhomx jaffettwaw l-operat ta' xi ligi oħra li tistabbilixxi reati u pieni għall-istess atti jew ommissjonijiet u m'għandhomx, b'mod partikolari, jaffettwaw l-applikazzjoni ta' xi piena oġġla f'xi ligi oħra.

Kap. 446.

(2) Id-dispożizzjonijiet tal-Att dwar il-*Probation* m'għandhomx japplikaw għal dan l-Att.

(3) Għall-finijiet ta' dan l-artikolu, l-użu fi kwalunkwe biljett, karta tal-ittri, tabella, kartellun, pjanċa, reklam jew apparat jew mezzi elettronici oħra miktuba, stampati jew imnaqqxa, strument jew dokument, tal-kelma jew kliem Perit, Perit Arkitett, Perit Inġinier Ċivili, Perit Arkitett u Inġinier Ċivili u Periti jew kwalunkwe minn dawn il-kliem użati flimkien, għandu jkun evidenza suffiċjenti għall-għarfien ta' tali użu mill-persuna li b'rabtha ma' isimha l-imsemmija kelma tkun qegħda tintuża, kemm-il darba dik il-persuna ma tippruvax li l-użu ta' tali kelma sar mingħajr l-għarfien tagħha u li meta saret taf



b' dak l-użu ħadet il-passi xierqa biex twaqqfu.

**28.** Il-Ministru għandu, bi ftehim mal-Kamra, jagħmel regolamenti biex jagħti effett aħjar lil kwalunkwe mid-dispożizzjonijiet ta' dan l-Att u b'mod ġenerali biex tiġi regolata l-professjoni, u, sakemm dawn ir-regolamenti ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi aktar 'il fuq, daww ir-regolamenti jistgħu b'mod partikolari jinkludu dispożizzjonijiet dwar:

Setgħat tal-Ministru li jagħmel regolamenti.

(a) l-aġġornament tal-multi stipulati f'dan l-Att;

(b) il-miżati li jistgħu jkunu dovuti lill-Bord tal-Warrant għall-ħruġ ta' warrant jew għar-reġistrazzjoni ta' soċjetà ta' detenturi tal-warrant, jew għall-kopji tagħhom, u l-miżati li jistgħu jkunu dovuti lill-Kamra tal-Periti għas-sottomissjoni ta' ilment lill-Kamra u għall-ipproċessar ta' tali ilmenti u miżati amministrattivi oħra;

(ċ) id-dħul fis-seħħ tad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u kwalunkwe leġislazzjoni sussidjarja maħruġa tahtu, fir-rigward tar-rikonoxximent reċiproku ta' kwalifiki tal-Periti; Kap. 451.

(d) standards ta' mġiba u prattiċi professjonali mistennija mid-detenturi tal-warrant fil-Kodiċi ta' Mġiba Professjonali, sabiex jinżamm standard għoli ta' servizz u mġiba professjonali, il-prestiġju u l-istatus tal-professjoni u għas-salvagwardja tal-interessi tal-komunità;

(e) tfassil ta' azzjonijiet dixxiplinarji li l-Kamra tista' timponi fuq detentur tal-warrant, fejn jirriżulta li d-detentur tal-warrant kiser il-Kodiċi ta' Mġiba Professjonali;

(f) proċeduri relatati mal-iżvilupp kontinwu professjonali (CPD), inklużi r-rekwiżiti minimi applikabbli għall-ħruġ taċ-ċertifikati għall-prattika;

(g) l-assigurazzjoni ta' indennizz professjonali li għandha tinżamm minn detentur tal-warrant skont l-artikolu 18;

(h) il-miżata amministrattiva li għandha tiħallas mid-detenturi tal-warrant lill-Kamra, kif soġġett għar-regolamenti maħruġa mill-Ministru skont l-artikolu 12(7)(g);

(i) kwalunkwe ħaġa oħra meħtieġa jew awtorizzata minn dan l-Att li tiġi preskritta.

**29.** Kull meta jintuza t-terminu "perit" fi kwalunkwe ligi oħra għandu jkollu l-istess tifsira mogħtija lilu fis-sens ta' "perit arkitett" jew "perit inġinier ċivili" jew "perit arkitett u inġinier ċivili" kif msemmi f'dan l-Att.

Revoka.  
Kap. 390.  
L.S. 390.01.

**30.** L-Att dwar il-Periti u l-leġislazzjoni sussidjarja kollha magħmula taħtu, bl-eċċezzjoni tar-Regolamenti dwar il-Kamra tal-Arkitetti qegħdin b'dan jiġu mħassra.

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### **Objects and Reasons**

L-għanijiet u r-ragunijiet ta' dan l-Abbozz huma sabiex jindirizzaw numru ta' dispożizzjonijiet tal-UE soġġetti għal proċeduri ta' ksur relatati mad-Direttiva dwar is-Servizzi u d-Direttiva dwar ir-Rikonoxximent Reċiproku, kif ukoll sabiex jiġi aġġornat l-Att sabiex jilqa n-numru ta' kwistjonijiet nazzjonali relatati mal-professjoni u sabiex iħassar l-Att dwar il-Periti.

**A BILL  
entitled**

*AN ACT to regulate Periti and to provide for matters connected therewith or ancillary thereto.*

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

1. (1) The short title of this Act is the *Periti Act, 2020*.

Short title and commencement.

(2) The provisions of this Act shall come into force on such date as the Minister may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

2. (1) In this Act unless the context otherwise requires –

Interpretation.

"adaptation period" shall have the same meaning assigned to it in the Recognition of Professional Qualifications Regulations;

S.L. 451.03.

"administration fee" means the fee that a warrant holder shall pay to the *Kamra tal-Periti* when submitting a declaration in connection with the requirements of Article 18;

"Annex V" and "Annex VI" mean Annex V and Annex VI of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications;

"aptitude test" shall have the same meaning assigned to it in the Recognition of Professional Qualifications Regulations;

"certificate to practise" means a certificate issued annually by the *Kamra tal-Periti* to a warrant holder, a partnership of warrant holders or a service provider, and without which such warrant holder, partnership of warrant holders or service provider may not provide professional services;

"Code of Professional Conduct" means the Code prescribed by regulations which sets out and explains the standards of professional conduct and practice which the *Kamra tal-Periti* requires of persons practising the profession in Malta;

"continuous professional development" means a structured and organised activity, planned and carried out by warrant holders so as to maintain and update their knowledge of the art and science of their profession, and enhance their ability to exercise their profession, in the context of an ever-expanding body of professional expertise, as well as to keep abreast of regulatory and ethical developments, and to motivate professionals to engage in lifelong learning relevant to the safe and effective practice of their profession;

"designated authority" shall have the same meaning assigned to it in the Mutual Recognition of Qualifications Act;

"establishment" shall have the same meaning as that assigned to it in the Services (Internal Market) Act;

"European Credit Transfer and Accumulation System" or "ECTS credits" means the credit system for higher education used in the European Higher Education Area;

"European Union" shall have the same meaning assigned to it in the Treaty;

"IMI" means the IT-based Internal Market Information System in operation within the European Economic Area;

"insurance policy" means a Professional Indemnity Insurance Policy issued according to documented terms and conditions, provided by an insurance provider to a *Perit* or *Periti* or other service providers rendering services in Malta under this Act, or any other means of personal or collective protection with regard to professional liability;

"*Kamra tal-Periti*" or "*Kamra*" means the Chamber of

Architects and Civil Engineers established by article 12;

"lifelong learning" shall have the same meaning assigned to it by the Recognition of Professional Qualifications Regulations; S.L. 451.03.

