

**Consolidating Construction
Laws in Malta**

**Compendium of Laws Regulating Con-
struction in Malta**



**L-Università
ta' Malta**



GOVERNMENT OF MALTA
MINISTRY FOR PUBLIC WORKS
AND PLANNING

Civil Code [Cap. 16]	Party-wall.
Liability: owner. Supervision: civil issue.	407. A wall which serves to separate two buildings or a building from a tenement of a different nature must have a thickness of not less than thirty-eight centimetres.
	How to be built.
Liability: owner. Supervision: civil issue.	408. A party-wall between two courtyards, gardens or fields, may be built of loose stones, but must be – (a) three and one-half metres high, if it is between two courtyards, or between two gardens in which there are chiefly orange or lemon trees; (b) two metres and forty centimetres high, if it is between two gardens in which there are chiefly trees other than those mentioned above; and (c) one and one-half metres high, if it is between two fields.
	Presumption of ownership of party-wall.
Liability: n/a. Supervision: n/a.	409. (1) In the absence of a mark or other proof to the contrary, a wall which serves to separate two buildings is presumed to be common up to the top, and, where such buildings have not the same height, up to one metre and eighty centimetres from the point at which the difference in height begins. (2) The part of the wall above one metre and eighty centimetres from the height of the lower building, is presumed to belong to the owner of the higher building. (3) Where there is a building on one side, and a courtyard, garden or field on the other side, the wall is presumed to belong entirely to the owner of the building.
	Where common wall supports building which owner wishes to demolish.
Liability: owner. Supervision: civil issue.	412. Where a common wall supports a building which the owner wishes to demolish, he may not release himself from his liability for the repairs or reconstruction of the wall by waiving his right of co-ownership, unless he carries out for the first time such repairs and works as are necessary so as to avoid causing to the neighbour any damage by the demolition of the building.

	<i>Right of support.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority [depending on the state of the wall].</p>	<p>413. (1) Every co-owner erecting a building may have it lean against the common wall and insert therein beams up to half the thickness of such wall.</p> <p>(2) He may also indent his own wall into the common wall.</p>
	<i>Raising of common wall.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue.</p>	<p>414. Every co-owner may raise the height of a common wall, but he shall be liable for the expenses necessary -</p> <p>(a) for raising the height of the wall;</p> <p>(b) for keeping in good repair the part raised above the height of the common wall;</p> <p>(c) for carrying out such works as may be necessary for the support of the additional weight resulting from the raising of the wall, so that the stability of the wall will not be impaired.</p>
	<i>Where common wall is not in condition to stand additional height.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>415. Where the common wall is not in a condition to sustain the additional height, the person desiring to raise its height must have it entirely reconstructed at his expense, and the additional thickness must be taken on his own side.</p>
	<i>Party raising common wall, liable for damage to neighbour.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>416. In each of the cases mentioned in the last two preceding articles, the party raising the height of the wall is moreover bound to make good to his neighbour any damage which the latter may suffer in consequence of the raising of the wall or the reconstruction.</p>
	<i>Works to or on common wall, or deposit of manure, etc., against common wall.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>419. It shall not be lawful for one of the neighbours -</p> <p>(a) to make, without the consent of the other neighbour any cavity in the body of a common wall; [...]</p>

	<i>Neighbours to avoid causing damage to party-wall.</i>
Liability: owner. Supervision: civil issue.	428. Each of the neighbours is bound to carry out in his own tenement such works as may be necessary to prevent any damage which may be caused to the party-wall by the cisterns or sinks existing in his tenement or by any flow of water or filth.
	<i>Construction of walls, etc. on boundary-line of tenements.</i>
Liability: owner. Supervision: civil issue.	434. Every person may construct any wall or building on the boundary-line of his tenement, saving the right of the neighbour to acquire co-ownership of the wall as provided in article 418.
	<i>Space to be left when not building on boundary-line.</i>
Liability: owner. Supervision: civil issue.	<p>435. (1) Even where the construction is not made on the boundary-line, the neighbour may, if a distance of at least one and one-half metres has not been left, demand co-ownership of the wall, and may build up to, and against such wall, on paying, besides the value of half the wall, the value of the ground which he would thus occupy, unless the owner of the ground prefers to extend his building, at the same time, up to the boundary-line.</p> <p>(2) If the neighbour does not wish to avail himself of such power, he must construct his wall or building in such a manner that there shall be a distance of three metres from the wall or building of the other party.</p> <p>(3) The same rule shall be observed in any other case where the construction of the other party is at a distance of less than three metres from the boundary.</p> <p>(4) The mere raising of the height of a house or wall already existing is deemed to be a new construction.</p>
	<i>Exception.</i>
Liability: n/a. Supervision: n/a.	436. The provisions of the last two preceding articles shall not apply in the case of buildings destined for public use, or of walls bordering on public squares or streets.
	<i>Digging of wells, etc.</i>
Liability: owner. Supervision: civil issue; Building and Construction Authority.	439. It shall not be lawful for any person to dig in his own tenement, any well, cistern or sink, or to make any other excavation for any purpose whatsoever at a distance of less than seventy-six centimetres from the party-wall.

	<i>Damage consequent on excavations.</i>
<p>Liability: owner; contractor; perit; site technical officer.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>440. (1) Notwithstanding the observance of the distance prescribed in the last preceding article, whosoever makes any excavation, shall be bound to make good any damage caused by such excavation to his neighbour's building, provided such building has been constructed according to the usages and the rules of art prevailing at the time of its construction.</p> <p>(2) Nevertheless, no liability for damages is incurred, if the excavation is made at the distance which the court, upon the demand of the party wishing to make the excavation, shall have fixed, according to circumstances, or if such party has executed such works as, according to circumstances, shall have been ordered by the court so as to avoid causing any damage to the neighbour.</p>
	<i>Action to restrain continuation of new work where damage is feared.</i>
<p>Liability: owner; perit; site technical officer; contractor.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>538. (1) Where a person has reason to apprehend that in consequence of a new work undertaken by any other person either in such other person's own tenement or in the tenement of others, damage may be caused to an immovable thing possessed by him, he may bring an action demanding that such other person be restrained from continuing such new work, provided this shall not have as yet been completed and one year shall not have elapsed from the commencement thereof.</p>
	<i>Action competent to person apprehending damage from any building, tree, etc.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>539. Where any person has reasonable cause to apprehend any serious and impending damage to a tenement or other thing possessed by him, from any building, tree or other thing, he may bring an action demanding, according to circumstances, either that the necessary steps be taken to obviate the danger, or that the neighbour be ordered to give security for any damage the plaintiff may suffer therefrom.</p>
	<i>Liability for damage caused through one's fault.</i>
<p>Liability: owner; [in case of development - perit; site technical officer; contractor].</p> <p>Supervision: civil issue; [in case of development - Building and Construction Authority].</p>	<p>1031. Every person, however, shall be liable for the damage which occurs through his fault.</p>

	<i>When a person is deemed to be in fault.</i>
<p>Liability: owner; [in case of development - perit; site technical officer; contractor].</p> <p>Supervision: civil issue; [in case of development - Building and Construction Authority].</p>	<p>1032. (1) A person shall be deemed to be in fault if, in his own acts, he does not use the prudence, diligence, and attention of a bonus paterfamilias.</p> <p>(2) No person shall, in the absence of an express provision of the law, be liable for any damage caused by want of prudence, diligence, or attention in a higher degree.</p>
	<i>Culpable negligence.</i>
<p>Liability: owner; [in case of development - perit; site technical officer; contractor].</p> <p>Supervision: civil issue; [in case of development - Building and Construction Authority].</p>	<p>1033. Any person who, with or without intent to injure, voluntarily or through negligence, imprudence, or want of attention, is guilty of any act or omission constituting a breach of the duty imposed by law, shall be liable for any damage resulting therefrom.</p>
	<i>Employment of incompetent person.</i>
<p>Liability: employer.</p> <p>Supervision: civil issue.</p>	<p>1037. Where a person for any work or service whatsoever employs another person who is incompetent, or whom he has not reasonable grounds to consider competent, he shall be liable for any damage which such other person may, through incompetence in the performance of such work or service, cause to others.</p>
	<i>Persons undertaking work without necessary skill.</i>
<p>Liability: owner; contractor.</p> <p>Supervision: Building and Construction Authority.</p>	<p>1038. Any person who without the necessary skill undertakes any work or service shall be liable for any damage which, through his unskillfulness, he may cause to others.</p>
	<i>Liability of owner of building.</i>
<p>Liability: owner.</p> <p>Supervision: civil issue; Building and Construction Authority.</p>	<p>1041. The owner of a building shall be liable for any damage which may be caused by its fall, if such fall is due to want of repairs, or to a defect in its construction, provided the owner was aware of such defect or had reasonable grounds to believe that it existed.</p>

	<i>Duration of liability of contractor and architect.</i>
Liability: architect/contractor. Supervision: civil issue; Building and Construction Authority.	1638. (1) If a building or other considerable stone work erected under a building contract shall, in the course of fifteen years from the day on which the construction of the same was completed, perish, wholly or in part, or be in manifest danger of falling to ruin, owing to a defect in the construction, or even owing to some defect in the ground, the architect and the contractor shall be responsible therefor. (2) The relative action for damages must be brought within two years from the day on which any of the said cases shall have occurred.
	<i>Liability of contractor.</i>
Liability: contractor. Supervision: civil issue; Building and Construction Authority.	1642. The contractor is responsible for the acts of the persons employed by him.

<i>Code of Police Laws [Cap. 10]</i>	<i>Interpretation.</i>
Liability: n/a. Supervision: n/a.	2. In this Code, the following expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided - [...] the expression "General Services Board" means the Board constituted under article 41 of the Department of Health (Constitution) Ordinance; [repealed] [...] the expression "sanitary authority" includes the General Services Board, the Superintendent of Public Health, a Medical Officer of Health, a Sanitary Engineer, a Health Inspector, and any other person appointed by the Minister responsible for public health to ensure the observance of this Code so far as it relates to public health;

	<p><i>Licence to act as mason.</i></p>
<p>Liability: owner; contractor; perit.</p> <p>Supervision: Director of Public Works [absorbed by the Building and Construction Authority].</p>	<p>95. (1) It shall not be lawful to exercise the trade of mason without a licence from the Director of Public Works.</p> <p>(2) Such licence shall not be granted except to persons of good conduct who shall have proved their skill in an examination to be conducted by the Masons Board constituted under article 96.</p> <p>(3) Licences issued under this article shall be valid for twelve months to be reckoned from the 1st day of January of the year in which they are issued but they may be renewed by the Director of Public Works for subsequent periods not exceeding twelve months each.</p> <p>[...]</p> <p>(5) The Director of Public Works may withdraw or refuse the renewal of a licence of any mason whenever he is satisfied that such mason has not worked in that capacity for a period of nine consecutive months or for different periods in any one year which cumulatively amount to nine months:</p> <p style="padding-left: 40px;">in the case of any withdrawal of or refusal to renew a licence under this sub-article, however, the licence shall be returned to the mason if the latter undertakes to work forthwith in that capacity.</p> <p>(6) For the purposes of this article, any person executing even one single work appertaining to the trade of mason, shall be deemed to exercise such trade.</p> <p>(7) If any mason, through unskillfulness, imprudence or carelessness, shall, in the construction of any work entrusted to him, and appertaining to his trade, cause any injury to any person or property, it shall be lawful for the Court of Magistrates to interdict such mason from the exercise of his trade for any time to be stated in the sentence, ordering, at the same time, the withdrawal of the licence.</p>
	<p><i>Rules to be observed in the construction of houses.</i></p>
<p>Liability: owner; mason; architect.</p> <p>Supervision: sanitary authority including the General Services Board and the Superintendent of Public Health [absorbed by the Planning Authority];</p>	<p>97. (1) In the construction of any house or part of a house, the owner as well as the mason and the architect employed thereon, shall, unless otherwise provided by any regulations made under article 102, observe the rules contained in the following paragraphs:</p> <p>(a) (i) in every wall, or where the wall has the cavity prescribed in paragraph (b), in the internal and in the external face of such wall, there shall be a layer of asphalt, sheets of lead, vitrified bricks, or any other substance impervious to dampness, approved by the General Services Board or prescribed in the said regulations;</p>

(ii) the upper surface of such layer shall be at least ten centimetres above the level of the street, if the wall be adjacent to a street, or of the courtyard, if it be adjacent to a courtyard or at the level of the floor under the pavement, if any, of the room on the ground-floor, in the case of an internal wall;

(iii) any wall between two rooms, on the ground floor, the floors of which are not on the same level, shall, moreover, have a layer of any of the said substances, at the level of the floor of the lower room; and such wall shall, from the said layer to the upper surface of the floor of the room situate at the higher level or of the floor of the ventilated underground place, if any, under such room, on the side of it towards the one or the other room, as the sanitary authority shall, according to circumstances, direct, be covered with asphalt or other substance approved by the General Services Board or prescribed in the said regulations;

(b) (i) every wall of any room, exposed to the rain, shall be of such thickness as the Minister responsible for public works may from time to time establish by order under this paragraph and, towards the middle of its thickness, there shall be left throughout its extent from the level of the room at ground floor or, if there is a cellar, from the floor of such cellar, up to the last course of the said wall a cavity of eight centimetres crossed only for solidity of the wall, and closed on the last course with a layer of asphalt, sheets of lead, vitrified bricks or any other substance impervious to dampness approved by the General Services Board, or with stone covered with such substance;

(ii) in the external face of such wall, there shall be such holes as the sanitary authority shall deem necessary for the passage of air into the said cavity;

(iii) as regards one of the faces of the said wall, the bonds, if they are not of iron, or other substance impervious to dampness approved by the General Services Board, shall be introduced into grooves in the stones of such face; and the surface of the grooves, or of such parts of the bonds as are introduced into them, shall be covered with asphalt or other impervious substance approved by the General Services Board;

(iv) the said cavity, however, shall not be necessary, where, towards the middle of the thickness of the wall, there is introduced or applied throughout the extent of

such wall, hydraulic cement-concrete or other impervious substance approved by the General Services Board, save, as regards the bonds, the observance of the last preceding provision; and, in any such case, the thickness of the wall may be reduced to sixty centimetres;

(v) stone used in the building of any wall shall not exceed those dimensions as the said Minister may from time to time establish by order under this paragraph;

(vi) the said Minister may grant exemption from compliance with or permit departures from any provision of any order made by him under this paragraph, either with respect to any building or to any class or group of buildings, under such conditions as he may deem fit to impose;

