



**Amendments**  
**The Architects Act 1967, Act 117**  
**And Architects Rules 1996**

**Part 1**

**By:**  
**Ar. Zuraina Leily Awalludin**  
**7 April 2016**  
**Pertubuhan Alumni Universiti Malaysia, (PAUM)**  
**Kuala Lumpur**  
**Organised by Lembaga Arkitek Malaysia**



**Board of Architects Malaysia**

- **Established under an Act of Parliament :**  
**The Architectural profession is governed by:**

**ARCHITECTS ACT 1967, Act 117**

**ARCHITECT RULES 1996**  
**(Amendments 2015)**

**CIRCULARS**



**Amendment to the Architects Act**

No. Of Amendments	Year of Amendment
1	1972
2	1973
3	1974
4	1979
5	1988
6	1992
7	1994
8	2002
9	2007
<b>10th</b>	<b>30 Nov 2015</b>



**Registration of Individuals**  
**Registration As of December 2015**

Types of Membership	No. of Individuals Dec 2015
Architects	1,900
Graduate Architect	2,045
Interior Designer	509
Registered Building Draughtsmen	164
APEC Architect	23
ASEAN Architects	35
Foreign Architects	0



**Architectural Consultancy Practices**  
Registration As of December 2015

Types Of Practices	No. Dec 2015	%
Sole Proprietorship	1,114	74.36
Partnership	98	6.54
Body Corporate	246	16.42
Multidisciplinary Practice (Architect and/or Engineer and/or QS)	40	2.68
<b>Total Of No. Of Practices</b>	<b>1,498</b>	<b>100</b>

5

**Interior Design Consultancy Practices**  
Registration As of December 2015

Types Of Practices	No. Dec 2015	%
Sole Proprietorship	19	52
Partnership	1	2
Body Corporate	17	46
<b>Total Of No. Of Practices</b>	<b>37</b>	<b>100</b>

6

**Liberalisation of Services Identified by the Government under the IMP3 and NKEA (Strategic Reform Initiatives)**

**Overview**

- The proposed amendments to the Professional Acts are Primarily Driven by the Government's Commitments in International Trade....
- Malaysia needs to liberalise the services sector which has been identified as a key engine growth
- Contribution of services to Malaysia's GDP is low compared to developed countries and steps need to be taken to tap potential of the services sector

7

**The Act and Rules Gazetted on 30 November 2015**

WARTA KERAJAAN PERSEKUTUAN  
FEDERAL GOVERNMENT  
GAZETTE

November 2015  
November 2015  
P.U. (B)

PENETAPAN TARIKH PERMULAAN KUAT KUASA  
APPOINTMENT OF DATE COMING INTO OPERATION

DISYARUKAN OLEH/  
PUBLISHED BY  
SARAYAN PEGAWAI NEGARA/  
ATTORNEY GENERAL'S CHAMBERS

AKTA ARKITEK (PINDAAN) 2015  
PENETAPAN TARIKH PERMULAAN KUAT KUASA

PADA menjalankan kuasa yang diberikan oleh subseksyen 1(2) Akta Arkitek (Pindaan) 2015 (Act A1480), Menteri menetapkan 30 November 2015 sebagai tarikh Akta itu mula berkuat kuasa kecuali perenggan 3(d) dan (g) dan seksyen 23.

Bertarikh 30 November 2015  
[KKR.PU.110-1/2/34.3; PN(P12)45/V1]

DATO' SRI DR. MOHAMMAD BIN HAJI YUSOF  
Menteri Kerja Raya


ARCHITECTS (AMENDMENT) ACT 2015  
APPOINTMENT OF DATE COMING INTO OPERATION

IN exercise of the powers conferred by subsection 1(2) of the Architects (Amendment) Act 2015 (Act 1480), the Minister appoints 30 November 2015 as the date on which the Act comes into operation except paragraphs 3(d) and (g) and section 23.

Dated 30 November 2015  
[KKR.PU.110-1/2/34.3; PN(P12)45/V1]

DATO' SRI DR. MOHAMMAD BIN HAJI YUSOF  
Minister of Works

8



**GENERAL CIRCULAR NO. 1/2016**

**AMENDMENTS TO THE ARCHITECTS ACT 1967**

1. Amendment and Insertion New Interpretations
2. Regulating New Professions
3. Citizenship Requirement for Registration
4. Liberalisation of Architects Services
5. Discontinuing New Registration of Building Draughtsman
6. Increasing the Penalty for Disciplinary Action


9



**New Amendment:  
Inclusion of 3 additional registrations**

- An act to provide for the registration of architects, **architectural technologists**, building draughtsmen, **inspector of works**, foreign architects, graduate architects, **graduate interior designers**, interior designers, sole proprietorships, partnerships and bodies corporate providing architectural consultancy services and interior design consultancy services.


