L.N. 274 of 2002

PERITI ACT
(ACT NO. XIV of 1996)

Mutual Recognition of Qualifications of Perit Regulations, 2002

IN exercise of the powers conferred by article 20 of the Periti Act, the Minister responsible for Works has made the following regulations:-

Short Citation and Commencement.

1. (1) These Regulations may be cited as the Mutual Recognition of Qualifications of Perit Regulations 2002.

(2) These Regulations shall come into force on such date or dates as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and different provisions of this act.

Interpretation.

2. In these Regulations, unless the context otherwise requires –

"Act" means the Periti Act;

"activities in the field of architecture and civil engineering" means those activities usually pursued under the professional title of perit;

"applicant" means any person from an Agreement State applying to the Board for authorisation to practise the profession in Malta;

"application" means a request submitted by an applicant to practise the profession in Malta.

Recognition of formal qualifications fulfilling regulations 4 and 5.

3. The Board shall recognise the diplomas, certificates and other evidence of formal qualifications acquired as a result of education and training fulfilling the requirements of regulations 4 and 5 and awarded to citizens of Agreement States by a competent authority, by giving such diplomas, certificates and other evidence of formal qualifications, as regards the right to take up activities in the field of architecture and civil engineering and pursue them under the professional title of perit pursuant to regulation 10(1), the same effect in Malta as those awarded by the Board itself.

Minimum core subjects in the field of architecture and civil engineering.

4. (1) Education and training leading to diplomas, certificates and other evidence of formal qualifications referred to in regulation 3 shall be provided through courses of studies at university level concerned principally with architecture and civil engineering.

(2) Such studies, which shall contain the minimum core subjects in the fields of architecture and civil engineering referred to in article 3(2)(d) of the Act, shall be balanced between the theoretical and practical aspects of architecture and civil engineering and shall ensure the acquisition of:

(a) an ability to create architectural designs that satisfy both aesthetic and technical requirements;

(b) an adequate knowledge of the history and theories of architecture and civil engineering and the related arts, technologies and human sciences;

(c) a knowledge of the fine arts as an influence on the quality of architectural design;

(d) an adequate knowledge of urban design, planning and the skills involved in the planning process,

(e) an understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale;

(f) an understanding of the profession of architecture and civil engineering and the role of the *perit* in society, in particular in preparing briefs that take account of social factors;

(g) an understanding of the methods of investigation and preparation of the brief for a design project;

(h) an understanding of the structural design, constructional and engineering problems associated with building design;

(i) an adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate;

(j) the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations;

(k) an adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

Education and training to satisfy minimum conditions.

5. (1) The education and training referred to in regulation 3 must satisfy the requirements defined in regulation 4 and also the following conditions:

(a) the total length of education and training shall consist of a minimum of either four years of full-time studies at a university or comparable educational establishment, or at least six years of study at a university or comparable educational establishment of which at least three shall be full-time, as being the 'equivalent part-time duration' referred to in article 3(2)(d)(i) of the Act;

(b) such education and training shall be concluded by successful completion of an examination of degree standard.

(2) Recognition under regulation 3 shall also be accorded to education and training which, as part of a social betterment scheme or a part-time university course, conforms to the requirements of regulation 4 and leads to an examination in architecture and civil engineering successfully completed by applicants who have been employed in architecture and civil engineering for not less than seven years under the supervision of a *perit* or firm of *periti*. This examination shall be of degree standard and be equivalent to the final examination referred to in paragraph (1)(b).

Citizens of Agreement States who have distinguished themselves by their achievements.

6. (1) Citizens of an Agreement State authorised to hold the professional title of *perit* pursuant to a law giving the competent authority of an Agreement State the possibility of conferring this title on citizens of an Agreement State who have particularly distinguished themselves by their achievements in the field of architecture and civil engineering shall be considered as meeting the requirements laid down for the pursuit of architectural activities under the professional title of *perit*.