(c) (i) the surface of the floor of any room on the ground-floor, not including the pavement, shall be at least fifteen centimetres higher than the level of the courtyard and of the level of the nearest street;

(ii) in any inclined street, such height shall be measured from the central line of the frontage, and if any portion thereof be below the prescribed height, such portion shall be separated from the street, as provided in article 108(2)(d);

(iii) the floor itself, if it has no ventilated underground place of a height of at least sixty centimetres, shall be formed or covered with a layer of asphalt, hydraulic cement-concrete, or other substance impervious to dampness approved by the General Services Board, the upper surface of which shall be in continuation of the impervious layer of the walls of the room; and if the room has any such underground place, there shall be, in the arches or pillars supporting the pavement of the room, immediately under such pavement, a layer of asphalt, sheets of lead, vitrified bricks, or other substance impervious to dampness approved by the General Services Board;

(d) every room shall, from the floor to the beams supporting the roof, or, if the roof be supported by arches, to half the height of each arch, be at least two point seven five metres high, in every part of it;

(e) every part of a house shall be constructed in such a manner as to secure, in the opinion of the sanitary authority, sufficient light and a free circulation of air; and there shall be in every room and in the place of the privy, such ventilators as the sanitary authority may consider necessary for the renewal of the air, even with doors and windows closed;

(f) (i) (Repealed by Legal Notice 376 of 2012);

(ii) the roof of any house shall be paved with such materials and drained in such a manner as to prevent the stagnation of water on such roof or the percolation of water into any part of the house;

(g) (i) every house shall be provided with a privy and such privy shall be communicated with the public sewer:

Provided that the Superintendent of Public Health may exempt any owner from communicating the privy with the public sewer under the condition that the owner provides, in respect of that house, (a) a cesspool, or (b) a septic tank, or (c) a sewage treatment and disposal plant, at the option of, and under such conditions as may be imposed by, the said Superintendent;

(ii) where the privy is at a lower level than the public sewer, the owner of the house shall provide means of pumping or lifting the material towards the public sewer;

(iii) the privy, cesspool, septic tank or sewage treatment and disposal plant, as well as their conduit, shall be constructed in such manner, with such materials, in such parts of the house or so distant from the house, and with such traps or other means to prevent any exhalations or infiltrations as the superintendent may, in any case, direct;

(iv) in the case of a shop, this paragraph shall not apply if the Superintendent of Public Health is satisfied that it is impracticable to provide it with a privy.

For the purposes of this paragraph, of sub-article (2) and of article 102(2) –

"house" includes any premises used, or intended to be used, either wholly or partially for habitation purposes, or for purposes of animal husbandry, any hotel or catering establishment as defined

in the Malta Travel and Tourism Services Act, and any shop other than a stall or a kiosk;

"owner" shall not include a person holding the house under temporary emphyteusis for a period of not more than seventeen years;

(h) (i) every sink, wash-basin, bath or other similar appliance shall be of the proper pattern and material and shall not communicate directly with the drains but shall be provided with a waste pipe made to discharge on a gully-trap situated in the open air and connected with regular drains;

(ii) it shall be lawful for the Superintendent of Public Health to allow the waste pipe of any sink, washbasin, bath or other similar appliance to discharge in any other manner which he may consider suitable in any particular case;

(i) the pipes or conduits for communication with the public sewer, with a cesspool, with a septic tank or with a sewage treatment and disposal plant shall be formed of glazed stoneware or other impervious substance approved by the General Services Board; such pipes or conduits shall be at such a distance from the cistern as the sanitary authority may deem necessary for the prevention of exhalations or infiltrations; and they shall, as far as practicable, be laid in such a manner as to allow of their being, without much difficulty, opened by a mason;

(j) the privies shall have ventilators made in such a manner as, in the opinion of the sanitary authority, will prevent exhalations;

(k) every sink, wash-basin, bath or other similar appliance mentioned in paragraph (h), shall also have ventilators as provided in the last preceding paragraph, if the sanitary authority shall deem such ventilators to be necessary for preventing exhalations;

(l) (i) no external wall of any house adjacent to a new street shall be of a height, measured from the surface of such street, greater than twice the width of the street;

(ii) nor shall any internal wall be raised to a height, measured from the said surface, greater than twice the distance between such wall and the wall existing or which may be erected on the border of the opposite side of the said street;

(iii) the provisions of this paragraph shall also apply to any house adjacent to any other street whether such house is a new building or whether any new storey is erected thereon:

Provided that in any such case the height of the walls may be three times the said width or distance respectively;

(iv) the provisions of this paragraph shall not apply to any church, or other building constructed and perpetually destined for divine worship, or to any public building, or to any other work constructed and destined for the defence of Malta;

(m) saving the provisions of paragraph (g), the cesspool of any house or building shall be made or re-made, placed and ventilated in accordance with the directions which shall, in each case, be given by the Superintendent of Public Health, or be generally established by regulations made under article 102;

(n) (i) every house shall have at its back a court-yard exclusively belonging to it; and such court-yard shall be of the length of the wall of such house, and of a width not less than three metres, or half the height of the house, if such house be higher than six metres; one privy or more privies, one above the other, may be constructed in any such court-yard; but in any such case the surface of the court-yard shall be enlarged in proportion to the space thus occupied;

(ii) nevertheless, if the yard of a house be at the back of the yard of another house, the minimum width of each of such yards may be reduced to not less than two-thirds of the width as aforesaid, provided the width of the two yards together be not less than six metres, and provided the owners of the yards in question bind themselves by a notarial deed to be registered in the Public Registry by the notary by whom the deed has been received, not to raise the wall separating the yards to a height exceeding three point five metres from the surface of the yards or of the higher yard if the yards are not at the same level; and whosoever shall at any time raise, or keep raised, any such wall to a greater height shall be guilty of a contravention against this Code;

(iii) if the width of the yard corresponds to one or more storeys, in accordance with the foregoing rules, the san-

itary authority will permit the construction of new storeys, provided that, on the upper storey already constructed, in contiguity to the yard, there be left an open space with an iron fence towards the yard, of a width not less than one-half the height of the new storey;

(iv) the foregoing provisions of this paragraph shall not apply to such houses as are situate at the corner of two streets or between two streets, provided that, in the latter case, at least one of the two streets be of a width not less than one-half of the height of the building or be adjacent to the sea-shore;

(v) it shall be lawful for the competent authority to dispense with the formation of a yard as provided in the foregoing rules, where the site on which the building is to be erected, be of a width so small as not to allow the formation of such yard, and where each of the rooms and the stairs of the building be directly lighted at least through a window opening on the public street or any other open space;

(vi) if, owing to the configuration of the site on which the house is to be constructed, the yard cannot be of the prescribed length or width, the Superintendent of Public Health may permit a smaller length or width, provided, in his opinion, such smaller length or width, having regard to the particular circumstances of the place, is sufficient to secure such light and ventilation as are required for the wholesome condition of the house;

(vii) the yard or yards of any house shall be paved and drained in the manner prescribed in the regulations made under article 102;

(viii) (Repealed by Legal Notice 376 of 2012);

(o) (i) thirty days at least before the commencement of the building or re-building of any house, or part of a house, or, in the case of the communication of a privy with the public sewer, before such communication is covered up, the architect or mason, or the owner, shall give notice thereof to the Superintendent of Public Health, together with a drawing of the work proposed to be carried out;

(ii) where, in the opinion of the Superintendent of Public Health, the work proposed to be carried out is such as to require technical direction in order to prevent, during or

after the execution of the work, injury to property or danger to the men employed on the work or to passers-by or other persons, it shall be lawful for the said Superintendent of Public Health to require a written declaration by an architect assuming the direction and responsibility of the work, saving in all cases any civil or criminal liability of any other person, according to law;

(iii) the Superintendent of Public Health shall, upon the demand of the architect, mason, or owner, within thirty days, from the delivery of the drawing, or forty days, if the matter has to be considered by the General Services Board, communicate to him the approval or disapproval thereof by the sanitary authority;

(iv) in all cases it shall not be lawful for any person to commence any work before the approval of the sanitary authority shall have been communicated to him in writing within the aforesaid time, or, during the execution of the work, to depart, without the sanction of the Superintendent of Public Health, from the plan as approved by the sanitary authority;

(v) such approval shall be deemed to be null and void if any information or specification contained in the said notice or in the drawing accompanying it is proved to be inaccurate or misleading;

(vi) it shall be lawful for any official of the Department of Health, in the course or after the completion of the work, to inspect the place in order to ascertain whether the work, both as regards the materials used and the mode of its execution, conforms to the provisions of the law or regulations;

(p) on the application of the architect in charge of the building or re-building of a house for an exemption in respect of such house from the provisions of paragraph (l) or of paragraph (n)(i), the Superintendent of Public Health may –

(i) in any case not specified in paragraph (n)(v) and (vi); and

(ii) if the General Services Board consider that such an exemption may be granted without detriment to the wholesome condition of the house or of other houses in its vicinity,

exempt such house from any or all of those provisions, subject to such conditions as he thinks fit, and no appeal shall lie from a decision of the Superintendent of Public Health under this paragraph;

(q) (i) this paragraph applies to any house the height of which, measured from the lowest damp proof course to the highest point of the house, exceeds twenty-four metres;

(ii) before the commencement of the building or re-building of any house to which this paragraph applies, the architect in charge shall submit to the Director of Public Works plans and specifications together with such other particulars relating to the building or re-building of the house as may be required by the Director of Public Works, who shall advise the Superintendent of Public Health in writing whether he is satisfied that the house when built or re-built, as the case may be, in accordance with such plans, specifications and particulars will be stable and safe;

(iii) the advice of the Director of Public Works given under the last preceding sub-paragraph shall not affect the liability of the architect or of any other person in respect of the stability or safety of the house;

(iv) the provisions of this paragraph shall be in addition to, and not in derogation of, any of the provisions of this Part applicable to houses, and in particular but without prejudice to the generality of the foregoing, the provisions of paragraph (o) shall apply to any house to which this paragraph applies as if the reference to the specification and drawing contained in sub-paragraph (v) thereof included a reference to the plans, specifications and any particulars referred to in sub-paragraph (ii), and as if the reference to any official of the Department of Health contained in sub-paragraph (vi) thereof included a reference to any official of the Public Works Department:

Provided that the times mentioned in paragraph (o)(i) and (iii) shall not run in any case to which this paragraph applies.

(2) When any house is to be connected with the public sewer in accordance with the provisions of sub-article (1)(g), the Director of Public Works may, if he deems it fit and practicable, lay the connection between the public sewer and the intercepting

	<p>chamber relative to such house, and the owner of such house shall, within thirty days of an intimation by the said Director, pay to the latter such connection fee as the Minister responsible for public works may establish by regulations made under this sub-article, and, in default of payment within the said term of thirty days, interest shall be due by the said owner at the rate of six per cent per annum as from the date of intimation.</p> <p>(3) Where, pursuant to regulations made under article 102(2), the Director of Public Works or any other person has carried out any works for or in connection with the provisions of sub-article (1)(g) and such works are carried out for or in the interest of other persons liable to carry out the same works in accordance with the said paragraph (g), the said Director or other person who will have carried out the above works shall have a privileged claim in his favour on the property in respect of which the works will have been carried out for the amount due to him in accordance with any regulations made as aforesaid, provided such claim is registered in the Public Registry within two months from the completion of the works, and such privileged claim shall have priority over all other claims, whether privileged or hypothecary, on such property, notwithstanding any other provision of law to the contrary.</p>
	<p><i>Applicability of certain provisions of s.97 to houses constructed before 1st January, 1880.</i></p>
<p>Liability: owner; mason; architect.</p> <p>Supervision: sanitary authority including the General Services Board and the Superintendent of Public Health [absorbed by the Planning Authority]; Director of Public Works [absorbed by the Building and Construction Authority].</p>	<p>100. (1) The provisions contained in article 97(1)(f), (g), (h), (i), (j), (k), (m) and (n)(vii) shall apply also to houses existing before the first of January, eighteen hundred and eighty.</p> <p>(2) The provisions of paragraph (e) of the said article, shall likewise apply to such houses, whenever the rooms or the stairs can, without being entirely demolished, be made to conform to those provisions, and the cost, in the opinion of an architect appointed by the Director of Public Works, does not exceed the rent or the letting value of the tenement for one year; in any such case the owner may carry out the necessary work over a period of four years, provided the work can be so divided, and in each year he performs as much of it as can be done with at least one-fourth of the rent or letting value, commencing and prosecuting the work according to the directions of the said architect:</p> <p>Provided that the owner may demand that the work be carried out by the Director of Public Works, upon paying to the latter in advance a sum equal to the estimate made by the said architect, without any obligation to pay any supplement, should that sum prove insufficient, or any right to reimbursement, should it exceed the expense actually incurred.</p>

	<p>(3) It shall be lawful for the Superintendent of Public Health at any time to order any of the provisions of sub-articles (1) and (2) and of any regulations made under article 102 to apply, as far as may be practicable, to any house or part of a house referred to therein.</p> <p>(4) The provisions contained in article 97, with the exception of sub-article (1)(l) thereof, shall apply to such houses, so far as regards any part thereof which may have to be reconstructed, unless the observance of such provisions is dispensed with by the sanitary authority.</p>
	<i>Rules as to houses constructed after 1st January, 1880.</i>
<p>Liability: owner.</p> <p>Supervision: sanitary authority including the Superintendent of Public Health [absorbed by the Planning Authority].</p>	<p>101. (1) The owner of any house constructed after the first of January eighteen hundred and eighty, shall constantly keep such house in conformity with the plan originally approved by the Superintendent of Public Health, without making any addition or alteration thereto except with the written approval of the said Superintendent.</p> <p>(2) It shall be lawful for the Superintendent of Public Health at any time to order any such house or part of such house to be made to conform, as far as may be practicable, to any other provision of this Code or of any regulation made under article 102.</p>
	<i>Power of Minister responsible for public health to make regulations.</i>
<p>Liability: n/a.</p> <p>Supervision: n/a.</p>	<p>102. (1) The Minister responsible for public health may, on the advice of the General Services Board, make regulations respecting the manner in which the provisions contained in articles 97 and 100 are to be carried out, and the materials to be used.</p> <p>(2) Saving the provision of sub-article (1), the Minister responsible for public works may make regulations to provide -</p> <ul style="list-style-type: none"> (a) for facilities to be made in favour of owners of houses to comply with the provisions of article 97(1)(g); (b) for empowering the Director of Public Works to make arrangements and enter into agreements with the said owners in respect of such facilities, including the contribution, if any, by the Government of part of the expenditure involved in such compliance; (c) for establishing the apportionment among the several owners of the expenditure so involved; (d) for empowering any owner of a house who, pursuant to arrangements made with the Director of Public Works, shall have laid a part of the public sewer, to claim from the owner of any other house the privy of which is, or is to be communicated with such sewer, such portion of the expenditure incurred by the former owner as shall be established as aforesaid;

