

## **THE NATIONAL COUNCIL FOR CONSTRUCTION BILL, 2020**

### **MEMORANDUM**

The objects of this Bill are to—

- (a) provide for the promotion, development and regulation of the construction industry so as to promote economic growth and competitiveness and create sustainable employment;
- (b) continue the existence of the National Council for Construction and provide for its functions;
- (c) enhance the public procurement management system relating the procurement of construction works;
- (d) promote gender equality and equity in the construction industry;
- (e) affiliate professional bodies engaged in activities in the construction industry;
- (f) continue the existence of the Construction School and rename it as the National Construction School;
- (g) provide for a complaints and appeals procedure;
- (h) repeal the National Council for Construction Act, 2003; and
- (i) provide for matters connected with, or incidental to, the foregoing.

**L. KALALUKA,**  
*Attorney-General*

**N.A.B. 5, 2020**  
13th March, 2020

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**THE NATIONAL COUNCIL FOR CONSTRUCTION BILL, 2020**

ARRANGEMENT OF SECTIONS

**PART I**

PRELIMINARY PROVISIONS

*Section*

1. Short title and commencement
2. Interpretation
3. Principles governing regulation of construction industry

**PART II**

THE NATIONAL COUNCIL FOR CONSTRUCTION

4. Continuation of National Council for Construction
5. Functions of Council
6. Provision of standards for construction
7. Board of Council
8. Functions of Board
9. Director-General and other staff

**PART III**

REGULATION OF CONTRACTORS OF AND CONSTRUCTION INDUSTRY

**Registration of Contractors**

10. Prohibition from carrying on business as contractor without registration
11. Application for registration as contractor
12. Registration of contractors
13. Grant of temporary certificate of registration to contractor
14. Grading and classification of contractors
15. Renewal of certification of registration and annual fee
16. Changes in detail of contractor
17. Suspension and cancellation of registration
18. Re-registration
19. Best practice contractor recognition scheme

**Registration of Manufacturers and Suppliers**

- 20. Monitoring compliance with standards for construction materials by manufacturers or suppliers
- 21. Application for registration as manufacturer or supplier of construction material
- 22. Registration of manufacturer or supplier of construction material
- 23. Prohibition of manufacture, supply or sell of substandard construction materials, e.t.c
- 24. Change in details of manufacturer or supplier
- 25. Regulations for registration of manufacturer or supplier

**Certificates in General**

- 26. Deemed grant of application
- 27. Prohibition of transfer of certificate of registration
- 28. Duplicate certificate of registration
- 29. Certificate of status
- 30. Surrender of certificate of registration as contractor, manufacturer or supplier

**Registration of Construction Projects**

- 31. Registration of construction projects
- 32. Best practice project assessment scheme

**Registers**

- 33. Registers
- 34. Publication of copies of register

**Registration of National Construction School**

- 35. Registration of National Construction School

**PART IV**

**INSPECTIONS**

- 36. Inspectors

37. Additional powers of inspector

38. Reports by inspector

#### **PART V**

##### **PROCUREMENT MANAGEMENT SYSTEMS AND INTERVENTIONS**

39. Bidding documents for procurement of construction works

40. Prohibition of unregistered contractor bidding for construction works

41. Technical specifications, etc

42. International competitive bidding or selection

43. Joint ventures with citizens

44. Subcontracting to small or medium scale registered contractor

#### **PART VI**

##### **COMPLAINTS AND APPEALS PROCESS**

45. Reasons for decisions and right to be heard

46. Appointment and convening of appeals tribunal

47. Powers of appeals tribunal

48. Decisions of tribunal

49. Tribunal rules

#### **PART VII**

##### **GENERAL PROVISIONS**

50. Appeals

51. Code of conduct and ethics for construction industry

52. Guidelines and practice codes

53. Monitoring and evaluation of projects, and programming for regulatory activities

54. Capacity building and professional development

55. Research and development

56. Information management and dissemination

57. Offences relating to contractor, manufacturer or supplier of construction material

58. General offences

59. Offences committed partly in and partly out of Republic

- 60. Power of Council to compound certain offences
- 61. Administrative penalties
- 62. Offence by principal officer, shareholder or partner of body corporate or unincorporate body
- 63. Regulations
- 64. Repeal of Act No. 13 of 2003

**SCHEDULES**