

- (d) compliance with the basic public health, occupational health and environmental standards and technical standards which include efficient resource and energy utilization standards.

(4) The Authority shall register and maintain a register of quality management auditors for the purpose of carrying out technical auditing. The process of registration and the qualifications required of auditors shall be as determined by the Authority.

## PART VIII

### STANDARD DOCUMENTS AND HUMAN RESOURCE DEVELOPMENT

Guidelines for  
engagement of  
consultants.

61. The Authority shall, considering the relevant local and international standards available, specify guidelines for the scope of consultancy services, pre-qualification for the selection of consultants and specimen forms of agreement and conditions for engagement of Consultants in the construction industry.

Procurement  
documents for  
engagement of  
registered  
contractors.

62. The Authority shall prepare and make available specimen pre-qualification documents, standard bidding documents and conditions of contract to be used when engaging a registered contractor for a construction work.

Standard  
documents  
specified by the  
Authority to be  
used.

63. Any party that engages a qualified person as a consultant or a registered contractor for a prescribed construction work shall use the standard documents specified for the purpose by the Authority. No changes, other than those permitted under conditions of particular applications or under contract data, shall be made to the standard documents specified by the Authority. However on specific ground the Authority may grant permission to modify conditions if reasonably justified.

Human resource  
development.

64. The Authority shall—

- (a) develop strategies to meet the future demand for qualified construction personnel, through a process of formal and informal training;
- (b) facilitate or conduct training for quality and productivity improvement;

- (c) facilitate the development of national standards on skills and national trade tests;
- (d) assess and issue National Vocational Qualification Certificates by recognizing prior learning of personnel engaged in the construction industry in collaboration with the Tertiary and Vocational Education Commission established under the Tertiary Vocational Education Commission Act, No. 20 of 1990;
- (e) facilitate the development of curricula for the newly emerging trades;
- (f) establish a scheme for the exchange of information relating to construction training;
- (g) conduct surveys related to training, manpower needs and related matters;
- (h) facilitate the improvement of social recognition and standard of the construction personnel;
- (i) facilitate the development of a career path for construction personnel to enhance the human resource requirements of the construction industry;
- (j) develop contract documents and implementing strategies to support licensed craftsmen and small scale contractors who enter into individual contract with clients without the involvement of qualified persons; and
- (k) facilitate translations of contract documentation into the Sinhala and Tamil languages.

Licensing of  
skilled persons in  
prescribed crafts.

65. (1) The Authority shall issue Licenses to persons skilled on prescribed crafts relating to construction industry, in different classes based on competency and capacity. The procedure for the issue of such Licenses shall be as prescribed.

(2) No person other than a licensed craftsman shall be engaged independently as a skilled craftsman on a prescribed construction work, unless under the supervision of a licensee on the relevant craft, after the date as may be appointed by the Authority.

(3) Every contractor who has undertaken a prescribed construction work shall engage a minimum percentage of licensees as may be prescribed in the skilled workforce required for such construction

work from the date as may be appointed by the Authority.

(4) The Authority shall issue to every licensee a "Craft License" in the form of an identification card and every licensee shall be issued with an identification number specifying the category and grade. Any other details of special abilities or rewards may be stated in the identification card for which the Authority shall lay down specific criteria.

(5) Any person producing a forged or false "Craft License" to any other person or having in possession such forged or false Craft License or document shall be guilty of an offence under this Act.

(6) Any licensee shall have the authority to display conspicuously in his place of work a Board bearing the description "Licensed Craftsman" or "Licensed Master Craftsman", as the case may be.

(7) The conditions relating to the issue of "Craft Licenses" and the Code of Conduct for such licensees shall be as prescribed.

(8) The authority may issue a temporary identity of recognition in the industry until the formal license is issued.

(9) The Authority shall not grant approval for engagements of any foreign craftsmen if the required skills in required capacity are available locally.

(10) The Authority shall negotiate and arrange long term insurance with pension benefits utilizing the Construction Development Fund for craftsmen registered with the Authority, who are not entitled to any other form of retirement benefits under any other law.

Register of  
skilled  
construction  
workers,  
construction site  
supervisors and  
middle level  
technical officers.

66. (1) The Authority shall keep and maintain a Register of Skilled Construction Workers, Construction Site Supervisors and Middle Level Technical Officers.

(2) The registration of skilled construction workers, construction site supervisors and middle level technical officers shall be done according to different skills and the procedure for registration shall be as prescribed.

## PART IX

### SETTLEMENT OF DISPUTES

Settlement of  
disputes through  
conciliation or

67. If the parties so desire any dispute relating to a contract for construction works, unless otherwise specified in the contract, may be

mediation by the Authority.

settled through conciliation or mediation by the Authority.

Right to refer for adjudication.

68. (1) A party to a construction contract, if unable to settle any dispute by conciliation and mediation of the Authority, may refer such dispute for adjudication.

(2) The terms of a contract shall—

- (a) enable a party to give notice at any time of his intention to refer a dispute for adjudication;
- (b) provide a timetable with the object of securing the appointment of the adjudicator and referral of the dispute to him within seven days of such notice;
- (c) require the adjudicator to reach a decision within twenty eight days from the date of such referral or such longer period as may be agreed by the parties after the dispute has been referred;
- (d) allow the adjudicator to extend the period of twenty eight days by up to another maximum fourteen days, with the consent of the party by whom the dispute was referred;
- (e) impose a duty on the adjudicator to act impartially; and
- (f) enable the adjudicator to take the initiative in ascertaining the facts and the law.

(3) The contract shall provide that the decision of the adjudicator is binding until the dispute is finally determined by way of legal proceedings, arbitration (if the contract provides for arbitration or the parties otherwise agree to arbitration) or by agreement:

Provided that, the parties may agree to accept the decision of the adjudicator as finally determining the dispute.

(4) The contract shall also provide that the adjudicator, any employee or agent of the adjudicator is not liable for anything done or omitted in the discharge or purported discharge of his functions as adjudicator unless the act or omission is done and omitted to be done in bad faith.

(5) If the terms of contract does not provide for the requirements of subsections (1) to (4), then the adjudication provisions of this Act shall apply and the decision of the adjudicator shall be binding until the dispute