



LAWS OF MALAYSIA

ONLINE VERSION
OF UPDATED TEXT OF REPRINT

Act 117

ARCHITECTS ACT 1967

As at 1 March 2016

ARCHITECTS ACT 1967

First enacted 1967 (Act No.65 of 1967)

Revised 1973 (Act 117 w.e.f.
16 August 1973)

Latest amendment
made by Act A1480
which came
into operation on 30-11-2015; except paragraphs
3(*d*), (*p*) and section 23;
01-06-2015

PREVIOUS REPRINTS

First Reprint 1995

Second Reprint 2000

Third Reprint 2006

LAWS OF MALAYSIA

Act 117

ARCHITECTS ACT 1967

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title, commencement and application
2. Interpretation

PART II

BOARD OF ARCHITECTS

3. Establishment of Board of Architects
4. Functions of the Board

PART III

REGISTRATION OF ARCHITECTS

5. Register of Architects, *etc.*
6. Appointment and duties of Registrar
7. Restrictions on unregistered persons
- 7A. Architectural consultancy practice
- 7B. A body corporate providing a combination of services comprising architectural consultancy services, professional engineering services or quantity surveying services
8. Entitlement
9. (*Deleted*)
10. Qualifications for registration of Architects, *etc.*

Section

10A. Registration of foreign architects

11. *(Deleted)*

12. Application for registration of Architects, *etc.*

13. Certificate of registration of Architects, *etc.*

14. Notification of change of address of Architects, *etc.*

PART IV

CANCELLATION, REMOVAL, REINSTATEMENT, *ETC.*

15. *(Deleted)*

15A. Powers to investigate and appointment of Disciplinary Committee

15B. *(Deleted)*

16. Removal from Register of Architects, *etc.*

17. Reinstatement into Register of Architects, *etc.*

18. Certificates of registration of Architects, *etc* to be returned.

PART V

SPECIAL PROVISIONS RELATING TO BUILDING DRAUGHTSMEN

19. *(Omitted)*

20. Restrictions on unregistered Building Draughtsmen

21. Register of Building Draughtsmen

22. *(Deleted)*

23. Notification of change of address of Bulding Draughtsmen

24. Restrictions on Building Draughtsmen

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

26. Removal from Register of Building Draughtsmen

26A. Reinstatement into Register of Building Draughtsmen

27. Certificates of Building Draughtsmen to be returned

PART VA

SPECIAL PROVISIONS RELATING TO INTERIOR DESIGNERS

Section

- 27A. Restrictions on unregistered Interior Designers
- 27B. Register of Interior Designers
- 27C. Registration of Interior Designers, *etc.*
- 27D. Qualifications for registration of Interior Designers. *etc.*
- 27E. Interior Design consultancy practice
- 27F. Notification of change of address of Interior Designer, *etc.*
- 27G. Cancellation of registration, *etc.*, of Interior Designer
- 27H. Removal from Register of Interior Designers
- 27I. Reinstatement into Register of Interior Designers
- 27J. Certificates of registration of Interior Designers, *etc.* to be returned

PART VB

SPECIAL PROVISIONS RELATING TO INSPECTOR OF WORKS

- 27K. Restrictions on unregistered Inspectors of Works
- 27L. Register of Inspectors of Works
- 27M. Registration of Inspectors of Works
- 27N. Qualifications for registration of Inspectors of Works
- 27O. Notification of change of address of Inspectors of Works
- 27P. Cancellation of registration, *etc.*, of Inspector of Works
- 27Q. Removal from Register of Inspectors of Works
- 27R. Reinstatement into Register of Inspectors of Works
- 27S. Certificates of registration of Inspectors of Works to be returned

PART VC

SPECIAL PROVISIONS RELATING TO ARCHITECTURAL
TECHNOLOGISTS

Section

- 27T. Restrictions on unregistered Architectural Technologists
- 27U. Register of Architectural Technologists
- 27V. Registration of Architectural Technologists
- 27W. Qualifications for registration of Architectural Technologists
- 27X. Notification of change of address of Architectural Technologists
- 27Y. Cancellation of registration, *etc.*, of Architectural Technologist
- 27Z. Removal from Register of Architectural Technologists
- 27ZA. Reinstatement into Register of Architectural Technologists
- 27ZB. Certificates of registration of Architectural Technologists to be returned

PART VI

GENERAL

- 28. Appeal
- 29. Appeal Board
- 30. Tenure of office of members of the Appeal Board
- 31. Procedure of appeal
- 32. Procedure of Appeal Board
- 33. Penalties, obtaining registration by false pretences, *etc*
- 34. General penalty
- 34A. Failure to comply with orders of the Disciplinary Committee, Board, Appeal Board or Minister
- 34B. Power of search and seizure
- 34C. List of things seized
- 35. Rules
- 35A. Authorization by President

Section

- 35B. Notices
- 35C. Indemnity
- 35D. Appointment of advocate and solicitor
- 36. Landscape and Naval Architects
- 37. Vesting of property, *etc.*
- 38. Repeal
- 39. Saving as to right of Government

SCHEDULE

LAWS OF MALAYSIA

Act 117

ARCHITECTS ACT 1967

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

[1 October 1973; P.U. (B) 426/1973]

PART I

PRELIMINARY

Short title, commencement and application

1. (1) This Act may be cited as the Architects Act 1967.

(2) This Act shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

(3) The Minister may by notification in the *Gazette* suspend the operation of this Act in any part of Malaysia.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

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

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

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

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

- (a) submission of plans or drawings to any person or local authority in Malaysia;
- (b) conceptualization, research and development of any design for the built environment;
- (c) any survey, preparation of reports including environmental impact assessment reports, or investigation relating to the built environment;
- (d) project programming, construction and manufacturing programming, and product design;
- (e) planning and development services including interior design, financial advisory services, project management, contract administration and landscaping;
- (f) preparation of feasibility studies and cost estimates;
- (g) preparation of plans and other means of presentation;
- (h) all services in compliance with statutory requirements;
- (i) any other activities relating to the creation, preservation and enhancement of the built environment;

“Architectural Technologist” means a person registered under section 27w;

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

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

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

“Building Draughtsman” means—

- (a) a Building Draughtsman who, on or before 1 June 2015, is registered with the Board, or has been issued with a valid certificate of registration as provided in section 22 which has been deleted in subsection 23(1) of the Architects (Amendment) Act 2015 [*Act A1480*]; or
- (b) a Building Draughtsman who, on or before 31 December 2015, is registered or deemed to be registered with the Board, or has been issued with a valid certificate of registration as provided in subsections 23(3) and (4) of the Architects (Amendment) Act 2015;

“foreign architect” means an architect who is not a citizen or permanent resident of Malaysia registered under section 10A;

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

“Graduate Interior Designer” means a person registered under subsection 27D(1);

“Inspector of Works” means a person registered under section 27M;

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

“interior design consultancy practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act

1965 [*Act 125*], providing interior design consultancy services and is registered by the Board under section 27E;

“interior design consultancy services” in relation to interior design works means those services provided in paragraph 27E(1)(b);’;

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

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

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

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

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

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

(2) For the avoidance of doubt, the definition of “Building Draughtsman” shall be read together with section 23 of the Architects (Amendment) Act 2015.

