

CONSTRUCTION INDUSTRY DEVELOPMENT AUTHORITY
Rules and Regulations for Registration of Consultancy Practices

GENERAL

Any consultancy practice, herein after referred as Practices, engaged in providing consultancy services for any Identified Construction Works shall be registered as provided for in the Construction Industry Development Act No 33 of 2014.

Any practice engaged in consultancy services for any Identified Construction Works without due registration under the Construction Industry Development Authority shall be committing an offence under the provisions of the Construction Industry Development Act No 33 of 2014 and shall be subject to prosecution.

1.0 Objectives of Registering Consultancy Practices in Architectural, Engineering and Quantity Surveying Services

The registration of different types of practices in the aforesaid disciplines is carried out as required by the Construction Industry Development Act No. 33 of 2014(hereinafter referred to as the Act) in the interest of the general public with the following objectives;

- to register and regulate different types of practices recommended by the relevant Professional Body/ies or Board/s of Registration/ Council/s established by an Act of Parliament and recognized by the Construction Industry Development Authority (hereinafter referred to as the Authority),
- to provide Consultancy Services to the Construction Industry in Sri Lanka as required by the Act,
- to keep the general public informed through an annually updated register, of the individuals /firms /companies that are eligible and permitted to practice in providing particular consultancy service or services related to the Construction industry,
- to prevent non-qualified persons from leading, controlling, managing owning or holding shares in consultancy practices,
- to ensure that Practices registered under each discipline such as Architecture, Engineering and Quantity Surveying shall have Qualified Person/s as defined under the Act as persons responsible for providing such service in the relevant profession and only such Qualified Persons shall own, or be Partners or Directors of, such practices,
- to ensure that only ministries, government agencies, semi government agencies, government statutory bodies, provincial councils, local government authorities or government departments empowered by statute to carry out consultancy services for the construction industry and fulfilling the requirements specified by the Authority in respect of providing consultancy services for identified construction works are permitted to provide such services after having duly registered such entities with the Authority,
- to ensure that all such Qualified persons shall be professionally responsible for any work carried out by such practices registered under the Authority,
- to ensure the Environmental, Social Health and Safety (ESHS) practices are adapted in construction activities for the best interest of the general public.

2.0 Types of Qualified Practices in the Construction industry

The following are recognized as Practices / of Qualified Persons in Sri Lanka under the Act;

1. Sole Proprietorships
2. Partnerships
3. Private Limited Companies
4. Government Statutory Bodies or Government Departments which are empowered to carry out consultancy services in construction by Statute
5. Joint Ventures among Sri Lankan Practices
6. Joint Ventures among Sri Lankan Practice/s with Foreign Practice/s
7. Practices working in association with Allied Practices

All above mentioned practices except (5) and (7) shall be registered with the Authority.

In the interest of the general public, the Authority shall not permit the formation of Public Companies or Public Quoted Companies to carryout consultancy services for construction works.

Further, no Public Company or Public Quoted Company shall be permitted to formulate Public Limited Company/ies to carry out consultancy service/s.

All parties to any practice falling under the purview of this Act shall adhere to and respect the principles, guidelines, code of conduct and the regulations imposed upon such parties by the relevant professional bodies and/or boards of registration or councils established by Acts of Parliament and by the Authority or by any Statute of the Democratic Socialist Republic of Sri Lanka.

Consultancy in Engineering, Architecture and Quantity Surveying shall be carried out under direct supervision and management by a Sri Lankan citizen/s who has been recognized and authorized by the relevant Professional Body/ies or Board/s of Registration or Councils to practice and registered with the Authority as a Qualified Person.

2.1 Sole Proprietorship

Any citizen of Sri Lanka recognized and authorized by the relevant Professional Body/ies or Board/s of Registration or Councils and registered with the Authority-as a Qualified Person to practice a specific profession and who shall have obtained a business registration from the relevant authority as a Sole Proprietorship and registered with the Authority may carryout consultancy services in the specific profession as a Sole Proprietor.

2.2 Partnerships

Any two or more citizens of Sri Lanka registered with the Authority as Qualified Persons and recognized and authorized by the relevant Professional Body/ies or Board/s of Registration or Councils to practice specific profession/s and who shall have obtained a business registration from the relevant authority as a Partnership shall have the partnership registered with the Authority may carry out consultancy services in the specific profession/s as a Partnership.

