

*Government Notice No. 251 of 2021***THE CONSTRUCTION INDUSTRY
DEVELOPMENT BOARD ACT****Regulations made by the Minister, after consultation with the
Council, under section 34 of the Construction
Industry Development Board Act**

1. These regulations may be cited as the Construction Industry Development Board (Collaboration between Foreign and Local Consultants) Regulations 2021.
2. In these regulations –
 - “Act” means the Construction Industry Development Board Act;
 - “field of specialisation” means a field of specialisation specified in Part A of the Second Schedule to the Act;
 - “local consultant” means a firm which –
 - (a) is registered as a consultant under section 19 of the Act; and
 - (b) has provided consultancy services in the construction industry for at least 5 years.
3. (1) For the purpose of section 20(1) of the Act, no foreign consultant shall provide consultancy services in a field of specialisation unless it –
 - (a) collaborates with a local consultant providing consultancy services in that field of specialisation; and
 - (b) is temporarily registered under the Act.
- (2) The form of collaboration between a foreign consultant and a local consultant shall be a joint venture agreement, a

sub-consultancy agreement or any other form of agreement between the consultants.

(3) The conditions of the collaboration agreement between a foreign consultant and a local consultant shall be based on their experience, capability, respective input in delivering the project, and the requirements of the project concerned.

(4) (a) Subject to paragraph (b), the apportioning of the consultancy fee between a foreign consultant and a local consultant shall be commensurate with the services to be provided by each consultant.

(b) A local consultant's share of the consultancy fee shall be based on the apportioning of tasks or input but shall, subject to paragraph (c), be not be less than 25 per cent of the total consultancy fee payable.

(c) The requirement for the payment of at least 25 per cent of the total consultancy fee shall only apply to a local consultant which provides architectural, engineering or quantity surveying services, as the case may be.

(5) Where no local consultant has the necessary experience or expertise in a field of specialisation, the requirement for collaboration shall not be applicable and a foreign consultant may provide consultancy services without collaborating with a local consultant.

4. Nothing shall preclude a foreign consultant providing consultancy services in a field of specialisation to collaborate, in addition to the requirement of collaborating with a local consultant providing consultancy services in that field of specialisation, with another consultant registered under section 19 of the Act.

5. 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.
6. These regulations shall come into operation on 1 October 2021.

Made by the Minister, after consultation with the Council, on 30 September 2021.