"Member State" means a state member of the European Union;

"migrant" shall have the same meaning assigned to it in the Recognition of Professional Qualifications Regulations. S.L. 451.03.

"Minister" means the Minister responsible for Works and to the extent of any functions delegated to it by the Minister, includes the *Periti* Warranting Board;

"*Perit*" means the generic professional title, given to indicate to society that the holder of the title is suitably qualified and authorised to practise the profession; for this purpose, all references in the Laws of Malta to the word "architect" shall be taken to mean "*Perit*";

"*Perit Arkitett*" means the title given to the professional in accordance with this Act, and whose name has been entered into the Register under the list of *Perit Arkitett*, in accordance with the procedures outlined in articles 4 and 5;

"*Perit Inġinier Ċivili*" means the title given to the professional in accordance with this Act, and whose name has been entered into the Register under the list of *Perit Inġinier Ċivili*, in accordance with the procedures outlined in articles 4 and 6;

"*Perit Arkitett u Inġinier Ċivili*" means the title given to the professional in accordance with this Act, and whose name has been entered into the Register under both the list of *Perit Arkitett* and the list of *Perit Inġinier Ċivili*, in accordance with the procedures outlined in articles 4, 5 and 6;

"*Periti*" shall mean the generic title given to a group of individuals, each of whom have the right to the title of "*Perit*", who agree, by private deed, to form a joint entity, which, for the purposes of the liabilities assumed by the profession, as defined below, acts as one, and who shall be entered into the Register under the list of *Periti* as outlined in article 16;

"*Periti* Warranting Board" or "Warranting Board" means the Board established by article 10;

"*Periti* Professional Conduct Board" means the Board established by article 13;

"prescribed" means prescribed by regulations under this Act by the Minister, after consultation with the *Kamra tal-Periti*;

"profession" means the regulated profession assuming the responsibilities, personally or collectively, that are defined, from time to time, in the Laws of Malta, and including services related to architecture and civil engineering reserved by law to warrant holders and professional services shall be construed accordingly;

"professional traineeship" means a period of professional practice undertaken under supervision, after the completion of the appropriate programmes of academic training, as established by this Act;

"professional experience" means the actual and lawful full-time or equivalent part-time pursuit of the profession, in a Member State;

Cap. 451. "regulated profession" shall have the same meaning assigned to it in the Mutual Recognition of Qualifications Act

"register" means the register of warrant holders referred to in article 4;

"Services Directive" shall mean Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market;

"service provider" means a person from any Member State or any country in the European Economic Area who exercises the profession on a temporary and occasional basis in Malta, in accordance with the provisions of the Services Directive;

S.L. 451.03. "temporary and occasional basis" shall have the same meaning assigned to it in the Recognition of Professional Qualifications Regulations;

Cap. 460. "Treaty" shall have the same meaning assigned to it in the European Union Act;

"warrant" means a warrant granted under article 3, and "warrant holder" shall be construed accordingly.

Warrant to practise as a *Perit*.

**3.** (1) The practice of architecture and of civil engineering is a regulated profession, in view of the over-riding need to protect public interest, particularly in relation to issues of public health and safety,

protection of the environment, protection of cultural heritage and of structural integrity of buildings and structures, arising from the design and supervision of the construction of buildings and engineering works; therefore various Laws of Malta reserve relative tasks to be undertaken only by a warrant holder.

(2) The warrant to practise the profession shall be granted by the Warranting Board to any person who satisfies the requirements of this article and also the requirements of articles 5 or 6. No person shall practise the profession unless he holds a warrant for that purpose issued by the Warranting Board.

(3) A warrant holder may use the designation "*Perit*", "*Perit Arkitett*" or "*Perit Inġinier Ċivili*" or "*Perit Arkitett u Inġinier Ċivili*" in accordance with the listing defined in article 5 or 6 or 7.

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

I ..... swear that I will bear true faith and allegiance to the people and the Republic of Malta and its Constitution. So help me God.

I ..... do swear that I will faithfully and with all honesty and exactness perform the duties of a *Perit* to the best of my knowledge and ability. So help me God.

Or in the following terms:

I ..... solemnly affirm that I will bear true faith and allegiance to the people and the Republic of Malta and its Constitution.

I ..... solemnly affirm that I will faithfully and with all honesty and exactness perform the duties of a *Perit* to the best of my knowledge and ability.

(5) Every person practising the profession under this Act shall be responsible for his own actions and omissions in the performance of his duties, the maintenance of the required professional standard and conduct, and generally in the fulfillment of his obligations under this Act or any other applicable law.

(6) The professional services, which are reserved to the profession by virtue of any law of Malta, shall be exclusively

performed by a warrant holder, a partnership of warrant holders or a professional undertaking such services in accordance with this Act even if performed under an employment contract, without undue influence by non-professional employers.

(7) A person practising the profession under this Act shall refuse to undertake such professional services where his professional independence is compromised.

Register of  
warrant holders.

4. (1) The Warranting Board shall maintain a register of all warrant holders issued under this Act. The register shall comprise a number of lists, as defined in this Act, which shall have the purpose of making available to the public the names of the persons who are qualified to undertake the services as defined by the respective lists.

(2) Every warrant holder registered with the Warranting Board shall have a unique registration number, which shall be used to identify the warranted professional. This registration number shall be used to confirm all formal documentation issued by the warranted professional in the course of execution of his profession, under his responsibility.

(3) A candidate will qualify for registration in the appropriate list if:

(a) he is a citizen of Malta, or a citizen of a Member State, or a third-country family member of European Union citizens, or a citizen of a third country entitled to live and work permanently in Malta, by virtue of any other legislation;

(b) without prejudice to the provisions regulating service providers and specifically article 9, the candidate seeks establishment in Malta;

(c) he is of good conduct, as can be confirmed by a full and valid conduct certificate from the relative national authority, issued not more than three (3) months before the date of submission of his request for registration to the Warranting Board;

(d) he is of full legal capacity;

(e) he has sufficient knowledge of one of the official languages of Malta, to the extent necessary for the practice of the profession;

(f) he satisfies the academic training requirements as defined in articles 5 or 6 or 7;



(g) he has undertaken at least one (1) year professional traineeship, from the publication of results confirming successful completion of the relative programme of academic training, under the supervision of a warrant holder, who has been so warranted for at least ten (10) years prior to undertaking such supervision, in accordance with regulations as may be prescribed.

