

## Submission of Feedback by the Chamber of Engineers:

### Construction Industry Licensing Regulations, 2023

Engineers are critical players in the multi-disciplinary chain of professionals in the building & construction industry and are behind every safe and successful construction project. As buildings become ever more complex and with correspondingly stricter requirements, the engineer is required at the earliest phase of the design stage to ensure a building that is safe, habitable and energy efficient throughout its lifecycle. *Inġiniera* are central in ensuring health & safety for the consumers of construction projects and have a professional mission to ensure that all players in the project work with such a vision in mind.

As a matter of fact, for the past years, the Chamber of Engineers had expressed public endorsement to the concept of a licensing system for the key operators in the construction industry to ensure accountability and safety throughout the industry. The Chamber has collated feedback received from *Inġiniera* and is contributing to the public consultation on the proposed subject regulations.

1. **Clause 2- 'Certified Equipment'**- The definition should state that heavy or mobile plant and other equipment shall be certified by an *Inġinier* (as per *Inġiniera* Act Cap.321). The definition currently specifies who should operate the equipment i.e. trained persons, but not who will certify them. This gap needs to be addressed.
2. **Part II- Clause 6 (2) a)** – More specific requirements for the Chairperson should be considered as valuable for the legislation.
3. **Part II- Clause 6 (2) b)** - The composition of the 'Contractors Licensing Committee' shall include an *Inġinier* having substantial knowledge and experience on matters related to the certification of heavy plant or mobile plant or other construction equipment. The *Inġinier* would add value to the Committee by reviewing the certifications that would be submitted by the applicant/ entity. The *Inġinier* should have practiced the profession for at least ten (10) years just like the *Perit* on the Board.
4. **Clause 14 (c)** - In addition to the contractor's all risk policy (CAR), the applicant shall provide a Tool of Trade Insurance policy. A contractor's all risks policy (CAR) covers damage caused as a result of any construction or refurbishment works, whilst a tool of trade Insurance provide protection against legal liability to pay construction following third-party property damage and/or bodily injury whilst the vehicle is being operated as a tool. This applies to mobile cranes, lorry-loaders, skip-loaders, any type of hook-loaders, etc.
5. **Clause 15 (3) (v)**- The regulations should state who will be providing the declaration that the entity is not bankrupt i.e. whether by a bank or by an accountant.
6. **Clause 16**- The regulations should state that a register of license holders shall be made publically available by the BCA (e.g on the website) so that the public can check whether a contractor is legitimately licensed or not.

7. **Clause 20 (1)** – The Chamber recommends that the license is made valid for a period of 12-months and that it shall be renewed every year in order to make sure that the applicant upkeeps the valid documentation such as insurances, certificates for heavy plant or any other equipment, etc. Three-years increase the risk of non-compliance by a license holders. Renewal fees may be adjusted accordingly as long as the submission is on a yearly basis like many other licenses which are related to public health and safety.
8. **Schedule 2- Criteria for each Service Activity – A. Licensing of Demolition Contractors - Clause 2-** In addition to the Level 4 Certificate in Demolition Plant Supervisor, the applicant or employee representing the entity shall have a certificate of competence in operating heavy plant equipment / mobile crane / tower crane / lorry-loader, etc which should be renewable every 3 years. The Level 4 Certificate in Demolition Plant Supervisor is not renewable and through this proposal, we are making sure that the operators are being trained every three (3) years.  
Note: The above applies as well for **B. Criteria for the Licensing of Excavation and Piling Contractors- Clause 2** and **C. Criteria for the Licensing Construction- Clause 2**.
9. **General Comments:**
- The applicant or employee representing the entity should have a certificate of competence in basic health and safety such as the skills card. Ultimately as from 1<sup>st</sup> January 2025 which should be imposed for all employees.
  - The Building and Construction Act provides the following definition for demolition, namely: *"demolition" means the pulling down or removal of structural elements and other non-structural building components including any necessary contingent measures to carry out such works;*. Where building alterations are required to be carried-out, these are classified as demolition works. Such alterations are usually carried-out by a licensed mason which would classify for Construction (building and civil engineering works) and a demolition contractor will not be suitable for such works. On the other-hand, a contractor for Construction would not classify as a Demolition Contractor since he might not have the equipment for demolition works. Such grey area should be addressed in the proposed LN for licensing of contractors.
  - The Chamber recommends that the Regulations for licensing cover also contractors in subsequent phases of construction projects, related to finishings of buildings, which ultimately lead to a building being habitable. This also applies to contractors in renovation of the existing building stock. Such a proposal is based on a vision which addresses the issue of licensing in a more comprehensive manner.

In conclusion, the CoE trusts that this feedback is carefully evaluated by the consultation reviewers as a constructive contribution from the engineering community. As a Chamber we strongly recommend that the Government further recognises the importance of the Engineering profession to this industry by giving more legislative prominence to the *Inġinier* and the *Inġiniera* Act Cap.321. The CoE makes itself available to authorities to further elaborate this feedback and give advice and support where needed.