

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT 2008

Act 35/2008

Proclaimed by [\[Proclamation No. 2 of 2009\]](#) w.e.f 1 February 2009 - except sections 18 to 25

Proclaimed by [\[Proclamation No. 25 of 2014\]](#) w.e.f. 1 August 2014 – Sections 18 to 25

I assent

SIR ANEROOD JUGNAUTH

President of the Republic

27th November 2008

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An Act

**To provide for the consolidation and improvement of the law relating
to the regulation of the construction industry**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the **Construction Industry Development Board Act 2008**.

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);

“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;

“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 anything 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;

“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;

“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;

Amended by [\[Act No. 38 of 2011\]](#)

“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;

Amended by [\[Act No. 38 of 2011\]](#)

“Council” means the Council set up under 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 –

(a) that provides consultancy services in the construction industry; and

(b) the control of which is vested in a person with relevant professional qualifications who is a non- citizen;

“foreign contractor” means –

- (a) in the case of an individual, a contractor who is a non-citizen, and carries out construction works in the construction industry; or
- (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;

“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;

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

“Register” means the Register of consultants or the Register of contractors, as the case may be, specified in section 18.

Amended by [\[Act No. 38 of 2011\]](#); [\[Act No. 2 of 2015\]](#); [\[Act No. 31 of 2016\]](#)

3. Application of Act

(1) This Act shall not apply to –

- (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;

- (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.
- (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 such other body to whom responsibility for that project is assigned shall inform the Council of the name of the foreign consultant or foreign contractor.

Amended [\[Act No. 31 of 2016\]](#)

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 the 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 the 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;
- (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 and contractors;
- (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.

Amended by [\[Act No. 31 of 2016\]](#)

7. Powers of the 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 and contractors in the construction industry;
 - (ii) cancel, suspend or reinstate the registration of any consultant or contractor;
 - (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.

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;
 - (c) a representative of the Ministry responsible for the subject of environment;
 - (d) a representative of the Ministry responsible for the subject of local government;
 - (e) a representative of the Professional Architects' Council established under the Professional Architects' Council Act;
 - (f) a representative of the Professional Quantity Surveyors' Council established under the Professional Quantity Surveyors' Council Act;
 - (g) a representative of the Council of Registered Professional Engineers of Mauritius

- established under the Registered Professional Engineers Council Act;
- (h) a representative of the small and medium enterprises of the construction sector, to be appointed by the Minister;
 - (i) a representative of an association of contractors for building and civil engineering works, to be appointed by the Minister;
 - (j) a representative of an association of contractors for mechanical and electrical works, to be appointed by the Minister;
 - (k) a person having wide experience in the construction industry, to be appointed by the Minister.
- (3) Every member of the Council, other than a member referred to in subsection (2)(b), (c) and (d), shall hold office for a period of 2 years.
- (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.

Amended by [\[Act No. 2 of 2015\]](#)

9. Meetings of the 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) Six members shall constitute a quorum.
- (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 who shall exercise the functions, and have the powers, of the Chairperson.

Amended by [\[Act No. 2 of 2015\]](#)

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; and
 - (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 provisions 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 scheme and the contribution payable to and the benefits recoverable from those schemes.

14. Disclosure of interest

A member of the Council, the Executive Director or any employee who has a direct or indirect interest in any matter brought before the Council –

- (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 or contractor;
- (b) require the production of any records kept by a consultant or a contractor 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) On completion of his enquiry or inspection, the authorised officer shall submit to the Executive Director 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.

16. Protection of members and officers

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 the 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 and a Register of contractors at its office, in which shall be entered -
 - (a) the names, business addresses, grades and field or area of specialisation, as the case may be, of every consultant or contractor registered under this Act;
 - (b) such other particulars as the Council may, from time to time, determine.
- (2) The Register of consultants and the Register of contractors shall be made available for inspection by members of the public at all reasonable times during office hours.

Amended by [\[Act No. 31 of 2016\]](#)

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.
- (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
 - (d) whether he is a fit and proper person to be registered.
- (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 whose participation was, in the opinion of the Council, material for the grant of the registration;
 - (c) the applicant has been convicted for an offence involving fraud or dishonesty; or
 - (d) the applicant has submitted misleading or insufficient information for the purposes of his registration.
- (6) Where the Council grants an application under this section, it shall –
 - (a) determine –
 - (i) the field of specialisation of the consultant specified in Part A of the Second Schedule;

(ii) the class of works, grade and the area of specialization, where applicable, of the contractor, specified in Parts B and C of the Second Schedule and the Third Schedule respectively; or

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

in respect of which the registration is granted; and

(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;

(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,

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.

Amended by [\[Act No. 38 of 2011\]](#); [\[Act No. 27 of 2013\]](#); [\[Act No. 2 of 2015\]](#); [\[Act No. 31 of 2016\]](#)

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 is temporarily registered under this Act.

(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

(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 and in such manner as may be prescribed.

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

(3) After considering an application under subsection (2), 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 it may determine.

