

(Consolidated Version)

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT

Act 35 of 2008 – 1 February 2009

(unless otherwise indicated)

Amended 38/11 (P13/12 – cio 2/4/12); 27/13 (cio 21/12/13); P 25/14 (cio 1/8/14 – sections 18 to 25); 2/15 (cio 1/2/15, 26/3/15); 31/16 (P 15/17 – cio 1/3/17 except for s. 5); 31/16 – P 11/19 (s. 5(a) – cio 1/4/19); 13/19 (cio 25/7/19); 7/2020 (cio 7/8/2020); 12/21 – P 9/21 (cio 1/10/21);

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CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT

1. Short title

This Act may be cited as the Construction Industry Development Board Act.

2. Interpretation

(1) In this Act—

“authorised officer” means an employee of the Board designated as such by the Executive Director under section 15;

“Board” means the Construction Industry Development Board established under section 4;

“Chairperson” means the Chairperson of the Council appointed under section 8;

“civil works” includes any works relating to –

- (a) a road, a railway, a tramway, an aircraft runway, a canal, a waterway, a harbour, a port or a marina;
- (b) a line or cable for electricity or telecommunications;
- (c) a pipeline for water, gas, oil, sewerage or other material;
- (d) a path, a pavement, a ramp, a tunnel, a slipway, a dam, a well, an aqueduct, a drain, a levee, a seawall or a retaining wall; and
- (e) any works, apparatus, fittings, machinery or plant associated with any works referred to in paragraph (a);

[Inserted 31/16 (cio 1/3/17)]

“committee” means a committee appointed by the Council under section 10;

“construction industry” means the industry dealing with construction works and construction services;

“construction services” includes –

- (a) the supply of plant and materials for construction works by sale, hire or otherwise; and
- (b) such other services as may be prescribed;

[Inserted 31/16 (cio 1/3/17)]

“construction works” includes, whether for a permanent purpose or not, any of the following works –

- (a) reclaiming of land, draining or preventing subsidence of land, movement or erosion of land;
- (b) installing, altering, repairing, restoring, maintaining, extending, dismantling, demolishing or removing any works, apparatus, fittings, machinery or plant, associated with any works referred to in paragraph (a);
- (c) constructing a building or structure, that forms or will form part of land or the sea bed, whether above or below it;
- (d) fixing or installing any thing to a building or structure, including –

- (i) fittings for civil works, electricity, gas, water, fuel oil, air sanitation, irrigation, telecommunications, air-conditioning, heating, ventilation, fire protection or cleaning; and
 - (ii) lifts, escalators, insulation, furniture and furnishings;
 - (e) altering, repairing, restoring, maintaining, extending, dismantling, demolishing or removing any thing to a building or structure or any fittings as described in paragraph (d);
 - (f) civil works;
 - (g) any work that is preparatory to, or necessary for the completion of, any work referred to in paragraphs (a) to (e), including –
 - (i) site or earth works, excavating, earthmoving, tunneling or boring;
 - (ii) laying foundations;
 - (iii) erecting, maintaining or dismantling temporary works, a temporary building or temporary structure, including a crane or other lifting equipment, and scaffolding;
 - (iv) cleaning, painting, decorating or treating any surface; and
 - (v) site restoration and landscaping;
 - (h) such other works as may be prescribed;
- [RR 31/16 (cio 1/3/17)]

“consultancy services”–

- (a) means all aspects of architectural, engineering, quantity surveying, project management and any other services related to construction works; and
 - (b) includes services related to such other fields of specialisation as may be prescribed;
- [RR 31/16 (cio 1/3/17)]

“consultant” –

- (a) means a firm that provides consultancy services in the construction industry; and
- (b) in relation to sections 23 to 26, includes a foreign consultant;
[Repealed and replaced by 38/11 (2/4/12).]

“contractor” –

- (a) means a person who, or a firm that, carries out construction works in the construction industry; and
- (b) in relation to sections 23 to 26, includes a foreign contractor;
[Repealed and replaced by 38/11 (2/4/12).]

“Council” means the Council referred to in section 8;

“Executive Director” means the person appointed as such under section 11;

“financial year” means the period starting on 1 July and ending on 30 June in the following year;

“foreign consultant” means a firm –
[Amended 2/15 (cio 26/3/15).]

- (a) that provides consultancy services in the construction industry; and
- (b) the control of which is vested in a person who is a non-citizen;
[Amended 2/15 (cio 26/3/15); 12/21 (cio 1/10/21).]

[Repealed and replaced by 38/11 (2/4/12).]

“foreign contractor” means –
[Amended 2/15 (cio 26/3/15).]

- (a) in the case of an individual, a contractor who is a non-citizen and carries out construction works in the construction industry; or
[Amended 2/15 (cio 26/3/15).]
- (b) a firm, the control of which is vested in a person who is a non-citizen, that carries out construction works in the construction industry;
[Amended 2/15 (cio 26/3/15).]

[Repealed and replaced by 38/11 (2/4/12).]

“General Fund” means the General Fund established under section 31;

“member” means a member of the Council and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of public infrastructure is assigned;

“non-citizen” has the same meaning as in the Non-Citizens (Property Restriction) Act;
[Inserted 38/11 (cio 2/4/12).]

“project management” means the planning, supervision and control of a construction project;

“Register” means the Register of Consultants, the Register of Contractors, the Register of Service Providers or the Register of Suppliers, as the case may be, referred to in section 18;
[Repealed and replaced 12/21 (cio 1/10/21).]

(2) –
[Repealed 2/15 (cio 26/3/15).]

(3) –
[Repealed 2/15 (cio 26/3/15).]

“service provider” means a person referred to in section 20A(1);
[Inserted 12/21 (cio 1/10/21).]

“supplier” means a person referred to in section 20A(2).
[Inserted 12/21 (cio 1/10/21).]

[S. 2 amended by s. 8 of Act 38 of 2011 w.e.f.2 April 2012; s. 3 of Act 2 of 2015 w.e.f. 26 March 2015; s. 3 of Act 31 of 2016 w.e.f.1 March 2017; s. 3 of Act 12 of 2021 w.e.f. 1 October 2021.]

3. Application of Act

(1) This Act shall not apply to—
[Amended 31/16 (cio 1/3/17)]

- (a) any person who undertakes construction works of the value specified in the First Schedule;
- (b) a statutory corporation which acts as consultant or contractor for any consultancy services or construction works, as the case may be, for or on behalf of the Government;

[Amended 31/16 (cio 1/3/17)]

- (c) a foreign consultant or foreign contractor that provides consultancy services or undertakes construction works, as the case may be, in relation to a project under an agreement or arrangement between Mauritius and a foreign State, or a foreign financial or banking institution, or by an international financial organisation.

[Added 31/16 (cio 1/3/17); amended 12/21 (cio 1/10/21).]

(2) (a) Where a statutory corporation acts as a consultant or contractor pursuant to subsection (1)(b), that statutory corporation shall inform the Council accordingly.

