GOVERNMENT OF ZAMBIA

ACT

No. 36 of 1995

Date of assent: 23rd December, 1995

An Act to provide for the establishment of the Zambia Institute of Architects; to provide for the functions of the Institute; to constitute the Council of the Zambia Institute of Architects; to provide for the qualifications for membership and registration of architects; and to provide for matters connected with or incidental to the foregoing.

[29th December, 1995

Enactment

ENACTED by the Parliament of Zambia.

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Zambia Institute of Architects Act, 1995, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Interpretation

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

" allied professional " means landscape architects, interior designers, urban designers or project or building managers;

" committee " means a committee of the Council established under section *sixteen*;

" Council " means the Council of the Zambia Institute of Architects constituted by section *fourteen*;

" Disciplinary Committee " means the Disciplinary Committee established under section *twenty-one*;

" foreign firm " means an architectural firm registered outside Zambia;

" Honorary-Secretary " means a person elected Honorary-Secretary under paragraph *two* of the First Schedule;

" Honorary-Treasurer " means a person elected Honorary-Treasurer under paragraph two of the First Schedule;

THE ZAMBIA INSTITUTE OF ARCHITECTS ACT, 1995

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

THE ZAMBIA INSTITUTE OF ARCHITECTS

3. Establishment of Institute
4. Functions of Institute
5. Classes of Membership
6. Corporate member
7. Honorary member
8. Life member
9. Foreign Member
10. Student member
11. Designation of members
12. Member of Institute before commencement of Act to be member of Institute in corresponding class
13. Subscription fees

PART III

COUNCIL OF THE ZAMBIA INSTITUTE OF ARCHITECTS

14. The Council of Zambia Institute of Architects
15. Functions of Council
16. Committees
17. Registration Committee
18. Functions of Registration Committee
19. Membership Committee
20. Functions of the Membership Committee

Single copies of this Act may be obtained from the Government Printer, P.O. Box 30136, 10100 Lusaka. Price K410.00 each.

Section

21. Disciplinary Committee
22. Functions of Disciplinary Committee
23. Powers of Disciplinary Committee
24. Proceedings of Committees
25. Professional misconduct
26. Penalties to be imposed by Disciplinary Committee
27. Appeals from Disciplinary Committee

PART IV

28. Registration of architects
29. Qualification for registration of architects
30. Disqualification of architects
31. Exemption from registration
32. Practising certificate
33. Cancellation of practising certificate
34. Appeals
35. Offences relating to practising certificate
36. Offences relating to registration
37. Professional fees
38. Regulations
39. Savings
40. Repeal of Cap. 825

FIRST SCHEDULE

THE COUNCIL

1. Functions of the Council
2. Composition of Council
3. Election of Members

Section

4. Tenure of office and vacancy

5. Seal of Council

6. Proceedings of Council

7. Disclosure of interest

8. Registrar and other staff

SECOND SCHEDULE

SAVINGS AND TRANSITIONAL PROVISIONS

1. Interpretation

2. Former registered members to be members of Institute

3. Staff of former Board

4. Liabilities and obligations

5. Proceedings

6. Conditions of engagement

" Institute " means the Zambia Institute of Architects established under section *three*;

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

" practising certificate " means a certificate issued under section *thirty-two* authorising a person to practise as an architect;

" President " means a person elected President of the Council under paragraph *two* of the First Schedule;

" Vice-President " means the person elected as Vice-President of the Council under paragraph *two* of the First Schedule;

" profession " means the architectural and allied profession;

" registered architect " means a person registered under section *twenty-eight* and engages in the planning or supervision of, and erection or alteration of a building exceeding one hundred and twenty square metres.

PART II

THE ZAMBIA INSTITUTE OF ARCHITECTS

Establishment of Institute

3. There is hereby established the Zambia Institute of Architects which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, ad with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Functions of Institute

4. The functions of the Institute shall be to—

(a) promote the general advancement of architecture and to facilitate the acquiring of knowledge in architecture and the allied professions;

(b) provide for the registration of architects;

(c) promote good architectural practice;

(d) maintain and improve the standards and conduct of architects;

(e) consider allegations of professional misconduct of architects; and

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

Classes of membership

5. There shall be five classes of membership of the Institute namely, corporate, honorary, life, foreign and student member.

