



ARCHITECTS RULES 1996

ARCHITECTS ACT 1967

ARCHITECTS RULES 1996

ARRANGEMENT OF RULES

PART I

PRELIMINARY

- Rule
1. Citation and commencement.
 2. Interpretation.

PART II

ADMINISTRATION

3. Meetings of the Board.
4. Notice of meetings.
5. Votes.
6. Proxies not admitted.
7. Minutes.
8. Committees.
9. Registrar.
10. Secretary.
11. Bank account.
12. Cheques.
13. Accounts.
14. Expenses of the Board.
15. Audit.
16. Financial year.

PART III

REGISTRATION

17. Forms of application
18. Time limit for Board to decide on application.
19. Applicant to be notified.
20. Registration fee and failure to pay the fee.

21. Forms of certificates of registration.
22. Application for renewal.
23. Renewal fee.
24. Reinstatement fee.
25. Fee for approved areas.
26. Practical experience.
27. Qualifications of a foreign architect.

PART IV

CODE OF PROFESSIONAL CONDUCT AND CONDITIONS OF ENGAGEMENT

28. Code of Professional Conduct.
29. Conditions of Engagement.

PART V

REGISTRATION OF BODIES CORPORATE PRACTISING AS ARCHITECTS

30. Form of application.
31. Permit.
32. Renewal of permit.

PART VI

GENERAL

33. Revocation.
34. Savings.

SCHEDULES

ARCHITECTS ACT 1967
ARCHITECTS RULES, 1996

Act 117. IN exercise of the powers conferred by section 35 of the Architects Act 1967, the Board of Architects, with the approval of the Minister, makes the following rules:

PART I
PRELIMINARY

- Citation and commencement. 1. These rules may be cited as the **Architects Rules 1996** and shall come into force on 15 August 1996.
- Interpretation. 2. In these Rules, unless the context otherwise requires –
“Architect” means a person registered under subsection 10(2) of the Act;
“Board” means the Board of Architects established by section 3 of the Act;
“Foreign architect” means an architect who is not a citizen or permanent resident of Malaysia;
“President” means the President of the Board of Architects appointed under subsection 3(2) of the Act;
“Registrar” means the Registrar of Architects appointed under subsection 6(1) of the Act;
“Secretary” means the person or the firm of professional secretaries or professional accountants appointed by the Board under rule 10.

PART II
ADMINISTRATION

- Meetings of the Board. 3. The Registrar shall convene a meeting of the Board whenever requested to do so by the President or by not less than five members of the Board in a request made in writing.
- Notice of meetings. 4. (1) Before any meeting may be convened there shall be given a written notice of not less than fourteen days specifying the place, date and time of the meeting and the business to be conducted at the meeting.
(2) The accidental omission to give notice of a meeting under this rule to one or more members of the Board or the non-receipt thereof shall not in any manner affect the validity of or prejudice anything done or agreed to at the meeting.
- Votes. 5. A resolution shall be proposed and seconded before being put to the vote. Voting shall be by show of hands or by secret ballot as may be decided by the President or the member presiding. A declaration by the President or the member presiding that a resolution has been carried by a particular majority or not carried by a particular majority shall be conclusive, and an entry to that effect in the minutes of the meeting shall be conclusive evidence

thereof without proof of the number or proportion of votes recorded in favour of or against the resolution.

- Proxies not admitted.
Minutes.
6. Votes shall only be given by members present and voting.
7. Minutes of every meeting shall be kept by the Secretary and the minutes, if purporting to be signed by the President or the member presiding at the next succeeding meeting, shall be conclusive evidence of the facts stated therein.
- Committees.
8. (1) The Board may from time to time by resolution appoint committees from amongst its members and the Board may by resolution at any time dissolve any committee so appointed.
- (2) A committee appointed under subrule (1) may invite any person to attend its meetings and to take part in its deliberations but the person shall have no vote.
- (3) The President and the Registrar shall be ex-officio members of all committees.
- Registrar.
9. The Registrar shall consult the President on any business other than that of a routine nature requiring attention at any time between meetings of the Board.
- Secretary.
10. (1) The Board may appoint a person or a firm of professional secretaries or professional accountants to act as Secretary for the Board.
- (2) The Secretary shall keep the minutes of all meetings of the Board and its committees and shall send notices of meetings and perform such other functions as may be determined by the Board.
- (3) The Secretary shall receive and be responsible for all monies payable to the Board and shall present to the Board -
- (a) at each meeting of the Board, a statement of accounts showing receipts and expenditure as on the last day of the previous month; and
- (b) not later than 30 September in each year, the audited accounts for the previous financial year.
- Bank account.
11. All payments received shall be deposited to the credit of the account of the Board with a bank or banks approved by the Board:
Provided that the Secretary may keep as petty cash a sum not exceeding five hundred ringgit.
- Cheques.
12. All cheques on the bank account of the Board shall be signed jointly -
- (a) by the President and the Registrar; or
- (b) in the absence of the President, by the Registrar and a member appointed by the Board to sign cheques in place of the President; or

- (c) in the absence of the Registrar, by the President and a member appointed by the Board to sign cheques in place of the Registrar; or
- (d) in the absence of the President and the Registrar, by the members appointed under paragraphs (b) and (c) to sign cheques in place of the President and the Registrar.

Accounts. 13. (1) The Board shall cause to be kept and maintained proper accounts and records relating to -

- (a) the assets and liabilities of the Board; and
- (b) the sums of money received and expended by or under the authority of the Board.

(2) The books of accounts and records shall be kept in the custody of the Secretary or at such place as the Board may determine.

Expenses of the Board. 14. (1) The President, the Registrar and the Secretary may be paid from the funds of the Board such remuneration as the Board may determine from time to time.

(2) There may be paid to members of the Board a reasonable allowance for attending any meeting of the Board or of any committee thereof, and such reasonable travelling expenses and subsistence allowance for being away from their place of residence to perform the duties of the Board.

Audit. 15. The accounts of the Board shall at least once every year be audited by a firm of professionally qualified auditors to be appointed by the Board.

