

L.N. 166 of 2023

**BUILDING AND CONSTRUCTION AUTHORITY ACT
(CAP. 623)**

Construction Industry Licensing Regulations, 2023

IN EXERCISE of the powers conferred by articles 11A and 17 of the Building and Construction Authority Act, the Minister responsible for the construction industry in consultation with the Building and Construction Authority Board, has made the following regulations: -

1. (1) The title of these regulations is the Construction Industry Licensing Regulations, 2023. Citation and commencement.

(2) These regulations shall come into force on such date or dates as the Minister responsible for the construction industry, may by notice in the Gazette establish, and different dates may be so established for different provisions and, or purposes of these regulations.

2. In these regulations, unless the context otherwise requires: Interpretation.

"the Act" means the Building and Construction Authority Act; Cap. 623.

"applicant" means an entity or a natural person who submits an application to obtain a licence in accordance with these regulations;

"Authority" means the Building and Construction Authority as established by the Act;

"Board" means the Building and Construction Authority Board as established by the Act;

"certified equipment" means the heavy or mobile construction plant and equipment which is certified by a warranted engineer, that it can be operated in accordance with its specifications;

"Chief Executive Officer" means the Chief Executive Officer of the Authority as established by the Act;

"Committee" means the Construction Industry Licensing Committee established in Part II;

"competent person" means the same as the meaning assigned

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to it in the Act;

"construction" means the same as the meaning assigned to it in the Act;

"contractor" means the same as the meaning assigned to it in the Act, and for the purposes of these regulations it shall refer to a natural person or entity that undertakes or is contracted to carry out any of the service activities listed in Schedule I;

"criteria thresholds" means the specific technical requirements which applicants must satisfy and, or possess in order to obtain a licence as specified in Part III;

"demolition" means the same as the meaning assigned to it in the Act;

"entity" means a registered company recognised by the Laws of Malta or of another Member State or Third Country and includes any other body or association of persons with a separate and distinct legal personality;

Cap. 460.

"European Union" means the same as the meaning assigned to it in the European Union Act;

"excavation" means the same as the meaning assigned to it in the Act;

"licence" means a licence by means of which a person may exercise, in Malta, any of the service activities listed in Schedule I to which the licence relates;

"licensed administrator" means the competent person engaged by the entity or as a director of the entity, who on its behalf administers the licence issued by the Authority;

"licensed contractor" means the person or entity who holds a valid licence issued under these regulations; and the term "licensed contractor" for the purpose of these regulations shall also include sub-contractors;

"licensee" means the same as the meaning "licensed contractor";

Cap. 10.

"mason's licence" means a licence issued for the exercise of masonry works as established by the Code of Police Laws or other legislation;

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

"Minister" means the Minister responsible for the construction industry;

"minor works" means construction works which may be either excavation, demolition or building activity which in their nature do not constitute major excavation, demolition or building works, but are considered as incidental work in relation to any of the service activity listed in Schedule I. Minor works include minor alterations of building, such as the opening or closure of apertures and removing or building of walls, and does not involve demolition or construction of structures or buildings, including the removal or construction of roofs. Minor works shall also include excavations in relation to the laying of foundations and pipe works, or lift pits, or trimming works which may only be carried out with handheld equipment, and does not include excavation works in relation to the construction of reservoirs, pools, or basements, or works related to clearance or trimming of land. This shall also include any other works which the Board may from time to time determine by notice in the Gazette;

"perit" has the same meaning assigned to it in the *Periti Act*; Cap. 622.

"project" means any development project which a person has been engaged to undertake;

"provisional clearance" means a clearance issued by the Authority with respect to applications for licence submitted from the 1st November 2023 until the 31st May 2024, which clearance shall temporarily authorise the applicant to exercise any of the service activities in respect of which the application relates pending the determination of the application;

"Register" means the same as the meaning assigned to it in the Act, and shall be in the form of a depository of information containing the details of the licence and the licensee as prescribed in these regulations;

"service activity" means any activity performed by a licensed contractor listed in Schedule I;

"Third Country" means a country which is not a Member State of the European Union;

"Tribunal" means the Building and Construction Tribunal established under Part VIII of the Act;

PART I GENERAL PROVISIONS

Applicability
and transitory
provisions.

3. (1) No person or entity may assume the exercise of any of the service activities stipulated in Schedule I unless such person or entity has, by no later than the 1st of January 2025, acquired a valid licence for the exercise of that service activity.

(2) Any natural person, who upon the coming into force of these regulations has already assumed, or intends to assume, the exercise of any of the service activities listed in Schedule I and to whom the provisions of the Act apply, shall submit an application for a licence with respect to that service activity by not later than 31st October 2023.