Corporate member

6. (1) A corporate member shall be a person who qualifies to be registered as an architect under section *twenty-nine*.

(2) A corporate member shall vote and may contest for any Council position at a General Meeting.

Honorary member

7. The President shall nominate any person to be an honorary member and that person shall be approved by the Council if he has—

(a) distinguished himself in the architectural or allied profession; or

(b) rendered exceptional and important services relating to the architectural or allied profession.

Life member

8. A life member shall be—

(a) a retired corporate member; and

(b) a person who has made outstanding contributions to the profession.

Foreign member

9. A foreign member shall be a person who decides to practise the profession outside Zambia and, except for subsection *(a)* of section *twenty-nine*, qualifies to be a corporate member.

Student member

10. (1) A person may on the application to the Council be admitted as a student member if he is undergoing a postgraduate period of training in any industry connected with architecture or an allied profession.

(2) A registered architect supervising a student member shall keep a record of the performance of the student member.

(3) A student member referred to in subsection (1) shall keep a diary of which shall be signed on a daily basis by the registered architect supervising him.

Designation of members

11. A member of the Institute shall be entitled to describe and designate himself as follows:

(a) " Corporate Member " as " Member of the Zambia Institute of Architects or by the abbreviation " MZIA ";

(b) " Honorary Member " as Associate of the Zambia Institute of Architects or by the abbreviation " AZIA "; and

(c) " Life Member " as a Fellow of the Zambia Institute of Architects or by the abbreviation " FZIA ".

Member of Institute before commencement of Act to be member of Institute in corresponding class

12. Notwithstanding section *five* any person who immediately before the commencement of this Act was a corporate member, honorary member, life member, foreign member, or student member, of the Institute, shall be deemed from the commencement of this Act to be a corporate member, honorary member, life member, foreign member or student member, respectively, under this Act.

Subscription fees

13. (1) Every member of the Institute shall pay such annual subscription fees as may be approved by the Council and confirmed at a General Meeting.

(2) Notwithstanding subsection (1), an Honorary and life member shall not pay the annual subscription fees.

PART III

THE COUNCIL OF THE ZAMBIA INSTITUTE OF ARCHITECTS

The Council of the Zambia Institute of Architects

14. (1) There is hereby constituted the Council of the Zambia Institute of Architects.

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

Functions of Council

15. Notwithstanding the generality of section *four*, the Council shall—

(a) exercise the functions of the Institute;

(b) issue membership certificates to approved applicants; and

(c) ratify decisions of the Disciplinary Committee.

Committees

16. (1) Subject to subsection (2), the Council may, for the purpose of performing its functions under this Act establish committees consisting of members of the Institute and may, except as otherwise provided for in this Act, delegate to any such committee any of its functions as it considers necessary.

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

(3) Notwithstanding subsection (1), there shall be the following committees of the Council:

(a) the Registration Committee;

(b) the Membership Committee; and

(c) the Disciplinary Committee.

Registration Committee

17. (1) The President shall appoint the Chairperson of the Registration Committee.

(2) The Registration Committee shall consist of the following members:

(a) the Vice-President;

(b) the Honorary-Secretary;

(c) two Past Presidents and fully paid up corporate members of the Institute;

(d) the Chairperson of the Membership Committee; and

(e) a senior Corporate Member nominated by the President and approved by the Council.

Functions of Registration Committee

18. (1) The functions of the Registration Committee shall be to—

(a) consider applications for registration of architects;

(b) prepare programmes of training including acquiring of acceptable practical experience for trainees and graduates of architecture for registration as architects;

(c) liaise with approved institutions of architecture on practical training, for architects and monitoring and working out modalities of the diary; and

(d) to conduct examinations or interviews for professional competence at such times and places as the Council shall determine.

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

Membership Committee

19. (1) The Honorary-Secretary shall be the Chairperson of the Membership Committee.

(2) The Membership Committee shall consist of the following members:

(a) the Honorary-Secretary; and

(b) four members of the Council nominated by the President and approved by the Council.

Functions of Membership Committee

20. (1) The functions of the Membership Committee shall be to—

(a) process applications for all categories of membership and make recommendations to the Council;

(b) keep a register of various classes of membership;

(c) recommend subscription fees for approval by the Council; and

(d) do all other things that the Council may direct the Committee to do.

