



**THE ARCHITECTS, ENGINEERS AND
QUANTITY SURVEYOR'S REGISTRATION
ACT NO. 5 OF 2008**

ARRANGEMENT OF SECTIONS

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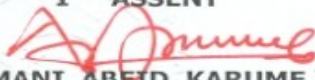
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ACT NO. 5 OF 2008

I ASSENT


(AMANI ABEID KARUME)
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

29th JULY....., 2008

**AN ACT TO PROVIDES FOR REGISTRATION OF
ARCHITECTS, ENGINEERS AND QUANTITY
SURVEYORS AND TO ESTABLISH A BOARD
WHICH WILL REGULATE THE CONDUCTS OF
BUILDING CONSTRUCTORS AND ANY
MATTERS CONNECTED THEREWITH
AND INCIDENTAL THERETO.**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISSIONS**

Short title and
commencement.

1. This Act may be cited as the Architects, Engineers and Quantity Surveyors' Registration Act, 2008 and shall come into operation on such a date as the Minister may appoint by notice published in the Official Gazette.

Interpretation.

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

"Architect" means a person who uses creativity and professionally accepted in the planning, designing, modeling and oversight of a building construction;

"Board" means the Architects, Engineers and Quantity Surveyors' Registration Board established under section 3 of this Act;



"Building" means any three dimension structural form with accepted materials constructed for the purpose of defining space within space or around space, whether that space is directly or indirectly used;

"Constructor" means Architect, Engineer or Quantity Surveyor;

"Consultant" means any person appointed to give specialized professional advice to the Architect, Engineer or Quantity Surveyor;

"Department" means Department responsible for building construction;

"Director "means the Director of the department responsible for building construction;

"Engineer" means any person who is educated and trained to professionally engage in engineering solutions in buildings by using creativity, technology, mathematics and scientific knowledge to solve practical problems;

"Minister" means the Minister responsible for building construction;

"Member" in relation to the Board includes the Chairperson and the Vice Chairperson;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Register" means the register kept under the provision of section 17 of this Act;

"Registered Consulting Architect, Engineer or Quantity Surveyor" means a person or firm whose name is entered in the register in their particular disciplines, classification and grade;

"Registered Architect, Engineer or Quantity Surveyor" means a person whose name is entered in the register according to this Act;



"Registered graduate" means a person whose name is entered in the register as registered graduate in Architecture, Engineering or Quantity Surveying;

"Registrar" means the Registrar of Architects, Engineers and Quantity Surveyors Registration Board appointed under section 16 of this Act;

"Technician" is generally some one in a technological field who has a relatively practical understanding for the general theoretical principles of that field;

"Quantity Surveyor" means a person who is professionally and academically qualified to manage and control costs within construction projects, procurement and tender issue during the entire construction process and certified to be licensed to practice Quantity Surveying;

"Zanzibari" means any individual defined to be a Zanzibari according to Act No. 5 of 1985 of Zanzibar; or in case of company incorporated in Zanzibar in accordance with the Company Decree, Cap. 153 provided that the majority of its share capital is beneficially owned by Zanzibaris.

PART II ESTABLISHMENT OF THE BOARD

Establishment of
the Board.

3.(1) There is hereby established a Board to be known as the Architects, Engineers and Quantity Surveyors Registration Board which shall have the responsibility to regulate the activities and conducts of Architects, Engineers and Quantity Surveyors, in accordance with the functions and powers conferred upon it by this Act.

(2) The Board shall:

- (a) be a body corporate with perpetual succession and common seal;
- (b) in its corporate name be capable of suing and being sued;



(c) for and in connection with the purpose of this Act be capable of acquiring, holding and disposing of movable and immovable property in its corporate name;

(d) do and effect all acts and things that bodies corporate may by law do and effect that are necessary for and incidental to the performance of its functions.

(3) The seal of the Board shall not be affixed to any instrument except in the presence of the Chairperson, Vice-Chairperson or Secretary and one other member of the Board.

Composition of
the Board.

