

L.N. \_\_\_\_ of 2023

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

**Masons' Licence 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: -

Citation and commencement.

1. (1) The title of these regulations is the Masons' Licence Regulations, 2023.

(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.

Interpretation.

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

Cap. 623.

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

"applicant" means 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;

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

"Committee" means the Masons Licensing Committee established in Part II;

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

Cap. 460.

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

"licence" means a licence by means of which a person may exercise, in Malta, any building construction works in accordance with these regulations;

"licencee" means the same as the meaning "licensed mason";

"licensed mason" means any person who constructs, wholly or in part, any building in concrete, stone, brick, or steel, including the maintenance or alteration of such building, but excludes rubble wall construction, even where the work done or commenced by such person consists merely in the erection of a wall or a column or a beam or any other structural element intended to form part of a building, or in the construction of, but not limited to, a cistern, cesspool or conduit for the passage of filthy water or sewage matter or an embankment to retain soil or any other material or liquid;

Cap. 451.

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

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

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

Cap. 622.

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

Cap. 327.

"Registrar of Examinations" means the Registrar of Examinations as appointed under the Education Act;

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

"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;

"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

Mason's Licence

3. (1) The trade of a mason shall be exercised by holders of a licence in accordance with these regulations and any work in relation to general building construction shall be carried out by a licensed mason or under the supervision of a licensed mason.

(2) The fees applicable for the submission of an application for licence, and the renewal thereof shall be those prescribed in Schedule I.

Responsibility.

4. (1) It shall be the responsibility of the licensed mason 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) ensure that the execution any works conforms with the practices, guidelines and regulations pertaining to the trade of mason that may be issued by the Authority;

(c) abide and conduct any building works according to the specifications issued by the *perit* in charge of the project.

(d) be present on the construction site throughout the duration of the building works when the licensed mason is assigned to supervise the construction works and be responsible for works executed by any person not having a licence engaged by the licensed mason;

PART II  
MASONS LICENSING COMMITTEE

Establishment of the Committee.

5. (1) There shall be established a Masons 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 (2) members shall be warranted *periti*, one of whom having practiced the profession for at least ten (10) years:

Provided further that the Minister may designate one of the 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 perform his functions.

Secretary to the Board.

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

Committee.

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

Term of office.

8. (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 and the secretary shall be eligible for reappointment for further terms on the expiration of their original term of office.

Functions of the Committee.

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

(a) to issue licenses for mason in terms of Part III of these regulations:

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 including the organisation of the examination referred to in sub-regulation 15(1);

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

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

(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 trade of mason which the Board may be required to address by means of directives, regulations, policies and any amendment thereof;

- (e) 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.

**10.** (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.

(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 reached amongst the members who are present. .

(5) The Committee shall otherwise 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.

**11.** 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.

**12.** (1) The Authority shall publish on the Gazette and on the Authority's website the time period within which it shall commence to receive and accept applications for licence of mason.

(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;
- (b) the date for the examination;
- (c) the application fees in terms of Schedule I.

#### Eligibility

### 13. The applicant shall satisfy the requirements as stipulated:

- (a) has attained the age of eighteen (18) years and is a citizen of Malta or of another Member State or is otherwise permitted to work in Malta under any law;
- (b) be in possession of a certificate of competence in the form specified hereunder:

#### S.L.451.03

- (i) a mason's qualification from an educational institution, or an equivalent certification together with a recognition of qualifications statement from the MQRIC; or

#### SL 607.02

- (ii) an award authorised by the National Commission for Further and Higher Education in accordance with the Validation of Non-formal and Informal Learning Regulations; or

#### Recognition of other qualifications

- (iii) proof of any other qualifications in the relevant field of practice recognised by the MQRIC.

Provided that where the Committee deems that there is a substantial difference between the qualifications or certification provided by the applicant and either of the qualification or certification criteria specified in paragraphs (i) to (iii), to the extent that such difference constitutes a significant deficiency in the qualifications or certification provided by the applicant when compared to either of the qualification or certification criteria specified in paragraphs (i) to (iii) and where such deficiency may be prejudicial to public health, public security or public safety, the Committee may give the applicant the opportunity to demonstrate, by means of an aptitude test, that he has acquired the necessary experience, knowledge or competence to make up for such deficiency.