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

Disciplinary Committee

21. (1) The Vice-President shall be the Chairperson of the Disciplinary Committee.

(2) The Disciplinary Committee shall consist of the following members:

(a) the Vice-President;

(b) a representative of the Attorney-General;

(c) a representative of the allied profession; and

(d) three members nominated by the President and approved by the Council.

(3) The Vice-Chairperson shall be elected from amongst the members.

(4) The members referred to in paragraphs *(a)* and *(c)* shall be registered architects.

Functions of Disciplinary Committee

22. (1) The functions of the Disciplinary Committee shall be to—

(a) hear and determine any complaint or allegation against a member of the Institute;

(b) hear and determine any complaint or allegation against a Committee of the Council; and

(c) do all such things as are incidental or conducive to the attainment of the functions of the Committee.

(2) The quorum of the disciplinary Committee shall be three.

Powers of Disciplinary Committee

23. (1) The Disciplinary Committee may, for purposes of any inquiry, hear and receive any evidence.

(2) Any person summoned to appear before the Disciplinary Committee shall be guilty of an offence if he refuses—

(a) or fails to appear before the disciplinary Committee at the time and place specified in the summons, or having attended, leaves without the permission of the Committee without cause or excuse;

(b) without lawful excuse to answer any question lawfully put to him; or

(c) to produce any book, record, document or thing which he has been required by summons to produce other than that which he could not be compelled to produce in the trial of an action in court.

(3) A person shall be guilty of a disciplinary offence under subsection (2) and shall be liable, upon conviction, to a fine not exceeding five hundred penalty units or to imprisonment for a period not exceeding three months, or to both.

Proceedings of committees

24. (1) Except as provided in this section, and subject to the other provisions of this Act, a committee may regulate its own procedure.

(2) A decision of a committee shall be by a majority of the votes of the members present and voting, and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) A committee shall cause to be kept a record of all its proceedings.

(4) A party to the proceedings or the legal practitioner, if any, shall be entitled to cross examine any person giving evidence before the Committee.

(5) A party to the proceedings before the Disciplinary Committee shall be present throughout the hearing:

Provided that any party to a hearing before the Disciplinary Committee may be represented by a legal practitioner, or with the leave of the committee by any person authorised by him in that behalf.

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

(7) All proceedings of the Disciplinary Committee shall be held in camera.

Professional misconduct

25. A registered architect shall be guilty of professional misconduct if, in the course of his practice, he—

(a) allows any person, other than a registered architect or trainee architect in his employment to practise in the name of a registered architect;

(b) unlawfully discloses or uses to his own advantage, any information which was acquired in the course of his professional work on behalf of his client;

(c) certifies or submits in his name or in the names of his firm a report, document, drawing, statement and related records which have not been made by him, his partner or an architect employed by his firm;

(d) permits his name or the name of his firm to be used in connection with technical specifications, designs or financial calculations which are not accurate;

(e) charges for professional work and fees other than the scales approved by the Council;

(f) fails to disclose or knowingly conceals from his client information or facts, which may mislead his client; or

(g) gives incorrect or insufficient professional advise.

Penalties to be imposed by Disciplinary Committee

26. (1) Where the Disciplinary Committee, after due inquiry finds an architect guilty of professional misconduct, it may impose one or more of the following penalties—

(a) order the cancellation of his practising certificate;

(b) recommend to the Council, the—

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

(ii) expulsion; or

(c) censure him.

(2) The Disciplinary Committee shall as soon as practicable after the completion of each hearing, submit a report of the proceedings, together with a copy of the record kept to the Council.

Appeals from Disciplinary Committee

27. (1) An architect who is aggrieved by any decision of the Council may within thirty days of the notification to him of the decision, appeal to the Minister.

(2) The cancellation of any membership or registration ordered by the Council shall take effect after the period specified in subsection (1) expires.

(3) The Minister may, on appeal against the findings or orders of the Council -

(a) confirm, vary or set aside any findings made, penalty imposed or direction given by the Council; or

(b) refer the matter back to the Council for further consideration.

PART IV

REGISTRATION OF ARCHITECTS

Registration of architects

28. (1) A person shall apply to the Honorary-Secretary for registration.

(2) A foreign firm may operate in Zambia if it is registered by the Council, in joint venture with a Zambian architectural firm.

