

THE ARCHITECTS ACT, 1986
(ACT NO. 7 OF 1986)
ARRANGEMENT OF SECTIONS
PART I—PRELIMINARY

Section No.

1. Commencement.
2. Interpretation.

PART II—ARCHITECTS REGISTRATION COUNCIL

3. Establishment of Council.
4. Incorporation of Council.
5. Membership of Council.
6. Functions of the Council.
7. Terms of office of members of the Council.
8. Officers of the Council.
9. Meetings of the Council.
10. Funds of the Council.
11. Power of Council to make bye-laws.

PART III—QUALIFICATIONS AND REGISTRATION

12. Qualifications for registration.
13. General disqualification.
14. Registration.
15. Striking off and cancellation of registration.
16. Inquiries by disciplinary committees.
17. Suspension.
18. Appeal to the High Court.
19. Meaning of "professional misconduct"
20. Restriction as to the use of titles conferred under this Act.

PART IV—MISCELLANEOUS PROVISIONS

21. Offence and penalties.
22. Improper use of terms implying registration under this Act.
23. Power of personal representative of deceased.
24. Architects to have annual practising certificates.

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25. Regulations.
26. Amendment of Schedules.
27. President may modify Act in respect of regulations made under section 99 of the Constitution.

FIRST SCHEDULE
Disciplinary Committee.

SECOND SCHEDULE
Professional Misconduct.

SIGNED this 15th day of April, 1986.

J. S. MOMOH
President.

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No. 7



1986

Sierra Leone

The Architects Act, 1986

Short title.

Being an Act to make provision for the registration of Architects and the regulation of the practice of Architecture in Sierra Leone and for other purposes connected therewith

[Date of commencement.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows—

**PART I
PRELIMINARY**

1. This Act shall come into force on such day as the Minister may by public notice appoint. Commence-ment.

Interpreta-
tion.

2. In this Act unless the context otherwise requires—
“architect” means any person registered as an architect under this Act;

“Chairman” means the Chairman of the Council;

“Council” means the Architects Registration Council established by section 3 of this Act;

“Institute” means the Sierra Leone Institute of Architects;

“Minister” means the Minister responsible for Works;

“Register” means the Register of Architects maintained under this Act.

PART II

ARCHITECTS REGISTRATION COUNCIL

Establish-
ment
of Council.

3. There shall be established in accordance with the provisions of this Act an Architects Registration Council (in this Act referred to as “the Council”) to perform the functions assigned to it by this Act.

Incorporation
of
Council.

4. (1) The Council shall be a body corporate by the name referred to in section 3 of this Act, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Council may acquire, hold or dispose of any property moveable or immovable for the purposes of this Act and may do any such things as may reasonably appear to be necessary for the performance of its functions under this Act.

(3) The common seal of the Council shall be kept in such custody as the Council may from time to time determine.

(4) The common seal of the Council shall not be affixed to any document or instrument except—

(a) by order of the Council, and

(b) in the presence of two members of the Council who shall sign the document or instrument independently of the signature of any person who may have signed it as a witness.

Membership
of Council.

5. (1) The Council shall consist of seven members as follows:—

(a) one member being a registered architect, nominated by the Minister,

(b) one member nominated by the Dean or other head of the Faculty of Engineering of Fourah Bay

College, University of Sierra Leone or where a Faculty of Architecture is established in that College, nominated by the Dean or other head of that Faculty,

(c) four members nominated by the Sierra Leone Institute of Architects, and

(d) a legal adviser appointed by the Attorney-General and Minister of Justice.

(2) The Council shall elect a registered architect from among the members to be Chairman of the Council.

6. The Council shall be concerned with the practice of architecture in Sierra Leone and shall be responsible for— Functions of the Council.

(a) prescribing or approving courses of study and the conduct and standards of qualifying examinations for registration of any person as a registered architect under this Act,

(b) maintaining and publishing of a register of architects,

(c) prescribing standards of professional conduct and ethics for architects, and

(d) controlling the practice of architecture.

