

CONSTRUCTION INDUSTRY DEVELOPMENT ACT 2011

ACT NO. OF 2011

TABLE OF CONTENTS

PART 1 – PRELIMINARY

Section

1. Short title, commencement and application
2. Definitions

PART 2 – CONSTRUCTION INDUSTRY COUNCIL

3. Establishment and incorporation of the Council
4. Functions of the Council
5. Powers of Council
6. Board of Directors
7. Disclosure of interest
8. Tenure of office
9. Remuneration of members
10. Vacation of office
11. Delegation by the Board
12. Meetings of the Board
13. Executive Director and other staff

PART 3 – REGISTRATION OF CONTRACTORS

14. Requirement for registration
15. Application for registration
16. Registration of foreign contractors
17. Register of contractors
18. Publication of list of registered contractors
19. Unregistered contractors
20. Suspension or cancellation of registration
21. Best contractor assessment scheme

APPEALS BOARD – PART 4

22. Establishment of the Appeals Board
23. Membership of the Board
24. Rules of procedure

- 25. Expenses of the Appeals Board

PART 5 – REGISTER OF PROJECTS

- 26. Register to be kept by Council
- 27. Best practice project assessment scheme

PART 6 – FINANCIAL PROVISIONS

- 28. Funds of the Council
- 29. Loans
- 30. Imposition of levy
- 31. Investment of funds
- 32. Financial year
- 33. Accounts and audit
- 34. Annual report

PART 7 – GENERAL

- 35. Restriction on use of name
- 36. Seal of Council
- 37. Prohibition of publication or disclosure of information
- 38. Personal liability
- 39. Regulations

Schedule: Classes of contract works

ACT NO. OF 2011

CONSTRUCTION INDUSTRY DEVELOPMENT ACT 2011

An Act to provide for the promotion, development and regulation of the construction industry in Lesotho through the establishment of the Construction Industry Development Council and for connected matters.

Enacted by the Parliament of Lesotho.

PART 1 – PRELIMINARY

1. Short title, commencement and application

- (1) This Act may be cited as the Construction Industry Development Act 2011.
- (2) This Act shall come into operation on a date fixed by the Minister by notice in the Gazette.
- (3) The Minister may appoint different dates for the coming into operation of different parts of the Act, provided that any such date appointed by the Minister may not be a day that is later than months after the enactment of the Act.

2. Definitions

In this Act, unless the context otherwise requires –

“Appeals board” means the appeals board established in terms of section 24;

“Board” means the Board of Directors of the Council appointed in terms of section 6 (1);

“Central Bank” means the Central Bank of Lesotho;

“Chairperson” means chairperson of the Council appointed in terms of section 6 (3);

“Construction industry” means the broad conglomeration of industries and sectors which add value in the creation and maintenance of fixed assets within the built environment;

“Construction works” means the construction, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling, or demolition of:

- (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above ground level;
- (b) any road, harbor works, railway, cableway, canal or aerodrome;
- (c) any drainage, irrigation or river control works;
- (d) any electrical, mechanical, water, gas, petrochemical or telecommunication works, or
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation works,

and includes any works which form an integral part of , or are preparatory to or temporary for the works described in paragraph (a) to (e), including site clearance, soil investigation and improvement, earth-moving, excavation, laying of foundation, site restoration and landscaping;

“Contractor” means a person registered under section under Part 3;

“Contract sum” means the consideration for a contract in respect of any construction work;

“Council” means the Construction Industry Council established under section 3;

“Executive director” means executive director of the Council appointed in terms of section 13;

“High Court” means the High Court of Lesotho;

“Law Society” means the Law Society of Lesotho;

“Local” means with respect to:

- natural persons citizens of the Kingdom of Lesotho;
- artificial persons, companies or other bodies corporate with a majority shareholding in the hands of citizens of Lesotho, and which have a physical presence in Lesotho;

“Member” means a member of the Board appointed in terms of section 6 and includes the chairman;

“Minister” means the Minister for the time being responsible for public works and transport;

“Registrar of contractors” means the executive director of the Council from time to time;

“Secretary” means the secretary to the Board of the Council;

PART 2 – CONSTRUCTION INDUSTRY COUNCIL

3. Establishment of Construction Industry Council

- (1) The Construction Industry Council is hereby established;
- (2) The Council shall be a body corporate with perpetual succession and a common seal. The Council shall, in its corporate name, be capable of:
 - a. Suing and being sued;
 - b. Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; and
 - c. Borrowing and lending money; and
 - d. Doing all such acts and things as may lawfully be done in furtherance of the provisions of this Act.

