



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## ARCHITECTS ACT 1991

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# Architects Act 1991

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

[28/2005]

[30 August 1991]

## PART 1

## PRELIMINARY

**Short title**

1. This Act is the Architects Act 1991.

**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 1991; or
- (b) a land surveyor who is registered under the Land Surveyors Act 1991;

“architectural firm” means —

- (a) a partnership comprising wholly of registered architects, each of whom has in force a practising certificate; or
- (b) a sole proprietorship comprising a registered architect who has in force a practising certificate;

“architectural practice” means —

- (a) an architectural firm;
- (b) a limited corporation licensed under section 20(1);
- (c) an unlimited corporation licensed under section 20(2);
- (d) a partnership licensed under section 20(3); or
- (e) a limited liability partnership licensed under section 20(4);

“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 meanings given by the Building Control Act 1989;

- “building authority” means any person empowered under the provisions of the Building Control Act 1989 to approve plans of building works;
- “certificate of registration” means a certificate of registration issued under section 17;
- “Commissioner of Building Control” means any person empowered under the provisions of the Building Control Act 1989 to approve plans of building works;
- “Disciplinary Committee” means a Disciplinary Committee appointed under section 31C;
- “foreign architect” means any person who is authorised to practise as an architect in a country or territory outside Singapore under the law of that country or territory;
- “foreign registration authority”, for any country or territory outside Singapore, means the person in that country or territory having the function conferred by the laws of that country or territory of registering persons in connection with the persons carrying on the practice of architecture in that country or territory;
- “Investigation Committee” means an Investigation Committee appointed under section 30;
- “Investigation Panel” means the Investigation Panel appointed under section 27;
- “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, partnership or limited liability partnership which has in force a licence;
- “limited liability partnership” has the meaning given by section 4(1) of the Limited Liability Partnerships Act 2005;
- “limited partnership” means a limited partnership registered under the Limited Partnerships Act 2008;

“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 or she is a director or partner thereof; and
- (b) in relation to a limited liability partnership, has the meaning given by section 2(1) of the Limited Liability Partnerships Act 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 another person, except that a person is not to be regarded as a nominee of another person by reason only that the person acts on advice given by that other person in a professional capacity;

“participating jurisdiction” means any country or territory outside Singapore in relation to which an arrangement under section 6A(2) is in force;

“partnership” includes a limited partnership;

“practising certificate” means —

- (a) in relation to a registered architect — an annual certificate issued under section 18 authorising him or her 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 1991 — a practising certificate issued under section 28 of that Act; and
- (c) in relation to an allied professional who is a land surveyor registered under the Land Surveyors Act 1991 — a practising certificate issued under section 15 of that Act;

“president” means the president of the Board;

- “register of architects” means the register of architects kept and maintained by the Board under section 8(1)(a);
- “register of licensees” means the annual register of licensed corporations, partnerships and limited liability partnerships kept by the Board under section 8(1)(e);
- “register of practitioners” means the annual register of practitioners kept by the Board under section 8(1)(d);
- “registered architect” means a person registered as an architect under section 15(1) or (2A);
- “Registrar” means the Registrar of the Board, and includes any individual acting in that capacity;
- “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.

[18/2003; 28/2005; 20/2017; 5/2018]

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

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

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

(3) This Act is not to 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 2

## BOARD OF ARCHITECTS

**Establishment of Board of Architects**

**4.** A body called the Board of Architects is established in Singapore, which is 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 any other acts that bodies corporate may by law perform.

**Constitution of Board**

**4A.—(1)** The Board consists 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.

[28/2005]

(2) If elections held for the purposes of subsection (1)(c) result in less than 6 persons being elected as members of the Board, the Minister may appoint such number, as he or she 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) must not exceed 6 in total.

[28/2005]

(3) The members elected under subsection (1)(c) hold office for a term not exceeding 3 years and are eligible for re-election.

[28/2005; 20/2017]

(3A) However, a person is ineligible for re-election to office as a member under subsection (1)(c) if the re-election would result in the person holding office as a member for 3 consecutive terms.

[20/2017]

(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.

[28/2005]

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

[28/2005]

(6) The Minister may, at any time, revoke the appointment of any member appointed under subsection (1)(d) or (2) without giving 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) must vote for the election of those members at the time and in the manner prescribed, if any.

[28/2005]

(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 is not entitled to apply for a practising certificate unless he or she —

(a) satisfies the Registrar that he or she 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 must have a president who is 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).

[28/2005]

(2) The president elected under subsection (1) must serve for a term not extending beyond the expiry of the term for which he or she has been appointed or elected to be a member of the Board and is eligible for re-election.

[28/2005; 20/2017]

(3) However, a person is ineligible for re-election as the president under subsection (1) if the re-election would result in the person holding office as the president for 3 consecutive terms.

[20/2017]

### **Disqualifications for membership of Board**

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

- (a) is neither a citizen nor a permanent resident of Singapore;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his or her creditors;
- (c) 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 or her unfit for the architectural profession;
- (d) has a mental disorder and is incapable of managing himself or herself or his or her affairs, or is incapacitated by physical illness; or
- (e) has at any time after due inquiry been found guilty by a Disciplinary Committee of improper conduct.

[28/2005; 21/2008]

**Filling of vacancies**

**4E.**—(1) The office of a member of the Board becomes 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.

[28/2005]

(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 or she is a member.

[28/2005]

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

[28/2005]

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

[28/2005]

(5) Any person appointed to fill the vacancy holds office for the remainder of the term for which his or her predecessor was elected or appointed.

[28/2005]

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

[28/2005]

(7) No act done by or under the authority of the Board is 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 form a quorum and no business may be transacted at any meeting unless a quorum is present.

*[28/2005]*

(2) At any meeting of the Board, the president presides and in his or her absence the members present must elect from among themselves one member to preside over the meeting.

*[28/2005]*

(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 has a casting vote.

*[28/2005]*

(4) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Board may determine its own procedure.