7. (1) Every member of the Council shall, unless he earlier vacates his office, hold office for a period of three years from the date of his appointment. Terms of office of members of the Council.

(2) A member of the Council may vacate his office by writing under his hand addressed to the Chairman.

(3) Where any member of the Council dies or vacates his office, the body or authority which nominated him shall appoint another person to fill the vacancy so caused.

(4) Any member of the Council who vacates his office by effluxion of time shall be eligible for re-appointment as a member.

8. The Council may appoint a Secretary to the Council and also such other officers and employees as may appear to it necessary for the proper discharge of its functions under this Act. Officers of the Council.

9. (1) The Council shall ordinarily meet at such times and places as the Council may determine but shall meet at least once in every three months. Meetings of the Council.

(2) The Chairman or not less than two other members of the Council may by writing stating the subject matter proposed to be discussed at the meeting, require the Secretary at any time to summon a special meeting of the Council and the Secretary shall comply with such request.

(3) Seven days written notice of a meeting of the Council or not less than twenty-four hours in the case of emergency shall be given by the Secretary to each member of the Council and the notice shall state the place, the day and the hour of the meeting and in case of a special meeting the nature of the business to be discussed at that meeting.

(4) Any accidental omission by the Secretary to send to or non-receipt of notice referred to in subsection (3) of this section by any member shall not invalidate the proceedings of any meeting of the Council.

(5) Four members of the Council shall constitute a quorum at any meeting of the Council.

(6) The Chairman if present shall preside at any meeting of the Council and in his absence a member elected by the members present from among their number shall preside at that meeting.

(7) Any question arising for decision at any meeting of the Council shall be determined by a simple majority of the members present and voting and where there is an equality of votes the person presiding shall have a second or casting vote.

(8) The Council may at any time co-opt any person to act as an adviser at any of its meetings so, however, that no person so co-opted shall be entitled to vote at any such meeting on any matter arising for decision by the Council.

(9) Subject to the provisions of this Act, the Chairman or other person presiding at any meeting of the Council may with the consent of the members present, adjourn the meeting from time to time or place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(10) It shall not be necessary to give any notice of an adjourned meeting unless otherwise directed in the resolution for the adjournment.

(11) Proper minutes shall be recorded of all resolutions and proceedings of the Council and of any committee of the Council, and the minutes of any meeting signed by the Chairman or other person presiding at that meeting shall be conclusive evidence of the facts stated therein.

10. (1) The Council shall establish and maintain a fund under its management and control, into which shall be paid all monies received by the Council, by way of grants-in-aid from Government or otherwise and out of which shall be met all expenses and liabilities incurred by the Council in the carrying out of its functions under this Act. Funds of the Council.

(2) The Council may invest monies in the fund in any securities of the Government or in any other securities approved by the Council.

(3) The Council shall keep proper books of account and proper records in relation thereto.

(4) The accounts of the Council shall be in such form as the Auditor-General may approve.

(5) The annual accounts of the Council shall be audited by a Chartered Accountant approved by the Council.

(6) The Council shall meet and discuss and approve the audited accounts of the Council as soon as possible after receipt of such accounts by the Council and the Chairman and the Registrar shall cause a copy each of the accounts as so approved to be forwarded forthwith to the following—

(a) the Minister, and

(b) the Auditor-General.

(7) The financial year of the Council shall be the same as the financial year of the Government except that the period beginning with the commencement of this Act and ending with the end of the financial year of the Government in which this Act comes into force shall be deemed to be the first financial year of the Council.

11. The Council may make bye-laws for all or any of the following purposes—

Power of Council to make bye-laws.

(a) the management and duties of the Council, the holding of meetings of the Council, and the issue of notices calling meetings.

(b) the duties of officers of the Council,

(c) the appointment of committees of the Council and the powers, duties and proceedings of each committee, the administration, investment and expenditure of the property and funds of the Council from whatever source and for whatever purpose received.