4.(1) The Board shall consist of the following members:

(a) Chairperson who shall be appointed by the President;

(b) Director;

(c) not more than five members appointed by the Minister, three among them shall have experience in or otherwise knowledgeable of the activities undertaken on Architecture, Engineering or Quantity Surveying; and two members from private sectors who have been registered as Architect, Engineer or Quantity Surveyor.

(2) A person shall not be appointed as a Chairperson unless he has a skill and knowledge and graduated in Architecture, Engineering or Quantity Surveying.

(3) The Members shall elect the Vice-Chairperson amongst themselves.

(4) The Minister may fill any vacancy occurring in the membership, and may suspend or revoke the appointment of any member if:-

(a) he is unable to perform his functions; or

(b) commits misconduct; or

(c) fails to comply with the regulations relating to disclosure of interest in a particular case; or



- (d) he has been convicted of a criminal offence involving fraud, dishonesty or moral turpitude and sentenced to imprisonment, even with the option of a fine unless the person has received a pardon before the date of his appointment; or
- (e) any member who is absent from three consecutive meetings of the Board without the leave of the Chairperson; or
- (f) has been declared by the Court to be of unsound mind.

(5) A member may resign by giving one week notice in writing to the appointing authority of his intention to do so.

(6) A member other than ex-officio member, shall hold office for a period of three years and may be eligible for reappointment for another term of three years.

Secretary of the Board. **5.** The Board shall appoint a qualified lawyer to be a Secretary of the Board.

Meetings of the Board. **6.(1)** The Board shall meet in each quarter of a year at a suitable time, place and date as the Board may appoint.

(2) All meetings of the Board shall be convened by the Chairperson or, in his absence, by the Vice Chairperson.

(3) The Chairperson or, in his absence, the Vice Chairperson shall preside at the meetings of the Board and in the absence of both, the members present at the meeting shall elect one of the members to preside that meeting.

Special meeting. **7.** The Board may conduct special meeting if deems necessary, and the Chairperson or Vice-Chairperson shall provide short notice to each member before the meeting.

Quorum and voting. **8.(1)** A majority of the members of the Board shall constitute quorum at any meeting of the Board.



(2) At a meeting, a decision of the Board shall be made by vote of a majority members present and if the votes are equal, the member who presides that meeting shall have a casting vote as well as a deliberative vote.

(3) On a matter of technical issue, the technical opinion shall prevail, even though the majority of members decide otherwise.

Minutes of the Board.

9. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and be signed by the Chairperson or Vice-Chairperson and the Secretary of the Board.

Limitation of liability of members.

10. Subject to the provisions of this Act and any regulations made there under, the functions of the Board shall be -

- (a) to maintain and keep a Register of Architects, Engineers, and Quantity Surveyors including consulting Architects, Engineers and Quantity Surveyors or firms providing Architectural, Engineering or Quantity Surveying services;
- (b) to receive, consider and decide on applications for registration;
- (c) to arrange and provide facilities for conferences, seminars, workshops, symposium and consultation in matters related to the field of Architecture, Engineering and Quantity Surveying;
- (d) to promote and maintain professional conduct and integrity of Architecture, Engineering and Quantity Surveying profession;
- (e) to monitor the conduct and activities of Architects, Engineers and Quantity Surveyors, including consulting Architects, Engineers and Quantity Surveyors or firms;
- (f) to publish and disseminate materials produced in connection with the work and activities of the Board;



- (g) to certify academic awards given by recognized institutions for consideration in application made under the provisions of this Act;
- (h) to take any action, decision or give permission, or consent or exercise any other control as may be necessary or desirable for the purpose of this Act;
- (i) to publish guidelines in accordance with provisions of this Act and Building regulations;
- (j) to carry out such other functions as the Minister may from time to time direct after consultation with the Board.

Limitation of liability of members.

11. Neither the Chairperson of the Board nor any member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of carrying out the responsibilities and functions or exercising the powers conferred upon the Board by this Act.

Confidentiality of the members.