*[28/2005; 5/2018]*

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

*[28/2005]*

### **Common seal of Board**

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

(2) The common seal must be kept in the custody of the president and must be authenticated by the president or other member acting in the president's absence.

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

### **Functions of Board**

**6.** The functions of the Board are —

- (a) to keep and maintain every register mentioned in section 8(1);

- (b) to hold or arrange for the holding of any examinations that 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 and the practice of 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, multidiscipline partnerships or limited liability partnerships which intend to supply architectural services in Singapore;
- (ga) to facilitate the mutual recognition, within Singapore and any country or territory outside Singapore, of the qualifications and standards regarding the practice of architecture; and
- (h) generally to do all acts, matters and things that are necessary to be carried out under the provisions of this Act.

[28/2005; 20/2017]

### **Powers of Board**

**6A.**—(1) The Board has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions, including power —

- (a) to grant prizes and scholarships in connection with architecture, either alone or in conjunction with any person;

- (b) to accept grants, donations or gifts from any source or raise funds by lawful means;
- (c) to determine the requirements for continuing professional education, and to organise related courses, programmes and other activities; and
- (d) to do any other thing that is necessary or convenient to be carried out for or in connection with, or as incidental to, the performance of its functions.

[20/2017]

(2) The Board may, with the approval of the Minister, enter into arrangements with the appropriate foreign registration authority of any country or territory outside Singapore for the mutual recognition, within Singapore and that country or territory, of the qualifications and standards adopted by each of the parties to the arrangement regarding the practice of architecture.

[20/2017]

### **Committees**

7. 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.

### **Registers**

8.—(1) The Board must keep and maintain at its office the following registers:

- (a) a register of architects containing the names of persons registered under section 15(1) or (2A) and any other particulars determined by the Board;
- (b) a register containing the names of persons recognised under section 15A and any other particulars determined by the Board;
- (c) a register of exempted architects containing the names of registered architects to whom an exemption under section 15(3) applies, and any other particulars determined by the Board;

- (d) an annual register of practitioners containing the particulars as contained in the declaration delivered under section 18(3)(a) and any other particulars determined by the Board;
- (e) an annual register of licensees containing the names and addresses of all licensed corporations, partnerships and limited liability partnerships issued with a licence and any other particulars determined by the Board.

[20/2017]

(2) A person may, with the Registrar's approval and upon payment of the prescribed fee, obtain an extract from any register kept and maintained under subsection (1).

[20/2017]

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

**9.**—(1) There must be a chief executive of the Board called the Registrar of the Board, whose appointment and removal must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(1A) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Registrar during any period, or during all periods, when the Registrar —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

[5/2018]

(2) In addition to duties under the Public Sector (Governance) Act 2018, the Registrar must —

- (a) be under the general direction of the Board;
- (b) sign all certificates of registration, practising certificates and licences; and
- (c) record all relevant entries in any register kept and maintained under section 8(1), including any suspension, cancellation or reinstatement of registration in any of the registers.

[20/2017; 5/2018]

(3) The Registrar must attend all meetings of the Board and record the proceedings of those meetings, and must conduct the correspondence and deal with any matters that the president or the Board may assign to the Registrar.

(4) The Registrar must publish, in a manner that will secure adequate publicity to the general public, the following:

- (a) as soon as possible after 1 January each year, a list containing the names, qualifications and addresses of all registered architects who, on that date, have in force a practising certificate and the names of the architectural practices under which they are practising, or that are employing them;
- (b) from time to time, supplementary lists of the names, qualifications, addresses and the names of the architectural practices of persons added to or removed from the register of practitioners.

[20/2017]

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

## PART 3

### PRIVILEGES OF ARCHITECTS

#### **Illegal practice**

**10.—**(1) Subject to the provisions of this Act, a person must not 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 of a building in Singapore unless the person —

- (a) is a registered architect —
  - (i) who has in force a practising certificate; or
  - (ii) who, if he or she is not required to obtain a practising certificate, is doing so in accordance with any

prohibition, restriction or condition of his or her registration;

- (b) is doing so under the direction or supervision of a person mentioned in paragraph (a); or
- (c) is exempt under section 36 from this section.

[20/2017]

(2) Subject to the provisions of this Act, a person must not 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 of a building in Singapore; or
- (b) any report, certificate or other document relating to the construction, enlargement or alteration of any building or part of a building 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.

[28/2005]

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

(3) Subject to the provisions of this Act, a person must not —

- (a) use verbally or otherwise the word “architect” or any of its derivatives in connection with the person’s 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 who has in force a practising certificate;
- (b) advertise or hold himself, herself or itself out, or conduct himself, herself or itself in any way or by any means, as a person who is authorised to supply architectural services in Singapore, unless the person is —

- (i) a registered architect who has in force a practising certificate; or
  - (ii) an architectural practice;
- (c) use the word “architect” or any of its derivatives as part of the name of an architectural practice unless the person is authorised under this Act to supply architectural services; or
- (d) use verbally or otherwise the word “architect” or the abbreviation “Ar.” as a title before the person’s name unless the person is a registered architect who has in force a practising certificate.

[28/2005; 20/2017]

(4) Nothing in subsection (3)(b) prevents 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.

[28/2005]

(5) Subject to the provisions of this Act, a person must not —

- (a) supply architectural services in Singapore unless the person is —
- (i) a registered architect who has in force a practising certificate and is doing so on the person’s own account or under, or as an employee of, an architectural practice;
  - (ii) a registered architect who, if he or she is not required to obtain a practising certificate, is doing so in accordance with any prohibition, restriction or condition of his or her registration; or
  - (iii) a licensed corporation or licensed limited liability partnership; or
- (b) offer to supply architectural services in Singapore unless the person is —
- (i) a person mentioned in paragraph (a); or

- (ii) an allied professional who is doing so only by reason of being a partner in a licensed partnership or licensed limited liability partnership.

[20/2017]

(5A) Despite subsection (5), a builder may supply or offer to supply architectural services in Singapore in connection with any building works which the builder undertakes to carry out if the architectural services are provided by a person referred to in subsection (5)(a)(i) or (iii).

