

## GOVERNMENT NOTICE NO. 27

NATIONAL CONSTRUCTION INDUSTRY ACT  
(CAP. 53:05)

NATIONAL CONSTRUCTION INDUSTRY (REGISTRATION OF MALAWIAN  
FIRMS (CONSULTANTS)) REGULATIONS, 2024

IN EXERCISE of the powers conferred by section 29 of the National Construction Industry Act, I, Jacob Hara, Minister of Transport and Public Works, with the advice of the Council, make the following Regulations—

1. These Regulations may be cited as the National Construction Industry (Registration of Malawian firms (Consultants)) Regulations, 2024 and shall be deemed to have come into operation on 1st April, 2024. Citation and commencement
  
2. In these Regulations unless the context otherwise requires— Interpretation

“construction” means processes involved in the planning, designing, measurements, procurement, erection, building, production, alteration, maintenance, repairs, renovations or demolition of buildings and engineering infrastructure and includes site preparation, excavation, drilling, the supply of products and materials, the supply of equipment and machinery and the installation and repair of fixtures of a building or engineering infrastructure and supervision of such works;

“consultant” means a person who provides professional services in the planning, design, measurement, management and supervision of construction; and

“firm” means a Malawian firm registered as a consultant in accordance with these Regulations.
  
- 3.—(1) A person who intends to carry on business in construction as a Malawian firm consultant shall apply to the Council for registration in the category prescribed in the *First Schedule*. Application for registration
  
- (2) An application for registration shall be in Form 1 prescribed in the *Second Schedule* and shall be accompanied by—
  - (a) a certified copy of a Tax Registration Certificate;
  - (b) proof of valid bank account in the name of the firm;
  - (c) in the case of a body corporate—
    - (i) certified copy of certificate of incorporation issued under the Companies Act; Cap. 46:03
    - (ii) certified copy of Memorandum and Articles of Association;
    - (iii) certified copies of academic qualifications and valid professional registration certificates for all shareholders issued by the relevant Professional Boards or institutions or valid licences or permits issued by relevant regulatory authorities in Malawi; and
    - (iv) particulars and contact details of all directors and shareholders including certified copies of their nation identification cards;

(d) in the case of a partnership—

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(i) certified copy of the Business Registration Certificate issued under the Business Registration Act;

(ii) a copy of the partnership agreement;

(iii) certified copies of academic qualifications or valid professional registration certificates for the partners, issued by the relevant professional Boards or Institutions, or valid licences or permits issued by relevant regulatory authorities in Malawi; and

(iv) particulars and contact details of the partners, including certified copies of their national identification cards;

(e) in the case of a sole proprietor—

Cap. 46:02

(i) certified copy of certificate of the Business Registration Certificate issued under the Business Registration Act;

(ii) certified copies of academic qualifications or valid professional registration certificates of the sole proprietor, issued by the relevant professional boards or institutions or valid licences or permit issued by relevant regulatory authorities in Malawi; and

(iii) particulars and contact details of the sole proprietor, including certified copies of their national identification cards.

Registration

4.—(1) Upon receipt of an application under regulation 3, the Council shall assess the application and verify the authenticity of the information submitted in the application.

(2) Notwithstanding the provision of subregulation (1), the Council may conduct a physical verification to ascertain the authenticity of the information submitted by the applicant.

(3) Where the Council is satisfied that the applicant has met the requirements for registration, the Council shall—

(a) issue a certificate of registration to the applicant subject to terms and conditions as the Council may prescribe; and

(b) register the applicant as a consultant in accordance with the category of registration prescribed in the *First Schedule*.

(4) The Council shall register an applicant in accordance with the qualifications for registration as a consultant prescribed in the *First Schedule*.

(5) The certificate of registration issued under subregulation (3) shall be valid from 1st April to 31st March of the following year.

G. N.44/2023

(6) The certificate of registration shall be issued to the applicant upon payment of the registration fee prescribed under the National Construction Industry (Fees) Regulations.

(7) The certificate of registration issued under subregulation (3) shall be *prima facie* evidence of registration with the Council.

(8) A certificate of registration issued under this regulation shall not be transferable.

(9) Notwithstanding the provision of subregulation (1), the Council may reject an application where—

(a) any person whose presence is required, is not present, or any document the production of which has been demanded, has not been produced; or

(b) the application contains information which is incomplete, inconsistent or misleading.

