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GOVERNMENT NOTICE

DEPARTMENT OF PUBLIC WORKS

No. 1121

23 November 2007

AMENDMENT OF REGULATIONS ISSUED IN TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 2000 (ACT NO. 38 OF 2000)

The Minister of Public Works has under section 33 of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) (the Act), made the regulations set out in the Schedule.

SCHEDULE

1. Definitions

In these Regulations, unless the context otherwise indicates, every word takes the meaning as defined in the Act, and –

“the Regulations” means the Construction Industry Development Regulations, published by Government Notice No. 692 in Gazette No. 26427 of 9 June 2004 as amended by Government Notice No. 1333 of 12 November 2004, Government Notice No. 751 of 22 July 2005, published in Government Gazette No. 27831 of 22 July 2005, and Government Notice 842 of 29138, published in Government Gazette No. 29138 of 18 August 2006.

2. Insertion of regulation 7A

The following regulation is inserted after regulation 7:

“7A. Application for and registration in contractor grading designation 1

(1) A contractor who wishes to be registered in terms of these Regulations in contractor grading designation 1 as contemplated in regulation 6 may

apply in the approved form to the Board to be registered in that contractor grading designation.

(2) An application referred to in subregulation (1), must be accompanied by -

- (a) certified copies of the identity documents of the principal or principals of the contractor, but where there are more than twenty principals, certified copies of the identity documents of only twenty principals may be submitted;
- (b) in the case of a company or a close corporation, the registration number, a certificate of incorporation and the latest name change, if any, issued in terms of the Companies Act, 1973 or the Close Corporations Act, 1984, as the case may be and certified copies of the shareholders' certificates of the Company;
- (c) an original tax clearance certificate issued by the South African Revenue Service;
- (d) if an application relates to the Electrical Engineering – designation EE class of works, a certified copy of his or her electrical contractor licence issued by the Electrical Contracting Board of South Africa; and
- (e) any other information required by the Board in relation to the category of registration of a contractor.

(3) If an application in terms of this regulation is made on the official CIDB website, the supporting documentation referred to in subregulation (2), together with the confirmation of particulars signed by the applicant, must be submitted to the Board by mail or by hand and the application is not considered to have been duly completed until that submission has been received by the Board.

(4) The Board must for the purpose of assessing an application for registration and subject to section 30 of the Act, take reasonable steps to verify the information submitted by a contractor in terms of this regulation.

(5) If a contractor does not fully comply with a request from the Board to provide further information in relation to his or her application within 90 days from the date of that request, the Board may cancel the application.

(6) In the case of an application for registration by a contractor whose supporting documents are not in English, that application must be accompanied by an English translation of those documents, prepared by a sworn translator.

(7) A person designated by the Chief Executive Officer must enter -

(a) the particulars from the supporting documents listed in subregulation (2);

(b) the address and contact particulars,

of the applicant on the registration system.

(8) If the applicant has not completed a registration form the designated person must print a declaration containing the information captured in terms of subregulation (7) and the applicant must, after ascertaining that the information captured on the registration system is correct, the designated person must retain the registration form or declaration, as the case may be, together with supporting documentation provided in terms of subregulation (2).

(9) The designated person must, on payment of the administration fee -

(a) register the applicant as a contractor on the register of contractors;

(b) update the register of contractors accordingly; and

(c) issue to the contractor a receipt, which contains the contractor registration number for the payment of the administration fee.

(10) The registration particulars reflected on the register of contractors on the official CIDB website serves as the registration certificate as contemplated in section 16(7) of the Act.

(11) Regulations 7 and 10 to 12 and 14 do not apply to an application for registration in the contractor grading designation 1."

3. Amendment of regulation 35

Regulation 35 is amended by the substitution for subregulation (2) of the following subregulation:

"(2) A contractor in contractor grading designations 2 to 9 must pay the annual fee referred to in section 16(8) of the Act and as shown in Schedule 2, in relation to the highest contractor grading designation in which that contractor is registered, before or on the date of registration and during the two years following, on the date of anniversary of registration."

4. Amendment of regulation 38

Regulation 38 of the Regulations is amended by –

(a) the substitution in subregulations (4) to (8), for the date "15 November 2007" of the date "15 November 2008"; and

(b) the insertion of the following subregulations after subregulation (10):

"(11) Any Board notice issued under subregulations (4) to (8) by the Board before the commencement of this subregulation remains valid until 15 November 2008, unless that notice is repealed by the Board.

(12) The Board may, with the consent of the Minister, by notice in the *Gazette*, relax any requirement of these Regulations that is reasonably necessary for the exercise of its powers in terms of these Regulations."

5. Amendment of Schedule 2 to the Regulations

Schedule 2 is amended by –

(a) the substitution for Table 1 of the following Table:

Item	Fee in ZAR	Empowering section of the Act
1. Administration fee in relation to contractor grading designation 1;	450.00	Section 16(6)
2. Administration fee in relation to contractor grading designation 2;	250.00	Section 16(6)
3. Administration fee in relation to	750.00	Section 16(6)

contractor grading designations 3-9		
4. Renewal fee in relation to contractor registration for contractor grading designation 1	450.00	Section 20(2)
5. Renewal fee in relation to contractor registration for contractor grading designation 2	250.00	Section 20(2)
6. Renewal fee in relation to contractor registration for contractor grading designations 3-9	750.00	Section 20(2)
7. Project registration fee	750.00	Section 22(4)

(b) the deletion of the second row of Table 2.

6. Short title and commencement

These Regulations are called the Construction Industry Development Amendment Regulations, 2007, and commence on 1 January 2007.

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