

SUBSIDIARY LEGISLATION 623.12

MASONS' LICENCE REGULATIONS

6th August, 2024

LEGAL NOTICE 184 of 2024, as amended by Legal Notice 377 of 2024.

1. The title of these regulations is the Masons' Licence Regulations. Citation.
2. In these regulations, unless the context otherwise requires: Interpretation.
 - "Act" means the Building and Construction Authority Act; Cap. 623.
 - "applicant" means a natural person who submits an application to be issued with a licence in accordance with these regulations;
 - "Authority" means the Building and Construction Authority as established by article 5 of the Act;
 - "Board" means the Building and Construction Authority Board as established by article 11 of the Act;
 - "Chief Executive Officer" shall have the same meaning as assigned to it in the Act;
 - "Committee" means the Masons Licensing Committee as established in regulation 5;
 - "construction" shall have the same meaning as assigned to it in the Act;
 - "European Union" shall have the same meaning as assigned to it in the European Union Act; Cap. 460.
 - "licence" means a licence by means of which a person may carry out any building construction works in Malta in accordance with these regulations;
 - "mason" or "licensed mason" means any person who repairs or constructs, wholly or in part, any structure in concrete, stone, brick or steel, including the maintenance or alteration of such structure, even where the work done or commenced by such person consists merely in the erection of a wall or a column or a beam or any other structural element intended to form part of a building, or in the construction of, but not limited to, a well, cistern, cesspool or conduit for the passage of filthy water

or sewage matter or an embankment to retain soil or any other material or liquid;

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

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

Cap. 622.

"*Perit*" shall have the same meaning as assigned to it in the *Periti Act*;

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

"Register" means the Register held by the Authority as provided in regulation 17;

"third country" means a country which is not a member state of the European Union;

"Tribunal" means the Building and Construction Tribunal as established under Part VIII of the Act.

Mason's licence

3. (1) The masonry trade shall be exercised by a duly licensed mason in accordance with these regulations and any work generally relating to the construction of buildings and shall be carried out by a licensed mason or under the direction of a licensed mason.

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

Responsibility of the mason.

4. It shall be the responsibility of the licensed mason to:

(a) abide by the conditions of the licence and any requirements which may be imposed by the Authority with respect to the operation of the said licence;

(b) ensure that the execution of any works conforms with the good practice guidelines pertaining to the masonry trade which may be issued by the Authority;

(c) abide by, and conduct any construction works according to, the approved construction drawings or any other relevant document issued by the *Perit* responsible for the project;

(d) be present on the construction site throughout the duration of the construction works when the licensed mason is carrying out or was engaged to supervise the construction works.

5. (1) There shall be established a committee to be known as the Masons' Licensing Committee, which shall be appointed by the Minister after consultation with the Board.

Establishment of the Committee.

(2) The Committee shall be composed of not less than five (5) members and not more than thirteen (13) who shall have knowledge and expertise on matters related to the building and construction industry, legal affairs or other subjects related to the construction industry:

Provided that one (1) of the members shall act as the Chairperson of the Committee:

Provided further that one (1) member shall be a licensed mason:

Provided further that two (2) members shall be warranted *Periti* and one (1) of whom shall have practiced the profession for at least ten (10) years:

Provided further that the Minister may designate one (1) of the members as Deputy Chairperson and the member so designated shall have all such powers and perform all the functions of the Chairperson during the Chairperson's temporary absence or in the case of inability of the Chairperson to perform his functions.

6. The Committee shall have a secretary who shall be appointed by the Minister and who shall have such duties as may be assigned by the Committee.

Secretary to the Board.

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

Administrative support to the Committee.

8. (1) The members of the Committee and the secretary shall hold office for a term of three (3) years on such terms and conditions as the Minister may establish.

Term of office.

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

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

Functions of the Committee.