2.3 Private Limited Companies

Any one or more citizens of Sri Lanka registered with the Authority as Qualified Persons and recognized and authorized by the relevant Professional Body/ies or Board/s of Registration or Councils to practice specific profession/s and who shall have obtained a business registration from the Registrar of Companies as a Private Limited Company shall have the

company registered with the Authority may carry out consultancy services in such specific profession/s as a Private Limited Company.

2.4 Government Statutory Bodies or Government Departments which are empowered by Statute to carry out consultancy services for construction works

Government Statutory Bodies or Government Departments which are empowered to carry out consultancy services for construction works by Statute may carryout consultancy services in the disciplines specified in the Statute.

Such consultancy units shall be independent of, and without conflict of interest with all other administrative sectors of the Government Statutory Body or Government Department in the performance of consultancy services related to the construction industry.

Such consultancy units shall be managed only by Qualified Persons registered with the Authority.

2.5 Joint Ventures

Joint Ventures may be formed among Practices for the performance of consultancy services. Such Joint Venture shall be based for a specific project or specific task with a specified time. The word ‘time’ means a period defined by a date or an event.

2.5.1 Among Sri Lankan practices

Any two or more Sri Lankan practices registered with the Authority may form a joint venture among themselves to carry out consultancy services. Such Joint Ventures may not be registered with the authority.

2.5.2 Among Sri Lankan Practice/s with Foreign Practice/s

Any Sri Lankan practices registered with the Authority may form into joint venture with foreign practices of relevant profession holding provisional registration with the Authority to carry out consultancy services for a specific project.

Any foreign consultancy practice/s holding provisional registration with the Authority and shall have formed into a Joint Venture with the relevant Sri Lankan practice/s registered with the Authority may carryout consultancy services in Sri Lanka in the specific profession/s for a specific project.

2.6 Practices working in association with Allied Practices

Only Sri Lankan practices may provide consultancy services in association with consultancy practices of allied professions registered with the Authority. Such associations shall be formed by a MOU or an agreement between two or more such practices.

3.0 Requirements for Registering Practices

3.1 Practices of Members of Professional Bodies or Registrants of Boards of Registration or Councils in Sri Lanka

Such practice/s shall initially have its fields of specialty registered by the respective Professional Body/ies or Board/s of Registration or Councils.

3.2 Foreign Consultancy Practices intending to enter to a Joint Venture with a Sri Lankan Practice

Any Foreign practice/s intending to practice in Joint Venture with Sri Lankan Practice/s shall make an application on the form prescribed by the Authority for Provisional registration as a partner to a Joint Venture practice prior to engaging in any consultancy practices in Sri Lanka.

4.0 Limitations of Practices

Any practice registered with the Authority;

- a. irrespective of whether incorporated or non-incorporated, shall not do any other businesses under the same name or a similar name.
- b. shall provide consultancy services only in the respective discipline/s and the field/s of specialty so registered with the Authority.
- c. may provide a combination of consultancy services in joint venture or in association with practices of other disciplines who are registered with the Authority adhering to and respecting the principles, guidelines or regulations imposed upon the formation of such joint ventures or association by the respective Professional Body/ies or Board/s of Registration or Councils established by Acts of Parliament and by the Authority or by Statute.
- d. for carrying out consultancy services in more than one discipline, the partners/directors of such partnerships or private limited companies shall be in the same level of category of qualified persons and their practice shall be restricted to the roles, responsibilities and competence of different categories as defined/specified by the relevant Professional Body/ies or Board/s of Registration or Councils established by Acts of Parliament as given in Schedule I. or as prescribed”

5.0 Application Procedure

5.1 Practices of members of Professional Body/ies or Boards of Registration or Council /s in Sri Lanka.

1. Applications for registration as prescribed by the Authority will be accepted by the Authority along with the relevant documents, and practice registration documents issued by relevant Professional Body/Board/Council and applicable fee prior to 15th November each year.
2. Authorised officer of CIDA shall schedule applications received based on the formats prescribed by the Credential Committee & submit same to the Credential Committee.
3. Credential Committee shall scrutinize the submitted schedule and make suitable recommendations to CIDA for registration or rejection of application as may be appropriate.
4. CIDA, upon receipt of recommendation from Credential Committee shall register the recommended practices and inform those rejected applicants of such decisions with reasons.