10



**Qualification for registration**

Registration according to Act:	Part	Subsection
Architect	III	10(2)
Graduate Architect	III	10(1)
Building Draughtsman	V	22
Interior Designer	VA	27D(2)
Graduate Interior Designer	VA	27D(1)
Inspector of Works	VB	27N
Architectural Technologist	VC	27W

11



**Salient Amendments to Sections of the Architects Act :**

1. Section 2 : The word Professional Architect is amended to Architect
2. Section 3 : Increase in Composition Of Board Members from 17 no. to 21 no. (inclusion of 1 no. IOW, 1 no. AT and 2 architects from private practice)
2. Section 7A : Composition of Body Corporate – opening of equity
3. Section 10(3) : The deletion of the Malaysian Citizenship requirement
4. Section 15 : Investigation Officer - from 1 person to not more than 3 persons  
Disciplinary Board - from 3 persons to not more than 5 persons
5. Section 15A(2), : Increase in Penalties 25(2), and 27G
6. Section 19 : New registration of Building Draughtsmen discontinued
7. Section 27K- : Insertion of new Part VB on Inspector of Works and Section 27ZB : insertion of new Part VC on Architectural Technologists

12



## PART I PRELIMINARY

- 1. Short title, commencement and application.
- 2. Interpretation.

Professional Architect is rephrased as Architect

- Professional Engineer is rephrased as Professional Engineer with Practising Certificate (PEPC)
- Registered Quantity Surveyor rephrased as Consultant Quantity Surveyor (CQS)

13



## Salient Amendments to the Architects Act :

### Section 3 –

**Increase in Composition Of Board Members from 17 no. to 21 no. (inclusion of 1 no. IOW and 2 architects from private practice)**

**Appointed by the Minister of Works for a period of 2 years comprising :-**

- A President
- 5 representatives from public sector, local authority or statutory authority
- 10 representatives from private sector (3 nominated from PAM)
- 1 representative from Board of Engineers Malaysia
- 1 representative from Board of Quantity Surveyors Malaysia
- 1 registered Building Draughtsman
- 1 registered Interior Designer
- 1 registered Inspector of Works
- 1 registered Architectural Technologists
- A Registrar

14



## PART II BOARD OF ARCHITECTS MALAYSIA

### 4. Functions of the Board

- 4. Functions
- 4. (1) **The functions of the Board shall be -**
  - (a) to keep and maintain a Register of Architects, Graduate Architects, foreign architects and architectural consultancy practices, a Register of Building Draughtsmen, a Register of Interior Designers containing particulars of Interior Designers, Graduate Interior Designers and interior design consultancy practices, Register of Inspector of Works and a Register of Architectural Technologists
  - (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;

15



## PART II BOARD OF ARCHITECTS MALAYSIA

### 4. Functions of the Board

- 4. (1) The functions of the Board shall be –
  - (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 prescribe with the approval of the Minister the scale of fees to be charged by architectural consultancy practices, Building Draughtsmen and interior design consultancy practices for architectural consultancy services, interior design consultancy practices and interior design consultancy services
  - (e) to hear and determine disputes relating to professional conduct or ethics of Architects, Architectural Technologists, Building Draughtsmen, foreign architects, Interior Designers, Graduate Interior Designers, Inspector of Works and Architectural Technologists; and to appoint a committee, adjudicator, mediator or arbitrator to hear and resolve such disputes;

16



## PART II BOARD OF ARCHITECTS MALAYSIA

RETAINED

### 4. Functions of the Board

- (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 Architects, Graduate Architects, Interior Designers and Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspector of Works, Architectural Technologists, architectural consultancy practices and interior design consultancy practices;
- (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, 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;

17



## PART II BOARD OF ARCHITECTS MALAYSIA

RETAINED

### 4. Functions of 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 ...to further enhance their knowledge in the latest developments relating to that profession;
- (ja) to conduct activities for the promotion of the profession of Architect, Graduate architect..... and
- (k) generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Act.

