CHAPTER 390

PERITI ACT

To regulate Periti and to provide for matters connected therewith or ancillary thereto.

Substituted by: XVIII. 2002.10.

1st October, 1999

ACT XIV of 1996, as amended by Act XVIII of 2002; Legal Notices 248 of 2004 and 425 of 2007; Act XXIII of 2009; and Legal Notice 335 of 2010 and XXI of 2020.

1. The short title of this Act is the Periti Act.

Short title. *Substituted by: XVIII. 2002.10.*

2. In this Act unless the context otherwise requires -

Interpretation. *Amended by: XVIII. 2002.10; XXIII. 2009.79.*

"Board" means the *Bord tal*-Warrant *tal-Periti* established by article 6;

"competent authority" shall have the same meaning the Mutual Recognition of Qualifications Act;

Cap. 451.

"Kamra" means the *Kamra tal-Periti*;

"Member State" and "citizen of a Member State" shall have the same meaning assigned to them in the Mutual Recognition of Qualifications Act;

Cap. 451.

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

"prescribed" means prescribed by regulations under this Act;

"profession" means the profession assuming responsibility for the design and, or, construction of building works, under the generic title of *Perit* and includes works in architecture and civil and structural engineering;

"service provider" means a person from any Member State or any country in the European Economic Area who exercises the profession on a temporary basis in Malta;

"Treaty" means the Treaty establishing the European Community;

"warrant" means a warrant granted under article 5, and "warrant holder" shall be construed accordingly.

3. *Repealed by Act XIII of 2021.*

Qualifications for warrant. *Amended by: XVIII. 2002.10; L.N. 248 of 2004; XXIII. 2009.80.*

4. *Repealed by Act XIII of 2021.*

Special circumstances. *Amended by: XVIII. 2002.10.*

Warrant to practise as a building professional (*Perit*).
Amended by: XVIII. 2002.10.

5. *Repealed by Act XIII of 2021.*

Temporary provision of services.
Added by: XXIII. 2009.81.
Cap. 451.

5A. *Repealed by Act XIII of 2021.*

Bord tal-Warrant *tal-Periti*.
Amended by: XVIII. 2002.10.

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

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

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

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

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

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

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

Provided that in the first year, one of each of the members, appointed or elected under sub-article (1)(*b*), (*c*) and (*d*), shall be appointed or elected for one year, so that, thereafter, half the said members other than the chairman shall vacate their office each year.

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

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

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

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

Functions of the Board. *Amended by: XVIII. 2002.10; L.N. 248 of 2004; XXIII. 2009.82; XXI of 2020.*

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

(*a*) to consider applications for the issue of a warrant;

(*b*) *Repealed by Act XIII of 2021.*

(*c*) *Repealed by Act XIII of 2021.*

(*d*) *Repealed by Act XIII of 2021.*

(*e*) *Repealed by Act XIII of 2021.*

(*f*) *Repealed by Act XIII of 2021.*

(2) The Board shall exercise its functions independently and according to its own judgment. In the exercise of its functions the Board may:

(*a*) consult such persons as it may consider necessary; and

(*b*) appoint committees under the chairmanship of a member of the Board for the purpose of the carrying out of such duties and tasks as the Board may assign to them.

(3) The Board shall keep a register of warrant holders and shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act. In the same manner and at the same time the Board shall publish a list of partnerships registered in accordance with article 9.

Appeals. *Added by: XXIII. 2009.83. Amended by: L.N. 335 of 2010.* Cap. 490.

7A. (1) Decisions of the Board shall be subject to appeal before the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

(2) When any person is dissatisfied with any decision of the Board taken in his regard, he may appeal to the said Tribunal against such decision not later than twenty days of service upon him of the Board's decision.

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

Kamra tal-Periti and the power of the Minister to make regulations. *Amended by: XVIII. 2002.10.*

8. (1) All warrant holders shall have the right to belong to the Kamra and to participate in its activities.

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

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

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

(*c*) vesting the Kamra with disciplinary powers in connection with any misconduct, or abuse referred to it in paragraph (*b*) hereof, by such means and in such

form as prescribed by regulations:

Provided that no punishment shall be awarded by the Kamra 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 Kamra to the Court of Appeal within such time and in such form as shall be prescribed from time to time;

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

Partnerships of warrant holders. *Amended by: XXI of 2020.*

9. *Repealed by Act XIII of 2021.*

Provisions applicable to partnerships of warrant holders.

10. *Repealed by Act XIII of 2021.*

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

11.* *Repealed by Act XIII of 2021.*

Prohibited agreements.

12. *Repealed by Act XIII of 2021.*

Disqualification of warrant holder. *Amended by: XXI of 2020.*

13. *Repealed by Act XIII of 2021.*

Cap. 9.

Surrender of warrant or registration of partnership.

14. *Repealed by Act XIII of 2021.*

Suspension or revocation of warrant or registration of partnership. *Amended by: XVIII. 2002.10; XXI of 2020.*

15. The Board may, by notice in the Gazette, suspend, revoke or cancel a warrant or registration of a partnership of warrant holders, if the warrant holder, or one of the partners, as the case may be -

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

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

(ii) conduct discreditable to the profession;

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

(iv) failure to comply with any condition attached to a warrant issued under the provisions of article 17; 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

*Not yet in force.

(*c*) without prejudice to the provisions of article 13, 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.

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

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

Board may issue fresh warrant. *Substituted by: XXI of 2020.*

17. *Repealed by Act XIII of 2021.*

Offences. *Amended by: L.N. 425 of 2007.*

18. *Repealed by Act XIII of 2021.*

Additional provisions with respect to offences.

19. *Repealed by Act XIII of 2021.*

Regulations. *Amended by: XVIII. 2002.10.*

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

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

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

(*c*) 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 perit; Cap. 451.

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

Saving. Cap. 44 - Repealed.

21. (1) Any regulations made under the Architects Ordinance, hereinafter referred to as "the Ordinance", shall continue to apply as in force before the coming into force of this article, until revoked or amended, with such modifications, adaptations and limitations as may be necessary in accordance with the provisions of this Act.

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

under this Act and shall be governed by the provisions of this Act.

(3) The Chamber of Architects established by the Ordinance shall continue as the Chamber referred to in article 8.