	<p>(e) for any other consequential matter relating or incidental to such compliance.</p> <p>(3) If any question shall arise as to whether a work is in conformity with any of the said provisions or regulations, such question shall be settled by the General Services Board.</p> <p>(4) In all cases an appeal shall lie to the General Services Board from any order or decision of any other sanitary authority, within one month from the date on which such order or decision shall have been communicated to the party concerned. If the General Services Board affirms the order or decision of that authority, the appellant shall pay to the Superintendent of Public Health, if extraordinary sittings shall have been held by the General Services Board, a sum corresponding to the costs, that is, to the fee due to the members of the Board for each sitting held in respect of such appeal and to the transport expenses, where any one or more of such members shall have inspected the place.</p> <p>(5) It shall be lawful for the Superintendent of Public Health to submit for the consideration of the General Services Board any matter relating to buildings and habitations.</p> <p>(6) From any decision of the General Services Board an appeal shall lie to the Court of Appeal, within one month from the day on which such decision shall have been notified to the party concerned; such appeal shall be brought by an application in contestation with the Superintendent of Public Health.</p>
	<p><i>Criminal liability of owner, architect or mason.</i></p>
<p>Liability: owner; mason; architect.</p> <p>Supervision: criminal issue.</p>	<p>103. (1) The owner shall be held responsible for any contravention of the provisions of articles 97 and 100 or of any regulations made under the last preceding article unless an architect or mason has been entrusted with the execution of the work, and the contravention is not due to an act of the owner, in which case the architect or mason, or both, as the case may be, shall be held responsible.</p> <p>(2) In the case of any contravention referred to in sub-article (1), the provisions of article 321 shall apply against the offender and it shall not be lawful for the owner to oppose the abatement of the nuisance or the execution of any other order of the court although he may not be a party to the proceedings.</p> <p>(3) Any opposition on the part of the owner to the execution of any work ordered by the court shall constitute a contravention and shall be punishable as such according to this Code.</p> <p>(4) Where any work ordered by a judgment of the court has not been carried out on account of the death or absence from Malta of the owner or other party responsible, or on account of such owner or other party ceasing for any cause whatsoever to own or administer the property in which the work is to be carried out, the person succeeding in the ownership or administration of such property shall be bound to carry out such work as if he were the person against whom the said judgment was given.</p>

	<p><i>Duty of owner of house to free other house from easement on account of conduits to sewer.</i></p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority; Water Services Corporation.</p>	<p>104. (1) The owner of any house from which the matter going into the privy, sink, or other drains for slop water, is carried into the public sewer or a cesspool through conduits formed or laid under another house, is bound, where practicable in the opinion of the sanitary authority, to free such other house from such easement by making other conduits for the carrying of the said matter directly into such sewer or cesspool, and where the houses belong to different owners the total expense shall be apportioned between the owners as the court shall, in each case, determine.</p> <p>(2) The owner or occupier of the upper part of a house is bound to permit the formation, from the lower part of the house up to the roof of such house, of such ventilators as may be necessary according to the provisions of article 97, and the owner or occupier of the lower part is bound to permit the formation, in such part of the house, of communication pipes or conduits from the upper part to the public sewer.</p> <p>(3) The owner or occupier of a house is also bound to permit the ventilators of a neighbouring house to be fixed to the walls of the former house, in order that such ventilators may be of such height as the sanitary authority may deem necessary.</p> <p>(4) In all cases, the conduits, pipes, or ventilators shall be formed or fixed in such a manner as to cause the least possible inconvenience to the occupier of the house, or part of the house, in or to which they are formed or fixed, and the least possible prejudice to such house or part thereof.</p> <p>(5) Where the said conduits, pipes, or ventilators do not diminish the value of the house or of the part of the house in or to which they are formed or fixed, no indemnity shall be payable except such as may be due in respect of any repairs which may be necessary in consequence of the formation or fixing of such conduits, pipes or ventilators:</p> <p style="padding-left: 40px;">Provided that the mere creation of any easement under this article shall not give rise to any claim for indemnity.</p> <p>(6) The owner or occupier may in no case demand the suspension of works above mentioned, on the ground of any indemnity to which he may be entitled.</p>
	<p><i>Premises unfit for habitation.</i></p>
<p>Liability: owner.</p> <p>Supervision: sanitary authority including the Superintendent of Public Health [absorbed by the Planning Authority].</p>	<p>106. It shall not be lawful for the owner to use or suffer to be used as a dwelling any premises not provided with a regular privy or which in the opinion of the Superintendent of Public Health are so unhealthy as to be unfit for habitation:</p> <p style="padding-left: 40px;">Provided that non-compliance by the owner with this article shall not induce or be deemed to have at any time heretofore induced, as against any tenant or occupier any nullity of the agreement of tenancy or occupation or entitle the owner to evict the tenant or occupier unless</p>

	<p>the Superintendent of Public Health certifies that the premises cannot be provided with a privy or made fit for habitation. Nor shall any such non-compliance affect the owner's obligations under article 97(1)(g) or any other provisions of this Code.</p>
	<p><i>Cellars used for habitation.</i></p>
<p>Liability: owner.</p> <p>Supervision: sanitary authority [absorbed by the Planning Authority].</p>	<p>107. It shall not be lawful to use or suffer to be used for habitation, separately from the building of which it forms part, any cellar constructed or reconstructed after the first of January eighteen hundred and eighty, or which, in the course of the year previous to that date, was not used for habitation:</p> <p style="padding-left: 40px;">Provided that it shall not be lawful to use any cellar for sleeping purposes.</p>
	<p><i>Conditions for the occupation of cellar as dwellings.</i></p>
<p>Liability: owner.</p> <p>Supervision: sanitary authority including the General Services Board [absorbed by the Planning Authority].</p>	<p>108. (1) No person shall, except with a licence from the sanitary authority, use or suffer to be used for habitation, separately from the building of which it forms part, any cellar, although constructed before the first of January eighteen hundred and eighty, and used, up to that time, for habitation.</p> <p>(2) Such licence shall not be granted unless -</p> <ul style="list-style-type: none"> (a) the cellar, from the floor to the beams supporting the roof, or, if the roof be supported by arches, to half the height of each arch, is not less than two metres high, with at least one metre above the surface of the adjacent street; and (b) the cellar has its entrance door or at least a window, of a size not less than one square metre, on the street; and (c) if the cellar consists of two or more rooms, each room has an entrance door or window, as aforesaid; and (d) between the street and the external wall of the cellar, along the entire frontage of such wall, from fifteen centimetres below the surface of the ground of the cellar up to the surface of the street, there is an entirely open area, at least thirty centimetres wide and, where necessary in the opinion of the sanitary authority, communicated with the public conduits, in order to avoid any deposit of water in it; - the ground of such area, as well as the external wall of the cellar to the height of at least thirty centimetres from the surface of such ground, are coated with asphalt or any other substance impervious to dampness approved by the General Services Board; - such area, in two or more parts of its length, to be determined by the sanitary authority, and forming together at least one-half of such length, is only covered with gratings which, in the opinion of the said authority, allow the free passage of air; - every other side of the cellar, not

	<p>being in its entirety a wall between the cellar itself and another room or a court-yard, is, up to not less than ten centimetres above the upper line of the rock or materials of such side, formed of, or covered with, any of the said substances; - in each wall, internal or external, there is a layer of any such substance, the upper surface of which is at least twenty-five millimetres above the surface of the ground of the cellar; and</p> <p>(e) the ground of the cellar is covered with a layer of asphalt, hydraulic cement-concrete or any other substance approved by the General Services Board, in continuation of the impervious layer in the walls; and</p> <p>(f) the cellar has such ventilators as the sanitary authority may consider necessary for the renewal of the air, even with closed doors and windows.</p>
	<p><i>Formation of open area between cellar dwelling and street by Director of Public Works.</i></p>
<p>Liability: owner.</p> <p>Supervision: Director of Public Works [absorbed by the Building and Construction Authority].</p>	<p>109. (1) The open area prescribed in sub-article (2)(d) of the last preceding article, may be formed in the street, provided the person applying for permission to the Director of Public Works, gives his consent for the work to be carried out, at his expense, by the Director of Public Works, and makes a deposit with the said Director of a sum corresponding to the estimate, made by three architects, of whom two shall be appointed by the Director of Public Works and the other by such person, of the expense necessary for the formation of such area, for coating it and covering it up as provided in the said paragraph, for the carrying out of any work required for the solidity of the street, and for restoring the surface of the street to the state in which it was before the commencement of the work, without any obligation on the part of such person to pay any supplement should that sum prove insufficient, or any right to reimbursement should it exceed the expense actually incurred.</p> <p>(2) The Director of Public Works is not bound to grant the said permission for any width exceeding thirty centimetres.</p>
	<p><i>Common tenement-houses to be licensed by Superintendent of Public Health.</i></p>
<p>Liability: owner or part-owner of a common tenement.</p> <p>Supervision: sanitary authority including the General Services Board and the Superintendent of Public Health [absorbed by the Planning Authority]; Compliance Section – Planning Authority.</p>	<p>110. (1) The owner or part owner of a common tenement - house shall not permit the use for habitation of any room or apartment in such house without having previously obtained a licence from the Superintendent of Public Health.</p> <p>(2) Such licence shall not be granted unless the Superintendent of Public Health is satisfied that such house is in good structural and hygienic condition, with regular drains and a sufficient number of sanitary conveniences, and a proper supply of wholesome water.</p> <p>(3) It shall be the duty of the owner of any such house at all times to keep such house and every part thereof in good structural and</p>

	<p>hygienic condition with regular drains and a sufficient number of sanitary conveniences, and a proper supply of wholesome water, to the satisfaction of the sanitary authority, and if required by such authority, to wall up and provide the mouth of the cistern with a pump with pipes of iron or other substance approved by the General Services Board.</p> <p>(4) No person shall use for habitation any room, apartment or part of a common tenement-house declared by the sanitary authority to be unfit for such use.</p>
	<p><i>Number of persons who may occupy rooms in common tenement-houses.</i></p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>112. No room in any common tenement-house or in any apartment therein shall be used for habitation by a number of persons in excess of the following limitations, that is to say -</p> <p>(a) where the room has at least the height prescribed in article 97(1)(d), there must be a surface of at least three point seven five square metres for each person older than seven years, and of two point seven five square metres for each person of seven years of age or under; or</p> <p>(b) where the room has a lesser height, there must be a surface of at least four point seven five square metres and three point seven five square metres respectively.</p>
	<p><i>Power of court to order abatement of nuisance, etc.</i></p>
<p>Liability: offender.</p> <p>Supervision: criminal; civil issue.</p>	<p>321. (1) In the case of any contravention, the court, besides awarding punishment, shall order the offender, where the occasion so requires, to abate the nuisance arising from the contravention, or, according to circumstances, to carry out the law within a time, sufficient for the purpose, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (ammenda) not exceeding four euro and sixty-six cents (4.66) for every day the default continues after the expiration of the said time.</p> <p>(2) The court may also order that the nuisance be abated, or that the law be carried out, by the Police, at the expense of the offender, in which case he may be made to refund the expense, under a warrant issued by the court.</p> <p>(3) If the offender is, on account of mental disease or other physical incapacity, unable to appear in court or is absent from Malta or has absconded and a Police officer not below the rank of inspector certifies on oath that it is urgently required that the nuisance be abated or that the law be otherwise enforced, the court shall order the summons to be served on the lawful representative of the offender or on the person having the custody of the offender or on the person having the management of his property or in default of any known representative or person as aforesaid, on the offender's husband or wife or son or daughter. In any such case, if the nuisance or non-compliance with the law is</p>

proved, the court shall apply the provisions of sub-article (2) or, in appropriate cases, the provisions of sub-article (1).

(4) Where for any reason service of the summons as provided in sub-article (3) cannot be effected or where the offender is not known or it is not known who is the person responsible for the nuisance or non-compliance with the law, the court may apply the provisions of sub-article (2) on the sole application of a Police officer not below the rank of inspector confirming on oath the existence of the nuisance or non-compliance and the urgency that the same be abated or the law enforced and on such additional evidence, if any, as the court may deem fit to require.

(5) In any of the cases dealt with in sub-articles (3) and (4), the court shall, so far as regards the application of any punishment for the offence, adjourn the proceedings until the offender is fit to stand trial or returns or becomes known and can appear before it.

(6) Where the court, on the demand of the Police, for the purpose of proving any contravention, shall have ordered any work to be undone wholly or in part, and neither such contravention, nor any other contravention arising from circumstances which could not have been ascertained without the undoing of such work, nor any contravention of the provisions of article 97(1)(o), is made to appear, the expense incurred as well as the expense necessary to restore such work to its former state, shall be at the charge of the Police.

(7) Where any summons has been issued in respect of a contravention of an order of the sanitary authority, either for making default in complying with such order, or for not properly carrying out such order, it shall be lawful for the court, where necessary, on the demand of the defendant, to require a report from the General Services Board, and also examine, on oath, the members of such Board, on the subject-matter of the order or the execution thereof; and in any such case, if the Board, or the majority of its members, shall concur in the opinion of the authority giving the order, the fee due to the members of the Board as well as the expenses incurred by them, shall be at the charge of the defendant.

(8) Save as otherwise expressly provided in this Code, any damages arising from any contravention shall be recoverable by the injured party as a civil debt.

