

CHAPTER 366

ARCHITECTS REGISTRATION 2003-5

This Act came into operation on 21st April, 2003.

Amended by:

2004-24

2005-28

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2003

2007

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 366

ARCHITECTS REGISTRATION 2003-5

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**BARBADOS****ARCHITECTS REGISTRATION
2003-5**

An Act to make provision respecting the registration of architects and for related matters.

[Commencement: 21st April, 2003]

CITATION**Short title**

1. This Act may be cited as the *Architects Registration Act*.

INTERPRETATION**Interpretation**

- 2.(1) In this Act,

“Board” means the Architects Registration Board established by section 3;

“building” means a structure intended for use as shelter for human activities, excluding industrial and storage facilities, 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;

[2005-28]

“certificate” means a certificate referred to in section 9(a);

“Community” means the Caribbean Community established by Article 2 of the Treaty;

[2004-24]

“Member State” means a Member State of the Community, excluding an Associate member within the meaning of Article 231 of the Treaty;

[2004-24]

“national” means a person who

- (a) is a citizen of a Member State; or
- (b) has a connection with that State of a kind which entitles him to be regarded as belonging to, or, if it be so expressed, as being a native or resident of, the State for the purposes of the laws thereof relating to immigration;

but does not include a person who has attained nationality by virtue of an economic connection;

[2004-24]

“practice of architecture” means rendering one or more of the following professional services to clients:

- (a) advice;
- (b) consultation;
- (c) evaluation;
- (d) planning design;
- (e) inspection of construction; and
- (f) other services,

where expert knowledge, skill and experience are required in connection with the

- (i) erection, enlargement or alteration of any building or accessories thereof; or

(ii) creation of the building environment where public amenity is concerned;

[2005-28]

“Register” means the Architects Register required to be kept by the Registrar under section 4;

“Registrar” means the Registrar of the Supreme Court;

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001;

[2004-24]

“work permit” means a work permit granted under section 17 of the *Immigration Act*, Cap. 190.

(2) The Minister may by order amend the *Schedules* to this Act.

PART I

ESTABLISHMENT OF BOARD

Establishment of Board

3.(1) For the purposes of this Act, there is hereby established a Board, to be known as “the Architects Registration Board”.

(2) The Board shall be a body corporate and, subject to this Act, section 21 of the *Interpretation Act*, Cap. 1 shall apply thereto.

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

PART II
ARCHITECTS

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;
- (c) a description and the date of the qualifications in respect of which he is registered.

(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 *Official Gazette*,

- (a) in the month of February in every year, an alphabetical list of persons who have at 31st January in that 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 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
- (b) remove from the Register the names of all persons registered under the Act who
 - (i) are suspended by the Board;
 - (ii) are no longer qualified to practise architecture;

- (iii) are deceased; or
 - (iv) not being citizens, permanent residents or nationals of a Member State of the Community,
 - (A) have ceased to be domiciled and resident in Barbados; or
 - (B) are no longer holders of a work permit.
- [2004-24]
- (5) After 21st April, 2003, every person who is qualified to be registered as an architect under this Act and desires to practise as such in Barbados 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 first registration fee or annual registration fee, as the case may be, shall be entitled to obtain a certificate of registration.

Qualifications for registration

5.(1) Subject to section 6, a person is entitled to be registered as an architect under this Act where on application made to the Board he satisfies the Board that

- (a) he is qualified to be so registered; and
- (b) he is a fit and proper person to practise architecture in Barbados.

(2) For the purposes of subsection (1), a person is qualified to be registered as an architect where he

- (a) 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) is registered as an architect by a board, council or institute in a country other than Barbados and where, in the opinion of the Board, the overseas body upholds satisfactory standards of architecture, and

has had not less than 3 years of such practical experience in architecture as the Board approves.

- (3) An application for registration shall be made to the Secretary of the Board in the Form A set out in the *Second Schedule*.
- (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).

Power of Board to require examination

- 5A.** Where in respect of an application for registration as an architect
- (a) the Board is satisfied as to the matters specified in paragraph (b) of section 5(1) but does not consider the qualifications which the applicant holds to be evidence of satisfactory training in architecture; or
 - (b) a question arises with respect to the evidence presented by the applicant as to his training,

the Board may, in its absolute discretion, require the applicant to submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory training in architecture.

[2005-28]

Conditions of registration of certain existing practitioners

- 6.(1)** Notwithstanding section 5, a person who does not possess the qualifications specified in that section but who, on application made to the Board within one year of 21st April, 2003 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 21st April, 2003 not less than 10 years experience in the practice of architecture,

[2005-28]

is entitled upon compliance with the requirements of this Act and on payment of the first registration fee to be registered as an architect.

(2) In determining whether a person satisfies the requirements of subsection (1), 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 in architecture or both, including draughtsmanship, design, detailing, basic engineering, specification and professional practice.

(3) Where the Board determines that a person is not entitled to be registered as an architect pursuant to this section, that person may appeal to the Tribunal established by section 16A.

