L.N. 38 of 2024

BUILDING AND CONSTRUCTION AUTHORITY ACT (CAP. 623)

Construction Sites Insurance Obligations Regulations, 2024

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

Citation and applicability.

1. (1) The title of these regulations is the Construction Sites Insurance Obligations Regulations, 2024.

(2) These regulations shall apply to any construction work which commences after the coming into force of these regulations.

Interpretation.

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

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

"Authority" means the Building and Construction Authority as established by article 5 of the Act;

"certificate of completion of the construction works" means the declaration of completion of works issued by the responsible *perit* of all structural works and other works including the roof, screed of roofs, terraces and yards, the closure of apertures and other works to render the building sealed against the ingress of water;

"Chief Executive Officer" shall have the same meaning as assigned to it in the Act;

"client" shall have the same meaning as assigned to it in the Act;

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

"construction site" means the site where construction works are executed and where the equipment and, or materials and works and services are delivered to, and where workers are executing their profession for the purpose of the project as approved. For the purpose of these regulations, construction site shall also include the site contiguous to the site where

construction works are being carried out, and used for the purpose of temporary placing of buildings, moveable structures, works, plants or machinery required in connection with, and for the duration of the construction works;

"contiguous property" means the immediately adjacent third party property to the construction site that may divide or otherwise, a dividing party wall with the construction site, whether on the side or back of the site, or overlying or underlying other third party property;

"declaration of insurance cover" means a document which shall be issued by an authorised insurance undertaking and such document shall be submitted to the Chief Executive Officer within two (2) weeks prior to the commencement of any construction works:

Provided that this declaration shall serve only as a confirmation of the existence of insurance cover and the details of the terms and conditions on which the insurance has come into effect, shall be verified and ascertained only from the insurance contract;

Cap. 403.

"insurance contract" means a contractual agreement with an insurance undertaking authorised under the Insurance Business Act or a European insurance undertaking as defined in the same Act to cover the works inherent to the project as well as to cater for the protection and indemnity of any potential losses arising from the execution of the works as listed on the method statement to the project, in respect of liability arising to any third party including injury, death or property damage that may result from the works:

Provided that the insurance contract shall specify that it is subject to the Laws of Malta, and the Courts of Malta shall have jurisdiction to hear and decide any proceedings instituted relating to the insurance contract and any issue ancillary to the said insurance contract;

"responsible *perit*" means the *perit* in charge of the project and who assumes responsibility for the execution of the project in its entirety;

"works" shall have the same meaning as assigned to it in the Act.

Insurance policy.

3. Any construction site shall be covered by a valid insurance policy that provides against any loss, damage, injury or death that may

be sustained by any third party consequent to any act or omission occasioned or brought about by the construction works or activities being undertaken by the clients, their contractors and any sub-contractors engaged to carry out such works, including any works done or omitted to be done by their employees:

Provided that the insurance cover shall cover a third party liability limit of not less than seven hundred and fifty thousand euro (€750,000) prior to the issuance of the clearance to commence the construction works by the Chief Executive Officer. The said insurance policy shall be maintained or extended or renewed throughout the duration of the works until the submission of a certificate of completion of the construction works in accordance with regulation 6.

Extent of liability cover.

4. The extent of liability of cover over the minimum indicated in regulation 3 in the insurance policy shall be determined by the insurance contract based on an valid assessment of the risks involved.

Declaration of insurance cover.

5. The client shall submit a declaration of insurance cover to the Authority in the prescribed form which shall be made available on the Authority's website.

Certificate of completion of the construction works.

6. (1) On completion of the construction works, the client shall submit to the Chief Executive Officer, within two (2) weeks from completion of the works, a certificate of completion of the construction works as approved by the responsible *perit:*

Provided that a certificate of completion of the construction works shall be submitted to the Chief Executive Officer as provided in sub-regulation (1).

(2) The date of the certificate of completion of the construction works shall be published on the Authority's website by the Chief Executive Officer, and the responsible *perit* shall within two (2) weeks from the publication on the website, notify also all the owners and occupiers of those properties, for which a condition report in accordance with regulation 7 of the Avoidance of Damage to Third Party Property Regulations had been submitted by the *perit* who compiled the said condition report, with the details of such certificate regarding the project completion.

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