<p><i>Avoidance of Damage to Third Party Property Regulations [S.L. 623.06]</i></p>	<p><i>Interpretation</i></p>
<p>Liability: n/a.</p> <p>Supervision: n/a.</p>	<p>3. In these regulations, unless the context otherwise requires:</p> <p>[...] "site technical officer" means a person carrying out the duty or duties derived from the provisions of these regulations. Such person shall be: (a) nominated by the contractor and shall be accepted by the perit in charge of the project; (b) competent as provided in the Third Schedule; (c) responsible for the enforcement of the method statement covering the works which the contractor who nominates him is responsible for. (d) present on site whenever decisions are being taken that influence the risk of damage to third party property or injury to persons that may be caused by the works; [...]</p>
	<p><i>Third Schedule (Regulation 3)</i></p>
<p>Liability: site technical officer.</p> <p>Supervision: contractor; perit in charge of the project; Building and Construction Authority.</p>	<p>(Competence of a site technical officer)</p> <p>In the case of demolition:</p> <ul style="list-style-type: none"> - Perit - A person who is in possession of a Bachelors degree in Engineering <p>In the case of excavation:</p> <ul style="list-style-type: none"> - Perit - A person who is in possession of a Bachelors degree in Engineering <p>In the case of building works:</p> <ul style="list-style-type: none"> - Perit - A person who is in possession of a Bachelors degree in Engineering
	<p><i>Applicability</i></p>
<p>Liability: n/a.</p> <p>Supervision: n/a.</p>	<p>4. These regulations shall be applicable to any construction work which involves:</p> <p>(a) excavation, that in its affected zone includes third party property; or</p> <p>(b) the demolition or removal of any existing structure, or roof or structure abutting with, or immediately adjacent to, or underlying or overlying any property belonging to or occupied by third parties or toothing work with existing buildings; or</p>

	<p>(c) the building of additional storeys or load-bearing walls or structures over any property belonging to or occupied by third parties; or</p> <p>(d) the construction of new buildings or additional storeys adjacent to existing third-party property.</p>
	<p><i>Responsibilities of developer and official site technician.</i></p>
<p>Liability: developer; contractor; perit.</p> <p>Supervision: Building and Construction Authority.</p>	<p>5. (1) The contractor shall nominate a site technical officer, after he has been accepted by the perit in charge of the project.</p> <p>(2) If the developer has changed when construction works are still to be carried out or are being carried out, such new developer shall abide by these regulations.</p> <p>(3) The developer shall take all reasonable precautions to ensure that the construction activity will not result in any damage to contiguous properties, including damage that may result from the infiltration of water.</p>
	<p><i>Insurance and bank guarantee.</i></p>
<p>Liability: developer.</p> <p>Supervision: Building and Construction Authority.</p>	<p>6. (1) The developer shall ensure that demolition, excavation and construction works which fall under the provisions of these regulations shall be appropriately and adequately insured to cover any single occurrence or recurrence of damages sustained by third party property, disability to persons or death as a result of the construction works or activity being undertaken by the developer and the contractors working on the site:</p> <p>Provided that the insurance cover shall not be less than seven hundred and fifty thousand euro (€750,000) and shall continue to be renewed until such time when all demolition, excavation or construction work is certified as complete by the perit in charge of the project:</p> <p>Provided that the developer shall carry out an appropriate and adequate assessment of the risks involved and if the said value of seven hundred and fifty thousand euro (€750,000) is not considered sufficient, the developer shall ensure that such coverage is duly increased.</p> <p>[...]</p> <p>(3) In addition to the provisions of sub-regulations (1) and (2), the developer shall submit a bank guarantee to the Director, for all construction activities, other than those listed in regulation 26. The value of the bank guarantee shall be of three thousand euro (€3,000) for each storey of developed third party property or properties which is or are contiguous to a development site, for the first five (5) properties and a further one thousand euro (€1,000) for each additional contiguous property, up to a maximum of forty thousand euro (€40,000):</p> <p>Provided that the Director shall exempt the developer from the submission of a bank guarantee, as indicated,</p>

	<p>if the developer submits to the Director a certified statement issued by an insurance company attesting that the developer is insured in such a manner as to cover indemnity for damages to third party property, including damages of a minor nature:</p> <p>Provided further that the developer shall submit in this case, a bank guarantee to the Director, equivalent to the maximum amount in excess indicated in the insurance policy.</p> <p>[...]</p>
	<p><i>Submission of a method statement and condition report.</i></p>
<p>Liability: developer; perit.</p> <p>Supervision: Building and Construction Authority.</p>	<p>7. (1) Not later than two (2) weeks before the commencement of any works of excavation, demolition or construction, the perit in charge of the project shall submit the relative method statement in accordance with the Fourth, Fifth and Sixth Schedules and a report on the condition of the property according to the Seventh Schedule that has been issued in the English language only, on the website prescribed by the Director.</p> <p>(2) Any interested third party may request the Director to review any method statement that is submitted provided the third party submits a detailed report drawn up by a perit indicating the technical reasons which may be of concern to the safety of such third party or his property.</p> <p>(3) Following a written request by a third party owner or occupant of any property abutting, overlying or underlying any site, on which construction works are to be undertaken, and in the case of excavation, a third party who is the owner or occupant of any property that falls within the affected zone of excavation, the Director may request from the developer the submission of a partial method statement at any stage. Such method statement shall be submitted within three (3) weeks from the date when the developer receives the request. In his request, the Director shall indicate the details that are to be included in the partial method statement.</p> <p>(4) The developer shall also be required to submit to the Director, the report on the condition of the property which is located opposite, overlying or underlying any site, on which construction works are going to be carried out, and in the case of excavation, the properties which fall within the affected zone of excavation, on a website prescribed by the Director, by not later than two (2) weeks before the works are commenced. A copy of the report must be sent to the owners or the respective occupants of the relative property by means of a registered letter.</p> <p>(5) If the owner or occupant of such third party property does not agree with the condition report of the property, he shall give notice to the Director within two (2) weeks. If no corrections or no other condition report are submitted to the Director within such time from receipt thereof by the owner or occupant of third party property, it shall be understood that the owner or occupant of such property agrees with the condition report submitted by the developer.</p>

(6) In the eventuality of corrections, or another condition report being submitted by third parties, the Director may, at his discretion, ask the perit in charge of the project to consult with the perit of the owner or occupant of third party property to review the condition report and, should parties reach agreement, resubmit to the Director a new report signed by both (2) periti.

(7) Should the developer and the owner of third party property fail to reach an agreement as described in sub-regulation (6), the Director shall commission an inspection to be carried out by the Building and Construction Authority, to issue a final report. The costs of such an inspection report shall be shared equally by the developer and by the third party owner or occupant.

(8) Where a third party owner or occupant refuses entry to the developer's perit, or where the perit in charge of the project is unable to obtain access to contiguous property, or where the identity of the owner or, occupant of contiguous property is unknown or cannot be traced, for the purpose of preparing the condition report, such perit shall make a written declaration giving details of his attempts to be allowed access to the neighbour's property, including the notification or attempts of notification by registered mail, for the purpose of preparing the condition report and include such details in the method statement.

(9) Where the occupant of a property for which a condition report is required is not the owner, the occupant shall:

(a) inform the owner that a perit responsible for the project, acting on behalf of the developer of a contiguous development site, has requested access to the property for purposes of preparing a condition report; and

(b) forward the condition report to the owner upon its receipt from the developer.

(10) The Building and Construction Authority reserves the right to have any information provided verified by independent persons.

(11) (a) Wherever more than fifty percent (50%) of the total number of owners of any one complex which falls within an excavation affected zone as defined in these regulations are in disagreement with the condition reports and, or method statements prepared by the perit on behalf of the developer in terms of these regulations, they may elect to engage one perit of their choice to review the said condition reports and, or method statements that were prepared by the perit on behalf of the developer and may make a claim for disbursement as provided in this sub-regulation.

(b) The amount claimed for disbursement in terms of paragraph (a) shall not exceed five hundred euro (€500) exclusive of VAT for any one complex.

(c) The developer shall deposit a bank guarantee to the Building and Construction Authority equivalent to five hundred euro (€500) exclusive of VAT for each complex situated within the excavation affected zone to make good for any claims made in terms of paragraph (a). No clearance to commence works shall be given by the Building and Construction Authority unless the relative sum is deposited in full.

(d) Any claim made in terms of paragraph (a) by an owner of a complex situated within the excavation affected zone shall be

	<p>made to the developer and notified to the Building and Construction Authority. Payment by the developer shall be made against an authentic copy of the fiscal receipt issued by the perit appointed to review the condition reports and, or method statements. The Building and Construction Authority shall, within two (2) weeks, after the perit in charge of the project submits a certification that the works have been completed together with the authentic copy of the fiscal receipts related to the payments done by the developer with respect to all claims, release back to the developer the bank guarantee raised in terms of paragraph (c).</p> <p>(e) The perit appointed to review the condition reports and, or method statements shall not be prohibited from making other independent arrangements with the owner or owners of the complex appointing him or her, for any fees that are considered over and above the said amount.</p> <p>(f) For the purpose of this sub-regulation, "complex" means any property on one or more levels sharing the same footprint or part thereof and having access onto a street and where more than fifty percent (50%) of the total number of owners elect to commission the same perit to review the condition reports and, or method statements that were prepared by the perit on behalf of the developer:</p> <p style="padding-left: 40px;">Provided that each un-divided co-owned property having independent access within a complex is considered to be owned by one owner for the purpose of computing the total number of owners in paragraph (a).</p> <p>(12) The commencement of any works of excavation, demolition or construction may take effect only after the Building and Construction Authority provides clearance in writing.</p> <p>(13) When a stop order issued by the Director is revoked, the resumption of any works of excavation, demolition or construction described in that order may take effect only after the Building and Construction Authority provides clearance in writing.</p>
	<p><i>Form and content of the method statement.</i></p>
<p>Liability: perit; site technical officer; contractor.</p> <p>Supervision: Building and Construction Authority.</p>	<p>8. (1) The method statement shall be prepared by a perit in collaboration with the site technical officer and the contractor who are responsible for the works covered by such statement.</p> <p>(2) The method statement shall include the information requested in the Second Schedule.</p> <p>[...]</p> <p>(6) It shall not be lawful to make use of:</p> <p style="padding-left: 40px;">(a) a mechanical excavator with a hydraulic hammer attachment; or</p> <p style="padding-left: 40px;">(b) a pneumatic drill,</p> <p>before half past seven in the morning (7.30a.m.) and after four in the afternoon (4.00p.m.) and all day on Sundays and public holidays:</p>

	<p>Provided that the Director may, at his own discretion, either waive the condition set out in this sub-regulation, following a request in writing from the site technical officer, or impose further restrictions on the time at which this equipment can be used, with respect to specific sites:</p> <p>Provided further that the Director may exempt certain works from the provisions of this sub-regulation, such certain emergency works of an infrastructural nature, including drainage works, as well as mechanical and electrical works, and works undertaken to eliminate danger to the public, such as those related to the outbreak and spread of fire and, or where there is an imminent danger of collapse of buildings or structures: [...]</p>
	<p><i>Professional responsibility for the method statement.</i></p>
<p>Liability: perit; site technical officer; contractor.</p> <p>Supervision: Building and Construction Authority.</p>	<p>9. Professional responsibility for the method statement remains with the perit who prepares it. The responsibility for the enforcement of the method statement rests with the site technical officer, and the implementation of the measures in the method statement, lies with the contractor.</p>
	<p><i>Compliance with method statement or enforcement notice.</i></p>
<p>Liability: site technical officer; contractor; perit.</p> <p>Supervision: site technical officer; perit; Building and Construction Authority.</p>	<p>10. (1) When the site technical officer is in doubt about how works are to proceed, he shall stop the works and request direction from the perit who would have prepared the method statement.</p> <p>(2) The site technical officer shall ensure that the contractor is complying with all their obligations as provided for in these regulations. If the site technical officer notices any violation of these regulations, he shall immediately stop the works and notify the perit(i) in charge and the Building and Construction Authority.</p> <p>(3) Upon being served with an enforcement notice issued by the Director, the site technical officer shall immediately communicate this notice to the contractor and the perit and see to it that this order is complied with by ceasing the demolition, excavation and/or construction activity, as applicable.</p>
	<p><i>Applicability of other laws.</i></p>
<p>Liability: developer; perit; site technical officer; contractor/sub-contractor.</p> <p>Supervision: Building and Construction Authority.</p>	<p>11. These regulations do not exempt the developer, the perit in charge of the project, the site technical officer and contractor or the sub-contractor from observing other obligations and provisions of the law that are regulated by other laws.</p>

	Responsibilities of the Director.
<p>Liability: Director responsible for the Building and Construction Authority.</p> <p>Supervision: -</p>	<p>12. The Director shall, for construction works which fall within any one (1) category of the works listed in regulation 4:</p> <p>(a) verify that the method statement has been submitted in accordance with these regulations;</p> <p>(b) review the method statement, if a submission is received from a third party claiming that the method statement does not provide for adequate safety and, or is not in accordance with these regulations;</p> <p>(c) verify that demolition, excavation and, or construction works are covered by a third party insurance policy, in accordance with these regulations; and</p> <p>(d) monitor methodologies being carried out on site and see that they are in line with the method statement submitted and in accordance with these regulations.</p>
	Exemptions from submission.
<p>Liability: n/a.</p> <p>Supervision: n/a.</p>	<p>26. When before the start of works, the perit in charge of the project certifies, after giving clear reasons, that the structural interventions will not affect third party property, the provisions of regulations 4, 5, 6, 7 and 8 do not apply:</p> <p>Provided that if requested by the Director, the developer shall submit a method statement and, or a copy of the insurance that covers third parties and, or the bank guarantee and, or the condition report of the contiguous property according to the provisions of the regulations:</p> <p>Provided also that nothing will prevent, apart from the perit in charge of the project, the appointment of a site technical officer or officers to assume responsibility in terms of these regulations.</p>
Environmental Construction Site Management Regulations [S.L.552.09]	Restoration.
<p>Liability: owner.</p> <p>Supervision: Building and Construction Authority [previously Planning Authority].</p>	<p>8. All streets or other public property, within a distance of 10 metres from the site, that are damaged by operations relating to construction works shall be repaired or replaced by the owner to a condition that is at least as good as that found prior to construction and must be restored to their original condition with similar</p>