[2005-28]

Reciprocity

7. The Board may, upon application, register as an architect any person who furnishes it with satisfactory proof

(a) that he is registered as an architect in a country other than Barbados or any other Member State whose requirements for registration are, in the opinion of the Board, no less exacting than those required for registration in Barbados;

[2004-24]

(b) that reciprocal arrangements exist between Barbados and that other country;

[2005-28]

(c) *[Repealed by 2005-28]*;

(d) that the applicant has obtained the necessary work permit to enable him to practise in Barbados.

Certain factors not to be taken into consideration in determining qualifications for registration

8.(1) In determining whether a person who applies for registration is duly qualified to be registered under this Act, the fact that the person adopts or refrains from adopting, or intends to adopt or refrain from adopting, the practice of any particular theory of architectural design shall not be taken into consideration.

(2) Where a person submits to examination in order to entitle him to register under this Act, there shall not be imposed upon him any obligation to adopt or refrain from adopting the practice of any particular theory of architecture as a test or condition of admitting him to examination or registration under this Act.

Registered architect entitled to practise

9. A person registered under this Act shall be entitled,

- (a) on payment of the appropriate fee to receive from the Registrar a certificate in the Form B set out in the *Second Schedule* to practise architecture in Barbados;
- (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.

10. *[Repealed by 2005-28].*

Additional qualifications

11.(1) A registered architect who has obtained a higher degree or qualification, other than the qualifications in respect of which he has been registered may make application to the Registrar to have registered particulars of any higher degree or qualification inserted in the Register in substitution for, or in addition to, the qualifications previously registered.

(2) The application referred to in subsection (1) shall be in the Form C as set out in the *Second Schedule*.

Practice of architecture by persons other than those registered under this Act

12.(1) Subject to section 13, nothing in this Act shall prevent a person who is not an architect from

- (a) engaging in those aspects of the practice of architecture that include drafting or supervising works as owner, contractor, superintendent or clerk of works;
- (b) performing the architectural work involved in minor alterations;
- (c) providing architectural services for family dwellings; or
[2005-28]
- (d) providing architectural services for commercial structures of no more than 5 000 square feet or 465 square metres where no more than two storeys are involved;
[2005-28]

where the interests of the public are not likely to be affected,

or require any person to become registered under this Act for the purpose of doing anything mentioned in this section.

(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*, Cap. 368B;
- (b) land surveyors;
- (c) town planners;
- (d) landscape architects;
- (e) interior or furniture designers,
[2005-28]

if those persons do not use the term “architect” in its unqualified form with intent to mislead the public.

(3) A person referred to in subsection (1) who engages in any aspects of the practice of architecture not specified in that subsection is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine of \$5 000 or to imprisonment for a term of one year; and

(b) for each subsequent offence, to a fine of \$15 000 or to imprisonment for a term of 2 years.

[2005-28]

(4) Section 18(1)(c)(i) shall not apply to a person who by virtue of subsection (1) practises those aspect of architecture specified in that subsection.

[2005-28]

Validity of architect’s documentation

13. After 21st April, 2003, no certification, drawing, valuation, declaration or other document required by an enactment to be signed by an architect is valid unless the person signing it is registered under this Act.

Partnerships, associations or corporations

14. A partnership, association or corporation may practise architecture in its own name where its principal and customary function is to practise architecture, and where the work is done under the responsibility and supervision of a partner or an associate or a director of a corporation, or under the responsibility and supervision of a full-time permanent employee of the partnership, association or corporation who is a registered architect.

Improper registration

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

(2) Where after a period of 3 months, or such longer period as the Board allows, the person referred to in subsection (1) fails without reasonable excuse to apply to be properly registered, the Board may cause the name of that person to be struck off the Register.

PART III**MISCELLANEOUS****Appeals**

16. An appeal against any decision made by the Board other than a decision with respect to the entitlement of a person to be registered under section 6 shall lie to a Judge in Chambers; and every appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by the rules of court.

Establishment of Tribunal

16A.(1) There is established an Architects Registration Appeals Tribunal, in this Act referred to as “the Tribunal”, which shall hear appeals in connection with the registration of architects pursuant to section 6.

(2) The Tribunal shall be comprised of

- (a) an attorney-at-law of at least 10 years standing;
- (b) an architect of at least 10 years experience; and
- (c) a person with knowledge and experience in construction and architecture.

- (3) The members of the Tribunal shall be appointed by the Minister for a period of 3 years and shall be eligible for re-appointment.
- (4) The members of the Tribunal shall receive such remuneration as the Minister determines.
- (5) A decision of the Tribunal with respect to the entitlement of a person to be registered under section 6 is final.

[2005-28]

Professional misconduct

17. Where a registered architect has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the regulations,

- (a) impose on that architect a fine of \$5 000; and
- (b) where the architect refuses to pay the fine referred to in paragraph (a), the Board may suspend his registration for a period not exceeding one year.