4. Functions of the Council

- (1) The object for which the Council is established is to provide strategic leadership to the local construction industry, to coordinate its development, and to serve as a focal point for the implementation of national construction policy.
- (2) Without prejudice to the generality of subsection (1), the Council shall:
 - a. promote and provide strategic leadership for the growth and development of the construction industry with particular emphasis on the stimulation and development of local capacity for socio-economic development and international competitiveness;
 - b. advise the Minister on policies, legislation, programmes, projects and other matters affecting construction industry sustainable growth , development and expansion, and formulate proposals for their implementation;
 - c. promote, co-ordinate, undertake or commission research into any matter relating to the construction industry;
 - d. promote, initiate and maintain a construction industry information system with the object of disseminating construction related information including, but not limited to a register of projects and directory of construction materials, equipment and suppliers;
 - e. provide consultancy and advisory services on all matters related to the construction industry;
 - f. promote quality assurance through the promotion, development, implementation and monitoring of standards, guidelines, techniques, regulations and codes of practice;

- g. provide, promote, facilitate, coordinate and review training programmes organized by public and private accredited training institutions for stakeholders in the construction industry;
- h. promote the use of innovative technologies and adherence to sound safety, health, and environmental standards;
- i. register contractors and regulate their professional undertakings and conduct;
- j. promote, stimulate and assist in the export of goods and services related to the construction industry;
- k. promote and establish forums for enhancing industry-wide coordination, consultation and collaboration, and facilitate efficient resolution of disputes on matters related to the construction industry;
- l. liaise and collaborate with individuals, public and private institutions as may be necessary from time to time for the development of the construction industry.

5. Powers of the Council

- (1) The Council shall have all the powers necessary to do all things expedient or reasonably necessary for, or incidental to the performance of its functions and, in particular, but without prejudice to the generality of the foregoing:
 - a. to establish or expand, or promote the establishment or expansion of companies, corporations or other bodies to carry on any activities related to the construction industry either under the control or partial control of the Council or independently;
 - b. to impose levies, fees or such other charges as it deems fit in respect of its functions and powers;
 - c. to receive, in consideration of any services rendered by it, such payments or commission as may be agreed upon with any person;
 - d. to provide financial and other assistance in the form of loans, guarantees or otherwise to persons engaged in the construction industry for the purposes of promoting the said industry;
 - e. to do all such other things as may be necessary, advantageous or convenient for or in connection with the performance of its functions.
- (2) It shall be the responsibility of the Council in performing its functions under this Act to ensure that the functions are performed in such manner as shall be in furtherance of national policy relating to the construction industry.

6. Board of Directors

- (1) The operations of the Council shall be managed by a Board of Directors which shall consist of the following members:
 - a. an architect nominated by
 - b. a consulting engineer nominated by
 - c. a surveyor nominated by
 - d. a contractor nominated by
 - e. a contractor nominated by
 - f. a contractor representing
 - g. two persons nominated by client organizations;
 - h. one representative of the local financial institutions;
 - i. one representative of local construction industry suppliers;
 - j. one representative of the private sector foundation/groups with special interest in the construction industry
 - k. the principal secretary of the Ministry of Public Works and Transport;
 - l. the Principal Secretary of the Ministry of Finance/Local Govt ?
- (2) members of the Board shall be appointed by the Minister withindays after receipt of nominations in terms of a. to j. above;
- (3) the Minister shall appoint the Chairperson of the Board, and the members shall elect the vice chairperson from among their number;
- (4) within(#) days of appointment of the members pursuant to (2) above, the Minister must, by notice in the government gazette, publish their full names, the date from which their appointment takes effect, and the period for which their appointments are made;
- (5) a person may not be appointed as a member of the Board unless he or she is a holder of a high school certificate or equivalent qualification and has a minimum of(#) years experience in the construction industry.