	<p>materials and in accordance with any other regulations. Such limit does not preclude any other obligation on the part of the owner to make good for any other damages that extent beyond the 10 meter distance and which are proven to be a direct consequence of that construction activity. Any obstructions shall be removed when the need for such obstruction is no longer required which shall include any temporary signage put up during construction work.</p>
	<p><i>Obligation on owner and site manager.</i></p>
<p>Liability: owner; site manager.</p> <p>Supervision: Building and Construction Authority.</p>	<p>9. (1) The owner shall have the obligation to appoint a ‘Site Manager’ who shall be responsible, on behalf of the owner, to ensure that the construction site and its construction activities are in conformity with all the provisions of these regulations.</p> <p>[...]</p> <p>(8) The site manager shall be responsible, on behalf of the owner, for ensuring that any permits, certifications, authorisations or any such approvals required for any portion of the construction works as required by the provisions of these Regulations are in place and that any temporary structures used to implement the provisions of these Regulations to be duly certified for their soundness.</p>
	<p><i>Restoration works and bank guarantee.</i></p>
<p>Liability: owner.</p> <p>Supervision: Building and Construction Authority [previously Planning Authority].</p>	<p>14. For the purpose of ensuring that the street is properly restored, the owner shall deposit, prior to the issue of the Development Permit, at the Authority, a bank guarantee in favour of the Authority, the amount of which shall be determined according to the provisions of Schedule V. The amount of the Bank Guarantee shall be either:-</p> <ul style="list-style-type: none"> a) for Lm100, or b) calculated on the basis of the method outlined in Schedule V, whichever is the highest. <p>Provided that if the owner fails to carry out or complete the restoration works within such period as the Authority may deem suitable in consideration of the level of finishing being opted for by the owner, such works may be completed by the Authority or Government, or an appointed agent that has been duly authorised by the Authority. Upon order by the Authority the cost of such works, as certified by the aggrieved entity’s architect (perit), shall be met in part or whole from the bank guarantee.</p> <p>Provided further, in the case where a temporary water meter has been provided on site, the release of the Bank Guarantee shall be affected only following the written confirmation of the removal of the temporary meter.</p>

<p>Construction Management Site Regulations [S.L. 623.08]</p>	<p>Least nuisance to neighbours.</p>
<p>Liability: client.</p> <p>Supervision: Building and Construction Authority.</p>	<p>6. Without prejudice to specific requirements set out in any other legislation, any client carrying out or commissioning works shall ensure that the work is carried out in a manner that causes the least nuisance by ensuring that the provisions provided for in the First, Second, Third and Fourth Schedules are adhered to.</p>
	<p>Restoration.</p>
<p>Liability: client.</p> <p>Supervision: Building and Construction Authority.</p>	<p>7. All streets or other public property, within a distance often (10) metres from the site, that are damaged by operations relating to works shall be repaired or replaced by the client and brought to a condition that is at least as good as they were found in prior to the works carried out, and they shall also be restored to their original condition with similar materials and in accordance with any other regulations. Such limit shall not preclude any other obligation on the client to make good for any other damages that extend beyond the ten (10) meter distance and which are proven to be a direct consequence of that works activity. Any obstruction shall be removed when the need for such obstruction, which shall include any temporary signage put up during works, shall no longer be required.</p>
	<p>Obligation on client and site manager.</p>
<p>Liability: client; site manager.</p> <p>Supervision: Building and Construction Authority.</p>	<p>8. (1) The client shall have the obligation to appoint a site manager who shall be responsible, on his behalf, to ensure that the site and the works are in conformity with all the provisions of these regulations.</p> <p>[...]</p> <p>(8) The site manager shall be responsible, on behalf of the client, for ensuring that any permits, certifications, authorisations or any such approvals required for any part of the works as required by the provisions of these regulations shall be in place and that any temporary structures used to implement the provisions of these regulations shall be duly certified for their soundness.</p>
	<p>Restoration works and bank guarantee.</p>
<p>Liability: client.</p> <p>Supervision: Building and Construction Authority.</p>	<p>10. (1) For the purpose of ensuring that the street is properly restored, the client shall deposit at the Authority, prior to the issue of the commencement notice, a bank guarantee in favour of the Authority, the amount of which shall be determined according to the provisions of the Fifth Schedule:</p> <p>Provided that the minimum amount for the bank guarantee shall be that of two hundred and fifty euro (€250):</p>

	<p>Provided further that where the client fails to carry out or complete the restoration works within such period as the Authority may deem suitable in consideration of the level of finishing being opted for by the client, such works may be completed by the Authority or Government, or an appointed agent that has been duly authorised by the Authority. Upon order of the Authority the cost of such works, as certified by the aggrieved entity's perit, shall be met in part or whole from the bank guarantee.</p> <p>(2) The release of the bank guarantee shall be affected within three (3) months from the data of notification of completion by the client's Perit provided there are no claims for the repairs of the street.</p>
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<p>Occupational Health and Safety Authority Act [Cap. 424]</p>	<p>Duties of employers.</p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>6. (1) It shall be the duty of an employer to ensure the health and safety at all times of all persons who may be affected by the work being carried out for such employer:</p> <p>Provided that where in pursuance of the foregoing an employer enlists competent external services or persons, the employer shall not be discharged from such incumbent duties arising out of this Act and out of regulations made under this Act:</p> <p>Provided further that the workers' obligations in the field of occupational health and safety shall not affect the principle of the responsibility of the employer.</p> <p>(2) The measures that need to be taken by an employer to prevent physical and psychological occupational ill-health, injury or death, shall be taken on the basis of the following general principles of prevention, that is by –</p> <ul style="list-style-type: none"> (a) the avoidance of risk; (b) the identification of hazards associated with work; (c) the evaluation of those risks which cannot be avoided; (d) the control at source of those risks which cannot be avoided; (e) the taking of all the necessary measures to reduce risk as much as reasonably practicable, including the replacement of the hazardous by the non-hazardous or by the less hazardous; (f) giving collective protective measures priority over individual protective measures;

	<p>(g) adapting the work to the worker, particularly in so far as the design of work places, the choice of work equipment and the choice of working and production methods are concerned, in particular with a view to alleviating monotonous work and work at a predetermined work-rate, and to reducing their effect on health;</p> <p>(h) by adapting to technical progress in the interest of occupational health and safety; and</p> <p>(i) by the development of a coherent overall prevention policy which covers technology, the organisation of work, working conditions, social relationships and the influence of factors related to the working environment.</p> <p>(3) Without prejudice to the generality of the preceding sub-article (2), it shall be the duty of an employer to provide such information, instruction, training and supervision as is required to ensure occupational health and safety.</p> <p>(4) It shall be the duty of an employer to ensure that at work places wherein a sufficient number of workers are employed, there shall be elected, chosen or otherwise designated a person or persons to act as the Workers' Health and Safety Representative or Representatives, and who shall be consulted in advance and in good time by the employer on matters which may affect occupational health and safety.</p>
	<p><i>Duties of workers.</i></p>
<p>Liability: worker.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>7. (1) It shall be the duty of every worker to safeguard one's own health and safety and that of other persons who can be affected by reason of the work which is carried out.</p> <p>(2) It shall be the duty of every worker to co-operate with the employer and with the Health and Safety Representative or Representatives at the work place on all matters relating to health and safety.</p>
<p><i>Work Place (Minimum Health and Safety Requirements) Regulations [S.L. 424.15]</i></p>	<p><i>General duties.</i></p>

<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>5. It shall be the general duty of an employer to:</p> <p>(a) submit to a suitable system of maintenance any equipment, machine, installation, plant, tool, device or article used at a work place, as well as any safety equipment and device intended to prevent or eliminate hazards, and to immediately rectify or repair any fault which is likely or liable to affect occupational health and safety;</p> <p>(b) maintain at an adequate level of hygiene and cleanliness the workplace and any equipment and devices used therein;</p> <p>(c) ensure that no person is allowed to smoke or consume food or drink at any workplace where any harmful agent is stored, handled or otherwise used;</p> <p>(d) inform workers and, or their representatives of all occupational health and safety measures to be taken at their place of work;</p> <p>(e) ensure that all signs used at a workplace shall be in conformity with the provisions of the Workplace (Provision of Health and, or Safety Signs) Regulations;</p> <p>(f) allow to be used electrical installations which are:</p> <p>(i) designed and constructed so as not to present a fire or explosion hazard;</p> <p>(ii) which have protection for workers against the risk of accident caused by direct or indirect contact;</p> <p>(iii) designed constructed out of a material, and have protection devices which are appropriate to the voltage, external conditions and the conditions of use:</p> <p>Provided that access to such installations shall be dependent upon the competence of the worker, and the design, construction, choice of material, protection devices and external conditions.</p>
	<p>Structure and solidity.</p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>6. (1) It shall be the duty of the employer to ensure that the structure and solidity of any building or structure or part thereof, is appropriate to the nature of its use.</p> <p>(2) The employer shall obtain from an architect the maximum working safe load per unit area for every area, including floors, shelves and lofts, on which material, machinery, plant or equipment is to be placed or stored.</p> <p>(3) The employer shall ensure that the maximum safe work loads indicated by the architect, for each particular area, are not exceeded at any time.</p>

	<p>Emergency routes and exits.</p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>7. (1) The employer shall take all the necessary steps to provide and maintain suitable and sufficient emergency routes and exits so that in the event of danger, workers and all persons therein can evacuate all the workplace and all parts thereof quickly and as safely as possible.</p> <p>(2) Without prejudice to the generality of subregulation (1), the employer shall ensure that emergency routes and exits:</p> <p>(a) are kept clear at all times, and lead as directly as possible to a safe, open air, specifically designated area outside the premises, which shall be on the ground floor: Provided that no lift shall be used as an emergency route unless such lift has been certified by a mechanical engineer as being safe to be used in emergencies: Provided further that all traffic routes and doors giving access to such emergency doors and exits shall also be free from obstruction so that they can be used at any time without hindrance;</p> <p>(b) are of appropriate number, distribution, dimensions and layout, taking into consideration the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present;</p> <p>(c) if they require illumination, are provided with emergency lighting of adequate intensity in case of failure of the normal lighting system;</p> <p>(d) are indicated by adequate luminescent directional signs which shall be placed at appropriate locations, at a height of not more than three point five metres and not less than two metres from the floor level, and which are maintained in a good state.</p>
	<p>Emergency Doors</p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>8. (1) The employer shall ensure that emergency doors:</p> <p>(a) open outwards;</p> <p>(b) shall not be so locked, fastened or obstructed that they cannot be easily and immediately opened by any person in the workplace who may require to use them in an emergency;</p> <p>(c) are appropriately maintained; (d) are made of fire-resistant material of suitable and sufficient fire rating.</p> <p>(2) The employer shall ensure that sliding or revolving doors are not used as emergency exits.</p>
	<p>First aid, fire detection, fire fighting, evacuation of workers, serious and imminent danger.</p>

<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>9. (1) It shall be the duty of an employer to take the necessary measures for first aid, fire-fighting and evacuation of workers in the event of serious and imminent danger:</p> <p>Provided that the measures which are to be taken shall be adapted to the use of the building, the nature of the activities and to the size of the workplace:</p> <p>Provided further that the measures taken shall take into account all persons present or who may be present at any time, as well as the physical and chemical properties of the substances present.</p> <p>(2) The measures that are required to be taken by an employer in the provision of first aid at work, shall be in conformity with the Work Place (First Aid) Regulations.</p> <p>(3) In the pursuance of the foregoing, an employer shall make such necessary arrangements with services outside of the workplace, particularly as regards emergency medical care, rescue work and fire-fighting.</p> <p>(4) An employer shall designate workers who shall be responsible for the implementation of the measures required for fire-fighting and for the evacuation of workers. The names of the persons thus designated shall be entered into a register to be kept at the workplace, and the register shall be maintained and amended as necessary by the employer: Provided that the number of persons designated for these purposes, their training and the equipment available to them shall be adequate and shall take into account the size of the workplace and the nature of the hazards present therein.</p> <p>(5) An employer shall as soon as possible inform workers who are, or may be exposed to serious and imminent danger of the risk involved, and of the steps to be taken or are to be taken with regard to protection.</p> <p>(6) An employer shall take action and give instructions which would enable workers in the event of serious, imminent and unavoidable danger to stop work and, or to leave immediately the work place and to proceed to a place of safety.</p> <p>(7) An employer may not ask workers to resume work in a working situation where there is still a serious and imminent danger, except for the purpose of instituting protective or remedial action:</p> <p style="padding-left: 40px;">Provided that in the situation referred to in the foregoing, only workers who have the necessary training to carry out such protective or remedial action shall be allowed in the area of danger, and they shall be suitably and adequately protected at all times.</p> <p>(8) No worker who leaves his workstation or a dangerous area by reason of the presence of justifiably serious, imminent or unavoidable danger, may be placed at any disadvantage because of his action by his employer, and no harmful or unjustified consequence may be taken against him.</p> <p>(9) An employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and, or that of other persons, and where the immediate superior responsible</p>
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or any worker designated for the purpose of implementing measures for fire-fighting and evacuation of workers cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger:

Provided that any worker who takes any action in the light of the foregoing, shall not be placed at any disadvantage, unless he acted carelessly or there was negligence on his part.

(10) It shall be the duty of the employer to take all necessary measures to the satisfaction of the authority responsible for the enforcement of fire safety, to:

(a) prevent, so far as reasonably practicable, the risk of accidents which may be caused by fire or explosion from any combustible, inflammable or explosive substances present at the workplace;

(b) ensure that the workplace is equipped at all times with suitable and sufficient fire-fighting equipment and with fire detectors and alarm systems, as necessary, taking into account the dimensions and use of the buildings, the equipment they contain, the physical and chemical properties of the substances present and the maximum potential number of persons present.

(11) Any non-automatic fire-fighting equipment provided by the employer shall be:

(a) easily accessible;

(b) simple to use;

(c) appropriately indicated by easily visible safety signs, which shall be placed at appropriate points, and regularly maintained.

(12) The employer shall inform his workers of any fire risks present, and of the measures required to minimise such risks.

(13) The employer shall ensure that workers are adequately instructed and trained as appropriate in the proper use of fire fighting equipment as may be required for that work place by the Civil Protection Directorate.

(14) The employer shall take all necessary measures to ensure that all fire fighting equipment at the workplace is subjected to a suitable system of maintenance to the satisfaction of the Civil Protection Directorate.

