

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 Section 42 of the aforesaid Act.

MAHINDA RAJAPAKSA,

Minister of Urban Development, Water Supply and Housing Facilities.

Colombo,
21st May, 2020.

Regulations

1. These regulations may be cited as the Construction Industry Development (Registration of Property Developers) Regulations of 2020.

2. No Property Developer shall carry out any property development work except under the authority of a Certificate of Registration issued in that behalf by the Director - General of the Construction Industry Development Authority (hereinafter in these regulations referred to as the "Director - General").

3. (1) Every Property Developer who wishes to register under the Construction Industry Development Authority (hereinafter referred to as the "Authority") shall make an application to the Director-General in a form as may be determined by the Authority together with processing fee of rupees two thousand. The Director-General may, where necessary require the applicant to furnish further information.

(2) Where Consultancy Services is provided by an outsourced personnel, every application relating to such consultancy service shall be accompanied by an agreement to that effect together with an affidavit in a format as may be determined by the Authority.

4. Every applicant under regulation 3(1) shall-

- (a) hold a Certificate of Registration issued by the Registrar of Companies under the Companies Act, No. 07 of 2007 or by the relevant Divisional Secretary under Business Names Ordinance (Chapter 180) or under a Statute of relevant Province.
- (b) not be included in a current list of suspended or blacklisted developers maintained by the Government of Sri Lanka ; and
- (c) not be legally insolvent or declared bankrupt by a competent court at the time of application.

5. On receipt of an application under regulation 3, if all the documents are in order, the Director-General shall refer it to a Committee appointed under Section 42(2) of the Construction Industry Development Act, No. 33 of 2014 within a period of fourteen days.

6. The Committee on consideration of information furnished in such application, shall grade such application as set out in the Schedule I hereto.

7. An applicant shall be evaluated under the key areas of -

- (a) turnover ;
- (b) technical capacity in relation to -
 - (i) past performance relating to the size of the relevant property development work completed in each year during the last five years ; and
 - (ii) engagement of professionals ;
- (c) other consideration including -
 - (i) qualifications of the owner or experience of the organization ;
 - (ii) organization a management ; and
 - (iii) awards received.

8. where site visit to any selected location is required to carry out, cost of such site visit shall be as specified in the Schedule II hereto

9. The point requirements for each Grade shall be in accordance with the marking schemes as set out in the Schedule III hereto.

10. The Committee shall send its recommendation within a period of thirty days to the Director General.

11. Upon the receipt of recommendations of the Committee, the Director-General, either register the applicant as a Property Developer and issue him a registration number and a Certificate of Registration under category (1) or (2) with the respective grading on payment of relevant fee as specified in the Schedule II hereto, or for reasons to be recorded by the Director General, refuse to register the applicant. The Director General shall, in writing inform the applicant of his decision and in the case of such a refusal to grant registration, he shall state his reasons therefor.

12. Every Certificate of Registration issued shall be in the Form as may be determined by the Authority, Every Certificate of Registration shall be valid for a period as specified therein and shall be subject to such terms and conditions of such Certificate of Registration.

13. The Director-General may revoke a Certificate of Registration issued under regulation II, if he is satisfied that the holder has violated the provisions of the Construction Industry Development Act, No. 33 of 2014, or, regulations or rules made thereunder or any of the terms and conditions of such Certificate of Registration.

14. (1) A Certificate of Registration issued under regulation 11 shall be renewable on an application being made in that behalf to the Director General not later than thirty days before the expiry of the Certificate of Registration and on payment of relevant renewal fee as specified in Schedule II hereto.

(2) A Certificate of Registration shall be renewed by the Director-General, if he is satisfied that the holder of Certificate of Registration has complied with the provisions of Construction Industry Development Act, No. 33 of 2014, regulation or rules made thereunder or the terms and conditions specified therein.

15. Every person who is aggrieved by the decision of the Director General may make an appeal to the Appeals Board established under the provisions of Section 53 of the Construction Industry Development Act, No. 33 of 2014, within thirty days of such decision.

16. In these regulations -

“Property Developer” shall have the same meaning as in the Construction Industry Development Act, No. 33 of 2014.

SCHEDULE I

Category and Grading

<i>Category Description</i>	<i>Grades</i>				
(1) Selling of Serviced lands (L) Buying the proprietary rights of land parcels, sub dividing them, investing and developing infrastructure and selling the serviced plots	L1	L2	L3	L4	L5
(2) Lands and buildings for selling/leasing or renting (LB)- Buying the proprietary rights of land parcels and investing in building construction and developing and selling/leasing or renting them	LB1	LB2	LB3	LB4	LB5

SCHEDULE II

Registration Fee/Renewal Fee

<i>Grade</i>	<i>Annual Registration / Renewal Fee (Excluding Tax) Rs.</i>
L1, L2, L3	60,000.00
L4	50,000.00
L5	45,000.00

<i>Grade</i>	<i>Annual Registration / Renewal Fee (Excluding Tax) Rs.</i>
LB1, LB2, LB3	100,000.00
LB4	75,000.00
LB5	60,000.00

Cost of site visits

<i>Description</i>	<i>Costs</i>
1. Transport	To be provided by the applicant
2. Per-diem	Rs. 4,000.00 per day per person
3. Food and lodging for the overnight stay	To be provided by the applicant

One day service shall be obtained by paying an additional fee of 15% of Annual Registration Fee of the relevant category.