18



## PART II BOARD OF ARCHITECTS MALAYSIA

RETAINED

- 4 (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.

19



## PART III REGISTRATION OF ARCHITECTS

RETAINED

### 7. Restrictions on unregistered persons and Graduate Architects.

- 1) No person shall, unless he is an 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 “ 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 Architect;
    - (b) use or display any sign, board, card or other device representing or implying that he is an Architect;
    - (ba) be entitled to describe himself as an “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 an 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.

20

**PART III  
REGISTRATION OF ARCHITECTS**

**Architectural consultancy practice.**

7A. Architectural consultancy practice.

(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.

21

**Types Of Architectural Consultancy Practices:**

No.	Types Of Practice	Maintained/ Amended
1.	Sole Proprietor	Maintained
2.	Partnership	Maintained
3	<b>Body Corporate</b>	<b>Amended</b>
4.	Multidisciplinary	Maintained

22

**Present Sections of the Architects Act Retained  
Architectural Consultancy Practice- Section 7A**

**Present Act Maintained**

(a) In the case of the sole proprietorship, the sole proprietor is an architect;

(a) In the case of partnership, all the partners are architect

23

**Salient Amendments to the Architects Act:**

**Composition of Body Corporate : Section 7A**  
*(as decided by the Ministry of Works to harmonise within the 3 boards)*

Present Act	Proposed Amendment to Act
(c) In the case of the <u>body corporate</u> , it –	(c) In the case of the <u>body corporate</u> ,-
(i) has a board of directors comprising persons who are Architects;	(i) it has a <b>board of directors as may be prescribed by the Board;</b> ( to be prescribed in the rules)
(ii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or any other persons who are Architects .....,	(ii) it has <b>shareholdings as may be prescribed by the Board ;</b> ( <i>prescribed in the rules</i> )
	(iii) it has minimum paid up capital prescribed by the Board; and
	(iv) <b>the day to day affairs of the body corporate shall be under the control and management of a person who:-</b> (A) is an Architect; and (B) is authorized under a resolution of the board of directors to make all final architectural decisions on behalf of the body corporate in



### Present Sections of the Act Maintained

#### Multidisciplinary Practice: Section 7B

##### Present Act Maintained

7(B) A body corporate providing architectural consultancy services, professional engineering services and/or quantity surveying services,:

- minimum combined shares of 70% to be held by an architect, practicing engineer with practising certificate and/or Consultant quantity surveyor,
- each architect, engineer and/ or quantity surveyor shall have a minimum share of 10%
- the remaining shares can be held by any other persons to a maximum 30%

*Note: This section is retained to allow the professionals to provide a comprehensive service and also to allow others to participate as shareholders, building capacity especially in exporting services overseas*



### PART III REGISTRATION OF ARCHITECTS

#### 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 any person or authority in Malaysia according to his qualifications or the qualifications of the Professional Architect in that architectural consultancy practice.

26



### PART III REGISTRATION OF ARCHITECTS

#### Entitlement

8. (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.

27




### PART III REGISTRATION OF ARCHITECTS

#### Qualifications for registration.

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

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

28



**PART III  
REGISTRATION OF ARCHITECTS**


10(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 who has obtained the practical experience and passed the examinations as may be determined by the Board under paragraph (1)(b); ~~and~~ or

(ii) is a Corporate Member of the Pertubuhan Arkitek Malaysia

29




**PART III  
REGISTRATION OF ARCHITECTS**

**Salient Amendments:**

**Section 10(3) : The deletion of the Malaysian Citizenship clause:**

**‘Subject to this Act, ~~only a citizen or a permanent resident of Malaysia~~ any person may qualify for registration as a Graduate Architect or Architect and no person shall be entitled to be registered as an Architect unless he is at the time of application for registration and has been for a period of not less than 6 months prior to the date of application, residing in Malaysia’**


30



**PART III  
REGISTRATION OF ARCHITECTS**

- 10A. ~~Temporary~~ Registration of foreign architects.
- (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 of origin where he normally practices~~; 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.~~

31



**PART III  
REGISTRATION OF ARCHITECTS**

- Contd... 10A. ~~Temporary~~ registration of foreign architects.
- (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.~~

32



**PART IV**  
**CANCELLATION, REMOVAL, REINSTATEMENT, ETC**

- 15A. **Powers to investigate and appointment of Disciplinary Committee.**
- (1) The Board shall appoint -
  - (a) **a member not more than three member of the Board to investigate** into any misconduct or complaint made against any Architect, Graduate Architect..... or architectural consultancy practice; and
  - (b) **a Disciplinary Committee comprising three members not more than five member** 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) .....

