

S.I. 35 of 1999

LICENCES ACT

(Cap 113)

**Licences (Building and Maintenance Contractors)
Regulations, 1999**

In exercise of the powers conferred by section 16(2) and 21 of the Licences Act the Vice-President acting as the Minister of Finance hereby makes the following Regulations —

1. These Regulations may be cited as the Licences (Building and Maintenance Contractors) Regulations, 1999.

Citation

2. In these Regulations —

Interpretation

"Building contractor" means a person who undertakes construction, renovation or maintenance of a building or other construction work which may or may not include the supply of materials therefor;

"Building maintenance contractor" means a person who undertakes maintenance of a building or the grounds of a building or any minor construction work.

3. (1) Subject to subregulation (2), no person shall, without the authority of a licence issued by the Authority in that behalf, provide any service, for a fee or other consideration in cash or in kind, as a Building Contractor Class I, II or III, or a Building Maintenance Contractor, referred to in Schedule 1.

Licensing of
Building
Contractors
and Building
Maintenance
Contractors

(2) Subregulation (1) shall not apply to an individual —

- (a) who is employed by a holder of a licence referred to in that subregulation and who in the course of that individual's employment with the holder of such licence provides a service which the holder of licence is authorised to provide, or

- (b) who is employed by another person to provide any service referred to in subregulation (1) and who in the course of such employment provides such service to such other person.

Application for
licence

4. An application for a licence under these regulations shall be in the form provided by the Authority and shall be accompanied by the documents referred to in regulation 6 and the appropriate licence fee as set out in Schedule 3.

Refund of fee

5. The Authority shall refund the licence fee if an application is refused.

Documents
required

6. An application under these Regulations shall also be accompanied by documents relating to the qualifications applicable to the particular class of Building Contractor or Building Maintenance Contractor as set out in Schedule 2.

Special
provision for
Building
Contractor
Class II
application

7. The Authority may in special circumstances grant an applicant a licence as Building Contractor Class II where —

- (a) the applicant has satisfied the Authority that the applicant has eight years' experience in the construction industry;
- (b) the applicant has been interviewed and the application recommended by a panel referred to in regulation 8;
- (c) no complaint has been proved against the applicant arising out of services connected with building construction.

Authority to
consult
Ministry
responsible for
Public Works

8. (1) The Authority shall consult the Ministry responsible for Public Works before granting a licence under these Regulations.

(2) The Ministry shall establish a committee consisting of professionally qualified officers in the Ministry and other professionals with experience in the construction industry or in civil works, for the purpose of advising the Authority on granting any licence.

9. An application may be made by a licensed Building Contractor for the upgrading of the licence in the same manner that an application for a new licence is made but the application shall be granted only if no such complaint has been made to the Authority arising out of any construction work undertaken by the applicant as would ground any adverse finding against the applicant.

Upgrading of
licences

10. The Authority shall not grant a licence under these Regulations to—

Disqualifica-
tions

(a) an individual who—

(i) is less than 21 years of age;

(ii) is an undischarged bankrupt; or

(iii) has, within five years immediately preceding the date of the application, been convicted of an offence involving dishonesty;

(b) any person who does not possess the qualifications specified in these Regulations;

(c) any firm, any partner of which is disqualified under paragraph (a) or which does not have a place of business in Seychelles;

(d) any corporate body not being a company that is incorporated in Seychelles or registered as an overseas company under the Companies Act;

(e) any person who while being a licence holder, at any time within a period of three years preceding the date of the application has contravened any provision of the Licences Act or Regulations made thereunder or acted in breach of any condition of such licence.

11. Notwithstanding the Licences (Trade) Regulations, the holder of a licence under these Regulations may import such goods as the

Extension of
scope of
licence

licence holder is required to use as part of the service and are specified in the licence.