(3) The Honorary-Secretary shall keep a register of persons registered by the Council.

(4) The register referred to in subsection (3) shall show such particulars as the Honorary-Secretary may consider necessary and the Honorary-Secretary shall register all changes that may occur after registration.

Qualification for registration of architects

29. (1) A person shall not be registered as an architect unless he —

(a) is a resident in Zambia;

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

(c) holds a bachelor of architecture degree or its equivalent recognised by the Council;

(d) has passed at least two years of post-graduate practical full-time employment under the supervision of a registered architect;

(e) has passed the professional competence examination conducted by the Council; and

(f) has paid the registration and membership fees prescribed by the Council.

(2) Where a firm is registered by the Council, that firm shall file with the Registrar, a memorandum of practice signed by all the partners stating—

(a) the names and qualifications of each partner;

(b) the nationality of partners;

(c) the name of the firm; and

(d) the address of the registered office, the postal address, the telephone and the facsimile number of the firm.

Disqualification of architects

30. A person shall not qualify to be registered as an architect if—

(a) he has been convicted of an offence involving dishonesty;

(b) he has been adjudged or otherwise declared to be of unsound mind under any law in force in Zambia;

(c) he is an undischarged bankrupt; or

(d) in the case of a firm, the firm is not registered with the Institute.

Exemption from registration

31. Except for heads of departments at an institution approved by the Council, the following shall not be required to comply with this Part:

(a) lecturers; and

(b) persons undergoing training at a university or institute and approved by the Council.

Practising certificate and seal

32. (1) The Council, on the recommendation of the Registration Committee, shall issue a practising certificate to every architect or company registered under section *twenty-eight*.

(2) Every practising certificate inssued under subsection (1) shall take effect on the day it is issued and shall continue in force until the 30th of June next following the date of issue.

(3) The Council shall issue a seal to every registered architect or company issued with a practising certificate.

(4) A practising certificate shall be renewed annually upon payment of such subscription fees as may be prescribed.

Cancellation of practising certificate

33. (1) The Council may, after recommendation of the Registration Committee, cancel a practising certificate issued under section *thirty-two* if—

(a) it is proved to the satisfaction of the Registration Committee that the registration was obtained through fraud, misrepresentation or concealment of any material fact; or

(b) the person ceases to be a member of the Institute.

(2) The Council shall before cancelling the practising certificate under subsection (1), give the registered architect or firm, thirty days notice of the intention to cancel the practising certificate and give the registered architect an opportunity to show cause as to why his practising certificate should not be cancelled.

(3) The Council shall, after cancelling the practising certificate issued under subsection (1) publish a notice of cancellation in the *Gazette*.

(4) A registered architect whose practising certificate is cancelled shall surrender his seal to the Council.

Appeals

34. A person aggrived by a decision made by the Council under this Part may within thirty days appeal to the Minister.

Offences relating to practising certificate

35. (1) A person not registered by the Council, shall not—

(a) establish a practise as an architect or be a partner in any architectural firm;

(b) practice or offer his services as, or hold himself out to be, a qualified architect, consultant or advisor;

(c) adopt, use or exhibit the titles " architect ", " registered architect " " project architect ", " consulting architect " or any other term of similar description; or

(d) do anything likely to lead persons to infer that he is a registered architect.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(3) Where an offence under subsection (2) is committed by a body corporate, every director and manager of the body corporate shall be deemed to have committed the offence, unless the manager or director proves that the offence was committed without his knowledge or consent.

(4) Where a firm does any act which if done by an individual would be an offence under subsection (2), every partner in that firm shall be deemed to have committed the offence, unless he proves that the offence was committed without his knowledge or consent.

Offences relating to registration

36. (1) A person shall be guilty of an offence if he—

(a) makes or causes to be made an unauthorised entry, alteration or erasure in a register, practising certificate, or in any copy thereof; or

(b) procures or attempts to procure for himself or any other person a practising certificate by means of fraud, misrepresentation or concealment of any material fact.

(2) A person guilty of an offence under subsection (1) shall be liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

PART V

MISCELLANEOUS

Professional fees

37. A registered architect shall charge for professional services rendered at such rates as may be prescribed by the Minister, upon recommedation by the Council, by statutory instrument.

