Terms and Conditions attached to Certificate of Registration

Foreign Consultants (Temporary Registration)

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

1. **General**
2. This certificate of temporary registration entitles the foreign consultant to provide consultancy services only for the project specified in the certificate of temporary registration and in the field of specialisation in respect of which this certificate is issued.
3. This certificate of temporary registration is not transferable.
4. **Duration of Registration**
5. The certificate of temporary registration shall lapse:
6. upon completion of the contract; or
7. upon the earlier determination of the contract.
8. **Collaboration between Foreign Consultant and Local Consultant**
9. Pursuant to section 20(1) of the CIDB Act, no foreign consultant shall provide consultancy services in a field of specialisation unless it:
10. collaborates with a local consultant providing consultancy services in that field of specialisation; and
11. is temporarily registered under the Act.
12. For the purpose of collaboration, “local consultant” means a firm which:
13. is registered as a consultant under section 19 of the Act; and
14. has provided consultancy services in the construction industry for at least 5 years.
15. 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.
16. 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.
17. (a) 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, 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.

1. 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.
2. 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 CIDB Act.
3. Any person who contravenes the Construction Industry Development Board (Collaboration between Foreign and Local Consultants) Regulations 2021 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
4. **Cessation of Business**
5. Where the consultant 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 CIDB in such form and manner as it may approve.
6. The CIDB shall, upon receipt of a notification under paragraph (1), proceed with the suspension or cancellation of the registration, as the case may be.
7. Where a consultant 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 CIDB.
8. **Change in Information**
9. Where there is any change in the information provided at the time of application for registration as consultant, the registered consultant shall, as soon as practicable, notify the CIDB of such change.
10. The CIDB 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 consultant, and on such other terms and conditions as the CIDB may determine.
11. **Collection of Statistical Information**
12. The CIDB may, from time to time, collect statistical information from the consultant in the field of construction.
13. **Power to Obtain Information**
14. The CIDB may, in relation to a matter pertaining to the construction industry:
15. by notice in writing, require the consultant 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;
16. by interviewing the consultant, require him to furnish such information relating to that matter; and
17. by notice in writing, require the consultant to fill in a form attached to the notice and to return it in such manner and within such time as may be specified.
18. **Powers of Authorised Officers**
19. The Executive Director of CIDBmay 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.
20. An Authorised Officer may for the purposes of discharging his functions, or exercising his powers:
21. enter, at all reasonable times, a construction site; and
22. make such enquiry or inspection as he thinks fit.
23. In the course of an enquiry or an inspection under this section, an Authorised Officer may:
24. direct any person to submit information on the registration of a consultant, contractor, service provider or supplier;
25. 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;
26. 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;
27. 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.

1. Every Authorised Officer shall produce, on request being made, his authority to any person referred to in subsection (3).
2. Any person who obstructs, hinders, opposes or molests, or fails without reasonable excuse to comply with a requirement or direction of, an Authorised Officer in the performance of his duties under this Act shall commit an offence and shall on conviction be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.
3. **Display of Certificate**

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

1. **Loss of Certificate**

In case the Certificate of Registration is lost, the consultant shall immediately inform the CIDB.

1. **Cancellation and Suspension of Registration**
2. Pursuant to subsection 23(1) of the CIDB Act, the CIDB may cancel the registration of a consultant where:
3. the consultant:
	1. has been adjudged bankrupt or declared insolvent, or in the case of a corporate body, has been the subject of a winding up order;
	2. has obtained his certificate of registration by fraud or misrepresentation;
	3. has, without good cause, abandoned any services undertaken by him;
	4. has been negligent in the provision of his services;
	5. has ceased to act as consultant;
	6. has contravened any provision of the CIDB Act or any regulations made under this Act;
	7. has failed to comply with any condition specified in his certificate of registration;
	8. has tampered with a certificate of registration;
	9. is suspended or debarred, pursuant to section 53 of the Public Procurement Act, as a bidder or supplier; or
	10. 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.
4. any of the principals, associates or partners of the consultancy firm has been found guilty of professional misconduct by a recognised professional body and whose participation was in the opinion of the CIDB, material for the grant of the registration.
5. In accordance with subsection 23(2) of the CIDB Act, before cancelling the registration of any consultant under subsection 23(1)(a)(ii) to (vii) and 23(1)(b) of the CIDB Act, the CIDB shall, by notice in writing, require the consultant to show cause in writing within 15 days of the date of the service of the notice, why the registration should not be cancelled.
6. Pursuant to subsection 23(3) of the CIDB Act, the CIDB 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 in any of the cases specified in subsection 23(1)(a)(ii) to (vii) and (b) of the CIDB Act.
7. Under subsection 23(4) of the CIDB Act, the registration of any consultant 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 CIDB, material for the grant of its application for registration.
8. Pursuant to subsection 23(5) of the CIDB Act, the CIDB shall inform the consultant of its decision under subsection 23(1), 23(3)**,** or 23(4)(b) within 7days of its decision, by notice in writing, specifying the reasons for its decision.
9. Under subsection 23(6) of the CIDB Act, a consultant who is informed that his certificate of registration has been cancelled or suspended shall surrender his certificate within 7days of being so informed by the CIDB.
10. **Offences**
11. Pursuant to section 26(1) of the CIDB Act, any person who contravenes section 19(1), 19(7), 20(1), 20A(1) or 20A(2) of the CIDB Act 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.
12. The Court may, in addition to any penalty imposed under subsection 26(1) of the CIDB Act:
13. 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;
14. order, or prohibit, the doing of any act to stop a continuing contravention.
15. Any person who contravenes the CIDB Regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.
16. **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 CIDB Act or any subsidiary enactment made under this Act and inflict the penalties provided under this Act.

1. **Registration of Construction Industry Professionals**

Before providing consultancy services for the project specified in the certificate of temporary registration, the foreign consultant shall ensure that the construction industry professionals, deployed by it on that project, are duly registered with their respective Councils in Mauritius.