

**THE ARCHITECTS AND QUANTITY SURVEYORS  
(AMENDMENT) ACT, 1973**

No. 12 of 1973

*Date of Assent: 23rd October, 1973*

*Date of Commencement: 26th October, 1973*

**An Act of Parliament to amend the Architects and Quantity Surveyors Act**

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Architects and Quantity Surveyors (Amendment) Act, 1973.

Short title.

2. The Architects and Quantity Surveyors Act (hereinafter referred to as the principal Act) is hereby amended by the repeal of section 2 and the substitution therefor of the following—

Replacement of section 2 of Cap. 525.

Interpretation.

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

“approved” means approved by the Board;

“the Board” means the Board of Registration of Architects and Quantity Surveyors established by section 4 of this Act;

“the Minister” means the Minister for the time being responsible for matters relating to public works;

“register” means the register kept under section 6 of this Act;

“the Registrar” means the Registrar of Architects and Quantity Surveyors appointed under the said section 6.

3. The principal Act is hereby amended by the repeal of section 3 and the substitution therefor of the following—

Replacement of section 3 of Cap. 525.

Restriction on use of titles.

3. (1) Subject to the provisions of this Act, no person shall practice under any name, title or style containing any of the words or phrases “architect”, “architecture”, “architectural”, “quantity surveyor” or “quantity surveying” unless he is registered under

this Act as an architect or a quantity surveyor, as the case may be:

Provided that—

(i) nothing in this Act shall apply to any person in the service of the Government or of the Community, or to any person who, for the purpose of preparing any particular piece of work for the Government or the Community, is exempted by the Minister from the provisions of this Act;

(ii) a member of an approved professional institution who is entitled under the constitution thereof to display after his name any affix which includes the word "Architect", "Architecture" or "Architectural" or any abbreviation thereof, may use such affix whether he is so registered or not.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

(3) Without prejudice to the powers of the Attorney-General, proceedings for an offence under this section may be instituted by any person who is authorized in that behalf, whether generally or specially, by the Board in writing.

4. Section 4 of the principal Act is hereby amended—

(a) in subsection (1), by the deletion of the brackets and words "(hereinafter called the Board) and the Board so established" and the substitution therefor of the word "which";

(b) by the deletion of subsection (2) and the substitution therefor of the following—

(2) The Board shall consist of eight members who shall be architects or quantity surveyors and of whom—

(a) four, at least one of whom shall be a quantity surveyor, shall be nominated by the Minister; and

(b) four, at least one of whom shall be a quantity surveyor shall be nominated by the Architectural Association of Kenya and approved by the Minister;

(c) in subsection (4), by the deletion of the word "Four" and the substitution therefor of the word "Five".

5. Section 5 of the principal Act is hereby amended by the deletion of paragraph (k) and the substitution therefor of the following—

Amendment of section 5 of Cap. 525.

(k) for prescribing the conditions under which persons registered under this Act may practise as limited liability companies, and for requiring professional indemnity insurance in the case of unlimited companies and private firms.

6. The principal Act is hereby amended by the repeal of section 6 and the substitution therefor of the following—

Replacement of section 6 of Cap. 525.

The Registrar and register.

6. (1) The Minister shall appoint a person, who may be a public officer, to be the Registrar of Architects and Quantity Surveyors, who shall hold and vacate office in accordance with the terms of his appointment.

(2) The Registrar shall keep and maintain a register in which the name of every person, being suitably qualified under this Act, shall be entered as soon as is practicable after he is accepted by the Board for registration, showing against his name such particulars as the Board may, from time to time, direct.

(3) All changes in the particulars registered under subsection (2) of this section shall be entered in the register by the Registrar as soon as is practicable after he has received notification thereof.

7. The principal Act is hereby amended by the repeal of section 7 and the substitution therefor of the following—

Replacement of section 7 of Cap. 525

Qualifications for registration as architect.

