

L.N. ____ of 2023

**BUILDING AND CONSTRUCTION AUTHORITY ACT, 2021
(Cap. 623)**

Construction Industry Licensing Regulations, 2023

IN EXERCISE of the powers conferred by articles 11A, 17 and 19 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: -

Citation and Commencement.

Cap. 623.

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

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

Interpretation.

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

"the Act" means the Building and Construction Authority Act;

"applicant" means the entity or individual having submitted an application to obtain a license in terms of 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 plant and equipment which is certified that it can be operated within its specifications and shall be operated by trained persons

“Chief Executive Officer” means the Chief Executive Officer of the Building and Construction Authority as established by the Act;

“client” has the same meaning as is assigned to it in the Act and “clients” shall be construed accordingly;

“Committee” means the Construction Industry Licensing Committee established in Part II of these regulations;

“competent person” has the same meaning as is assigned to it in the Act;

“construction” shall have the same meaning as is assigned to it in the Act;

“contractor” has the same meaning as is assigned to it in the Act;

“criteria thresholds” means the specific technical requirements which building contractors must satisfy and, or possess in order to obtain a licence as specified in Part III of these regulations;

“demolition” has the same meaning as is assigned to it in the Act;

“entity” means a registered company recognised by the Laws of Malta or of another state and includes any other organisation with a separate and distinct legal personality;

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

“excavation” has the same meaning as is assigned to it in the Act;

“licence” means a licence issued in terms of these regulations by means of which a contractor may exercise in Malta any of the service activities listed in Part V of these regulations to which the licence relates;

“licensed administrator” means the competent person engaged by the entity, who on its behalf administers the licence issued by the Authority;

"licencee" means the person or entity who holds a valid licence issued under these regulations;

“Malta Qualifications Recognition Information Centre (MQRIC)” means the Malta Qualifications Recognition Information Centre as established under the Mutual Recognition of Qualifications Act (Cap. 451.);

“Mason’s Licence” means a licence issued for the exercise of masonry works;

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

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

“Perit” has the same meaning assigned to it in the Periti Act;

“project” means any development project which the contractor has been engaged to undertake;

“provisional clearance” means a clearance issued by the Authority with respect to those applications for licence submitted after the 1st November 2023 but prior to the 31st May 2024, which clearance shall temporarily authorize the applicant to exercise any of the service activities in respect of which his application relates pending the determination of his application. ;

“service activity” means any activity performed by a licensed contractor listed in Part V of these regulations

"Third Country" means a country which is not a Member State;

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

PART I

GENERAL PROVISIONS

Applicability and transitory arrangements

3. (1) No person or entity may exercise any of the service activities mentioned in Part V of these regulations unless such person or entity has, by no later than the 1st of January 2025, acquired a valid licence with respect to the service activity being exercised by such person or entity.

(2) Any person who upon the coming into force of these regulations is exercising or has been contracted to exercise or intends to exercise any of the service activities listed in Part V and to whom the provisions of the Act apply, shall submit an application for a licence with respect to that service activity by no later than the 1st November 2023.

(3) Any entity whether registered in Malta, any other Member State or a Third Country, which upon the coming into force of these regulations is already engaged, has been contracted or intends to act as a contractor to provide any of the service activities listed in Part V, and to which the provisions of the Act apply, shall submit an application for a licence with respect to that service activity by no later than the 1st November 2023.

(4) Without prejudice to the provisions of sub-regulation (1), any person or entity having submitted an application as laid down sub-regulation (2) or (3), shall not, pending the determination of that application, be withheld from continuing to exercise any of the service activities listed in Part V, and to which the application for licence

relates, if the application is deemed to have been submitted in a complete and valid 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 person from exercising the service activity to which the application relates.

(5) Notwithstanding the provisions of the preceding sub-regulations, any person or entity who applied for a licence after the 1st November 2023 but prior to the 31st May 2024 may continue to exercise 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 issues a provisional clearance temporarily authorizing 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 exercising 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 terms of 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 exercising the service activity to which the application relates.

