



**BOARD OF REGISTRATION OF ARCHITECTS AND  
QUANTITY SURVEYORS  
(CAP, 525)**

**LAWS OF KENYA**

**PRACTICE NOTES**

**1960 – 2013**

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### 1. **CUMULATIVE MISCONDUCT.**

The Board has noted a professional action in which a series of fairly minor breaches of code of conduct was made and it was held that cognisance should be given to the instances (each a minor infringement – not warranting severe disciplinary action) as cumulative offence requiring disciplinary action. The Board will have in mind this decision in future enquiries into unprofessional conduct.

(186<sup>th</sup> Meeting – 9<sup>th</sup> Feb 1960)

### 2. **SIGNATURES ON DRAWINGS.**

It is laid down in By-law 45(3)(h) to be unprofessional conduct for a registered Architect or Quantity Surveyor to issue drawings or documents not bearing his name or signature. The Board has decided that it is also unprofessional conduct for registered Architect or Quantity Surveyor to sign, or permit his name to be shown, on documents which are not produced by him or under his control in his own office. The practice of signing the work of unregistered persons for any reason is strongly deprecated and will invoke disciplinary action.

(186<sup>th</sup> Meeting – 9<sup>th</sup> Feb. 1960).

### 3. **STANDARD FORM OF ENGAGEMENT.**

The Board recommends that clients should be made fully aware of the duties of the Architect or Quantity Surveyor and of the fees payable, and has suggested to the Professional Institute that a Standard Form of Engagement be used and/or the Fourth and the Fifth schedules be printed as a brochure for sending to clients with the confirmation of appointment. It is apparent to the Board that the public are ill-informed of the professional duties of registered Architects and Quantity Surveyors.

(186<sup>th</sup> Meeting – 9<sup>th</sup> Feb. 1960).

### 4. **PROFESSIONAL CHARGES**

The Board is gravely concerned of the recent and persistent rumours of Registered Architects and Quantity Surveyors offering scale services at other than scale fees. This practice is illegal and with the revised power available to the Board, it is the Board's intention to enforce the scale by the most vigorous action and it is the plain duty of all registered Architects and Quantity Surveyors who are aware of such violation of the By-laws to bring any evidence that they may have to notice of the Board.

(186<sup>th</sup> Meeting – 9<sup>th</sup> Feb. 1960)

### 5. **ENTRY OF NAMES IN THE CLASSIFIED SECTION OF THE TELEPHONE DIRECTORY:**

The Board was asked if an Architect or Quantity Surveyor may allow his name to be included in the classified section for trades and professions of the Telephone Directory.

The Board considered that an Architect or Quantity Surveyor may include his name in the classified section but it was undesirable that the entry should appear in heavy type.

(187<sup>th</sup> Meeting – 8<sup>th</sup> March, 1960)

## 6. **SITE NOTICE BOARDS**

Normal sites should have one name board only and if it is considered that there is a case for more than one board, the agreement of the Registration Board must be obtained. It is also considered that a site with two frontages is not an abnormal site.

(190<sup>th</sup> Meeting – 14<sup>th</sup> June 1960)

## 7. **REFERENCES TO ARCHITECTS IN LETTERS CIRCULATED BY COMMERCIAL COMPANIES**

A circular letter issued by a commercial company has been brought to the notice of the Registration Board.

The circular described a building designed by a registered Architect who acts professionally for the Company and gives particulars of the Architect's life history and extols his capabilities.

The Registration Board prescribes such practice as unprofessional and requires that a Registered Architect or Quantity Surveyor shall not permit the use of his name in such a manner.

It is permitted that the name and the professional affixes only of a registered Architect or Quantity Surveyor appears on such advertisements.

(190<sup>th</sup> Meeting – 14<sup>th</sup> June, 1960)

## 8. **REDUCTION OF FEE SCALE FOR REPETITIVE WORKS.**

The Board accepts the principle that a contract containing the reproduction of identical units as separate works qualifies for a fee reduction under By-Law B2(1) of the Fourth Schedule, a repetition of units either horizontally or vertical within a single work, however, is not accepted in principle as a basis for a reduction in the fee scale.

Doubtful cases should be referred to the Board for a decision.