PART II

BOARD OF ARCHITECT MALAYSIA

Establishment of Board of Architects Malaysia

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

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

- (a) a President who shall be appointed from among Architects;
- (b) five Architects who are in the public service of the Federation, States, local authority or statutory authority;
- (c) (*Deleted by Act A1287*);
- (d) ten Architects who have been in private Architects who have been in private practice for at least five years in Malaysia, three of whom shall be from the nomination list submitted by the Council of the Pertubuhan Arkitek Malaysia;
- (e) one member on the nomination of the Board of Engineers from among members of that Board established under the Registration of Engineers Act 1967;
- (f) one member on the nomination of the Board of Quantity Surveyors from among members of that Board established under the Quantity Surveyors Act 1967;
- (g) one member appointed from among Building Draughtsmen;
- (h) one member appointed from among Interior Designers who has been in private practice for at least five years in Malaysia;

* NOTE— A person who was a member of the Board appointed before 1 December 2002 shall, until he resigns or otherwise vacates his office or his appointment is revoked, continue to hold that office until the expiry of the period specified in his instrument of appointment—*see* subsection 41(1) of Act A1159.

- (i) one member appointed from among Inspectors of Works with at least five years of relevant working experience; and
- (j) one member appointed from among Architectural Technologists with at least five years of relevant working experience.

(2A) (*Deleted by Act A1159*).

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

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

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

Functions of the Board

***4.** (1) The functions of the Board shall be—

- (a) to keep and maintain a Register of 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

*NOTE—All applications, proceedings or other matter (except for proceedings under section 17A, 15A, 25 or 33) pending before the Board before 1 December 2002 shall be dealt with by the Board in accordance with this Act as amended by Act A1159— see subsection 41(4) of Act A1159.

practices, a Register of Inspectors 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;
- (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 specified in paragraph (a) in accordance with this Act;
- (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by Architects, architectural consultancy practices, Interior Designers, interior design consultancy practices and Building Draughtsmen;
- (dd) *Deleted by Act A1480.*
- (e) to hear and determine disputes relating to professional conduct or ethics of Architects Graduate Architects, Interior Designers, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors of Works and Architectural Technologists and to appoint a committee, arbitrator or arbitrators to hear and determine such disputes;
- (ea) to act as a stakeholder in a contract for architectural and interior design consultancy services, when requested;
- (eb) to authorize any person to investigate the commission of any offence under this Act or any rules made under this Act;

- (ec) to employ any person, as it deems necessary, to assist the Board in carrying out its functions, powers and duties subject to such terms and conditions as it may determine;
- (f) to determine and regulate the conduct and ethics of Architects, Graduate Architects, Interior Designers, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors 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;
- (gb) to appoint a council, consisting of such members of the Board, 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 board, committees or bodies formed for any purpose affecting the profession and to appoint members of the Board of Quantity Surveyors in accordance with the relevant laws;
 - (j) to provide scholarships and other facilities for the promotion of learning and education in connection with architecture, and to hold or cause to be held professional development programmes for Architects, Graduate Architects, Interior Designers, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors of Works and Architectural Technologists to further enhance their knowledge in the latest developments relating to that profession;
 - (ja) to conduct activities for the promotion of the profession of Architects, Graduate Architects, Building Draughtsmen, Interior Designers, Graduate Interior Designers, Inspectors of Works and Architectural Technologists; and
 - (k) generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Act.
- (2) Without prejudice to the general powers conferred by subsection (1) the Board shall have power—
- (a) to purchase or lease any land or building required for any of the purposes of the Board;
 - (b) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a); and
 - (c) to lease out, dispose of, or otherwise deal in any immovable property of the Board.

PART III

REGISTRATION OF ARCHITECTS

Register of Architects, etc.

5. The Register of Architects, Graduate Architects, foreign architects and architectural consultancy practices shall be in four sections, that is to say:

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

Appointment and duties of Registrar

6. (1) The Minister shall appoint a Registrar of Architects who shall be under the general direction of the Board and whose duties shall include the signing of certificates of registration and their renewal, and orders of the Board, and the recording of all entries of registration, suspension, cancellation, removal and reinstatement in the Registers specified in paragraph 4(1)(a).

(2) The Registrar shall publish in either the *Gazette* or national newspaper, the name, address, registration number and other particulars of—

- (a) an Architect or Graduate Architect whose registration has been—

- (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 15A(2); or
 - (ii) reinstated under section 17;
- (b) an architectural consultancy practice whose registration has been—
 - (i) by an order of —
 - (A) the Disciplinary Committee cancelled under section 34A or paragraph 7A(5)(dd); or
 - (B) the Board cancelled under subsection 7B(3); or
 - (ii) reinstated under section 17 or subsection 7A(8);
- (c) a Building Draughtsman whose registration has been—
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 25(2); or
 - (ii) reinstated under section 26A;
- (d) an Interior Designer whose registration has been—
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or subsection 27G(2); or
 - (ii) reinstated under section 27I;
- (e) an interior design consultancy practice whose registration has been—

- (i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27E(5)(dd); or
 - (ii) reinstated under section 27I or subsection 27E(8);
- (f) an Inspector of Works whose registration has been—
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27P(2)(d); or
 - (ii) reinstated under section 27R; and
- (g) an Architectural Technologist whose registration has been—
 - (i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27Y(2)(d); or
 - (ii) reinstated under section 27ZA.
- (2A) The publication under subsection (2) shall be made—
 - (a) as soon as possible after the order of the Disciplinary Committee is made, if there is no appeal to the Appeal Board or Minister against that order; or
 - (b) as soon as possible after the order of the Disciplinary Committee is confirmed by the Appeal Board or Minister, if there is an appeal filed against that order;
- (3) In any proceedings, a certificate of registration issued by the Board shall be conclusive proof that the person, sole proprietorship, partnership or body corporate named in the certificate of registration—
 - (a) in the case of the person, the person is an Architect, a Graduate Architect, a foreign architect, a Building

Draughtsman, an Inspector of Works, an Architectural Technologist, an Interior Designer, or a Graduate Interior Designer;

- (b) in the case of the sole proprietorship, the sole proprietor is an Architect, an Interior Designer, an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services;
- (c) in the case of the partnership—
 - (i) the partners are Architects or Interior Designers; or
 - (ii) it is an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services; and
- (d) in the case of the body corporate, it—
 - (i) has a board of directors comprising persons who are Architects or Interior Designers;
 - (ii) is an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services; or
 - (iii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or with—
 - (A) any other persons who are Architects or Interior Designers; or

- (B) an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services.