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

4. (1) The licensee shall only exercise any of the service activities listed in Part V of these regulations as specified in the licence, and in accordance with these Regulations.

(2) The fees applicable for the submission of an application for licence, the issue of a licence and the renewal thereof shall be those as prescribed in Part V of these regulations.

Code of practice and responsibility.

5. It shall be the responsibility of the licensee to:

- (a) abide by the conditions of a licence and any orders, directions or requirements which may be imposed by the Authority with respect to the operation of the licence;
- (b) execute any work in accordance with the practices, guidelines and regulations pertaining to the respective licensed services activity 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.

PART II

CONTRACTORS 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 as follows:

- (a) a Chairperson;
- (b) other members being persons having substantial knowledge and experience on matters related to the building and construction industry, legal affairs or other subjects related to the construction industry and at least one of whom shall be a *Perit*, having practiced the profession for at least ten (10) years;

Provided 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 inability to act as chairperson.

Secretary to the Board

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.

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

Term of office.

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.

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

Functions of the Committee.

10. (1) The Committee shall have the following functions:-

(a) To issue licenses for each service activity listed in Part V:

Provided further that the Board may 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) perform such other functions as may from time to time be assigned to it by the Minister in consultation with the Authority.

Meetings of the Committee and Procedure.

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 itself decide:

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

(2) The quorum of the Committee shall consist of the Chairperson or the deputy Chairperson and not 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 obtained.

(5) The Committee shall otherwise regulate its own procedure.

Remuneration of the Committee

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

Publication of application for licence.

13. (1) The Authority shall publish on the Gazette and on the Authority's website the time period or periods upon which it shall commence to receive and accept applications for licence for the service activities listed in Part V.

(2) The notice shall specify the form, information and documents required for the submission of an application for a licence in relation to each service activity and the applicable administrative fees in terms of Part V and any other information the Authority deems necessary with respect to the specific service activity.

Eligibility

14. (1) The Authority shall not issue a licence in terms of these regulations, unless the applicant:

- (a) is a person over eighteen (18) years of age habitually resident in Malta or in any Member State or an entity registered in Malta, in any other Member State or a Third Country;
- (b) satisfies the Committee that:
 - (i) the requirements for a licence as specified in regulation 15 are fulfilled and
 - (ii) is in possession of the necessary criteria thresholds established in Part V of these regulations; and
- (c) is in possession of a service provider's all risk insurance policy for providing services on a construction site, which shall be renewed annually, and which shall cover and insure against any loss or damage sustained by any person consequent to any act or omission occasioned by the contractor or workers under his direction in the execution of works:

Provided that where applicant is an employer, an employer's liability insurance cover against damages at the place of work including bodily harm sustained by an employee, shall be provided.

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

Application for issue 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 set in Regulation 14 and be accompanied by the following additional requirements:

- (a) a copy of the applicant's identity card or passport;
- (b) the full address of the applicant's ordinary residence or of the applicant's registered office or principal place of business and the applicant's electronic mail address;
- (c) a recent and suitable passport-sized photo in duplicate of the applicant;
- (d) Any other information which may be requested by the Authority in accordance with these regulations;

(e) payment of the relevant application fee as provided in Part V.

(2) Where the applicant is an individual, submitting an application for a license in his personal capacity, in addition to requirements set out in sub-regulation (1), the application shall also be accompanied by the following documentation:

- (a) the applicant's VAT number, where applicable;
- (b) a clean conduct certificate issued under the Conduct Certificate Ordinance not earlier than two (2) months from the submission of the application:

Provided that where 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 the applicant is not bankrupt.