(193<sup>rd</sup> Meeting – 13<sup>th</sup> September. 1960)

#### **9. NOTICE BOARDS – QUANTITY SURVEYORS**

The Board has noted cases where Quantity Surveyors have acted for Architects in the preparation of Specifications and other minor duties and have displayed their names on sites as though full professional services were being carried out.

The Board considers that Quantity Surveyors may only display their names in such cases where documents are issued under their names.

(195<sup>th</sup> Meeting – 8<sup>th</sup> November, 1960)

#### **10. OFFICE LEFT IN CHARGE OF UNREGISTERED ASSISTANTS DURING ABSENCE OF PRINCIPAL**

The Board of Registration wish to bring to your attention that it considers that where an Architect or Quantity Surveyor as Principal is not normally resident or available at his Office or Branch Office, the person managing that Office should also be a Registered Architect or Quantity Surveyor.

(200<sup>th</sup> Meeting – 11<sup>th</sup> April 1961)

#### **11. SITE SUPERVISION**

The Board's attention has been drawn to the fact that many clients are not clear as to the extent of the meaning of the phrase 'Periodic Supervision' as contained in Clause A.2 of the Fourth Schedule of the By-Laws.

It is impossible to lay down a rigid rule with regard to the amount of supervision necessary as each project has its own peculiarities. The Board recommends the Architect to explain the likely extent of supervision for particular project to his clients at the time of commission so as to avoid possible misunderstanding as the work proceeds.

(203<sup>rd</sup> Meeting – 11<sup>th</sup> July 1961).

#### **12. PUBLIC ANNOUNCEMENTS RADIO AND TELEVISION BROADCASTING**

The following rules apply to Registered Architects or Quantity Surveyors participating in programmes such as individual talks, interviews and group discussions on radio or television:-

- (i) Registered Architects or Quantity Surveyors holding whole-time public appointments:

Whatever the subject matter of the programme, the person concerned may be identified by his name, his professional designation and the appointment he holds.

- (ii) Registered Architects or Quantity Surveyors in private practice:

If the subject matter of the programme is professional, the person concerned may be identified only by his professional designation unless the Board specifically authorises the disclosure of his name. If the subject matter of the programme is non-professional the person concerned may be identified by name only unless the Board specifically authorises the disclosure of his professional designation.

(215<sup>th</sup> Meeting – 10<sup>th</sup> July 1962).

### **13. "THE PROFESSIONAL DIRECTORY" AND "EAST AFRICA'S WHO'S WHO" PUBLICATIONS**

Two Kenya publishing firms, Quality Publications Ltd., P. O. Box 3981, Nairobi, and Marco Surveys Ltd. P. O. Box 5837, Nairobi propose to publish directories of Professional and other eminent people.

These publications will be known respectively as the Professional Directory and East Africa's Who's who'

The Board of Registration has given careful consideration to the implications of such a publication in so far as they may affect the ethics binding both the Architectural and Quantity Surveying professions, and decided that while it can obviously lay down no hard and fast rules on bute to such publication, all persons registered with the Board may, if invited to contribute personal facts concerning themselves and their professional activities, do so.

The Board however wishes to emphasize that every person is expected to exercise the utmost discretion in the choice of the material which he allows to be published against his name, to ensure that he neither infringes the code of professional conduct of the R.I.B.A. or R.I.C.S. as applicable, nor contravenes the By-laws of the Board of Registration of Architects and Quantity Surveyors.

Further more, registered persons are reminded that the Board reserves to itself the right to consider whether any entry in these publications conflicts with reasonable interpretation of the Board's By-laws, (in particular By-law No. 45(3e) and to act accordingly).

(230<sup>th</sup> Meeting -15<sup>th</sup> October 1963)

### **14. CONSORTIA – PROFESSIONAL FEES**

There would appear to be a considerable risk that the fees to be charged by the Architects and Quantity Surveyors is a consortium, where both registered and unregistered persons are associated and their fees consolidated, may not be clearly defined.

The Board therefore requires registered members of a consortium to inform the Board of the proposed total fee to be charged for each project, giving details showing how this fee is made up, i.e. the fees of Architects, Quantity Surveyors, Structural Engineers etc. shown separately, and to obtain the Boards approval.

