

SUBSIDIARY LEGISLATION 623.08**CONSTRUCTION MANAGEMENT SITE
REGULATIONS**16th December 2022*LEGAL NOTICE 340 of 2022, as amended by Legal Notice 142 of 2023.***PART I
Preliminary**

- 1.** The title of these regulations is the Construction Management Site Regulations. Citation.
- 2.** The scope of these regulations is to limit environmental degradation through appropriate construction management practices that cause the least nuisance to neighbours, to minimise the risk of injury to the public, to protect the property belonging to the Government and the local councils, and as much as possible to reduce the harm to the environment. These regulations shall have no bearing on the responsibilities related to construction sites emanating from other legislative instruments. Scope.
- 3.** In these regulations, unless the context otherwise requires: Interpretation.
- "Act" means the Building and Construction Authority Act; Cap. 623.
- "Authority" means the Building and Construction Authority established by article 5 of the Act and includes any body or other person acting on its behalf under powers delegated by the Authority under the Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of the Act or any regulations made thereunder;
- "building" means any structure resultant from a works process;
- "client" means the same as the meaning assigned to it in article 2 of the Act;
- "contractor" means the same as the meaning assigned to it in article 2 of the Act;
- "emergency" means an unexpected situation, or a sudden, unforeseen occurrence which requires immediate action to protect lives and, or property and, or economic livelihood;

"enforcement notice" means the same as the meaning assigned under Part VI of the Act;

"footprint" means the space contained within the external walls of a building at all levels, including internal yards, shafts, terraces or courtyards totally enclosed or surrounded by the building, but excluding terraces, back yards, yards and pool decks not totally enclosed or surrounded by the building;

"hazardous material" means any object or agent (biological, chemical and, or physical) which has the potential to cause harm to humans, animals or the environment either by itself or through interaction with other factors;

"hoarding" means a temporary structure enclosing a construction site during the works to restrict access and provide protection to the public;

"immediate vicinity" means the area up to thirty (30) metres from any site, and includes the footprint of the site in question, where by way of irregular management of a construction site the social, historic or environmental importance of the site or area is reduced;

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

"private property" means any land, whether developed or otherwise, or any other permanent structure whose title is vested in a private person or entity;

"public property" means any place to which the public has access to;

"site" means the place where the works shall be executed and where the equipment and, or materials and, or workers shall be delivered to;

"site manager" means a person carrying out the duty or duties provided for in these regulations. Such person shall be nominated by and responsible on behalf of the client to ensure the correct implementation of these regulations. The appointed site manager may be one (1) of the following:

(a) the client himself;

(b) the project supervisor as provided for in the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations;

(c) a perit as defined under the Periti Act; or

(d) any other competent person;

"street" means any street, whether private or public, and includes any street, square, court, alley, lane, bridge, footway, passage or quay;

"tourism zone" means those areas defined by the competent authority responsible for tourism as tourism zones.

"transgressor" means that person or legal entity which has been served with an enforcement notice, or any person or legal entity which violates these regulations or any part thereof;

"works" means the permanent works and the temporary works, or either of them as appropriate, and include excavation, demolition, construction, building services works and finishing works.

4. These regulations shall apply to any works which are not exempt under the Sixth Schedule and as may be brought into force by the Minister in part or in whole and ancillary activities on site. Applicability.

PART II General Conditions

5. For the purpose of enabling adherence to these regulations, water meters may be provided temporarily, by a licensed operator of a public water distribution network, only to sites where works on that site are permitted in terms of the Act. Provision of temporary water and electricity meters.

PART III Other Conditions

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. Least nuisance to neighbours.

7. All streets or other public property, within a distance of ten (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. Restoration.

Obligation on client and site manager.

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.

(2) Prior to the commencement of any works, the client shall submit to the Authority:

(a) the name of the site manager;

(b) the site manager's legally valid identification document number; and

(c) a declaration of acceptance duly signed by the site manager that he has undertaken to accept this role and that he has read and understood the provisions of these regulations.