Provided further that if the applicant does not hold any of the qualifications or certification specified in paragraphs (i) to (iii) the Committee may consider the applicant's knowledge, competence and, or experience in masonry works as comparable to the qualification or certification criteria listed in paragraphs (i) to (iii);

(c) is a person of good repute and conduct:

Provided that a person shall not be deemed to satisfy the requirement of good repute and conduct if the applicant:

(i) at any time within two years prior to the submission of his application, has been convicted by a competent Court an offence in contemplated in the Act or any regulations made thereunder; or

(ii) at any time within two years prior to the submission of his application, has been convicted of any corresponding offence under the law of any country or territory outside Malta:

Provided further that if the applicant was less than eighteen (18) years old when he was found guilty, the period mentioned in paragraph (i) and (ii) shall be reduced to one (1) year.

Application for issuance of licence.

**14.** An application for the issuance 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 13 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;

(c) payment of the administrative fee as provided in Schedule I;

(d) a conduct certificate issued under the Conduct Certificate Ordinance, issued no later 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.

Licensing decisions by the Committee.

**15.** (1) The Committee shall assess the professional competence of the applicant by means of an examination held for such purpose to determine the level of competence of the applicant in the subjects listed the Schedule II.

(2) The examination shall be in the form of either written, or oral examination, or both, and a practical examination.

(3) The Committee may exempt an applicant who is in possession of a certificate of competence in terms of regulation 13(b)(i). .

(4) The Committee shall reach a decision on an application submitted in accordance with these regulations within fifteen (15) days from the date of completion of the examination.

(5) At any stage prior to final determination of the application, the Committee may request any information about the applicant from any competent authority as it deems necessary.

Issue of licence.

**16.** (1) The Committee shall issue the licence to operate as a mason.

(2) The licence shall be valid for a period of two (2) years from the date on which it was granted unless revoked or suspended.

Renewal of licence.

(3) Licenses issued under these regulations shall be subject to renewal every two (2) years:

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

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(4) For the first application for renewal of a licence issued under the provisions of the Code of Police Laws, the Committee may subject the applicant to an examination process stipulated in regulation 15.

Register.

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

- (a) the licence reference number;
- (b) the details of the license holder;
- (c) date of issue of licence;
- (d) any conditions imposed by the Committee in relation to the licence.

Changes to the Register.

(2) The license holder shall inform the Authority without delay, of any change in the licence details or any change in the information submitted as part of the application submission requirements in accordance with regulation 14.

Decision to refuse an application for a licence.

**18.** (1) Where the Committee intends to refuse an application, it shall give the applicant notice of its intention in writing within fifteen (15) days from the date of completion of the examination, setting out the intended reasons for refusal.

(2) The notice of intended refusal shall state that the applicant shall have the right, within fifteen (15) 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) If the Committee, despite any recommendations made by the applicant, decide to refuse the application, it shall inform the applicant of its decision by registered mail, within five (5) days from the decision.

(4) The decision notice shall:

(a) include the reasons motivating the Committee's decision of refusal, including the results of the examination held in accordance with sub-regulation 15(1);

(b) inform the applicant that the decision 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.

Application for the cancellation of licence.

**19.** (1) If any licence holder 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 Schedule I, 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 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 injuries resulting therefrom.

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

Provision of training and courses.

**20.** (1) The Authority shall request licence holders to attend courses when the Authority considers that new practices, and regulations pertaining to the trade of mason and competencies

in addition to those listed in 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 the attendance and completion for such courses be considered for any subsequent renewal application.

## PART IV OFFENCES AND PENALTIES

Offences.

**21.** (1) Whosoever assumes the trade of mason with a suspended licence or without a valid licence issued under these regulations, where so required, shall be guilty of an offence against these regulations and shall be liable on conviction to a fine (*multa*) not exceeding one thousand euro (€1,000), and in the case of a continuing offence, to a further fine (*multa*) of fifty euro (€ 50) for each day during which the offence continues.

(2) Whosoever fails to comply with any conditions of the 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 one thousand euro (€ 1,000) and in the case of a continuing offence, to a further fine (*multa*) of fifty euro (€50) for each day 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.

(4) The Court may, upon convicting the holder of a licence for any crime against these regulations, in addition to any of the punishments specified in these regulations, order the suspension or revocation of the licence for any given period which the Court deems fit..

