is finally determined by way of legal proceedings, arbitration or by agreement.

(6) The procedure for adjudication of a dispute relating to a contract for construction work shall be as prescribed.

(7) Any party to an adjudication of a dispute relating to a contract for construction work may retain a qualified person under this Act and no other person is entitled to make representations on his behalf.

For the purpose of this section, “dispute” includes any difference of opinions between the parties to a contract for construction works.

69. Authority shall maintain a Directory of adjudicators who are competent to adjudicate disputes relating to a contract of construction work in accordance with such procedure as may be prescribed.

70. (1) The Authority shall appoint an Ombudsman to inquire into public complaints related to disputes with local authorities and other statutory bodies regarding the approval for construction of individual private residential buildings and make recommendations to the parties concerned.

(2) The Ombudsman may make recommendations to the relevant government bodies and to the Authority with regard to change of policies, standards, guidelines or legal framework for the purpose of rectifying the underlying cause of the disputes referred to it.

**PART X**

**APPEALS BOARD**

71. (1) There shall be established for the purpose of this Act, an Appeals Board consisting of not more than seven members, who shall be appointed by the Minister upon the recommendation of the Board. All members of the Appeals Board shall be qualified persons as specified in this Act with not less than twenty years of professional experience in the field of construction.

(2) Any person who is dissatisfied with a decision of the Authority, may appeal to the Appeals Board as prescribed.

(3) Members of the Appeals Board shall hold office for a term of three years and shall be eligible for re-appointment.

(4) The provisions of subsection (2) of section 5 shall *mutatis*
mutandis apply to appointment of members to Appeals Board.

(5) There shall be a Secretary to the Appeals Board who shall be appointed by the Appeals Board from amongst its members.

(6) The members of the Appeals Board shall be remunerated in such manner as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(7) Subject to the provisions of this Act, the Appeals Board may regulate its own procedure at its meetings and the transaction of business thereat.

72. (1) Every appeal made to the Appeals Board shall—

(a) be accompanied by a copy of the decision appealed against;

(b) set out precisely the grounds of appeal; and

(c) be delivered to the Secretary of the Appeals Board within thirty days from the date of the decision of the Authority.

(2) An appeal shall be heard by not less than three members of the Appeals Board.

(3) On receipt of an appeal, the Secretary of the Appeals Board shall fix a date, time and place for the hearing of such appeal, and shall give fourteen days notice thereof to the appellant and to the Board.

(4) Every Appellant shall appear before the Appeals Board in person or with an authorized representative.

(5) After the hearing of an appeal the Appeals Board may confirm, vary or reverse the decision appealed against.

(6) The decision of the Appeals Board and the reasons therefor shall be in writing and notified to the appellant and the Authority.

PART XI
COLLECTION, PROCESSING AND DISTRIBUTION OF INFORMATION IN THE CONSTRUCTION INDUSTRY

73. (1) The Authority shall be responsible for maintaining the national data base in the construction industry for which a dedicated information secretariat shall be established.
(2) The functions, procedures and performance standards required of the information secretariat shall be prescribed.

(3) The Authority shall have the power to instruct and request for information as follows:

(a) from state and private banks, the number of bank loans with amounts granted for any of the construction activities listed by the Authority;

(b) from the National Housing Development Authority (NHDA) established by the National Housing Development Authority Act, No. 17 of 1979, to disclose the number of loans and grants issued for construction, with amounts and number of directly constructed houses with costs of construction;

(c) from the Sri Lanka Customs Department, for information regarding the amounts and values of all imported construction materials and taxes collected thereon;

(d) from all private and government owned manufacturers of construction materials, to disclose the total production and sale of different categories of construction materials;

(e) from the Geological Survey and Mines Bureau established under the Mines and Mineral Act, No. 32 of 1992, for disclosing statistics relating to river sand and sea sand supplied to the market by holders of licenses for sand mining;

(f) from all government agencies that engage in contracting or direct construction of construction works, for details of construction work as requested by the Authority in a specified format;

(g) from all registered contractors, for details of construction works completed, to be reported to the Authority in a specified format;

(h) from the Commissioner of Vocational Training, for details of training programmes and training outcomes related to construction industry.
(i) from all government co-operative and voluntary organizations that provide small and medium scale housing loans and grants, details of the exact number of housing loans and grants issued with amounts;

(j) from all local government authorities and all the statutory bodies that grant permits and licenses for construction works for details of construction works as specified by the Authority.

(4) Any person who fails to comply with any request for information in terms of subsection (1) shall be guilty of an offence under this Act.

(5) The Authority shall be responsible for the publication of annual reports on the construction industry in the country and dissemination of information to government and private institutions and individuals on written requests made to the Authority. The Authority shall charge such fees as may be determined for providing of this service.

(6) The Authority shall at all times maintain confidentiality as regard the information made available to it under this section, other than if disclosure is required in terms of any written law for the time being in force, and shall not make public, or provide to any other government or private institution with, any information that would lead to identification of individual contractors, manufacturers or suppliers and information relating to their individual financial standings.

PART XII
GENERAL

74. (1) Any person who–

(a) contravenes, or fails to comply with, any provision of this Act or any regulation, made there under; or

(b) being a member, officer, or servant of the Authority discloses any information obtained by him in the exercise of his powers or the performance of his duties under this Act, to any person for any purpose other than the purposes for which he is authorized to disclose information by this Act,

shall be guilty of an offence under this Act.
(2) Any person who commits an offence under this Act, shall upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one million rupees or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

(3) In case the offence is related to execution of an order issued by the Authority, the person shall be required to execute such order within a reasonable time frame as is stated in the Order of the Magistrate.