The Board will, in addition, require sufficient information about the project to enable them to decide whether the fees to be charged are in accordance with the By-laws.

Where, in urgent cases, there is insufficient time to refer to the Board for the approval of a fee, the consortium fee may be cited "subject to the approval of the Board of registration of Architects and Quantity Surveyors", Kenya, and application for the approval must be submitted to the Board as soon as possible thereafter.

(250<sup>th</sup> Meeting and circular letter dated 25<sup>th</sup> August and 21<sup>st</sup> October 1965).

## **15. ADVERTISEMENTS IN THE PRESS**

The Board has noted that from time to time advertisements have appeared in the press inviting applications for staff and Clerks of Works and that the name of the firm advertising is given in full, sometimes in larger type than is thought necessary.

The Board considers the practice is a contravention of Clause 45(3)(e) of the By-laws and that it is desirable that a voucher number only be given to which applications can be made.

(257<sup>th</sup> Meeting 2(b)-1966, and Circular letter dated 21<sup>st</sup> March, 1966)

## **16. NOTICE BOARDS**

The Board has noted that there is a prevailing tendency for notice boards or signboards, bearing the names of registered members, to be erected on building sites prior to the commencements of normal building operations.

It is considered that this practice is in contravention of Clause 45(3)(e) and 45(3)(g) and must therefore cease with immediate effect.

(269<sup>th</sup> Meeting 2(a) –14<sup>th</sup> March 1967)

## **17. PROFESSIONAL CHARGES**

The Board's attention has been drawn to complaints from the members of the public about the charges for the professional fees made by their Architects.

The Board is particularly concerned about the damaging effect the complaints, and possible litigation arising therefrom, may have on the reputation of the Architectural profession as a whole in Kenya.

It is strongly recommended, therefore, that all Architects take particular care to clarify their brief and to state clearly and concisely in writing the terms and conditions on which their engagement will be based immediately following upon the receipt of their clients' instructions.

(278<sup>th</sup> Meeting – 28<sup>th</sup> November 1967).

## **18. COMPETITIONS**

The Board noted that there appeared to be some confusion as to the By-laws relating to Architectural competitions. By-law 45(3) indicated that the Architect may be deemed by the Board to be guilty of unprofessional conduct or professional misconduct if he shall take part in any Architectural competition limited or otherwise, unless the conditions thereof have been approved by the Board of Registration of Architects and conform to the regulations governing promotions and conduct of Architectural competitions as laid down by the Architectural Association of Kenya in so far as they apply.

(278<sup>th</sup> Meeting – 28<sup>th</sup> November 1967)

## **19. CONSORTIA – PROFESSIONAL FEES**

The Board hereby informs all registered Architects and Quantity Surveyors of its decision with regard to the fees to be charged by Consortia.

In a Consortium where both registered persons are associated and their fees consolidated, there would appear to be a considerable risk of the fee of the Architects and Quantity Surveyors not being clearly defined. The registered members of a consortium are required from this date, to inform the Board of the proposed total fee to be charged for each project, and to obtain the Board's approval, giving details showing how this fee is made up, i.e. the fees of Architects, Quantity Surveyors, Structural Engineers etc., shown separately. The Board will require sufficient information about the project to allow them to decide if the fees charged are in accordance with the By-laws.

(250<sup>th</sup> Meeting – 10<sup>th</sup> August 1965)

## **20. CONSORTIA – PROFESSIONAL FEES**

Further to practice note No. 19 in respect of fees Consortia, where, in urgent cases, there is insufficient time to refer to the Board for approval of a fee, the consortium fee may be cited "subject to the approval of the Board of Registration of Architects and Quantity Surveyors, Kenya".

Application for approval must be submitted to the Board as soon as possible afterwards.

(252<sup>nd</sup> Meeting – 12<sup>th</sup> October, 1965)

## **21. ADVERTISEMENT FOR STAFF**

It has been noted on more than one occasion that advertisements have been placed in the public press by registered Architects inviting applications for staff and Clerks of Works and, that the name of the firm so advertising is given in full, sometimes in larger type than is necessary.

The Board considers the practice is a contravention of Clause 45(3)(e) of the By-laws and that it is desirable that a voucher number only be given to which applications can be made.