(3) An entity submitting an application for a license, in its name, 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) official proof of the entity's legal status together with details of the entity's registered official address;
- (b) the relative VAT number, where applicable;
- (c) the name and details of the licensed administrator and proof of the engagement relationship with the entity;
- (d) a resolution from the Board of Directors of the entity, authorising and appointing an individual to act as the licensed administrator in terms of these regulations;
- (d) a clean conduct certificate issued under the Conduct Certificate Ordinance not earlier than two (2) months from the submission of the application, of the directors and the licensed administrator of the entity:

Provided that where 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 shall be provided instead;

(v) a declaration that the entity is not bankrupt.

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

(5) An application shall be deemed complete and valid for further processing if it contains all the details specified in the paragraphs of sub-regulation (1), (2) or (3) of this regulation, as the case may be, and conforms with the criteria set out in paragraphs (a) and (c) of sub-regulation (1) of regulation 14:

Provided that any person or entity who submits an application for a licence with respect to the service activity specified in paragraph (C) of schedule 2 to these regulations shall also be required to submit a valid masons licence.

Licensing decisions by the Committee

16. (1) The Committee shall take a decision on an application submitted in accordance with these regulations without delay.

(2) At any stage prior to 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 visit 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.

(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.

Notice to grant licence

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.

(2) The decision notice shall:

- (a) specify the service activity being licensed, including any range of functions, duties and responsibilities within that service activity;
- (b) contain 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 Part V;
- (d) include the validity period of the licence which shall run from the date of issue of the Licence Certificate as specified in regulation 22:
- (e) 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 upon the lodging, and pending the determination, of the appeal.

Licence Certificate

18. (1) Upon payment of the relative licence fee, a licence certificate shall be issued in favour of the licensee, and shall include the details of the licence and any conditions imposed by the Authority, where applicable.

(2) The licence certificate shall be held by 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, and shall be accompanied by the payment of the administrative fee as laid down in of Part V of these regulations.

Decision to refuse an application for licence

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

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

(3) Should the Committee, despite any recommendations made by the applicant, decide 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 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.

Renewal of licenses.

20. (1) Licenses issued under these regulations shall, remain valid for three years from the date of issue, and shall be subject to renewal every three years after such date:

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 sixty (60) days prior to the expiry date of the valid licence.

(2) The provisions of regulations 16 to 19 apply in the determination of the renewal application by the Committee.

Changes to Registered details

21. (1) The licensed contractor is to inform the Committee without delay, of any change in licence details or a change in the nominated persons satisfying the criteria thresholds as provided in Part V and of any change in the information submitted as part of the application submission requirements specified in these regulations.

(2) Where a licensed administrator ceases to occupy the post or is no longer in the employ of the contractor, the contractor shall, by no later than three (3) working days from such occurrence notify the Committee in writing and during such period suspend the exercise of the licensed service activity.

(3) A new administrator shall be appointed by the contractor whose details shall be notified to the Committee within five (5) working days from the written notification specified in sub-regulation (2).

(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 fulfils the requirements of these regulations, and until such approval is granted the exercise of the licensed activity shall remain suspended.

Application for the cancellation of licence.

22. (1) If any licensee applies to the Authority for the cancellation of the 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 Part V of these regulations, 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 could result in the removal of this name from the register held by the Committee.

(2) The Committee shall within 30 days from the receipt of an application cancel the licence:

Provided that any cancellation shall be without prejudice to the responsibility of the applicant in respect of any work or services rendered by the applicant prior to such cancellation.

(3) The decision of the Committee shall be communicated to the applicant within 30 days of 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 executes any works listed in the Part V of these regulations 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 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 applicant may be subject under any other law.

Administrative penalties
Articles 23-26 of the Act

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 under the provisions of the Act, impose an administrative penalty in accordance with these regulations.

(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) 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 fine penalty is imposed and implements any remedial measures as may be directed by the Chief Executive Officer and pays the administrative penalty

Suspension and revocation of licence

Article 20 of the Act

25. (1) Notwithstanding any other sanction 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 terms of Article 20 of the Act, revoke or temporarily suspend any licence or clearance issued to in favor of contractor, under these regulations for failure to comply with any licence conditions or with any requirements set out in the Act or any regulations made thereunder.

