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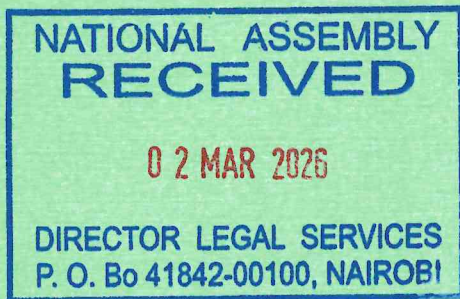
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THE QUANTITY SURVEYORS BILL, 2026**A Bill for**

AN ACT of Parliament to provide for the establishment of the Institute of Quantity Surveyors of Kenya; to regulate the practice of quantity surveying; to provide for the registration and licensing of quantity surveyors; to establish a Council of the Institute; to provide for discipline, standards, professional conduct and accreditation; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Quantity Surveyors Act, 2026. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to quantity surveying.
- “Council” means the Council of the Institute of Quantity Surveyors established under section 7. Objects and purpose of the Act.
- “Examinations Board” means the Quantity Surveyors Examinations Board established under section 16.
- “Institute” means the Institute of Quantity Surveyors of Kenya established under section 4.
- “member” means a person admitted to membership of the Institute under this Act.
- “practising certificate” means an annual certificate issued under section 32 authorizing practice as a quantity surveyor.
- “professional misconduct” means conduct declared as such under section 39 and includes breach of the Code of Conduct.
- “quantity surveyor” means a person registered as such under this Act.
- “Register” means the register kept under section 27.
- “Registration Committee” means the committee established under section 19.

“Senior Quantity Surveyor” means a member conferred the rank under section 5(3).

3. The objects of this Act are to—

- (a) establish the Institute of Quantity Surveyors of Kenya;
- (b) regulate the practice of quantity surveying in Kenya;
- (c) protect the public by ensuring competent and ethical professional practice;
- (d) uphold standards of professional education, training and conduct in the practice of quantity surveying;
- (e) provide a framework for registration, licensing and discipline;
- (f) to enhance consumer protection and promote public interest; and
- (g) align the profession with international best practices.

PART II – THE INSTITUTE OF QUANTITY SURVEYORS.

4. (1) There is established an institute to be known as the Institute of Quantity Surveyors.

Establishment of
Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) borrowing money;
- (d) acquiring, holding and disposing of investments in other enterprises subject to approval of the members of the Institute; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) All courts, judges and other persons acting judicially shall take judicial notice of the seal of the Institute affixed to a document and shall presume that it was duly affixed.

(4) The Headquarters of the Institute shall be in Nairobi County.

(5) Despite subsection (4), the Institute shall ensure access to its services in all parts of Kenya to the extent that is practicable to do so.

5. (1) A person who is registered under this Act shall be a member of the Institute.

Membership of
the Institute.

(2) The members of the Institute shall include—

(a) fellows, being members of the Institute recognized to have rendered outstanding services to the profession of quantity Surveyors;

(b) members registered under section 22;

(c) associate members, being persons eligible to be registered under section 22, who do not meet the requirements prescribed under section 22;

(d) affiliate members, comprising those members who work in the built industry but are not quantity surveyors;

(e) corporate members, comprising both private and public institutions and organizations and including companies, partnerships and other corporate bodies; and

(f) such other category as the Council may establish.

(3) The Council may grant a letter of conferment to a member of the Institute of irreproachable professional conduct who has rendered exemplary service to the quantity surveying practice and public service in Kenya conferring upon him or her the rank and dignity of Senior quantity surveyor.

(4) Where the Council considers that a member of the Institute has fulfilled such requirements, if any, for admission into Fellowship as the Council may prescribe,

the Council may invite such member to become a Fellow of the Institute.

(5) Where the Council considers that a person, not being a member of the Institute has rendered exceptional services to the Institute or the profession of quantity surveyors, the Council may invite the person to become an Honorary Fellow of the Institute.

(6) The members of the Institute as specified in this section shall pay such membership fees, subscriptions and penalties as the Council may from time to time determine through regulations and subject to the members approval.

(7) The members of the Institute under subsection (2) shall be entitled to such rights of membership as the Council may prescribe.

6. (1) The functions of the Institute shall be to—

Functions of the Institute.

- (a) regulate the practice and standards of quantity surveying in Kenya;
- (b) register and license quantity surveyors and firms in accordance with this Act;
- (c) develop and enforce a code of ethics and professional conduct;
- (d) accredit academic and professional training programmes in quantity surveying, in consultation with relevant bodies;
- (e) conduct or cause to be conducted professional examinations;
- (f) promote continuous professional development for its members;
- (g) protect the interests of the public in all matters relating to quantity surveying practice; and
- (h) perform such other functions as may be conferred by this Act or any other written law.

(2) The Institute shall perform its functions in the public interest and in accordance with the values and principles under Articles 10 and 232 of the Constitution.

7. (1) The management of the Institute shall vest in a Council of the Institute comprising of —

Council of the Institute.

- (a) a President who shall be a quantity surveyor with at least fifteen years' experience in practice of quantity surveying, elected by the members of the Institute in the manner prescribed by regulations;
- (b) the head of quantity surveying in the ministry for the time being responsible for matters relating to quantity surveying;
- (c) one member, who shall be appointed by the Cabinet Secretary for the time being responsible for matters relating to quantity surveying, representing consumers of quantity surveying services;
- (d) five other members who shall be practising quantity surveyors elected by quantity surveyors in the manner prescribed by regulations, two of whom shall possess at least fifteen years experience in the practice of quantity surveying ; and
- (e) the Executive Director, as an ex officio member of the Council.