Provided that, professional traineeship undertaken in a Member State shall be accepted, for a duration not exceeding six (6) months, provided that the Warranting Board is satisfied that the supervision of the professional traineeship was undertaken by a professional of equivalent qualifications and experience.

(h) he has been duly examined and approved by the Warranting Board in an examination or examinations for the purpose, at the end of the period of professional traineeship, in accordance with regulations as may be prescribed.

(4) A professional stamp, carrying his name and the registration number, to a design as shall be prescribed by regulation, shall be issued for this purpose by the Warranting Board at the time of the entering of the name of the warranted professional in the relative list or lists, which stamp may also be issued in electronic format.

Such stamp shall be used in all documentation produced by the warrant holder where a stamp is required to confirm all formal documentation and shall clearly state whether the holder is a *Perit Arkitett* and, or a *Perit Inġinier Ċivili*.

5. (1) There shall be a list of all warrant holders who have been admitted to the title of *Perit Arkitett*, in accordance with regulations as may be prescribed. *Perit Arkitett.*

(2) A candidate shall be entitled to use the title of *Perit Arkitett*, and consequently be entered in the relative list, if in addition to the requirements of sub-article 4(3)(a) to (h):

(a) he has undertaken academic training in Malta, at least at level 13 (e) as defined in the Recognition of Professional Qualifications Regulations, at a university or comparable teaching institution, for a minimum full-time duration of five (5) years, or the equivalent of three hundred (300) ECTS, and successfully completed university level final examinations, with architecture as the principal component of study, guaranteeing that the candidate has reached proficiency at least in those disciplines as may be prescribed:

S.L. 451.03.

Provided that all warrant holders, whose names appear in the existing register of warrant holders on the date of publication of this Act shall be entitled to be entered in this list. Nationals of Member States, or third countries, who have been registered in the existing register of warrant holders at the time of publication of this Act, on the basis of Annex V or VI, shall be entitled to registration in the list of *Perit Arkittett*, in accordance with the conditions imposed by the Warranting Board.

(b) Or, alternatively to the requirements of sub-article (2)(a),

L.S. 451.03.

(i) he has undertaken academic training in Malta at least at level 13 (e) as defined in the Recognition of Professional Qualifications Regulations, at a university or comparable teaching institution, for a minimum full-time duration of four (4) years, or the equivalent of two hundred and forty (240) ECTS, and successfully completed university level final examinations, with architecture as the principal component of study guaranteeing that the candidate has reached proficiency at least in those disciplines as may be prescribed; and

(ii) he has undertaken a period of formal professional traineeship for a minimum period of two (2) years full-time, under the supervision of, and evaluated by, a body authorised for this purpose by the Warranting Board, and undertaken not prior to the successful completion of the third year of studies, in accordance with regulations as may be prescribed; at least one (1) year of this training shall be dedicated to the consolidation of knowledge, skills, and competences required for the practice of the profession;

S.L. 390.05.

(3) A candidate who satisfies the requirements of article 4(3)(a), who has the right to the title of "Architect" in accordance with Annex V or Annex VI, and who wishes to establish himself in Malta, shall be automatically deemed as qualified to be entered in the list of *Perit Arkittett*, provided he satisfies the requirements of article 4(3)(c), (d) and (e). A candidate who benefits from the acquired rights in line with regulation 9 of the Mutual Recognition of Qualifications of Perit Regulations, shall possess a certificate attesting the pursuit of the activities in question for a least three (3) consecutive years during the five (5) years preceding the award of the certificate or other appropriate certificate referred to in Article 49 of Directive 2005/36/EC:

Provided that a candidate who does not benefit from Annex V, Annex VI or Article 49(1) and Article 49(2) of Directive 2005/36/EC, but satisfies the requirements of article 4(3)(a) and is fully qualified as "Architect" in his home state, where such profession is regulated, and who wishes to establish himself in Malta may be considered as qualified to be entered in the list of *Perit Arkitekt*, provided he satisfies the requirements of article 4(3)(c), (d) and (e):

Provided further that in the case of an applicant where the profession in the home state is not regulated, the applicant has pursued the profession on a full-time basis for one (1) year or for an equivalent overall duration on a part-time basis during the previous ten (10) years in another Member State which does not regulate the profession, and possesses one or more attestations of competence or evidence of formal qualifications issued by another Member State which does not regulate the profession, provided that any minimum training conditions laid down in this Act are respected:

Provided further that evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three (3) years professional experience in the field of architecture in the territory of the Member State that recognised that evidence of formal qualification certified by that Member State.

6. (1) There shall be a list of all warrant holders who have been admitted to the title of *Perit Inġinier Ċivili*. *Perit Inġinier Ċivili.*

(2) A candidate shall be entitled to use the title of *Perit Inġinier Ċivili*, and consequently entered in the relative list, provided that in addition to the requirements of article 4(3)(a) to (h):

(a) he has undertaken academic training in Malta at least at level 13 (e) as defined in the Recognition of Professional Qualifications Regulations, at a university or comparable teaching institution, for a minimum full-time duration of five (5) years, or the equivalent of three-hundred 300 ECTS, and successfully completed university level final examinations, with civil engineering as the principal component of study guaranteeing that the candidate has reached proficiency at least in those disciplines as may be prescribed. L.S. 451.03.

Provided that all warrant holders whose names appear in the existing register of warrant holders on the date of publication of this Act, shall be entitled to be entered in this list. Nationals of Member States, or third countries, who have been registered in the register of warrant holders at the time of

publication of this Act on the basis of their registration as a civil engineer in their home state, shall be entitled to registration in the list of *Perit Inġinier Ċivili*, in accordance with the conditions imposed by the Warranting Board.

(b) Or, alternatively to the requirements of sub-article (2)(a):

L.S. 451.03.

(i) he has undertaken academic training in Malta at least at level 13 (e) as defined in the Recognition of Professional Qualifications Regulations, at a university or comparable teaching institution, for a minimum full-time duration of four (4) years, or the equivalent of two-hundred and forty (240) ECTS, and successfully completed university level final examinations, with civil engineering as the principal component of study, guaranteeing that the candidate has reached proficiency at least in those disciplines as may be prescribed; and

(ii) he has undertaken a period of formal professional traineeship for a minimum period of two (2) years full-time, under the supervision of, and evaluated by, a body authorised for this purpose by the Warranting Board, and undertaken not prior to the successful completion of the third year of studies, in accordance with regulations as may be prescribed; at least one (1) year of this training shall be dedicated to the consolidation of knowledge, skills, and competences required for the practice of the profession.