**33**

**Penalty for Offence:**  
**Increased and New Penalty to ensure accountability by Architects and other registered members towards the public**

Section	Designation	Present Act (Any Combination)	Proposed Amendment (Any Combination)
Section 15A	- Architect, - Graduate Architect - Foreign Architect	- Written reprimand, - <b>Max Fine: RM50,000,</b> - <b>Suspension 2 years,</b> - Cancellation	- Written reprimand, - <b>Max Fine: RM100,000,</b> - <b>Suspension 3 years,</b> - Cancellation
Section 25(2)	Building Draughtsman	- Written reprimand, - <b>Max Fine: RM25,000,</b> - <b>Suspension 2 years,</b> - Cancellation	- Written reprimand, - <b>Max Fine: RM100,000,</b> - <b>Suspension 3 years,</b> - Cancellation
Section 27P(2)	Interior Designer	- Written reprimand, - <b>Max Fine: RM25,000,</b> - <b>Suspension 2 years,</b> - Cancellation	- Written reprimand, - <b>Max Fine: RM50,000,</b> - <b>Suspension 3 years,</b> - Cancellation
Section 27Q	Inspector of Works		- Written reprimand, - <b>Max Fine: RM25,000,</b> - <b>Suspension 2 years,</b> - Cancellation
Section 27P(2)	Architectural Technologists		- Written reprimand, - <b>Max Fine: RM25,000,</b> - <b>Suspension 2 years,</b> - Cancellation

**4**

**PART IV**  
**CANCELLATION, REMOVAL, REINSTATEMENT, ETC**


- 15A. **Powers to investigate and appointment of Disciplinary Committee.**
- 15A(2) The Disciplinary Committee may order the issuance of a written reprimand to, the imposition of a fine not exceeding **fifty thousand one hundred thousand ringgit** on, the suspension for a period not exceeding **two three** years of, the cancellation of the registration of, any Architect, Graduate Architect or Foreign 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**; ;

**35**

**PART IV**  
**CANCELLATION, REMOVAL, REINSTATEMENT, ETC**

- 15A. **Powers to investigate and appointment of Disciplinary Committee.**
- (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);


**36**

 PART IV  
CANCELLATION, REMOVAL, REINSTATEMENT, ETC. **RETAINED**

**15A. Powers to investigate and appointment of Disciplinary Committee.**


- (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**.

**37**

 PART IV  
CANCELLATION, REMOVAL, REINSTATEMENT, ETC. **RETAINED**


- **16. Removal from Register.**
- 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.

**38**

 PART IV  
CANCELLATION, REMOVAL, REINSTATEMENT, ETC. **RETAINED**


- **17. Reinstatement.**
- (1) Any 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 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 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.

**39**

 PART V  
SPECIAL PROVISIONS RELATING TO BUILDING DRAUGHTSMEN **AMENDED**

- **Registration**
- ~~22.(1) Any building draughtsman may apply for registration under this Part.~~
- 22. (1) deleted
- (2) Subject to subsection (4), where on 1 June 2015 —
- (a) a Building Draughtsman is registered under the principal Act but has yet to be issued with a certificate of registration, subsection 22(3) of the principal Act shall apply to him;
- (b) a Building Draughtsman is registered and has been issued with a certificate of registration under the principal Act, he shall continue to practice until the expiry of his certificate of registration which on application may be renewed annually for a period of one year upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board; and

**40**



**Other Salient New Provisions to the Architects Act :**

**Section 27D(3) : Registration of Graduate Interior Designer**  
*- to ensure adequate practical experience before practising*

**Section 27D(4): Qualifying Exam for Interior Designer**  
*- to ensure competency in accordance to the local laws related to interior works*


**Part VB : Inspector of Works (IOW)**

- Clerk of Works rebranded to Inspector of Works
- introduced into the Act to be systematically trained and regulated
- only qualified persons can be registered as IOW and allowed to supervise construction works on behalf of consultants
- they will be included into the matrix of responsibility in the stage certification process of the G1 to G21 Forms in the process of Certificate of Completion and Compliance (CCC)

**Part VC : Architectural Technologist (AT)**

- profession included into the Act to be systematically trained and integrally regulated
- opportunities for graduates to upgrade their qualifications in architectural practice

**41**



**PART VA  
SPECIAL PROVISIONS RELATING TO INTERIOR DESIGNERS**


**NEW**

- **Qualifications for registration of Interior Designers, etc**  
 27D. (1) A person who holds the qualification recognized by the Board shall be entitled on application to be registered as a **Graduate Interior Designer**.