7. No person shall be registered as an architect unless he—

(a) has attained the age of twenty-one years; and

(b) either—

(i) has had a minimum of five years of approved training followed by at least one year of practical experience in the work of an architect to the satisfaction of the Board, and has passed a prescribed examination; or

(ii) has been admitted as a corporate member of an approved professional institution whose qualifications for such admission are not less than those set out in subparagraph (i) of this paragraph; and

(c) has had a minimum of one year of professional experience in Kenya to the satisfaction of the Board or has satisfied the Board that he has otherwise acquired an adequate knowledge of Kenya building contract procedures; and

(d) has paid the prescribed registration fee.

8. The principal Act is hereby amended by the repeal of section 8 and the substitution therefor of the following—

Qualifications  
for registra-  
tion as  
quantity  
surveyor.

8. No person shall be registered as a quantity surveyor unless he—

(a) has attained the age of twenty-one years; and

(b) either—

(i) has passed a prescribed examination; or

(ii) has been admitted as a corporate member of an approved professional institution whose qualifications for such admission include the equivalent of such prescribed examination; and

(c) has had a minimum of one year of professional experience in Kenya to the satisfaction of the Board or has satisfied the Board that he has otherwise acquired an adequate knowledge of Kenya building contract procedures; and

(d) has paid the prescribed registration fee.

Replacement of  
section 8 of  
Cap. 525.

9. The principal Act is hereby amended by the repeal of section 11 and the substitution therefor of the following—

Power to  
remove from  
and correct  
register.

11. (1) The Board may at any time direct that the name of a person be removed from the register where such person has—

- (a) failed within a period of six months from the date of an inquiry sent by the Registrar by pre-paid registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or
- (b) requested that his name be removed from the register, in which case such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings under section 13 of this Act are being or are likely to be taken against him; or
- (c) been found by the Board to be guilty of such misconduct as is described in section 13 of this Act.

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

(3) Except in the circumstances specified in paragraph (a) of subsection (1), and in subsection (2), of this section the removal of a person's name from the register shall be notified by the Registrar to that person by pre-paid registered letter addressed to the address appearing in the register against his name immediately before the removal.

(4) Subject to the provisions of section 12 of this Act, a person whose name has been removed from the Register shall cease from the date of such removal to be registered for the purpose of this Act.

10. The principal Act is hereby amended by the repeal of section 12 and the substitution therefor of the following—

Restoration  
of the  
Register.

12. (1) Where the name of any person has been removed from the register under section 11 of this Act, the name of that person shall not be

Replacement of  
section 11 of  
Cap. 525.

Replacement of  
section 12 of  
Cap. 525.

entered again in the register except by direction of the Board.

(2) Where the name of any person has been removed from the register or the effect of the registration of any person has been suspended in terms of paragraph (b) of section 13 of this Act, the Board may, either of its own motion or on the application of the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Board thinks fit direct that—

- (a) the removal from the register be confirmed; or
- (b) the name of that person be restored to the register; or
- (c) the suspension of the effect of the registration of the 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 shall take effect and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the Board may determine.

Replacement of  
section 13 of  
Cap. 525.

**11.** The principal Act is hereby amended by the repeal of section 13 and the substitution therefor of the following—

Orders to  
suspend  
registration,  
etc.

13. If any person registered under this Act is convicted of an 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 such person;
- (b) direct that, during such period as the Board may specify, his registration shall not have effect;
- (c) impose a fine not exceeding five thousand shillings on that person; or
- (d) direct that his name be removed from the register.

12. The principal Act is hereby amended by the insertion after section 13 of the following—

Insertion of  
new section  
13A in Cap. 525.

Appeals.

13A. (1) Any person aggrieved by a decision of the Board to refuse to register his name, or to remove his name from the register, or to suspend the effect of registration of his name, or to refuse to restore his name to the register, may appeal to the High Court against the decision of the Board and in any such appeal the High Court may give such directions in the matter as it thinks proper, and any order of the High Court under this section shall be final.

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

(3) Until rules of court are made under the Judicature Act for such appeals, and subject to any such rules when made, the provisions of the Civil Procedure Act shall apply as if the decision or direction of the Board appealed against under this section were a decree of a court exercising original jurisdiction.

Cap. 8.  
Cap. 5  
(1948).