

L.D.B 15/2014

THE CONSTRUCTION INDUSTRY DEVELOPMENT ACT, No. 33 OF 2014

REGULATIONS made by the Minister of Urban Development, Water Supply and Housing Facilities under Section 58 of the Construction Industry Development Act, No. 33 of 2014 read with Sub section (5) of Section 32 of the aforesaid Act.

MAHINDA RAJAPAKSA,

Minister of Urban Development, Water Supply and Housing Facilities.

Colombo,
08th June, 2020.

Regulations

1. These regulations may be cited as the Construction Industry Development (Disciplinary Procedure for Qualified Persons) Regulations of 2020.

2. These regulations shall apply to any complaint against a 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, and registered under Section 26 of the Construction Industry Development Act, No. 33 of 2014, (hereinafter referred to as the “qualified person”).

3. Any person who wishes to make a complaint against a qualified person specified in regulation 2 relating to matters specified in Section 32(1) of the Construction Industry Development Act shall submit such complaint in a form as may be determined by the Director General of the Construction Industry Development Authority (hereinafter referred to as the “Director General”) accompanied by a fee of rupees five thousand together with an affidavit supporting the facts stated in the complaint and relevant documents.

4. Upon the receipt of complaint, the Director General shall refer such complaint to an Investigation Committee of the Construction Industry Development Authority (hereinafter in these regulations referred to as the “Authority”) within a period of seven working days for its confidential report.

5. (1) The Authority shall appoint the Investigation Committee referred to in regulation 4, which shall comprise of three members nominated from among the Pool of Professionals of the Authority.

(2) The Investigation Committee on receipt of a complaint referred to it by the Director-General, for the purpose of investigation, shall -

- (a) call for further evidence or information, if necessary, from both parties through the Authority or in the absence of further evidence or information, proceed with complaint ; and
- (b) consider the evidence provided to it, including any written representations and evidence submitted by the qualified person.

6. The Investigation Committee shall, within a period of fifty-six working days from the date of reference of the complaint to it, submit a confidential report to the Director General.

7. The Confidential report shall contain information on the procedure adopted, findings of the investigation and relevant information, together with the recommendations of the Investigation Committee.

8. The Director General shall refer confidential report along with all relevant documents to a Disciplinary Committee for determination.

9. (1) The Authority shall appoint the Disciplinary Committee referred to in regulation 8, which shall comprise of three members nominated from among the Pool of Professionals of the Authority.

(2) The Disciplinary Committee shall meet within a period of fourteen working days from the date of receipt of the confidential report and examine such confidential report.

10. (1) The Disciplinary Committee shall send a notice of inquiry through the Authority to the qualified person to the address as recorded on the Register.

(2) The notice of inquiry shall-

- (a) set out the allegations referred to the Authority, enclosing a copy of the information received about the qualified person ;
- (b) inform the qualified person of the date on which the Disciplinary Committee considers the referral.
- (c) invite the qualified person to make written representations regarding the matters referred to, within period specified therein.

(3) The Disciplinary Committee shall notify through the Authority the complainant and the qualified person against whom the complaint has been made to appear before the Disciplinary Committee on date specified therein.

11. A qualified person may appear -

- (a) in person ; or
- (b) while in person represented by an allied professional.

12. The complainant and the qualified person may give evidence, either orally or in written form and shall be entitled to produce any witness as declared in the original submission.

13. The qualified person or his representative shall be entitled to cross-examine the complainant or any other witness. Such cross examination shall be confined to the subject under investigation.

14. The Disciplinary Committee shall have power to restrict the examination and cross-examination of witnesses, by disallowing questions which are not relevant to the subject matter of the inquiry, or which are indecent, scandalous or needlessly offensive in form.

15. Upon the conclusion of hearing the Disciplinary Committee shall, having considered the confidential report of the Investigation Committee and the evidence of both parties, determine by a majority of members, its decision including the recommendations on sanctions to be imposed on such qualified person, and communicate the same to the Director General.

16. Upon receipt of the decision of the Disciplinary Committee, Director General shall impose such sanctions and inform both parties by a notice under registered post.

17. Any person aggrieved by a decision of the Director General may, within thirty days of the date of receipt of the written communication informing such person of such decision, appeal against such decision to the Appeals Board established under the Construction Industry Development Act.

18. In these regulations -

“Pool of professionals” means a pool of professionals comprising of eighteen members, being nominated six members each by respective professional bodies of the qualified persons, engineers, architects and quantity surveyors.