
Construction & Projects

Formalities of Certification Work

The Ministry of Land Management, Urban Planning and Construction ("**MLMUPC**") has issued two Prakas on formalities of certification work for the purpose of implementation of Sub-Decree No. 225 ANKr.BK dated 30 December 2020 on the Conditions and Procedures of Construction Inspection and Certification Work ("**Sub-Decree 225**").

- **Prakas 126** – On 30 December 2021, MLMUPC issued Prakas No. 126 on Formalities of Certification Work of Building Work and Demolition Work in relation to Architectural and Structural Design ("**Prakas 126**"), which sets out the formalities of inspection and certification work of building work and demolition work in relation to architectural and structural design.
- **Prakas 109** – On 22 November 2021, MLMUPC issued Prakas No. 109 on Formalities of Certification Work of Architectural Design and Structural Design ("**Prakas 109**") which sets out the formalities of inspection and certification work of architectural and structural design.

Prakas 126 and Prakas 109 apply to the inspection and certification work of building work and demolition work, and of architectural design and structural design, respectively, to be conducted by (i) an official team of MLMUPC responsible for the construction inspection and certification work; and (ii) professionals or companies which have obtained the construction inspector and certifier license.

Prakas 126 on Formalities of Certification Work of Building Work and Demolition Work in relation to Architectural and Structural Design

1. Common Rules of Inspection and Certification Works

Compulsory/mandatory inspection and certification works of building work or demolition work applies to construction works which are subject to the requirements of a (i) construction permit to be issued by the Minister of MLMUPC; and (ii) construction permit to be issued by Municipal/Provincial Governor.

Voluntary inspection and certification work of (i) new building work; (ii) reparation work; (iii) modification work; or (iv) demolition work, applies to (i) religious buildings for public purpose which are subject to the requirement of a construction permit to be issued by the Municipal/Provincial Governor, and (ii) all types of buildings which are subject to the requirement of a construction permit to be issued by Governor of City/District/Khan. If no inspection and certification work was done by a professional construction inspector and certifier company for the aforementioned types of construction, (i) the Provincial Department of Land Management, Urban Planning, Construction and Cadastre; and (ii) the Office of

Construction & Projects

Land Management, Urban Planning, Construction and Geography of City/District/Khan Administration shall be in charge of inspection and certification of such construction or demolition work respectively.

The construction owner shall engage the services of inspection and certification of new building work, reparation work, modification work or demolition work from the construction inspector and certifier holding a valid license prior to the application for occupancy certificate.

2. Roles and Duties of the Construction Inspector and Certifier

Prakas 126 provides in further detail the roles and duties of a construction inspector and certifier for (i) new building work (*Chapter 3*); (ii) reparation work (*Chapter 4*); (iii) modification work (*Chapter 5*); and (iv) demolition work whether in whole or in part (*Chapter 6*).

3. Certification Letter of Compliance for Property Development Project

Chapter 7 of Prakas 126 provides in further detail the conditions upon which the certification letter of compliance ("**CLC**") can be issued for various types of scenarios in relation to a property development project being (i) one CLC for the entire development project of a 'borey' (gated housing community); (ii) one CLC for each phase of a development project of a 'borey' in accordance with the property development license; (iii) a CLC for new building work of part of a co-owned building; and (iv) one CLC for each new building work of a development project in case of multiple buildings/constructions under one construction permit for the entire property development project.

4. Service Agreement for Construction Certification Work

In order to provide the construction certification services, the construction owner is required to enter into a service agreement with the construction inspector and certifier which has obtained a valid construction certifier license. Prakas 126 requires that the service agreement must be in writing and must include a certain minimum required content; a prescribed template of the agreement is also appended to Prakas 126.

Prakas 109 on Formalities of Certification Work of Architectural Design and Structural Design

1. Common Rules of Inspection and Certification Works

Compulsory/mandatory inspection and certification work applies to construction works which are subject to the requirements of a (i) construction permit to be issued by the Minister of MLMUPC; and (ii) construction permit to be issued by Municipal/Provincial Governor.