(3) A candidate who satisfies the requirements of article 4(3)(a), who is fully qualified as a civil engineer in his home state, where such profession is regulated, and who wishes to establish himself in Malta, may be considered as qualified to be entered in the list of *Perit Inġinier Ċivili*, provided he satisfies the requirements of article 4(3) (c), (d) and (e):

Provided that in the case of an applicant where the profession in the home state is not regulated, the applicant has pursued the profession on a full-time basis for one (1) year or for an equivalent overall duration on a part-time basis during the previous ten (10) years in another Member State which does not regulate the profession, and possesses one (1) or more attestations of competence or evidence of formal qualifications issued by another Member State which does not regulate the profession;

Provided further that evidence of formal qualifications issued

by a third country shall be regarded as evidence of formal qualifications if the holder has three (3) years professional experience in the field of civil engineering in the territory of the Member State that recognised that evidence of formal qualification certified by that Member State.

7. (1) Notwithstanding the foregoing, in the case of a candidate who satisfies the requirements of article 4(3)(a) to (e), but whose training does not fulfill the requirements of article 4(3)(f) to (h), for any of the following reasons:

Alternative access to the profession.

(i) it covers substantially different matters of which knowledge, acquired skills and competence are essential for pursuing the profession, as defined by the evidence of formal qualifications listed in articles 5 or 6 and the respective prescribed regulations, or

(ii) such training was of a lesser duration than that indicated in articles 5 or 6,

the Warranting Board may admit the person to the respective list, as appropriate, provided that the person undertakes to fulfill compensatory measures, in accordance with regulations that may be prescribed:

Provided that any decision shall be clearly justified, so as to enable the applicant to understand his situation.

(2) Compensatory measures shall include an adaptation period of up to three (3) years, or aptitude tests in those matters where a deficiency, compared to the prescribed requirements, has been identified, at the candidate's choice.

(3) When a migrant submits evidence of professional and academic qualifications obtained in a third country, and provided that any minimum training conditions laid down in Directive 2005/36/EC with regard to architects are respected, the Warranting Board may request that the candidate undertakes three (3) years of professional traineeship in the discipline concerned, under the supervision of, and evaluated by a body authorised for this purpose by the Warranting Board, in accordance with regulations as may be prescribed and following which the Warranting Board may certify that such professional qualifications have been taken as evidence of formal qualifications in Malta.

8. (1) Where a national of a Member State has professional qualifications, recognised by another Member State, but where the

Partial access.

scope of professional activities is narrower than those in Malta, and the differences between the fields of activity are so large that a full programme of education and training would be required for the professional to compensate for the shortcomings, the Warranting Board may grant the candidate partial access to the profession either for the purposes of establishment in Malta or for temporary and occasional provision of services, if the professional agrees:

Provided that such qualified professional activity can be objectively separated from the other activities falling under the profession.

(2) In this case, the exercise of the profession will be carried out under the professional title of the home Member State, as long as this does not create confusion for the consumers of the service in Malta.

(3) The Warranting Board shall keep a list of those professionals that have been granted partial access, and a proper description of the professional activity that they have the authorisation to undertake in Malta.

Temporary and occasional provision of services.  
S.L. 390.05.

**9.** (1) Without prejudice to the Mutual Recognition of Qualifications of Perit Regulations and notwithstanding the provisions of this article and of articles 4, 5 and 6 of those Regulations, any person legally established in another Member State, may practise the profession in Malta on a temporary and occasional basis, without being required to follow the procedures prescribed for entry into the register of warrant holders, subject to further requirements as may be provided under this Act. The application of requirements to the provision of information society services reserved to the profession shall be governed by articles 8A(3) and 8B of the Electronic Commerce Act.

Cap. 426.

(2) In this regard, such person shall advise the Warranting Board in advance, and shall submit:

- (i) proof of nationality;
- (ii) attestation certifying legal establishment in a Member State;
- (iii) evidence of professional qualifications;
- (iv) evidence that he is not prohibited from practising, even if temporarily, in the Member State in which he is established;
- (v) a written declaration including details of

professional indemnity insurance cover or other means of personal or collective protection with regard to professional liability, once a year, for every year that he intends to offer services in Malta.

(3) In cases where the profession is not regulated in the Member State of establishment, the Warranting Board shall, in addition to the requirements established in sub-article (2) hereof, require evidence of at least one (1) year professional experience during the previous ten (10) years preceding the provision of services, before allowing the professional to practise in Malta on a temporary and occasional basis, without being required to follow the procedures prescribed for entry into the register of warrant holders.

(4) The *Periti* Warranting Board shall assess the temporary and occasional nature of the provision of services on a case by case basis, in relation to duration, frequency, regularity and continuity. The Warranting Board shall have the right to request information, on an annual basis, about the services provided in Malta.

(5) Declarations from service providers shall be processed by the Warranting Board within one (1) month of receipt. It can either allow the provision of the service, or, if there are significant differences between the professional qualifications of the service provider and the training requirements in Malta, it may require the candidate to sit for an aptitude test, unless such differences can be compensated by professional experience, skills and competences acquired through formally validated lifelong learning. The Warranting Board shall inform the service provider of its decision not later than one (1) month from the receipt of the declaration and accompanying documents. Should an aptitude test be necessary, such test shall take place within one (1) month of the Board's decision:

Provided that when a service provider has the right to the title of "Architect" in accordance with Annex V or Annex VI, or acquired rights in line with regulation 9 of the Mutual Recognition of Qualifications of Perit Regulations, this shall automatically indicate a complete equivalence with training requirements in Malta: S.L. 390.05.

Provided further that any decision shall be clearly justified, including a comparison of the level of qualification required in Malta and the level of qualification held, the substantial differences which matter for the pursuit of the profession in terms of subjects and contents, and the reasons for which such differences cannot be compensated by knowledge, skills, and competences gained in the course of professional experience or acquired through lifelong learning and formally validated to this end, and hence explain why due to these

substantial differences the applicant cannot perform his profession in a satisfactory manner in Malta:

Provided further that in the case where difficulties arising from differences in professional qualifications as outlined above lead to a delay in the Board's decision, the Board is to notify the service provider of the reason for the delay within one (1) month. The Board is to resolve the difficulty within one (1) month of its notification and is to finalise its decision within two (2) months of resolving the difficulty.

(6) A service provider practising the profession on the basis of this article shall remain subject to the rules, whether of a professional, statutory or administrative nature, which are directly related to professional qualifications, definition of the profession, use of titles, serious professional malpractice, directly and specifically related to consumer protection and safety, and shall be subject to disciplinary provisions which are applicable to warrant holders.

(7) Professionals who have their professional qualifications accepted by the Warranting Board, are entitled to use the title *Perit Arkitett* or *Perit Inġinier Ċivili*, as applicable and the Warranting Board shall enter the name of such professionals in the list referred to in article 4 on a temporary basis.

(8) After having completed all procedures as outlined in the preceding sub-articles, the Warranting Board shall, within fifteen (15) days, inform the *Kamra tal-Periti* of the details of such professional together with a copy of the declaration referred to in sub-paragraph (v).

*Periti*  
Warranting  
Board.

