



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**ARCHITECTS ACT**

**(CHAPTER 12)**

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# Architects Act

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An Act to establish the Board of Architects, to provide for the registration of architects, to regulate the qualifications and practice of architects and the supply of architectural services in Singapore by corporations, partnerships and limited liability partnerships.

[ 30th August 1991]

## PART I

## PRELIMINARY

**Short title**

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

**Interpretation**

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

“allied professional” means —

- (a) a professional engineer who is registered under the Professional Engineers Act (Cap. 253); or
- (b) a land surveyor who is registered under the Land Surveyors Act (Cap. 156);

“architectural services” includes selling or supplying for gain or reward any architectural plan, drawing, tracing or the like for use in the construction, enlargement or alteration of any building or part thereof;

“Board” means the Board of Architects established under section 4;

“builder”, “building” and “building works” have the same meanings as in the Building Control Act (Cap. 29);

[18/2003]

“building authority” means any person empowered under the provisions of the Building Control Act to approve plans of building works;

[28/2005]

“certificate of registration” means the certificate of registration issued under section 17;

“Commissioner of Building Control” means any person empowered under the provisions of the Building Control Act (Cap. 29) to approve plans of building works;

“Disciplinary Committee” means a Disciplinary Committee appointed under section 31C;

[28/2005]

“Investigation Committee” means an Investigation Committee appointed under section 30;

[28/2005]

“Investigation Panel” means the Investigation Panel appointed under section 27;

[28/2005]

“licence” means a licence to supply architectural services in Singapore granted under section 20;

“licensed”, in relation to a corporation, partnership or limited liability partnership, means a corporation or partnership which has in force a licence;

“limited liability partnership” has the same meaning given to it by section 4(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

[28/2005]

“manager” —

(a) in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and

(b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;

[28/2005]

“nominee”, in relation to any person, means a person who is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the first-mentioned person, except that a person shall not be regarded as a nominee of another person by reason only that he acts on advice given by that other person in a professional capacity;

“practising certificate” —

(a) in relation to a registered architect, means an annual certificate issued under section 18 authorising him to engage in the practice of architecture in Singapore;

(b) in relation to an allied professional who is a professional engineer registered under the Professional Engineers Act (Cap. 253), means a practising certificate issued under section 18 of that Act; and

(c) in relation to an allied professional who is a land surveyor registered under the Land Surveyors Act (Cap. 156), means a practising certificate issued under section 15 of that Act;

[28/2005]

“President” means the President of the Board;

“register of architects” means the register of architects kept by the Board under section 8(a);

“register of licensees” means the annual register of licensed corporations, partnerships and limited liability partnerships kept by the Board under section 8(c);

“register of practitioners” means the annual register of practitioners kept by the Board under section 8(b);

“registered architect” means a person registered as an architect under section 15;

“Registrar” means the Registrar of the Board appointed under section 9;

“rules” means rules made by the Board under section 38;

“unlimited corporation” means a corporation formed on the principle of having no limit placed on the liability of its members.

**Act not to apply to Government, naval and landscape architects, etc.**

3.—(1) Nothing in this Act shall apply to anything done or omitted to be done by the Government or a public officer under the authority of the Government.

(2) This Act shall not apply to naval architects and landscape architects.

(3) This Act shall not be construed as requiring any public authority which supplies architectural services in Singapore under the provisions of any written law to obtain a licence.

(4) In subsection (3), “public authority” means any body established by or under any written law and exercising powers vested therein by written law for a public purpose.

## PART II

### BOARD OF ARCHITECTS

#### **Establishment of Board of Architects**

**4.** There shall be established in Singapore a body to be called the Board of Architects which shall be a body corporate with perpetual succession and a common seal, with power, subject to the provisions of this Act —

- (a) to sue and be sued in its corporate name;
- (b) to acquire and dispose of property, both movable and immovable; and
- (c) to do and perform such other acts as bodies corporate may by law perform.

#### **Constitution of Board**

**4A.—(1)** The Board shall consist of the following members:

- (a) the Commissioner of Building Control;
- (b) the President of the Singapore Institute of Architects;
- (c) not more than 6 registered architects who have in force a practising certificate —
  - (i) to be elected by registered architects who have in force a practising certificate; or
  - (ii) failing such election, to be appointed by the Minister under subsection (2);
- (d) 6 registered architects to be appointed by the Minister; and
- (e) a registered professional engineer to be appointed by the Minister on the nomination of the Professional Engineers Board.



(2) If elections held for the purposes of subsection (1)(c) result in less than 6 persons being elected as members of the Board thereunder, the Minister may appoint such number, as he thinks fit, of registered architects who have in force a practising certificate to be members of the Board, except that the number of members so appointed and the number of members elected under subsection (1)(c) shall not exceed 6 in the aggregate.

(3) The members elected under subsection (1)(c) shall hold office for a term not exceeding 3 years and shall be eligible for re-election for not more than 2 consecutive terms.

(4) Only registered architects of at least 10 years' standing may be elected under subsection (1)(c) or appointed under subsection (2) as members of the Board.

(5) The members appointed under subsection (1)(d) or (e) or (2) shall hold office for a term not exceeding 3 years and shall be eligible for re-appointment.

(6) The Minister may, at any time, revoke the appointment of any member appointed under subsection (1)(d) or (2) without assigning any reason.

[28/2005]

### **Compulsory voting**

**4B.**—(1) Every registered architect who has in force a practising certificate on the day of the election of candidates as members of the Board under section 4A(1)(c) shall vote for the election of such members at such time and in such manner as may be prescribed.

(2) Every registered architect who is required to vote for the election of the members of the Board in accordance with subsection (1) and who fails to do so shall not be entitled to apply for a practising certificate unless he —

- (a) satisfies the Registrar that he had a good and sufficient reason for not voting at the election; or
- (b) pays to the Board a penalty prescribed by the Board.

[28/2005]

**President of Board**

**4C.**—(1) The Board shall have a President who shall be elected by the members of the Board from among its members —

- (a) who have been elected under section 4A(1)(c) or appointed under section 4A(2); or
- (b) who have been appointed under section 4A(1)(d).

(2) The President elected under subsection (1) shall serve for a term not extending beyond the expiration of the term for which he has been appointed or elected to be a member of the Board and shall be eligible for re-election for not more than 2 consecutive terms.

[28/2005]

**Disqualifications for membership of Board**

**4D.** A person shall not be qualified to be a member of the Board if —

- (a) he is neither a citizen nor a permanent resident of Singapore;
- (b) he is an undischarged bankrupt or has made any arrangement or composition with his creditors;
- (c) he has been convicted of any offence involving fraud, dishonesty or moral turpitude, or of any other offence implying a defect in character which makes him unfit for the architectural profession;
- (d) he is mentally disordered and incapable of managing himself or his affairs, or is incapacitated by physical illness; or
- (e) he has at any time after due inquiry been found guilty by a Disciplinary Committee of improper conduct.

[28/2005]

**Filling of vacancies**

**4E.**—(1) The office of a member of the Board shall become vacant if the member —

- (a) dies;
- (b) resigns or is removed from office; or
- (c) becomes in any manner disqualified for office within the meaning of section 4D.

(2) The Board may, with the approval of the Minister, remove from office any member of the Board who is absent without leave of the Board from 3 consecutive ordinary meetings of —

- (a) the Board; or
- (b) a Disciplinary Committee of which he is a member.

(3) Any question as to whether a person has ceased to be a member of the Board shall be determined by the Minister whose decision shall be final.

(4) If any vacancy arises among the elected or appointed members, the Minister shall, as soon as practicable, appoint any registered architect to fill that vacancy.

(5) Any person appointed to fill the vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

(6) The powers of the Board shall not be affected by any vacancy in its membership.

