

COUNCIL FOR THE REGISTRATION AND CONTROL  
OF BUILDING AND CIVIL ENGINEERING CONTRACTORS

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THE REGISTRATION AND CONTROL  
OF BUILDING AND CIVIL ENGINEERING CONTRACTORS  
LAW OF 2001 AND 2004

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**LAW 29 (I)/2001**  
**A LAW TO CONSOLIDATE, AMEND AND SUBSTITUTE THE LAWS**  
**RELATING TO THE REGISTRATION AND CONTROL OF BUILDING**  
**AND CIVIL ENGINEERING CONTRACTORS OF 1973 TO 1995**

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**LAW 29 (I)/2001]**

**A LAW TO CONSOLIDATE, AMEND AND SUBSTITUTE THE LAWS  
RELATING TO THE REGISTRATION AND CONTROL OF BUILDING  
AND CIVIL ENGINEERING CONTRACTORS OF 1973 TO 1995**

The House of Representatives enacts as follows:

Short Title 1. This Law may be cited as The Registration and Control of Building and Civil  
29(1)/2001 Engineering Contractors (Amendment) Law of 2004 and shall be read  
together with The Registration and Control of Building and Civil Engineering  
Contractors Law of 2001 (hereinafter referred to as "the basic law") and the  
basic law and this Law shall together be referred to as The Registration and  
Control of Building and Civil Engineering Contractors Laws of 2001 and  
2004.

**PART I - INTRODUCTORY PROVISIONS**

Interpretation 2. In this Law, unless the context otherwise requires:-

41/1962 "licensed technician" shall have the meaning attached to it by The Architects  
7/1964 and Civil Engineers Laws of 1962 to 1992 as amended or replaced from time  
43/1966 to time.

41/1968  
84/1968  
5/1970  
49/1976  
69/1984  
113/1985  
175/1988  
88/1991  
49(I)/1992

224/1990

106(I)/1992 "architect" and "civil engineer" means a registered architect or licensed  
15(I)/1993 architect by profession and registered civil engineer respectively pursuant to  
The Cyprus Scientific Technical Chamber Law.

31(I)/1993

53(I)/1993  
44(I)/1996  
34(I)/1997

"Director" means the Council Director.

"registered contractor" means a person, whether an individual or a body corporate, registered at all material times as contractor in the Register pursuant to the provisions of this Law.

"type of project" means the classification of building works by type as ordinary, industrial and of public use in accordance with the First Schedule to this Law.

First Schedule "contractor" means an individual, or body corporate, which by profession undertakes to execute or executes a building or civil engineering project (including the commissioning of labour only) against a specified sum or percentage remuneration or against any other lawful consideration except for a salary or for his own exploit or for any other use or purpose.

"wall cladding" means the construction, manufacturing, placement or mounting of building material on the exterior walls of a building but does not include the application of paint or any other liquid coating layer.

Cap. 113 9/1968 "company" means a company registered pursuant to the provisions of The Companies Law or pursuant to any other respective legislation of a member state.  
26/1977

17/1979  
105/1985  
198/1986  
19/1990  
41(I)/1994  
15(I)/1995  
21(I)/1997  
82(I)/1999

149(I)/1999 "annual licence" means the annual licence issued pursuant to Article 32.

2(I)/2000  
135(I)/2000  
151(I)/2000

Cap 113 "regulations" means regulations enacted pursuant to Article 51.

9/1968

26/1977

17/1979

105/1985 "project category" means the classification of a project as a building or civil engineering project.

198/1986

19/1990

41(1)/1994 "member state" means a Member State of the European Union, any other Contracting Party to The Agreement on the European Economic Area, and Switzerland.

15(1)/1995

21(1)/1997

82(1)/1999

149(1)/1999 "mechanical equipment" means the basic equipment of a value specified under this Law, which in the Council's opinion is necessary for the safe and satisfactory execution of building or civil engineering projects of any class.

135(1)/2000

151(1)/2000

"building" means any construction made of either stones, concrete, mortar, iron, wood, or any other material, and includes any pit, foundation, wall, roof, chimney, building verandah or anything attached thereto, or any wall, earthwork, fence, enclosure or any other construction, which encloses or marks any land or area, as well as all earthworks relevant to the building, retaining wall constructions and enclosures.

"building project" means:

(a) the construction, reconstruction, erection, re-erection and restoration of a building.

(b) any building work, which constitutes, or includes, the construction, erection, addition, alteration, arrangement, repair, improvement or demolition of a building or part thereof or any work of extension, repair or alteration to the load-bearing structure or which affects the load-bearing structure of a building, or any other building work which affects the public's safety.

- (c) the wall cladding, the floorings, the construction of formwork, the roofing of a building including the foundation work, all building-related earthworks, the construction of retaining walls, fencing and all attachments or ancillary constructions of a building.
- (d) every preliminary or preparatory work including building or construction work for electrical, plumbing installations, air conditioning, ventilation, water supply, sewage or other complementary work of a building and the term "building works" shall be construed respectively.

"completed building project" means a building project, for which all works necessary for its completion have been carried out, including the organisation of the building site, the setting out of the works, the structural framing, brickwork, claddings, floorings as well as any similar work.

"completed civil engineering project" means a civil engineering project, for which all works necessary for its completion have been carried out, including the organisation of the building site, the setting out and levelling of the works as well as any similar construction work.

"certificate" means the certificate of registration issued pursuant to clause (1) of Article 17.

"President" means the President of the Council.

"person" means any individual or body corporate, partnership, association, club, society, or group of persons, registered pursuant to any law or non-registered.

"roofing" means the construction, placing, application, addition or replacement of a building roof.

"Council" means the Council established pursuant to Article 3.



"Agreement on the European Economic Area" means The Agreement on the European Economic Area signed in Oporto on 2 May 1992, as amended from time to time.

"relevant specialisation" means every technical specialisation recognised as relevant for the purposes of this Law by the Council of Ministers upon notification thereof published in the Official Gazette of the Republic.

Second  
Schedule "class of registered contractor " means one of the five classes, into which contractors are classified for the purposes of acquisition of an annual licence in accordance with the Second Schedule to this Law.

First  
Schedule "project class" means one of the five classes, into which projects are classified in accordance with the First Schedule to this Law and according to their type and area in the case of building projects or according to their total value in the case of engineering projects.

"civil engineering project" means the erection or construction, or extension, or alteration, or repair of any work, which technically belongs to the field of civil engineering and which is not a building project, and includes roadworks, the construction of bridges, tunnels, dams, drains, harbour works, airports, sewers, drainage, water and irrigation works, beach protection works, quarrying and mining works but does not include fencing and retaining wall constructions of a height not exceeding 150 cm, the digging out of ditches of up to 80 cm in depth and the laying out of pipes of less than 10 cm in diameter unless the Council deems that it is a civil engineering project of a specific class on account of the project's nature and special features.

"technical director" means the technical director of a company registered as such in the Contractors' Register in pursuance of the provisions of Article 19.

"craftsman" means a builder and or a manufacturer of formwork, who in the Council's opinion, has satisfactory experience.

"Council employee" means any employee of the Council holding either a permanent or a temporary position in the Council.

"responsible position" means a position in the service of a registered contractor which enables its holder to supervise, as the contractor's representative, the execution of projects and the organisation of services and works certified upon the provision of the respective certificates to the Council's satisfaction.

"downgrading of a contractor" means the relegation of a contractor from a higher to a lower class of building or civil engineering works.

"Minister" means the Minister of Communications and Works, who normally acts through the General Director of his Ministry, and includes all the Ministry employees duly authorised to that effect by the Minister.

## **PART II - THE COUNCIL**

Establishment

& composition of the Council **3.**(1) A Council under the name of "Council for the Registration and Control of Building and Civil Engineering Contractors" is constituted pursuant to the provisions of this Article.

(2) The Council is a body corporate constituted under public law with perpetual succession and has all the legal characteristics which corporations have. It has its own name [referred to in clause (1)] and its own seal and for the purposes of carrying out the competence and duties vested in the Council by this Law the Council has the capacity to sue and be sued, to acquire the title of, to take on lease and sell or otherwise dispose of or charge any movable or immovable property.

(3) The Council is comprised of the President, the Vice-President and other seven members appointed upon the Minister's suggestion by the Council of Ministers in the manner set out below:

(a) President of the Council shall be appointed a person, who is a member of the public service, and holds a diploma in civil engineering, or in architecture, a diploma of a relevant specialisation;

(b) Vice-President of the Council shall be appointed a person, who is a member of the Attorney General's Office and is designated by the Attorney-General of the Republic.

(c) Ordinary members of the Council are appointed:

(i) two persons, members of the public service, one of whom holds a diploma in civil engineering or in architecture or a diploma of relevant specialisation whereas the second has specialised knowledge relevant to the building industry;

(ii) three persons selected among the contractors from a list indicated by The Federation of Associations of Building Contractors of Cyprus and registered in the Contractors' Register kept in accordance with the provisions of Article 14; and

(iii) two persons of whom one holds a diploma in civil engineering or in architecture or a diploma in a relevant specialisation whereas the other is a holder of a law degree.

(4) The names of the persons appointed to the Council shall be published in the Official Gazette of the Republic, the date of which shall constitute the commencement of their term of office in the Council.

(5) The President's, Vice-President's term of office and that of the remaining members of the Council shall comprise three years whereas any of them may submit his resignation in writing before his term of office expires or be removed from his office for any lawful reason or cause.

Council 4.(1) Where for any reason any member of the Council vacates his office, the  
vacancies vacancy shall be filled with a new appointment in accordance with the provisions of clauses (3) and (4) of Article 3 for the remaining period of the member's term of office whereas the vacancy shall be filled by means of a new appointment.

(2) The Council shall lawfully convene its meetings notwithstanding vacancies in its body provided that the remaining members constitute a quorum at the meeting.

Authorisation 5. (1) The Council may, upon the Minister's prior consent in writing, delegate  
for the all or any of its powers, competence, functions and/or duties, which the  
delegation Council has the power to exercise under the provisions of paragraphs (a), (e)  
of powers and (f) of clause (2) of Article 18 and under Article 19, to the President or Vice- President, only where the technical director is a registered contractor, under Article 20 and pursuant to clause (5) of Article 32, clauses (1) and (2) of Article 33 and clauses (3), (5) and (6) of Article 34.

(2) Any such delegated power, competence, function or duty shall be exercised or carried out in accordance with the instrument of transfer.

(3) Where the Minister deems that the delegation must be revoked, he may upon a notice in writing, notify to the Council the revocation of his consent and the delegation shall cease to have any effect.

(4) Subject to the provisions of clause (3), such delegation may be revoked at all times if the Council wishes to do so. This shall not hinder the Council from exercising any such power, competence, function or duty despite the delegation thereof to the President or the Council Director.

(5) At any legal proceedings for the purposes of this Law, a certificate signed by the President whereon it is mentioned that:

(a) the Council has in effect delegated to the President the powers, competence, functions and duties referred to in clause (1); and

(b) the delegation has not been revoked or did not cease to have effect,

constitutes evidence and, in the absence of any other evidence to the contrary, it shall constitute conclusive evidence in respect of the matters contained therein.

Competence **6.** The Council shall exercise every competence and duties vested by this and duties of Law or any other law and shall have the power to do any act conducive to the Council the attainment of its object and in particular:

(a) to effect the registration of the contractors and issue the pertaining certificates and licences in accordance with the provisions of this Law and/or of the regulations;

(b) to set up and maintain a Register for the registration of contractors and to place them in classes;

(c) to delete any registered contractor from the register or cancel or suspend the certificates or licences issued to them subject to the provisions of this Law and of the regulations;

(d) to exercise disciplinary control on the registered contractors and impose the disciplinary penalties prescribed by this Law;

(e) to apply this Law and the regulations enacted pursuant thereto.