Administrative penalties.

**22.** (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.

(2) An administrative penalty imposed under this regulation shall not exceed the maximum of seven hundred and fifty euro (€750).

(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 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.

**23.** (1) Notwithstanding any other penalties and, or punishments for which the applicant, or licensed mason 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 issued to in favour any person 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 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) The Court of Magistrates as a Court of Criminal Judicature may upon conviction of a licensee for any offence related to construction and, without prejudice to the powers of the Authority in terms of the preceding sub-regulations, suspend any licensed mason, from the exercise of the trade of mason for any period of time and, for this purpose, may also order the Authority to revoke a license issued under these regulations or refuse its renewal.

(4) The Authority shall, by means of a decision notice published in the Gazette, a notice in the Authority's website and an entry in the Register, make available to the public the names and details of license holders whose license has been suspended or revoked.

(5) Any person 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.

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

## PART V

## TRANSITORY PROVISIONS

Transitory Provision.

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**24.** Any person who on the coming into force of these regulations is in possession of a valid licence issued under the Code of Police Laws authorising the person to exercise the trade of mason, shall be deemed to hold the licence as specified in these regulations, provided that:

(i) all the current valid licences which are to expire in the year 2023 shall remain valid up to 31<sup>st</sup> December 2023, and a renewal application shall be submitted not later than 30<sup>th</sup> September 2023;

(ii) all the current valid licences which are to expire in the year 2024 shall remain valid up to 31<sup>st</sup> December 2024, and a renewal application shall be submitted not later than 30<sup>th</sup> September 2024.

### SCHEDULE I

#### Fees

Application Fees in respect of:

(1) new application (Regulation 14)	€50
(2) application for renewal (Regulation 16)	€50
(3) application for cancellation of licence (Regulation 19)	€50

### SCHEDULE II

#### **Professional competence for a mason** (Regulation 16)

The following is a list of competencies deemed necessary to practice the trade of mason in Malta:

#### A. GEOMETRY:

1. The technical ability for interpreting the design drawings and the setting out on site, building works, civil engineering works and other related tasks.

2. Stereotomy: The technical ability to draw and reproduce details for the manufacture of stone items necessary for the structure of masonry structural elements such as walls, columns, roofing systems, arches, and stairs.

#### B. HEALTH AND SAFETY:

1. Sufficient knowledge of preventive measures on construction and demolition sites, including during the carrying out of alterations to buildings and excavations.
2. Sufficient knowledge of personal protective clothing required in connection with building activities.
3. Sufficient knowledge of requisites relating to the safety of third parties.

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4. Sufficient knowledge of the Occupational Health and Safety Authority Act, and of regulations made thereunder, related to the duties of mason.

#### C. BUILDING CONSTRUCTION: Sufficient competence in local building technology and materials:

1. Knowledge of the quality and composition of building material used in the construction of walls, roofs, columns, and beams, as well as building methods adopted with the use of these materials
2. Knowledge of different types of mortar, their composition and their use.
3. Capability of preparing details of door and window openings, preventing rainwater ingress, stone balustrades and arches.
4. Capability of carrying out alterations to existing buildings, including use of traditional tools.
5. Capability of interpreting formwork design and erection in connection with masonry and construction works.

#### D. CONCRETE STRUCTURES:

1. Sufficient knowledge of constituents of concrete, including aggregate, admixtures.
2. Sufficient knowledge of different mix compositions for concrete and their different properties.
3. Sufficient knowledge of methods of testing of concrete in the fresh state, and preparation of slump tests and of cubes.
4. Sufficient knowledge of details of steel reinforcement used in concrete, including anchorage, lapping, and other similar practice.
5. Sufficient knowledge of concreting techniques, curing concrete, and the timing for striking formwork.
6. Sufficient knowledge of interpreting formwork design details as well as the erection thereof.

E. OTHER SKILLS:

1. Interpret details and executing architectural drawings, structural and construction details.
2. Understand and execute any instruction given to him by the *perit*;
3. Identify any flaws during construction works which to his knowledge will result in a defective building or improper building construction;

F. BINDING LEGISLATION:

1. Adequate knowledge of Sanitary regulations, Building Regulations, and Development Planning legislation and any other regulations arising therefrom.