SCHEDULE III

Point Requirement

Grade	Turn over (Refer Table (a))	Technical Capacity			Other Considerations (Refer Tables (g), (h) & (j)) (Not mandatory)	Total Points required (Minimum)
		work experience		Professional Staff & Other Technical Staff		
		Minimum land area per project (x) (Table (c))	Largest Project			
Minimum Points Requirement	Land area	Minimum Points Requirement (Refer Table (d))	Minimum Points Requirement (Refer Table (e))	Maximum Points Allocation		
L1	50	X > 1 acre	15	15	12	100
L2	25	X > 1 acre			09	66
L3	19	X > 1 acre			08	60
L4	15	80 < x ≤ 160 Perch	10	12	06	45
L5	6	X ≤ 80 Perch	5	09	03	25
Grade	Minimum Points Requirement (Table (b))	Minimum Value per project (x) (Table (d)) LKR (Millions)	Minimum Points Requirement (Refer Table (d))	Minimum Points requirement (Table (f))	Maximum Points Allocation (Tables (g), (h) and (j))	Total Point required (minimum)
LB1	50	x > 500	15	18	13	100
LB2	25				9	72
LB3	19				08	65
LB4	15	100 < x ≤ 500	10	15	06	49
LB5	6	x ≤ 100	5	12	04	30

TABLES FOR GUIDING POINT ALLOCATIONS

Table (a) Turn over {Selling of serviced lands (L)}

<i>Turn over for 5 years, LKR, Millions (X)</i>	<i>Maximum Marks</i>
$50 \leq x < 70$	70
$35 \leq x < 50$	50
$25 \leq x < 35$	35
$17 \leq x < 25$	25
$10 \leq x < 17$	19
$4 \leq x < 10$	15
$x < 4$	6

Table (b) : Turn over {Development of Lands and Buildings for Selling, leasing or renting - (LB)}

<i>Turn over for 5 years, LKR, Millions (X)</i>	<i>Maximum Marks</i>
$1500 \leq x < 2000$	70
$1000 \leq x < 1500$	50
$500 \leq x < 1000$	25
$100 \leq x < 500$	19
$50 \leq x < 100$	15
$x < 50$	6

Table (c) Past Performance and experience within last 05 years (Selling of serviced Lands - L)

<i>Grade</i>	<i>Size, Land Area in perch/ acre (X)</i>	<i>Minimum Marks per completed project</i>
L1, L2, L3	$x > 1$ Acre	6
L4	$80 < x \leq 160$ Perch	4
L5	$x \leq 80$ Perch	2

Table (d) : Past Performance during last 5 years, Value of Projects Lands and buildings for selling/leasing or renting (LB).

<i>Grade</i>	<i>Value of Project LKR (millions) (x)</i>	<i>Minimum Marks per completed project</i>
LB1, LB2, LB3	$500 > x$	5
LB4	$100 < x \leq 500$	2.5
LB5	$x \leq 100$	2.0

Table (e) : Technical Capacity (Selling of serviced lands - L)

<i>Technical Capacity (Selling of serviced Lands (L))</i>		<i>L5</i>	<i>L4</i>	<i>L1, L2, L3</i>
<i>Professional Category</i>	<i>Points per person</i>	<i>Compulsory Requirements</i>	<i>Compulsory Requirements</i>	<i>Compulsory Requirements</i>
Valuer	3	-	√	√
Surveyor	3	√	√	√
Architect	3	-	-	√
Engineer	3	√	√	√
Lawyer	3	√	√	√
Minimum Points		9	12	15

Table (f) : Technical capacity {Lands and buildings for selling/leasing or renting (LB)}

<i>Technical Capacity</i>		<i>LB5</i>	<i>LB4</i>	<i>LB1, LB2, LB3</i>
<i>Professional Category</i>	<i>Points per person</i>	<i>Compulsory Requirements</i>	<i>Compulsory Requirements</i>	<i>Compulsory Requirements</i>
Valuer	3	√	√	√
Surveyor	3	√	√	√
Architect	3	-	-	√
Engineer	3	-	√	√
Lawyer	3	√	√	√
Quantity Suveyor	3	√	√	√
Minimum Points		12	15	18

Other considerations (Not mandatory)

Table (g) : Organization/Establishment : Points gained for Qualification of Owners and Experience of the Organization

Part I Organization/Establishment : Points gained for Qualifications of Owners

<i>Qualification of Owners</i>	<i>Per person (Available within existing year)</i>
An organization having its Board of Directors consisting of professionals, other than those persons considered under above Table (e) or Table (f)	0.5

Part II - Experience of the Organization

<i>Experience of the Organization</i>	<i>For experience per year</i>
Experience of the organization in other fields related to Property Development (such as Construction, Land Reclamation)	0.5

Table (h) Organization Management

<i>Management System</i>	<i>Marks</i>
Quality Management System (ISO 9001)	5
Environmental Management System (ISO 14000)	5
Health & Safety Management System (OHSAS 18000/ISO 45001)	5

Table (j) : Marks allocated for CIDA or other acceptable Awards received

<i>Action taken on Promotional Aspects</i>	<i>Points gained per Submission/Selection to award</i>
Submission of an application	2.5
Wining an Award	5.0