Council meetings **7.** (1) The Council meetings shall be convened by the President, or in the President's absence or incapacity, by the Vice-President, at a time and place of their selection in consultation with the other Council members provided that the President or, as the case may be, the Vice-President shall convene a Council meeting whenever this is requisitioned in writing by not less than two members.

(2) The President, or in his absence or incapacity, the Vice-President or where both are absent or are unable to attend, the senior member of the Council members present shall preside over the Council meetings. Both the Vice-President and the senior member, when they preside over the Council meetings in pursuance of this clause, shall have all the powers to carry out all the President's duties during his absence or inability to attend.

(3) Minutes of the business to be transacted during the meetings shall be kept at the Council meetings. The minutes shall be approved by the Council at its subsequent meeting and shall be signed by the President, or as the case may be, by the Vice-President, or the chairman, and as soon as they are signed shall be accepted at any judicial or other proceedings as evidence without any further proof.

(4) All other matters relating to its meetings and the procedures to be followed during such meetings as well as any other matter relating to its internal function shall be regulated by the Council.

(5) The Council meetings may be attended by the Council Director. During such meetings the Council Director may put any matter for discussion before the Council and express his opinions on any matter to be discussed before the Council but shall not be entitled to vote upon the business to be transacted.

Quorum & decision making **8.** (1) Not less than five members present shall form a quorum at any Council meeting.

(2) Any lawfully convened meeting of the Council, at which a lawful quorum is present, is capable of transacting any business of the Council and may have and can exercise and carry out all the powers, the competence, duties or functions delegated to the Council.

(3) The decisions of the Council shall be taken by a majority on a show of hands of the members present at the meeting and in the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote. Abstention from voting shall be considered a negative vote.

Compensation of members **9.** The President and the members of the Council shall receive such remuneration or allowances, or both, as may be approved by the Minister from time to time.

Committees or sub-committees **10.** (1) The Council shall have the power to constitute any such committees or sub-committees consisting of its members or other persons, of a general special nature, as may be considered necessary for the consideration and submission of suggestions or reports on matters as shall be referred to such committees by the Council.

(2) The Council shall decide on the composition and function of any such committee or sub-committee as well as on the mandate thereof and the extent of any compensation, which may be granted to the members thereof, but in no case shall such determination be incompatible or contrary to the objects of this Law.

Validity of acts or decisions of the Council **11.** (1) No act or decision or business of the Council, or of any committee, or sub-committee thereof shall be considered invalid due to the existence of a vacancy in the Council or in any committee or sub-committee thereof, as the case may be, or due to the existence of any defect in the appointment of any Council member of the same.

(2) Unless and until the contrary is proven, every meeting of the Council, committee or sub-committee thereof, for whose business minutes have been kept, shall be deemed to have been duly convened and all persons present at the meeting shall be deemed as lawfully qualified members, and in respect of the business of any committee or sub-committee, which has been duly convened, such committee shall be considered as having the power to consider the matter entered into the minutes of its meeting.

Protection

of Council **12.** No member, or officer, or employee of the Council shall be held members responsible for any act or decision done or taken by them in good faith or officers within the context of the exercise by such members, or officers, of their from liability powers, competence or duties as provided in this Law.

Offices & **13.** (1) The Council shall have its own office and service necessary for the employees execution and promotion of its objects.

of the Council

(2) Subject to the provisions of any Regulations enacted in pursuance of this Law, the Council shall appoint the Director and its employees and shall wield administrative and disciplinary control over them, including the power to incorporate them in its permanent staff as well as the power relating to their promotion, transfer, detachment and retirement.

(3) The Council shall, upon the approval of the Council of Ministers, determine the structure of its services and the number of positions, draw up service plans of such positions and fix the salary and the salary scale of each position.

### **PART III - REGISTRATION OF CONTRACTORS**

Contractors' **14.** (1) The Council shall, upon the entry into effect of this Law, draw up and Register maintain a register (hereinafter referred to as the Contractor's Register) in which shall be entered the name, the address and any other useful particulars



of every person, or company, registered as contractor under the provisions of this Law.

(2) The entries made in the Contractors' Register may be proven by copies certified in the manner to be decided by the Council, and such copies shall constitute acceptable evidence in any judicial or other proceedings on every matter or fact whose entry into the Register is permitted by this Law and/or of the Regulations.

Qualifications **15.** (1) Every citizen of the Republic may be registered in the Contractors' Register as contractor for building, or civil engineering works of a specific class as long as the Council is satisfied that:-

- a) he is physically and mentally able to register;
- b) he is not under any legal incapability pursuant to a judicial decision;
- c) has acquired sufficient practical and supervisory experience in completed building or civil engineering projects, as the case may be, and sufficient knowledge in all sectors of the construction industry where the registration concerns building projects, or in the sectors of the construction of civil engineering projects where the registration concerns civil engineering projects, which render the interested person capable of carrying out successfully all functions and of coping successfully with the responsibilities and the duties of a registered contractor;
- Second Schedule d) to satisfy the requirements with respect to the experience required of him so that an annual licence may be issued to him for any of the classes of building and/or civil engineering projects listed in the Second Schedule;
- e) to be seriously proposing to exercise the contractor profession as his principal or sole livelihood;

- f) so long as the Council deems it necessary, to have taken and passed written, oral and/or practical examinations before the Council, or the committee thereof, as may be determined with a decision of the Council; and
- g) to hold any of the following academic or practical qualifications:-
- (i) to be a civil engineer or architect or a graduate of a school of tertiary education with relevant specialisation; or
  - (ii) a graduate of the Higher Technical Institute, or some other equivalent school of higher education specialised in civil engineering, or in a relevant specialisation and to have acquired an experience of at least two years in the execution of completed building or civil engineering projects after his graduation; or
  - (iii) to be a licensed building technician or graduate of a Cypriot Technical School, or of an equivalent technical school abroad with specialisation in building or civil engineering projects, and a practical experience of at least four years in total in the execution of completed building and civil engineering projects after his graduation, of which he must have worked two years as foreman; or
  - (iv) to be a graduate of a school of secondary education having a practical experience of at least five years in total in the execution of completed building or civil engineering projects after his graduation, of which he must have worked three years as craftsman and the remaining three as foreman; or
  - (v) to be a graduate of an apprenticeship programme and to have acquired a total of at least six years experience in the execution of completed building or civil engineering projects after his

graduation of which he must have worked as craftsman for three years and the remaining years as foreman; or

(iv) to be a graduate of a system of apprenticeship and a graduate of professional and vocational further-training programmes in respect of:-

(aa) the measurement and costing of building or civil engineering works; and

(bb) the levelling and tracing of building sites into plots; and

(cc) the overseeing and control of building or civil engineering projects; and

(dd) to have a total experience of not less than six years in the execution of completed building or civil engineering projects, of which four years he must have worked as craftsman and the remaining two years as foreman; or

(vii) to be proficient in reading and writing and have a total of at least seven years experience in the execution of completed building or civil engineering projects out of which he must have worked four years as craftsman and the remaining three years as foreman; or

(viii) to be proficient in reading and writing and a graduate of further training occupational programmes in respect of:

(aa) the measuring and costing of building or civil engineering works; and

(bb) the levelling and tracing of building sites into plots; and

(cc) the overseeing and control of building or civil engineering projects;

(dd) to have at least a total of seven years experience in the execution of completed building or civil engineering projects from which five years he must have worked as craftsman and the remaining two years as foreman.

(2) Every citizen of the Republic, or of any other member state, may be registered in the Register as a contractor for both building and civil engineering works provided he meets the requirements for his registration in each category under this Law.

(3) Notwithstanding the provisions of clauses (1) and (2) a citizen, who is not a Cypriot and is the spouse or the child of a citizen of the Republic and has his usual residence in Cyprus, may be registered in the Contractors' Register, provided that he satisfies all other requirements prescribed by this Law.

(4) For the purposes of the registration of citizens of member states in the Register and for the initial grant of an Annual Licence to them, the application of the provisions of clause (1) to them shall be carried into effect subject to the provisions of the Third System of Recognition of Professional Qualifications Law of 2002 and the Second General System of Recognition of Professional Qualifications Law of 2003.

Submission and

consideration **16.** (1) Every person interested in becoming registered in the Contractors' Register as a contractor for civil engineering or for building works may file a written application with the Council on the form prescribed by the Council.

(2) Upon submission of the application, the applicant shall pay the prescribed fee for consideration of his application, which irrespective of whether his application will be accepted or rejected, is not refundable. The application must be accompanied by such evidence as required by the Council.

(3) The Council considers and decides on the application for registration and gives a reply to the applicant, as the case may be, as soon as possible. Where the application has been rejected the Council shall at the same time state the specific grounds of such rejection provided that the Council may, upon a notice in writing, request the applicant to furnish and provide the Council within reasonable time as may be specified in the notice with such further particulars and information as the Council shall deem necessary for the consideration of his application.

(4) Where the applicant fails to furnish the Council with any further particulars, or information, within the prescribed period, the Council may reject his application for this reason only and shall not be obliged to refund the fee paid for the consideration of the application.

Issue of the **17.** (1) The Council shall issue a registration certificate in the prescribed form  
Certificate of upon the contractor's registration in the Contractors' Register and this certificate  
Registration the Contractors' Register and this certificate shall constitute prima facie evidence  
that the person, to whom the certificate refers, has been registered in  
accordance with the provisions of this Law.

(2) In the case of any deletion, cancellation or suspension of the registration under Article 18, the registered contractor, or the holder of the registration certificate, has the obligation to return the certificate of registration to the Council within a period of 7 days of date of the notification of the Council's decision to him.

(3) A registered contractor, or the holder of a registration certificate, who fails without due cause to comply with the obligation imposed by clause (2) within the prescribed time is guilty of an offence and if convicted shall be liable to a fine of up to two hundred Cyprus pounds and to a further fine of up to twenty pounds for every day, or part of the day, during which the failure to comply continued prior to the conviction or continues after the conviction.

Deletion, **18.** (1) Subject to the provisions of this Article, the Council has the power to  
Cancellation decide, as the case may be, to delete from the Contractors Register, or cancel  
suspension or suspend the registration of any registered contractor who:-

or correction

of registration (a) applies in writing for his name to be taken off the register; or

(b) has been registered wrongly, or upon a fraudulent act or false or  
incorrect statements or representations made either by him or by a  
third person; or

(c) has lost any capacity, qualification or  
requirement, the possession of which is necessary for him to be  
registered or his name to remain standing on the Register.

(d) has failed within a period of six months from the date of his  
registration to apply to the Council for the issue of an annual licence  
as provided by Article 32, or has failed to renew such licence within  
three months from the date of expiry of the licence, unless he informs  
the Council in writing within the above prescribed time that he does  
not intend to renew his annual licence for the current year; or

(e) has pursuant to a judicial judgement lost his capacity to act, or

(f) where such person is a corporation, a judicial judgement has been  
issued against it for its dissolution, or such person has ceased  
business.

77(I)/1997

(2) The name of any registered contractor shall be deemed to have  
automatically been deleted from the Register:-

(a) upon an order of permanent hospitalisation made by the Court  
pursuant to the Psychiatric Hospitalisation Law;

(b) upon the member's demise; or

(c) where the member has failed to renew his annual licence for a period of two consecutive years irrespective of whether a relevant notice has been given in accordance with clause (1)(d); or

(d) where the member has been convicted of a disciplinary offence under this Law and the disciplinary penalty of the deletion of his name from the register has been imposed upon him.

(3) Without prejudice to the powers of the Council under clauses (1) and (2), the Council is also vested with the authority, subject to the provisions of clause (4), to make any other deletion or correction of the entries in the Contractors' Register which may be proven false, incorrect or wrong. A report will be drafted for this purpose, entered in the minutes and be signed by the Council President.

