

THE ARCHITECTS AND ALLIED PROFESSIONALS BILL, 2014

MEMORANDUM

The objects of the Bill are to –

- (a) provide for the establishment of the Zambia Institute of Architects and Allied Professionals and specify its functions;
- (b) constitute the Council of the Zambia Institute of Architects and Allied Professionals and specify its functions;
- (c) provide for membership of the Zambia Institute of Architects and Allied Professionals;
- (d) establish a system for registering architects and allied professionals;
- (e) provide for the regulation of the practice of architecture and ensure that architects provide architectural services to the public in a professional and competent manner;
- (f) provide for continuous professional development of architects and allied professionals;
- (g) provide for a Code of Ethics and Conduct for Architects and Allied Professionals in order to develop and maintain standards of professional ethics and conduct amongst architects and allied professionals;
- (h) establish a mechanism for handling complaints relating to architects and allied professionals and provide for a disciplinary process for architects and allied professionals;
- (i) repeal the Zambia Institute of Architects Act, 1995; and
- (j) provide for matters connected with, or incidental to, the foregoing.

Musa Mwenye, SC,

Attorney General

THE ARCHITECTS AND ALLIED PROFESSIONALS BILL, 2014

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A BILL

ENTITLED

An Act to provide for the establishment of the Zambia Institute of Architects and Allied Professionals and specify its functions; to constitute the Council of the Zambia Institute of Architects and Allied Professionals and specify its functions; to provide for membership of the Zambia Institute of Architects and Allied Professionals; to establish a system for registering architects and allied professionals; to provide for the regulation of the practice of architecture and ensure that architects provide architectural services to the public in a professional and competent manner; to provide for continuous professional development of architects and allied professionals; to provide for a Code of Ethics and Conduct for Architects and Allied Professionals in order to develop and maintain standards of professions, ethics and conduct amongst architects and allied professionals; to establish a mechanism for handling complaints relating to architects and allied professionals and provide for a disciplinary process for architects and allied professionals; repeal the Zambia Institute of Architects Act, 1995; and to provide for matters connected with, or incidental to, the foregoing.

Enactment

ENACTED by the Parliament of Zambia

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Architects and Allied Professionals Act, 2014.

Interpretation

2. In this Act, unless the context otherwise requires-

"academic architect" means an architect who teaches architecture at an educational institution;

"allied professional" means a person providing landscape services, interior designers, Urban and regional designers or project or building managers;

"allied professional firm" means a partnership, incorporation or other unincorporated body of persons providing allied professional services that meets the requirements specified in section thirty-two;

"allied professional services" means landscaping, interior designing or regional or urban designing, and the term "allied profession" shall be construed accordingly;

"annual general meeting" means a meeting of members which is held once in every year in accordance with section thirteen;

"architect" means a person who is registered as an architect in accordance with section thirty-two;

"architect firm" means a partnership, incorporated or unincorporated body of persons providing architectural services, which may include allied professional services, that meets the requirements specified in section thirty-two;

"architecture" means the practice of architecture, not including naval architecture, computer architecture or other architecture not concerned with buildings;

"architectural service" means-

- (a) a service provided in connection with the design, planning, construction, enlargement or alteration of a building that is ordinarily provided by architects;
- (b) evaluating, advising or reporting on the construction, enlargement or alteration of a building; or
- (c) a general review of the construction, enlargement or alteration of a building;

- and the term "practice of architecture" shall be construed accordingly;
- "Chairperson" means the Chairperson of the Professions Ethics and Conduct Committee;
- "Code of Ethics and Conduct for Architects and allied Professionals" means the Code developed and issued by the Council in accordance with section fifty;
- "committee" means a committee of the Council constituted in accordance with section twelve;
- "conduct" includes an act or omission;
- "Council" means the Council of the Zambia Institute of Architects and Allied Professionals constituted in accordance with section ten;
- "extraordinary meeting" means a meeting of members held in accordance with section thirteen;
- "foreign firm" means an architectural firm or allied professional firm registered outside Zambia;
- "former Institute" means the Zambia Institute of Architects that was established under the repealed Act;
- "Honorary-Secretary" means the person elected Honorary-Secretary of the Council in accordance with section nine;
- "Honorary-Treasurer" means the person elected Honorary-Treasurer of the Council in accordance with section nine;
- "Institute" means the Zambia Institute of Architects and Allied Professionals established in accordance with section four;
- "member" means a person holding any class of membership;
- "membership" means any of the classes of members of the Institute as provided in section seventeen;
- "Membership Committee" means the Membership Committee of the Council constituted in accordance with sections twelve and fifteen;

"membership fee" means the annual fee paid by a member to the Institute in accordance with section twenty-nine;

"office holder" means a person holding an office in the Institute as provided in accordance with section nine;

"Past President" means a person who held the office of President of the Institute or the Council before the commencement of this Act;

"practicing certificate" means a certificate issued to a registered architect in accordance with section thirty-six;

"President" means the person elected President of the Institute in accordance with section nine;

"profession" means the practice of architecture or engaged in any of the allied professions;

"Professions Ethics and Conduct Committee" means the Professions Ethics and Conduct Committee of the Council constituted in accordance with sections twelve and forty-seven;

"Register" means the Register of Architects and Allied Professionals provided for in section forty-four;

"registered allied professional" means an allied professional who is registered in accordance with section thirty-two and holds a certificate of registration in accordance with section thirty-nine;

"registered architect" means an architect who is registered in accordance with section thirty-two and holds a practicing certificate in accordance with section thirty-six;

"Registration Committee" means the Registration Committee of the Council constituted in accordance with sections twelve and thirty;

"repealed Act" means the Zambia Institute of Architects Act, 1995;

"represent" includes to claim, act or describe;

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"rules of the Institute" means the rules adopted in accordance with section eight and prescribed as prescribed in section sixtv;

"Trustees" means the persons elected as trustees of the Institute in accordance with section nine; and

"Vice-President" means the person elected as Vice-President of the Institute in accordance with section nine.

Application and relationship with other laws

3. (1) This Act applies to all architects and allied professionals including an architect or allied professional employed or engaged by the Government, a Government agency, statutory body or other institution that is registered, established or incorporated under any other law.

(2) If there is an inconsistency between this Act and any other law relating to architects or allied professionals, this Act shall prevail to the extent of the inconsistency.

PART II

THE ZAMBIA INSTITUTE OF ARCHITECTS AND ALLIED PROFESSIONALS

Zambia Institute of Architects and Allied Professionals

(3) (1) The former Institute shall continue to exist in the style and name of the Zambia Institute of Architects and Allied Professionals with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

(2) The First Schedule shall apply to the Institute.

Branches and sub-branches of Institute

(4) (1) There shall be as many branches and sub-branches of the Institute as the Council may authorise.

(2) Every branch and sub-branch of the Institute shall be composed of members whose major interests lie in

the particular discipline with which the branch or sub-branch is concerned.

(3) The management and control of each branch or sub-branch shall vest in a committee of corporate members or allied professions members elected annually by that branch or sub-branch at an annual general meeting of the Institute.

(4) A committee, elected in accordance with subsection (3), shall be responsible for matters affecting the branch or sub-branch of the Institute, including the receipt and expenditure of moneys relating to its activities other than membership fees.

