

## CHAPTER 34

### THE ARCHITECTS (REGISTRATION) ACT

#### Arrangement of Sections

#### Sections

1. Short title.
  2. Interpretation.
  3. Establishment of Registration Board.
  4. Architects' Register.
  5. Qualifications for registration.
  6. Registration for certain existing practitioners.
  7. Further investigation by the Board.
  8. Reciprocity.
  9. Particular theories not to be taken into account.
  10. Registered architects entitled to practise architecture.
  11. Practice of architecture by persons other than architects.
  12. Validity of Architects' documents.
  13. Non-entitlement to recover remuneration.
  14. Partnerships, associations or corporations.
  15. Improper registration.
  16. Appeals.
  17. Regulations.
  18. Offences.
  19. Additional penalty.
  20. Expenses.
  21. Act binds the Crown.
- SCHEDULE.

#### CONSTITUTION AND PROCEDURE OF THE BOARD

1. Constitution of the Board.
2. Chairman.
3. Acting appointments.
4. Resignation.
5. Revocation of appointment.

6. Filling of vacancies.
  7. Publication of membership in the *Gazette*.
  8. Seal.
  9. Meetings.
  10. Committees.
  11. Protection of members.
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 ARCHITECTS (REGISTRATION)

AN ACT to provide for the registration and discipline of architects and for connected purposes.

(1st February, 1987)

38/1986.

**1.** This Act may be cited as the Architects (Registration) Act. **Short title.**

**2.** (1) In this Act—

**Interpretation.**

"Board" means the Architects' Registration Board established by section 3;

"budding" means a structure intended for use as shelter for human activities and usually consisting of foundations, floors, walls, windows, columns, beams, girders and roof, or a combination of any number of these parts with or without other parts.

"certificate" means a certificate granted under section 10.

"Minister" means the member of Cabinet for the time being responsible for Legal Affairs;

"practice of architecture" means rendering one or more of the following professional services to clients — advice, consultation, evaluation, planning, design, and minor engineering services, inspection of construction, and any other services wherein expert knowledge, skill and experience are required in connection with the erection, enlargement or alteration of any building or buildings, or the equipment or accessories thereof, or with the creation of the built environment where public amenity is concerned or involved;

"register" means the register of architects kept by the Registrar in accordance with section 4;

"Registrar" means the Registrar of the High Court;

"work permit" means a work permit under the Antigua and Barbuda Labour Code.

**Cap. 27.**

Schedule. (2) The Minister may on the recommendation of the Board by order amend the Schedule by the addition thereto or the deletion therefrom of any sections or parts thereof.

Establishment of  
Registration  
Board.

3. (1) For the purposes of this Act there is established a Board to be known as the Architects' Registration Board which shall be a body corporate to which the provisions of section 22 of the Interpretation Act, shall apply.

Cap. 224.

Schedule. (2) The provisions of the Schedule shall have effect with respect to the constitution of the Board and otherwise in relation thereto.

Architects'  
Register.

4. (1) The Registrar shall keep a register to be known as the Architects' Register in which he shall cause to be entered the name of every person entitled to be registered as an architect under section 5 or 6 together with the following particulars in respect of each person—

- (a) his full name and address;
- (b) the date of his registration; and
- (c) his registration number.

(2) The register shall at all reasonable times be open to inspection at the Registration Office.

(3) The Registrar shall cause to be published in the *Gazette*—

(a) in the month of February in every year an alphabetical list of persons who have at the 31st January in the year registered their names as architects;

(b) as soon as practicable after such registration, the name of any person registering his name as an architect after the 31st January in any year.

(4) The Registrar shall—

(a) make the necessary alterations in the register of the names or addresses of persons registered under this Act; and

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(b) remove therefrom the names of all persons registered under this Act who are suspended or de-registered by the Board, or who are no longer qualified to practice architecture, or retired, or who have ceased to be domiciled and resident in Antigua and Barbuda, or to be holders of work permits.

(5) After the commencement of this Act, every person who is qualified to be registered as an architect under this Act and desires to practice as such in Antigua and Barbuda, shall in the month of January in every year cause his name to be entered by the Registrar in the register and on payment of the prescribed fee shall be entitled to obtain a certificate of such registration.

**5.** (1) Every person is entitled to be registered as an architect under this section if on application made to the Board he satisfies the Board that—

**Qualifications  
for Registration.**

(a) he is qualified to be so registered; and

(b) he is a fit and proper person to practice architecture in Antigua and Barbuda; and

(c) he is domiciled and resident in Antigua and Barbuda and is the holder of a work permit if required.