(4) Prior to each deletion, cancellation or suspension of a registration under paragraphs (b), (c) and (d) of clause (1), or prior to every deletion or correction under clause (3), the Council shall inform the registered contractor concerned of such intention and give him every reasonable opportunity to submit any objections or representations he wishes against such act.

Entitlement of registration of companies **19.**(1) Subject to the provisions of this Law, a company lawfully constituted and incorporated in the Republic may, upon an application filed in writing on the appropriate form prescribed by the Council and upon payment of the prescribed fee, be registered in the Register as contractor for building or civil engineering works of a specific category and class and obtain a registration certificate as well as an annual contractor's licence so long as the Council is satisfied that such company:-

(a) employs at least one technical director on a full-time and continuous basis who for the purposes of this Law directs and supervises, as the case may be, the building or civil engineering projects undertaken by

the company, has the necessary qualifications and is vested with the powers and the duties as mentioned in detail in clause (2); and

(b) has, pursuant to the company's memorandum or articles of association, the authority and the capacity to carry on the contractor business; and

Cap. 113 (c) has complied with the provisions of Article 347 of The Companies Law,  
9/1968 Cap. 113;  
76/1977  
17/1979  
105/1985  
198/1986  
19/1990  
46(1)/1992  
41(1)/1994  
15(1)/1995  
21(1)/1997  
82(1)/1999  
140(1)/1999  
2(1)/2000  
135(1)/2000  
151(1)/2000  
76(1)/2001  
70(1)/2003  
167(1)/2003

(d) meets all other requirements concerning the registration of and the issue of an annual licence to individuals.

(2) The technical director referred to in clause (1) must be named in the application for registration of the company and meet the following requirements as regards qualifications and responsibilities:-

(a) he must be physically and mentally capable, a person of integrity and be capable of undertaking managerial responsibilities.

(b) subject to Article 23, he must be an already registered contractor for building or contracting works of the category and class for which the company proposes to be registered; and



(c) he must have been vested with duties and responsibilities under his contract of employment, which safeguard the correct management and supervision of the entire construction of building or civil engineering projects, as the case may be, undertaken and executed by the company.

(3) Upon the submission of the application for registration of the company, the technical director named thereon is required, under the penalty of the application being declared void, to present himself in person and sign before the competent employee of the Council a written statement on the form prescribed by the Council that he accepts his appointment as technical director of the company and in the knowledge of the consequences of such acceptance that he undertakes all the competence, duties and responsibilities of a technical director arising from the provisions of this Law and/or of the Regulations.

(4) The Council shall consider without delay the application and provided it is satisfied that the technical director named thereon has the qualifications and the competence referred to in clause (2) shall forthwith proceed to register the company in the Register and issue the respective registration certificate.

(5) Upon its entry into the Register, every company acquires the right, to apply to be issued with an annual licence of building or civil engineering projects, as the case may be, up to the class which corresponds to the experience which its technical manager has, or where the company has more than one technical directors, up to the class which corresponds to the maximum experience which any of its director has. In this case the Council shall issue the annual licence as per the application provided the company meets all other necessary requirements for the issue of an annual licence of such class to individuals.

Replacement of technical director **20.** Any registered company may, at any time after its registration, apply to the Council for replacement of its existing technical director, subject to the provisions of clauses (3) and (4) of Article 19 concerning the written statement of acceptance of the new technical director and its consideration by the Council:

Provided that the initiation of the process of replacement of the technical director does not release the registered company, save as provided hereinbelow in Article 21, of its obligation to maintain among its staff at least one technical director appointed and approved in accordance with the provisions of clauses (3) and (4) of Article 19.

Prerequisites for remaining on the Register **21.** (1) The right of a company to remain registered in the Contractors' Register shall be effective only for as long as this company maintains at least one technical director amongst its staff who has been appointed and approved in accordance with the provisions of clauses (2), (3) and (4) of Article 19.

(2) The failure of a registered company to maintain at least one technical director amongst its staff as provided in clause (1) is a reason for Council to delete the company from the Register, unless and for as long as the Council decides, in the exercise of its powers under clause (3) to extend the time prescribed for the appointment of a new technical director.

(3) If the only person approved and registered as technical director of the company ceases for any reason to act or becomes incapable of acting in such capacity, then both him and his company are obliged within a period of 14 days from the date of such event taking place, to notify the Council in writing of this event and the company is obliged to proceed with the appointment of a new technical director within the aforementioned period, subject proportionately to the provisions of clause (3) and (4) of Article 19.

(4) The Council has the power, in cases which are at its discretion justified, to extend the period for the appointment of a new technical director provided for

in clause (3), under such terms and requirements which the Council deems necessary to impose in order to safeguard the correct performance of the company's business for as long as this is deemed reasonable under the circumstances, but not for a period of more than 6 months.

Credit of **22.**(1) The technical director of a company whose name has been entered into constructed the Contractors' Register as technical director, shall for the purposes of projects in this Law be deemed that he has executed all the building, or civil engineering favour of the projects, which have been executed by, or for the company, for the entire technical duration, in which his name stands registered in the Register as technical director and this director is entitled to be credited with the respective experience.

Third Schedule (2) If a company, which is registered as contractor, has more than one technical directors, the experience from the projects executed by the company shall be allocated to that technical director, or to those directors, who has/have actually carried out the project in accordance with the provisions of the Third Schedule.

(3) Every project, whose execution is undertaken by any body corporate, shall be managed and supervised by at least one, or more technical directors of the body corporate, for the category and class of the constructed project.

(4) The registered company shall simply be credited with the value of each project executed by such company for all the purposes of this Law, except for the purposes of its upgrading.

Entitlement of certain companies to have non-registered contractors as technical directors **23.** (1) Notwithstanding the provisions of paragraph (b) of clause (2) of Article 19, any company, which has whether prior or after the entry into effect of this Law, completed a five-year period of registration in the Contractors' Register and has by then executed building or civil engineering projects in accordance with the class, for which it has filed its application, of a total value of at least:-

a) five million five hundred thousand Cyprus pounds, of which one project must be of a minimum value of nine hundred thousand Cyprus pounds, for the first class; or

- b) three million five hundred thousand pounds, of which one project must be of a minimum value of five hundred thousand Cyprus pounds, for the second class; or
- c) one million five hundred thousand, of which one project must be of a minimum value of one hundred and thirty thousand Cyprus pounds, for the third class; or
- d) five hundred thousand pounds, of which one project must be of a minimum value of fifty thousand Cyprus pounds for the fourth class; or
- e) one hundred thousand Cyprus pounds, of which one project must be of a minimum value of thirty thousand pounds for the fifth class,

is entitled to appoint as its technical director, a civil engineer or an architect, or a holder of a diploma with a specialisation in a relevant field as specified in clause (2).

(2) A civil engineer, architect, or holder of a diploma with specialisation in a relevant field, may be appointed as technical director of the company referred to in clause (1) subject to the following:-

- a) where such director is a company ranked or applying to be ranked in the first class, a total experience of twelve years in the construction of building or civil engineering projects, as the case may be, or a total experience of twelve years in the study, supervision and execution of building or civil engineering projects; or
- b) where such director is a company ranked or applying to be ranked in the second class, a total experience of ten years in the execution of building or civil engineering projects, as the case may be, or a total experience of ten years in the study, supervision and execution of building or civil engineering projects, as the case may be; or

- c) where such director is a company ranked or applying to be ranked in the third class a total experience of eight years in the execution of building or civil engineering projects, as the case may be, or a total experience of eight years in the study, supervision and execution of building or civil engineering projects, as the case may be; or
- d) where such director is a company ranked or applying to be ranked in the fourth class, a total experience of six years in the execution of building or civil engineering projects, as the case may be, or a total experience of six years in the study, supervision and execution of building or civil engineering projects, as the case may be; or
- e) where such director is a company ranked or applying to be ranked in the fifth class, a total experience of four years in the execution of building or civil engineering projects, as the case may be or a total experience of four years in the study, supervision and execution of building or civil engineering projects, as the case may be.

Provided that if at least half of the experience as above required for the appointment to the position of technical director of a company must have been acquired during his employment at a responsible post with a registered contractor in possession of an annual licence in respect of building or civil engineering projects of the same class, as the case may be, with the class in which the company is ranked in which such person will be appointed as technical director:

Provided further that the technical director appointed under the above provisions, shall undertake all the duties and will be subject to all the obligations and restrictions imposed by this Law to an individual who is registered as a contractor under such provisions.

## PART IV - EXERCISE OF THE PROFESSION

Offences by **24.** Subject to the provisions of this Law, it is prohibited to any person, who non-registered under the provisions of this Law, is not a registered contractor:-  
contractors

- (a) to bear or use, whether alone or in combination with another title, any word or letter implying or which may be construed as implying that he is a registered contractor;
- (b) in any manner whether directly or indirectly, verbally or in writing may act that he is or present himself to the public as a registered contractor or give the impression that he is a registered contractor;
- (c) to submit a verbal or written tender for the undertaking and or execution of a building or civil engineering project;
- (d) to undertake or execute a building or civil engineering project whether for his own account or for the account of others;
- (e) to enter into a written or verbal agreement for the execution of a building or civil engineering project for somebody else.

Prohibition  
from assigning

the execution of a project to a non-registered contractor and holder of an annual licence **25.** No one may assign, or allow the execution of any building, or civil engineering project by a person, who is not a registered contractor and does not hold, at all material times, an annual licence of the class and category in which the project belongs.

Offences by registered contractors and technical directors **26.** Unless otherwise expressly provided herein, a registered contractor who:-

- (a) while in possession of an annual licence for building projects submits a tender to execute or undertakes or executes a civil engineering project;

- (b) while in possession of an annual licence for civil engineering works submits a tender to execute or undertakes or executes a building project;
- (c) while in possession of an annual licence submits a tender or undertakes or executes any building or civil engineering project of a higher class than the class for which he has obtained his annual licence;
- (d) while not in possession of a valid annual licence submits a tender or undertakes or executes any building or civil engineering project;
- (e) maintains or operates a civil engineering office or in any other manner undertakes studies or draws up plans or undertakes the supervision of building and or civil engineering projects other than those executed for his own account;
- (f) acts as a contractor in respect of any building or civil engineering project other than the one executed for his own account whose study has been drawn either entirely or in part or whose supervision has been undertaken or is done by himself, or by a person employed by him, or in the case of a company by a person participating in the management, or administration of the company, or to the exclusion of public companies, by a person who is a shareholder of such company;
- (g) acts as technical director of a registered company while at the same time he also acts for his own account as contractor or technical director or any other or of other companies, or while acting in relation to other projects other than those executed for his own account by a company for which he acts as technical director, maintains or operates a technical office or in any other manner undertakes studies or draws up plans or undertakes the supervision of civil engineering and or building projects or acts for his own account;

- (h) fails to comply with any term or restriction to which his registration is subject;
- (i) contravenes or fails to comply with any provision of this Law;
- (j) executes a building or civil engineering project with a different name than the one appearing on his certificate of registration as registered contractor;
- (k) allows or assists any other person to present himself or to act as registered contractor;
- (l) allows or tolerates the use of his certificate of registration or his annual licence as registered contractor;
- (m) abets or allows or tolerates the posting up or display by any person of a board at a building site whereon a building or civil engineering project is constructed, which is, however, not executed by him, whereon his name is mentioned as it stands registered in the Register and or the number of registration which has been given to him by the Council, is guilty of an offence and is subject to:-
  - (i) a fine of up to one thousand Cyprus pounds in the case of a first conviction for an offence pursuant to this Article; or
  - (ii) imprisonment not exceeding two years or to a fine of up to two thousand Cyprus pounds or to both such penalties in the case of a second or subsequent conviction.