7. Disclosure of interest

If a member of the Board or his /her spouse, immediate family member or business associate has any direct or indirect financial interest in any matter to be dealt with at any meeting of the Board, he/she:

- (1) must disclose that interest and the extent thereof in writing to the chairperson;

- (2) must recuse him/herself from any meeting of the Board at which the matter is dealt with;
- (3) must not in any manner endeavour to influence the opinion or vote of any other member of the Board in connection with the matter.

8. Tenure of office

Other than the ex-officio members, the chairperson and members of the Board shall hold office for a period of(#) years from the date of appointment, and shall be eligible for re-appointment for one further term.

9. Remuneration of members

A member of the Board or a committee of Board shall receive such remuneration and allowances as may be determined by the Board from time to time.

10. Vacation of office

- (1) The office of a member of the Board, other than an ex-officio member, shall become vacant if the member:
 - a. resigns his/her office by written notice addressed to the chairperson;
 - b. dies;
 - c. is convicted of an offence involving fraud, dishonesty, or moral turpitude;
 - d. is convicted of an offence and sentenced to imprisonment for a term of six months or more without an option of a fine;
 - e. is or becomes insolvent;
 - f. is absent from three consecutive meetings of the Council without leave of the Board;
 - g. is removed from an office of trust on account of misconduct;
 - h. is unable to carry out his/her functions as a member of the Board.
- (2) Where any person ceases to be a member by reason of any of the provisions of this Act, another person shall be appointed in his/her place in accordance with the applicable provisions.

11. Delegation by the Board

- (1) The Board may for the purposes of performing its functions under this Act constitute any committee, and may delegate to that committee, other body, person or agency any of its functions.

- (2) The Board shall not be divested of any of its powers so delegated, and any such powers may be amended or withdrawn as the Board deems fit.

12. Meetings of the Board

- (1) the time and place of the first meeting of the Board shall be determined by the Minister and notified to Council members within(#) days after the appointment of the Board;
- (2) subsequent meetings of the Board shall be held at such times and places as the Board may decide from time to time;
- (3) subject to the other provisions of this Act, the Board may regulate its own procedure;
- (4) the Board shall meet at least four times a year;
- (5) meetings of the board shall be convened on fourteen days notice by either the chairperson or at the instance of not less than seven members;
- (6) emergency meetings may be called at such shorter notice as the exigencies of the situation demand;
- (7) the quorum for a meeting of the Board is the majority of members;
- (8) meetings of the Board shall be presided over by the chairperson and in his/her absence the vice chairperson; or in the absence of both the chairperson and the vice chairperson, such member as the members present shall elect for the purpose of that meeting;
- (9) a decision of the majority of members present at any meeting shall constitute a decision of the board;
- (10) in the event of an equal number of votes, the person presiding at the meeting shall have a casting vote in addition to his/her deliberative vote;
- (11) the Board may invite any person whose presence is in its opinion desirable, to attend and participate in the deliberations of a meeting, but that person shall have no vote;
- (12) a decision taken by the Board or an act performed under its authority shall not be invalidated by any vacancy in its membership or by any defect in the appointment of any member or because a person not entitled to do so took part in the proceedings;
- (13) the Board shall keep an attendance register and minutes of the proceedings of every meeting of the Board, and every meeting of any committee constituted by the Board.

- (14) Minutes of board meetings shall be circulated to all members within(#) days after the meeting to which they relate, and they shall be validated by the signature of the person who chaired the meeting after they are confirmed as true and accurate.

13. Executive director and other staff

- (1) Unless otherwise provided in this Act, the Board shall appoint the executive director on such terms and conditions of service as shall be specified in the instrument of appointment;
- (2) the executive director shall be:
- a. the chief executive officer of the Council responsible to the Board for the proper administration and day to day management of the affairs of the Council in accordance with Council's business and financial plans from time to time, with general control over the other officers, servants and agents of the Council; and
 - b. the secretary to the Board and the Registrar of contractors.
- (3) the executive director shall hold office for a period of (#) years, and may be reappointed at the end of his/her term of office;
- (4) on acceptance of appointment, the executive director must sign a performance agreement with the Council;
- (5) to qualify for appointment as executive director, a person must be a holder of a degree from a recognized university in architecture, quantity surveying or engineering;
- (6) The executive director shall, on such terms and conditions as the Board determines, appoint such employees as are necessary for the proper discharge of the functions of the Council.