(2) For the purposes of subsection (1) (a) a person is qualified to be registered as an architect if—

(a) he has been awarded a degree, diploma, or other qualification in architecture, granted by a university or school of architecture, that in the opinion of the Board is evidence of satisfactory training in architecture; or

(b) he is registered as an architect by a board, council, or institute in a country other than Antigua and Barbuda, provided that in the opinion of the Board such overseas body upholds satisfactory standards of architecture; and

(c) he has had not less than 3 years of such practical experience in architecture as the Board approves; and

(d) at least one of the three years of practical experience—

- (i) in the case of persons who otherwise qualified for registration before the commencement of this Act, was acquired in Antigua and Barbuda;
- (ii) in the case of persons who otherwise qualified for registration after the commencement of this Act, was acquired under the direct supervision of an architect duly registered in Antigua and Barbuda.

(3) An application for registration shall be made to the Secretary of the Board in the form approved by the Board.

(4) An applicant for registration shall furnish to the Secretary of the Board—

- (a) evidence of his qualifications and experience;
- (b) proof of his identity; and
- (c) such further and other information as the Board requires in respect of the matters referred to in subsections (1) and (2).

Registration of certain existing practitioners.

**6.** Notwithstanding section 5, any person who does not possess the qualifications specified in that section but who, on application made to the Board within 6 months of the commencement of this Act, satisfies the Board that—

(a) he is a fit and proper person to be registered as an architect; and

(b) he has had before the commencement of this Act not less than 10 years of the practice of architecture in a responsible position under an architect with qualifications as described in section 5,

is entitled to be registered as an architect.

Further investigation by the Board.

**7.** In determining whether a person satisfies the requirements of section 5 or 6, the Board may conduct such investigation relating to the experience in architecture of such person as it considers necessary and may require such person to undergo a written or oral examination or both written

and oral examination in architecture including draughtsmanship, design, detailing, basic engineering, specification, and professional practice.

**8.** The Board may, upon application, register as an architect any person who furnishes it with satisfactory proof— **Reciprocity.**

(a) that he is registered as an architect in another country whose requirements for registration are, in the opinion of the Board, no less exacting than those required for registration in Antigua and Barbuda;

(b) that reciprocal arrangements exist between the Registration Boards of Antigua and Barbuda and that other country;

(c) that he has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Antigua and Barbuda; and

(d) that he has obtained the necessary work permit under the Antigua and Barbuda Labour Code. **Cap. #1.**

**9.** In determining whether a person who applies for registration is duly qualified to be registered under this Act in accordance with sections 5 or 6, the fact that he adopts or refrains from adopting the practice of any particular theory of architectural design shall not be taken into consideration. **Particular theories not to be taken into account.**

**10.** A person registered under this Act shall be entitled— **Registered architects entitled to practice architecture.**

(a) on payment of the prescribed fee to receive from the Registrar a certificate in the form approved by the Board to practice architecture in Antigua and Barbuda;

(b) to demand and recover reasonable remuneration for architectural services rendered;

(c) to use the title "Architect" or any abbreviation thereof against his name, outside his place of work, at building sites where his work is in progress, and on his stationery.

**11.** (1) Subject to section 12, nothing in this Act shall prevent a person who is not an architect from— **Practice of architecture by persons other than architects.**

LAWS OF ANTIGUA AND BARBUDA

CAP. 34) Architects (Registration)

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(a) engaging in those aspects of the practice of architecture that includes drafting or supervising any architectural works as owner, contractor, superintendent or clerk of works;

(b) performing the architectural work involved in minor alterations;

(c) providing architectural services for single family dwelling other than where multiple production of houses is involved or where the buildings concerned are to be of more than one story in height;

(4 providing architectural services for minor business premises of no more than one thousand square feet other than where no more than one storey is involved, or where there is to be multiple production of such buildings;

where no authority requires the drawings to bear the stamp or seal of an architect, nor requires any such person to become registered under this Act for the purpose of doing anything mentioned in this section, and where the interests of the public are not likely to be affected.

(2) Nothing in this Act shall be deemed or construed to prevent the practice of their professions by—

(a) engineers registered under the Engineers (Registration) Act;

(b) land surveyors;

(c) town planners;

(4 naval architects or landscape architects, provided such persons do not use the term "architect" in its unqualified form with intent to mislead the public; or

(e) interior decorators or furniture designers.

Validity of  
architects'  
documents.

**12.** After the commencement of this Act no certification, drawing, valuation, declaration or other document required by enactment to be signed by an architect is valid, unless the person signing it is registered under this Act.

**13.** A person other than a registered architect is not entitled to recover in any action any fee, charge, gratuity, or remuneration for the practice of architecture.

**Non-entitlement to recover remuneration.**

**14.** A partnership, association, or corporation may practise architecture in its own name if its principal and customary functions is to practise architecture, and if the work is done under the responsible supervision of a partner or an associate or a director respectively, who, in any case, is a registered architect.

**Partnerships, associations or corporations.**

**15.** (1) The Board may, if it considers that a person registered as an architect has improperly obtained such registration, require such person to apply to have himself properly registered under this Act.