Entitlement  
to submit

a tender for **27.** (1) Subject to the provisions of Article 33(1), a registered contractor, projects who holds an annual licence for first or second class building works, may the opposite submit a tender to undertake and execute a fourth, or fifth class, civil category in engineering project, if this civil engineering project is contained in a building



certain instances project, for which a tender is submitted by this contractor. Furthermore and subject to the provisions of Article 33(1), a registered contractor, who holds an annual licence for first or second class civil engineering works, may submit a tender to undertake and execute a fourth or fifth class building project, if the building project is contained in a civil engineering project for which such contractor submits his tender.

(2) Subject to the provisions of Article 33(2), a registered contractor, who holds an annual licence for third class building works, may submit a tender to undertake and execute a fifth class civil engineering project, if this civil engineering project is included in a building project for which this contractor submits his tender. The same applies to a registered contractor, who holds an annual licence for third class civil engineering works. He may submit a tender for the undertaking and execution of a fifth class building project if the building project is contained in a civil engineering project for which this contractor submits his tender.

(3) A registered contractor and holder of a valid annual licence may, so long as he has the respective experience, take part in any contest concerning a project of a higher class than his annual licence class and of the same category in which he is registered, but cannot undertake the execution of this project, unless if before having signed the respective contract of assignment he has already attained an upgrading of his annual licence to the respective project class.

Offences and penalties **28.** A person acting in breach of any prohibition envisaged in paragraphs (a), (b), (c), (d) or (e) of clause 1 of Article 24 or Article 25 is guilty of an offence and is subject:

(a) to a fine of up to one thousand Cyprus pounds in the case of a first conviction for an offence under this Article; or

(b) to imprisonment not exceeding to two years or to a fine of up to two thousand Cyprus pounds or to both such penalties in the case of a second or subsequent conviction.

Exempt  
building

and/or civil **29.** No provision of Articles 24, 25, 26 or 28 shall apply or concern:-

engineering

projects (a) any work for the erection, construction, extension, conversion or repair of a ground floor building of a total volume of up to one hundred cubic metres, which is not a dwelling or a workplace, building of public use or part thereof;

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14/1959 (b) any building, or civil engineering project, and or any building, and or civil  
67/1963 engineering work, which does not require the issue of a building licence under  
6/1964 under the Streets and Buildings Regulation Law and the relevant regulations  
65/1964 excluding building and or civil engineering projects executed for on behalf of  
12/1969 or in favour of the Republic of Cyprus, or for any section of the Government of  
38/1969 the Republic; or

13/1974

28/1974

24/1978

25/1979

80/1992

15/1983

9/1986

115/1986

199/1986

53/1987

87/1987

316/1987

108/1988

243/1988

122/1990

97(1)/1992

45(1)/1994

14(1)/1996

52(1)/1996

37(1)/1997

72(1)/1998

71(1)/1998

35(1)/1999

61(1)/1999

81(1)/1999

126(1)/2000

(c) any work for the execution of simple a civil engineering project, whose value at the time of undertaking of the project does not exceed the amount specified by the Minister each time with a notification published in the Official Gazette of the Republic.

Nullity of **30.**(1) Subject to the provisions of clause (2) every agreement, whether verbal, contractual or in writing, concerning the commissioning of the execution of a building, or obligations civil engineering project, to a non-registered contractor, or to a registered contractor, who is, however, not in possession of a valid annual licence for the respective class of the civil engineering or building project, as the case may be, is void.

(2) Without prejudice to the criminal liability of any person under this Law or under clause (1), nullity may in the case of an already registered contractor be remedied retrospectively, if such registered contractor obtains from the Council within three months from the date of conclusion of the agreement an annual licence for the building or civil engineering project, as the case may be, of the class stipulated in the agreement.

Erection of **31.** (1) Notwithstanding the prohibitive provisions of Article 24 and subject to a privately- the provisions of this Article, any individual having the qualifications to be owned registered as contractor under this Law, or who demonstrably exercises the house profession of the builder, and or shutterer (formwork fitter) for a period of ten years may upon the Council's approval build his own private dwelling to house his family.

(2) The approval of the Council is granted upon an application filed by the interested person on the form prescribed by the Council and after having paid the fee specified for this purpose.

(3) The Council shall not give its approval under this Article if it ascertains that:-

(a) the area of the house to be erected exceeds two hundred and fifty square metres; or

(b) the applicant, or the spouse or minor child thereof, owns a private dwelling which may house his family.

Provided that for the purposes of this clause, the area is calculated in accordance with Note (3) of the First Schedule.

(4) Where a house, which has been erected upon an approval obtained under this Article, is to be sold the person who erected and then sold this house cannot obtain an approval for the erection of a new dwelling before ten years have elapsed from the date of sale or disposal of the house unless the Council is satisfied that the house sold did not satisfy, at the Council's discretion, the reasonable needs of the applicant's family.

(5) The erection of a dwelling upon an approval granted in pursuance of this Article is not deemed to be experience acquired for a person who wishes to be registered in the Contractors' Register.

Issue of **32.** (1) The annual licence referred to in this Law, is issued by the Council annual on the prescribed form to registered contractors upon an application filed licence on the form prescribed by the Council and upon payment of the prescribed fee.

First (2) For the purposes of granting an annual licence, projects are distinguished Schedule according to their category into building and civil engineering projects and are grouped into five classes as specified in the First Schedule.

(3) A registered contractor is entitled to obtain an annual licence for building or civil engineering works in respect of the five classes mentioned above, provided that he satisfies the Council by furnishing the necessary proof that:

Second (a) he meets the requirements specified in the Second Schedule for each one Schedule of the five classes of building or civil engineering projects; and

(b) has the necessary mechanical equipment for the class of building or civil engineering projects, for which he has submitted his application, and employs permanent technical clerical staff.

Provided that the holder of a valid annual licence is entitled whenever and so long as he meets the necessary requirements to apply for his licence to be upgraded upon filing a written application on the form prescribed by the Council and upon payment of the prescribed fee for the consideration of his application.

(4) Every such annual licence issued in pursuance of this Article expires at the end of its regular period of validity unless annulled or suspended before its expiry under the provisions of Article 34, on the 31<sup>st</sup> of December of every year for which it has been issued and may be renewed under the same terms and conditions as it was first issued.

(5) The annual licence may be renewed within two months prior to the commencement of the year, to which it refers, or at any time in the course of that year, but if renewed in the course of such year, the applicant shall be obliged without prejudice to any criminal or other liability to pay an additional charge to the Council in addition to the prescribed renewal fee which is calculated in accordance with the period of the persisting default as may be specified.

Special licence granted in specific instances **33.** (1) Notwithstanding the provisions of Articles 26 and 32, the Council may, upon an application filed on the form prescribed by the Council and after payment of the prescribed fee, grant a licence to a registered contractor, who holds an annual licence for first or second class building works, to execute a fourth or fifth class civil engineering project, if such project is comprised in a building project whose supervision has been undertaken by this contractor. The same applies in the case of a registered contractor, who holds an annual licence for first or second class civil engineering works as regards the execution of a fourth or fifth class building project comprised in a civil engineering project

whose execution has been undertaken by this contractor.

(2) Notwithstanding the provisions of article 26 and 32, the Council may, upon an application filed on the form prescribed by the Council and after payment of the prescribed fee, grant a licence to a registered contractor, who is a holder of an annual licence for third class building works, to execute a fifth class civil engineering project, if this project is comprised in a building project whose execution has been undertaken by this contractor. The same applies in the case of a registered contractor holder of an annual licence for third class civil engineering works in respect of the execution of a fifth class building project comprised in a civil engineering project whose execution has been undertaken by such contractor.

Cancellation, **34.** (1) If at any time after the issue of the annual licence, the name of the holder of such licence is deleted from the Contractors' Register under the provisions of Article 18, the Council shall take steps to immediately cancel the annual licence of the registered contractor in question.

downgrading

of annual licence (2) If the Council has reasons to believe that the registered contractor and holder of any annual licence:-

- (a) who no longer meets a condition or has ceased to have any capacity which is required for the issue of a annual licence; or
- (b) who has ceased to have the ability or capacity required for the specific class of his licence, or
- (c) who repeatedly contravenes or fails to comply with any obligation or prohibition imposed by or under this Law and or the Regulations, the Council may, after previously having given the opportunity to the person concerned to be heard, or submit any representations he wishes in writing, cancel or suspend or downgrade the annual licence to a lower class or refuse to renew it;

(3) The Council shall suspend the validity of the licence, or the right of issue of an annual licence, to a registered contractor for the period for which his name stands registered as technical director of a company in the Register;

(4) Where any annual licence is cancelled or suspended under clauses (1), (2) or (3), the holder has the responsibility to return the licence to the Council within seven days from the date of notification of the Council's decision to him;

(5) A registered contractor, who does not wish his licence to be renewed, is obliged to notify this fact to the Council at least two months before the date at which he is under this Law obliged to renew it;

(6) A registered contractor may request in writing for the downgrading of his annual licence;

(7) Failure to comply with the obligation referred to in clause (4) constitutes a criminal offence punishable by the penalties provided for such offence under clause (3) of Article 17.

Exercise of

the profession **35.**(1) No provision of this Law may be considered, or construed, as limiting or in the form of hindering any registered contractor and holder of a valid annual licence from partnerships undertaking and executing a building, or civil engineering project, as a member of and for the account of any partnership.

(2) )A relevant contract for the execution of a building or civil engineering project, as the case may be, which is undertaken by a member of the partnership for this partnership must be concluded in the name of at least one member of this partnership who is a registered contractor and holder of an annual licence for the class and category of the project which is to be undertaken. Such contract must be confirmed by such member with the addition of the following words, as the case may be, after his name:-

"trading with other as"; or

"trading with others as"; or  
"trading with other as"; or  
"trading with others"; as"

followed by the name, or the trade name, of the partnership as well as by a reference that the contract is entered into for the account of such partnership.

(3) Any person, who acting as a member or for the account of a partnership, enters into or confirms a contract in breach of the provisions of Article (2) is guilty of an offence and is liable to a fine of up to three hundred Cyprus pounds.

Provided that failure to comply with any of the formalities referred to in clause (2) does not bring about the nullity of the concluded contract.

(4) Subject to the provisions of clause (2), one or more members of the partnership, for whose account a contract is concluded, by a registered contractor for the execution of a building or civil engineering project pursuant to the relevant clause may confirm with a written note made on the contract that the said contract has been concluded for his or their account.

Third Schedule (5) Where a project is carried out by a partnership, in which more than one registered contractors participate, the experience shall be allocated, mutatis mutandis, amongst the contractors standing registered in the Contractors' Register in accordance with the provisions of the Third Schedule.

Change of category, class, type of projects effected by the Council in specific instances

**36.** (1) Notwithstanding the provisions of this Law, the Council may, decide and give reasons therefor, to either determine and definitely change the category, class and or the type of one or more of the building, and or civil engineering works, where the nature including the degree of difficulty, and/or the use to which the project will be put, justifies such decision.



Obligation **37.** Upon commencement of the construction works, every registered contractor to post up a name-board of such type at a conspicuous place on the building site of the project he is executing and is obliged to keep the name-board posted for the entire duration of the works. The name, address and the contractor's registration number as they stand registered in the Register, as well as any other particulars as may be determined, must be written in distinct characters on the name-board.

Contracts for **38.** (1) Every contract, under which a registered contractor undertakes on his own, or together with others, to execute a building, or civil engineering, project of a value exceeding ten thousand Cyprus pounds shall not be valid and legally enforceable against the other party, for whose account the project is to be executed, unless the contract:-

(a) is in a written form and has been signed by the person, who will execute the project as well as by the other contracting party, for whose account the project shall be carried out; and

(b) describes the project to be executed.