(b) Where a foreign consultant or foreign contractor provides consultancy services or undertakes construction works pursuant to subsection (1)(c), the Ministry or other body to whom responsibility for that project is assigned shall inform the Council of the name of the foreign consultant or foreign contractor.

[Added 31/16 (cio 1/3/17)]

(3) (a) Notwithstanding this Act but subject to paragraph (b), nothing shall preclude a person who is registered as –

- (i) a professional architect under the Professional Architects' Council Act from taking or using the name, description or title of "consultant" in his respective field;
- (ii) a professional quantity surveyor under the Professional Quantity Surveyors' Council Act from taking or using the name, description or title of "consultant" in his respective field;
- (iii) a registered professional engineer under the Registered Professional Engineers Council Act from taking or using the name, description or title of "consultant" in his respective field.

(b) Paragraph (a) shall not apply to a person who is employed as a professional architect, professional quantity surveyor or registered professional engineer by any other person.

[Added 12/21 (cio 1/10/21).]

[S. 3 amended by s. 4 of Act 31 of 2016 w.e.f. 1 March 2017; s. 4 of Act 12 of 2021 w.e.f. 1 October 2021.]

4. The Board

There is established for the purposes of this Act the Construction Industry Development Board which shall be a body corporate.

5. Objects of Board

The objects of the Board shall be to—

- (a) promote the development and improvement of the construction industry;
- (b) promote sustainable growth of the construction industry;
- (c) promote and encourage the participation of the small and medium enterprises in the construction industry;
- (d) promote and assist in the export of services relating to the construction industry;
- (e) promote and stimulate quality assurance in the construction industry;
- (f) promote the awareness of the need for a safe and healthy work environment in the construction industry;
- (g) promote and establish best practice in the construction industry;
- (h) promote research and development relating to the construction industry; and
- (i) facilitate communication between stakeholders of the construction industry.

6. Functions of Board

The functions of the Board shall be to—

- (a) implement government policy relating to the construction industry;
- (b) regulate and register providers of construction works and construction services, and suppliers of construction materials, equipment, plant and labour for construction purposes;
[Amended 31/16 (cio 1/4/19).]
- (c) exercise regulatory functions in respect of the construction industry, including the registration of consultants and contractors;
- (d) provide advisory services to the construction industry and to the public in general;
- (e) publish an annual list of registered consultants, contractors, service providers and suppliers;
[Amended 12/21 (cio 1/10/21).]
- (f) advise and make recommendations to the Minister on matters relating to the construction industry;
- (g) encourage the standardisation and improvement of construction materials and techniques;
- (h) develop standard forms of construction agreements and contracts;
- (i) develop and maintain a construction industry information system;

- (j) develop and promote training programmes for operators of the construction industry;
- (k) advise relevant authorities on human resources development of the construction industry;
- (l) conduct surveys on the construction industry;
- (m) entertain complaints in connection with construction works and construction services and where necessary refer them to appropriate authorities;
- (n) publish periodically indicative schedules of rates for construction works; and
- (o) perform such other functions as may be necessary to further its objects.

[S. 6 amended by s. 5 of Act 31 of 2016 w.e.f. 1 April 2019; s.5 of Act 12 of 2021 w.e.f. 1 October 2021.]

7. Powers of Board

The Board may—

- (a) do all such acts as are necessary for it to achieve its objects and perform its functions, and in particular—
 - (i) register consultants, contractors, service providers and suppliers in the construction industry;
[Amended 12/21 (cio 1/10/21).]
 - (ii) cancel, suspend or reinstate the registration of any consultant, contractor, service provider or supplier;
[Amended 12/21 (cio 1/10/21).]
 - (iii) charge a reasonable fee in respect of any services provided by the Board;
- (b) subject to the approval of the Minister, accept grants or take a loan.

[S. 7 amended by s. 6 of Act 12 of 2021 w.e.f. 1 October 2021.]

8. The Council

(1) The Board shall be administered by the Construction Industry Development Council.

(2) The Council shall consist of—

- (a) a Chairperson, who shall be appointed by the Minister;
- (b) a representative of the Ministry;
[Repealed and replaced 2/15 (cio 26/3/15).]
- (c) a representative of the Ministry responsible for the subject of environment;
[Repealed and replaced 2/15 (cio 26/3/15).]
- (d) a representative of the Ministry responsible for the subject of local government;
[Repealed and replaced 2/15 (cio 26/3/15).]

(e) a professional architect, being a member of the Professional Architects' Council established under the Professional Architects' Council Act, to be designated by the Council;

[Repealed and replaced 2/15 (cio 26/3/15); RR 12/21 (cio 1/10/21).]

(f) a professional quantity surveyor, being a member of the Professional Quantity Surveyors' Council established under the Professional Quantity Surveyors' Council Act, to be designated by the Council;

[Repealed and replaced 2/15 (cio 26/3/15); RR 12/21 (cio 1/10/21).]

(g) a registered engineer, being a member of the Council of Registered Professional Engineers of Mauritius established under the Registered Professional Engineers Council Act, to be designated by the Council;

[Repealed and replaced 2/15 (cio 26/3/15); RR 12/21 (cio 1/10/21).]

(h) a representative of the small and medium enterprises of the construction sector, to be appointed by the Minister;

[Repealed and replaced 2/15 (cio 26/3/15).]

(i) a representative of an association of contractors for building and civil engineering works, to be appointed by the Minister;

[Repealed and replaced 2/15 (cio 26/3/15).]

(j) a representative of an association of contractors for mechanical and electrical works, to be appointed by the Minister;

[Repealed and replaced 2/15 (cio 26/3/15).]

(k) a person having wide experience in the construction industry, to be appointed by the Minister;

[Repealed and replaced 2/15 (cio 26/3/15); amended 12/21 (cio 1/10/21).]

(l) a representative of an association of consulting engineers, to be appointed by the Minister.

[Added 12/21 (cio 1/10/21).]

(2A) Where a member of a Council referred to in subsection (1)(e) to (g) is to be designated at a specified time, not being less than one month, and at the expiry of the specified time the member has not been designated by his respective Council, the Minister shall appoint another professional architect, professional quantity surveyor or registered engineer, as the case may be, to act as member of the Construction Industry Development Council.

[Inserted 12/21 (cio 1/10/21).]

(3) Every member of the Council, other than the a member referred to in subsection (2)(b), (c) and (d), shall hold office for a period of 2 years.

[Amended 2/15 (cio 26/3/15).]

(4) A member other than an ex officio member may not serve for more than 2 consecutive terms, unless the Minister reappoints him on account of his exceptional experience or the importance of his continued membership for the purpose of implementing a plan of action that he initiated.

(5) A member must immediately vacate his office—

(a) if he is convicted of any offence involving fraud or dishonesty;

(b) if he has been removed from an office of trust on account of his misconduct;

- (c) for any reason stated in section 37 (3) of the Interpretation and General Clauses Act.

