GOVERNMENT NOTICE NO. 13

NATIONAL CONSTRUCTION INDUSTRY ACT

(CAP.53:05)

NATIONAL CONSTRUCTION INDUSTRY (PROJECT REGISTRATION) (AMENDMENT) REGULATIONS, 2018

IN EXERCISE of the powers conferred by Section 29 of the National Construction Industry Act, I, JAPPIE MHANGO, Minister of Transport and Public Works, with the advice of the Council, make the following Regulations—

Citation

1. These Regulations may be cited as the National Construction Industry (Project Registration) (Amendment) Regulations, 2018.

Amendment of reg. 2 to Cap 53:05 Sub. leg p. 33

2. The National Construction Industry (Project Registration) Regulations (hereinafter referred to as the "principal Regulations") are amended, in regulation 2, by—

(*a*) inserting, in the correct alphabetical order, the following new definitions—

(i) "construction firm" includes any firm or individual involved in construction works; and

(ii) "consultant" means a person, natural or legal, who provides specialist design, professional advice, management and supervision or other services in relation to a construction project; and

(*b*) deleting the definition of "project"and substituting it with a new definition as follows—

""project" means a single contract of construction works or services obtained as a main contract or sub-contract."

Amendment of Reg. 5 of the principal Regulations

3. Regulation 5 of the principal Regulations is amended by inserting, immediately after the word "client", the words "the construction firm and the consultant".

Amendment of reg. 5(f) of the principal Regulations

4. Regulation 5 of the principal Regulations is amended, by revoking paragraph (*f*) and replacing it with the following new paragraph (*f*)—

"(*f*) whether the contract is a joint venture or a partnership with a Malawian, local or foreign firm;".

Amendment of reg.8 (1) of the principal Regulations

5. Regulation 8 (1) of the principal Regulations is amended—

(*a*) in the chapeau, by deleting the word "shall" and substituting it with the word "may";

(*b*) in the chapeau, by inserting immediately after the word "submit", the words "a complaint or commendation"; and

(*c*) in paragraph (*b*), by deleting the words "according to Form PRF004 of the Schedule hereto" and substituting them with the words "detailing the reasons, processes and events leading to the termination".

Amendment of reg.9 (2) of the principal Regulations

6. Regulation 9 (2) of the principal Regulations is amended—

(*a*) by deleting the words "contractor or consultant" and substituting them with the words "construction firm"; and

(*b*) by deleting the words "assessment report" and substituting them with the words "complaint report".

Revocation of reg.10 of the principal Regulations

7. Regulation 10 of the principal Regulations is revoked and replaced with the following new regulation—

"Failure to register

10.—(1) A client who fails to register a project in accordance with these Regulations commits an offence and the live project shall be suspended until it complies with these Regulations, or in the case of a project which has been fully implemented, the construction firm shall be suspended immediately and disciplined as stipulated under section 27 of the Act.

(2) The Council may impose other penalties, as it may deem fit, in addition to the penalties imposed under this Regulation.".

Made this 19th day of December, 2017.

J. MHANGO
Minister of Transport and Public Works

(FILE NO. ADM/2/1)