



ACT 117

ARCHITECTS ACT 1967

(Incorporating amendments up to April 2007)

LEMBAGA ARKITEK MALAYSIA

Board of Architects Malaysia

LAWS OF MALAYSIA

Act 117

ARCHITECTS ACT 1967

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ARCHITECTS ACT 1967

An Act to provide for the registration of architects, sole proprietorships, partnerships and bodies corporate providing architectural consultancy services, interior designers and building draughtsmen.

[1st October 1973, P.U.(B) 426/73]

PART I PRELIMINARY

Short title, commencement and application

1. (1) This Act may be cited as the Architects Act 1967
- (2) This Act shall come into force on such date as the Minister may by notification in the Gazette appoint.
- (3) The Minister may by notification in the Gazette suspend the operation of this Act in any part of Malaysia.

Interpretation

2. In this Act unless the context otherwise requires -

“appointed date” means the date appointed under subsection 1 (2);

“architectural consultancy practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act 1965 [Act 125], providing architectural consultancy services and is registered by the Board under section 7A or 7B;

“architectural consultancy services” means the provision of architectural consultancy advice and services pertaining to all or any of the following:

- (a) submission of plans or drawings to any person or local authority in Malaysia;
- (b) conceptualization, research and development of any design for the built environment;
- (c) any survey, preparation of reports including environmental impact assessment reports, or investigation relating to the built environment;
- (d) project programming, construction and manufacturing programming, and product design;

- (e) planning and development services including interior design, financial advisory services, project management, contract administration and landscaping;
- (f) preparation of feasibility studies and cost estimates;
- (g) preparation of plans and other means of presentation;
- (h) all services in compliance with statutory requirements;
- (i) any other activities relating to the creation, preservation and enhancement of the built environment;

“authorized officer” means an officer authorized by the Board under paragraph 4(1)(eb);

“Board” means the Board of Architects Malaysia established by section 3;

“Building Authority” means any local authority required under any written law to approve building plans;

“Building Draughtsman” means any person whom the Board in its absolute discretion may deem desirable to register under Part V having regards to his qualification and experience and to the requirements of any Building Authority;

“firm or body corporate practising as consulting Quantity Surveyors” has the meaning assigned to it in the Quantity Surveyors Act 1967;

“Graduate Architect” means a person registered under subsection 10(1);

“Interior Designer” means a person registered under Part VA;

“Institut Pereka Bentuk Dalaman Malaysia” shall include any institute, body or society succeeding it and approved by the Minister;

“Malaysian Society of Interior Designers” shall include any institute, body or society succeeding it and approved by the Minister;

“Pertubuhan Arkitek Malaysia” shall include any institute, body or society succeeding it and approved by the Minister;

“prescribed” means prescribed by rules made under section 35;

“Professional Architect” means a person registered under subsection 10(2);

“Professional Engineer” has the meaning assigned to it in the Registration of

Engineers Act 1967;

“professional engineering services” has the meaning assigned to it in the Registration of Engineers Act 1967;

“Public Authority” has the meaning assigned to it in the Federal Constitution;

“Register” means -

- (a) in Part III, the Register of Professional Architects, Graduate Architects and architectural consultancy practices;
- (b) in Part V, the Register of Building Draughtsmen; and
- (c) in Part VA, the Register of Interior Designers;

“registered Quantity Surveyor” has the meaning assigned to it in the Quantity Surveyors Act 1967;

“Registrar” means the Registrar of Architects appointed under subsection 6 (1).

PART II BOARD OF ARCHITECTS MALAYSIA

Establishment of Board of Architects Malaysia

3. (1) There is hereby established a board to be called “Board of Architects Malaysia” which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.

(2) The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister :

- (a) a President who shall be appointed from among Professional Architects;
- (b) five Professional Architects who are in the public service of the Federation, States, local authority or statutory authority;
- (c) *(Deleted)*
- (d) eight Professional Architects who have been in private practice for at least five years in Malaysia, three of whom shall be from the nomination list submitted by the Council of the Pertubuhan Akitek Malaysia,
- (e) one member on the nomination of the Board of Engineers from among members of that Board established under the Registration of Engineers Act 1967;

- (f) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Quantity Surveyors Act 1967;
- (g) one member appointed from among Building Draughtsmen; and
- (h) one member appointed from among Interior Designers who has been in private practice for at least five years in Malaysia.

(3) A member of the Board shall unless he sooner resigns or otherwise vacates his office or his appointment is revoked hold office for a period as may be specified in the instrument appointing him and shall be eligible for reappointment.

(4) If any member of the Board resigns or otherwise vacates his office or his appointment is revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed.

(5) Provisions of the Schedule shall have effect with respect to the Board.

Functions of the Board

4. (1) The functions of the Board shall be -
- (a) to keep and maintain a Register of Professional Architects, Graduate Architects and architectural consultancy practices;
 - (aa) to keep and maintain a Register of Interior Designers and Building Draughtsmen;
 - (b) to approve or reject applications for registration under this Act or to approve any such application subject to such conditions or restrictions as it may deem fit to impose;
 - (c) to order the issuance of written reprimand, the imposition of a fine, suspension or cancellation of registration, removal from or reinstatement into the Registers in accordance with this Act;
 - (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by Professional Architects, architectural consultancy practices and Building Draughtsmen for architectural consultancy services rendered;
 - (dd) to fix from time to time with the approval of the Minister the scale of fees to be charged by Interior Designers for interior design consultancy services rendered;
 - (e) to hear and determine disputes relating to professional conduct or ethics of Professional Architects, Graduate Architects, Interior Designers and Building Draughtsmen and to appoint a committee, arbitrator or arbitrators to hear and determine such disputes;

- (ea) to act as a stakeholder in a contract for architectural and interior design consultancy services, when requested;
- (eb) to authorize any person to investigate the commission of any offence under this Act or any rules made under this Act;
- (ec) to employ any person, as it deems necessary, to assist the Board in carrying out its functions, powers and duties subject to such terms and conditions as it may determine;
- (f) to determine and regulate the conduct and ethics of Professional Architects, Graduate Architects, Interior Designers and Building Draughtsmen;
- (g) to represent the profession in any matter in which it may be necessary or expedient and to examine and if thought fit to report upon current legislation and any other local matters submitted to it or to make recommendations to Government or any Public or Building Authority or any institute, body or society for the time being representing the profession;
- (ga) to appoint a council, consisting of such members of the Board, Professional Architects and other persons as may be determined by the Board, to conduct examinations for admission to the profession and other examinations as deemed necessary by the Board;
- (gb) to appoint a council , consisting of such members of the Board, Professional Architects and other persons as may be determined by the Board, to advise and regulate all matters relating to architectural and interior design education including the certification and recognition of such programmes;
- (h) to appoint persons to represent it on any body or panel of examiners which may be appointed by any institute, body or society for the time being representing the profession and to make recommendations in relation to any examinations for qualification for admission to the profession;
- (i) to appoint members of the Board to sit on any boards, committees or bodies formed for any purpose affecting the profession and to appoint members of the Board to sit on the Board of Engineers and the Board of Quantity Surveyors in accordance with the relevant laws;
- (j) to provide scholarships and other facilities for the promotion of learning and education in connection with architecture, and to hold or cause to be held professional development programmes for Professional Architects, Graduate Architects, Interior Designers and Building Draughtsmen to further enhance their knowledge in the latest developments relating to that profession; and
- (k) generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Act.

