

CAYMAN ISLANDS



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**THE BUILDERS LAW, 2007
(LAW 4 OF 2007)**

THE BUILDERS (AMENDMENT) REGULATIONS, 2015

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ARRANGEMENT OF REGULATIONS

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**THE BUILDERS LAW, 2007
(LAW 4 OF 2007)**

THE BUILDERS (AMENDMENT) REGULATIONS, 2015

In exercise of the powers conferred by section 40 of the Builders Law, 2007, Law 4 of 2007, the Cabinet makes the following Regulations -

1. (1) These Regulations may be cited as the Builders (Amendment) Regulations, 2015. Citation and commencement

- (2) These Regulations come into force immediately after the Builders Regulations, 2008, come into force.

2. The Builders Regulations, 2008, in these Regulations referred to as the “principal Regulations”, are amended in regulation 1 by deleting the words “on the date that” and substituting the words “immediately after”. Amendment of regulation 1 of the Builders Regulations, 2008 - citation

3. The principal Regulations are amended in regulation 2, in paragraph (a) of the definition of the word “registered”, by deleting the words “in section 5 (4)” and substituting the words “in section 6(4)”. Amendment of regulation 2 - interpretation

4. The principal Regulations are amended in regulation 3 as follows - Amendment of regulation 3 - responsibilities of the person applying
 - (a) by renumbering regulation 3 as regulation 3(1); and;
 - (b) by inserting after regulation 3(1) as renumbered the following paragraphs -

“ (2) An application for the renewal of registration shall be made at least twenty-eight days before the date of expiry of the registration and an application for registration or for the renewal of registration shall be accompanied by the appropriate application fee and licence fee set out in the Schedule, the former being non-refundable; but in the case of a business entity whose registered principal place of business is in Cayman Brac or Little Cayman the application shall be accompanied by a fee of fifty per cent of such fee.

”

(3) A business entity which fails to submit its application for the renewal of registration within the period specified in paragraph (2) shall, if it wishes to continue operating after the expiry of its licence, incur a penalty of 50% of the prescribed annual fee if a valid application, the application fee and licence fee are submitted within a period of ninety days after the expiry of the licence, and every director and manager of the entity who authorises or permits (including through negligence) such default shall incur the like penalty; but the entity shall be required to apply for registration under section 5 of the Law if it wishes to continue operating after that period of ninety days.”.

Amendment of regulation
5 - joint ventures

5. The principal Regulations are amended in regulation 5 by inserting after paragraph (2) the following paragraphs -

“ (3) Joint ventures between Caymanian construction business entities and non-Caymanian construction business entities shall be for one project only and any additional project shall be subject to a new and separate application for registration.

(4) Joint venture agreements, between Caymanian and non-Caymanian construction business entities, shall provide to the satisfaction of the Board that the Caymanian construction business entity is registered in the category in which the project falls.

(5) Joint ventures between Caymanian and non-Caymanian business entities shall be carried out subject to compliance with the Local Companies (Control) Law (2007 Revision).”.

Amendment of regulation
6 - insurance

6. The principal Regulations are amended in regulation 6 as follows -

(a) in paragraph (1)(a) by repealing sub-subparagraphs (iv) and (v) and substituting the following sub-subparagraphs -

“(iv) for a trades contractor, \$200,000;

(v) for a civil engineering contractor, \$1,000,000; and”; and

(b) in paragraph (4) by deleting the words “registered under the Insurance Law (2004 Revision)” and substituting the words “licensed under the Insurance Law, 2010”.