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

(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.

(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.

(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.

Amended by [\[Act No. 38 of 2011\]](#); [\[Act No. 27 of 2013\]](#); [\[Act No. 31 of 2016\]](#)

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.

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

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

Amended by [\[Act No. 31 of 2016\]](#)

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.

Added by [\[Act No. 31 of 2016\]](#)

22. Non-renewal of registration

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

Amended by [\[Act No. 31 of 2016\]](#)

23. Cancellation and suspension of registration

- (1) The Council may cancel the registration of a consultant or a contractor where –
 - (a) the consultant or 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 consultancy services or construction works, as the case may be, undertaken by him;
 - (iv) has been negligent in the provision of his services;
 - (v) has ceased to act as consultant or contractor;
 - (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;
 - (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 whose participation was in the opinion of the Council, material for the grant of the registration.

- (2) Before cancelling the registration of any consultant or contractor 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.
- (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 or a contractor in any of the cases specified in subsection (1)(a)(ii) to (vii) and (b).
- (4) The registration of –
 - (a) any contractor shall be automatically cancelled on his death;
 - (b) any consultant or 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 Council, material for the grant of its application for registration.
- (5) The Council shall inform the consultant or contractor of its decision under subsections (1), (3), or (4)(b) within 7 days of its decision, by notice in writing, specifying the reasons for its decision.
- (6) A consultant or 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 Council.

24. Publication

- (1) The Council shall, not later than 30 June of every year, publish an annual list of registered consultants and contractors in the Gazette.
- (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 by [\[Act No. 31 of 2016\]](#)

25. Appeal

- (1) Any consultant or contractor 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.
- (1A) The aggrieved consultant or contractor shall, for the hearing of the appeal, pay such non-refundable fee as may be prescribed.
- (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) The ad hoc Committee shall determine the appeal within 2 months of the date it has been appointed to hear an appeal, and may affirm, vary or reverse the decision of the Council stating its reasons for doing so.
- (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.

Amended by [\[Act No. 31 of 2016\]](#)

26. Offences

- (1) Any consultant or contractor who contravenes subsections 19(1), 19(7) or 20(1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

- (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.

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 subsidiary enactment 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, not later than 6 months after the close of a financial year, issue an annual report on its activities and audited accounts for that financial year.
- (2) The annual report shall be submitted to the Minister for his approval and shall be laid before the Assembly.

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 payment of fees, levy, charges or surcharges and imposition of penalties; and
 - (b) the amendment of the Schedule.
- (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.

35. Repeal

The Construction Industry Development Board Act is repealed.

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) The Statutory Bodies Pension Fund Act is amended in the Schedule, by inserting in the proper alphabetical order, the following new item –

Construction Industry Development Board

37. Transitional provisions

- (1) Notwithstanding the repeal of the Construction Industry Development Board Act –
 - (a) any act done by, or any contract entered with, the Construction Industry Development Board shall be deemed to be a valid act done by, or contract entered 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.

(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.

(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.

Amended by [\[Act No. 38 of 2011\]](#); [\[Act No. 2 of 2015\]](#)

38. Commencement

Proclaimed by [\[Proclamation No. 2 of 2009\]](#) w.e.f 1 February 2009 - except sections 18 to 25

Proclaimed by [\[Proclamation No. 25 of 2014\]](#) w.e.f. 1 August 2014 – Sections 18 to 25

- (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.

Passed by the National Assembly on the eleventh day of November two thousand and eight.

Ram Ranjit Dowlutta
Clerk of the National Assembly

FIRST SCHEDULE

(section 3)

Amounts in rupees
(exclusive of VAT)

Construction works

Less than one million

Amended by [\[Act No. 13 of 2019\]](#)

SECOND SCHEDULE

[Section 19]

PART A - FIELDS OF SPECIALISATION OF
CONSULTANTS

Architecture

Civil engineering, including structural engineering, geotechnical engineering, transportation engineering, offshore engineering, process engineering and water resources engineering

Environmental engineering

Interior design

Landscape architecture

Mechanical, electrical and plumbing (MEP) services, including building services engineering, process engineering and fire engineering

Project management in construction

Quantity surveying

Urban planning

PART B – CLASSES OF WORKS OF CONTRACTORS

Building construction works

Civil engineering construction works

Mechanical, electrical and plumbing works

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

Amended by [\[Act No. 31 of 2016\]](#); [\[GN No. 140 of 2018\]](#); [\[Act No. 13 of 2019\]](#); [\[Act No. 7 of 2020\]](#)

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

SCHEDULE–*continued***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, aquaduct, treatment plant, network pipe laying and sewerage works

PART III – MECHANICAL, ELECTRICAL AND PLUMBING WORKS

Reference	Areas of Specialisation	Description
M01	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

SCHEDULE—*continued*

Reference	Areas of Specialisation	Description
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 Installation, testing, commissioning, maintenance and repairs of energy generation systems
E02	Miscellaneous Specialisation	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