(15) The employer shall ensure that fire drills are carried out at least once every six months and a record kept of these drills: Provided that a person competent in fire safety and recognised as such by the Civil Protection Directorate, may, at the explicit request of an employer, and after analysing the prevailing fire risks and the occupancy of that specific place of work, determine a different frequency for that employer's workplace, which in any case shall not be longer than once every twelve months. The recommendations made by such a competent person should be documented in writing and kept by the employer together with the record of the fire drills. Workers' health and safety representatives

	<p>shall be given the opportunity of being consulted on the frequency of these fire drills.</p> <p>(16) It shall be the duty of a worker to notify his employer of any fire which breaks out at the workplace, and the employer shall investigate the occurrence with a view to taking any action which is deemed fit to prevent any similar recurrence.</p> <p>(17) Nothing in this regulation shall debar the authority responsible for the enforcement of fire safety from making any recommendations it deems fit in the interest of health and safety.</p>
	<p><i>Ventilation of workplaces.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>10. (1) It shall be the duty of the employer to make effective and suitable provision to ensure that every workplace, particularly if enclosed, is ventilated by a sufficient quantity of fresh or purified air, and for rendering harmless by the use of extraction systems, so far as reasonably practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process of work carried out in the workplace.</p> <p>(2) Without prejudice to the generality of subregulation (1), the employer shall ensure that where a workplace is in whole or in part mechanically ventilated, suitable means of emergency ventilation are provided for use in case of failure in the principal system, if such a failure constitutes a serious or immediate risk to the health of persons inside the workplace.</p> <p>(3) The employer shall ensure that where necessary for reasons of health or safety, including in dilution ventilation systems used to reduce concentrations of dust or fumes in the atmosphere, mechanical ventilation systems shall have an effective device to give a visible or audible warning of any breakdown in the system.</p> <p>(4) It shall be the duty of the employer to ensure that any plant used for the purpose of complying with the requirements of this regulation, shall be subject to a suitable system of maintenance, kept in operation as required, and kept clean and free from anything which may contaminate the air without delay.</p> <p>(5) The employer shall ensure that in the case of mechanical ventilation systems which re-circulate air, including airconditioning systems, a suitable and sufficient amount of fresh air is added. (6) It shall be the duty of an employer to ensure that mechanical ventilation systems and air conditioning systems operate in such a way which ensures that workers are not exposed to draughts which cause discomfort.</p>
<p><i>General Provisions for Health and Safety at Work Places Regulations [S.L.424.18]</i></p>	<p><i>General duties of employers.</i></p>

<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>4. (1) It shall be the duty of an employer to ensure the health and safety of workers at all times in every aspect related to the work.</p> <p>(2) An employer shall make such appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures, taking into consideration the nature of the activities and the size of the undertaking.</p> <p>(3) An employer shall take all necessary measures for the safeguard of occupational health and safety, and for this purpose shall prevent occupational risks and provide information and training as required:</p> <p style="padding-left: 40px;">Provided that for these purposes, an employer shall provide the necessary organisation and means by which to ensure the requisite degree of occupational health and safety standards:</p> <p style="padding-left: 40px;">Provided further that, with the aim of improving existing situations, an employer shall be alert to the need to adjust or amend those measures taken to protect workers' health and safety taking account of changing circumstances.</p>
	<p><i>Further duties.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>5. Without prejudice to the generality of the provisions of these regulations, an employer shall, after taking into account the nature of the activities of the enterprise and, or establishment:</p> <p style="padding-left: 40px;">(i) identify hazards at the place of work and shall avoid risks to occupational health and safety;</p> <p style="padding-left: 40px;">(ii) evaluate those risks to the health and safety of workers which cannot be avoided and shall combat them at source;</p> <p style="padding-left: 40px;">(iii) adapt the work to the individual, especially with regards to the design of work places, the choice of work equipment and the choice of working and production methods, with a view in particular to alleviate monotonous work and work at a predetermined work-rate and to reduce their effect on health.</p>
	<p><i>Evaluation by the employer.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>6. (1) Without prejudice to the generality of the foregoing, an employer shall evaluate risks to occupational health and safety, inter alia in the choice of work equipment, the chemical substances or chemical preparations used, the work practices or activities, and the design and fitting-out of work places, as well as the workers' capabilities to carry out safely the task or tasks entrusted to them.</p>

	<p>(2) Subsequent to the evaluation referred to in the preceding sub-regulation, and as necessary, the employer shall take all necessary measures to prevent occupational risks to health and safety, and shall control those factors which are likely to give rise to accidents or which create a risk to occupational health and, or safety including where necessary by changing the working and production methods, so as to assure an improvement in the level of protection afforded to workers with regard to health and safety:</p> <p style="text-align: center;">Provided that such measures shall be integrated into all the activities and at all hierarchical levels within the undertaking and, or establishment.</p> <p>(3) It shall be the duty of an employer to ensure that the planning and introduction of new technologies are the subject of consultation with the workers and, or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.</p> <p>(4) An employer shall take appropriate steps to ensure that only workers who have received adequate and suitable training may have access to areas where there is serious and specific danger.</p>
	<p style="text-align: center;"><i>Co-operation between employers, contractors and, or self employed persons.</i></p>
<p>Liability: employers; contractors; self-employed persons.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>7. Without prejudice to other provisions of these regulations, where several employers, contractors and, or self-employed persons share a work place, the employers, the contractors and the self-employed persons shall co-operate in implementing the occupational health, safety and hygiene provisions and, taking into account the nature of the activities, shall co-ordinate their actions in matters which concern protective and preventive measures, and shall inform one another and their respective workers and, or workers' representatives of these risks.</p>
	<p style="text-align: center;"><i>Training of workers and representatives.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>14. (1) The employer shall ensure that each worker receives adequate training on health and safety, in particular in the form of information and instructions specific to the workstation and to the task assigned:</p> <ul style="list-style-type: none"> (i) on recruitment; (ii) in the event of a transfer or a change of job or task; (iii) in the event of the introduction of new work equipment or a change in equipment; (iv) on the introduction of any new technology; (v) on the introduction of new work practices.

	<p>(2) The training referred to in the preceding paragraph shall be adapted to take account of new or changed risks, and repeated periodically where necessary.</p> <p>(3) An employer shall ensure that workers from outside undertakings and, or establishments engaged in work in his undertaking and, or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and, or establishment.</p> <p>(4) Workers' representatives shall be entitled to appropriate training.</p> <p>(5) Training that is commissioned by an employer and given to workers or to workers' representatives by virtue of these regulations shall be at the expense of the said employer.</p> <p>(6) The training given to workers and to the workers' representatives must take place during working hours.</p>
	<p><i>Workers' obligations.</i></p>
<p>Liability: worker.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>15. (1) It shall be the duty of each worker to take care as far as possible of his own safety and health as well as that of other persons who can be affected by his acts or commissions at work in accordance with the training and the instructions given by the employer.</p> <p>(2) Without prejudice to the generality of the foregoing, it shall be the duty of a worker to:</p> <ul style="list-style-type: none"> (i) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production; (ii) make correct use of the personal protective equipment supplied to him and, after use, return it to its proper place; (iii) refrain from disconnecting, changing or removing arbitrarily safety devices fitted to machinery, apparatus, tools, plant and buildings, and to use such safety devices correctly; (iv) immediately inform the employer and, or the workers with specific responsibility for the safety and health of workers of any work situation he has reasonable grounds for considering that it represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements; (v) cooperate with the employer and with workers having a specific responsibility for the safety and health of workers, for as long as may be necessary to enable to be carried out any tasks or requirements imposed by the Authority to protect the safety and health of workers at work;

	<p>(vi) cooperate with the employer and, or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.</p>
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<p>Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations [S.L. 424.36]</p>	<p>Duties of the client: Appointment of project supervisor, etc.</p>
<p>Liability: client. Supervision: Occupational Health and Safety Authority.</p>	<p>3. (1) It shall be the duty of a client to appoint, in respect of every project, a project supervisor for the design and execution stage, and any such appointment shall be terminated, changed or renewed as necessary:</p> <p style="padding-left: 40px;">Provided that nothing in this regulation, shall prevent the client from acting as project supervisor for any stage if he is competent to undertake the duties involved.</p> <p>(2) It shall be the duty of a client to keep and make available any health and safety files prepared in accordance with sub-regulation (4) of regulation 5 and any other relevant information regarding health and safety, for inspection by any person who may need information in the file for the purpose of compliance with any statutory obligations.</p> <p>(3) The client shall ensure that prior to the setting up of a construction site, a health and safety plan is drawn up in accordance with sub-regulation (4) of regulation 5.</p> <p>(4) Where a client disposes of his or her interests in the project, a client shall deliver the health and safety file in respect of the project to that person who acquires such interest in the project, and any obligations arising out of these regulations remaining for the duration of the project, shall be assumed by this person.</p> <p>(5) Except where provided in regulation 4, when a client fails to appoint a project supervisor, the client will ipso facto be deemed to be the project supervisor for the purpose of these regulations.</p> <p>(6) No client may transfer the obligation to appoint a project supervisor to any other person except as provided for in these regulations.</p>

	<i>Project supervisor: duties.</i>
<p>Liability: project supervisor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>5. The project supervisor shall:</p> <p>(1) take account of the general principles of prevention concerning health and safety referred to in the Act and subsidiary regulations as appropriate, during the various stages of designing and preparing the project, in particular:</p> <p style="padding-left: 40px;">(a) when architectural, technical and, or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession;</p> <p style="padding-left: 40px;">(b) when estimating the period required for completing such work or work stages.</p> <p>Account shall also be taken, each time this appears necessary, of all health and safety plans and of files drawn up in accordance with sub-regulation (4) or adjusted in accordance with paragraph (e) of sub-regulation (4).</p> <p>(2) The health and safety plan shall set out the rules applicable to the construction site concerned, taking into account where necessary the industrial activities taking place on the site; this plan shall also include specific measures concerning work which falls within one or more of the categories of Schedule II.</p> <p>(3) In the case of construction sites on which work is scheduled to last longer than 30 working days and on which more than 20 workers are occupied simultaneously, or on which the volume of work is scheduled to exceed 500 person-days, the project supervisor shall communicate a prior notice drawn up in accordance with Schedule III to the Authority at least four calendar weeks before work starts on the project. Once any work activity on the project commences, a copy of the prior notice shall be clearly displayed on the construction site and, if necessary, periodically updated.</p> <p>(4) The project supervisor shall also:</p> <p style="padding-left: 40px;">(a) co-ordinate the implementation of the provisions of this regulation, and shall draw up a health and safety plan prior to the setting up of a construction site;</p> <p style="padding-left: 40px;">(b) prepare a file appropriate to the characteristics of the project containing relevant health and safety information to be taken into account during any subsequent works;</p> <p style="padding-left: 40px;">(c) coordinate the implementation of the general principles of prevention and safety:</p> <p style="padding-left: 80px;">(i) when technical and, or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession;</p> <p style="padding-left: 80px;">(ii) when estimating the period required for completing such work or work stages;</p>

	<p>(d) coordinate the implementation of the relevant provisions of these regulations in order to ensure that employers and, if necessary for the protection of workers, self-employed persons:</p> <p style="padding-left: 40px;">(i) apply the principles referred to in regulation 9 in a consistent manner;</p> <p style="padding-left: 40px;">(ii) where required, follow the health and safety plan referred to in sub-regulation (4) of regulation 5;</p> <p>(e) make, or cause to be made, any adjustments required to the health and safety plan referred to in sub-regulation (4) of regulation 5 and the file referred to in sub-regulation (4) of regulation 5 to take account of the progress of the work and any changes which have occurred;</p> <p>(f) organize cooperation between contractors, including successive contractors on the same site, coordination of their activities with a view to protecting workers and preventing accidents and occupational health hazards and reciprocal information as provided for in regulation 7 of the General Provisions for Health and Safety at Work Places Regulations, ensuring that self-employed persons are brought into this process where necessary;</p> <p>(g) coordinate arrangements to check that the working procedures are being implemented correctly;</p> <p>(h) take the steps necessary to ensure that only authorized persons are allowed onto the construction site.</p>
	<p><i>Duties of the Project Supervisor.</i></p>
<p>Liability: project supervisor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>6. The project supervisor shall take all the necessary measures for the safeguard of occupational health and safety.</p>
	<p><i>Project Supervisor: Non-liability.</i></p>
<p>Liability: project supervisor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>7. No action, or other proceeding for damages shall lie or be instituted against the project supervisor for an act done in pursuance of these regulations, unless the project supervisor of the project acted in a negligent manner.</p>
	<p><i>Responsibilities of clients, project supervisors and contractors.</i></p>

<p>Liability: client/employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>8. (1) Where a client has appointed the project supervisor to perform the duties referred to in regulation 5, this does not relieve the client of his responsibilities in that respect.</p> <p>(2) The implementation of these regulations shall not affect the principle of employers' responsibility as provided for in the Act or in subsidiary legislation.</p> <p>(3) In order to preserve health and safety on the construction site, the client shall take into account any report given in writing by the project supervisor, and shall take all reasonable measures to ensure that duty holders abide by their obligations within the limits of their respective responsibilities.</p> <p>(4) In order to preserve health and safety on the construction site, the client shall take all the necessary measures for the adequate safeguard of occupational health and safety.</p>
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	<p><i>Implementation of regulations 4 to 8 of the General Provisions for Health and Safety at Work Places Regulations.</i></p>
<p>Liability: client; project supervisor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>9. When the work is being carried out, the principles set out in regulations 4 to 8 of the General Provisions for Health and Safety at Work Places Regulations shall be applied, in particular as regards:</p> <ul style="list-style-type: none"> (a) keeping the construction site in good order and in a satisfactory state of cleanliness; (b) choosing the location of workstations, bearing in mind how access to these workplaces is obtained, and determining routes or areas for the safe passage and movement of equipment; (c) the conditions under which various materials are handled; (d) technical maintenance, pre-commissioning checks and regular checks on installations and equipment with a view to correcting any faults which might affect the health and safety of workers; (e) the demarcation and laying-out of areas for the storage of various materials, in particular where dangerous materials or substances are concerned; (f) the conditions under which the dangerous materials used are removed; (g) the storage and disposal or removal of waste and debris;

	<p>(h) the adaptation, based on progress made on the site, of the actual period to be allocated for the various types of work or work stages;</p> <p>(i) cooperation between contractors and self-employed persons;</p> <p>(j) interaction with industrial activities at the place within which or in the vicinity of which the construction site is located.</p>
	<p><i>Obligations of contractors.</i></p>
<p>Liability: contractor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>10. In order to preserve health and safety on the construction site, contractors shall:</p> <p>(a) not commence any work related to the project before a project supervisor has been appointed by the client in terms of regulation 3;</p> <p>(b) in particular when implementing regulation 9, take measures that are in line with the minimum requirements set out in Schedule IV;</p> <p>(c) take into account directions from any project supervisor on health and safety matters;</p> <p>(d) take all the necessary measures for the adequate safeguard of occupational health and safety.</p>
	<p><i>Obligations of other groups of persons.</i></p>
<p>Liability: self-employed persons.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>11. (1) In order to preserve health and safety on the construction site, self-employed persons shall:</p> <p>(a) comply in particular with the following, <i>mutatis mutandis</i>:</p> <p>(i) the requirements of regulations 7 and 15(2) of the General Provisions for Health and Safety at Work Places Regulations and regulation 8 and Schedule IV of these regulations;</p> <p>(ii) the Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations;</p> <p>(iii) the Work Equipment (Minimum Safety and Health Requirements) Regulations;</p> <p>(b) take into account directions from the project supervisor or supervisors on health and safety matters;</p> <p>(c) take all the necessary measures for the safeguard of occupational health and safety;</p>

