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THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL, 2026

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THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL, 2026

A Bill for

AN ACT of Parliament to repeal and replace the Architects and Quantity Surveyors Act (Cap. 525) to make provision for the training, registration and licensing of architects, quantity surveyors, landscape architects, interior designers, construction managers and their related technicians; to harmonize the regulation of professionals in architecture and quantity Surveying; to provide for the establishment, powers and functions of the Architectural and Quantity Surveying Practitioners Board, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Architectural and Quantity Surveying Practitioners Act, 2026 and shall come into operation on such date as the Cabinet Secretary may by notice in the Gazette appoint.

Interpretation.

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

"Board" means the Architectural and Quantity Surveying Practitioners Board established by section 4;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to public works;

"Chief Executive Officer" means the chief executive officer of the Board appointed under section 12;

Cap. 210B.

"Commission" means the Commission for University Education established under the Universities Act, 2012;

"enrolled person" means a person enrolled as a technician under section 24;

"Register" means the Register of Practitioners maintained under section 28;

"registered person" means a person registered under section 23; and

"Roll" means the Roll of Technicians maintained under section 28.

Application.

3. This Act shall apply to practitioners in the following professions and the respective technicians-

(a) architecture;

(b) quantity surveying;

(c) landscape architecture;

(d) interior design; and

(e) construction management.

PART II—THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BOARD

Establishment of the Board.

4. (1) There is established a Board to be known as the Architectural and Quantity Surveying Practitioners Board.

(2) The 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) taking, purchasing or otherwise acquiring, holding, charging or disposing of both movable and immovable property;

(c) borrowing money;

(d) entering into contract; and

(e) doing or performing all such other acts as may be necessary for the proper performance of its functions under this Act, which may be lawfully done or performed by a body corporate.

Functions of the Board.

5. (1) The object and purpose for which the Board is established is to exercise supervision and control over the training, registration and practice of architecture, quantity surveying, landscape architecture, interior design and construction management and to advise the Government in relation to all aspects thereof.

(2) Without prejudice to the generality of sub-section (1), the Board shall—

(a) promote the practice of architectural, quantity surveying, landscape architecture, interior designing and construction management that complies with universally accepted norms and values;

(b) prescribe the minimum requirements and consider and approve the qualifications of persons wishing to be registered or enrolled under this Act and their firms;

(c) provide for the registration of firms;

(d) register or enroll persons as specified under this Act;

(e) maintain a register of all persons registered or enrolled under this Act and their firms;

(f) prescribe and conduct examinations for purposes of registration or enrolment under this Act;

(g) license the private practice of persons registered or enrolled under this Act;

(h) regulate the professional conduct of persons registered or enrolled under this Act and take such disciplinary measures as may be appropriate to maintain proper professional standards and ethics;

(i) establish, approve and accredit continuing professional educational programs for persons registered or enrolled under this Act;

(j) establish and maintain a professional code of conduct for persons registered or enrolled under this Act;

(k) provide a mechanism for resolving disputes or matters arising from the practice of registered or enrolled persons and their firms under this Act;

(l) register and regulate architectural competitions;

(m) establish an architectural and quantity surveying technological Centre whose purpose shall be to provide training and advice to the National and the County Governments on technological matters relating to architecture, quantity surveying, landscape architecture, interior designing and construction management;

(n) provide, promote, review and co-ordinate training programmes organized by public and private accredited training centres in the built environment;

(o) undertake or commission research into any matter relating to the built environment;

(p) promote and ensure quality assurance in the built environment;

(q) liaise with the Commission in –

(i) the assessment and approval of qualifications of foreign persons intending to offer professional services to which this Act applies; and

(ii) the evaluation of professional qualifications, both local and foreign, to which this Act applies for recognition by the Board;

(r) enter and inspect business premises for verification purposes or in monitoring the works, services and goods rendered by registered or enrolled persons and firms;

(s) determine the fees to be charged by registered persons or enrolled persons and firms;

(t) register all projects or contracts entered by registered or enrolled persons and firms;

(u) advise on the emerging green designs and green building technologies, and strategies for the mitigation of the effects of climate change;

(v) leverage on the use of artificial intelligence in architectural and quantity surveying' practice;

(w) advise and develop guidelines on 'design and build', 'turnkey', and 'package deal' or related construction projects in the built environment;

(x) maintain a database for students in various disciplines regulated by the Board under the Act;

(y) advise the Cabinet Secretary on all matters relating to architecture and quantity surveying' practice; and

(z) perform such other functions as may be set out under this Act.