(2) Without prejudice to the general powers conferred by subsection (1) the Board shall have power -

- (a) to purchase or lease any land or building required for any of the purposes of the Board;
- (b) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a); and
- (c) to lease out, dispose of, or otherwise deal in any immovable property of the Board.

PART III REGISTRATION OF ARCHITECTS

Register

5. The Register of Professional Architects, Graduate Architects and architectural consultancy practices shall be in three sections, that is to say -

- (a) Section A - which shall contain the names, business addresses and other particulars of Professional Architects;
- (b) Section B - which shall contain the names, addresses and other particulars of Graduate Architects; and
- (c) Section C - which shall contain the names, addresses and other particulars of architectural consultancy practices.

Appointment and duties of Registrar

6. (1) The Minister shall appoint a Registrar of Architects who shall be under the general direction of the Board and whose duties shall include the signing of certificates of registration and their renewal, and orders of the Board, and the recording of all entries of registration, suspension, cancellation, removal and reinstatement in the Register.

(2) The Registrar shall publish in either the Gazette or at least one national newspaper, the name, address, registration number and other particulars of -

- (a) a Professional Architect or Graduate Architect whose registration has been -
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 15A(2); or
 - (ii) reinstated under section 17 ;
- (b) an architectural consultancy practice whose registration has been -

- (i) by an order of -
 - (A) the Disciplinary Committee cancelled under section 34A or paragraph 7A(5)(dd); or
 - (B) the Board cancelled under subsection 7B (3); or
- (ii) reinstated under section 17 or subsection 7A(8); or
- (c) a Building Draughtsman whose registration has been -
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 25(2); or
 - (ii) reinstated under section 26A; or
- (d) an Interior Designer whose registration has been -
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 27G(2); or
 - (ii) reinstated under section 27I;
- (2A) The publication under subsection (2) shall be made -
 - (a) as soon as possible after the order of the Disciplinary Committee is made, if there is no appeal to the Appeal Board or Minister against that order; or
 - (b) as soon as possible after the order of the Disciplinary Committee is confirmed by the Appeal Board or Minister, if there is an appeal filed against that order.

(3) In any proceedings, a certificate of registration shall be conclusive proof that the person, sole proprietorship, partnership or body corporate named in it is a Professional Architect, Graduate Architect, Interior Designer, Building Draughtsman or architectural or interior design consultancy practice.

(4) The Registrar may annually publish and offer for sale copies of the Register.

Restrictions on unregistered persons and Graduate Architects

7. (1) No person shall, unless he is a Professional Architect -
- (a) practise or carry on business or take up employment which requires him to perform architectural consultancy services;
 - (aa) be entitled to describe himself or hold himself out under any name, style or title -
 - (i) bearing the words “Professional Architect” or the equivalent thereto in any other language; or
 - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Architect;

- (b) use or display any sign, board, card or other device representing or implying that he is a Professional Architect;
- (ba) be entitled to describe himself as a “Professional Architect” and to use the abbreviation “Ar.” before his name and/or the abbreviation “P.Arch” after his name or in association with his name; or
- (c) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for architectural consultancy services rendered as a Professional Architect.

(2) Notwithstanding subsection (1), a Graduate Architect may, subject to section 8, with the written approval of the Board take up employment which requires him to perform architectural consultancy services.

Architectural consultancy practice

7A.(1) Notwithstanding subsection 7(1), a sole proprietorship, partnership or body corporate may practise as an architectural consultancy practice and recover in any court any fee, charge, remuneration or other form of consideration for any architectural consultancy services rendered by it pursuant to its practice as an architectural consultancy practice carried on by virtue of this section, if it is registered with the Board as an architectural consultancy practice and has been issued with a certificate of registration.

(2) Every application by a sole proprietorship, partnership or body corporate for registration as an architectural consultancy practice shall be made to the Board in the manner to be determined by the Board and shall be accompanied by the prescribed fee.

(3) The Board shall register a sole proprietorship, partnership or body corporate as an architectural consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if -

- (a) in the case of the sole proprietorship, the sole proprietor is a Professional Architect;
- (b) in the case of the partnership, all the partners are Professional Architects; or
- (c) in the case of the body corporate, it -
 - (i) has a board of directors comprising persons who are Professional Architects;
 - (ii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or with any other persons who are Professional Architects; and
 - (iii) has a minimum paid-up capital which shall be an amount to be prescribed by the Board.

(4) An architectural consultancy practice shall, within thirty days of the occurrence of any change of its sole proprietorship, or the composition of its partners, board of directors or shareholders, furnish to the Board a true report in writing giving full particulars of the change.

(5) If the Disciplinary Committee finds that -

- (a) the architectural consultancy practice or sole proprietor or any partner, director or shareholder has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board upon registration of that architectural consultancy practice;
- (b) the composition of the partners, board of directors or shareholders of the architectural consultancy practice does not comply with section 7B or subsection (3);
- (c) the architectural consultancy practice had breached any of the requirements of subsection (4); or
- (d) the sole proprietor or any partner, director, shareholder or employee of an architectural consultancy practice, whether or not such person is registered under this Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in -
 - (i) paragraph 15A(2)(l); or
 - (ii) section 33, or paragraphs 15A(2)(a) to (k) or (o) to (p),

the Disciplinary Committee may, subject to subsection (6), by written notice to the architectural consultancy practice, order -

- (aa) the issuance of a written reprimand to;
- (bb) the imposition of a fine not exceeding fifty thousand ringgit on;
- (cc) the suspension of the registration for a period not exceeding two years of;
- (dd) the cancellation of the registration of; or
- (ee) any combination of the sanctions set out in paragraphs (aa) to (dd) on,

the architectural consultancy practice.

(6) (a) The Disciplinary Committee shall not make any order under paragraphs (5)(aa) to (ee) based upon any of the grounds of complaint set out in paragraph (5)(a), (b) or (c), or subparagraph (5)(d)(ii) unless -

- (i) there has been a hearing conducted by the Disciplinary Committee of the grounds of complaint against the architectural consultancy practice, sole proprietor or any of its partners, directors, shareholders or employees who has caused, contributed or been a party to, the grounds of complaint; and

- (ii) an opportunity to be heard by a representative appointed in writing or by counsel in the case of an architectural consultancy practice, or in person or by counsel in the case of a sole proprietor or any partner, director, shareholder or employee, has been given to such architectural consultancy practice, sole proprietor, partner, director, shareholder or employee, as the case may be.

(aa) Notwithstanding paragraph (a), the Disciplinary Committee may make an order under paragraphs (5)(aa) to (ee) if the Disciplinary Committee has under subsection 15A(2) suspended or cancelled the registration of -

- (i) a sole proprietor;
- (ii) one of the partners in a partnership comprising only two partners; or
- (iii) one of the directors in the board of directors of a body corporate comprising only two directors.

(b) In any case where the grounds of complaint are based upon paragraph (5)(d), the Disciplinary Committee shall not make an order under paragraphs (5)(aa) to (ee) if, on the date of hearing, such architectural consultancy practice satisfies the Disciplinary Committee -

- (i) that the partner, director, shareholder or employee who has committed, or is guilty of, or has contributed to, such act or thing as forms the grounds for the complaint has ceased to be a partner, director, shareholder or employee of such architectural consultancy practice;
- (ii) that notwithstanding that such partner, director, shareholder or employee has ceased to be a partner, director, shareholder or employee, such architectural consultancy practice is able to comply with all the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3); and
- (iii) that no other partner, director, shareholder or employee of such architectural consultancy practice was, otherwise than by being its partner, director, shareholder or employee at the material date, in any way a party to, or connected with, the act or thing which forms the grounds for the complaint.