Financial year. 16. The financial year of the Board shall end on 30 day of June.

PART III REGISTRATION

Forms of application. 17. (1) Every person desirous of being registered as registered Architectural Graduate under the Act shall make an application to the Board in Form A of the First Schedule.

(2) Every person desirous of being registered as an Architect under the Act shall make an application to the Board in Form B of the First Schedule.

(3) Every person desirous of being registered as a registered Building Draughtsman under the Act shall make an application to the Board in Form C of the First Schedule.

(4) Every foreign architect desirous of being temporarily registered as an Architect under the Act shall make an application to the Board in Form D of the First Schedule.

Time limit for Board to decide on application.	18. Every application for registration shall be decided upon by the Board within four months from the date of receipt of such application.
Applicant to be notified.	19. Every applicant shall be notified of the decision of the Board within one month of the date of the decision.
Registration fee and failure to pay the fee.	<p>20. (1) Any person whose application for registration as a registered Architectural Graduate, an Architect or a registered Building Draughtsman has been approved shall, within two months of the date of notification under rule 19, pay to the Board a fee of seventy-five ringgit for registration as a registered Architectural Graduate, three hundred ringgit for registration as an Architect and one hundred and fifty ringgit for registration as a registered Building Draughtsman.</p> <p>(2) Any foreign architect whose application for temporary registration as an Architect made under subrule 17(4) has been approved shall, within one month of the date of notification under rule 19, pay to the Board a registration fee of five hundred ringgit.</p> <p>(3) Failure to pay the registration fee within the period stipulated under subrule (1) or (2), as the case may be, shall be treated as if the application has been withdrawn by the applicant and no subsequent application from him shall be considered before the expiry of one year from the date on which the previous application was approved:</p> <p style="padding-left: 40px;">Provided that the Board may consider an application received before the expiry of the one year period if it is satisfied that failure to pay the registration fee in respect of the previous approval was for sufficient cause and reason.</p>
Forms of certificates of registration.	<p>21. (1) A certificate of registration issued to a registered Architectural Graduate shall be in Form E of the First Schedule.</p> <p>(2) A certificate of registration issued to an Architect shall be in Form F of the First Schedule.</p> <p>(3) A certificate of registration issued to a registered Building Draughtsman shall be in Form G of the First Schedule.</p> <p>(4) A certificate of temporary registration to be issued to a foreign architect as an Architect under the Act shall be in Form H of the First Schedule.</p> <p>(5) All certificates of registration issued under the Rules shall be signed by the Registrar and sealed with the common seal of the Board in accordance with subparagraph 3(2) of the Schedule to the Act.</p>

Application for renewal.	<p>22. (1) Every registered Architectural Graduate desirous of renewing his registration under subsection 13(2) of the Act shall apply to the Board in writing on or before 31 January of the year following the year of expiration of his registration.</p> <p>(2) Every Architect or registered Building Draughtsman desirous of renewing his registration under subsections 13(2) and 22(4) respectively of the Act shall apply to the Board in writing on or before 31 January of the year following the year of expiration of his registration and accompanied with the renewal fee, in the form of a money order, bank draft or cheque made in the name of the Board.</p>
Renewal fee.	<p>23. (1) The renewal fee in respect of an Architect shall be one hundred and fifty ringgit, and in respect of a registered Building Draughtsman shall be fifty ringgit.</p> <p>(2) No renewal fee is chargeable in respect of an application for renewal of a registered Architectural Graduate.</p> <p>(3) The renewal fee in respect of the temporary registration of a foreign architect shall be five hundred ringgit.</p>
Reinstatement fee.	<p>24. (1) Any person whose name has been removed from the Register of Architects pursuant to paragraph 16(b) of the Act for failure to renew his registration shall within five years of such removal, when notifying the Registrar of his desire to be reinstated pursuant to subsection 17(2) of the Act, in writing state the particulars of his employment or occupation as on the date of his notification to the Registrar.</p> <p>(2) The reinstatement fee in respect of a registered Architectural Graduate shall be seventy-five ringgit, in respect of an Architect shall be three hundred ringgit and in respect of a registered Building Draughtsman shall be one hundred and fifty ringgit.</p>
Fee for approved areas.	<p>25. The fee payable for the addition or variation of approved areas of operation within the limits of the building Authorities specified in the certificate of registration in respect of which a registered Building Draughtsman may submit plans shall be thirty ringgit in respect of each approved area.</p>
Practical experience.	<p>26. (1) The practical experience that a registered Architectural Graduate is required to obtain under paragraph 10(1)(b) of the Act in order to be entitled to apply for registration as an Architect is the completion of the relevant practical experience required to enable him to qualify to sit for the Part III of the Professional Practice Examination.</p> <p>(2) A registered Architectural Graduate applying for registration as an Architect must submit with his application proof in writing that he has complied with the requirements of subrule (1).</p>

Qualifications of a foreign architect.

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 an Architect under the Act, shall be the registration as an architect by the relevant registration board in the country where he normally practices for not less than fifteen years at the date of submission of his application for temporary registration.

(2) The necessary expertise that a foreign architect is required to possess under paragraph 10A(2)(b) of the Act shall be the specific expertise and experience that other Malaysian architects cannot provide for the specific project and must be substantiated with the relevant document that he possesses not less than five 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).

PART IV
CODE OF PROFESSIONAL CONDUCT
AND
CONDITIONS OF ENGAGEMENT

Code of Professional Conduct.

28. A person registered under the Act shall, in the exercise of his profession, observe and be guided by the provisions of the Code of Professional Conduct in the Second Schedule which are applicable to him.

Conditions of Engagement.

29. (1) Except with the prior approval of the Board given for special reasons, an Architect shall only enter into an agreement for his professional services according to the Architects (Scale of Minimum Fees) Rules 1986, the Conditions of Engagement in the Third Schedule and the Memorandum of Agreement in the Fourth Schedule.

P.U.(A) 333/86.