(2) A person who is registered as a Graduate Interior Designer under subsection (1) shall be required to obtain such practical experience and to pass the examinations as may be determined by the Board in order to be entitled to apply for registration as an Interior Designer under subsection (3).

- To ensure Interior Designers obtain sufficient *practical experience* before qualified to establish practice.

**42**




**PART VA  
SPECIAL PROVISIONS RELATING TO INTERIOR DESIGNERS**

**NEW**

- (3) A person who —
  - (a) is a Graduate Interior Designer and has obtained the practical experience and passed the examinations as may be determined by the Board under subsection (2); or
  - (b) is a Corporate Member of the Malaysian Institute of Interior Designers or has obtained membership of a professional institute or body which the Board considers to be equivalent to the Malaysian Institute of Interior Designers,
 shall be entitled on application to be registered as an Interior Designer.
- (4) A person who is registered under subsection 10(2) as an Architect and under section 7A as an architectural consultancy practice shall be entitled to be registered as an interior design consultancy practice.”

**43**




**PART VB  
SPECIAL PROVISIONS RELATING TO INSPECTOR OF WORKS**

**NEW**

- **Restrictions on unregistered Inspector of Works**  
 27K. No person shall, unless he is an Inspector of Works –
  - (a) be employed as an **Inspector of Works**;
  - (b) be entitled to describe himself or hold himself out under any name, style or title –
    - (i) bearing the words “**Inspector of Works**” or 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 an **Inspector of Works**

**44**



**PART VB**  
**SPECIAL PROVISIONS RELATING TO INSPECTOR OF WORKS**


**NEW**

- **Qualifications for Registration of Inspector of Works**

27N. (1) A person who holds the qualification recognised by the Board shall be entitled on application to be registered as an Inspector of Works.

(2) A person who is registered under section 10(2) as an Architect shall be entitled to practise or carry on business as an Inspector of Works.

45



**PART VC**  
**SPECIAL PROVISIONS RELATING TO ARCHITECTURAL TECHNOLOGISTS**


**NEW**

- **Restrictions on unregistered Architectural Technologist**

27T. No person shall, unless he is an Architectural Technologists –

- (a) be employed as an Architectural Technologists; or
- (b) be entitled to describe himself or hold himself out under any name, style or title –
  - (i) bearing the words ‘Architectural Technologist’ or equivalent in any other language; or
  - (ii) bearing any other word in any language which may reasonably be construed to imply that he is an Architectural Technologist;

46




**Qualifications for Registration of Architectural Technologist**

**NEW**

- 27W. A person who holds a the qualification recognised by the Board shall be entitled on application to be registered as an Architectural Technologist

47



**Present Sections of the Act Maintained and Enhanced**  
**Registration of Foreign Architects**

**Section 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 an Architect of any foreign architect who is a consultant to a project, wholly financed by a foreign government or implemented under ~~bilateral~~ any form of arrangement with the Government of Malaysia**



## Part 2

### ARCHITECT RULES 1996

1. These rules may be cited as the Architects (Amendment) Rules 2015.
2. These Rules come into operation on 30 November 2015.

49



### Salient Amendments to Sections of the Architects Rules:

1. **General** : The word Professional Architect is replaced with Architect
2. **Rule 21** : Registration Certificate includes of new members that is Graduate Interior Design, Inspector of Works and Architectural Technologist
3. **Rule 22** : Application For IOW and AT
4. **Rule 24** : Reinstatement for IOW and AT
5. **Rule 26** : Practical Experience and entitlement for registration as Architect
6. **Rule 28** : Code of Conduct includes for Graduate ID, IOW and AT
7. **Rule 30A** : Board of Directors of Body Corporate Registered as Architectural Consultancy Practice
8. **Rule 30B** : Paid-Up Capital and Shareholding of Body Corporate Registered as Architectural Consultancy Practice
9. **Rule 32B** : Registration as Corporate Members Of Malaysian Institute of Interior Designers
10. **FIRST SCHEDULE Section 27ZB** : Repealed  
insertion of new Part VC on Architectural Technologists