(5) Subject to the general directions of the Council, a committee, elected in accordance with subsection (3), may regulate its own procedures.

(6) A committee, elected in accordance with subsection (3), shall submit to the Council -

- (a) the names and membership details of members of the branch or sub-branch of the Institute; and
- (b) the names of the corporate members elected to the committee of the branch or sub-branch of the Institute, stating the office they hold and responsibilities.

(7) A branch or sub-branch of the Institute may be dissolved only after obtaining the prior approval of the Council.



Seal of Institute

6. (1) The seal of the Institute shall be such device as may be determined by the Council and shall be kept by the Honorary Secretary.

(2) The affixing of the seal shall be authenticated by the President or the Vice President and the Honorary

Secretary, or one other person authorised in that behalf by a resolution of the Council.

(3) Any contract or instrument which, if entered into or executed by a person, not being a body corporate, would not require to be under seal may be entered into or executed without seal on behalf of the Institute by the Honorary Secretary or any other person generally or specifically authorized in that behalf by the Council.

(4) Any document purporting to be under the seal of the Institute or issued on behalf of the Institute shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Functions of
Institute

7. The functions of the Institute shall be to-
- (a) promote the general advancement, encouragement and co-ordination of the science and art of architecture and allied professions;
 - (b) facilitate the acquiring of knowledge in architecture and the allied professions;
 - (c) provide for the registration of architects and allied professionals and issue registration certificates and practicing certificates in accordance with the Act;
 - (d) assess whether registered architects and allied professionals meet the requirements for continued registration in accordance with this Act;
 - (e) promote, develop, maintain and improve standards to elevate the status and conduct of architects and allied



professionals and advance the interests of the Institute;

- (f) initiate, receive, investigate and hear allegations about, inquire into the professional conduct of, and discipline, registered architects and allied professionals, in accordance with Part V;
- (g) initiate, foster and maintain research into the best practices and standards for governing members and find the most satisfactory solutions to challenges faced by members;
- (h) extend, increase and disseminate knowledge and exchange information and ideas with regard to all questions connected with architecture and allied professions and assist, in all practicable ways, the development and improvement of architecture and allied professions in the best interest of the community;
- (i) design, prepare and conduct, in collaboration with other public or private learning or examining bodies, professional examinations in architecture and allied professions and award certificates to graduates;
- (j) provide or cause to be provided educational programmes leading to the attainment of professional qualifications, including continuous professional development programmes;
- (k) elevate student members to higher membership classes on attainment of the



allied

qualifications and criteria :set by the rules

of the Institute and this Act for that class of membership;

- (l) co-operate with the education sector to raise standards in training of architects and allied professionals;
- (m) initiate regular meetings and exchanges of ideas with persons interested in architecture and any of the allied professions, including the holding of conferences, discussion groups, lectures, seminars, presentation of papers or visits to specific construction, working or building sites;
- (n) provide mechanisms for considering questions affecting the profession and initiate, watch over, regulate and take any action that is desirable in the interest of the profession;
- (o) establish liaisons and co-operate with the Government, agencies and other institutions or bodies, whether national, regional or international, concerned with, or interested in, the development of the profession;
- (p) provide information to the public about the registration system for architects and allied professions and who is registered or deregistered as an architect or allied professional;
- (q) raise or borrow money for all or any of the functions of the Institute in such manner and upon such security as may be determined by the Council;
- (r) ensure compliance with this Act; and

- (s) do all other things incidental or conducive to the attainment of the functions of the Institute.

Adoption of
rules of
Institute

8. (1) The Institute shall, by a vote of at least two thirds of the members voting at an annual general meeting adopt the rules of the Institute before the rules are published in the Gazette and may, in like manner, amend such rules before being gazetted.

(2) The rules of the Institute shall, subject to this Act, regulate the conduct and affairs of the Institute, meetings of the Institute, its membership and other prescribed matters.

Office
holders of
Institute

9. (1) Subject to subsection (3) of section ten, the following shall be the office holders of the Institute elected by secret ballot, at an annual general meeting, in accordance with this section and the rules of the Institute:

- (a) the President;
- (b) the Vice-President;
- (c) the Honorary Secretary;
- (d) the Honorary Treasurer; and
- (e) two Trustees, one of whom shall be an allied professions member and the other an honorary member.

(2) The President and the Vice-President shall be elected from amongst the corporate members.

(3) The Honorary Secretary and the Honorary Treasurer shall be elected from amongst the corporate members.

(4) The President shall not serve for more than two consecutive terms of one year each.

10. (1) There is hereby constituted the Council of the Zambia Institute of Architects and Allied Professionals.

(2) The Council shall consist of the following members:

- (a) the President;
- (b) the Vice-President;
- (c) the Honorary Secretary;
- (d) the Honorary Treasurer;
- (e) the two Trustees;
- (f) a representative of the Attorney-General;
- (g) two honorary members;
- (h) two allied professions members;
- (i) an academic architect; and
- (j) the chairperson of each branch of the Institute.

(3) A member shall not be qualified to be elected as a member of the Council or an office bearer if the member-

- (a) is not a natural person;
- (b) has committed any professional misconduct within a period of two years preceding the election;
- (c) is in lawful custody or the member's freedom of movement is restricted under any law in force in or outside Zambia on the date of the election;
- (d) is adjudged bankrupt;
- (e) is adjudged or otherwise declared to be of unsound mind under any law in force in Zambia; or
- (f) is convicted of an offence involving dishonesty or any other offence under any other law.

(4) The members of the Council referred to in paragraphs (g), (h) and (i) of subsection (2) shall be elected by secret ballot at an annual general meeting, in accordance with the rules of the Institute.

(5) The First Schedule shall apply to the Council.

Functions of Council and delegation of functions

- 11.** (1) The functions of the Council shall be to-
- (a) exercise and perform the powers and functions of the Institute;
 - (b) oversee the affairs of the Institute and provide strategic direction to the Institute;
 - (c) ensure that the Institute, office bearers and any branch or sub-branch of the Institute acts in a manner consistent with objectives and functions of the Institute, the rules of the Institute, Institute's corporate governance management charter and this Act;
 - (d) ensure that the Institute, any branch or sub-branch of the Institute and the Council perform their functions efficiently and effectively and in a manner consistent with the spirit of service to the public;
 - (e) accredit courses of study in architecture and any of the allied professions;
 - (f) conduct or cause to be conducted such examinations as may be required for purposes of this Act and appoint examiners for such examinations;
 - (g) ensure that the Institute and any branch or sub-branch of the Institute operate in a financially responsible manner;
 - (h) endeavour to ensure that the Institute -

- (i) maintains its long-term financial viability;
 - (ii) covers all of its annual costs from its net annual income;
 - (iii) acts as a successful going concern; and
 - (iv) prudently manages its assets and liabilities;
- (i) promote an understanding of professional ethics and conduct amongst members;
 - (j) ensure that the Code of Ethics and Conduct for Architects and Allied Professionals are responsive to the expectations of business institutions and those who rely on architectural and allied professional services;
 - (k) ratify decisions of the Professions Ethics and Conduct Committee;
 - (l) determine the need for, and the nature and level of, professional indemnity insurance or fidelity insurance to be carried by registered architects;
 - (m) maintain a register of members;
 - (n) cause to be prepared the budget and audit of the financial statements of the Institute for submission to the annual general meeting;
 - (o) recommend the appointment of auditors and bankers of the Institute to the annual general meeting; and
 - (p) perform any other function as may be prescribed in this Act, regulations issued in accordance with this Act, the rules of the Institute or any other law.

