

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

CONSTRUCTION INDUSTRY

DEVELOPMENT ACT, No. 33 OF 2014

[Certified on 16th October, 2014]

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[Certified on 16th October, 2014]

L.D.—O. 59/2005.

ANACT TO PROVIDE FOR THE DEVELOPMENT OF THE CONSTRUCTION

INDUSTRY IN SRI LANKA; TO REGULATE, REGISTER, FORMALIZE

AND STANDARDIZE THEACTIVITIES OF THECONSTRUCTION INDUSTRY;

TOPROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL ADVISORY

COUNCIL ON CONSTRUCTION; THE ESTABLISHMENT OF THE

CONSTRUCTION INDUSTRY DEVELOPMENT AUTHORITY; AND THE

ESTABLISHMENTOFTHECONSTRUCTION INDUSTRYDEVELOPMENT FUND

AND THE FUND OF THE CONSTRUCTION INDUSTRY DEVELOPMENT

AUTHORITY; TO PROVIDE MEASURES FOR THE IMPROVEMENT AND

WELLBEING OF THE INDUSTRY RELATED PROFESSIONALS,

MANUFACTURERS, SUPPLIERS, CONTRACTORS AND CRAFTSMEN;

AND FORTHE SETTLEMENTOF DISPUTES RELATED TO CONSTRUCTION

ACTIVITIES;TOENSUREPUBLICSAFETYINTHE CONSTRUCTIONINDUSTRY

OF SRI LANKA; AND FOR MATTERS CONNECTED THEREWITH OR

INCIDENTALTHERETO.

Be it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. (1) This Act may be cited as the Construction Industry Short title, date

Development Act, No. 33 of 2014 and shall come into of operation and

application.

operation on such date (hereinafter referred to as the

“appointed date”) as the Minister may appoint by Order

published in the Gazette.

(2) This Act shall apply to all activities relating to the

construction industry within the Democratic Socialist

Republic of Sri Lanka, except otherwise provided herein.

PART I

NATIONAL POLICY ON CONSTRUCTION AND ITS IMPLEMENTATION

2. (1) The National Advisory Council on Construction National policy

established under Part II of this Act, shall formulate a National on Construction.

Policy on Construction and such policy shall comprise

2—PL 008438—3,000 (08/2014)

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matters relating to the construction industry and its goals.

The National Advisory Council on Construction shall on

completion of the National Policy forward it to the Cabinet

of Ministers for approval. Such National Policy may, from

time to time, be revised in keeping with the developments

of the construction industry.

(2) In formulating the National Policy in terms of

subsection (1), emphasis shall be given to the involvement

of professionals within the construction industry, including

resource personnel in the field of traditional knowledge.

Implementation of 3. The Minister may, from time to time, for the purpose

National Policy. of implementing the National Policy on Construction

prepared in terms of section 2, give such general or special

directions as he may consider necessary to the Construction

Industry Development Authority to provide for the

promotion and implementation of the National Policy.

PART II

NATIONAL ADVISORY COUNCIL ON CONSTRUCTION

Establishment of 4. There shall be established a council which shall be

the National called the National Advisory Council on Construction

Advisory

(hereinafter referred to as the “Council”) and shall consist of

Council on

Construction. the members as specified in section 5.

Constitution of 5. (1) The Council shall consist of —

the Council.

(a) the following ex-officio members, namely—

(i) the Secretary to the Ministry of the Minister

in charge of the subject of Construction who

shall be the Chairman of the Council and in

his absence, an officer not below the rank of

an Additional Secretary of that Ministry,

nominated by the Secretary;

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(ii) the Secretary to the Ministry of the Minister

in charge of the subject of Urban

Development or an officer not below the rank

of a Senior Assistant Secretary in charge of

development work of that Ministry

nominated by the Secretary;

(iii) the Secretary to the Ministry of the Minister

in charge of the subject of Highways or an

officer not below the rank of a Senior Assistant

Secretary in charge of development work of

that Ministry nominated by the Secretary;

(iv) the Secretary to the Ministry of the Minister

in charge of the subject of Water Supply and

Drainage or an officer not below the rank of a

Senior Assistant Secretary in charge of

development work, of that Ministry

nominated by the Secretary;

(v) the Secretary to the Ministry of the Minister

in charge of the subject of Irrigation or an

officer not below the rank of a Senior Assistant

Secretary in charge of development work, of

that Ministry nominated by the Secretary;

(vi) the Secretary to the Ministry of the Minister

in charge of the subject of Housing or an

officer not below the rank of a Senior Assistant

Secretary in charge of development work, of

that Ministry nominated by the Secretary;

(vii) the Secretary to the Ministry of the Minister

in charge of the subject of Vocational and

Technical Training or an officer not below

the rank of a Senior Assistant Secretary in

charge of development work, of that Ministry

nominated by the Secretary; and

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(b) the following fifteen members appointed by the

Minister (hereinafter referred to as “appointed

members”) as follows:—

(i) the Chairman of the Construction Industry

Development Authority established under

section 8 of this Act;

(ii) the President of the Institution of Engineers,

Sri Lanka established under the Institution

of Engineers, Sri Lanka Act, No. 17 of 1968

or his representative;

(iii) the President of the Sri Lanka Institute of

Architects established under the Sri Lanka

Institute of Architects Law, No. 1 of 1976 or

his representative;

(iv) the President of the Institute of Quantity

Surveyors, Sri Lanka established under the

Institute of Quantity Surveyors, Sri Lanka

(Incorporation) Act, No. 20 of 2007 or his

representative;

(v) the President of the Institute of Town

Planners, Sri Lanka established under the

Institute of Town Planners, Sri Lanka

(Incorporation) Act, No. 23 of 1986 or his

representative;

(vi) the President of the Association of

Consulting Engineers, Sri Lanka established

under the Association of Consulting

Engineers, Sri Lanka (Incorporation) Act, No.

42 of 2003 or his representative;

(vii) the President of the Institution of Incorporated

Engineers, Sri Lanka established under the

Institution of Incorporated Engineers,

Sri Lanka (Incorporation) Act, No. 64 of 1992

or his representative;

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(viii) two representatives from the National

Construction Association of Sri Lanka

representing the Major and Minor

Contractors, respectively and who are

nominated by the National Construction

Association of Sri Lanka;

(ix) one representative from the Chamber of

Construction Industry, Sri Lanka nominated

by the Chamber of Construction Industry,

Sri Lanka;

(x) one member nominated by the Institution of

Engineers, Sri Lanka established by the

Institution of Engineers, Sri Lanka Act, No.

17 of 1968; and

(xi) four members appointed by the Minister from

among persons who have achieved eminence

in the fields of construction, environmental

science, labour relations and public health or

occupational health.

(2) A person shall be disqualified from being appointed

or continuing as an appointed member of the Council—

(a) if he is, or becomes a member of Parliament or any

Provincial Council or any local authority; or

(b) if he is not, or ceases to be a citizen of Sri Lanka; or

(c) if he is under any law in force in Sri Lanka or in any

other country found or declared to suffer from

unsoundness of mind; or

(d) if he is serving or has served a sentence of

imprisonment imposed by any Court in Sri Lanka

or any other country; or

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(e) if he holds or enjoys any right or benefit under any

contract made by or on behalf of the Construction

Industry Development Authority; or

(f) if he has any financial or other interest as is likely

to affect prejudicially the discharge by him of his

functions as a member of the Council.

(3) Every appointed member shall unless he vacates office

earlier by death, resignation or removal, hold office for a

term of three years from the date of his appointment and

shall unless he has been removed, be eligible for

reappointment.

(4) The Minister may, if he considers it expedient to do

so, remove from office any appointed member after assigning

reasons therefor.

(5) Any appointed member may at any time resign his

office by letter to that effect addressed to the Minister and

sent by registered post.