[18/2003; 20/2017]

(6) Any person who contravenes subsection (1), (2), (3) or (5) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a natural person —

- (i) to a fine not exceeding \$5,000; and
- (ii) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a body corporate —

- (i) to a fine not exceeding \$5,000; and
- (ii) if the body corporate is a repeat offender, to a fine not exceeding \$10,000.

[20/2017]

(7) In this section, a person is a repeat offender if the person who is convicted, or found guilty, of an offence under subsection (6) has (whether before, on or after 6 October 2017) been convicted or found guilty on at least one other earlier occasion of —

- (a) an offence under subsection (6) for contravening subsection (1), (2), (3) or (5); or
- (b) an offence under subsection (6) as in force immediately before that date for contravening subsection (1), (2), (3) or (5) as in force immediately before that same date.

[20/2017]

**Remuneration for architectural services**

**11.—**(1) Subject to the provisions of this Act, a person is not entitled to demand, claim or sue for or recover any charge, fee or remuneration for any architectural services supplied by the person in Singapore, or for any offer by the person to supply architectural services in Singapore, in connection with any arbitration, suit or matter, if the person supplying or offering to supply the architectural services is not authorised by this Act to supply those services.

[20/2017]

(2) Any person, who has made any payment to another person for that other person engaging in conduct which is in contravention of section 10, may recover the money in a court of competent jurisdiction if the person did not know, or have reason to believe, when making payment, that the conduct by that other person was in contravention of section 10.

[20/2017]

**Employment or engagement of unregistered architect prohibited**

**12.—**(1) Subject to the provisions of this Act, a person must not employ as an architect any other person unless the other person is a registered architect who has in force a practising certificate.

[20/2017]

(1A) Subject to the provisions of this Act, a person must not engage the architectural services of any other person in relation to any building works unless the other person —

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

(b) is a registered architect who, if he or she is not required to obtain a practising certificate, is supplying the architectural services in accordance with any prohibition, restriction or condition of his or her registration.

[20/2017]

(2) Any person who contravenes subsection (1) or (1A) 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.

[20/2017]

### **Minor building works**

**13.** Nothing in this Act is to 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 of a building 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)).

[28/2005]

### **Relationship with professional engineers, etc.**

**14.** This Part does not prevent —

- (a) a professional engineer who has in force a practising certificate issued under the Professional Engineers Act 1991 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, she 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.

[28/2005]

## **PART 4**

### **REGISTRATION OF ARCHITECTS**

#### **Qualifications for registration**

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

- (a) any person holding —
  - (i) the Degree of Bachelor of Architecture from the National University of Singapore or the University of Singapore; or
  - (ii) the Degree of Masters of Architecture from the National University of Singapore or the Singapore University of Technology and Design;
- (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 the person is otherwise qualified by having proper and recognised training in architecture and who passes such oral or written examinations as may be prescribed.

[28/2005; 20/2017]

(2) A person is not entitled to registration under subsection (1)(a), (b) or (c) unless the person satisfies the Board as to any of the following:

- (a) that the person has, after obtaining his or her qualifications —
  - (i) acquired at least 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 the person has, after obtaining his or her qualifications —
  - (i) acquired at least 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 the person's application for registration under this Act); and

- (ii) passed such oral or written examination as may be prescribed by the Board;
- (c) that the person has, after obtaining his or her qualifications —
- (i) acquired at least 10 years of such practical experience in architectural work as may be recognised by the Board;
  - (ii) received any commendation or award at any international architectural event, or from any professional body whose architectural degree or qualification is recognised by the Board; and
  - (iii) passed such oral or written examination as may be prescribed by the Board.

*[28/2005; 20/2017]*

(2A) Despite subsections (1) and (2), any foreign architect who is first authorised to practise architecture in a country or territory outside Singapore which is a participating jurisdiction and who intends to engage in the practice of architecture in Singapore, is entitled to registration under this Act —

- (a) upon payment of the prescribed fee; and
- (b) if the foreign architect has such qualifications, requisite practical experience in architectural work, and has passed such oral or written examinations, as may be approved by the Board.

*[20/2017]*

(2B) A registration of a foreign architect under subsection (1) or (2A) may be subject to such prohibitions, restrictions or conditions as to the practice of architecture in Singapore as the Board may impose.

*[20/2017]*

(3) The Minister may, after consultation with the Board, by order in the *Gazette*, exempt, subject to any conditions that the Minister 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 under subsection (1) has been refused by the Board may, within 30 days after being notified of the refusal, appeal to the General Division of the High Court whose decision is final.

[20/2017; 40/2019]

### **Recognition for purposes of mutual recognition arrangements**

**15A.**—(1) Subject to this section, any registered architect who intends to supply or offer to supply architectural services in any participating jurisdiction, may apply to be recognised for the purposes of any arrangement mentioned in section 6A(2) with a foreign registration authority in that jurisdiction.

[20/2017]

(2) An application to be recognised for the purposes of an arrangement mentioned in section 6A(2) with a foreign registration authority of a participating jurisdiction must be granted by the Board if, upon payment of the prescribed fee, it is satisfied —

(a) that under the terms of the arrangement, the applicant is eligible to supply or offer to supply those architectural services in the participating jurisdiction if the applicant is first recognised under this section; and

(b) that the applicant —

(i) has the requisite practical experience in architectural work as may be approved by the Board; and

(ii) has passed such oral or written examinations as may be approved by the Board.

[20/2017]

- (3) Any recognition under subsection (2) —
- (a) is valid for the period (not exceeding one year) that the Board determines; and
  - (b) may be renewed upon payment of the prescribed fee.
- [20/2017]*

### **Application for registration**

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

### **Certificates of registration**

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

### **Amendment of registers**

- 17A.** The Registrar must —
- (a) amend any register kept and maintained under section 8(1) when there is any alteration which may come to the Registrar's knowledge in the name, address or other relevant particulars of any person registered;
  - (b) correct any error in any entry in any such register; and
  - (c) remove from any such register the name of any person —
    - (i) whose name has been ordered to be removed under any provision of this Act; or
    - (ii) who is dead.