(2) AU decisions relating to the affairs of the Institute and members shall be made by or under the authority of the Council.

(3) The Council may delegate any of its functions to the President, Vice President or Registrar on such terms and conditions as the Council may determine, except the Council shall not delegate any function vested in, or being performed by, a committee of the Council,

Committees

12. (1) Subject to subsection (2), the Council may, for the purpose of performing its functions, establish committees consisting of members and persons who are not members and may, except as otherwise provided for in this Act, delegate to any such committee any of its functions as it considers necessary.

(2) AU committees of the Council shall refer their decisions to the Council for final decision.

(3) Notwithstanding subsection (1), there are constituted, in accordance with this Act, the following standing committees of the Council:

- (a) Membership Committee;
- (b) Registration Committee; and
- (c) Professions Ethics and Conduct Committee.

(4) Subject to this Act, a member of a committee shall hold office for such period as the Council may determine.

(5) Subject to any specific or general direction of the Council, the other provisions of this Act and the rules of the Institute, a committee may regulate its own procedure at meetings.

13. (1) Subject to the other provisions of this section, the Institute shall conduct an annual general

Annual
general
meeting,
extraordinary
meeting and
procedure at
meetings

meeting and extraordinary meeting in accordance with the rules of the Institute.

(2) There shall preside at an annual general meeting or extraordinary meeting

- (a) the President;
- (b) in the absence of the President, the Vice-President; or
- (c) in the absence of the President and the Vice-President, such other member as the members present may elect for the purpose of that meeting.

(3) The Institute shall hold an annual general meeting within three months of the end of each financial year.

(4) Upon giving notice of not less than fourteen days, an extraordinary meeting may be called by the President and shall be called if not less than one third of the members so request in writing.

(5) The quorum of an annual or extraordinary meeting shall be one-third of the members.

(6) The Honorary Secretary shall cause to be kept minutes of all proceedings and resolutions of an annual general meeting or extraordinary meeting in accordance with the rules of the Institute, which minutes shall be circulated to members within twenty-one days after the meeting to which they relate.

Staff of
Institute

14. (1) The Council shall appoint a Registrar of the Institute, on such terms and conditions as the Council may determine, who shall be responsible for the administration of the day-to-day affairs of the institute and such other functions as are provided for in this Act, under the general supervision of the Council.

(2) The Council may, on such terms and conditions as *it* may determine, appoint such other staff of the Institute as it considers necessary for the performance of the functions of the Institute and the Council.

PART III

MEMBERSHIP OF INSTITUTE

Membership
Committee

15. (1) The Membership Committee, constituted under subsection (2) of section twelve, shall consist of the following members:

- (a) the Honorary-Secretary who shall be the chairperson; and
- (b) four members of the Council nominated by the President and approved by the Council.

(2) The Membership Committee shall elect a vice-chairperson from amongst its members.

(3) The members of the Membership Committee shall hold office for a period of three years and shall, on the expiration of the period, be eligible for re-election, except that a member shall not serve on the Membership Committee for more than six consecutive years.

(4) The quorum of the Membership Committee shall be three members of the Committee.

Functions of
Membership
Committee

16. The functions of the Membership Committee shall be to –

- (a) process applications for all classes of membership and make recommendations to the Council for election to an

appropriate class of membership as provided in this Act and the rules of the Institute;

- (b) keep a register of members under the various classes of membership;
- (c) recommend membership fees for approval by the Council; and
- (d) do all other things that the Council may direct the Committee to do with regards to membership of the Institute.

Classes of membership

17. (1) There shall be seven classes of membership of the Institute namely, corporate, allied professions, honorary, life, foreign, student and organizational.

(2) Each class of membership shall have such rights, privileges and obligations as may be specified in the rules of the Institute.

(3) Membership of the Institute shall be by election by the Council in accordance with this Act and the rules of the Institute.

(4) The following may apply to the Institute for election to an appropriate class of membership, and shall submit such evidence in relation to the application, as specified in the rules of the Institute and this Act:

- (a) a registered architect;
- (b) a registered allied professional;
- (c) an architect or allied professional referred to in sections twenty-one and twenty two;
- (d) a corporate member or allied professions member of an architect firm or allied professional firm; and

(e) a student undertaking studies in architecture or any of the allied professions.

(5) A person who has been elected as a member and has paid the membership fee shall be issued with a certificate of membership by the Council.

Corporate member

18. A corporate member is an architect who is registered in accordance with section thirty-two;

Allied professions member

19. An allied professions member is a person who is registered as an allied professional in accordance with section thirty two.

Honorary member

20. The President may nominate a person for election as an honorary member if that person

- (a) is distinguished in architecture or an allied profession;
- (b) has rendered exceptional and important services to the profession;
- (c) at or not more than one year before the time of making an application for admission as an honorary member, that person is or has been –
 - (i) engaged for not less than seven years in a position of superior responsibility in the administration, design, execution or operation of such important work that, in the opinion of the Council, is part of the practice of architecture or an allied profession;
 - (ii) an academic architect or holds such responsible position and for such length of time of not less than seven

years at any university or institute;
or

(iii) engaged in research, approved by the Council, for not less than five years.

Life member

21. A life member is a –

- (a) retired corporate member or allied professions member; or
- (b) person who has made outstanding contributions to the profession.

Foreign member

22. A foreign member is an architect or allied professional who practices architecture or undertakes any allied professional service outside Zambia and, except for paragraphs (a) of subsections (1) and (2) of section thirty-three, qualifies to be registered as an architect or an allied professional in accordance with this AcL

Student member

23. (1) A student member is a person who is –

- (a) studying architecture or an allied profession at an university, institute or a school approved by the Council;
- (b) undergoing postgraduate in service training in an undertaking connected with architecture or an allied profession;
- (c) or has been accepted as a student member in a body governing architects or allied professionals in another country.

(2) A student member shall be supervised by a registered architect or allied professional.

(3) A registered architect or allied professional supervising a student member shall monitor the diary kept

by the student member and keep a record of the performance of the student member.

(4) A student member shall keep a diary, relating to activities undertaken in architecture or any allied profession, which shall be signed on a daily basis by the registered architect or registered allied professional supervising the student member.

Organisational member

24. An organisational member is a statutory corporation, company, firm, an association or other body, division, department or section which is directly engaged in architecture or an allied profession or is professionally interested in architecture or an allied profession and which has one or more employees who are corporate members, allied professions members or honorary members.

Designation of members

25. A member of the Institute shall be entitled to use the following descriptions and designations, as appropriate:

- (a) "Corporate Member" as "Member of the Zambia Institute of Architects and Allied Professionals or by the abbreviation 'CMZIAA'";
- (b) "Allied Professions Member" as "Allied Member of the Zambia Institute of Architects and Allied Professionals or by the abbreviation 'AMZIAA'";
- (c) "Honorary Member" as "Associate of the Zambia Institute of Architects and Allied Professionals or by the abbreviation 'AZLAA'";
- (d) "Life Member" as a "Fellow of the Zambia Institute of Architects and Allied

Professionals or by the abbreviation 'FZIAA' "; and

- (e) "Student Member" as "Student Member of the Zambia Institute of Architects and Allied Professionals or by the abbreviation 'SMZIAA' ".