(3) Where any conflict arises between the provisions of this section and the provisions of any other written law for the time being in force, the provisions of this section shall prevail.

Powers of the Board.

6. (1) The Board shall have all powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the Board shall have power to—

(a) control, supervise and administer its assets in such manner and for such purpose as best promotes the purpose for which it is established;

(b) determine the provisions to be made for its capital and recurrent expenditure and for its reserves;

(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

(d) levy such fees as it may determine for registration or enrollment, annual practicing certificates, or for any of its services rendered;

(e) enter into and inspect building sites or construction works as specified under this Act;

(f) establish, enter into association with or accredit such institutions as may be necessary in the fulfilment of the functions specified under paragraphs (f) and (i) of section 5 (2) of the Act;

(g) enter into association with other bodies or organizations within or outside Kenya as may be desirable or appropriate in furtherance of the purpose for which it is established;

(h) open a banking account or banking accounts for its funds;

(i) invest any of its funds not immediately required for its purposes in the manner provided in section 19; and

(j) undertake any other activity that may be necessary for the fulfilment of any of its functions under this Act.

Composition of the Board.

7. (1) The Board shall consist of—

(a) a non-executive chairperson, who shall be appointed by the Cabinet Secretary from amongst the persons appointed under paragraph (c);

(b) the Conveners of the following Chapters of the Board elected in accordance with section 10—

(i) the architects chapter;

(ii) the quantity surveyors chapter;

(iii) the landscape architects chapter;

(iv) the interior designers chapter;

(v) the construction managers chapter; and

(vi) the technicians chapter;

(c) three other persons appointed by the Cabinet Secretary by virtue of their knowledge and experience in architectural and quantity surveying practice or the academia; and

(d) the chief executive officer, who shall be an *ex-officio* member and secretary to the Board.

(2) A person shall be qualified to be appointed as a member of the Board under subsection (1) (a), (b) and (c) if such person—

(a) is a registered or enrolled person and holds a valid practicing or enrolment certificate;

(b) satisfies the requirements of Articles 10, 232 and Chapter Six of the Constitution; and

(c) is in good standing with the nominating professional association, where applicable.

Conduct of business and affairs of the Board.

8. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

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

Delegation by the Board.

9. The Board may, by resolution generally or in any particular case, delegate to any committee of the Board the

exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

Chapters of the Board.

10. (1) There shall be the following six chapters of the Board—

(a) the architects chapter;

(b) the quantity surveyors chapter;

(c) the landscape architects chapter;

(d) the interior designers chapter;

(e) the construction managers chapter; and

(f) the technicians chapter.

(2) Each chapter shall consist of a Convener and two other members of the opposite gender competitively nominated by the relevant professional association(s) and in such number and manner as the Cabinet Secretary may prescribe.

(3) In making the nominations referred to in subsection (2), each nominating association shall carry out a competitive, open and transparent nomination process from amongst its members.

(4) The Chapters referred to in subsection (1) shall conduct their affairs in accordance with the guidelines issued by the Board.

(5) Without prejudice to the functions and powers of the Board, each chapter shall—

(a) deal with issues regarding practice within their specialist area;

(b) inform the Board of any matters that affect members within their specialist areas requiring the Board's engagement; and

(c) perform, on behalf of the Board, any function of the Board that falls within their specialty as the Board may determine.

Remuneration of Board members.

11. The Board shall pay its members such remuneration, fees or allowances as it may determine on the advice of the Salaries and Remuneration Commission.

The Chief Executive Officer.

12. (1) There shall be a Chief Executive Officer of the Board who shall be competitively recruited and appointed by the Board and whose terms and conditions of service shall be determined by the Board upon the advice of the Salaries and Remuneration Commission.

(2) The Chief Executive Officer shall-

(a) subject to the directions of the Board, be responsible for the day-to-day management of the affairs and staff of the Board;

(b) implement the decisions of the Board under this Act; and

(c) perform such other functions as may be provided for in this Act or as the Board may from time to time, determine.

(3) The Board may from time to time co-opt experts and other persons, not exceeding two in number, whose knowledge and experience it deems desirable to assist the Board in the performance of any specific task on behalf of the Board.

(4) The persons co-opted under subsection (3) shall be paid such allowances and remuneration as may be approved by the Board upon the advice of the Salaries and Remuneration Commission.

Staff of the Board

13. The Board may appoint such other officers and staff as may be necessary for the proper discharge of its functions under this Act on such terms and conditions of service as it may determine, upon the advice of the Salaries and Remuneration Commission.