(7) No act done by or under the authority of the Board shall be invalid in consequence of any defect that is subsequently discovered in the appointment, election or qualification of the members or any of them.

[28/2005]

### **Meetings and quorum of Board**

**4F.—**(1) At any meeting of the Board, 8 members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

(2) At any meeting of the Board, the President shall preside and in his absence the members present shall elect from among themselves one member to preside over the meeting.

(3) If on any question to be determined by the Board there is an equality of votes, the President or the member presiding over that meeting shall have a casting vote.

(4) Subject to the provisions of this Act, the Board may determine its own procedure.

(5) The Board shall cause proper records of its proceedings to be kept.

[28/2005]

### **Common seal of Board**

**5.**—(1) The common seal of the Board shall bear such device as the Board may approve and the seal may from time to time be broken, changed, altered or made anew by the Board as it may think fit.

(2) The common seal shall be kept in the custody of the President and shall be authenticated by him or other member acting in his absence.

(3) Any document purporting to be sealed by the common seal and authenticated as provided under subsection (2) shall, until the contrary is proved, be deemed to be validly executed.

### **Functions of Board**

**6.** The functions of the Board shall be —

- (a) to keep and maintain a register of architects, a register of practitioners and a register of licensees;
- (b) to hold or arrange for the holding of such examinations as the Board considers necessary for the purpose of enabling persons to qualify for registration under this Act;
- (c) to establish, maintain and develop standards of professional conduct and ethics of the architectural profession;
- (d) to promote learning and education in connection with architecture, either alone or in conjunction with any other professional body;
- (e) to hear and determine disputes relating to professional conduct or ethics of registered architects or to appoint a

committee or arbitrator to hear and determine those disputes;

- (f) to appoint arbitrators for the purpose of hearing and determining disputes between registered architects or licensed corporations, partnerships or limited liability partnerships and other persons;
- (g) to license corporations, multi-discipline partnerships or limited liability partnerships which intend to supply architectural services in Singapore; and
- (h) generally to do all such acts, matters and things as are necessary to be carried out under the provisions of this Act.

### Committees

7.—(1) The Board may appoint such committees from among its members, registered architects or allied professionals as it thinks fit to assist or advise the Board on such matters arising out of its functions under this Act as are referred to them by the Board.

(2) [*Deleted by Act 28/2005*]

(3) [*Deleted by Act 28/2005*]

(4) [*Deleted by Act 28/2005*]

(5) [*Deleted by Act 28/2005*]

(6) The Board may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

### Registers

8. The Board shall keep and maintain at its office —

- (a) a register of architects in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and such other particulars in relation thereto as may from time to time be determined by the Board;

- (b) an annual register of practitioners in which shall be entered the particulars as contained in the declaration delivered under section 18(3)(a); and
- (c) an annual register of licensees in which shall be entered the names and addresses of all licensed corporations, partnerships and limited liability partnerships which have been issued a licence and such other particulars as may from time to time be determined by the Board.

### **Appointment and duties of Registrar**

9.—(1) The Minister may appoint a Registrar of the Board.

(2) The Registrar shall —

- (a) be under the general direction of the Board;
- (b) sign all certificates of registration, practising certificates and licences; and
- (c) record all entries of registration, cancellation and reinstatement in the register of architects, register of practitioners or register of licensees, as the case may be.

(3) The Registrar shall attend all meetings of the Board and record the proceedings thereof, and shall conduct the correspondence and deal with such matters as may be assigned to him from time to time by the President or the Board.

(4) The Registrar shall —

- (a) as soon as possible after 1st January each year, prepare and publish in the *Gazette* a list containing the names, qualifications and addresses of all registered architects who have in force a certificate and the names of the firms under which they are practising and the names of the firms or corporations employing them; and
- (b) from time to time, publish in the *Gazette* such supplementary lists of the names, qualifications, addresses and firms or corporations of persons added to or removed from the register of practitioners.

[28/2005]

(5) In any proceedings, a list published under subsection (4) shall be sufficient evidence that the persons whose names appear therein are registered architects who have in force practising certificates.

### PART III

#### PRIVILEGES OF ARCHITECTS

##### **Illegal practice**

**10.**—(1) Subject to the provisions of this Act, no person shall draw or prepare any architectural plan, drawing, tracing, design, specification or other document intended to govern the construction, enlargement or alteration of any building or part thereof in Singapore unless the person is —

- (a) a registered architect who has in force a practising certificate; or
- (b) under the direction or supervision of a registered architect who has in force a practising certificate.

[3/95]

(2) Subject to the provisions of this Act, no person shall sign and submit to a building authority or to a public authority (as defined in section 3(4)) —

- (a) any architectural plan, drawing, tracing, design, specification or other document intended to govern the construction, enlargement or alteration of any building or part thereof in Singapore; or
- (b) any report, certificate or other document relating to the construction, enlargement or alteration of any building or part thereof which is required by any written law to be signed by an architect,

unless the person is a registered architect who has in force a practising certificate.

[3/95]

(2A) Any document that is signed in contravention of subsection (2) shall be invalid.

[3/95]

(3) Subject to the provisions of this Act, no person shall —

- (a) use verbally or otherwise the word “architect” or any of its derivatives in connection with his business designation, or any other words, name or designation that will lead to the belief that the person is an architect unless the person is a registered architect; or
- (b) advertise or hold himself out or conduct himself in any way or by any means as a person who is authorised to supply architectural services in Singapore, unless the person is a registered architect who has in force a practising certificate, a licensed corporation, a licensed partnership, a licensed limited liability partnership or a partnership consisting wholly of registered architects.

[3/95]

(4) Nothing in subsection (3)(b) shall apply to prevent a corporation or limited liability partnership that ceases to have in force a licence from carrying on any activity necessary to the winding up of the corporation or limited liability partnership.

[3/95]

(5) Subject to the provisions of this Act, no person shall —

- (a) supply or offer to supply architectural services in Singapore,
- (b) [*Deleted by Act 18/2003*]

unless the person is —

- (i) a registered architect who has in force a practising certificate and is doing so on his own account or as a partner in a licensed partnership, a licensed limited liability partnership or a partnership consisting wholly of registered architects who have in force a practising certificate;
- (ii) an allied professional and is doing so only by reason of being a partner in a licensed partnership or limited liability partnership; or
- (iii) a licensed corporation or limited liability partnership.

[3/95]

(5A) Notwithstanding subsection (5), a builder may supply or offer to supply architectural services in Singapore in connection with any



building works which he undertakes to carry out if the architectural services are provided by a person referred to in subsection (5)(i), (ii) or (iii).

[18/2003]

(6) Any person who contravenes subsection (1), (2), (3) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Remuneration for architectural services**

11. Subject to the provisions of this Act, no person shall be entitled to recover in any court any charge, fee or remuneration for any architectural services rendered in Singapore unless the person rendering such services is authorised by this Act to supply those services.

[18/2003]

### **Employment of unregistered architect prohibited**

12.—(1) Subject to the provisions of this Act, no person shall employ as an architect any person who neither is a registered architect nor has in force a practising certificate.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, for a second or subsequent conviction, to a fine not exceeding \$5,000.

### **Minor building works**

13. Nothing in this Act shall be construed to prohibit or prevent any person not registered under this Act from carrying out work in respect of the construction of or repairs to any building or part thereof in any case in which plans are not required by any written law to be submitted to a building authority or to a public authority (as defined in section 3(4)).

**Relationship with professional engineers, etc.**

**14.** Nothing in this Part shall apply to prevent —

- (a) a professional engineer who has in force a practising certificate issued under the Professional Engineers Act (Cap. 253) or any person under the direction or supervision of such a professional engineer; or
- (b) a corporation, partnership or limited liability partnership which is licensed under that Act to engage in professional engineering work in Singapore,

from carrying on any activity within the practice of professional engineering which he or it is authorised to carry on under that Act where to do so does not constitute a substantial part of services within the practice of architecture.