*[20/2017]*

### **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 or she —

- (a) has no address in Singapore at which he or she can be contacted or sent any document using his or her particulars in the register; or

- (b) has not renewed his or her practising certificate for a continuous period of at least 10 years.

[28/2005]

(2) Despite the provisions of Part 7, 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 or she has obtained his or her registration by fraud or misrepresentation;
- (b) his or her 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 or she refuses or fails to comply with —
- (i) an order made (whether before, on or after 6 October 2017) by the Board under section 31B(1)(a) (pursuant to the recommendation of an Investigation Committee under section 31A(d)), or under section 31B(1)(c);
- (ii) an order made (whether before, on or after 6 October 2017) by a Disciplinary Committee under section 31G(2)(c) or (3) to pay a penalty or sum, or under section 31G(2)(e); or
- (iii) any prohibition, restriction or condition imposed by the Board under section 15(2B).

[28/2005; 20/2017]

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

[28/2005]

(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 is final.

[28/2005]

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

[28/2005]

(6) Every application under subsection (5) must be made in the form that 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 or her intention to make the application in the manner that the Board directs.

[28/2005]

(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.

[28/2005]

(8) No order may 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 a complaint made against the applicant which is not dismissed, or an inquiry by an Investigation Committee.

[28/2005; 20/2017]

### **Reinstatement of registration**

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

[28/2005; 40/2019]

(2) The Board may, after the expiry of at least 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 4.

[28/2005]

## PART 5

## PRACTISING CERTIFICATES

**Practising certificates**

**18.**—(1) Where a registered architect desires to engage in the practice of architecture in Singapore after 31 December of any year, he or she must, not later than 1 December of that year and in such form and manner as may be prescribed, apply for a practising certificate authorising him or her to engage in the practice of architecture in the succeeding year.

(2) Despite 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 must be accompanied by —

- (a) a written declaration stating —
  - (i) his or her full name;
  - (ii) the name of the architectural practice under which he or she practises, or by which he or she is employed; and
  - (iii) the principal and any other address or addresses of the architectural practice under which he or she practises, or by which he or she is employed;
- (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 must, subject to subsection (4), thereupon issue to the registered architect a practising certificate.

[20/2017]

(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 or her creditors or a deed of arrangement for the benefit of his or her creditors;
- (c) the applicant does not intend to practise either on his or her own account or in partnership, or is not or not about to be employed by an architectural practice;
- (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 provides reasonable grounds for believing that he or she will not engage in the practice of architecture in Singapore in accordance with any written law and with honesty and integrity;
- (f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education;
- (g) the Board does not approve the name of the architectural practice under which the registered architect intends to carry on his or her practice or by which he or she is employed;
- (h) the applicant's qualification for registration under section 15(1)(a), (b) or (c) has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded or granted;
- (i) the applicant has failed to comply with any of the conditions imposed by the Minister under section 15(3); or
- (j) the applicant refuses or fails to comply with —
  - (i) an order made (whether before, on or after 6 October 2017) by the Board under section 31B(1)(a) (pursuant to the recommendation of an Investigation Committee under section 31A(d)), or under section 31B(1)(c);
  - (ii) an order made (whether before, on or after 6 October 2017) by a Disciplinary Committee under

section 31G(2)(c) or (3) to pay a penalty or sum, or under section 31G(2)(e); or

- (iii) any prohibition, restriction or condition imposed by the Board under section 15(2B).

*[18/2003; 28/2005; 20/2017]*

(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 succeeding 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 1 January of that year.

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

(7) A practising certificate must specify the name, the principal address and all other addresses of the architectural practice under which the registered architect is practising or by which he or she is employed.

*[28/2005; 20/2017]*

(8) Any change in any name or address mentioned in subsection (7) must be notified by the registered architect concerned to the Registrar within 2 weeks of the change and an endorsement of the change must 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 expires forthwith and the Registrar must enter the date of the expiry on the register of practitioners and remove from that register the name of that architect.

*[28/2005]*

(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 General Division of the High Court whose decision is final.

[40/2019]

### **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 that ground existed at the time the practising certificate was issued.

(2) The Board must 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 the cancellation, appeal to the General Division of the High Court whose decision is final.

[40/2019]

## **PART 6**

### **MULTIDISCIPLINE AND CORPORATE PRACTICE**

#### **Licence for multidiscipline 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*;
- (c) the articles of association of the corporation provide that —
  - (i) at least a prescribed number or prescribed proportion of the directors of the corporation must be registered

- architects or allied professionals, each of whom must have in force a practising certificate;
- (ii) any person whose name and particulars have been removed from any of the following registers other than upon an application by that person, must not be a director unless his or her name and particulars have been reinstated:
    - (A) the register of architects;
    - (B) the register of registered professional engineers kept and maintained by the Professional Engineers Board under section 13 of the Professional Engineers Act 1991;
    - (C) the register of surveyors kept and maintained by the Land Surveyors Board under section 9 of the Land Surveyors Act 1991; and
  - (iii) any person who has been suspended from practice as a registered architect under this Act, or as a registered professional engineer under the Professional Engineers Act 1991, or as a registered surveyor under the Land Surveyors Act 1991, must not be a director for so long as he or she remains suspended;
- (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
  - (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;

- (e) the corporation is insured against professional liability in accordance with section 24 and the rules; and
- (f) the name of the corporation has been approved by the Board.

