



Terms and Conditions attached to Certificate of Registration

Local Contractors

The Certificate of Registration issued by the Construction Industry Authority (CIA) is subject to the following **Terms and Conditions:**

A. General

- (1) Pursuant to subsection 19(1) of the CIA Act, no person is allowed to offer his services as a contractor, unless he is registered under this Act.
- (2) A contractor who is registered with the CIA is only allowed to undertake or implement any construction works which are within the class of works and the grade specified in his certificate of registration.
- (3) The certificate of registration does not entitle the contractor to undertake or implement any construction works which is not within the class of works and the grade, in respect of which the certificate is issued.
- (4) The certificate of registration issued to a contractor shall not be transferable.

B. Duration of Registration

The certificate of registration issued to a contractor 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 be renewable for yearly periods ending 30 June.

C. Renewal of Registration

- (1) The holder of a certificate of registration shall, within one month before the expiry of the existing certificate, make an application for renewal of the certificate, in such form and manner as the CIA may approve.
- (2) The CIA may renew or reject the application.
- (3) Where the CIA grants an application for renewal, the contractor shall pay such renewable fee as may be prescribed, and he shall be issued with a new certificate of registration.

D. Non-Renewal of Registration

- (1) Where the holder of a registration certificate 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.
- (2) A registration shall lapse if it is not renewed within 30 days of the expiry of its period of validity.
- (3) The registration of a contractor whose certificate of registration has lapsed shall be struck off the Register.

E. Cessation of Business

- (1) Where the contractor intends to cease his business temporarily or permanently, he shall, within a period of 3 months before the date of cessation of business, notify the CIA in such form and manner as it may approve.
- (2) The CIA shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
- (3) Where a contractor had ceased its operation under subparagraph (2) and thereafter elects to resume his business activities, he shall submit a fresh application for registration to the CIA.

F. Change in Information





- (1) Where there is any change in the information provided at the time of application for registration as contractor, the registered contractor shall, as soon as practicable, notify the CIA of such change.
- (2) The CIA may, where there is any change referred to in paragraph (1), issue, on payment of such fee as may be prescribed, a new certificate of registration to the contractor, and on such other terms and conditions as the CIA may determine.

G. Collection of Statistical Information

- (1) The CIA may, from time to time, collect statistical information from the contractor in the field of construction.

H. Power to Obtain Information

- (1) The CIA may, in relation to a matter pertaining to the construction industry:
 - (a) by notice in writing, require the contractor 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 the contractor, require him to furnish such information relating to that matter; and
 - (c) by notice in writing, require the contractor to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.

I. Powers of Authorised Officers

- (1) The General Manager of CIA 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;
 - (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;
 - (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 any 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) 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.

J. Display of Certificate

The Certificate of Registration shall be conspicuously displayed at the office of the holder of the Certificate.





K. Loss of Certificate

In case the Certificate of Registration is lost, the contractor shall immediately inform the CIA.

L. Cancellation and Suspension of Registration

(1) Pursuant to subsection 29(1) of the CIA Act, the CIA may cancel the registration of a contractor where:

(a) the contractor:

- (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 undertaken by him;
- (iv) has been negligent in the provision of his services;
- (v) has ceased to act as contractor;
- (vi) has contravened any provision of the CIA Act or any regulations made under this Act;
- (vii) has failed to comply with any condition specified in his certificate of registration;
- (viii) has tampered with a certificate of registration;
- (ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
- (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;

(b) any of the principals, associates or partners of the contractor has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIA, material for the grant of the registration; or

(c) a contractor has undertaken works for which there is not a valid Building and Land Use Permit, where applicable.

(2) In accordance with subsection 29(2) of the CIA Act, before cancelling the registration of any contractor under subsection 29(1)(a)(ii) to (vii) and 29(1)(b) of the CIA Act, the CIA shall, by notice in writing, require the contractor, to show cause in writing within 15 days of the date of the service of the notice, why the registration should not be cancelled.

(3) Pursuant to subsection 29(3) of the CIA Act, the CIA 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 contractor in any of the cases specified in subsection 29(1)(a)(ii) to (vii) and (b) of the CIA Act.

(4) Under subsection 29(4) of the CIA Act, the registration of:

- (a) any contractor shall be automatically cancelled on his death;
- (b) any contractor 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 CIA, material for the grant of its application for registration.