(2) Every registered contractor, who under clause (1) enters into a contract for the undertaking and execution of any building and or civil engineering project, is obliged within 14 days from the conclusion of the contract to send a written notice to the Council on the signing of such contract. On the notice he shall also mention the date he proposes to commence the construction of the project.

(3) Notwithstanding any provision of this Law, every registered contractor, who undertakes to execute any building and or civil engineering project, is obliged to send a written notice to the Council at least 14 days prior to the commencement of the project and without prejudice as to the contents of such notice state the date of the commencement of the execution of the project and among others the type, class, location and description of the project, which is to be executed.

(4) Any person, who defaults on, or fails to comply with the obligation imposed in pursuance of clauses (1), (2) and (3), is guilty of an offence and is liable to imprisonment not exceeding nine months, or to a fine of up to one thousand five hundred Cyprus pounds, or to both such sentences.

(5) The validity of the contracts for the execution of works shall not be affected by the failure to comply with the provisions of clauses (2) and (3).

Feigned **39.** (1) A registered contractor, who feigns the undertaking of a project of a specific class, so that this project may be executed by a non-registered person of a project or contractor and/or by the holder of an annual licence for works of the same class and category as the project in question and who does, or fails to do, something with the purpose of assisting, or who assists, a person to submit a tender or to undertake and/or execute any project in breach of this Law, is guilty of an offence and if convicted shall be punished by a fine of up to CY£2.000, or to imprisonment not exceeding two years, or to both such sentences.

(2) Where the offence referred to in clause (1) is committed repeatedly the Council may, in the exercise of its discretionary powers, impose the suspension of the offender's annual licence for as long as this is deemed fit or delete his name from the Contractor's Register.

## **PART V - DISCIPLINARY PROVISIONS**

Disciplinary

Offences

**40.** (1) A registered contractor, who commits a disciplinary offence is liable to disciplinary prosecution if:

(a) he commits any offence involving lack of probity or moral turpitude; or

(b) he succeeds to be registered in the Contractors' Register, or has obtained an annual licence using false or fraudulent representations or statements;

or

- (c) does or fails to do something in a manner which is tantamount to a breach of any of the duties or the obligations of a contractor; or
- (d) is liable for any serious defective construction work due to a negligent, or fraudulent act, or to any other irresponsible or thoughtless act or default; or
- (e) in the exercise of his profession he exhibits a behaviour, which is unbecoming to, or incompatible with his profession, or which debases the prestige and repute of the contractor profession.

(2) For the purposes of this Article the term "contractor's duties or obligations" includes every duty or obligation imposed on a contractor under the provisions of this Law and or of the Regulations or any other law in force.

Disciplinary **41.**(1) The following disciplinary penalties may be imposed under the provisions  
Penalties of this Law:

- (a) reprimand;
- (b) fine of up to five hundred Cyprus pounds;
- (c) downgrade to a lower class of building and/or civil engineering works for as long as the Council shall deem fit;
- (d) suspension of the annual licence for as long as the Council shall deem fit;
- (e) deletion of the contractor's name from the Contractors' Register.

(2) No more than one penalty shall be imposed for the same disciplinary offence provided that the penalty of reprimand cannot be imposed together with any other penalty as provided by clause (1).

(3) Where the contractor's name is deleted from the Contractor's Register as a result of a disciplinary penalty imposed under this Part, the contractor, whose name has been deleted, is not entitled to be registered or request to be issued

with a Certificate of Registration for such period as may be determined by the Council in its decision to delete the contractor's name from the Register.

Inquiry into disciplinary offences **42.**(1) Where a complaint is lodged with the Council or when it otherwise comes to the notice of the Council that a registered contractor may have committed any of the disciplinary offences set out in clause (1) of Article 40, the Council shall immediately see to the conduct of an inquiry in accordance with the procedure which may be determined by the Regulations.

(2) When after the conduct of the inquiry in pursuance of clause (1) there is prima facie evidence that a disciplinary offence has been committed, the registered contractor in question shall be notified in writing on the case brought against him and he shall be given the opportunity to be heard whether in person or through an attorney.

(3) The hearing of the case is carried out in accordance with a procedure determined by means of Regulations.

(4) The Council may issue a decision and find the registered contractor in question guilty of all, or any, of the disciplinary offences, of which he is accused, and impose any of the disciplinary penalties, which the circumstances of the case would justify, or exonerate him from the charge.

(5) Every individual, including a registered contractor, who when summoned to appear before the Council, fails to appear at the time and place mentioned in the summons, or during the hearing of the case, is guilty of a penal offence and if convicted is liable to a fine of up to three hundred Cyprus pounds.

Penal and disciplinary **43.**(1) No disciplinary action may be initiated, or continued, against a contractor against whom criminal charges have been filed, on any grounds relating to these charges until such criminal prosecution has been finally determined.

Prosecution

(2) A contractor, who is charged for criminal offence but is not found guilty, cannot be prosecuted of a disciplinary offence for the same charge. Charges may, nevertheless, be brought against him for a disciplinary offence resulting from his conduct which is associated with the criminal proceedings lodged against him but does not involve the same matter in dispute as that of the charge for which the criminal prosecution has been lodged.

(3) Where a registered contractor is convicted of a criminal offence, which in the Council's judgement involves lack of probity, or moral turpitude, and the conviction is upheld after an appeal has been lodged, or even where no appeal has been lodged, the Council shall receive a copy of the record of the proceedings of the court, which adjudicated the case, and of the court with which the appeal has been lodged and without further inquiry into the case and after having given the contractor concerned the opportunity to submit any objections he wishes, it shall proceed to impose the disciplinary penalty which would be justified under the circumstances.

#### **PART IV - PENAL AND ADMINISTRATIVE PROVISIONS**

General criminal offence **44.** Every person including a registered contractor, who contravenes or fails to comply with any prohibition, duty or obligation imposed by or under any of the provisions of this Law and/or of the Regulations commits an offence and is liable, if no other penalty is stipulated, to a fine of up to one thousand Cyprus pounds, and where the offence continues, to an additional fine of up to twenty Cyprus pounds for every day or part of the day for which the breach or default persists after the conviction.

Principals and accessories to offences **45.(1)** Where a criminal offence is perpetrated in pursuance of this Law, or any of the Regulations, any of the following persons shall be considered as having participated in the perpetration of the offence and as guilty of such offence and may be prosecuted and tried as having actually committed the offence and shall be punished accordingly:

- (a) every person, who actually perpetrated the offence or the default which constitutes the criminal offence;
- (b) every person who acts, or fails to do something, with the purpose of enabling the perpetration of the criminal offence by some other person or abets any other person to commit the offence;
- (c) every person, who promotes, abets or incites any other person in the perpetration of the offence;
- (d) every person asking from another person or inducing or trying to convince any other person to commit a criminal offence;
- (e) every person who does any other act which is preparatory to the commission of the offence;
- (f) every person, who supervises or inspects any construction work, whose execution constitutes a criminal offence.

(2) Where a body corporate commits an offence under this Law, any of its technical director, director or member of the Board of Directors, managing director, secretary or other officer of such body corporate or any other person appearing to act in any such capacity, who authorises or induces or allows the performance of the act or the default constituting the offence, shall be guilty of such offence together with the body corporate and if convicted shall be liable to the penalties provided for by this Law for the specific offence.

Defence in

the case of **46.** (1) The following constitutes a defence for a person accused at any criminal proceedings initiated against him for an offence under this Law and/or of the Regulations if he proves that during the commission of the offence:-  
 acting in good faith

- (a) his relation to the employer was that of an employee;

(b) he acted in good faith obeying instructions or directions of the said employer and that he has furnished full details on his employer when requested by or for the prosecuting authority.

Orders

made by an **47.** (1) The Court, before which a criminal offence is tried under Articles 24, 25, adjudicating 26 or 34(7), may upon an ex parte application filed, order the suspension of court any work or project related to the adjudicated offence, or the performance or avoidance of any act, within such period of time as reasonably determined by the Court until the final adjudication of the case in respect of which the criminal charges were filed.

(2) In addition to the imposition of the sentence as provided by this Law, the Court, before which a person is tried for any criminal offence in breach of the provisions mentioned in clause (1), may order the person prosecuted:-

(a) to interrupt or suspend the works in respect of the building or civil engineering project relating to the criminal offence committed until the Council grants the relevant approval of continuation of the construction works; and or

(b) to act or avoid carrying out any act in relation to which the criminal offence was committed within such period of time which the Court shall deem necessary to determine so as to secure the more effective application of the provisions of this Law and or of the Regulations.

(3) A person, against whom an order has been issued under this Article, who fails or neglects to comply with such order within the period of time as may be determined therein, is guilty of a criminal offence and is liable to imprisonment not exceeding two years or to a fine of up to two thousand Cyprus pounds and/or both penalties.

Fines

devolving **48.** All the fines imposed in relation to any criminal offences under this Law, to the shall upon their imposition by the Court devolve to the Council and be paid to

Council the Council's treasury as soon as they are collected.

Power to

enter and inspect the building site **49.** (1) An officer authorised by the Council may at any reasonable time and upon production of the instrument of his authorisation, enter upon any premises used by the contractor for the exercise of his profession or upon any building site whereon a building or civil engineering project is executed and require from the owner, the registered contractor or any other person who in the authorised officer's opinion appears to have the supervision and control of the project, to produce any documents including the written contract concerning the execution of the project as well as the provision of any information deemed necessary for the control and determination of the compliance with the provisions of this Law and/or of the Regulations.

(2) Where upon the inspection of any documents produced in pursuance of clause (1), the authorised officer of the Council is reasonably convinced of the commission of any offence under this Law, he may retain any of such documents or obtain copies thereof if he believes that these may be needed as evidence at any criminal proceedings initiated on account of such offence.

(3) Without prejudice to the powers conferred under clauses (1) and (2), the Council, or any authorised officer thereof, may at the appropriate instances, request with a notice in writing addressed to any person related to any building or civil engineering project under execution, the production or provision, within such period of time determined in the notice, of any documents including the written contract of execution of the project or other particulars or information, which are deemed necessary for the control or the determination of the adherence by the provisions of this Law and or of the Regulations.

(4) Any person, who under this Article is directed in writing to produce a document, shall be considered as having complied with such direction if he has caused such document to be produced instead of appearing in person to produce it.



Obstruction **50.** (1) Any person who:-

of authorised

officer

- (a) intentionally obstructs an authorised officer of the Council from acting in accordance with this Law;
- (b) intentionally fails to comply with any demand, which the authorised officer rightfully makes to him under Article 49; or
- (c) without reasonable cause fails to provide the above officer with any other assistance or information, which the officer shall reasonably request in fulfilment of his duties under this Law;

commits an offence and if convicted is liable to imprisonment not exceeding six months or to a fine of up to one thousand Cyprus pounds or to both such penalties.

(2) A person, who having provided the information requested under Article 49, knowingly makes an inaccurate statement commits an offence and if convicted is liable to imprisonment not exceeding twelve months or to a fine of up to two thousand Cyprus pounds.

(3) The Court, before which an offence is tried under clause (1) or (2) of this Article, may in addition to the sentence imposed, order the person convicted of the offence to pay to the Council such other amount in the form of compensation for any damages caused as a result of the commission of these offences, as the Court shall deem fair.

(4) No provision of this Article or of Article 49 may be construed as imposing the obligation upon a person to answer any question, or to give any information, which might be self-incriminating.