**Improper registration.**

(2) If for a period of three months or such longer period as the Board allows, such person fails without reasonable excuse to apply to be properly registered, the Board may cause such person's name to be struck off the register.

**16.** An appeal against any decision made by the Board shall lie to a judge in Chambers, and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules of court.

**Appeals.**

**17.** (1) After consultation with the Board, the Minister may make regulations for—

**Regulations.**

(a) a code of professional conduct for architects;

(b) providing for the stamping of drawings or other documents and the use of seals by an architect;

(c) specifying the institutions that are approved by the Board for the purpose of section 5 (2);

(d) prescribing the procedure to be followed in respect to disciplinary proceedings against architects in relation to professional misconduct;

(e) setting up for any period a disciplinary body to investigate and adjudicate upon any allegation of professional misconduct on the part of an architect and make recommendations thereon:

(f) providing for the publication of the recommendations of any body referred to in paragraph (e);

(g) determining the constitution and membership and regulating the procedure of any body referred to in paragraph (e) and providing for any other matter which may be relevant to such body or its functions;

(h) prescribing the fees payable in respect of any examination and of registration under this Act and the minimum percentage and time charges to be made by architects and prescribing anything that is required or authorised to be prescribed;

(i) carrying into effect generally the purposes for which the Board is constituted.

(2) There shall be paid from the funds of the Board to the Chairman and other members of the Board such remuneration, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

**Offences.**

**18.** (1) Subject to section 9, a person who—

(a) fraudulently procures or attempts to procure the registration under this Act of himself or any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing;

(b) fraudulently makes, causes, or permits to be made—

(i) any false or incorrect entry or copy in the register; or

(ii) any alteration in any entry or copy of any entry in the register;

(iii) makes use of the name or title of architect or any other name, title, addition, designation or description implying that he is a registered architect or is entitled to be recognised as an architect in Antigua and Barbuda,

is guilty of an offence.

(2) A person who is guilty of an offence under this section is liable on summary conviction—

(a) for a first offence to a fine of five thousand dollars and to imprisonment for a term of six months; and

(b) for each subsequent offence to a fine of ten thousand dollars and to imprisonment for a term of one year.

(3) In any prosecution under paragraph (b) of subsection (1), the absence of the name of the person charged from the list last published in the *Gazette* pursuant to section 4(3) is *prima facie* evidence that such person is not a registered architect.

**19.** Where an architect has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the regulations, impose on that architect a fine of five thousand dollars. **Additional penalty.**

**20.** Any expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament. **Expenses.**

**21.** This Act binds the Crown. **Act binds the crown.**

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SCHEDULE

(S.3)

*Constitution and Procedure of the Board*

- 1.** (1) The Board shall consist of the following— **Constitution of the Board.**
- (a) the Government's Chief Architect *ex officio*; and
- (b) six members, being architects appointed by the Minister after consultation with any association of architects in Antigua and Barbuda recognised by the Minister as representing architects, or in the absence of such association with any person recognised by the Minister as representing architects.

(2) The appointment of all members of the Board shall be for a period of two years, but any such members shall be eligible for re-appointment, but shall not serve for more than six consecutive years.

**Chairman.**

**2.** The Minister shall appoint one of the appointed members of the Board to be Chairman of the Board.

**Acting appointments.**

**3.** (1) If the Chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of the Chairman or such other member.

(2) Where the power to appoint a person to act in an office is being exercised pursuant to this paragraph, such appointment shall be made in such manner and from among such persons as would be required in the case of a substantive appointment.

**Resignation.**

**4.** (1) Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The Chairman of the Board may at time resign his office as Chairman by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

**Revocation of appointment.**

**5.** The Minister may revoke any appointment made under this Schedule.

**Filling of vacancies.**

**6.** If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed so, however, that the appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

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**7.** The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*. **Publication of membership in the Gazette.**

**8.** (1) The Seal of the Board shall be kept in the custody of the Chairman or the Secretary thereof and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman or any other two members of the Board. **Seal.**

(2) The Seal of the Board shall be authenticated by the signature of the Chairman or any person performing the duties of Chairman and shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under Seal, made by, and all decisions of the Board may be signified under the hands of the Chairman, or any other member authorised to act in that behalf, or the Secretary.

**9.** (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine. **Meetings.**

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any three members of the Board.

(3) The Chairman of the Board shall preside at all meetings of the Board at which he is present, and in the case of the Chairman's absence from any meeting the members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

(4) The quorum of the Board shall be four.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the person

presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept.

(7) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

**Committees.**

**10.** (1) The Board may appoint such Committees as it may think fit and may delegate to any such Committee the power and authority to carry out on its behalf such duties as the Board may determine, so, however, that no such Committee shall have the power to make rules.

(2) The constitution of each Committee shall be determined by the Board.

**Protection of members.**

**11.** (1) No 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 the operations of the Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph the Board shall be liable to the extent that it would be if the member were a servant or an agent of the Board.

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