Protection from personal liability.

14. (1) No matter or thing done by a member of the Board or any agent of the Board shall, if the matter or thing is done *bona fide* while executing the functions, powers and duties of the Board under this Act, render the member or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury done to him, his property or any of his interests caused by the exercise of any power conferred by this Act, or by the failure, whether wholly or partially, of any works.

PART III—FINANCIAL PROVISIONS

Funds of the Board.

15. (1) The funds of the Board shall comprise –

(a) such funds as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;

(b) subscriptions and licence fees charged in accordance with this Act;

(c) monies and revenue earned from the activities of the Board under this Act;

(d) grants, gifts or donations that the Board may receive through public and private appeal from local and international donors or agencies for the purposes of carrying out its functions; and

(e) all monies from any other lawful source provided for or donated or lent to the Board.

(2) The Board shall open a bank account for its funds.

Financial year.

16. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in each year.

Annual estimates.

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

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for –

(a) the payment of the allowances and other charges in respect of members of the Board;

(b) the payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff of the Board;

(c) the proper maintenance of the buildings and grounds of the Board;

(d) the maintenance, repair and replacement of the equipment and other property of the Board;

(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings, equipment and other property of the Board, or in respect of such other matter as the Board may deem appropriate; and

(f) the establishment and accreditation of continuous professional educational programmes for registered persons and enrolled persons.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall then be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

Accounts and audit.

18. The Board shall keep proper books of account which shall be audited annually as the Board may direct, and a balance sheet shall be prepared annually.

Investment of funds.

19. The Board may invest any of its funds in securities, in which for the time being trustees may by law invest trust funds, or in any other securities or banks which the National Treasury may, from time to time, approve for that purpose.

Annual report.

20. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediate preceding year.

(2) The Cabinet Secretary shall lay the annual report before the National Assembly within three months of the day the National Assembly next sits after receipt of the report.

PART IV— REGISTRATION AND ENROLMENT

Board to work with Commission.

21. (1) The Board shall, in consultation with the Commission, satisfy itself that the courses of study leading to the award of a qualification in architecture , quantity surveying, landscape architecture, interior design and construction management, including the standard of proficiency required for admission and the standards of examinations leading to the award of the qualification, are sufficient to guarantee that the holder of the qualification

has acquired the knowledge and skills necessary for registration or enrollment under this Act.

(2) For the purposes of this section, the Board may, in consultation with the Commission—

(a) appoint persons to visit any university or other institution in Kenya offering a course in architecture, quantity surveying, interior designing or construction management practice and to report to it on the course of study, staffing and facilities available for and other arrangements available for such training;

(b) appoint persons to attend examinations in any aspect of architectural, quantity surveying, interior designing or construction management practice at any university or institution and to report to it on the sufficiency of the examinations and on such matters relating thereto as the Board may require; or

(c) require the dean or head of the architectural or quantity surveying practice department at any university or institution to provide written information to it concerning any of the matters referred to in paragraphs (a) or (b).

(3) The Board shall, through the Commission, forward a copy of any report made under subsection (2) to the university or institution concerned and may, if it is satisfied that the standard of any course, examination or facilities is insufficient, and after it has given the university or institution an opportunity to make observations on the report, in writing, require the university or institution to take such measures as the Board may specify to improve the standard of the course, examination or facilities.

(4) If the Board is satisfied that the university or institution referred to in subsection (3) has failed to take measures which are in the opinion of the Board necessary to improve the standard of any course, examination or facilities, the Board may, in consultation with the Commission, for purposes of registration or enrollment under this Act, decline or suspend the recognition of the qualification awarded by that university or institution.

(5) A qualification awarded prior to a decline or suspension under subsection (4) shall not be affected by the decline or suspension.

Application for registration or enrolment.

22. (1) A person wishing to be registered or enrolled under this Act shall apply for registration or enrolment to the Board.

(2) Except as may otherwise be provided for in this Act, the application under subsection (1) shall be in the prescribed manner and shall be accompanied by the prescribed fee.

Registration.

23. (1) A person may apply for registration as an architect, quantity surveyor, landscape architect, interior designer or construction manager in accordance with this section.

(2) A person shall be eligible for registration as an architect, quantity surveyor, landscape architect, interior designer or construction manager if the person –

(a) has attained the age of twenty-one years;

(b) holds a degree in the respective discipline from a university recognized in Kenya;

(c) has passed an examination prescribed by the Board;

(d) has obtained a minimum of two years' practical experience on the work of an architect, quantity surveyor, landscape architect, interior designer or construction manager as the case may be, to the satisfaction of the Board;

(e) is a member of a relevant professional association recognized by the Board; and

(f) has paid the prescribed registration fee.