(7) Upon the Disciplinary Committee suspending or cancelling the registration of an architectural consultancy practice pursuant to paragraph (5)(cc) or (dd), respectively, the architectural consultancy practice shall cease to exercise any right or privilege conferred upon it under the registration, but it shall be entitled to recover in any court any fee, charge, remuneration or other form of consideration for architectural consultancy services rendered by it prior to the date of receipt of the written notice from the Disciplinary Committee suspending or cancelling its registration.

(8) (a) Without prejudice to section 17, the Board may at any time upon receipt of an application from an architectural consultancy practice whose registration has been suspended or cancelled pursuant to paragraph (5)(cc) or (dd), respectively, reinstate its registration if it is satisfied that -

- (i) the reason which led to the suspension or cancellation of its registration no longer exists; and
- (ii) the architectural consultancy practice, at the time of such application, complies with the terms, conditions and restrictions imposed by the Board pursuant to section 7B or subsection (3) at the time of the original registration.

(b) In reinstating the registration under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit.

(9) There shall be no appeal against -

- (a) any refusal of the Board to register a sole proprietorship, partnership or body corporate as an architectural consultancy practice; or
- (b) any terms, conditions or restrictions imposed by the Board at the time of registration.

A body corporate providing architectural consultancy services, professional engineering services and/or quantity surveying services

7B.(1) Where a body corporate carries on a practice of providing architectural consultancy services, professional engineering services and/or quantity surveying services, the Board may, subject to such conditions or restrictions as it may deem fit to impose, register that part of the practice providing architectural consultancy services.

(2) The body corporate that applies for registration under subsection (1) must be incorporated under the Companies Act 1965 and -

- (a) has a board of directors comprising Professional Architects, Professional Engineers and/or registered Quantity Surveyors;
- (b) has shares held by the persons mentioned in paragraph (a) and any of the following persons and/or bodies corporate where -
 - (i) the Professional Architects, Professional Engineers, registered Quantity Surveyors, bodies corporate providing architectural consultancy services, bodies corporate providing professional engineering services and/or bodies corporate practising as consulting Quantity Surveyors hold a minimum combined share

of 70% of the overall equity of that body corporate, of which the Professional Architects and/or bodies corporate providing architectural consultancy services hold a minimum share of 10%; and

(ii) any other persons, including persons belonging to a profession allied to architecture, engineering or quantity surveying, being a profession approved in writing by the board regulating the profession of architecture, engineering or quantity surveying, respectively, hold a maximum share of 30%,
of the overall equity of the body corporate; and

(c) has a minimum paid-up capital which shall be an amount to be determined by the Minister.

(3) Notwithstanding paragraph 7A(5)(b), where in a body corporate registered under subsection (1) -

(a) the minimum shareholdings of a Professional Architect and/or body corporate providing architectural consultancy services is less than the percentage stipulated in subparagraph (2)(b)(i); or

(b) the minimum combined shareholdings of a Professional Architect, Professional Engineer, registered Quantity Surveyor, body corporate providing architectural consultancy services, body corporate providing professional engineering services and/or body corporate practising as consulting Quantity Surveyors is less than the percentage stipulated in subparagraph (2)(b)(i)

that body corporate shall, as soon as possible but not later than three months after such change in shareholdings or within any extended period of time as may be approved by the Board, increase the respective shareholdings so as to comply with the percentage as stipulated in subparagraph 2(b)(i), and if that body corporate fails to do so within the stipulated time, the Board shall cancel its registration under this Act.

(4) For the purposes of this Act, the body corporate shall, upon its registration, be deemed to be an architectural consultancy practice.

Entitlement

8. (1) Every Professional Architect who is residing in Malaysia for not less than one hundred and eighty days in any one calendar year and architectural consultancy practice providing architectural consultancy services in Malaysia shall be entitled to submit plans or drawings to any person or authority in Malaysia according to his qualifications or the qualifications of the Professional Architect in that architectural

consultancy practice.

(2) Nothing contained in any other written law shall prevent any Professional Architect or architectural consultancy practice from -

- (a) making valuations of buildings and structures, and of plants, machinery and equipment related to the buildings or structures connected with his or its professional practice;
- (b) preparing and submitting applications for planning approvals, conversions, subdivisions and amalgamation layout drawings;
- (c) carrying out planning studies, environmental impact studies relating to land use; and
- (d) preparing planning reports for any person or authority in Malaysia.

(3) Nothing in subsections (1) and (2) shall affect the right of any quantity surveyor, engineer, licensed land surveyor, valuer, appraiser and any other professionals for the time being registered under the relevant laws relating to such professions, to carry out any activity connected with his professional practice.

Professional Architects, etc. subject to this Act

9. Every Professional Architect, Graduate Architect and architectural consultancy practice shall be subject to this Act.

Qualifications for registration

10.(1) (a) Subject to this Act, any person who holds the qualification recognized by the Board shall be entitled on application to be registered as a Graduate Architect.

(b) Subject to this Act, a person who is registered as a Graduate Architect under paragraph (a) shall be required to obtain such practical experience as may be prescribed by the Board and to pass the examinations as may be determined by the Board in order to be entitled to apply for registration as a Professional Architect under subsection (2).

(2) Subject to this Act, the following persons shall be entitled on application to be registered under Section A of the Register as Professional Architects :

- (a) any person who -
 - (i) is a Graduate Architect;
 - (ii) has obtained the practical experience as prescribed by the Board and passed the examinations as may be determined by the Board under

paragraph (1)(b); and

- (iii) is a Corporate Member of the Pertubuhan Akitek Malaysia or has obtained a qualification which the Board considers to be equivalent thereto.

(2A) Subject to this Act, any person whose name has been removed from the Register under paragraph 16(b) and has not applied for reinstatement within five years from the date of such removal shall be entitled on application to be registered under Section A of the Register if such person has fulfilled the requirements mentioned in paragraph (2)(a).

(3) Subject to this Act, only a citizen or a permanent resident of Malaysia may qualify for registration as a Graduate Architect or Professional Architect and no person shall be entitled to be registered as a Professional Architect unless he is at the time of application for registration, and has been for a period of not less than six months prior to the date of application, residing in Malaysia.

(4) No person shall be entitled to be registered as a Professional Architect if at any time prior to his registration there exists any facts or circumstances which would have entitled the Disciplinary Committee to cancel his registration pursuant to subsection 15A(2).

(5) Subsections 17 (3) and 28 (1) shall apply *mutatis mutandis* to any person whose application for registration has been rejected pursuant to subsection (4).

Temporary registration of foreign architects

10A.(1) Subject to this section and such conditions as the Board may think fit to impose, the Board may, upon payment of the prescribed fee, approve the temporary registration as a Professional Architect of any foreign architect who is a consultant to a project, wholly financed by a foreign government, or implemented under a bilateral arrangement between governments.