(2) Except with the prior approval of the Board given for special reasons, a registered Building Draughtsman shall only enter into an agreement for his services according to the Conditions of Engagement in the Third Schedule.

PART V

REGISTRATION OF BODIES CORPORATE PRACTISING AS ARCHITECTS

- Form of application. 30. (1) Every body corporate desirous of practising as architects under section 7A of the Act shall submit an application to the Board in Form I of the First Schedule.
- (2) Every such application shall be accompanied by a fee of five hundred ringgit in the form of a money order, bank draft or cheque made in the name of the Board.
- Permit. 31. When the application made under rule 30 is approved by the Board, the Board shall issue a permit to the applicant in Form J of the First Schedule.
- Renewal of permit. 32. (1) Every body corporate desirous of renewing the permit issued pursuant to rule 31 shall submit to the Board a written application for renewal on or before 31 January of the year following the year of the expiration of the permit and accompanied by the renewal fee of three hundred ringgit in the form of a money order, bank draft or cheque made in the name of the Board.
- (2) On receipt of such application for renewal, the Board shall issue to the applicant a permit in Form J of the First Schedule.

PART VI

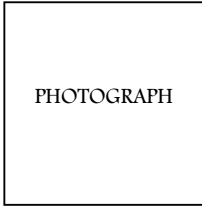
GENERAL

- Revocation of P.U.(A) 306/73. 33. The Architects Rules 1973 hereinafter referred to as "the Rules" is revoked.
- Savings. 34. (1) All acts, orders, directions, approvals or decision done, made or given under the Rules shall be deemed to have been done, made or given under these Rules and shall continue to remain in full force and effect, in relation to the persons to whom they apply until amended by the Act or new rules made thereunder.
- (2) Any registration done or any certificate issued under the Rules shall remain valid until its expiry, suspension or cancellation, as the case may be.

**FIRST SCHEDULE
FORM A
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996**

[Subrule 17(1)]

APPLICATION FORM FOR REGISTRATION AS A REGISTERED
ARCHITECTURAL GRADUATE UNDER SUBSECTION 10(1) OF THE
ARCHITECTS ACT 1967



(To be completed by the Applicant in BLOCK LETTERS)

Name:
Sex: Date of Birth :
Place of Birth:
Citizenship: Race:
Identity Card/Passport No :
Place and Date of Issue:
Regular Business Address:
..... Tel No:
Postal Address (if different from above):

Academic/Professional Qualifications:

<u>Degree</u>	<u>University/College</u>	<u>Country</u>	<u>Year of Award</u>
.....
.....

Penalty for False Pretences:
Paragraph 33(a) of the Architects Act 1967 : "Any person who 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 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or to both."

Declaration to be signed by the Applicant:

To: The Registrar,
Board of Architects Malaysia

I, the undersigned, hereby apply for registration as a registered Architectural Graduate and declare as follows:

1. I hold
* (a) the following qualification which qualifies me for Graduate Membership of the Pertubuhan Arkitek Malaysia:
.....

* (b) the following qualification which I am requesting the Board to consider as being equivalent to that required for Graduate Membership of the Pertubuhan Arkitek Malaysia:
.....

2. I am employed by (state the name and address of employer):
.....

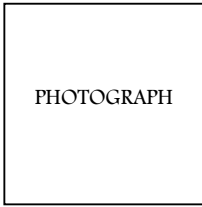
I hereby agree to abide by the Architects Rules 1996 including the Code of Professional Conduct.

..... Date:
Signature of Applicant

Note:
The Applicant shall submit certified copies of testimonials, certificates and other relevant documents in support of the application.

* Delete where not applicable.

FORM B
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 17(2)]



APPLICATION FORM FOR REGISTRATION AS
AN ARCHITECT UNDER SUBSECTION 10(2) OF
THE ARCHITECTS ACT 1967

(To be completed by the Applicant in BLOCK LETTERS)

Name:
Sex: Date of Birth
Place of Birth:
Citizenship: Race:
Identity Card/Passport No:
Place and Date of Issue:
Regular Business Address:
..... Tel No:
Postal Address (if different from above):
.....

Academic/Professional Qualifications:

<u>Degree</u>	<u>University/College</u>	<u>Country</u>	<u>Year of Award</u>
.....
.....

Penalty for False Pretences:

Paragraph 33(a) of the Architects Act 1967: "Any person who 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 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or to both."

Declaration to be signed by the Applicant:

To: The Registrar,
Board of Architects Malaysia

I, the undersigned, hereby apply for registration as an Architect and declare as follows:

1. I am a registered Architectural Graduate and my registration number is
 2. I have undergone the prescribed practical experience;
 3. * (a) I am a Corporate Member of the Pertubuhan Arkitek Malaysia;
* (b) I have obtained the following qualification which I am requesting the Board to consider to be equivalent to Corporate Membership of the Pertubuhan Arkitek Malaysia:
.....
- and
4. I am employed by (state the name and address of employer):
.....

I hereby agree to abide by the Architects Rules 1996 including the Code of Professional Conduct.

.....
Signature of Applicant

Date:

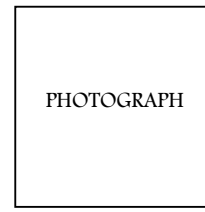
Note:

The Applicant shall submit certified copies of testimonials, certificates and other relevant documents in support of the application.

* Delete where not applicable.

FORM C
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 17(3)]

APPLICATION FORM FOR REGISTRATION AS A
REGISTERED BUILDING DRAUGHTSMAN UNDER
SECTION 22 OF THE ARCHITECTS ACT 1967



(To be completed by the Applicant in BLOCK LETTERS)

Name:

Sex: Date of Birth:

Place of Birth:

Citizenship: Race:

Identity Card/Passport No:

Place and Date of Issue:

Regular Business Address:

..... Tel No:

Postal Address (if different from above):

.....

Academic/Qualifications:

Other Qualifications/Training if any:

.....

Penalty for False Pretences:

Paragraph 33(a) of the Architects Act 1967 : "Any person who 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 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or to both."

