

THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT

Regulations made by the Minister, after consultation with the Council, under section 34 of the Construction Industry Development Board Act

1. Short title

These regulations may be cited as the Construction Industry Development Board (Registration of Consultants and Contractors) Regulations 2014.

2. Interpretation

In these regulations –

“Act” means the Construction Industry Development Board Act;

“engineer” means a person registered as a civil, electrical or mechanical engineer under the Registered Professional Engineers Council Act;

“joint venture consultant” means an association of, or a proposed association of, 2 or more consultants which intends to undertake consultancy services for one project;

“joint venture contractor” means an association of, or a proposed association of, 2 or more contractors which intends to undertake construction works for one project;

“professional architect” has the same meaning as in the Professional Architects’ Council Act;

“professional quantity surveyor” has the same meaning as in the Professional Quantity Surveyors’ Council Act 2013;

“project manager” means a person who –

- (a) (i) holds a degree or an equivalent qualification in the field of project management, after studies of a duration of at least 3 years from a recognised university or institution; and
- (ii) has at least 4 years’ post-qualification relevant practical experience in the construction industry;
- (b) (i) holds a post graduate degree or an equivalent qualification in the field of project management from a recognised university or institution; and

- (ii) has at least 4 years' post-qualification practical experience in the construction industry;
- (c) (i) is a professional architect, an engineer or a professional quantity surveyor, as the case may be; and
 - (ii) (A) has at least 6 years' post-qualification practical experience in the construction industry; and
 - (B) has provided project management services on at least 2 construction projects during the last 10 years preceding the date of the coming into operation of these regulations; or
- (d) (i) holds a diploma or an equivalent qualification in the construction field or any first degree from a recognised university or institution; and
 - (ii) (A) has at least 12 years' post-qualification practical experience in the construction industry; and
 - (B) has provided project management services on at least 3 construction projects during the past 12 years preceding the date of the coming into operation of these regulations;

“relevant enactment” means the Professional Architects’ Council Act, Professional Quantity Surveyors’ Council Act 2013 and Registered Professional Engineers Council Act;

“respective field” means the field of architecture, civil engineering, electrical engineering, mechanical engineering, project management in construction or quantity surveying.

3. Registration of consultant or contractor

(1) (a) No firm of architects shall be registered as a consultant in the field of architecture unless the firm is under the control of a professional architect.

(b) No firm of engineers shall be registered as a consultant in the field of civil, electrical or mechanical engineering unless the firm is under the control of a civil, electrical or mechanical engineer, as the case may be.

(c) No firm of project management shall be registered as a consultant in the field of project management in construction unless the firm is under the control of a project manager.

(d) No firm of quantity surveyors shall be registered as a consultant in the field of quantity surveying unless the firm is under the control of a professional quantity surveyor.

(2) For the purpose of section 19 of the Act, an application for registration as a –

- (a) consultant in the field of architecture, civil engineering, electrical engineering, mechanical engineering, project management in construction or quantity surveying, as the case may be, shall be made in such form as the Council may approve;
- (b) contractor in the classes of works of building construction works, civil engineering construction works, mechanical works or electrical works, as the case may be, shall be made in such form as the Council may approve.

(3) An application made under paragraph (2) shall be accompanied by the appropriate non-refundable processing fee specified in the Schedule.

(4) (a) The Council shall, within 30 days from the date where all necessary information is obtained, determine the application.

(b) Where the Council grants the application, it shall notify the applicant of its decision in writing.

(c) An applicant, shall within 30 days from the date of notification, pay the appropriate registration fee specified in the Schedule, failing which the grant of the application shall lapse.

(5) Where an applicant applies for one or more areas of specialisation under a class of work and complies with the requirements thereof, the Council shall, in addition to registering the applicant as a contractor in his respective class and grade, register him in those areas of specialisation subject to payment of the appropriate fee specified in the Schedule.

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

(1) For the purpose of section 20(2) of the Act, an application for provisional registration or temporary registration shall be accompanied by the non-refundable processing fee specified in the Schedule.

(2) The Council shall, within 14 days from the date where all necessary information is obtained, determine the application.

(3) For the purpose of section 20(3) of the Act, a certificate of provisional registration or temporary registration shall be issued on payment of the appropriate fee specified in the Schedule.

5. Registration of joint venture consultant and joint venture contractor

(1) An application for registration as a joint venture consultant or joint venture contractor shall be -

- (a) made before bidding for a project;
- (b) in relation to one project only; and
- (c) made in such form and manner as the Council may approve.

(2) Where any party to a joint venture is a non-citizen, the application for registration under paragraph (1) shall also be accompanied by an application, from the foreign party to the joint venture, for provisional registration in such form as the Council may approve.

(3) (a) The Council shall, within 14 days from the date where all necessary information is obtained, determine the application.

(b) Where the applicant complies with the requirements specified under the Act, these regulations and any relevant enactment, the Council shall issue, on such terms and conditions as it may determine, a certificate of provisional registration to the applicant.

(4) (a) Where a joint venture consultant or joint venture contractor is awarded a contract for the project, it shall apply for a certificate of temporary registration in such form as the Council may approve.

(b) The Council may grant the application and shall, on such terms and conditions as it may determine and on payment of the appropriate registration fee specified in the Schedule, issue a certificate of temporary registration.

(c) The certificate referred to in subparagraph (b) shall be valid for the duration of the project.

6. Renewal of registration

(1) An application for the renewal of a certificate issued under these regulations shall be made, in such form and manner as the Council may approve, within one month before the date of expiry of the existing certificate.

(2) The Council may renew a certificate of registration on payment of the appropriate renewal fee specified in the Schedule.

7. New field and area of specialisation

(1) An application made by a contractor for a new class of works, new grade or an additional area of specialisation shall be made in such form and manner as the Council may approve.