12.(1) A member who has information in his capacity as a member shall not disclose that information to any person, or make use of, or act on that information except-

- (a) for the interest of the Board; or
- (b) as required or permitted by law; or
- (c) in accordance with sub section (2) of this section;

(2) A member may disclose, make use of, or act on the information if:-

- (a) the member is first authorized to do so by the Board;
- (b) the disclosure, use, or act in question will not, or will not be likely to prejudice the Board.

Declaration of Interest.

13. A member shall be disqualified from participating in any investigation, hearing or decision concerning the matter in respect of which that member has got interest.



Procedures of
the Board.

14. Subject to the provisions of this Act and any regulations that may be made under the provisions of this Act, the Board shall have power to regulate its own proceedings.

Vacancies, not
to invalidate
proceedings.

15. Subject to the provision of section 8 of this Act relating to the quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceedings of the Board shall be invalid by means only of some defect in the appointment of a member.

Benefits of
the Members.

16. The Members of the Board shall be paid such benefits as determined by the Board and approved by the Minister.

PART III REGISTRATION OF ARCHITECT, ENGINEER AN QUANTITY SURVEYOR.

Appointment
of Registrar.

17. The Board shall appoint the Registrar of the Board who shall be a registered Architect, Engineer, or Quantity Surveyor and shall hold an office in accordance with terms of his appointment.

Register.

18.(1) The Registrar shall keep and maintain a Register of persons accepted by the Board for registration as Architect, Engineer or Quantity Surveyor, showing:-

- (a) date of entry;
- (b) name and postal address(es);
- (c) physical address(es);
- (d) permanent Residence identification;
- (e) passport (where applicable);
- (f) email address(es);
- (g) qualifications;
- (h) registration number;



- (i) nationality;
- (j) category of registration (permanent or temporary);
- (k) key managerial, professional, technical and other personnel in the case of a Body corporate;
- (l) principal of the Body corporate;
- (m) duration of registration;
- (n) Not less than two sureties.

(2) Any change in the particulars registered under subsection (1) of this section shall be entered in the register by the Registrar.

Publication of
register and list.

19.(1) The Registrar shall cause to be published in the Official Gazette or local news media, as soon as may be practicable after registration, the name, address and qualifications of each registered Architect, Engineer and Quantity Surveyor and, subject to the directions of the Board, may cause any amendment or deletion from the register to be published.

(2) The Registrar shall cause to be published in the Official Gazette and or local news media as soon as convenient after the first day of January in each year, a list containing the names, addresses and qualifications of all Registered Architects, Engineers and Quantity Surveyors and may maintain records in the register as the close of the previous year.

(3) Any person may inspect the register and any document relating to any entry, and may obtain a copy of or an extract from the register or any such document on payment of a prescribed fee.

Publication
prima facie evidence
of registration.

20.(1) Any publication made under the provision of section 19 of this Act, shall be prima facie evidence that the persons named therein are registered under this Act, and the deletion or absence of the name of any person from the register as notified by that



publication shall be prima facie evidence that, that person is not registered.

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

(3) There shall be no production of the register or any document kept by the Registrar to the Court, unless the leave of the Court is obtained.

(4) The Registrar shall not in any legal proceedings to which he is not a party be compelled -

- (a) to produce the register or any document if its content can be proved under subsection (1) of this section or;
- (b) to appear as a witness to prove any entry in the register and the matters recorded therein or any such document unless, the court for special course so orders.

Qualifications for registration.