**PART IV****REGISTRATION OF ARCHITECTS****Qualifications for registration**

**15.—(1)** Subject to this section, the following persons shall, on payment of the prescribed fee, be entitled to registration under this Act:

- (a) any person holding the Degree of Bachelor of Architecture from the National University of Singapore or the University of Singapore;
- (b) any person holding any other degree, diploma or qualification which the Minister may, after consultation with the Board and by notification in the *Gazette*, approve for the purpose of entitling the holder thereof to be registered under this Act; or
- (c) any person who satisfies the Board that he is otherwise qualified by having proper and recognised training in architecture and who passes such examinations as may be required by the Board.

(2) No person shall be entitled to registration under subsection (1)(a), (b) or (c) unless he satisfies the Board as to any of the following:

- (a) that he has, after obtaining his qualifications —
  - (i) acquired not less than 2 years of such practical experience in architectural work as may be prescribed or approved by the Board (including practical experience in architectural work in Singapore for a continuous period of at least 12 months); and
  - (ii) passed such professional practice examination as may be prescribed or approved by the Board;
- (b) that he has, after obtaining his qualifications —
  - (i) acquired not less than 5 years of such practical experience in architectural work as may be recognised by the Board (including not less than 2 years of the prescribed practical experience in architectural work in Singapore with a continuous period of at least 12 months of such prescribed practical experience being acquired within the 5 years immediately preceding the date of his application for registration under this Act); and
  - (ii) passed such oral or written examination as may be prescribed by the Board;
- (c) that he has, after obtaining his qualifications —
  - (i) acquired not less than 10 years of such practical experience in architectural work as may be recognised by the Board; and
  - (ii) passed such oral or written examination as may be prescribed by the Board.

[28/2005]

(3) The Minister may, after consultation with the Board, by order published in the *Gazette*, exempt, subject to such conditions as he thinks fit, any person from the requirements of subsection (2).

(4) The Board may refuse to register any applicant who in the opinion of the Board —

- (a) is not of good character and reputation; or
- (b) is unable to carry out the duties of an architect effectively.

(5) Any person whose application for registration has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the High Court whose decision shall be final.

### **Application for registration**

**16.** Every application for registration under this Act shall be made to the Board in such form and manner as may be prescribed.

### **Certificates of registration**

**17.** Every registered architect shall, on payment of the prescribed fee, be entitled to receive a certificate of registration under the hand of the Registrar.

### **Amendment of register of architects**

**17A.** The Registrar shall —

- (a) amend the register of architects when there is any alteration which may come to his knowledge in the name, address or other relevant particulars of any registered architect;
- (b) correct any error in any entry in the register of architects; and
- (c) remove from the register of architects the name of any person —
  - (i) whose name has been ordered to be removed under any provision of this Act; or
  - (ii) who is deceased.

[28/2005]

**Removal of name and particulars from register of architects**

**17B.**—(1) The Board may order the name and other particulars of a registered architect to be removed from the register of architects if he —

- (a) has no address in Singapore at which he can be contacted or sent any document using his particulars in the register; or
- (b) has not renewed his practising certificate for a continuous period of not less than 10 years.

(2) Notwithstanding the provisions of Part VII, the Board may order the name and other particulars of a registered architect to be removed from the register of architects if it comes to the knowledge of the Board that —

- (a) he has obtained his registration by fraud or misrepresentation;
- (b) his qualification for registration under section 15 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded; or
- (c) he refuses or has failed to comply with any order made by a Disciplinary Committee under section 31G(2)(c) or (e).

(3) The Board shall, before exercising its powers under subsection (2), notify the registered architect concerned of its intention to take such action and shall give the registered architect an opportunity to submit reasons, within such period as the Board may determine, as to why his name should not be removed from the register.

(4) Any person aggrieved by an order made by the Board under subsection (2) may, within 30 days of being notified of the order, appeal to the Minister whose decision shall be final.

(5) Any registered architect may apply to the Board to have his name and particulars removed from the register of architects.

(6) Every application under subsection (5) shall be made in such form as the Board may require and the Board may, if it thinks fit, require either or both of the following:

(a) that the application should be supported by a statutory declaration;

(b) that the applicant should advertise his intention to make the application in such manner as the Board shall direct.

(7) Subject to subsection (8), the Board may, upon receiving an application made under subsection (5), direct the Registrar to remove the name and particulars of the applicant from the register of architects.

(8) No order shall be made on an application under subsection (5) if the Board is satisfied that —

(a) disciplinary action is pending against the applicant; or

(b) the conduct of the applicant is the subject of an inquiry by an Investigation Committee.

[28/2005]

### **Reinstatement of registration**

**17C.**—(1) Any person whose name and particulars have been removed from the register of architects under section 31G(2)(a) shall, if his appeal to the High Court under section 31H is allowed, be immediately reinstated without payment of any fee.

(2) The Board may, in its discretion, after the expiration of not less than 3 years from the removal from the register of architects of the name and particulars of any person, consider any fresh application for registration by that person in accordance with the provisions of Part IV.

[28/2005]

## **PART V**

### **PRACTISING CERTIFICATES**

#### **Practising certificates**

**18.**—(1) Where a registered architect desires to engage in the practice of architecture in Singapore after 31st December of any year, he shall, not later than 1st December of that year and in such form and

manner as may be prescribed, apply for a practising certificate authorising him to engage in the practice of architecture during the ensuing year.

(2) Notwithstanding subsection (1), where a registered architect applies for a practising certificate for the first time after registration under section 15, the application may be made at any time during the year and the registered architect may be issued a practising certificate for the remainder of the year in which the application is made.

(3) Any application by a registered architect under this section shall be accompanied by —

- (a) a declaration in writing stating —
  - (i) his full name;
  - (ii) the name under which he practises if different from his own name, or the name of the person employing him; and
  - (iii) the principal and any other address or addresses at which he practises in Singapore;
- (b) such evidence as the Board may require that the applicant has complied with or is exempt from the rules relating to insurance against professional liability; and
- (c) the prescribed fee,

and the Board shall, subject to subsection (4), thereupon issue to the registered architect a practising certificate.

(4) The Board may refuse to issue a practising certificate if —

- (a) the applicant is an undischarged bankrupt;
- (b) the applicant has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors;
- (c) the applicant does not intend to practise either on his own account or in partnership, or is not or not about to be employed by any person lawfully supplying architectural services in Singapore;

- (d) the declaration under subsection (3) contains a statement that to its knowledge is false in a material particular;
- (e) the conduct of the applicant affords reasonable grounds for believing that he will not engage in the practice of architecture in Singapore in accordance with any written law and with honesty and integrity;  
*[15/95]*
- (f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education ; or  
*[18/2003; 28/2005]*
- (g) the Board does not approve of the name under which the registered architect intends to carry on his practice.  
*[28/2005]*

(5) Any registered architect (not being a registered architect who is applying for a practising certificate for the first time) who fails to apply for a practising certificate in the manner and within the period specified in subsection (1) may, on the making of an application in such form and on payment of such additional fee as may be prescribed, be issued a practising certificate for —

- (a) the ensuing year if the application is made during the month of December of any year; or
- (b) the remainder of the year if the application is made on or after 1st January of any year.

(6) Subject to subsection (9), a practising certificate shall, unless earlier cancelled, be in force from the date of its issue until 31st December of the year in respect of which it is issued.

