

N.L.C.D. 357
ARCHITECTS ACT, 1969

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N.L.C.D. 357
ARCHITECTS ACT, 1969(1)

AN ACT to provide for the establishment of the Architects Council to regulate the affairs of architects and for related matters.

The Council and its Board

1. Establishment of the Council

There is established in accordance with this Act an Architects Registration Council to perform the functions assigned to it by this Act.

2. Incorporation of the Council

(1) The Council is a body corporate having perpetual succession and a common seal and may sue or be sued in its corporate name.

(2) The Council may hold, acquire or dispose of movable or immovable property for the purposes of this Act, and may do the things that appear to the Board to be necessary for the performance of the functions of the Council under this Act.

(3) The common seal of the Council shall be kept in the custody determined by the Board and shall not be affixed to a document or an instrument except by order of the Board, and in the presence of two members of the Board who shall sign the document or instrument independently of the signature of a person who may have signed the document or instrument as a witness.

3. The governing body

(1) The governing body of the Council is a Board consisting of

- (a) one registered architect nominated by the Ministry responsible for Works and Housing or in the event of separation, the Ministry responsible for Works,
- (b) five persons nominated by the Institute of Architects,
- (c) one person nominated by the Faculty of Architecture of Kwame Nkrumah University of Science and Technology,
- (d) one person nominated by the Ghana Academy of Arts and Sciences,
- (e) one legal adviser nominated by the Attorney-General, and
- (f) the Registrar of the Council nominated by the Institute.

(2) The Board shall elect a registered architect as chairman from amongst its members.

4. Term of office of members

(1) A member of the Board shall hold office for five years from the date of appointment.

(2) A member shall vacate office by writing signed personally by the member and addressed to the chairman of the Board.

(3) In the event of the death of, or vacation of office by, a member, the body which nominated the member shall appoint another person.

(4) A member who vacates office by effluxion of time is eligible for re-appointment.

5. Functions of the Council

(1) The Council shall be concerned with the architectural profession and is charged with the responsibility of securing the highest practicable standards in the practice of architecture.

(2) The other functions of the Council are to

- (a) prescribe or approve courses of study for, and the conduct and standards of qualifying examinations for, registration as a registered architect under this Act,
- (b) maintain and publish a register of architects,
- (c) prescribe and uphold standards of professional conduct and ethics, and
- (d) control the practice of architecture.

6. By-laws

The Council may make by-laws for

- (a) the management and duties of the Council, the holding of meetings by the Council, and the issue of notices calling meetings of the Council;
- (b) the functions of officers of the Council;
- (c) the appointment of committees and the functions and proceedings of the committees;
- (d) the administration, investment and expenditure of the property and funds of the Council;
- (e) the definition of unprofessional conduct and for the determination of the mode of inquiry into, and the method of dealing with, an issue of misconduct and the penalties which may be imposed on a member found guilty of a misconduct;
- (f) the scale of fees to be charged by architects for professional advice, services rendered and work done;
- (g) the fees to be paid for initial and annual registration;
- (h) prescribing the procedure to be followed by persons applying for registration; and
- (i) instructions and orders conducive to the maintenance and improvement of the status of architects.

7. Officers

The Board may appoint a secretary and any other officers and employees as it may consider necessary.

8. Funds

(1) The Council shall establish and maintain a fund under its management and control, into which shall be paid the moneys received by the Council by way of grants-in-aid from the Government or otherwise, and out of which shall be met the expenses and liabilities incurred by the Council in performing its functions under this Act.

(2) The Council may invest moneys in the fund in securities of the Government or in any other securities approved by the Board.

(3) The Council may borrow money for the purposes of the Council and may pay interest on that money out of the funds of the Council.

(4) The annual accounts of the Council shall be audited in accordance with article 189 of the Constitution.

(5) The accounts for the preceding year as audited shall be approved by the members at the annual general meeting.

9. Meetings of the Board

(1) The Board shall meet at intervals not exceeding three months, and at the time and place agreed on by the Board.

(2) Six members shall form a quorum at a meeting of the Board.

(3) Seven days notice of a meeting of the Board, or not less than twenty-four hours in the case of emergency, shall be delivered or sent by the secretary to each member of the Board.