(a) to issue licenses for masons in accordance with these regulations:

Provided that the Board may establish sub-committees or appoint such persons who have professional qualifications and, or knowledge and experience in matters related to building and construction to assist in the evaluation of applications for a licence;

(b) to implement any decision taken by the Board in respect of licensing requirements including the organisation of the examination referred to in regulation 15(1);

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

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

(i) on any issue relevant to these regulations, including any application;

(ii) on any issue concerning the licensing process; and

(iii) on any other matter related to the masonry trade which the Board may be required to address by means of regulations, policies and any amendment thereof;

(e) perform such other functions as may, from time to time, be assigned to it by the Minister in consultation with the Authority.

Procedure and meetings of the Committee.

10. (1) The meetings of the Committee shall be called by the Chairperson either on his own initiative or after accepting the request of any member of the Committee, and the Committee shall also meet at such times as it may decide itself:

Provided that the Committee shall meet at least once every calendar month.

(2) The quorum of the Committee shall consist of the Chairperson or the Deputy Chairperson, and not less than half the number of the other members constituting the Committee, at the time of the meeting.

(3) The decisions of the Committee shall be taken by a simple majority of the members present at the meeting:

Provided that the Chairperson at a meeting shall have an original vote, and in case of equality of votes, a casting vote.

(4) The Committee may act notwithstanding any vacancy among its members, provided that the quorum established in accordance with sub-regulation (2) is satisfied.

(5) The Committee shall regulate its own procedure.

(6) The provisions of article 16 of the Act shall apply

mutatis mutandis to the members of the Committee.

11. The members of the Committee shall be remunerated in accordance with the criteria that may be applicable from time to time within the public sector. Remuneration of the Committee members.

12. (1) The Authority shall publish a notice in the Gazette and on the Authority's website indicating the time period within which it shall commence receiving and accepting applications for masons' licences. Publication of application for a licence.

(2) The notice shall:

(a) specify the form, information and documents required for the submission of an application for a licence in accordance with these regulations;

(b) the dates and time for the examinations; and

(c) the application fees in accordance with Schedule I.

13. The applicant shall satisfy the requirements as stipulated, whereby he: Eligibility.

(a) has attained the age of eighteen (18) years and is a citizen of Malta or of another Member State or is otherwise authorized to work in Malta in accordance with any law;

(b) is in possession of a certificate of qualification or competence in the field of building and construction:

Provided that where the Committee deems that there is a substantial difference between the certificates of qualification or competence provided by the applicant, the Committee may give the applicant the opportunity to demonstrate, by means of an aptitude test, that he has acquired the necessary experience, knowledge and, or competence to make up for such deficiency:

Provided further that if the applicant does not possess any of the certificates of qualification or competence, the Committee may consider the applicant's knowledge, competence and, or experience in masonry construction works as comparable; and

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

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

(i) at any time within two (2) years prior to the submission of his application, he has been convicted by a competent Court of an offence as contemplated in the

Act or any regulations made thereunder; or

(ii) at any time within two (2) years prior to the submission of his application, he has been convicted of any corresponding offence under the law of any country or territory outside Malta:

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

Application for
issuance of a
licence.

14. An application for the issuance of a licence shall be submitted to the Chief Executive Officer in the form prescribed by the Authority in accordance with these regulations, and shall satisfy the requirements specified in regulation 13 together with the following additional requirements:

(a) the address provided by the applicant and the applicant's electronic mail address;

(b) any other necessary information which may be requested by the Authority in accordance with these regulations;

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

(d) a conduct certificate issued in accordance with the Conduct Certificates Ordinance, issued not later than two (2) months from the submission of the application:

Cap. 77.

Provided that where the applicant is not a person habitually resident in Malta, an equivalent document issued by a competent judicial or administrative authority of the country of his habitual residence shall be provided instead.

Examination and
licensing decisions
by the Committee.
*Substituted by:
L.N. 377 of 2024.*

15. (1) The Committee shall assess the professional competence of the applicant by means of an examination held for such purpose to determine the level of competence of the applicant in the subjects listed in the Schedule II, after the applicant had successfully completed the induction course provided by the Authority or any other accredited course that the Authority may deem fit.

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

(3) The examination shall be weighed as follows:

(a) attendance of the induction and, or accredited courses – 20%;

- (b) written and, or oral – 40%; and
- (c) practical – 40%.