(3) A person who is the holder of a degree from an institution outside Kenya shall be eligible for registration under this Act if–

(a) the institution is accredited and recognized by the Commission and by the regulating authority responsible for the registration of registered persons in the respective country;

(b) the person satisfies the Board that the qualifications obtained meet such requirements for a course leading to a qualification in architecture, quantity surveying, interior design or construction management practice as the Board may from time to time prescribe pursuant to section 5 (2)(b); and

(c) the person fulfills the requirements of paragraphs (b), (c) and (d) of subsection (2).

(4) Where the Board is not satisfied that a person has fulfilled any of the requirements for registration specified under this section, the Board may require that person to—

(a) attend such interview as may be appropriate;

(b) undergo and pass such written or oral examination as it may specify; or

(c) undergo such further period of training or undertake such courses in such institutions as the Board may specify prior to registration.

(5) The Board may, where it considers it expedient, delegate the assessment of suitability for registration under this section to a committee of the Board which shall, after making the assessment, make recommendations to the Board.

(6) The Board shall cause the chief executive officer to enter the prescribed particulars of every qualified person approved for registration under this section into the Register.

Enrolment.

24. (1) Subject to the provisions of this section, a person shall be eligible for enrolment under this Act as a technician in architecture, quantity surveying, landscape architecture, interior designing or construction management if the person-

(a) is the holder of a diploma or other certificate in architecture, quantity surveying, landscape architecture, interior design or construction management or its equivalent as recognized by the Board;

(b) after obtaining the qualification under paragraph (a), has undertaken an in internship for such period and in such manner as the Board may prescribe;

(c) satisfies the Board that, while engaged in internship as specified in paragraph (b), has acquired sufficient knowledge of, and experience in the practice of architecture, quantity surveying, interior designing or construction management, as the case may be;

(d) is a member of a relevant professional body recognized by the Board; and

(e) has paid the prescribed registration fee.

(2) The provisions of section 23 shall apply with the necessary modifications to the enrolment of technicians under this section.

(3) An architect, quantity surveyor, landscape architect, interior designer or a construction manager shall be eligible for enrolment as a construction project manager if the person –

(a) has attained the age of twenty-one years;

(b) holds a post graduate diploma or a second degree in construction project management, from a university recognized in Kenya;

(c) has passed an examination prescribed by the Board;

(d) has obtained a minimum of two years' practical experience on the work of a construction project manager, to the satisfaction of the Board;

(e) is a member of a relevant professional association recognized by the Board; and

(f) has paid the prescribed enrolment fee.

(4) The Board shall cause the chief executive officer to enter the prescribed particulars of every qualified person approved for enrolment under this section into the Roll.

Qualifying examinations.

25. (1) The examinations referred to in sections 23 and 24 of this Act shall be conducted by the Board or its committee or by such other authority as the Board may, with the approval of the Cabinet Secretary, select.

(2) The Board shall from time to time formulate, vary and carry into effect a scheme and curriculum for education

in architecture, quantity surveying, landscape architecture, interior designing and construction management for purposes of registration under this Act.

(3) For the purposes of subsection (2), the Board may-

(a) appoint committees such as may from time to time be deemed expedient;

(b) apply its funds in making provision for-

(i) furthering and developing any such scheme and curriculum;

(ii) the provision of lectures or teaching;

(iii) the holding of examinations; and

(iv) the granting of prizes, certificates and diplomas in connexion of the scheme and curriculum.

(4) The Board may, subject to such exemptions as may be prescribed, require candidates for admission to the final examination for the purpose of registration or enrolment under this Act to have passed—

(a) through a course of study under and in accordance with any scheme and curriculum (including articled pupillage for a period not exceeding five years); and

(b) such examination or examinations in relation to the subjects comprised in that course of study as shall from time to time be prescribed.

Registration of firms.

26. (1) Subject to the provisions of this Act, a person may register an architectural, quantity surveying, landscape architectural, interior design or construction management firm if the firm is duly registered and —

(a) has a certificate of registration as a business or a certificate of incorporation;

(b) the majority partner or principal shareholder is registered as an architect, quantity surveyor, landscape architect, interior designer or construction manager, as the case may be, and who has a valid licence in the specified discipline; and

(c) fulfils such other conditions as may be prescribed.