(2) A member elected to the Institute under subsection (1)(a) and (d) shall hold office for a period of three years and shall be eligible for re-election for a further term of three years.

(3) At least one-third of the Council members shall be of either gender, and the Council shall reflect the regional and ethnic diversity of the people of Kenya.

8. (1) There shall be an Executive Director of the Institute who shall be competitively appointed by the Council, and whose terms and conditions of service shall be determined by the Council in the instrument of appointment.

Executive
Director.

(2) A person shall not be appointed as an Executive Director under this section unless such person—

- (a) is a registered quantity surveyor;
- (b) has had at least ten years of proven experience as a quantity surveyor; and
- (c) meets the requirements of Chapter Six of the Constitution on leadership and integrity.

- (3) The Executive Director shall—
- (a) be the secretary to the Council;
 - (b) subject to the directions of the Council, be responsible for the day-to-day management of the affairs of the Institute; and
 - (c) be responsible to the Council generally for the implementation of this Act.

9. The Council may appoint such officers, agents and other staff as are necessary for the proper and efficient discharge of the functions of the Institute and the Council under this Act, upon such terms and conditions of service as the Council may determine.

Staff of the Institute.

10. The Council may, on the advice of the Executive Director, engage on behalf of the Institute, the services of an expert or a consultant in respect of any of the functions of the Institute in which the experts or consultant has special competence.

Experts and consultants.

11. The Council may, by resolution delegate to any committee or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council or the Institute under this Act or under any other written law.

Delegation by the Council.

12. The members of the Council shall be paid such, fees, allowances and disbursements for expenses as may be determined by the Council.

Remuneration of Council members.

13. (1) The conduct of the business and affairs of the Council shall be as provided in the First Schedule.

Conduct of the business and affairs of the Council.

(2) Except as provided in the First Schedule, the Council may regulate its own procedure.

14. (1) The common seal of the Institute shall be kept in the custody of the Executive Director or of such other person as the Council may direct, and shall not be used except upon the order of the Council.

Common seal.

(2) The common seal of the Institute, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Council under this section shall be presumed to have been duly given.

15. No matter or thing done by a member of the Council or by any officer, member of staff, or agent of the Council shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Council under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Protection from
personal liability.

16. (1) There is established a committee of the Council to be known as the Quantity Surveyors Examinations Board.

Examinations
Board.

(2) The Examination Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) borrowing and lending money;
- (d) acquiring, holding and disposing of investments in other enterprises subject to approval by the Cabinet Secretary for the time being responsible for finance; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) The Examinations Board shall consist of—

- (a) four persons who shall be registered quantity surveyors, nominated by the Council, one of whom shall be a distinguished academic scholar with at least ten years of experience in the management of university education;
- (b) two persons nominated by the Cabinet Secretary for the time being responsible for matters relating to education, one of whom shall be from the Kenya Institute of Curriculum Development and one from the Kenya National Examination Council; and

(c) one person nominated by the Commission for University Education; and

(3) The Chairperson of the Examination Board shall be appointed by the Council from amongst the members of the Examinations Board under subsection (2)(a).

(4) A member appointed to the Board under subsection (2)(a) shall hold office for a period of three years and shall be eligible for reappointment for a further and final term of three years.

17. (1) The Examination Board, with the approval of the Council, shall—

Functions of the Examination Board.

- (a) set, conduct, and moderate professional examinations for quantity surveyors;
- (b) accredit training programmes and institutions in consultation with the Ministry of Education;
- (c) advise the Council on matters relating to education, syllabus, and examinations; and
- (d) perform such other functions as the Council may delegate.

(2) The Examination Board may co-opt such experts as it may consider necessary in furtherance of its functions.

18. Section 15 shall not relieve the Council of the liability to pay compensation to any person for any injury to their property or to any of their interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

Liability of the Council for damages

PART III – REGISTRATION OF QUANTITY SURVEYORS

19. (1) There is established a committee of the Council to be known as the Registration Committee comprising of

Registration Committee.

(2) The Registration Committee shall consist of—

- (a) a chairperson, being a member of the Council appointed by the Council from among its members;
- (b) two registered corporate quantity surveyors of not less than seven years' standing, elected by members of the Institute;

- (c) one member from the Examination Board;
- (d) The Executive Director, who shall be the secretary of the Registration Committee.

Functions of the
Registration
Committee.

(3) The quorum of the Committee shall be three members, one of whom shall be the chairperson.

20. The Registration Committee shall —

- (a) receive and evaluate applications for registration and practising certificates;
- (b) verify the academic and professional qualifications of applicants;
- (c) recommend to the Council the approval or refusal of applications; and
- (d) perform any other functions relating to registration as the Council may delegate.

Decisions of the
Registration
Committee.

21. (1) The Registration Committee shall submit its recommendations on each application to the Council for approval.

(2) The Council may —

- (a) approve the recommendation and direct that the applicant be registered or issued with a practising certificate; or
- (b) reject the recommendation and require the Committee to reconsider the application.

(3) An applicant who is aggrieved by the decision of the Council may apply for a review of the decision.

22. (1) The Council may register quantity surveyors in the following categories —

Categories of
registration.

- (a) graduate quantity surveyor, being a person who has satisfied the academic qualifications under section 23 (1) (a) or (b) but has not completed the prescribed practical training or professional examination;
- (b) corporate quantity surveyor, being a person who has satisfied the requirements under section 23 (1) (a) to (f) and is entitled to full professional practice;

- (c) associate or technician quantity surveyor, being a person who holds such diploma or other qualification in quantity surveying as may be prescribed, and is authorized to perform such functions as may be limited by regulations; and
- (d) Students undertaking a degree in quantity surveying or technical quantity surveying.