(5) Pursuant to subsection 29(5) of the CIA Act, the CIA shall inform the contractor of its decision under subsection 29(1), 29(3), or 29(4)(b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.

(6) Under subsection 29(6) of the CIA Act, a contractor 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 CIA.



M. Offences

- (1) Pursuant to section 45(1) of the CIA Act, any person who undertakes construction works without:
 - (a) being registered as a local contractor; or
 - (b) a Building and Land Use Permit, where applicable, having been issued in respect of those works,shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1 million rupees and to imprisonment for a term not exceeding 5 years.
- (2) The Court may, in addition to any penalty imposed under subsection 45(1) of the CIA Act:
 - (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.
- (3) Any person who contravenes the regulations made for the purposes of the CIA 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.

N. 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 the CIA Act or any subsidiary enactment made under this Act and inflict the penalties provided under this Act.





Terms and Conditions attached to Certificate of Registration

Foreign Contractors (Provisional Registration)

The Certificate of Registration issued by the Construction Industry Authority (CIA) is subject to the following **Terms and Conditions**:

A. General

- (1) This certificate of provisional registration is to be used for bidding purposes only.
- (2) This certificate of provisional registration entitles the foreign contractor to bid for any project in the class of works and the grade in respect of which this certificate is issued.
- (3) In case, following a bidding exercise for a project, the foreign contractor has been awarded a contract for that project, he shall apply for and obtain temporary registration from the CIA before undertaking construction works for that project.
- (4) This certificate of provisional registration is not transferable.

B. Duration of Registration

This certificate of provisional registration is valid for a period of one year and is not renewable.

C. Collaboration between Foreign Contractor and Local Contractor

- (1) Pursuant to section 20(1) of the CIA Act, no foreign contractor shall carry out construction works unless it:
 - (a) collaborates with a local contractor; and
 - (b) is temporarily registered under the Act.
- (2) For the purpose of collaboration, "local contractor" means a firm which:
 - (a) is registered as a contractor under section 19 of the Act; and
 - (b) has carried out construction works in the construction industry for at least 10 years.
- (3) The form of collaboration between a foreign contractor and a local contractor shall be a joint venture agreement, a subcontract agreement or any form of agreement between the contractors for execution of works under the project.
- (4) The conditions of the collaboration agreement between a foreign contractor and a local contractor shall be based on their experience, capability, respective input in delivering the project, and the requirements of the project concerned.
- (5) The apportioning of the contract price between a foreign contractor and a local contractor shall be commensurate with the value of works undertaken by each contractor.
- (6) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years.

D. Cessation of Business

- (1) Where the contractor intends to cease his business temporarily or permanently, he shall, within a period of 3 months before the date of cessation of business, notify the CIA in such form and manner as it may approve.
- (2) The CIA shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
- (3) Where a contractor had ceased its operation under subparagraph (2) and thereafter elects to resume his business activities, he shall submit a fresh application for registration to the CIA.

E. Change in Information

- (1) Where there is any change in the information provided at the time of application for registration as contractor, the registered contractor shall, as soon as practicable, notify the CIA of such change.





- (2) The CIA may, where there is any change referred to in paragraph (1), issue, on payment of such fee as may be prescribed, a new certificate of registration to the contractor, and on such other terms and conditions as the CIA may determine.

F. Collection of Statistical Information

- (1) The CIA may, from time to time, collect statistical information from the contractor in the field of construction.

G. Power to Obtain Information

- (1) The CIA may, in relation to a matter pertaining to the construction industry:
 - (a) by notice in writing, require the contractor 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 the contractor, require him to furnish such information relating to that matter; and
 - (c) by notice in writing, require the contractor to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.

H. Powers of Authorised Officers

- (1) The General Manager of CIA 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;
 - (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;
 - (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 any 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) 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.

I. Display of Certificate

The Certificate of Registration shall be conspicuously displayed at the office of the holder of the Certificate.

J. Loss of Certificate





In case the Certificate of Registration is lost, the contractor shall immediately inform the CIA.