(3) For the purposes of these regulations, the site manager shall not be entitled to assume any of the responsibilities associated with the profession of a Perit as defined in the Periti Act, unless the appointed site manager is a Perit.

Cap. 390.

(4) The Minister may, from time to time, make specific regulations to create a Register of Site Managers, to stipulate their qualifications, Code of Conduct and programme of continuous development.

(5) In the absence of a nomination for the appointment of a site manager, the client shall *ipso facto* be deemed to be the site manager for the purpose of these regulations.

(6) Where the client has changed because the site was sold, or for any other reason, when works are still to be carried out or are being carried out the current client shall have the duty to inform the Authority by completing the form provided for in the Seventh Schedule, and to submit the form to the Authority on its relevant website. The same form should be duly signed by the new client as a declaration of acceptance of his responsibilities as the new client in terms of these regulations. Until such form is received by the Authority, the current client shall be held responsible for any contravention to these regulations.

(7) Where, during the period of works, the site manager changes for any reason, he shall be obliged to inform the Authority in writing. Until such notice is received by the Authority, he shall still be presumed to be the appointed site manager for the site.

(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.

PART IV
Enforcement

9. (1) The Authority may issue and serve an enforcement notice where there is an infringement of the provisions of the First and, or the Second and, or the Third and, or the Fourth Schedules, and an administrative penalty in accordance with the Ninth Schedule without prejudice to any other administrative penalty or amount due to the Authority in accordance with the Act.

Breaches and administrative penalties.

(2) The Authority shall impose a daily administrative penalty in accordance with the Ninth Schedule from the first day after the period stipulated in the enforcement notice within which the transgressor was ordered to remedy the situation until the day the situation is effectively remedied.

(3) All administrative penalties imposed in terms of this regulation shall in all cases be due to the Authority as a civil debt and that where the transgressor is a director, secretary or manager of a body corporate for the economic benefit of whom the breach was committed, such body corporate shall be liable in solidum for said civil debt.

(4) Without prejudice to the Act or to any other law, any person who by any means whatsoever, hinders or obstructs any officer of the competent authority from the exercise of his powers and functions under these regulations, or fails to comply with any order given by an officer of the competent authority, or refuses to assist him in the carrying out of his duties or furnishes such officer with false information shall be guilty of a breach of these regulations and shall on conviction be liable to an administrative penalty of not less than one hundred fifty euro (€150) and not more than three hundred euro (€300):

Provided that the administrative penalty shall not be less than five hundred euro (€500) and not more than two thousand euro (€2,000), where the breach was committed in:

- (a) the immediate vicinity of a scheduled building as declared so by the competent authority, public monument, museum, place of worship, hospital or school;
- (b) the immediate vicinity of a World Heritage Site declared by UNESCO or an urban conservation area declared by the competent authority;
- (c) the immediate vicinity of a Natural Reserve, Heritage Park, National Park, public garden, or playing field;
- (d) the immediate vicinity of a public beach or

promenade; or

(e) in the vicinity of any other site, area, place or open space which the Minister may establish from time to time:

(5) Any actions taken by the Authority under these regulations shall be without prejudice to any criminal or civil action or to any enforcement action that the Authority may deem fit in the circumstances.

Restoration works
and bank
guarantee.

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:

Provided that the minimum amount for the bank guarantee shall be that of two hundred and fifty euro (€250):

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.

(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.

Certificate of
development.

11. No clearance for any works or part thereof shall be issued by the Authority if any balance due from any administrative penalties are still due to the Authority by reason of breach against these regulations. The Authority may not authorise the transfer of client or site manager as provided for in regulations 8(6) and (7) where there is an outstanding balance due to it with regards to the site.

FIRST SCHEDULE (Regulation 6)

Reducing Nuisance to Neighbours

Notification.