(6) In the event of vacation of office by death, resignation

or removal of any appointed member, the Minister may

having regard to the provisions of paragraph (b) of subsection

(1) appoint any other person to succeed such member. Any

member so appointed shall hold office for the unexpired

term of office of the member whom he succeeds.

(7) Where an appointed member, by reason of illness,

infirmity or absence from Sri Lanka for a period of not less

than three months, is temporarily unable to perform his duties,

it shall be the duty of such member to inform the Minister in

writing of such inability. The Minister may, on receipt of

such information, having regard to the provisions of

paragraph (b) of subsection (1) appoint some other person to

act in his place.

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(8) No act or proceeding of the Council shall be invalid

by reason only of the existence of any vacancy in the Council

or any defect in the appointment of a member of the Council.

(9) All decisions at any meeting of the Council shall be

arrived at by the vote of a majority of the members present.

In the case of an equality of votes, the member presiding

shall have a casting vote.

(10) The members of the Council shall be remunerated in

such manner and at such rates as may be determined by the

Minister with the concurrence of the Minister in charge of

the subject of Finance.

6. The objects of the Council shall be to— Objectives of the

Council.

(a) formulate and amend the national policy on

construction and its implementation mechanism;

(b) make representations to the Minister on any need

for the development of the construction industry;

(c) advise the Minister and make recommendations on

any regulation to be made under this Act;

(d) advise and make recommendations to the Authority

on strategic issues, policies and legislative

proposals that may affect or which is incidental or

connected with the construction industry; and

(e) propose measures to the Authority which are

necessary for the development and sustenance of

the construction industry.

7. (1) The Council shall meet at least once in three Meetings of the

months. The Minister may however call a special meeting if Council.

a need arises to discuss any matter of importance.

(2) The quorum for a meeting of the Council shall be

eight members.

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PART III

CONSTRUCTION INDUSTRYDEVELOPMENT AUTHORITY

Establishment of 8. (1) There shall be established an authority called and

the Construction known as the “Construction Industry Development

Industry

Development Authority” (hereinafter referred to as “the Authority”).

Authority.

(2) The Authority shall by the name assigned to it by

subsection (1), be a body corporate and shall have perpetual

succession and a common seal and may sue and be sued in

such name.

Management 9. (1) The management and administration of the

and affairs of the Authority shall be vested in a Board of

administration

Management (hereinafter referred to as “the Board”) which

of the affairs of

the Authority. shall consist of —

(a) the following ex-officio members—

(i) the Secretary to the Ministry of the Minister

in charge of the subject of Construction or an

officer not below the rank of a Senior Assistant

Secretary nominated by the Secretary; and

(ii) the Secretary to the Ministry of the Minister

in charge of the subject of Finance or an

officer not below the rank of a Senior Assistant

Secretary nominated by the Secretary; and

(b) the following twelve members appointed by the

Minister (hereinafter referred to as “appointed

members”)—

(i) a member of the Institution of Engineers,

Sri Lanka nominated by the Institution

of Engineers, Sri Lanka established under the

Institution of Engineers, Sri Lanka Act,

No. 17 of 1968;

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(ii) a member of the Sri Lanka Institute of

Architects nominated by the Sri Lanka Institute

of Architects established under the Sri Lanka

Institute of Architects Law, No. 1 of 1976;

(iii) a member of the Sri Lanka Institute of

Quantity Surveyors, Sri Lanka nominated by

the Institute of Quantity Surveyors, Sri Lanka

established under the Institute of Quantity

Surveyors, Sri Lanka (Incorporation)

Act, No. 20 of 2007;

(iv) a member of the Association of Consulting

Engineers, Sri Lanka nominated by the

Association of Consulting Engineers,

Sri Lanka established under the Association

of Consulting Engineers Sri Lanka

(Incorporation) Act, No. 42 of 2003;

(v) a member of the National Construction

Association of Sri Lanka nominated by the

National Construction Association of

Sri Lanka;

(vi) a member of the Chamber of Construction

Industry, Sri Lanka nominated by the

Chamber of Construction Industry, Sri Lanka;

and

(vii) six other persons who are not members of the

Council, of whom—

(a) three persons who have significantly

contributed to the development of the

construction industry in Sri Lanka; one

of whom shall be a person appointed

upon the request of the President of the

Institution of Incorporated Engineers,

Sri Lanka established under the

Institution of Incorporated Engineers,

Sri Lanka (Incorporation) Act, No. 64

of 1992; and

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(b) three other persons to represent the

fields of—

(A) Agriculture, Water Resources or

Environmental Science;

(B) Public Health or Vocational Health; and

(C) Social, Cultural Heritage or Traditional

Knowledge.

(2) The Minister shall appoint one of the appointed

members, to be the Chairman of the Board.

(3) The Minister shall appoint one of the appointed

members as the Working Director of the Authority who shall

be a full time officer.

(4) A person shall be disqualified from being appointed

or continuing as a member of the Board—

(a) if he is, or becomes a member of Parliament or any

Provincial Council, or any local authority; or

(b) if he is not, or ceases to be a citizen of Sri Lanka; or

(c) if he is under any law in force in Sri Lanka or in any

other country found or declared to suffer from

unsoundness of mind; or

(d) if he is serving or has served a sentence of

imprisonment imposed by any Court in Sri Lanka

or any other country; or

(e) if he holds or enjoys any right or benefit under any

contract made by or on behalf of the Authority; or

(f) if he has any financial or other interest as is likely

to affect prejudicially the discharge by him of his

functions as a member of the Board.

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(5) Every appointed member shall, unless he vacates

office earlier by death, resignation or removal, hold office

for a term of three years from the date of his appointment and

shall, unless he has been removed from office, be eligible for

re-appointment.

(6) (a) The Minister may by Order published in the Gazette

remove any appointed member from office for reasons

assigned. A member in respect of whom an Order is so made

under this section shall be deemed to have vacated office on

the date of publication of that Order in the Gazette.

(b) Any appointed member may at any time resign from

office by a letter to that effect, addressed to the Minister and

sent by registered post.

(c) In the event of a vacation of office by death, resignation

or removal of any appointed member nominated by an

organization set out in subsection (1) of section 9, the

Minister may appoint any other person to succeed such

member as nominated by such organization. If such member

was not nominated by an organization, then the Minister

may appoint a suitable person from such organization to

succeed such member. Any member so appointed shall hold

office for the unexpired term of office of the member whom

he succeeds.

(d) In the case of a member nominated by an organization,

on the nomination of such a member being withdrawn by

the relevant organization, such member shall cease to

function as a member of the Board.

(e) Where an appointed member, by reason of illness,

infirmity or absence from Sri Lanka for a period of not less

than three months, is temporarily unable to perform his duties,

it shall be the duty of such member to inform the Minister in

writing of such inability. Thereupon, the Minister may,

appoint some other person nominated by the relevant

organization or any suitable person if such member was not

nominated by any organization, to act in his place.

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(7) The Minister may, for reasons assigned, remove the

Chairman or the Working Director of the Board.

(8) If the Chairman or the Working Director, by reason of

illness, infirmity or absence from Sri Lanka, is temporarily

unable to perform the duties of his office, the Minister may

nominate another member of the Board to act in his place.

(9) The Chairman or the Working Director may, at any

time resign from office of the Chairman or the Working

Director by a letter addressed to the Minister. Such resignation

shall take effect upon it being accepted by the Minister in

writing.

(10) Subject to the provisions of subsections (2) and (3),

the term of office of the Chairman and the Working Director

shall be three years. The Chairman and the Working Director

shall be eligible for reappointment.

(11) The Chairman, Working Director and the appointed

members of the Board may be paid such remuneration out of

the fund of the Authority as the Minister may determine in

consultation with the Minister in charge of the subject of

Finance.