21.(1) Subject to the provisions of this Act, a person shall be eligible to apply to the Board in the prescribed manner and on payment of the prescribed fee, to be registered under this Act and to have his name entered in the register as registered Architect, Engineer or Quantity Surveyor if he is:-

- (a) a member of institution of Architects, Engineers or Quantity Surveyors, the membership of which is recognized by the Board as furnishing a sufficient guarantee of academic knowledge and practical experience in Architecture, Engineering or Quantity Surveying;
- (b) a person who -
 - (i) is a degree holder, or a holder of advance diploma, from a University or school of Architecture, Engineering, Quantity Surveying,



which is recognized by the Board as furnishing a sufficient guarantee in academic training in Architecture, Engineering or Quantity Surveying; and

- (ii) has at least three years practical experience of such nature as to satisfy the Board as to his competence to practice as a qualified Architect, Engineer or Quantity Surveyor or has had practical training in Architecture, Engineering or Quantity Surveying as may be approved by the Board,

Provided that, not less than two years of the three years required by this sub paragraph shall be after obtaining the degree, diploma or any other qualification as specified in subparagraph (i) of this paragraph.

- (iii) has passed the prescribed examination or interview set by the Board as the case may be.

(2) Subject to the provisions of this Act, any person shall be entitled to make an application to the Board in the prescribed manner and on payment of the prescribed fee, to be registered under this Act and to have his name entered in the register as a registered graduate Architect, Engineer or Quantity Surveyor, if he is a person to whom subsection (1) (b)(i) and either subsection (1)(a) or (b)(ii) applies.

(3) Once a person has been registered as a graduate Architect, Engineer or Quantity Surveyor under subsection (2) of this section, shall be deemed for all purposes to have been accepted by the Board as being academically qualified for registration and subsequent acceptance of his name for registration as a registered Architect, Engineer or Quantity Surveyor under subsection (1) (b)(i) of this section as distinct for acceptance under the other provisions of subsection (1) shall not be challenged.

(4) A person may make an application to the Board in the prescribed manner to be registered under this Act as a Consulting Architect, Engineer or Quantity Surveyor in a particular classification and grade if:-



- (a) he has practiced and specialized in Architecture, Engineering or Quantity Surveying fields for a period to be determined by the Board; and
- (b) he has satisfied the Board as having achieved a standard of competence to enable him to practice as a consulting Architect, Engineer or Quantity Surveyor in a particular specialization and grade.

(5) In the case of consulting firm:-

- (a) a person or body of persons shall not be registered as consulting Architects, Engineers or Quantity Surveyor unless at least one of the partners or principals of the firm or company is registered by the Board;
- (b) a consulting firm shall fulfill the conditions mentioned in paragraph (a) of this section, in the case of its key Architect, Engineer or Quantity Surveyor, personnel and any other conditions which may from time to time be prescribed by the Board;

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

Temporary registration.

22.(1) The firm or any person shall be eligible for temporary registration under this section, if in the opinion of the Board is fit and proper to be registered and that validity of the registration to be a maximum duration of the project and should be renewed.

(2) The Board shall grant a temporary registration where a person satisfies the Board that:-

- (a) he is not Zanzibari;



(b) he is or intends to practice in Zanzibar in the capacity of a professionally qualified Architect, Engineer or Quantity Surveyor for the express purpose of carrying out specific work or works for which he has been engaged and;

(c) he immediately prior to entering Zanzibar was in practice as an Architect, Engineer, Quantity Surveyor in the capacity which satisfies his fitness to serve the public as a professional qualified Architect, Engineer or Quantity Surveyor, the Board may, if think fits, direct that person to be registered either for a period not exceeding one year, or for the duration of any specific work or works.

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

(4) Registration made under this section shall continue only for the period or for the duration of the work or works as directed by the Board under subsection (1) of this section, and on its termination such person shall cease to be registered and the decision of the Board as to the termination of the work or works shall be conclusive.

(5) A person registered under this section shall, in relation to the period or the duration of the work or works as directed by the Board under subsection (1) of this section, and things done and omitted to be done in the course of such work or works, be treated as registered Architect, Engineer or Quantity Surveyor but in relation to other work shall be treated as not registered.

23.(1) A person or body of persons shall not be registered as a local consultant or consulting firm unless:-

(a) in the case of natural person, he is a Zanzibari;

Restriction on registration of non residents.