Declaration to be signed by the Applicant:

To: The Registrar,
Board of Architects Malaysia

I, the undersigned, hereby apply for registration as a registered Building Draughtsman and declare as follows:

1. I possess the following qualifications:

<u>Type</u>	<u>Institution</u>	<u>Year of Award</u>
.....
.....

2. I have acquired the following experience:

<u>Post</u>	<u>Employer</u>	<u>Period</u>
.....
.....

I would like to apply for registration as a registered Building Draughtsman and if approved, to practise in the following building or local authority areas:

.....
.....

I am not employed by any limited company, building contractor, manufacturer or commercial firm.

I hereby agree to abide by the Architects Rules 1996 including the Code of Conduct.

.....
Signature of Applicant

Date:

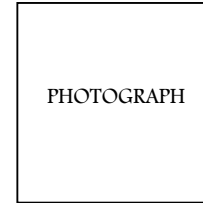
Note:

(a) The Applicant should submit certified copies of testimonials, certificates and other relevant documents in support of the application.

(b) The Applicant shall give a list of the nature of work done, its approximate value, the location of the building and the relevant dates. If the space provided is insufficient, the particulars may be entered in a separate continuation sheet.

* Delete where not applicable.

FORM D
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 17(4)]



APPLICATION FORM FOR TEMPORARY REGISTRATION
OF A FOREIGN ARCHITECT AS AN ARCHITECT UNDER
SECTION 10 A OF THE ARCHITECTS ACT 1967

(To be completed by the Applicant in BLOCK LETTERS)

Name:
(Underline Family Name)
Date of Birth: Place of Birth:
Race: Sex :
Citizenship: Country of Permanent Residence:
Passport No: Issued By:
Date of Issue : Date of Expiry :
Regular Business Address :
Telephone No: Fax No:
Position in Firm: No. of years in present position :
Registered as an Architect by (Name of registration board):
Date first registered:
Academic/Professional Qualifications:
Training/Affiliations:

Penalty for False Pretences:

Paragraph 33(a) of the Architects Act 1967 : "Any person who 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 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or to both."

Declaration to be signed by the Applicant:

To: The Registrar,
Board of Architects Malaysia

I, the undersigned, hereby apply for temporary registration as an Architect and declare as follows:

1. I possess the necessary qualification which is recognised for the practice of architecture in, this being where I normally practise.
2. I am registered as an Architect with since (date) and my registration number is:
3. I believe I possess special expertise, experience and knowledge which is not available in Malaysia. My area of expertise, experience and knowledge necessary for the proposed project is
I enclose herewith supporting documentary evidence for the Board to evaluate.

4. I have been in practice as an architect in + for not less than 15 years at the date of this application.

5. * I am currently practising as an architect under the name and style of

* I am employed by the following * Architect/architectural firm/contracting company :

6. My present position/title in the firm is and which position/title I have held since

7. My presence in Malaysia is under the sponsorship of (Name of person/local organisation)

8. I am required to be in Malaysia for not less than 180 days in one calendar year which is considered necessary in connection with the proposed project for which I am being considered, this being (name and description of project) and in which my position will be as

9. The anticipated date when I am required to be in Malaysia is: and the expected date of my departure is

10. My contact address ++ and telephone number in Malaysia are as follows:

(a) Address:

(b) Telephone No:

11. I understand and accept the condition that should my application be approved, I will be bound by the conditions that may be stipulated in my registration and which will essentially be related to the following:

(a) that my professional activities will be limited to the project for which my presence in Malaysia is considered to be essential; that while I am in Malaysia, I will not receive, process or undertake any enquiry or project either directly or as agent for my firm beyond those activities directly related to the specified project;

(b) that I shall be bound by all the provisions of the Architects Act 1967 and any Rules made thereunder; and

Act 133. (c) that I shall be bound by all the provisions of the relevant legislations pertaining to my activities as an Architect particularly in respect of the Street, Drainage and Building Act 1967 and the by-laws enacted thereunder including accepting full responsibilities for all my actions therein.

.....
Signature of Applicant
Date:

.....
Signature of Sponsor
Name:
Designation:
Company:
Date:

Note:

The Applicant shall submit certified copies of all certificates and other relevant documents in support of his application.

+ The Applicant is required to indicate the country of registration and practice.

++ The Applicant is required to inform the Board of any change in address.

* Delete where not applicable.

FORM E
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 21 (1)]

[Certificate No:]

BOARD OF ARCHITECTS MALAYSIA
CERTIFICATE OF REGISTRATION AS A REGISTERED
ARCHITECTURAL GRADUATE

This is to certify that:

Name:

Registration Serial No:

having complied with the requirements of the Architects Act 1967 is hereby registered as a registered Architectural Graduate under and subject to the provisions of the Act.

Common Seal:

Authenticating Signature:

.....

.....

Registrar

Date issued:

FORM F
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 21(2)]

[Certificate No:]

BOARD OF ARCHITECTS MALAYSIA
CERTIFICATE OF REGISTRATION AS AN ARCHITECT

This is to certify that:

Name :

Registration Serial No:

having complied with the requirements of the Architects Act 1967 is hereby registered as an Architect under and subject to the provisions of the Act.

Common Seal:

Authenticating Signature:

.....

.....

Registrar

Date issued:

FORM G
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 21 (3)]

[Certificate No:]

BOARD OF ARCHITECTS MALAYSIA
CERTIFICATE OF REGISTRATION AS A REGISTERED
BUILDING DRAUGHTSMAN

This is to certify that:

Name:

Registration Serial No :

having complied with the requirements of the Architects Act 1967 is hereby registered under and subject to the provisions of the Act as a registered Building Draughtsman for the area of the following Building/Local Authorities:

.....
.....

and subject further to the following restrictions:

(a) he may submit plans only to and within the limits of the Building / Local Authorities abovenamed; and

(b) * (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 provided that the total built-up floor area does not exceed 300 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 provided that the total built floor area does not exceed 100 metres in any one project submitted for approval.