(12) The Chairman of the Board shall preside at every

meeting of the Board. In the absence of the Chairman at any

meeting, the members present shall elect one among their

members to preside at such meeting.

Meetings of the 10. (1) The quorum for a meeting of the Board shall be

Board. five members and the Board may subject to other provisions

of this Act, regulate the procedure in respect of meetings of

the Board and the transaction of business at such meetings.

(2) The Chairman or the member presiding at any meeting

of the Board, shall, in addition to his own vote, have a casting

vote where there is an equality of votes.

(3) The Board shall meet at least once in every month.

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(4) No act, decision or proceeding of the Board shall be

deemed to be invalid by reason only of the existence of any

vacancy in the Board or any defect in the appointment of

any member thereof.

11. (1) The seal of the Authority— Seal of the

Authority.

(a) shall be in the custody of the Director-General of

the Authority;

(b) may be altered in such manner as may be determined

by the Authority; and

(c) shall not be affixed to any instrument or document

except with the sanction of the Authority and in

the presence of the Chairman and another member

of the Authority who shall sign the instrument or

document in token of their presence and such

signing shall be independent of the signing of any

person as a witness.

(2) The Authority shall maintain a register of the

instruments and documents to which the seal of the Authority

is affixed.

12. The objects of the Authority shall be— Objects of the

Authority.

(a) to ensure the implementation of the National Policy

on Construction in keeping with the directions

issued by the Minister in that regard under section 3;

(b) to provide strategic leadership to the stakeholders

of the construction industry to stimulate sustainable

growth, reform, and improvement of the

construction sector;

(c) to register and renew such registration of the

stakeholders of the construction industry as may

be prescribed from time to time;

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(d) to promote sustainable growth of the construction

industry with special attention to the design and

development of energy efficient buildings and

structures;

(e) to promote appropriate research and dissemination

and publication of research work on any matter

relating to the construction industry and its

development;

(f) to formulate, in consultation with other relevant

authorities, the standards in construction industry

and categorize such standards as compulsory and

voluntary standards; and

(g) to implement the codes of conduct, practices,

procedures and processes and documentations

relating to construction industry as being

formulated by the Authority.

Functions of the 13. The functions of the Authority shall be—

Authority.

(a) to implement the policy formulated under section

2 in keeping with the directions issued by the

Minister in that regard under section 3;

(b) to formulate strategies for the development of the

construction industry;

(c) to collate and publish materials and information

pertaining to the construction industry;

(d) to promote best practices relating to the construction

industry;

(e) to implement the standards in construction work

including the standards relating to quality of

materials used and workmanship in consultation

with the other relevant bodies;

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(f) to recommend to any relevant authority to formulate

national procurement guidelines related to

procurement of works, goods and services in

relation to construction industry;

(g) to provide for and regulate the presentation of

national awards for construction excellence,

outstanding achievements in different fields of

construction and design and development of

energy efficient buildings, structures and

construction techniques;

(h) to promote the standards of professionalism and

employment in the construction industry;

(i) to foster and promote entrepreneurship in

construction contractors of Sri Lanka;

(j) to provide for the registration and grading of

construction contractors;

(k) to provide for the registration of property developers

and to grade them under financial and marketing

capabilities;

(l) to provide for the registration of persons competent

to function as adjudicators on contractual disputes;

(m) to maintain a directory of importers, manufacturers

and suppliers of construction materials and

construction components used in the construction

industry, as may be determined by the rules made

under this Act;

(n) to maintain a Register of qualified persons as

specified in section 26;

(o) to provide for the registration of contractors

specialized in the areas of electromechanical

installations, other building fixtures and any other

area relating to construction;

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(p) to provide for the registration and issuing of Craft

Identity Cards to skilled workers in construction

trades as may be determined by the rules made under

this Act;

(q) to maintain a directory of heavy construction

plant, machinery and equipment available in the

country;

(r) to undertake and facilitate the human resources

development and training required for construction

industry and to develop national standards for

training and assessment in concurrence with

relevant national agency;

(s) to assess the competence of skilled workers

engaged in the construction industry and issue

certificates to such persons who do not possess such

certificates;

(t) to review and monitor the human resource

requirements of the construction industry and to

facilitate the development of curricula for newly

emerging trades;

(u) to promote and facilitate local consultancy services

pertaining to construction industry and the

undertaking of consultancy services in other

countries by local consulting firms;

(v) to promote and facilitate locally registered

contractors undertaking construction works in other

countries;

(w) to provide information, advisory on matters relating

to the construction industry;

(x) to promote and encourage the adoption and

propagation of new technologies related to

environmentally friendly, appropriate, cost efficient

and affordable innovations;

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(y) to review and monitor any material, plant and

machinery requirements of the construction

industry and to encourage the development and

use of local products in the construction works;

(z) to undertake, promote and co-ordinate research in

various branches of the construction industry and

to conduct training programmes for the

improvement of quality and productivity of the

construction industry;

(aa) to assist institutions concerned with the

construction industry in the development of their

activities;

(bb) to promote the construction of any building where

necessary in a manner that may facilitate the easy

access and use of such buildings by any elderly or

differently abled persons;

(cc) to undertake or assist any other activity for the

promotion of the construction industry;

(dd) to maintain a national data base on construction

industry;

(ee) to recommend to the relevant authority to regulate

the health and safety standards and the use of

hazardous material in construction industry;

(ff) to establish standards for technical auditing and

monitoring of the construction and management

processes and the outcome of construction works

which include compliance with stipulated

conditions and approved standards;

(gg) to recommend to the Minster to declare any project

or undertaking as an “identified construction work”

for the purposes of this Act.

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Powers of the 14. The Authority shall have such powers, as are

Authority. necessary or incidental to the discharge of its functions under

this Act, and in particular —

(a) to acquire in any manner and hold, take or give on

lease or hire, mortgage, pledge, sell or otherwise

dispose of, any movable or immovable property;

(b) to appoint, employ, remunerate officers, servants

and agents for the purposes of this Act and to

exercise disciplinary control over such officers,

servants and agents;

(c) to enter into, and perform, directly or through any

servant or agent authorized in that behalf, all such

contracts as may be necessary for the discharge of

the functions of the Authority;

(d) to open, maintain and close accounts in any state

owned bank or any other financial institution with

the prior approval of the Ministry of Finance;

(e) to borrow such sums of money as may be necessary

for the purpose of discharging the functions of the

Authority;

(f) to accept and receive grants, donations and

bequests, both movable and immovable from

sources in or outside Sri Lanka and utilize them for

the discharge of the functions of the Authority:

Provided that, the Authority shall obtain prior

written approval of the Director-General of the

External Resources of the Ministry of the Minister

to whom the subject of Finance has been assigned,

in respect of all foreign grants, donations and

bequests;

(g) to make rules for the administration of the affairs of

the Authority;

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(h) to levy fees or charges on registration of service

providers of Construction Industry and renewal of

such registration or charges as may be prescribed

for any service rendered by the Authority; and

(i) to do all other acts and things which, from time to

time, in the opinion of the Authority are necessary

or incidental to the proper discharge of the functions

of the Authority.

15. (1) There shall be appointed a Director-General by Director-General

the Authority who shall possess experience and of the Authority.

qualifications in the field of construction and management.

The Director-General shall be deemed to be a public officer.

(2) The Director-General shall, subject to the general

direction and control of the Chairman of the Board, be

responsible for the administration and control of the officers

and servants of the Authority.

16. The Authority may appoint such officers and Staff of the

servants as it may consider necessary for the efficient exercise, Authority.

discharge and performance of its powers, duties and functions

under this Act and shall determine the remuneration payable

to, and the conditions of service and disciplinary control

over such officers and servants.

17. (1) At the request of the Authority any officer in the Appointment of

public service may, with the consent of that officer and the Public Officers.