Member before commencement of Act in corresponding class

26. Notwithstanding section seventeen, a person who immediately before the commencement of this Act was a corporate member, honorary member, life member, foreign member or student member shall, from the commencement of this Act, be a corporate member, honorary member, life member, foreign member or student member, respectively, without further process under this Act.

Commencement of membership

27. (1) Subject to sections twenty-six and twenty-nine, membership to the Institute shall commence when the person is elected as a member, pays the membership fee for that class of membership within sixty days of being notified by the Council and holds a certificate of membership issued in accordance with section seventeen.

(2) Where a person fails to pay the membership fee, as provided for in subsection (1), the application for membership and the Council's election shall automatically lapse.

Expulsion and resignation of member

28. (1) A person may be expelled as a member by special resolution of the Council in accordance with this Act and the rules of the institute.

(2) A person who has been expelled from membership shall not be re-admitted as a member without the authority of a special resolution of the members passed at an annual general meeting.

(3) A person may resign as a member on giving

notice, in writing, through the Honorary Secretary, to the Council.

(4) A resignation of a member shall not be accepted until the member has paid all arrears of membership fees due to the Institute, up to and including the date of resignation, and no refund of membership fee already paid shall be made to a member who resigns.

(5) A person who has resigned as a member shall forward the certificate of membership to the Honorary Secretary who shall, upon receipt of the certificate of membership, strike off the name of the person from the register of members and the Honorary Secretary shall inform the Registration Committee of such striking off.

(6) A person who was a fully paid-up member at the time of resignation shall be recorded as having resigned in good standing.

Membership fees

29. (1) The Institute may charge such annual membership fee as may be specified in the rules of the Institute and different fees may be charged for different classes of membership.

(2) On or about the 1st January of each year, every member shall pay, to the Institute, the membership fee for that class of membership.

(2) Notwithstanding subsection (1), an honorary member or life member shall not pay any membership fee.

(3) A person who is elected to a class of membership or a member who is elected to another class of membership after the 30th June in any financial year shall pay to the Institute one half of the membership fee for that class of membership for that financial year.

(4) A member who is over the age of fifty-five years and who satisfies the Institute that the member has ceased to be engaged in gainful employment may elect to pay, each financial year, one-half of the membership fee for that year, or may pay an average sum equivalent to five annual membership fees in Lieu of all future membership fees.

(5) A member who fails to pay membership fees for twelve months shall cease to be a member in good standing, and the membership shall lapse automatically, except that the Council may reinstate the member upon payment by the member of all outstanding membership fees.

PART IV

REGISTRATION AND PRACTICING CERTIFICATES

Registration
Committee

30. (1) The Registration Committee constituted under subsection (2) of section twelve shall consist of the following members:

- (a) the chairperson who shall be appointed by the President;
- (b) the Vice-President;
- (c) the Honorary-Secretary;
- (d) the Registrar;
- (e) two Past Presidents who are fully paid up corporate members;
- (f) an academic architect;
- (g) the chairperson of the Membership Committee; and
- (h) a corporate member nominated by the President and approved by the Council

(2) The Registration Committee shall elect a vice-chairperson from amongst its members.

(3) The members of the Registration Committee shall hold office for a period of three years and shall, on the expiration of the period, be eligible for re-election, except that a member shall not serve on the Registration Committee for more than six consecutive years.

(4) The quorum of the Registration Committee shall be four members of the Committee, one of whom shall be a Past President.

Functions of
Registration
Committee

31. The functions of the Registration Committee shall be to-

- (a) receive and consider applications for registration as architects or allied professionals;
- (b) recommend for registration by the Council persons who are qualified for registration as architects or allied professionals in accordance with this Act, regulations issued under this Act and the rules of the Institute;
- (c) ensure that the Register is updated so as to reflect the status of registered architects, registered allied professionals, and architects and allied professionals that have been suspended or removed from the register in accordance with this Act and regulations issued under this Act;
- (d) prepare programmes of training, including the acquiring of acceptable practical experience for trainees and graduates of architecture or any allied profession, so as to qualify for registration as architects or allied professionals;



- (e) liaise with approved education institutions undertaking training in architecture or any allied profession on practical training for students and modalities for monitoring and keeping of student diaries;
- (f) carry out or cause to be carried out continuous professional development programmes for the training of registered architects and registered allied professionals in subjects related to their profession;
- (g) conduct examinations or interviews for professional competence in architecture or any allied profession at such times and places as the Council shall determine;
- (h) promote high standards of competence and ethical conduct in the practice of architecture;
- (i) do such other things as may be necessary for the advancement of knowledge, skill and proficiency in the practice of architecture and undertaking of allied professional services;
- (j) recommend the issuance of a written reprimand, imposition of a fine, suspension or removal from or reinstatement into the register of any registered architect or registered allied professional, for good cause shown, to the Council for consideration by the Professions Ethics and Conduct Committee; and

- (k) recommend to the Council the scale of fees, to be charged by the Council and to be prescribed by the Minister, for registration of architects and allied professionals.

Registration of
architects,
allied
professionals
and firms

32. (1) Subject to this Act, a person who qualifies as an architect or allied professional shall apply, in the prescribed manner and on payment of a prescribed registration fee, to the Registrar for registration, in accordance with this Act, as an architect or allied professional.

(2) A person who wishes to apply for registration as an architect or allied professional shall submit such documents, as shall be specified in the rules of the Institute and as may be required by the Registration Committee, to support that person's registration.

(3) A partner or shareholder of an architect firm may apply, in accordance with subsections (1) and (2), with the necessary modifications, to be registered, to practice as a firm, provided the firm is composed of at least one corporate member.

(4) A foreign firm may apply to be registered to practice in Zambia, in accordance with subsection (4), if it enters into a joint venture with a Zambian architectural firm.

(5) A partner or shareholder in an allied professional firm may apply, in accordance with subsections (1) and (2), with the necessary modifications, to be registered to provide allied professional services if it is composed of at least one allied professions member or, if it is a foreign firm, it enters into a joint venture with a Zambian allied professional firm.

(6) Where an architect firm or allied professional

firm applies to be registered, as provided in this section, that firm shall file with the Registrar a memorandum signed by all the partners or shareholders stating-

- (a) the name of the firm;
- (b) the names and qualifications of each partner or shareholder;
- (c) the nationality of each partner or shareholder; and
- (d) the address of the registered office, the postal address, the telephone number and facsimile number of the firm.

(7) The Registrar shall, within seven days of the receipt of an application to be registered, made in accordance with this section, submit the application to the Registration Committee for consideration.

(8) The Registration Committee shall, within fourteen days of receipt of an application for registration, submitted in accordance subsection (7), consider the application and on being satisfied on the qualification of a person to register as -

- (a) an architect, recommend the registration of the architect to the Council which shall further determine the matter and if satisfied that this Act has been complied with issue to the architect a practicing certificate in accordance with section thirty-six; and
- (b) an allied professional, recommend the registration of the allied professional to the Council which shall further determine the matter and if satisfied that this Act has been complied with issue to the allied professional a certificate of registration in accordance with section thirty-nine.