- (b) in the case of a company or firm, it is unincorporated in Zanzibar and the majority of its shares are owned by Zanzibaris;
- (c) a foreign firm shall not be registered without evidence of employing local Architects, Engineers or Quantity Surveyors;
- (d) all temporary registered firm shall enter in joint venture agreement with local firm for carrying out the specific assignments and shall show proof of such agreement to the Board.

(2) If the conditions stipulated in subsection (1) are not fulfilled, the person or company shall be registered as a foreign consultant or consulting firm as the case may be.

(3) Any person or firm in order to be registered under this section, shall possess qualifications specified in subsections (4) and (5) of section 20 of this Act.

(4) It shall be a duty of the firm or person so registered under this section, to ensure that all partners or principal, shareholders of the firm are those registered by the Board.

24.(1) Any person shall neither engage in privately practicing nor providing private services in Architecture, Engineering or Quantity Surveying, if:-

- (a) that person renders such services to his employer by whom he is employed under a contract of service on a full time basis; and
- (b) at the time of so doing, that person is under the direction or supervision that implies responsibility for the work or services;

(2) A body or persons whether corporate or unincorporated shall not carry on a business as Architects, Engineers or Quantity Surveyors unless one of its partners, members or shareholders as the case may be, is a registered Architect, Engineer or Quantity Surveyor.

Restriction on private practice as an Architect, Engineer or Quantity Surveyor.



(3) Where a shareholder, partner or member of a body of persons, whether corporate or incorporated, carrying on business as an Architect, Engineer or Quantity Surveyor dies, that body of persons may, notwithstanding the provisions of subsection (4) of this section, continue to carry on the business until such time as the administration of the deceased estate is completed, as if the legal representatives were registered Architects, Engineers or Quantity Surveyor.

(4) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporated to be registered or as empowering the Registrar to register any body of persons as registered Architect, Engineer or Quantity Surveyor.

(5) Any person who carries on a business as an Architect, Engineer or Quantity Surveyor in contravention with the provisions of this section, commits an offence and upon conviction shall be liable to a fine of one million shillings, or to imprisonment for a term of not more than one year or both such fine and imprisonment.

Restriction on
employment of an
Architect, Engineer or
Quantity Surveyor.

25.(1) Any person shall not employ or continue to employ an Architect, Engineer or Quantity Surveyor who is not registered by the Board..

(2) Any person shall not take or continue in any employment as an Architect, Engineer, Quantity Surveyor if not registered according to the provisions of this Act.

(3) Any person who contravenes any provision of this section, commits an offence and upon conviction shall be liable to a fine of one million shillings or imprisonment for a term not exceeding two years or both fine and imprisonment.

(4) In this section "employ" implies employment under a contract of service and "employment" shall be construed accordingly.



(5) Where an employer employs any person as a trainee Architect, Engineer or Quantity Surveyor, or technicians in Architecture, Engineering or Quantity Surveying, shall not apply to that employer or that employee in relation to the employee's employment.

(6) Where an employee is a foreigner, the provisions of subsection (5) of this section shall not apply.

(7) For the purpose of the provisions of this Act, the word "person" include body of persons incorporate or unincorporated.

Grant of Licences.

26.(1) A practicing licence shall be issued by the Board after registration.

(2) The licence issued under sub section (1) of this section shall be renewable annually.

(3) The licence granted under this section and any variations or revision made by the Board shall be in the manner as may be prescribed in the regulations to be made under this Act.

PART IV CANCELLATION AND SUSPENSION OF REGISTRATION

Power to remove
and cancel
registration.

27.(1) The Board may at any time direct the Registrar to cancel a person's license and remove the name of a registered Architect, Engineer or Quantity Surveyor if: -

- (a) has failed within a period of three months from the date of an inquiry sent by the Registrar by registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or
- (b) by written notice, request the Registrar to cancel his license;
- (c) has requested that his name be removed from the register, in which case that person may be required to satisfy the Board by affidavit lodged to the



Registrar that no criminal proceedings or proceedings under section 31 of this Act, and are being or are likely to be taken against him; or