(4) Where an offence under this Act is committed by a body of persons, then—

(a) if that body of persons is a body corporate, every director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner of that firm.

shall be guilty of that offence under this Act:

Provided however, that a director or officer of such body corporate or a partner of such firm shall not be deemed to be guilty of such offence if it is proved to the satisfaction of the court that he exercised all due diligence to prevent the commission of such offence.

75. (1) The Authority may make rules in respect of all matters for which rules are required or authorized to be made under this Act.

(2) Every rule made by the Authority shall be published in the Gazette.

76. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are required or authorized by this Act to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of its publication or on a later date as may be specified in such regulation.

(3) Every regulation made by the Minister shall, after it is published in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved by the Parliament shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which such regulations is deemed to be so rescinded shall be published in the Gazette.
(2) Any person who commits an offence under this Act, shall upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one million rupees or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

(3) In case the offence is related to execution of an order issued by the Authority, the person shall be required to execute such order within a reasonable time frame as is stated in the Order of the Magistrate.

(4) Where an offence under this Act is committed by a body of persons, then—

(a) if that body of persons is a body corporate, every director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner of that firm.

shall be guilty of that offence under this Act:

Provided however, that a director or officer of such body corporate or a partner of such firm shall not be deemed to be guilty of such offence if it is proved to the satisfaction of the court that he exercised all due diligence to prevent the commission of such offence.

75. (1) The Authority may make rules in respect of all matters for which rules are required or authorized to be made under this Act.

(2) Every rule made by the Authority shall be published in the Gazette.

76. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are required or authorized by this Act to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of its publication or on a later date as may be specified in such regulation.

(3) Every regulation made by the Minister shall, after it is published in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved by the Parliament shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done there under.

(4) Notification of the date on which such regulations is deemed to be so rescinded shall be published in the Gazette.
employment in the Authority, on terms and conditions no less favourable to the terms and conditions they had enjoyed whilst in the service of the Institute of Construction Training and Development, on the day immediately preceding the appointed date.

83. (1) With effect from the appointed date—

(a) all movable and immovable property owned by the Institute of Construction Training and Development;

(b) all rights, powers, privileges and all interests and liabilities arising in or out of the property of the Institute of Construction Training and Development; and

(c) all books, accounts and documents relating to any such property of the Institute of Construction Training and Development,

shall with effect from the day immediately preceding the appointed date, be vested absolutely in the Authority established under this Act or be transferred to such Authority.

(2) All publications and registers of the Institute for Construction Training and Development shall remain in force and effectual and be deemed to be publications and registers of the Authority.

84. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

85. In this Act unless the context otherwise requires—

"construction work" means, operations of any of the following descriptions—

(a) construction, alteration, repair, maintenance, extension, demolition or dismantling of buildings, or structures forming, or to form part of the land (whether permanent or not);

(b) construction, alteration, repair, maintenance, extension, demolition or dismantling of any works forming, or to form, part of the land, including (without prejudice to the foregoing) walls, road works, power-lines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipe-lines, reservoirs, water-
mains, wells, sewers, industrial plant and installations for purposes of drainage, coast protection or defence;

(c) installation in any building or structure of fittings forming part of the land, including (without prejudice to the foregoing) systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection or security or communications systems;

(d) external or internal cleaning of buildings and structures, so far as carried out in the course of the construction, alteration, repair, extension or restoration;

(e) operations which form an integral part of, or are preparatory to, or are for rendering complete, such operations as are previously described in this section, including site clearance, earthmoving, excavation, tunneling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works;

(f) painting or decorating the internal or external surfaces of any building or structure;

"construction contract" means, an agreement with a person or entity for any of the following--

(a) the carrying out of construction work;

(b) arranging for the carrying out of construction work by others, whether under sub-contract or otherwise to such person or the entity, as the case may be;

(c) providing his own labour or labour owned by the entity, or the labour of others, for carrying out of construction work;

"contractor" means any person or entity executing construction works under a construction contract;

"constructor" means any person who undertakes, whether exclusively or in conjunction with any other
business to carry out any construction work on his own account or for or on behalf of another person;

"consultant" means any person or entity providing consultancy services under an agreement for construction work;

"documentation" means preparation of tender and bidding documents including bills of quantities, contract documents, drawings and specifications and any document pertaining to tenders or contracts;

"externally funded projects" shall include any project funded by any donor agency or lending agency or any foreign government through the External Resources Department of the General Treasury;

"prescribed construction works" shall include—

(a) all buildings or structures to be used by or accessible to the public whether constructed by the State or otherwise, which exceeds in value rupees two million or such other value as may be prescribed by the Minister, from time to time;

(b) all buildings, structures or landscapes which have implications on public health or environment.

(c) all apartment buildings which consist of facilities and amenities used in common;

(d) any other construction which does not fall within paragraph (a) as may be determined by the Minister, from time to time; and

(e) all State funded construction works;

"completed prescribed construction works" means any prescribed construction work for which a certificate of completion or taking over certificate has been issued;

“qualified person” is a person, whose name is included in the relevant Register, in concurrence with the relevant professional body, as applicable by the Authority as prescribed.
“supervision or overall supervision” means to ensure that the engineering and architectural concepts and judgements incorporated in the design are properly adhered to in any construction work.