Secretary to the Public Service Commission, be temporarily

appointed to the staff of the Authority for such period as

may be determined by the Authority or with like consent, be

permanently appointed to such staff.

(2) Where any officer in the public service is temporarily

appointed to the staff of the Authority, the provisions of

subsection (2) of section 14 of the National Transport

Commission Act, No. 37 of 1991 shall, mutatis mutandis,

apply to and in relation to such officer.

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(3) Where any officer in the public service is permanently

appointed to the staff of the Authority, the provisions of

subsection (3) of section 14 of the National Transport

Commission Act, No. 37 of 1991 shall, mutatis mutandis,

apply to and in relation to such officer.

(4) Where the Authority employs any person who has

entered into a contract with the Government by which he

has agreed to serve the Government for a specified period,

any period of service with the Authority by that person shall

be regarded as service to the Government for the purpose of

discharging the obligations of such contract.

(5) At the request of the Authority any officer of a

Provincial Public Service may with the consent of that officer

and the relevant Provincial Public Service Commission, be

temporarily appointed to the staff of the Authority for such

period as may be determined by the Authority or with like

consent be permanently appointed to such staff.

Appointment of 18. (1) The Authority shall appoint in consultation

committees for

with relevant authorities, the following committees to

implementation

of construction formulate standards, rules and regulations in the

standards. Construction Industry:—

(a) the Committee on Technical Standards, Rules and

Regulations;

(b) the Committee on Environmental and Public Health

Standards;

(c) the Committee on Ethical and Social Responsibility

Standards.

(2) The members of such committees shall be selected

by the Authority in consultation with relevant

professional bodies and other social and environmental

organizations.

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PART IV

CONSTRUCTION INDUSTRY DEVELOPMENT FUND AND FUND

OF THE AUTHORITY

FUND AND THE FUND OF THE AUTHORITY

19. (1) There shall be established a Fund known as the Construction

Construction Industry Development Fund (in this Act Industry

Development

referred to as the “Development Fund”). Fund.

(2) There shall be paid into the Development Fund—

(a) all such sums of money as may be received by the

Development Fund by way of loans, rent,

donations, gifts or grants whether from foreign or

local sources;

(b) all such sums collected as the Construction Industry

Development Levy.

(3) There shall be paid out of the Development Fund all

such sums of money as are required to defray any expenditure

incurred by the Development Fund in the exercise of the

powers and discharge of the functions under this Act, subject

to following guidelines:—

(a) more than fifty percentum (50%) of the fund shall

be reserved for the well-being of the small scale

contractors and self-employed registered craftsmen;

(b) not less than five percentum (5%) of the fund shall

be reserved for research and publications in the field

related to construction industry;

(c) not less than five percentum (5%) of the fund shall

be reserved for the purpose of rewarding and

encouraging the inventions, applications and

propagation of environmentally friendly and cost

efficient construction technologies;

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(d) such amount as determined by the Authority is

required to arrange long term insurance with pension

benefits, for craftsmen registered with the Authority

who are not entitled to any other form of retirement

benefits under any other law.

(4) (a) For the purposes of this section, the Minister to

whom the subject of Construction is assigned shall impose a

levy of cess to be called the “Construction Industry

Development Levy”. The rate of the cess to be so levied

shall be as determined by the Minister to whom the subject

of Consruction is assigned with the concurrence of the

Minister incharge of the subject of Finance as a percentage

of construction cost of projects. Every such rate as

determined shall be tabled in the Parliament for its approval.

(b) The Minister shall by Order published in the Gazette

specify, from time to time, the rate of cess as determined

under paragraph (a) of this subsection. Any Order made under

this paragraph shall come into operation on the day of such

publication in the Gazette.

(c) The Levy imposed under this section shall be collected

by the Director-General of Construction Industry

Development Authority and shall be credited to the

Construction Industry Development Fund.

The 20. (1) The management and administration of the affairs

management and of the Development Fund shall be vested with National

administration

Advisory Council on Construction.

of the

Development

Fund. (2) The Minister may make regulations specifying the

manner in which the Development Fund should be

administrated subject to paragraphs (a), (b), (c) and (d) of

subsection (3) of section 19.

Audit of 21. The provisions of Article 154 of the Constitution

accounts.

relating to audit of accounts of public corporations shall

apply to the audit of the accounts of the Development Fund.

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22. The provisions of Part II of the Finance Act, No. 38 Application of

of 1971 shall mutatis mutandis apply to the financial control Finance Act, No.

38 of 1971.

of the Development Fund.

23. (1) The Authority shall have its own Fund (in this Fund of the

Act referred to as the “Fund of the Authority”). Authority.

(2) There shall be paid into the Fund of the Authority—

(a) all such sums of money as may be voted, from time

to time, by the Parliament for the use of the

Authority including such sums of money needed

to defray the salaries and other emoluments of the

staff of the Authority;

(b) all such sums of money as may be received by the

Authority in the exercise, discharge and

performance of its powers, functions and duties;

and

(c) all such sums of money as may be received by the

Authority by way of loans, rents, donations, gifts,

grants or levies and sale of assets.

(3) There shall be paid out of the Fund of the Authority

all such sums of money as are required to defray any

expenditure incurred by the Authority in the exercise,

discharge and performance of its powers, functions and duties

under this Act.

24. The provisions of Article 154 of the Constitution Audit of

accounts.

relating to audit of accounts of public corporations shall

apply to the audit of the accounts of the Fund of the

Authority.

25. The provisions of Part II of the Finance Act, No. 38 Application of

of 1971 shall mutatis mutandis apply to the financial control provisions of the

Finance Act, No.

of the Authority. 38 of 1971.

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PART V

QUALIFIED PERSONS

Register of 26. (1) The Authority shall maintain a Register of

Qualified persons recommended by the Credential Committee as being

Persons.

qualified persons (hereinafter referred to as the “Register of

Qualified Persons”) in the following disciplines:—

(a) Engineering, in consultation with the Institute of

Engineers, Sri Lanka established under the

Institution of Engineers, Ceylon Act, No. 17 of 1968;

(b) Architecture, in consultation with the Sri Lanka

Institute of Architects and Architects Registration

Board established under the Sri Lanka Institute of

Architects Law, No. 1 of 1976;

(c) Quantity Surveying, in consultation with the

Institute of Quantity Surveyors, Sri Lanka

established under the Institute of Quantity

Surveyors, Sri Lanka (Incorporation) Act, No. 20 of

2007;

(d) Environmental and Public Health Engineering, in

consultation with relevant professional and

academic bodies; and

(e) any other discipline not specified under paragraphs

(a), (b), (c) and (d) but relating to the disciplines

specified in pargraphs (a), (b), (c) and (d) and which

shall be as prescribed from time to time, on the

recommendation of the relevant academic or

professional bodies or any board of registration

relating to construction industry established by an

Act of Parliament.

(2) (a) The Minister shall, in consultation with any

relevant professional or academic body or any board of

registration established by an Act of Parliament, as the case

may be, prescribe the criteria for registration of persons who

are not members of any professional body or persons who

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are not registered with any board of registration relating to

construction industry established by an Act of Parliament,

as specified in paragraphs (a), (b) or (c) of subsection (1) and

persons belonging to the disciplines specified in paragraphs

(d) and (e) of subsection (1).

(b) Any person who is a member of a professional body or

a person registered under any board of registration relating

to construction industry established by an Act of Parliament

as specified in paragraph (a), (b) or (c) of subsection (1) shall

be a qualified person specified in paragraphs (a), (b) or (c) of

subsection (1) and shall be exempted from the criteria for

registration under this section.