(4) The Registrar may annually publish and offer for sale copies of the Registers specified in paragraph 4(1)(a).

Restrictions on unregistered persons

7. No person shall unless he is an Architect—

- (a) be entitled to set up an architectural consultancy practice to render architectural consultancy services subject to section 7A;
- (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 an 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; or
- (c) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any architectural consultancy services rendered as an Architect.

(2) (*Deleted by Act A1480*).

Architectural consultancy practice

***7A.** (1) An Architect shall not, unless registered as a sole proprietorship, a partnership or a body corporate and has been issued with a certificate of registration—

- (a) be entitled to set up an architectural consultancy practice to render architectural consultancy services; and
- (b) recover in any court any fee, charge, remuneration or other form of consideration for architectural consultancy services rendered as an architectural consultancy practice.

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

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

- (a) in the case of the sole proprietorship, the sole proprietor is an Architect;
- (b) in the case of the partnership, all the partners are Architects; or
- (c) in the case of the body corporate—
 - (i) it has a board of directors as may be prescribed by the Board;

*NOTE—All proceedings pending before the Disciplinary Committee or Board under this section before 1 December 2002 shall be continued as if this Act had not been amended by Act A1159 – *see* subsection 41(5) of Act A1159.

- (ii) it has shareholdings as may be prescribed by the Board;
- (iii) it has a minimum paid-up capital which shall be an amount as may be prescribed by the Board; and
- (iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who—

(A) is an Architect; and

(B) is authorized under a resolution of the board of directors of the body corporate to make all final architectural decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of architectural consultancy services by the body corporate.

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

(5) If the Disciplinary Committee finds that—

- (a) the architectural consultancy practice or sole proprietor or any partner, director or shareholder has breached, or failed to comply with or carry out, any of the terms, conditions or restrictions imposed by the Board upon registration of that architectural consultancy practice; or
- (b) *(Deleted by Act A1480).*

- (c) *(Deleted by Act A1480).*
- (d) the sole proprietor or any partner, director, shareholder or employee of an architectural consultancy practice, whether or not such person is registered under this Act, has committed, or is guilty of, or has contributed to, any of the acts or things set out in—
 - (i) 15A(2)(a) to (l) or (o) to (p); or
 - (ii) section 33,

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

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

the architectural consultancy practice.

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

- (i) there has been a hearing conducted by the Disciplinary Committee of the grounds of complaint against the architectural consultancy practice, sole proprietor or any

of its partners, directors, shareholders or employees who has caused, contributed or been a party to, the grounds of complaint; and

- (ii) an opportunity to be heard by a representative appointed in writing or by counsel in the case of an architectural consultancy practice, or in person or by counsel in the case of a sole proprietor or any partner, director, shareholder or employee, has been given to such architectural consultancy practice, sole proprietor, partner, director, shareholder or employee, as the case may be.
- (aa) Notwithstanding paragraph (a), the Disciplinary Committee may make an order under paragraphs (5)(cc) or (dd) if the Disciplinary Committee has under subsection 15A(2) suspended or cancelled the registration of—
- (i) a sole proprietor;
 - (ii) one of the partners in a partnership comprising only two partners; or
 - (iii) one of the directors in the board of directors of a body corporate comprising only two directors.
- (b) In any case where the grounds of complaint are based upon paragraph (5)(d), the Disciplinary Committee shall not make an order under paragraphs (5)(aa) to (ee) if, on the date of hearing, such architectural consultancy practice satisfies the Disciplinary Committee—
- (i) that the partner, director, shareholder or employee who has committed, or is guilty of, or has contributed to, such act or thing as forms the grounds for the complaint has ceased to be a partner, director, shareholder or employee of such architectural consultancy practice;

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

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

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

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

- (b) In reinstating the registration under paragraph (a) the Board may impose such additional terms, conditions and restrictions as it thinks fit.
- (9) There shall be no appeal against—
 - (a) any refusal of the Board to register a sole proprietorship, partnership or body corporate as an architectural consultancy practice ; or
 - (b) any terms, conditions or restrictions imposed by the Board at the time of registration.
- (10) This section shall not apply to an Architect who submits a plan for a building wholly owned by the Architect.
- (11) *(Deleted by Act A1159).*
- (12) *(Deleted by Act A1159).*

A body corporate providing a combination of services comprising architectural consultancy services, professional engineering services or quantity surveying services

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

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

- (a) has a board of directors comprising Architects, Professional Engineers with Practising Certificates or Consultant Quantity Surveyors;

- (b) has shares held by the persons mentioned in paragraph (a) and any of the following persons or bodies corporate where—
 - (i) the Architects, Professional Engineers with Practising Certificate, Consultant Quantity Surveyors, bodies corporate providing architectural consultancy services, bodies corporate providing professional engineering services or bodies corporate practising as Consulting Quantity Surveying Practice hold a minimum combined share of 70% of the overall equity of that body corporate, of which the Architects or bodies corporate providing architectural consultancy services hold a minimum share of 10%; and
 - (ii) any other persons, including persons belonging to a profession allied to architecture, engineering or quantity surveying, being a profession approved in writing by the board regulating the profession of architecture, engineering or quantity surveying, respectively, hold a maximum share of 30%,

of the overall equity of the body corporate; and

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

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

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

- (b) the minimum combined shareholdings of an Architect, Professional Engineer with Practising Certificate, Consultant Quantity Surveyor, body corporate providing architectural consultancy services, body corporate providing professional engineering services and/or body corporate practising as Consulting Quantity Surveying Practice is less than the percentage stipulated in subparagraph (2)(b)(i),

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

(4) *(Deleted by Act A1480).*

(5) In this section—

- (a) “Consultant Quantity Surveyor” and “Consulting Quantity Surveying Practice” have the same meaning assigned to it in the Quantity Surveyors Act 1967 [Act 487]; and
- (b) “Professional Engineer with Practising Certificate” has the same meaning assigned to it in the Registration of Engineers Act 1967 [Act 138].