(2) Where the Council grants an application made under paragraph (1), it shall, on payment of the appropriate fee specified in the Schedule, issue, on such terms and conditions as it may determine, a new certificate of registration to the contractor.

8. Display of certificate

A certificate of registration issued under these regulations shall be conspicuously displayed at the office of the holder of the certificate.

9. Notice

(1) Where any firm undertakes consultancy services without being –

- (a) registered as a consultant in its respective field;
- (b) provisionally or temporarily registered as a foreign consultant in its respective field; or
- (c) registered as a joint venture consultant in its respective field,

the Council may require, by notice, the firm to cease forthwith from undertaking those consultancy services, failing which it shall commit an offence.

(2) Where any person undertakes construction works without being –

- (a) registered as a contractor;
- (b) provisionally or temporarily registered as a foreign contractor; or

(c) registered as a joint venture contractor,

the Council may require, by notice, the person to cease forthwith from undertaking those construction works, failing which he shall commit an offence.

10. Offences

Any person who contravenes these regulations 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 12 months.

11. Commencement

These regulations shall come into operation on 1 August 2014.

Made by the Minister, after consultation with the Council, on 27 June 2014.

SCHEDULE
[Regulations 3, 4, 5, 6 and 7]

PART I – FEES FOR REGISTRATION AS CONSULTANT

(Rs)

1.	Local consultant –	
	(a) non-refundable processing fee	500
	(b) registration fee and annual renewal fee per field of specialisation	10,000
	(c) copy of certificate of registration/changes in particulars in certificate of registration	1,000
2.	Foreign consultant	
	(a) processing fee for provisional registration	NIL
	(b) processing fee for temporary registration	5,000
	(c) registration fee for the duration of the project	100,000 or 0.015% of the value of the contract whichever the higher
	(d) copy of certificate of registration/changes in particulars in certificate of registration	1,000

PART II – FEES FOR REGISTRATION AS CONTRACTOR UNDER BUILDING CONSTRUCTION WORKS AND CIVIL ENGINEERING CONSTRUCTION WORKS

(Rs)

1.	Local contractors –	
	(a) non-refundable processing fee	1,000
	(b) registration fee and annual renewal fee for grade –	
	(i) A	150,000
	(ii) B	75,000
	(iii) C	50,000

(iv) D	35,000	
(v) E	25,000	
(vi) F	10,000	
(vii) G	5,000	
(viii) H	2,500	
(c) registration fee for upgrading within a period of 6 months from the date of registration under the lower grade	100%	of the fee for the higher grade less 50% of the fee for the lower grade held
(d) registration fee for subsequent application for a lower grade in a different class of works	50%	of the fee for the lower grade
(e) registration fee for subsequent application for a higher grade in a different class of works	100%	of the fee for the higher grade less 50% of the fee for the lower grade held
(f) registration fee for an additional area of specialisation within any class of works	10%	of the fee for the grade held
(g) copy of certificate of registration/changes in particulars in certificate of registration	1,000	

2. Foreign contractors –

(a) processing fee for provisional registration	NIL	
(b) processing fee for temporary registration	10,000	
(c) registration fee for the duration of the project	200,000	or 0.1 % of the value of the contract whichever the higher
(d) copy of certificate of registration/changes in particulars in certificate of registration	1,000	

PART III – FEES FOR REGISTRATION AS CONTRACTOR UNDER MECHANICAL WORKS AND ELECTRICAL WORKS

	(Rs)
1. Local contractors –	
(a) non-refundable processing fee	1,000
(b) registration fee and annual renewal fee for grade –	
(i) A	40,000
(ii) B	20,000
(iii) C	15,000
(iv) D	10,000
(v) E	7,000
(vi) F	4,000
(vii) G	2,000
(viii) H	1,000
(c) registration fee for upgrading within a period of 6 months from the date of registration under the lower grade	100% of the fee for the higher grade less 50% of the fee for the lower grade held
(d) registration fee for subsequent application for a lower grade in a different class of works	50% of the fee for the lower grade
(e) registration fee for subsequent application for a higher grade in a different class of works	100% of the fee for the higher grade less 50% of the fee for the lower grade held
(f) registration fee for an additional area of specialisation within any class of works	10% of the fee for the grade
(g) copy of certificate of registration/changes in particulars in certificate of registration	1,000

2. Foreign contractors –

(a) processing fee for provisional registration	NIL
(b) processing fee for temporary registration	10,000
(c) registration fee	200,000 or 0.1% of the value of the contract whichever the higher
(d) copy of certificate of registration/changes in particulars in certificate of registration	1,000

PART IV – FEES FOR REGISTRATION AS JOINT VENTURE CONSULTANT OR JOINT VENTURE CONTRACTOR

Joint venture	Provisional Registration		Temporary Registration		
	Processing fee (Rs)	Registration fee (Rs)	Processing fee (Rs)	Registration fee (Rs)	
1. Consultant –					
(a) where all the parties are local consultants	NIL	NIL	500	5,000	
(b) where the control rests with a foreign party to the joint venture or where all the parties are foreign	NIL	NIL	5,000	100,000	or 0.015% of the value of the contract, whichever the higher
(c) where the control does not rest with a foreign party to the joint venture	NIL	NIL	2,500	25,000	
2. Contractor –					
(a) where all the parties are local contractors	NIL	NIL	1,000	10,000	
(b) where the control rests with a foreign party to the joint venture or where all the parties are foreign	NIL	NIL	10,000	100,000	or 0.075% of the value of the contract, whichever the higher
(c) where the control does not rest with a foreign party to the joint venture	NIL	NIL	5,000	100,000	or 0.05% of the value of the contract, whichever the higher