

Test of Reasonableness Board (TORB)

As per the Equal Opportunities (Persons with Disability) Act I of 2000 Cap. 413 of the Laws of Malta

6th November 2019

Our Ref: OctTORB_06

Mr. John Sciberras
118, St. John's Flats
St. Anthony Street
San Gwann SGN 1439

AC016/16 – San Gwann – Case followed by the Investigations Unit within CRPD under the Equal Opportunities Act following complaints received about the lack of accessible entrance to Café Da Roberto.

On Wednesday 30th October 2019 the Test of Reasonableness Board (TORB) discussed a request for exemption received on the above indicated cafeteria. Perit Bernice Van Dijk, Mr. John Sciberras and Mr. Mark Bugeja were present on behalf of the applicant.

Exemption was requested in view that the customer floor space together with the sanitary facilities of the cafeteria totals to 73sqm and since paragraph 1.1 of MEPA Circular 2/14 states that spaces which are required to be in line with access for all regulations which have a floor space of less than 75sqm (excluding stores and kitchens) shall remain exempted from the "access for all" requirements.

The Board wishes to raise the attention of the applicant that the quoted MEPA Circular 2/14 Paragraph 1.1 states that only "Stores and kitchens are specifically excluded for the purpose of area computation" however the applicant excluded also the bar area and more importantly the outside terrace area which is currently being used as a tables and chairs customer area. Therefore, taking all arguments in consideration, the TORB concluded that it is **NOT REASONABLE** to exempt since cafeteria is not under 75sqm.



Rita Vella
Chairperson
Test of Reasonableness Board