(7) A practising certificate shall specify the name, the principal address and all other addresses of the firm or corporation under which the registered architect is practising or by which he is employed.  
*[28/2005]*

(8) Any change in such name or address shall be notified by the registered architect concerned to the Registrar within 2 weeks of such change and an endorsement of such change shall be obtained from the Registrar.  
*[28/2005]*



(9) Where the registration of a registered architect is cancelled under section 17B(2) or 31G(2)(a), the practising certificate, if any, of that architect for the time being in force shall expire forthwith and the Registrar shall enter the date of such expiration on the register of practitioners and remove from that register the name of that architect.

(10) Any person whose application for a practising certificate has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the High Court whose decision shall be final.

### **Cancellation of practising certificates**

**19.**—(1) The Board may cancel the practising certificate of any registered architect on any ground specified in section 18(4) which applies to the registered architect, whether or not such ground existed at the time the practising certificate was issued.

(2) The Board shall not cancel any practising certificate under subsection (1) unless an opportunity of being heard either personally or in writing has been given to the person concerned.

(3) Any person whose practising certificate has been cancelled by the Board under this section may, within 30 days after being notified of such cancellation, appeal to the High Court whose decision shall be final.

## PART VI

### MULTI-DISCIPLINE AND CORPORATE PRACTICE

#### **Licence for multi-discipline and corporate practice**

**20.**—(1) Subject to the provisions of this Act, the Board may grant to a limited corporation a licence to supply architectural services in Singapore if —

- (a) the memorandum of association of the corporation provides that a primary object of the corporation is to supply architectural services;

(b) the paid-up capital of the corporation is not less than the amount prescribed by the Minister by notification in the *Gazette*;

[42/2005]

(c) the articles of association of the corporation provide that at least a prescribed number or proportion of the directors of the corporation shall be registered architects or allied professionals who each has in force a practising certificate;

[28/2005]

(d) the business of the corporation, so far as it relates to the supply of architectural services, will be under the control and management of a director of the corporation who —

(i) is a registered architect who has in force a practising certificate; and

[18/2003]

(ii) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of architectural services by the corporation;

[18/2003; 28/2005]

(e) the corporation is insured against professional liability in accordance with section 24 and the rules; and

[3/95]

(f) the name of the corporation has been approved by the Board.

[28/2005]

(2) Subject to the provisions of this Act, the Board may grant a licence to any unlimited corporation to supply architectural services in Singapore if —

(a) the memorandum of association of the corporation provides that a primary object of the corporation is to supply architectural services;

- (b) the articles of association of the corporation provide that —
- (i) no person shall be a director of the corporation unless he is a registered architect or an allied professional;
  - (ii) at least a prescribed number or proportion of the directors of the corporation shall be registered architects or allied professionals who each has in force a practising certificate; and
  - (iii) no person shall be registered as a member of that corporation —
    - (A) unless he is a registered architect or an allied professional and a director, a manager or an employee of the corporation; or
    - (B) if he is a nominee of a person who is not a registered architect or an allied professional;
- [28/2005]*
- (c) the business of the corporation, so far as it relates to the supply of architectural services, will be under the control and management of a director of the corporation who —
- (i) is a registered architect who has in force a practising certificate;
- [18/2003]*
- (ii) is a member, or a registered owner of at least one share, of the corporation; and
- [18/2003]*
- (iii) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of architectural services by the corporation ; and
- [18/2003; 28/2005]*
- (d) the name of the corporation has been approved by the Board.
- [28/2005]*

(3) Subject to the provisions of this Act, the Board may grant to a partnership not consisting wholly of registered architects a licence to supply architectural services in Singapore if —

(a) the partnership is one in which only registered architects and allied professionals, who each has in force a practicing certificate, have a beneficial interest in the capital assets and profits of the partnership;

*[28/2005]*

(b) the business of the partnership, so far as it relates to the supply of architectural services in Singapore, will be under the control and management of a partner who is a registered architect and has in force a practising certificate

(c) the name of the partnership has been approved by the Board.

*[28/2005]*

(4) Subject to the provisions of this Act, the Board may grant a licence to any limited liability partnership to supply architectural services in Singapore if —

(a) the statement lodged by the partners of the limited liability partnership with the Registrar of Limited Liability Partnerships under section 15(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005) provides that a primary nature of the business of the limited liability partnership is to supply architectural services;

(b) the partners in the limited liability partnership consist only of persons who satisfy such requirements as the Board may, with the approval of the Minister, prescribe;

(c) at least one of the partners of the limited liability partnership is a registered architect who has in force a practising certificate;

(d) the business of the limited liability partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who —

(i) is a registered architect who has in force a practising certificate; and

- (ii) is authorised under a resolution of the partners of the limited liability partnership to make all final architectural decisions on behalf of the limited liability partnership with respect to the requirements of this Act, the rules or any other law relating to the supply of architectural services by the limited liability partnership;
- (e) the name of the limited liability partnership has been approved by the Board; and
- (f) the limited liability partnership is insured against professional liability in accordance with section 24 and the rules.

[28/2005]

(5) Any application for a licence or for the approval of the name of a corporation, partnership or limited liability partnership under this section shall be in such form and shall be made in such manner as may be prescribed.

(6) The Board may refuse to grant a licence under this section to any corporation (whether unlimited or not), partnership or limited liability partnership if, in the opinion of the Board, the past conduct of any director, manager or employee of the corporation or any partner, manager or employee of the partnership or limited liability partnership affords reasonable grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply architectural services in accordance with any written law and with honesty and integrity.

[28/2005]

(7) Every licence granted under this section shall, unless earlier revoked, be valid for such period as may be specified therein.

(8) Any person whose application for a licence or for the approval of the name of a corporation, partnership or limited liability partnership has been refused by the Board may, within 30 days after being notified of such refusal, appeal in the prescribed manner to the Minister whose decision shall be final.

(9) In subsections (1) and (2), “prescribed number or proportion of directors” means —

- (a) a majority of the directors, where no number or proportion is specified under paragraph (b); or
- (b) where a number or proportion is specified by the Minister for the purposes of subsections (1) and (2) by notification in the *Gazette*, such number or proportion of directors as may for the time being be so specified..

[18/2003]

### Conditions of licence to practise

21.—(1) It shall be a condition of every licence granted to any corporation, partnership or limited liability partnership that the corporation, partnership or limited liability partnership, as the case may be, shall supply architectural services in Singapore by a registered architect —

- (a) who has in force a practising certificate; and
- (b) who is —
  - (i) in the case of a corporation, a director or an employee of the corporation;
  - (ii) in the case of a partnership, a partner or an employee of the partnership; or
  - (iii) in the case of a limited liability partnership, a partner or an employee of the limited liability partnership.

(2) It shall be a condition of every licence granted to any corporation, other than an unlimited corporation, or to any limited liability partnership that the corporation or limited liability partnership, as the case may be, shall not supply architectural services in Singapore unless the corporation or limited liability partnership is insured in respect of professional liability in accordance with section 24 and the rules.

(3) It shall be a condition of every licence granted to any corporation, partnership or limited liability partnership that the

name of the corporation, partnership or limited liability partnership shall not be changed without the prior approval of the Board.

(4) Without prejudice to subsections (1), (2) and (3), the Board may grant a licence subject to such other conditions as the Board thinks fit and may at any time vary any existing conditions (other than those specified in subsections (1), (2) and (3)) of such a licence or impose additional conditions thereto.

(5) Where a licence is granted by the Board to a corporation, partnership or limited liability partnership subject to conditions (other than those specified in subsections (1), (2) and (3)), the corporation, partnership or limited liability partnership may, if aggrieved by the decision of the Board, appeal in the prescribed manner to the Minister whose decision shall be final.

