

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,056, 19 ta' Mejju, 2023

Taqsim A

MALTA

ATT Nru XVI tal-2023

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda liġijiet varji dwar il-Bini u l-Kostruzzjoni.

ACT No. XVI of 2023

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various laws relating to Building and Construction.

Nagħti l-kunsens tiegħi.

(L.S.)

FRANK BEZZINA
Aġent President

19 ta' Mejju, 2023

ATT Nru XVI tal-2023

ATT sabiex jemenda liġijiet varji dwar il-Bini u l-Kostruzzjoni.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda Liġijiet Varji dwar il-Bini u l-Kostruzzjoni. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-Ministru responsabbli għall-industrija tal-kostruzzjoni u l-ippjanar tal-iżvilupp jista', b'avviż fil-Gazzetta, jistabilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet jew għal għanijiet differenti ta' dan l-Att.

TAQSIMA I

Emenda għall-Kodiċi tal-Liġijiet tal-Pulizija

2. Din it-Taqsima temenda l-Kodiċi tal-Liġijiet tal-Pulizija u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi tal-Liġijiet tal-Pulizija, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emenda għall-Kodiċi tal-Liġijiet tal-Pulizija. Kap. 10.

3. L-artikoli 95 u 96 tal-Kodiċi għandhom jiġu mħassra. Thassir tal-artikoli 95 u 96 tal-Kodiċi.

TAQSIMA II

Emendi għall-Att dwar l-Ippjanar tal-Iżvilupp

Emendi għall-Att dwar l-Ippjanar tal-Iżvilupp. Kap. 552.

4. Din it-Taqsima temenda l-Att dwar l-Ippjanar tal-Iżvilupp u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Ippjanar tal-Iżvilupp, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

5. Fl-artikolu 2 tal-Att prinċipali, it-tifsira "avviż ta' bidu" għandha tiġi sostitwita b'din it-tifsira ġdida li ġejja:

" "avviż ta' bidu" tfisser avviż sottomess mill-perit f'isem l-applikant lill-Awtorità mill-inqas hamest (5) ijiem qabel id-data tal-bidu ta' xogħlijiet jew tal-utilizzazzjoni ta' permess, sabiex jinnotifika lill-Awtorità bid-data tal-bidu tax-xogħlijiet jew tal-utilizzazzjoni ta' permess."

TAQSIMA III

Emendi għall-Att dwar l-Awtorità tal-Bini u l-Kostruzzjoni

Emendi għall-Att dwar l-Awtorità tal-Bini u l-Kostruzzjoni. Kap. 623.

6. Din it-Taqsima temenda l-Att dwar l-Awtorità tal-Bini u l-Kostruzzjoni u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Awtorità tal-Bini u l-Kostruzzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

7. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "data operattiva" għandha tiġi miżjuda din it-tifsira ġdida li ġejja:

" "deċiżjoni" tinkludi ordni, ruling jew deċiżjoni oħra irrispettivament minn kif tkun imsejjaħ;" u

(b) minnufih wara t-tifsira "kostruzzjoni" għandha tiġi miżjuda din it-tifsira ġdida li ġejja:

" "Kunsill" tfisser il-Kunsill Konsultattiv dwar il-Bini u l-Kostruzzjoni mwaqqaf bl-artikolu 49;"

Emenda tal-artikolu 7 tal-Att prinċipali.

8. Is-subartikolu (2) tal-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafi (a) u (b) tiegħu, il-kelma "tirnexxi", kull fejn tokkorri, għandha tiġi sostitwita bil-kelma "tissuċċiedi";

(b) il-paragrafu (ċ) tiegħu għandu jiġi sostitwit b'dan il-

paragrafu ġdid li ġej:

