

B 2128

L.N. 255 of 2023

**BUILDING AND CONSTRUCTION AUTHORITY ACT
(CAP. 623)**

Building and Construction Consultative Council Regulations, 2023

IN EXERCISE of the powers conferred by article 49 of the Building and Construction Authority Act, the Minister responsible for the construction industry, has made the following regulations: -

Citation. **1.** The title of these regulations is the Building and Construction Consultative Council Regulations, 2023.

Interpretation. **2.** In these regulations, unless the context otherwise requires:

Cap. 623. "the Act" means the Building and Construction Authority Act;

"Authority" means the Building and Construction Authority as established by article 5 of the Act;

"Board" means the Building and Construction Authority Board as established by article 11 of the Act;

"Council" means the Building and Construction Consultative Council established by article 49 of the Act;

"industry" means the building and construction industry;

"interested parties" means any entity, being in the public or private sector, having an interest in the building and construction industry;

"Minister" means the Minister responsible for the construction industry.

Appointment of the Council members. **3.** (1) The Council shall be appointed by the Minister and shall consist of the following:

(a) a Chairperson and a Deputy Chairperson, who shall be independent members chosen from amongst persons of known integrity and with knowledge of and experience in matters related to the building and construction industry:

Provided that the Deputy Chairperson shall have all the powers and perform all the functions of the Chairperson

during the Chairperson's temporary absence or the inability of the Chairperson to carry out his functions;;

(b) not less than seven (7) and not more than fifteen (15) members, being not more than one representative from each of the interested national constituted bodies, recognised by the Minister by means of notice published in the Gazette;

(2) The Minister may, after consultation with the Chairperson as the case may be, remove any member from the Council for reasons of misconduct, or lack of attendance, or inability to perform the functions of a member.

(3) In the event that a member is removed from office in terms of sub-regulation (2), the Minister shall appoint another member from the national constituted body represented by the member being replaced, provided that the term of office shall terminate by the end of the appointment of the original member being replaced.

(4) Any entity that is not represented on the Council, may, through a request made to the Board, demand to be added in the list of the national constituted bodies.

(5) The Minister, after consultation with the Council and the Board, may accept the request made in accordance with sub-regulation (4) if it is evident that such an entity has an interest in being involved in the discussions according to the objectives of the Act, and the member representative of the entity shall thus be appointed to form part of the Council:

Provided that from time to time, the Minister may add other entities to form part of the Council to widen the forum and participation of stakeholders to enhance the scope of the Council in terms of the Act.

4. The Council shall have a Secretary to be appointed by the Minister who shall have such duties as may be assigned to him by the Council.

Secretary to the Board.

5. The Authority shall provide the necessary administrative support to the Council for the proper performance of its functions.

Administrative support.

6. (1) The members of the Council, and the secretary, shall hold office for a term of three (3) years.

Term of office.

(2) Members of the Council and the secretary shall be eligible for reappointment for further terms on the expiration of their original term of office.

B 2130

Remuneration
of the Council.

7. The members of the Council shall be remunerated in accordance with criteria as may be applicable from time to time within the public sector.

Functions of the
Council.

8. (1) In addition to the functions established under article 49 of the Act and in order to achieve the objectives of the Council in terms of the Act, the Council shall have the following functions:

(a) to provide advice to the Minister and, or the Authority in terms of the Act;

(b) to promote participation and dialogue between all interested parties on matters related to, or having to do with the industry;

(c) to improve and strengthen communication between the interested parties;

(d) to monitor the industry and identify issues that relate to sustainable building and construction, issues that affect the interested parties and propose strategies to the Authority;

(e) at the request of the Authority, to draw up, examine or make recommendations on legislation, on policy or on administrative proposals related to the objectives of the Act and functions of the Authority;

(f) to identify and promote education, training and research;

(g) to perform such other functions as may, from time to time, be assigned to it by the Minister in consultation with the Authority.

(2) The Council may also: -

(a) make recommendations to the Board on matters related to the industry;

(b) propose to the Board such amendments to laws and regulations, policies, and any administrative processes and practices in relation to the industry as it may deem appropriate;

(c) propose to the Board any policies related to sustainable development within the industry;

(d) gives recommendations to the Board on any matters related to the national building and construction codes and other

regulations related to standards that may be adopted by the industry;

(e) make recommendations to the Minister on any matter related to the objectives and functions of the Council.

9. (1) The meetings of the Council shall be called by the Chairperson either on his own initiative or after accepting the request of any member of the Council and the Council shall meet at such times as it may itself decide:

Meetings of the Council and procedure.

Provided that the Council shall meet at least once every calendar month.

(2) The quorum of the Council shall consist of the Chairperson or the deputy Chairperson and not less than half the number of the other members constituting the Council, at the time of the meeting.

(3) Decisions of the Council shall be taken by a simple majority of the members present at the meeting, and the Chairperson shall have an original vote and in the event of an equality of votes, a casting vote.

(4) The Council may act notwithstanding any vacancy in its membership provided that a quorum is obtained.

(5) The minutes of each meeting must be kept by the Secretary and must be read and approved at the beginning of the following meeting. The minutes shall be made accessible to any person upon request to the Secretary.

(6) The Council shall otherwise regulate its own procedure.

10. The Council may, in the exercise of its functions and, or in its deliberations on specific issues or cases, ask for submissions from public entities, as well as for the opinion or knowledge of experts from the industry or from the NGOs, as it deems appropriate.

Participation of other public entities and experts.

11. (1) The Council shall report to the Board at least every six (6) months, and shall, *inter alia*, include a general report on the procedures and objectives achieved by the Council in the period to which it refers.

Report to the Board.

(2) The report referred to in sub-regulation (1) shall be presented to the Minister by the Secretary of the Council.

(3) The Board may, from time to time, give directives to the Council in writing, as it may deem appropriate, which directives shall

B 2132

be consistent with the provisions of these regulations and any other regulations made under the Act for the better performance of any of the provisions of these regulations. The Council shall, as soon as it is practically possible, give effect and execute such directives given to it by the Board.

(4) The Chairperson of the Council may, from time to time, address the Board on any matters which the Council may deem appropriate following a request made for such purpose to the Secretary of the Board, or following an invitation made by the Board.

The Building
Industry
Consultative
Council (BICC).

12. (1) The Council shall receive all documents and records of proceedings pertaining to the Building Industry Consultative Council constituted under the Parliamentary resolution seventy-four (74) of the 3rd of November 1997, and following consultation with the Board, shall continue to follow only those pending matters as directed by the Board.

Assets of the
BICC.

(2) Any assets that the Building Industry Consultative Council may have had before the entry into force of these regulations shall be transferred to the Authority.