**10.** (1) There shall be a Board, to be known as the *Periti* Warranting Board which shall consist of:

(a) a chairman to be appointed by the Minister, in consultation with the *Kamra tal-Periti*, from among persons holding a warrant of an advocate and having practised law for twelve (12) years or more;

(b) two (2) members appointed by the Minister from among warrant holders, who have held their warrant for at least eight (8) years, one from the list of "*Perit Arkitett*" and the other from the list of "*Perit Inġinier Ċivili*";

(c) two (2) members appointed by the *Kamra tal-Periti* from among warrant holders who have held their warrant for at least eight (8) years, one from the list of "*Perit Arkitett*" and the other from the list "*Perit Inġinier Ċivili*"; and



(d) two (2) members who shall be elected by secret ballot following an election organised by the *Kamra tal-Periti* in accordance with regulations as may be prescribed, which election shall be held electronically among warrant holders from among themselves, provided that such elected members shall have held their warrant for at least eight (8) years.

(2) The chairman shall be appointed for a term of four (4) years, and under such conditions as may be set out in the letter of appointment.

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

Provided that in the first eighteen (18) month period, one (1) of each of the members, appointed or elected under sub-article (1)(b), (c) and (d) hereof, shall be appointed or elected for a period of eighteen (18) months, so that, thereafter, half of the said members other than the chairman shall vacate their office accordingly.

(4) When any vacancy occurs in the Board, the Minister shall, as soon as practicable, in the case of the chairman, or a member appointed by him, appoint another person to fill the vacancy; in the case of a member appointed by the *Kamra*, request the *Kamra* to appoint another person to fill the vacancy; and in the case of an elected member ensure that an election is organised by the *Kamra* to fill the vacancy.

(5) The number of members necessary to form a quorum shall be four (4), but, subject to the presence of a quorum, one (1) of which shall be the chairman, the Board may act notwithstanding any vacancy among its members.

(6) The Minister shall ensure that the Warranting Board has the necessary resources to fulfil the duties indicated in this Act, including the setting up of a secretariat, and shall also delegate a public officer to act as Board secretary, and such secretary shall attend meetings of the Board but shall not have a vote.

**11.** (1) The Warranting Board shall be the designated authority for the profession, and it shall have the responsibilities, duties, powers and authority as stipulated hereunder and as may be further prescribed by regulations:

Functions of the  
Warranting  
Board.

(a) to consider applications for the issue of a warrant and make recommendations if this is so required;

(b) to receive any documentation from any eligible person for the provision of temporary and provisional service in accordance with article 9 and undertake any other processes as stipulated in this Act;

(c) to make recommendations to the Minister;

(d) to carry all other functions assigned to it under this Act.

(2) Save as aforesaid, the Board may make its own rules and otherwise regulate its own procedure. The Board shall exercise its functions independently and according to its own judgement. In the exercise of its functions, the Board may:

(a) consult with such persons as it may deem appropriate, and

(b) may also appoint sub-committees, of which the chairman of the Board, or his delegate, shall also be chairman, for the purpose of carrying out such duties and tasks as the Board may assign to them.

(3) The functions of the Warranting Board shall be those as shall be prescribed by regulations in accordance with this Act.

Establishment  
of the *Kamra  
tal-Periti*.

**12.** (1) The *Kamra tal-Periti* is constituted in continuation of the Chamber of Architects and Civil Engineers established by Ordinance No. XIV of 1919 (Government Notice No. 202 of the 12 June 1920) and continued in article 8(1) of Act XIV of 1996.

(2) The *Kamra tal-Periti* shall be the recognised and approved national regulatory and representative body for the profession whose purpose is that of:

(a) advancing the practice of architectural and civil engineering professional activities in Malta;

(b) corresponding with Government, and vice-versa, on all matters concerning the profession, including advice to Government on the formulation of public policy related to the built environment;

(c) ensuring that all members of the profession act responsibly and ethically, having due regard for sustainable development practices, the protection of the national, cultural, social and environmental heritage, the upholding of public health and safety and structural integrity before, during and after

construction processes, and the adherence to the Code of Professional Conduct, as may be prescribed by regulation.

(3) The *Kamra tal-Periti* has jurisdiction in terms of this article over all services rendered by the profession in Malta under this Act.

(4) All warrant holders shall form part of the *Kamra* upon inclusion in the register held by the Warranting Board, and shall abide by its rules and regulations and any directives issued by it, and be entitled to participate in its activities. Moreover, all such warrant holders shall have the right to vote at the general meetings of the *Kamra* and to subscribe to any services provided by the *Kamra* at fees established by its Council.

(5) The Minister shall prescribe the conditions and rules required for the legal establishment and administration of the *Kamra*, its maintenance, and the validity of its decisions, and for determining its functions and powers.

(6) The *Kamra* shall be represented by a Council which shall be constituted in accordance with prescribed regulations.

(7) The Minister shall, after consulting the Council of the *Kamra*, make regulations:

(a) vesting the Council of the *Kamra* with the power and duty of conducting inquiries into any charge of professional misconduct or malpractice or abuse or failures made by or against any warrant holder in connection with the exercise of his profession or in connection with professional matters, to establish whether these are in violation of the Code of Professional Conduct, or inconsistent with the dignity and good practice of the profession, in accordance with procedures as prescribed by regulations;

(b) vesting the Council of the *Kamra* with the power to delegate the investigation of any breach of the Code of Professional Conduct to an independent Board to be known as the *Periti* Professional Conduct Board set up for the purpose;

(c) making provisions for securing the enforcement of all decisions of the *Periti* Professional Conduct Board except in as far as these are related to provisions under article 14(4), in which cases enforcement will remain within the Warranting Board's responsibility;

(d) vesting the Council of the *Kamra* with the authority

and responsibility to collate and the right to request information from warrant holders relating to professional indemnity insurance;

(e) vesting the Council of the *Kamra* with the authority to issue on a yearly basis a certificate to practise to each warrant holder upon being satisfied that the provisions of article 18 and any other provisions that may be established from time to time, have been satisfied;

(f) vesting the Council of the *Kamra* with the authority to collect an application fee in connection with the processing of any alleged breach of the Code of Professional Conduct or of article 20;

(g) vesting the Council of the *Kamra* with the authority to collect from warrant holders an administration fee in connection with the processing of their annual declaration in terms of article 18.

*Periti*  
Professional  
Conduct Board.

**13.** (1) The *Kamra* shall refer the investigation into any alleged breach on the part of *Periti* in terms of this Act to a Board, to be known as the *Periti* Professional Conduct Board which shall consist of:

(a) a chairman to be appointed by the Minister, in consultation with the *Kamra tal-Periti*, from retired judges or magistrates;

(b) four (4) members selected by the chairman from a pool of not less than ten (10) warrant holders, appointed by the Minister in consultation with the *Kamra*, who have held a warrant issued under this Act for at least fifteen (15) years.

(2) The chairman shall be appointed for a term of three (3) years, and under such conditions as may be set out in his letter of appointment.