*[18/2003; 28/2005; 42/2005; 28/2005; 20/2017]*

(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) a person must not be a director of the corporation unless he or she is a registered architect or an allied professional;
  - (ii) at least a prescribed number or proportion of the directors of the corporation must be registered architects or allied professionals who each has in force a practising certificate;
  - (iii) a person must not be registered as a member of that corporation —
    - (A) unless he or she is a registered architect or an allied professional and a director, a manager or an employee of the corporation; or
    - (B) if he or she is a nominee of a person who is not a registered architect or an allied professional;
  - (iv) any person whose name and particulars have been removed from any of the following registers other than upon an application by that person, must not be a director unless his or her name and particulars have been reinstated:
    - (A) the register of architects;
    - (B) the register of registered professional engineers kept and maintained by the Professional

Engineers Board under section 13 of the Professional Engineers Act 1991;

- (C) the register of surveyors kept and maintained by the Land Surveyors Board under section 9 of the Land Surveyors Act 1991; and
- (v) any person who has been suspended from practice as a registered architect under this Act, or as a registered professional engineer under the Professional Engineers Act 1991, or as a registered surveyor under the Land Surveyors Act 1991, must not be a director for so long as he or she remains suspended;
- (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;
  - (ii) is a member, or a registered owner of at least one share, of the corporation; and
  - (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
- (d) the name of the corporation has been approved by the Board.

*[18/2003; 28/2005; 20/2017]*

(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;

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

*[18/2003; 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 19(1) of the Limited Liability Partnerships Act 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 the requirements that the Board, with the approval of the Minister, prescribes;
- (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 must be made in such form and manner as may be prescribed.

[28/2005]

(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 provides 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 is, unless earlier revoked, valid for such period as may be specified in the licence.

(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 the refusal, appeal in the prescribed manner to the Minister whose decision is final.

[28/2005]

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

- (a) where no number or proportion is specified under paragraph (b) — a majority of the directors; 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* — that number or proportion of directors for the time being so specified.

[18/2003; 28/2005]

### Conditions of licence to practise

**21.**—(1) It is 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) must 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.

[28/2005]

(2) It is 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) must 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.

[28/2005]

(3) It is 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 must not be changed without the prior approval of the Board.

[28/2005]

(4) Without affecting subsections (1), (2) and (3), the Board may grant a licence subject to any other conditions that the Board thinks fit and may at any time vary any existing conditions (other than those

specified in subsections (1), (2) and (3)) of a licence or impose additional conditions thereto.

[28/2005]

(5) Where the Board grants a licence 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 is final.

[28/2005]

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

**22.—**(1) Any licensed corporation must, 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 to the licensed corporation;
- (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),

provide the Board a true written report giving full particulars of the alteration or change.

[18/2003]

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

(3) Any licensed limited liability partnership must, within 30 days of the occurrence of any change in the composition of its partners, provide the Board a true written report giving full particulars of the change.

[28/2005]

### **Application of Companies Act 1967**

**23.**—(1) Sections 162, 163 and 197 of the Companies Act 1967 apply to a licensed corporation which is an exempt private company subject to the modification that any reference in those sections to an exempt private company does not include a reference to the licensed corporation.

[36/2014]

(2) Every licensed corporation mentioned in subsection (1) must —

(a) comply with the prohibitions in sections 162 and 163 of the Companies Act 1967 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 1967, 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 mentioned in section 197(2) of that Act as if it were not an exempt private company.

[12/2002; 36/2014]

(3) In this section, “exempt private company” has the meaning given by the Companies Act 1967.

### **Liability insurance**

**24.** Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership must 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 has the same rights and is 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 or her 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 is subject to the same standards of professional conduct and competence in respect of those services as if he or she were personally supplying the architectural services.

[28/2005]

**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 applies;
- (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 stopped supplying 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 failed to comply with any condition imposed under section 21, 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, provides 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).

[28/2005; 20/2017]

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for revoking a licence exists —

- (a) by order impose on the corporation, partnership or limited liability partnership concerned a penalty not exceeding \$100,000 and every such penalty is recoverable as a debt due to the Board; or
- (b) by writing censure the corporation, partnership or limited liability partnership.

[20/2017]

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

[28/2005]

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

[28/2005]

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

[28/2005]

(6) Where an order of revocation becomes effective —

- (a) the Registrar must 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 must, from the date of the notice, stop supplying architectural services in Singapore except as may be approved by the Board for the purpose of winding up its business.

[28/2005]

(7) Subsection (6)(b) does 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 General Division of the High Court against the order, and the decision of the General Division of the High Court is final.

*[28/2005; 40/2019]*

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

*[28/2005; 40/2019]*

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

*[28/2005; 40/2019]*

## PART 7

### DISCIPLINARY PROCEEDINGS

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

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

- (a) not less than 10 but 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 but not more than 10 allied professionals or laypersons.

[28/2005]

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

[28/2005]

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

[28/2005]

### **Complaints against registered architects**

**28.** Any complaint or information 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 or her unfit for his or her profession;
- (b) any improper act or conduct of a registered architect in his or her professional capacity which brings disrepute to his or her 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)(f)) 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),

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

[28/2005; 20/2017]

### **Review of complaints**

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

[28/2005]

(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.

[28/2005]

(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 any action that it thinks fit under that section.

[28/2005]

[S 759/2022]

(4) The Registrar —

(a) must review the complaint or information referred to him or her 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 the review, enlist the assistance of any registered architect, allied professional or layperson on the Investigation Panel.

[28/2005]

(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 provide any document or information that the Registrar considers relevant for the purpose of the review.

[28/2005]

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

- (a) dismiss the complaint or information, if the Registrar 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 or her 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.

[28/2005]

(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.

[28/2005]

### **Appointment of Investigation Committee**

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

- (a) a chairperson 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 layperson,

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

[28/2005]

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

[28/2005]

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

[28/2005]

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

[28/2005]

(5) No act done by or under the authority of an Investigation Committee is invalid because of any defect that is subsequently discovered in the appointment or qualification of the chairperson or members or any of them.

[28/2005]

(6) The chairperson of an Investigation Committee must, even though he or she has ceased to be a member of the Board on the expiry of his or her term of office, continue to be the chairperson of the Investigation Committee until the Investigation Committee has completed its work.

[28/2005]

(7) A member of an Investigation Committee must, even though he or she has ceased to be a member of the Investigation Panel on the expiry of his or her term of office, continue to be a member of the Investigation Committee until the Investigation Committee has completed its work.