(c)
.....

Common Seal:

Authenticating Signature:

.....

.....

Registrar

Date issued:

* Delete where not applicable.

FORM H
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
[Subrule 21(4)]

[Certificate No:]

BOARD OF ARCHITECTS MALAYSIA
CERTIFICATE OF TEMPORARY REGISTRATION OF A FOREIGN
ARCHITECT AS AN ARCHITECT

This is to certify that:

Name:

Registration Serial No:

having complied with the requirements of the Architects Act 1967 is hereby temporarily registered as an Architect under and subject to the conditions stipulated below:

.....
.....

This Certificate of Registration shall expire on 31 December

Common Seal:

Authenticating Signature:

.....

.....

Registrar

Date issued:

FORM I
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996

(Rule 30)

APPLICATION FOR PERMIT FOR BODY CORPORATE TO
PRACTISE AS ARCHITECTS PURSUANT TO SECTION 7A
OF THE ARCHITECTS ACT 1967

(To be completed in BLOCK LETTERS)

1. Name of body corporate :
2. Date of incorporation :
3. Registered Business Address :
4. Tel No: 5. Fax No:
6. Name and address of secretary : 7. Tel No:
8. Authorised capital: 9. Paid-up capital:
10. Particulars of Directors and shareholders of the body corporate.
(Provide full particulars in the attached Appendix A of the Schedule)
11. DECLARATION to be completed and signed by every Director and shareholder in their individual capacity:

To: The Registrar,
Board of Architects Malaysia

We, the undersigned, hereby apply for a permit for a body corporate to practise as architects pursuant to section 7A of the Architects Act 1967 and declare as follows:

(a) the relevant particulars of our registrations with the respective professional boards are as shown in Appendix A attached hereto;

(b) is a body corporate which has duly complied with the provisions of section 7A of the Act;

(c) the copy of the Draft Memorandum and Articles of Association of the body corporate submitted with this application is a true and correct copy; and

(d) we, being the members of the body corporate hereby jointly and severally declare and do undertake that every shareholder and Director will abide by all the provisions of the Architects Act 1967 and any rules made thereunder and will observe, perform and comply with any conditions or restrictions that may be imposed by the Board of Architects upon granting approval of this application.

Penalty for False Pretences :

Paragraph 33(a) of the Architects Act 1967 : "Any person who 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 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or to both."

General Penalty:

Subsection 34(1) of the Architects Act 1967 : "Any person 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 five thousand ringgit or imprisonment for a term not exceeding two years or to both."

Subsection 34(2) of the Architects Act 1967 : "If a body corporate contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder, every director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the 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."

Name of Directors and Shareholders

Signature of Directors and Shareholders

.....
.....

.....
.....

Dated:

APPENDIX A of the Form I

(Name of Intended Body Corporate)
Particulars of Directors and Shareholders

Name of Directors and Shareholders (in full as recorded by the respective Registration Board)	Registered with (Name of Board)	Registration Number	Date of Registration	Percentage Equity	Identity Card/ Passport No.	# Position in Body Corporate
.....
.....

Date:
Signature of Architect
Chairman Designate

.....
Signature of Secretary
Designate

- * Delete where not applicable.
- # i.e. Chairman, Managing Director, Director, Shareholder, etc.

FORM J
ARCHITECTS ACT 1967
ARCHITECTS RULES 1996
(Rule 31 and Subrule 32(2))

[Permit No:]

BOARD OF ARCHITECTS MALAYSIA
PERMIT TO PRACTISE AS ARCHITECTS

THIS IS TO CERTIFY THAT

.....

Registration Serial No: having complied with the requirements of the Architects Act 1967 is hereby permitted to practise as architects under and subject to the provisions of the Act.

Common Seal:
Authenticating Signature:

.....

.....

Registrar

Date issued:

Date of Expiry:

SECOND SCHEDULE

(Rule 28)

PART ONE

CODE OF PROFESSIONAL CONDUCT FOR ARCHITECTS

Faithfull
discharge of
responsibilities.

1. (1) An Architect shall exercise a reasonable standard of skill and diligence normally expected and accepted by his profession.

(2) An Architect shall prior to the acceptance of his appointment, inform his client in writing of the conditions of engagement and the scale of professional fees and charges to be applied.

(3) An Architect shall not attempt to supplant another Architect who has already been engaged by a client nor must he compete with another Architect to secure a commission by a reduction of fees or otherwise.

(4) An Architect on being approached or instructed to proceed with professional work for which he knows or can ascertain by making reasonable enquiries that another Architect has been engaged shall, before proceeding with such work, communicate in writing with that Architect and obtain a letter of release from him or obtain such letter through his prospective client, provided that this requirement may be waived at the discretion of the Board.

(5) An Architect commencing his professional practice as a firm or a company shall submit to the Board the proposed name of the firm or company in order to obtain the approval of the Board.

(6) An Architect shall administer the building contract competently and responsibly and shall be impartial in any dispute that may arise between the client and the building contractor.

(7) An Architect shall not certify, affix or put his signature to drawings, plans or specification which are not prepared by him or by members of his staff or under his supervision for the purpose of obtaining the approval from any statutory authority.

(8) An Architect shall not establish a branch office unless it is run in accordance with guidelines or circulars issued by the Board.

(9) An Architect who is appointed as a member of a governmental or statutory body which has the power to approve development applications, shall, if he has any interest in such application declare his interest and shall not take part in the decision making of any development application in which he or his firm is directly involved or otherwise.

(10) A salaried Architect shall not carry out his own practice outside his normal working hours or participate in architectural competitions unless it is in accordance with guidelines or circulars issued by the Board.

Remuneration.

2. (1) The professional services of an Architect in private practice shall be remunerated solely by fees payable by his client. The

services of an Architect in employment may be paid by salary and other benefits agreed with his employer.

(2) An Architect shall not give or offer remuneration or other inducements for the introduction of clients or of work.