(2) A license suspended in accordance with this regulation may be reinstated by the Board if the breach or failure is rectified in accordance with these regulations, and the licence so reinstated 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 and, or licensed administrator, from the exercise of the trade for any period of time and, to this end, may also order the Authority to revoke a license 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 license holders and, or licensed administrators whose license 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 license or of any condition thereof, shall have a right of appeal before the Tribunal in terms of the Act.

(7) In the case of revocation of a license or refusal of its renewal in terms of 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 reasonably prevent any occurrence or breach which resulted in the revocation of the license.

PART V

SCHEDULES

SCHEDULE 1

SERVICE ACTIVITY

Construction works for which licensing is required:

- (a) Demolition
- (b) Excavation and Piling
- (c) Construction (building and civil engineering works)

SCHEDULE 2

CRITERIA FOR EACH SERVICE ACTIVITY

A. Licensing of Demolition Contractors

1. The applicant shall be required to manifest competence in the categories listed hereunder;
 - i. Demolition work;
 - ii. Dismantling of structural and non-structural elements;
 - iii. Debris separation and separate storage;
 - iv. Correct loading on trucks;
 - v. Shoring techniques ;
 - vi. Adequate knowledge of basic requirements in Building and Construction Authority Act (CAP 623), Construction Management Site Regulations 2022;
 - vii. Adequate knowledge of basic health and safety standards and regulations.

2. In the case of an applicant being an individual, he shall be eligible to apply as a Demolition Contractor subject to the following requirements:
 - a. The applicant must be certified as a Level 4 Demolition Plant Supervisor and have at least two (2) years' experience in demolition works

or

a minimum of three (3) years' experience in demolition works supported by references from at least two periti, which shall include details of the general building construction works carried out by the applicant for which the periti were involved as project manager or as the project architect, and confirming that the works were carried out and completed in a satisfactory manner;
 - b. a list of all certified equipment to be utilised.

3. In the case of an applicant being an entity, it shall be eligible to apply as a Demolition Contractor subject to the following requirements:
 - a. The applicant must be in possession or show evidence of a Level 4 certification as a Demolition Plant Supervisor and shall have at least two (2) years' experience in supervision of demolition works

or

a minimum of three (3) years' experience in demolition works supported by references from at least two periti, which shall include details of the general building construction works carried out by the applicant for which

the periti were involved as project manager or as the project architect, and confirming that the works were carried out and completed in a satisfactory manner;

- b. employs at least one full time employee who is a Level 4 Certified Demolition Plant Supervisor, 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.

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

As from the 1st January 2025 the licensed contractor must ensure that all the workers engaged in demolishing works are qualified workers in accordance to the threshold criteria set out above.

Any unskilled employees working on construction site shall be only allowed under the constant supervision of a qualified worker, being a person who is, at least, a Level 4 Certified Demolition Plant Supervisor, or holds any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

B. Criteria for the Licensing of Excavation and Piling Contractors

1. The applicant shall be required to manifest competence in the categories listed hereunder;
 - i. Excavation work;
 - ii. Setting up and dismantling of structural and non-structural supports;
 - iii. Correct Loading on trucks;
 - iv. Shoring techniques;
 - v. Dumping of material to approved dumping sites;
 - vi. Adequate knowledge of basic requirements in Building and Construction Authority Act (CAP 623), Construction Management Site Regulations 2022;
 - vii. Adequate knowledge of basic health and safety standards and regulations;