Kap. 10. "(ċ) li twettaq u tissucciedi fil-funzjonijiet li qabel kienu assenjati lill-Bord għall-Bennejja skont id-dispożizzjonijiet tal-Kodiċi tal-Liġijiet tal-Pulizija u li preżentement jinsabu fi jew taħt dan l-Att u sabiex twettaq u tissucciedi fil-funzjonijiet l-oħra relatati mal-liċenzjar ta' bennejja kif assenjati lid-Direttur tax-Xogħlijiet Pubbliċi skont il-Kodiċi tal-Liġijiet tal-Pulizija u li twettaq u tissucciedi fl-assi, id-drittijiet, ir-responsabbilitajiet u l-obbligi tal-Bord għall-Bennejja mwaqqaf skont id-dispożizzjonijiet tal-Kodiċi tal-Liġijiet tal-Pulizija safejn il-Ministru jista' jippreskrivi permezz ta' regolamenti skont dan l-Att;" u

(ċ) fil-paragrafu (k) tiegħu, il-kliem "fornituri tas-servizz;" għandhom jiġu sostitwiti bil-kliem "fornituri tas-servizz, inkluż dawk li għandhom liċenzja;".

9. L-artikolu 11 tal-Att prinċipali għandu jiġi emendat b'dan li ġej: Emenda tal-artikolu 11 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "tal-funzjonijiet ta' dan l-Att." għandhom jiġu sostitwiti bil-kliem "tal-għanijiet ta' dan l-Att."; u

(b) fis-subartikolu (16) tiegħu, minnufih wara l-kliem "Il-membri tal-Bord," għandhom jiġu miżjuda l-kliem "il-membri tal-kumitati,".

10. Minnufih wara l-artikolu 11 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej: Żieda ta' artikolu ġdid fl-Att prinċipali.

"Twaqqif ta' kumitati. 11A. Il-Ministru, wara konsultazzjoni mal-Bord, jista' jahtar kumitati sabiex iwettqu jew jassistu lill-Bord fit-twettiq ta' kwalunkwe funzjoni vestita fl-Awtorità. Il-funzjonijiet tal-imsemmija kumitati għandhom jiġu preskritti b'regolamenti magħmula mill-Ministru."

11. Fis-subartikolu (7) tal-artikolu 12 tal-Att prinċipali, minnufih wara l-kliem "li ma tkunx l-Awtorità" għandhom jiġu miżjuda l-kliem "jew kumitati imwaqqfa skont dan l-Att". Emenda tal-artikolu 12 tal-Att prinċipali.

12. Is-subartikolu (4) tal-artikolu 17 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 17 tal-Att prinċipali.

13. Minnufih wara s-subartikolu (5) tal-artikolu 18 tal-Att Emenda tal-artikolu 18 tal-Att prinċipali.

prinċipali għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(6) Il-Kodiċi jew ir-reviżjoni tiegħu ma għandhomx jidhlu fis-seħh kemm-il darba abbozz tal-imsemmi Kodiċi jew revizjoni ma jkunx ġie riferut lill-Kunsill u maħruġ għall-konsultazzjoni pubblika sabiex jippermetti lil kwalunkwe persuna perjodu ta' mhux inqas minn erba' (4) ġimgħat sabiex tagħmel rappreżentazzjonijiet lill-Bord fejn tiddikjara kif fil-fehma tagħha l-Kodiċi propost jew rivedut jista' jittejjeb sabiex jilhaq l-għan aħħari tiegħu:

Izda d-dispożizzjonijiet ta' dan is-subartikolu ma għandhomx japplikaw meta l-Kodiċi jidhlo fis-seħh wara li jkun ġie rivedut wara l-konsultazzjoni pubblika msemmija f'dan is-subartikolu."

Emenda tal-artikolu 20 tal-Att prinċipali.

14. L-artikolu 20 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-verżjoni bl-Ingliż biss, il-kliem "as the case may be may" għandhom jiġu sostitwiti bil-kliem "as the case may be"; u

(b) minnufih wara l-paragrafu (d) tiegħu għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

"(e) meta Qorti kompetenti ssib li d-detentur ta' liċenzja maħruġa skont dan l-Att, b'nuqqas ta' hila, ta' hsieb jew bi traskuraġni f'xogħol ta' bini u kostruzzjoni fdat lili u li jkun relatat mas-sengħa tiegħu, ikun ikkaġuna xi hsara lil kwalunkwe persuna jew propjretà."