[28/2005]

### **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, or under the control, of the person which may be related to or be connected with the subject matter of the inquiry.

[28/2005]

(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 the person 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.

[28/2005]

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

[28/2005]

(4) An Investigation Committee must 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.

[28/2005]

### **Findings of Investigation Committee**

**31A.** Upon due inquiry into any complaint or information, an Investigation Committee must 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 a letter of advice or a letter of warning;
- (c) order that a formal inquiry be held by a Disciplinary Committee;

- (d) make any other order that the Investigation Committee considers appropriate.

[28/2005]

### **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 any other order that the Board thinks fit.

[28/2005]

(2) The Board must 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.

[28/2005]

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

[28/2005]

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

[28/2005]

(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), the person may, within

30 days of being notified of the decision of the Board, appeal to the Minister whose decision is final.

[28/2005]

(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) any other order that the Minister thinks fit.

[28/2005]

### **Appointment of Disciplinary Committee**

**31C.**—(1) The Board may 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).

[28/2005]

(2) A Disciplinary Committee must comprise at least 3 registered architects of at least 10 years' standing, of whom at least 2 must be members of the Board.

[28/2005]

(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.

[28/2005]

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

[28/2005]

(5) The Board must appoint a member of a Disciplinary Committee to be the chairperson of the Disciplinary Committee.

[28/2005]

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

[28/2005]

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

[28/2005]

(8) A member of a Disciplinary Committee must, even though he or she has ceased to be a member of the Board on the expiry of his or her term of office, continue to be a member of the Disciplinary Committee until the Disciplinary Committee has completed its work.

[28/2005]

### **Observer**

**31D.**—(1) The Board must appoint a member of the Investigation Panel who is an allied professional or a layperson 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.

[28/2005]

(2) The observer must 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.

[28/2005]

### **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 must serve on the registered architect concerned a notice of the formal inquiry.

[28/2005]

(2) An inquiry must 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.

[28/2005]

(3) On application to the Disciplinary Committee, the registered architect may request to postpone the formal inquiry, and the Disciplinary Committee may grant the application and postpone the formal inquiry to a date that it may determine, or refuse the application.

[28/2005]

### **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, or under the control, of the person which may be related to or be connected with the subject matter of the formal inquiry.

[28/2005]

(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 the person 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.

[28/2005]

(3) The Disciplinary Committee —

- (a) is not bound to act in any formal manner and is not bound by the provisions of the Evidence Act 1893 or by any other written law relating to evidence, but may inform itself on any matter in any manner that 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.

[28/2005]

(4) Any party to the proceedings before a Disciplinary Committee may take out subpoenas to testify or to produce documents, and the subpoenas must be served and may be enforced as if they were orders to attend court or orders to produce documents issued in connection with a civil action in the General Division of the High Court.

[42/2005; 40/2019]

[Act 25 of 2021 wef 01/04/2022]

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

[28/2005]

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

[28/2005]

(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, any remuneration that the Board may determine.

[28/2005]

(8) A Disciplinary Committee must 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.

[28/2005]

(9) In sections 172 to 175, 177, 179, 182 and 228 of the Penal Code 1871, “public servant” is deemed to include a member of a Disciplinary Committee holding a formal inquiry, and in sections 193 and 228 of the Penal Code 1871, “judicial proceeding” is deemed to include such a formal inquiry.

[28/2005]

### **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 any defect in character which makes him or her unfit for his or her profession;
- (b) has been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his or her 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)(f)) 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 mentioned in subsection (2).

*[28/2005; 20/2017]*

(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 \$50,000;
- (d) by writing censure the registered architect; or

- (e) make any other order that the Disciplinary Committee thinks fit.

[28/2005; 20/2017]

(3) In addition to its powers under subsection (2), the Disciplinary Committee may order the registered architect concerned to pay to the Board a sum, not exceeding \$10,000, that the Disciplinary Committee thinks fit in respect of the costs and expenses of and incidental to any proceedings against him or her under this Part.

[28/2005]

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

[28/2005]

(5) The costs and expenses mentioned in subsection (3) include —

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

and the General Division of the High Court has jurisdiction to tax those costs and any such order for costs is enforceable as if it were made in connection with a civil action in the General Division of the High Court.

[28/2005; 40/2019]

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

[28/2005]

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

[28/2005]

(8) On making an order mentioned in subsection (2)(a) or (b), the Disciplinary Committee, if satisfied that removing the name of the registered architect concerned from the register of architects or

suspending him or her 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 or her name from the register or suspend him or her from practice, as the case may be.

[28/2005]

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

[28/2005]

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

[28/2005]

(11) For the purposes of subsection (1)(e), a registered architect is not to 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 or she satisfies the Disciplinary Committee that —

- (a) the act was done without his or her knowledge;
- (b) he or she 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 or she, being in that position, exercised all due diligence to prevent the corporation, partnership or limited liability partnership from so acting.

[28/2005]

(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.

[28/2005]

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

[28/2005]

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

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

[28/2005; 40/2019]

(2) There is no appeal from the decision of the General Division of the High Court.

[28/2005; 40/2019]

(3) In any appeal to the General Division of the High Court against a decision mentioned in section 31G(2), (3) or (4), the General Division of the High Court is to 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 General Division of the High Court unsafe, unreasonable or contrary to the evidence.

[28/2005; 40/2019]

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

[28/2005; 40/2019]

### **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 General Division of the High Court on appeal from any order of a Disciplinary Committee, must accept his or her conviction as final and conclusive.

[28/2005; 40/2019]

## Service of documents

**31J.** Any notice, order or document required or authorised to be served under this Part is 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 the person's address as stated in the appropriate register.

[28/2005]

## PART 8

### GENERAL

## Investigators

**31K.—**(1) The Board may, in writing, appoint a member or an employee of the Board, a public officer or any other person as an investigator, subject to any conditions and limitations that the Board may specify, to investigate the commission of an offence under this Act.