(3) Any entity which upon the coming into force of these regulations has already assumed, or intends to assume, the exercise of any of the service activities listed in Schedule I, and to which the provisions of the Act apply, shall submit an application for a licence with respect to that service activity by not later than 31st October 2023.

(4) Without prejudice to the provisions of sub-regulation (1), any person or entity having submitted an application as laid down sub-regulations (2) or (3), shall not pending the determination of that application, be withheld from continuing in the exercise of any of the service activities listed in Schedule I and to which the application for licence relates, if the application is deemed to have been submitted in a complete and valid prescribed form by the applicable time-frame, and unless the Authority directs otherwise when in its opinion the circumstances so require:

Provided that during the period pending the determination of an application, the applicant shall be responsible to fulfill the obligations referred to in regulations 5:

Provided further that when the applicant contravenes any provision of the Act or any regulations made thereunder during the period pending the determination of the application, apart from being subject to enforcement procedures in terms of the Act, the Authority may consider the applicant's contravention as a ground for refusal of his application and consequently withhold the applicant from the exercise of the service activity to which the application relates.

(5) Notwithstanding the provisions of the preceding sub-regulations, any person or entity applying for a licence from the 1st November 2023 until the 31st May 2024 may continue in the exercise of the service activity to which the licence relates during the period pending the determination of the application if:

(a) the application is deemed to have been submitted in a complete and valid form by the time-frame specified in this sub-regulation; and

(b) the Committee, within sixty (60) days from the submission of a valid application, issues a provisional clearance that authorises the exercise of that service activity:

Provided that at any time during the period pending the determination of the application, the Authority may revoke the applicant's provisional clearance and withhold him from the exercise of the service activity to which the application relates wherever the Authority considers that the circumstances so require:

Provided further that when the applicant contravenes any provision of the Act or any regulations made thereunder during the period pending the determination of the application, apart from being subject to enforcement procedures in accordance with the Act, the Authority may consider the applicant's contravention as a ground for withdrawal of the provisional clearance and, or the application, and consequently withhold the applicant from the exercise of the service activity to which the application relates.

(6) Any person or entity who fails to apply for a licence in terms of sub-regulations (2), (3) or (5), as applicable, may not assume the exercise or continue to exercise any of the service activities listed in Schedule I without first having acquired a valid licence issued in terms of these regulations.

4. (1) Any of the service activities listed in Schedule I shall be carried out by holders of a licence in accordance with these regulations:

Contractor's
licence.

Provided that minor works can be carried out by the holder of a construction licence:

Provided further that the Director of Public Works, the Commissioner of the Malta Police Force, the Commander of Armed Forces of Malta, the Director of the Civil Protection Department, or any other Government department, shall be exempt from the requirements stipulated in these regulations subject to a request for exemption which is to be submitted to and approved by the Board in terms of article 21 of the Act.

(2) The fees applicable for the submission of an application for licence, the issue of a licence and the renewal thereof shall be

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prescribed in Schedule III.

Responsibility.

5. (1) It shall be the responsibility of a licenced contractor to:

(a) abide by the conditions of a licence and any orders, directions or requirements which may be imposed by the Authority with regard to the operation of the licence;

(b) ensure that the execution of any work conforms with the practices, guidelines and regulations pertaining to the respective licensed services activities that may be issued by the Authority;

(c) abide by any directions issued by the *perit* or any other person responsible by law, as well as any other conditions, method statements and requirements in relation to building and construction imposed by any regulatory entity.

(2) For the purposes of these regulations, a person or entity assuming the exercise of any of the service activities listed in Schedule I, refers to any person or entity actually executing works relative to any of the service activities under their responsibility, or a person or entity who in any manner employs, engages or entrusts workers to execute works relative to any of the service activities under that person's or that entity's responsibility.

(3) The licence holder shall ensure that any works carried out to any service activity listed in Schedule I shall be covered by a valid insurance policy which provides cover against any loss or damage that may be sustained by any person consequent to any act or omission occasioned by the licensed contractor or workers who operate under his direction in the execution of works, as well as against damages at the place of work, including bodily harm that may be sustained by an employee:

Provided that the licensed contractor may be exempted in writing in terms of article 21 of the Act.

PART II CONSTRUCTION INDUSTRY LICENSING COMMITTEE

Establishment
of the
Committee.

6. (1) There shall be established a Construction Industry Licensing Committee, which shall be appointed by the Minister, after consultation with the Board.