Emenda tal-artikolu 21 tal-Att prinċipali.

15. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (4) tiegħu, il-kliem "lill-persuni kollha li fil-fehma tiegħu jkollhom" għandhom jiġu sostitwiti bil-kliem "lil dawk il-persuni kollha li l-Bord iqis li jkollhom"; u

(b) fis-subartikolu (5) tiegħu, il-kliem "u deċiżjoni mogħtija" għandhom jiġu sostitwiti bil-kliem "u deċiżjoni għandha tingħata".

Emenda tal-artikolu 22 tal-Att prinċipali.

16. L-artikolu 22 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subartikolu (3) tiegħu l-kliem "is-setgħa tiegħu li jidhlu" għandhom jiġu sostitwiti bil-kliem "is-setgħa li jidhlu"; u

(b) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan

is-subartikolu ġdid li ġej:

"(4) Kull ordni verbali maħruġa mill-Uffiċjal Kap Eżekuttiv jew minn kwalunkwe persuna jew persuni awtorizzati minnu għandha tkun segwita bil-miktub sa tmiem it-tieni ġurnata ta' xogħol li jmiss b'ordni ta' infurzar maħruġa taħt l-artikoli 23, 24 u 25."

17. Fis-subartikolu (8) tal-artikolu 26 tal-Att prinċipali, minnufih wara l-kliem "li tikser xi dispożizzjoni ta' dan l-Att" għandhom jiġu miżjuda l-kliem "jew ta' kwalunkwe regolamenti magħmula tahtu".

Emenda tal-artikolu 26 tal-Att prinċipali.

18. L-artikolu 33 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 33 tal-Att prinċipali.

"Registri disponibbli għall-pubbliku.

33. (1) Ir-registru għandu jkun disponibbli għall-ispezzjoni pubblika f'dawk il-ħinijiet raġonevoli li jistgħu jiġu stabbiliti mill-Awtorità.

(2) Ir-registru tad-detenturi ta' liċenzja maħruġa taħt dan l-Att għandu jiġi ppubblikat fuq is-sit web tal-Awtorità."

19. Fl-artikolu 34 tal-Att prinċipali, il-kliem "ordni, ruling jew deċiżjoni" għandhom jiġu sostitwiti bil-kelma "deċiżjoni".

Emenda tal-artikolu 34 tal-Att prinċipali.

20. L-artikolu 35 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 35 tal-Att prinċipali.

"Kompożizzjoni tat-Tribunal.

35. (1) It-Tribunal għandu jkun kompost minn avukat, perit u inġinier debitament awtorizzati, li lkoll għandu jkollhom minimu ta' ħames (5) snin esperjenza fil-professjoni. L-imsemmi avukat għandu jaġixxi bħala Chairperson u għandu jippresjedi s-seduti tat-Tribunal.

Panels.

(2) Il-Prim Ministru jista' b'ordni jstabbilixxi panels tat-Tribunal, u jista' jindika l-kategoriji ta' każijiet li għandhom jiġu assenjati lil kull panel u jista' b'ordni sussegwenti jbidel, jirrevoka jew jissostitwixxi dak l-ordni:

B'dan iżda li ebda haġa f'dan l-artikolu u ebda tibdil fil-kompożizzjoni tat-Tribunal jew fil-kwalifiki jew esperjenza meħtieġa mill-membri tiegħu li jsir minn żmien għal żmien ma għandu jaffettwa l-validità ta' kull haġa magħmula jew li għad tkun trid issir mit-Tribunal kif kompost meta jkun ġie assenjat lilu l-każ jew tal-kontinwazzjoni tal-proċeduri quddiemu fil-kompożizzjoni li biha bdew il-proċeduri."

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Żieda ta' artikolu 36A ġdid fl-Att prinċipali.

21. Minnufih wara l-artikolu 36 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Rikuża jew astensjoni ta' membru tat-Tribunal. Kap. 12.