	<p>(d) not commence any work related to the project before a project supervisor has been appointed by the client in terms of regulation 3.</p> <p>(2) In order to preserve health and safety on the construction site, where contractors are engaged in work activity on the construction site, they shall:</p> <p>(a) comply in particular with the following, mutatis mutandis:</p> <ul style="list-style-type: none"> (i) regulation 15(2) of the General Provisions for Health and Safety at Work Places Regulations; (ii) the Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations; (iii) the Work Equipment (Minimum Safety S.L. 424.35. and Health Requirements) Regulations; <p>(b) take account of any directions given by the project supervisor.</p>
	<p><i>Information for workers.</i></p>
<p>Liability: contractor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>12. (1) Without prejudice to regulation 12 of the General Provisions for Health and Safety at Work Places Regulations, workers and, or their representatives shall be informed of all the measures to be taken concerning their health and safety on the construction site.</p> <p>(2) The information shall be comprehensible to the workers concerned.</p>
	<p><i>General principles of prevention.</i></p>
<p>Liability: contractor; client; self employed persons; project supervisor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>14. (1) Every person on whom a duty is placed by these regulations in relation to the design, planning and preparation of a project shall take account the general principles of prevention referred to in the Act in the performance of those duties.</p> <p>(2) Every person on whom a duty is placed by these regulations in relation to the construction phase of a project shall take account the general principles of prevention referred to in the Act in the performance of those duties.</p> <p>(3) The client shall take reasonable steps to ensure that the arrangements referred to in sub-regulation (1) are maintained and reviewed throughout the project.</p>
<p><i>Work Equipment (Minimum Safety and Health Requirements) Regulations [S.L.424.35]</i></p>	<p><i>Employers' obligations - general obligations.</i></p>

<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>3. (1) (a) The employer shall take the measures necessary to ensure that the work equipment made available to workers in the undertaking and, or establishment itself are suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.</p> <p>(b) In selecting the work equipment which he proposes to use, the employer shall pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking and, or establishment, in particular at the workplace, for the safety and health of the workers, and, or any additional hazards posed by the use of work equipment in question.</p> <p>(2) Where it is not fully possible to ensure that work equipment can be used by workers without risk to their safety or health, the employer shall take appropriate measures to minimize the risks.</p>
	<p><i>Rules concerning work equipment.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>4. (1) Without prejudice to the provisions of regulation 3, the employer must obtain and, or use and, or allow to be used work equipment which complies with the minimum requirements laid down in these regulations to the extent that no other legislative provision is applicable or is so only partially.</p> <p>(2) The employer shall take the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of adequate maintenance, at a level such that it complies with the provisions of sub-regulation (1).</p>
	<p><i>Inspection of work equipment.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>5. (1) The employer shall ensure that where the safety of work equipment depends on the installation conditions, such equipment shall be subject to an initial inspection (after installation and before first being put into service) and an inspection after assembly at a new site or in a new location by competent persons, to ensure that the work equipment has been installed correctly and is operating properly.</p> <p>(2) The employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is subject to –</p> <p>(a) periodic inspections and, where appropriate, testing by competent persons,</p> <p>(b) special inspections by competent persons each time that exceptional circumstances which are liable to jeopardize the safety of the work equipment have occurred, such as modification work, accidents, natural phenomena or prolonged periods of inactivity, to ensure that health and safety conditions are maintained and that the deterioration can be detected and remedied in good time.</p>

	<p>(3) Where any defect is identified in any work equipment or in any safety device by any examination and test under this regulation and, in the opinion of the competent person carrying out the examination and test either –</p> <p>(a) the said defect is a cause of danger to workers and in consequence the work equipment or safety device (as the case may be) ought not to be used until the said defect has been remedied;</p> <p>(b) the said defect may become a cause of danger to workers and in consequence the work equipment or safety device (as the case may be) ought not to be used after the expiration of a specified period unless the said defect has been remedied; such defect shall, as soon as possible after the completion of the examination and test, be notified in writing by the competent person to the employer of the work place, in the case of a defect falling within paragraph (b) such notification shall include the period within which, in the opinion of the competent person, the defect ought to be remedied.</p> <p>(4) The results of inspections must be recorded and kept by the employer for a minimum period of two years.</p> <p>(5) When work equipment is used outside the undertaking it must be accompanied by physical evidence that the last inspection required to be carried out by these regulations, has been carried out.</p> <p>(6) All inspection records shall be kept at the disposal of the Authority for inspection when so required.</p>
	<p><i>Work equipment involving specific risks.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>6. When the use of work equipment is likely to involve a specific risk to the safety or health of workers, the employer shall take the measures necessary to ensure that:</p> <p>(a) the use of work equipment is restricted to those persons given the task of using it;</p> <p>(b) in the case of repairs, modifications, maintenance or servicing, the workers concerned are specifically designated to carry out such work.</p>
	<p><i>Informing Workers</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>8. (1) Without prejudice to the General Provisions Regulations, the employer shall take the measures necessary to ensure that workers have at their disposal adequate information and, where appropriate, written instructions on the work equipment used at work.</p> <p>(2) The information and the written instructions must contain at least adequate safety and health information concerning:</p>

	<p>(a) the conditions of use of work equipment, (b) foreseeable abnormal situations, (c) the conclusions to be drawn from experience, where appropriate, in using work equipment.</p> <p>(3) Workers must be made aware of dangers relevant to them, work equipment present in the work area or site, and any changes affecting them, in as much as they affect work equipment situated in their immediate work area or site, even if they do not use such equipment directly.</p> <p>(4) The information and the written instructions must be comprehensible to the workers concerned.</p>
	<p><i>Training of workers.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>9. Without prejudice to regulation 14 of the General Provisions Regulations, the employer shall take the measures necessary to ensure that:</p> <p>(a) workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail,</p> <p>(b) workers referred to in regulation 6(b) receive adequate specific training.</p>
<p><i>Minimum Requirements for the use of Personal Protective Equipment at Work Regulations [S.L.424.21]</i></p>	<p><i>Compliance with the Personal Protective Equipment Regulations.</i></p>
<p>Liability: employer.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>5. It shall be the duty of the employer to ensure that, where applicable, all personal protective equipment shall comply with the provisions specified in the Personal Protective Equipment Regulations.</p>
<p><i>Development Planning (Procedure for Applications and their Determination) Regulations</i></p>	<p><i>Commencement notice.</i></p>
<p>Liability: perit; owner.</p> <p>Supervision: Building and Construction Authority.</p>	<p>20. Prior to the commencement of any works relative to a valid permit, the perit must submit the relative commencement notice on behalf of the applicant to the Executive Chairperson within the period of five days in advance to the date of commencement of works or utilization of permission. The perit shall notify the Executive Chairperson with the date of commencement of works or utilization of permission. Unless specifically exempted by the Planning Board, the perit shall include the contact details of the licensed builder and the site manager as defined in the site management regulations, including details where they can be reached at any time, and any other documents which may be specifically required in the permit:</p>

	<p>Provided that if the perit deems that any of the information required in the commencement notice is not applicable by reason of the specific circumstances or any provision at law, he shall give detailed reasons for not including such information:</p> <p>Provided that works may duly proceed according to permit after the date of commencement of works or utilization of permission if the Executive Chairperson fails to make any reply within fifteen days from submissions of the commencement notice.</p>
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Activities Requiring Permit by Local Council Regulations [S.L.441.04]	Deposit or use of crane or other machinery.
<p>Liability: contractor.</p> <p>Supervision: Local Council.</p>	<p>8. (1) No person shall deposit or use any crane or other machinery during the erection, construction, or demolition of any building or similar project without a permit from the Local Council.</p>

Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations [S.L.424.23]	Assessment of risk.
<p>Liability: contractor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>3. (1) In the case of any activity likely to involve a risk of Assessment of risk, exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed in such a way as to determine the nature and degree of the workers' exposure to dust arising from asbestos or materials containing asbestos.</p> <p>(2) Provided that worker exposure is sporadic and of low intensity, and if it is clear from the results of the risk assessment referred to in sub-regulation (1) that the exposure limit for asbestos will not be exceeded in the air of the working area, regulations 4, 12, 13(2) 14 and 15 shall be waived where work involves:</p> <ul style="list-style-type: none"> (a) short, non-continuous maintenance activities in which only non-friable materials are handled, (b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix, (c) encapsulation or sealing of asbestos-containing materials which are in good condition,

	<p>(d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.</p> <p>(3) The assessment provided for in sub-regulation (1) shall be the subject of consultation with the workers and, or their representatives within the undertaking or establishment and shall be revised where there is reason to believe that it is incorrect or there is a material change in the work.</p>
	<p>Plan of work.</p>
<p>Liability: contractor.</p> <p>Supervision: Occupational Health and Safety Authority.</p>	<p>11. (1) A plan of work shall be drawn up before demolition Plan of work, work or work on removing asbestos and, or asbestos-containing products from buildings, structures, plant or installations or from ships is started.</p> <p>(2) The plan referred to in sub-regulation (1) must prescribe the measures necessary to ensure the safety and health of workers at the place of work. The plan must in particular specify that:</p> <ul style="list-style-type: none"> (a) asbestos and, or asbestos-containing products are to be removed before demolition works commence, except where this would cause a greater risk to workers than if the asbestos and, or asbestos-containing products had been left in place; (b) the personal protective equipment referred to in regulation 10(1)(a) shall be provided, where necessary; (c) when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace shall be verified. <p>(3) The plan shall include information on the following:</p> <ul style="list-style-type: none"> (a) the nature and probable duration of the work; (b) the place where the work is carried out; (c) the methods applied where the work involves the handling of asbestos or of materials containing asbestos; (d) the characteristics of the equipment used for: <ul style="list-style-type: none"> (i) protection and decontamination of those carrying out the work; (ii) protection of other persons present on or near the worksite. <p>(4) The plan referred to in sub-regulation (1) shall be forwarded to the Authority before the start of the projected work, and the Authority may require additional preventive or protective measures to be taken so as to better safeguard the health and safety of workers and, or third parties.</p>

<p>Building Stone Order [S.L.10.31]</p>	<p>Thickness of outer walls.</p>
<p>Liability: contractor. Supervision: Occupational Health and Safety Authority.</p>	<p>2. The thickness of any wall of any room, exposed to the rain, all be of 38 cm (1 foot and 3 inches), consisting of two faces of equal thickness of franka stone, separated by a cavity as prescribed by law.</p>
	<p>Dimensions of stone used in building.</p>
<p>Liability: contractor; owner. Supervision: Malta Resources Authority.</p>	<p>3. No person may use in the building of any wall any franka stone the dimensions of which, or any of the dimensions of which, exceed the following:</p> <p>(a) 50.80cm (20 inches) in length, 26.03cm (10¼ inches) in height and 15.24cm (6 inches) in thickness in the case of stone used in Malta; and</p> <p>(b) 50.80cm (20 inches) in length, 27.94cm (11 inches) in height and 15.24cm (6 inches) in thickness in the case of stone used in Gozo or Comino.</p>
	<p>Dimensions of cutting of frankastone.</p>
<p>Liability: owner of quarry. Supervision: Malta Resources Authority.</p>	<p>4. Franka stone cut from any quarry shall in no case exceed the dimensions, or any of the dimensions, shown hereunder:</p> <p>(a) 53.34cm (21 inches) in length, 27.30cm (10¾ inches) in height and 16.51cm (6½ inches) in thickness, in the case of stone cut in Malta; and</p> <p>(b) 53.34cm (21 inches) in length, 29.21cm (11½ inches) in height and 16.51cm (6½ inches) in thickness in the case of stone cut in Gozo or Comino.</p>

<p>Development Planning (Health and Sanitary) Regulations [S.L.552.22]</p>	<p>Rules to be observed in the construction of reservoirs.</p>
<p>Liability: owner. Supervision: Planning Authority.</p>	<p>10. (1)</p> <p>(a) All new development should be provided with a water reservoir to store and re-use rainwater run-off from the built up area and having a volume that is established in Technical Guidance Document F - Conservation of Fuel, Energy and Natural Resources (Minimum Requirements on the Energy Performance of Buildings Regulations, 2006) and any subsequent revisions.</p>

	<p>(b) Every water reservoir shall be connected to a pump where the extraction of water so requires.</p>
	<p>(1) Dwellings to have frontage on a street. (2) Spaces at basement level. (3) Non-habitable spaces above ground level.</p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>11. (1) Each dwelling unit must have a frontage on a road, valley or coast.</p> <p>(2) Habitable and non-habitable spaces may be permitted at basement levels provided that they comply with these regulations. In the case of both habitable spaces and non-habitable spaces, these are to be adequately ventilated and illuminated and include either of the following:</p> <ul style="list-style-type: none"> (a) an external aperture above pavement level; or (b) an external aperture overlooking: <ul style="list-style-type: none"> (i) a three metre front unroofed area even if located below street level; or (ii) at least a three metre deep unroofed area at the back of the structure; or (c) for non-habitable spaces in basements only, a warranted engineer certifies that they are adequately ventilated and illuminated for their intended use. The Authority may consider ventilation grids under pavements as a source of adequate ventilation for such non-habitable spaces in basements. <p>(3) Preference should always be given to natural light and ventilation for non-habitable spaces above ground level:</p> <p>Provided that non-habitable spaces may be artificially illuminated and ventilated, subject that certification by a warranted engineer is submitted to the Authority stating that the design can achieve acceptable levels of light and ventilation in accordance with recognised building codes and standards.</p>
	<p>Minimum size of an aperture.</p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>12. (1) Every habitable space shall be served with a minimum cumulative external aperture area of at least one metre squared.</p> <p>(2) No overlying projections shall be allowed above apertures with a cumulative area of less than one metre squared.</p>
	<p>Light and ventilation.</p>