(10) Where the Council is not satisfied that the applicant has met the requirements for registration, the Council may—

(a) reject the application;

(b) inform the applicant in writing with reasons for its decision; and

(c) give the applicant a maximum of twenty-one days to make good the reasons for which the application was rejected.

5.—(1) A firm registered under these Regulations shall, upon expiry of the certificate, or thirty days before the expiry of the certificate, submit to the Council an application for renewal of the certificate of registration. Renewal of certificate

(2) An application for renewal of a certificate of registration shall be made in Form 1 in the *Third Schedule* and shall be supported by—

(a) proof of payment of the renewal fee prescribed under the National Construction Industry (Fees) Regulations; G.N. 44/2023

(b) a certified copy of a valid tax clearance certificate;

(c) evidence of payment of levy for any construction project undertaken in the previous financial year;

(d) evidence of project registration for any construction project undertaken in the previous financial year; and

(e) valid licences issued by relevant professional boards or institutions in Malawi.

(3) Where the Council is satisfied that the applicant has met the requirements for renewal, the Council shall issue a certificate of registration to the applicant subject to terms and conditions as the Council may prescribe.

(4) Notwithstanding the requirements in subregulation (2), the Council may reject an application for renewal of registration where—

(a) the applicant's Business Registration Certificate issued under the Business Registration Act has been canceled or has expired; Cap 46:02

(b) in the case of a body corporate, the body corporate or its directors have been convicted of an offence under the Companies Act or any other written law; Cap 46:03

(c) the applicant did not register any project undertaken in the previous financial year in accordance with National Construction Industry (Project Registration) Regulations; G.N. 36/2023

(d) the certificate of registration has been suspended or revoked; or

- (e) the applicant has not paid levy in accordance with the National Construction Industry Levy Order.
- G. N. 1/2013
- Notification of change of particulars
- 6.—(1) A firm registered under these Regulations shall notify the Council of any change in particulars submitted under regulation 3 within fourteen days of the change.
- (2) The Council may make any necessary alteration or correction in the register in relation to any entry made therein.
- Notification of business cessation of business
- 7.—(1) A firm which ceases to carry on business in the construction industry in Malawi shall notify the Council in writing within sixty days of the cessation of business.
- (2) The Council shall, upon receipt of the notification under subregulation (1) revoke the certificate of registration and strike off the name of the firm from the register.
- Death of sole proprietor
- 8.—(1) Where a person who owns a firm that is registered and operating as a sole proprietor dies, the Council shall revoke its certificate of registration and strike off the name of firm from the register
- (2) Subject to subregulation (1), the administrator of the deceased estate of the person who was the sole proprietor or his or her next of kin shall, within sixty days of the date of the occurrence of the death, apply to the Council for approval of the continuation of the registration for purposes of completing any on-going project.
- Change of ownership
- 9.—(1) A person who, for whatever reasons, intends to take over a firm shall apply for registration of that business in his or her own name and that application shall be treated as a new application.
- (2) In the assessment of an application for change of ownership under subregulation (1), the Council shall not take into consideration the experience of the previous owner of the firm.
- Striking off and suspension from
- 10.—(1) Subject to the Act, the Council may suspend, or strike off from the register, a firm registered under these Regulations.
- (2) Where a firm is suspended from the register, the suspension may be lifted by the Council, upon the—
- (a) expiry of the suspension period; or
- (b) rectification of grounds leading to suspension, or implementing conditions stated in suspension letter.
- (3) A firm whose certificate of registration has been revoked and whose name has been struck off from the register may apply to the Council for a fresh registration in accordance with regulation 3.
- (4) The Council shall be allowed to receive and consider an application for a fresh registration under subregulation (3) after the expiry of seven years from the date the firm's name was struck off from the register.

NATIONAL CONSTRUCTION INDUSTRY ACT  
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FIRST SCHEDULE

reg. 3 (1)

CATEGORY FOR REGISTRATION

CATEGORIES FOR REGISTRATION AS A MALAWIAN FIRM CONSULTANT

1. Registration as a Consultant
  - Architecture
  - Quantity Surveying
  - Engineering
  - Construction Project Management
  - Environmental Consultant
  - Land Surveying
2. Qualification for registration as a Consultant