1. Three (3) weeks before any work commences which will take longer than four (4) weeks to complete, the client shall ensure that there shall be erected on the street boundary of the site a permanent A2 sized notice board, as specified below, on which shall be affixed, and suitably protected from the weather, the development permit number,

the particulars of the client, site manager and responsible Perit and the contractor or contractors including their telephone numbers. A template of such notice may be downloaded from the Authority's web site. The details on the notice board shall be legible from the road level with a minimum font size of 100 point. Such notice board shall be maintained in good condition at all times until all works on site are completed or until such time as deemed appropriate by the Authority. Such notice shall also include:

- (a) the start date of the works; and
- (b) a contact number.

Where the site is larger than one thousand (1,000) square metres, or has a frontage bordering any road or roads in excess of twenty-five (25) metres, such information shall be displayed on a notice board which shall be at least one point five (1.5) metres by two point five (2.5) metres, and shall also include dates of completion of the principal stages of the project. This notice board shall be placed in such a way that it does not obstruct or hinder the safety and easy flow of traffic and general public. Moreover a copy of the development permit and all its renewals, if any, together with copies of all plans and elevations as approved, shall be kept on site and the same shall at all reasonable times be available for inspection.

Construction Management Site Regulations			
Template for Notice Board / Billboard as stipulated by item 1 of the First Schedule			
Development Title			
Permit Number		Works Commencement Date	
Name Of Site Manager		24 Hour Contact Number	
Lead Contractor			
Other Contractors	<i>Insert name of second contractor</i>	<i>Insert name of third contractor</i>	<i>Insert name of fourth contractor</i>
Perit/firm Of Periti <i>Address & Contact Details</i>	Client <i>Address & Contact Details</i>	OHSA Health & Safety Officer <i>Contact Details</i>	

In case of difficulty kindly contact the Local Council on telephone number:

Cutting of stone.

2. Cutting of stones and bricks may be allowed on site:

Provided that:

(a) all machinery and tools not listed in the Eighth Schedule shall be equipped with dust extraction and recovery systems, to ensure that dust is not dispersed onto public areas and third party property; in combination with either of the provisions of paragraphs (b) or (c);

(b) upon roofing of the lowest floor of the structure, all mechanical cutting of stone and brick cutting shall take place within the building and all external apertures shall be boarded up with an impermeable material;

(c) stone and brick cutting shall be carried out in a temporary enclosed impermeable structure erected on the construction site.

Transportation and deposit of loose building material.

3. Screed sand and other loose building materials such as cement, small pieces of material and shingles shall be transported, deposited and stored on site in rigid containers with suitable covers or flexible sturdy containers that may be appropriately sealed, which material shall support the weight being contained, to permit the total enclosure of such materials at all times and which shall be kept sealed when not in use.

Obstructing the pavement.

4. Without prejudice to any other law, no building material, waste, machinery or equipment shall be allowed to obstruct the pavement or the smooth flow of traffic in the vicinity of the site on which works are in progress or complete. Depositing of building materials for loading or unloading purposes and placing of equipment in the street along the frontage of the site shall be authorised by the responsible Local Council.

Hazards to vehicular traffic. S.L. 424.36.

5. Without prejudice to any other law and in addition to the requirements emanating from the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations, when a hazard to vehicular traffic on a public passage is created by work on, or associated with construction works, one (1) or more of the following shall be provided to direct the traffic, as may be considered appropriate and approved by the responsible Local Council, and where appropriate by the Authority for Transport in Malta:

- (a) one (1) or more law enforcement officers;
- (b) warning signs;

- (c) barriers;
- (d) lane control devices; and, or
- (e) flashing lights or flares located at a suitable distance from the hazard.

When there is no agreement between the respective Local Council and the Authority for Transport in Malta, the decision of the competent authority shall prevail.

Moreover, only signs provided for in the Traffic Signs and Carriageway Markings Regulations shall be allowed. S.L. 65.05.