- (d) the definition of unprofessional conduct by an architect and for determining the mode of inquiry into, the method of dealing with such conduct and the penalties which may be imposed upon any member of the Institute found guilty of such conduct,
- (e) the scale of fees to be charged by architects for professional advice, services rendered and work done,
- (f) the fees to be paid for registration and annual renewal of registration.
- (g) prescribing and procedure to be followed by persons applying for registration as architects, and
- (h) instructions and orders conducive to the maintenance and improvement of the status of architects in Sierra Leone.

PART III

QUALIFICATIONS AND REGISTRATION

Qualifications for registration.

12. Subject to the provisions of section 13 of this Act, any person is entitled to be registered as an architect on payment of the prescribed fee, if he is a member of the Sierra Leone Institute of Architects and is—

- (a) a person who has passed the qualifying examinations of the courses prescribed or approved by the Council under this Act, and completes practical training of such description and for such period as may be prescribed by the Council; or
- (b) a person who has passed the qualifying examinations of any society or institute of architects by whatever name called, approved by the Council as being in the opinion of the Council an association of equivalent status to the Sierra Leone Institute of Architects; or
- (c) a person who was a member of the Sierra Leone Institute of Architects immediately before the commencement of this Act.

General disqualification.

13. (1) No person shall be registered as an architect—
- (a) unless he has—
 - (i) become resident in Sierra Leone,
 - (ii) attained the age of twenty-one years, and
 - (iii) paid the prescribed fees, or
 - (b) if he has been—

- (i) adjudged by a court of competent jurisdiction to be of unsound mind;
- (ii) convicted by a court of competent jurisdiction whether in Sierra Leone or elsewhere, of any offence involving fraud or dishonesty and sentenced to imprisonment for a term exceeding twelve months; or
- (c) if, having been adjudged an insolvent or a bankrupt, has not been granted by a court of competent jurisdiction, a certificate to the effect that his insolvency or bankruptcy has risen wholly or partly from unavoidable losses or misfortunes.

(2) Notwithstanding anything in this section, a person not resident in Sierra Leone being otherwise qualified may make a special application for temporary registration for the purpose of executing a specific project.

14. The Council shall keep a register to be known as "the Register of Architects" in this Act referred to as the "Register" in which shall be registered the name of every person immediately on his being accepted for registration by the Council, showing against his name such particulars as the Council from time to time deem necessary. Registration.

15. (1) Subject to the provisions of section 16 of this Act, the Council may strike off the Register the name of an architect if satisfied that he is unfit to practice the profession of architecture by reason that he has been guilty of professional misconduct or has become subject to any of the disqualifications specified in paragraphs (a), (b) and (c) of section 13 of this Act. Striking off and cancellation of registration.

(2) The name of a person whose name has been struck off the Register under subsection (1) of this section may be restored to the Register if the Council is satisfied that he has become subsequently a fit and proper person to practice the profession of architecture, on the settlement of such penalties which may be decided by the Council.

16. (1) The name of a person shall not be struck off the Register unless a disciplinary committee has, after due inquiry, made a report to the Council that the person concerned has been guilty of professional misconduct or is otherwise disqualified under the provisions of section 13 of this Act. Inquiries by disciplinary committees.

(2) Where the Council has reasonable cause to believe, whether upon complaint made to it or otherwise that any person who is a registered architect has been guilty of professional misconduct, the Council may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that person.

(3) The provisions of the First Schedule to this Act shall apply in relation to the constitution of, and the procedure to be followed by, disciplinary committees appointed under this section, the proceedings at inquiries held by such committees and the powers exercisable by such committees.

Suspension.

17. The Council may, in lieu of exercising its powers under section 15 of this Act, suspend the person concerned from membership of the Institute for such period as the Council may deem fit.

Appeal to the High Court.

18. (1) Any person aggrieved by a decision of the Council under section 13, 15 or 17 of this Act may appeal to the High Court against the decision.

(2) The High Court may, upon such appeal, confirm, rescind or vary the decision appealed against and upon such terms and conditions as it may think fit.

(3) Every appeal under this section shall be made within one month from the date of such order and the Council shall not execute its order before that period has expired and it has been ascertained that no such appeal has been lodged.

Meaning of "professional misconduct".