(3) The other members of the Board shall hold office for a term of two (2) years, and under such conditions as may be set out in their letter of appointment. The members of the Board may be appointed for successive terms, up to a maximum of three (3) terms:

Provided that in the first year, half of the members so appointed shall be appointed for a period of three (3) years, so that, thereafter, half of the said members other than the chairman shall vacate their office each year:

Provided further that the chairman and all the members of the Board are to take an oath to carry out their functions according to law and with impartiality before a Commissioner of Oaths.

(4) When any vacancy for the post of chairman of the Board occurs, the Minister shall, as soon as practicable, appoint another person to fill the vacancy in consultation with the *Kamra*;

(5) When vacancies in the pool of members appointed by the *Kamra* occurs, another person shall be appointed to fill the vacancy according to this article.

(6) The number of members necessary to form a quorum shall be four (4) but, subject to the presence of a quorum, one of which shall be the chairman, the Board may act notwithstanding any vacancy among its members.

(7) The Board shall be listed under the First Schedule of the Administrative Justice Act, and hence the provisions of article 3 of the said Act shall be applicable, except that the sittings of the Board shall not be held in public. Cap. 490.

(8) The *Periti* Professional Conduct Board shall conduct inquiries into the professional practices of a warrant holder to establish whether these are in violation of the Code of Professional Conduct or inconsistent with the dignity and good practice of the profession, and into any abuses or failures imputed to him in the exercise of his profession or in connection with professional affairs, only after having been delegated to do so by the Council of the *Kamra tal-Periti* and if the Council, after making the necessary investigations, finds that there is a case for action it shall refer such case to the Board.

(9) The *Periti* Professional Conduct Board shall also carry out inquiries relating to any alleged infringements of article 18.

(10) The Board may make its own rules and otherwise regulate its own procedure, in consultation with the Council of the *Kamra tal-Periti*. The Board shall exercise its functions independently and according to its own judgement:

Provided that all evidence is presented under oath, which oath is to be administered by the Chair.

(11) (a) The selection of the members of the Board by the chairman, for particular sessions of the Board, shall ensure that no possibility or perception of potential conflict of interest exists during the determination of specific cases.

(b) A member is disqualified from sitting on the *Periti* Professional Conduct Board if:

(i) he is related by consanguinity or affinity in a direct line to the complainant or the person on whom the complaint was served;

(ii) he is related by consanguinity in the degree of brother, uncle or nephew, grand-uncle or grandnephew or cousin, or if he is related by affinity in the degree of brother, uncle, or nephew, to the complainant or the person on whom the complaint was served;

(iii) he is the tutor, curator, or presumptive heir of the complainant or the person on whom the complaint was served;

(iv) he is or has been the agent of any of the complainants or the person on whom the complaint was served;

(v) he had in any way expressed himself on the matter at issue;

(vi) the complainant or the person on whom the complaint was served propose to call him as a witness;

(vii) he, or his spouse, is directly or indirectly interested in the outcome of the case;

(viii) the member had a dispute, argument or disagreement of whatever nature with the complainant or the person on whom the complaint was served.

(c) A member may be challenged or abstain from sitting in a case during the first appointed hearing unless knowledge of any reasons of disqualification become forthcoming during subsequent hearings.

(d) Any member who is subject to a challenge must declare by way of a partial decision whether there is reason to abstain in virtue of this article.

(e) An appeal from a partial decision delivered in terms of subsection (d) may only be filed with an appeal from the final decision of the Board.

14. (1) Upon being tasked by the Council of the *Kamra tal-Periti* to investigate any allegations as stipulated under this Act, the *Periti* Professional Conduct Board shall, following due procedure, determine to accept or refuse in whole or in part, the allegations referred and determine the disciplinary action to be taken against any warrant holder who is found guilty of professional misconduct or in any way breaching the Code of Professional Conduct or article 21(1)(a), giving reasons for such decision, which disciplinary action shall be guided in line with this Act:

Decisions of the  
*Periti*  
Professional  
Conduct Board.

Provided that the warrant holder is vested with the right to be represented during such proceedings by his own counsel at every stage throughout the process. Should the warrant holder not present any legal counsel, this shall be duly noted in the minutes and the Board shall expressly request him to consider appointing a legal counsel:

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

Provided further that any decision of disciplinary action is supported by at least three (3) members of the Board.

(2) Where a warrant holder is in breach of sub-article 18(1), the *Periti* Professional Conduct Board may, after due process in accordance with this Act and the relevant regulations, impose a fine of up to five thousand euro (€5,000) or revoke or suspend the warrant for up to a period not exceeding six (6) months, or both such fine and revocation or suspension.

(3) The decision of the *Periti* Professional Conduct Board shall be referred to the Council of the *Kamra tal-Periti*, which shall:

(a) communicate such decision to the warrant holder and to the complainants;

(b) in the case of a decision for the issuance of warning or public admonition, proceed to issue such warning or admonition;

(c) in the case of a decision which includes the imposition of a fine, stipulate the time within which such fine is to be settled, and collect such fine through any method of payment that it may establish from time to time;

(d) in the case of a decision to suspend the warrant

holder or service provider from being able to practise for a determined period of time, proceed to suspend the relevant certificate to practise for the period prescribed by the *Periti* Professional Conduct Board, and inform the Warranting Board of such suspension;

(e) in the case of revocation of warrant, inform the Warranting Board which shall proceed to execute such revocation within the time frame established by the *Kamra tal-Periti*.

(4) Disciplinary action against any warrant holder or service provider shall not take effect before all due process, including the right to submit an appeal according to article 23, has been exhausted.

Use of professional titles.

**15.** (1) The titles of *Perit*, *Perit Arkitett*, *Perit Inġinier Ċivili*, *Perit Arkitett u Inġinier Ċivili* and *Periti* are regulated protected titles, and unauthorised use of these titles, or of acting in such a way as to suggest the authority to use the titles, shall constitute an offence and be subject to the penalties prescribed by article 26.

(2) Those professionals who are entered in the list of *Perit Arkitett* shall have the right to use the title of *Perit Arkitett*. Those professionals who are entered in the list of *Perit Inġinier Ċivili* shall have the right to use the title of *Perit Inġinier Ċivili*. Those professionals who are entered in both lists shall have the right to use the combined title *Perit Arkitett u Inġinier Ċivili*. Only partnerships who are entered in the list of *Periti* shall have the right to use the title of *Periti*.

Partnerships of *periti*.

**16.** (1) Two or more warrant holders may enter into an agreement by means of a private deed, hereinafter referred to as a "partnership of *periti*", having for its exclusive object to practise the profession collectively.

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

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

(4) (a) As a result of the deed referred to in sub-article (1) hereof, the signatories shall agree to be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their professional duties, the maintenance



of the required professional standards and conduct, and generally in the fulfilment of the obligations under this Act or any other applicable law. They shall also be jointly and severally liable for any loss or damage resulting therefrom.

(b) Any act or thing that may be done by a warrant holder may be done by one or more of the signatories in the name of all the signatories, and any act or thing done in the name of the signatories shall be done by one or more of the signatories.