Regulations

38. The Minister may, upon recommendation by the Council, make Regulations—

(a) setting out—

(i) the code of professional ethics and conduct; and

(ii) the conditions of engagement of an architect; and

(b) for the better carrying out of the provisions of this Act.

Savings

39. The savings and transitional provisions in the Second Schedule shall apply in respect of the Institute, Council and other matters.

Repeal of Cap. 825

40. The Architects and Quantity Surveyors Act is hereby repealed.

FIRST SCHEDULE

(Section 14)

THE COUNCIL

Functions of Council

1. The functions of the Council shall be to—

(a) register names of members of the Institute; and

(b) perform all the functions of the Institute.

Composition of Council

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

(a) the President;

(b) the Vice-President;

(c) the Honorary-Secretary;

(d) the Honorary-Treasurer;

(e) representative of the Attorney-General; and

(f) not more than seven other members.

(2) Except for the member referred to in subsection *(e)*, the members referred to in paragraph (1) shall be elected at the Annual General Meeting.

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

Election of members of Council

3. The members of the Council shall be elected by secret ballot at an Annual General Meeting.

Tenure of office of vacancy

4. (1) A member of the Council shall hold office for two years and may be re-elected for two more years.

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

(3) The office of member shall become vacant—

(a) upon the member's death;

(b) if he is adjudged bankrupt;

(c) if he is adjudged or otherwise declared to be of unsound mind under any law in force in Zambia;

(d) if he is absent, without prior approval of the Council from three consecutive meetings of the Council of which due notice was given to him; or

(e) upon the expiry of not less than one month's notice, in writing, of that member's intention to resign given by the member to the President;

Seal of Council

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

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and one other person authorised in that behalf by the Council.

(3) Any document purporting to be a document under seal of the Council shall be received in evidence and shall be deemed to be a

document so executed or so issued, as the case may be, without further proof, unless the contrary is proved.

Proceedings of Council

6. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

(2) The Council shall, for the transaction of business, meet at least twice in every calendar year at such places and at such times as the Chairperson may determine.

(3) The quorum of the meeting of the Council shall be seven.

(4) Subject to paragraph 5, the President shall, upon giving notice of not less than fourteen days, call a special meeting of the Council if not less than five members so request in writing.

(5) If the urgency of any particular matter does not permit the giving of the notice referred to in sub-paragraph (4), a special meeting may be called upon giving shorter notice.

(6) There shall preside at a meeting of the Council the President or, in the absence of the President, the Vice-President or, in the absence of both the President and the Vice-President, such member as the members present may elect for the purpose of that meeting.

(7) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to that persons's deliberative vote.

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

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council nor by any defect in the appointment of any member.

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

Disclosure of interest

7. (1) If any person is present at a meeting of the Council at which any matter in which that person or that person's spouse is directly or indirectly interested, he shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.

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

Staff of Council

8. The Council may appoint, on such terms and conditions as it may determine, such other staff as it may consider necessary for the performance of the functions of Council.

SECOND SCHEDULE
(Section 39)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

" the appointed date " means such date as the Minister may appoint under section *one*;

" the former Board " means the Architect and Quantity Surveyors Board established under the repealed Act;

" the repealed Act " means the Architect and Quantity Surveyors Act. Cap. 825

Former registered members to be members of Institute

2. A person who, immediately before the appointed date, held office as one of the members of the former Board referred to in paragraphs *(a)* and *(b)* of subsection (1) of section *three* of the repealed Act, shall hold office, subject to this Act, as members of the Institute until replaced by opersons elected for the purpose of paragraph *two* of the First Schedule to this Act.

Staff of former Board

3. Nothing in this Act affects the rights of any person employed by the former Board immediately before the appointed date.

Liabilities and obligations Cap. 105

4. On the appointed date, all property assets, rights, liabilities and obligations of the Zambia Institute of Architects as registered under the Societies Act shall vest in the Institute established by this Act.

Proceedings Cap. 105

5. Any proceedings or cause of action instituted or pending by or against the Zambia Institute of Architects as registered under the Societies Act, immediately prior to the appointed date, shall continue as if instituted under this Act.

Conditions of engagement

6. Any architectural projects commissioned prior to the appointed date under the conditions of engagement and scale of fees subsisting under the amended Act shall continue to apply until the projects are completed.