Entitlement

8. (1) Subject to sections 7a and 7b, only an Architect or a foreign architect who is residing in Malaysia for not less than one hundred and eighty days in any one calendar year shall be entitled to submit plans or drawings to any person or authority in Malaysia.

(2) Nothing contained in any other written law shall prevent any Architect, foreign 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) preparing and submitting applications for planning approvals, conversions, subdivisions and amalgamation layout drawings;
- (d) preparing planning reports for any person or authority in Malaysia.

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

9. *(Deleted by Act A1480).*

Qualifications for registration of Architects, etc.

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

(b) Subject to this Act, a person who is registered as a Graduate Architect under paragraph (a) shall be required to obtain such

practical experience 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).

(2) Subject to this Act, the following persons shall be entitled on application to be registered under Section A of the Register as 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);
 - (ii) is a Corporate Member of the Pertubuhan Arkitek Malaysia.
- (b) *(Deleted by Act A1159).*
- (c) *(Deleted by Act A1159).*
- (d) *(Deleted by Act A1159).*
- (e) *(Deleted by Act A1159).*

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

(3) Subject to this Act, 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 six months prior to the date of application, residing in Malaysia.

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

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

Registration of foreign architects

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

(2) A foreign architect may be considered for 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 his country of origin; and
- (b) he possesses the necessary expertise and his physical presence is required in Malaysia for not less than one hundred and eighty days in one calendar year or he is a resident representative of the foreign component of a joint-venture.

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

(4) Any foreign architect dissatisfied with the decision of the Board to reject his application for 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 registration subject to the provisions of this section.

(7) *(Deleted by Act A1480).*

11. *(Deleted by Act A130).*

Application for registration of Architects, etc.

12. Application for registration of Architects, Graduate Architects, foreign architects and architectural consultancy practice shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

Certificate of registration of Architects, etc.

13. (1) The Registrar shall upon receipt of the prescribed fee issue to any person, sole proprietorship, partnership or body corporate whose application for registration under section 12 has been approved by the Board a certificate of registration in the prescribed form expiring on the 31st December of the year in which it is issued.

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

Notification of change of address of Architects, etc.

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

PART IV

CANCELLATION, REMOVAL, REINSTATEMENT, *ETC.*

15. (*Deleted by Act A1159*).

Powers to investigate and appointment of Disciplinary Committee

15A. (1) The Board shall appoint—

- (a) not more than three members of the Board to investigate any misconduct or complaint made against any Architect, Graduate Architect, foreign architect or architectural consultancy practice; and
- (b) a Disciplinary Committee comprising not more than five members of the Board, not being the members of the Board appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to the Disciplinary Committee by the members of the Board appointed under paragraph (a).

*(2) The Disciplinary Committee may order the issuance of a written reprimand to, the imposition of a fine not exceeding one

*NOTE—All proceedings pending before the Disciplinary Committee or Board before 1 December 2002 shall be continued as if this Act had not been amended by Act A1159—see subsection 41(5) of Act A1159.

hundred thousand ringgit on, the suspension for a period not exceeding 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;
- (e) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or any rules made thereunder;
- (f) if he fails to observe any conditions or restrictions subject to which he is registered;
- (g) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation the approval of the Board for a sole proprietorship, partnership or body corporate to be registered as an architectural consultancy practice;
- (h) if he conceals or assists in concealing from the Board or the Disciplinary Committee the existence of any fact or

circumstances which, if known, would entitle the Disciplinary Committee to cancel the registration of a sole proprietorship, partnership or body corporate, in which he is a sole proprietor, partner, director or shareholder, as an architectural consultancy practice;

- (i) if he contravenes, or fails to perform, or assists in the contravention of, any term, condition or restriction imposed by the Board when registering a sole proprietorship, partnership or body corporate as an architectural consultancy practice under section 7B or subsection 7A(3);
- (j) if he causes or permits or suffers any sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder to practise as an architectural consultancy practice prior to its registration by the Board;
- (k) if he causes or permits or suffers any architectural consultancy practice in which he is a sole proprietor, partner, director or shareholder to continue to practise as an architectural consultancy practice after the Disciplinary Committee has suspended or cancelled its registration under paragraph 7A(5)(cc) or (dd), respectively;
- (l) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere;
- (m) if his qualification under section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;
- (n) if he is found to be of unsound mind;
- (o) if he becomes a bankrupt; or

- (p) if he is found to be incapable or no longer able to perform his professional duties.

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

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

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

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

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

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

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

15B. *(Deleted by Act A1159).*

Removal from Register of Architects, etc.

16. There shall be removed from the Register the name and other particulars of—

- (a) any Architect, Graduate Architect or foreign architect who has died, or architectural consultancy practice which has ceased to practise;
- (b) any Architect, Graduate Architect, foreign 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 Architect, Graduate Architect or foreign 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 Architect, Graduate Architect, foreign architect or architectural consultancy practice whose registration has been effected by reason of any mistake or error made by the Board in considering his or its application for registration.

Reinstatement into Register of Architects, etc.

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

Certificates of registration of Architects, *etc.* to be returned

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

PART V

SPECIAL PROVISIONS RELATING TO BUILDING DRAUGHTSMEN

19. *(Omitted).*

Restrictions on unregistered Building Draughtsmen

20. No person shall, unless he is a Building Draughtsman—

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

Register of Building Draughtsmen

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

Registration

***22.** *(Deleted by Act A1480).*

Notification of change of address of Building Draughtsmen

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

Restrictions on Building Draughtsmen

24. (1) A Building Draughtsman shall be subject to the following restrictions:

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

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

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

*NOTE – For the purposes of subsections 22(2) and (3), it shall be treated as if section 22 of the Act is not deleted. — see Section 23 of Architects (Amendment) Act 2015 [Act A1480/2014].

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

(5) Subject to paragraph (1)(b), the Building Draughtsman shall be entitled to submit to the Building Authority for approval of any plans of buildings not exceeding two-storeys in height providing that the total built-up floor area does not exceed three hundred square metres in any one or series of project in the same development by the same client.

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

***25.** (1) The Board shall appoint—

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

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

- (a) issuance of a written reprimand to;
- (b) the imposition of a fine not exceeding one hundred thousand ringgit on;

*NOTE—All proceedings pending before the Board before 1 December 2002 shall be continued as if this Act had not been amended by Act A1159—see subsection 41(5) of Act A1159.