6. The following adequate facilities and measures shall be undertaken to ensure that the site and its immediate vicinity are kept clean: Measures to clean the site.

(a) any trash or debris shall be contained on site and disposed of in closed waste receptacles to avoid wind, rain or any other movement related to the works process from carrying it off site into any public area;

(b) the works shall not create any discharge of cleaning agents, paints, oil, other pollutants or hazardous waste to public areas or into the sewerage system, or into the sea;

(c) the immediate clean up of works related spills or pollution;

(d) sweeping, washing or vacuuming of dust from the street;

(e) wash out pits, concrete or mortar mixers and chemical holding areas shall be located away from sewage systems and waterways or third party property; and

(f) prior to any vehicular movement from within the site to any public area, these shall have their tyres washed of all material, dirt or any other material that may be carried out into the public area and deposited thereon.

7. All necessary measures shall be undertaken for initial eradication and subsequent rodent control on sites to the satisfaction of the competent authority. The following minimum measures shall be undertaken: Rodent control.

(a) preventing any discharge of sewage and, or, the closing off of any access to the main sewer;

(b) organic waste shall be disposed off immediately so as not to allow rodents to infest the site; and

(c) trap stations or poison shall be installed within the site perimeter and storage locations, and also in manholes, where applicable.

SECOND SCHEDULE

(Regulations 6 and 9)

Hoardings for buildings less than seven (7) metres in height.

1. For any building not exceeding seven (7) metres in height from road level, it shall be mandatory to erect hoarding made of suitable rigid material that is free-standing and independent of the building itself up to a height of three (3) metres. Such hoarding shall be designed in a manner that conceals the site and protects adjacent areas from the egress of dust and from materials which may fall from within the site.

Hoardings for buildings more than seven (7) metres in height.

2. For any building exceeding seven (7) metres in height from road level, it shall be mandatory to erect hoarding made of suitable rigid material up to the full height of the building. Such hoarding shall, in the absence of a nationally approved code of practice by the competent authority, be designed in a manner that entirely conceals the site and protects adjacent areas from the egress of dust and from materials which may fall from within the site:

Provided that for buildings up to or higher than twenty-five (25) metres, as an alternative to hoarding to full height, the hoarding up to twenty-five (25) metres may be used and from the twenty-fifth (25th) metres upwards all windows and balcony door openings shall be boarded up to prevent the egress of dust. For sites that are recessed from the road, semi-detached or detached, such hoarding shall enclose the whole of the site.

The hoarding shall, as a minimum, be erected in a manner that ensures that it extends to at least one (1) metre above the highest floor level within the site when measured in the vertical plane.

Where demolition activity is to be carried out, the hoarding shall be erected upfront to the full height of the building or as appropriate to the competent authority to ensure public safety and the least inconvenience to the neighbours. Hoarded structures should also be provided with an adequate amount of interlocking waste chutes to deliver waste material from any level within the structure to the closest destination of the waste receptacles without causing any inconvenience or hazard to any person or third party property.

Moreover, chutes shall be:

(a) closed where they are inclined more than forty-five (45) degrees with the horizontal angle; and

(b) be kept closed or covered when not in use.

Hoardings.

3. Hoardings shall be constructed from timber or metal

frame and shall be covered with suitable mesh or material that precludes any visual impact of the works ongoing within the site. Moreover:

- (a) all hoardings shall form a barrier against the egress of dust and debris from the site to the surrounding environment;
- (b) hoardings shall be designed to withstand up to gale wind loads (Force 8 and above) with any anchorage as necessary to prevent overturning and ensure stability. In addition hoardings adjoining excavations shall be designed to withstand any external impacts;
- (c) hoardings and barricades shall be kept in good condition to fulfil their purpose;
- (d) all works shall be contained within the hoarding; and
- (e) advertisements on the hoardings may be allowed subject to advertising laws and regulations.