(9) The Council may register an architect firm or professional allied firm in the form prescribed within fourteen days of receipt of an application for registration submitted in accordance with this section.

(10) A decision of the Council shall be communicated to the applicant, by the Registrar, within twenty-one days of the receipt of the application to be registered.

(11) The Council shall enter the particulars of a registered architect, allied professional, architect firm or allied professional firm in the Register.

Qualification
for registration
as architect or
allied
professional

33. (1) A person shall be qualified to be registered as an architect if the person –

- (a) is a resident or has established an office or appointment in Zambia as an architect;
- (b) has such architectural qualifications as may be prescribed by regulations issued under this Act;
- (c) has passed at least two years of full-time post-graduate practical employment under the supervision of a registered architect;
- (d) has passed the professional competence examination conducted by the Council;
- (e) meets any minimum standards set by the Council and as prescribed in regulations issued under this Act; and
- (f) has paid the registration fees prescribed by the Council.

(2) A person shall be qualified to be registered as an allied professional if the person-

- (a) is a resident or has established an office in Zambia undertaking any allied professional service;

- (b) meets the qualifications and minimum standards set by the Council and as prescribed in regulations issued under this Act; and
- (c) has paid the registration fees prescribed by the Council.

Disqualifications
for registration
as architect or
allied
professional

34. A person shall not be qualified to be registered as an architect or allied professional if that person—

- (a) has been convicted of an offence involving dishonesty;
- (b) has been adjudged or otherwise declared to be of unsound mind under any law in force in Zambia; or
- (c) is an un-discharged bankrupt.

Exemption
from
registration

35. The following persons shall be exempt from registering in accordance with this Part:

- (a) academic architects; and
- (b) persons undergoing training in architecture or any allied profession at a university or institute approved by the Council.

Practicing
certificate for
registered
architect

36. (1) The Council shall, on payment of such fee, as may be prescribed, issue a practicing certificate, in the prescribed form, to a registered architect.

(2) A practicing certificate entitles the registered architect to carry out the practice of architecture.

(3) Every practicing certificate, issued in accordance with subsection (1), shall bear the crest of the Institute and shall be signed by the President or Vice-

President and
Honorary
Secretary.

(4) A
practicing
certificate
, issued
in
accordanc
e

with subsection (1), shall be displayed at the place from where the registered architect is practicing.

(5) A practicing certificate, issued in accordance with subsection (1), shall take effect on the day it is issued and shall continue in force until the 30th of June next following the date of issue.

(6) A practicing certificate shall be renewed annually upon payment of such fees as may be prescribed.

(7) A registered allied professional shall not be issued a practicing certificate.

Offences
relating to
practicing
certificate

37. (1) A person who is not the holder of a practicing certificate, issued by the Council in accordance with section thirty-six, shall not-

- (a) practice as an architect;
- (b) practice or offer services as, or hold out to be, a qualified architect, consultant or advisor on architectural services;
- (c) adopt, use or exhibit the titles "architect", "registered architect", "project architect", "consulting architect" or any other term of similar description; or
- (d) do anything likely to lead persons to infer that the person is a registered architect.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(3) Where a firm does any act which if done by an individual would be an offence under subsection (1), every partner or shareholder in the firm shall be deemed to have committed the offence, unless the partner or shareholder

proves that the offence was committed without that partner's or shareholder's knowledge or consent.

Seal of
•registered
architect or
architect
firm

38. (1) The Council shall, on payment of a prescribed fee, issue a seal to every registered architect issued with a practicing certificate and to a registered architect firm.

(2) The seal issued to a registered architect or registered architect firm shall be such device as may be determined by the Council and shall be kept, in a secure place by the registered architect or corporate member in the architect firm.

(3) The affixing of the seal shall be authenticated by a registered architect.

(4) Any document purporting to be under the seal of a registered architect or registered architect firm shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Certificate of
registration for
allied
professional

39. (1) The Council shall, on payment of such fee as may be prescribed, issue a certificate of registration, in the prescribed form, to a registered allied professional.

(2) A certificate of registration entitles a registered allied professional to provide allied professional services.

(3) Every certificate of registration, issued in accordance with subsection (1), shall bear the crest of the Institute and shall be signed by the President or Vice-President and Honorary Secretary.

(4) A certificate of registration, issued in accordance with subsection (1), shall be displayed at the offices of the allied professional.

(5) A certificate of registration, issued in accordance with subsection (1), shall take effect on the day it is issued

and shall continue in force until the 30th of June next following the date of issue.

(6) A certificate of registration shall be renewed annually upon payment of such fees as may be prescribed.

(7) An allied professional who claims to be undertaking allied professional services under a practicing certificate issued by the Council commits an offence and shall be prosecuted for the offence of holding out as specified in section forty-one.

Employment of
unregistered
architect or allied
professional

40. (1) A person, firm, company or Government department or agency shall not employ or engage any person who is not a member or registered in accordance with this Act

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units.

Holding out

41. (1) A person shall not, unless the person holds a practicing certificate issued by the Council in accordance with section thirty-six-

(a) practice, be employed or offer architectural services as, or represent himself, a qualified or registered architect or architect consultant or adviser;

(b) adopt, use or exhibit the terms "architect", "registered architect", "consulting architect" or any other term of like description; or

(c) do anything likely to lead persons to infer that the person is an architect registered to practice under this Act

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Cancellation of practicing certificate or certificate of registration and surrender of seal

42. (1) The Council may, on recommendation of the Registration Committee, cancel a practicing certificate or certificate of registration, held by a registered architect or allied professional, as the case may be, if-

- (a) it is proved to the satisfaction of the Registration Committee that the registration was obtained through fraud, misrepresentation or concealment of any material fact; or
- (b) the architect or allied professional ceases to be a member.

(2) The Council shall before cancelling a practicing certificate or certificate of registration, in accordance with subsection (1), give the registered architect or registered allied professional holding the certificate, thirty days notice of the intention to cancel the practicing certificate or certificate of registration, as the case may be, and give the registered architect or allied professional an opportunity to show cause as to why the certificate should not be cancelled.

(3) The Council shall, after cancelling a practicing certificate or certificate of registration, publish a notice of cancellation in the Gazette.

(4) An architect whose practicing certificate is cancelled, in accordance with this section, shall surrender the seal issued to that architect to the Council.

Responsibility of registered architect firm or allied professional firm

43. (1) A registered architect firm or allied professional firm shall ensure that at all times there is at least one corporate member or allied professions member

responsible, in the firm, for the provision of architectural services or allied professional services, as the case may be.

(2) A registered architect firm or allied professional firm shall ensure that-

- (a) written business correspondence issued by the firm bears the name of the firm, indicates the name of the corporate member or allied professional member; and
- (b) the name of the corporate member or allied professional member responsible for the architectural services or allied professional services, as the case may be, is permanently displayed at each place of business of the firm so as to be clearly visible.

Register of
Architects

and Allied
Professionals

44. (1) The Registrar shall, under the general supervision of the Registration Committee, establish and maintain a discrete Register of Architects and Allied Professionals registered under this Act, including registered architect firms and allied professional firms.