[28/2005]

### **Change in composition of board of directors, members, etc.**

**22.—**(1) Any licensed corporation shall, within 30 days of the occurrence of —

- (a) any alteration of its memorandum or articles of association to remove the restrictions, limitations or prohibitions of the kind specified in section 20(1), (2) or (4), whichever is applicable thereto;
- (b) any change in the composition of its board of directors, members or shareholders; or
- (c) any revocation of any resolution passed by the board of directors under section 20(1)(d)(ii) or (2)(c)(iii),

[18/2003]

furnish the Board a true report in writing giving full particulars of the alteration or change.

(2) Any licensed partnership shall, within 30 days of the occurrence of any change in the composition of its members, furnish the Board a true report in writing giving full particulars of the change.

(3) Any licensed limited liability partnership shall, within 30 days of the occurrence of any change in the composition of its partners,

furnish the Board a true report in writing giving full particulars of the change.

[28/2005]

### **Application of Companies Act**

**23.**—(1) Sections 162, 163, 197 of and the Eighth Schedule to the Companies Act (Cap. 50) shall apply to a licensed corporation which is an exempt private company subject to the modification that any reference in those sections and that Schedule to an exempt private company shall not include a reference to the licensed corporation.

(2) Every licensed corporation referred to in subsection (1) shall —

- (a) comply with the prohibitions in section 162 (relating to loans to its directors) and section 163 (relating to loans to persons connected with the directors of the lending company) of the Companies Act as if it were not an exempt private company; and
- (b) forward annually to the Registrar of Companies, together with the annual return required by section 197 of the Companies Act, such copies of documents as are required to be included in the annual return and such certificates and particulars in accordance with the prescribed form referred to in section 197(2) of that Act as if it were not an exempt private company.

(3) In this section, “exempt private company” has the same meaning as in the Companies Act.

### **Liability insurance**

**24.** Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership shall be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying architectural services as a direct result of any negligent act, error or omission committed by —

- (a) in the case of a corporation, the corporation or its directors, managers, secretaries or employees; or



- (b) in the case of a limited liability partnership, the partnership or its partners, managers or employees.

[28/2005]

### **Relationship between client and licensed corporation or limited liability partnership**

**25.** A licensed corporation or a licensed limited liability partnership shall have the same rights and shall be subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation or limited liability partnership, as the case may be, that exist at law between a registered architect and his client.

[28/2005]

### **Professional responsibility of supervising architect**

**26.** A registered architect who has the control and management of the business of a licensed corporation, partnership or limited liability partnership relating to the supply of architectural services in Singapore shall be subject to the same standards of professional conduct and competence in respect of such services as if he was personally supplying the architectural services.

### **Revocation of licence**

**26A.—(1)** Subject to subsection (3), the Board may by order revoke any licence it has granted to a corporation, partnership or limited liability partnership if, in the opinion of the Board —

- (a) the corporation, partnership or limited liability partnership has failed to comply with any condition imposed by the Board under section 21;
- (b) the memorandum or articles of association of the corporation have been so altered that they no longer include the restrictions, limitations or prohibitions of the kind specified in section 20(1) or (2), whichever is applicable;

- (c) a person who is neither —
- (i) a registered architect who has in force a practising certificate; nor
  - (ii) an allied professional who has in force a practicing certificate,
- has a beneficial interest in the capital assets and profits of the partnership;
- (d) the limited liability partnership no longer satisfies the requirements of section 20(4);
- (e) the licence had been obtained by fraud or misrepresentation;
- (f) the corporation, partnership or limited liability partnership has ceased to supply architectural services in Singapore;
- (g) the corporation, partnership or limited liability partnership has contravened any provision of the prescribed code of professional conduct and ethics;
- (h) the corporation, partnership or limited liability partnership has contravened section 22, 23 or 24 or has been convicted of an offence under this Act;
- (i) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership or limited liability partnership, affords grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply architectural services in Singapore in accordance with any written law and with honesty and integrity; or
- (j) the corporation, partnership or limited liability partnership has refused or failed to comply with an order of the Board made under subsection (2).

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for revoking a licence exists, by order impose on the corporation, partnership or limited liability partnership concerned a penalty not exceeding \$20,000 and every such penalty shall be recoverable as a debt due to the Board.

(3) The Board shall not exercise its powers under subsection (1) or (2) unless an opportunity of being heard by a representative in writing or by counsel had been given to the corporation, partnership or limited liability partnership against which the Board intends to exercise its powers.

(4) Where the Board has revoked a licence under this section, the Registrar shall serve on the corporation, partnership or limited liability partnership concerned a notice of the order made by the Board.

(5) Any order by the Board revoking a licence or imposing a pecuniary penalty shall not take effect until the expiration of 30 days after the Board has served the order on the corporation, partnership or limited liability partnership concerned.

(6) Where an order of revocation becomes effective —

- (a) the Registrar shall cause notice of the revocation to be published in the *Gazette* and remove from the register of licensees the name and other particulars of the corporation, partnership or limited liability partnership concerned; and
- (b) the corporation, partnership or limited liability partnership concerned shall, as from the date of the notice, cease to supply architectural services in Singapore except as may be approved by the Board for the purpose of winding up its business.

(7) Subsection (6) (b) shall not prejudice the enforcement by any person of any right or claim against the corporation, partnership or limited liability partnership or by the corporation, partnership or limited liability partnership of any right or claim against any person.

[28/2005]

### **Appeal against order of Board**

**26B.**—(1) If the Board has made —

- (a) an order of revocation of a licence under section 26A against a corporation, partnership or limited liability partnership; or

- (b) an order imposing any pecuniary penalty on a licensed corporation, partnership or limited liability partnership under section 26A(2),

the corporation, partnership or limited liability partnership concerned may, within 30 days after being served with the notice of the order, appeal to the High Court against the order, and the decision of the High Court shall be final.

(2) Where the corporation, partnership or limited liability partnership concerned has appealed to the High Court against an order under section 26A, the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or withdrawn.

(3) Any corporation, partnership or limited liability partnership whose name has been removed from the register of licensees under section 26A(6)(a) shall, if its appeal to the High Court is allowed, be immediately reinstated without payment of any fee.

[28/2005]

## PART VII

### DISCIPLINARY PROCEEDINGS

[28/2005]

#### **Appointment of Investigation Panel**

**27.—**(1) For the purpose of enabling Investigation Committees to be appointed under section 30, the Board shall appoint a panel (referred to in this Act as the Investigation Panel) consisting of —

- (a) not less than 10 and not more than 20 registered architects of at least 10 years' standing who are not members of the Board; and
- (b) not less than 5 and not more than 10 allied professionals or lay persons.

(2) A member of the Investigation Panel shall be appointed for a term of 2 years and shall be eligible for re-appointment.

(3) The Board may, at any time, revoke the appointment of any member of the Investigation Panel or fill any vacancy in its membership.

### **Complaints against registered architects**

**28.** Any complaint concerning —

- (a) the conviction of a registered architect of any offence involving fraud, dishonesty or moral turpitude, or implying a defect in character which makes him unfit for his profession;
- (b) any improper act or conduct of a registered architect in his professional capacity which brings disrepute to his profession;
- (c) any contravention by a registered architect of any provision of the prescribed code of professional conduct and ethics;
- (d) the ability of a registered architect to carry out the duties of an architect effectively in Singapore; or
- (e) any failure on the part of a registered architect, while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A(1)(e)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A(2),

shall be made to the Board in writing and shall be supported by such statutory declaration as the Board may require, except that no statutory declaration shall be required if the complaint is made or given by any public officer or officer of the Board.

**Review of complaints**

**29.**—(1) Subject to subsection (3), the Board shall, upon receiving any complaint under section 28, refer the complaint to the Registrar for review.