(2) A foreign architect may be considered for temporary registration if he satisfies the Board that -

- (a) he possesses the necessary qualification which is recognized for the practice of architecture as an architect in the country where he normally practises; and
- (b) he possesses the necessary expertise and his physical presence is required in Malaysia for not less than one hundred and eighty days in one calendar year or he is a resident representative of the foreign

component of a joint-venture.

(3) The Board may approve a temporary registration for a period not exceeding one calendar year and may renew such temporary registration as it deems fit.

(4) Any foreign architect dissatisfied with the decision of the Board to reject his application for temporary registration or the renewal thereof under this section may, within twenty-one days of being notified of the rejection, appeal to the Minister whose decision thereon shall be final and shall not be subject to appeal.

(5) A foreign architect registered under section 10 on or before the commencement of this section shall remain registered until the expiry of his registration.

(6) A foreign architect whose registration has expired may apply for temporary registration subject to the provisions of this section.

(7) For the purpose of this section, “foreign architect” means an architect who is not a citizen or permanent resident of Malaysia.

11. (Repealed by Act A130).

Application for registration

12. Application for registration shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

Certificate of registration

13. (1) The Registrar shall upon receipt of the prescribed fee issue to any person, sole proprietorship, partnership or body corporate whose application for registration has been approved by the Board a certificate of registration in the prescribed form expiring on the 31st December of the year in which it is issued.

(2) The registration may, subject to this Act, be renewed annually upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board.

Notification of change of address

14. Every Professional Architect, Graduate Architect and architectural consultancy practice shall notify the Registrar of any change in his or its business address.

PART IV
CANCELLATION, REMOVAL,
REINSTATEMENT, ETC.

15. Repealed by Act A1159.

Powers to investigate and appointment of Disciplinary Committee

15A. (1) The Board shall appoint -

- (a) a member of the Board to investigate into any misconduct or complaint made against any Professional Architect, Graduate Architect or architectural consultancy practice; and
- (b) a Disciplinary Committee comprising three members of the Board, not being a person appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to it by the member of the Board appointed under paragraph (a).

(2) The Disciplinary Committee may order the issuance of a written reprimand to, the imposition of a fine not exceeding fifty thousand ringgit on, the suspension for a period not exceeding two years of, the cancellation of the registration of, any Professional Architect or Graduate Architect, or any combination of two or more of the aforesaid, under any of the following circumstances :

- (a) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (b) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a sole proprietor, partner, director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in that company or firm or business with which he deals on behalf of his client;
- (c) if his registration under this Act has been obtained by fraud or misrepresentation;
- (d) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful;
- (e) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or any rules made thereunder.
- (f) if he fails to observe any conditions or restrictions subject to which he is registered;

- (g) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation the approval of the Board for a sole proprietorship, partnership or body corporate to be registered as an architectural consultancy practice;
- (h) if he conceals or assists in concealing from the Board or the Disciplinary Committee the existence of any fact or circumstances which, if known, would entitle the Disciplinary Committee to cancel the registration of a sole proprietorship, partnership or body corporate, in which he is a sole proprietor, partner, director or shareholder, as an architectural consultancy practice;
- (i) if he contravenes, or fails to perform, or assists in the contravention of, any term, condition or restriction imposed by the Board when registering a sole proprietorship, partnership or body corporate as an architectural consultancy practice under section 7B or subsection 7A(3);
- (j) if he causes or permits or suffers any sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder to practise as an architectural consultancy practice prior to its registration by the Board;
- (k) if he causes or permits or suffers any architectural consultancy practice in which he is a sole proprietor, partner, director or shareholder to continue to practise as an architectural consultancy practice after the Disciplinary Committee has suspended or cancelled its registration under paragraph 7A(5)(cc) or (dd), respectively;
- (l) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere;
- (m) if his qualification under section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;
- (n) if he is found to be of unsound mind;
- (o) if he becomes a bankrupt; or
- (p) if he is found to be incapable or no longer able to perform his professional duties effectively.

(3) The Disciplinary Committee shall not make any order under subsection (2), based upon any of the circumstances set out in paragraphs (a) to (k), or (n) to (p) of subsection (2), unless an opportunity of being heard either personally or by counsel has been given to the Professional Architect or Graduate Architect against whom the Disciplinary Committee intends to make the order.

(4) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation -

- (a) require any person, including a sole proprietor, partner, director, manager, secretary or employee, to attend before him and give evidence on oath or affirmation, and that member may administer the oath; and
- (b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(5) Upon completion of his investigation, the member of the Board appointed under paragraph (1)(a) shall submit a report together with his recommendations, if any, to the Disciplinary Committee for its consideration.

(6) A person, including a sole proprietor, partner, director, manager, secretary or employee, shall, unless with reasonable excuse -

- (a) attend and give evidence when required to do so;
- (b) answer truthfully and fully any question put to him in connection with the investigation; or
- (c) produce any book, document or paper required of him,

by the member of the Board appointed under paragraph (1)(a).

15B. (Repealed by Act A1159).

Removal from Register

16. There shall be removed from the Register the name and other particulars of -
- (a) any Professional Architect or Graduate Architect who has died, or architectural consultancy practice which has ceased to practise;
 - (b) any Professional Architect, Graduate Architect or architectural consultancy practice who has failed to renew his or its registration within one month of the expiry of the registration;
 - (c) any Professional Architect or Graduate Architect whose registration has been cancelled under section 34A or subsection 15A(2), or architectural consultancy practice whose registration has been cancelled under section 34A, subsection 7B(3) or paragraph 7A(5)(dd); or
 - (d) any Professional Architect, Graduate Architect or architectural consultancy practice whose registration has been effected by reason of any mistake or error made by the Board in considering his or its application for registration.

Reinstatement

17. (1) Any Professional Architect, Graduate Architect or architectural consultancy practice whose name has been removed from the Register pursuant to an order of the Board or the Disciplinary Committee shall, if his or its appeal is allowed, forthwith be reinstated and the Registrar shall issue a certificate of registration to him or it.

(2) Any Professional Architect, Graduate Architect or architectural consultancy practice whose name has been removed from the Register for failure to renew his or its registration shall be reinstated as soon as may be after he or it has notified the Registrar, within five years of such removal, of his or its desire to be reinstated and upon payment of such fees as may be prescribed, and upon satisfying such conditions as may be imposed by the Board, and the Registrar shall issue a certificate of registration to him or it.

(3) Any Professional Architect, Graduate Architect or architectural consultancy practice whose name has been removed from the Register pursuant to an order of the Board or the Disciplinary Committee and who has not appealed against that order or whose appeal has been dismissed may after the expiration of not less than two years from the date of the order of cancellation or from the date of the decision of the appeal apply for reinstatement. The Board upon receipt of satisfactory evidence of proper reasons for his or its reinstatement and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to cancellation of his or its registration and upon payment of the prescribed fee, shall issue a certificate of registration to him or it.

Certificates to be returned

18. Any Professional Architect, Graduate Architect or architectural consultancy practice whose name is removed from the Register shall within fourteen days after notification to him or it by registered post of the removal, surrender to the Board the certificate of registration issued to him or it under this Act.

PART V
SPECIAL PROVISIONS RELATING TO
BUILDING DRAUGHTSMEN

19. (Omitted)

Restrictions on unregistered Building Draughtsmen

20. No person shall, unless he is a Building Draughtsman -
- (a) practise or carry on business as a Building Draughtsman;
 - (aa) be entitled to describe himself or hold himself out under any name, style or title -
 - (i) bearing the words “Building Draughtsman” or the equivalent thereto in any other language; or
 - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Building Draughtsman;
 - (b) use or display any sign, board, card or other device representing or implying that he is a Building Draughtsman; or
 - (c) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any advice or services rendered as a Building Draughtsman.