(3) An Architect shall not accept any discount, gift, commission or any form of inducement from contractors, tradesmen or suppliers in connection with the works and duties entrusted to him and shall not permit his staff to receive such discount, gift, commission or inducement.

(4) An Architect shall not permit the insertion of any clause in tenders, bills of quantities or other contract documents which provides for payments to be made to him by the contractor whatever may be the consideration unless it is in accordance with guidelines or circulars issued by the Board and with the full knowledge of his client.

(5) An Architect may be paid professional fees for consultancy services on the works of another Architect, provided that a client engages him for the purpose of rendering such services and he assumes responsibility for those services.

Advertising
and soliciting.

3. (1) An Architect shall not publish or consent to the publication of illustrations, articles or media presentation of any project for which he has been responsible or in collaboration with others, or on any subject for which he is the author or in collaboration with others in the form of a circular, brochure or book or any other media of presentation unless such information, publication or any other media of presentation on the said project or subject are factual, relevant, not misleading or unfair to others.

(2) The Architect shall not advertise his professional services by any other public means unless it is in accordance with guidelines or circulars issued by the Board.

(3) For all matters enumerated in subparagraphs (1) and (2), the presentation or any other permitted advertisement shall not contain any comparative or superlative description of the Architect or his practice.

(4) An Architect shall not advertise for the invitation of tenders concerning a project nor for a professional appointment nor for the change of practice particulars unless it is in accordance with the guidelines or circulars issued by the Board.

(5) An Architect shall not be permitted to pay for entries in any form or media unless it has been approved by the Board.

(6) An Architect shall not place a signboard in a building indicating that he or his firm is the Architect nor shall he exhibit his name nor the name of his firm outside his office nor on a signboard in the course of construction, alteration or extension unless they are in accordance with guidelines or circulars issued by the Board.

(7) An Architect shall not be permitted to insert any announcements or felicitations in the local press unless it is in accordance with guidelines or circulars issued by the Board.

(8) All letterheads must list the names of the directors or partners with their respective qualifications and status. The names of Architects who are not partners in firms may be listed with their respective designations and qualifications.

(9) An Architect may have his calling card provided that his qualification and status are factually printed.

(10) An Architect shall only participate in architectural competitions approved by the Board.

(11) (a) An Architect selectively invited by his prospective client to render professional services may do so provided that such terms of invitation as laid down by the prospective client are approved by the Board.

(b) An Architect who responds to such an invitation shall be paid for his services in accordance with the appropriate scale of professional fees and charges as prescribed by the Board and for the time being in force.

Involvement
with other
trades.

4. (1) An Architect shall not, while practising his profession, carry on or engage in any trade or business which are inconsistent with the fitting and proper discharge of his professional duties. He must not hold, assume or consciously accept a position in such trade or business in which his interest is in conflict with his professional duty.

(2) An Architect shall not fail to disclose to clients, owners or contractors significant circumstances known to him that could be construed as creating a conflict of interest and should ensure that such conflict does not compromise legitimate interests of such persons or interfere with the Architect's duty to render impartial judgement of contract performance by others.

(3) An Architect shall avoid being in a position of conflict in discharging his professional duties unless he has declared his interest to his clients in writing.

(4) An Architect cannot be an arbitrator if he is also the developer or the builder for that contract.

(5) An Architect is permitted to be a turnkey operator or any package deal operator, provided that in carrying out such activities, he must not contravene this Code.

(6) An Architect, whilst disclosing his profession or professional activity, shall not be involved in the promotion of any services or products.

Partnership
with other
persons.

5. (1) An Architect may only enter into a partnership for private practice with another registered Architect, a registered Professional Engineer, a registered Surveyor or any other allied professionals with the prior approval of the Board in respect of its composition and equity in the partnership.

(2) An Architect may enter into a partnership with foreign architects or consultants if such a partnership has the approval of the Board. He can also employ foreign architects to assist him in his

works, provided that he remains statutorily responsible for such works and provided that such an employment does not contravene the provisions of any law.

(3) An Architect shall not enter into partnership or establish a body corporate in the practice of architecture with another Architect whose name has been removed from the Register of Architects.

(4) An Architect is not permitted to enter into partnership with other registered professionals, local or foreign, unless he and his professional partners undertake to abide by this Code and breach of this Code by any member of the partnership shall be deemed a breach by the said Architect.

PART TWO

CODE OF CONDUCT FOR REGISTERED BUILDING DRAUGHTSMEN

- | | |
|---|---|
| Faithful discharge of responsibilities. | 1. (1) A person registered under the Act as a Building Draughtsman shall faithfully discharge his responsibilities to his client or employer.

(2) A Building Draughtsman registered under the Act commencing his private practice as a firm shall submit to the Board the proposed name of the firm in order to obtain the approval of the Board. |
| Remuneration. | 2. (1) A Building Draughtsman registered under the Act in private practice is remunerated solely by the fees payable by his client.

(2) A Building Draughtsman registered under the Act is debarred from any other source of remuneration in connection with the works and duties entrusted to him and shall not allow any member of his staff to receive such remuneration.

(3) The client shall be informed in advance of the fees to be applied and the conditions of engagement to be used. |
| Advertising and soliciting. | 3. A Building Draughtsman registered under the Act shall not advertise nor solicit business nor allow any member of his staff to do so. Neither shall he give or offer remuneration nor other consideration to anyone for the introduction of clients. |
| Fairness between parties | 4. A Building Draughtsman registered under the Act shall at all times apply the conditions of a contract with entire fairness between his client, his employer's client or his employer and contractor; and in all questions arising between his client, his employer's client or his employer and contractor, and in all cases in which he is acting between parties, he shall act in an impartial manner. |
| Loyalty towards colleagues. | 5. A Building Draughtsman registered under the Act shall at all times, with due regard to the interest of his client or employer, act loyally towards his colleagues. |

Engagement in other trade.	6. Except as permitted by the Act expressly or by necessary implication, a registered Building Draughtsman shall not carry on or engage in any operation of trade or business which is inconsistent or out of keeping with the fitting or proper discharge of his duties or which would raise doubts as to his integrity as a registered Building Draughtsman.
Position of Conflict.	7. A Building Draughtsman registered under the Act shall not assume or consciously accept a position in which his interest is in conflict with his duty.
Partnership with other persons.	8. A registered Building Draughtsman in private practice shall not, without the approval of the Board, enter into partnership with any person other than another registered Building Draughtsman in private practice.
Partnership with person removed from Register.	9. A registered Building Draughtsman shall not enter into partnership, in preparation of building plans, with any person whose name has been removed from the Register of Building Draughtsman pursuant to an order of the Board and who has not been reinstated.
Branch office.	10. A registered Building Draughtsman shall not establish a branch office unless it is under the continuous control of a registered Building Draughtsman.