(c) The responsibilities and liabilities for anything done or omitted to be done during the period in which a warrant holder was a signatory to such an agreement shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a signatory, unless the agreement stipulates otherwise and such agreement is drawn up by a public deed before a notary public and registered in the public registry.

(5) There shall be a list of all partnerships which have been registered by the Warranting Board in accordance with sub-article (3) and the Warranting Board shall enter, into this list, the operational name of such partnership, as well as the names of the individual warrant holders signatories to the agreement referred to in sub-article (1), after having verified the said agreement, and the professional status of the individual signatories, in accordance with regulations that may be prescribed.

(6) Every such partnership registered with the warranting board shall have a unique registration number, which shall be used to identify the partnership. This registration number shall be used to confirm all formal documentation issued by the partnership in the course of execution of the profession, under the terms of the agreement referred to in sub-article (1).

(7) Upon registration, and for as long as it is so registered, each signatory shall be authorised to act in the name, and on behalf, of all signatories.

(8) Every such partnership shall give to the Warranting Board such information as it may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information previously given to it, within fifteen (15) days after the date on which the change occurs. Failure to do so shall be considered to be an offence and shall, on conviction, be liable to a fine (*multa*) of two hundred and fifty euro (€250).

(9) (a) A professional stamp, carrying the partnership

registered name, and the registration number shall be issued for this purpose by the *Kamra* at the time of the entering of the name of the partnership in the relative list.

(b) Such stamp shall be used in all documentation produced by the partnership or by any one of the warrant holders constituting such partnership where a stamp is required.

Forms of practice.

**17.** (1) Notwithstanding the provisions of article 16, any legal personality recognised by, or obtained following registration in accordance with the Laws of Malta and established in Malta, or the laws of the Member State in which it is established in the case of cross-border services offered in accordance with the Services Directive, can undertake the provision of architectural and of civil engineering services, provided that for those professional services reserved by any Law of Malta to a warrant holder, the names of the *Perit* or *Periti*, or the professionals undertaking such services in accordance with this Act and who shall carry the liabilities arising from these reserved professional services, shall be clearly identified in any formal communication or contract of services or marketing material; and provided that appropriate professional insurance policies in accordance with article 18 are held in the names of such professional or professionals, which insurance policies shall be made available for inspection by any person wishing to use the relative professional services.

Insurance.

**18.** (1) Every warrant holder or partnership registered under this Act shall be required to be covered by insurance policies and such insurance shall provide adequate cover for all those activities or, services referred to in article 3(1). The insurance policies shall cover the warrant holder or the partnership against any liability which the warrant holder or the partnership may incur, for compensation in respect of loss or damage to any person or thing as a result of any negligent act, breach of duty, error or omission committed by the warrant holder, the partnership, any partner thereof, or any of the employees, as well as against any claim in respect of any loss or damage brought about or contributed by a criminal or malicious act or omission of any of their employees:

Cap. 500.

Provided that in the case of nationals of Member States offering services on a temporary and occasional basis, in accordance with article 9, whenever professional indemnity insurance cover or other means of personal or collective protection with regard to professional liability is required of them in accordance with the overriding reasons under article 6(1)(b) of the Services (Internal Market) Act, concerning public policy, public security, public health or the protection of the environment, the professional indemnity

insurance cover or other means of personal or collective protection with regard to professional liability in the home Member State, as declared to the Warranting Board in terms of article 9(2)(v), and sufficient to cover the liabilities for the work undertaken as defined above, shall be deemed to satisfy the requirements of this article.

(2) Professional liability carried by a *Perit* under the Laws of Malta is unlimited for the period prescribed in the relative law, unless otherwise prescribed. The insurance policies shall be held by every warrant holder, individually or in the name of a partnership and cover all the activities and services of the warrant holder or partnership of warrant holders.

(3) The insurance policy shall:

(a) be appropriate to the nature and extent of the risk;

(b) not exclude any prior acts of the warrant holder or partnership;

(c) shall provide indemnity for liabilities arising from the activities and services of the warrant holder provided before the warrant holder's retirement or the date when, for whatever reason the warrant holder ceases to practise the profession, for a period of not less than five (5) years from the date of retirement or the date the warrant holder stops holding a warrant;

(d) The provisions of this sub-article shall not apply to a warrant holder employed with the Government, in a civil or military capacity and these persons shall be exempted from the obligation to maintain such an insurance policy, in respect of any activities or services provided to Government within the scope of their employment contract by virtue of the fact that Government accepts responsibility for the actions of its employees whilst the employee is performing official duties and for any liabilities arising from these duties after the warrant holder is no longer employed by Government.

(4) (a) A warrant holder shall be exempt from the provisions of sub-article (1) if he submits a letter to the *Kamra* declaring that he is not providing any activity or service that directly or indirectly falls within the definition of the professional services of a *perit*.

(b) The *Kamra* shall accept the warrant holder's declaration without the need for further question or clarification.

**19.** (1) A warrant issued under the provisions of this Act may be withdrawn or cancelled by the Warranting Board, at the request of

Surrender of  
warrant.

the warrant holder.

(2) Notwithstanding the provisions of sub-article (1), a fresh warrant may be issued at any time, provided that a period of ten (10) years has not elapsed from the date that such warrant or registration was withdrawn or cancelled, if the conditions for such issue or registration with the Warranting Board are satisfied and provided that the Warranting Board is consulted and finds no objection.

(3) If the time period of ten (10) years referred to in sub-article (2) has elapsed, then the applicant would have to satisfy the requirements set out in article 3(2).

(4) The responsibilities and liabilities for anything done or omitted to be done during the period in which a professional was a warrant holder, shall not cease following the surrender of the warrant. The obligation to maintain insurance cover in accordance with article 18 shall continue to apply.

Dissolution or amendment of a partnership.

**20.** (1) A registration of a partnership of warrant holders issued under the provisions of this Act may be dissolved or amended, at the request of the partnership, provided that the requirements of sub-article 2 are fulfilled.

(2) The responsibilities and liabilities for anything done or omitted to be done during the period in which a partnership was in existence shall not cease following its dissolution or amendment and shall continue to be jointly and severally effective for each and every partner in accordance with this Act and other relevant laws unless the partnership agreement stipulates otherwise to the satisfaction of the Warranting Board. The obligation to maintain insurance cover in accordance with article 18 shall continue to apply.

Suspension or revocation of warrant of a partnership.

**21.** (1) The Warranting Board shall within one (1) month revoke a warrant or cancel a registration of a partnership, if the warrant holder or partnership as the case may be -

(a) has been found guilty, by a decision of the *Periti* Professional Conduct Board subject to an appeal before the Court of Appeal, of the following acts or omissions:

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

(ii) conduct discreditable to the profession;

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

(iv) failure to comply with any condition attached to a warrant issued under the provisions of article 3;

(v) action in violation of any provisions of the Code of Professional Conduct;

(vi) failure to cooperate fully with the requests made by the *Periti* Professional Conduct Board in relation to an investigation on issues related to this sub-article; or

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

(c) without prejudice to the provisions of article 24, has been found guilty by a competent court of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

(2) The Warranting Board shall notify the revocation of a warrant or cancellation of registration or suspension of the certificate to practise, as the case may be, in the Government Gazette.