Construction & Projects

Voluntary inspection and certification work applies to (i) religious buildings for public purpose which are subject to the requirements of a construction permit to be issued by the Municipal/Provincial Governor; and (ii) all types of buildings which are subject to the requirements of a construction permit to be issued by Governor of City/District/Khan. If no inspection and certification work was done by a professional construction inspector and certifier company for the aforementioned types of construction, (i) the Provincial Department of Land Management, Urban Planning, Construction and Cadastre; and (ii) the Office of Land Management, Urban Planning, Construction and Geography of City/District/Khan Administration shall be in charge of inspection and certification of such construction work respectively.

The construction owner shall engage the services of inspection and certification on the architectural and structural design from the construction inspector and certifier holding a valid license prior to the application for construction permit, reparation permit, demolition permit, construction site-opening permit or occupancy certificate for new construction.

2. Certification Work of Architectural Design

Inspection and certification work of architectural design for (i) new building work or modification work; (ii) reparation work; (iii) demolition work; or (iv) change of building function purpose, shall be carried out before the application for (i) a construction permit; (ii) a reparation permit; (iii) a demolition permit; or (iv) a new occupancy certificate, respectively.

Prakas 109 provides further details on the roles and duties of a certifier of inspection and certification work of architectural design.

3. Certification Work of Structural Design

Inspection and certification work of structural design for (i) new building work, modification work, or demolition work; (ii) reparation work; or (iii) change of building function purpose, shall be carried out before the application for (i) a construction site-opening permit; (ii) a reparation permit; or (iii) a new occupancy certificate, respectively.

Prakas 109 provides further details on the roles and duties of certifier of inspection and certification work of structural design.

4. Service Agreement for Certification Work

In order to provide the certification services, the construction owner is required to enter into a service agreement with the construction inspector and certifier which has obtained a valid construction certifier

Client Update: Cambodia

2022 FEBRUARY

Construction & Projects

license. Prakas 109 requires that the service agreement must be in writing and must include a certain minimum required content; a prescribed template of the agreement is also appended to Prakas 109.

If you have any queries on the above, please feel free to contact our team members below who will be happy to assist.

Contacts



HENG Chhay
Managing Partner

T +855 23 963 112 / 113
F +855 23 963 116
heng.chhay@rajahtann.com



TIV Sophonnora
Partner

T +855 23 963 112 / 113
F +855 23 963 116
tiv.sophonnora@rajahtann.com

Our Regional Contacts

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600
sg.rajahtannasia.com

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113
F +855 23 963 116
kh.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

Rajah & Tann Singapore LLP Shanghai Representative Office

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.co.id

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919
F +60 3 2273 8310
www.christopherleeong.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +95 1 9345 343 / +95 1 9345 346
F +95 1 9345 348
mm.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79 / +632 8894 4931 to 32
F +632 8552 1977 to 78
www.cagatlaw.com

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991
F +66 2 656 0833
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382 / +84 28 3821 2673
F +84 28 3520 8206

Hanoi Office

T +84 24 3267 6127
F +84 24 3267 6128
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This Update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this Update.

Our Regional Presence



R&T Sok & Heng Law Office provides top quality and incisive legal services to domestic and international clients; in local and cross-border transactions; on day-to-day operations and the most challenging transactions. As one of the leading law firms in Cambodia, R&T Sok & Heng Law Office helps clients achieve their goals by combining international standard with local expertise.

R&T Sok & Heng Law Office is part of Rajah & Tann Asia, a network of local law firms in Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by R&T Sok & Heng Law Office and subject to copyright protection under the laws of Cambodia and, through international treaties, other countries. No part of this Update may be reproduced, licenced, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of R&T Sok & Heng Law Office.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in R&T Sok & Heng Law Office.