(4) If the applicant fails in either the written and, or oral or the practical examination, he shall have the right to resit for the said part of the examination in all the sessions provided by the Authority within a period of one (1) year:

Provided that if the applicant fails to pass the stipulated exam within a year (1) from the first exam, he has the right to reapply for the mason's licence afresh:

Provided further that the applicant may, after having failed two attempts in the stipulated one (1) year period, write to the Committee, which shall in its discretion consider the applicant's application based on experience.

(5) If the Committee accedes to the request of the applicant and reconsider the applicant's application on his experience, the Committee shall establish a subcommittee of experts which shall evaluate the applicant's portfolio.

(6) The subcommittee of experts shall be composed of five (5) members who shall have knowledge and expertise regarding matters related to the building and construction industry, legal affairs, health and safety at work or other subjects related to the construction industry:

Provided that one (1) member shall be a licensed mason:

Provided further that one (1) member shall be a warranted Perit who shall have practiced the profession for at least ten (10) years.

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

Provided that where the Committee fails to reach a decision on an application, a one (1) time concession of a period of fifteen (15) days shall be granted during which a final decision shall be reached.

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

16. (1) The Committee shall be responsible for the issuance of a mason's licence.

Issuance and
renewal of a
licence.

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

(3) Licences issued in accordance with these regulations shall be subject to renewal every two (2) years:

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

Provided further that, in the event that the application for renewal is not submitted within the prescribed period, the Committee may at its discretion, accept the renewal of the application only, if the applicant provides a valid reason.

Cap. 10. (4) For the first renewal of a licence issued prior to the coming into force of these regulations in accordance with the provisions of the Code of Police Laws, the Committee may subject the applicant to an examination process as stipulated in regulation 15.

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

- (a) the licence reference number;
- (b) the details of the licensed mason;
- (c) date of issuance of licence; and
- (d) any condition of the licence imposed by the Committee.

(2) The duly licensed mason shall inform the Authority without delay of any change in the licence details and any change in the information submitted as part of the application submission requirements in accordance with regulation 14.

Refusal of an application for a licence.
Substituted by:
L.N. 377 of 2024.

18. (1) When the Committee refuses an application, it shall notify the applicant by means of a written communication within fifteen (15) days from the date of completion of the examination.

(2) The notice as provided for in sub-regulation (1) shall specify that the applicant shall have the right, within fifteen (15) days from the communication, to request the revision of the examination and to make representations in writing to the Committee.

(3) If the Committee, after the revision and the representations made by the applicant, still deems that the applicant

failed the examination, it shall inform the applicant of its decision in writing.

19. (1) When any duly licensed mason applies to the Authority for the cancellation of the licence, the application shall be made in the form prescribed by the Authority and shall be accompanied by the payment of the cancellation fee laid down in Schedule I. The application shall include a declaration signed by applicant stating that the applicant is not aware of any proceedings or of any other reason for the institution of any proceedings which may result in the removal of his name from the register held by the Authority.

Application for the cancellation of a licence.

(2) The Committee shall within thirty (30) days from the receipt of an application to cancel the licence, remove such licence from the register:

Provided that any cancellation shall be without prejudice to the liability of the applicant in respect of any work or services rendered by the applicant prior to such cancellation, or any damages or injuries resulting therefrom.

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

20. The Authority shall request the licenced masons to attend courses when the Authority considers that new practices and regulations pertaining to the trade of mason and competencies in addition to those listed in Schedule II have been introduced, to ascertain that the applicants are able to execute any work covered by the licence:

Provision of training and courses.

Provided that the Authority shall also require the attendance and completion of such courses before any subsequent renewal application.

21. (1) Whosoever assumes the trade of mason with a suspended licence or without a valid licence issued in accordance with these regulations, shall be guilty of an offence against these regulations and shall on conviction be liable, to a fine (*multa*) exceeding one thousand euro (€1,000) but not exceeding two thousand euro (€2,000), and in the case of a continuous offence to a further fine (*multa*) of fifty euro (€50) for each day during which the offence persists.

Offences.

(2) Whosoever fails to comply with any conditions of the licence issued in terms of these regulations or who acts in breach of any provision of these regulations shall be guilty of an offence against these regulations and shall on conviction be liable, to a fine (*multa*) exceeding one thousand euro (€1,000) but not exceeding two thousand euro (€2,000), and in the case of a continuous offence to a further fine

(multa) of fifty euro (€50) for each day during which the offence persists.

(3) Whosoever makes a false declaration for the purposes of these regulations shall be guilty of an offence against these regulations and shall on conviction be liable, to a fine (*multa*) exceeding one thousand five hundred euro (€1,500) but not exceeding two thousand euro (€2,000), without prejudice to any other higher punishment for which the applicant may be subject under any other law.

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

Administrative
penalty.

22. (1) Notwithstanding any other provision of these regulations, and without prejudice to any other procedure for which the person or entity acting in breach of these regulations may be liable under any other law, in the event of any breach of these regulations, the Authority shall issue an enforcement notice in accordance with article 23 of the Act, and, or impose an administrative penalty in terms of article 26 of the Act in an amount not exceeding two thousand euro (€2,000), and in the case of a continuous offence to a further fine of fifty euro (€50) for each day during which the offence persists.

(2) In all cases where the Authority imposes an administrative penalty in respect of anything done or omitted to be done by any person in accordance with these regulations and where such act or omission also constitutes a criminal offence, no proceedings may be instituted against the person in respect of such offence when such person accepts responsibility for the breach of these regulations in respect of which the administrative penalty is imposed and implements any remedial measures as may be directed by the Authority and pays the administrative penalty imposed on him.

Suspension and
revocation of a
licence.

23. (1) Notwithstanding any other penalty and, or punishment for which the applicant, or licensed mason may be liable to under these regulations, the Act or any other law, the Board may revoke or temporarily suspend any licence issued in accordance with these regulations, for failure to comply with any conditions of the licence or with any requirement set out in the Act or any regulation made thereunder.

(2) A license suspended in accordance with these regulations may be re-issued by the Board if the breach or failure is rectified in accordance with these regulations, and such licence may be subject to any such additional conditions which the Board may deem necessary.

(3) The Court of Magistrates as a Court of Criminal Judicature may upon conviction of a licensed mason for any offence related to construction and, without prejudice to the powers of the Authority in terms of the Avoidance of Damage to Third Party Property Regulations and the Construction Industry Licensing Regulations, suspend every licensed mason from the exercise of the trade of mason for any period of time and, for this purpose, may also order the Authority to revoke a license issued in accordance with these regulations or refuse its renewal.

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

(5) Any person feeling aggrieved by a decision of the Authority concerning the revocation or suspension of a license or of any condition thereof, shall have a right of appeal to the Tribunal in terms of the Act.

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

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

Transitory
provision.
Amended by:
L.N. 377 of 2024.
Cap. 10.

Provided that all the current valid licences which expire in the year 2024 shall remain valid up to 30th June 2025, and a renewal application shall be submitted after the Authority issues such notice.

SCHEDULE I

Fees

(regulations 3, 12, 14, 16 and 19)

Application Fees in respect of:

(1) new application	€50
(2) application for the renewal of a licence	€50
(3) application for the cancellation of a licence	€50

SCHEDULE II

Professional competence for a mason
(regulations 15 and 20)

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

A. GEOMETRY:

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

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

3. Capability to:

(a) draw a bisection of a line;

(b) draw a bisection of an angle;

(c) draw a division of a line;

(d) divide a circle into twelve (12) equal parts;

(e) draw an equilateral triangle;

(f) achieve a ninety (90) degree using the 3:4:5 triangle method;

(g) find a centre of an arc;

(h) draw an extension between two (2) existing points.

4. Types of arches and their applications including installation methods.

5. Types of stairs, their applications and rules which shall be observed.

6. Line of going and the relationship between the riser and the going.

7. Computer-aided design and drafting.

8. Architectural drawing literacy.

9. Structural drawing literacy.

10. Ability to do basic surveying and setting out manually using analogue tools and using modern digital tools.

B. HEALTH AND SAFETY:

1. Sufficient knowledge of preventive measures on construction and demolition sites, including during the carrying out of alterations to buildings and excavations.