50



### Present Sections of the Rules Amended

#### Board of directors of body corporate registered as architectural consultancy practice

##### RULES states

30A.(1) A **board of directors** of a body corporate registered as an architectural consultancy practice under subparagraph 7A(3)(c) of the Act shall comprise—

- (a) **at least two third** of its members are Architects and the remaining members of the board of directors may be any persons; and
- (b) at least one person referred to under subparagraph 7A(3)(c)(iv) of the Act. (*an architect in charge*)

(2) Notwithstanding subrule(1), only the director who is an Architect may make any decision relating to architectural consultancy services.

51



### Present Sections of the Rules Amended


#### Paid-up capital and shareholding of body corporate registered as architectural consultancy practice.

##### RULES states;

30B. A body corporate registered as an architectural consultancy practice under paragraph 7A(3)(c) of the Act shall have—

- (a) a minimum paid up capital of **fifty thousand ringgit**; and
- (b) at least **seventy percent** of its **share equity** held by Architects and
- (c) the remaining share equity may be held by—
  - (i) **any person**;
  - (ii) **any body corporate**; or
  - (iii) **any person and body corporate**.

52


 **Present Sections of the Act Maintained**

**Multidisciplinary Practice: Section 7B**

**Present Act Maintained**

7(B) A body corporate providing architectural consultancy services, professional engineering services and/or quantity surveying services,:


- minimum combined shares of 70% to be held by an architect, practicing engineer with practising certificate and/or Consultant quantity surveyor,
- each architect, engineer and/ or quantity surveyor shall have a minimum share of 10%
- the remaining shares can be held by any other persons to a maximum 30%

 **SALIENT : ARCHITECT RULES 1996**

**ADDITION**

- a) person desirous of being registered as—
- 
- an Architect under subsection 10(2) of the Act;
- a Graduate Architect under subsection 10(1) of the Act;
- a Building Draughtsman under section 22 of the Act;
- an Interior Designer under subsection 27D(2) of the Act;
- a Graduate Interior Designer under subsection 27D(1) of the Act;
- an Inspector of Works under subsection 27M(1) of the Act; or
- an Architectural Technologist under subsection 27V(1) of the Act; or”; and

54

 **SALIENT : ARCHITECT RULES 1996**

**ADDITION**

- 26(3) The Corporate Member of the Pertubuhan Arkitek Malaysia referred to in subparagraph 10(2)(a)(ii) of the Act shall be entitled on application to be registered as an Architect if he—
  - (a.) holds the qualification recognized by the Board;
  - (b) is registered with the Board as a Graduate Architect; and
  - (c) has obtained the practical experience and passed the examination as may be determined by the Board.

55

**Qualifications of a foreign architect.**

**RETAINED**

- 27. (1) The necessary qualification which a foreign architect is required to obtain under paragraph 10A(2)(a) of the Act in order to be considered for temporary registration as a Professional an Architect under the Act, shall be the registration as an architect by the relevant registration board in the country where he normally practises his country of origin for not less than fifteen years at the date of submission of his application for temporary registration.
- (2) The necessary expertise which a foreign architect is required to possess under paragraph 10A(2)(b) of the Act shall be specific and experience that other Malaysian architects cannot provide for the specific project and must be substantiated with the relevant document that he possess not less than fifteen years working experience on such specific type of project.
- (3) A foreign architect who has obtained temporary registration from the Board shall confine all his professional services and expertise on the particular project for which his application is approved and he shall not receive, process or undertake any other enquiry or project either directly or as an agent for his firm.
- (4) A foreign architect applying for temporary-registration under section 10A of the Act must submit with his application proof in writing that he has complied with the requirements of subrules (1) and (2).

56



**CODE OF PROFESSIONAL CONDUCT  
• AND  
CONDITIONS OF ENGAGEMENT  
(The word professional is deleted)**



**NEW CODE OF CONDUCT FOR :**

- (5) A **Graduate Interior Designer** shall, in the exercise of his profession, observe and be guided by the provisions in paragraph 1, paragraph 4 except subparagraphs 4(5), 4(7), 4(15), subparagraphs 2(4), 2(5), 2(6), 3(1), 3(3), 5(3) and 5(4), and subsubparagraphs 3(5) (b), (c) and (d), of the Code of Conduct for Interior Designers in Part Three of the Second Schedule.
- (6) An **Inspector of Works** shall, in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Inspector of Works as may be determined by the Board.
- (7) An **Architectural Technologist** shall, in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Architectural Technologist as may be determined by the Board.