K. Cancellation and Suspension of Registration

(1) Pursuant to subsection 23(1) of the CIA Act, the CIA may cancel the registration of a contractor where:

- (a) the contractor:
 - (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 undertaken by him;
 - (iv) has been negligent in the provision of his services;
 - (v) has ceased to act as contractor;
 - (vi) has contravened any provision of the CIA Act or any regulations made under this Act;
 - (vii) has failed to comply with any condition specified in his certificate of registration;
 - (viii) has tampered with a certificate of registration;
 - (ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
 - (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;

(b) any of the principals, associates or partners of the contractor has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIA, material for the grant of the registration; or

(c) a contractor has undertaken works for which there is not a valid Building and Land Use Permit, where applicable.

(2) In accordance with subsection 29(2) of the CIA Act, before cancelling the registration of any contractor under subsection 29(1)(a)(ii) to (vii) and 29(1)(b) of the CIA Act, the CIA shall, by notice in writing, require the contractor, to show cause in writing within 15 days of the date of the service of the notice, why the registration should not be cancelled.

(3) Pursuant to subsection 29(3) of the CIA Act, the CIA 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 contractor in any of the cases specified in subsection 29(1)(a)(ii) to (vii) and (b) of the CIA Act.

(4) Under subsection 29(4) of the CIA Act, the registration of:

- (a) any contractor shall be automatically cancelled on his death;
- (b) any contractor 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 CIA, material for the grant of its application for registration.

(5) Pursuant to subsection 29(5) of the CIA Act, the CIA shall inform the contractor of its decision under subsection 29(1), 29(3), or 29(4)(b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.

(6) Under subsection 29(6) of the CIA Act, a contractor 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 CIA.

L. Offences





(1) Pursuant to section 45(1) of the CIA Act, any person who undertakes construction works without:

- (a) being temporarily registered as foreign contractor;
- (b) collaborating with a local contractor; or
- (c) a Building and Land Use Permit, where applicable, having been issued in respect of those works,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1 million rupees and to imprisonment for a term not exceeding 5 years.

(2) The Court may, in addition to any penalty imposed under subsection 45(1) of the CIA Act:

- (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.

(3) Any person who contravenes the regulations made for the purposes of the CIA 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.

M. 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 the CIA Act or any subsidiary enactment made under this Act and inflict the penalties provided under this Act.

N. Registration of Construction Industry Professionals

In case the foreign contractor has been awarded a contract for a project, then before carrying out construction works for that project, that contractor shall ensure that the construction industry professionals, deployed by him or it on that project, are duly registered with their respective Councils in Mauritius.





Terms and Conditions attached to Certificate of Registration

Foreign Contractors (Temporary Registration)

The Certificate of Registration issued by the Construction Industry Authority (CIA) is subject to the following **Terms and Conditions**:

A. General

- (1) This certificate of temporary registration entitles the foreign contractor to undertake construction works only for the project specified in the certificate of temporary registration and in the class of works and the grade in respect of which this certificate is issued.
- (2) This certificate of temporary registration is not transferable.

B. Duration of Registration

- (1) The certificate of temporary registration shall lapse:
 - (a) upon completion of the contract; or
 - (b) upon the earlier determination of the contract.

C. Collaboration between Foreign Contractor and Local Contractor

- (1) Pursuant to section 20(1) of the CIA Act, no foreign contractor shall carry out construction works unless it:
 - (a) collaborates with a local contractor; and
 - (b) is temporarily registered under the Act.
- (2) For the purpose of collaboration, "local contractor" means a firm which:
 - (a) is registered as a contractor under section 19 of the Act; and
 - (b) has carried out construction works in the construction industry for at least 10 years.
- (3) The form of collaboration between a foreign contractor and a local contractor shall be a joint venture agreement, a subcontract agreement or any form of agreement between the contractors for execution of works under the project.
- (4) The conditions of the collaboration agreement between a foreign contractor and a local contractor shall be based on their experience, capability, respective input in delivering the project, and the requirements of the project concerned.
- (5) The apportioning of the contract price between a foreign contractor and a local contractor shall be commensurate with the value of works undertaken by each contractor.
- (6) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years.

D. Cessation of Business

- (1) Where the contractor intends to cease his business temporarily or permanently, he shall, within a period of 3 months before the date of cessation of business, notify the CIA in such form and manner as it may approve.
- (2) The CIA shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
- (3) Where a contractor had ceased its operation under subparagraph (2) and thereafter elects to resume his business activities, he shall submit a fresh application for registration to the CIA.