(2) The rights and obligations of each category of registration shall be as prescribed by the Council in regulations.

23. (1) A person shall be eligible for registration as a quantity surveyor if that person—

Qualifications for registration.

- (a) holds a degree in quantity surveying from a university or institution recognized by the Council of Institute; or
- (b) holds such other qualification in quantity surveying, building economics, construction management or a related field as may be approved by the Council;
- (c) has completed such period of practical training or internship under the supervision of a registered quantity surveyor or a quantity surveying firm as the Council may prescribe;
- (d) has passed such professional examination or assessment of competence as may be prescribed by the Council;
- (e) is a member in good standing of the Institute or such other professional body recognized by the Council; and
- (f) is of good professional standing and has not been convicted of an offence involving fraud, dishonesty or moral turpitude, or found guilty of professional misconduct.

(2) Notwithstanding subsection (1), a person who, at the commencement of this Act, is registered as a quantity surveyor under any written law repealed by this Act shall be deemed to be registered under this Act.

(3) The Council may, by notice in the *Gazette*, approve qualifications it considers sufficient to allow a person to be registered as a professional quantity surveyor.

24. A person is disqualified from being registered under this Act if the person—

Disqualification from registration.

- (a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud;
- (b) is an undischarged bankrupt;
- (c) is certified as being of unsound mind by a medical practitioner; or
- (d) is found by the Council to be guilty of professional misconduct in accordance with this Act; and
- (e) fails to meet the requirements of Chapter Six of the Constitution.

25. A firm shall be eligible for registration as a quantity surveying firm under this Act if—

Registration of quantity surveying firms.

- (a) the firm is a partnership, limited liability partnership, or a company incorporated under the Companies Act;
- (b) the firm has at least one partner, director, or shareholder who is a quantity surveyor registered under this Act and who shall be designated as the principal quantity surveyor of the firm;
- (c) all persons who, either alone or together with others, exercise control over the practice of the firm are registered quantity surveyors, unless the Council approves such other persons as may be prescribed;
- (d) the firm maintains professional indemnity insurance and such other requirements as the Council may prescribe; and
- (e) the firm fulfils any other condition as may be stipulated by the Council.

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(2) A firm registered under this section shall be entered in the register of firms maintained by the Council and issued with a certificate of registration.

Registration of foreign quantity surveyors.

(3) No firm shall practice or hold itself out as a quantity surveying firm unless it is registered under this Act.

(4) The rights and obligations of registered firms, including the use of the firm's name, seal, and liability of partners or directors, shall be prescribed by regulations made under this Act.

26. (1) A person who is not ordinarily resident in Kenya but intends to practice as a quantity surveyor in Kenya may apply to the Institute for temporary registration as a foreign quantity surveyor.

(2) A person shall be eligible for registration in this section if that person—

- (a) is duly registered or licensed as a quantity surveyor in their country of origin or in the country where they ordinarily practise;
- (b) produces a letter of good standing from the professional regulatory authority of that country;
- (c) satisfies the Institute that the country of origin accords reciprocal treatment to Kenyan quantity surveyors;
- (d) demonstrates possession of qualifications and experience equivalent to those required under this Act; and
- (e) intends to undertake practice in Kenya in collaboration with a quantity surveyor or firm registered under this Act.

(3) Temporary registration under this section shall—

- (a) be valid for the duration of the project for which registration is sought or for a period not exceeding twelve months, whichever is earlier;
- (b) be renewable upon application, subject to conditions prescribed by the Institute; and
- (c) not confer eligibility for election to the Council or to hold office under this Act.

(4) A foreign quantity surveyor registered under this section shall not practise independently in Kenya but shall practise in association with a local quantity surveyor or firm registered under this Act.

- (5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding two years, or to both.
- (6) The Cabinet Secretary may, in consultation with the Institute, make regulations to give further effect to this section, including procedures for application, renewal, and recognition of foreign qualifications.

27. (1) An application for registration under this Act shall be made to the Council in the prescribed form and shall be accompanied by —

Application for registration.

- (a) proof of academic and professional qualifications;
- (b) evidence of practical training or internship;
- (c) proof of membership of a recognized professional body; and
- (d) payment of the prescribed fee.

28. (1) The Council shall maintain a register containing —

Register

- (a) the names of persons and quantity surveying firms registered under this Act;
- (b) the names of all persons issued with a practising certificate;
- (c) the regular business address of each registered person and quantity surveying firm.
- (d) particulars of the cancellation of the registration of any person or quantity surveying firm; and
- (e) such other details as the Council may direct.

29. The Council shall remove from the register the name of a person or firm —

Removal of names from the Register.

- (a) who has died or, in the case of a firm, has been dissolved or wound up;
- (b) who has failed to renew their annual practising certificate within the period prescribed under this Act;
- (c) who has requested, in writing, that their name be removed from the register;

- (d) who has been found guilty of professional misconduct or has contravened the code of conduct prescribed under this Act;
- (e) who has been convicted of an offence involving fraud, dishonesty, or moral turpitude;
- (f) who has obtained registration through fraud, misrepresentation, or concealment of a material fact; or
- (g) who has been declared bankrupt or insolvent and has not been discharged, in the case of an individual, or where the firm has entered into receivership or liquidation, in the case of a firm.