(6) Every member of the Council shall be paid from the General Fund such fees and allowances as the Minister may determine.

[S. 8 amended by s. 4 of Act 2 of 2015 w.e.f. 26 March 2015; s. 7 of Act 12 of 2021 w.e.f. 1/October 2021.]

9. Meetings of Council

(1) Subject to subsections (2) to (5), the Council shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Council shall meet at least once a month at such place and time as the Chairperson may determine.

(3) Seven members shall constitute a quorum.

[Amended 2/15 (cio 26/3/15); 12/21 (cio 1/10/21).]

(4) (a) The Council may co-opt such person as may be of assistance in relation to any matter brought before it.

(b) A person co-opted under paragraph (a) shall have no right to vote.

(5) (a) Every meeting of the Council shall be presided over by the Chairperson.

(b) In the absence of the Chairperson, the members present shall, in relation to that meeting, elect one of them to act as Chairperson and exercise the functions and have the powers of the Chairperson.

[S. 9 amended by s. 5 of Act 2 of 2015 w.e.f. 26 March 2015; s. 8 of Act 12 of 2021 w.e.f. 1 October 2021.]

10. Committees

(1) The Council may appoint such committees as it considers appropriate to assist it in carrying out its functions.

(2) Any committee may consist of members of the Council and such other persons as the Council thinks fit to designate.

(3) Every committee shall be subject to, and act in accordance with, any directive given to it by the Council.

(4) Every committee shall regulate its meetings and proceedings in such manner as it thinks fit.

(5) A committee may invite any person to attend any of its meetings for the purpose of advising it on any matter under discussion, provided that the person so invited shall not be entitled to vote at any such meeting.

(6) The members of a committee or any person invited under subsection (5) to attend any meeting of a committee may be paid such fees and allowances as the Council may determine.

11. Executive Director

(1) There shall be an Executive Director who shall be the chief executive officer of the Board.

(2) The Executive Director shall be appointed by the Council, with the approval of the Minister, on such terms and conditions as it thinks fit.

(3) The Executive Director shall be responsible to the Council for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Council.

(4) The Executive Director shall—

- (a) attend every meeting of the Council;
- (b) take part in the deliberations of the Council but shall not have the right to vote; and
- (c) have the custody of all documents relating to the Board and keep minutes of all proceedings of the Council.

12. Appointment of staff

(1) The Council may employ, on such terms and conditions as it thinks fit, such persons as may be necessary for the proper discharge of the functions of the Board.

(2) Any person appointed under subsection (1) shall be under the administrative control of the Executive Director.

13. Conditions of service of staff

The Council may, with the approval of the Minister, make provision to govern the conditions of service of employees and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to employees;
- (b) appeals by employees in case of dismissal or any other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes, medical schemes and the contribution payable to and the benefits recoverable from those schemes.

14. Disclosure of interest

Where a member of the Council, the Executive Director or any employee has a direct or indirect interest in any matter brought before the Council, he—

- (a) shall immediately inform the Council; and
- (b) shall not participate in the deliberations or any part of the decision making process in relation to that matter.

15. Powers of authorised officers

(1) The Executive Director may designate in writing such employees as he thinks fit to be authorised officers for the purpose of ascertaining whether the provisions of this Act or any regulations made under this Act are being complied with.

(2) An authorised officer may, for the purposes of discharging his functions or exercising his powers—

- (a) enter, at all reasonable times, a construction site; and
- (b) make such enquiry or inspection as he thinks fit.

(3) In the course of an enquiry or an inspection under this section, an authorised officer may—

- (a) direct any person to submit information on the registration of a consultant, contractor, service provider or supplier;
[Amended 12/21 (cio 1/10/21).]
- (b) require the production of any records kept by a consultant, contractor, service provider or supplier in the discharge of his duties and may make copies or take extracts of such records;
[Amended 12/21 (cio 1/10/21).]
- (c) retain possession of the documents or records for such period as is reasonably necessary for the purpose of the enquiry to which the documents or records relate;
- (d) on a construction site—
 - (i) inspect such equipment as he may consider necessary;
 - (ii) take or remove samples of any substance or things found on the site free of any charge;
 - (iii) take photographs and measurements and make sketches and recordings on the site;
 - (iv) require any person to state his name and residential address;
 - (v) require any person to give him such assistance as he may require.

(4) Every authorised officer shall produce, on request being made, his authority to any person referred to in subsection (3).

(5) On completion of his enquiry or inspection, the authorised officer shall submit to the Executive Director a report together with any information obtained and documents produced to him.

(6) The Executive Director shall, after consideration of the report and the information and documents submitted under subsection (5), make such recommendations to the Council as he considers appropriate.

[S. 15 amended by s. 9 of Act 12 of 2021 w.e.f. 1 October 2021.]

16. Protection from liability

No liability, civil or criminal, shall attach to the Council, any member of the Council, or member of a committee, or officer of the Board, for any damage or loss suffered by any person in consequence of any act or thing which was done, or omitted to be done, in good faith in the exercise or performance of a power or function under this Act.

17. Powers of Minister

The Minister may give directions of a general character to the Board, not inconsistent with the objects of this Act, and the Board shall comply with such directions.

18. Register

(1) The Council shall keep and maintain a Register of Consultants, a Register of Contractors, a Register of Service Providers and a Register of Suppliers at its office, in which shall be entered—

[Amended 12/21 (cio 1/10/21).]

(a) the names, business addresses, grades and field or area of specialisation, as the case may be, of every consultant, contractor, service provider or supplier registered under this Act;

[Amended 31/16 (cio 1/3/17); 12/21 (cio 1/10/21).]

(b) such other particulars as the Council may, from time to time, determine.

(2) The Register of Consultants, the Register of Contractors, the Register of Service Providers and the Register of Suppliers shall be made available for inspection by members of the public at all reasonable times during office hours.

[Amended 12/21 (cio 1/10/21).]

(S. 18 cio on 1 August 2014 – P 25/14)

(3) A Register shall be kept in such form and manner as the Council may determine.

[Added 12/21 (cio 1/10/21).]

[S. 18 amended by s. 6 of Act 31 of 2016 w.e.f 1 March 2017; s. 10 of Act 12 of 2021 w.e.f. 1 October 2021]

19. Registration of consultant and contractor

(1) No person shall offer his services as a consultant or as a contractor, unless he is registered under this Act.

(2) An application for registration as a consultant or as a contractor shall be made in such form and manner as the Council may approve and shall be accompanied by such non-refundable processing fee as may be prescribed.

[Repealed and replaced by 38/11 (2/4/12); amended 27/13 (cio 21/12/13); 31/16 (cio 1/3/17)]

(3) (a) The Council may require an applicant to attend an interview to be conducted by a panel constituted of members of the Council and such other persons as the Council may appoint.