19. For the purposes of this Act, "professional misconduct" means any act or omission which is for the time being specified in the Second Schedule to this Act.

Restriction as to the use of titles conferred under this Act.

20. (1) No person whose name is not for the time being entered in the Register may take or use the title of "architect" or practice under any name, title or style containing the word "architect" or "architecture" or "architectural".

(2) Notwithstanding anything contained in subsection (1) of this section, any firm of architects, one of the partners of which is a registered architect may take and use the title "architect" or practise under any name, title or style containing the word "architect" "architecture" "architectural".

PART IV

MISCELLANEOUS PROVISIONS

Offence and penalties.

21. Except where otherwise provided by this Act, any person who contravenes any provision of this Act shall be guilty of an offence and liable on summary conviction, to a fine not exceeding five hundred leones, or to imprisonment for a term not exceeding one year or to both.

Improper use of terms implying registration under this Act.

22. (1) Subject to section 20, subsection (2) of this section and to section 24 of this Act, every person shall be guilty of an offence who, being a person carrying on business in Sierra Leone and not

being an architect registered under this Act, uses or causes or permits to be used in connection with his name under which he carries on business, the word "architect" or "architectural" or any words, initials or abbreviations of words intended to cause or which may reasonably cause any person to believe that the person using the name is an architect.

(2) Nothing in subsection (1) of this section shall apply to the use of the term "naval architect" or the term "landscape architect" by any person in connection with the profession or calling so prescribed.

23. (1) Notwithstanding any provision of this Act, on the death (whether before or after the commencement of this Act) of any architect who was at the time of his death actually carrying on practice as an architect, it shall be lawful for his personal representative (with a view to the disposal of goodwill) to continue the practice under the management of a registered architect for not more than five years from the date of death. Power of personal representative of deceased.

(2) The personal representative shall notify the Council in writing of the registered architect who is for the time being managing such practice.

(3) The Council shall keep a register of the practice of deceased architects in which shall be registered the names of the managers of those practices.

24. (1) No registered architect shall be entitled to practice as an architect unless he is a holder of an Annual Practising Certificate which is for the time being in force. Architects to have annual practising certificates.

(2) A practising certificate shall be issued by the Council on application to it by a registered architect and upon payment of the prescribed annual fee.

(3) Every certificate to practice shall be valid until the 31st day of December of the year in which it is issued and may from time to time be renewed upon payment of the prescribed annual subscription:

Provided that the certificate shall cease to be valid where during the currency of that certificate the person to whom it is issued ceases to be registered under this Act or the registration of that person is suspended under this Act.

(4) Every person who practices or undertakes to practice in contravention of this section shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding ten leones for each day that the offence continues.

- Regulation** 25. The Minister may, upon the recommendation of the Council, make regulations for or in respect of any matter relating to or connected with the functions of the Council under this Act, or the proper exercise, discharge or performance thereof.
- Amendment of Schedules.** 26. The Minister may, upon the recommendation of the Council, by public notice, amend, alter or add to or revoke any or all of the provisions of the Schedules to this Act.
- President may modify Act in respect of regulations made under section 99 of the constitution.** 27. Where regulations have been made by the President under section 99 of the Constitution of Sierra Leone, 1978, (Act No. 12 of 1978) affecting the practice of architecture the President may by regulations amend or modify any provision of this Act for the purpose of giving effect to the provisions of the first mentioned regulations or otherwise in respect of any matter in respect of which the President is authorised or required by the said section 99 of the Constitution to make regulations.

FIRST SCHEDULE

(SECTION 16)

DISCIPLINARY COMMITTEE

1. For the purposes of any inquiry to be held under section 16 of this Act, the Council shall appoint five persons including the Chairman, the Legal Adviser and the Secretary from amongst its members, to constitute a committee and shall appoint one of them to the Chairman of the committee.
2. (1) The Council shall cause a statement to be prepared setting out the charges to be investigated by the disciplinary committee, and the Secretary of the Council shall transmit a copy of the statement to each member of the committee and to the person whose conduct is the subject of the investigation.
 - (2) Where the inquiry is to be held in consequence of a petition or complaint made by any person alleging misconduct, the Secretary of the Council shall, in addition to the said statement transmit a copy of that petition or complaint to each of the members of the disciplinary committee.
3. (1) The Secretary of the Council shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation.
 - (2) Every such notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to the last known address of that person.
 - (3) Where any person to whom a notice has been given under sub paragraph (1) of this paragraph fails to appear in person or is not represented by counsel, the inquiry may be held by the disciplinary committee in his absence.