36A. Membru tat-Tribunal jista' jiġi rikuzat jew jista' jastjeni milli jisma' appell għall-istess raġuni kif provdut fl-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u f'kull każ bħal dak, dak il-membru għandu jiġi sostitwit minn persuna oħra mahtura mis-Segretarju għal dak l-iskop minn fost il-membri tal-panel jew panels l-oħra, jew jekk ebda persuna ma tkun tista' tiġi hekk appuntata, minn persuna oħra li jkollha l-kwalifiki xierqa biex toqgħod fuq it-Tribunal, li għandha tiġi mahtura għal dak il-għan mill-President li jaġixxi fuq il-parir tal-Prim Ministru."

Żieda ta' Taqsima ġdida fl-Att prinċipali.

22. Minnufih wara t-Taqsima VIII tal-Att prinċipali għandha tiġi miżjuda din it-Taqsima ġdida li ġejja:

"TAQSIMA IX

Kunsill Konsultattiv dwar il-Bini u l-Kostruzzjoni

Twaqqif tal-Kunsill Konsultattiv dwar il-Bini u l-Kostruzzjoni.

49. (1) Għandu jiġi mwaqqaf Kunsill li jkun magħruf bħala l-Kunsill Konsultattiv dwar il-Bini u l-Kostruzzjoni li għandu jkun forum għall-konsultazzjoni u d-djalogu bejn ir-rappreżentanti ta' diversi setturi tal-industrija tal-bini u l-kostruzzjoni, il-Gvern u l-Awtorità, u sabiex jagħti pariri lill-Ministru u, jew lill-Awtorità, minn żmien għal żmien, dwar kwalunkwe haġa li ġejja:

(a) materji relatati mal-industrija tal-bini u tal-kostruzzjoni ingenerali;

(b) monitoraġġ ta' kwalunkwe żvilupp relatat mal-industrija u dwar kwalunkwe tibdil meħtieġ għal-liġijiet u r-regolamenti, politiki, prattiċi u kwalunkwe materja oħra relatata ma' tali żviluppi;

(c) politiki relatati mal-iżvilupp sostenibbli fi hdan l-industrija;

(d) materji relatati mal-kodicijiet nazzjonali tal-bini u l-kostruzzjoni u regolamenti oħra li jinkludu standards li għandhom jiġu adottati mill-industrija;

(e) il-promozzjoni tal-edukazzjoni u r-riċerka dwar l-industrija;

(f) materji oħra relatati mal-industrija jew ma' kwalunkwe funzjoni tal-Awtorità li dwarhom il-Ministru jew l-Awtorità jistgħu jeħtieġu konsultazzjoni.

(2) Il-Ministru jista' jagħmel regolamenti għall-implimentazzjoni aħjar tad-dispożizzjonijiet ta' dan l-artikolu, u mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, tali regolamenti jistgħu jinkludu regolamenti li jagħtu dettalji dwar l-istruttura u l-kompożizzjoni tal-Kunsill, u sabiex jassenjaw funzjonijiet ulterjuri jew kompiti speċifiċi lill-Kunsill b'rabta mal-industrija tal-bini u tal-kostruzzjoni."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 122 tas-16 ta' Mejju, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

FRANK BEZZINA
Acting President

19th May, 2023

ACT No. XVI of 2023

AN ACT to amend various laws relating to Building and Construction.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title and commencement.

1. (1) The short title of this Act is the Various Laws relating to Building and Construction (Amendment) Act, 2023.

(2) This Act shall come into force on such date or dates as the Minister responsible for the construction industry and for development planning may, by notice in the Gazette, establish and different dates may be so established for different articles and purposes of this Act.

PART I

Amendment to the Code of Police Laws

Amendment to the Code of Police Laws. Cap. 10.

2. This Part amends the Code of Police Laws and it shall be read and construed as one with the Code of Police Laws, hereinafter in this Part referred to as "the Code".

Deletion of articles 95 and 96 of the Code.