4. Works extending beyond, or affecting, the perimeter surrounding the site shall not commence until a covered way has been provided in accordance with the provisions of item 5 to protect the public, except where:

Works that extend beyond, or affect, the perimeter surrounding the site.

- (a) the work and ancillary machinery is carried out within a solid enclosure; and
- (b) the works and their ancillary machinery are at a distance of two (2) metres or more from a public passage used by pedestrians.

5. A covered way shall:

Covered ways.

- (a) have a height of not less than two point two (2.2) metres;
- (b) have a width of not less than one point two (1.2) metres or the width of the public passage, whichever is the lesser, but sufficient to ensure accessibility for pushchairs and the disabled. Ramps suitable for wheelchair access shall also be in place, where applicable, to bridge any difference in levels with a slope not steeper than eight point five percent (8.5%);
- (c) include appropriate signage acceptable to the Authority or its designated authority and lighting that provides an equivalent illumination as the prevalent street lighting, both for the attention of pedestrians and motorists. Such signage and lighting shall alert and direct motorists around any obstruction

whilst indicating alternative entry and exist routes to pedestrians, and also providing sufficient lighting to enable them to navigate through the walkway;

(d) have non-slip floors and an even surface in line with national standards;

(e) be designed and constructed to support safely all loads that may reasonably be expected to be applied to it, but in no case less than two point four (2.4) kiloNewton per metre squared on its roof;

(f) have a weather-tight roof sloped towards the site, or if flat, be equipped with a splash board not less than two hundred (200) millimetres high on the road side;

(g) be totally enclosed on the site side with an enclosure having a smooth surface facing the public passage;

(h) have a finished metal or timber hand rail one (1) metre high on the road side where the covered way is supported by posts on the road side to support pedestrians navigating through;

(i) be adequately lit between sunset and sunrise with lighting that provides an equivalent illumination as the prevalent street lighting; and

(j) be left free from any material or other objects which may be an obstacle or hinder the free access of pedestrians at all times.

Barricades.
Substituted by:
L.N. 142 of 2023.

6. The client shall erect timber or metal barricades or bricks or similar material barricades, bound together by cement based mortar when surrounding an excavated site in such a way to block the entrance and prevent access to unauthorised persons and that:

(a) the barricades shall be constructed to withstand any external impact and of a height of not less than two (2) metres between the site and the public passage or block completely the open sides of a construction site and this to safeguard the public and third party moveable or immovable property;

(b) the barricades shall have smooth surfaces on the sides facing the public passage and shall be without openings, except those required for authorised access;

(c) access openings through the barricades shall be kept closed at all times with gates, and closed and locked with gates when there is no one on site, and shall be maintained in place until completion of the works to the satisfaction of the

Authority. Such gates shall be designed in such a manner that prevents public access, especially children;

(d) all access gates into the site used by machinery should have warning lights lit up during entry and exit of such machinery or banksmen to warn motorists or the general public during passage of machinery.

7. The client shall ensure a safe passage past the site. When the works necessitate the obstruction of the pedestrian pavement, and this is approved by the Local Council, a temporary pedestrian pavement shall be provided which shall not be obstructed at any time:

Safe passage past the site.
*Substituted by:
L.N. 142 of 2023.*

Provided that in the case where a temporary pedestrian pavement cannot be constructed, the Authority for Transport in Malta shall provide direction to the client on how to make a safe passage past the site.

THIRD SCHEDULE (Regulations 6 and 9)

Reducing Pollution

1. The permissible hours for works which generate noise that may be heard from outside the site boundary shall be as follows:

Nuisance abatement.