(c) the suspension for a period not exceeding three years on;
or

(d) the cancellation of the registration of,

any Building Draughtsman under any of the following circumstances:

(aa) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude;

(bb) if in his capacity as a Building Draughtsman, he fails to disclose in writing to his client that—

(i) he is a sole proprietor of, partner in, director of, member of, substantial shareholder in or agent for, any contracting company, manufacturing company, firm or business; or

(ii) he has any financial interest in that contracting, manufacturing company, firm or business,

with which he deals on behalf of his client;

(cc) if his registration under this Act has been obtained by fraud or misrepresentation;

(dd) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;

(ee) if he breaks any conditions or restrictions imposed upon him by virtue of paragraph 4(1)(b) or under section 24;

(ff) if he is found to be of unsound mind;

(gg) if he is found to be incapable or is no longer able to perform his professional duties effectively;

(hh) if he becomes a bankrupt;

- (ii) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (jj) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

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

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

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

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

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

Removal from Register of Building Draughtsmen

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

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

Reinstatement into Register of Building Draughtsmen

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

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

(3) Any Building Draughtsman whose name has been removed from the Register of Building Draughtsmen pursuant to an order of the Board and who has not appealed against that order or whose appeal has been dismissed may after the expiration of not less than two years from the date of the order of cancellation or from the date

of the decision of the appeal apply for reinstatement. The Board upon receipt of satisfactory evidence of proper reasons for his reinstatement and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to the cancellation of his registration and upon payment of the prescribed fee, shall issue a certificate of registration to him.

Certificates of Building Draughtsmen to be returned

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

PART VA

SPECIAL PROVISIONS RELATING TO INTERIOR DESIGNERS

Restrictions on unregistered Interior Designers

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

- (a) be entitled to set up an interior design consultancy practice to render interior design consultancy services;
- (b) be entitled to describe himself or hold himself out under any name, style or title—
 - (i) bearing the words ‘Interior Designer’ or the equivalent thereto in any language; or
 - (ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is an Interior Designer;

- (c) use or display any sign, board, card or other device representing or implying that he is an Interior Designer; or
- (d) be entitled to recover in any court any fee, charge, remuneration or other form of consideration for any advice or services rendered as an Interior Designer.

Register of Interior Designers

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

Registration of Interior Designers, etc.

27c. (1) Any Interior Designer, Graduate Interior Designer and interior design consultancy practice may apply for registration under this Part.

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

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

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

Qualifications for registration 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).

(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.

Interior Design consultancy practice

27E. (1) An Interior Designer shall not, unless registered with the Board as a sole proprietorship, a partnership or a body corporate and has been issued a certificate of registration—

- (a) recover in any court any fee, charge, remuneration or other form of consideration for interior design consultancy services rendered as an interior design consultancy practice; and
- (b) provide interior design consultancy services for interior works involving any but without prejudice to the generality of the following:
 - (i) consultation, advice, direction, evaluation, budgetary estimate and appraisal;
 - (ii) schematic interior design plans, design development and project programming;
 - (iii) preparation of contract documents including working drawings, construction details and technical specifications;
 - (iv) contract administration, supervision and certification of payment and progress of works; and
 - (v) any other activities relating to the creation, preservation and enhancement of the interior environment including the following:
 - (A) any changes on the building structure;
 - (B) any changes to an existing building layout;
 - (C) building or statutory codes; and
 - (D) health and safety issues.

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

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

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

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

(5) If the Disciplinary Committee finds that—

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

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

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

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

the interior design consultancy practice.

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

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

(b) Notwithstanding paragraph (a), the Disciplinary Committee may make an order under paragraphs (5)(aa) to (ee) if the Board has under subsection 27G(2) suspended or cancelled the registration of—

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

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

- (i) that the partner, director, shareholder or employee who has committed, or is guilty of, or has contributed to, such act or thing which forms the grounds for the complaint has ceased to be a partner, director,

shareholder or employee of such interior design consultancy practice;

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

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

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

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

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

(9) There shall be no appeal against—

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

Notification of change of address of Interior Designers, etc.

27F. Every Interior Designer, Graduate Interior Designer and interior design consultancy practice shall notify the Registrar of any change in his or its business address.

Cancellation of registration, etc., of Interior Designer

27G. (1) The Board shall appoint—

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

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

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

any Interior Designer or Graduate Interior Designer under any of the following circumstances:

- (aa) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (bb) if whilst registered under this Act he acts as a contractor or trades in building materials directly connected with his profession;
- (cc) if his registration under this Act has been obtained by fraud or misrepresentation;
- (dd) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (ee) if he fails to observe any conditions or restrictions subject to which he is registered;
- (ff) if he is found to be of unsound mind;
- (gg) if he is found to be incapable of performing his professional duties effectively;
- (hh) if he becomes a bankrupt;

- (ii) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (jj) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

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

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

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

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

Removal from Register of Interior Designers

27H. There shall be removed from the Register of Interior Designers the name and other particulars of—

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

Reinstatement into Register of Interior Designers

271. (1) Any Interior Designer, Graduate Interior Designer or interior design consultancy practice whose name has been removed from the Register of Interior Designers pursuant to an order of the Board or the Disciplinary Committee shall, if his or its appeal is allowed, be reinstated, and the Registrar shall issue a certificate of registration to him or it.

(2) Any Interior Designer, Graduate Interior Designer or interior design consultancy practice whose name has been removed from the Register of Interior Designers for failure to renew his or its registration shall be reinstated as soon as may be after he 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 Interior Designer, Graduate Interior Designer or interior design consultancy practice whose name has been removed from the Register of Interior Designers 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 the cancellation of his or its registration and upon payment of the prescribed fee, shall issue a certificate of registration to him or it.

Certificates of registration of Interior Designers, *etc.* to be returned of registration

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

Part VB

SPECIAL PROVISIONS RELATING TO INSPECTORS OF WORKS

Restrictions on unregistered Inspectors of Works

27K. No person shall, unless he is an Inspector of Works—

- (a) be employed as an Inspector of Works; or
- (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 in any other language; or
- (ii) bearing any other word in any language which may reasonably be construed to imply that he is an Inspector of Works.

Register of Inspectors of Works

27L. For the purpose of this Part, there shall be a Register of Inspectors of Works which shall contain the names, addresses and other particulars of Inspectors of Works.

Registration of Inspectors of Works

27M. (1) Any Inspector of Works may apply for registration under this Part.

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

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

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

Qualifications for registration of Inspectors of Works

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

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

Notification of change of address of Inspectors of Works

27o. An Inspector of Works shall notify the Registrar of any change in his correspondence address.