(4) The notice shall state the place, the day, and the hour of the meeting and in the case of a special business, the general nature of the business.

(5) An accidental omission to send, or the non-receipt of, a notice referred to in subsection (3) by a member shall not invalidate the proceedings of the meeting.

(6) The chairman or two members may require the secretary to summon a meeting.

(7) In the absence of the chairman the members present at a meeting shall elect one of their number to act as chairman.

(8) Questions arising at a meeting of the Board shall be determined by a simple majority of the votes cast, and in the case of an equality of votes, the person presiding shall have a casting vote.

(9) Subject to this Act, the chairman at a meeting of the Board may, with the consent of the members present, adjourn the meeting, but a business shall not be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(10) Notice shall not be given of an adjourned meeting unless it is so directed in the resolution for the adjournment.

(11) Proper minutes shall be recorded of the resolutions and proceedings of meetings of the Board and of a committee of the Board, and the minutes as signed by the person presiding at the meeting to which it relates, is conclusive evidence of the facts stated in the minutes.

Qualifications and Restrictions

10. Qualifications

Subject to section 11, a person is entitled to be registered as an architect on payment of the prescribed fee if that person is a member of the Institute and

- (a) is a person who has passed the qualifying examinations in the courses prescribed or approved by the Board under this Act, and completes practical training of the description and for the period prescribed by the Board,
- (b) is a person who has passed the qualifying examinations of a society or institute of architects by whatever name called, approved by the Board as an association of equivalent status to the Institute, or
- (c) is a person who was a member of the Ghana Institute of Architects immediately before the commencement of this Act.

11. Disqualifications

(1) A person shall not be registered as an architect

- (a) unless that person
 - (i) is resident in the Republic,
 - (ii) has attained the age of twenty-one years, and
 - (iii) has paid the prescribed fees; or
- (b) if that person has been, by a court of competent jurisdiction
 - (i) adjudged to be of unsound mind, or
 - (ii) convicted whether in the Republic or elsewhere, of an offence involving fraud or dishonesty; or
- (c) if, having been adjudged an insolvent or bankrupt, has not been granted by a court of competent jurisdiction, a certificate to the effect that the insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes.

(2) Despite anything in this section, a non-resident person who is otherwise qualified may make a special application for temporary registration for the purposes of executing a specific project.

12. Register of architects

The Council shall keep a register of architects in which the name of a person immediately on being accepted for registration by the Board, shall be registered showing against that name the particulars that the Board considers necessary.

13. Striking off and cancellation of registration

(1) Subject to section 14, the Board may strike off the register the name of an architect if satisfied that the architect

- (a) is unfit to practise the profession of architecture by reason of having been found guilty of professional misconduct, or
- (b) has become subject to a disqualification mentioned in section 11.

(2) The Board may strike off the register the name of an architect if the prescribed fees remain unpaid for a period exceeding six months.

(3) A person whose name is struck off the register under subsection (1) may have the name restored if the Board is satisfied that the architect has become subsequently a fit and proper person to practise the profession of architecture, on the settlement of the penalties decided by the Board.

14. Inquiries by disciplinary committee

(1) The name of a person shall not be struck off the register unless a disciplinary committee has, after due inquiry, made a report to the Board that the person concerned has been found guilty of professional misconduct or is otherwise disqualified under section 11.

(2) Where the Board has reasonable cause to believe, whether on complaint made to it or otherwise, that the conduct of a registered architect constitutes a professional misconduct, the Board may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that architect.

(3) The First Schedule shall apply in relation to

- (a) the constitution of, and the procedure to be followed by, a disciplinary committee appointed under subsection (2),
- (b) the proceedings at inquiries held by the committee, and
- (c) the powers exercisable by the committee.

15. Suspension

The Board may, in lieu of exercising its powers under section 13, suspend the registered architect for the period that the Board considers fit.

16. Appeals to the High Court

(1) A person aggrieved by a decision of the Board under section 11, or section 13 or section 15 may appeal against that decision to the High Court.