<i>Field of Practice</i>	<i>Qualifications</i>	<i>Professional Membership</i>
Architecture	BSc Degree in Architecture	Board of Architects and Quantity Surveyors (The Board to Specify Classes of Architectural Specialization)
Quantity Surveying	BSc Degree in Quantity Surveying	Board of Architects and Quantity Surveyors (The Board to Specify Classes of Quantity Surveying Specialization)
Engineering	BSc in relevant Field of Engineering	Malawi Engineering Institution (MEI) (MEI to specify Engineering Specialization)
Construction Project Management	BSc in Civil Engineering, Architecture and Quantity Surveying and any other Qualification in Construction which the Council may prescribe.	Membership of relevant professional body and Professional Certification with a recognized Project Management body
Environmental Consultants	BSc Degree in Environmental Studies	Certification by the Malawi Environmental Protection Authority
Land Surveying	BSc Degree in Land Surveying	The Board for Registration of Land Surveyors

SECOND SCHEDULE

reg. 3 (2)

FORM 1

APPLICATION FORM FOR REGISTRATION OF MALAWIAN FIRM CONSULTANTS

To: The Chief Executive Officer
National Construction Industry Council (NCIC)
Private Bag A 146
LILONGWE
Tel: (+265)887829505
Email: ncic@ncic.mw Website: www.ncic.mw

Profession and Field of practice for which this application is submitted

.....
.....

SECTION I—DETAILS OF APPLICANT

- 1. Registered name of Business Entity ..... Attach certified copy of business registration certificate for sole proprietor and partnership or a certified copy of a certificate of incorporation issued by the Government of Malawi.
2. Registration Number and issue date of Business certificate or certificate of Incorporation issued by Government of Malawi
3. Postal Contact Address .....
4. Physical Contact Address (i.e Location of Main Offices: House/Plot No./Block No./Street and Village/Town/City)
(a) Telephone.....
(c) E mail address .....
(d) Website .....
5. Business account details:
Account Name:.....
Name of Banker ..... (Attach valid proof of bank account name)
6. MRA Tax Registration Number for the firm..... (Attach copy of certificate)

7. Professional Registration Number from applicable professional body

.....  
(Attach copy of professional registration certificate)

8. Names, qualifications/experience and nationality of shareholders, directors, partners or sole proprietor. The Owner (in case of sole trading) or any one of the directors (in case of limited liability) must have minimum technical qualifications and skills as stipulated in Registration for Malawian firms (Consultants) Regulations

<i>Name</i>	<i>Nationality</i>	<i>Qualifications</i>	<i>Registration body Professional</i>

(Please use separate sheet if space is not sufficient)

(Attach copy—

1. Certified copies of national identification cards
2. Certified copies of academic certificates
3. Certified valid professional membership issued by Malawian Professional body or Institution
4. Curriculum vitae for directors and/or shareholders
5. Certified copy of Memorandum and Articles of Association

SECTION II—OFFICE AND SERVICE FACILITIES

9. (a) Type of Office Building (please tick)—

- (i) Permanent
- (ii) Residential
- (iii) Makeshift/Freelance

(b) Ownership status (please tick)—

- (i) Owned
- (ii) Rented

SECTION III—STAFF QUALIFICATIONS

10. Give particulars of personnel (Including Technical, administrative and Finance). Please attach copies of detailed curriculum vitae and authenticated Certificates or Testimonials.

<i>Name of Personnel</i>	<i>Nationality</i>	<i>Academic / Professional Qualification</i>	<i>Position in the Company</i>	<i>Working experience (No. of years)</i>	<i>Basic Terms of Employment (Permanent or Contract)</i>

- Note: 1. Attach certified copies of national identification cards for all staff and passports and work permits in case of foreign nationals*
- 2. Should the place provided prove in sufficient, details may be provided on separate sheet of paper*

SECTION IV—DECLARATION

11. I/We the undersigned hereby solemnly and sincerely declare as follows—

- (a) that the information I have given above is true in every respect to the best of my knowledge and belief and understand that, if registered, I shall be bound by the NCI Act and the Regulations made thereunder including any amendments thereto, for as long as my name shall remain on the register;*
- (b) that I/we know that NCIC Registration Certificate remains the property of the Council and that the Council has the right to withdraw it at any time I/we am/are found to abuse it;*
- (c) that I/we shall be responsible for any form of abuse of the NCIC Registration Certificate and also be responsible for disciplinary measures that can be imposed as per disciplinary procedures;*
- (d) that I/we shall at all times adhere to the Laws of Malawi and Codes of Practice for Consultants in the construction industry whose copies I/we am/are in custody of;*
- (e) my/our signing of this application form implies acceptance of responsibility for the veracity and accuracy of all information submitted therein or therewith;*
- (f) failure to complete any part of this application form may result in not being registered*

.....  
*Signature of Applicant.*

Declared before me on this ...day of....., 20....

