

**THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD
(AMENDMENT) BILL
(No. II of 2015)**

Explanatory Memorandum

The main object of this Bill is to amend the Construction Industry Development Board Act to, inter alia, provide –

- (a) that a firm or person that or who 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;
 - (b) for a change in the definition of “foreign contractor” and “foreign consultant”;
 - (c) for the review of the composition of the Construction Industry Development Council.
2. Opportunity is being taken to clarify some provisions of the Act.

N. BODHA
*Minister of Public Infrastructure
and Land Transport*

13 March 2015

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ARRANGEMENT OF CLAUSES

Clause

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| 1. Short title | 5. Section 9 of principal Act amended |
| 2. Interpretation | 6. Section 19 of principal Act amended |
| 3. Section 2 of principal Act amended | 7. Section 37 of principal Act amended |
| 4. Section 8 of principal Act amended | 8. Commencement |
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A BILL

To amend the Construction Industry Development Board Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Construction Industry Development Board (Amendment) Act 2015.

2. Interpretation

In this Act –

“principal Act” means the Construction Industry Development Board Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) in the definition of “foreign consultant” –
 - (i) by deleting the words “, subject to subsection (3),”;
 - (ii) in paragraph (b), by deleting the words “and is not a resident of Mauritius”;
- (b) in the definition of “foreign contractor” –
 - (i) by deleting the words “, subject to subsections (2) and (3)”;
 - (ii) in paragraph (a), by deleting the words “, is not a resident of Mauritius”;
 - (iii) in paragraph (b), by deleting the words “and is not a resident of Mauritius”;
- (c) by repealing subsections (2) and (3).

4. Section 8 of principal Act amended

Section 8 of the principal Act is amended –

- (a) in subsection (2), by repealing paragraphs (b) to (k) and replacing them by the following paragraphs –

- (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.

- (b) in subsection (3), by deleting the words "the ex officio members" and replacing them by the words "a member referred to in subsection (2)(b), (c) and (d)".

5. Section 9 of principal Act amended

Section 9 of the principal Act is amended, in subsection (3), by deleting the word "Seven" and replacing it by the word "Six".

6. Section 19 of principal Act amended

Section 19 of the principal Act is amended, in subsection (6)(a)(ii), by inserting, after the word "specialisation", the words ", where applicable,".

7. Section 37 of principal Act amended

Section 37 of the principal Act is amended by inserting, after subsection (2A), the following new subsection –

(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.

8. Commencement

Section 7 shall be deemed to have come into operation on 1 February 2015.