(257<sup>th</sup> Meeting – 8<sup>th</sup> March 1966)

## **22. USE OF THE WORD "REGISTERED"**

Would you please note that at the last meeting of the Board it was decided that the word "registered" is not to be used before the designation Architect or Quantity Surveyor and that the word "Chartered" is not to be used except by persons authorised to do so.

(289<sup>th</sup> Meeting – 12<sup>th</sup> November, 1968)

## **23. POSITION OF NOTICE BOARDS**

The Registration Board has ruled that notice boards must only be erected on or immediately adjacent to the site in question and not on the nearest highway, some distance from the site.

The Registration Board reminds both Architects and Quantity Surveyors that they are responsible for ensuring that any board carrying their name conforms with these Notes and normal professional practice, whether a client or contractor has actually paid for or erected the board.

Any deviation from these notes will require prior approval from the Board and Registered Members should apply to the Board before the erection of signboards which do not conform thereto.

The Registration Board has also ruled that practise Note 16 quoted above should equally apply to the practice of leaving notice board up after practical completion of the project.

## **24. MATTER OF LETTER-HEADS, AND TRADING NAMES**

01. The Board resolved that all Registered Architects and Quantity Surveyors in practice should be advised as follows:
- (a) All letter heads (printed headings to business letters) MUST show the name of all Architects and/or Quantity Surveyors who are partners (or Directors in the case of unlimited companies) and Consultants of other professions who are Partners, as approved by the Board under By-law 45A
  - (b) The names of Associates or other staff who are registered by the Board, may be shown if so desired, with appropriate designation.
  - (c) The names of Corporate Members of any Chapter of The Architectural Association of Kenya, although not registered, may be shown if so approved by the Board under By-law 45A.
  - (d) Letter heads MUST NOT show the name of any Associates or other staff who are not Registered under this Act, whatever their qualification, unless specifically approved by the Board under sub paras (a) and (c) as above.
02. Regarding Trading names i.e. Names or titles used for business purposes, other than the actual names of currently or formerly registered persons, the Board draws attention to the Notice sent to all Registered persons in November 1978. It is considered essential that all such names be notified to the Board for reasons as under:-
- (a) To prevent duplication, particularly in regard to the Registration of Business Names Act. (Cap 499)
  - (b) To ensure that the public are not misled by pretentious titles.
  - (c) To be able to identify practices operated by unregistered persons, using a trade name in breach of the Act.

If applicable, and if you have not already replied to this circular please do so, giving your trading name and the names of all Registered Partners in your Firm not later than 1st May, 1980.

03. All Registered persons are reminded that it is an offence for any persons not registered to use the word "Architects" or "Quantity Surveyors" or any abbreviation or derivative of these words, on any official letter, drawing document or notice board, and any instances of such occurrence should be reported to the Board.
04. If any letter-heads not complying with 1 (a)(c) and (d) above are in current use, kindly have them withdrawn not later than 1<sup>st</sup> June, 1980 after which date infringements will be considered as unprofessional conduct.

05. With reference to the practice Note of 9-11-1968, the prohibition or the use of the word "Registered" is hereby removed. There is now no objection to the term "Registered Architect" or "Registered Quantity Surveyor".

(410<sup>th</sup> Meeting - 18<sup>th</sup> December 1979)

**25. MATTER OF PROFESSIONAL HEADINGS AND BUSINESS DESCRIPTIONS**

01. "The Board is still aware of letter-heads used by members which contrary to recent practice note still continue to show heading neither indicating registered principal nor the professional scope and competence of the practice.
02. The words "consortium", "international", "planner" and "designers" which itself denigrate from an architect's qualification and also sometimes tenuous associations are misused frequently to inflate and misrepresent a firm's activities.
03. The Board receives with concern complaints on such professional misrepresentation and insists a firm's (member's) notepaper must truly reflect its expertise and scope, and also reflect the respective principals competence and availability in Kenya.
04. Unfortunately, sufficient complaint has been made for the Board to now rule that further breaches of its instruction by members will involve automatic disciplinary action.

