

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 39 OF 2015

The National Council for Construction Act, 2003
(Act No. 13 of 2003)**The National Council for Construction (Registration of Projects) Regulations, 2015**

IN EXERCISE of the powers contained in sections *fifteen* and *twenty-seven* of the National Council for Construction Act, 2003, and on the recommendation of the Council, the following Regulations are made:

1. These Regulations may be cited as the National Council for Construction (Registration of Projects) Regulations, 2015. Title
2. In these Regulations, unless the context otherwise requires— Interpretation
 - “contractor” means a person who, or body of persons which, undertakes to execute and complete construction works;
 - “Council” means the National Council for Construction established under section *three* of the Act;
 - “domestic sub-contractor” means a sub-contractor, other than a nominated sub-contractor, that the main contractor sub-contracts to carry out part of the works;
 - “employer” means the client and sponsor or owner of the construction project;
 - “procuring entity” has the meaning assigned to it in the Public Procurement Act, 2008; Act No. 12
of 2008
 - “project” has the meaning assigned to it in the Act; and
 - “Register of projects” has the meaning assigned to it in the Act.
3. These Regulations apply to public and private projects. Application

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- Application for registration of project
4. (1) A person who is awarded a construction contract shall apply to the Council for the registration of the project within fourteen days from the date of the contract.
- (2) A contractor under a sub-contract for a construction contract as a nominated or domestic sub-contractor shall apply to the Council for the registration of the project before the commencement of the construction work.
- (3) An application for the registration of a project shall be made in Form I set out in the First Schedule.
- Request for information
5. The Council may request an applicant to submit information in relation to an application in Form II set out in the First Schedule.
- Rejection of application for registration of project
6. (1) The Council shall reject an application for the registration of a project if the applicant fails to meet the requirements of these Regulations.
- (2) The Executive Director shall, where the Council rejects an application, inform the applicant in Form III set out in the First Schedule.
- Certificate of registration
7. The Council shall, where an applicant meets the requirements of these Regulations, issue a certificate of registration, within fourteen days of the application, in Form IV set out in the First Schedule.
- Suspension or cancellation of certificate of registration
8. (1) The Council may suspend or cancel the certificate of registration of any project if —
- (a) the contractor fails to pay the registration fee;
 - (b) the certificate of registration was obtained by fraud or false submission of any information or statement;
 - (c) the construction contract to which it relates is terminated;
 - (d) the contractor contravenes any provision of the Act;
 - (e) the contractor ceases to carry on business in the construction industry;
 - (f) the contractor undertakes work in a category other than the category in respect of which the contractor is registered; or
 - (g) the contractor is found guilty of professional misconduct.
- (2) The Executive Director shall, where the Council —
- (a) intends to suspend or cancel the certificate of registration, notify the holder in Form V set out in the First Schedule; and
 - (b) suspends or cancels the certificate of registration, notify the holder in Form VI set out in the First Schedule.

(3) The Executive Director shall, where the Council suspends or cancels the certificate of registration of a project, endorse the cancellation or suspension on the certificate of registration of the project.

9. An application for a duplicate certificate of registration shall be made in Form VII set out in the First Schedule. Duplicate certificate of registration

10. The Council shall record the details of a contractor whose construction contract is equivalent to K500,000.00 or above in the register of projects. Record of specified projects in register of projects

11. The project manager of a project shall, within thirty days of — Report on status of project

(a) the issuance of a completion certificate relating to the project;

(b) the variation of the project;

(c) the cancellation or termination of the contract relating to the project;

submit to the Council a summary report on the status of the contract and the performance of the contract in Form VIII set out in the First Schedule.

12. A procuring entity shall submit to the Council a quarterly return specifying the construction contracts awarded by the procuring entity in that quarter. Quarterly returns

13. (1) A person aggrieved with any decision of the Council may appeal to the Minister within thirty days of the receipt of the decision of the Council. Appeal

(2) An appeal from the decision of the Council to the Minister shall be made in Form IX set out in the First Schedule.

14. A person who contravenes a provision of these Regulations commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding one year, or to both. General penalty

15. The fees specified in the Schedule are payable for an application for the registration of a project within the project values specified in that Schedule. Prescribed fees

FIRST SCHEDULE
(Regulations 4, 5, 6, 7, 8, 9, 11 and 13)

PRESCRIBED FORMS



Form I
(Regulation 4)

**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

The National Council For Construction (Registration of Projects) Regulations, 2015

APPLICATION FOR REGISTRATION OF PROJECT

Contractor Details

Name of Contractor:

Classification Grade Category Certificate Serial No.