Cancellation of registration, *etc.*, of Inspector of Works

27p. (1) The Board shall appoint—

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

(2) The Disciplinary Committee may order—

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

the Inspector of Works.

(3) The Disciplinary Committee may make an order under subsection (2) if the Inspector of Works—

- (a) is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) acts as a contractor or trades in building materials directly connected with his employment;
- (c) is registered under this Act by fraud or misrepresentation;
- (d) offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (e) fails to observe any conditions or restrictions of his registration;
- (f) is found to be of unsound mind;
- (g) is found to be incapable of performing his professional duties effectively;
- (h) becomes a bankrupt;
- (i) is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (j) is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

(4) The Disciplinary Committee shall not make any order under subsection (2), based upon any of the circumstances set out in paragraphs (3)(b) to (e), paragraph (g), paragraphs (i) and (j), unless an opportunity of being heard either personally or by counsel has been given to the Inspector of Works against whom the Disciplinary Committee intends to make the order.

(5) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation of an Inspector of Works—

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

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

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

Removal from Register of Inspectors of Works

27Q. There shall be removed from the Register of Inspectors of Works the name and other particulars of any Inspector of Works—

- (a) who has died;
- (b) who has failed to renew his registration within one month of the expiry of the registration;
- (c) whose registration has been cancelled under section 34a or paragraph 27P(2)(d); or

- (d) who has been registered by reason of any mistake or error made by the Board in considering his application for registration.

Reinstatement into Register of Inspectors of Works

27R. (1) An Inspector of Works whose name has been removed from the Register of Inspectors of Works pursuant to an order of the Disciplinary Committee under subsection 27P(2) shall be reinstated if the appeal by the Inspector of Works is allowed by the Minister under subsection 27P(7) and the Registrar shall issue a certificate of registration to the Inspector of Works.

(2) An Inspector of Works whose name has been removed from the Register of Inspectors of Works for failure to renew his registration shall be reinstated as soon as may be after the Inspector of Works has notified the Registrar, within five years of such removal, and upon—

- (a) payment of such fees as may be prescribed by the Board; and
- (b) satisfying such conditions as may be imposed by the Board,

the Registrar shall issue a certificate of registration to the Inspector of Works.

(3) An Inspector of Works whose name has been removed from the Register of Inspectors of Works pursuant to an order of the Disciplinary Committee under subsection 27P(2) 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 or from the date of the decision of the appeal, apply for reinstatement.

- (4) The Board upon—

- (a) receipt of satisfactory evidence of proper reasons for the reinstatement of the Inspector of Works;
- (b) receipt of reimbursement of all expenditure incurred arising out of the proceedings leading to the cancellation of the registration of the Inspector of Works; and
- (c) payment of the prescribed fee,

shall order the Registrar to issue a certificate of registration to the Inspector of Works.

Certificates of registration of Inspectors of Works to be returned

27s. An Inspector of Works whose name has been removed from the Register of Inspectors of Works shall, within fourteen days after notification of the removal to the Inspector of Works by registered post, return to the Board the certificate of registration issued to him.

PART V_C

SPECIAL PROVISIONS RELATING TO ARCHITECTURAL TECHNOLOGISTS

Restrictions on unregistered Architectural Technologists

27t. No person shall, unless he is an Architectural Technologist—

- (a) be employed as an Architectural Technologist; 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.

Register of Architectural Technologists

27U. For the purpose of this Part, there shall be a Register of Architectural Technologists which shall contain the names, addresses and other particulars of Architectural Technologists.

Registration of Architectural Technologists

27v. (1) An Architectural Technologist may apply for registration under this Part.

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

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

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

Qualifications for registration of Architectural Technologists

27w. A person who holds the qualification recognized by the Board shall be entitled on application to be registered as an Architectural Technologist.

Notification of change of address of Architectural Technologists

27x. An Architectural Technologist shall notify the Registrar of any change in his correspondence address.

Cancellation of registration, etc., of Architectural Technologist

27y. (1) The Board shall appoint—

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

(2) The Disciplinary Committee may order—

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

(3) The Disciplinary Committee may make an order under subsection (2) if the Architectural Technologist—

- (a) is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) acts as a contractor or trades in building materials directly connected with his employment;
- (c) is registered under this Act by fraud or misrepresentation;
- (d) offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (e) fails to observe any conditions or restrictions of his registration;
- (f) is found to be of unsound mind;
- (g) is found to be incapable of performing his professional duties effectively;
- (h) becomes a bankrupt;
- (i) is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (j) is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

(4) The Disciplinary Committee shall not make any order under subsection (2), based upon any of the circumstances set out in paragraphs (3)(b) to (e), paragraph (g), paragraphs (i) and (j), unless an opportunity of being heard either personally or by counsel has been given to the Architectural Technologist against whom the Disciplinary Committee intends to make the order.

(5) The member of the Board appointed under paragraph (1) (a) may, for the purpose of an investigation of an Architectural Technologist—

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

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

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

Removal from Register of Architectural Technologists

27z. There shall be removed from the Register of Architectural Technologists the name and other particulars of any Architectural Technologist—

- (a) who has died;
- (b) who has failed to renew his registration within one month of the expiry of the registration;
- (c) whose registration has been cancelled under section 34A or paragraph 27Y(2)(d); or

- (d) who has been registered by reason of any mistake or error made by the Board in considering his application for registration.

Reinstatement into Register of Architectural Technologists

27ZA. (1) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists pursuant to an order of the Disciplinary Committee under subsection 27Y(2) shall be reinstated if the appeal by the Architectural Technologist is allowed by the Minister under subsection 27Y(7) and the Registrar shall issue a certificate of registration to the Architectural Technologist.

(2) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists for failure to renew his registration shall be reinstated as soon as may be after the Architectural Technologist has notified the Registrar, within five years of such removal, and upon—

- (a) payment of such fees as may be prescribed by the Board; and
- (b) satisfying such conditions as may be imposed by the Board,

the Registrar shall issue a certificate of registration to the Architectural Technologist.

(3) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists pursuant to an order of the Disciplinary Committee under subsection 27Y(2) 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 or from the date of the decision of the appeal, apply for reinstatement.

(4) The Board upon—

- (a) receipt of satisfactory evidence of proper reasons for the reinstatement of the Architectural Technologist;

- (b) receipt of reimbursement of all expenditure incurred arising out of the proceedings leading to the cancellation of the registration of the Architectural Technologist; and
- (c) payment of the prescribed fee,

shall order the Registrar to issue a certificate of registration to the Architectural Technologist.