(2) The Board may also, on its own motion, refer any information concerning any improper or dishonourable act or conduct of a registered architect to the Registrar for review.

(3) The Board need not refer any complaint or information to the Registrar for review where the complaint or information relates to any matter set out in section 17B(2), and in such a case, the Board may take such action as it thinks fit under that section.

(4) The Registrar —

- (a) shall review the complaint or information referred to him for the purpose of determining if there are sufficient merits therein to warrant the institution of disciplinary proceedings under this Part against the registered architect concerned; and
- (b) may, for the purpose of conducting such review, enlist the assistance of any registered architect, allied professional or lay person on the Investigation Panel.

(5) In conducting a review under this section, the Registrar may require the complainant (if any) or the registered architect concerned to answer any question or to furnish any document or information that the Registrar considers relevant for the purpose of the review.

(6) On the completion of a review under this section, the Registrar shall —

- (a) dismiss the complaint or information, if he finds that the complaint is frivolous, vexatious, misconceived or without merits, or that the information is unsubstantiated;
- (b) in a case where the complaint or information relates to the conviction (whether in Singapore or elsewhere) of the registered architect of an offence that —
  - (i) involves fraud or dishonesty; or

- (ii) implies a defect in character which makes the registered architect unfit for his profession, recommend to the Board to refer the matter to a Disciplinary Committee for a formal inquiry; and
- (c) in any other case, recommend to the Board to refer the matter to an Investigation Committee for an inquiry.

(7) The Board may, upon accepting the recommendation of the Registrar under subsection (6)(b) or (c), appoint an Investigation Committee or a Disciplinary Committee, as appropriate, and refer the matter thereto for an inquiry or a formal inquiry, as the case may be.

### **Appointment of Investigation Committee**

**30.**—(1) The Board may, from time to time, appoint one or more Investigation Committees comprising —

- (a) a chairman who is a member of the Board;
- (b) 2 members of the Investigation Panel who are registered architects; and
- (c) a member of the Investigation Panel who is an allied professional or a lay person,

to inquire into any complaint or information received by the Board under section 28.

(2) A member of the Investigation Panel who has assisted the Registrar in reviewing any complaint or information under section 29(4)(b) shall not be a member of an Investigation Committee inquiring into the same matter.

(3) An Investigation Committee shall be appointed in connection with one or more matters or for a fixed period of time, as the Board thinks fit.

(4) The Board may, at any time, revoke the appointment of the chairman or any member of an Investigation Committee or fill any vacancy in an Investigation Committee.

(5) No act done by or under the authority of an Investigation Committee shall be invalid in consequence of any defect that is

subsequently discovered in the appointment or qualification of the chairman or members or any of them.

(6) The chairman of an Investigation Committee shall, notwithstanding that he has ceased to be a member of the Board on the expiry of his term of office, continue to be the chairman of the Investigation Committee until such time as the Investigation Committee has completed its work.

(7) A member of an Investigation Committee shall, notwithstanding that he has ceased to be a member of the Investigation Panel on the expiry of his term of office, continue to be a member of the Investigation Committee until such time as the Investigation Committee has completed its work.

### **Powers and procedure of Investigation Committee**

**31.**—(1) For the purposes of any inquiry, an Investigation Committee may require any person —

- (a) to attend at a specified time and place and give evidence before the Investigation Committee; and
- (b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the inquiry.

(2) Any person who, without lawful excuse —

- (a) refuses or fails to comply with any requirement of the Investigation Committee under subsection (1); or
- (b) refuses to answer or gives a false answer to any question put to him by a member of the Investigation Committee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Subject to the rules, an Investigation Committee shall have the power to regulate its own procedure for an inquiry.

(4) An Investigation Committee shall complete its inquiry not later than 3 months from the date on which the matter to be inquired into is



referred to it, unless the Board, on application of the Investigation Committee, allows otherwise.

### **Findings of Investigation Committee**

**31A.** Upon due inquiry into any complaint or information, an Investigation Committee shall report its findings to the Board and recommend to the Board to do any of the following:

- (a) order that the complaint or information be dismissed;
- (b) order that the registered architect be issued with a letter of advice or a letter of warning;
- (c) order that a formal inquiry be held by a Disciplinary Committee;
- (d) make such other order as the Investigation Committee considers appropriate.

### **Decision of Board**

**31B.**—(1) Upon receiving the findings and recommendation of an Investigation Committee, the Board may —

- (a) accept the recommendation and make the recommended order;
  - (b) refer the matter back to the Investigation Committee for further inquiry; or
  - (c) make such other order as the Board thinks fit.
- (2) The Board shall not —
- (a) issue any letter of advice or letter of warning to a registered architect in accordance with the recommendation of the Investigation Committee under section 31A(b); or
  - (b) make any other order against the registered architect in accordance with the recommendation of the Investigation Committee under section 31A(d),

unless the Board is satisfied that the Investigation Committee had allowed the registered architect concerned an opportunity of being heard either personally or by counsel during the inquiry.

(3) The Board shall notify the person who made the complaint or gave the information, if any, of its decision.

(4) A registered architect who is aggrieved by any advice or order of the Board, being an advice or order referred to in section 31A(*b*) or (*d*) may, within 30 days of being notified of the determination of the Board, appeal to the Minister whose decision shall be final.

(5) Where the person who made the complaint or gave the information to the Board is dissatisfied with the decision of the Board under section 31A(*a*), (*b*) or (*d*), he may, within 30 days of being notified of the determination of the Board, appeal to the Minister whose decision shall be final.

(6) The Minister may, in relation to an appeal under subsection (4) or (5), make —

- (a) an order affirming the decision of the Board;
- (b) an order directing a formal inquiry to be held by a Disciplinary Committee; or
- (c) such other order as he thinks fit.

### **Appointment of Disciplinary Committee**

**31C.**—(1) The Board may, from time to time, appoint one or more Disciplinary Committees to formally inquire into —

- (a) any complaint or information in respect of which the Board or the Minister has, under section 31B, ordered that a formal inquiry be held by a Disciplinary Committee; or
- (b) any matter referred to the Board under section 29(6)(*b*).

(2) A Disciplinary Committee shall comprise not less than 3 registered architects of at least 10 years' standing, of whom at least 2 shall be members of the Board.

(3) A Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time, as the Board thinks fit.

(4) The chairman or a member of an Investigation Committee which inquired into any complaint or information shall not be a member of a Disciplinary Committee inquiring into the same matter.

(5) The Board shall appoint a member of a Disciplinary Committee to be the chairman of the Disciplinary Committee.

(6) The Board may, at any time, revoke the appointment of any Disciplinary Committee or any member thereof, or fill any vacancy in a Disciplinary Committee.

(7) No act done by or under the authority of a Disciplinary Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(8) A member of a Disciplinary Committee shall, notwithstanding that he has ceased to be a member of the Board on the expiry of his term of office, continue to be a member of the Disciplinary Committee until such time the Disciplinary Committee has completed its work.

### **Observer**

**31D.**—(1) The Board shall appoint a member of the Investigation Panel who is an allied professional or a lay person as an observer of the proceedings of a Disciplinary Committee, except that the person appointed must not have assisted the Registrar in reviewing any complaint or information under section 29(4)(b) or been a member of the Investigation Committee which had inquired into the same matter.

(2) The observer shall not vote on any question or matter to be decided by the Disciplinary Committee and need not be present at every meeting of the Disciplinary Committee.

### **Architect to be notified of inquiry**

**31E.**—(1) Before a Disciplinary Committee commences its formal inquiry into any complaint or information referred to it, the Registrar shall serve on the registered architect concerned a notice of the formal inquiry.

(2) An inquiry shall not be fixed on a date earlier than 21 days after the date of the notice of inquiry except with the agreement of the registered architect.