## PART VII - MISCELLANEOUS PROVISIONS

Enactment of **51.** The Council has the power, upon the approval of the Council of Ministers  
regulations to enact Regulations governing or regulating some of the following matters:

- (a) the determination of any matter, which under this Law requires determination, or which may be determined;
- (b) the regulation of the procedure of the Council's meetings;
- (c) the forms, the procedure of submission and consideration of the applications under this Law and the form of the certificate and the annual licence issued by the Council;
- (d) the determination of the various fees or charges provided for by this Law or constituting recompense for a service rendered by the Council;
- (e) the code of conduct which must be adhered by the registered contractors and the disciplinary procedure of adjudication of disciplinary offences;
- (f) the carrying out of the examinations required or permitted under this Law;
- (g) the terms of service of the employees of the Council and in particular the matters pertaining to the appointment, promotion, retirement, discipline and disciplinary control thereof, the medical care as well as their retirement benefits or other similar rights or allowances;
- (h) the preparation, submission and approval of the Council's annual budget as well as the financial management thereof;

- (i) any other matter, or issue, ancillary to or associated with the matters set forth above or incidental to the better and more effective application of the provisions of this Law.

Special

licence **52.** (1) Notwithstanding any other provision of this Law, the Council of Ministers, after requesting and considering the views and positions of the Council, may grant a special licence to a contractor registered in the Contractor's Register, or to individuals or organisations or foreign companies, of renowned repute and capacity in relation to their business and to the execution of building and civil engineering projects for the purposes of submitting a tender and a study, which may have been prepared by the tenderer himself, and where the tender is accepted may also grant a special licence for the execution and supervision of the specific project as described in the licence issued for the period of time and under such terms which the Council of Ministers shall deem fit to impose every time. Where such project shall be executed by a contractor, who is not registered in the Register, it shall also include the condition that the project is to be executed in co-operation with a registered contractor, who holds an annual licence for the class and category of the project to be executed.

(2) The grant of such licence requires the lodging of a written application with the Council on the form prescribed for this purpose accompanied by the specific fee for consideration of the application.

(3) Upon notification to the Council of the special licence granted by the Council of Ministers as mentioned in clause (1), the Council shall proceed to enter the licence in a special register and issue without any other term or condition whatsoever, excluding the payment of fees, a special licence on the prescribed form which shall also include the terms and conditions imposed by the Council of Ministers on the special licence issued.

(4) The special licence granted by the Council and referred to in clause (3) is a prerequisite both for the participation in a competition as well as for the

undertaking and execution of the project mentioned in the licence granted by the Council of Ministers.

Service of **53.** (1) Notices, notifications, orders or any other documents, whose service is documents required or permitted under this Law, may be served:-

- (a) if delivered to the persons, or at the residence of the persons, to whom they are addressed; or
- (b) where such documents are addressed to the owner or holder of premises, upon their delivery or upon the delivery of a true copy thereof to a person suitable for the purposes of the service of documents, who is on the premises, and where there is no such person on the premises such documents must be affixed at a visible place on the premises; or
- (c) by registered post addressed to the person concerned and at his last known address in Cyprus.

(2) Any such document:-

- (a) may, in the case of a company or other body corporate, be served upon or sent to the secretary or any other competent officer thereof;
- (b) in the case of a partnership be served upon or sent to any member of the partnership or to a person who has the control or the management of the partnership's business.

(3) Where any such document is sent by post, provision should be made so that upon observance of the postal practice, such document may be received at or before the last date at which such document is required be served.

Readjustment **54.** During the computation of any sums of money referred to in the First and

of the sums contained in the Schedules Second Schedule to this Law, the Council is entitled to readjust such sums every two years based on the ratio between the price index of the construction sector of the Statistics and Research Department at the given date, and the respective ratio on January 1, 1995.

Provided that in the case of projects which have not been carried out in the territory of the Republic, the sums mentioned in the First and Second Schedule to this Law shall be readjusted further based on the expenditure or the value of the Projects of the respective category, class or type executed in the Republic.

## PART VIII - FINAL PROVISIONS

Repeals  
and

provisos 55. (1) The Registration and Control of Building and Civil Engineering Contractors Laws of 1973 to 1995 are hereby repealed.

97/1973  
32/1982

4/1992 (2) Notwithstanding the repeal of The Registration and Control of Building and Civil Engineering Contractors Laws of 1973 to 1995 (which in this Part shall be referred to as the repealed laws):-

35(1)/1995

(a) Any regulations, orders or other statutory acts done or enacted by virtue of the repealed laws, which came into effect immediately before the entry into effect of this Law, shall remain in effect and shall be considered as have been made or enacted in pursuance of this Law, unless to the extent they contradict this Law they are repealed or replaced by other or others done or enacted in pursuance of this Law.

(b) Any registration, certificate of registration or annual licence of a contractor lawfully made or issued under the repealed laws, which was valid and in force immediately before the entry into effect of this Law, shall continue to be in effect and shall be deemed to have been made or enacted under this Law, unless and until cancelled, suspended or until it expires under the provisions of this Law.

(c) Any registration of a contractor in the Register or any annual licence made or issued lawfully in pursuance of the repealed laws which was valid and effective immediately before the entry into effect of this Law, cannot be cancelled or downgraded as a result of the lack or variation of a qualification or criterion effected for the first time under this Law.

(d) The Council of Registration of Contractors existing immediately before the entry into effect of this Law, shall continue to operate and exercise the powers and duties of the Council established in pursuance of Article 3 of this Law, whereas the existing Council members shall continue in office until the term of their appointment expires.

Interim provisions **56.** (1) Upon the entry into effect of this Law, the Council established under Article 3 shall immediately become the lawful owner, beneficiary or debtor, as the case may be, of all assets, rights, claims, debt or obligations acquired or created by the Council during the period of validity of the repealed laws.

(2) The Contractors' Register kept in accordance with the repealed laws shall be considered as part of the Register which shall be kept under this Law.

(3) Every document making reference to any provision of the repealed laws shall be construed as making reference to the respective provision of this Law.

(4) All the appointments of employees or authorised officers, which were effective immediately before the entry into effect of this Law, shall be deemed to have been made under this Law and shall continue in effect as the case may be.

(5) Subject to paragraph (c) of clause (2) of Article 55, the applications, whose consideration is pending upon the entry into effect of this Law, shall considered and decided upon under the provisions of this Law.

(6) If any deadline provided in the repealed laws became effective and continues to be in effect upon the entry into effect of this Law and a respective provision is contained hereunder, this Law shall apply as if the respective provision had become effective at the time when the period or the prescribed period or time commenced.

Entry into

effect of **57**. This Law enters into effect at the date of the accession of the Republic  
the Law to the European Union.

**FIRST SCHEDULE**  
**(Articles 2 and 32(2))**  
**CLASSIFICATION OF WORKS**  
**BY CATEGORY, CLASS AND TYPE**

		<b>CATEGORIES OF PROJECTS</b>			
		<b>BUILDING PROJECTS</b>			<b>CIVIL ENGINEERING PROJECTS</b>
<b>Types of Projects</b>		Ordinary: i.e. housing units, offices, shops or buildings consisting mainly of housing units which include office and shop units etc.	Industrial: i.e. factories, workshops, warehouses etc.	Buildings of public use, i.e. schools, leisure centres, hospitals, hotels, theatres, churches etc.	
<b>Classes of Projects</b>	<b>Fifth Class</b>	Area 300 m <sup>2</sup>	Area 450 m <sup>2</sup>	Area 150 m <sup>2</sup>	Total value of up to CY€25.000
	<b>Fourth Class</b>	1000 m <sup>2</sup>	1500 m <sup>2</sup>	500 m <sup>2</sup>	Total value of up to CY€200.000
	<b>Third Class</b>	4.000 m <sup>2</sup>	7.000 m <sup>2</sup>	2.000 m <sup>2</sup>	Total value of up to CY€650.000
	<b>Second Class</b>	10.000 m <sup>2</sup>	Any size	5.000 m <sup>2</sup>	Total value of up to CY€1.600.000
	<b>First Class</b>	Any size	Any size	Any size	Any value

**Notes:**

- (1) The letters "m<sup>2</sup>" mean square metres:-
- (2) For the purposes of this Schedule "buildings of public use" means the buildings destined for use by the public, or to which the public goes or where, at the Council's discretion, a large number of persons shall reside therein or shall be used by them.
- (3) For the calculation of the area referred to in this Schedule, the areas of the building projects, for which a planning or building permit has been issued, will be taken into account including the area of the basements and any other covered areas.



- (4) The size of the project, for which licence has been issued by the competent authority, shall be taken into account for the purposes of computation of the amount referred to in this Schedule in respect of civil engineering projects.
- (5) The total value of a civil engineering project referred to in this Schedule is the value estimated by the architect or civil engineer, who has designed the project, taking in to account the entire size of the project, provided that the Council may alter and finally determine this value if this is justified by the facts laid before it.
- (6) For the purposes of computation of the area referred to in this Schedule where building projects are executed for the Government of the Republic:-
- (a) in the case of extensions adjoining existing buildings, the total area of the extension and that of the existing buildings shall be taken into account;
  - (b) in the case of an independent project, which nowise affects existing buildings, the total area of the project shall be taken into account;
  - (c) in the case of alteration of, or of repairs to, existing buildings the total area of the existing buildings shall be taken into account;

Provided that where (a), (b) and (c) co-exist in one project, the total area of the project shall be calculated.

Where for any reason no planning, or building, permit has been issued in respect of a specific building project, the Council shall decide on the category and class of the project by considering the facts it has at its disposal.

**SECOND SCHEDULE**  
**(Articles 15(1) and 32(3))**

**PART I**

**FIFTH CLASS BUILDING AND CIVIL ENGINEERING PROJECTS**

Requirements relating to the grant of an annual licence:-

The applicant must:-

- (a) have undertaken as clerk of works or undertaken the technical responsibility with a registered contractor for at least fourth class building or civil engineering works, in accordance with the licence for which the application is filed, of completed projects of a total expenditure of at least three hundred thousand Cyprus pounds of which one project must be of at least one hundred thousand Cyprus pounds;
- (b) own mechanical equipment of a total value of at least two thousand Cyprus pounds for building projects and of at least six thousand Cyprus pounds for civil engineering projects; and
- (c) have the qualifications and experience in building and civil engineering projects as required by Article 15 of the Law based on the licence for which the application is filed.