(3) Any Person who wishes to register himself as a qualified

person shall apply to the Authority in that behalf. The

Authority on receipt of such application shall—

(a) in the case of an application received from any

professional body or board of registration relating

to construction industry established by an Act of

Parliament, on behalf of a person who is a member

of such professional body or a person of such board

of registration as specified in paragraphs (a), (b) or

(c) of subsection (1), register such person as a

Qualified Person under this Act and cause the names

of such persons to be included in the Register of

Qualified Persons;

(b) in the case of an application received from a person

who is not a member of any professional body or a

person who in not registered under any board of

registration relating to construction industry

established by an Act of Parliament, as specified in

paragraphs (a), (b) or (c) of subsection (1) and any

person belonging to the disciplines specified in

paragraphs (d) and (e) of subsection (1), refer such

application to the Credential Committee for its

recommendation.

(4) The Authority shall on the basis of the

recommendation made to it by the Credential Committee

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under subsecion (3), appoint such persons so recommended

as “qualified persons” and cause the names of such persons

to be included in the Register of Qualified Persons.

(5) The procedure for registration of qualified persons

and renewal of such registration shall be as prescribed and a

registration number shall be issued to each such qualified

person upon the name of such person being entered in the

Register of Qualified Persons. Such Register shall be available

for inspection by any person free of charge at the office of

the Authority during office hours.

Credential 27. (1) The Authority shall appoint a Credential

Committes and Committee which shall consist of not more than fifteen

its functions. members out of whom, two members each shall be nominated

by the relevant academic and professional bodies and any

board of registration relating to construction industry

established by an Act of Parliament, as specified in

paragraphs (a), (b), (c) and (d) of subsection (1) of section 26

and Society of Structural Engineers — Sri Lanka established

under the Society of Structural Engineers — Sri Lanka

(Incorporation) Act, No. 40 of 2009.

(2) The function of such Credential Committee shall be

to identify and categorize professional and vocational

disciplines, minimum qualifications and experience required

for registration of construction manpower including

qualified persons under this Act, mode of practice of

such disciplines and to recommend to the Authority the

persons who may be registered as Qualified Persons under

this Act.

Only qualified 28. No person other than a qualified person shall be

persons to

appointed for the purpose of, or engage in the carrying out

engange in

identified of, designing, and preparation of required contract

construction documentation and supervision of any identified

works. construction work.

Records to be 29. The Authority shall maintain records on the

maintained. identified construction works.

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30. Every qualified person shall adhere to the standards Qualified

of design and documentation maintained by respective body persons to

adhere to

or board of registration or organization and where such

standards.

standards are not maintained by any body or board of

registration or organization, the qualified persons who are

members of such body or organization or persons registered

under such board of registration shall adhere to the standards

of the Authority as shall be prescribed, from time to time, in

respect of identified construction works.

31. Notwithstanding anything contained in any other Local authority

law, no local authority shall entertain any application for approval for

identified

building approval for any identified construction works construction

unless the architectural, structural, electrical and water works.

supply, sewerage and other designs and services relating to

such construction are carried out by a qulified person.

32. (1) Any complaint against a qualified person relating Conduct of

to— investigations

against qualified

persons.

(a) any professional negligence, lack of competency

or violation of ethical and social standards;

(b) moral turpitude, malpractice, fraud or dishonesty;

(c) breach of any terms and conditions where his

registration has been granted subject to any terms

and conditions,

may be made to the Authority.

(2) Where the qualified person against whom any

complaint has been made under subsection (1), is a member

of any professional body or a person registered under any

board of registration relating to construction industry

established by an Act of Parliament, specified in paragraphs

(a), (b) or (c) of subsection (1) of section 26, the Authority

shall refer such complaint to the relevant professional body

or any board of registration in the construction industry

established by an Act of Parliament.

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(3) On receipt of a complaint by the relevant professional

body or any board of registration relating to construction

industry established by an Act of Parliament, it shall carry

out an investigation in respect of the matters referred to it

under subsection (2). The findings in respect thereof shall

be forwarded to the Authority as expeditious as possible

and effect necessary disciplinary proceedings and report

back to the Authority.

(4) Where no recommendation is made by the relevant

professional body or any board of registration relating to

the construction industry established by an Act of

Parliament, under subsection (3), the Authority shall

investigate into such matter and take necessary action.

(5) Any complaint against any qualified person who is

not a member of any professional body or a person registered

under any board of registration relating to the construction

industry established by an Act of Parliament, shall be

investigated by the Authority in keeping with the

disciplinary procedure of the Authority as shall be

prescribed.

Engagement of 33. (1) Any person requiring to engage a foreign

foreign

consultant as a qualified person in any identified construction

consultants.

work shall apply to the Authority for a provisional

registration.

(2) Every foreign consultant shall, prior to being engaged

in any identified construction work as a qualified person in

Sri Lanka, apply to the Authority for a provisional

registration as a qualified person which shall be subject to

yearly renewal on the condition that the registration is linked

to an approved project. The procedure for such registration

shall be as prescribed.

(3) Any person who performs as a qulified person to carry

out any identified construction work without obtaining a

certificate of registration issued by the Authority shall be

guilty of an offence under this Act.

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(4) The provisions of this section shall not apply to any

foreign consultant who engages in any identified

construction work under any project of the Government of

Sri Lanka. However the Authority may obtain from the

institutions which employ foreign consultatns, any

particulars that may be required for the purpose of section

55 of this Act and such institutions shall comply with any

request made by the Authority under this section.

PART VI

REGISTRATION OF CONTRACTORS, PROPERTY DEVELOPERS &C.

34. The Authority shall maintain a Register of Register of

Contractors in the manner and form as may be determined Contractors.

by the Authority by rules made by the Authority in that

behalf (hereinafter referred to as the “Register of

Contractors”) which shall be available free of charge for

inspection at the office of the Authority by any person during

office hours.

35. (1) An application for registration as a contractor Procedure for

shall be made to the Authority. The manner of registration registration of

contractors and

and fees shall be as prescribed. renewal of

registration.

(2) The Authority shall, in consultation with the relevant

professional bodies and contractors’ associations appoint a

committee to consider the applications for registration of

persons as contractors. Criteria for such registration shall be

as prescribed and shall include specific provisions relating

to cost effective innovative technologies in order to

accommodate the potentials of the contractors registered

with the National Engineering Research and Development

Centre.

(3) Where any person is registered as a contractor, the

Authority shall issue to such person a Registration Number

and a Certificate of Registration.

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(4) The Certificate of Registration issued under this

section shall be valid for the period specified in such

Certificate and may be renewed on application made in that

behalf and upon payment of the prescribed renewal fee.

Suspension or 36. (1) The Authority shall, where it receives any

cancellation of a

complaint against a contractor, refer such complaint to a

Cerificate of

Registration. disciplinary committee comprising eminent persons

appointed by the Minister, which shall investigate and make

recommendations in respect thereof to the Authority. The

guidelines for disciplinary procedure shall be as prescribed.

(2) The disciplinary committee appointed under this

section shall in making its recommendations to the

Authority take the following matters into consideration—

(a) Whether the contractor against whom the complaint

has been made is found guilty of any professional

negligence, lack of competency, moral turpitude,

malpractice, fraud or dishonesty;

(b) Whether the contractor against whom the complaint

has been made is in breach of his contractual

obligations as a contractor;

(c) Whether the contractor against whom the complaint

has been made is in breach of any terms and

conditions subject to which such Certificate of

Registration has been issued;

(d) Whether the contractor against whom the complaint

has been made has obtained registration as a

contractor by fraud or misrepresentation; or

(e) Whether the contractor against whom the complaint

has been made has contravened or failed to comply

with the provisions of this Act or any regulation

made thereunder.

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(3) The Authority may upon receipt of such

recommendations made by the disciplinary committee under

this section suspend or cancel a Certificate of Registration

issued under this Act.

37. A person who is aggrieved by— Appeals against

refusal to register

a contractor &c.