(4) Notice of any date to which the inquiry may be adjourned shall be given by the Chairman of the committee personally to the person whose conduct is the subject of inquiry or be given in the manner provided in subparagraph (2) of this paragraph.

4. (1) When the Council is of the opinion that the evidence of any person or the production by any person of any document is necessary to enable any matter to be investigated by a disciplinary committee, the Council shall direct the Secretary of the Council to require the attendance of that person, or the production by that person of that document, at such time and place as may be specified in a notice which shall be delivered by hand or sent through the post by registered letter addressed to the last known place of residence of that person.

(2) Any person who having been served with a notice under subparagraph (1) of this paragraph fails without reasonable cause, to attend or to produce any document, as the case may be, at the time and place specified in the notice, shall be guilty of an offence under this Act.

(3) The Secretary of the Council shall be the Secretary of every disciplinary committee and every notice issued under this Schedule shall be signed by him.

(4) A disciplinary committee shall have power to administer oaths or affirmations to all persons who are required to give evidence before it and any person who refuses to be sworn or affirm, or to answer such questions as may be put to him concerning any matter in respect of which the inquiry is held, shall be guilty of an offence under this Act.

(5) Any person who, upon examination, upon oath or affirmation before a disciplinary committee wilfully gives false evidence shall be deemed to be guilty of the offence of perjury.

(6) Any person whose conduct is the subject of the investigation at any inquiry or who is in any way concerned or implicated in that inquiry may be represented by counsel at the inquiry.

(7) The Council may engage any legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.

(8) Every inquiry held by a disciplinary committee shall, unless the Council otherwise determines, in any case be held *in camera*.

(9) Any question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee, and in the event of an equality of votes, the Chairman shall have a second or casting vote.

(10) Upon conclusion of an inquiry, the disciplinary committee shall prepare and transmit to the Council a report embodying the findings on the matters in respect of which the inquiry was held.

SECOND SCHEDULE

(SECTION 19)

PROFESSIONAL MISCONDUCT

1. It shall be professional misconduct on the part of an architect if he allows any other person to practice in his name as an architect unless that person is also an architect and is in partnership with or employed by him.

2. Each of the following acts or omissions on the part of an architect shall constitute professional misconduct namely—

- (a) holding or assuming or consciously accepting a position in which the interest of the architect is in conflict with his professional duty;
- (b) accepting any remuneration other than professional fees or salary payable by his employer, from any source in connection with the works and duties entrusted to him;
- (c) failing to uphold and apply the Scale of Professional Charges of the Institute;
- (d) accepting any work involving the giving or receiving of discounts or commissions or accepting any discount, gift or commission from any contractor or tradesman whether employed on his works or not;
- (e) accepting any remuneration other than fees, salary or royalty for acting as an architectural consultant, or assistant to an architectural consultant, or soliciting orders for any building contractor, decorator, manufacturer, estate agent, development firm or company or firm or company trading in materials used in or whose activities are otherwise connected with the building industry;
- (f) allowing his name and affix to appear on the note paper of any such firm or company as is described in subparagraph (e) of this paragraph other than in connection with his professional services;
- (g) acting in a professional capacity, when engaged as an architectural consultant, adviser or assistant to any such firm or company as is described in subparagraph (e) of this paragraph for a third party to whom his principals owe a contractual duty, unless all parties agree that he may act as an independent architect on direct instructions of the said third party if he receives payment of fees direct;