(2) The Register, referred to in subsection (1), shall be in such format and contain such information, relating to members and registered firms, as may be prescribed by regulations.

(3) The Council may cause corrections or alterations to be made to the Register for purposes of fulfilling the requirements of this Act or regulations issued in accordance with this Act.

(4) The Register shall be kept in physical form at the Institute or electronically and shall be open to inspection on such conditions, including the payment of a fee, as may

be prescribed
in the rules of
the Institute.

Offences
relating to
registration

45. (1) A person commits an offence if the person
- (a) procures or attempts to procure for that person or any other person a practicing certificate or certificate of registration by means of fraud, misrepresentation or concealment of any material fact; or
 - (b) makes or causes to be made an unauthorised entry, alteration or erasure in the Register or any other register maintained under this Act, practicing certificate or certificate of registration, or in any copy of these.

(2) A person who commits an offence under subsection (1) shall be liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

Appeals
relating to
registration

46. (1) A person aggrieved by a decision made by the Council under this Part may, within thirty days of the decision being made, appeal to the Minister.

(2) Where an appeal is made, in accordance with subsection (1), the Minister may give such directions to the Council as the Minister considers necessary to enable the Minister determine the appeal.

(3) The Minister shall determine an appeal, made in accordance with subsection (1), within forty-five days from the date on which the appeal is lodged.

(4) The Minister may, in determining the appeal, confirm, vary or set aside the decision of the Council.

PART V

**PROFESSIONAL CONDUCT, COMPLAINTS AND DISCIPLINARY
PROCEDURES**

Professions
Ethics and
Conduct
Committee

47. (1) The Professions Ethics and Conduct Committee constituted under subsection (2) of section twelve shall consist of the following members:

- (a) the Vice-President, who shall be the Chairperson;
- (b) a representative of the Attorney-General;
- (c) three corporate members nominated by the President and approved by the Council; and
- (d) an allied professions member nominated by the President and approved by the Council;

(2) The Professions Ethics and Conduct Committee shall elect a vice-chairperson from amongst its members.

(3) The members of the Professions Ethics and Conduct Committee shall hold office for a period of three years and shall, on the expiration of the period, be eligible for re-election, except that a person shall not serve on the Professions Ethics and Conduct Committee for more than six consecutive years.

(4) The quorum of the Professions Ethics and Conduct Committee shall be four members of the Committee, one of whom shall be the representative of the Attorney-General.

(5) A person shall not be nominated as a member of the Professions Ethics and Conduct Committee if the person

- (a) has committed or been found guilty of professional misconduct;
- (b) is in lawful custody or the person's freedom of movement is restricted under

any law in force within or outside Zambia;
or

- (c) has been convicted of an offence involving dishonesty.

(6) There shall preside at every meeting of the Professions Ethics and Conduct Committee, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or, in absence of the Chairperson and the Vice-Chairperson such member as the members present may elect for the purpose of that meeting.

Functions of
Professions
Ethics and
Conduct
Committee

48. The functions of the Professions Ethics and Conduct Committee shall be to –

- (a) hear and determine a complaint or an allegation against a member for professional misconduct;
- (b) hear and determine a complaint or allegation against another committee of the Council;
- (c) carry out a investigation, before hearing a complaint or an allegation, in the form and manner prescribed in regulations issued under this Act;
- (d) recommend to the Council the imposition of sanctions on a member found to be guilty of professional misconduct, in accordance with this Act and regulations issued under this Act;
- (e) ensure that professional ethics and conduct are upheld in the profession; and
- (f) do all such things as are incidental or conducive to the attainment and maintenance of professionals ethics and conduct in the profession.

(2) The quorum of the Professions Ethics and Conducts Committee shall be three members of the Committee.

Powers of Professions Ethics and Conduct Committee

49. (1) The Professions Ethics and Conduct Committee may, for purposes of any disciplinary proceeding, hear and receive evidence.

(2) A person summoned to appear before the Professions Ethics and Conduct Committee commits an offence if that person –

- (a) refuses or fails to appear before the Professions Ethics and Conduct Committee or an investigation undertaken by the Committee, at the time and place specified in the summons, or having attended, leaves without the permission of the Committee without cause or excuse;
- (b) without lawful excuse and to the best of that person's knowledge, refuses to answer any question lawfully put to the person; or
- (c) refuses to produce any book, record, document or thing which the person has been required by summons to produce.

(3) Notwithstanding subsection (2), a person shall not be compelled to answer any question or produce any book, record, document or thing which that person shall not be compelled to answer or produce on a trial of an action in the High Court.

(4) In any hearing or investigation before, or undertaken by, or on behalf of, the Professions Ethics and Conduct Committee, a decision which is shown to have been made by any court in Zambia shall be conclusive evidence of the facts so found.



50. (1) Notwithstanding section five-one, the Council shall develop and issue a Code of Ethics and Conduct for Architects and Allied Professionals which shall apply to all members.

(2) The Code of Ethics and Conduct for Architects and Allied Professionals shall make discrete provisions for registered architects and registered allied professionals.

(3) A member shall be guilty of professional misconduct if that member breaches any provision of the Code of Ethics and Conduct for Architects and Allied Professionals or contravenes this Act or regulations issued under this Act.

(4) The Code of Ethics and Conduct for Architects and Allied Professionals shall provide for sanctions for breach of the Code.

Professional
misconduct
on part of
architect

51. The following shall constitute professional misconduct on the part of an architect:

- (a) bringing the profession into disrepute;
- (b) encouraging another person to breach or disregard the Code of Ethics and Conduct for Architects and Allied Professionals;
- (c) carrying on or acting as principal, partner, manager or employee in a company trading in materials used in, or whose activities are otherwise connected with, the building industry or the financing or erection of buildings:

Provided that –

- (i) an architect may be a director of any company including a registered building society; and
- (ii) an architect that is not in the practice of architecture may be

employed as a full time technical advisor *in* a company manufacntring building materials;

- (d) maintaining or having an office for the purpose of practicing architecture unless that office is at all times, under the direct and personal supervision of at least one corporate member;
- (e) accepting work which involves the giving or receiving of discount, commission or other consideration or inducement, or accepting any discount, gift or commission from contractors or tradesmen whether employed on the contractor's works or not;
- (l) accepting remuneration in connection with the works and duties entrusted to the architect other than in accordance with the Scale of Professional Fees prescribed in, regulations issued under this Act;
- (g) issuing any drawings, specifications, certificates of final accounts or similar work perfonned by the architect or by some person in the employ of the architect, unless the same bears the architect's name, address and seal issued by the Council;
- (h) signing, as the architect, drawings or any documents of which the architect is not the author;
- (i) sharing or agreeing to share fees, or entering into partnership or associate-

ship regarding architectural services with an unregistered person;