5.2 Foreign Consultancy Practices

Applications are accepted by the Authority only for provisional registration of foreign practices intending to work in Joint Venture with a Sri Lankan practice registered with the Authority to serve as consultants for an identified construction project in Sri Lanka.

Such application shall be made on the form prescribed by and available at the Authority or down loaded from the website of the Authority.

The application shall be duly filled and supported by the relevant Sri Lankan practice and the Developer /owner of the identified construction work/ approved project and be submitted with the prescribed processing fee and required documents to the Director General of the Authority under registered cover or by hand prior to engaging in any consultancy practices in Sri Lanka.

The Director General of the Authority shall refer such applications received for Provisional registration to the Credential Committee which shall obtain the recommendation as may be applicable from the relevant Professional Body/ies or Boards of Registration or Councils within a period of time as may be specified by the Authority.

Upon receipt of a response, the Credential Committee shall within 4 weeks scrutinize and make suitable recommendation to the Director General of the Authority regarding Provisional registration which may be granted for a specific identified construction work/ approved project for a specific period of time or be rejected for any reasonable reasons.

Based on such recommendation, the Authority shall inform the applicant foreign practice of its decision to grant or not to grant a provisional registration, with copy to the Sri Lankan counterpart of the Joint Venture and Developer/ Owner of the identified construction work/ approved project and the relevant Professional Body/ies or the Board/s of Registration or Councils.

The Authority shall inform the Department of Emigration and Immigration regarding the terms under which the Authority has accepted such application for a Joint Venture with a Sri Lankan Practice, so that necessary immigration procedures are followed based on the same conditions as that the provisional registration has been granted.

6.0 Appeals

6.1 Any person who is aggrieved by a decision of the Authority in this regard may appeal to the Appeals Board in the manner as provided for in section 53(2) of the Act.

However, Appeals shall not be entertained for rejection of any application due to non submissions of business registration, practice registration certificate issued by relevant professional body/Board/s of registration/ council, CIDA Qualified Person's Registration number of owner/s/partners, Director/s & shareholders.

7.0 Validity of Registration

7.1 Practices of Members of Professional Body/ies or Registrants of Boards of Registration or Council/s in Sri Lanka.

Validity period of registration shall be one year from 01st of February to 31st January of following year.

Any application received after 15th of November each year would be accepted in the same manner as others. However such practices will be entered only in the supplementary register and website maintained by the Authority during the relevant year.

7.2 Provisional Registration of Foreign practices engaged in Joint Ventures with Sri Lankan Practices

Provisional Registration shall be valid for one year or the period of the specified Identified Construction Work for which provisional registration was granted, whichever is less.

8.0 Renewal of Registration

Any application for renewal of registration shall be submitted at least 8 weeks prior to the expiry of such registration.

Applications submitted through Professional Bodies or Boards of Registration or Councils shall be submitted at least 3 weeks prior to expiry of such registration.

8.1 Practices of Members of Professional Body/ies or Registrants of Boards of Registration or Council/s in Sri Lanka.

Application for renewal shall be made to the Authority by 15th November each year.

Any changes to the composition of the practices or any other data with necessary documentary evidence shall be submitted along with the prescribed form and fee payable.

After scrutinizing the applications for renewal the Credentials Committee shall recommend to the Director General of the Authority whether to grant or not to grant renewal of such registration.

8.2 Renewal of Provisional Registration of Foreign practices engaged in Joint Ventures with Sri Lankan Practices

Application shall be made in prescribed form eight weeks prior to expiry of provisional registration or 15th of November each year or whichever comes first.

Renewal may be granted at the request of the applicant Foreign Practice only with the consent of the Sri Lankan counterpart in Joint Venture with the foreign practice holding provisional registration along with the consent of the Client of the specified Identified Construction work.

9.0 Numbering System for Registration of Practices

Following Numbering system shall be used as determined by the Authority.

CIDA/discipline-A-E-Q/type of Practice/4 digits commencing from 0001

The discipline/s for which the practice is registered with the relevant institute shall be entered at second space.

"A" for Architecture, "E" for Engineering, "Q" for Quantity Surveying.