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- (h) acting as a director in any firm or company which carries on business as auctioneers or house and estate agents or which trades in materials used in or whose activities are otherwise connected with the building industry or which trades in land or building for profit.
 - (i) allowing his professional affix to appear on the note-paper of any firm or company of which he is a director and from which he is prohibited by subparagraph (h) of this paragraph;
 - (j) carrying on or acting as principal, partner or manager of any firm carrying on any of the trades or businesses specified in subparagraph (h) of this paragraph;
 - (k) advertising or offering his professional services to any person or body corporate by means of circulars or otherwise, or making paid announcements in the press except when—
 - (i) applying to prospective employers for a salaried appointment;
 - (ii) advertising a professional appointment open or wanted, directed only to members of the profession concerned;
 - (iii) responding to an advertisement addressed to members of the profession inviting them to submit their names for inclusion in a panel or list of architects, where his response does not constitute or give rise to any act of professional misconduct under any provision of this Schedule;
 - (iv) notifying the architectural professional Press once of any change of address, and
 - (v) notifying his correspondents by post, once of change of address,
 - (l) giving monetary consideration for illustration and description of his work to be published in the press or allowing any such publication to be used by the publisher for extorting advertisement from contributors or for attempting to distribute the publication to potential clients;
 - (m) exhibiting his name or signature to his building, outside his office or on any building in the course of construction, alteration or extension, in an ostentatious manner or in lettering exceeding two inches in height;
 - (n) attempting to supplant another architect, or competing with another architect by means of a reduction of fees or any other inducement;

- (o) failing to notify another architect when approached or instructed to proceed with professional work upon which the other architect was previously employed;
- (p) when employed as a salaried and official architect by a central or local government department or statutory body, and by reason of his office he is in a position to grant or influence the granting of any form of statutory or other official approval, he undertakes private works, notwithstanding any permission from his employers to do so, unless he is satisfied on reasonable grounds that his position and action in the matter will be free from any suspicion or suggestion of abuses;
- (q) failing to act in an impartial manner in any case of dispute between a building owner and any contractor;
- (r) permitting the insertion in any tender, bill of quantities or other contract document of any requirement for payment to be made to him by the contractor whatever may be the consideration, unless with the full knowledge and approval of the employer;
- (s) taking part in any architectural competition as to which the Council has declared by a resolution that members of the Institute must not take part, because conditions are not in accordance with regulations of the Institute for architectural competitions, or being associated in any way with the carrying out of a design selected as a result of a competition as to which the Council has declared by a resolution that members must not take part;
- (t) failing to notify at once, the Secretary of the Council upon being asked to take part in a limited competition, the particulars of the competition, and
- (u) acting as an architect or joint architect for a work which is or has been the subject of a competition in which he is or has been an assessor, or acting as a consulting architect unless appointed before the inception of the competition; or having been approached by the promoters to advise on the holding of a competition, with the view to his acting as an assessor, acting as architect for the work; if it is eventually decided not to hold a competition, but to appoint an architect to carry out the work.

3. Notwithstanding anything to the contrary contained in paragraphs 1 and 2 of this Schedule, an architect shall not be guilty of professional misconduct by reason of any of the following acts namely—

- (a) entering into or being in partnership with any person outside Sierra Leone who is a member of a society or institution of architects which is in the opinion of the Council of equivalent status to the Sierra Leone Institute of Architects;
- (b) securing professional business by reason of such partnership
- (c) allowing such partnership to be carried on in his name, and
- (d) paying or allowing or agreeing to pay or allow to any partner in such partnership any share out of fees or profits.

4. An architect shall not be deemed to be guilty of professional misconduct under subparagraphs (h), (i) or (j) of paragraph 2 of this Schedule if, at the time he is being engaged in respect of the architectural business in question, he makes full disclosure in writing to his client of his interest in any such trade or business as is referred to in the said subparagraphs or, as the case may be, of the nature of any office, position or interest held by him in any such firm or company as is referred to in the relevant provision of these subparagraphs.

Passed in Parliament this 8th day of April, in the year of our Lord one thousand nine hundred and eighty-six.

H. M. JAMES,
Clerk of Parliament

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

H. M. JAMES,
Clerk of Parliament