(3) On application to the Disciplinary Committee, the registered architect may request postponement of the formal inquiry, and the Disciplinary Committee may, in its discretion, grant the application and postpone the formal inquiry to such date as it may determine, or refuse the application.

### **Powers and procedure of Disciplinary Committee**

**31F.**—(1) For the purposes of a formal inquiry, a Disciplinary Committee may require any person —

- (a) to attend at a specified time and place and give evidence before the Disciplinary Committee; and
- (b) to produce all books, documents and papers in the custody of such person or under his control which may be related to or be connected with the subject-matter of the formal inquiry.

(2) Any person who, without lawful excuse —

- (a) refuses or fails to comply with any requirement of the Disciplinary Committee under subsection (1); or
- (b) refuses to answer or gives a false answer to any question put to him by a member of the Disciplinary Committee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The Disciplinary Committee —

- (a) shall not be bound to act in any formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence, but may inform itself on any matter in such manner as it thinks fit;
- (b) may administer an oath or affirmation to any person giving evidence before it; and

(c) may, subject to the rules, regulate its own procedure for a formal inquiry.

(4) Any party to the proceedings before a Disciplinary Committee may sue out subpoenas to testify or to produce documents, and such subpoenas shall be served and may be enforced as if they were subpoenas issued in connection with a civil action in the High Court.  
[42/2005]

(5) Any person giving evidence before a Disciplinary Committee shall be legally bound to tell the truth.

(6) Persons giving evidence in a formal inquiry shall have the same privileges and immunities in relation to an inquiry as if it was a proceeding in a court of law.

(7) The Board may appoint an advocate and solicitor for the purpose of a formal inquiry (whether to prosecute the complaint or to act as a legal advisor to the Disciplinary Committee) and pay to the advocate and solicitor, as part of the expenses of the Board, such remuneration as the Board may determine.

(8) A Disciplinary Committee shall complete its inquiry not later than 6 months from the date of its appointment, unless the Board, on application of the Disciplinary Committee, allows otherwise.

(9) In sections 172 to 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Committee holding a formal inquiry, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include such a formal inquiry.

### **Findings of Disciplinary Committee**

**31G.**—(1) Where, upon due inquiry into a complaint or matter, a Disciplinary Committee is satisfied that the registered architect concerned —

(a) has been convicted of any offence involving fraud, dishonesty or moral turpitude, or such defect in character which makes him unfit for his profession;

- (b) has been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his profession;
- (c) has contravened any provision of the prescribed code of professional conduct and ethics;
- (d) is no longer in a position to carry out the duties of a registered architect effectively in Singapore; or
- (e) while being a director, a manager or an employee of a licensed corporation, or a partner, a manager or an employee of a licensed partnership or limited liability partnership, had failed to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 26A(1)(e)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 26A(2),

the Disciplinary Committee may exercise one or more of the powers referred to in subsection (2).

(2) The powers that the Disciplinary Committee may exercise for the purposes of subsection (1) are as follows:

- (a) by order direct the Registrar to remove the name of the registered architect from the register of architects;
- (b) by order suspend the registered architect from practice for a period of not more than 2 years;
- (c) by order impose on the registered architect a penalty not exceeding \$10,000;
- (d) by writing censure the registered architect; or
- (e) make such other order as the Disciplinary Committee thinks fit.

(3) In addition to its powers under subsection (2), the Disciplinary Committee may order the registered architect concerned to pay to the Board such sum, not exceeding \$10,000, as the Disciplinary

Committee thinks fit in respect of the costs and expenses of and incidental to any proceedings against him under this Part.

(4) Where the Disciplinary Committee finds that the registered architect has not been convicted or guilty of any of the matters referred to in subsection (1)(a) to (e), the Disciplinary Committee shall order that the complaint or information be dismissed.

(5) The costs and expenses referred to in subsection (3) shall include —

- (a) the costs and expenses of any advocate and solicitor appointed by the Board for proceedings before the Disciplinary Committee;
- (b) such reasonable expenses as the Board may pay to witnesses; and
- (c) such reasonable expenses as are necessary for the conduct of proceedings before the Disciplinary Committee,

and the High Court shall have jurisdiction to tax such costs and any such order for costs shall be enforceable as if it were made in connection with a civil action in the High Court.

(6) The Registrar shall serve on the registered architect concerned a notice of the order made by the Disciplinary Committee.

(7) Subject to subsection (8), an order referred to in subsection (2) shall not take effect until the expiration of 30 days after the order is made.

(8) On making an order referred to in subsection (2)(a) or (b), the Disciplinary Committee, if satisfied that to remove the name of the registered architect concerned from the register of architects or to suspend him from practice, as the case may be, is necessary for the protection of members of the public or would be in the best interests of the registered architect, may order that the Registrar immediately remove his name from the register or suspend him from practice, as the case may be.

(9) An order under subsection (8) shall take effect from the time the order is made.

(10) While any order of suspension from practice made under subsection (2)(b) remains in force, the person to whom the order applies shall not for the purposes of this Act be regarded as having in force a practising certificate but immediately on the expiry or annulment of such order, his privileges under this Act shall be revived as from the date of expiry or annulment.

(11) For the purposes of subsection (1)(e), a registered architect shall not be deemed to have taken reasonable steps to prevent the doing of any act by a licensed corporation, partnership or limited liability partnership unless he satisfies the Disciplinary Committee that —

- (a) the act was done without his knowledge;
- (b) he was not in a position to influence the conduct of the corporation, partnership or limited liability partnership in relation to its action; or
- (c) he, being in such a position, exercised all due diligence to prevent the corporation, partnership or limited liability partnership from so acting.

(12) In this section, references to acts done by a licensed corporation, partnership or limited liability partnership include references to omissions to act and to a series of acts or omissions to act.

(13) Every penalty imposed under an order by a Disciplinary Committee under subsection (2) shall be recoverable as a debt due to the Board.

### **Appeal against order by Disciplinary Committee**

**31H.**—(1) Any person aggrieved by a decision of the Disciplinary Committee referred to in section 31G(2), (3) or (4) may, within 30 days after the service on him of the notice of the order, appeal to the High Court against the order.

(2) There shall be no appeal from the decision of the High Court.

(3) In any appeal to the High Court against a decision referred to in section 31G(2), (3) or (4), the High Court shall accept as final and conclusive any finding of the Disciplinary Committee relating to any



issue of ethics or standards of professional conduct unless such finding is in the opinion of the High Court unsafe, unreasonable or contrary to the evidence.

(4) Notwithstanding anything in section 31G, where a person has appealed to the High Court against an order referred to in section 31G(2) or (3), the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or withdrawn.

### **Conviction final and conclusive**

**31I.** In any proceedings under this Part in relation to the conviction of a registered architect for a criminal offence, the Minister, the Board, an Investigation Committee, a Disciplinary Committee, and the High Court on appeal from any order of a Disciplinary Committee, shall accept his conviction as final and conclusive.

### **Service of documents**

**31J.** Any notice, order or document required or authorised to be served under this Part shall be deemed to be sufficiently served —

- (a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of residence or business of the person on whom it is to be served; or
- (b) by sending it by registered post addressed to the person on whom the notice is to be served at his address as stated in the appropriate register.

## PART VIII

### GENERAL

### **Application of fees received by Board**

**32.—(1)** All fees payable under this Act shall be paid to the Board to be applied in the first place to defraying expenses of registration and other expenses of the administration of this Act, including any expenses of the Board that may be allowed under any rules and thereafter to providing scholarships and the promotion of learning and education in connection with architecture.

(2) The Registrar shall take and receive all moneys payable to the Board under this Act.

(3) All fees and other moneys payable to the Board under this Act shall be paid forthwith into a bank account approved by the Board.