- (d) has been found by the Board to be guilty of the misconduct according to this Act;
- (e) has failed to pay annual subscription fees for more than three months;
- (f) has been adjudged bankruptcy;
- (g) has obtained a registration through fraud, deception or misrepresentation;
- (h) has engaged or repeated in acts of gross negligence, gross malpractice or gross incompetence;
- (i) has engaged in professional or occupational misconduct as may be determined by the Director;
- (j) has been convicted of any crime involving moral turpitude or any crime against the laws of Zanzibar;
- (k) has violated or failed to comply with the provisions of any act or regulation administered by the director;
- (l) is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
- (m) he is a consultant failed to discharge his duties, responsibilities and obligations;
- (n) has been found by the Board to be guilty of any contravention of this Act or subsidiary legislation made under this Act or of any such misconduct as prescribed in this Act.



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

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

(4) Any person whose name has been deleted from the register under this section shall from the date of deletion cease to be registered for the purposes of this Act.

Restoration to
the register.

28.(1) Where the name of any person has been removed from the register, under the provisions of section 27 of this Act, the name of that person shall not again be entered in the register except by direction of the Board.

(2) Where the name of any person has been deleted from the Register, or the effect of the registration of any person has been suspended, the Board may, either of its own motion or on the application in the prescribed manner by the person concerned, and in either case after holding the inquiry as the Board thinks fit, direct that:-

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

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



Power to
suspend
registration.

29. If any registered Architect, Engineer or Quantity Surveyor is convicted of any offence under this Act or is, after due inquiry held by the Board, found to have been guilty of any act or omission amounting to improper or disgraceful conduct in a professional respect, the Board may:-

- (a) caution or censure that registered Architect, Engineer or Quantity Surveyor;
- (b) direct that, during the period as the Board may specify, the registration of his name shall not have effect; or
- (c) direct that his name be deleted from the register.

Voluntary
suspension.

30.(1) A registered Architect, Engineer or Quantity Surveyor, may by written notice request the Registrar to suspend his registration for a period specified in the notice.

(2) The Registrar shall submit the notice to the Board, then the Board must suspend or authorize the registrar to suspend that person's registration, and record the suspension in the register, for that specified period subject to the regulations.

(3) A person whose registration is suspended under this section may by written notice to the Registrar request that his registration be revived.

(4) The Registrar shall then revive the applicant's registration, unless there are some other grounds to suspend or cancel that registration under this subsection.

PART V INQUIRIES AND APPEALS

Proceedings
at
inquiry.

31.(1) Upon any inquiry held by the Board the person or firm whose conduct is being inquired into, shall be entitled to appear and to be heard in person or to be represented by an advocate.

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



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

(3) All summons and orders issued under the hand of the Chairperson or the Vice-Chairperson of the Board shall be deemed to be issued by the Board.

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

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

32.(1) Any person upon whom summons or an order issued under the provisions of section 31 of this Act who:-

- (a) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board; or
- (b) refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order;

commits an offence and upon conviction shall be liable to a fine of not less than one million shillings.

(2) Any person giving evidence before the Board shall, in respect of any evidence given to which any document produced by him be entitled to all privileges to which he would be entitled as a witness before the High Court.

33.(1) Any person aggrieved by the decision of the Board may appeal to the Minister against the decision of the Board and if the aggrieved party is not satisfied with the decision of the Minister, may further appeal to the High Court.

Disobedience of summons and refusal to give evidence.

Appeals against decisions of Board.



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

**PART VI
RESTRICTIONS ON PRACTISING ARCHITECTS,
ENGINEERS, QUANTITY SURVEYORS OR
STRUCTURERS CONSULTANTS**

Use of
description
Registered
Consultant etc.

34. Any person whose name has been entered in the register as an Architect, Engineer, Quantity Surveyor or constructors consultant shall so long as his name remain in the Register, be entitled to adopt and use the style and title "registered consultant" and offer service to the public for gain or reward or by way of trade as a qualified Architect, Engineer, Quantity Surveyor or registered consultant.

Use of
description
Registered
Technician etc.