(2) In the case of those persons referred to in sub-regulation (1), a certificate issued by the Agreement State of which the applicant is a citizen, or from which he comes, shall constitute proof of the status of *perit*.

Decisions of the Board.

7. (1) The Board shall also examine diplomas, certificates and other evidence of formal qualifications in the field of architecture and civil engineering obtained by the applicant outside any Agreement State in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in an Agreement State, as well as examine evidence of training undergone and, or, professional experience gained in an Agreement State.

(2) The Board shall give its decision within four months of the date on which the applicant submits his application together with full supporting documentation.

(3) Where the application is rejected, the Board shall duly give the reasons for its decision.

(4) Applicants shall have a right of appeal before the Mutual Recognition of Qualifications Appeals Board set up under article 7 of the Mutual Recognition of Qualifications Act, 2002.

Communication with other Agreement States.

8. (1) The Board shall communicate as soon as possible, simultaneously to the other Agreement States the list of diplomas, certificates and other evidence of formal qualifications which are awarded in Malta and which meet the criteria laid down in regulations 4 and 5, together with the establishments and authorities awarding them.

(2) The Board shall likewise communicate any amendments made as regards the diplomas, certificates and other evidence of formal qualifications which are awarded in Malta, in particular those which no longer meet the requirements of regulations 4 and 5.

Recognition of formal qualifications as may be specified in Schedules to these regulations.

9. The Board shall recognise the diplomas, certificates and other evidence of formal qualifications as may be specified by the Minister, from time to time, in Schedules to these regulations awarded by other Agreement States to citizens of Agreement States, even if those qualifications do not fulfil the minimum requirements laid down in regulations 3 to 8 by giving them as regards the taking up and pursuit of the activities in the field of architecture and civil engineering subject to compliance with regulation 10, the same effect in Malta as the diplomas, certificates and other evidence of formal qualifications which it awards in architecture and civil engineering.

Use of Professional Title

10. (1) Citizens of other Agreement States who fulfil the conditions laid down in regulations 3 to 8 or whose diplomas, certificates or other evidence of formal qualifications as may be specified by the Minister, from time to time, in Schedules to these regulations, have been recognised under regulation 9 shall be vested with the professional

title in Malta and the abbreviated form thereof once they have fulfilled any conditions as to practical training experience laid down by the Board.

(2) In order to satisfy the requirements of article 3(2)(d)(ii) of the Act in relation to applicants seeking to practise in Malta, the Board shall accept as sufficient evidence a certificate from the Agreement State of origin or previous residence stating that appropriate practical experience for a corresponding period has been acquired in that country.

Use of academic title.

11. (1) Without prejudice to regulation 10, the Board shall ensure that the citizens of Agreement States who fulfil the conditions laid down in regulations 3 to 9 and as may be specified by the Minister, from time to time, in Schedules to these Regulations have the right to use their lawful academic title and, where appropriate, the abbreviation thereof deriving from their Agreement State of origin or the Agreement State from which they come, in the language of that State. The Board may require this title to be followed by the name and location of the establishment or examining board which awarded it.

(2) If the academic title used in the Agreement State of origin, or in the Agreement State from which an applicant comes, can be confused in Malta with a title requiring additional education or training which the applicant has not undergone, the Board may require such a person to use the title employed in the Agreement State of origin or the Agreement State from which he comes in a suitable form to be specified by the Board.

Proof of good conduct

12. (1) Whereas in accordance with article 3(2)(b) of the Act, the Board requires of persons proof of good character when they take up for the first time the activities in the field of architecture and civil engineering, it shall accept as sufficient evidence, in respect of citizens of other Agreement States, a certificate issued by a competent judicial or administrative authority in the Agreement State of origin or in the Agreement State from which the applicant comes, attesting that the requirements of that Agreement State as to good character for taking up the activity in question have been met.