(b) The Council may reject an application where the applicant fails, without reasonable excuse, to attend an interview.

(4) The Council may require from an applicant such information as is necessary to determine—

(a) his standard of performance and his track record;

(b) his financial capability to ensure financial commitments for the works or services he will be undertaking;

(c) whether he has the necessary resources to undertake construction works and services corresponding to the classes, grades, fields or areas of registration applied for, as the case may be; and

[RR 31/16 cio 1/3/17]

- (d) whether he is a fit and proper person to be registered, taking into consideration his reputation, character and reliability.
[Amended 12/21 (cio 1/10/21).]

(5) The Council shall not grant an application for registration where—

- (a) the applicant has been adjudged bankrupt or declared insolvent, or, in the case of a corporate body, has been the subject of a winding up order;
- (b) any of the principals, associates or partners of a consultancy firm or contractor has been found guilty of professional misconduct by a recognised professional body and his participation was, in the opinion of the Council, material for the grant of the registration;
- (c) the applicant has been convicted of an offence involving fraud or dishonesty;
[Amended 12/21 (cio 1/10/21).]
- (d) the applicant has submitted misleading or insufficient information for the purposes of his registration;
[Amended 12/21 (cio 1/10/21).]
- (e) the standard of performance and the track record of the applicant demonstrate that the applicant has been negligent in the provision of his consultancy services or construction works;
[Added 12/21 (cio 1/10/21).]
- (f) the applicant has, without good cause, abandoned any of his consultancy services or construction works;
[Added 12/21 (cio 1/10/21).]
- (g) the applicant does not have the necessary resources to undertake construction works corresponding to the class, grade, field or area of specialisation applied for, as the case may be;
[Added 12/21 (cio 1/10/21).]
- (h) the applicant is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
[Added 12/21 (cio 1/10/21).]
- (i) the applicant appears on the ineligibility list of the African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Bank Group or World Bank, or such other organisation as may be prescribed.
[Added 12/21 (cio 1/10/21).]

(6) Where the Council grants an application under this section, it shall—

- (a) determine—
 - (i) the field of specialisation of the consultant, as specified in Part A of the Second Schedule;
[Amended 31/16 (cio 1/3/17)]
 - (ii) the class of works, grade and the area of specialisation, where applicable, of the contractor, as specified in Parts B and C of the Second Schedule and the Third Schedule respectively; or
[Amended 2/15 (cio 26/3/15); 31/16 (cio 1/3/17)]

(iii) any limitation to construction works the contractor is subject to,

[Added 31/16 (cio 1/3/17)]

in respect of which the registration is granted;

(b) on payment of such fee as may be prescribed, issue a certificate of registration to the applicant on such other terms and conditions as it may determine;

[RR 31/16 (cio 1/3/17)]

(c) assign a registration reference to every registered consultant or contractor.

(7) A certificate of registration—

(a) shall not be transferable;

(b) shall not entitle—

(i) a consultant to undertake or implement any project which is not within the field of specialisation;

(ii) a contractor to undertake or implement any construction works which is not within the class of works, the grade and the area of specialisation, as the case may be,

[Amended 31/16 (cio 1/3/17)]

in respect of which the certificate is issued.

(8) (a) Where there is any change in the information provided at the time of application for registration as consultant or contractor, the registered consultant or contractor shall, as soon as practicable, notify the Council of such change.

(b) The Council may, where there is any change referred to in paragraph (a), issue, on payment of such fee as may be prescribed, a new certificate of registration to the consultant or contractor, as the case may be, and on such other terms and conditions as it may determine.

[Added 31/16 (cio 1/3/17)]

(S. 19 cio on 1 August 2014 – P 25/14.)

[S. 19 amended by s. 8 of At 38 of 2011 w.e.f. 2 April 2012; s. 8 of Act 27 of 2013 w.e.f. 21 December 2013, s. 6 of Act 2 of 2015 w.e.f. 26 March 2015; s. 7 of Act 31 of 2016 w.e.f. 1 March 2017; s. 11 of Act 12 of 2021 w.e.f. 1 October 2021.]

20. Provisional or temporary registration of foreign consultant or foreign contractor

(1) No foreign consultant or foreign contractor shall provide consultancy services or carry out construction works in Mauritius, as the case may be, unless he or it undertakes to work in collaboration with a local consultant or local contractor, as the case may be, and he or it is temporarily registered under this Act.

[Amended 12/21 (cio 1/10/21).]

(2) (a) A foreign consultant or foreign contractor who or that intends to provide consultancy services or carry out construction works in Mauritius in respect of a project shall –

(i) before bidding for the project, apply, subject to subsection (5), for provisional registration in such form and manner as the Council may approve; or

[Amended 27/13 (cio 21/12/13; RR 31/16 cio 1/3/17)]

(ii) where he has been awarded a contract for the project, apply for temporary registration in such form and manner as the Council may approve;.

[Amended 27/13 (cio 21/12/13); Amended 31/16 (cio 1/3/17)]

(aa) Notwithstanding paragraph (a), where there has been no bidding exercise and a foreign consultant or foreign contractor has been awarded a contract directly for a project, the consultant or contractor, as the case may be, shall apply for a temporary registration in such form and manner as the Council may determine.

[Inserted 12/21 (cio 1/10/21).]

(b) An applicant shall pay such non-refundable processing fee as may be prescribed.

(3) Subject to section 19(4) to (8), the Council may grant the application and shall issue to the applicant –

(a) a certificate of provisional registration; or

(b) a certificate of temporary registration,

as the case may be, subject to the payment of such fee as may be prescribed and on such terms and conditions as may be prescribed.

[Amended 12/21 (cio 1/10/21).]

(4) (a) A certificate of provisional registration shall be valid for a period of one year

[Amended 31/16 (cio 1/3/17)]

(b) A certificate of temporary registration shall lapse upon completion of the contract or upon the earlier determination of the contract.

(5) Notwithstanding subsection (2)(a)(i), where a foreign consultant or foreign contractor has been issued with a certificate of provisional registration for a project, that consultant or contractor shall, in relation to another project, not apply for another certificate of provisional registration if the certificate he holds qualifies him to bid for that other project.

[Added 31/16 (cio 1/3/17)]

(6) A foreign consultant or foreign contractor who holds a provisional registration which does not qualify him to bid for another project may apply for another provisional registration in the field of specialisation or class of works or grade or area of specialisation required for that project.

[Added 31/16 (cio 1/3/17)]

(7) (a) This section shall not apply to a –

(i) foreign consultant –

(A) who has been providing consultancy services in the construction industry during the 10 years preceding the coming into operation of this subsection; and

(B) where at least two thirds, or such other percentage as may be prescribed, of the total number of its employees are citizens of Mauritius; or

(ii) foreign contractor –

(A) who has been carrying construction works in the construction industry during the 20 years preceding the coming into operation of this subsection; and

(B) where at least two-thirds, or such other percentage as may be prescribed, of the total number of its or his employees are as citizens of Mauritius.