Certificates of registration of Architectural Technologists to be returned

27ZB. An Architectural Technologist whose name has been removed from the Register of Architectural Technologists shall, within fourteen days after notification of the removal to the Architectural Technologist by registered post, return to the Board the certificate of registration issued to him.

PART VI

GENERAL

Appeal

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

- (a) any person who has been refused registration by the Board; or
- (b) any person, sole proprietorship, partnership or body corporate who having been registered has had his or its name removed from the Register of Architects, Graduate Architects, foreign architects and architectural consultancy practices or the Register of Interior Designers,

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

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

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

Appeal Board

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

Tenure of office of members of the Appeal Board

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

Procedure of appeal

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

(2) On receipt of a copy of the notice of appeal the President of the Board or in the absence of the President the member delegated by the President so to do, or the Chairman of the Disciplinary Committee shall cause to be prepared and sent to the Chairman of the

Appeal Board records or a summary of the records of the proceedings of the Board or Disciplinary Committee and the statement setting out the grounds on which the Board or Disciplinary Committee arrived at its decision.

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

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

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

Procedure of Appeal Board

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

Penalties, obtaining registration by false pretences, etc.

***33.** Any person, sole proprietorship, partnership or body corporate, as the case may be, who—

- (a) procures or attempts to procure registration or a certificate of registration under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;

*NOTE—All proceedings under this section pending before 1 December 2002 shall be continued as if this Act had not been amended by Act A1159—see subsection 41(5) of Act A1159.

- (b) wilfully makes or causes to be made any falsification in the Registers specified in paragraph 4(1)(a);
- (c) forges, alters or counterfeits any certificate of registration under this Act;
- (d) utters or uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited;
- (e) impersonates an Architect, Graduate Architect, foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works or Architectural Technologist;
- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another Graduate Architect, foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist, architectural consultancy practice or interior design consultancy practice;
- (g) sells any certificate of registration issued under this Act; or
- (h) contravenes section 7, or subsection 15A(6) or 34B(5),

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

General penalty

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

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

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

34A. Notwithstanding subsection 7A(6), 15A(3), 25(3), 27E(6), 27G(3) or 27P(4) where—

- (a) an Architect or Graduate Architect refuses or fails to comply with an order of the Disciplinary Committee made under subsection 15A(2), or Appeal Board made under section 28;
- (b) an architectural consultancy practice refuses or fails to comply with an order of the Disciplinary Committee made under subsection 7A(5), or Appeal Board made under section 28;
- (c) a Building Draughtsman refuses or fails to comply with an order of the Disciplinary Committee made under subsection 25(2) or decision of the Minister made under subsection 25(6);
- (d) an Interior Designer or Graduate Interior Designer refuses or fails to comply with an order of the Disciplinary Committee made under subsection 27G(2), or Appeal Board made under section 28;
- (e) *an interior design consultancy practice refuses or fails to comply with an order of the Disciplinary Committee*

made under subsection 27E(5), or Appeal Board made under section 28;

- (f) an Inspector of Works refuses or fails to comply with an order of the Disciplinary Committee made under subsection 27P(2) or decision of the Minister made under subsection 27P(7); or
- (g) an Architectural Technologist refuses or fails to comply with an order of the Disciplinary Committee made under subsection 27Y(2) or decision of the Minister made under subsection 27 Y (7),

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

Power of search and seizure

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

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

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

- (a) examine any book, account, record or other document as may be necessary to ascertain whether or not this Act or any rules made under this Act has been complied with;
- (b) direct that the place of work or any part of it, or anything in it, shall be left undisturbed, whether generally or in particular respect, for so long as is

reasonably necessary for the purpose of any examination or investigation under this section;

- (c) search and seize any signboard, card, letter, pamphlet, leaflet, notice or any device representing or implying that the person is an Architect, Graduate Architect, foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist, or that the sole proprietorship, partnership or body corporate is an architectural consultancy practice or interior design consultancy practice; or
- (d) seize or take copies of or extracts from any book, account, record or other document found in the place of work which he has power to enter or in the vicinity of that place of work, and that is reasonably believed to furnish evidence of the commission of an offence under this Act or any rules made under this Act.

(4) Where by reason of its nature, size or amount, it is not practicable to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document seized under this section, the authorized officer may, by any means, seal such signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document in the place of work in which it is found.

(5) A person shall not, except with lawful authority—

- (a) break, tamper with or damage, or attempt to break, tamper with or damage the seal referred to in subsection (4); or
- (b) remove or attempt to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document under seal.

List of things seized

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

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

Rules

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

Authorization by President

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

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

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

Notices

35B. (1) Any notice or document left at, or posted by registered post or prepaid post to, the last known address or principal place of business last appearing in the Registers specified in paragraph 4(1)(a) or interior design consultancy practice shall be deemed to have been duly served upon that Architect, Graduate Architect, foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist, architectural consultancy practice or interior design consultancy practice.

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

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

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

Indemnity

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

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

Appointment of advocate and solicitor

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

Landscape and Naval Architects

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

Vesting of property, *etc.*

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

Repeal

38. The Architects Ordinance 1951 is repealed.

Saving as to right of Government

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

SCHEDULE

[Subsection 3(5)]

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

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

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

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

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

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

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

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

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

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

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

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

LAWS OF MALAYSIA**Act 117****ARCHITECTS ACT 1967****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A130	Architects (Amendment) Act 1972	07-07-1972
Act A171	Architects (Amendment) Act 1973	30-03-1973
Act A249	Architects (Amendment) Act 1974	15-03-1974
Act A466	Architects (Amendment) Act 1979	21-09-1979
Act A686	Architects (Amendment) Act 1988	19-02-1988
Act A826	Architects (Amendment) Act 1992	19-07-1992
Act A885	Constitution (Amendment) Act 1994	24-06-1994
Act A1159	Architects (Amendment) Act 2002	01-12-2002
Act A1287	Architects (Amendment) Act 2007	01-04-2007

* Act A1480	Architects (Amendment) Act 2015	30-11-2015; except paragraph 3(d), (p) and section 23); 01- 06-2015 [P.U.(B)470/2015]
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**NOTES*—For references to a Professional Architect in any written law or document, any application for registration pending, any decision made by the Disciplinary Committee or Board, any investigation, proceedings pending or otherwise, any rights, privileges, obligations, liability, penalty or punishment see – section 46 of the Architects (Amendment) Act 2015 [*Act A1480*] w.e.f. 30 November 2015 as below:

“Saving and transitional

46. (1) All references to a Professional Architect in any written law and any document shall, on the coming into operation of this Act, be construed as references to an Architect as defined in section 2 of the principal Act as amended in this Act.