## **FOURTH CLASS BUILDING AND CIVIL ENGINEERING PROJECTS**

Requirements relating to the grant of an annual licence:-

The applicant must:-

(a) be a holder of a civil engineering, or architect's diploma, or of a diploma of relevant specialisation, or a graduate of a school of Tertiary Education with relevant specialisation, or a graduate of the Higher Technical Institute or a licensed building technician, or a graduate of a Cypriot technical school, or of an equivalent technical school abroad, or a secondary school graduate, or a graduate of an apprenticeship system; to have undertaken the supervision or the technical responsibility of completed building or civil engineering projects, according to the licence for which the application is filed, of a total expenditure of at least four hundred and fifty thousand Cyprus pounds, of which one project must be of an expenditure of at least one hundred and fifty thousand Cyprus pounds, or to have executed as registered contractor building or civil engineering projects, according to the licence for which the application is filed, of a total expenditure of at least one hundred and fifty thousand Cyprus pounds, of which one project must be completed and be of an expenditure in the case of building projects of at least thirty five thousand Cyprus pounds, in the case of civil engineering projects of at least twenty thousand Cyprus pounds. Where, nevertheless, such contractor is merely proficient in reading and writing, he must have executed building or civil engineering projects as registered contractor and in accordance with the licence for which the application is filed, of a total expenditure of at least one hundred and fifty thousand Cyprus pounds, of which one project must be completed and of an expenditure of at least thirty five thousand Cyprus pounds for building projects and of at least twenty thousand Cyprus pounds for civil engineering projects;

(b) own mechanical equipment of a total value of at least eight thousand Cyprus pounds for building projects and of at least thirty thousand Cyprus pounds for civil engineering projects; and

(c) meet the following requirements:-

Qualifications required of the applicant	Experience required of the applicant for building or civil engineering works in accordance with the licence, for which the application is filed	Permanent civil engineering (technical) clerical staff required of the applicant
<p>Civil engineer, or architect, or graduate of a School of Tertiary Education with relevant specialisation</p> <p>or</p> <p>Graduate of the Higher Technical Institute</p> <p>Licensed building technician, or graduate of a Cypriot Technical School, or other equivalent technical school abroad, or graduate of a school of secondary education</p> <p>or</p> <p>graduate of an apprenticeship system</p> <p>or</p> <p>proficient in reading and writing</p>	<p>Two years experience at a responsible position with a registered contractor, who holds an annual licence for at least third-class building or civil engineering works in accordance with the licence for which the application is filed or two years experience of which at least one year as registered contractor.</p> <p>Four years experience at a responsible position with a registered contractor, who holds an annual licence for at least third-class building or civil engineering works in accordance with the licence for which the application is filed, or four years experience, of which two years as registered contractor.</p> <p>Seven years experience, of which four years as clerk of works at a responsible position with a registered contractor, who holds an annual licence for at least third-class building or civil engineering works in accordance with the licence for which the application is filed, or seven years experience, of which three years as registered contractor.</p> <p>Nine years experience, of which five years as clerk of works at a responsible position with a registered contractor, who holds an annual licence for at least third-class building or civil engineering works, in accordance with the licence, for which the application is filed, or nine years experience, of which three years as registered contractor.</p> <p>Ten years experience, of which three years as registered contractor.</p>	<p>-----</p> <p>-----</p> <p>For the holder of a licence for civil engineering works, one graduate of the Higher Technical Institute or an experienced clerk of works.</p> <p>For the holder of a licence of civil engineering works, one graduate of the Higher Technical Institute, or an experienced clerk of works.</p> <p>For the holder of a licence for civil engineering works, one graduate of the Higher Technical Institute or one experienced clerk of works.</p>

## PART III

### THIRD CLASS BUILDING AND CIVIL ENGINEERING PROJECTS

A. Requirements relating to the grant of an annual licence:-

The applicant must:-

- (a) have executed building or civil engineering projects, in accordance with the licence for which the application is filed, of at least one million three hundred thousand Cyprus pounds. One of them must be a completed project and of an expenditure of at least one hundred thirty thousand Cyprus pounds;
- (b) own mechanical equipment of a total value of at least twenty thousand Cyprus pounds for building projects and of at least one hundred and twenty thousand Cyprus pounds for civil engineering projects; and
- (c) meet the following requirements:

Qualifications required	Experience required of the	Permanent civil engineering
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of the applicant	applicant for building, or civil engineering works in accordance with the licence for which the application is filed	(technical) clerical staff required of the applicant
<p>Civil engineer, or architect, or graduate of a School of Tertiary Education with relevant specialisation</p> <p>or</p> <p>graduate of the Higher Technical Institute</p> <p>or</p> <p>licensed building technician or graduate of a Cypriot technical school or other equivalent technical school abroad or graduate of a school of secondary education</p> <p>or</p> <p>graduate of an apprenticeship system</p> <p>or</p> <p>proficient in reading and writing</p>	<p>Two years experience as registered contractor for fourth class works</p> <p>Three years experience as registered contractor for fourth class works</p> <p>Three years experience as registered contractor for fourth class works</p> <p>Four years experience as registered contractor for fourth class works</p> <p>Five years experience as registered contractor for fourth class works</p>	<p>One graduate of the Higher Technical Institute, or one experienced clerk of works.</p> <p>One civil engineer or architect</p> <p>One civil engineer or architect</p> <p>One civil engineer or architect</p> <p>One civil engineer, or architect and one graduate of the Higher Technical Institute, or one experienced clerk of works.</p>

Requirements relating to the grant of an annual licence to an applicant, has who worked as employee of a registered contractor:-

The applicant must:-

- (a) have executed as person responsible for the execution of building or civil engineering projects, in accordance with the licence for which the application is filed. These projects must be completed and be of a total expenditure of at least two million five hundred thousand Cyprus pounds, of which one project must be of an expenditure of at least four hundred thousand Cyprus pounds;
- (b) own mechanical equipment of a total value of at least twenty thousand Cyprus pounds for building projects and of at least one hundred and twenty thousand Cyprus pounds for civil engineering projects;
- (c) meet the following requirements:-

Qualifications required of the applicant	Experience required of the applicant for building or civil engineering works according to the licence for which the application is filed	Permanent civil engineering (technical) clerical staff required of the applicant
<p>Civil engineer or architect or graduate of a School of Tertiary Education with relevant specialisation</p> <p>or</p> <p>graduate of the Higher Technical Institute</p> <p>or</p> <p>licensed building technician or graduate of a Cypriot technical school, or other equivalent technical school abroad or graduate of a school of secondary education</p>	<p>Five years experience at a responsible position with a registered contractor, who holds an annual licence for at least third class building or civil engineering works in accordance with the licence for which the application is filed, of which four years experience at a building site.</p> <p>Nine years experience at a responsible position with a registered contractor, who holds an annual licence for at least third class building or civil engineering works, in accordance with the licence for which the application is filed, of which six years experience at a building site.</p> <p>Fourteen years experience at a responsible position with a registered contractor, who holds an annual licence for at least third class building or civil engineering works in accordance with the licence for which the application is filed, of which nine years experience at a building site.</p>	<p>One graduate of the Higher Technical Institute, or one experienced clerk of works.</p> <p>One civil engineer or architect</p> <p>One civil engineer or architect</p>



## **PART IV**

### **SECOND CLASS BUILDING AND CIVIL ENGINEERING PROJECTS**

Requirements relating to the grant of an annual licence:-

The applicant must:-

- (a) have executed building, or civil engineering, projects in accordance with the licence for which the application is filed. These projects must be of a total expenditure of at least three million Cyprus pounds, of which one must be a completed project and of an expenditure of at least five hundred thousand Cyprus pounds;
- (b) own mechanical equipment of a total value of thirty five thousand Cyprus pounds for building projects and of at least two hundred thousand Cyprus pounds for civil engineering projects; and
- (c) meet the following requirements:-

Qualifications required of the applicant	Experience required of the applicant for building or civil engineering works according to the licence for which the application is filed	Permanent civil engineering (technical) clerical staff required of the applicant
<p>Civil engineer, or architect, or graduate of a School of Tertiary Education with relevant specialisation</p> <p>or</p> <p>graduate of the Higher Technical Institute</p> <p>or</p> <p>licensed building technician or graduate of a Cypriot technical school or other equivalent technical school abroad or graduate of a school of secondary education</p> <p>or</p> <p>graduate of an apprenticeship system</p> <p>or</p> <p>proficient in reading and writing</p>	<p>Two years as registered contractor for third class works</p> <p>Three years as registered contractor for third class works</p> <p>Four years as registered contractor for third class works</p> <p>Five years as registered contractor for third class works</p> <p>Five years as registered contractor for third class works</p>	<p>Two graduates of the Higher Technical Institute</p> <p>One civil engineer, or architect, and one graduate of the Higher Technical Institute</p> <p>One civil engineer, or architect, and one graduate of the Higher Technical Institute</p> <p>One civil engineer, or architect, and one graduate of the Higher Technical Institute</p> <p>One civil engineer, or architect, and two graduates of the Higher Technical Institute</p>

**PART V**

## FIRST CLASS BUILDING AND CIVIL ENGINEERING PROJECTS

Requirements for the grant of an annual licence:-

The applicant must:-

- (a) have executed building or technical projects in accordance with the licence for which the application was filed. These projects must be of a total expenditure of at least four million five hundred thousand Cyprus pounds, of which one project must be completed and of an expenditure of at least nine hundred thousand Cyprus pounds;
- (b) own a mechanical equipment of a total value of at least seventy five thousand Cyprus pounds for building projects and of at least four hundred and fifty thousand Cyprus pounds for civil engineering projects; and
- (c) meet the following requirements:-

Qualifications required	Experience required of the	Permanent civil engineering
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of the applicant	applicant for building or civil engineering works in accordance with the licence for which the application is filed.	clerical staff required of the applicant
<p>Civil engineer, or architect, or graduate of a School of Tertiary Education with relevant specialisation</p> <p>or</p> <p>graduate of the Higher Technical Institute</p> <p>or</p> <p>licensed building technician, or graduate of a Cypriot technical school, or other equivalent technical school abroad or graduate of a school of secondary education</p> <p>or</p> <p>graduate of a system of apprenticeship</p> <p>or</p> <p>proficient in reading and writing</p>	<p>Three years as registered contractor for second class works</p> <p>Three years as registered contractor for second class works</p> <p>Four years as registered contractor for second class works</p> <p>Five years as registered contractor for second class works</p> <p>Five years as registered contractor for second class works</p>	<p>One civil engineer, or architect, and one graduate of the Higher Technical Institute</p> <p>Two civil engineers, or architects, and one graduate of the Higher Technical Institute</p> <p>Two civil engineers or architects and one graduate of the Higher Technical Institute</p> <p>Two civil engineers or architects and one graduate of the Higher Technical Institute</p> <p>Two civil engineers, or architects, and one graduate of the Higher Technical Institute</p>

Notes:

(1) For the purposes of this Schedule the maximum sum of expenditure for a completed building project, which may be credited, shall be estimated on the basis of the project class for which a building permit was issued and on the basis of the expenditure based on the construction price index of the respective year as fixed by the Statistics and Research Department of the Republic.

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(2) For the purposes of this Schedule "architect or civil engineer employed by a registered contractor" means the person holding the qualifications set out in the Cyprus Scientific and Technical Chamber Law in respect of his registration as an architect or civil engineer, as the case may be, except for the practical training.

(3) For the purposes of this Schedule:-

"graduate of the Higher Technical Institute" means a graduate of the Higher Technical Institute, or of any other equivalent school of higher learning specialised in civil engineering.

Provided that the Council, may for the purposes of employment of clerical staff referred to in this Schedule, accept a graduate of a Cypriot technical school, instead of a graduate of the Higher Technical Institute ,or of any other equivalent school abroad, who has a seven-year experience in building and civil engineering projects in accordance with the licence for which the application is filed.

"graduate of an apprenticeship system" means a graduate of the Cypriot system of apprenticeship, or any other equivalent system of apprenticeship abroad with specialisation in the construction industry.

"graduate of a Cypriot Technical School", or any other equivalent technical school abroad", means a graduate of such school with specialisation in the construction industry.

"experienced clerk of works" means:-

- (a) a graduate of a Cypriot Technical School, or any other equivalent technical school abroad with specialisation in the construction industry with a minimum of four years experience in the execution of building or civil engineering projects, as the case may be, of which two years experience as clerk of works; or
- (b) a graduate of a school of secondary education, or any other equivalent apprenticeship system abroad with specialisation in the construction industry with a minimum experience of five years in the execution of building or civil engineering projects, as the case may be, of which two years experience as clerk of works; or
- (c) a graduate of the Cypriot apprenticeship system, or of any other equivalent apprenticeship system abroad with specialisation in the construction industry with a minimum experience of six years in the execution of building or civil engineering projects, as the case may be, of which three years experience as clerk of works; or
- (d) proficient in reading and writing having a minimum of seven years experience in the execution of building or civil engineering projects, as the case may be, of which three years experience as clerk of works.

### THIRD SCHEDULE

(Article 22(2) and 35(5))

#### PROJECT UNDER EXECUTION CREDITED IN FAVOUR OF MORE THAN ONE CONTRACTOR

1. The contract sum shall be credited in favour of the registered contractors where the Council has been convinced that they have lawfully executed the project.