[20/2017]

- (2) An investigator may, for the purposes of subsection (1) —
  - (a) by order in writing require any person —
    - (i) to provide any information within the person's knowledge;
    - (ii) to produce any document or other record, or any article or thing which may be in the person's custody or possession and which may be related to or be connected with the subject matter of the investigation for inspection by the investigator and for making copies, or to provide copies, of such document or other record; and
    - (iii) if necessary, to attend at a specified time and place for the purpose of complying with sub-paragraph (i) or (ii);

- (b) by written order require the attendance before the investigator of any person who, from any information given or otherwise, appears to be acquainted with the facts and circumstances of the matter under investigation; and
- (c) examine orally any person apparently acquainted with the facts and circumstances of the matter under investigation, and to reduce into writing the answer given or statement made by that person who is bound to state truly the facts and circumstances with which the person is acquainted, and the statement made by that person must be read over to the person and must, after correction, be signed by the person.

[20/2017]

(3) An investigator may apply to a Magistrate for a search warrant relating to any premises if the investigator has reasonable cause to believe that evidence of the commission of an offence under this Act can be found in the premises.

[20/2017]

(4) The Magistrate may issue a search warrant if satisfied that there are reasonable grounds to do so.

[20/2017]

(5) A search warrant issued under subsection (4) authorises the investigator to whom it is directed to enter and search the premises referred to in the warrant and to do all or any of the following:

- (a) inspect and make copies of, and take extracts from, or require the person or the person having the management or control of the premises to provide copies of or extracts from, any document, record or electronic material relating to the affairs of the premises or services provided at the premises;
- (b) take any photographs or video recording that the investigator thinks necessary to record the premises or part of the premises, including any instrument, article, document or record found on the premises;
- (c) seize and remove from the premises any record, document, or any other material which the investigator reasonably

believes to be the subject matter of, or to be connected with, an investigation under subsection (1).

[20/2017]

(6) Any person who —

(a) intentionally offers any resistance to or wilfully delays an investigator in the exercise of any power under subsection (2) or pursuant to a search warrant issued under subsection (4); or

(b) fails to comply with any requisition or order of an investigator under subsection (2),

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.

[20/2017]

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

**32.**—(1) All fees payable under this Act must be paid to the Board to be applied —

(a) first, 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

(b) thereafter, to providing scholarships and the promotion of learning and education in connection with architecture.

(2) The Registrar must 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 must 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 1965.

[45/2004]

**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 herself 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 providing 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.

[28/2005]

**Offences by corporations**

35.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

[20/2017]

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

[20/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

[20/2017]

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[20/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

[20/2017]

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member is a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[20/2017]

### **Offences by unincorporated associations or partnerships**

**35A.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

[20/2017]

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

[20/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

[20/2017]

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[20/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the unincorporated association or partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

[20/2017]

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[20/2017]

## **Exemption**

**36.—**(1) The Minister may, by order and subject to any conditions that the Minister 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 must be presented to Parliament as soon as possible after publication in the *Gazette*.

**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.

[28/2005]

**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 limiting 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 any applicant or class of applicants for registration;
- (d) prescribing the form in which any register kept and maintained under section 8(1) is 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 or her 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 its rules, including a minimum limit of indemnity; and
- (h) generally providing for any other matters that may be necessary or expedient for carrying out the provisions of this Act.

[20/2017]

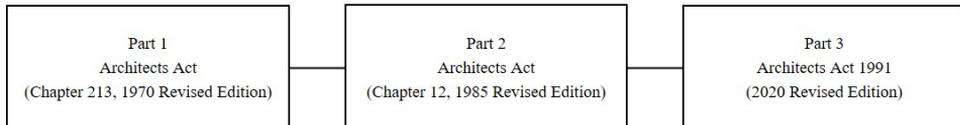
(3) All rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

# LEGISLATIVE HISTORY

## ARCHITECTS ACT 1991

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

### PICTORIAL OVERVIEW OF PREDECESSOR ACTS



### LEGISLATIVE HISTORY DETAILS

#### PART 1

#### ARCHITECTS ACT

#### (CHAPTER 213, 1970 REVISED EDITION)

##### **1. Ordinance 12 of 1926 — Architects Ordinance, 1926**

Bill	:	G.N. No. 472/1925
First Reading	:	16 March 1925
Second Reading	:	4 May 1925
Notice of Amendments	:	12 July 1926
Third Reading	:	6 September 1926
Commencement	:	1 January 1927

##### **2. 1936 Revised Edition — Architects Ordinance (Chapter 64)**

Operation	:	1 September 1936
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##### **3. Ordinance 23 of 1941 — Architects Ordinance, 1941**

Bill	:	Information not available
First Reading	:	28 April 1941
Second Reading	:	9 June 1941
Notice of Amendments	:	9 June 1941
Third Reading	:	9 June 1941
Commencement	:	1 September 1941

##### **4. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952**

(Amendments made by section 2 read with item 106 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 106 of the Schedule)

**5. 1955 Revised Edition — Architects Ordinance (Chapter 189)**

Operation	:	1 July 1956
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**6. Ordinance 22 of 1957 — Architects (Amendment) Ordinance, 1957**

Bill	:	108/1957
First Reading	:	19 June 1957
Second Reading	:	17 July 1957
Notice of Amendments	:	17 July 1957
Third Reading	:	17 July 1957
Commencement	:	27 July 1957

**7. G.N. Sp. No. S 31/1963 — Board of Architects (Variation) Notification, 1963**

Commencement	:	8 November 1963
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**8. 1970 Revised Edition — Architects Act (Chapter 213)**

Operation	:	31 July 1971
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PART 2  
ARCHITECTS ACT  
(CHAPTER 12, 1985 REVISED EDITION)

**9. Act 14 of 1976 — Architects Act, 1976**

Bill	:	11/1976
First Reading	:	23 July 1976
Second Reading	:	3 September 1976
Notice of Amendments	:	3 September 1976
Third Reading	:	3 September 1976
Commencement	:	21 January 1977

**10. Act 5 of 1980 — Architects (Amendment) Act, 1980**

Bill	:	40/1979
First Reading	:	11 December 1979
Second and Third Readings	:	26 February 1980
Commencement	:	28 March 1980