(a) works shall not commence before seven in the morning (7:00 am) and shall cease at eight in the evening (8:00 pm);

(b) it shall not be lawful to make use of:

(i) a mechanical excavator with a hydraulic hammer; or

(ii) a pneumatic drill, before half past seven in the morning (7:30 am) and after four in the afternoon (4:00 pm) and all day on Sundays and public holidays;

(c) during the period between fifteenth (15th) June and thirtieth (30th) September, demolition works or excavation shall not be allowed in tourism zones as may from time to time be established by the competent authority for tourism:

Provided that, exemptions from this paragraph may only be granted by the competent authority for tourism, unless there are safety concerns, in which case the Authority shall only allow works to render the site safe;

(d) no construction works shall be carried out on Sundays and public holidays;

(e) in the case of emergencies works may take place

at any other time whilst it shall be mandatory to inform the Authority during its first hour of subsequent business;

(f) any exemption from the provisions of paragraphs (a), (b), (c), (d) and (e) shall require the approval of the Authority and may require the setting of specific conditions for such works. Exemptions for works in tourism zones shall also require the clearance of the competent authority responsible for tourism;

(g) when the distance from the nearest habitable space exceeds one (1) kilometre, works shall not be subject to any of the aforementioned in this item.

Dust emissions.

2. No person shall undertake any works without utilizing the following dust control measures:

(a) to limit any generation of dust, during works there shall be applied water and, or, chemical dust stabilizers or any other appropriate technique which control emissions of dust from the site;

(b) prior to leaving the site the client shall on a daily basis remove any works related spillages resulting from the works from the public passage in front of the site;

(c) prior to leaving the site, the client shall ensure that on a daily basis public sidewalks and public areas within ten (10) metres from either side of the site are swept or vacuumed; and

(d) paint chips, sanding residue, grit and dust shall be prevented from coming into contact with storm-water runoff and surface water bodies.

Sanding.

3. Without prejudice to any other law, any person who will be sanding, whether manually or mechanically, shall ensure that dust emissions are controlled by equipping all mechanical equipment with dust extraction and recovery systems; in combination with:

(a) for outdoor areas, the whole working area shall be totally covered with material that blocks the emission of dust or particulate matter into the surrounding environment;

(b) for indoor areas, all external apertures shall be boarded with an impermeable material that forms a barrier against the escape of dust prior to commencing any sanding operations.

Mechanical fair facing of stone.

4. Mechanical fair facing of building stones shall not be permitted on site.

5. Adequate facilities and measures shall be undertaken to ensure that the site and its immediate vicinity are kept clean at all times during works. Measure to clean the site.

FOURTH SCHEDULE
(Regulations 6 and 9)

Technical Guidelines and Site Preparation

1. The level of noise emitted from any site shall: Minimisation of noise and vibration levels.
- (a) respect the levels as established by the Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from exposure to Noise) Regulations, at any point when measured immediately outside the site with methodologies established by the said regulations in respect of weekly noise exposure level and daily noise exposure level. Any measurement shall follow the prescribed standards as approved by the competent authority responsible for issuing such standards. Should a locally approved standard not be available, an equivalent standard to the satisfaction of the appropriate competent authority shall apply; S.L. 424.28.
- (b) moreover, to minimise noise and vibration levels, all equipment shall have functional exhaust or muffler systems;
- (c) unnecessary noise such as leaving noisy idle machinery operating, shouting, loud radios or excessive revving of engines shall be avoided.
2. The client shall ensure that the following health and hygiene provisions are adhered to: Health and hygiene.
- (a) Removal of waste material
- The clearing away of waste material shall be carried out in a routine manner, quickly and effectively, and shall be:
- (i) carried out in a manner that does not cause any damage or works related spillage in public areas or third party property;
- (ii) carried out using receptacles that are fully enclosed or using open skips which are securely covered with canvas or any other material which would not allow the dispersal of dust particles or the waste being handled and that does not allow any works related spillage; and
- (iii) guided into an enclosed shaft or chute conforming with item 2 of the Second Schedule.