Conditions
attached to the
licence

12. A licence granted under these Regulations shall, in addition to any conditions which the Authority may specify in the licence, be subject to the following conditions —

- (a) there shall be a written contract with every client in respect of the work to be carried out, the contract fee and the expected date of completion of work;
- (b) the services provided or work done shall be of good quality and the work shall be completed within the period of time agreed upon;
- (c) the services provided shall be within the scope of work permitted by the licence;
- (d) the licence holder and the employees of the licence holder shall conduct themselves honestly and courteously in carrying out the work related to the contract;
- (e) all places used by the licence holder as a contractor in connection with the work related to a contract shall conform to the requirements and standards set by the Ministry of Health;
- (f) the office or place of business of the licence holder shall be kept in a state of cleanliness;
- (g) the licence holder shall ensure that all materials are safely stored and that no harm is caused by any escape of offensive substances therefrom;
- (h) the licence holder shall take sufficient care and precautions when carrying out any work on or near a public road or in a public place to prevent any harm being caused to members of the public;

- (i) the licence holder shall be acquainted with the guidelines issued by the Ministry responsible for public works and the current practices and standards relevant to the services under the licence;
- (j) where the licence holder is a corporate body it shall be the duty of the licence holder to inform the Authority in writing —
 - (i) if and when a change of management, directors or shareholding occurs during the period of validity of the licence the fact of such change;
 - (ii) if and when a person qualified to provide the services ceases to be employed by the licence holder and some other person is newly employed, the names of such persons, and to submit to the Authority the documents referred to in Schedule relating to such other person;
- (k) where the licence holder is a firm it shall be the duty of the licence holder to inform the Authority in writing if and when there is a change of partners and to prove to the satisfaction of the Authority that any incoming partner is qualified to provide the services under these Regulations.

13. The licence holder shall cause the licence to be displayed at a conspicuous place at his place of business.

Display of
licence

14. A licence under these Regulations shall be —

Validity of
licence, etc

- (a) valid for such period of 12 months or 36 months from the date of grant as may be specified in the licence, unless the licence is earlier revoked by the Authority;
- (b) renewable by application in that behalf made to the Authority not less than thirty days before the expiry of the licence together with the appropriate licence fee;

(c) non-transferable.

Suspension,
revocation and
non-renewal
of licence

15. (1) Where the holder of a licence to provide services as a Building Contractor or Building (Maintenance) Contractor —

- (a) has made any misrepresentation or failed to disclose any material fact in applying for the licence, and such misrepresentation or nondisclosure has influenced the Authority to grant the licence;
- (b) has acted in contravention of the Licences Act or these Regulations;
- (c) has acted in breach of the conditions of the licence including the condition referred to in regulation 12(c);
- (d) is, in the opinion of the Authority, incapable of providing a proper service in view of an established case of unsatisfactory service or of no service after a period of three months after entering into any agreement and taking a deposit or fee as agreed;
- (e) has failed to provide services for a continuous period of six months;
- (f) has been convicted of any offence involving dishonesty;
- (g) no longer has in his employment a person with the relevant qualifications and experience referred to in Schedule 2;
- (h) does not possess the plant and equipment considered necessary for providing services as a Building Contractor, Class I to Class III;
- (i) being a person who has been granted a Building Contractor Licence Class I to Class III for the first time has not within a period of six months of the grant

of licence failed to submit to the Authority a list of plant and equipment possessed by that person.

the Authority may suspend the licence for such period as may be determined by the Authority or revoke the licence or refuse to renew the licence.

(2) The Authority shall notify the licence holder in writing of a decision to suspend, revoke or refuse the renewal of, any licence.

(3) A person whose licence has been suspended or revoked shall surrender the licence forthwith to the Authority and refrain from providing services until the licence is restored.

16. Where a licence holder whose licence had expired and who had failed to renew such licence applies after a lapse of time for a new licence, the applicant shall, unless the Authority finds that the applicant had during the period between the date of expiry of the licence and the date of application ceased to provide such services, be liable to a surcharge of ten per centum of the licence fee for each month or part thereof constituting that period, and the surcharge shall be in addition to any other penalty that may be imposed under the Act.