(2) The Committee shall be composed of five (5) members

who shall have substantial knowledge and experience on matters related to the building and construction industry, legal affairs or other subjects related to the construction industry, one (1) of which shall be the Chairperson:

Provided that two (2) members shall be a warranted *perit* and a engineer respectively, both of whom have practiced their respective profession for at least ten (10) years:

Provided further that the Minister may designate one of the other members as Deputy Chairperson, and the member so designated shall have all the powers and perform all the functions of the Chairperson during the Chairperson's temporary absence or the inability of the Chairperson to act as Chairperson.

7. The Committee shall have a Secretary, to be appointed by the Minister, who shall have such duties as may be assigned by the Committee. Secretary to the Board.

8. The Authority shall provide the necessary administrative support to the Committee for the proper performance of its functions. Committee.

9. (1) The members of the Committee and the secretary, shall hold office for a term of three (3) years on such terms and conditions as the Minister may establish. Term of office.

(2) Members of the Committee and the secretary shall be eligible for reappointment for further terms on the expiration of their terms of office.

10. The Committee shall have the following functions:- Functions of the Committee.

(a) to issue licences for each service activities as listed in Schedule I:

Provided that the Board may also establish sub-committees or appoint such persons who have professional qualifications and, or knowledge and experience in matters related to building and construction to assist in the evaluation of applications for a licence;

(b) to implement any directive issued by the Board in respect of licensing requirements for particular skills or activities related to the building and construction industry;

(c) to keep the required registers for the fulfilment of its functions;

(d) to draw up reports which shall be discussed with the Board:

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(i) on any issue relevant to these regulations, including any application;

(ii) on any issue concerning the licensing process; and

(iii) on any other matter related to the licensing of contractors which the Board may be required to address by means of directives, regulations, policies and any amendment thereof;

(e) to perform such other functions as may, from time to time, be assigned to it by the Minister in consultation with the Authority.

Procedure and meetings of the Committee.

11. (1) The meetings of the Committee shall be called by the Chairperson either on his own initiative or after accepting the request of any member of the Committee, and the Committee shall also meet at such times as it may decide itself:

Provided that the Committee shall meet at least once every calendar month or ulterior times, as may be required.

(2) The *quorum* of the Committee shall consist of the Chairperson or the Deputy Chairperson, and shall not be less than half the number of the other members constituting the Committee, at the time of the meeting.

(3) Decisions of the Committee shall be taken by a simple majority of the members present at the meeting:

Provided that the Chairperson at a meeting shall have an original vote, and in case of equality of votes, a casting vote.

(4) The Committee may act notwithstanding any vacancy in its membership, provided that a *quorum* is reached amongst the members who are present.

(5) The Committee shall regulate its own procedure.

Conflict of interest.

(6) The provisions of article 16 of the Act shall apply *mutatis mutandis* to the members of the Committee.

Remuneration of the Committee members.

12. The members of the Committee shall be remunerated in accordance with criteria as may be applicable from time to time within the public sector.

PART III LICENCE

13. (1) The Authority shall publish in the Gazette and on the said Authority's website the time period within which it shall commence to receive and accept applications for the licence for any service activities listed in Schedule I. Publication of application for licence.

(2) The notice shall:

(a) specify the form, information and documents required for the submission of an application for a licence in terms of these regulations, including but not limited to the criteria established under Schedule II; and

(b) the applicable administrative fees in terms of Schedule III.

14. (1) The applicant shall satisfy the requirements as stipulated: Eligibility.

(a) is a natural person over twenty one (21) years of age and is habitually resident in Malta, or in any Member State; or

(b) is an entity;

(2) The Committee shall be satisfied that the applicant:

(a) fulfils the requirements for a licence as specified in regulation 15; and

(b) is in possession of the necessary criteria thresholds established in Schedule II; and

(c) provides sufficient evidence of sound knowledge of the subjects listed in item 1 of Parts A, B and C of Schedule II respectively; and

(d) is a natural person of good repute and conduct and of appropriate financial standing or an entity where each of the directors is of good repute and conduct and the said entity is of appropriate financial standing.

(3) A person or entity shall not be deemed to satisfy the requirement of good repute and conduct if the applicant:

(a) has been convicted of serious criminal offences during the last five (5) years, which are offences of misappropriation and fraud; or

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(b) has been convicted by a competent Court in the past two (2) years of committing an offence in accordance with the provisions of the Act or any regulations made thereunder; and

(c) has been convicted of any corresponding offence under any law of a country or territory outside Malta:

Provided that if the applicant was less than eighteen (18) years old when he was found guilty, the period mentioned in paragraphs (a) and (b) shall be of two (2) and one (1) year respectively.