E. Change in Information

- (1) Where there is any change in the information provided at the time of application for registration as contractor, the registered contractor shall, as soon as practicable, notify the CIA of such change.
- (2) The CIA may, where there is any change referred to in paragraph (1), issue, on payment of such fee as may be prescribed, a new certificate of registration to the contractor, and on such other terms and conditions as the CIA may determine.





F. Collection of Statistical Information

- (1) The CIA may, from time to time, collect statistical information from the contractor in the field of construction.

G. Power to Obtain Information

- (1) The CIA may, in relation to a matter pertaining to the construction industry:
 - (a) by notice in writing, require the contractor 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 the contractor, require him to furnish such information relating to that matter; and
 - (c) by notice in writing, require the contractor to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.

H. Powers of Authorised Officers

- (1) The General Manager of CIA 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;
 - (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;
 - (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 any 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) 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.

I. Display of Certificate

The Certificate of Registration shall be conspicuously displayed at the office of the holder of the Certificate.

J. Loss of Certificate

In case the Certificate of Registration is lost, the contractor shall immediately inform the CIA.





K. Cancellation and Suspension of Registration

- (1) Pursuant to subsection 23(1) of the CIA Act, the CIA may cancel the registration of a contractor where:
 - (a) the contractor:
 - (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 undertaken by him;
 - (iv) has been negligent in the provision of his services;
 - (v) has ceased to act as contractor;
 - (vi) has contravened any provision of the CIA Act or any regulations made under this Act;
 - (vii) has failed to comply with any condition specified in his certificate of registration;
 - (viii) has tampered with a certificate of registration;
 - (ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
 - (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;
 - (b) any of the principals, associates or partners of the contractor has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIA, material for the grant of the registration; or
 - (c) a contractor has undertaken works for which there is not a valid Building and Land Use Permit, where applicable.
- (2) In accordance with subsection 29(2) of the CIA Act, before cancelling the registration of any contractor under subsection 29(1)(a)(ii) to (vii) and 29(1)(b) of the CIA Act, the CIA shall, by notice in writing, require the contractor, to show cause in writing within 15 days of the date of the service of the notice, why the registration should not be cancelled.
- (3) Pursuant to subsection 29(3) of the CIA Act, the CIA 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 contractor in any of the cases specified in subsection 29(1)(a)(ii) to (vii) and (b) of the CIA Act.
- (4) Under subsection 29(4) of the CIA Act, the registration of:
 - (a) any contractor shall be automatically cancelled on his death;
 - (b) any contractor 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 CIA, material for the grant of its application for registration.
- (5) Pursuant to subsection 29(5) of the CIA Act, the CIA shall inform the contractor of its decision under subsection 29(1), 29(3), or 29(4)(b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.
- (6) Under subsection 29(6) of the CIA Act, a contractor 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 CIA.

L. Offences

- (1) Pursuant to section 45(1) of the CIA Act, any person who undertakes construction works without:
 - (a) being temporarily registered as foreign contractor;



- (b) collaborating with a local contractor; or
- (c) a Building and Land Use Permit, where applicable, having been issued in respect of those works,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1 million rupees and to imprisonment for a term not exceeding 5 years.

- (2) The Court may, in addition to any penalty imposed under subsection 45(1) of the CIA Act:
 - (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.
- (3) Any person who contravenes the regulations made for the purposes of the CIA 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.

M. 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 the CIA Act or any subsidiary enactment made under this Act and inflict the penalties provided under this Act.

N. Registration of Construction Industry Professionals

Before carrying out construction works for the project specified in the certificate of temporary registration, the foreign contractor shall ensure that the construction industry professionals, deployed by him or it on that project, are duly registered with their respective Councils in Mauritius.





Terms and Conditions attached to Certificate of Registration

Joint Venture Contractors (Provisional Registration)

The Certificate of Registration issued by the Construction Industry Authority (CIA) is subject to the following **Terms and Conditions**:

A. General

- (1) This certificate of provisional registration is to be used for bidding purposes only.
- (2) A joint venture contractor who holds a provisional registration is allowed to bid only for the project specified in the certificate of provisional registration.
- (3) In case, following a bidding exercise for a project, the joint venture consultant has been awarded a contract for that project, it shall apply for and obtain temporary registration from the CIA before undertaking construction works for that project.
- (4) This certificate of provisional registration is not transferable.

B. Duration of Registration

This certificate of provisional registration shall lapse upon award of the contract for the project specified in the certificate of provisional registration.