Surcharge

17. The Licences (Services) Regulations are hereby amended as follows —

Amendment of
Cap 113 Sub.
Leg. P.95 as
last amended
by S.I.95 of
1996

- (a) in regulation 3(1) by repealing the paragraphs (t) and (ap);
- (b) in regulation 5(9) by repealing the words "building contractor,";
- (c) in Schedule 4, by repealing the heading "Part A Building Contractor" and all the words under that heading;
- (d) in Schedule 6, by repealing in paragraph 2 the items (t) and (ap).

SCHEDULE 1**Scope of Work****Building Contractor Class I****1. MAJOR CONSTRUCTION WORKS**

- 1.1 Multi-storey residential buildings
- 1.2 Multi-storey non-residential office & administrative buildings
- 1.3 Multi-storey buildings for agriculture, industry, trade & commerce
- 1.4 Multi-storey institutional buildings
- 1.5 Multi-storey assembly buildings
- 1.6 Multi-storey hotels and other tourist accommodation
- 1.7 Full renovation works of existing multi-storey buildings, dwelling houses, offices, shops, stores, extension and expansion, alterations and improvements and provision of extra rooms i.e. toilets, bathrooms, kitchens and bedrooms
- 1.8 Major (international tendering) Civil Engineering and Building Projects

2. ADVANCED CONSTRUCTION WORKS

- 2.1 Dwelling houses exceeding 93 sqm (1000 sq.ft.) in area including split-level houses, double storey houses, duplex houses, semi-detached houses, row-houses and terrace houses.

3. INTERMEDIATE CONSTRUCTION WORKS

- 3.1 Single-storey dwelling houses not exceeding 93 sqm (1000 sq.ft.) in area.
- 3.2 Sundry environmental landscaping works (no height restrictions) i.e. gates, fences, fence walls, parapet walls and retaining walls.

SCHEDULE 1**Scope of Work****Building Contractor Class I****1. MAJOR CONSTRUCTION WORKS**

- 1.1 Multi-storey residential buildings
- 1.2 Multi-storey non-residential office & administrative buildings
- 1.3 Multi-storey buildings for agriculture, industry, trade & commerce
- 1.4 Multi-storey institutional buildings
- 1.5 Multi-storey assembly buildings
- 1.6 Multi-storey hotels and other tourist accommodation
- 1.7 Full renovation works of existing multi-storey buildings, dwelling houses, offices, shops, stores, extension and expansion, alterations and improvements and provision of extra rooms i.e. toilets, bathrooms, kitchens and bedrooms
- 1.8 Major (international tendering) Civil Engineering and Building Projects

2. ADVANCED CONSTRUCTION WORKS

- 2.1 Dwelling houses exceeding 93 sqm (1000 sq.ft.) in area including split-level houses, double storey houses, duplex houses, semi-detached houses, row-houses and terrace houses.

3. INTERMEDIATE CONSTRUCTION WORKS

- 3.1 Single-storey dwelling houses not exceeding 93 sqm (1000 sq.ft.) in area.
- 3.2 Sundry environmental landscaping works (no height restrictions) i.e. gates, fences, fence walls, parapet walls and retaining walls.

4. MINOR CONSTRUCTION WORKS

- 4.1 Sundry small detached outhouses not exceeding 10 sqm in area and 3.7m in height i.e. external toilets, bathrooms, kitchens, tool stores, chicken scoops and pig sties.
- 4.2 Sundry minor decorative and recreational landscaping works i.e. flagstoning, footpaths, steps, parking spaces and bird-baths.