(4) A person or entity may be licensed to assume the exercise of more than one (1) service activity listed in Schedule I in which case a separate application form and the supporting documentation specified in these regulations shall be submitted by them, for each respective service activity, together with such other information and documentation as may be requested by the Committee to be submitted to reach a determination on the application.

Application for
issuance of
licence.

15. (1) An application for the issue of a licence shall be submitted to the Chief Executive Officer in the form prescribed by the Authority in terms of these regulations and shall satisfy the requirements specified in regulation 14(1) together with the following additional requirements:

(a) the address provided by the applicant and the applicant's electronic mail address;

(b) other necessary information which may be requested by the Authority in accordance with these regulations; and

(c) payment of the relevant application fee as provided in Schedule III.

(2) Where the applicant is a natural person, in addition to the requirements specified in sub-regulation (1), the application shall also be accompanied by the following documentation:

(a) the applicant's VAT registration number, if applicable;

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(b) a conduct certificate issued under the Conduct Certificate Ordinance not issued prior to two (2) months from the date of submission of the application:

Provided that in case that the applicant is not a person

habitually resident in Malta, an equivalent document issued by a competent judicial or administrative authority of the country of habitual residence shall be provided instead.

(c) a declaration that confirms that the applicant is not bankrupt.

(3) An entity which submits an application for a licence, may appoint and authorise a competent person to act on its behalf with respect to the fulfilment of the criteria and obligations set out in these regulations and to act as the entity's licensed administrator, and in addition to requirements listed in sub-regulation (1), it shall submit:

(a) the entity's legal status and the entity's registered official address;

(b) the relative VAT registration number, if applicable;

(c) the name and details of the licensed administrator and proof of the engagement relationship with the entity concerned;

(d) a resolution from the Board of Directors of the entity, authorising and appointing a person to act as the licensed administrator in terms of these regulations;

(e) a conduct certificate issued under the Conduct Certificate Ordinance, issued not prior to two (2) months from the submission of the date of the application, of the directors and the licensed administrator of the entity: Cap. 77.

Provided that in the case that the directors or the licensed administrators are not habitually resident in Malta, an equivalent document issued by a competent judicial or administrative authority of the country of habitual residence of the directors and the licensed administrators shall be provided instead;

(f) a declaration that confirms that the entity is not bankrupt.

(4) In addition to the declaration as requested in paragraph (c) of sub-regulation (2) and paragraph (f) of sub-regulation (3), the Committee may request additional documentation or adequate financial standing:

Provided that for the purposes of assessing the adequate financial standing, the Committee shall have regard to the type of service activity and to the financial situation of the applicant, such as, but not limited to, and at the Committee's discretion:

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(a) updated annual accounts, if any;

(b) the funds available, including overdraft and loan facilities;

(c) any assets, including property, which are available to provide partial or full security for the service activity;

(5) The applicant shall possess or employ a person who possesses good command of the Maltese or the English language and in the absence of which, the applicant shall provide the service of an interpreter to facilitate proper communication.

(6) An application shall be deemed complete and valid for further processing, if it contains all the details specified in sub-regulations (1), (2) or (3), as the case may be, and the applicant conforms with the requirements of regulation 14(1):

Provided that any person or entity that submits an application for a licence with respect to the service activity specified in Part C of Schedule II, shall also be required to submit a valid masons licence.

Licensing
decisions by the
Committee.

16. (1) The Committee shall reach a decision on an application submitted in accordance with these regulations within sixty (60) days from the submission of a valid application:

Provided that in case of applications submitted in terms of regulations 3(2) and 3(3), the Committee shall reach a decision by the 31st May 2024:

Provided further that in the case of applications submitted in terms of regulation 3(5), the Committee shall reach a decision within sixty (60) days from the date of issue of the provisional clearance:

Provided further that if the Committee requires additional time, it shall inform the applicant in writing that the decision shall be delivered within thirty (30) days from the original decision target date.

(2) At any stage prior to the final determination of the application, the Committee may:

(a) request any additional information, documentation or requirements from the applicant which it considers relevant to the application;

(b) review and, or inspect on-site completed or ongoing

projects of the applicant;

(c) where the applicant is or was previously in possession of a licence or registration issued by the competent authority of another Member State or a Third Country, the Committee may request information on the applicant from such competent authority;

(d) requests any information about the applicant from any competent authority as required.

(3) The Committee may approve or reject an application, and may also impose any conditions which it deems appropriate to be included in the licence.

(4) Notice of the decision shall be published on the website of the Department of Information and the Committee shall notify the applicant of such publication by means of electronic mail.

17. (1) The Committee shall inform the applicant of the decision to grant the licence within five (5) working days from the decision date by registered mail. Notice to grant a licence.