(4) The Board may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

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(5) The Board shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor approved by the Minister.

(6) The Board shall, as soon as practicable after the end of each accounting year, but not later than 3 months from the end of that year unless the Minister otherwise authorises in writing, submit to the Minister a report of its functions, proceedings and activities during the preceding year.

**33.** *[Repealed by Act 28 of 2005]*

**Penalty for wilful falsification of register and wrongfully procuring registration, etc.**

**34.** Any person who —

(a) wilfully makes or causes to be made any false entry in or any falsification of any register kept and maintained under this Act;

(b) wilfully procures or attempts to procure —

(i) for any corporation, partnership or limited liability partnership a licence; or

(ii) for himself or any other person a practising certificate or to be registered as an architect under this Act,

by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or by intentionally suppressing any material fact and furnishing information which is misleading; or

- (c) knowingly aids or assists in any of the acts mentioned in paragraph (a) or (b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Offences by bodies corporate, etc.**

**35.** Where a corporation, partnership, limited liability partnership or unincorporated association of persons is guilty of an offence under this Act and that offence is proved to have been committed with the authority, consent or connivance of any director, manager, partner, secretary or other similar officer of the corporation, partnership, limited liability partnership or association or any person who was purporting to act in any such capacity, he, as well as the corporation, partnership, limited liability partnership or association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **Exemption**

**36.—(1)** The Minister may, by order and subject to such conditions as he thinks fit, exempt any person or class of persons from all or any of the provisions of this Act.

(2) Any order made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

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### **No action in absence of bad faith or malice**

**37.** No action or proceedings shall lie against the Board, any committee appointed by the Board under this Act, or any member thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

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**Rules**

**38.**—(1) The Board may, with the approval of the Minister, make rules for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, make rules —

- (a) prescribing forms of applications under this Act and certificates of registration, practising certificates and licences;
- (b) prescribing the fees payable under this Act;
- (c) prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants or class of applicants for registration;
- (d) prescribing the form in which the register of architects, register of practitioners and register of licensees are to be kept and the particulars to be entered therein;
- (e) prescribing a code of professional conduct and ethics;
- (f) requiring all or any of the following to take out and maintain insurance against liability for breach of professional duty in the course of supplying architectural services:
  - (i) any partnership consisting wholly of registered architects;
  - (ii) any partnership or unlimited corporation applying for a licence;
  - (iii) any registered architect applying for a practising certificate for the purpose of engaging in the practice of architecture on his own account;
  - (iv) any registered architect applying for a practising certificate who is employed or about to be employed by any person or body referred to in sub-paragraphs (i) to (iii);
  - (v) any other registered architect applying for a practising certificate;

- (g) prescribing the terms and conditions of insurance against professional liability under this Act or rules, including a minimum limit of indemnity; and
  - (h) generally providing for such other matters as may be necessary or expedient for carrying out the provisions of this Act.
- (3) All rules made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

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## LEGISLATIVE HISTORY

### ARCHITECTS ACT (CHAPTER 12)

This Legislative History is provided for the convenience of users of the Architects Act. It is not part of this Act.

#### **1. 1970 Revised Edition — Oaths Act 1970**

Date of operation : 1 January 1970

#### **2. 1985 Revised Edition (Cap. 211) — Oaths Act**

Date of operation : 30 March 1987

#### **3. Act 22 of 1991 — Architects Act 1991**

Date of First Reading : 26.2.91  
(Bill No. 9/91 published on  
28.2.91)

Date of Second Reading : 22.3.91

Date Committed to Select Committee : Parl. 3 of 1991 presented to  
Parliament on 17.6.91

Date of Third Reading : 28.6.91

Date of commencement : 30.8.91

#### **4. 1992 Revised Edition — Architects Act**

Date of operation : 1 January 1992

#### **5. 1992 Revised Edition — Architects Act**

Date of operation : 9 March 1992

#### **6. Act 3 of 1995 — Architects (Amendment) Act 1995**

Date of First Reading : 5.12.94  
(Bill No. 34/94 published on  
6.12.94)

Date of Second and Third Readings : 23.1.95

Date of commencement : 1.4.95

#### **7. Act 15 of 1995 — Bankruptcy Act 1995** (Consequential amendments made by)

Date of First Reading : 25.7.94  
(Bill No. 16/94 published on  
29.7.94)

Date of Second Reading	: 25.8.94
Date Committed to Select Committee	: Parl 1 of 1995 presented to Parliament on 7.3.95
Date of Third Reading	: 23.3.95
Date of commencement	: 15.7.95

#### **8. 2000 Revised Edition — Architects Act**

Date of operation	: 1 July 2000
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#### **9. Act 12 of 2002 — Companies (Amendment) Act 2002**

Date of First Reading	: 23 May 2002 (Bill No. 16/2002 published on 26 July 2002)
Date of Second and Third Readings	: 8 July 2002
Dates of commencement	: Date of coming into operation: 15th August 2002 (for Sections 2 (a) and (36)) Date of coming into operation: 1st January 2003 (for Sections 37 to 41, 55 (b) and (c) and 61) Date of coming into operation: 13th January 2003 (for Sections 2(b), 3 to 35, 42 to 54, 55 (a), 56 to 60, 62, 63 and 64)

#### **10. Act 18 of 2003 — Building Control (Amendment) Act 2003**

Date of First Reading	: 14 August 2003 (Bill No. 17/2003 published on 7 November 2003)
Date of Second and Third Readings	: 2 September 2003
Date of commencement	: 1 January 2004

#### **11. Act 45 of 2004 — Trustees (Amendment) Act 2004**

Date of First Reading	: 21 September 2004 (Bill No. 43/2004 published on 12 November 2004)
Date of Second and Third Readings	: 19 October 2004
Date of commencement	: 15 December 2004

**12. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**

Date of First Reading	:	17 October 2005 (Bill No. 30/2005 published on 16 December 2005)
Date of Second and Third Readings	:	21 November 2005
Dates of commencement	:	1st July 2005 (Section 20 (e)) 1st January 2006 30th January 2006 (Sections 10, 12, 19 and 20 (c)) 1st April 2006 (Items (2) to (7), (9), (11), (12), (13), (15), (16), (22), (25), (31), (34) (a) and (36) in the First Schedule; and the Third Schedule)

**13. Act 28 of 2005 — Architects (Amendment) Act 2005**

Date of First Reading	:	18 July 2005 (Bill No. 18/2005 published on 16 September 2005)
Date of Second and Third Readings	:	15 August 2005
Dates of commencement	:	Date of coming into operation: 1st October 2005 (Section 3) Date of coming into operation: 1st December 2005 (Sections 2 and 4 to 20)



**COMPARATIVE TABLE**  
**ARCHITECTS ACT**  
**(CHAPTER 12)**

The following provisions in the 1992 Revised Edition of the Architects Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Architects Act.

<b>2000 Ed.</b>		<b>1992 Ed.</b>
<b>3</b> — (3) and (4)		<b>3</b> — (3)
<b>4</b>		<b>4</b> — (1)
<b>4A</b> — (1)		<b>4</b> — (2)
(2) and (3)		(3) and (4)
(4) and (5)		(5)
<b>5</b> — (2) and (3)		<b>5</b> — (2)
<b>10</b> — (2) and (2A)		<b>10</b> — (2)
(3)		(3) and (4)
(4)		Proviso to (4)
<b>18</b> — (7) and (8)		<b>18</b> — (7)
(9)		(8)
(10)		(9)
<b>23</b> — (1) and (2)		<b>23</b> — (1)
(3)		(2)
<b>36</b>		<b>37</b>
<b>37</b>		<b>38</b>
<b>38</b>		<b>36</b>

Omitted — Spent		<b>39 to 45</b>
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