Amendment of regulation
10 - content of
applications

7. The principal Regulations are amended in regulation 10 as follows -

(a) by repealing paragraph (1)(d) and substituting the following subparagraph -

- “(d) the signature of the applicant and qualifying person of the business entity;”;
- (b) in paragraph (1)(f) by deleting the words “Commission Law” and substituting the words “Commission Law (2010 Revision)”;
 - (c) in paragraph (1)(h) by deleting the words “Labour Law (2001 Revision)” and substituting the words “Labour Law (2011 Revision)”;
 - (d) in paragraph (1)(i) by deleting the words “Pensions Law (2000 Revision)” and substituting the words “Pensions Law (2012 Revision)”;
 - (e) by repealing paragraph (2)(b) and substituting the following subparagraph -
 - “(b) a letter stating the amount of a performance bond or surety that a locally based insurance agency or banker is prepared to provide for the business entity;”.
8. The principal Regulations are amended in regulation 16 as follows -
- Amendment of regulation
16 - application for
registration
- (a) in paragraph (1) by deleting the word “If” and substituting the word “When”;
 - (b) by repealing paragraph (4) and substituting the following paragraph -

“(4) Any applicant wishing to take the licensing examination in the category of general contractor shall submit proof that the applicant possesses at least one year of active experience in the construction of structures not less than four stories in height.”; and
 - (c) by inserting after paragraph (4) the following paragraphs -

“(5) An application for the renewal of registration shall be made at least twenty-eight days before the date of expiry of the registration and an application for registration or for the renewal of registration shall be accompanied by the appropriate application fee and licence fee set out in the Schedule, the former being non-refundable; but in the case of an individual whose registered principal place of business is in Cayman Brac or Little Cayman the application shall be accompanied by a fee of fifty per cent of such fee.

(6) A qualified individual who fails to submit the individual’s application for the renewal of registration within the period specified in paragraph (5) shall, if the individual wishes to

continue operating after the expiry of the individual’s licence, incur a penalty of 50% of the prescribed annual fee if a valid application, the application fee and licence fee are submitted within a period of ninety days after the expiry of the licence, but the individual shall be required to apply for registration under section 16 of the Law if the individual wishes to continue operating after that period of ninety days.”.

Repeal of regulation 19 - oral examinations

9. The principal Regulations are amended by repealing regulation 19.

Amendment of regulation 20 - written examination

10. The principal Regulations are amended in regulation 20 by repealing paragraph (2) and substituting the following paragraph -

“ (2) When the Board has set a written examination, a qualifying person shall take and pass the written examination as set out in the following table -

Item	Category	Applicable certification
1	General contractor	National Contractor (B)
2	Building contractor	National National Contractor (A)
3	Residential contractor	National Residential Contractor
4	Trade contractor	National Trade Contractor
5	Civil engineering contractor	Civil engineering qualifications req.”.

Insertion of Schedule - fees for business entities and qualified individuals

11. The principal Regulations are amended by inserting after regulation 22 the following schedule -

“SCHEDULE

FEES FOR BUSINESS ENTITIES AND QUALIFIED INDIVIDUALS

(Regulations 3 and 16)

Item	Category	Application fee	License fee
(a)	General contractor	\$75	\$5,000
(b)	Building contractor	\$75	\$3,500
(c)	Residential contractor	\$75	\$1,500
(d)	Trade contractor	\$75	\$500
(e)	Civil engineering contractor	\$75	\$5,000

Notes for trades contractors:

A trades contractor may register in one or more Trade categories for up to a total of six Trades for the application and registration fees as indicated in this Schedule. To register for more than six Trades simultaneously, the trades contractor shall pay an additional registration fee. Where a business entity has an existing registration in one or more Trades, a new application and registration fee shall be paid.

Each trades contractor's registration shall list the specific sub-trades that the Trade Contractor is certified and registered to carry out under each trade. Additional sub-trades may be added to a registered Trade by the approval of the Board without any additional fee. The trades contractor shall, however, satisfy the Board of its qualifiers' ability to perform each specific sub-trade applied for under a Trade.

Notes for sub-trades: Where an individual seeks to be registered in one or more categories, the fees shall be as indicated in this Schedule; however, where an individual has a subsisting registration in one or more sub-trades and seeks to add one or more sub-trades, the second or subsequent application shall be treated as a new application to the extent that a new application fee shall be payable, but no licence fee shall be payable.”.

Made in Cabinet the 14th day of July, 2015.

Kim Bullings

Clerk of the Cabinet.