(2) Where the Agreement State of origin or the Agreement State from which the applicant comes does not require proof of good character of persons wishing to take up the activity in question for the first time, the Board may require of citizens of the Agreement State of origin or of the Agreement State from which the applicant comes an extract from the 'judicial record' or, failing this, an equivalent document issued by a competent judicial or administrative authority in the Agreement State of origin or the Agreement State from which the applicant comes.

(3) Where the competent judicial or administrative authority in another Agreement State does not issue documents of the kind specified in sub-regulations (1) and (2), the Board shall, instead of such documents, accept as sufficient proof that an applicant satisfies a requirement specified in sub-regulations (1) and (2), a declaration on oath that the requirement is met, or if there is no provision in the Agreement State for a declaration on oath, a solemn declaration that the requirement is met, made by the applicant before the competent judicial or administrative authority of the Agreement State of origin or the Agreement State from which the applicant comesġ such authority shall issue a certificate attesting the authenticity of the declaration on oath or the solemn declaration.

(4) If the Board has detailed knowledge of a serious matter which has occurred abroad prior to the establishment of the applicant in Malta or if it knows that the declaration referred to in sub-regulation (3) contains incorrect information and if the matter or information is likely to affect the taking up in Malta of the activity concerned, it may inform the Agreement State of origin or the Agreement State from which the applicant comes.

(5) The Agreement State of origin or the Agreement State from which the applicant comes shall verify the accuracy of the facts in so far as they might affect the taking up of the activity in question in Malta. The competent authorities in that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the Board of any consequential action which they take with regard to the certificates or documents they have issued.

(6) The Board shall ensure the confidentiality of the information forwarded.

Disciplinary action.

13. (1) Where in cases of serious professional misconduct or conviction on criminal offences, the Agreement State of origin or the Agreement State from which the applicant comes shall forward to the *Kamra*, in the case of misconduct, or the Minister, in the case of convictions, all necessary information regarding any measures or disciplinary action of a professional or administrative nature taken against the applicant or any criminal penalties concerning the practise of his profession in the Agreement State of origin or in the Agreement State from which he came.

(2) If the Board has detailed knowledge of a serious matter which has occurred in a country other than Malta prior to the establishment of the applicant in Malta and which is likely to affect the pursuit of the activity concerned in Malta, it shall inform the Agreement

State of origin or the Agreement State from which the applicant comes and the *Kamra*.

(3) The Agreement State of origin or the Agreement State from which the applicant comes shall verify the accuracy of the facts in so far as they might affect the pursuit of the activity concerned in Malta. The competent authorities of that State shall themselves decide on the nature and extent of the investigation to be made and shall inform the Board of any consequential action which they take with regard to the information forwarded under sub-regulation (1).

(4) The Board shall ensure the confidentiality of the information forwarded.

(5) The Board may consult the *Kamra* on any matter concerning disciplinary action under this regulation.

Time limit for presentation of documents.

14. Documents issued in accordance with regulations 12 and 13 may not be presented later than three months after their date of issue.

Decisions with regard to regulations 12 and 13.

15. (1) The procedure for authorising the applicant to take up the activities in the field of architecture and civil engineering, pursuant to regulations 12 and 13, must be completed as soon as possible and not later than three months after presentation of all the documents relating to that person, without prejudice to delays resulting from any appeal that may be made upon termination of this procedure.

(2) In the cases referred to in regulation 12 (4) and (5) and regulation 13 (2) and (3), a request for re-examination shall suspend the period laid down in sub-regulation (1).

(3) The Agreement State consulted shall give its reply within a period of three months.

(4) On receipt of the reply or at the end of the period, the Board shall continue with the procedure referred to in sub-regulation (1).

Where the form of oath or solemn declaration cannot be used by citizens of other Agreement States.

16. Whereas under article 5(3) of the Act, the Board requires persons wishing to take up or pursue the activities in the field of architecture and civil engineering to take an oath and where the form of such oath cannot be used by citizens of other Agreement States, the Board shall ensure that an appropriate and equivalent form of oath is offered to the applicant.