**11. Act 5 of 1981 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1981**

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	1/1981
First Reading	:	17 February 1981
Second and Third Readings	:	6 March 1981
Commencement	:	24 April 1981 (section 2 read with the Schedule)

**12. 1985 Revised Edition — Architects Act (Chapter 12)**

Operation	:	30 March 1987
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**13. Act 9 of 1989 — Building Control Act 1989**

(Amendments made by section 55(1) of the above Act)

Bill	:	5/1989
First Reading	:	16 January 1989
Second and Third Readings	:	16 February 1989
Commencement	:	1 May 1989 (section 55(1))

## PART 3

ARCHITECTS ACT 1991  
(2020 REVISED EDITION)**14. Act 22 of 1991 — Architects Act 1991**

Bill	:	9/1991
First Reading	:	26 February 1991
Second Reading	:	22 March 1991
Select Committee Report	:	Parl. 3 of 1991
Third Reading	:	28 June 1991
Commencement	:	30 August 1991

**15. 1992 Revised Edition — Architects Act (Chapter 12)**

Operation : 9 March 1992

**16. Act 3 of 1995 — Architects (Amendment) Act 1995**

Bill : 34/1994

First Reading : 5 December 1994

Second and Third Readings : 23 January 1995

Commencement : 1 April 1995

**17. Act 15 of 1995 — Bankruptcy Act 1995**

(Amendments made by section 167(4) read with item (1) of the Second Schedule to the above Act)

Bill : 16/1994

First Reading : 25 July 1994

Second Reading : 25 August 1994

Select Committee Report : Parl. 1 of 1995

Third Reading : 23 March 1995

Commencement : 15 July 1995 (section 167(4) read with item (1) of the Second Schedule)

**18. 2000 Revised Edition — Architects Act (Chapter 12)**

Operation : 1 July 2000

**19. Act 12 of 2002 — Companies (Amendment) Act 2002**

(Amendments made by section 63(a) of the above Act)

Bill : 16/2002

First Reading : 23 May 2002

Second and Third Readings : 8 July 2002

Commencement : 13 January 2003 (section 63(a))

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

(Amendments made by section 16 read with item (1) of the Schedule to the above Act)

Bill : 17/2003

First Reading : 14 August 2003

Second and Third Readings : 2 September 2003

Commencement : 1 January 2004 (section 16 read with item (1) of the Schedule)

**21. Act 45 of 2004 — Trustees (Amendment) Act 2004**

(Amendments made by section 25(4) read with item (5) of the Schedule to the above Act)

Bill : 43/2004  
 First Reading : 21 September 2004  
 Second and Third Readings : 19 October 2004  
 Commencement : 15 December 2004 (section 25(4) read with item (5) of the Schedule)

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

Bill : 18/2005  
 First Reading : 18 July 2005  
 Second and Third Readings : 15 August 2005  
 Commencement : 1 October 2005 (section 3)  
 1 December 2005 (sections 2 and 4 to 20)

**23. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**  
 (Amendments made by section 10 and section 7 read with item (5) of the Fifth Schedule to the above Act)

Bill : 30/2005  
 First Reading : 17 October 2005  
 Second and Third Readings : 21 November 2005  
 Commencement : 1 January 2006 (section 7 read with item (5) of the Fifth Schedule)  
 30 January 2006 (section 10)

**24. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**

(Amendments made by section 33 read with item 1(3) of the Second Schedule to the above Act)

Bill : 11/2008  
 First Reading : 21 July 2008  
 Second and Third Readings : 15 September 2008  
 Commencement : 1 March 2010 (section 33 read with item 1(3) of the Second Schedule)

**25. Act 36 of 2014 — Companies (Amendment) Act 2014**

(Amendments made by section 188 read with item 1 of the Second Schedule to the above Act)

Bill	:	25/2014
First Reading	:	8 September 2014
Second Reading	:	7 October 2014
Notice of Amendments	:	8 October 2014
Third Reading	:	8 October 2014
Commencement	:	3 January 2016 (section 188 read with item 1 of the Second Schedule)

**26. Act 20 of 2017 — Architects (Amendment) Act 2017**

Bill	:	8/2017
First Reading	:	6 February 2017
Second and Third Readings	:	28 February 2017
Commencement	:	6 October 2017

**27. Act 5 of 2018 — Public Sector (Governance) Act 2018**

(Amendments made by section 50 of the above Act)

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018
Commencement	:	1 April 2018 (section 50)

**28. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**

(Amendments made by section 28(1) read with item 8 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019

Commencement : 2 January 2021 (section 28(1) read with item 8 of the Schedule)

**29. 2020 Revised Edition — Architects Act 1991**

Operation : 31 December 2021

**30. G.N. No. S 759/2022 — Revised Edition of the Laws (Rectification of Acts) (No. 2) Order 2022**

Operation : 31 December 2021

Publication : 26 September 2022

**31. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021**  
(Amendments made by)

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

Commencement : 1 April 2022

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

**COMPARATIVE TABLE**  
**ARCHITECTS ACT 1991**

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>2000 Ed.</b>
—	<b>4F—(1A)</b> [ <i>Deleted by Act 5 of 2018</i> ]
—	(1B) [ <i>Deleted by Act 5 of 2018</i> ]
—	<b>4G</b> [ <i>Repealed by Act 5 of 2018</i> ]
<b>7</b>	<b>7—(1)</b>
—	(2) [ <i>Deleted by Act 28 of 2005</i> ]
—	(3) [ <i>Deleted by Act 28 of 2005</i> ]
—	(4) [ <i>Deleted by Act 28 of 2005</i> ]
—	(5) [ <i>Deleted by Act 28 of 2005</i> ]
—	(6) [ <i>Deleted by Act 5 of 2018</i> ]
—	<b>32—(5)</b> [ <i>Deleted by Act 5 of 2018</i> ]
—	(6) [ <i>Deleted by Act 5 of 2018</i> ]