CHAPTER 622

PERITI ACT

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

27th December, 2022*

ACT XIII of 2021.

ARRANGEMENT OF THE ACT

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PART I
Preliminary

Short title and commencement.

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

(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.

Interpretation.

2.† In this Act unless the context otherwise requires –

"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;

*Articles 1,3,4,5,6,7,8,9,10,11,15,16,24,26,27,28 and 29 came into force. *Vide* Legal Notice 373 of 2022.
†*Vide* Legal Notice 373 of 2022 for the applicability of this article.

"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;

S.L. 451.03.

"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:

Provided that this definition shall not be construed that a warrant holder, a partnership of warrant holders or a service provider in possession of such certificate cannot delegate any activity which, according to the Laws of Malta, may only be rendered by warrant holders, to an employee who is also a warrant holder unless such employee is covered by an insurance policy according to article 18(1)(a);

"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;

Cap. 451.

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

Cap. 500.

"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;

"stamp" means a professional stamp, bearing the name and registration number of the warrant holder or partnership, to a design as prescribed by regulation, issued by the *Kamra* together with the issuance of the certificate to practise, and which stamp may also be in electronic format, and shall be used by the warrant

holder or partnership on all formal documentation where such stamp is required;

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

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

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

PART II
Regarding Warrant of Perit

Warrant to practise as a *Perit.*

3. (1) The practice of architecture and of civil engineering is a regulated profession, in view of the overriding 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, giving rise to relative tasks being reserved exclusively to warrant holders by various Laws of Malta.

(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 may 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 …….. do 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.

Perit Arkitett.

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.

(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 the level as defined by regulation 13(e) 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.

*Not yet in force.

Provided that all warrant holders, whose names appear in the existing register of warrant holders on the date of publication of this Act are 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 Arkitett*, in accordance with the conditions imposed by the Warranting Board;

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

(i) he has undertaken academic training in Malta at least at the level as defined by regulation 13(e) 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

L.S. 451.03.

(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 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 Arkitett*, 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:

S.L. 390.05.

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 Arkitett*, 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.

Perit Inġinier Ċivili.

6. (1) There shall be a list of all warrant holders who have been admitted to the title of *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 the level as defined by regulation 13(e) 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 the level as defined by regulation 13(e) 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.

PART III
Alternative Access to the Profession

Alternative access to the profession.

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:

(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 candidate to the respective list, as appropriate, provided that the candidate 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.

Partial access.

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

(4) 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.

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 documentary evidence of professional indemnity insurance or other means of personal or collective protection covering those activities or services referred to in article 3(1) which are carried out in Malta, which written declaration and documentary evidence

shall be provided 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 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).

PART IV
Periti Warranting Board

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.

Functions of the Warranting Board.

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:

(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 occasional 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.

PART V

Establishment of the *Kamra tal-Periti* and *Periti* Professional Conduct Board

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

**Vide* Legal Notice 373 of 2022 for the applicability of this article.

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 issue a professional stamp to each warrant holder or partnership upon receiving the certificate to practise;

(h) 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 among retired judges or magistrates;

(b) two (2) members selected by the chairman for each case delegated to the Board by the Council of the *Kamra* from a list of warrant holders, which selection is to be made by lot after the Council of the *Kamra tal-Periti* issues a call at least every two (2) years for nominations for warrant holders who have held a warrant for at least fifteen (15) years;

(c) two (2) members selected directly by the chairman from the nominated warrant holders and who have experience in the matter under discussion.

(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 until the case to which they have been appointed by the Chairman is concluded:

Provided that the chairman and all warrant holders identified in accordance with article 13(1)(b) shall 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 any vacancy among the members occurs another person shall be appointed by the chairman from the list aforementioned to fill such vacancy for the remaining term:

Provided that if there are no other persons available to fill such vacancy the *Kamra* shall issue a call for nominations accordingly.

(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. 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.

(9) 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 is all evidence is presented under oath, which oath is to be administered by the chairman.

(10) (a) The selection of the members of the Board by the chairman, for cases referred to 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 grand-nephew 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) he 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 paragraph (d) may only be filed with an appeal from the final decision of the Board.

Decisions of the *Periti* Professional Conduct 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:

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) When a warrant holder is in breach of any provisions under this Act, the *Periti* Professional Conduct Board shall, after due process in accordance with this Act and the relevant regulations, issue a warning, impose a fine (*multa*) 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.

PART VI
Use of Professional Titles, Partnerships of *Periti* and Forms of Practice

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 warrant holders who are entered in the list of *Perit Arkitett* shall have the right to use the title of *Perit Arkitett*. Those warrant holders who are entered in the list of *Perit Inġinier Ċivili* shall have the right to use the title of *Perit Inġinier Ċivili*. Those warrant holders 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 *periti*.

(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 an agreement referred to in sub-article (1) 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 to the satisfaction of the Warranting Board, 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).

Forms of practice.

17.[*] 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, may 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 indemnity insurance policies in accordance with article 18 are held in the names of such warrant holder or service provider, which insurance policies shall be made available for inspection by any person wishing to use the relative professional services.

PART VII
Insurance and Effects of Surrender, Suspension or Revocation of a Warrant or Cancellation of Registration, including Registration of a Partnership

Insurance.