(a) the refusal to register any contractor under this

Act; or

(b) the refusal to renew any Certificate of Registration

issued to any contractor; or

(c) the suspension or cancellation of a Certificate of

Registration issued under this Act,

may within thirty days from the date of communication of

such refusal, suspension or cancellation, as the case may be,

appeal to the Appeals Board established by section 53

against such refusal, suspension or cancellation.

38. (1) Every identified construcion work shall be carried Employment of

out by a registered contractor according to the procedures registered

contractors in

and standards as may be prescribed for such purpose.

identified

construction

(2) Any person who undertakes to carry out or carries out works.

any identified construction works without obtaining a

Certificate of Registration issued by the Authority shall be

guilty of an offence under this Act.

39. (1) Every foreign contractor prior to engaging in Registration and

any identified construction work in Sri Lanka shall obtain a employment of

foreign

temporary registration as a contractor. The procedure for

contractors.

registration and renewal of such registration shall be as

prescribed.

(2) No person shall engage a foreign contractor in any

identified construction works unless such contractor is

registered with the Authority under this section.

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(3) The preceding provisions of this section shall not apply

to a foreign contrator who has entered into an agreement with

the Government of Sri Lanka to engage in any identified

construction work. However the Authority may obtain from

the institutions which employ such foreign contractors, any

particulars that may be required for the purpose of section 55

of this Act and such institutions shall comply with any request

made by the Authority under this section.

Monitoring of 40. The Authority shall by rules made by the Authority

contractors. in that behalf establish a monitoring system for the

monitoring of contractors registered under this Act.

Register of 41. The Authority shall maintain a Register of Property

Property Developers which shall be available free of charge for

Developers

inspection at the office of the Authority by any person during

office hours.

Procedure for 42. (1) An application for registration as a property

registration of developer shall be made to the Authority. The manner of

property

registration and fees shall be as prescribed.

developers and

renewal of

registration. (2) The Authority shall, in consultation with the relevant

professional bodies and property developers’ associations

appoint a committee to consider the applications for

registration of persons as property developers. Criteria for

such registration shall be as prescribed.

Directory of 43. The Authority shall maintain a Directory of

importers, importers, manufacturers and suppliers of construction

manufactures,

materials and construction components in the manner as

and suppliers of

construction may be determined by the rules made by the Authority. Such

materials and Directory shall be available free of charge for inspection at

components. the office of the Authority by any person during office hours.

Directory of 44. The Authority shall maintain a Directory of specified

heavy heavy construction machinery and equipment available in

construction

the manner as may be determined by the rules made by the

machinery and

equipment. Authority. Such Directory shall be available free of charge

for inspection at the office of the Authority by any person

during office hours.

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PART VII

TECHNICAL AUDITING

45. (1) The Authority shall carry out technical auditing Technical

of any indentified construction work if requested to do so Auditing.

by the owner of such construction work or any Government

organization.

(2) The procedure and rates for the levying of fees in

respect of such technical auditing shall be as prescribed.

(3) For the purposes of this Act, “Technical Auditing”

means the inspection of identified construction works, which

include construction process and management process as

well as the final product and examination of contract

documents and documents pertaining to payments requested

to be made on contracts, in order to verify—

(a) the compliance of the documentation relating to

identified construction works which are prepared

in compliance with the requirements of this Act;

(b) the execution of identified construction works in

conformity with the provisions of the contract and

the provisions of this Act;

(c) the compliance by parties referred to in the

contract, with their respective obligations under

the contract; and

(d) the compliance with the basic public health,

occupational health and environmental standards

and technical standards which include efficient

resource and energy utilization standards.

(4) The Authority shall register and maintain a register of

quality management auditors for the purpose of carrying

out technical auditing. The procedure for registration and

the qualifications required of such auditors shall be as

determined by the rules made by the Authority.

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PART VIII

STANDARD DOCUMENTS AND HUMAN RESOURCE DEVELOPMENT

Standard 46. Any party that engages a qualified person as a

documents consultant or a registered contractor in any identified

specified by the

Authority to be construction work shall use the standard documents specified

used. for the purpose by the Authority.

Human resource 47. The Authority shall—

development.

(a) develop strategies to meet the future demands

for qualified construction personnel, through

training;

(b) facilitate the conduct or conduct training

programmes for quality and productivity

improvement;

(c) facilitate the development of national standards on

skills and national trade tests;

(d) facilitate the development of curricula for the newly

emerging trades;

(e) establish a scheme for the exchange of information

relating to construction training;

(f) conduct surveys related to training, manpower

needs and related matters;

(g) facilitate the improvement of social recognition and

standard of the construction personnel;

(h) facilitate the development of a career path for

construction personnel to enhance the human

resource requirements of the construction

industry;

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(i) develop contract documents and implementing

strategies to support registered craftsmen and small

scale contractors who enter into individual contracts

with clients without the involvement of qualified

persons; and

(j) facilitate translations of contract documentation

into Sinhala and Tamil languages.

48. (1) Any person who possesses any skill in any craft Skilled persons.

as may be determined by the rules made by the Authority,

from time to time, may apply to the Authority for the issuance

of an Identity Card.

(2) The Authority may, considering the competency and

capacity of such applicant issue an Identity Card (hereinafter

referred to as a “Craft Identity Card”) to such person in the

form and manner determined by the rules made by the

Authority with an identification number specifying the

category and grade of such craft identity card holder.

(3) No person other than a craft identity card holder shall

be engaged independently in any identified construction

work unless under the supervision of a craft identity card

holder on the relevant craft.

(4) Any person producing a forged or false craft identity

card to any other person or having in possession such forged

or false craft identity card or similar document shall be guilty

of an offence under this Act.

(5) Any craft identity card holder shall be entitled to

display conspicuously in his place of work a board bearing

the description “Registered Craftsman” or “Registered

Master Craftsman”, as the case may be.

(6) The conditions relating to the issue of craft identity

cards and the Code of Conduct for such craft identity card

holders shall be as prescribed.

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(7) The Authority shall not grant approval for the

engagement of any foreign craftsman in any identified

construction work if the required skills in any required area

are locally available.

(8) The Authority may subject to the approval of the

Cabinet of Ministers arrange any long term insurance policy

or any pension scheme with the utilization of the

Development Fund for the craftsmen who are registered under

this Act.

(9) The Authority shall maintain a register of craft identity

card holders in the form and manner as may be determined

by the rules made by the Authority. Such register shall be

available for inspection free of charge at the office of the

Authority.

Registration of 49. (1) The Authority shall maintain a Register of

Skilled Skilled Construction Workers, Construction Site

Construction Supervisors, Middle Level Technical Officers and other

Workers,

Construction Site professionals in the construction industry as shall be

Supervisors, prescribed and which shall be available for inspection free

Middle Level of charge at the office of the Authority.

Technical

Officers and

(2) The registration of Skilled Construction Workers,

other

professionals in Construction Site Supervisors, Middle Level Technical

the construction Officers and other professionals in the construction industry

industry. shall be done according to different skills and qualifications,

and the procedure for registration and renewal of such

registration shall be determined by the Authority in

accordance with the rules made by the Authority.

PART IX

SETTLEMENT OF DISPUTES

Settlement of 50. If the parties so desire any dispute relating to a

disputes through contract for construction works, if it is not provided for in

conciliation or

mediation by the the contract, may be settled through conciliation or

Authority. mediation by the Authority.

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51. (1) A party to any contract relating to an identified Right to refer

construction work, if unable to settle any dispute by for adjudication.

conciliation or mediation by the Authority, may refer such

dispute for adjudication.

(2) The procedure for adjudication of any dispute under

this section shall be as prescribed.

For the purpose of this section, “dispute” includes any

difference of opinion between the parties to an identified

construction work.