Register of Building Draughtsmen

21. For the purpose of this Part there shall be a Register which shall contain the names, addresses and other particulars (including restrictions that may be imposed under section 24) of Building Draughtsmen.

Registration

22. (1) Any building draughtsman may apply for registration under this Part.

(2) Application for registration shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

(3) The Registrar shall upon receipt of the prescribed fee issue to any person whose application has been approved by the Board a certificate of registration in the prescribed form expiring on the 31st December of the year in which it is issued, endorsed with the restrictions that may be imposed under section 24.

(4) The registration may, subject to this Act, be renewed annually upon payment

of the prescribed fee and upon satisfying such conditions as may be determined by the Board.

Notification of change of address

23. Every Building Draughtsman shall notify the Registrar of any change in his business address.

Restrictions on Building Draughtsmen

24. (1) Upon the registration of a Building Draughtsman the following restrictions shall apply -

- (a) he may submit plans only to, and within the limits of, the Building Authority for which area his application for registration has been approved; and
- (b) he shall be entitled to submit plans of buildings in accordance with the restrictions specified in subsection (5) as may be imposed by the Board, or such other restrictions as the Board deems fit.

(2) The Board may at any time on the application of a Building Draughtsman vary the restrictions for the time being imposed upon him pursuant to subsection (1) by substituting therefor the alternative restriction prescribed by subsection (5) or such other restrictions as the Board deems fit, or by adding thereto or deleting therefrom any Building Authority specified under paragraph (1)(a).

(3) No person who is employed by a limited company, building contractor, manufacturer or commercial firm shall be entitled to be registered under this Part.

(4) No Building Draughtsman shall practise under the name of a limited company or under the protection of limited liability.

(5) The restrictions referred to in paragraph (1)(b) shall be in one of the following forms, that is to say :

- (i) he shall be entitled only to submit plans of buildings not exceeding two-storeys in height and not involving reinforced concrete or structural steel framework except lintels not exceeding 2.5 metres in span providing that the total built-up floor area does not exceed 300 square metres in any one project submitted for approval; or
- (ii) he shall be entitled to submit plans of buildings not exceeding one-storey in height and not involving reinforced concrete or structural steel framework except lintels not exceeding 2.5 metres in span providing that the total built-up floor area does not exceed 100 square metres in any one project submitted for approval.

**Cancellation of registration, etc
of Building Draughtsman**

25. (1) The Board shall appoint -

- (a) a member of the Board to investigate into any misconduct or complaint made against any Building Draughtsman; and
- (b) a Disciplinary Committee comprising three members of the Board, including a Board member who is a Building Draughtsman, not being a person appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to it by the member of the Board appointed under paragraph (a).

(2) The Disciplinary Committee may order the following penalty or a combination of any of the following :

- (a) issuance of a written reprimand to;
- (b) the imposition of a fine not exceeding twenty-five thousand ringgit on;
- (c) the suspension for a period not exceeding two years on; or
- (d) the cancellation of the registration of,

any Building Draughtsman under any of the following circumstances :

- (aa) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude;
- (bb) if whilst registered under this Act he acts as a contractor or trades in building materials directly connected with his profession;
- (cc) if his registration under this Act has been obtained by fraud or misinterpretation;
- (dd) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (ee) if he breaks any conditions or restrictions imposed upon him by virtue of paragraph 4(1)(b) or under Section 24;
- (ff) if he is found to be of unsound mind;
- (gg) if he is found to be incapable or is no longer able to perform his professional duties effectively;
- (hh) if he becomes a bankrupt;
- (ii) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (jj) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules

made thereunder.

(3) The Disciplinary Committee shall not make any order under paragraphs (2)(a) to (d), based upon any of the circumstances set out in paragraphs (2)(bb) to (jj), unless an opportunity of being heard either personally or by counsel has been given to the Building Draughtsman against whom the Disciplinary Committee intends to make the order.

(4) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation -

- (a) require any person, including a sole proprietor, partner, director, manager, secretary or employee, to attend before him and give evidence on oath or affirmation, and that member may administer the oath; and
- (b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(5) Upon completion of his investigation, the member of the Board appointed under paragraph (1)(a) shall submit a report together with his recommendations, if any, to the Disciplinary Committee for its consideration.

(6) Any person dissatisfied with an order of the Disciplinary Committee under this section may within twenty-one days of being notified of such order appeal to the Minister whose decision thereon shall be final.

Removal from Register

26. There shall be removed from the Register the name and other particulars of any Building Draughtsman –

- (a) who has died;
- (b) who has failed to renew his registration within one month of the expiry of the registration;
- (c) whose registration has been cancelled under section 34A or subsection 25(2); or
- (d) whose registration has been effected by reason of any mistake or error made by the Board in considering his application for registration.

Reinstatement

26A. (1) Any Building Draughtsman whose name has been removed from the Register pursuant to an order of the Disciplinary Committee shall, if his appeal is allowed, be reinstated, and the Registrar shall issue a certificate of registration to him.

(2) Any Building Draughtsman whose name has been removed from the Register for failure to renew his registration shall be reinstated as soon as may be after he has notified the Registrar, within five years of such removal, of his desire to be reinstated and upon payment of such fees as may be prescribed, and upon satisfying such conditions as may be imposed by the Board, and the Registrar shall issue a certificate of registration to him.

(3) Any Building Draughtsman whose name has been removed from the Register pursuant to an order of the Board and who has not appealed against that order or whose appeal has been dismissed may after the expiration of not less than two years from the date of the order of cancellation or from the date of the decision of the appeal, apply for reinstatement. The Board upon receipt of satisfactory evidence of proper reasons for his reinstatement and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to the cancellation of his registration and upon payment of the prescribed fee, shall issue a certificate of registration to him.

Certificates to be returned

27. Any Building Draughtsman whose name has been removed from the Register under this Part shall, within fourteen days after notification to him by registered post of the removal, surrender to the Board the certificate of registration issued to him under this Part.

PART VA
SPECIAL PROVISIONS RELATING TO INTERIOR DESIGNERS

Restrictions on unregistered Interior Designers

27A. No person shall, unless he is an Interior Designer –

- (a) practise or carry on business as an Interior Designer;
- (b) be entitled to describe himself or hold himself out under any name, style or title -
 - (i) bearing the words ‘Interior Designer’ or the equivalent thereto in any language; or
 - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is an Interior Designer;
- (c) use or display any sign, board, card or other device representing or implying that he is an Interior Designer; or
- (d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any advice or services rendered as an Interior Designer.

Register of Interior Designers

27B. For the purpose of this Part, there shall be a Register which shall contain the names, addresses and other particulars of Interior Designers.

Registration

27C. (1) Any interior designer may apply for registration under this Part.

(2) Any application for registration shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

(3) The Registrar shall upon receipt of the prescribed fee issue to any person whose application has been approved by the Board a certificate of registration in the prescribed form, expiring on the 31st December of the year which it is issued.

(4) The registration may, subject to this Act, be renewed annually upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board.