- Ul entering into, changing or dissolving any form of partnership or associate-ship without informing the Council;
- (k) taking part in a tender for architectural services without the permission of the Council, unless the conditions contain the clause *"The Conditions have been submitted to and approved by the Council"*;
- (l) influencing or attempting to influence unfairly or dishonorably, \irbether directly or indirectly, the award of a tender for a architectural services;
- (m) acting as an architect or joint architect for w(;)rk which is or has been tht:: subjt::ct of a tender for architecturaJ services in which the architect or a partner of the architect has been or is engaged as an assessor;
- (n) acting as a commlting architect whilst engaged as an assessor, unless the architect is appointed consulting architect before ttle inception of a tender architectural for services;
- (o) acting in any other professional capacity in any matter connected with tht:: work which is the subject of a tender for architectural services, except that the architect may act as arbitrator in a dispute between the promoters and the selected architect;
- (p) acting as an architect where that architect is officially approached by the promoters of a tender for architectural services for

advice, as to the holding of a tender for architectural services with a view to the architect acting as an assessor;

- (q) knowingly undertaking a commission while fees are outstanding or any claim for compensation or damages is owing to an architect previously employed and whose employment has been terminated, unless security for the payment of fees outstanding and for due satisfaction of any award or judgment which may be made or given in favour of the architect previously employed has been given;
- (r) knowingly charging other than for work carried out, or charging other than, within the terms of the Scale of Professional Fees prescribed in regulations issued under this Act;
- (s) receiving any payment or any form of consideration from a contractor, except as remuneration for architectural services rendered to the contractor as a client;
- (t) obtaining or attempting to obtain architectural services by –
 - (i) offering or paying monetary or other consideration or inducement to any person; or
 - (ii) any other improper means;
- (u) touting for, or in any way soliciting for, architectural services;
- (v) preparing or issuing any building plans of a scheme for which the architect has not been personally engaged;

- (w) supplanting or attempting to supplant or discredit another architect with a view of unfairly influencing a tender for architectural services;
- (x) advertising or offering architectural services by means of circujars or otherwise, or arranging or inspiring reports, interviews, articles or notices of any description *or* making- paid announcements in the press referring to the architect professionally in a manner calculated to attract clients or obtain architectural services, except as may be permitted in the Code of Ethics and Conduct for Architects and Allied Professionals;
- (y) exhibiting the architect's name, except outside the architect's office or on the site or a building being constructed, altered or extended, or on a completed building designed by the architect, unless in an unostentatious manner; or
- (z) providing architectural services for free, without informing the Council.

Complaints
against
member

52. (1) Any person aggrieved by the conduct of a member or alleges that the member is guilty of professional misconduct may make a complaint to the Professions Ethics and Conduct Committee, in the form and manner prescribed in regulations issued under this Act.

(2) The Professions Ethics and Conduct Committee may institute disciplinary proceedings, on its own initiative or on receipt of a complaint made, in accordance with

subsection (1), against a member in the manner and form prescribed in regulations issued under this Act.

Disciplinary proceedings deemed judicial proceeding, records and procedures

53. (1) A hearing before the Professions Ethics and Conduct Committee shall, for all purposes, and in particular for the purposes of Chapter XJ of the Penal Code, be deemed to be a judicial proceeding.

(2) The Professions Ethics and Conduct Committee shall cause to be kept a record of all its proceedings.

(3) A party to the disciplinary proceedings or a legal practitioner, if any, shall be entitled to cross examine any person giving evidence before the Professions Ethics and Conduct Committee.

(4) A party to the disciplinary proceedings shall, as of right, be present throughout the hearing.

(5) Any party to a hearing before the Professions Ethics and Conduct Committee may be represented by a legal practitioner or with the leave of the Committee, by any person authorised by the party.

(6) The Professions Ethics and Conduct Committee shall, at the close of hearing a case, make a ruling on the matter which ruling shall be communicated to the parties concerned and the Council for ratification.

(7) All proceedings of the Professions Ethics and Conduct Committee shall be held in camera.

Sanctions for professional misconduct and submission or reports

54. (1) Subject to this Act, where the Professions Ethics and Conduct Committee finds a member guilty of professional misconduct, the Committee may recommend to the Council the -

- (a) suspension of the member and impose any reasonable conditions for the postponement or suspension for a period not exceeding two years;

- (b) expulsion of the member and order the cancellation of the member's practicing certificate or certificate of registration;
- (c) censure of the member;
- (d) imposition of an administrative fine not exceeding eight hundred penalty units payable to the Institute; or
- (e) The payment by the member to the Institute or any other party to the hearing any costs of, or incidental to, the disciplinary proceedings in addition to any other sanction.

(2) The Professions Ethics and Conduct Committee shall, as soon as practicable after the completion of each disciplinary proceeding, submit a report of the disciplinary proceedings, together with a copy of the record of any investigation undertaken in connection with the disciplinary proceedings, *if* any, to the Council for approval or ratification.

(3) **The** Council shall, as soon as practicable after receipt of a report of the disciplinary proceedings, and after making such decision as may be required, submit a report of the disciplinary proceedings, together with a copy of the record of any investigation undertaken in connection with the disciplinary proceedings, if any, to the President.

(4) The President shall, on receipt of the report submitted in accordance with subsection (3), cause to be entered in the Register the nature of the professional misconduct on the part of the member, the sanction imposed on the member and any other particular recommended by the Professions Ethics and Conduct Committee and approved by the Council.

(5) The cancellation of a member's practicing certificate or certificate of registration shall not take effect

until after the expiration of the time allowed for lodging an appeal against such decision as specified in subsection (1) of section fifty-five.

Appeals
against
decision
relating to
disciplinary
proceedings

55. (1) A member who is aggrieved by a decision of the Council with respect to the disciplinary proceedings undertaken in accordance with this Part may, within thirty days of the notification to the member of the decision, appeal to the Minister.

(2) Where an appeal is made, in accordance with subsection (1), the Minister may give such directions to the Council as the Minister considers necessary to enable the Minister determine the appeal.

(3) The Minister shall determine an appeal, made in accordance with subsection (1), within forty-five days from the date on which the appeal is lodged.

(4) The Minister may, in determining the appeal, confirm, vary or set aside the decision or refer the matter back to the Council for further consideration by the Professions Ethics and Conduct Committee.

PART VI

GENERAL PROVISIONS

Professional
fees

56. (1) A registered architect holding a practicing certificate issued under this Act, other than a public servant, shall charge for architectural services rendered, at such rates as are set out in a Scale of Professional Fees prescribed by the Minister on the recommendation of the Council.

(2) A registered architect shall, before undertaking any architectural service, draw the attention of the client to the Scale of Professional Fees prescribed in accordance with subsection (1).

(3) An allied professional is entitled to charge such remuneration, for allied professional services rendered, as may be specified in the rules of the Institute.

False or misleading statements by member

57. (1) A member shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to the Institute or the Institute with the intention that it be acted on.

(2) A member who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

General penalty

58. Where any person contravenes any of the provisions of this Act where no specific penalty is provided such person shall be liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to a term of imprisonment not exceeding six months, or to both.

Offences by body corporate or public officers

59. Where an offence under this Act is committed by a body corporate or public officer, every director of the body corporate or the public officer shall be liable, on conviction, to the penalty provided, unless the director or public officer proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director or public officer or that the director or public officer took reasonable steps to prevent the commission of the offence.

Rules or Institute

60. (1) The Council may, with the approval of the Minister and subject to this Act, make statutory rules relating to the Institute, the Council, the committees of the Council, members, the staff of the Institute and persons studying or intending to become architects and allied

professionals.