52. (1) The Authority shall maintain a Register of Register of

Adjudicators who are competent to adjudicate disputes Adjudicators.

relating to any contract of construction works in the form

and manner as may be determined by the rules made by the

Authority. The Register of Adjudicators shall be available

for inspection free of charge at the office of the Authority.

(2) The procedure for registration of such adjudicators

and renewal of such registration shall be done according to

the procedure as may be prescribed.

PART X

APPEALS BOARD

53. (1) There shall be established for the purpose of this Establishment of

Act, an Appeals Board consisting of not more than sevan Appeals Board.

members who shall be appointed by the Minister upon the

recommendation of the Authority. All members of the

Appeals Board shall be qualified persons as specified in this

Act with not less than twenty years of experience in the field

of construction.

(2) Any person who is aggrieved by a decision of the

Authority made under this Act may appeal to the Appeals

Board in the manner as shall be prescribed.

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(3) Members of the Appeals Board may hold office for a

term of three years and shall be eligible for re-appointment.

(4) The provisions of subsection (2) of section 5 shall

mutatis mutandis apply to appointment of members to the

Appeals Board.

(5) There shall be a Secretary to the Appeals Board who

shall be appointed by the members of the Appeals Board

from amongst its members.

(6) The members of the Appeals Board shall be

remunerated in such manner as may be determined by the

Minister with the concurrence of the Minister in charge of

the subject of Finance.

(7) Subject to the provisions of this Act, the Appeals Board

may regulate its own procedure at its meetings and the

transaction of business thereat.

Hearing and 54. (1) Every appeal made to the Appeals Board shall—

determination of

appeals.

(a) be in the prescribed form and accompanied by a

copy of the decision appealed against;

(b) set out precisely the grounds of appeal; and

(c) be delivered to the Secretary of the Appeals Board

within thirty days from the date of the decision of

the Authority.

(2) An appeal shall be heard by not less than three

members of the Appeals Board.

(3) On receipt of an appeal, the Secretary of the Appeals

Board shall fix a date, time and place for the hearing of such

appeal, and shall give fourteen days notice thereof to the

appellant and to the Authority.

(4) Every appellant may appear before the Appeals Board

in person or with an authorized representative.

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(5) After the hearing of an appeal the Appeals Board shall

give its decision within two months from the date on which

such appeal was received by the Appeals Board and may

confirm, vary or reverse the decision appealed against.

(6) The decision of the Appeals Board and the reasons

therefor shall be notified in writing to the appellant and the

Authority.

(7) Any person aggrieved by the decision of the Appeals

Board in respect of any appeal made under subsection (1)

may appeal against such decision to the Court of Appeal

within thirty days from the date on which the decision and

the reasons therefor were notified to the appellant.

PART XI

COLLECTION, PROCESSING AND DISTRIBUTION OF INFORMATION

IN THECONSTRUCTION INDUSTRY

55. (1) The Authority shall be responsible for the Authority to

maintenance of a National Data Base in the construction maintain a

National Data

industry for which a dedicated information secretariat Base for the

(hereinafter referred to as the “information secretariat”) shall construction

be established within the Authority. industry.

(2) The functions, procedures and performance standards

required of the information secretariat shall be as prescribed.

(3) The Authority shall have the power to instruct and

request for information as follows :-

(a) from all State and private banks, in respect of the

total financial facilities granted annually to any

project or persons for any construction as may be

determined by the Authority. Provided that, the

projects and persons involved in such construction

works may not be disclosed;

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(b) from the National Housing Development Authority

established under the National Housing

Development Authority Act, No. 17 of 1979 in

respect of the number of loans and grants issued for

construction purposes. Provided that, the projects

and the names of the beneficiaries of such loans or

grants may not be disclosed;

(c) from the Sri Lanka Customs, in respect of

information relating to the amounts and values of

all the imports and exports of construction material;

(d) from the Geological Survey and Mines Bureau

established under the Mines and Mineral Act, No.

32 of 1992 in respect of the statistics relating to

river sand and sea sand supplied to the market by

license holders for sand mining;

(e) from all government and semi-government agencies

engaged in contracting or direct construction of

construction works, any particulars in respect of

any construction work as required by the Authority

in a specified format;

(f) from all qualified persons, registered contractors

and property developers, details in respect of any

construction work completed;

(g) from the Director-General of Vocational Training,

details in respect of training programmes and

outcome of such training programmes related to

construction industry;

(h) from all government and voluntary organizations

which provide small and medium scale housing

loans and grants in respect of the number and

amount of such loans and grants. Provided that, the

beneficiaries of such loans or grants may not be

disclosed; and

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(i) from all local government authorities and all the

statutory bodies that grant permits and licenses for

construction works, in respect of any details of

construction works as may be determined by the

Authority by the rules made by the Authority.

(4) Any person who fails to comply with any request for

information in terms of subsection (1) shall notwithstanding

anything contained in any other law be guilty of an offence

under this Act.

(5) The Authority shall be responsible for the publication

of annual reports on the construction industry in the country

and dissemination of information to government and private

institutions and individuals on written requests made to the

Authority. The Authority shall charge such fees as may be

determined for the performance of this service.

(6) The Authority shall at all times maintain

confidentiality as regard the information made available to

it under this section, other than if disclosure is required in

terms of any written law for the time being in force, and shall

not make public, or provide to any other government or

private institution, any information that would lead to

identification of individual contractors, manufacturers or

suppliers and information relating to their individual

financial standings.

PART XII

GENERAL

56. (1) Any person who— Offences.

(a) contravenes, or fails to comply with, any provision

of this Act or any regulation made thereunder; or

(b) being a member, officer or servant of the Authority

discloses any information obtained by him in the

exercise of his powers or the performance of his

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duties under this Act to any person for any purpose

other than the purposes for which he is authorized

to disclose information by this Act,

shall be guilty of an offence under this Act.

(2) Any person who commits an offence under this Act,

shall upon conviction after summary trial before a Magistrate,

be liable to a fine not exceeding rupees one hundred

thousand or to imprisonment for a period not exceeding two

years or to both such fine and imprisonment.

(3) Where an offence under this Act is committed by a

body of persons, then—

(a) if that body of persons is a body corporate, every

director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner of

that firm,

shall be guilty of an offence under this Act:

Provided however, that a director or officer of such

body corporate or a partner of such firm shall not be deemed

to be guilty of such offence if it is proved to the satisfaction

of the court that he exercised all due diligence to prevent

the commission of such offence.

Rules. 57. (1) The Authority may make rules in respect of all

matters for which rules are required or authorized to be made

under this Act.

(2) Every rule made by the Authority shall be published

in the Gazette.

Regulations. 58. (1) The Minister may make regulations in respect of

any matter required by this Act to be prescribed or in respect

of any matter which regulations are required or authorized

by this Act to be made.

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(2) Every regulation made by the Minister shall be

published in the Gazette and shall come into operation on

the date of its publication or on a later date as may be

specified in such regulation.

(3) Every regulation made by the Minister shall, within

six months after it is published in the Gazette, be brought

before Parliament for approval. Any regulation which is not

so approved by the Parliament shall be deemed to be

rescinded as from the date of such disapproval, but without

prejudice to anything previously done thereunder.

(4) Notification of the date on which such regulation is

deemed to be so rescinded shall be published in the Gazette.

59. (1) The Authority may subject to such conditions Delegation of

as may be specified in writing, delegate to any officer of the powers.

Authority any of the powers conferred on it by this Act or by

any regulation made thereunder.

(2) Notwithstanding any such delegation, the Authority

may continue to exercise any such power so delegated.

60. (1) The Authority or any officer authorized in writing Power to enter

in that behalf by the Authority shall, on receipt of any any land or

premises.

complaint by any person in respect of an identified

construction work, have the power on reasonable grounds

and production, if so required his credentials, to enter at all

reasonable hours of the day any premises where identified

construction work is being carried out or any completed

identified construction work, for the purpose of conducting

any survey, examination or investigation in respect of such

identified construction work.