Qualifications for registration

27D. (1) Subject to this Act, any person who is a corporate member of the Institut Pereka Bentuk Dalaman Malaysia or the Malaysian Society of Interior Designers or has obtained a qualification which the Board considers to be equivalent thereto shall

be entitled on application to be registered as an Interior Designer.

(2) Any person who is registered under subsection 10(2) as a Professional Architect shall be entitled to practise or carry on business as an Interior Designer.

Interior Design consultancy practice

27E. (1) Notwithstanding section 27A, a sole proprietorship, partnership or body corporate may practise as an interior design consultancy practice and recover in any court any fee, charge, remuneration or other form of consideration for any interior design consultancy services rendered by it pursuant to its practice as an interior design consultancy practice carried on by virtue of this section, if it is registered with the Board as an interior design consultancy practice and has been issued with a certificate of registration.

(2) Every application by a sole proprietorship, partnership or body corporate for registration as an interior design consultancy practice shall be made to the Board in the manner to be determined by the Board and shall be accompanied by the prescribed fee.

(3) The Board shall register a sole proprietorship, partnership or body corporate as an interior design consultancy practice, subject to such conditions and restrictions as it may deem fit to impose, if –

- (a) in the case of the sole proprietorship, the sole proprietor is an Interior Designer;
- (b) in the case of the partnership, all the partners are Interior Designers;
or
- (c) in the case of the body corporate, it -
 - (i) has a board of directors comprising persons who are Interior Designers and/or Professional Architects;
 - (ii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or with any other persons who are Interior Designers or Professional Architects; and
 - (iii) has a minimum paid-up capital which shall be an amount to be determined by the Board.

(4) An interior design consultancy practice shall, within thirty days of the occurrence of any change of its sole proprietorship, or the composition of its partners, board of directors or shareholders, furnish to the Board a true report in writing giving full particulars of the change.

(5) If the Disciplinary Committee finds that -

- (a) the interior design consultancy practice or sole proprietor or any partner, director or shareholder has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board upon registration of that interior design consultancy

practice;

- (b) the composition of the partners, board of directors or shareholders of the interior design consultancy practice does not comply with subsection (3);
- (c) the interior design consultancy practice had breached any of the requirements of subsection (4); or
- (d) the sole proprietor or any partner, director, shareholder or employee of an interior design consultancy practice, whether or not such person is registered under this Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in -
 - (i) paragraph 27G(2)(aa); or
 - (ii) section 33, or paragraphs 27G(2)(bb) to (jj),

the Disciplinary Committee may, subject to subsection (6), by written notice to the interior design consultancy practice, order -

- (aa) the issuance of a written reprimand to;
- (bb) the imposition of a fine not exceeding twenty-five thousand ringgit on;
- (cc) the suspension of the registration for a period not exceeding two years of;
- (dd) the cancellation of the registration of; or
- (ee) any combination of the sanctions set out in paragraphs (aa) to (dd) on,

the interior design consultancy practice.

(6) (a) The Disciplinary Committee shall not make any order under paragraphs (5)(aa) to (ee), based upon any of the grounds of complaint set out in paragraphs (5)(a), (b) or (c), or subparagraph (5)(d)(ii) unless –

- (i) there has been a hearing conducted by the Disciplinary Committee of the grounds of complaint against the interior design consultancy practice, sole proprietor or any of its partners, directors, shareholders or employees who has caused, contributed or been a party to, the grounds of complaint; and
- (ii) an opportunity to be heard by a representative appointed in writing or by counsel in the case of an interior design consultancy practice, or in person or by counsel in the case of a sole proprietor or any partner, director, shareholder or employee, has been given to such interior design consultancy practice, sole proprietor, partner, director, shareholder or employee, as the case may be.

- (b) Notwithstanding paragraph (a), the Disciplinary Committee may make an order under paragraphs (5)(aa) to (ee) if the Board has under subsection 27G(2) suspended or cancelled the registration of –
- (i) a sole proprietor;
 - (ii) one of the partners in a partnership comprising only two partners; or
 - (iii) one of the directors in the board of directors of a body corporate comprising only two directors.
- (c) In any case where the grounds of complaint are based upon paragraph (5)(d), the Disciplinary Committee shall not make an order under paragraphs (5)(aa) to (ee) if, on the date of hearing, such interior design consultancy practice satisfies the Disciplinary Committee –
- (i) that the partner, director, shareholder or employee who has committed, or is guilty of, or has contributed to, such act or thing which forms the grounds for the complaint has ceased to be a partner, director, shareholder or employee of such interior design consultancy practice;
 - (ii) that notwithstanding that such partner, director, shareholder or employee has ceased to be a partner, director, shareholder or employee, such interior design consultancy practice is able to comply with all the terms, conditions and restrictions imposed by the Board pursuant to subsection (3); and
 - (iii) that no other partner, director, shareholder or employee of such interior design consultancy practice was, otherwise than by being its partner, director, shareholder or employee at the material date, in any way a party to, or connected with, the act or thing which forms the grounds for the complaint.

(7) Upon the Disciplinary Committee suspending or cancelling the registration of an interior design consultancy practice pursuant to paragraph (5)(cc) or (dd), respectively, the interior design consultancy practice shall cease to exercise any right or privilege conferred upon it under the registration, but it shall be entitled to recover in any court any fee, charge, remuneration or other form of consideration for interior design consultancy services rendered by it prior to the date of receipt of the written notice from the Disciplinary Committee suspending or cancelling its registration.

(8) (a) Without prejudice to subsection 27I, the Board may at any time upon receipt of an application from an interior design consultancy practice whose registration has been suspended or cancelled pursuant to paragraph (5)(cc) or (dd), respectively, reinstate its registration if it is satisfied that –

- (i) the reason which led to the suspension or cancellation of its registration no longer exists; and
- (ii) the interior design consultancy practice, at the time of such

application, complies with the terms, conditions and restrictions imposed by the Board pursuant to section (3) at the time of the original registration.

(b) In reinstating the registration under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit.

(9) There shall be no appeal against –

- (a) any refusal of the Board to register a sole proprietorship, partnership or body corporate as an interior design consultancy practice; or
- (b) any terms, conditions or restrictions imposed by the Board at the time of registration.

Notification of change of address

27F. Every Interior Designer shall notify the Registrar of any change in his business address.

Cancellation of registration, etc., of Interior Designer

27G. (1) The Board shall appoint -

- (a) a member of the Board to investigate into any misconduct or complaint made against any Interior Designer or interior design consultancy practice; and
- (b) a Disciplinary Committee comprising three members of the Board, including a Board Member who is an Interior Designer, not being a person appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to it by the member of the Board appointed under paragraph (a).

(2) The Disciplinary Committee may order the following penalty or a combination of any of the following :

- (a) issuance of a written reprimand to;
- (b) the imposition of a fine not exceeding twenty-five thousand ringgit on;
- (c) the suspension for a period not exceeding two years of; or
- (d) the cancellation of the registration of,

any Interior Designer under any of the following circumstances :

- (aa) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;

- (bb) if whilst registered under this Act he acts as a contractor or trades in building materials directly connected with his profession;
- (cc) if his registration under this Act has been obtained by fraud or misrepresentation;
- (dd) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (ee) if he fails to observe any conditions or restrictions subject to which he is registered;
- (ff) if he is found to be of unsound mind;
- (gg) if he is found to be incapable of performing his professional duties effectively;
- (hh) if he becomes a bankrupt;
- (ii) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (jj) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

(3) The Disciplinary Committee shall not make any order under paragraphs (2)(a) to (d), based upon any of the circumstances set out in paragraphs 2(bb) to (jj), unless an opportunity of being heard either personally or by counsel has been given to the Interior Designer against whom the Disciplinary Committee intends to make the order.