3. Articles 95 and 96 of the Code shall be deleted.

PART II
Amendments to the Development Planning Act

4. This part amends the Development Planning Act and it shall be read and construed as one with the Development Planning Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Development Planning Act. Cap. 552.

5. In article 2 of the principal Act, the definition "commencement notice" shall be substituted by the following new definition:

Amendment of article 2 of the principal Act.

" "commencement notice" means a notice submitted by the permit on behalf of the applicant to the Authority at least five (5) days prior to the date of commencement of works or of the utilization of a permit, to notify the Authority of the date of commencement of works or of the utilization of a permit."

PART III
Amendments to the Building and Construction Authority Act

6. This Part amends the Building and Construction Authority Act and it shall be read and construed as one with the Building and Construction Authority Act, hereinafter in this Part referred to as "the principal Act."

Amendments to the Building and Construction Authority Act. Cap. 623.

7. In article 2 of the principal Act, immediately after the definition "contractor's equipment" there shall be added the following new definitions:

Amendment of article 2 of the principal Act.

" "Council" means the Building and Construction Consultative Council established by article 49;

"decision" includes an order, ruling or other decision irrespective of how it is referred to;"

8. Sub-article (2) of article 7 of the principal Act shall be amended as follows:

Amendment of article 7 of the principal Act.

(a) in the Maltese version only, in paragraphs (a) and (b) thereof, the word "tirnexxi", wherever it occurs, shall be substituted by the word "tissuċċiedi";

(b) paragraph (c) thereof shall be substituted by the

following new paragraph:

Cap. 10. "(c) to perform and succeed in the functions which were previously assigned to the Masons Board under the provisions of the Code of Police Laws and which are presently contained in or under this Act and to perform and succeed to any other functions relating to the licensing of masons assigned to the Director of Public works under the Code of Police Laws and to perform and succeed in the assets, rights, liabilities and obligations of the Masons Board as established under the provisions of the Code of Police Laws to the extent that the Minister may prescribe by regulations under the Act;"; and

(c) in paragraph (k) thereof, the words "service providers" shall be substituted by the words: "service providers, including licences;".

Amendment of article 11 of the principal Act.

9. Article 11 of the principal Act shall be amended by the following:

(a) in sub-article (1) thereof the words "the duties of this Act." shall be substituted by the words "the purposes of this Act."; and

(b) in sub-article (16) thereof, immediately after the words "The members of the Board," there shall be added the words "the members of the committees,".

Addition of a new article in the principal Act.

10. Immediately after article 11 of the principal Act there shall be added the following new article:

"
Establishment of committees. 11A. The Minister, after consultation with the Board, may appoint committees to perform or to assist the Board in the performance of any function vested in the Authority. The functions of the said committees shall be prescribed by regulations made by the Minister.".

Amendment of article 12 of the principal Act.

11. In sub-article (7) of article 12 of the principal Act, immediately after the words "that is not the Authority" there shall be added the words "or committees established under this Act".

Amendment of article 17 of the principal Act.

12. Sub-article (4) of article 17 of the principal Act shall be deleted.

Amendment of article 18 of the principal Act.

13. Immediately after sub-article (5) of article 18 of the principal

Act there shall be added the following new sub-article:

"(6) The Code or its revision shall not come into force unless a draft of the said Code or revision has been referred to the Council and issued for public consultation thereby allowing any person a period of not less than four (4) weeks to make representations to the Board stating how in his opinion the proposed or revised Code could be improved to reach its ultimate aim:

Provided that the provisions of this sub-article shall not apply when the Code is brought into force after having been revised following the public consultation referred to in this sub-article."

14. Article 20 of the principal Act shall amended as follows:

Amendment of article 20 of the principal Act.

(a) the words "as the case may be may" shall be substituted by the words "as the case may be"; and

(b) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) where a competent Court finds that the holder of a licence issued in accordance with this Act, through unskillfulness, imprudence or carelessness in building and construction work entrusted to him and related to his trade, has caused any injury to any person or property."

15. Article 21 of the principal Act shall be amended as follows:

Amendment of article 21 of the principal Act.