2. Sufficient knowledge of personal protective clothing required in connection with building activities.

3. Sufficient knowledge of requisites relating to the safety of third parties.

4. Sufficient knowledge of the Occupational Health and Safety Authority Act, and of regulations made thereunder related to the duties of mason. Cap. 424.

5. Adequate knowledge of working platforms and scaffoldings systems and be able to implement the adequate system for the safe use of the particular task.

6. Installation and use of access ladders.

7. Machinery certification.

8. Competence certificates.

9. First aider.

10. Fire safety.

11. Knowledge of preventive measures in confined spaces.

12. Risk Assessment and method statements.

13. Lifting plans.

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

1. Knowledge of the quality and composition of building material used in the construction of walls, roofs, columns and beams, as well as building methods adopted with the use of these materials.

2. Knowledge of different types of mortar, their composition and their use.

3. Capability of preparing details of door and window openings, preventing rainwater ingress, stone balustrades and arches.

4. Capability of carrying out alterations to existing buildings, including use of traditional tools.

5. Capability of interpreting formwork design and installation in connection with masonry and construction works.

6. Knowledge of deconstruction and demolition methods and processes.

7. Capability of execution of minor excavation works by means of hand held tools.

8. Capability to understand the difference between minor and major demolition and excavation works.

9. Capability of using machinery up to a three (3) tons.

10. Adequate knowledge of damp proofing materials and applications.

11. Adequate knowledge of waterproofing materials and applications.

12. Adequate knowledge of rainwater systems and proper implementation including the sizing of the well or reservoir.

13. Adequate knowledge of drainage systems and their proper implementation.

14. Adequate knowledge of manhole and trench construction.

15. Adequate knowledge of "kontrabejt" works and implementation.

16. Knowledge of levels and their implementation and interpolation.

17. Knowledge of the foundations types and their applications.

18. Knowledge of wall types, materials and the applications.

19. Knowledge of methods of laying and levelling.

20. Knowledge of retaining wall types and applications.

D. CONCRETE STRUCTURES:

1. Sufficient knowledge of constituents of concrete, including aggregate and admixtures.

2. Sufficient knowledge of different mix compositions for concrete and their different properties.
3. Sufficient knowledge of methods of testing of concrete in the fresh state, and the preparation of slump tests and of cubes.
4. Sufficient knowledge of details of steel reinforcement used in concrete, including anchorage, lapping and other similar practice.
5. Sufficient knowledge of concreting techniques, curing concrete and the timing for striking formwork.
6. Sufficient knowledge of interpreting formwork design details as well as the erection thereof.
7. Minimum reinforcement within a slab and its position.
8. Minimum concrete cover to steel reinforcement and the proper application of spacers.
9. Type of lintels and their application.
10. Types of beams and their application.
11. Minimum spacing of stirrups within a beam.
12. Types of concrete columns and their application.
13. Minimum spacing of links within a beam.
14. Minimum lapping lengths to reinforcement bars.
15. Type of steel reinforcement bars and mesh including their application.
16. Cantilever elements and the positioning of steel reinforcement within.
17. Shear and bending forces within a beam.
18. Identifying the tension and compression zones within a beam.
19. Buckling within columns.
20. Knowledge of basic column base design and the reinforcement within including starter bars.

E. OTHER SKILLS:

1. Interpretation of details and execution of architectural

drawings, structural and construction details.

2. Understanding and execution of any instruction given to him by the *Perit*.

3. Identification of any flaws during construction works which to his knowledge may result in a defective building or improper building construction.

S.L. 623.08.

4. Site management skills and adherence to the Construction Management Site Regulations.

5. Coordination skills to ensure proper coordination on site in terms of just in time delivery of materials in cases where storage areas are not available; managing of resources on site.

6. Adequate communication skills to ensure good communication with all stakeholders.

7. A good understanding of the works involved in all the other trades that are necessary to complete a basic building structure so as to be able to prepare for them and identify when they haven't been catered for on plan prior to commencing the works.

F. BINDING LEGISLATION:

1. Adequate knowledge of sanitary regulations, building regulations, and development planning legislation and any other regulation arising therefrom.
