

THE ARCHITECTS, QUANTITY SURVEYORS AND BUILDING CONTRACTORS (REGISTRATION) ACT, 1972

TABLE OF CONTENTS

Section

Title

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

THE BOARD

3. Establishment of Board.
4. Functions of Board.
5. Limitation of liability of members.
6. Appointment of Registrar.

PART III

REGISTRATION

7. Registers of architects, quantity surveyors and building contractors.
8. Publication of registers and lists.
9. Publication *prima facie* evidence of registration.
10. Qualifications for registration of architects and quantity surveyors.
11. Temporary registration.
12. Qualifications for registration of building contractor.

PART IV

CANCELLATION AND SUSPENSION OF REGISTRATION

13. Power to cancel registration,
14. Restoration to the register.
15. Power to suspend registration, etc.
16. Proceedings at inquiry.
17. Disobedience to summons and refusal to give evidence.
18. Appeal's against decision of the Board.
19. Appeals Authority.
20. Rules regulating proceedings before the Appeals Authority.

*Section**Title***PART V**

RESTRICTION ON PRACTISING OR TRADING AS ARCHITECT, QUANTITY SURVEYOR OR BUILDING CONTRACTOR

21. Use of description "Registered" and effect of registration.
22. Restriction on carrying on business as architect, quantity surveyor or building contractor.
23. Bodies of persons operating as architects, quantity surveyors or building contractors.
24. Definition of "carrying on business" or "practicing as an architect, etc.
25. Exemption.
26. No proceedings for offence under this Part committed within certain period.

PART VI

ACTIVITIES OF THE BOARD AND FINANCIAL PROVISIONS

27. Board may delegate its functions.
28. Accounts and audit.
29. Registrar's report.
30. Funds of the Board.
31. Power to invest.
32. Annual statement of accounts and Registrar's report to be laid before National Assembly.
33. Minister may give directions.

PART VII

GENERAL PROVISIONS

34. Offences.
35. Professional fees chargeable by architects, etc.
36. Regulations by Minister.
37. By-laws by Board.
38. Proceedings of Board not to be invalid by reason of irregularity.
39. Repeal.

THE UNITED REPUBLIC OF TANZANIA



No. 35 OF 1972

I ASSENT,

Julius K. Nyerere
President

23RD NOVEMBER, 1972

An Act to provide for the registration of Architects, Quantity Surveyors and Building Contractors, the establishment of a National Board to regulate the conduct of Architects, Quantity Surveyors and Building Contractors and for matters incidental thereto and connected therewith

I.....I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Architects, Quantity Surveyors and Building Contractors (Registration) Act, 1972 and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint. Short title

2. In this Act unless the context otherwise requires— Interpretation

"Appeals Authority" means the Appeals Authority referred to in section 19;

"architect" means any person who possesses, or holds himself out as possessing, adequate skill and knowledge to enable him to originate, design, arrange for and supervise the construction of buildings or other works calling for skill in design and planning;

"Board" means the National Board of Architects, Quantity Surveyors and Building Contractors established by section 3;

"building contractor" means any person who, for reward or other consideration, undertakes the construction for any other person of any building, structure or other work, or the execution for any other person of any structural alteration to any building, structure or other work, where such person undertaking to do any such work—

(a) himself supplies all the material necessary for the work or is authorized to exercise control over the type, quality or the use of materials supplied by any other person;

(b) himself supplies all the labour necessary for the work or is authorized, on behalf of the person for whom the work is undertaken or any other person, to employ or select for employment workmen to assist him in the execution of the work:

Provided that a person shall be deemed not to be a building contractor for the purposes of this Act if he at no time undertakes or offers to undertake or holds himself out as willing to undertake any such work the cost of construction or completion of which exceeds thirty thousand shillings;

"member" in relation to the Board or the Appeals Authority includes the Chairman and the Vice-Chairman;

"Minister" means the Minister for the time being responsible for Works;