5. REPAIRS AND MAINTENANCE

- 5.1 Repairs and maintenance, minor improvements, decoration of existing structures, buildings, dwelling house, offices, shops and stores

Building Contractor Class II

2. ADVANCED CONSTRUCTION WORKS

- 2.1 Dwelling houses exceeding 93 sqm in area including split-level houses, double-storey houses, duplex houses, semi-detached houses, row-houses and terrace houses.
- 2.2 Double-storey residential buildings.
- 2.3 Double-storey non-residential office & administrative buildings.
- 2.4 Double-storey buildings for agriculture, industry, trade and commerce.
- 2.5 Double-storey institutional buildings.
- 2.6 Double-storey assembly buildings.
- 2.7 Double-storey guest houses and similar tourist accommodation.
- 2.8 Renovation works of existing buildings, double-storey dwelling houses, offices, shops and stores, extension and expansion, alterations and improvements including provision of extra rooms i.e. toilets, bathrooms, kitchens and bedrooms.

3. INTERMEDIATE CONSTRUCTION WORKS

- 3.1 Single-storey dwelling houses not exceeding 93 sqm (1000 sq.ft.) in area.
- 3.2 Sundry environmental landscaping works (no height restriction) i.e. gates, fences, fence walls, parapet walls and retaining walls.

4. MINOR CONSTRUCTION WORKS

- 4.1 Sundry small detached outhouses not exceeding 10 sqm in area and 3.7m in height i.e., external toilets, bathrooms, kitchens, tool stores, chicken coops and pig sties.
- 4.2 Sundry minor decorative and recreational landscaping works i.e., flagstoning, footpaths, steps, parking spaces and bird-baths.

5. REPAIRS AND MAINTENANCE

- 5.1 Repairs and maintenance, minor improvements, decoration of existing structures, buildings, dwelling houses, offices, shops and stores.

Building Contractor Class III**3. INTERMEDIATE CONSTRUCTION WORKS**

- 3.1 Single-storey dwelling houses not exceeding 93 sqm (1000 sq.ft.) in area.
- 3.2 Sundry environment landscaping works (no height restrictions) i.e., gates, fences, fence walls, parapet walls and retaining walls.
- 3.3 Single-storey buildings used for agriculture, industry, trade and commerce not exceeding 185sqm in area and not exceeding 6 metres in height i.e., offices, shops, stores and workshops.
- 3.4 Renovation works of existing single-storey buildings, dwelling houses, offices, shops and stores, total

extension or expansion not exceeding 1/6 in volume of such building i.e., alterations and improvements including provision of extra rooms i.e., toilets, bath-rooms, kitchens and bedrooms.

4. MINOR CONSTRUCTION WORKS

- 4.1 Sundry small detached outhouses not exceeding 10 sqm in area and 3.7m in height i.e., external toilets, bathrooms, tool stores, chicken coops and pig sties.
- 4.2 Sundry minor decorative and recreational landscaping works i.e., flagstoning, footpaths, steps, parking spaces and bird-baths.

5. REPAIRS AND MAINTENANCE

- 5.1 Repairs and maintenance, minor improvements, decoration of existing structures, buildings, dwelling houses, offices, shops and stores.

Building Maintenance Contractor

4. MINOR CONSTRUCTION WORKS

- 4.1 Sundry small detached outhouses not exceeding 10 sqm in area and 3.7m in height i.e., external toilets, bathrooms, kitchens, tool stores, chicken coops and pig sties.
- 4.2 Sundry minor decorative and recreational landscaping works i.e., flagstoning footpaths, steps, parking spaces and bird-baths.
- 4.3 Sundry minor environmental landscaping works not exceeding 1.2 metres (4ft.) in height i.e., gates, fences, fence walls, parapet walls and retaining walls.
- 4.4 Renovation works of existing single storey buildings, dwelling houses, offices, shops and stores within the cartilage of parameters (no extensions or expansions) of such building i.e., alterations and improvements including provision of extra rooms i.e., toilets, bathrooms, kitchens and bedrooms.

5. REPAIRS AND MAINTENANCE

- 5.1 Repairs and maintenance, minor improvements, decoration of existing structures, buildings, dwelling houses, offices, shops and stores.