Project Responsibility: *(Please tick accordingly)*

Main Contractor Domestic Sub-Contractor Nominated Sub-Contractor

For Main Contractor

For Sub-Contractors

Name of Sub-contractor(s):

Name of Main Contractor:

(Please attach extra sheet if more space is required)

Grade Category

Grade Category

Description of Works to be executed by Subcontractor:

Is project registered by the Main Contractor?

(Please tick) Yes No

Total Value of Sub-contractor Works:

If yes, indicate Project Registration No. below:

Project Details

Name of Project:

Category of Works: B C M ME

(Please tick appropriately)

E R S

Brief Description of the Works:

Total Project Value / Contract Sum: Total Estimated Cost

Contract Period: _____ Expected Start Date: _____ Expected Finish Date: _____

Expected No. of Workers: Skilled Semi-Skilled Unskilled

Contractor's Technical Representative on Site: Name: _____

Academic Qualifications: _____ (e.g. MSc, BSc, Dip. etc.)

Mobile : _____ Email: _____

Project Location

Plot/Stand No.: _____ Block No.: _____

Street: _____ Village: _____

Suburb/Area/Township: _____ District/Town: _____

Province: _____

Landmark feature in the Neighbourhood to the project: _____

(e.g. "Behind Manda Hill Mall" or "12km North of Chief's Palace")

For Building Projects

Building Permit No.: Issuing Authority: _____

[Provide Data below as per Design]

Number of Storeys: Total Built Up Area (m²):

Project Client

Client Name: _____ Box: _____

Tel: _____ Mobile: _____ Fax : _____

Email: _____ City/Town: _____ Province: _____

Project Consultants

Architectural Firm:

Technical Representative's Name (On Site) :

Academic qualifications: _____

Email: _____

Office Tel: _____

Mobile: _____

Official Stamp

Civil/Structural Engineering Firm:

Technical Representative's Name (On Site) :

Academic qualifications: _____

Email: _____

Office Tel: _____

Mobile: _____

Official Stamp

Quantity Surveying Firm

Technical Representative's Name (On Site) :

Academic qualifications: _____

Email: _____

Office Tel: _____

Mobile: _____

Official Stamp

Electrical/Mechanical Engineering Firm:

Technical Representative's Name (On Site) :

Academic qualifications: _____

Email: _____

Office Tel: _____

Mobile: _____

Official Stamp

Declaration

I

[Name of Authorised person with Power of Attorney]

declare that to the best of my knowledge and belief all the information I have provided in this Form is true and correct and that I shall abide with the terms and conditions for registration of projects prescribed under the National Council for Construction Act, No. 13 of 2003.

Name:..... Signature: Date:

Witness: Signature: Date:

Terms and Conditions

1. The Applicant shall comply with the provisions of the National Council for Construction Act, No. 13 of 2003.

2. The applicant shall submit all the requested information and attach the following documentation:

(a) Letter of Acceptance of Offer to perform works and the Contract

(b) Power of Attorney

(c) Building Permit (For Buildings)

(d) Proof of Payment of required fees (Receipt/Transfer/Deposit slip)

3. The application for registration of the project should be accompanied with a non-refundable registration fee

4. Payment should only be made directly at the NCC Head Office and Regional Offices or through the NCC Bank Account.

5. The applicant shall inform the Council, in writing, if the project is completed, varied in project value or completion period, is suspended or terminated.



Form II
(Regulation 5)

**The National Council for Construction Act, 2003
(Act No. 13 of 2003)
The National Council for Construction
(Registration of Projects) Regulations, 2015**

REQUEST FOR FURTHER INFORMATION

To:.....

Address:.....

Application No:

You are requested to furnish the following information or documents in respect of your application for.....

- (a).....
- (b).....
- (c).....
- (d).....

within.....days of this notice. If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated thisday of 20.....

.....
Executive Director



Form III
(Regulation 6)

**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

The National Council for Construction (Registration of Projects) Regulations, 2015

NOTICE OF REJECTION OF APPLICATION

(1) Insert the name of the applicant To (1)

(2) Insert the reference number of the application IN THE MATTER OF (2)..... you are notified that your application for (3)..... has been rejected by the Council on the following grounds:(

- (a).....
- (b).....
- (c).....
- (d).....
- (e).....

Dated thisday of 20.....

.....
Executive Director

Form IV
(Regulation 7)



**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

**The National Council for Construction
(Registration of Projects) Regulations, 2015**

CERTIFICATE NO.

CERTIFICATE OF REGISTRATION OF PROJECT

Holder's name:
Address.....

The conditions of grant of the certificate are as shown in the Annexures attached hereto.

Issued atthis day of 20.....