(2) The decision notice shall:

(a) specify the service activity being licensed, including any range of functions, duties and responsibilities within the ambit of that service activity;

(b) specify the terms, conditions and limitations to which the licence shall be subject, as decided by the Committee in terms of these regulations;

(c) specify the fee to be paid for the issue of the licence as provided in Schedule III;

(d) specify any pending dues to the Authority;

(e) include the validity period of the licence which shall run from the date of issue of the Licence Certificate as specified in regulation 20; and

(f) inform the applicant that the notice may be appealed before the Tribunal within twenty (20) days from the date of its publication on the website of the Department of Information and that the licence certificate shall be suspended pending the determination of the appeal.

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Licence
certificate.

18. (1) Upon payment of the relative licence fee and other pending dues, if any, a Licence Certificate shall be issued in favour of the licensee and it shall include the details of the licence and any conditions imposed by the Authority, where applicable.

(2) The Licence Certificate shall be in the possession of the licensed contractor at all times.

(3) In the event that a valid Licence Certificate has been lost or defaced, an application for the issue of a duplicate of the original certificate, may be submitted to the Chief Executive Officer in the form prescribed by the Authority, together with the payment of the administrative fee as specified in Schedule III.

Register.

(4) The details of the licence shall be kept in the Register held by the Authority, and shall include the following:

(a) the details of the licence holder;

(b) date of issue of licence;

(c) the service activity being licensed; and

(d) any conditions imposed by the Committee in relation to the licence.

Decision to
refuse an
application for a
licence.

19. (1) Where the Committee intends to refuse an application, it shall give the applicant notice in writing specifying the reasons for refusal.

(2) The notice for refusal shall state that the applicant shall have the right, within twenty (20) days from the date of receipt of such notice, to make submissions in writing before the Committee specifying reasons why the application should not be refused, and the Committee shall consider any representations so made before reaching its final decision.

(3) If the Committee, despite any submissions made by the applicant, decides to refuse the application, it shall inform the applicant of the decision by registered mail, within five (5) working days from the decision.

(4) The decision notice shall:

(a) include the reasons motivating the Committee's decision of refusal;

(b) inform the applicant that the notice may be appealed before the Tribunal within twenty (20) days from the date of

publication of the notice on the website of the Department of Information.

20. (1) Licences issued under these regulations shall remain valid for two (2) years from the date of issue of a Licence Certificate, and shall be subject to renewal every two (2) years after such date:

Renewal of licences and provision of training and courses.

Provided that for the purposes of renewing a licence, the licensed contractor shall submit a valid and complete application in the form prescribed by the Authority, submitted to the Chief Executive Officer, not later than ninety (90) days prior to the expiry date of the valid licence.

(2) The provisions of regulations 16 to 19 shall apply in the determination of the renewal application by the Committee and the issue of a licence.

(3) Where the Committee decides that the applicant lacks sufficient professional competency, it may request the applicant to attend courses or training to cover subjects listed in item 1 of Parts A, B and C of Schedule II, which shall be provided yearly for the purpose of renewal of the licence.

(4) The Committee shall also request courses that shall also be provided when the Authority considers that new practices, and regulations pertaining to the service activities listed in Schedule I and subjects in addition to those listed in item 1 of Parts A, B and C of Schedule II have been introduced, to ascertain that the applicants are able to execute any works covered by the licence:

Provided that the Authority shall also require that licencees attend such courses and the attendance and completion of these courses shall be considered for any subsequent renewal applications.

21. (1) The licensed contractor shall inform the Authority without delay, of any change in the licence details or a change in the nominated persons satisfying the criteria thresholds as provided in Schedule II and of any change in the information submitted as part of the application submission requirements in accordance with regulation 15.

Changes to the Register.

(2) Where a licensed administrator ceases to occupy the post or is no longer in the employment of the licensed contractor, the licensed administrator or the licensee shall, by not later than three (3) working days from such occurrence, notify the Authority in writing and during such period suspend the exercise of the licensed service activity.

(3) A new administrator shall be appointed by the licensee whose details shall be notified to the Committee within three (3)

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working days of such appointment.

(4) The appointment of the new administrator shall be subject to the approval of the Committee, which shall not be granted unless the person so appointed fulfills the requirements of these regulations, and until such approval is granted, the exercise of the licensed service activity shall remain suspended.

Application for
the cancellation
of a licence.

22. (1) If any licensee applies to the Authority for the cancellation of a licence, the application shall be made in the form prescribed by the Authority and shall be accompanied by the payment of the cancellation fee laid down in Schedule III, and shall include a declaration signed by applicant stating that the applicant is not aware of any proceedings or of any reason for the institution of any proceedings which may result in the removal of the applicant's name from the Register held by the Authority.