(2) Before removing any name under subsection (1) (d), (e), or (f), the Council shall —

- (a) give the person or firm concerned written notice of its intention to remove the name, stating the reasons; and
- (b) afford the person or firm an opportunity to be heard, either personally or through a representative.

(3) The Council shall publish in the Gazette and in such other manner as it may determine, the name of any person or firm removed from the register.

(4) A person or firm whose name has been removed from the register under this section may apply for reinstatement upon satisfying the Board that the circumstances leading to removal have been remedied and upon payment of the prescribed fee.

Correction of Register.

30. The Executive Director shall make any necessary alteration or correction in the register in relation to any entry.

31. Where the name of any person has been removed from the register, the Council may, either of its own motion or on the application by the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Council thinks fit, direct that —

Reinstatement to the Register.

- (a) the removal of such person's name from the register be upheld; or

(b) the name of the person be restored in the register.

32. A person registered under this Act shall —

Use of title.

(a) by virtue of being so registered as a professional quantity surveyor, be entitled to take and use the title and description of “Quantity Surveyor”; and

(b) not take or use, or affix to or use in connection with his or her premises, any title or description, in addition to that of a quantity surveyor, other than as indicated by the particulars relating to his or her qualifications entered in the register.

33. (1) A person or firm registered under this Act shall not engage in the practice of quantity surveying unless that person or firm holds a valid annual practising certificate issued by the Council.

Application for practising certificate.

(2) An application for an annual practising certificate shall be made to the Council in the prescribed form and shall be accompanied by —

(a) proof of registration under this Act;

(b) evidence of compliance with continuing professional development requirements as may be prescribed;

(c) evidence of professional indemnity insurance, in the case of a firm; and

(d) payment of the prescribed fee.

(3) The Council shall, upon being satisfied that the applicant meets the requirements of this section, issue an annual practising certificate in the prescribed form.

(4) An annual practising certificate shall be valid for a period of twelve months from the date of first January to the 31st of December of that particular year and shall be renewable upon application and payment of the prescribed fee.

(5) The Council may refuse to issue or renew a practising certificate to a person or firm that —

(a) is in arrears of any fees or penalties payable under this Act;

(b) is under suspension from practice by order of the Council; or

- (c) has failed to comply with the prescribed conditions for practice.

(6) A person or firm aggrieved by the refusal of the Council to issue or renew a practising certificate may, within thirty days of such refusal, seek for review of the council's decision and may appeal to the High Court, where they are dissatisfied with the decision of the Council upon review.

PART IV – PROFESSIONAL CONDUCT AND DISCIPLINE OF MEMBERS

34. (1) There is established a committee of the Council of the Institute to be known as the Professional Conduct and Discipline Committee.

Establishment of the Professional Conduct and Discipline Committee.

(2) The Committee shall consist of—

- (a) a chairperson, appointed by the Council from among its members;
- (b) six registered quantity surveyors (other than the President, Vice-president or executive director), of not less than ten years standing, one of whom shall be a quantity surveyor who does not ordinarily practise in Nairobi, all of whom shall be elected and shall hold office for three years and be eligible for re-election.

(2) The quorum of the Committee shall be five members, one of whom shall be the chairperson.

35. The functions of the Professional Conduct and Discipline Committee shall be to—

Functions of the Professional Conduct and Discipline Committee.

- (a) inquire into allegations of professional misconduct, negligence, or improper conduct on the part of any registered person or firm;
- (b) hear and determine complaints lodged against registered persons or firms;
- (c) recommend to the Council appropriate disciplinary measures, including reprimand, suspension, or removal from the register;
- (d) advise the Council on the formulation of a code of professional conduct and ethics; and

- (e) perform such other functions as may be conferred upon it by this Act or any other written law.

36. (1) A complaint against a registered person or firm shall be made in writing to the Council and referred to the Professional Conduct and Discipline Committee for inquiry.

Disciplinary Proceedings.

(2) The Professional Conduct and Discipline Committee shall notify the person or firm concerned of the complaint and shall afford them an opportunity to be heard, either personally or through an advocate or representative.

(3) The Professional Conduct and Discipline Committee shall conduct its proceedings in accordance with the rules of natural justice and may receive oral or written evidence.

(5) For purposes of the proceedings at any inquiry held, the Professional Conduct and Discipline Committee may administer oaths and may subject to any regulations made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(6) Upon conclusion of an inquiry, the Professional Conduct and Discipline Committee shall make a report and its recommendations to the Council.

(7) The Council shall, after considering the report of the Professional Conduct and Discipline Committee, make a decision on the matter and may—

- (a) issue a caution or reprimand;
- (b) impose a fine not exceeding such amount as may be prescribed;
- (c) suspend the person or firm from practice for a specified period; or
- (d) remove the name of the person or firm from the register.

37. (1) For the purposes of any inquiry into disciplinary proceedings under this Act, Professional Conduct and Discipline Committee may—

Power to inspect.

- (a) enter and inspect the premises of a registered person or firm during reasonable hours;

- (b) require the production for inspection of any books, accounts, records, drawings, or other documents relating to the professional services undertaken by the person or firm;
- (c) take copies of or extracts from any document produced under paragraph (b); and
- (d) require any person employed by, or acting on behalf of, the registered person or firm to provide such information as may be relevant to the inquiry.

Inquiry into disciplinary proceedings.

(2) A registered person or firm shall provide reasonable assistance to the Council or the Professional Conduct and Discipline Committee in the exercise of its powers under this section.