(426<sup>th</sup> Meeting – 2<sup>nd</sup> July 1981)

**26. PRESS ADVERTISEMENTS**

01. The attention of all registered persons is referred to the practice Note of 21<sup>st</sup> March 1966, which reads as follows:-

"It has been noted in more than one occasion that advertisements have been placed in the public press by Registered Architects inviting applications for Staff and Clerks of Works and, that the name of the firm so advertising is given in full, sometimes in larger type than is necessary".

The Board considers the practice is a contravention of Clause 45(3)(e) of the By-laws and that it is desirable that a voucher number only be given to which applications can be made.

02. The Board has further examined the aforementioned practice note and considers that where as the use of a voucher number is the more desirable, the name of a firm may be included in an advertisement provided that the size of type face used in Kenya newspapers for classified small advertisements is used. Should it be considered necessary that a larger layout is required then the prior approval of the Board must be obtained.

03. Advertisements placed in the press on behalf of a client for pre-tender information or other matters concerning a particular project may include the name and address of the Architect or Quantity Surveyor, provided that the size of the type face of the advertisement is not greater than that stated in paragraph 2 above.

(434<sup>th</sup> Meeting – 25<sup>th</sup> May 1982)

## **27. MATTER OF LETTERHEADS**

The Board is aware that some registered persons have allowed their names to feature in more than one letterhead.

The Board is aware too that some registered persons have been using slightly varied letter heads depending on the type of client they are dealing with. Some variations that have been spotted include inclusion and/or exclusion of principals, partners, associates etc. while others include the use of the names Kenya, East African (E.A.) International etc., by same office and using of such stationery to suit occasions and clients.

The Board considers this practice pretentious and misrepresenting and therefore declares the same professional misconduct.

(449<sup>th</sup> Meeting – 21<sup>st</sup> October 1983).

## **28. MATTER OF LETTER HEADS AND BUSINESS DESCRIPTIONS**

The Board is aware that some registered persons have used various misleading descriptions amplifying the service they provide e.g. Construction Cost Consultants, Building Economics, Planners, Loss adjustors, Surveyors etc.

The Board registers persons as Quantity Surveyors and all persons so registered must not use such other descriptions unless they possess special qualification(s) (which must be furnished to the Board for approval). It is the view of the Board that most of these descriptions are misleading and pretentious, as most of these professional services are in normal services of a Quantity Surveyor.

The Board therefore declares the use of such descriptions as professional misconduct.

(457<sup>th</sup> Meeting – 22<sup>nd</sup> June 1984)

## **29. UNPROFESSIONAL CONDUCT AND/OR PROFESSIONAL MISCONDUCT**

The Board is aware of Architects and/or Quantity Surveyors who commit acts of supplanting, tauting, advertising, incompetence, negligence, dishonesty, etc. The Board views these acts of unprofessional conduct and/or professional misconduct with great concern.

All Architects and Quantity Surveyors are therefore cautioned that any person found guilty of committing any of the acts described above shall face serious disciplinary action.

(483<sup>rd</sup> Meeting – 19<sup>th</sup> December 1986)

**30. MATTERS OF QUANTITY SURVEYORS' VALUATIONS AND ARCHITECTS' CERTIFICATE**

The Board has received complaints from Contractors regarding the conduct of some registered persons.

Complaints of unusual delay in preparing valuations and even gross undervaluation of works with possible connivance with clients have been received.

Further complaints have been received regarding unusual delay in preparation of certificates and cases of unmitigated under certifying have been reported.

The Board declares these acts as professional misconduct.

(539<sup>th</sup> Meeting – 3<sup>rd</sup> October, 1992)

**31. IN THE MATTER OF LETTER HEAD AND PROFESSIONAL DESCRIPTION**

The Board has reviewed the matter of Letterheads and professional Descriptions in the changed practice environment and now gives new orders as follows:-

(a) Interior Designs.

An Architect is sufficiently trained to appreciate the works of "Interior Design". Those in the market who describe themselves as "Interior Designers" and practice as such have not been formally trained as "Interior Designers". The greater public interest in this professional discipline will be best served by Architects.

It is therefore in order for Architects to describe themselves as "Interior Designers" if they so wish.

Persons other than Architects may not describe themselves as Interior Designers.

(b) Architect Planner, Architects and Planners, Planning Consultants etc.