(2) The Committee shall within thirty (30) days from the receipt of an application cancel the licence, and remove it from the Register:

Provided that any cancellation shall be without prejudice to the responsibility or liability of the applicant in respect of any work or services rendered by the applicant prior to such cancellation, or any damages or impacts resulting therefrom.

(3) The decision of the Committee shall be communicated to the applicant within thirty (30) days from such decision.

(4) The Committee shall notify the applicant with its decision by means of registered mail.

PART IV OFFENCES AND PENALTIES

Offences.

23. (1) Whosoever assumes the exercise of any of the service activities listed in Schedule I with a suspended licence or without a valid licence issued under these regulations, shall be guilty of an offence against these regulations and shall be liable on conviction to imprisonment for a period not exceeding six (6) months or a fine (*multa*) not exceeding fifty thousand euro (€50,000) or to both such fine and imprisonment, and in the case of a continuing offence, to a further fine (*multa*) of five thousand euro (€ 5,000) for each day during which the offence continues.

(2) Whosoever fails to comply with any conditions of a clearance or licence issued under these regulations or who acts in breach of any provision of these regulations shall be guilty of an offence against these regulations and shall be liable, on conviction, to a fine (*multa*) not

exceeding ten thousand euro (€10,000) and in the case of a continuing offence, to a further fine (*multa*) of five hundred euro (€500) for each day during which the offence continues.

(3) Whosoever makes a false declaration for the purposes of these regulations shall be guilty of an offence against these regulations and shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand five hundred euro (€1,500), without prejudice to any other higher punishment for which the person may be subject under any other law.

(4) The Court may also order the suspension or revocation for a stated period of the licence when convicting the holder of a licence for a crime against the Act and these regulations, in addition to any of the punishments specified in these regulations.

24. (1) Notwithstanding any other provision of these regulations, and without prejudice to any other proceedings to which the person or entity acting in breach of these regulations may be liable under any other law, in the case of any breach of these regulations, the Authority may, following the issue of an enforcement notice in accordance with articles 23, 24, 25 and 26 of the Act, impose an administrative penalty in accordance with these regulations.

Administrative penalties.

(2) An administrative penalty imposed under this regulation shall not exceed the maximum amount of the fine (*multa*) which the offender may be liable to, for the corresponding offence, in accordance with the provisions of regulation 23.

(3) Any person or entity feeling aggrieved by the imposition of an administrative penalty shall have a right of appeal in accordance with the Act.

(4) In all cases where the Chief Executive Officer imposes an administrative penalty in respect of anything done or omitted to be done by any person, and where such act or omission also constitutes a criminal offence, no proceedings may be instituted against the person in respect of such offence wherever such person accepts responsibility for the breach in respect of which the administrative penalty is imposed and implements any remedial measures as may be directed by the Chief Executive Officer and pays the administrative penalty.

25. (1) Notwithstanding any other penalties and, or punishments for which the applicant, licensed contractor or licensed administrator may be liable to under these regulations, the Act or any other law, the Board may, in accordance with article 20 of the Act, revoke or temporarily suspend any licence or clearance issued in favour of any contractor under these regulations, for failure to comply with any

Suspension and revocation of licence.

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licence conditions or with any requirements stipulated in the Act or any regulations made thereunder.

(2) A licence suspended in accordance with these regulations may be re-issued by the Board if the breach or failure is rectified in accordance with these regulations, and such licence may be subject to any such additional conditions which the Board may deem necessary to impose.

(3) Every person or entity whose licence is revoked or suspended shall immediately deliver the respective Licence Certificate to the Authority.

(4) The Court of Magistrates as a Court of Criminal Judicature may upon conviction of a licensee and, without prejudice to the powers of the Authority in terms of the preceding sub-regulations, suspend any licensed contractor from the exercise of the trade for any period of time and, for this purpose, may also order the Authority to revoke a licence issued under these regulations or refuse its renewal.

(5) The Authority shall, by means of a notice of decision published in the Gazette, on the Authority's website, and entered in the Register, make available to the public the names and details of licencees and licensed administrators whose licence has been suspended or revoked.

(6) Any person or entity feeling aggrieved by a decision of the Authority concerning the revocation or suspension of a licence or of any condition thereof, shall have a right of appeal before the Tribunal in accordance with the Act.

(7) In the case of suspension or revocation of a licence or refusal in accordance with these regulations, the Authority may at its discretion decide to reinstate the contractor if the contractor, upon the submission of a fresh application, provides sufficient proof and assurance that he has taken the necessary measures to rectify any occurrence or breach which resulted in the revocation of the licence.

