

**SUBSIDIARY LEGISLATION**

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**THE CONTRACTORS REGISTRATION ACT, 1997  
(CAP.235)**

**BY-LAWS**

*(Made under section 34)*

**THE CONTRACTORS REGISTRATION (AMENDMENTS) BY-LAWS, 2017**

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THE CONTRACTORS REGISTRATION ACT, 1997  
(CAP.235)

**BY-LAWS**

*(Made under section 34)*

THE CONTRACTORS REGISTRATION (AMENDMENTS) BY-LAWS, 2017

Citation 1. These By-Laws may be cited as the Contractors Registration (Amendments) By-Laws, 2017 and shall be read as one with the Contractors Registration By-Laws 1999 herein after referred to as the “principal By-Laws”.

Amendment of paragraph 10 2. The principal By-Laws are amended in paragraph 10 by deleting subparagraph (3) and substituting for it the following-

“(3) A local Contractor, who applies for registration for the first time, shall be assessed for experience of the individual shareholders or partners and their employees shall be taken into account:

Provided that the registration of a local applicant shall be limited to class Two for general contractor and class One for specialist contractor for applicant who is already registered under main type of specialisation.”

Amendment of paragraph 18 3. The principal By-Laws are amended in paragraph 18 by deleting subparagraph (1) and substituting for it the following-

“(1) The Board shall inform the applicant of his approval and the applicant shall pay the prescribed registration fees and annual subscription fees commensurate with the type, class and category of registration within twenty one days of the receipt of the information from the Board.”

Amendment of paragraph 19 4. The principal By-Laws are amended in paragraph 19-  
(a) by deleting subparagraph (1) and substituting for it the following-

“(1) The Board may grant dispensation in respect of performance of contractors beyond their respective class limits to the following class with respect to the actual class registered in.”;

(b) by inserting the following new subparagraphs (2A),(2B) and (2C) ,immediately after subparagraph

(1)-

“(2A) Notwithstanding (to the fore going) the provisions of this By- Law, the contractor in class two, shall be granted dispensation for contract whose value does not exceed twice their class limit.”

(2B) “Dispensation” as referred to under paragraph (2A) shall be limited to one project at a time except where the previous project granted with dispensation has been completed by at least 75% of the contracted works.

(2C) Application for dispensation of a contractor shall be made by a client or consultant upon payment of prescribed fee as set out in table 12 of Second Schedule to these By-laws and shall contain the following information, namely-

(a) details of the project; and

(b) clients brief recommendations on the capacity of the contractor towards the execution on the project in question.”

(c) by deleting subparagraph (3) and substituting for it the following-

“(3) A successful applicant shall be granted dispensation upon payment of a fee equivalent to the registration fees and annual fee of the class in which the value of the project falls.”

Amendment  
of paragraph  
19A

5. The principal By-Laws are amended by deleting paragraph 19A and substituting for it the following-

“19A. Every contractor who is awarded a contract or sub contract in excess of ten million Tanzania shillings or a sum to be determined by the Board, shall within twenty one days from the date of acceptance in writing of the offer to perform construction works or before the commencement of the construction works, apply to the Board for registration of the project on the prescribed form specified in the Second Schedule to these By-Laws.”

Amendment  
of paragraph  
20

6. The principal By-Laws are amended by deleting paragraph 20 and substituting for it the following:

“Rules of  
conduct

20.-(1) Any contractor, who has been suspended or deleted from the register shall return the Certificate of Registration to the

Registrar within one month after being informed of the deletion of suspension.

(2) Breach of the provisions in subparagraph (1) constitutes an offence punishable by a fine equal to three times the registration fee in the class the contractor falls.

(3) A contractor shall maintain at every construction site a register in which all accidents and causes (there from) of accidents are recorded and such accidents shall include all major and minor injuries sustained on the construction site.

(4) Non-compliance of the provision of subparagraph (3) shall be punishable by fine of 0.1% of the contract sum or one hundred thousand shillings.

(5) Any contractor carrying out works above the class limit without obtaining dispensation from the Board commits an offence punishable by fine of one million shillings.

(6) A contractor is required to submit annual returns to the Board on a prescribed form issued by the Board, and the forms shall be presented to the Board not later than the 30<sup>th</sup> September of the following year and non submission constitutes an offence punishable by a fine equal to 0.1% of the class limit or two years suspension.

