

GOVERNMENT NOTICE NO 35

NATIONAL CONSTRUCTION INDUSTRY ACT
(CAP 53:05)

NATIONAL CONSTRUCTION INDUSTRY (PRACTICE OF CONSTRUCTION
CONSULTANCY SERVICES BY FOREIGN CONSULTING FIRMS)
(AMENDMENT) REGULATIONS, 2023

IN EXERCISE of the powers conferred by section 29 of the National Construction Industry Act, I, JACOB HARA, Minister of Transport and Public Works, make the following Regulations—

1. These Regulations may be cited as the National Construction Industry (Practice of Construction Consultancy Services by Foreign Consulting Firms) (Amendment) Regulations, 2023.

Citation
2. The National Construction Industry (Practice of Construction Consultancy Services by Foreign Consulting Firms) Regulations (hereinafter referred to as the “principal Regulations”) are amended, in regulation 2, by deleting the definition of the words “member practice”, and replacing therefor the new definition as follows—

“member practice” means a Malawian firm registered as a consultant under the Act.

Amendment of r.2 to Cap. 69:01 sub. leg. p.193
3. Regulation 3 of the principal Regulations is amended by deleting regulation 3 and replacing therefor a new regulation 3, as follows—

“Practice of construction consultancy by foreign consultants”
3. A foreign consulting firm intending to provide construction consultancy services in Malawi, shall provide the services in partnership with a member practice.”.

Amendment of regulation 3 of the principal Regulations
4. Regulation 6 of the principal Regulations is amended—

(a) in subregulation (1), by deleting the word “__(1)” immediately before the words “All foreign consulting firms”;

(b) in subregulation (1), by deleting the word “temporary” immediately after the words “application for”;

(c) by deleting sub-regulation (2); and

(d) in the marginal note, by deleting the word “temporary”.

Amendment of regulation 6 of the principal Regulations
5. The principal Regulations are amended by inserting, immediately after regulation 8, new regulations 9 and 10 as follows—

“Failure by member practice to register partnership”
9. A member practice which provides services in a contractual agreement with a foreign consulting firm that has not been registered by the Council commits an administrative offence and shall, be liable to a penalty of an amount equivalent to one per cent of the total consultancy fees on the project.

Insertion of new regulations 9, and 10 into principal Regulations

Member
practice to
provide
services

10.—(1) A member practice which enters into a contractual agreement with a foreign firm but does not provide the agreed services commits an administrative offence and shall be liable to a penalty of an amount equivalent to one per cent of the total consultancy fees on the project.

(2) A foreign firm which continues to provide services, without the approval of the Council, where a member practice has ceased to provide the services as stipulated under partnership agreement, commits an offence and shall, be liable to a penalty of an amount equivalent to one per cent of the total consultancy fees on the project.”.

Made this 19th day of May, 2023.

(FILE NO. C/TP/400/4/6/15)

J. HARA
*Minister of Transport
and Public Works*