(b) A foreign consultant or contractor referred to in paragraph (a) shall, for the purpose of registration, make an application under section 19.

[Added 31/16 (cio 1/3/17)]

(8) This section shall not apply to an individual foreign professional architect, individual foreign quantity surveyor or individual registered engineer appointed as such by the Public Service Commission.

[Added 12/21 (cio 1/10/21).]

(S. 20 cio on 1 August 2014 – P 25/14.)

[S. 20 repealed and replaced by 38/11 (cio 2/4/12); amended by s. 8 of Act 27 of 2013 w.e.f. 21 December 2013; s.8 of Act 31 of 2016 w.e.f 1 March 2017; s. 12 of Act 12 of 2021 w.e.f. 1 October 2021.]

20A. Registration of service provider and supplier

(1) No person specified in the Fourth Schedule shall provide construction services other than consultancy services unless he is registered as a service provider with the Council.

(2) No person shall import, manufacture or produce –

(a) construction materials specified in Part I of the Fifth Schedule; or

(b) construction plant and equipment specified in Part II of the Fifth Schedule,

unless he is registered as a supplier under this Act.

(3) An application for registration as a service provider or supplier shall be made in such form and manner as the Council may approve and shall be accompanied by such –

(a) non-refundable processing fee as may be prescribed; and

(b) information as the Council may determine.

(4) The Council may require from an applicant such information as is necessary to determine –

(a) his standard of performance and his track record;

(b) his financial capability to ensure financial commitments for the services he intends to undertake;

(c) whether he is a fit and proper person to be registered, including his reputation, character and reliability.

(5) The Council shall, within 45 days from the date when all necessary information is obtained, grant or reject the application.

(6) The Council shall, within 7 days of the determination of the application, notify the applicant of its decision.

(7) Where an application is granted –

(a) the applicant shall, within 30 days from the date of notification, pay the such registration fee as may be prescribed; and

(b) the Council shall, on payment of the registration fee, issue to the applicant a certificate of registration, on such terms and conditions as the Council may determine.

(8) Where an applicant fails to pay the registration fee within the delay specified in subsection (7)(a), he shall be liable to a surcharge of 10 per cent of the registration fee.

[S. 20A inserted by s. 13 of Act 12 of 2021 w.e.f. 1 October 2021.]

21. Duration and renewal of registration

(1) A registration under section 19, shall, unless previously suspended or cancelled, continue to be in force until 30 June next following the date when it was issued or last renewed, but shall, subject to section 22, be renewable for yearly periods ending 30 June.

(1A) A registration under section 20A shall, unless previously suspended or cancelled, be valid for a period of 2 years.

[Inserted 12/21 (cio 1/10/21).]

(2) (a) An application for the renewal of a registration under sections 19 and 20A shall be made to the Council in such form and manner as it may determine.

[Amended 12/21 (cio 1/10/21).]

(b) The Council may renew or reject the application.

[RR 31/16 cio 1/3/17]

(3) The holder of a certificate of registration shall, at least one month prior to the expiry of the certificate, pay such renewable fee as may be prescribed and he shall be issued with a new certificate of registration.

[Added 12/21 (cio 1/10/21).]

(S. 21 cio on 1 August 2014 – P 25/14.)

[S. 21 repealed and replaced by s. 9 of Act 31 of 2016 w.e.f. 1 March 2017; amended by s. 14 of Act 12 of 2021 w.e.f. 1 October 2021.]

21A. Submission of bidding documents

When inviting bids through open advertised bidding or selective bidding where foreign consultants or foreign contractors would be invited, a public body shall, after the publishing of the notice of bid, submit a complete set of the bidding documents to the Board.

[S. 21A inserted by s. 10 of Act 31 of 2016 w.e.f. 1 March 2017.]

21B. Review of registration

The Council shall, every 3 years or at such time as it may determine, review the registration of every consultant, contractor, service provider and supplier.

[S. 21B. inserted by s. 15 of Act 12 of 2021 w.e.f. 1 October 2021.]

21C. Collection of statistical information

The Council may, from time to time, collect statistical information in the field of construction.

[S. 21C. inserted by s. 15 of Act 12 of 2021 w.e.f. 1 October 2021.]

21D. Power to obtain information

Notwithstanding any other enactment but subject to this Act, the Council may, in relation to a matter pertaining to the construction industry –

- (a) by notice in writing, require a person to furnish, in such form and manner and within such time as may be specified, such information relating to that matter as may be required;
- (b) by interviewing a person, require the person to furnish such information relating to that matter; and
- (c) by notice in writing, require a person to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.

[S. 21D. inserted by s. 15 of Act 12 of 2021 w.e.f. 1 October 2021.]

22. Non-renewal of registration

(1) Where the holder of a certificate of registration applies for renewal of his certificate after the expiry of the period of validity of the certificate, but within 30 days thereof, he shall, in addition to the renewal fee, be liable to a surcharge of 25 per cent of the renewal fee.

[Amended 31/16 (cio 1/3/17); 12/21 (cio 1/10/21).]

(2) A registration shall lapse if it is not renewed within 30 days of the expiry of its period of validity.

[Amended 12/21 (cio 1/10/21).]

(3) The registration of a consultant, contractor, service provider or supplier whose certificate of registration has lapsed shall be struck off the Register.

[Amended 12/21 (cio 1/10/21).]

(S. 22 cio on 1 August 2014 – P 25/14.)

[S 22 amended by s. 11 of Act 31 of 2016 w.e.f. 1 March 2017); s. 16 of Act 12 of 2021 w.e.f. 1 October 2021.]

23. Cancellation and suspension of registration

(1) The Council may cancel the registration of a consultant or a contractor where—

(a) the consultant, contractor, service provider or supplier, as the case may be —

[Amended 12/21 (cio 1/10/21).]

(i) has been adjudged bankrupt or declared insolvent or, in the case of a corporate body, has been the subject of a winding up order;

(ii) has obtained his certificate of registration by fraud or misrepresentation;

(iii) has, without good cause, abandoned any services or works, as the case may be, undertaken by him;

[Amended 12/21 (cio 1/10/21).]

(iv) has been negligent in the provision of his services;

(v) has ceased to act as consultant, contractor, service provider or supplier, as the case may be;

[Amended 12/21 (cio 1/10/21).]

(vi) has contravened any provision of this Act or any regulations made under this Act;

(vii) has failed to comply with any condition specified in his certificate of registration;

[Amended 12/21 (cio 1/10/21).]

(viii) has tampered with a certificate of registration;

[Added 12/21 (cio 1/10/21).]

(ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or

[Added 12/21 (cio 1/10/21).]

(x) appears on the ineligibility lists of African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group or World Bank Group, or such other organisation as may be prescribed.

[Added 12/21 9cio 1/10/21).]