(2) The Board may register a firm in different categories and disciplines based on such criteria as shall be established by the Board.

(3) A person who wishes to register a firm under this section may apply to the Board, in the prescribed form.

(4) An application made under subsection (3) shall—

(a) be accompanied with such documents as are necessary to prove qualification for registration;

(b) provide the firm's profile of activities;

(c) provide the curriculum vitae of partners or directors;

(d) be accompanied by a written commitment that the Board shall be allowed to verify the suitability of the firm for the purposes of registration;

(e) be accompanied by a valid professional indemnity insurance; and

(f) be submitted together with the prescribed fee.

(5) The Board may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant to appear in person for an interview before the Board.

Registration of foreign nationals.

27. (1) A foreign person or firm shall not be registered or enrolled under this Act unless—

(a) in the case of a natural person—

(i) the person possesses the necessary qualifications recognized under this Act for the registration or enrollment, as the case may be, in the country where the person normally practices;

(ii) immediately before entering Kenya, was practising in the person's country of origin as a professional architect, quantity surveyor, landscape architect, interior designer, construction manager or construction project manager as the case may be and holds a valid practising licence; and

(iii)is a resident of Kenya with a valid working permit;

(b) in the case of a firm, the firm is incorporated in Kenya.

(2) A foreign person who is not ordinarily resident in Kenya may be considered for registration or enrolment as a temporary registered or enrolled person if that person satisfies the Board that he intends to be present in Kenya in the capacity of a registered or enrolled person for the express purpose of carrying out specific work.

(3) An application for registration or enrolment under this section shall be in the prescribed form and shall be accompanied by the prescribed fee as determined by the Board.

(4) The Board may require an applicant to appear before it during the process of considering his application and shall require every applicant to produce documentary evidence of an application under this section, work or employment immediately prior to entering Kenya.

(5) The registration or enrolment of a person under this section shall be valid for the duration of the work specified by the Board.

(6) Where the expert skills of a person registered under this section are not available in Kenya, the Board shall notify the applicant and the applicant shall provide an undertaking that the locals shall be trained to fill the skills gap.

(7) Subject to subsection (5), the Board may approve temporary registration or enrolment for such period not exceeding one calendar year.

Register and Roll.

28. (1) The chief executive officer shall maintain—

(a) a register for persons registered under this Act to be known as the Register of Practitioners; and

(b) a roll of persons enrolled as technicians under this Act to be known as the Roll of Technicians.

(2) The Register and Roll maintained under subsection (1) may be in such form as may be prescribed and different registers and rolls may be kept for different categories of registered persons or enrolled persons, as the case may be.

(3) The chief executive officer shall—

(a) not later than the 31st of March in every year, publish in the Gazette, the names, addresses, qualifications and practising licence status of all registered persons and enrolled persons; and

(b) subject to the directions of the Board, cause to be published any amendments or deletion from the Register or Roll as the case may be.

(4) Every registered person or enrolled person shall notify the chief executive officer of any change in the registered address.

(5) Any person may inspect the Register or Roll and any documents relating to any entry therein, and may obtain from the chief executive officer, a copy of, or an extract from the register or roll on payment of the prescribed fee.

(6) The Board may direct the Chief Executive Officer to issue a duplicate copy of the certificate of registration to a registered or enrolled person, if the Board is satisfied—

(a) on proof submitted by the registered or enrolled person concerned, that a registration or enrolment certificate has been destroyed; or

(b) by virtue of an affidavit submitted by the registered or enrolled person concerned, that a registration or enrolment certificate has been lost.

Register or Roll as proof.

29. (1) A copy of the last published issue of a Register or Roll or any supplementary list purporting to be printed and published under the authority of the Board shall be *prima facie* proof, in all legal proceedings, of the facts therein recorded, and the absence of the name of any person from such copy shall be proof, until the contrary is proved, that such person is not registered or enrolled according to the provisions of this Act.

(2) Where a person's name—

(a) does not appear in the copy under sub-section (1) or where the name has been added to the Register or Roll after the date of the last published issue, a certified copy under the hand of the chief

executive officer of the entry of the name of such person in the Register or Roll, shall be proof that such person is registered or enrolled under the provisions of this Act; or

(b) has been removed from the Register or Roll since the date of the last published issue and has not been restored, a certificate under the hand of the Chief Executive Officer that the name of such person has been removed from the Register or Roll shall be proof that such person is not registered or enrolled according to the provisions of this Act.

Removal of names from the Register or Roll.