SCHEDULE 2**Documents***Building Contractor Class I*

Documents which shall accompany an application

- (a) in the case of an individual
 - (i) a degree or diploma in Civil Engineering, Building Construction, Architecture or other equivalent qualification;
 - (ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of 3 years' experience as an Engineer or Architect.
 - (iii) proof that the applicant has the necessary finance to start the business of Building Contractor;
 - (iv) a list of the building construction equipment in the applicant's possession or to be acquired by the applicant after obtaining the licence;
- (b) in the case of a firm, the degree or diploma and documentary proof set out in paragraph (a) (i) and (ii) in respect of each of the partners of the firm and the proof and list referred to in paragraph (a) (iii) and (iv);
- (c) in the case of a corporate body,
 - (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) (i) and (ii) above;

- (ii) a true copy of the certificate of incorporation and the memorandum of association.
- (iii) proof of the necessary finance referred to in paragraph (a) (iii);
- (iv) a list of Building Construction equipment referred to in paragraph (a) (iv).

Building Contractor Class II

Documents which shall accompany an application —

(a) in the case of an individual —

- (i) a diploma in Civil Engineering, Building Construction or Architecture at the technical level;
- (ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of three years' experience in the construction industry;
- (iii) proof that the applicant has the necessary finance to start the business of Building Contractor;
- (iv) a list of the building construction equipment in the applicant's possession or to be acquired by the applicant after obtaining the licence;

(b) in the case of a firm —

- (i) a diploma referred to in paragraph (a) above in respect of each partner;
- (ii) a true copy of the certificate of registration of the firm;
- (iii) proof of the necessary finance referred to in paragraph (a) (iii);
- (iv) a list of building construction equipment referred to in paragraph (a) (iv);

(c) in the case of a corporate body —

- (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) above.
- (ii) a true copy of the certificate of incorporation and the memorandum of association of the corporate body;
- (iii) proof of the necessary finance referred to in paragraph (a) (iii);
- (iv) a list of building construction equipment referred to in paragraph (a) (iv).

Building Contractor Class III

Documents which shall accompany an application —

(a) in the case of an individual —

- (i) a trade certificate grade I or the equivalent in the building trade;
- (ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of 5 years' experience in the construction industry at supervisory level or has passed a trade test;
- (iii) proof that the applicant has the necessary finance to start the business of building contractor.

(b) in the case of a firm —

- (i) trade certificate or equivalent referred to in paragraph (a) above in respect of each partner;
- (ii) a true copy of the certificate of registration of the firm;
- (iii) proof of the necessary finance referred to in paragraph (a) (iii);

(c) in the case of a corporate body —

- (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) above;
- (ii) a true copy of the certificate of incorporation and the memorandum of association of the corporate body;
- (iii) proof of the necessary finance referred to in paragraph (a) (iii).

Building Maintenance Contractor

Documents which shall accompany an application are —

- (a) in the case of an individual
 - (i) a Trade Test Certificate Grade I or Grade II in the Building Trade or the equivalent with a minimum of three years' experience in minor building works and maintenance;
- (b) in the case of a firm
 - (i) the certificate and experience referred to in paragraph (a) above in respect of each partner;
 - (ii) a true copy of the certificate of registration as a firm.
- (c) in the case of a corporate body —
 - (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) above.
 - (ii) a true copy of the certificate of incorporation and memorandum of association of the corporate body.

SCHEDULE 3

FEES

- | | |
|------------------------------|-----|
| 1. Processing an application | R50 |
|------------------------------|-----|

2. Licence fee to provide services as a	1 year R	3 years R	
(a) Building Contractor Class I	10,000	28,000	x R 1000/-
(b) Building Contractor Class II	5,000	14,000	"
(c) Building Contractor Class III	2,500	7,050	"
(d) Building Maintenance Contractor	500	1,410	R 500/-

Made this 16th day of July 1999.

J. MICHEL
VICE-PRESIDENT