(2) An appeal under subsection (1) against a decision shall

- (a) be made by petition, in writing, bearing a stamp of the requisite value,
- (b) be lodged within three months after the date of the decision, and
- (c) subject to the Rules of Court, be decided by the High Court after a summary inquiry that the High Court considers requisite.

17. Restriction on the use of titles

(1) A person whose name is not entered in the register shall not take or use the title of “Architect”, or practise under a name, title or style containing the word “Architect”, “Architecture”, or “Architectural”.

(2) Despite anything contained in subsection (1), a firm of architects, one of the partners of which is a registered architect may take and use the title “Architects” or practise under a name, title or style containing the word “Architects”, “Architecture”, or “Architectural”.

Miscellaneous Provisions

18. Offences and penalties

A person who contravenes a provision of this Act, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

19. Improper use of terms implying registration

(1) Subject to section 17 and to subsection (2) of this section and to section 18, a person commits an offence, who being a person carrying on business in the Republic and not being an architect registered under this Act, uses or causes or permits to be used in connection with the name under which that person carries on business the word “architect”, “architecture”, or “architectural” or any words, initials, or abbreviation of words intended to cause or which may reasonably cause any other person to believe that the person using the name is an architect.²⁽²⁾

(2) Subsection (1) does not apply to the use of the term “naval architect” or the term “landscape architect” by a person in connection with the profession or calling so described.

20. Personal representative of deceased architect

(1) Despite a provision of this Act, on the death of an architect who was at the time of death actually carrying on practice as an architect, the personal representative, with a view to the disposal of goodwill, may continue the practice under the management of a registered architect for not more than five years from the date of death.

(2) The personal representative shall keep the Board informed of the registered architect who is managing the practice.

(3) The Council shall keep a register of the practices of deceased architects in which shall be recorded the names of the managers of those practices.

21. Annual practising certificates

(1) A registered architect is not entitled to practise as an architect unless that registered architect is the holder of an annual practising certificate which is in force.

(2) A practising certificate shall be issued by the Council on an application to it by a registered architect and on payment of the prescribed annual fee.

(3) A certificate to practise is valid until the 31st day of December of the year of issue, and may be renewed on payment of the prescribed annual subscription.

(4) Where, during the currency of a certificate, the holder ceases to be registered under this Act or the registration is suspended, the certificate shall cease to be valid.

(5) A person who practises or undertakes to practise in breach of this section, commits an offence and is liable on summary conviction, to a fine not exceeding twenty penalty units for every day during which the offence continues.

22. Regulations

The Minister may, by legislative instrument, on the recommendations of the Board, make Regulations for, or in respect of, a matter relating to or connected with the functions of the Council under this Act, or the proper performance of its functions.

23. Amendment of Schedules

The Minister may, on the recommendation of the Board by legislative instrument, amend the Schedules.

24. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the governing body of the Council;

“**chairman**” means the chairman of the Board;

“**Council**” means the Architects Registration Council established under section 1;

“**functions**” includes power and duties;

“**Institute**” means the Ghana Institute of Architects;

“**member**” means a member of the Board;

“**Minister**” means the Minister responsible for Works;

“**professional misconduct**” means an act or omission which is specified in the Second Schedule;

“**register**” means the register of architects kept in accordance with section 12;

“**secretary**” means the secretary of the Council.

25. Commencement

This Act shall come into force on a day to be appointed by legislative instrument made by the Minister responsible for Works and Housing.³⁽³⁾

SCHEDULES

First Schedule DISCIPLINARY COMMITTEE

[Section 14]

1. For the purpose of an inquiry to be held under section 14, the Board shall appoint six persons, including the chairman, the legal adviser and the secretary from among its members, to constitute a disciplinary committee and shall appoint one of them to be chairman of the committee.

2. (1) The Board shall prepare a statement setting out the charges to be investigated by the disciplinary committee, and the secretary shall transmit a copy of the statement to each member of the committee and to the person whose conduct is the subject of the inquiry.

(2) Where the inquiry is to be held in consequence of a petition or complaint by a person alleging misconduct, the secretary shall, in addition to the statement transmit a copy of that petition or complaint to each of the members of the disciplinary committee.