"quantity surveyor" means a person whose business consists of taking out in detail the measurements and quantities in relation to any building, structure or other work, either existing or intended to be constructed, for the purpose of determining or estimating the cost of the construction;

"register" means the "Register of Architects", "Register of Quantity Surveyors" or "Register of Building Contractors", as the case may be, maintained by the Board in accordance with the provisions of this Act;

"registered" in relation to any architect, quantity surveyor or building contractor, means an architect, a quantity surveyor or a building contractor, as the case may be, whose name is for the time being, entered on the relevant register,

"Registrar" means the Registrar appointed in accordance with the provisions of section 6.

PART II

THE BOARD

Establishment of Board

3.-(1) There is hereby established a Board to be known as the National Board of Architects, Quantity Surveyors and Building Contractors.

(2) The Board shall-

- (a) be a body corporate with, perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) for and in connection with the purposes of this Act, be capable of acquiring, holding and disposing of movable and immovable property in its corporate name.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary, revoke or replace the provisions of the Schedule to this Act.

4. Subject to the provisions of this Act and any regulations made hereunder the functions of the Board shall be-

Functions
of the Board

- (a) to maintain a register of architects, a register of quantity surveyors and a register of building contractors, and to consider and decide upon applications for registration and to effect registration of architects, quantity surveyors and building contractors;
- (b) to regulate the activities and conduct of architects, quantity surveyors and building contractors;
- (c) to promote and provide opportunities and facilities for the study of, and for the training in, architecture, quantity surveying, construction of buildings and other structures and allied subjects;
- (d) to conduct examinations and to grant diplomas, certificates and other awards of the Board in the subjects referred to in paragraph (c);
- (e) to sponsor, arrange and provide facilities for conferences, seminars, discussions and consultations on matters relating to the subjects referred to in paragraph (c);
- (f) to arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Board;
- (g) to carry out such other functions as the Minister, may, after consultation with the President, by writing authorize or direct.

5. A member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or exercising the power conferred upon, the Board.

Limitation of
liability of
members

6. The Minister shall appoint a Registrar of the Board who may be a person holding an office of emolument in the public service and who shall hold and vacate office in accordance with the terms of his appointment.

Appointment
Registrar

PART III

REGISTRATION

7.-(1) The Registrar shall keep and maintain a register of architects, a register of quantity surveyors and a register of building contractors in which the name of every person entitled to have his name entered therein as a registered architect, registered quantity surveyor or a registered building contractor, as the case may be, shall be entered as soon as is practicable after his being accepted by the Board for registration, showing against his name-

Registers of
architects,
quantity
surveyors
building
contractors

- (a) the date of such entry;
- (b) his address;
- (c) his qualifications; and
- (d) such other particulars as the Board may from time to time direct.

(2) All changes in the particulars registered under subsection (1) shall be entered in the appropriate register by the Registrar.

Publication
of registers
and lists

8.-(1) The Registrar shall cause to be published in the *Gazette*, as soon as may be practicable after registration, the name, address and qualifications of each registered architect, registered quantity surveyor and registered building contractor and, subject to the directions of the Board, may cause to be so published any amendment to or deletion from the register.

(2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently may be after the first day of January in each year, a list containing the names, addresses and qualifications, of all registered architects, quantity surveyors and building contractors remaining on the registers at the close of the previous year.

Publication
prima
facie evidence
of
registration

9-(1) A publication under the provisions of section 8 shall be *prima facie* evidence that persons named therein are registered under this Act, and the deletion from the register of the name of any person notified by such publication shall be *prima facie* evidence that such person is not so registered.

(2) The registers, lists and all copies thereof or extracts therefrom which purport to have been certified under the hand of the Registrar shall be receivable in all courts and tribunals or other bodies authorized to receive evidence as *prima facie* evidence of the facts stated therein.

Qualifications
for registra-
tion of
architects
and quantity
surveyors

10.-(1) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act as a registered architect or a registered quantity surveyor and to have his name entered in the appropriate register if he is—

- (a) a member of an institute of architects or an institute of quantity surveyors, the membership of which is recognized for the time being by the Board as furnishing a sufficient guarantee of academic knowledge, skill and practical experience in architecture or, as the case may be, quantity surveying; or
- (b) a person who has attained the age of twenty-one years and who —
 - (i) is the holder of a degree, diploma or certificate or other award of the Board or of a university or school of architecture or quantity surveying, which may be recognized for the time being by the Board as furnishing a sufficient guarantee of an adequate academic training in architecture or, as the case may be, quantity surveying; and
 - (ii) has had not less than two years' practical experience of such a nature as to satisfy the Board of his competence to practise as a professionally qualified architect or quantity surveyor or has had such practical training in architecture or quantity surveying as may be approved by the Board.

(2) The Board shall require an applicant for registration under this Act to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, to make him a fit and proper person to be registered under this Act and the Board may direct the Registrar to postpone the registration of an applicant until so satisfied or to reject the application where the applicant fails to so satisfy the Board.

11. (1) Where a person satisfies the Board-

- (a) that he is not ordinarily resident in Tanganyika;
- (b) that he is or intends to be present in Tanganyika in the capacity of a professionally qualified architect or quantity surveyor for the express purpose of carrying out a specific assignment for which he has been engaged; and
- (c) that he is, or immediately prior to entering Tanganyika was, in practice as an architect or quantity surveyor in such a capacity as to satisfy the Board of his fitness to serve the public as a qualified architect or quantity surveyor,

the Board may, if it thinks fit, direct that such person shall be registered under this section either for a period not exceeding one year or for the duration of any specific assignment.

(2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of considering his application and shall require every applicant to produce documentary evidence of his work or employment immediately prior to his entering Tanganyika.

(3) Registration of a person under this section shall continue only for the period or for the duration of the assignment as is directed by the Board under subsection (1) and on its termination such person shall cease to be so registered. In case of doubt the decision of the Board as to the termination of the assignment shall be conclusive.

(4) A person registered under this section shall, in relation to the period or the duration of the assignment as is directed by the Board under subsection (1) and to things done and omitted in the course of such assignment, be treated as being duly registered under this Act as a registered architect or, as the case may be, a registered quantity surveyor, but in relation to other matters shall be treated as not so registered.

12. Subject to the provisions of this Act, a person shall be eligible, on making an application to the Registrar in the prescribed manner for and payment to the Board of the prescribed fee, to be registered under this Act as a building contractor if he satisfies the Board—

- (a) that he is experienced in works involving construction of buildings or other structures; and
- (b) that he is a man of upright character:

Provided that the Board may refuse to register any person as a building contractor if in its opinion it will be against the national interest so to do.

Temporary
registration

Qualifications
for registra-
tion of
building
contractors

PART IV

CANCELLATION AND SUSPENSION OF REGISTRATION

Power to
cancel
registration

13.-(1) The Board may at any time direct that the name of a registered architect, quantity surveyor or building contractor be deleted from the relevant register where such person has—

- (a) failed within a period of six months from the date of an enquiry sent by the Registrar by a registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or
- (b) requested that his name be deleted from the register, in which case such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings or proceedings under section 15 or section 16 are being, or are likely to be, taken against him; or
- (c) been found by the Board to be guilty of any contravention of this Act or subsidiary legislation made hereunder or of any such misconduct as is referred to in section 15.

(2) The Registrar shall delete from the register the name of every deceased person and shall also delete therefrom any entry which has been incorrectly or fraudulently made or procured.

(3) Except in the circumstances specified in paragraph (a) of subsection (1) and in subsection (2), the deletion from the register of the name of any person shall be notified by the Registrar to that person by a registered letter to the address appearing in the register against his name immediately prior to such deletion.

(4) Subject to the provisions of section 14, a person whose name has been deleted from the register under this section shall cease, from the date of such deletion, to be registered for the purposes of this Act.

Restoration
to the
register

14.-(1) Where the name of any person has been deleted from the register under section 13, the name of that person shall not be again entered in the register save on a direction of the Board.

(2) Where the name of any person has been deleted from the register or the effect of the registration of any person has been suspended in terms of paragraph (b) of section 15, the Board may, either of its own motion or on the application in the prescribed form of the person concerned, and in either case after holding such inquiry as the Board may deem fit, direct that—

- (a) the deletion from the register be confirmed; or
- (b) the name of that person be restored to the register; or
- (c) the suspension of the effect of the registration of that person be terminated.

(3) A direction given by the Board under subsection (2) may include provision for the date upon which a restoration to the register or the termination of suspension of the effect of registration shall take effect - and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the Board may determine.

15. If any registered architect, quantity surveyor or building contractor is convicted of any offence against this Act or is, after due inquiry held by the Board, found to have been guilty of any act or omission amounting to improper, disgraceful or grossly negligent professional conduct, the Board may-

Powers to suspend registration etc

- (a) caution or censure such registered architect, quantity surveyor or building contractor;
- (b) direct that, during such period as the Board may specify, the registration of his name shall not have effect; or
- (c) direct that his name be deleted from the register.

16. (1) Upon any inquiry held by the Board under section 15, the person whose conduct is being inquired into shall be entitled to appear and be heard but shall not be entitled to be represented by an advocate.

Proceedings at inquiry

(2) For the purposes of proceedings at any inquiry held by it, the Board shall have power-

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order the production of documents.

(3) All summonses and orders issued under the hand of the chairman or the vice-chairman of the Board shall be deemed to be issued by the Board.

(4) The chairman, or in his absence the vice-chairman, of the Board shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.

(5) Subject to the provisions of this section and of any regulations made under section 36, the Board shall have power to regulate its own procedure at an inquiry held by it.

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be judicial proceedings.

cap.16

17. Any person who, having been served with a summons or an order issued under the provisions of section 16, refuses or omits to without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board, or refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings:

Disobedience to summons and refusal to give evidence

Provided that every person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

18.-(1) Any person aggrieved by a decision of the Board to refuse to register his name, or to delete his name from any register, or to refuse to restore his name to a register, or to suspend the effect of registration of his name, may appeal to the Appeals Authority against the decision of the Board and in any such appeal the Appeals Authority may give such directions in the matter as it thinks proper, and any order of the Appeals Authority under this section shall be final, conclusive and binding upon all parties concerned and shall not be subject to review by any court.

(2) The Board may appear as respondent and be heard on any appeal against its decision and, for the purposes of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

Appeals Authority

19. The Appeals Authority shall consist of-

(a) the Principal Secretary to the Ministry for the time being responsible for works, who shall be the Chairman;

(b) a member of the Attorney-General's Chambers nominated in that behalf by the Attorney-General who shall be the Vice-Chairman;

(c) two other members appointed by the Minister.

Rules regulating proceedings before the Appeals Authority

20.-(1) The Minister may, after consultation with the Attorney-General, make rules regulating appeals to the Appeals Authority and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal.

(2) Subject to any rules made under subsection (1) the provisions of section 16 and section 17 shall apply, *mutatis mutandis*, in relation to appeals under section 18 and to persons summoned to give evidence before the Appeals Authority.

PART V

RESTRICTION ON PRACTISING OR TRADING AS ARCHITECT, QUANTITY SURVEYOR OR BUILDING CONTRACTOR

Use of description "Registered" and effect of registration

21. Every person whose name has been entered in the register shall, so long as his name remains in the register, be entitled to adopt and use the style and title "Registered Architect", "Registered Quantity Surveyor" or "Registered Building Contractor" as the case may be, or such contraction thereof as the Board may approve, would to offer his services to the public for gain or, reward or by way of trade as a registered architect, a quantity surveyor or a building contractor, as the case may be.

Restrictions on carrying on business as architect, quantity surveyor or building contractor

22. Any person who-

(a) not being a registered architect, a registered quantity surveyor or a registered building contractor falsely pretends to be such; or

(b) being entitled to do so under section 20 uses the style or title "registered architect", "registered quantity surveyor" or title "registered building contractor", as the case may be, or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that such person is so registered;

- (c) not being a registered architect, holds himself out (otherwise than for the purpose of applying for registration) whether directly or by implication, to be a professionally qualified architect; or
- (d) not being a registered quantity surveyor, holds himself out (otherwise than for the purpose of applying for registration) to be a professionally qualified quantity surveyor; or
- (e) not being a registered building contractor, holds himself out as being entitled to practise or carry on business as a building contractor; or
- (f) not being a registered architect practises or carries, on business in Tanganyika as an architect; or
- (g) not being a registered quantity surveyor, practises or carries on business in Tanganyika as a quantity surveyor; or
- (h) not being a registered building contractor, carries on business in Tanganyika as a building contractor,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings.

23.-(1) It shall be unlawful for a body of persons, whether corporate or unincorporate to carry on the business of architects; or quantity surveyors unless all its partners, members or shareholders, as the case may be, are so registered:

Provided that where not less than one-third of the partners, shareholders or members, as the case may be of such body of persons are registered architects, the remaining being registered quantity surveyors, then such body of persons may lawfully carry on business both as architects and quantity surveyors.

(2) Where a shareholder, partner or member of a body of persons, whether corporate or unincorporate, carrying on business as architects or quantity surveyors dies, such body of persons may, notwithstanding the provisions of subsection (1), continue to carry on the business until such time as the administration of the estate of the deceased is completed, as if such legal representatives were registered architects or, as the case may be, registered quantity surveyors.

(3) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporate, to be registered as, or as empowering the Registrar to register any body of persons as, registered architects or registered quantity surveyors.

(4) A body of persons, whether corporate or unincorporate, may be registered as building contractors and if so registered, may lawfully carry on business " building contractors and, in the case of such body of persons so registered or applying to be so registered, references in this Act to the experience, skill or conduct of any building contractor or applicant shall be construed as references to the experience, skill and conduct of persons who are shareholders, partners or members, as the case may be, of, or are employed by, such body of persons and who are participating or, in the case of an application, will participate, in the activities of such body of persons in the carrying out of its business as building contractors:

Bodies of persons operating as architects quantity surveyors or building contractors

Provided that the Board may refuse to register any body of persons as building contractors or direct the deletion from the register of the name of any body of persons registered as such if it is satisfied that none of the shareholders, partners or members, as the case may be, is a person who, if he had applied to be registered as a building contractor in his individual capacity, would have been accepted for registration.

(5) Any body of persons which carries on business as architects, quantity surveyors or building contractors in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings.

Definition of "carrying on business" or "practicing as" architect, etc.	24. For the purposes of this Act a person shall be deemed to be carrying on business or practicing as an architect, quantity surveyor or building contractor if he, for a fee, reward or other valuable consideration, offers or renders his services as an architect, quantity surveyor or building contractor, as the case may be, to another person, whether such services are offered or rendered under a contract of service, a contract for services or otherwise howsoever.
Exemption	25. The Minister may, by order in the <i>Gazette</i> , exempt any person or class of persons from all or any of the provisions of this Part or may modify all or any of the provisions of this Part in their application to any person or class of persons.
No proceedings for offence under this part committed within certain period	26. -(1) No person shall be prosecuted for an offence under this Part committed within the period of six months after the commencement of this Act. (2) The Minister may, by notice in the <i>Gazette</i> , extend the period of Six months provided for in subsection (1) by such further period as he may appoint.

PART VI

ACTIVITIES OF THE BOARD AND FINANCIAL PROVISIONS

27. The Board may delegate its functions under this Act to any officer or committee of the Board.

28. (1) The Board shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year, cause such accounts relating to such financial year together with-

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the Board on the last day of such financial year,

to be submitted to and audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditors' report shall be forwarded to the Minister.

29. The Registrar shall, at the end of each financial year, prepare a report on the activities of the Board during that financial year and submit such report to the Minister. Registrar's report

30. The funds and resources of the Board shall consist of- Funds of the Board

- (a) such sums as may be provided for the purposes of the Board by Parliament, either by way of grant or loan;
- (b) such sums as the Board may receive by way of grant or loan from any person or organization;
- (c) such sums as the Board may, from time to time with the consent of the Minister, borrow for the purposes of the Board;
- (d) such sums as may, in any manner, become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

31. The Board shall have power to invest its funds in such investments as are authorized by, and subject to such conditions as are prescribed by, the Trustee Investments Act, 1967, in relation to investments of funds by a trustee. Power to invest Acts 1967 No.33

32. The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received them- Annual statement of accounts and Registrar's report to be laid before National Assembly

- (a) copies of the statements referred to in subsection (1) of section 28 together with a copy of the auditors' report;
- (b) a copy of the Registrar's report.

33. The Minister may, by writing under his hand, give the Board directions of a general or specific nature, and the Board shall comply with every such direction.

PART VII

GENERAL PROVISIONS

34. Any person who- Offences

- (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy thereof; or
- (b) fraudulently procures or attempts to procure, whether for himself or any other person, registration as an architect, quantity surveyor or a building contractor;
- (c) knowingly and wilfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

35. (1) Every registered architect and every registered quantity surveyor shall be bound by the scale of fees, if any, prescribed by the Board notwithstanding any provision of the contrary in any regulations or by-laws of the institute, society or organization of which he is member. Professional fees chargeable by architects, etc

(2) Any provision in any regulations or by-laws of any institute, society or organization of architects or quantity surveyors, where-soever incorporated, registered or founded, providing for a minimum scale of fees for services rendered by an architect or quantity surveyor, as the case may be, who is a member thereof, shall not bind such member in relation to any services rendered in Tanganyika; and any such provision in any such regulations or by-laws shall not be put forward by any such member as a ground for claiming fees at a rate higher than the rate prescribed, authorized, approved or decided upon by the Board or any person acting as arbitrator appointed by the Board or with the consent of the parties in any dispute in relation to such fees.

Regulations
by Minister

36. Subject to the provisions of section 37 the Minister may make regulations generally for the better carrying out of the provisions of this Act and any such regulations may, without prejudice to the generality of the foregoing, provide for—

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the appointment by the Board from amongst its members of sub-committees and the co-option of persons thereto;
- (c) the duties of the Registrar;
- (d) persons who shall be entitled to registration, notwithstanding the requirements prescribed by this Act; and
- (e) anything which is permitted or required by this Act to be prescribed, other than anything which may be prescribed by the Board.

By-laws
by Board

37. (1) With the consent of the Minister the Board may make by-laws for the better carrying out of its objects and functions, and without prejudice to the generality of the foregoing may make by-laws-

- (a) prescribing degrees, diplomas, certificates, awards and other qualifications which shall be recognized as entitling the holder to registration under this Act;
- (b) prescribing diplomas, certificates and other awards which may be conferred or granted by the Board;
- (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;
- (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of examination;
- (f) prescribing fees for admission to any course offered by the Board;
- (g) prescribing fees payable by the candidates for any examination held or conducted by the Board;
- (h) providing for, and regulating disciplinary proceedings against the officers of the Board, the students and candidates;

- (i) prescribing rules for professional conduct and ethics for architects, quantity surveyors and building contractors;
- (j) providing for the registration and regulating employment of pupils and draughtsmen;
- (k) prescribing the fees to be paid on application for registration, the issue of certificates -of registration and for extracts, copies and lists of, or In relation to, entries m the registers-,
 - (1) prescribing the scales of fees which may be charged by architects, quantity surveyors and building contractors for services rendered by them;
- (m) authorizing any person to arbitrate on any dispute as to fees charged by any architect, quantity surveyor or building contractor and providing for-
 - (i) the arbitrator's award being final, conclusive and binding on the parties, and not being subject to any review or appeal; or
 - (ii) the arbitrator's award being subject to appeal to the Appeals Authority.

38. No act or proceeding of the Board shall be invalid by reason only of the number of the members not being complete at the time of to such act or proceeding or of any defect In the appointment of any members or of the fact that any member was at the time in question disqualified or disqualified to act as such.

Proceedings of Boards nor to be invalid by reason of irregularity

39. (1) The Architects and Quantity Surveyors Ordinance is hereby repealed.

Repeal cap. 276

(2) The Minister may, at any time before the commencement of this Act, by order in the *Gazette*, make such transitional provisions consequent upon the repeal and re-enactment of the Architects and Quantity Surveyors Ordinance by this Act as he may consider necessary or desirable.

SCHEDULE

1. (1) The Board shall consist of a Chairman and not less than seven and not more than fourteen other members appointed by the Minister:

Composition of the Board, chairman and members tinure of office

Provided that not less than-

- (a) two members so appointed shall be registered architects or persons qualifying to be registered as architects;
- (b) one member so appointed shall be a registered quantity surveyor or a person qualifying to be so registered;
- (c) two members so appointed shall be appointed after consultation with the Minister responsible for National Education;
- (d) one member so appointed shall be appointed after consultation with the Attorney-General.

(2) A member of the Board shall, unless he dies, resigns or otherwise vacates his office, hold office until such time as his appointment is revoked by that Minister.

(3) The Minister may fill any casual vacancy occurring m the membership, and may revoke the appointment of any member, and appoint a replacement.

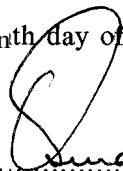
(4) A member may resign by giving notice in writing to the appointing authority his intention to do

2.-(I) The members shall elect a vice-chairman of the Board from amongst their number.

Election of vice-chairman

- (2) The vice-chairman shall, subject to his continuing to hold office as a member, hold office as vice-chairman for a period of two years from the date of his election and shall be eligible for re-election.
- Meetings of the Board 3.-(I) Subject to the provisions of sub-paragraph (2) of this paragraph, the Board shall meet not less than three times in every year and all meetings of the Board shall be convened by the chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of each meeting.
- (2) The chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene a special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.
- (3) The chairman, or in his absence the vice-chairman, shall preside at the meeting of the Board. In the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be a chairman for that meeting.
- Quorum and voting at meetings 4.--(1) One-third of the total number of members in office shall constitute a quorum at any meeting of the Board.
- (2) All acts, matters and things authorized to be done by the Board shall be decided by resolution of the members present.
- (3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.
- (4) Every member of the Board shall have one vote and in the event of an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.
5. Notwithstanding the provision of sub-paragraph (2), where the chairman so directs, a decision may be taken by a majority of the members of the Board of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board.
- Minutes of meetings of Board 5. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and shall be signed by the chairman of the meeting.
- Procedure 6. Subject to the provisions of this Schedule and of any regulations which may be made under this Act, the Board shall have power to regulate its own procedure.
- The seal of the Board 7. The seal of the Board shall not be affixed to any instrument except in the presence of the chairman, the vice-chairman or the secretary, and one other member of the Board.
- Registrar to be secretary 8. The Registrar shall act as the secretary of the Board and shall be entitled to be present and to speak, but not to vote, at the meetings of the Board.
- Staff 9. The Board may, with the consent of the Minister, appoint such other officers as it may consider necessary on such terms and conditions as may be prescribed by regulations made under section 36 of this Act.

Passed in the National Assembly on the sixteenth day of November, 1972.


Clerk of the National Assembly