(2) Any application for registration pending on the date of the coming into operation of this Act shall be dealt with under the principal Act as amended by this Act.

(3) Any decision made by the Disciplinary Committee or Board under the principal Act shall continue to be in force as if the principal Act had not been amended by this Act.

(4) Any investigations, proceedings, including disciplinary proceedings, and matters relating to such investigations and proceedings existing and pending under the principal Act shall continue and be dealt with under the principal Act as if it had not been amended by this Act.

(5) Any investigations, proceedings, including disciplinary proceedings, and matters relating to such investigations and proceedings which could have been commenced or instituted under the principal Act before the coming into operation of this Act shall be commenced, instituted and dealt with under the principal Act as if it had not been amended by this Act.

(6) Any such rights, privileges, obligations, liability, penalty, or punishment acquired, accrued or incurred under the principal Act, may be continued, enforced, imposed and be dealt with, as the case may be, as if the principal Act had not been amended by this Act.”

LAWS OF MALAYSIA

Act 117

ARCHITECTS ACT 1967

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A1159 Act A1287	01-12-2002 01-04-2007
2	Act A130 Act A686 Act A826 Act A1159 Act A1287 Act A1480 Act A1480	07-07-1972 19-02-1988 19-07-1992 01-12-2002 01-04-2007 01-06-2015 30-11-2015
3	Act A130 Act A171 Act A686 Act A1159 Act A1287 Act A1480	07-07-1972 30-03-1973 19-02-1988 01-12-2002 01-04-2007 30-11-2015; except paragraphs 3(d) and (p); 01-06-2015
4	Act A130 Act A686 Act A826 Act A1159 Act A1287 Act A1480	07-07-1972 19-02-1988 19-07-1992 01-12-2002 01-04-2007 30-11-2015
Heading of Act Part II	Act A1287	01-04-2007

Section	Amending authority	In force from
5	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
6	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
7	Act A130	07-07-1972
	Act A249	15-03-1974
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
7A	Act A249	15-03-1974
	Act A686	19-02-1988
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
7B	Act A1159	01-12-2002
	Act A1480	30-11-2015
8	Act A686	19-02-1988
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
9	Act A130	07-07-1972
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
10	Act A130	07-07-1972
	Act A686	19-02-1988
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015

Section	Amending authority	In force from
10A	Act A686 Act A826 Act A1159 Act A1480	19-02-1988 19-07-1992 01-12-2002 30-11-2015
11	Act A130	07-07-1972
12	Act A1159 Act A1287 Act A1480	01-12-2002 01-04-2007 30-11-2015
13	Act A130 Act A826 Act A1159 Act A1480	07-07-1972 19-07-1992 01-12-2002 30-11-2015
14	Act A130 Act A826 Act A1159 Act A1287 Act A1480	07-07-1972 19-07-1992 01-12-2002 01-04-2007 30-11-2015
Heading of Act Part IV	A1159	01-12-2002
15	Act A130 Act A249 Act A686 Act A826 Act A1159	07-07-1972 15-03-1974 19-02-1988 19-07-1992 01-12-2002
15A	Act A826 Act A1159 Act A1287 Act A1480	19-07-1992 01-12-2002 01-04-2007 30-11-2015
15B	Act A826 Act A1159	19-07-1992 01-12-2002
16	Act A130 Act A686 Act A1159 Act A1287 Act A1480	07-07-1972 19-02-1988 01-12-2002 01-04-2007 30-11-2015
17	Act A130	07-07-1972

Section	Amending authority	In force from
	Act A686	19-02-1988
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
18	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
Heading of Act Part V	Act A1287	01-04-2007
19	Act A130	07-07-1972
20	Act A130	07-07-1972
	Act A249	15-03-1974
	Act A1159	01-12-2002
	Act A1287	01-04-2007
21	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
22	Act A130	07-07-1972
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
23	Act A1287	01-04-2007
	Act A1480	01-06-2015
24	Act A130	07-07-1972
	Act A466	21-09-1979
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
25	Act A130	07-07-1972
	Act A249	15-03-1974

Section	Amending authority	In force from
	Act A686	19-02-1988
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
26	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
26A	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
27	Act A130	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
Part VA	Act A1287	01-04-2007
27A	Act A1480	30-11-2015
27B	Act A1480	30-11-2015
27C	Act A1480	30-11-2015
27D	Act A1480	30-11-2015
27E	Act A1480	30-11-2015
27F	Act A1480	30-11-2015
27G	Act A1480	30-11-2015
27H	Act A1480	30-11-2015
27I	Act A1480	30-11-2015
27J	Act A1480	30-11-2015
27K	Act A1480	30-11-2015

Section	Amending authority	In force from
27L	Act A1480	30-11-2015
27M	Act A1480	30-11-2015
27N	Act A1480	30-11-2015
27O	Act A1480	30-11-2015
27P	Act A1480	30-11-2015
27Q	Act A1480	30-11-2015
27R	Act A1480	30-11-2015
27S	Act A1480	30-11-2015
27T	Act A1480	30-11-2015
27U	Act A1480	30-11-2015
27V	Act A1480	30-11-2015
27W	Act A1480	30-11-2015
27X	Act A1480	30-11-2015
27Y	Act A1480	30-11-2015
27Z	Act A1480	30-11-2015
27ZA	Act A1480	30-11-2015
27ZB	Act A1480	30-11-2015
28	Act A1159 Act A1480	01-12-2002 30-11-2015
29	Act A885	24-06-1994
31	Act A1159	01-12-2002
33	Act A130 Act A686 Act A826	07-07-1972 19-02-1988 19-07-1992

Section	Amending authority	In force from
	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
34	Act A171	30-03-1973
	Act A249	15-03-1974
	Act A686	19-02-1988
	Act A826	19-07-1992
	Act A1159	01-12-2002
	Act A1287	01-04-2007
34A	Act A1287	01-04-2007
	Act A1480	30-11-2015
34B	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
34C	Act A1159	01-12-2002
35	Act A826	19-07-1992
35A	Act A249	15-03-1974
	Act A1159	01-12-2002
	Act A1287	01-04-2007
35B	Act A1159	01-12-2002
	Act A1287	01-04-2007
	Act A1480	30-11-2015
35C	Act A1159	01-12-2002
35D	Act A1159	01-12-2002
37	Act A130	07-07-1972
Schedule	Act A130	07-07-1972
	Act A686	19-02-1988
	Act A826	07-07-1972
	Act A1159	01-12-2002
	Act A1287	01-04-2007
Throughout the Act	Act A686	19-02-1988