(7) Every site designated for construction, installation, renovation or alternation works shall have a signboard which shows the names and address of the project, client, consultants and the contractors of the project.

(8) Non-compliance of provisions of subparagraph (7) constitutes an offence punishable by a fine of five hundred thousand shillings.

(9) All construction sites shall be hoarded and have appropriate building net or cantilever and failure to do so, constitutes an offence punishable by a fine of five hundred thousand shillings.

(10) Any person, who obstructs any staff

of the Board from performing his duty, commits an offence punishable by a fine of two million shillings.

(11) A contractor shall provide every person on site with the appropriate safety gear, and failure to do so shall constitute an offence punishable by a fine of twenty thousand shillings per person.

(12) A contractor shall ensure that there is firefighting equipment and hygienic facilities on site and failure to do so shall constitute an offence punishable by a fine of fifty thousand shillings.

(13) Any kind of negligence on site leading to poor work, breakage or default or death shall be considered as an offence, punishable by the contractor being suspended, deleted or downgraded to a lower class as shall be determined by the Board, on the magnitude of such a negligence.

(14) A contractor executing any road project shall be required to provide temporary road safety signs during the period of execution of the construction and failure to do so constitutes an offence punishable by a fine of five hundred thousand shillings.

(15) A contractor shall be required to exercise care at its site to ensure no property damage during the execution of construction and failure to do so constitute an offence punishable by a fine of five hundred thousand shillings.

(16) A contractor is required to provide safety signs during excavation works and execution of construction in general and failure to do so constitutes an offence punishable by a fine of five hundred thousand shillings.

(17) A contractor shall be required to report to the Board on the change of scope of works that may affect structural stability or which may result into the increase of the value of the project beyond his class limit during construction and failure to do so shall constitute an offence punishable by a fine of five hundred

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*GN. No. 477 (contd.)*

thousand shillings.”

Amendment  
of paragraph  
21

7. The principal By-Laws are amended by deleting subparagraph (3) of paragraph 21 and substituting for it the following-

“(3) Every contractor shall perform services only in the type of his registration with an observance of the set class limit.”.

Amendment  
of Table 1

8. The principal By-Laws are amended by deleting Table 1 which appears on the First Schedule on page 42 of the By-Laws and substituting for it the following-

Table 1: Class Limits for various Types of Contractors

Type	Class	Class Limit ( Mil.TZS)
Civil	One	Unlimited
	Two	8,000
	Three	4,000
	Four	2,000
	Five	1,100
	Six	500
	Seven	200
Building	One	Unlimited
	Two	5,000
	Three	3,000
	Four	1,800
	Five	900
	Six	400
	Seven	200
Mechanical	One	Unlimited
	Two	3,000
	Three	1,500
	Four	900
	Five	450
	Six	250
	Seven	150
Electrical	One	Unlimited
	Two	3,000
	Three	1,500
	Four	900
	Five	450
	Six	250
	Seven	150
Specialist Building	One	Unlimited
	Two	800
	Three	300
Specialist Civil Works	One	Unlimited
	Two	800

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Type	Class	Class Limit ( Mil.TZS)
	Three	300
Specialist Mechanical	One	Unlimited
	Two	800
	Three	300
Specialist Electrical	One	Unlimited
	Two	800
	Three	300

Amendment of Table 7

9. The principal By-Laws are amended by deleting Table 7 which appears on the First schedule on page 51 of the By-Laws and substituting for it the following-

Table 7: Financial Requirements

	Classes 1-111	Classes IV-V1	Class- V11
Average Annual Turnover	15% of Class limit	N.A.	N.A.
Liquidity ( Cash in Bank, Redeemable Financial Securities)	5% of Class limit	2% of Class limit	N.A.
Fixed Assets	20% of class limit	10% of Class Limit	N.A.

Amendment of Table 8

10. The principal By-Laws are amended by deleting Table 8 which appears on the First schedule on page 51 of the By-Laws and substituting for it the following-

“Table 8: Experience Requirements

	Experience	Minimum Requirements
1.	Average size of at least 3 projects executed in the years of practice or since last upgrading.	At least 30% for classes
2.	Maximum size of any single project executed in years of practice or since last upgrading.	At least 80% of present class limit”

Dodoma,  
17 November, 2017

MAKAME M. MBARAWA,  
*Minister for Works, Transport and Communication*