(2) Without prejudice to the generality of subsection (1), the Council may make statutory rules prescribing for the following:

- (a) meetings of the Institute including the delivery and sufficiency of notices of meetings, quorum, voting, adjournments and other matters of procedure or conduct of meetings;
- (b) establishment, powers and functions of branches and sub-branches of the Institute;
- (c) the manner of application for membership to the Institute and transfer of any member from one class to another;
- (d) membership fees;
- (e) the manner of election, removal and replacement of the President, Vice-President, other officers, bearers and other members, committees and representatives of the Institute;
- (f) the regulation of powers exercisable by the Council and committees;
- (g) voting by proxy, post and otherwise;
- (h) the manner of keeping accounts of the Institute and rendering of reports and accounts;
- (i) the grounds for expulsion or suspension of members and procedures relating thereto;
- (j) the manner of application for registration as an architect or allied professional and the fees payable for such registration;
- (k) the preservation of copyrights of papers,

reports of proceedings and discussions of the Institute;

- (l) anything required to be prescribed in the rules of the Institute; and
- (m) any other matters as may be considered by the Cotmcil to be necessary for the proper conduct and regulation of the affairs of the Institute.

Regulations

61. The Minister may, on the recommendation of the Council, make regulations –

- (a) setting out –
 - (i) the Code of Ethics and Conduct for Architects and Allied Professionals; and
 - (ii) the conditions of engagement of an architect;
- (b) for the qualification and minimum standards for registration as an architect or allied professional;
- (c) setting out the approved education institutions for the training of architects and allied professions and examination centers;
- (d) for anything required to be prescribed under this Act; and
- (e) for the better carrying out of the provisions of this Act.

Repeal,
savings and
transitional
Cap442

62. (1) The Zambia Institute of Architects Act, 1995 is repealed.

(2) Notwithstanding subsection (1), the savings and transitional provisions set out in the Second Schedule shall apply in respect of the Institute, members, the Council and

other matters

FIRST SCHEDULE

(Sections two and ten)

ADMINISTRATION OF INSTITUTE AND COUNCIL

Tenure of
office and
vacancy

1. (1) A member of the Council shall unless the member vacates office earlier, hold office for two years from the date of election and may be re-elected for a further term of two years, except that the two members who are trustees shall hold office for a period of five years.

(2) A member of the Council shall not serve for more than two consecutive terms.

(3) A member of the Council may resign upon giving one month's notice to the Institute.

(4) The Council shall, where there is a vacancy on the Council, appoint another member who shall serve as a member of the Council until the date of the next annual general meeting of the Institute.

(5) Upon the expiration of the term for which a member of the Council is elected, the member shall continue to hold office until a successor has been elected, but in no case shall any extension of one term exceed three months.

(6) The office of member of the Council shall become vacant if the person-

- (a) ceases to be a member of the Institute;
- (b) is disqualified under subsection (3) of section ten;
- (c) is adjudged bankrupt;
- (d) is adjudged or otherwise declared to be of unsound mind under any law in force in Zambia;
- (e) is convicted of an offence involving dishonesty or any other offence under any other law.

- (f) is absent, without prior approval of the Council or reasonable excuse, from three consecutive meetings of the Council of which the member has had notice; or
- (g) resigns after giving not less than one month's notice, in writing, of that member's intention to resign to the President.

Meetings and
proceedings
or Council

2. (1) Subject to this Act, the Council may regulate its own procedure.
- (2) The Council shall, for the transaction of business, meet at least twice in every calendar year at such places and at such times as the President may determine.
- (3) The quorum of the meeting of the Council shall be seven.
- (4) Subject to sub-paragraph (5), the President shall, upon giving notice of not less than fourteen days, call a special meeting of the Council if not less than five members so request in writing.
- (5) If the urgency of any particular matter does not permit the giving of the notice referred to in sub-paragraph (4), a special meeting may be called upon giving shorter notice.
- (6) There shall preside at a meeting of the Council the President or, in the absence of the President, the Vice-President or, in the absence of both the President and the Vice-President, such member as the members present may elect for the purpose of that meeting.
- (7) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(8) The Council may invite any person whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council, but such a person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member of the Council or by reason that a person not entitled to do so took part in the proceedings.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

Disclosure
or interest

3. (1) If any person is present at a meeting of the Council, or a committee of the Council at which any matter is the subject of consideration and in which that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council or the committee, as the case may be, otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

Immunity
of members
or Council

4. An action or other proceedings shall not lie or be instituted against a member of the Council or a committee of the Council for, or in respect of, anything done or omitted to be done in good faith in the exercise of the functions of the Council or of any committee established by the Council under this Act.

PART II

FINANCIAL PROVISIONS

Funds of
Institute

5. The funds of the Institute shall consist of such monies as may-

- (a) be appropriated by Parliament for the purposes of the Institute;
- (b) be paid to the Institute by way of fees, grants or donations; and
- (c) otherwise vest in or accrue to the Institute.

(2) The Institute may-

- (a) accept monies by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (b) raise by way of loans or otherwise, such monies as it may require for the discharge of its functions; and
- (c) charge and collect fees in respect of programmes, training programmes, examinations and seminars conducted by the Institute.

(3) There shall be paid from the funds of the Institute-

- (a) the salaries, allowances and other emoluments of the staff of the Institute;
- (b) such reasonable travelling and other allowances for members of the Council or any committee when engaged on the business of the Institute at such rates as the Council may determine; and

(c) any other expenses incurred by the Institute in the performance of its functions.

(4) All income and other moneys received by and belonging to the Institute shall be applied towards the promotion and furtherance of the aims and objectives of the Institute.

Investment
of funds

6. The Institute may invest in such manner as it considers necessary any of its funds which it does not immediately require for the performance of its functions.

Accounts of
Institute

7. (1) The Institute shall cause to be kept proper books of account and other records relating to its accounts.

(2) The accounts of the Institute shall be audited annually by independent auditors appointed by the annual general meeting.

(3) The fees of the auditors shall be paid by the Institute.

Financial year

8. The financial year of the Institute shall be a period of twelve months ending on 31st December in each year.

Annual report

9. (1) As soon as is practicable, but not later than three months after the end of the financial year, the Council shall submit to the Minister a report concerning the activities of the Institute during such financial year.

(2) The report, referred to in subsection (1), shall include information on the financial affairs of the Institute and there shall be appended thereto –

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information regarding the activities undertaken during the year, as the Minister may require.

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after the receipt of the report, referred to in subsection (1), lay it before the National Assembly.

SECOND SCHEDULE

{Section sixty-two)

SAVINGS AND TRANSITIONAL PROVISIONS

Staff of former
Institute

1. Nothing in this Act affects the rights of any person employed by the former Institute immediately before the commencement of this Act.

Assets,
liabilities
and
obligations
Cap. 442

2. On the commencement of this Act, all property assets, rights, liabilities and obligations of the former Institute shall vest in the Institute.

Proceedings
Cap 442

3. Any proceedings or cause of action instituted or pending by or against the former Institute immediately prior to the commencement of this Act shall continue as if instituted under this Act.

Conditions of
engagement

4. Any architectural projects commissioned prior to the commencement of this Act under the conditions of engagement and scale of fees subsisting under the repealed Act shall continue to apply until the projects are completed.