(4) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation -

- (a) require any person, including a sole proprietor, partner, director, manager, secretary or employee, to attend before him and give evidence on oath or affirmation, and that member may administer the oath; and
- (b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(5) Upon completion of his investigation, the member of the Board appointed under paragraph (1)(a) shall submit a report together with his recommendations, if any, to the Disciplinary Committee for its consideration.

Removal from Register

- 27H. There shall be removed from the Register the name and other particulars of -
- (a) any Interior Designer who has died, or interior design consultancy practice which has ceased to practise;
 - (b) any Interior Designer or interior design consultancy practice who has failed to renew his or its registration within one month of the expiry of the registration;
 - (c) any Interior Designer whose registration has been cancelled under section 34A or paragraph 27G(2), or interior design consultancy practice whose registration has been cancelled under section 34A or paragraph 27E(5); or
 - (d) any Interior Designer or interior design consultancy practice who has been registered by reason of any mistake or error made by the Board in considering his or its application for registration.

Reinstatement

27I.(1) Any Interior Designer whose name has been removed from the Register pursuant to an order of the Board or the Disciplinary Committee shall, if his appeal is allowed, be reinstated, and the Registrar shall issue a certificate of registration to him.

(2) Any Interior Designer whose name has been removed from the Register for failure to renew his registration shall be reinstated as soon as may be after he has notified the Registrar, within five years of such removal, of his desire to be reinstated and upon payment of such fees as may be prescribed and upon satisfying such conditions as may be imposed by the Board, and the Registrar shall issue a certificate of registration to him.

(3) Any Interior Designer whose name has been removed from the Register pursuant to an order of the Board or the Disciplinary Committee and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than two years from the date of the order of cancellation or from the date of the decision of the appeal, apply for reinstatement. The Board upon receipt of satisfactory evidence of proper reasons for his reinstatement and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to the cancellation of his registration and upon payment of the prescribed fee, shall issue a certificate of registration to him.

Certificates to be returned

27J. Any Interior Designer whose name has been removed from the Register under this Part shall, within fourteen days after notification to him by registered post of the removal, surrender to the Board the certificate of registration issued to him under this Part.

**PART VI
GENERAL****Appeal**

28. (1) Except as otherwise provided in this Act -

- (a) any person who has been refused registration by the Board; or
- (b) any person, sole proprietorship, partnership or body corporate who, having been registered, has had his or its name removed from the Register,

may within twenty-one days of being notified of the refusal or removal, appeal to the Appeal Board constituted under section 29, and the Appeal Board may thereupon make such orders as it may deem just or proper.

(2) An opportunity of being heard either personally or by counsel shall be given by the Appeal Board to any appellant.

(3) The Board shall give effect to any order made by the Appeal Board forthwith.

Appeal Board

29. For the purpose of this Part there shall be established an Appeal Board consisting of a Judge of the High Court as a Chairman who shall be appointed by the Yang di-Pertuan Agong, after consultation with the Chief Justice; and two other persons appointed by the Yang di-Pertuan Agong.

Tenure of office of members of the Appeal Board

30. A member of the Appeal Board shall, unless he sooner resigns his office or his appointment be revoked, hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

Procedure of appeal

31. (1) A notice of appeal against an order of the Board or Disciplinary Committee shall be made in writing to the Appeal Board, and a copy of the notice sent to the President of the Board or Chairman of the Disciplinary Committee.

(2) On receipt of a copy of the notice of appeal the President of the Board or in the absence of the President the member delegated by the President so to do, or the Chairman of the Disciplinary Committee, shall cause to be prepared and sent to the Chairman of the Appeal Board records or a summary of the records of the proceedings of the Board or Disciplinary Committee and the statement setting out the grounds on which the Board or Disciplinary Committee arrived at its decision.

(3) Upon receiving the records or summary of the records and the grounds of the decision of the Board or Disciplinary Committee, the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal.

(4) The Appeal Board after hearing the appeal may confirm or vary the decision of the Board or Disciplinary Committee .

(5) The decision of the Appeal Board shall be final.

Procedure of Appeal Board

32. The Appeal Board shall at its discretion determine its own procedure.

Penalties, obtaining registration by false pretences, etc.

33. Any person, sole proprietorship, partnership or body corporate who -

- (a) procures or attempts to procure registration or a certificate of registration under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in any Register kept and maintained under this Act;
- (c) forges, alters or counterfeits any certificate of registration under this Act;
- (d) utters or uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited;
- (e) impersonates a Professional Architect, Graduate Architect, Building

Draughtsman or Interior Designer;

- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice;
- (g) sells any certificate of registration issued under this Act; or
- (h) contravenes section 7, or subsection 15A(6) or 34B(5),

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding two years or to both.

General penalty

34. (1) Any person, sole proprietorship, partnership or body corporate who contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder shall be guilty of an offence and where no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

(2) If a sole proprietorship, partnership or body corporate contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder, the sole proprietor or every partner, director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the sole proprietorship, partnership or body corporate is guilty of and liable to, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part.

Failure to comply with orders of the Disciplinary Committee, Board, Appeal Board or Minister

34A. Notwithstanding subsection 7A(6), 15A(3), 25(3), 27E(6) or 27G(3), where -

- (a) a Professional Architect or Graduate Architect refuses or fails to comply with an order of the Disciplinary Committee made under subsection 15A(2), or Appeal Board made under section 28;
- (b) an architectural consultancy practice refuses or fails to comply with an order of the Disciplinary Committee made under subsection 7A(5), or Appeal Board made under section 28;
- (c) a Building Draughtsman refuses or fails to comply with an order of the Disciplinary Committee made under subsection 25(2) or decision of the Minister made under subsection 25(6);

- (d) an Interior Designer refuses or fails to comply with an order of the Disciplinary Committee made under paragraph 27G(2), or Appeal Board made under section 28; or
- (e) an interior design consultancy practice refuses or fails to comply with an order of the Disciplinary Committee made under paragraph 27E(5), or Appeal Board made under Section 28,

the Disciplinary Committee shall immediately cancel his or its certificate of registration after reminders that require him or it to comply with such order or decision, as the Disciplinary Committee in its absolute discretion deems fit, have been given to him or it.

Power of search and seizure

34B. (1) An authorized officer shall have the power to investigate the commission of any offence under this Act or any rules made under this Act.

(2) An authorized officer may, for the purpose of carrying out the objectives of this section, at any reasonable time enter, inspect and examine any place of work.

(3) In exercising his powers under subsection (2), an authorized officer may –

- (a) examine any book, account, record or other document as may be necessary to ascertain whether or not this Act or any rules made under this Act has been complied with;
- (b) direct that the place of work or any part of it, or anything in it, shall be left undisturbed, whether generally or in particular respect, for so long as is reasonably necessary for the purpose of any examination or investigation under this section;
- (c) search for and seize any signboard, card, letter, pamphlet, leaflet, notice or any device representing or implying that the person is a Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, or that the sole proprietorship, partnership or body corporate is an architectural consultancy practice or interior design consultancy practice; or
- (d) seize or take copies of or extracts from any book, account, record or other document found in the place of work which he has power to enter or in the vicinity of that place of work, and that is reasonably believed to furnish evidence of the commission of an offence under this Act or any rules made under this Act.

