



## Avoidance of damage to third party property related questions.

### **How do I find out about Avoidance of Damage to Third Party Property Regulations?**

The Regulations can be viewed and downloaded from the BRO website - <http://www.bro.gov.mt>

### **To which construction work do the Regulations apply?**

The Regulations are applicable to

- (a) excavation works
- (b) demolition or removal of existing structures
- (c) building of additional storeys or load-bearing structures and (d) construction of new buildings.

### **Do I need to submit any documents to the Building Regulation Office (BRO) if I have already obtained planning permission?**

The answer is Yes. For **all types of development**, one has to submit a condition report of third party property, which is contiguous to the development.

Other documents, which have to be submitted, are:

1. a copy of insurance cover of not less than €500,000 including the value of the relevant excess
2. a method statement
3. a bank guarantee

Note: The *condition report* and *method statement* are reports prepared by a *perit*.

### **Is there any cost to submit the documents?**

No – Currently, there are no fees which relate to the submission of documents.

### **Is a condition report required if the development site is contiguous to a third party yard/open space?**

If the yard/open space is less than 2.5m in depth, the answer is Yes. If the said distance exceeds 2.5m, a declaration by a *perit* indicating the actual distance must be submitted in order to be exempt from submitting the relevant condition report.

### **What should the value of the bank guarantee be?**

It should be equivalent to one of the following options:

1. twice the maximum excess of the relevant insurance policy, or
2. €3000 for each storey of existing third party property/ies, which is/are contiguous to the development site, for the first 5 properties and a further €1000 for each additional contiguous property, up to a maximum of €40,000

Note: One may submit a bank guarantee covering demolition works, excavation works and another covering the construction phase.

### **Are there any exemptions?**

Yes. The following types of works are exempt from the (a) submission of the method statement, (b) a copy of third-party insurance and (c) bank guarantee:

1. Excavations, including trenching works, which are less than 1.5m deep
2. Internal and external structural alterations, including removal/building of walls, or replacement of roofs where the total cost of the structural alteration works do not exceed €30,000

Notes:

- (i) One still has to submit a condition report of third party property, which is contiguous to these types of works.
- (ii) **Additions**, including extension of roofs, new roofed areas and stairs **are not** exempt.

### **Does the BRO provide a standard form for the bank guarantee?**

The answer is No, each and every commercial bank has its own form for specific use.

### **Who is responsible for adherence to these Regulations?**

The responsibility lies with the site manager who is nominated by the developer.

**Do I need to submit a condition report even if third party property/ies is/are not directly overlying or underlying the proposed development?**

Yes, a condition report is required for all underlying and overlying levels within the building.



*It is envisaged that more FAQ's will be added in the near future.*