(4) Any information, document, or material obtained under this section shall be treated as confidential and shall not be disclosed except—

- (a) for the purposes of the inquiry or disciplinary proceedings;
- (b) to the extent required for the proper performance of the functions of the Committee; or
- (c) as may be required by a court of law.

(5) A person who—

- (a) obstructs the Institute or the Committee in the exercise of its powers under this section;
- (b) fails to produce any document or information lawfully required under this section; or
- (c) knowingly provides false or misleading information,
- (d) commits an offence and shall be liable on conviction to a fine not exceeding one million Kenyan shillings or to imprisonment for a term not exceeding two years, or to both.

Review

38. (1) A person or firm aggrieved by a decision of the Council under section 31(5) may, within fifteen days of being notified of the decision, apply in writing to the Council for a review.

(2). The Council shall consider the application for review and may —

- (a) affirm its decision;
- (b) vary or set aside its decision; or
- (c) substitute its decision with such other decision as it considers just.

(3) The Council shall notify the applicant in writing of its decision on review within thirty days of receiving the application.

Appeal.

39. A person or firm aggrieved by a decision of the Council on review under section 32 may, within thirty days of being notified of the decision, appeal to the High Court.

40. (1) A person registered under this Act commits an act of professional misconduct if the person —

Professional misconduct.

- (a) deliberately fails to follow the standards of conduct and practice of the quantity surveying profession set by the Council;
- (b) refuses, fails or neglects to apply established quantity surveying principles in the course of discharging his or her professional functions;
- (c) is grossly negligent in the conduct of professional duties;
- (d) discloses information acquired in the course of his or her duties to any person without the consent of his employer or client or otherwise than required by law;
- (e) engages in activities which are in conflict with those of his or her employer or client or activities which are contrary to those for which he is registered as a quantity surveyor;
- (f) allows a person not licensed to practice in his or her name;
- (g) violates Chapter six of the Constitution; or
- (h) engages in undercutting, being the charging of fees below the scale of fees prescribed under this Act or the regulations made thereunder;

- (i) signs, stamps, or otherwise endorses any plan, drawing, report, specification, or other document which was not prepared by that person or firm, or under the direct supervision of that person or firm;
- (j) permits their professional seal, signature, or name to be used in circumstances likely to mislead the public or to facilitate unprofessional or fraudulent practice;
- (k) directly or indirectly holds out as being in partnership or association with a person or firm not registered under this Act, except as may be permitted by this Act or regulations; or
- (l) commits any other act or omission which, in the opinion of the Institute, constitutes professional misconduct or is likely to bring the profession into disrepute.

41. (1) Where a member of the Institute has been suspended from practising, he or she may appeal to the Council for the lifting of the suspension at any time before the expiry of the suspension.

Lifting of suspension.

(2) Where the Council is satisfied that the suspension of a member of the Institute should be lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore the member's registration and practising certificate.

PART V—FINANCIAL PROVISIONS

42. (1) The funds of the Institute shall consist of—

Funds of the Institute.

- (a) such monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or performance of its functions under this Act
- (b) such monies as may be payable to the Council pursuant to this Act or any other written law;
- (c) donations, gifts and endowments from lawful organizations or sources;
- (d) such monies as may be appropriated by Parliament out of the Consolidated Fund for the purposes of the Institute;

- (e) proceeds of any investments by the Council; and
- (f) grants.

(2) Any monies received by the Institute from the Consolidated Fund shall be applied strictly for purposes approved by Parliament.

43. The financial year of the Council shall be the period of twelve months ending on the thirty first of December in each year.

Financial year.

44. (1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.

Annual estimates.

(2) The annual estimates shall make provisions for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of the staff of the Council;
- (b) payment of pensions, gratuities and other charges in respect of former staff of the Council;
- (c) proper maintenance of the buildings and grounds of the Council;
- (d) maintenance, repair and replacement of the equipment and other property of the Council;
- (e) payment of allowances of the members of the Council and the members of the committees and boards of the Institute; and
- (f) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3).

45. (1) The Council shall cause to be kept proper books and other records of accounts of its income, expenditure, assets and liabilities.

Accounts and audit.

(2) Within a period of three months after the end of each financial year, the Council shall submit to the general meeting of the Institute accounts of the Council, in respect of that year, together with—

- (a) a statement of income and expenditure during that financial year; and
- (b) a statement of the assets and liabilities of the Council on the last day of that financial year.

(3) The accounts of the Council shall be examined, audited and reported by an accountant or accounting firm appointed by the Institute at the general meeting.

46. (1) The Council may, with the approval of the members of the Institute invest any of the monies of the Institute which are not immediately required for its purposes in such manner as the members may direct.

Investment of funds.

(2) The Council, with the approval of the members of the Institute, may place on deposit with such bank or banks as it may determine any monies not immediately required for the purposes of the Academy.

47. (1) The Executive Director shall, within three months after the end of each financial year, prepare and submit to the Council a report of the operations of the Institute for the immediate preceding financial year.

Annual reports and publication.

(2) The Council shall, if the members of the Institute so requires, publish the report, balance sheet and statements submitted to him or her under subsection

(3) The Council shall lay the report submitted under subsection (1) at an Annual General Meeting of members of the Institute after the receipt of the report.

PART VII – OFFENCES AND PENALTIES

48. A person who, not being eligible to be registered under this Act, uses any title appropriate to a person so registered, or holds himself out directly or indirectly as being so registered, commits an offence and is liable on conviction to a fine not exceeding three million shillings, or imprisonment for a term not exceeding three years or both.

Holding out as a registered person under this Act.

49. A person who wilfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any person to be registered under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

Falsification of registers or records.