Restrictions on use of the above descriptions have been lifted. This is in response to the changed environment here and elsewhere.

(c) Project Managers, Construction Managers, Coast Construction Consultants etc.

Restrictions on use of the above descriptions is lifted. This is in response to the changed environment here and elsewhere.

(569<sup>th</sup> Meeting – 28<sup>th</sup> July 1995)

### **32. THE MATTER OF LIMITED LIABILITY PRACTICES**

The Board of Registration of Architects and Quantity Surveyors in compliance with section 5(k) issues conditions under which registered persons may practice as limited companies as hereunder:-

- (a) All Directors of such companies shall be registered persons:
- (b) Registered persons shall seek prior approval from the Board and for such purposes shall furnish the Board with all particulars of all Directors of the intended company.
- (c) Registered persons shall give such other information about their intended company as the Board may require;
- (d) Upon Registration of the company with the Registrar General's Office the Company Directors who in every case shall be registered persons shall apply for the registration of their company with the Board.
- (e) Registering firm shall pay an application fee which will be determined by the Board from time to time.
- (f) Registered companies shall remain approved provided they pay appropriate annual registration fees to the Board.
- (g) Registered persons forming limited liability companies shall be subject to all relevant provision of the Act.

(569<sup>th</sup> Meeting – 28<sup>th</sup> July 1995)

### **33. IN THE MATTER OF URBAN ENVIRONMENT DESIGN**

The Board's attention has been drawn to the state of this country's urban environment. The urban planned scape has continued to deteriorate and some designs and building forms are hazardous to building users, neighbours, motorists and public at large.

These have manifested themselves in over use of reflective materials and infringement to various easements.

Complaints of under-design and/or under provision of parking lots have also been received by the Board.

The Board advises members to be sympathetic to the urban environment and notifies that Planning Approval Liaison Committee whose responsibility will be to finally vet major urban projects is studying various nuisance cases and will give further direction.

(569<sup>th</sup> Meeting – 28<sup>th</sup> July 1995)

#### **34. IN THE MATTER OF PROFESSIONAL FEES**

The Board has noted that there is a prevailing tendency for registered persons in private practice receiving fees for onward transmission to other consultants, but appropriating the same for their own use.

The Board is particularly concerned about the damaging effect these acts could have to the practice environment and the Construction Industry.

The Board advises registered persons at all times seek to legally secure their position regarding fees. The Board further notifies registered persons of definite disciplinary action which in any occasion will mean applying the provisions of section 13(b) and (d).

(569<sup>th</sup> Meeting – 28<sup>th</sup> July 1995)

#### **35. IN THE MATTER OF PROFESSIONAL INDEMNITY INSURANCE**

The Board notifies all registered persons, it is professional misconduct to practice as unlimited or limited companies or firms without valid professional indemnity insurance.

To ensure that there is compliance to this practice note, the Board has opened a practice register and all practising registered persons are advised to apply for the registration of their companies or firms on the prescribed application forms available at the Board's Secretariat Offices.

(569<sup>th</sup> Meeting – 28<sup>th</sup> July 1995)

#### **36. IN THE MATTER OF COMPETITIONS**

The Board of Registration of Architects and Quantity Surveyors recognises the now prevalent method of procuring work through the submission of written proposals.

(a) There shall be clear and comprehensive Bid Documents' prepared by the client:

- (b) Bid documents shall in every case contain clear 'Terms of Reference' regarding the work:
  - (c) Submission shall in every case be in two separate envelopes, of which, one shall contain the "Technical Proposal" while the other will contain the "Price Proposal":
  - (d) All Technical Proposals shall be received and opened in the public:
  - (e) The Price Proposal shall only be opened after the adjudication of the Technical Proposal.
  - (f) Bid documents shall in every case include information regarding the adjudication and selection criteria.
  - (g) The Price Proposal shall then be opened in public.
  - (h) It shall be professional misconduct for bidders to submit or prepare Technical Drawings as it will be expected that adequate information to enable bidding will be supplied to all bidders.
- (569<sup>th</sup> Meeting 28<sup>th</sup> July 1995).