(4) Where by reason of its nature, size or amount, it is not practicable to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other

device or document seized under this section, the authorized officer may, by any means, seal such signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document in the place of work in which it is found.

- (5) A person shall not, except with lawful authority -
- (a) break, tamper with or damage, or attempt to break, tamper with or damage the seal referred to in subsection (4); or
 - (b) remove or attempt to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document under seal.

List of things seized

34c. (1) Except as provided in subsection (2), where any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document is seized from the place of work under section 34B, the authorized officer shall prepare a list of the things seized and immediately deliver a copy of the list signed by him to the occupier of the place which has been searched, or to his agent or servant at that place.

(2) Where the place of work is unoccupied, the authorized officer shall, wherever possible, post a list of the things seized conspicuously at that place.

Rules

35. The Board may with the approval of the Minister make rules generally as may be necessary or expedient for the purpose of carrying out, or giving effect to, the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, for prescribing anything as is required by this Act to be prescribed or as it may deem necessary.

Authorization by President

35A.(1) Subject to subsection (2) and such policy as the Board may from time to time adopt, the President may from time to time, on payment of the prescribed fee and on such conditions or with such restrictions as he thinks fit to impose, in writing authorize any person who is not a Professional Architect or Graduate Architect, or any sole proprietorship, partnership or body corporate which is not an architectural consultancy practice to do any act or thing that the person, sole proprietorship, partnership or body corporate would, but for the authorization, be prohibited, or not be entitled to do and may at any time, without assigning any reason therefor, withdraw the authorization by notice served on the person, sole proprietorship, partnership or body corporate.

(2) No person, sole proprietorship, partnership or body corporate shall be authorized under this section to do any such act or thing for more than a total period of one hundred and eighty days in any one calendar year.

(3) A person, sole proprietorship, partnership or body corporate who does any such act or thing under and in accordance with an authorization under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted or entitled to do that act or thing as if he were a Professional Architect or Graduate Architect, or it were an architectural consultancy practice.

Notices

35B. (1) Any notice or document left at, or posted by registered post or prepaid post to, the last known address or principal place of business last appearing in the Register of a Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice shall be deemed to have been duly served upon that Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice.

(2) Subject to subsection (3), if the Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice fails to reply to the notice or document which has been duly served upon him or it in accordance with subsection (1) for at least three times, the Disciplinary Committee or Board shall take action against that Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice in accordance with this Act.

(3) If the Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice fails to reply to the notice or document which has been duly served upon him or it in accordance with subsection (1) for at least three times, and if, with regard to the matter contained in the notice or document, the Board proposes to suspend or cancel his or its registration, the Board shall -

- (a) cause to be published in at least one national newspaper a notification containing the material contents of that notice or document; and
- (b) take action in accordance with this Act based on his or its reply to the notification, or otherwise on his or its failure to reply to that notification.

Indemnity

35c. (1) No action or proceeding shall be instituted or maintained in any court against the Board, Appeal Board, Disciplinary Committee or council appointed by the Board, any members of the Board, Appeal Board, Disciplinary Committee or council, any person appointed or authorized by the Board, or any other person authorized to act for or on behalf of the Board for any act or omission done in good faith in the discharge of any of its or his functions, powers and duties under this Act or any rules made under this Act.

(2) This section does not apply to powers conferred under subsection 4(2) or any power to enter into contracts exercised by the Board.

Appointment of advocate and solicitor

35D. The Board may appoint an advocate and solicitor to institute and conduct proceedings on its behalf.

Landscape and Naval Architects

36. This Act shall not apply to Landscape and Naval Architects.

Vesting of property, etc.

37. All property movable or immovable which immediately before the appointed date was vested in or held by the Board of Architects constituted under the Architects Ordinance 1951, shall on the appointed date and without any conveyance, assignment or transfer whatever vest in or pass to the Board established and constituted under section 3 for the like title, estate or interest and on the like tenure and for the like purposes as the same was vested or held immediately before the appointed date.

Repeal

38. The Architects Ordinance 1951 is hereby repealed.

Saving as to right of Government

39. Nothing in this Act contained shall apply to anything done or omitted to be done by or under the authority of the Federal Government or the Government of any State.

SCHEDULE
[Subsection 3(5)]

1. (1) The following persons shall be disqualified from being appointed or being members of the Board :

- (a) a person who is of unsound mind and/or is otherwise incapable of performing his duties;
- (b) a bankrupt; and
- (c) any person whose registration has been cancelled under this Act.

(2) A member of the Board shall vacate his office if he fails to attend three consecutive meetings of the Board without the permission in writing of the President or if he becomes disqualified under subparagraph (1).

2. (1) The Board shall meet at least once a year at such place as may from time to time be appointed by the President.

(2) At any meeting of the Board the President shall preside, and in his absence the members shall elect one of their number to preside over the meeting.

(3) The quorum of the Board shall be five, of which at least four shall be Professional Architects including two in private practice.

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

(5) Subject to subparagraphs (3) and (4), the Board shall determine its own procedure and, except in relation to section 35, have power to delegate to committees appointed by the Board all or any of the functions of the Board upon such terms and subject to such conditions and restrictions as the Board may in its absolute discretion think fit. Any act, ruling or decision of any committee so appointed shall be deemed to be the act, ruling or decision of the Board.

(6) The Board shall cause proper records of its proceedings and of the proceedings of any committee appointed by it to be kept.

3. (1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board as the Board may think fit.

(2) The common seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President, and any document purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is shown be deemed to have been validly executed.

4. All monies received by the Board whether from fees payable under this Act or otherwise shall be applied by the Board in the first place to defraying the 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 made under this Act and thereafter to providing scholarships and the promotion of learning and education in connection with architecture. Moneys not immediately required by the Board may be invested in such trustee securities as the Board may from time to time determine.

SAVING AND TRANSITIONAL

Architects (Amendment) Act 2002

(1) A person who, immediately before the date of coming into operation of this Act, was a member of the Board appointed under section 3 of the principal Act shall, unless he resigns or otherwise vacates his office or his appointment is revoked, continue to hold office on or after the date of coming into operation of this Act until the expiry of the period specified in his instrument of appointment.

(2) A partnership providing architectural consultancy services before the date of coming into operation of this Act shall take such steps as may be necessary to reconstitute itself in accordance with this Act and apply to be registered as an architectural consultancy practice under this Act within one year after the date of coming into operation of this Act, and may until the expiration of such period continue to provide architectural consultancy services as if it had been registered as an architectural consultancy practice under this Act.

(3) No such partnership as is referred to in subsection (2) shall, after the expiration of one year after the date of coming into operation of this Act, continue to provide architectural consultancy services unless it is registered in accordance with this Act.

(4) Subject to subsection (5), all applications, proceedings or other matters pending before the Board under the principal Act immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be dealt with by the Board in accordance with the provisions of the principal Act as amended by this Act.

(5) All proceedings under section 7A, 15A or 25 and matters relating to such proceedings pending before the Disciplinary Committee or Board, respectively and all proceedings under section 33 pending, immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

Architects (Amendment) Act 2006

All proceedings under section 25 of the principal Act and matters relating to such proceedings pending before the Board immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.