50. A person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

General penalty.

PART VIII—PROVISIONS ON DELEGATED POWERS

51. (1) The Council, with the approval of the members of the Institute, may make regulations generally for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1) the regulations may prescribe—

- (a) the curriculum and the courses of study to be pursued by the various cadres in order to satisfy the academic requirements of any particular registration;
- (b) the experience criteria to be met by candidates for registration;
- (c) a code of ethics, rules of professional conduct and standards of practice;
- (d) the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (e) fees payable to under the Act;
- (f) forms under the Act;
- (g) criteria for admission of a person as a honorary fellow of the institute;
- (h) on the rights and obligations of members of the Institute under section 22;

- (i) the election of chairperson and five members of the Council under section 7;
- (j) the procedure for nominations of quantity surveyors under into the Examination Board under section 16;
- (k) procedure for registration of foreign quantity surveyors under section 26;
- (l) procedure for removal of names from the register;
- (m) procedure for conduct of disciplinary hearings, including prescribed forms and fees;
- (n) rules for the calling, holding and conducting of meetings of the Council and of the members of the Institute; and
- (o) the criteria, procedure for application and consideration for the grant of rank Senior Quantity surveyor.

**PART IX – TRANSITIONAL PROVISIONS,
SAVINGS AND REPEALS**

52. The Board of Registration of Architects and Quantity Surveyors established in Section 4 of the Architects and Quantity Surveyors Act, shall perform the functions of the Council established under section 7, for a period of twelve months from the commencement of the Act until the Council is properly constituted.

Transition.

Cap.525.

(2) Any person who was registered as a Quantity Surveyor under the Architects and Quantity Surveyors Act, shall be deemed to have been registered as a quantity surveyor under section 26 of this Act.

(3) Any application for registration as a quantity surveyor under section 8 of the Architects and Quantity Surveyors Act shall be deemed to be an application under Section 21(1) of this Act.

(4) Within twelve months of the commencement of this Act, the Council shall facilitate the registration of members of the Institute and convene the first annual general meeting for the election of Council members.

(5) Any examinations currently being conducted by any statutory body for the purpose of qualifying as a quantity surveyor shall be transferred to the Examinations

Board within twelve months of the commencement of this Act.

53. All rights, liabilities, assets and staff relating to the regulation of quantity surveyors under the Architects and Quantity Surveyors Act, shall be transferred to the Institute.

Transfer of functions.

54. The provisions of the Architects and Quantity Surveyors Act relating to quantity surveyors are repealed. Anything done lawfully before the commencement of this Act shall be deemed to have been done under this Act.

Repeals and savings.

55. The Acts specified in the Second Schedule are amended in the manner specified in that Schedule.

Consequential amendments to other Acts.

FIRST SCHEDULE

[s. 13(1)]

**PROVISIONS AS TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE COUNCIL**

1. An office of a member of the Council shall become vacant if the member—

Vacation of office.

- (i) dies;
- (ii) becomes subject to any of the disqualifications referred to in paragraph 2;
- (iii) resigns the office in writing and delivers to the chairperson of the Council;
- (iv) is absent without the permission of the chairperson from three or more consecutive meetings of the Council;
- (vi) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (vii) becomes for any reason including infirmity of body or mind, incompetent or incapable of performing the functions of the office; or
- (viii) is otherwise unable to discharge his functions.

2. A vacancy in the office of a member under paragraph 3 shall be filled, by a person elected by the members of the Institute in the manner prescribed by the Regulations.

Filling of vacancy.

3. The Council shall, at its first meeting, elect a Vice Chairperson from amongst the persons elected under section 6 (1) (e) of this Act.

Vice chairperson.

4. (1) The Council shall meet at least four times each year.

Meetings.

(2) The Chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

(3) The Chairperson shall preside at all meetings of the Council, which he is present and in the case of his absence, the Vice Chairperson shall preside.

(4) At a meeting of the Council at which neither the Chairperson or Vice chairperson is present, the members of

the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted.

5. The quorum for the conduct of the business of the Council shall be six members.

Quorum.

6. The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

Voting procedure.

7. The validity of any proceedings of the Council shall not be affected by any vacancy among the membership thereof, or by any defect in the appointment of a member thereof.

Validity of proceedings.

8. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs.

Minutes.

9. The Council may establish such committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

Committees of the Council.

10. Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

Power of the Council to regulate own procedure.

11. (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of interest.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

SECOND SCHEDULE [s.54]

CONSEQUENTIAL AMENDMENTS

1. The Architects and Quantity Surveyors Act is amended— Amendment to
Cap 525.

(a) in the long title, by deleting the words “and Quantity Surveyors”;

(b) in section 1, by deleting the words “and Quantity Surveyors”;

(c) in section 2—

(i) by deleting the words “or quantity surveyors” appearing in the definition of “registered person”;

(ii) (ii) by deleting the words “and Quantity Surveyors” appearing in the definition of “the Board”;

(iii) by deleting the words “and Quantity Surveyors” appearing in the definition of “the Registrar”;

(iv) by deleting the definition of “quantity surveyor”;

(d) in section 3(1), by deleting the words “quantity surveyor” and “quantity surveying”;

(e) in section 4—

(i) by deleting the words “and Quantity Surveyors” appearing in subsection (1); and

(ii) (ii) by deleting subsection (2) in its entirety and substituting thereof with the following new subsection—

“The Board shall consist of eight members who shall be architects.”