PART 3 – REGISTRATION OF CONTRACTORS

14. Requirement for registration

- (1) A person shall not carry out or complete any construction works unless he/she is registered with the Council and holds a valid certificate of registration issued by the Council;
- (2) A person seeking registration under subsection (1) shall be eligible for registration if at least one of the partners or directors of the applicant possesses such technical qualifications, skills or experience as the Council may prescribe from time to time.

- (3) Eligible contractors shall be registered by the Council to undertake any of the classes of works set out in the Schedule to this Act, depending on their knowledge and experience.

15. Application for registration

- (1) An application for registration in the form prescribed by Council shall be accompanied by an non-refundable application fee, and shall demonstrate to the satisfaction of Council that at least one of the applicant's partners or directors:
- (a) holds the minimum technical qualifications and skills prescribed by Council for the class of contract works for which registration is sought;
 - (b) has the necessary experience prescribed by the Council;
 - (c) has professional and general conduct which makes him/her suitable for registration; and
 - (d) has the necessary plant and equipment for the category of works for which registration is sought.
- (2) Upon being satisfied that the applicant meets the requirements for registration, the Council shall register the applicant in the register, and the executive director shall issue to such applicant a registration certificate in the prescribed form and manner, and such certificate shall be valid for a period of one year.
- (3) The certificate issued in terms of subsection (2) shall remain the property of the Council which may be withdrawn, and shall be returned to the Council upon suspension or cancellation of the registration of the holder.
- (4) A registered contractor shall pay such registration fee as may be prescribed by Council from time to time on an annual basis.
- (5) Council may refuse an applicant registration where the applicant:
- (a) fails to meet the prescribed requirements; or
 - (b) is a person whose registration as a contractor shall result in a conflict of interest.
- (6) The Council shall consider applications for registration within(#) days of receipt of an application, and shall, in the event of refusal of registration, notify an applicant within(#) days of its decision, furnishing the applicant with reasons for such refusal.

16. Registration of foreign contractors

- (1) The Council may register a contractor incorporated outside Lesotho to carry out construction works in Lesotho for a prescribed period where the contractor meets the conditions prescribed by the Council and satisfies the Council that it:
 - a. will be present in Lesotho for the purpose of carrying out the specific works for which it has been contracted, and for which the sum payable is not less than the sum prescribed by the Council for the class of works in respect of which registration is sought;
 - b. produces a certificate of compliance from the Registrar of Companies to the effect that it was, immediately prior to entering Lesotho, trading as a contractor in the capacity which satisfies the Council with respect to its suitability to serve the public as a qualified contractor; and
 - c. lodges an affidavit with the Council to the effect that once the contracted works are completed and the defects liability period elapses, it shall wind up business and not engage itself in the construction business in Lesotho.
- (2) The Council may require from an applicant under this section such further documentary and other evidence of its competence as may seem desirable.
- (3) Registration of a contractor under this section shall entitle it to undertake work only for the period of time prescribed by the Council, and on expiry of that period, the contractor shall cease to be registered, and shall return the registration certificate to the Council.
- (4) A contractor registered under this section shall, during the period of the contracted works, and in relation to the things done or omitted to be done in the course of the contracted works, be treated as being duly registered under this Act as a contractor.

17. Register of contractors

- (1) The Registrar shall keep and maintain, in the prescribed form, registers containing the names of all contractors registered under this Act.
- (2) The register referred to in subsection (1) shall, in respect of each contractor, contain:
 - a. The date of registration;
 - b. The physical and postal address;
 - c. The registration number;
 - d. The class of works for which the contractor is registered;
 - e. The capital and other financial resources;
 - f. Tools, plants and equipment;
 - g. The key managerial, professional or technical and other personnel;
 - h. Names and qualifications of directors or partners, who are technically qualified or experienced in the relevant works as prescribed the Council;

- i. In the case of an individual, his qualifications or skills and experience;
 - j. The annual turnover of construction activities;
 - k. The duration of registration;
 - l. The type of registration; and
 - m. any other particulars which the Council may, from time to time, require.
- (3) Separate registers shall be maintained by the Registrar in respect of different classes of works, and any changes to the particulars set out in subsection (2) shall be recorded by the Registrar.