3. (1) The secretary shall give notice of the first date fixed for the inquiry to the person whose conduct

is the subject of the inquiry.

(2) A notice under subparagraph (1) shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to, the last known address of that person.

(3) Where a person to whom a notice is given under subparagraph (1) fails to appear in person or is not represented by counsel, the inquiry may be held by the disciplinary committee in the absence of that person.

(4) Notice of a date to which the inquiry is adjourned shall be given by the chairman of the committee personally to the person whose conduct is the subject of inquiry or be given in the manner provided in subparagraph (2).

4. (1) Where the Board is of the opinion that the evidence of a person, or the production by a person of a document is necessary to enable a matter to be investigated by a disciplinary committee, the Board shall direct the secretary to require the attendance of that person, or the production by that person of the document, at the time and place specified in a notice which shall be delivered by hand at, or sent through the post by registered letter addressed to, the last known place of residence of that person.

(2) A person who is served with a notice under subparagraph (1) and who fails, without reasonable cause, to attend or to produce the document, at the time and place specified in the notice, commits an offence under this Act.

(3) The secretary shall be the secretary of each disciplinary committee and a notice issued under this Schedule shall be signed by the secretary.

(4) A disciplinary committee may administer an oath or affirmation to a person who is required to give evidence before it, and a person who refuses to be sworn or affirmed, or to answer a question that is put to that person concerning a matter in respect of which the inquiry is held, commits an offence under this Act.

(5) A person who, on examination, on oath or affirmation before a disciplinary committee wilfully gives false evidence commits an offence under this Act.

(6) A person whose conduct is the subject of an inquiry, or who is in any way concerned or implicated in the inquiry, may be represented by counsel at the inquiry.

(7) The Council may engage a legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.

(8) An inquiry held by a disciplinary committee shall, unless the Board otherwise determines, be held in camera.

(9) A question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee, and in the event of an equality of votes the chairman shall have a second or casting vote.

(10) On the conclusion of an inquiry, the disciplinary committee shall prepare and transmit to the Board a report embodying the findings on the matters in respect of which the inquiry was held.

Second Schedule
ACTS CONSTITUTING MISCONDUCT

1. Each of the following acts by an architect constitutes professional misconduct:
 - (a) allowing any other person to practise in the name of that architect as an architect unless that person is also an architect and is in partnership with or employed by that architect;
 - (b) entering into a partnership with a person who is an architect or a structural engineer or a quantity surveyor, or securing a professional business through the services of a person not qualified to be an architect, or by means which are not open to an architect⁴⁽⁴⁾; or
 - (c) entering into partnership in a limited liability company.
2. Each of the following acts or omissions by an architect constitutes professional misconduct:
 - (a) holding or assuming or consciously accepting a position in which the interest of the architect is in conflict with the professional duty of the architect;
 - (b) accepting a remuneration, other than professional fees or salary payable by the employer of that architect, from a source in connection with the works and duties entrusted to that architect;
 - (c) failing to uphold and apply the scale of professional charges of the Institute;
 - (d) accepting work involving the giving or receiving of discounts or commissions, or accepting a discount, gift or commission from a contractor or a tradesman whether employed on the works of the tradesman or not;
 - (e) accepting a remuneration other than fees, salary or royalty for acting as an architectural consultant, or assistant to an architectural consultant; or soliciting orders from building contractors, decorators, manufacturers, estate agents, development firms or companies or firms or companies trading in materials used in, or whose activities are otherwise connected with, the building industry;
 - (f) allowing the name and affix of the architect to appear on the note paper of firms or companies described in subparagraph (e) of this paragraph other than in connection with the professional services of that architect;
 - (g) acting in a professional capacity, when engaged as an architectural consultant, adviser or assistant to the firms and companies described in subparagraph (e) of this paragraph for a third party to whom the principals of the architect owe a contractual duty, unless the parties agree that the architect may act as an independent architect on direct instructions of the third party and the architect receives payment of the fees direct;
 - (h) acting as a director in a firm or company carrying on business as auctioneers, house and estate agents or trading in materials used in, or whose activities are otherwise connected with, the building industry or trading in land or buildings for profit;
 - (i) allowing the professional affix of that architect to appear on the notepaper of a firm or company of which that architect is a director and from which that architect is prohibited by subparagraph (h) of this paragraph;
 - (j) carrying on or acting as principal, partner or manager of a firm carrying on any of the trades or businesses specified in subparagraph (h) of this paragraph;
 - (k) advertising or offering the professional services of that architect to a person or body corporate by means of circulars or otherwise, or making paid announcements in the press or