Provision of transitory services.

17. (1) The applicant shall provide transitory services in the field of architecture and civil engineering in Malta, with the same rights and obligations as warrant holdersġ in particular he shall be subject to the rules of conduct of a professional or administrative nature which apply in Malta.

(2) The Board may require the applicant to make a prior declaration about the services to be provided where they involve the execution of a project in Malta.

(3) Pursuant to the provisions of this regulation, the Board may require the applicant to supply one or more documents containing the following particulars:

(a) the declaration referred to in sub-regulation (2);

(b) a certificate stating that the applicant is lawfully pursuing the activities in question in the Agreement State where he is established;

(c) a certificate that the applicant holds the diploma, certificate or other evidence of formal qualifications required for the provision of the services in question and that those qualifications comply with the criteria in regulations 3 to 9 or as may be specified by the Minister, from time to time, in Schedules to these Regulations,

(d) where appropriate, the certificate referred to in regulation 10(2).

(4) The documents specified in sub-regulation (3) may not be produced later than 12 months after their date of issue.

(5) Where the Board temporarily or permanently deprives, in whole or in part, a Maltese citizen or a citizen of an Agreement State established in Malta of the right to pursue the activities in the field of architecture and civil engineering, it shall, as appropriate, ensure the temporary or permanent withdrawal of the certificate referred to in paragraph (3)(b).

Proof of full legal capacity

18. (1) Whereas in accordance with article 3(2)(c) of the Act, the Board requires persons wishing to take up or pursue the activities in the field of architecture and civil engineering that they are of full legal capacity, and where the information provided pursuant to regulations 12 and 13 in the case of the establishment of an applicant in Malta and pursuant to regulation 17 in the case of provision of transitory services

in Malta, does not contain proof thereof, the Board shall accept a declaration on oath - or in States where there is no provision for declaration on oath, a solemn declaration – made by the applicant before a competent judicial or administrative authority of the Agreement State of origin or of the Agreement State from which the applicant comesg such authority shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

(2) The documents referred to in sub-regulation (1) may not be produced later than three months after their date of issue.

Insurance Cover.

19. (1) Whereas in accordance with article 11 of the Act, the Board may require warrant holders or partnerships falling under the Act wishing to take up or pursue the activities in the field of architecture and civil engineering to furnish proof that they are covered by the insurance against the financial consequences of their professional liability, the Board shall accept certificates issued by the insurance undertakings of other Agreement States as being equivalent to certificates issued in Malta. Such certificates shall specify that the insurer has complied with the laws and regulations in force in Malta as regards the conditions and extent of cover.

(2) The certificates referred to in sub-regulation (1) may not be produced later than three months after their date of issue.

Information to applicants.

20. (1) The Board shall take the measures necessary to enable any applicants to obtain information on the laws and professional ethics existing in Malta.

(2) For this purpose, the Mutual Qualifications Recognition Information Centre has been established under article 6 of the Mutual Recognition of Qualifications Act, 2002 from which applicants may obtain the necessary information. In the event of establishment in Malta, the Board may require them to contact this Centre.

(3) The Board shall ensure that, where appropriate, the applicants acquire, in their own interest and in that of their clients, the linguistic knowledge needed to follow their profession in Malta.

Authenticity of evidence of formal qualifications.

21. Where a reasonable doubt exists, the Board may require the competent authorities of another Agreement State to confirm the authenticity of the diplomas, certificates and other evidence of formal qualifications awarded in that other Agreement State and referred to in regulations 3 to 9 and as may be specified by the Minister, from time to time, in Schedules to these Regulations.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – 3, Pjazza Kastilja – *Published by the Department of Information – 3, Castille Place*
Mitbugh fl-Istamperija tal-Gvern – *Printed at the Government Printing Press*

Prezz 20c – *Price 20c*