The type of practice/s are identified as follows;

Type of Practice	Abbreviation
Sole Proprietorships	SPP
Partnerships	PTS
Private Limited Companies	PVT
Government Statutory Bodies which are empowered by Statute to carry out consultancy services for construction works	GSB
Government Departments which are empowered by Statute to carry out consultancy services for construction works	GDP
Joint Ventures between Sri Lankan Practices	SSJ
Joint Ventures between Sri Lankan Practices and Foreign Practices	SFJ

10.0 Registration Fee

Registration fee shall be as determined by the Authority from time to time.

Fees for registration shall be as follows.

Practice Category	Registration Fee per year (Rs)
Sole Proprietorships	2,000.00
Partnerships	4,000.00
Private Limited Companies	5,000.00
Government Statutory Bodies which are empowered by Statute to carry out consultancy services for construction works	5,000.00
Government Departments which are empowered by Statute to carry out consultancy services for construction works	5,000.00
Joint Ventures between Sri Lankan Practices and Foreign Practices	25,000.00

11.0 Disciplinary Procedure

11.1 General

- i. All practices registered with the Authority including Joint Ventures and Associations shall abide by the Rules and Regulations, Codes of Conduct, Disciplinary and Investigation procedures of the relevant respective Professional Bodies, Boards of

Registration or Councils established by Acts of Parliament in Sri Lanka and the Common Law of the Democratic Socialist Republic of Sri Lanka.

- ii. All, Proprietors, Partners, Shareholders, Directors and employees of Practices registered with the authority including Joint Ventures and Associations, shall abide by the Rules and Regulations, Codes of Conduct, Investigation and Disciplinary procedures of the relevant respective Professional Bodies or Boards of Registration or Councils established by Acts of Parliament in Sri Lanka and the Common Law of the Democratic Socialist Republic of Sri Lanka.
- iii. Investigation or disciplinary procedures shall be conducted in Sri Lanka.

11.2 Complaints

11.2.1 Any complaint against a Practice may constitute;

- i. any professional negligence, lack of competency or violation of ethical and social standards;
- ii. moral turpitude, malpractice, fraud or dishonesty;
- iii breach of any terms and conditions on which registration has been granted by the Authority,
committed by any Qualified Person/s engaged in a Registered Practice, as, a Sole Proprietor, a Partner, a Director or an Employee of any practice, registered with the Authority.

11.2.2 Such complaint against a Registered Practice may be made by

- i. any member of the public or
- ii. any private or public body corporate, incorporate or any legal entity.

11.2.3 Such complaint containing facts relating to the complaint, the nature and the extent of the alleged violations, shall be made in writing supported by an affidavit shall be sent to the Director General of the Authority under sealed cover marked "Confidential-Disciplinary Matter" under registered post or hand delivered along with the specified fee.

11.3 Action on the Complaint

11.3.1 On receipt of a complaint the Authority shall scrutinize any complaint received by it against a Practice, or Qualified Persons related to the Practice, on allegations that are not covered under 11.2 above, and direct them to the appropriate Government agency responsible for investigating the matter.

Prior to such action, the Authority shall inform the relevant parties, including the relevant Professional Body/ies or Board/s of Registration or Councils established by Acts of Parliament in Sri Lanka, the Practice concerned and the complainant, as may be appropriate.

11.3.2 Where the complaint is related to professional matters, the Authority shall adhere to the same procedure set out under Investigations against Qualified Persons as per regulations published in Gazette noxxxxxxx.

Schedule I : Qualifications and the Roles, Responsibilities and Competence of different Categories of Qualified Persons

Discipline	Category of Qualified Person	• as defined/specified by the relevant Professional Body/ies or Board/s of Registration or Councils	
		Qualifications	The Roles, Responsibilities and Competence
Engineering	Chartered Engineer		To be provided / updated by IESL / IIESL, ECSL
	Associate Engineer		
	Affiliate Engineer		
	Incorporated Engineer		
	Engineering Diplomate		
Architecture	Chartered Architects,		To be provided / updated by SLIA, ARB
	Architects		
	Architectural licentiates		
Quantity Surveying	Chartered Quantity Surveyor		
	Quantity Surveyor		
	Assistant Quantity Surveyor		

Note : “Qualifications” and “the Roles, Responsibilities and Competence” will be included to the document on receipt from Professional Bodies.