SCHEDULE I
Service Activity
(regulation 3(1))

The service activities for which a licence is required:

- (a) demolition;
- (b) excavation and piling;
- (c) construction.

SCHEDULE II
Criteria for each Service Activity

A. Licensing of Demolition Contractors

1. The applicant shall be required to manifest competence in the following:

- (a) demolition works;
- (b) dismantling of structural and non-structural elements;
- (c) construction waste separation and separate storage;
- (d) correct loading on trucks;
- (e) shoring techniques;
- (f) adequate knowledge of basic requirements stipulated in the Act and in the Construction Management Site Regulations; S.L. 623.08.
- (g) adequate knowledge of the Occupational Health and Safety Authority Act and of the regulations made thereunder. Cap. 424.

2. In the event that the applicant is a natural person, he shall be eligible to apply as a Demolition Contractor subject to the following requirements being satisfied:

- (a) the applicant shall be in possession or show evidence of:
 - (i) a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards and shall have at least three (3) years experience in demolition works; or
 - (ii) a minimum of three (3) years experience in

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demolition works supported by references of at least two (2) completed projects; or

(iii) a mason's licence with at least three (3) years experience in masonry work;

(b) a list of all certified equipment to be utilised;

(c) has the capacity to ensure that all demolition works on a site are duly supervised by a Level 4 certified Demolition Plant Supervisor in terms of the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

3. In the event that the applicant is an entity, it shall be eligible to apply as a Demolition Contractor subject to the following requirements being satisfied:

(a) the applicant shall be in possession or show evidence of:

(i) a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards and shall have at least three (3) years experience in supervision of demolition works; or

(ii) has a minimum of three (3) years experience in demolition works supported by references of at least two (2) completed projects; or

(iii) a mason's licence with at least three (3) years experience in masonry work;

(b) employs at least one (1) full time employee who holds a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards, unless the applicant is so certified;

(c) a list of all certified equipment to be utilised;

(d) has the capacity to ensure that all demolition works on a site are duly supervised by a Level 4 certified Demolition Plant Supervisor in terms of the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

4. The Committee may consider other documentation and, or experience of the applicant as equivalent or a suitable alternative to the threshold criteria set out above, where applicable.

5. As from 1st January 2025, the licensed contractor shall ensure that all workers who are in any manner engaged, entrusted or employed with the licensed contractor to execute demolition works hold a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards, or hold any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification:

Provided that any demolition workers who do not hold a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification, may continue to carry out any demolition work under the constant supervision of a person who holds a Level 4 certification as a Demolition Plant Supervisor issued in accordance with the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification in accordance with the service activity criteria as listed above.

B. Criteria for the Licensing of Excavation and Piling Contractors

1. The applicant shall be required to manifest competence in the following:

- (a) excavation works;
- (b) setting up and dismantling of structural and non-structural supports;
- (c) correct loading on trucks;
- (d) shoring techniques;
- (e) dumping of construction waste at authorised waste management facilities;
- (f) adequate knowledge of basic requirements stipulated in the Act and in the Construction Management Site Regulations; S.L. 623.08.
- (g) adequate knowledge of the Occupational Health and Safety Authority Act and of the regulations made thereunder. Cap. 424.

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If the applicant intends to include piling works under this service activity, the applicant shall be required to manifest competence in the shifting of piling equipment, boring or boring of piles, casting of piles, and pile cap construction.

2. In the event that the applicant is a natural person, he shall be eligible to apply for a licence of an Excavations Contractor subject to the following requirements being satisfied:

(a) the applicant shall be in possession or show evidence of:

(i) a Level 4 certification as an Excavation Plant Supervisor issued in accordance with the National Occupational Standards and shall have at least three (3) years experience; or

(ii) minimum of three (3) years experience in excavation and piling works supported by references of at least two (2) projects involving excavation or piling works;

(b) a list of all certified equipment to be utilised;

(c) has the capacity to ensure that all excavation works on a site are duly supervised by a Level 4 certified Excavation Plant Supervisor in terms of the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

3. In the event that the applicant is an entity, it shall be eligible to apply for a licence of an Excavation Contractor subject to the following requirements being satisfied:

(a) the applicant shall be in possession or show evidence of:

(i) a Level 4 certification as an Excavation Plant Supervisor issued in accordance with the National Occupational Standards and have at least three (3) years experience in supervision of excavation work; or

(ii) a minimum of three (3) years experience in excavation or piling works supported by references of at least two (2) completed projects involving excavation or piling works; or

(b) employs at least one (1) full time employee who

holds a Level 4 certification as an Excavation Plant Supervisor in accordance with the National Occupational Standards, unless the applicant is so certified;

(c) a list of all certified equipment to be utilised;

(d) has the capacity to ensure that all excavation works on a site are duly supervised by a Level 4 certified Excavation Plant Supervisor in terms of the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

4. The Committee may consider other documentation and, or experience of the applicant as equivalent or a suitable alternative to the threshold criteria set out above, where applicable.