C. Collaboration between Foreign Contractor and Local Contractor

- (1) Pursuant to section 20(1) of the CIA Act, no foreign contractor shall carry out construction works unless it:
 - (a) collaborates with a local contractor; and
 - (b) is temporarily registered under the Act.
- (2) For the purpose of collaboration, "local contractor" means a firm which:
 - (a) is registered as a contractor under section 19 of the Act; and
 - (b) has carried out construction works in the construction industry for at least 10 years.
- (3) The form of collaboration between a foreign contractor and a local contractor shall be a joint venture agreement, a subcontract agreement or any form of agreement between the contractors for execution of works under the project.
- (4) The conditions of the collaboration agreement between a foreign contractor and a local contractor shall be based on their experience, capability, respective input in delivering the project, and the requirements of the project concerned.
- (5) The apportioning of the contract price between a foreign contractor and a local contractor shall be commensurate with the value of works undertaken by each contractor.
- (6) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years.

D. Cessation of Business

- (1) Where the contractor intends to cease his business temporarily or permanently, he shall, within a period of 3 months before the date of cessation of business, notify the CIA in such form and manner as it may approve.
- (2) The CIA shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
- (3) Where a contractor had ceased its operation under subparagraph (2) and thereafter elects to resume his business activities, he shall submit a fresh application for registration to the CIA.

E. Change in Information

- (1) Where there is any change in the information provided at the time of application for registration as contractor, the registered contractor shall, as soon as practicable, notify the CIA of such change.





- (2) The CIA may, where there is any change referred to in paragraph (1), issue, on payment of such fee as may be prescribed, a new certificate of registration to the contractor, and on such other terms and conditions as the CIA may determine.

F. Collection of Statistical Information

- (1) The CIA may, from time to time, collect statistical information from the contractor in the field of construction.

G. Power to Obtain Information

- (1) The CIA may, in relation to a matter pertaining to the construction industry:
 - (a) by notice in writing, require the contractor 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 the contractor, require him to furnish such information relating to that matter; and
 - (c) by notice in writing, require the contractor to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.

H. Powers of Authorised Officers

- (1) The General Manager of CIA 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;
 - (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;
 - (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 any 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) 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.

I. Display of Certificate

The Certificate of Registration shall be conspicuously displayed at the office of the holder of the Certificate.

J. Loss of Certificate

In case the Certificate of Registration is lost, the contractor shall immediately inform the CIA.





K. Cancellation and Suspension of Registration

- (1) Pursuant to subsection 23(1) of the CIA Act, the CIA may cancel the registration of a contractor where:
 - (a) the contractor:
 - (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 undertaken by him;
 - (iv) has been negligent in the provision of his services;
 - (v) has ceased to act as contractor;
 - (vi) has contravened any provision of the CIA Act or any regulations made under this Act;
 - (vii) has failed to comply with any condition specified in his certificate of registration;
 - (viii) has tampered with a certificate of registration;
 - (ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
 - (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;
 - (b) any of the principals, associates or partners of the contractor has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIA, material for the grant of the registration; or
 - (c) a contractor has undertaken works for which there is not a valid Building and Land Use Permit, where applicable.
- (2) In accordance with subsection 29(2) of the CIA Act, before cancelling the registration of any contractor under subsection 29(1)(a)(ii) to (vii) and 29(1)(b) of the CIA Act, the CIA shall, by notice in writing, require the contractor, to show cause in writing within 15 days of the date of the service of the notice, why the registration should not be cancelled.
- (3) Pursuant to subsection 29(3) of the CIA Act, the CIA 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 contractor in any of the cases specified in subsection 29(1)(a)(ii) to (vii) and (b) of the CIA Act.
- (4) Under subsection 29(4) of the CIA Act, the registration of:
 - (a) any contractor shall be automatically cancelled on his death;
 - (b) any contractor 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 CIA, material for the grant of its application for registration.
- (5) Pursuant to subsection 29(5) of the CIA Act, the CIA shall inform the contractor of its decision under subsection 29(1), 29(3), or 29(4)(b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.
- (6) Under subsection 29(6) of the CIA Act, a contractor 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 CIA.