Should the applicant intend 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 case of an applicant being an individual shall be eligible to apply for a licence of an Excavations Contractor subject that the following requirements are fulfilled:
 - a. the applicant must be certified as a Level 4 Excavation Plant Supervisor in accordance with the National Occupational Standards and have at least two (2) years' experience
 - or
 - at minimum of three (3) years experience in excavation works supported by references from at least two periti, which shall include details of the general building construction works carried out by the applicant for which the periti were involved as project manager or as the project architect, and confirming that the works were carried out and completed in a satisfactory manner;
 - b. a list of all certified equipment to be utilized.
3. In the case of an applicant being an entity it shall be eligible to apply for a licence of an Excavation Contractor subject that the following requirements are fulfilled:
 - a. The applicant must be in possession or show evidence of:
 - i) a Level 4 certification as an Excavation Plant Supervisor in accordance with the National Occupational Standards and have at least two (2) years' experience in supervision of excavation work
 - or
 - a minimum of three (3) years' experience in excavation or piling works supported by references from at least two periti, which shall include details of the general building construction works carried out by the applicant for which the periti were involved as project manager or as the project architect, and confirming that the works were carried out and completed in a satisfactory manner;
 - b. employs at least one full time employee who is a Level 4 certified 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;

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

As from the 1st January 2025 the licensed contractor must ensure that all the workers engaged in excavation or piling works are qualified workers in accordance to the threshold criteria set out above.

Any unskilled employees working on construction site shall be only allowed under the constant supervision of a qualified worker, being a person who is, at least, a Level 4 Certified Excavation Plant Supervisor, or holds any other qualifications or experience which the Committee considers to be equivalent or a suitable alternative to this qualification.

C. Criteria for the Licensing Construction

1. The applicant shall be required to manifest competence in the categories listed hereunder;
 - i. Masonry and brick wall construction;
 - ii. Design and construction of formwork;
 - iii. re-enforcement and concreting works;
 - iv. Site management ;
 - v. Overseeing site preparation prior to starting of any works, including hoarding, existing and proposed temporary infrastructural requirements.
 - vi. Adequate knowledge of basic requirements in Building and Construction Authority Act (CAP 623), Construction Management Site Regulations 2022;
 - vii. Adequate knowledge of health and safety standards and regulations.

2. In the case of an applicant being an individual, the applicant shall be eligible to apply as a construction contractor if he is in possession of:
 - i. a mason's licence and equivalent National Occupational Standards Certificate in masonry works;
 - ii. a list of all certified equipment to be utilised.

3. In the case of an applicant being an entity the applicant shall be eligible to apply as a construction contractor subject that the following requirements are fulfilled:
 - a. The applicant is in possession or must show evidence of:

- i) a minimum of three (3) years' experience in construction management supported by references from at least two periti, which shall include details of the general building construction works carried out by the applicant for which the periti were involved as project manager or as the project architect, and confirming that the works were carried out and completed in a satisfactory manner;
- b. have at least one full-time employee who is a licenced mason and is in possession of an equivalent National Occupational Standards Certification in masonry works, unless the applicant is so certified;
- c. have at least a Level 2 certified assistant block layer in accordance with the National Occupational Standards;
- d. have at least a Level 3 certified block layer in accordance with the National Occupational Standards;
- e. employs at least one competent person in full-time employment;
- f. a list of all certified equipment to be utilised;
- g. capacity to ensure that all construction works on a site are duly supervised by a licenced mason or a person is in possession of an equivalent National Occupational Standards Certification in masonry works.

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

As from the 1st January 2025 the licensed contractor must ensure that all the workers engaged in construction works are qualified workers in accordance to the threshold criteria set out above.

Any unskilled employees working on construction site shall be only allowed under the constant supervision of a qualified worker being either a licensed mason or a person with at least a Level 3 certified block layer 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. .

SCHEDULE 3

FEES

1. Administrative Fees:

Application for licence and Renewal application:

(a) Demolition €150

(b) Excavation	€150
(c) Construction and civil engineering works	€150

Other administrative fees:

(a) Duplicate Licence Certificate (Regulation 19)	€100
(b) Application for cancellation of licence (Regulation 23)	€100

2. Licence Fees

(a) Demolition	€600
(b) Excavation	€600
(c) Construction	€600

Licence Renewal Fees are not refundable, and payable prior to the issue of the licence or its renewal