35. Any person whose name has been entered in the register as a registered technician shall, so long as his name remains in the register, be entitled to adopt and use the style and title so registered.

Restriction on
use of title.

36.(1) Any person who not being a registered consultant or Architect, Engineer or Quantity Surveyor:-

- (a) falsely pretends to be a registered consultant or registered Architect, Engineer or Quantity Surveyor;
- (b) uses the style or title "registered consulting Architect, Engineer, quantity surveyor" or any other name, style, title or description implying whether in itself or in circumstances in which it is used, that such person is a registered consulting or a registered Architect, Engineer or Quantity Surveyor; or
- (c) holds himself out, whether directly or by implication to be a qualified Architect, Engineer or a Quantity Surveyor,



commits an offence and upon conviction shall be liable to a fine of not less than three million shillings or imprisonment for a term of not less than two years or both such fine and imprisonment.

(2) Any person whose name has been registered under this Act in one or more disciplines, pretends to be or hold him or herself or acts as if he was registered in another, commits an offence and upon conviction shall be liable to a fine of not less than two million shillings or imprisonment for a term of not less than two years or to both such fine and imprisonment.

(3) If the Board is aware that a registered Architect, Engineer or Quantity Surveyor is a member of a professional association or is employed by a particular person, the Board must cause notice of any decision concerning the practitioner made to be given to that association and employer as soon as possible after the decision takes effect.

PART VII GENERAL PROVISIONS

37.(1) Any person who:-

- (a) fraudulently makes or causes or permits to make any false or incorrect entry in the Register or any copy thereof; or
- (b) fraudulently procures or attempts to procure for him self or any other person to be registered under this Act; or
- (c) knowingly and willful approve the building which is out of standard; or
- (d) knowingly and willfully makes any statement which is false in a particular material, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person;

Offences and
Penalties.



shall commit an offence and upon conviction shall be liable to a fine of not less than one million shillings or imprisonment for a term of not exceeding one year or to both fine and imprisonment.

(2) Any registered Architect, Engineer and Quantity Surveyor who practices without a license from the Board shall commit an offence and be liable to a fine of not less than one million shillings or imprisonment not exceeding one year upon default or to both fine and imprisonment and to be suspended to practice as the Board may direct and a cancellation of his registration.

(3) Any Architect, Engineer or Quantity Surveyor shall practice according to his profession, any one who intervene in another professional, his registration shall be cancelled and shall commit an offence and is liable to a fine of not less than five million shillings or imprisonment not exceeding two years by default or to both fine and imprisonment.

(4) Any person or body of persons who makes or constructs a building above the ground, which is one storey in height, modern or traditional, shall be under the supervision of a professional Registered Architect, Engineer or Quantity Surveyor, in contraventions with this section, shall commit an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment not exceeding two years or to both fine and imprisonment.

accounts and audit.

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

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

to be submitted for audited exercises to the duly registered and authorized auditors.



(2) Copies of the statement referred to in subsection (1) of this section and a copy of the auditor's report shall be forwarded to the Minister.

Funds of
the Board.

39. The funds and resources of the Board shall consists of:-

- (a) registration and annual subscription fee paid by registered Architect, Engineer and Quantity Surveyor;
- (b) such sums as the Board may receive by way of grant or loan from any person or organization;
- (c) such sums as the Board may, from time to time, borrow;
- (d) such sums as may, in any manner, become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to carry out of its functions; and
- (e) such sums as may be provided to the Board by the House of Representatives in a form of budget.

Registrar's
report.

40. The Registrar shall, at the end of each financial year submit that report to the Minister through the Board.

By - Laws.

41. Without prejudice to the generality of the proceeding provisions, the Board may make by-laws with the consent of the Minister.

Minister may
make
Regulations.

42. The Minister may make regulations, not inconsistent with the provisions of this Act, prescribing all matters that are required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PASSED in the House of Representatives on 31st day of March, 2008.

(IBRAHIM MZEE IBRAHIM)

CLERK OF THE HOUSE OF REPRESENTATIVES