(b) any of the principals, associates or partners of a consultancy firm or contractor has been found guilty of professional misconduct by a recognised professional body and his participation was, in the opinion of the Council, material for the grant of the registration.

(2) Before cancelling the registration of any consultant, contractor, service provider or supplier under subsection (1) (a) (ii) to (vii) and (b), the Council shall, by notice in writing, require him to show cause in writing, within 15 days of the date of the service of the notice, why the registration should not be cancelled.

[Amended 12/21 (cio 1/10/21).]

(3) The Council may, pending its decision to cancel a registration under this section, and where, in its opinion, the circumstances so require, suspend the registration of a consultant, contractor, service provider or supplier in any of the cases specified in subsection (1) (a) (ii) to (vii) and (b).

[Amended 12/21 (cio 1/10/21).]

(4) The registration of—

(a) any consultant, contractor, service provider and supplier shall be automatically cancelled on his death;

[Amended 12/21 (cio 1/10/21).]

(b) any consultant, contractor, service provider and supplier operating as a company, firm, association or partnership may be cancelled on the death, or deregistration by a professional body, of any of the principals, associates or partners whose participation or professional qualification was, in the opinion of the Council, material for the grant of its application for registration.

[Amended 12/21 (cio 1/10/21).]

(5) The Council shall inform the consultant, contractor, service provider or supplier of its decision under subsection (1), (3), or (4) (b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.

[Amended 12/21 (cio 1/10/21).]

(6) A consultant, contractor, service provider or supplier who is informed that his certificate of registration has been cancelled or suspended shall surrender his certificate within 7 days of being so informed by the Council.

[Amended 12/21 (cio 1/10/21).]

(S. 23 cio on 1 August 2014 – P 25/14.)

[S. 23 amended by s. 17 of Act 12 of 2021 w.e.f. 1 October 2021.]

24. Publication

(1) The Council shall, not later than 30 September of every year, publish an annual list of registered consultants, contractors, service providers and suppliers in the *Gazette*.

[Amended 12/21 (cio 1/10/21).]

(2) The Council shall publish in the *Gazette* and in at least one daily newspaper any cancellation or suspension of any registration made under this Act.

[Amended 31/16 (cio 1/3/17)]

[S. 24 cio on 1 August 2014 – P 25/14; amended by s. 12 of Act 31 of 2016 w.e.f 1 March 2017; s. 18 of Act 12 of 2021 w.e.f. 1 October 2021.]

25. Appeal

(1) Any consultant, contractor, service provider or supplier who is aggrieved by any decision of the Council may, within 21 days of the notification to him of the decision, notify the Permanent Secretary of his intention to appeal, stating his grounds of appeal.

[Amended 12/21 (cio 1/10/21).]

(1A) The aggrieved consultant, contractor, service provider or supplier shall, for the hearing of the appeal, pay such non-refundable fee as may be prescribed.

[Inserted 31/16 (cio 1/3/17); amended 12/21 (cio 1/10/21).]

(2) The Permanent Secretary shall inform the Minister of the appeal and the Minister shall appoint an *ad hoc* Committee to hear the appeal within 15 days of the receipt of the notice of appeal.

(3) The *ad hoc* Appeal Committee shall comprise a barrister of not less than 3 years' standing as Chairperson, a public officer of a grade not less than Principal Assistant Secretary and a consultant or contractor of wide experience.

(4) (a) The *ad hoc* Committee shall determine the appeal not later than 60 days after the start of the hearing of the appeal.

(b) The *ad hoc* Committee may affirm, vary or reverse the decision of the Council, stating its reasons for doing so.
[Repealed and replaced 12/21 (cio 1/10/21).]

(5) The Secretary of the *ad hoc* Appeal Committee shall be a public officer designated by the Permanent Secretary.

(6) The *ad hoc* Appeal Committee shall regulate its own procedure.

(7) The *ad hoc* Appeal Committee shall communicate its decision to the Minister, the Council and the appellant.

(S. 25 cio on 1 August 2014 – P 25/14.)

[S 25 amended by s. 13 of Act 31 of 2016 w.e.f. 1 March 2017; s. 19 of Act 12 of 2021 w.e.f 1 October 2021.]

25A. Compliance notice

(1) Where a person is offering his services as a consultant, contractor, service provider or supplier without being registered under this Act, the Council shall cause to be served on that person a compliance notice ordering that person to make an application for registration.

(2) A compliance notice shall, inter alia –

(a) specify the period, not exceeding 30 days, within which the application for registration shall be made; and

(b) be in such form as may be prescribed.

(3) Where a compliance notice is served on a person, he shall not offer his services unless he is registered under this Act.

(4) Where a person who has been served with a compliance notice under subsection (1) –

(a) fails to make an application for registration, the Council shall forthwith refer the matter to the Police; or

(b) makes an application for registration, that application shall be dealt with in accordance with this Act.

(5) (a) Where the Council grants an application for registration, it shall not issue a certificate of registration unless the applicant pays, in addition to the appropriate registration fee, such penalty fee as may be prescribed not later than 28 days of being notified that his application has been approved.

(b) Where the applicant referred to in paragraph (a) fails to pay the appropriate registration fee and the penalty fee, the approval of the registration shall lapse and the Council shall forthwith refer the matter to the Police.

(6) A person shall not be prosecuted for having offered his services without being registered –

- (a) as long as the delay granted in the compliance notice has not lapsed; or
- (b) where he has, pursuant to a compliance notice, applied for, and been issued with, a registration certificate.

(7) The Council shall, where a compliance notice sent by registered post returns undelivered and where personal service of the notice could not be effected by an authorised officer, cause substituted service –

- (a) by affixing a new compliance notice at the last known residence or business address of the person offering his services, or by affixing a copy of the new compliance notice where the construction works are being undertaken; and
- (b) by publication of the new compliance notice in 2 newspapers, subject to the publication of the new compliance notice in the second newspaper is effected not later than 15 days after the publication of the new compliance notice in the first newspaper.

(8) Where substituted service has been effected under subsection (7) and the person continues to offer his services without making an application for registration, the Council shall forthwith refer the matter to the Police.

[S. 25A. inserted by s. 20 of Act 12 of 2021 w.e.f. 1 October 2021.]

26. Offences

(1) Any person who contravenes section 19(1), 19(7), 20(1), 20A(1) or 20A(2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

[Repealed and replaced 12/21 (cio 1/10/21).]

(2) Any person who obstructs, hinders, opposes or molests, or fails without reasonable excuse to comply with a requirement or direction of, an authorised officer in the performance of his duties under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(3) The Court may, in addition to any penalty imposed under subsection (1) –

- (a) order the forfeiture of any object, machine, plant, vehicle or any article used in, or connected in any way, with the commission of an offence;
- (b) order, or prohibit, the doing of any act to stop a continuing contravention.

[Added 12/21 (cio 1/10/21).]

[S. 26 amended by s. 21 of Act 12 of 2021 w.e.f. 1 October 2021.]