### **37. IN THE MATTER OF CONTINUOUS PROFESSIONAL DEVELOPMENT**

The Board of Registration of Architects and Quantity Surveyors of Kenya acting in accordance with Section 10 of the Architects and Quantity Surveyors Act has had a careful evaluation of the changing/changed Professional Practice Environment. The Board is sufficiently convinced that it is in the interest of good practice to put in place a mandatory Continuous Professional Development (CPD) Education Programme.

In this regard all registered persons effective from January, 1999 must prove that they have participated in events of professional nature to the satisfaction of the Board. The events will be organized by the Board or by bodies accredited by the Board. Registered persons will be required to log a minimum of 20 units per calendar year. The number of units attached to each event will be determined by the Board at its sole discretion.

Henceforth the Board of Registration of Architects and Quantity Surveyors will keep information on all registered persons regarding their Continuous Professional Education.

Consequently and in accordance with Section 5 (1) of the Act and Bye-Law 45 (1) failure to participate and supply information on Continuous Professional Education is declared a Professional Misconduct or Unprofessional Conduct.

(601 Meeting – 11<sup>th</sup> August 1998)

### **38. IN THE MATTER OF REGISTERING FIRMS**

The Board has noted that there are a number of practicing firms that are not duly registered with the Board in accordance with Practice Note 35 of 28<sup>th</sup> July 1995.

The Board declares this act as professional misconduct.

To ensure compliance with the practice note the Board notifies all registered persons to register or re-register their firms by the end of this calendar year i.e. 31<sup>st</sup> December, 1998. This compliance shall be on payment of mandatory registration fee of Kshs.5,000.00 (Shillings five thousand only) per firm.

(602<sup>nd</sup> Meeting – 30<sup>th</sup> October, 98)

### **39. IN THE MATTER OF ADVERTISING**

The Board has carefully considered the matter of advertising and the prohibitions contained in By-Laws 45(3)(e) and (g) and Practice Notes 5, 7, 12, 13, 15, 21 and 26.

The Board has particularly evaluated these prohibitions, with reference to their impact, purpose and import in this fast changing consumer centered society. Consequently, as provided under Section 5 (I) of the Architects and Quantity Surveyors Act, Cap 525 the Board issues new orders on advertising as follows:

- (a) All information given out to the media by registered persons about themselves or their firms must always be factual and must not in any way diminish the standing and the dignity of the profession of Architecture and Quantity Surveying.
- (b) Entries and publications in directories must be standard giving telephone, telefax, e-mail, postal and physical addresses; and expertise offered.
- (c) Entries to data banks must be standard giving information as (b) above.
- (d) Paid for advertisements placed for purpose of sourcing of either staff or contractors or suppliers must only give addresses.
- (e) Information given out to the print or electronic media for supplement purposes or as commentaries on a professional topic must only give information on the registered persons and/or firms areas of expertise in the case of supplementaries, while in the case of commentaries, information supplied must not extol the capabilities of the registered person or firm.
- (f) Registered persons or firms may offer their services by means of circulars, brochures and newsletters and for these purposes the Board requires registered persons or firms to ensure that information contained in these documents is factual and does not extol their capabilities.

(g) In exhibiting a registered persons name outside their office or on a building in course of construction, alteration or extension the same should satisfy the purpose of communication. This communication should not be in an ostentatious manner and the hitherto limiting height of 50mm is increased to 100mm.

(h) Registered persons or firms wishing to host websites are free to do so provided information so hosted is factual and not self praising.

(644<sup>th</sup> meeting – 29<sup>th</sup> August 2002)

#### **40. IN THE MATTER OF ELECTRONIC MAIL**

The Board is aware that it is now possible for registered persons and/or firms to e-mail drawings, details, specifications, Bills of Quantities and other documents to other parties.

It is also possible for unregistered person to e-mail either some or all of the above documents to registered persons for subsequent appropriation and use.

Registered persons and/or firms are informed that all the provisions of the Architects and Quantity Surveyors Act still apply.

Registered persons and/or firms are required to ensure that documents e-mailed out by them have distinguishing marks.