**THIRD SCHEDULE
(Rule 29)**

PART ONE

CONDITIONS OF ENGAGEMENT OF AN ARCHITECT

Professional services. <u>P.U.(A)333/86</u>	1. An Architect shall provide professional services as described in the Architects (Scale of Minimum Fees) Rules 1986 and shall interpret and implement the design intentions to ensure the final completion of the project.
Engagement of consultants by client.	2. An Architect shall advise the client on the need for other consultants to be engaged for any part of the project and unless otherwise agreed upon, the consultants shall be engaged and paid by the client, but the Architect's fees shall not be reduced by such engagement.
Engagement of consultant's.	3. An Architect may be required to engage his own consultants and if the engagement is approved by the client, the fees which would have been payable to such consultants if they were separately engaged shall be paid through the Architect whose fees shall not in any way be reduced by the engagement.
Coordination of consultants work.	4. An Architect shall instruct and coordinate the consultants when required to do so to ensure that the project schedule is followed, whether the consultants are engaged pursuant to paragraphs 2 or 3.

Architect not responsible for consultants engaged by client.	5. Where other consultants are engaged by the client for any part of the project pursuant to paragraph 2, the Architect shall not be liable for the performance, acts, omissions or any breach of contract of the other consultants.
Architect responsible for consultants engaged by him.	6. Where other consultants are engaged for any part of the project pursuant to paragraph 3, the Architect shall be primarily responsible for the performance, acts or omissions of the other consultants.
Client's approval.	7. (1) An Architect in private practice shall obtain the written approval of the client on the fees to be charged and where applicable the multiplier to be used before starting work on the basic or additional services. (2) An Architect shall obtain the approval of the client before starting any phase of his professional services.
Instructions or variation orders.	8. An Architect shall have the authority to issue instructions or variation orders including changes in the design, without the prior approval of the client: Provided that - <ul style="list-style-type: none"> (a) such instructions or variation orders are necessitated by constructional reasons; (b) the client is informed of the action taken as soon as practicable; and (c) such action taken does not increase the cost of the works beyond the contract sum approved by the client.
Inspection of works.	9. An Architect shall inspect the works at periodic intervals as required under paragraph 5(4)(iv) of Part II of the Architects (Scale of Minimum Fee) Rules 1986 and where more frequent or constant inspection is considered by the Architect to be necessary, the Architect shall recommend to the client the employment of a clerk of works, resident Architect or such other personnel. For that purpose, the cost of employing such person shall be borne by the client, or, if the client agrees the Architect may second to the works personnel under the Architect's employment and the Architect shall be reimbursed on the basis of time costs multiplied by the multiplier.
Estimates of costs and time.	10. An Architect shall estimate the costs and the time for work to be completed by building contractors and shall keep the client informed of any material changes in such estimates of costs and time.
Client to provide all information.	11. The client shall provide the Architect all necessary information on his requirements for the project to enable the Architect to proceed with his work, including legal, survey and other particulars of the site, particulars of existing structures and features, sub-surface conditions and adjoining sites and the requirement for legal consultation unless such particulars are agreed to be provided by the Architect under the agreement.

Client's Authorised Representative.	12. The client shall designate, if necessary, a person authorised to act on the client's behalf in respect of the project.
Instructions to contractor.	13. The client shall only issue instructions to the building contractor through the Architect in respect of the works for the project.
Client to give prompt decisions.	14. The client shall give decisions within a reasonable time on matters submitted by the Architect so as not to delay the Architect's work.
Client to pay submission fees and charges for approval.	15. The client shall pay all fees or charges in connection with submissions for approval for town planning, conversions of land title, building or other statutory approvals required by the relevant authorities and shall do so within a reasonable time so as not to delay the progress of the project.
Termination of engagement.	16. The agreement between the Architect and the client may be terminated at any time by either party giving to the other party sixty days' notice or such shorter period of notice as may be agreed upon by the Architect and the client.
Architect to submit accounts.	17. The Architect shall submit his accounts to the client for the balance of fees due together with any other outstanding claims for reimbursable charges not later than thirty days from the date of expiry of the notice of termination of the agreement.
Appointment of another Architect.	18. In the event that the agreement between the Architect and the client is terminated for a reason not due to the fault of either party, the Architect shall, subject to the rights of either party in respect of antecedent breaches of the agreement between the two parties, charge the balance of fees for services rendered up to the stage of termination together with all reimbursable charges after which the Architect shall issue a letter of release to the client and the client shall be entitled to appoint another architect to continue with the project.
<u>Act 332.</u>	19. Pursuant to Section 14 of the Copyright Act 1987, copyright in all documents and drawings prepared by the Architect, and including any works executed from those documents and drawings shall remain the property of the Architect, unless otherwise transferred to the client upon such terms and consideration as may be agreed between the Architect and the client.
Copyright entitlement.	20. Where the Architect has rendered services up to and including the Contract Documentation Phase and has received his due fees, the client shall be entitled to reproduce the design by implementing the project provided it is on the site on which the design was originally prepared. This entitlement to utilise the original design shall be applicable to the maintenance, repair, renewal, reinstatement or modification of the works.