5. As from 1st January 2025, the licensed contractor shall ensure that all workers who are in any manner engaged, entrusted or employed with the licensed contractor to execute excavation works hold, a Level 4 certification as an Excavation Plant Supervisor issued in accordance with the National Occupational Standards, or hold any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification:

Provided that any excavation workers who do not hold a Level 4 certification as an Excavation Plant Supervisor issued in accordance with the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification may continue to carry out excavation works under the constant supervision of a person who holds a Level 4 certification as an Excavation Plant Supervisor issued in accordance with the National Occupational Standards, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification in accordance with the service activity criteria as listed above.

C. Criteria for the Licensing Construction

1. The applicant shall be required to manifest competence in the following:

(a) masonry and brick wall construction;

(b) design and construction of form work;

(c) reinforcement and concreting works;

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(d) site management;

(e) overseeing site preparation prior to the commencement of any works, including hoarding, existing and proposed temporary infrastructural requirements;

S.L. 623.08.

(f) adequate knowledge of basic requirements stipulated in the Act and in the Construction Management Site Regulations;

Cap. 424.

(g) adequate knowledge of the Occupational Health and Safety Authority Act and of the regulations made thereunder.

2. In the event that the applicant is a natural person, he shall be eligible to apply as a construction contractor if he is in possession of:

(a) a mason's licence and have at least three (3) years experience in construction work;

(b) a list of all certified equipment to be utilised;

(c) capacity to ensure that all construction works on a site are duly supervised by a licensed mason or by a person who is in possession of an equivalent National Occupational Standards Certification in masonry works, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

3. In the event that an applicant is an entity, it shall be eligible to apply as a construction contractor subject to the following requirements being satisfied:

(a) the applicant shall be in possession or show evidence of:

(i) a mason's licence with at least three (3) years experience in construction work; or

(ii) a minimum of three (3) years experience in construction management supported by references of at least two (2) building projects;

(b) employs at least one (1) full-time employee who is a licensed mason and is in possession of an equivalent National Occupational Standards certification in masonry works, unless the applicant is so certified;

(c) the applicant is at least a Level 3 certified block layer

in terms of the National Occupational Standards;

(d) a list of all certified equipment to be utilised;

(e) capacity to ensure that all construction works on a site are duly supervised by a licensed mason or by a person who is in possession of an equivalent National Occupational Standards certification in masonry works, or any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

4. The Committee may consider other documentation and, or experience of the applicant as equivalent or a suitable alternative to the threshold criteria set out above, where applicable.

5. As from 1st January 2025, the licensed contractor shall ensure that all workers who are in any manner engaged, entrusted or employed with the licensed contractor to execute construction works are licensed masons or hold a Level 3 certification in block layering issued in accordance with the National Occupational Standards, or hold any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification:

Provided that any construction workers who are not licensed masons or do not hold a Level 3 certification in block layering issued in accordance with the National Occupational Standards or do not hold any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification may continue to carry out construction works under the constant supervision of a licensed mason or by a person who holds a Level 3 certification in block layering issued in accordance with the National Occupational Standards or holds any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification in accordance with the service activity criteria as listed above.

SCHEDULE III

Fees

1. Administrative Fees:

New licence and renewal of an application (regulations 13 and 15):

(a)	demolition	€100
(b)	excavation	€100
(c)	construction	€100

Other administrative fees:

(a)	duplicate licence certificate issued in accordance with regulation 18	€100
(b)	application for the cancellation of a licence in accordance with regulation 22	€100

2. Licence Fees applicable for all service activities listed in Schedule I (regulations 4 and 17):

Class A – Contractor being a natural person (regulation 16(2))

A1	contractor with no employees	€50
A2	contractor employing up to five (5) persons	€100
A3	contractor employing up to ten (10) persons	€150
A4	contractor employing more than ten (10) persons	€200

Class B – Contractor being an entity (regulation 16(3))

B1	contractor employing up to ten (10) persons	€200
B2	contractor employing up to twenty (20) persons	€250
B3	contractor employing more than twenty (20) persons	€300

Fees are not refundable and are payable prior to the issue of the licence or the renewal.