L. Offences

- (1) Pursuant to section 45(1) of the CIA Act, any person who undertakes construction works without:





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- (a) being temporarily registered as joint venture contractor;
- (b) collaborating with a local contractor; or
- (c) a Building and Land Use Permit, where applicable, having been issued in respect of those works,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1 million rupees and to imprisonment for a term not exceeding 5 years.

- (2) The Court may, in addition to any penalty imposed under subsection 45(1) of the CIA Act:
 - (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.
- (3) Any person who contravenes the regulations made for the purposes of the CIA 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.

M. 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 the CIA Act or any subsidiary enactment made under this Act and inflict the penalties provided under this Act.

N. Registration of Construction Industry Professionals

In case the joint venture contractor has been awarded a contract for a project, then before carrying out construction works for that project, that contractor shall ensure that the construction industry professionals, deployed by it on that project, are duly registered with their respective Councils in Mauritius.





Terms and Conditions attached to Certificate of Registration

Joint Venture Contractors (Temporary Registration)

The Certificate of Registration issued by the Construction Industry Authority (CIA) is subject to the following **Terms and Conditions**:

A. General

- (1) This certificate of temporary registration entitles the joint venture contractor to undertake construction works only for the project specified in the certificate of temporary registration and in the class of works and the grade in respect of which this certificate is issued.
- (2) This certificate of temporary registration is not transferable.

B. Duration of Registration

- (1) The certificate of temporary registration shall lapse:
 - (a) upon completion of the contract; or
 - (b) upon the earlier determination of the contract.

C. Collaboration between Foreign Contractor and Local Contractor

- (1) Pursuant to section 20(1) of the CIA Act, no foreign contractor shall carry out construction works unless it:
 - (a) collaborates with a local contractor; and
 - (b) is temporarily registered under the Act.
- (2) For the purpose of collaboration, "local contractor" means a firm which:
 - (a) is registered as a contractor under section 19 of the Act; and
 - (b) has carried out construction works in the construction industry for at least 10 years.
- (3) The form of collaboration between a foreign contractor and a local contractor shall be a joint venture agreement, a subcontract agreement or any form of agreement between the contractors for execution of works under the project.
- (4) The conditions of the collaboration agreement between a foreign contractor and a local contractor shall be based on their experience, capability, respective input in delivering the project, and the requirements of the project concerned.
- (5) The apportioning of the contract price between a foreign contractor and a local contractor shall be commensurate with the value of works undertaken by each contractor.
- (6) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years.

D. Cessation of Business

- (1) Where the contractor intends to cease his business temporarily or permanently, he shall, within a period of 3 months before the date of cessation of business, notify the CIA in such form and manner as it may approve.
- (2) The CIA shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
- (3) Where a contractor had ceased its operation under subparagraph (2) and thereafter elects to resume his business activities, he shall submit a fresh application for registration to the CIA.

E. Change in Information

- (1) Where there is any change in the information provided at the time of application for registration as contractor, the registered contractor shall, as soon as practicable, notify the CIA of such change.
- (2) The CIA may, where there is any change referred to in paragraph (1), issue, on payment of such fee as may be prescribed, a new certificate of registration to the contractor, and on such other terms and conditions as the CIA may determine.





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- (1) The CIA may, from time to time, collect statistical information from the contractor in the field of construction.

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- (1) The CIA may, in relation to a matter pertaining to the construction industry:
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 - (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;
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 - (i) inspect such equipment as he may consider necessary;
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- (4) Every Authorised Officer shall produce, on request being made, his authority to any person referred to in subsection (3).
- (5) 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.

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 - (iii) has, without good cause, abandoned any services undertaken by him;
 - (iv) has been negligent in the provision of his services;
 - (v) has ceased to act as contractor;
 - (vi) has contravened any provision of the CIA Act or any regulations made under this Act;
 - (vii) has failed to comply with any condition specified in his certificate of registration;
 - (viii) has tampered with a certificate of registration;
 - (ix) is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
 - (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;
 - (b) any of the principals, associates or partners of the contractor has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIA, material for the grant of the registration; or
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- (3) Pursuant to subsection 29(3) of the CIA Act, the CIA 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 contractor in any of the cases specified in subsection 29(1)(a)(ii) to (vii) and (b) of the CIA Act.
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 - (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;
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Before carrying out construction works for the project specified in the certificate of temporary registration, the joint venture contractor shall ensure that the construction industry professionals, deployed by it on that project, are duly registered with their respective Councils in Mauritius.