18. (1) Every warrant holder or partnership registered under this Act shall, with respect to all those activities or services, which

**Vide* Legal Notice 373 of 2022 for the applicability of this article.

according to the Laws of Malta may only be rendered by warrant holders, be required to be covered by a professional indemnity insurance, or other means of personal or collective protection with regard to professional liability in such manner and for such amount as may be prescribed in regulations made by the Minister under this Act, against any legal liability which such warrant holder or partnership may incur, for compensation in respect of loss or damage to any person or thing as a result of any negligent act, breach of duty imposed by law, error or omission committed by the warrant holder, the partnership, any partner thereof, or any of the employees in the carrying out of their functions:

Provided that in the case of nationals of Member States offering services on a temporary and occasional basis, in accordance with article 9, whenever 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 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 all those activities or services, which according to the Laws of Malta may only be rendered by warrant holders, which are carried out in Malta shall be deemed to satisfy the requirements of this article.

Cap. 500.

(2) The professional indemnity insurance referred to in sub-article (1) shall:

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

(b) provide indemnity for liabilities arising from all the activities and services of the warrant holder or partnership, which according to the Laws of Malta may only be rendered by warrant holders, provided at any time during the period of insurance and at least for the five (5) years immediately prior to the beginning of the policy, or the date of warrant if less than five (5) years;

(c) provide indemnity for claims arising from the liabilities referred to in paragraph (b) during the period of insurance and for a period of not less than five (5) years following the cessation of the policy as a result of the retirement or when the warrant holder stopped holding a warrant:

Provided that when a warrant holder has carried out activities or provided services, which according to the Laws of Malta may only be rendered by a warrant holder, while in employment in accordance with article 17, the employer shall continue to provide professional

indemnity cover for the warrant holder in his employment for the entire professional liability period, even if the employment of the warrant holder is for any reason terminated.

(3) The provisions of sub-article (1) shall not apply to a warrant holder who is employed by the public administration in respect of any activities or services, which according to the Laws of Malta may only be rendered by a warrant holder, and which he provides in the name of the public administration within the scope of his employment and this because the public administration is responsible for the obligations of the warrant holder that arise from sub-article (1), even if such employee does not remain employed in the public administration:

For the purpose of this sub-article, "public administration" means the Government of Malta including the ministries and departments, the specialised bodies and the agencies, Government entities and the organizations in which Government has a controlling interest, whether or not such organization is established by law.

(4) Every warrant holder or partnership required to be covered by an indemnity insurance under this article shall each year inform the *Kamra* in writing of the name of the insurance company, the relative number of the insurance policy, provide documentary evidence from the insurance company that such person or firm is actually covered by the identified policy of insurance, and shall declare to the *Kamra* that such level of insurance cover amounts to not less than such minimum level as may be prescribed in regulations made by the Minister under this Act:

Provided that any warrant holder or partnership that opts instead to be covered by any other means of personal or collective protection shall submit all relevant documentation to the *Kamra* for its review to confirm compliance with the minimum level of protection prescribed in the aforementioned regulations:

Provided further that the provisions of sub-article (1) shall not apply to a warrant holder who submits a letter to the *Kamra* declaring that he is not providing any activity or service, which according to the Laws of Malta may only be rendered by a warrant holder, submits documentary evidence in accordance with this sub-article confirming compliance with sub-article (2), and surrenders the stamp to the *Kamra*:

Provided further that in each case, the *Kamra* is to accept the warrant holder's declaration without the need to question or request other clarifications:

Provided further that in each case the warrant holder shall inform the *Kamra tal-Periti* in accordance with the requisites indicated in sub-article (4) regarding the cover in respect of activities and services, which according to the Laws of Malta may only be rendered

by a warrant holder, done or provided prior to his cessation of practice of the profession, and this for each remaining year which, according to this Act, he is obliged to be covered by a professional indemnity insurance.

Surrender of warrant.

19.[*] (1) A warrant issued under the provisions of this Act may be withdrawn or canceled by the Warranting Board, at the request of 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 was withdrawn or canceled, if the conditions for such issue 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 or cancellation of registration.

21. (1) The Warranting Board shall within one (1) month from when the warrant holder is notified, abide by the decision of the *Periti* Professional Conduct Board or, in the case of an appeal therefrom, the decision of the Court of Appeal.

(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 Gazette.

**Vide* Legal Notice 373 of 2022 for the applicability of this article.
†Vide Legal Notice 373 of 2022 for the applicability of this article.

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

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*.

(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*.

TAQSIMA VIII
Appeals, Disqualification, Prohibited Agreements and Offences

Appeals from decisions of the Board.

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 an appeal before the Court of Appeal as contemplated in article 14(1).

Disqualification and restoration of warrant holder.

24. (1) A conviction by any court in Malta for any crime liable to imprisonment for a term exceeding one (1) year, shall be a cause of 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

judgment, 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).

(4) When the name of a *perit* has been erased from a register, the Warranting Board may, either after an application to that effect by the person concerned or otherwise of its own motion if there is agreement with the Council of the *Kamra*, direct his name to be restored to the appropriate register:

Provided that when an application is made by the person concerned in terms of this sub-article, the Warranting Board shall give the opportunity to the person concerned to make verbal and, or written submissions to support his request:

Provided further that when the Warranting Board decides to refuse an application made by the person concerned in terms of this sub-article, it shall state in detail why the restriction imposed is strictly necessary to preserve public interest.

Prohibited agreements.

25.[*] Any agreement or arrangement purporting to exempt a warrant holder or a partnership of *periti* 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 *periti* cannot choose to delegate any of its professional duties and responsibilities to another warrant holder or a partnership of warrant holders by mutual agreement in writing.

Offences.

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.

(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

**Vide* Legal Notice 373 of 2022 for the applicability of this article.

(€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.

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.

PART IX
Operative Provisions

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.

The term "architect".

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

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

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

*Vide Legal Notice 373 of 2022 for the applicability of this article.

(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 *Kamra tal-Periti* referred to in article 12.