- Disputes and arbitration. 21. In the event of any dispute between the Architect and the client, whether arising during or after the rendering of the services under the agreement, either party shall give notice in writing to the other party informing him of the matter in dispute and requiring its settlement. The parties shall then appoint an Arbitrator but if they fail to do so within fourteen days of the date of the notice, either party may submit a written request to the President of the Board of Architects to appoint a person to serve as an Arbitrator, whose award shall be final and binding on both the Architect and the client.
- Termination of the agreement. 22. Upon the termination of the agreement between the Architect and the client, and the settlement of all dues or upon receipt of an acceptable guarantee, the Architect shall deliver to the client copies of such drawings, specifications and other documents relating to the project that are in the possession of the Architect.
- Death or incapacity of Architect. 23. In the event of the death or incapacity of the Architect who is the sole principal, the Architect's engagement shall be regarded as terminated. Thereafter, the client may, on payment of all outstanding fees and other dues make full use of all drawings and documents prepared by the Architect, provided that they are only for the purpose for which they were originally prepared.

PART TWO

CONDITIONS OF ENGAGEMENT OF A REGISTERED BUILDING DRAUGHTSMAN

- Supervision. 1. The general supervision to be given by a registered Building Draughtsman shall be such inspection as may be necessary to satisfy himself that the works are being carried out in general accordance with the terms of the contract. Constant supervision does not form part of the duties undertaken by him.
- Clerk of works. 2. Where constant or more intensive supervision of the works is required, a clerk of works shall be appointed for the purpose and he shall be nominated or approved by the registered Building Draughtsman and paid by the client. The clerk of works shall be under the registered Building Draughtsman's direction and control.
- Deviation. 3. (1) A registered Building Draughtsman has the authority to give orders on behalf of the client if such orders are necessitated by constructional requirements, provided that the contract sum shall not thereby be materially increased and the client shall be notified thereof as soon as practicable.
- (2) A registered Building Draughtsman shall not, however, make any material deviation, alteration, addition to or omission from an approved design without the knowledge and consent of the client.

- Drawings. 4. (1) A registered Building Draughtsman shall, if requested to do so, at the completion of the work, supply free of charge to the client, drawings sufficient to show the main lines of drainage and other essential services.
- (2) The copyright in all drawings and in the work executed from them shall remain the property of the registered Building Draughtsman.
- Client's responsibilities. 5. The client shall provide the registered Building Draughtsman with all necessary legal, survey and other particulars concerning the works and shall give consideration to all sketches, drawings, specifications, tenders, proposals, contracts and other documents laid before him by the registered Building Draughtsman and shall give decisions in such reasonable time so as not to delay the work of the registered Building Draughtsman nor to prevent him from giving drawings or instructions to the contractor without unreasonable delay.
- Consultants. 6. (1) The employment of consultants shall be at the registered Building Draughtsman's discretion and in agreement with the client and the payment of their fees shall be a matter of arrangement between the registered Building Draughtsman and the client.
- (2) Where consultants are employed under subparagraph (1), the registered Building Draughtsman's fees may be reduced by not more than one-third of the cost of the work for which the consultants are employed, provided that the registered Building Draughtsman's fees on the cost of the whole scheme shall not thereby be reduced by more than one-sixth.
- (3) Where any consultant's work is undertaken by the registered Building Draughtsman -
- (a) the full appropriate fees as would normally be paid to a consultant shall be paid to the registered Building Draughtsman by the client; and
- (b) the registered Building Draughtsman's fees may be reduced by not more than one-third on the cost of that work, provided that the registered Building Draughtsman's fees on the cost of the whole scheme, other than his fees for consultant's work shall not thereby be reduced by more than one-sixth.
- (4) For the purpose of calculating the registered Building Draughtsman's fees under subparagraphs (2) and (3), a structural engineer shall not be considered as a consultant and a structural engineering work shall not be considered as consultant's work, and the fees shall not be reduced in respect of the structural engineer's or structural engineering work.
- Termination of engagement. 7. An engagement entered into between a registered Building Draughtsman and a client may be terminated at any time by either party upon reasonable notice being given.

**FOURTH SCHEDULE
(Rule 29)**

**MEMORANDUM OF AGREEMENT
(BETWEEN THE CLIENT AND
THE ARCHITECT FOR PROFESSIONAL SERVICES)**

MEMORANDUM OF AGREEMENT

made this day of 19

BETWEEN

(hereinafter called "the Client") of the one part,

AND

practising as Architect(s) at

under the style of (name of firm/ company).....

(hereinafter called "the Architect" which expression includes the legal representatives, successors in title and permitted assigns) of the other part.

WHEREAS the client intends to construct and complete (description of intended works)

.....

.....

(hereinafter called "the project")

AND WHEREAS the client is desirous of appointing the Architect to provide professional architectural services for the Project:

NOW IT IS HEREBY agreed as follows:

1. The client hereby appoints the Architect to provide the professional architectural services for the Project subject to and in accordance with the Conditions of Engagement as prescribed in the Architects Rules 1996 and the Architect hereby accepts the appointment for the purpose of providing the professional services for the same subject to and in accordance with the Conditions of Engagement.
2. This Memorandum of Agreement, the Conditions of Engagement and the Architects (Scale of Minimum Fees) Rules 1986 shall together constitute the Agreement between the client and the Architect.
3. In consideration of the Architect providing the professional services required, the client hereby agrees to pay the Architect in accordance with the Architects (Scale of Minimum Fees) Rules 1986.
4. The intervals of payment shall be * monthly/* bimonthly/* quarterly beginning from the commencement of the Architect's appointment.
5. * The amount referred to in subparagraph 8(c) of the Conditions of Engagement on variation works shall be RM

* Delete if not applicable.

IN WITNESS WHEREOF the parties have hereinto set their hands on the day and year first above written.

SIGNED BY
.....
.....
for and on behalf of

.....
Client's Signature

THE CLIENT
in the presence of
Name
(Witness)
Address

.....
Witness's Signature

SIGNED BY
.....
.....
for and on behalf of

.....
Architect's Signature

THE ARCHITECT
.....
in the presence of
Name
(Witness)
Address

.....
Witness's Signature