The client shall ensure that all waste material shall be removed from the immediate vicinity of every day unless the site manager provides sufficient reasons to the Authority to justify an extension of this period;

(b) Hazardous material

Without prejudice to any provisions in any other laws regulating hazardous material, where hazardous material is utilised on site:

(i) all measures shall be taken to properly store and isolate any hazardous material to prevent any contamination of the site and surrounding sites, storm water and the potable water courses particularly when hazardous wastes is water soluble or may become airborne;

(ii) where hazardous material is stored on site there shall be erected on the street boundary of the site, adjacent to the notice board or billboard provided for in the First Schedule, an A4 sized caution sign indicating the presence of hazardous waste on site;

(c) Point source pollution from storm water

In order to ensure that the construction site does not become a source of pollution due to the surface run off it generates during works, the following minimum prevention measures shall be undertaken to mitigate against circumstances such as the:

(i) contamination of road surfaces with particulate matter that is washed out from within the site;

(ii) clogging of any public or private storm water drains with any material washed out from within the site;

(iii) wash out of hazardous waste and non-hazardous material to the marine environment;

(iv) wash out of hazardous waste onto permeable land; and

(v) any other form of pollution caused from the storm water run off generated from the site.

Clients shall therefore be obliged to ensure that the site is equipped with the necessary collection sumps and pumps that enable any water discharged within the site to be collected and pumped there, avoiding all works related spillage of such waste water onto public or

private areas.

3.* (a) Any deconstruction or excavation works on a site shall be carried out in line with sections five (5), seven (7) and eight (8) of the national standard SM 810:2022 titled 'Recycling-oriented Deconstruction, Controlled Excavation Works and Classification of Waste' as reproduced on the website of the Authority.

Recycling oriented deconstruction, controlled excavation works and standardisation of apertures.

(b) Any apertures utilised in a residential building shall by design follow the standardisation of dimensions of internal and external apertures as specified in the Technical Document titled 'Standardisation of Apertures for Residential Buildings in Malta' as published on the website of the Authority.

FIFTH SCHEDULE (Regulation 10)

For the purposes of Regulation 10, the bank guarantee shall be computed as follows:

For works consisting of the addition of one (1) or more floors covering more than fifty percent (50%) of the footprint on existing developments

Length of frontage multiplied by forty-six Euro and fifty-nine cents (€46.59).

For works involving demolition and, or excavation works and additional floors

Length of frontage in metres plus twenty (20) meters multiplied by forty-six Euro and fifty-nine cents (€46.59).

At the start of each calendar year, the value of forty-six Euro and fifty-nine cents (€46.59) in this Schedule shall be revised by multiplying by a factor equivalent to Rate Property Index for December of the preceding year divided by the Rate Property Index for December 2007.


SIXTH SCHEDULE (Regulation 4)

01	Type A shall refer to	All construction work for buildings that equals or exceeds the following criteria:
		a. a building which is or will be more than one thousand square metres (1,000 sqm); or

*Vide Legal Notice 374 of 2022.

		<p>b. a height of twelve (12) metres excluding the penthouse and the basement or more measured from the lowest point of the street level bordering the construction works; or</p>
		<p>c. sites having excavations more than six (6) metres below street level.</p>
02	Type B shall refer to	All other works.
03	Type C shall refer to	All other works which fall outside Types A and B.
04	Exemptions	All works:
		<p>a. that involve the trenching of ducts not exceeding three (3) metres in depth and which are used for the installation of infrastructure related to the provision of potable water, sewerage services, storm water discharges, electrical energy and telecommunications:</p>
		<p>Provided that such trenching works may only be carried out in tourism zones as defined by the Ministry responsible for tourism during the period fifteenth (15th) June to the thirtieth (30th) September, following the approval by the Ministry responsible for tourism following consultation with representatives of tourism establishments in the affected area; and</p>
		<p>b. falling under any other categories that may be from time to time established by the Minister under this Schedule are exempted from these regulations.</p>

SEVENTH SCHEDULE
(Regulation 8)