(a) in sub-article (4) thereof, the words "of all the persons who in its opinion to have" shall be substituted by the words "to all the persons who the Board considers to have"; and

(b) in sub-article (5) thereof, the words "and a decision delivered" shall be substituted by the words "and a decision shall be given".

16. Article 22 of the principal Act shall be amended by the following:

Amendment of article 22 of the principal Act.

(a) in sub-article (3) thereof the words "his power of entry" shall be substituted by the words "the authority to enter"; and

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) Any verbal order issued by the Chief Executive

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Officer or by any person or persons authorised by him shall be followed in writing within the next two working days by an enforcement order issued under articles 23, 24 and 25."

Amendment of article 26 of the principal Act.

17. In sub-article (8) of article 26 of the principal Act, immediately after the words "infringes any provision of this Act" there shall be added the words "or of any regulations made thereunder".

Substitution of article 33 of the principal Act.

18. Article 33 of the principal Act shall be substituted by the following new article:

"Registers accessible to the public.

33. (1) The register shall be made available for public inspection at such reasonable times as may be determined by the Authority.

(2) The register of licence holders issued under this Act shall be published on the website of the Authority."

Amendment of article 34 of the principal Act.

19. In article 34 of the principal Act, the words "order, ruling or decision" shall be substituted by the word "decision".

Substitution of article 35 of the principal Act.

20. Article 35 of the principal Act shall be substituted by the following new article:

"Composition of Tribunal.

35. (1) The Tribunal shall be composed of an advocate, a *perit* and an *inginier* duly warranted, all of whom shall have a minimum of five (5) years experience in the profession. The said advocate shall act as Chairperson and shall preside over the sittings of the Tribunal.

Panels.

(2) The Prime Minister may by order establish panels of the Tribunal, and may designate the categories of cases that shall be assigned to each panel and may by subsequent order change, revoke or substitute such order:

Provided that nothing in this article and no changes in the composition of the Tribunal or in the qualifications or experience required of its members occurring from time to time shall affect the validity of anything done or still to be done by the Tribunal as composed when the case was assigned to it or of the continuation of proceedings before it in its composition when the proceedings commenced."

Addition of new article 36A to the principal Act.

21. Immediately after article 36 of the principal Act there shall be

added the following new article:

"Challenge or abstention of member of the Tribunal. Cap. 12.

36A. A member of the Tribunal may be challenged or may abstain from hearing an appeal for the same reasons as provided in article 734 of the Code of Organization and Civil Procedure and in any such case, that member shall be substituted by another person appointed by the Secretary for such purpose from amongst the members of the other panel or panels, or if no such person can be so appointed, by another person duly qualified to sit on the Tribunal, and who shall be appointed for the purpose by the President acting on the advice of the Prime Minister."

22. Immediately after Part VIII of the principal Act there shall be added the following new Part:

Addition of a new Part to the principal Act.

"PART IX

Building and Construction Consultative Council

Establishment of the Building and Construction Consultative Council.

49. (1) There shall be established a Council to be known as the Building and Construction Consultative Council which shall be a forum for consultation and dialogue between the representatives of various sectors of the building and construction industry, the Government and the Authority, and to advise the Minister and, or the Authority, from time to time, on any of the following:

- (a) matters related to the building and construction industry in general;
- (b) monitoring of any development related to the industry and on any necessary changes to laws and regulations, policies, practices and any other matter related to such developments;
- (c) policies related to sustainable development within the industry;
- (d) matters related to the national building and construction codes and other regulations that include standards to be adopted by the industry;
- (e) the promotion of education and research about the industry;
- (f) other matters related to the industry or to any function of the Authority about which the Minister or the Authority may require consultation.

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(2) The Minister may make regulations for the better implementation of the provisions of this article, and without prejudice to the generality of the aforesaid, such regulations may include regulations detailing the structure and composition of the Council, and for assigning further functions or specific tasks to the Council in relation to the building and construction industry."

Passed by the House of Representatives at Sitting No. 122 of the 16th May, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives