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Architects Registration Act 1996 (Ch 269)

CHAPTER 269

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CHAPTER 269

THE ARCHITECTS REGISTRATION ACT.

Commencement: 29 March, 1996.

An Act to provide for the establishment of an Architects Registration Board, to define the powers and functions of the board, to provide for the registration of architects and other related matters.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

“appointed day” means the day declared by the Minister to be the appointed day for the purpose of this Act;

“board” means the Architects Registration Board established under section 2;

“chairperson” means the chairperson of the architects registration board;

“member” means a member of the Architects Registration Board;

“Minister” means the Minister responsible for lands, housing and physical planning;

“register” means the register kept under section 9;

“registered architect” means a person whose name is for the time being entered in the register;

(h) “registrar” in relation to the Architects Registration Board

includes “secretary”; (i) “society” means the Uganda Society of Architects; (j) “vice chairperson” means the vice chairperson of the Architects

Registration Board.

PART II—ESTABLISHMENT, FUNCTIONS AND MEMBERSHIP OF THE BOARD.

2. Establishment of the board.

(1) There is established a board to be known as the Architects Registration Board.

(2) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The board may hold, acquire or dispose of any property, movable or immovable.

3. Seal of the board.

The board shall have a common seal which shall be kept in the custody of the secretary.

The fixing of the seal to any document shall—

be authorised or ratified by resolution of the board;

be authenticated by the signatures of the chairperson or in his or her absence the vice chairperson of the board and of one other member of the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence in any court proceedings and shall, until the contrary is proved, be presumed to be a document so executed.

4. Functions of the board.

The functions of the board shall be—

- to regulate and maintain the standard of architecture in the country;
- to register architects;
- to make byelaws for better carrying into effect the provisions of this Act;
- to prescribe or regulate the conduct of architects in Uganda;
- to promote training in architectural sciences.

5. Membership of the board.

The board shall consist of six members, two of whom shall be nominated by the Minister and four nominated by the society.

The Minister shall in consultation with the board appoint a chairperson and vice chairperson from among the six board members.

(3) Of the two members appointed by the Minister under subsection

(1), at least one shall be a practising architect and at least two of the members nominated by the society shall similarly be practising architects.

(4) A member of the board shall, unless he or she previously dies, or his or her appointment is revoked by the Minister, hold office for two years from the date of his or her appointment and shall be eligible for reappointment.

6. Meetings of the board.

Subject to subsection (2), the board shall meet at such times as may be necessary or expedient for the transaction of its business; and all meetings of the board shall be convened by the chairperson, or in his or her absence the vice chairperson, who shall appoint a suitable time, place and date for the holding of each meeting.

The chairperson, or in his or her absence the vice chairperson, shall convene a special meeting of the board on a request in writing signed by not less than three members of the board for that meeting; and that meeting shall be held within twenty-one days of the receipt by him or her of such request.

The chairperson, or in his or her absence the vice chairperson, shall preside at the meetings of the board.

7. Quorum and voting at meetings.

Four members of the board shall constitute a quorum at any meeting of the board.

All acts, matters and things authorised to be done by the board shall be determined by resolution at a meeting of the board at which a quorum is present.

A decision of the majority of the members present and voting at a meeting of the board shall be deemed to be a decision of the board.

Every member of the board shall have one vote; and in the event of an equality of votes, the chairperson of the meeting shall have a casting vote.

PART III —REGISTRATION OF ARCHITECTS.

8. Registrar.

The board shall appoint a suitable person to be registrar of the board.

The registrar shall be the chief executive of the board and shall be a full-time employee of the board.

The registrar shall, in addition to his or her other duties specified under this Act, be the secretary to the board and in that capacity shall perform such functions as the board may assign him or her.

9. Register of architects.

(1) The registrar shall keep and maintain an up-to-date register in which the name of any person entitled to have his or her name entered shall be so entered showing against that name—

the address;

the date of entry;

qualifications; and

such other particulars as the board may, from time to time, direct.

The board shall cause the name of that person to be published in the Gazette.

The board shall annually cause a list of persons registered to be published in the Gazette.

10. Registration in six months of coming into force.

Subject to this Act, any person shall be entitled, on making an application to the board in the prescribed manner, to be entered in the register if—

he or she is a corporate member of the society or a corporate architect by whatever name called recognised for the time being by the board as furnishing sufficient guarantee of academic knowledge of any practical experience in architecture;

he or she is a holder of a degree or diploma awarded by a university or other institution recognised for the time being by the board, and has had not less than two years' practical experience

and has passed the professional examination conducted by the board.

11. Temporary registration.

(1) Where any person satisfies the board that—

he or she is not ordinarily resident in Uganda;

he or she is or intends to be resident in Uganda in the capacity of a professionally qualified architect or for the express purpose of carrying out specific work for which he or she has been engaged;

he or she is, or immediately prior to entering Uganda was, in practice as an architect in that capacity as to satisfy the board of his or her fitness to serve the public as a professionally qualified architect, the board may authorise the registrar to register that person only for the duration of the period of any specific work for which he or she has been engaged; provided he or she satisfies the board, he or she may carry out work with a registered architect.

An application for registration under this section shall be in the prescribed form accompanied by the prescribed fee.

The board may require the person applying for registration under this section to appear before it for the purpose of considering his or her application but shall require that applicant to produce documentary evidence to support his or her application.

Registration of any person under this section shall continue only for the period or for the duration of the specific work or works as is directed by the board under subsection (1), and on its termination that person shall cease to be registered; and in case of any doubt, the decision of the board regarding the termination of the work or works shall be conclusive.

Any person registered under this section shall, while he or she is still so registered, be subjected to this Act.

12. Qualification for registration.

No person shall, after the expiration of six months from the appointed day, be registered as an architect unless he or she shall at the date of his or her application for registration have paid the registration fee as provided by the byelaws; and either—

he or she is a corporate member of the society or of such other bodies as the board may specify; or

he or she has satisfied the board that he or she possesses qualifications which furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice as an architect.

13. Disqualification from registration.

(1) No person shall be registered under this Act if—

he or she has not paid the prescribed fees;

he or she is adjudged by a court of competent jurisdiction to be insolvent, bankrupt or of unsound mind; or

he or she has been convicted by a court whether in Uganda or elsewhere for any offence involving fraud or dishonesty.

(2) (a)

Where a registered architect—

(b)

fails to notify the registrar of his or her current address within a period of six months beginning with the date on which he or she receives an inquiry sent by the registrar, by registered letter, to the address appearing in the register against his or her name; requests that his or her name be deleted from the register, in which case that person may be required to satisfy the board by affidavit lodged with the registrar that no criminal proceedings or proceedings under section 17 are being taken or likely to be taken against him or her; or

(c)

is found guilty of any offence or disgraceful conduct pertaining to his or her profession, the board may direct that his or her name be struck off the register and his or her practising certificate be withdrawn.

(3) Except as in the circumstances provided under subsection (2)(a) and in the case of a deceased person, any person whose name is struck off the register shall be notified by the registrar by registered letter.

14. Registration certificate.

(1) The registrar shall, upon registration, issue a registration certificate to any registered architect.

The registrar shall issue a practising certificate to every architect whose name is on the register and who applies for it on the prescribed form and pays the prescribed fee.

A practising certificate shall remain valid until the thirty-first day of December next after its issue and shall be renewable annually on application being made on the prescribed form and payment of the prescribed fee.

Subject to this Act, no person shall engage in or carry on the practice of architecture, by whatever name called, unless he or she is the holder of a valid practising certificate granted to him or her under this Act.

Notwithstanding anything in this section, the registrar shall refuse to issue to or renew a practising certificate of any registered architect who, on the date of his or her application for the certificate, has become subject to any of the disqualifications set out in section 13.

PART IV—DISCIPLINARY COMMITTEE AND INQUIRIES.

15. Disciplinary committee.

There is established a disciplinary committee consisting of five members one of whom shall be chairperson.

Members of the disciplinary committee shall be appointed by the board, but the chairperson and secretary shall be appointed from among members of the board.

A member of the disciplinary committee shall hold office for one year and shall be eligible for reappointment.

16. Complaints against architects.

A complaint or an allegation against an architect which if proved would constitute professional misconduct may be made to the disciplinary committee by the board or any person.

Upon receipt of a complaint, the secretary shall, as soon as practicable, refer the matter to the committee, and the committee shall fix a date for the hearing of the complaint.

(3) The disciplinary committee shall give the architect against whom the complaint or allegation is made an opportunity to be heard and shall furnish him or her with a copy of the relevant document at least seven days before the date fixed for the hearing.

17. Procedure of the disciplinary committee.

The procedure to be followed by the disciplinary committee shall be as provided under the First Schedule to this Act.

18. Committee's decision.

After hearing the complaint and the architect to whom the complaint relates and after considering the evidence adduced, the committee may dismiss the complaint if no ground for a disciplinary action is disclosed or if a ground for disciplinary action is disclosed, impose any or a combination of the following penalties—

that the architect be admonished;

that the practising certificate of the architect be suspended for a specified period not exceeding two years;

that the architect pay a fine that may be determined by the committee;

that the architect pay compensation that may be determined by the committee to any person who may have suffered a loss as a result of the misconduct;

that the name of the architect be struck off the register.

19. Report to the board.

The committee shall, on conclusion of the case, make a report of its findings in writing to the board; and the board shall deliver to the complainant and the architect to whom the complaint relates a copy of the report of the committee as soon as is practicable.

20. Appeal to the High Court.

(1) An architect or complainant aggrieved by the decision or order of the committee may appeal against the decision or order to the High Court within three months from the date on which the report of the committee is delivered to that architect or complainant.

(2) An appeal made under this section shall be—

made by petition in writing under the hand of the architect or complainant; and

heard and decided upon by a judge of the High Court after summary hearing.

21. Implementation of the committee's orders.

The board shall be responsible for the implementation of the committee's orders.

Where the board strikes off the name of an architect from the register, the certificate of membership and that of practice of the architect shall stand cancelled, and the board shall require that person to return the certificate to the board.

PART V—FINANCIAL PROVISIONS.

22. Funds of the board.

(1) The funds of the board shall consist of—

registration fees from registered members;

fees and other monies paid for services rendered by the board;

grants, gifts or donations to the board; and

money borrowed by the board for the performance of its functions.

All monies of the board shall be managed through a fund to be established by the board for the purpose.

The board shall operate a bank account in a bank determined by the board, and the account shall be operated in a manner decided by the board.

23. Borrowing powers.

The board may borrow money on terms that may be agreed upon by the board for the performance of the functions of the board.

24. Investment.

The board may invest its monies in any securities issued or guaranteed by the Government or in any other securities approved by the board.

25. Financial year.

The financial year of the board shall be the calendar year that is twelve months beginning from the 1st day of January and ending on the 31st day of December each year.

26. Accounts and audit.

The board shall keep proper books of account and shall prepare the annual financial statements of account for the immediately preceding financial year not later than the 31st day of March in the following year.

The statement of account shall be audited by an auditor appointed by the board for the purpose.

An auditor appointed under subsection (2) shall have the same powers and duties as are conferred upon an auditor appointed under section 160 of the Companies Act.

The board shall furnish to the Minister the audited accounts for the preceding year, together with the auditor's report, not later than the 31st day of May each year.

27. Annual subscription fee.

The annual subscription fees shall be determined by the board, from time to time, and shall be due and payable to the secretary.

All other fees shall be determined by the board and payable to the secretary.

The board may strike off the name of an architect from the register if the annual subscription fee remains unpaid by that architect for a period exceeding four months from the time it is due.

PART VI — MISCELLANEOUS PROVISIONS.

28. Alteration of the register.

(1) The registrar may—

make any correction in the register as may be necessary;

remove from the register the name of any deceased architect;

remove from the register the name of an architect whose name has been ordered to be removed under the provisions of this Act; and

with the consent of the architect concerned, remove from the register the name of an architect who has ceased to practise.

Where the registrar has reason to believe that a registered architect has ceased to practise, he or she may send to that architect a notice by registered post inquiring whether that architect has ceased to practise in Uganda; and if no reply is received by the registrar within six months from the date of the notice, the registrar shall remove from the relevant register the name of that architect.

The board shall, for the purposes of subsection (2), furnish the registrar with any relevant information

that may be in its possession.

29. Other committees.

The board may appoint such other committees from among its members to deal with specific matters of the board.

The chairperson of a committee appointed under subsection (1) shall be a member of the board.

The board may regulate the proceedings of the committees appointed under subsection (1).

30. Inspection of offices.

The board may, at any time whether before or after granting a certificate of practice, inspect premises or offices of an architect to ascertain whether the premises are suitable for carrying on the business of architecture.

31. Professional code of ethics.

Every architect registered under this Act shall be subject to the professional code of ethics provided in the Second Schedule to this Act.

A person contravening a provision of the professional code of ethics commits professional misconduct and shall be dealt with by the disciplinary committee as appropriate.

32. Use of description “architect” and effect of registration.

Every person whose name has been entered in the register shall so long as his or her name remains in the register be entitled to adopt and use the style and title “architect” and to offer his or her services to the public for gain or reward or by way of trade as a professionally qualified architect.

33. Restrictions on use of title and false claims to qualifications.

(1) Unless otherwise provided in this Act, after the expiration of six months from the appointed date or such further period as may be determined by the board, any person who, not being a registered architect—

falsely pretends to be such;

uses the style or title “architect” or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that that person is a registered architect; or

holds himself or herself out whether directly or by implication to be a professionally qualified architect,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding six months or to both.

(2) The board may, by notice in the Gazette, extend the period of six months provided for in subsection (1) either generally or in respect of any particular person or persons.

34. Byelaws.

The board may, by statutory instrument and with the approval of the Minister, make byelaws in respect of—

the summoning and holding of meetings of the board;

the management of the property and funds of the board;

the appointment of the committees;

the disciplinary control of officers and employees of the board;

the manner in which the books of account are to be kept by the board;

the establishment, maintenance and support of and subscription to charitable and public bodies and institutions;

prescribing the procedure to be followed by persons applying for registration;

(h) prescribing the schools of architecture recognised by the board

for the purposes of this Act; (i) prescribing the scale of fees to be charged by architects for

professional advice, services rendered and work done; (j) the better performing of the functions of the board; (k) anything that is required to be prescribed under this Act.

35. Regulations.

(a) (b)

The Minister may make regulations generally for better carrying into effect the provisions of this Act; and any such regulations may, without prejudice to the generality of the foregoing, provide for—

the conduct of the business of the board and the procedure to be

followed by the board in any inquiry under this Act;

the appointment by the board from among members of its

subcommittees and the co-option of persons to the

subcommittees;

(c) (d) (e)

the duties of the registrar;

the issue of certificates of registration;

the fees to be paid for inspection of the register and for

certificates, extracts, copies and lists of or in relation to entries in

the register;

(f)

any forms to be used for the purposes of this Act, provided that

they comply with such conditions as may be prescribed by the

regulations; and

(g)

anything which is permitted or required by this Act to be

prescribed.

36. Limitation of liability of members.

No member of the board shall be personally liable for the acts, defaults or neglects of any other member, nor for any loss or damage occasioned to or suffered by the board by an act in execution of the duties of his or her office, unless the loss or damage shall be occasioned by his or her own dishonesty.

37. Offences and penalties.

Any person who—

fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy of the register;

fraudulently procures or attempts to procure himself or herself or any other person to be registered under this Act; or

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 herself or for any other person, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings.

SCHEDULES

First Schedule.

s. 17.

Procedure of disciplinary committee.

1. Statement of charges.

The board shall cause to be prepared a statement setting out the charges to be inquired into by the committee; and a copy of the statement shall be given to each member of the committee, the person whose conduct is to be inquired into and the person bringing the accusation, if any.

2. Date of hearing and notice.

The secretary shall fix the date of the hearing and shall notify the members of the committee, the person who is the subject of the inquiry and the person bringing the accusation, if any, at least fourteen clear days before the date.

A notice given under subparagraph (1) may be delivered by hand to the person being notified or may be sent by registered letter addressed to the last known address of the person being notified.

(3) The absence from the hearing of the inquiry of any person to whom notice was given shall not affect the proceedings of the inquiry.

3. Power to require any person to appear or produce documents.

(1) The committee may require any person—

to appear before it for the purposes of giving evidence; or

to produce any document to the committee.

(2) A person who, when required to appear before the committee or to produce a document to the committee, refuses to appear or produce the document commits an offence and shall be dealt with as if he or she committed professional misconduct.

4. Oath.

The committee shall have power to administer an oath or affirmation to any person who is required to give evidence before the committee, and any person who refuses to be sworn or affirmed commits an offence and shall be dealt with as if he or she committed professional misconduct.

5. Representation by counsel.

A person whose conduct is the subject of an inquiry may be represented by legal counsel at the proceedings of the inquiry.

6. Consultants.

The committee may invite any person to act as a consultant at the inquiry.

7. Inquiry to be in camera.

Any inquiry held by the committee shall be in camera unless the committee decides otherwise.

8. Decision of the committee.

Any question before the committee shall be decided by a simple majority of the members present.

Second Schedule.

s. 31.

Code of professional ethics.

Every architect shall at all times fully carry out the duties he or she undertakes and shall act in an honourable manner towards his or her professional colleagues.

Every architect shall at all times be honest and impartial in all his or her dealings between his or her client or employer and the contractor.

No architect shall advertise his or her professional services.

No architect shall proceed with any professional work upon which another architect has been employed by the same client without communicating in writing to that architect and ensuring that the engagement of the other architect has been terminated.

No architect shall accept a position to carry or engage in any operation, trade or business in which his or her interest conflicts with the proper discharge of his or her professional duties.

No architect shall accept any work which involves the giving or receiving of a discount or commission; nor shall he or she accept any discount, gift or commission from contractors or tradesmen whether employed in his or her work or not.

An architect shall inform his or her client of his or her ownership or beneficial commercial interest in any building material, device or invention to be used in the work for which he or she is the architect.

An architect shall only be remunerated by a fee and salary paid by the client and employer respectively and not by commissions on sales or profits.

No architect shall sign or put his or her signature to drawings, specifications or certificates not prepared by him or her or his or her staff under his or her supervision for the purposes of obtaining the approval of any building authority.

No architect shall share or agree to share fees nor shall he or she enter into partnership in regard to architectural work with any person other than another architect.

An architect may allow signed illustrations and descriptions of his or her work to be published in the mass media but shall not give monetary consideration for the publication.

An architect may exhibit his or her name or the name of his or her firm in lettering not exceeding seventy-five millimetres in height outside his or her office or on a site notice board at a building under construction, alteration or extension, for which he or she has been commissioned.

No architect shall attempt to supplant another architect or compete by means of a reduction of fees or by any other inducement.

No architect shall take part in any architectural competition unless the conditions of the competition have been approved by the board.

History: Statute 5/1996; S.I. 17/1996.

Cross Reference

Companies Act, Cap. 110.

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