<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>13. (1) All habitable spaces are to be adequately ventilated and illuminated in accordance with the provisions of this regulation to ensure, in the opinion of the Authority, sufficient ingress of natural light and free circulation of air.</p> <p>(2) Every dwelling, except corner dwellings, with a depth of more than fifteen metres, requires a back yard equivalent to at least six metres width or to the entire plot width if such plot width is less than six metres. The depth of the back yard shall be in accordance to regulation 16.</p> <p>(3) Toilets may be mechanically ventilated.</p> <p>(4) (a) Glazed automated retractable roofing over courtyards providing ventilation to habitable spaces may be considered provided that:</p> <p style="padding-left: 40px;">(i) natural or mechanically automated ventilation is provided;</p> <p style="padding-left: 40px;">(ii) the design shall be certified by a warranted engineer that it can achieve acceptable levels of ventilation in accordance with recognised building codes and standards.</p> <p style="padding-left: 40px;">(b) In the case of fixed glazed roofing, side ventilation may be considered provided that the design is certified by a warranted engineer that it can achieve acceptable levels of ventilation in accordance with recognised building codes and standards.</p> <p>(5) When a habitable space has an irregular shape and the external apertures do not provide direct natural light and ventilation to all the habitable space, a projection above any such aperture shall not exceed one metre.</p>
	<p><i>Overall height of the façade.</i></p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>14. (1) In streets or open spaces which are three metres wide or less, the overall height of the façade should not exceed twice the width of the street or open space, which width shall be calculated as the clear horizontal distance between the building frontage of the façade and the building frontage of the nearest façade on the opposite side of the street or open space. Height to width ratio does not apply in the case of façades fronting the seafront or land outside the development zone.</p> <p>(2) In streets or open spaces which are wider than three meters but less than or equal to fifteen metres, the overall height of the façade should not exceed three times the width of the street or open space which width shall be calculated as specified in sub-regulation (1). Height to width ratio does not apply in the case of façades fronting the seafront or land outside the development zone:</p> <p style="padding-left: 40px;">Provided that additional floors above the overall height of the façade stipulated under sub-regulations (1) and (2) may be allowed provided adequate setbacks from the building alignment of the façade are introduced. The</p>

	<p>setback for the additional floors shall be of a dimension such that the ratio of the width of the street, as specified in sub-regulation (1), and the setback, to the overall height of the building, including the setback floors, shall never be less than 1:2 for street widths of three metres or less and never less than 1:3 for street widths of more than three metres. Street widths shall be measured as stipulated in sub-regulations (1) and (2):</p> <p>Provided further that there may be exceptions depending on the site context, in which case any façades which are higher than as provided in this regulation are to respect the surrounding context.</p> <p>(3) In streets or open spaces which are wider than fifteen meters, the overall height of the façade can exceed three times the width of the street, as specified in sub-regulation (1), without the need for setbacks from the building alignment of the façade.</p>
	<p>Height.</p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>15. (1) The clear height of:</p> <p>(a) a habitable space shall not be less than two metres and sixty centimetres;</p> <p>(b) a non-habitable space shall not be less than two metres and forty centimetres, excluding engine rooms, lift shafts, domestic stores, walk-in wardrobes and bathrooms, which may have a clear height of less than two metres and forty centimeters;</p> <p>(c) parking levels shall be not less than two (2) meters and ten (10) centimeters.</p> <p>(2) Any intermediate floors within the height of any space can be accommodated provided that the clear height of the intermediate floor shall not be less than two metres and ten centimetres and seventy percent of the space shall remain as double volume.</p>
	<p>Depth of backyard, internal yard and projections.</p>
<p>Liability: owner.</p> <p>Supervision: Planning Authority.</p>	<p>16. (1) Every dwelling shall have a backyard with a depth in proportion to the height of the building. The minimum depth of these backyards, and internal yards and projections, where applicable, shall be as specified hereunder: [Vide L.N.]</p> <p>(2) A minimum backyard and internal yard dimension of three metres depth must be retained for a building height up to 10.1 metres measured from the internal floor level of the dwelling. For each overlying additional floor, a setback of one metre and fifty centimetres for a backyard and of ninety centimetres for an internal yard from the underlying floor, shall apply. In instances where there is already an existing minimum back and, or an internal yard:</p>

	<p>(a) for the backyard, a setback of two metres and thirty centimetres may apply for every additional two floors instead of having a one metre and fifty centimetre setback for each additional floor;</p> <p>(b) for the internal yard, a setback of one metre and forty centimetres for every additional two floors may be made instead of ninety centimetres for every floor.</p> <p>(3) For structures which are not used as dwellings with a height of the façade overlooking the backyard and measured from the internal floor level of up to six metres and forty centimetres, the backyard shall have a minimum depth of one metre and fifty centimetres. The provisions of sub-regulations (1) and (2) shall apply for overlying floors.</p>
	<p><i>Backyards in relation to structures having a frontage on two streets.</i></p>
<p>Liability: n/a.</p> <p>Supervision: Planning Authority.</p>	<p>17. In the case of structures having a frontage on two streets:</p> <p>(a) no backyard is required where each unit at the same level has a frontage on the two streets;</p> <p>(b) a backyard for every unit with a depth as set out in regulation 16 is required if each unit at the same level does not have a frontage on two streets provided that the depth of backyard may be reduced by one third of the dimensions set out in regulation 16 when each unit at the same level are permitted through one development permission, and provided further that when the reduced backyard is separated by a wall constructed in a material used in the construction of buildings, the height of this wall should not exceed 2.2m.</p>
	<p><i>Where back yard cannot be of the prescribed length or width.</i></p>
<p>Liability: n/a.</p> <p>Supervision: Planning Authority.</p>	<p>18. If, owing to the configuration of the site on which the structure is to be constructed, the back yard cannot be of the prescribed length or width, the Authority may permit a smaller length or width, provided that, in the Authority's opinion, such smaller length or width, having regard to the particular circumstances of the site, is sufficient to secure such natural light and ventilation as are required for the wholesome condition of the structure.</p>
	<p><i>Projections on yards.</i></p>
<p>Liability: n/a.</p> <p>Supervision: Planning Authority.</p>	<p>19. No projections are permissible within internal yards or shafts, unless the said internal yards or shafts are larger than the minimum required, and the maximum extent of the projection must not exceed the surplus to the minimum required as set out in regulation 16.</p>

	Rooms with backyards.
Liability: n/a. Supervision: Planning Authority.	20. (1) A structure in the backyard up to three metres external height may be permitted provided that the requirements mentioned in regulations 13(2) and 16 are respected. (2) In all cases, no access to the roof of the structure is permitted.
	Courtyards in pre-1967 buildings.
Liability: n/a. Supervision: Planning Authority.	21. Where a pre-1967 building includes a courtyard, which courtyard does not serve as a backyard, any proposed additional floors may be constructed without necessarily having the additional floors recessed back from the courtyard alignment as required by regulation 16(2), provided that a warranted engineer certifies that they are adequately ventilated and illuminated.

New Roads and Road Works Regulations [S.L.499.57]	Road Construction and Maintenance.
Liability: Authority for Transport in Malta. Supervision: Planning Authority.	3. (1) The Authority shall provide, either by itself or through an undertaking, and where appropriate in consultation with the Malta Environment and Planning Authority, for the construction, reconstruction, widening, renewal, upkeep, improvement, management, maintenance and classification of roads: Provided that where the road is neither an arterial road nor a distributor road, the upkeep, improvement and maintenance thereof shall be provided for by the appropriate Local Council in accordance with article 33 of the Local Councils Act. (2) The Authority shall endeavour to ensure the highest quality standards and safety in any road construction, reconstruction, maintenance or any other road works and that such works are carried solely by contractors as defined under these regulations. (3) The Authority shall keep a list, available on request, of all public roads as classified by it and may, at any time, delete from or add roads to that list.
	A. Road safety impact assessments. B. Road safety audits.

<p>Liability: Authority for Transport in Malta.</p> <p>Supervision: Planning Authority.</p>	<p>8A. (1) A road safety impact assessment shall be undertaken by the Authority at the initial planning stage of any infrastructure project on that part of the national road network prescribed in the Third Schedule.</p> <p>(2) Such impact assessments may also be carried out at the initial planning stage of any infrastructure project on the remaining arterial and distributor road network.</p> <p>(3) The impact assessment shall be carried out during the planning stage of a project before the completion of a definite design and it shall as much as possible take into account the elements set out in Annex I to Directive 2008/96/EC on road infrastructure safety management.</p> <p>(4) The results of the safety impact assessment shall be considered in the planning process of the project.</p> <p>(5) Where changes are required to the planned infrastructure project, the impact assessment shall indicate the road safety considerations which contribute to the choice of the proposed solution and shall further provide all relevant information necessary for a cost-benefit analysis of the different options assessed.</p> <p>8B. (1) Every infrastructure project on that part of the national road network prescribed in the Third Schedule shall be subject to a road safety audit which shall be carried out at the following different stages of a project:</p> <ul style="list-style-type: none"> (a) the preliminary design phase, (b) the detailed design stage and during construction of the project, (c) prior to being opened to traffic, and (d) approximately a year after being opened to traffic. <p>(2) Road safety audits in terms of sub-regulation (1) may also be carried out on any infrastructure project on the remaining arterial and distributor road network.</p> <p>(3) Road safety audits shall conform to standards produced by the Authority which shall as much as possible meet the criteria set out in Annex II of Directive 2008/96/EC.</p> <p>(4) A road safety audit may be undertaken in conjunction with a road safety impact assessment as provided for under regulation 8B.</p> <p>[...]</p>
	<p><i>Width of new roads in inhabited areas.</i></p>
<p>Liability: Authority for Transport in Malta.</p> <p>Supervision: Planning Authority.</p>	<p>9. (1) Every new road in any inhabited area or any road made with a view that it may form part of an inhabited area which may hereafter be built up shall be at least eight metres wide:</p> <p>Provided that the Malta Environment and Planning Authority, in consultation with the Authority, may require</p>

	<p>any such road to be of a stated width exceeding eight metres but not exceeding eighteen metres.</p> <p>(2) Where an existing road in an inhabited area is extended, the minimum width of the road may, with the permission of the Malta Environment and Planning Authority, in consultation with the Authority, be reduced to six metres.</p>
	<p><i>Course, direction and position of new roads in inhabited areas.</i></p>
<p>Liability: Authority for Transport in Malta; contractor.</p> <p>Supervision: Planning Authority.</p>	<p>10. No new road in an inhabited area, nor any road made with a view that it may form part of an inhabited area which may hereafter be built up, shall be made without the sanction from the Malta Environment and Planning Authority, in consultation with the Authority, as to its course, direction and position, and as to the manner in which the adjoining residential buildings are to be sewered and supplied with water and the surface water is to flow off.</p>
	<p><i>Permission required for the opening of a new road in an inhabited area.</i></p>
<p>Liability: contractor.</p> <p>Supervision: Planning Authority; Authority for Transport in Malta.</p>	<p>11. A new road in an inhabited area or an area which may hereafter be built up may only be opened with the permission of the Malta Environment and Planning Authority, in consultation with the Authority, and the Malta Environment and Planning Authority may refuse permission for the opening of a new such road:</p> <p>Provided that where such permission is refused, the party aggrieved shall have the right to appeal from such a decision under the provisions of the Development Planning Act.</p>
	<p><i>Erection of buildings along new roads.</i></p>
<p>Liability: contractor; owner; developer.</p> <p>Supervision: Planning Authority; Authority for Transport in Malta.</p>	<p>12. No building abutting on a new road in an inhabited area shall be erected before the road has been levelled to the proper line fixed by the Malta Environment and Planning Authority, in consultation with the Authority. The length of the road to be so levelled shall extend from any existing inhabited road already opened to the public to the extreme end of the frontage of the building to be erected.</p>
	<p><i>Permit required.</i></p>
<p>Liability: contractor.</p> <p>Supervision: Planning Authority; Authority for Transport in Malta.</p>	<p>25. (1) Without prejudice to the obligations relating to road works under any other regulations in force, no works shall be executed in, or excavations made under a public road without a permit from the Authority as described hereinafter.</p>

	<p>(2) The application for a permit shall be made to the Authority by the person commissioning the works on the prescribed form and shall be accompanied by any information and documents required by the Authority, and by the appropriate fees as prescribed in the First Schedule.</p> <p>(3) The permit shall be valid for the period indicated in it and all work shall be fully completed within the completion period specified in the permit.</p> <p>(4) The Authority may renew any permit the validity of which has expired upon the submission by the holder thereof of an application for renewal.</p> <p>(5) Road works may only be executed by a contractor and Local Councils, utility services providers, communications service providers and contractors involved shall at all stages follow the Code of Practice.</p>
	<p><i>Liability for damage.</i></p>
<p>Liability: contractor. Supervision: civil issue; Planning Authority.</p>	<p>32. A contractor executing road works shall compensate third parties in respect of any damages or loss suffered by third parties as a result of the execution of those road works:</p> <p style="padding-left: 40px;">Provided that the said liability does not extend to damage or loss which is attributable to negligence or misconduct on the part of the person suffering the damage or loss.</p>
	<p><i>Resurfacing of roads following works.</i></p>
<p>Liability: contractor. Supervision: Planning Authority.</p>	<p>33. Where trenching works are executed in a road, the contractor shall be required to reinstate the road in accordance with the conditions stipulated in the permit.</p>
	<p><i>Certification of road works.</i></p>
<p>Liability: contractor. Supervision: Planning Authority; Authority for Transport in Malta.</p>	<p>34. (1) A contractor which undertakes road works shall, upon completion of such works, submit a works compliance report to the Authority within fifteen days from completion.</p> <p>(2) Major and emergency road works shall, upon completion, be tested by an independent and accredited laboratory recognised by the Authority.</p> <p>(3) In addition to the test carried out as provided for in subregulation (2), and on the basis of the same tests where applicable, major and emergency road works shall be certified by a warranted architect and civil engineer (Perit) in terms of compliance with standards and specifications set by the Authority in respect of all aspects including but not exclusively, material used, workmanship, and any performance requirements stipulated in applicable standards. Only upon such positive certification shall the</p>

	<p>Authority issue a certificate confirming that those works had been carried out to its satisfaction.</p> <p>(4) Reinstatement works shall be subject to a two-year guarantee, unless otherwise stated.</p> <p>(5) Where the Authority is not satisfied with the restoration and resurfacing of the road, the contractor shall redo the said works to the satisfaction of the Authority, and where the contractor fails to comply, the Authority shall carry out the works itself at the expense of the contractor concerned.</p> <p>(6) The Authority may exclude from road works, for preestablished period of times of no less than six consecutive months, contractors who consistently fail from such compliance.</p>
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