**In the case of a building project**, each registered contractor, shall be credited with the sum  $S_i$ , where  $S_i$  shall be the smallest sum resulting from the two formulas:

Either  $S_i = P_{Ai} \times C.C.$ ,                      or  $S_i = \frac{C.S.}{i}$                       and

**In the case of a civil engineering project**, each registered contractor shall be credited with the sum  $S_i$ , where  $S_i$  shall be the smallest sum resulting from the two formulas:

either  $S_i = S_t$     or  $S_i = \frac{C.S.}{i}$

Where:

C.S. - The contract sum

i - The number of registered contractors who participated in the execution of the project

$S_i$  - The sum allocated to the registered contractor with number "i"

$P_{Ai}$  - The area of the project, which each registered contractor is allowed to execute, based on the class of experience he has as mentioned in the column "building projects" of the First Schedule.

St - The maximum readjusted sum, which each registered contractor is entitled to execute, based on the class of the experience he has as mentioned in the column "civil engineering projects" of the First Schedule.

C.C. - The cost of construction per square metre depending on the year of commencement of execution of the project as officially issued by the Statistics and Research Department of the Republic.

2. Where the contract sum has not been exhausted from the first allocation, the remaining sum (R.S.) shall be reallocated to the registered contractors who have not been credited with the maximum sum from the first allocation where:

$$R.S. = C.S. - S (S_1 + S_2 \dots S_i).$$

**In the case of a building project**, each registered contractor shall be credited with the sum  $S_i$ , where  $S_i$  is the smallest amount resulting from the two formulas:

$$\text{either } S_i = P A_i \times C.C. \quad \text{or} \quad S_i = \frac{R.S.}{i}$$

**In the case of a civil engineering project** each registered contractor shall be credited with the amount  $S_i$ , where  $S_i$  is the smallest amount which resulting from the two formulas:

$$\text{either } S_i = S_t \quad \text{or} \quad S_i = \frac{R.S.}{i}$$

3. Based on the same procedure, the credit of the amounts to registered contractors, who participated in the execution of the project, may be performed in a third, fourth etc. allocation until the total amount of the contract sum has been allocated.



Notes:

1. In the case of building projects, the maximum amount for the purposes of this Schedule shall be the amount derived from the multiplication of the maximum area of the building project entitled to be executed in each class and specified in the column "Building Projects" of the First Schedule with the construction cost per square metre issued by the Statistics and Research Department of the Republic. In the case of civil engineering projects, it shall be the maximum amount which may be executed by each class as specified in the column "Civil Engineering Projects" of the First Schedule.

2. The technical directors of companies, which are non-registered contractors, shall not be credited with any amounts for purposes of upgrading.

**REGULATIONS**

**CONTRACTOR'S DUTIES AND OBLIGATIONS**

**AND**

**DISCIPLINARY PROCEDURE**

E.E. Par. III (I)

No. 36 12, 21.6.2002

St. Act. 293/2002

**THE REGISTRATION AND CONTROL OF BUILDING  
AND CIVIL ENGINEERING CONTRACTORS LAW OF 2001**

Regulations pursuant to Article 51(1) (a) and (e)

29(I) of 2001      The Council enacts with the approval of the Council of Ministers the following Regulations in the exercise of the powers vested in it by paragraphs (a) and (e) of Article 51 of the Registration and Control of Building and Civil Engineering Contractors Law:

**PART I - INTRODUCTORY PROVISIONS**

Short Title      1. These Regulations shall be referred to as the Registration and Control of Building and Civil Engineering Contractors (Contractor's Duties and Obligations and Disciplinary Procedure) Regulations of 2002.

2. (1) In these Regulations unless if otherwise stated herein:-

Interpretation      "registered contractor" means a person, individual or body corporate, who at the material time, is registered as contractor in the Register under the provisions of the Law. In the case of a registered company it shall include the technical director or directors of the company.

29(I) of 2001      "Law" shall mean the Registration and Control of Building and Civil Engineering Contractors Law of 2001, or any other Law amending or substituting the same.

"representation or advertisement" means a statement, whether verbal or in writing made for the purpose of coming to the knowledge of a specific person or of the public in general.

(2) Any other terms used in these Regulations, which are not otherwise defined herein, shall have the meaning attached to them by the Law.

Scope of

Application 3. The compliance with and the application of these Regulations is obligatory for all the registered contractors and any breach thereof constitutes a disciplinary offence which brings about the sanctions provided by the Law.

## **PART II - GENERAL DUTIES AND OBLIGATIONS**

Conduct 4.-(1) The registered contractors must exhibit a decent conduct, and incompatible in general, behave in manner consistent with the profession.

with the

profession (2) Without prejudice to the generality of the foregoing paragraph, the contractors are always obliged to defend the honour and dignity of the profession and their behaviour must always be governed by integrity and honesty.

Prohibition

of false or 5. Registered contractors are prohibited from making any false or misleading representations or advertisement referring to their experience, or their class, misleading or in general to their profession.

pretences or advertisement

Obligation to 6. Every registered contractor is obliged to keep a name-board posted on to post up every building erected by him which shall state the following:-

a name-board

with specific (a) his name;

particulars

(b) his register number;

(c) the logo of the Council;

(d) the class of experience and the class of the annual license he holds during the current year.

Notification

of changes to the technical staff 7. Registered contractors are obliged to immediately inform the Council of any resignations or new engagements of technical staff.

technical

staff

Provided that the permanent technical staff and the technical directors of companies must be employed on a permanent basis and during all working hours of the building sites.

### **PART III - RELATIONS WITH THE CUSTOMERS**

Diligence in

the fulfilment of contractual obligations 8.- (1) All registered contractors are obliged to faithfully and diligently fulfil the obligations they have towards their clients.

obligations

(2) Registered contractors are obliged not to do any acts or actions or make any default, which tend or are designed to evade the responsibility they have towards their client.

### **PART IV - RELATIONS WITH THE COLLEAGUES**

Display

of respect

towards

their

colleagues

9.(1) The registered contractors are obliged to make every possible effort so that a spirit of politeness, collegiality, courtesy and mutual respect prevails among them and to abstain from any incongruous, or harmful comment directed against any of their colleagues.

(2) The registered contractors are always obliged to show the proper respect towards their clients and to behave with decency towards their colleagues.

### **PART V - DISCIPLINARY PROCEDURE**

Duty to

prosecute

and punish

disciplinary

10.- (1) Subject to the provisions of the Law, the Council has the duty to prosecute and punish disciplinary offences committed by contractors.

offences (2) When imposing the disciplinary penalties envisaged by the Law, the Council shall have the discretion to determine the penalty bearing in mind, among others, the interest of the profession, the general conduct of the contractor in and out of the profession as well as the particular circumstances under which the disciplinary offence was committed.

Inquiry into the

commission 11. (1) The procedure for the imposition of any of the penalties envisaged by of disciplinary Article 41 of the Law may be initiated:-

offences

a) whether by the Council;

b) or upon a complaint filed in writing by any person. Such complaint shall be brought against a registered contractor for the commission of disciplinary offence.

(2) The Council shall see to the appointment of one of its officers or any other person who at the Council's judgement is competent to act as a reporting judge for the purpose of conducting an inquiry.

(3) The inquiry shall be conducted as soon as possible and be completed within thirty days from the date of the direction given for the initiation of the inquiry whereas the Council may, if required, grant a reasonable extension of time.

(4) Upon initiation of the inquiry, the reporting judge has the right to carry out an inspection and examine the allegations of the person prosecuted, listen to the witnesses or receive written statements on the facts of the case by any person and any such person is obliged to furnish every information, which has come to his knowledge, and to sign the statement after such statement has been read out to him.

(5) During the inquiry, the prosecuted shall be summoned for questioning. The default of the prosecuted or his refusal to be questioned shall not hinder the progress of the inquiry.

(6) If after completion of the inquiry and the evidence gathered, the reporting judge is convinced that there is no prima facie evidence to substantiate the commission of a disciplinary offence, he shall proceed to draw up a proposal of exoneration to the Council President. The President shall submit this proposal to the Council for a decision to be taken.

(7) If after completion of the inquiry and the evidence gathered, the reporting judge is convinced of the commission of a disciplinary offence, he shall draw up a bill of indictment against the prosecuted, which specifies the offence perpetrated in respect of the time of its commission and describes it in detail. The reporting judge shall thereafter summon the prosecuted, who after having taken cognisance of the indictment, shall respond by defending himself in writing within a specified period which must comprise at least seven days of the service of the defence summons. The examination of the prosecuted does not make up for the defence summons. The appearance of the prosecuted before the reporting judge may cover the default of the prosecuted to respond to the defence summons.

(8) Upon completion of the inquiry the reporting judge shall immediately submit his findings to the Council substantiated and accompanied by all the relevant documents.

#### Adjudication

procedure of 12.-(1) The Council President shall state the date and time for the hearing of a disciplinary the case and summon the prosecuted in a timely fashion to appear before the offence the Council in accordance with the form of the summons in the Annex not less than seven days before the date of the hearing. The summons shall describe in summary the accusation brought against the prosecuted and call upon him to appear in person and/or by proxy to defend himself.

(2) The prosecuted may be represented by an attorney of his choice at every disciplinary procedure before the Council.

(3) Every summons or notice to the prosecuted shall be notified to him upon service of a letter by double registered post at the address standing in the Contractors' Register.

(4) The hearing of the case shall be conducted in the same manner as the hearing of a penal case tried in summary proceedings.

(5) If the prosecuted does not appear at the date fixed by the Council for the hearing of the case, the hearing shall be conducted in his absence after having proven that the summons has been served upon him.

(6) Minutes shall be kept during the proceedings.

Decision of  
the Council

13.(1) The Council shall evaluate the evidence produced at its discretion.

(2) Disciplinary offences, for which the prosecuted has not been summoned to defend himself, cannot be the subject of the trial.

(3) The decision must be grounded on proven true facts and not on mere suppositions and be justified both in respect of ascertaining the truth but also in respect of the imposition or determination of the penalty.

(4) The Council may or can with its decision find the registered contractor prosecuted guilty of all or some of the charges for which he is accused and impose upon him any of the stipulated disciplinary penalties justified by the circumstances of the case or acquit him of the charge.



- (5) The decisions of the Council, which acts as a disciplinary body, shall be taken by simple majority and in the case of an equality of the votes, the decision shall be in the favour of the accused whereas the rule of the President's casting vote in disciplinary proceedings shall not apply.
  
- (6) Every decision of the Council shall be signed by the President or the Director of the Council or any other authorised member of the Council and a copy thereof shall be served upon the prosecuted party.

**ANNEX**

[(Regulation 12(I)]

Form of Summons

You are hereby summoned to appear before the Council for the Registration and Control of Contractors at .....on.....of the year.....and at .....a.m./p.m. for the hearing of the disciplinary charge lodged against you on the ground that

.....  
.....

(brief description of the disciplinary offence or offences)

1. If you wish to call witnesses to give testimony or to bring evidence before the Council you are obliged to make the necessary arrangements beforehand and notify the Council in writing on the witnesses and the production of evidence.
2. If you fail to appear before the Council at the aforementioned place and time, the Council shall proceed in the hearing of the case in your absence.

Date:.....

Signature:.....

President of the Council

...../Service

Service of summons

The summons is served upon the member by a server or by insured letter at the member's last known address.

20534 words

I hereby certify that this text is a true translation of the attached document

I hereby certify that the signature of the translator is that of ANDIA M. PHYRACTOU

.....  
(Sgd)  
for Director  
Press and Information Office  
REPUBLIC OF CYPRUS

17/02/2010