**SECOND SCHEDULE - PART ONE - CODE OF PROFESSIONAL CONDUCT FOR PROFESSIONAL ARCHITECTS**

- **Objective of Code.**
- The objective of the Code of Conduct is to promote the standard of conduct and self discipline required of Architects in the interest of the public.
  - 1.) Compliance with Acts and rules
  - 2.) Faithful discharge of duties and obligations.
  - 3.) Professional integrity.
  - 4.) Respect for the legitimate rights and interests of others.



**Safeguard Measure**  
**The present Architect's Act has safeguard measures in place to ensure that the practice of architecture is well regulated to protect the public safety and interest :**





### Safeguard Measure

The present Architect's Act has safeguard measures in place to protect the public safety and interest :

1. **Maintaining the qualifying exams**
  - *in place more than 30 years ago*
  - *to ensure only qualified persons who are competent especially in the local laws and conditions are registered as Architects*
2. **Maintaining the residency requirements (180 days)**
  - *to ensure that design and site works are constantly coordinated and monitored by principle submitting persons*
3. **Maintaining compliance with CPD yearly**
  - *to ensure that registered architects are abreast with the latest technology, current laws and regulations*
4. **Maintaining yearly registration**
  - *to monitor current location and set up of practices*
5. **For Agreements Between Governments, collaboration with Local Architects Are Stipulated**

61



### Safeguard Measures

Maintaining the qualifying exams

#### REQUIREMENTS FOR REGISTRATION AS GRADUATE ARCHITECTS

1. **The applicant shall be a person who holds a qualification which is recognised by the Board.**  
*(Basically, the duration of study must be at least 5 years full time in an accredited programme in an accredited university while allowing flexibility for equivalency)*
2. **An architectural graduate with qualification which is not recognised by the Board shall be required to sit the Part I and II Examination conducted by the Architectural Examination Council of Malaysia**

62



### Safeguard Measure

#### Maintaining the qualifying exams PART III QUALIFYING EXAMINATION

\* In accordance with the Architects Act 1967, passing the Part III Professional Examination is one of the qualifications to register as an Architect with the Board of Architects Malaysia

\*The examination has 3 stages that is:

- **Submission Of Practical Experience Log Book**  
- **2 years (104 weeks) experience**  
( at least one year practical must be done locally in Malaysia)
- \* **Oral Examination**
- \* **Written Examination (twice a year since 2016)**

63



### Safeguard Measures

#### CONTINUING PROFESSIONAL DEVELOPMENT (CPD) FOR PROFESSIONAL ARCHITECT

- **Mandatory since 1 January 2005**
- All Architects are required to comply with the Continuing Professional Development (CPD) for yearly registration.
- To ensure that registered architects are abreast with the latest technology, current laws and regulations

64



## ASEAN ARCHITECT



### Objective of MRA :

- to facilitate mobility of architects;
- to exchange information in order to promote adoption of best practices on standards of architectural education, professional practice and qualification;
- to conform to the spirit of ASEAN co-operations based on fair distribution of resources and benefits through collaborative researches; and
- to encourage, facilitate and establish mutual recognition of Architects and set up standards and commitment of technological transfer among ASEAN Member Countries.

65

## ASEAN ARCHITECT



### Requirements for registration as ASEAN Architect (AA) :

- Is a registered Architect in the country of origin
- gained a minimum of not less than ten (10) years of continuous architectural practice after graduation, of which at least five (5) years shall be after licensure/registration;
- completed at least two (2) years in responsible charge of significant architectural work;
- to work in collaboration with local registered architect
- complied with the Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, and
- complied with, and be bound by code of professional conduct and ethical standards, local and internationally, for the practice of architecture

66



## APEC Architect Project

The aim of the APEC Architect framework is to establish a mechanism to facilitate the mobility of architects for the provision of architectural services throughout the APEC region

### Requirements for registration as APEC Architect:

- Is a registered Architect in the country of origin
- must have completed a minimum period of professional practice of 7 years after initial registration/licensure as an architect in any participating economy.
- to work in collaboration with other local registered architects
- complied with, and be bound by code of professional conduct and ethical standards, local and internationally, for the practice of architecture



67

# Thank You



68