18. Publication of list of registered contractors

- (1) The Council shall at regular intervals, but not less than once in every year, publish in the Gazette a list of all contractors registered in terms of this Act.
- (2) Publication of the name of a person under this section shall be prima facie evidence that the person is registered under this Act.

19. Unregistered contractors

- (1) A person who undertakes to carry out or carries out and completes any construction works without being registered as a contractor with the Council shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding(% of contract amount? #??)
- (2) Where the Council finds that construction works are being undertaken or carried out by an unregistered contractor, the Council may by notice in the prescribed form served on the contractor require him/her to abstain from commencing or proceeding with the construction works.
- (3) A person who fails to comply with the notice served under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding (%/#?), and in the case of a continuing offence, to a fine not exceeding (%/#?) for every day or part of a day during which the offence continues after conviction.

20. Suspension or cancellation of registration

- (1) The Council may at any time suspend or cancel the registration of a contractor where that contractor:
 - a. Is convicted of an offence involving fraud, dishonesty or moral turpitude ;
 - b. Is found guilty of any act or omission amounting to improper, disgraceful conduct or gross professional misconduct after due inquiry held by the Council;

- c. Breaches regulations or by laws of the council;
 - d. Fails, despite written request by the Council to furnish his/her current address or any other information required by the Council;
 - e. Fails to pay annual subscription fees for a period of two consecutive years;
 - f. Fails to meet the registration criteria set by the Council from time to time; or
 - g. Fails to discharge the duties, responsibilities and obligations of a contractor.
- (2) Notice of the suspension or cancellation of registration shall be served on the contractor at its registered address or sent by prepaid registered mail to its registered address, and such contractor shall with immediate effect cease to carry on the business of a contractor unless the suspension or cancellation is revoked by the Council.

PART 4 – APPEALS BOARD

21. Establishment of the Appeals Board

A body to be known as the Construction Industry Appeal Board (hereinafter called “the Appeals Board”) is hereby established.

22. Membership of the appeals board

- (1) The Appeals Board shall consist of the following persons, who shall be appointed by the Minister:
- a. a chairperson, being an attorney of the High Court of Lesotho, who shall be nominated by the Law Society of Lesotho;
 - b. a person with professional knowledge and experience in architecture, quantity surveying, engineering, building surveying or construction project management; and
 - c. a person registered as a contractor under this Act, and who has been in the construction industry for a minimum of five years.

23. Rules of procedure

- (2) an appeal shall lie to the Appeals Board at the suit of any person aggrieved by a decision of the Council under this Act.
- (3) a person aggrieved by a decision of the Appeals board may appeal to the High Court.
- (4) the Appeals board may make rules for or with respect to the filing, hearing and disposal of appeals and other matters before it.

24. Expenses of the Appeals Board

The expenses of the Appeal Board shall be a charge against the funds of the Council.

25. Best contractor assessment scheme

Within a reasonable period after the establishment of the register of contractors, the Council shall establish a best practice contractor recognition scheme which shall:

- (a) Enable construction industry clients to manage risk on complex contracting strategies; and
- (b) Promote the development of contractors in relation to best practice standards and guidelines developed by the Council.

PART 6 – REGISTER OF PROJECTS

26. Register to be kept by the Council

- (1) Within the first(#) years of its establishment, the Council shall establish a register of projects for the purpose of gathering information on the nature, value and distribution of construction projects as a basis for a best practice project assessment scheme.
- (2) The Minister may, after consultation with the Council, prescribe the requirements for the registration of projects, taking into account the small and emerging sector, the different sizes and characteristics of projects, and the objectives of this Act.
- (3) All construction contracts above a tender value prescribed by the Minister upon recommendation of Council shall be recorded in the register.
- (4) On the recommendation of Council, the Minister may prescribe a fee to be paid to the Council for the registration of a project by persons undertaking construction works.

27. Best practice project assessment scheme

- (1) The Council shall establish a best practice project assessment scheme based on best practice identified by the Council.
- (2) After a date determined by the Minister by notice in the Gazette, all construction contracts above a prescribed tender value shall be subject to an assessment of compliance with best practice standards and guidelines published by the Council in the Gazette.
- (3) Every client who engages in the best practice project assessment scheme shall pay to the Council such fee as may be prescribed by the Minister on the advice of Council.