.....
Executive Director

ENDORSEMENT OF REGISTRATION

This Certificate has this day of 20 been entered in the Register of Projects.

.....
Executive Director

Form V
(Regulation 8(2) (a))



**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

**The National Council for Construction
(Registration of Projects) Regulations, 2015**

**NOTICE OF INTENTION TO SUSPEND/CANCEL CERTIFICATE
OF REGISTRATION OF PROJECT**

- (1) Here insert the full names and address of contractor
 - (2) Here insert the certificate No.
 - (3) Here insert the number of days stipulated
 - (4) Signature of Executive Director
- To (1)
- IN THE MATTER OF (2).....
- you are notified that the Council intends to *suspend/cancel your certificate of registration on the following grounds:
- (a).....
 - (b).....
 - (c).....
 - (d).....

Accordingly, you are requested to show cause why your certificate of registration should not be suspended/cancelled and to take action to remedy the breaches set out in paragraphs (above) within (3) days of receiving this notice. Failure to remedy the said breaches shall result in the *suspension/cancellation of your registration.

Dated thisday of20.....

(4)
Executive Director

*Delete as appropriate



Form VII
(Regulation 8 (2) (b))

**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

**The National Council for Construction
(Registration of Projects) Regulations, 2015**

**NOTICE OF SUSPENSION OR CANCELLATION OF CERTIFICATE OF
REGISTRATION**

- (1) Here insert the full names and address of holder of certificate To (1).....
.....
IN THE MATTER OF
(2)..... you are notified that your certificate of registration has been suspended for a period of/cancelled on the following grounds:
- (2) Here insert the certificate of registration No. (a).....
(b).....
- (3) Signature of Executive Director (c).....
(d).....

Dated thisday of20.....

(3)
Executive Director



Form VI
(Regulation 9)

The National Council for Construction Act, 2003
(Act No. 13 of 2003)

The National Council for Construction
(Registration of Projects) Regulations, 2015

APPLICATION FOR DUPLICATE CERTIFICATE OF REGISTRATION					
Please complete in block letters	Shaded fields for official use only		Application Number:		
			Date/Time		
Information Required	Information Provided				
1. Name of Employer					
2. Name of contractor					
3. Project					
4. Certificate No.					
5. TPIN No.					
6. Business address (Head Office)	Physical		Postal		
7. Project					
Location of project(if more than one, indicate all projects)	District				
	Type of Project		Date of commencement	Date of Completion	
7. Project client	Name	Telephone	Address	Town	Province
8. Project Consultants	Name of firm	Academic qualifications	Telephone	Email	Address
9. Attachment Affidavit					
10. Application fee receipt No.					
Name of applicant (individual or authorised representative): _____ Signature: _____ Date: _____					
FOR OFFICIAL USE ONLY					
Received by: _____ Date: _____ (Name)					
Approved: Not approved for the following reasons: _____ Signature: _____					
STAMP					



*Form VIII
(Regulation 11)*

**The National Council for Construction Act, 2003
(Act No. 13 of 2003)**

**The National Council for Construction
(Registration of Projects) Regulations, 2015**

SUMMARY REPORT ON STATUS OF PROJECT

1	Project Name	
2	Certificate No.	
3	Contractor	
4	Sub-Contractor	
5	Contract sum	
6	Start Date	
7	Initial completion date	
8	Extend completion date	
9	Percentage completion	
10	Amount certified to date	
11	Amount paid to date	
12	Balance on contract sum	
13	Amount on variation/day works	



Form IX
(Regulation 13)

The National Council for Construction Act, 2003
(Act No. 13 of 2003)

The National Council for Construction
(Registration of Projects) Regulations, 2015

NOTICE OF APPEAL TO THE MINISTER

IN THE MATTER OF
(Appellant's reference and matter of appeal)

I appeal against the decision of the Council on the following grounds:*

- (a)
(b)
(c)
(d)

Dated at.....this.....day of20.....

.....
Signature of Appellant

*Attach brief if necessary

SECOND SCHEDULE

(Regulation 14)

PRESCRIBED FEES

	<i>Project Value Range</i>	<i>Fee Units</i>
1.	K500 thousand to K10.00 million	5,000
2.	Above K10.00 million to K20.00 million	10,000
3.	Above K20.00 million to K40.00 million	20,000
4.	Above K40.00 million to K75.00 million	40,000
5.	Above K75.00 million to K150.00 million	75,000
6.	Above 150.00 million	150,000

Y. MUKANGA,
*Minister of Transport, Works, Supply
and Communications*

LUSAKA

22nd June, 2015

[MTWSC.101/1/23]