.....  
*Commissioner for Oaths*

Declared before me on this .....day of....., 20.....

*This Declaration must be signed, in the case of an application by a company, by the Managing Director or Company Secretary, and in the case of a partnership, by the principal partner or where none is resident in Malawi, by the local representative.*

SECTION V—COMMITMENT TO UPHOLD CODE OF PRACTICE

M/s.....(Name of applicant – firm), as registered consultant by the NCIC, understand that we are expected to exhibit the highest standards of professionalism. Construction services have a direct and vital impact on the quality of life for all people. Accordingly, the services provided require honesty, impartiality, fairness and equity, and must be dedicated to the protection of the public health, safety and welfare. We therefore pledge to perform under a standard of behavior that requires adherence to the highest principles of ethical conduct.

We also recognize that corruption has a devastating impact on the social and economic development of any country. We share in the growing global consensus that action is needed to strengthen transparency and accountability, particularly in international development, trade and investment.

We therefore pledge to support the efforts of the Government of the Republic of Malawi to participate, along with the NCIC and other members of the business community and financing institutions, in forming a coalition against corruption and all unethical conduct.

We welcome the action taken by the Council to strengthen transparency and accountability. In this context we will—

- (a) abide by the Code of Practice for Consultants engaged in the Construction Industry; and
- (b) formally undertake to issue instructions to all our employees, agents or other representatives in Malawi to at all times comply with the laws of Malawi and in particular to the laws governing the Construction Industry and to the Codes of Practice for the Construction Industry.

.....  
*Signature of Applicant.*

Declared before me on this .... day of....., 20....

.....  
*Commissioner for Oaths*

SECTION VI—CHECKLIST OF ATTACHMENTS

	<i>ATTACHMENT</i>	<i>TICK</i>
(a)	Certificate of Business Registration or Certificate of Incorporation;	
(b)	Proof of valid account in firm’s name	
(c)	MRA Tax Registration or Tax Clearance Certificates;	
(d)	Memorandum & Articles of Association (Companies Incorporated and Partnerships);	
(e)	national identification card, Certificates and curriculum vitae of Shareholders, directors, Partners or Sole proprietors;	
(f)	curriculum vitae and certificates of Key Personnel;	
(g)	Proof of ownership of fixed assets;	
(h)	Professional membership issued by Professional body or institution	

For Official Use Only.

(a) Application received by:..... Date: .....

(b) Application assessed by:..... Date: .....

(c) Registration Number .....

Note: A Council appointed official may be required to make a physical verification /inspection of the information given herein.

The Council may be required to make enquiries with any person or institution in regards to the application.

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THIRD SCHEDULE

reg. 5 (2)

FORM 1

APPLICATION FORM FOR MALAWIAN CONSULTANTS

NATIONAL CONSTRUCTION INDUSTRY COUNCIL

APPLICATION FOR RENEWAL FORM

1 Firm Identification YEAR: .....

Name of Firm :.....

Contact Details :.....

2 Registration Details (please indicate the Category of registration for which the application for renewal is being made)

Category	Building	Civil	Electrical	Steel Structure	Specialist
Class					

3 Tax Clearance Certificate Number .....  
(1. Attach copy a certified copy of a valid Tax Clearance Certificate)

4 Valid Permit or license Number issued by relevant Regulatory Authorities in Malawi:.....  
(Attach a certified copy of a valid permit or license from relevant Regulatory Authorities in Malawi)

5 Valid license or certificate of membership of professional Body:.....  
(Attach a certified copy of a valid license or certificate of membership from relevant Malawian Professional Body.)

6 PROJECTS REGISTRATION

Please provide details of Projects carried out in the past year. Please include projects that are still ongoing from previous years.

<i>No.</i>	<i>Name of Project (Give brief details on location and scope of works)</i>	<i>Project Registration Number</i>	<i>Name and Contact Address of Client</i>	<i>Contract Value</i>	<i>NCIC Levy Paid (attach evidence of levy paid)</i>	<i>Date of Award</i>	<i>Completion Status</i>
1							
2							
3							
4							
5							

Made this 22nd day of April, 2024.

(FILE NO.MTPW/ADM/400/1/24)

J. Hara  
*Minister of Transport and Public Works*