(2) Where the owner or occupier of that identified

construction work unfairly refuses the conducting of such

survey, examination or investigation by the Authority under

subsection (1), the Authority may obtain from a Magistrate’s

Court a search warrant for the purpose of entering such land

or premises and exercise all or any of the powers conferred

upon the Authority by such search warrant.

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Resisting or 61. (1) No person in charge of any land or premises

obstructing the specified in section 60 shall knowingly or will fully, resist

Authority &c.

or obstruct any officer or servant of the Authority in the

lawful performance and discharge of his duties or functions

under section 60.

(2) Any person who acts in contravention of the

provisions of subsection (1) of this section shall be guilty of

an offence under this Act.

Members, 62. All members, officers and servants of the Authority

officers and

servants of the shall be deemed to be public servants within the meaning

Authority and for the purpose of the Penal Code (Chapter 19).

deemed to be

public servants.

Scheduled 63. The Authority shall be deemed to be a scheduled

Institution

institution within the meaning of the Bribery Act, and the

within the

meaning of the provisions of that Act shall be construed accordingly.

Bribery Act.

Expenses 64. (1) Any expense incurred by the Authority in any

incurred in any suit or prosecution brought by or against the Authority before

suit or

any court shall be paid out of the Fund of the Authority, and

prosecution.

any costs paid to, or recovered by the Authority in any such

suit or prosecution shall be credited to the Fund of the

Authority.

(2) Any expenses incurred by any member, officer or any

servant of the Authority in any suit or prosecution brought

by or against such person before any court in respect of any

act or omission which is done or purported to be done by

such person in good faith for the purpose of carrying out the

provisions of this Act shall, if the court holds that such act or

omission was done in good faith, be paid out of the fund of

the Authority unless such expenses are recovered by him in

such suit or prosecution.

Repeals and 65. (1) The Gazette Extraordinary No. 718/15 of June

Savings. 10, 1992 issued under the State Industrial Corporations Act,

No. 49 of 1957 shall be deemed to be rescinded from such

date as the Minister shall specify by Order published in the

Gazette.

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(2) All employees of the Institute for Construction

Training and Development established by Gazette

Extraordinary No. 718/15 of June 10, 1992 issued under the

State Industrial Corporations Act, No. 49 of 1957, on the

day immediately preceding the day specified in the Order

under subsection (1), who have not reached their respective

ages of retirement, shall on the appointed date, be offered

employment in the Authority, on terms and conditions no

less favorable to the terms and conditions of employment

applicable to them on the day immediately preceding the

day specified in the aforesaid Order.

(3) Any employee referred to in subsection (2), who wishes

to opt out of service in the Authority may do so within three

months from the date on which he was notified of the

available offer of serving in the Authority. If any such

employee as referred to in subsection (2) exercises his option

not to accept the offer, he shall be paid compensation under

a voluntary retirement scheme to be implemented in that

behalf, with the approval of the Cabinet of Ministers.

(4) Notwithstanding the rescission of the aforementioned

Order—

(a) all movable and immovable property of the Institute

for Construction Training and Development shall,

from the date specified in the Order made under

subsection (1), vest in the Authority;

(b) all contracts and agreements entered into by or with

the Institute for Construction Training and

Development and subsisting on the day

immediately preceding the date specified in the

Order made under subsection (1), shall be deemed

to be contracts and agreements entered into, by or

with the Authority;

(c) all suits, actions and other legal proceedings

instituted by or against the Institute for

Construction Training and Development and

pending on the day immediately preceding the date

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specified in the Order made under subsection (1),

shall with effect from the date specified in the

aforesaid Order be deemed to be suits, actions and

other proceedings instituted by, or against the

Authority;

(d) all rights, liabilities and obligations of the Institute

for Construction Training and Development

subsisting on the day immediately preceding the

date specified in the aforesaid Order, shall with effect

from the date specified in the aforesaid Order be

deemed to be the rights, liabilities and obligations

of the Authority;

(e) every decree, Order or judgment entered in favour

of or against the Institute for Construction Training

and Development by any competent court and

remaining unsatisfied on the day specified in the

aforesaid Order, shall with effect from such date be

deemed to be a decree, Order or judgement enacted

in favour of or against the Authority and may

enforce accordingly.

(5) All books, accounts and documents relating to any

property of the Institute for Construction Training and

Development and publications and registers of the Institute

for Construction Training and Development shall remain in

force and effectual and be deemed to be publications and

registers of the Authority.

Sinhala text to

prevail in case 66. In the event of any inconsistency between the

of inconsistency.

Sinhala and Tamil texts of this Act, the Sinhala text shall

prevail.

Interpretation.

67. In this Act unless the context otherwise requires—

“construction work” means, operations of any of the

following descriptions—

(a) construction, alteration, repair, maintenance,

extension, demolition or dismantling of

buildings, or structures forming, or to form part

of the land (whether permanent or not);

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(b) construction, alteration, repair, maintenance,

extension, demolition or dismantling of any

works forming, or to form, part of the land,

including (without prejudice to the foregoing)

walls;

(c) installation in any building or structure of

fittings forming part of the land, including

(without prejudice to the foregoing) systems of

heating, lighting, air-conditioning, ventilation,

power supply, drainage, sanitation, water supply

or fire protection or security or communication

systems;

(d) external or internal cleaning of buildings and

structures, so far as carried out in the course of

the construction, alteration, repair, extension or

restoration;

(e) operations which form an integral part of, or are

preparatory to, or are for rendering complete,

such operations as are previously described in

this section, including site clearance,

earthmoving, excavation, tunneling and boring,

laying of foundations, erection, maintenance or

dismantling of scaffolding, site restoration,

landscaping and the provision of roadways and

other access works;

(f) painting or decorating the internal or external

surfaces of any building or structure;

“construction contract” means an agreement with a

person or entity for any of the following:—

(a) the carrying out of construction work;

(b) arranging for the carrying out of construction

work by others, whether under sub-contract or

otherwise to such person or entity, as the case

may be;

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(c) providing his own labour or labour owned by

the entity or the labour of others, for carrying

out of construction work;

“contractor” means any person or entity executing

construction works under a construction contract;

“constructor” means any person who undertakes,

whether exclusively or in conjunction with any

other business to carry out any construction work

on his own account or for or on behalf of another

person;

“consultant” means any qualified person or entity

providing consultancy services under an agreement

for construction work;

“documentation” means preparation of tender and

bidding documents including bills of quantities,

contract documents, drawings and specifications

and any document pertaining to tenders or

contracts;

“externally funded projects” shall include any project

funded by any donor agency or lending agency or

any foreign government through the External

Resources Department of the General Treasury;

“identified construction works” means—

(a) all buildings, structures, or any building or

structure or landscape which consists of facilities

and amenities for public use exceeding in value

rupees ten million or such higher value as may

be prescribed by the Minister, from time to time;

and

(b) all buildings, structures or landscapes which

need approval of environmental, geological and

cultural heritage regulatory bodies.

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Any private residential building constructed for the

personal use of any private owner shall be excluded

from the definition of the expression “identified

construction works”;

“completed identified construction works” means any

identified construction work for which a certificate

of completion or taking over certificate has been

issued;

“Minister” means the Minister in charge of the subject

of Construction:

“property developer” means an entrepreneur who

promotes any project in the construction industry,

specially in the housing sector which are either

physically or conceptually developed by the gain

of inputs of lands, land ownership, financing,

marketing or any other required expertise;

“qualified person” is a person who is competent in

carrying out designing, preparation of required

contract documents and supervision of any

identified construction works, whose name is

included in the Register of Qualified Persons;

“supervision” means to ensure that the engineering and

architectural concepts and judgments incorporated

in the design are properly adhered to in any

construction work.

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