PART 6 – FINANCIAL PROVISIONS

28. Funds of the Council

The funds of the Council shall consist of:

- (1) Such money as may be appropriated by Parliament for the purposes of the Council;
- (2) Money paid to the Council by way of fees, grants or donations;
- (3) All the proceeds of the levy imposed under section 30; and
- (4) All money from any other source that may otherwise vest in or accrue to the Council.

29. Loans

The Council may, with the approval of the Governor of the Central Bank/Minister???? raise by way of loans or otherwise, such money as it may require for the discharge of its functions.

30. Imposition of levy

- (1) Every registered contractor shall notify the Council of any contract it is about to execute for any construction works having a contract sum in excess of Maloti.
- (2) The Council shall impose a levy equal to% on any construction works whose value exceeds Maloti, and such levy shall be payable to the Council in such manner and at such time as may be notified by Council.
- (3) The Minister may, upon the advice of Council, reduce or increase the rate of the levy specified in subsection (2) by notice published in the Gazette.
- (4) The levy shall be used by the Council in carrying out its functions.

31. Investment of funds

The Council may, with the approval of the Minister of Finance/Governor of the Central Bank, ??? invest in such manner as it deems fit, any of its funds not immediately required for the purposes of carrying out its functions.

32. Financial year

The financial year of the Council shall be a period of twelve months ending on the day of in each year.

33. Accounts and audit

- (1) The Council shall keep proper books of account of reflecting on its income, expenditure and assets.
- (2) At least three months before the beginning of each financial year, the executive director shall cause to be prepared the work plan and estimates of revenue and

expenditure for approval by the Board before the commencement of the financial year to which they relate.

- (3) The estimates shall set a ceiling of money which may be spent on recurrent expenditure in any one year, and may not, once approved, be increased or decreased without the Board's approval.
- (4) The Board shall, within three months of the end of each financial year, cause the accounts to be submitted for independent audit.

34. Annual report

- (1) Within five months of the end of each financial year, the Council shall produce an annual report on its activities during such financial year.
- (2) The annual report shall specifically record the extent to which the objectives defined in the annual work plan and budget have been attained.
- (3) The Council will ensure a wide circulation of its annual report, and convene a construction industry stakeholder forum for discussion and consultations.
- (4) The annual report and audited financial statements of the Council will be tabled before the Minister as soon as practicable, but in any event no later than five months after the end of the year to which they relate.

PART 7 – GENERAL

35. Restriction on use of name

Any person who, without the written consent of the Council, uses the words "Construction Industry Council" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession, commits an offence and is liable on conviction to imprisonment for a term not exceedingyears or a fine not exceeding Maloti or to both such fine and imprisonment.

36. Seal of the Council

- (1) The common seal of the Council shall be kept by the executive director, and may not be used except as authorized by the Board.
- (2) The affixing of the seal shall be authenticated by the signature of the chairperson of the Board and the executive director.

37. Prohibition of publication or disclosure of information

- (1) The executive director, staff and all members of the Board may not publish or disclose confidential information to any source outside of the Council.
- (2) Any person who contravenes subsection (1) will be subjected to disciplinary action.

38. Personal liability

A person is not liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty in terms of or by virtue of this Act or in respect of anything that may result therefrom.

39. Regulations

- (1) The Minister may, on the recommendation of Board, make regulations for the better carrying out of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), the regulations made under subsection (1) may provide for:
 - a. The registration of contractors or other persons engaged in the construction or construction related activities;
 - b. The information to be supplied to the Council in connection with applications for registration;
 - c. The fees payable under the Act;
 - d. The registration of an affiliated body;
 - e. The exemption of any person or institution from any of the provisions of this Act;
 - f. A code of conduct and penalties in respect of professional misconduct or other offences committed through a breach of the code of conduct;
 - g. The forms required under this act;
 - h. The safety, health and environmental requirements on construction sites;
 - i. The procedure to be adopted and the conditions to be observed in connection with the approval of international qualifications and certificates, degrees and diplomas obtained both inside and outside Lesotho;
 - j. The measures to be adopted for the development and protection of local contractors and built environment professionals; and
 - k. Such other things as may be incidental to the attainment of the functions of the Council.

(to be same as those already used by MoPWT)