[2005-28]

Offences

18.(1) 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, or causes or permits to be made,
 - (i) any false or incorrect entry or copy of an entry in the Register; or
 - (ii) any alteration in any entry or copy of any entry in the Register; or

- (c) not being a registered architect,
 - (i) practises architecture for which he demands or receives any fee, gratuity or remuneration, whether or not such fee, gratuity or remuneration is demanded or received in Barbados;
 - (ii) pretends to be a registered architect; or
 - (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 or to practise as a registered architect,

is guilty of an offence under this Act.

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

- (a) for a first offence, to a fine of \$10 000 or to imprisonment for 2 years;
and
[2005-28]
- (b) for each subsequent offence, to a fine of \$25 000 or to imprisonment for 3 years.
[2005-28]

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

Regulations

19.(1) The Board may, subject to the approval of the Minister, make regulations

- (a) regulating the conditions of architectural practice in Barbados;

- (b) specifying what institutions are approved by the Board for the purposes of section 5(2);
[2005-28]
 - (bb) providing for the conduct of examinations and related matters, and the fees to be paid for such examinations;
 - (c) prescribing the procedure to be followed in respect of disciplinary proceedings against architects in relation to professional misconduct;
 - (d) setting up for any period or *ad hoc* a disciplinary body to investigate and adjudicate upon any allegation of professional misconduct on the part of an architect, and make recommendations in respect of the allegation;
 - (e) providing for the publication of the recommendations of any body referred to in paragraph (d);
 - (f) determining the constitution and membership, and regulating the procedure, of any body referred to in paragraph (d) and providing for any other matter which may be relevant to that body or its functions;
 - (g) prescribing the fees payable in respect of any examination and registration under this Act;
 - (h) prescribing a code of professional conduct for architects;
 - (i) providing for the stamping of drawings or other documents and the use of seals by an architect; and
 - (j) carrying into effect generally the purposes for which the Board is constituted.
- (2) The Board may, subject to the approval of the Minister responsible for Finance, by regulations prescribe the fees payable to its members and to any examiners appointed by the Board.

Expenses

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

FIRST SCHEDULE*(Section 3(3))**Constitution and Procedure of the Board***Appointment of members**

1. Subject to paragraph 3, the Board shall consist of
 - (a) the Chief Technical Officer, Ministry of Public Works and Transport, *ex officio* or his nominee;
 - (b) one person appointed by the Minister; and
 - (c) 4 registered architects appointed by the Minister on the nomination of the Barbados Institute of Architects.

Appointment of committees

2. The Board may
 - (a) appoint committees composed of members of the Board and registered architects not being members of the Board, for the proper carrying out of its functions; and
 - (b) delegate to any of the committees any functions it considers necessary.

Tenure of office

- 3.(1) Members of the Board other than an *ex officio* member shall hold office for a term of 3 years, but are eligible for reappointment.
 - (2) Notwithstanding sub-paragraph (1), no member other than an *ex officio* member shall hold office for more than 2 consecutive terms, but such member is eligible for reappointment after the expiration of one year thereafter.
 - (3) In the case of the first Board constituted after 21st April, 2003, the person appointed by the Minister under paragraph (1)(b) and the persons appointed by the Minister under paragraph (1)(c) shall be appointed for a term of one year, and

thereafter appointments shall be made in the manner otherwise provided by this Schedule.

Election of chairman

- 4.(1) The Board at its first meeting held after 1st January in each year shall elect one of its number to be chairman for a term of one year, and that member shall be eligible for re-election as chairman.
- (2) The chairman shall have an original and a casting vote.
- (3) The chairman shall preside at all meetings of the Board at which he is present.
- (4) Where the chairman ceases to be a member of the Board before the expiration of the period for which he has been elected, the Board shall elect some other member in his place to be chairman for the remainder of that period.
- (5) Where at any meeting of the Board the chairman is not present or there is no chairman, the members present shall elect one of their members to act as chairman in respect of that meeting.

Appointment of secretary and other officers

- 5.(1) The Board may appoint a secretary and such other officers and servants as it deems necessary for the purpose of carrying out its functions under this Act.
- (2) The secretary, officers and servants of the Board shall receive such pay and allowances as the Board with the approval of the Minister determines.

Publication of memberships in the *Gazette*

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

Quorum

7. At a meeting of the Board 4 members shall form a quorum.

Resignation of members of the Board

8.(1) Any member of the Board other than the chairman 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 the member shall cease to be a member of the Board.

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

Temporary appointments

9. In the absence or inability to act of any member, the Minister may appoint any person to act temporarily in place of the member; and the temporary appointment shall be made in the same manner and from the same categories of persons, if any, as the appointment of the member.

Vacancies

10. Where a vacancy occurs in the membership of the Board, the vacancy shall be filled by the appointment of another member, who shall hold office for the remainder of the period for which the previous member was appointed.

Procedure and meeting

11.(1) The Board shall regulate its own proceedings.

(2) The Board shall meet at such times and places as may be necessary or expedient for the transaction of its business.

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

- (4) 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.
- (5) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members of the Board, or by any defect in the appointment of a member of the Board.

SECOND SCHEDULE

(Section 5(3))