26A. Compounding of offences

(1) The Council may, with the consent of the Director of Public Prosecutions, compound any compoundable offence committed by a person where the person agrees, in writing, to pay such amount not exceeding the maximum penalty specified for the offence as may be acceptable to the Council.

(2) Every agreement to compound shall be final and conclusive and on payment of the agreed amount, no further proceedings in regard to the offence compounded shall be taken against the person who agreed to the compounding.

(3) Where the Council compounds an offence in accordance with this section, no further proceedings shall be initiated in respect of the offence so compounded against the person.

(4) Where the Director of Public Prosecutions does not give his consent to compound the offence or a person does not agree to compound the offence, the Council may, with the consent of the Director of Public Prosecutions, refer the case to the Police for legal proceedings.

(5) The Council may cause to be published, in such form and manner as it may determine, a public notice setting out the particulars of the agreed amount under subsection (1).

(6) In this section –

“compoundable offence” means an offence committed by a person under section 19(1), 19(7), 20(1), 20A(1) or 20A(2), or under such other section as may be prescribed.

[S. 26A. inserted by s. 22 of Act 12 of 2021 w.e.f. 1 October 2021.]

27. Jurisdiction

Notwithstanding section 114 of the Courts Act and section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act, a District Magistrate shall have jurisdiction to try an offence under this Act or any regulations made under this Act and inflict the penalties provided under this Act.

28. Exemption from duties and charges

Notwithstanding any other enactment, the Board shall be exempt from the payment of any duty, charge, fee, rate or tax.

29. Service of documents

(1) Any summons, notice or other document required or authorised to be served on the Board may be served by delivery to the Executive Director at the registered office of the Board.

(2) Service of process by, on or on behalf of, the Executive Director shall be equivalent to service by, on or on behalf of, the Board.

30. Execution of documents

(1) All documents shall be deemed to be executed by or on behalf of the Council if signed by the Chairperson and the Executive Director.

(2) Where the Chairperson is absent, any other member designated by the Council may sign on his behalf.

31. General Fund

(1) The Council shall establish a General Fund—

- (a) into which all monies received by the Board, including such grants as the Board may receive from the Government, shall be paid;
- (b) out of which all payments required to be effected by the Board shall be met, including the remuneration, allowance, pension or other benefits, payable to any person under this Act.

(2) The income and assets of the Board shall be applied towards the promotion of the objects of the Board.

32. Donations and legacies

Article 910 of the Code Civil Mauricien shall not apply to the Board.

33. Annual report

(1) The Board shall, [in accordance with the Statutory Bodies \(Accounts and Audit\) Act](#), issue an annual report on its activities and audited accounts for that financial year.
[\[Amended 12/21 \(cio 1/10/21\).\]](#)

(2) The annual report shall be submitted to the Minister for his approval and shall be laid before the Assembly.

[\[S. 33 amended by s. 23 of Act 12 of 2021 w.e.f. 1 October 2021.\]](#)

33A. Confidentiality

(1) Every member of the Council shall –

- (a) before he begins to perform his duties under this Act, take the oath set out in the Sixth Schedule;
- (b) maintain, and aid in maintaining, the secrecy of any matter which comes to his knowledge in the performance, or as a result, of his duties under this Act.

(2) Any person who, without legal or reasonable excuse, contravenes subsection (1)(b) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(3) Notwithstanding subsection (1)(a), where a person is, on the commencement of this section, a member of the Council, he shall, not later than 30 days after the commencement of this section, take the oath set out in the Sixth Schedule.

[\[S. 33A. inserted by s. 24 of Act 12 of 2021 w.e.f. 1 October 2021.\]](#)

34. Regulations

(1) The Minister may, after consultation with the Council, make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) the levying of fees, the payment of charges or surcharges and the imposition of penalties; and
- (b) the amendment of the [any of the Schedules](#).
[Amended 12/21 (cio 1/10/21).]

(3) Any regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

[S. 34 amended by s. 25 of Act 12 of 2021 w.e.f. 1 October 2021.]

35. —

36. Consequential amendment

(1) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June of the following year shall be deemed to be the first financial year of the Board.

(2) Section 7 (1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Board.

(3) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(4) —

36A. Revocation and saving provisions

(1) The following enactments are revoked –

- (a) the [Construction Industry Development Board \(Registration of Service Providers other than Consultants\) Regulations 2018](#); and
- (b) the [Construction Industry Development Board \(Registration of Suppliers\) Regulations 2018](#).

(2) Any person registered as a service provider under the revoked [Construction Industry Development Board \(Registration of Service Providers other than Consultants\) Regulations 2018](#), or as a supplier under the revoked [Construction Industry Development Board \(Registration of Suppliers\) Regulations 2018](#) shall, on the commencement of subsection (1), be deemed to be registered as such under the same terms and conditions as in the revoked regulations, as the case may be.

[S. 36A. inserted by s. 26 of Act 12 of 2021 w.e.f. 1 October 2021.]

37. Transitional provisions

(1) Notwithstanding the repeal of the [Construction Industry Development Board Act](#)—

- (a) any act done by, or any contract entered into with, the [Construction Industry Development Board](#) shall be deemed to be a valid act done by, or contract entered into with, the Board;

- (b) any person who is in employment with the Construction Industry Development Board immediately before the commencement of this Act shall be transferred to the Board and shall be deemed to be in continuous employment with the Board and his period of service shall be deemed to be an unbroken period of service with the Board;
- (c) any disciplinary enquiry or proceedings pending, or in process, against any employee of the Construction Industry Development Board may, as from the date of commencement of this Act, be taken up, continued and completed by the Board as if initiated by the latter;
- (d) any proceedings, judicial or otherwise, commenced before and pending immediately before the commencement of this Act, by or against the Construction Industry Development Board shall be deemed to have been commenced, and may be continued, by or against the Board; and
- (e) any asset owned by, or liability against, the Construction Industry Development Board shall, at the commencement of this Act, be deemed to be the asset or liability of the Board.

(2) The Board under the repealed Act shall continue in existence for the purpose of issuing the annual report referred to in section 18 of the repealed Act in respect of the period extending from the end of the financial year immediately preceding the coming into operation of this Act to the date of the coming into operation of this Act.

(2A) (a) Any firm which is providing consultancy services at the commencement of sections 19 and 20 shall, within 6 months of the commencement of sections 19 and 20, apply for registration as consultant or for provisional or temporary registration as foreign consultant, as the case may be, under this Act.

(b) Any person who is undertaking construction works at the commencement of sections 19 and 20 shall, within 6 months of the commencement of sections 19 and 20, apply for registration as contractor or for provisional or temporary registration as foreign contractor, as the case may be, under this Act.

[Inserted 38/11 (io 15/12/11).]