(644<sup>th</sup> meeting – 29<sup>th</sup> August 2002)

#### **41. IN THE MATTER OF DUAL QUALIFICATIONS**

Professionals who hold qualifications in both architecture and quantity surveying may apply to be registered by the Board both as Architects and Quantity Surveyors. Once registered, they are permitted to practice in both disciplines provided that where both services are to be rendered to the same project, the registered person must obtain the written permission of the Board in advance. Before permission is given, the registered person will be required to assure the Board and the client that in performing both functions, no conflict of interest will arise in the project. This requirement does not apply in Design and Build type of projects.

(691<sup>st</sup> Meeting – 12<sup>th</sup> July 2007)

**42. IN THE MATTER OF REGISTERED PERSONS' INVOLVEMENT IN 'DESIGN AND BUILD' PROJECTS**

1. Architects and Quantity Surveyors registered by the Board may render professional services to 'Design & Build', 'Turnkey', 'Package Deal' or similar construction projects either as consultants retained by the Developer or the Contractor.
2. They may also operate as paid employees of either the Developer or the Contractor or as Proprietors, Shareholders or Directors of 'Design and Build' construction firms.
3. Architects and Quantity Surveyors are permitted to associate, with others in forming and or in operating 'Design & Build' firms, whether or not such other persons are registered by the Board.
4. To avoid possible conflicts of interest, under no circumstances should an Architect or a Quantity Surveyor retained by one party to the contract render professional services in the same project to the other party.
5. Notwithstanding the above, in whatever capacity they choose to operate, Architects and Quantity Surveyors, when acting as such shall at all times, uphold the professional ethics and the codes of practice promulgated from time to time by the Board of Registration.

(691<sup>st</sup> Meeting – 12<sup>th</sup> July 2007)

**43. IN THE MATTER OF ANNUAL PRACTICE CERTIFICATE FOR REGISTERED PERSONS**

Pursuant to the Architects and Quantity Surveyors Act (Cap 525) of the Laws of Kenya, the Board of Registration of Architects and Quantity Surveyors will with effect from 1<sup>st</sup> July 2012 issue Annual Practising Certificates to all Members in good standing.

(734<sup>th</sup> Meeting-12<sup>th</sup> April 2012)

#### **44. IN THE MATTER OF PARTNERSHIP OF REGISTERED PERSON WITH UNREGISTERED PERSON.**

Pursuant to the Architects and Quantity Surveyors Act( Cap 525) of the Laws of Kenya, the Board of Registration of Architects and Quantity Surveyors will with effect from 1<sup>st</sup> July 2012 allow Partnership of Registered person with unregistered person as long as the registered person owns minimum 51% of the Shares.

The registered person will be held responsible for the firm.

The withdrawal of the registered person from the partnership will result to automatic dissolution of the Practising firm.

The Board may also withdraw the partnership in accordance with the provisions of Cap 525.

(734<sup>th</sup> Meeting-12<sup>th</sup> April 2012)

#### **45. IN THE MATTER OF CURRICULUM FOR TRAINING FOR ARCHITECTS**

Pursuant to the Architects and Quantity Surveyors Act ( Cap 525) of the Laws of Kenya, the Board of Registration of Architects and Quantity Surveyors will with effect from 1<sup>st</sup> July 2012 recognize minimum five year Architectural training offered as a single tier or two tier degree programmes

(734<sup>th</sup> Meeting-12<sup>th</sup> April 2012)

#### **46 IN THE MATTER OF CURRICULUM FOR TRAINING FOR QUANTITY SURVEYORS**

Pursuant to the Architects and Quantity Surveyors Act( Cap 525) of the Laws of Kenya, the Board of Registration of Architects and Quantity Surveyors will with effect from 1<sup>st</sup> July 2012 recognize minimum Four year Quantity Surveying training offered as a single tier degree programmes.

(734<sup>th</sup> Meeting-12<sup>th</sup> April 2012)

#### **47. IN THE MATTER OF ANNUAL PRACTICE CERTIFICATE FOR FIRMS**

Pursuant to the Architects and Quantity Surveyors Act (Cap 525) of the Laws of Kenya, the Board of Registration of Architects and Quantity Surveyors will with effect from 1<sup>st</sup> July 2013 issue Annual Practising Certificates to registered Firms in good standing.

(739<sup>th</sup> Meeting-13<sup>th</sup> June 2013)