	Change of client or site manager				
Development Application number (where applicable) Description of works Address of site Original Client	PA				
I declare that as from today onwards that I am no longer the client of the site indicated above and exonerate my self from any responsibility regarding the management of this site, and according to the Construction Site Management Regulations.					
Signature		Date			
ID No.					
Site Manager _____					
For the purpose of regulation 9(1) I am appointing as Site Manager					
Signature of original Client			Date		
Signature of Site Manager			Date		
New Client _____					
I the undersigned, declare that as from today onwards I am the new client of the construction site and am assuming the responsibilities as asked of me by the Construction Site Management Regulations.					
Signature of new Client:			Date		
ID No.					

PLEASE READ THE FOLLOWING CLAUSE BEFORE SIGNING

Data Protection clause

In terms of the Data Protection Act (Cap. 586), we will process any personal and, or sensitive data supplied on or in this application, request or notification form or subsequently supplied by yourself, whether orally or in writing, for all or any of the following:

1. the proper processing of your application, request and, or notice as submitted;
2. preventing, detecting and, or prosecuting fraud and any other criminal activity which the Authority is bound to

report and, or act upon whilst meeting any other specific legal or regulatory obligations;

3. establishing, exercising or defending any legal action;

4. internal management, research, statistics and systems administration, the development and improvement of our services;

5. the protection and promotion of our legitimate interests and the proper conduct of our obligations arising under any law or statutory instrument; and

6. to make the necessary information as specified in the relevant law and, or other rules accessible to the public.

Relevant data may be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

Every field on the form is mandatory. If you fail to fill in any mandatory field, we reserve the right to refuse the application. If any field be inapplicable to your particular circumstances please mark that field with the letters "N/A".

You have the right to be provided with access to your personal data as well as the right to rectify, or, in appropriate circumstances, erase any inaccurate, incomplete or immaterial personal data which is being processed. However, you are required to inform us immediately of any alterations relating to your personal data which we are processing.

By signing this form, you are giving your explicit consent, in terms of the Data Protection Act, on behalf of yourself and all the other persons specified in this form for the Authority to process your respective personal information as outlined above and you confirm that you have brought this Data Protection notice to the attention of these other persons and obtained their respective consents.

We undertake to implement those appropriate measures and safeguards for the purpose of protecting the confidentiality, integrity and availability of all data processed.

EIGHTH SCHEDULE
(item 2 of the First Schedule)

Band Saw

Substituted by:
L.N. 142 of 2023.

NINTH SCHEDULE
(Part IV - Enforcement)

Breaches	Minimum Administrative Penalty (€)	Maximum Administrative Penalty (€)	Continued Breaches (€ per day)
Missing Notice Board or missing or incomplete information	150	150	10
Cutting of stones and bricks not as authorised	500	1000	
Transport, deposit and storing of screed sand not as authorised	250	1000	
Obstruction of pavements and easy flow of traffic in the vicinity of the site	35	250	25
Lack of enforcement officers and, or appropriate traffic management or warning signs	100	500	
Cleanliness of the site and environment	250	1000	25
Health hygiene	250	10,000	
Inadequate hoarding	250	1000	25
Lack of enclosures or machinery too close to public passage	250	1000	25
Improperly covered ways	250	2500	25
Improper setup of barricades	500	2500	25
Unauthorised demolition and excavation between the fifteenth (15) June and thirtieth (30) September	2500	5000	500
Unauthorised works on Sundays and Public Holidays and works outside permissible hours	500	2500	
Use of a mechanical excavator and, or pneumatic drill outside the permissible hours	250	1000	
Improper dust control measures	250	1000	
Mechanical fair facing of stone on site	250	1000	
Excessive and, or unnecessary noise	250	1500	

No safe passage past the site	250	1000	25
Any other violation of obligations in accordance with the First, Second, Third or Fourth Schedule not listed in this Schedule	35	5000	