(f) in section 5—

(i) by deleting the words “and quantity surveyors” appearing in subsection(f);

(ii) by deleting the words “or quantity surveying” appearing in subsection (h); and

- (iii) by deleting the words “and quantity surveyors” appearing in subsection (1).
- (g) in section 6(1), by deleting the words “and Quantity Surveyors”;
- (h) by deleting section 8 in its entirety;
- (i) in section 10, by deleting the words “or quantity surveying”;

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to provide a new legal and regulatory framework for the practice of quantity surveying in Kenya by establishing the Institute of Quantity Surveyors of Kenya.

At present, quantity surveyors are regulated jointly with architects under the Architects and Quantity Surveyors Act (Cap. 525), therefore, this Bill seeks to establish an independent Institute and Council to regulate the profession of quantity surveyors, enhance accountability, strengthen discipline, and align the practice of quantity surveying with international standards and best practices.

PART I – PRELIMINARY (Clauses 1-3)

This Part contains the short title, interpretation provisions of terms as used in the context of the Act and objects and purposes of the Act.

PART II – THE INSTITUTE OF QUANTITY SURVEYORS OF KENYA (Clauses 4-18)

This Part establishes the Institute of Quantity Surveyors of Kenya as a body corporate with perpetual succession and a common seal. It also provides for membership of the Institute, which includes Fellows, Corporate Members, Graduate Members, Student Members and Honorary Members, and sets out the functions of the Institute, including regulation of practice, maintaining the register, promoting research and training, enforcing standards, and representing the profession nationally and internationally. In addition, this Part establishes the Council of the Institute as the governing body of the Institute. It provides for the composition of the Council, its functions, tenure, elections, and meetings. The Council is mandated to manage the affairs of the Institute, issue practising certificates, enforce the code of conduct, supervise continuing professional development, accredit training programmes, and handle complaints and disciplinary matters.

PART III – REGISTRATION OF QUANTITY SURVEYORS (Clauses 19-33)

This Part provides for the registration and licensing of quantity surveyors and firms. It mandates the maintenance of a Register, prescribes categories of membership, provides for the issue of practising certificates, and establishes requirements for continuing professional development.

PART IV – PROFESSIONAL CONDUCT AND DISCIPLINE OF MEMBERS (Clauses 34-41)

This Part establishes the Professional Conduct and Discipline Committee and provides for the procedure for disciplinary hearings. In

addition, this Part provides for complaints and inquiries into the conduct of members, the sanctions that may be imposed by the Council, and the right of appeal to the High Court.

PART V — FINANCIAL PROVISIONS (Clauses 42-47)

This part contains the financial provisions including the funds of the Institute, financial year, annual estimates, accounts and audit, investment of funds and annual reports and publications.

PART VI — OFFENCES AND PENALTIES (Clauses 48-50)

This part creates offences and penalties for unlawful practice, professional misconduct such as undercutting and forgery, and provides a general penalty for other offences under the Act.

PART VI — PROVISIONS ON DELEGATED POWERS (Clause 51)

This Part empowers the Council, with the approval of the members, to make regulations to give effect to the provisions of the Act. It specifies the areas in which regulations may be made, including registration, licensing, continuing professional development, accreditation, scale of professional fees, indemnity insurance, elections, and the code of conduct. The code of conduct is required to be gazetted and laid before Parliament for approval.

PART VIII — TRANSITIONAL PROVISIONS, REPEALS AND SAVINGS (CLAUSE 52-55)

This Part provides for the transition from the Architects and Quantity Surveyors Act (Cap. 525). It deems all persons registered as quantity surveyors under that Act to be members of the new Institute, transfers rights, assets, liabilities and staff to the Institute, and repeals the provisions of Cap. 525 relating to quantity surveyors. It also provides for continuity of disciplinary proceedings and establishes a transitional Council to operate until elections are held.

SCHEDULES

FIRST SCHEDULE — provisions as to conduct of business and affairs of the council

SECOND SCHEDULE — provisions on consequential amendments.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill under clause 51 delegates legislative powers to the Council of the Institute to make regulations for the carrying into effect of the

provisions of the Bill. The Bill does not limit any fundamental rights or freedoms.

Indication of whether the Bill concerns county governments

The Bill seeks to provide for the training, and registration of quantity surveyors and other specified categories in the profession. The Bill also provides for the registration of quantity surveyors and the regulation of the practice of quantity surveying.

Paragraph 16 of Part 1 of the Fourth Schedule to the Constitution provides that universities, tertiary educational institutions and other institutions of research and high learning is a function of national governments. In view of this, the Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution as it does not affect the functions and powers of county governments recognized in the Fourth Schedule to the Constitution and is therefore not a Bill concerning county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may not occasion additional expenditure of public funds to be provided for through the annual estimates.

Dated the 17th February, 2026.

JOHANNA NG'ENO,
Member of Parliament.

The long title of Cap. 525 which it is proposed to amend—

Act Title

Architects And Quantity Surveyors

Section 1 of Cap. 525 which it is proposed to amend—

Short title

1. This Act may be cited as the Architects and Quantity Surveyors Act.

Section 2 of Cap. 525 which it is proposed to amend—

Interpretation

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

"approved" means approved by the Board;

"register" means the register kept under section 6 of this Act;

"registered person" means any architect or quantity surveyor whose name has been entered into the register maintained under section 6;

"the Board" means the Board of Registration of Architects and Quantity Surveyors established by section 4 of this Act;

"the Minister" means the Minister for the time being responsible for matters relating to Public Works;

"the Registrar" means the Registrar of Architects and Quantity Surveyors appointed under section 6 of this Act.