the electronic media except when

- (i) applying to prospective employers for a salaried appointment;
- (ii) advertising a professional appointment open or wanted, directed only to members of the profession concerned;
- (iii) responding to an advertisement addressed to members of the profession inviting them to submit their names for inclusion in a panel or list of architects, provided the response does not contravene a clause in the Code of professional Conduct;
- (iv) notifying the architectural professional press or the electronic media at once of a change of address, and
- (v) notifying by post, the correspondents of that architect at once, of a change of address;
- (l) giving monetary considerations for illustrations and descriptions of work of that architect to be published in the press or the electronic media or allowing the publications to be used by the publishers, or for attempting to distribute the publications to potential clients;
- (m) exhibiting, concerning that architect, the name or signature to the buildings outside the office, or on buildings in the course of construction, alteration or extension, in an ostentatious manner or in lettering exceeding two feet in height;
- (n) attempting to supplant another architect, or competing with another architect by means of a reduction of fees or any other inducements;
- (o) failing to notify another architect when approached or instructed to proceed with professional work on which the other architect was previously employed;
- (p) when employed as a salaried and official architect by a central or local government department or statutory body, and by reason of office that architect is in a position to grant or influence the granting of a form of statutory approval, that architect undertakes private work, despite a permission from the employers to do so, unless that architect is satisfied that the position and action in the matter will be free from a suspicion or suggestion of abuse;
- (q) failing to act in an impartial manner in cases of dispute between a building owner and a contractor;
- (r) permitting the insertion in tenders, bills of quantities or any other contract documents which provide for payment to be made to that architect by the contractor regardless of consideration, unless with the full knowledge and approval of the employer;
- (s) taking part in an architectural competition as to which the Council has by a resolution prohibited members from taking part, because the conditions are not in accordance with the Institute's Regulations for architectural competitions, or being associated in any way with the carrying out of a design selected as a result of a competition which the Board has by a resolution prohibited members from taking part;
- (t) failing to notify the secretary at once on being asked to take part in a limited competition, of the particulars of the competition; and
- (u) acting as an architect or joint architect for a work which is or has been the subject of a competition in which that architect is or has been an assessor, or acting as consulting architect unless appointed before the inception of the competition, or having been approached by the promoters to advise on the holding of a competition, with the view to that architect acting as an assessor, acting as architect for the work, if it is eventually decided not to hold a competition, but to appoint an architect to carry out the work.

3. Despite anything to the contrary contained in paragraphs 1 and 2 of this Schedule, the conduct of an architect does not constitute a professional misconduct by reason only of that architect

- (a) entering into or being in partnership with a person outside the Republic who is a member of a society or institute of architects which is in the opinion of the Board of equivalent status to the Institute;
 - (b) securing professional business by reason of that partnership;
 - (c) allowing that partnership to be carried on in the name of that architect; and
 - (d) paying or allowing or agreeing to pay or allow to that partner a share out of the fees or profits.
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Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Architects Decree, 1969 ([N.L.C.D. 357](#)) made on the 31st day of May, 1969 and notified in the *Gazette* on 13th June, 1972. By the Architects Act, 1969 (Commencement) Instrument, 1969 (L.I. 634), the Architects Act, 1969 was deemed to have come into force on the 1st day of September, 1969.

2 (Popup - Footnote)

2. Amended by the Architects (Amendment) Decree, 1972 (N.R.C.D. 75).

3 (Popup - Footnote)

3. The Architects Decree, 1969 (Commencement) Instrument, 1969 appointed the 1st day of September, 1969 as the date on which the Decree should be deemed to have come into force.

4 (Popup - Footnote)

4. Amended by the Architects (Amendment) Decree, 1972 (N.R.C.D. 75).