(3) The decision of the *Periti* Professional Conduct Board shall include the reasons for the suspension of the certificate to practise or the revocation of a warrant, and the relevant minutes of the meetings and, or sittings of the *Periti* Professional Conduct Board.

**22.** (1) Where a warrant issued under this Act is revoked or the certificate to practise issued under this Act is suspended, the person to whom the warrant or certificate to practise was issued shall cease to be the holder of such warrant, or shall be suspended from the exercise of his profession as the case may be, and he shall cease or suspend the use of the designation *Perit*.

Effects of revocation or suspension of certificate to practise, or cancellation of a registration of a partnership.

(2) Notwithstanding such suspension of the certificate to practise or the revocation of the warrant as provided for in the preceding sub-clause, the responsibilities and liabilities for anything done or omitted to be done during such period when the warrant was active shall continue to be in effect in accordance with this Act and other relevant laws.

(3) Upon the cancellation or suspension of the registration of a partnership of warrant holders, the members of that partnership and the partnership shall cease to act in the name and on behalf of the partnership and the partnership shall cease to use the designation *Periti*.

Appeals from decisions of the Boards.

Cap. 490.

**23.** (1) (a) Decisions of the Warranting Board or the Council of the *Kamra tal-Periti* envisaged under this Act shall be subject to an appeal before the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

(b) When any person is dissatisfied with any decision of the Warranting Board or of the Council of the *Kamra tal-Periti* taken in his regard, he may appeal to the said Tribunal against such decision on points of fact and points of law by not later than twenty (20) days of service upon him of the decision.

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

(2) Decisions of the *Periti* Professional Conduct Board shall be subject to appeal before the Court of Appeal as contemplated in article 14(1).

Disqualification of warrant holder.

Cap. 9.

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

(2) Such prohibition shall in the case of a warrant holder, be declared by the Warranting Board by notice published in the Gazette and shall be communicated to the person thus disqualified, unless he has been interdicted by the judgment itself.

(3) The warrant holder shall within fifteen (15) days from the judgement, inform the Warranting Board of his conviction. Failure to do so shall be considered to be an offence and shall on conviction be liable to a fine (*multa*) of three thousand euro (€3,000).

Prohibited agreements.

**25.** Any agreement or arrangement purporting to exempt a warrant holder or a partnership of warrant holders from any liability, responsibility or duty under this Act or under any other law, or to relieve them therefrom, or, except under any indemnity insurance as provided under article 18, to indemnify them against any such liability, responsibility or duty shall be null and void:

Provided that this article shall not be construed to mean that a warrant holder or a partnership of warrant holders cannot choose to delegate any of its professional duties and responsibilities to another warrant holder or a partnership of warrant holders by mutual agreement.

26. (1) Any person who, for the purpose of obtaining the warrant, or registration of a partnership of warrant holders, under the provisions of this Act, gives wrong information or otherwise acts in a deceitful or fraudulent manner shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand five hundred euro (€2,500) or to imprisonment for a term not exceeding twelve (12) months or to both such fine and imprisonment. Offences.

(2) Any person who, not being the holder of a warrant, assumes or uses the designation *Perit*, or in any manner indicates that he is entitled to exercise the profession shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand two hundred fifty euro (€1,250) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) not exceeding twelve thousand five hundred euro (€12,500) or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.

(3) Any person who uses the designation *Periti* in relation to a partnership of warrant holders, knowing that such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever knowingly makes use of a name falsely implying the existence of a partnership of warrant holders registered as aforesaid shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand two hundred fifty euro (€1,250) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) not exceeding twelve thousand five hundred euro (€12,500) or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.

(4) Any person who, not being the holder of a warrant in accordance with the provisions of this Act, practises the profession shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding five thousand euro (€5,000) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment, and in respect of a second or subsequent offence to a fine (*multa*) not exceeding twelve thousand five hundred euro (€12,500) or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.

(5) Any person who is found practising without being in possession of a certificate to practise issued by the *Kamra tal-Periti* shall be guilty of an offence and shall, on conviction by the *Periti* Professional Conduct Board, be liable to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding five thousand euro

(€5,000) or the suspension of the warrant for up to six (6) months or to both such fine and suspension, and in the case of a continuing offence to an additional fine (*multa*) of one hundred euro (€100) for each day during which the offence continues.

(6) The fines stipulated under this article shall be increased annually in accordance with the index of inflation.

Additional provisions with respect to offences.

**27.** (1) The provisions of this Act establishing offences and punishments in respect thereof shall not affect the operation of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

Cap. 446.

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

(3) For the purposes of this article, the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device or electronic means, instrument or document, of the word/s *Perit*, *Perit Arkitett*, *Perit Inġinier Ċivili*, *Perit Arkitett u Inġinier Ċivili* and *Periti* or either of those words used in combination, shall be sufficient evidence of the knowledge of such use by the person in relation to whose name the said word is used, unless such person proves that the use of such word was made without his knowledge and that upon becoming aware of it, adequate steps were taken.

Power of the Minister to make regulations.

**28.** The Minister shall, in agreement with the *Kamra*, make regulations to give better effect to any of the provisions of this Act and generally to regulate the profession, provided that such regulations are not inconsistent with the provisions of this Act and without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to:

(a) updating the fines stipulated in this Act;

(b) the fees that may be charged by the Warranting Board for the issue of a warrant or for the registration of a partnership of warrant holders, or for copies thereof and the fees that may be charged by the *Kamra tal-Periti* for the submission of a complaint to the *Kamra* and for the processing of such complaint and other administrative fees;

Cap. 451.

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



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

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

(f) the procedures relating to continued professional development (CPD), including the minimum requirements applicable for the issuance of the certificate to practise;

(g) the professional indemnity insurance to be held by warrant holders in accordance with article 18;

(h) the administration fee that shall be payable by warrant holders to the *Kamra* subject to the regulations issued by the Minister in accordance with article 12(7)(g);

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

**29.** Whenever the term "architect" is used in any other law it shall have the same meaning assigned to it as "*perit arkitett*" or "*perit inginier civili*" or "*perit arkitett u inginier civili*" as referred to in this Act.

**30.** The *Periti* Act and all subsidiary legislation made thereunder, with the exception of the Chamber of Architects Regulations, are hereby repealed.

Repeals.  
Cap. 390.  
S.L. 390.01.

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### Objects and Reasons

The object and reasons of this Bill are to address a number of EU provisions subject of infringement proceedings relating to the Services Directive and the Mutual Recognition Directive as well as to update the Act to cater for a number of national issues relating to the profession and to repeal the *Periti* Act.