Section of 3 Cap. 525 which it is proposed to amend—

Restriction on use of titles

3.(1) Subject to the provisions of this Act, no person shall practice under any name, title or style containing any of the words or phrases "architect", "architecture", "architectural", "quantity surveyor" or "quantity surveying" unless he is registered under this Act as an architect or a quantity surveyor, as the case may be:

Provided that—

- (i) nothing in this Act shall apply to any person in the service of the Government or of the Community, or to any person who, for the purpose of preparing any particular piece of work for the Government, is exempted by the Minister from the provisions of this Act;

- (ii) a member of an approved professional institution who is entitled under the constitution thereof to display after his name any affix which includes the word "Architect", "Architecture" or "Architectural" or any abbreviation thereof, may use such affix whether he is so registered or not.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

(3) Without prejudice to the powers of the Attorney-General, proceedings for an offence under this section may be instituted by any person who is authorized in that behalf, whether generally or specially, by the Board in writing.

Section 2 of Cap. 525 which it is proposed to amend—

Establishment of the Board

4. (1) There is hereby established a Board of Registration of Architects and Quantity Surveyors which shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued and of acquiring, holding and alienating property movable and immovable in its corporate name.

(2) The Board shall consist of eight members who shall be architects or quantity surveyors and of whom—

- (a) four, at least one of whom shall be a quantity surveyor, shall be nominated by the Minister; and
- (b) four, at least one of whom shall be a quantity surveyor, shall be nominated by the Architectural Association of Kenya and approved by the Minister.

(3) The Minister shall appoint one of the members, whom he has nominated, to be the chairman of the Board.

(4) Five members of the Board shall constitute a quorum.

Section 5 of Cap. 525 which it is proposed to amend—

Power of Board to make by-laws

5. The Board may from time to time, subject to the confirmation of the Minister, make by-laws for all or any of the following purposes—

- (a) for the management and duties of the Board, the holding of meetings of the Board, the issue of notices calling such meetings and the procedure to be followed at such meetings;

- (b) for the appointment and duties of the officers of the Board;
- (c) for the appointment of committees, and the powers and duties and the proceedings of such committees;
- (d) for the administration, investment and expenditure of the property and funds of the Board from whatsoever source and for whatsoever purposes received;
- (e) for a definition of unprofessional conduct and for determining the mode of inquiry into and the method of dealing with such conduct and the penalties which may be imposed upon any member found guilty of such conduct;
- (f) for the scale of fees to be charged by architects and quantity surveyors for professional advice, services rendered, and work done;
- (g) for the fees to be paid for registration under this Act;
- (h) for the holding of examinations authorised or permitted under the provisions of this Act and for the carrying into effect of any scheme or curriculum for education in architecture or quantity surveying formulated under the provisions of section 10 hereof;
- (i) for the establishment, maintenance and support of and for subscribing to charitable and public objects and institutions;
- (j) for prescribing the procedure to be followed by persons applying for registration;
- (k) for prescribing the conditions under which persons registered under this Act may practise as limited liability companies, and for requiring professional indemnity insurance in the case of unlimited companies and private firms;
- (l) for instructions and orders conducive to the maintenance and improvement of the status of architects and quantity surveyors in Kenya;
- (m) for the adoption of a common seal and the manner in which such seal may be affixed to any instrument.

Section 6 of Cap. 525 which it is proposed to amend—

The Registrar and register

6. (1) The Minister shall appoint a person, who may be a public officer, to be the Registrar of Architects and Quantity Surveyors, who shall hold and vacate office in accordance with the terms of his appointment.

(2) The Registrar shall keep and maintain a register in which the name of every person, being suitably qualified under this Act, shall be entered as soon as is practicable after he is accepted by the Board for registration, showing against his name such particulars as the Board may, from time to time, direct.

(3) All changes in the particulars registered under subsection (2) of this section shall be entered in the register by the Registrar as soon as is practicable after he has received notification thereof.

Section 7 of Cap. 525 which it is proposed to amend—

Qualifications for registration as a quantity surveyor

8. No person shall be registered as a quantity surveyor unless he—

- (a) has attained the age of twenty-one years; and
- (b) either—
 - (i) has had a minimum of five years of approved training followed by at least one year of practical experience in the work of an architect to the satisfaction of the Board, and has passed a prescribed examination; or
 - (ii) has been admitted as a corporate member of an approved professional institution whose qualifications for such admission are not less than those set out in subparagraph (i) of this paragraph; and
- (c) has had a minimum of one year of professional experience in Kenya to the satisfaction of the Board or has satisfied the Board that he has otherwise acquired an adequate knowledge of Kenya building contract procedures; and
- (d) has paid the prescribed registration fee.

Section 10 of Cap 525 which it is proposed to amend—

Scheme and curriculum for professional education

10. Subject to the approval of the Minister, the Board shall have the right from time to time to formulate, vary and carry into effect a scheme and curriculum for education in architecture and quantity surveying, and for this purpose may appoint committees and boards as may from time to time be thought expedient, and the Board may apply its funds in making provision for and furthering and developing any such scheme and curriculum and in providing for lectures or teaching and for the holding of examinations in accordance therewith and for granting prizes, certificates and diplomas in connection therewith, and (subject to such exemptions as

may be allowed by and in accordance with the by-laws) the Board may require candidates for admission to final examination for the purpose of registration to have passed through a course of study under and in accordance with any such scheme and curriculum (including articulated pupillage for a period not exceeding five years) and to have passed such examination or examinations in relation to the subjects comprised in that course of study as shall from time to time be prescribed by or in accordance with the by-laws.