(2B) Notwithstanding sections 19 and 20, a firm or person that was providing consultancy services, or undertaking construction works, in Mauritius immediately before 1 August 2014 may continue to provide consultancy services or undertake construction works for such period as may be prescribed, without being registered as a consultant, contractor, foreign consultant or foreign contractor, as the case may be.

[Inserted 2/15 (cio 1/2/15).]

(3) Where this Act does not make provision for any transitional measure from the repealed Act to this Act, the Minister may make necessary regulations for such transition.

[S. 37 amended by Act 38 of 2011 w.e.f. 15 December 2011, s. 7 of Act 2 of 2015 w.e.f. 1 February 2015.]

38. Commencement

(1) This Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

First Schedule

[Section 3]

Amount in rupees (exclusive of VAT)

Value of construction works

Less than **one million**

[Amended 13/19 (cio 25/7/19).]

[First Sch. amended by s. 9 of Act 13 of 2019 w.e.f. 25 July 2019.]

SECOND SCHEDULE

[Section 19]

PART A – FIELDS OF SPECIALISATION OF CONSULTANTS

Architecture

Civil engineering

Mechanical, electrical and plumbing (MEP) services

Project management in construction

Quantity surveying

Third-party certifier in construction
[Inserted 12/21 (cio 1/10/21).]

PART B – CLASSES OF WORKS OF CONTRACTORS

Building construction works

Civil engineering construction works

Electrical works
[Inserted 12/21 (cio 1/10/21).]

Mechanical, electrical and plumbing works

Mechanical works
[inserted 12/21 (cio 1/10/21).]

PART C – GRADES OF CONTRACTORS

Grading designation

Value of contract which a contractor is allowed to

undertake (exclusive of VAT)

(Rs)

A ⁺	Up to any amount above 1,000 million
A	Up to 1,000 million
B	Up to 500 million
C	Up to 350 million
D	Up to 200 million
E	Up to 125 million
F	Up to 50 million
G	Up to 20 million
H	Up to 10 million

[RR 7/2020 (cio 7/8/2020).]

[Second Sch. repealed and replaced by s.14 of Act 31 of 2016 w.e.f. 1 March 2017; amended by s. 9 of Act 13 of 2019 w.e.f. 25 July 2019; repealed and replaced by s. 11 of Act 7 of 2020 w.e.f. 7 August 2020; amended by s. 27 of Act 12 of 2021 w.e.f. 1 October 2021.]

THIRD SCHEDULE

[Section 19]

AREAS OF SPECIALISATION OF CONTRACTORS

PART I – BUILDING CONSTRUCTION WORKS

Reference	Areas of specialisation	Description
B 01	Prefabricated building and industrial plant	Construction of building and industrial plant using prefabricated components and systems
B 02	Steel framed building and industrial plant	Construction of steel framed building and industrial plant including towers
B 03	Piling and diaphragm walling	Installation of all types of piling-sheet piles, piling-steel piles, driven precast reinforced and prestressed concrete piles, bored-cast in situ piles and timber piles, including other patented piling systems and diaphragm walling works
B 04	Asbestos handling	All building works including demolition and construction where asbestos is used for insulation and coating

PART II – CIVIL ENGINEERING CONSTRUCTION WORKS

Reference	Areas of specialisation	Description
CE 01	Marine structure, offshore and underwater construction	Construction of marine structure including jetty, port, wharf, harbour, sea and river wall and out wall, offshore and underwater construction works
CE 02	Tunneling and underpinning	Tunneling and underpinning works
CE 03	Dredging and reclamation works	Dredging in canal, river and offshore works
CE 04	Railway track	Installation of railway track, destressing of rail, and track railway signaling

CE 05	Oil and gas pipeline	Installation, maintenance and repair of oil and gas pipeline
CE 06	Pipe laying, water storage and supply and sewerage works	Construction of dam, reservoir, aqueduct, treatment plant, network pipe laying and sewerage works

PART III – MECHANICAL, ELECTRICAL AND PLUMBING WORKS

Reference	Areas of specialisation	Description
M 01	Medical equipment	Installation, testing, commissioning, maintenance and repairs of medical equipment including, compressed air system, hot water installation, steriliser and autoclave, medical gas installation, hydrotherapy system, dental chair and mortuary refrigerator
M 02	Drilling rig	Erection, testing, commissioning, maintenance and repairs of offshore rig (Jack-up tender assisted, drill ship, self-contained/platform rig, semi-submersible) onshore rig, conventional workover rig and swamp barge
E 01	Building automation system, energy generation system and building management and maintenance system	Building automation control systems, industrial and process control systems including installation, testing, commissioning, maintenance and repairs of microprocessors or computer based building control system and industrial process control system
E 02	Miscellaneous specialisation	Installation, testing, commissioning, maintenance and repairs of energy generation systems
		Installation, testing, commissioning, maintenance and repairs of surgical/operating theatre table and lights, radiography equipment, nurse call system, electronic scoreboard, uninterruptible power supply (UPS) system, passenger boarding bridges, baggage handling systems,

instrument landing systems, visual
aids and other airport related
equipment and systems

[Third Sch. Repealed and replaced by s. 14 of Act 31 of 2016]

FOURTH SCHEDULE

[Section 20A(1)]

SERVICE PROVIDERS

- 1.** Computer Aided Design (CAD) Operator for construction works, including Draughtsman
- 2.** Technician in construction (holder of at least a diploma in a construction related field from a recognized institution)

[Fourth Schedule added by s. 28 of Act 12 of 2021 w.e.f. 1 October 2021.]

FIFTH SCHEDULE
[Section 20A(2)]

SUPPLIERS OTHER THAN HARDWARE SHOPS

PART I – CONSTRUCTION MATERIALS

1. Aggregates
2. Bitumen
3. Cement
4. Ready mix concrete
5. Concrete blocks and bricks
6. Paint and waterproofing materials
7. Reinforcement bars and steels sections
8. Aluminium
9. Timber

PART II – CONSTRUCTION PLANT AND EQUIPMENT

1. Earth moving equipment
2. Materials handling equipment
3. Scaffolding

[Fifth Schedule added by s. 28 of Act 12 of 2021 w.e.f. 1 October 2021.]

SIXTH SCHEDULE
[Section 33A]

OATH OF SECRECY

I,, hereby make
oath/solemn affirmation as a.....
and declare that in the performance of my duties as a member of the Construction
Industry Development Board under the Construction Industry Development Board Act, I
will deal with and regard all documents and information relating to the operations of the
Construction Industry Development Council and to which I have access as SECRET
AND CONFIDENTIAL and refrain from delivering disclosing any such document and
information to any unauthorised person.

Sworn/solemnly affirmed by the deponent in Chambers,

This 20.....

.....

Before me,

District Magistrate for

[Sixth Schedule added by s. 28 of Act 12 of 2021 w.e.f. 1 October 2021.]

The Consolidated version of the CIDB Act is an updated one which takes into consideration all relevant amendments to the principal Act as at January 2022. However, it is not the authoritative text as published in the Government Gazette.