30. (1) The Chief Executive Officer shall remove from the Register or Roll-

(a) the names of all deceased registered persons;

(b) the names of all persons removed from the Register or Roll under this Act; and

(c) any entries fraudulently or erroneously made.

(2) The Chief Executive Officer shall, as soon as reasonably practicable, cause the name and address of every person whose name is removed from the Register or Roll under this section, to be published in the Gazette.

PART V—LICENSING

Practising licence.

31. (1) Subject to this Act or any other written law, no person shall engage in practice as a registered or enrolled person unless that person holds a valid practising licence issued under this Act.

(2) For the purposes of this Act, a person shall be deemed to engage in practice if the person —

(a) engages in, conducts or carries out architectural, quantity surveying, interior designing or construction management practice work of any description within Kenya either-

(i) on the person's own account, where the person is entitled to receive the entire amount of all fees and charges earned for the person's own financial benefit; or

(ii) in partnership with others, where the person is entitled to receive a share of the profits earned

by such partnership and is liable to bear a share of any losses incurred by such partnership; or

(b) advertises or represents himself or herself by a title, sign, display, declaration, or other item to be a registered person or enrolled person.

(3) A person shall not be deemed to engage in private practice under this section where the person is—

(a) employed by the Government or any other public body as the Board may prescribe; or

(b) employed by any person or partnership in the profession where all fees and charges earned are to the benefit of that employer, notwithstanding that the person is engaged in professional capacity as a registered person or enrolled person.

(4) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine of not more than three million shillings, or to imprisonment for a term not less than two years, or to both.

Application for practising licence.

32. (1) An application for a practising licence shall be made to the Board in such manner and form as may be prescribed.

(2) Every application under this section shall be accompanied by the prescribed fee.

(3) The Board shall, within sixty days of receipt of the application, issue to the applicant a practising licence in the prescribed form upon being satisfied that the applicant-

(a) is duly registered or enrolled under this Act as the case may be;

(b) is not for the time being suspended from practice; and

(c) has complied with such other conditions as the Board may prescribe including fulfillment of the prescribed requirements for continuous professional education for that year.

Licensing of non-citizens.

33. A non-citizen registered or enrolled person who wishes to obtain a practising licence in Kenya shall—

(a) submit a written application in the form prescribed by the Board;

(b) present to the Board proof that at the time of initial licensing as a registered person in the country of origin such person held all qualifications necessary to have been eligible for licensing in Kenya;

(c) present to the Board proof of initial licensing in the country of origin and evidence that such practising licence is in good standing in that country in that it has not been suspended, revoked, or otherwise restricted for any reason except non-renewal or for failure to obtain the required continuing education credits in that country;

(d) present proof of membership of the foreign country's respective professional association;

(e) pay the fees prescribed by the Board; and

(f) fulfil such other conditions as may be prescribed by the Board.

Validity of licence.

34. (1) Every licence shall be valid from the date of issue and shall expire on the 30th June of the year of issue.

(2) A licence issued under this Act shall not be transferable and any change of ownership in the case of a sole proprietorship or a gain or loss of a partner in the case of a partnership or a change of name or location invalidates the licence.

(3) A holder of a licence that expires on the 30th of June of the year it is issued shall not be held to be in breach of this section for continuing to practice without a renewed licence for no later than the last day of September of the succeeding year.

(4) The Chief Executive Officer shall enter in the Register or Roll the date of issue of every licence issued under this Act.

(5) Where the name of the registered person or enrolled person is removed or struck off the Register or Roll, any licence issued shall expire forthwith.

(6) A person whose name is removed from the Register or Roll or in the case of a deceased person, his

legal representative shall, within thirty days of the publication of such removal, surrender the certificate of registration or enrolment of that person to the Board.

Refusal to issue licence.

35. (1) The Board may refuse to issue or renew a licence under this Act if it determines after due process that—

(a) the applicant has failed to comply with the requirements of this Act or its regulations; or

(b) the granting or renewing of such licence would not be in the public interest.

(2) The Board shall, where it declines an application under sub-section (1), notify the applicant in writing of its decision and the reasons for its decision.

(3) An applicant who is aggrieved by the decision of the Board under this section shall have the right of appeal to the Cabinet Secretary in such manner as may be prescribed within thirty days of being notified of the decision under this section.

(4) An applicant who is aggrieved by the decision of the Cabinet Secretary under sub-section (3) may appeal to the High Court of Kenya within sixty days of being notified of that decision.

Renewal, cancellation and suspension of licence.

36. (1) A registered or enrolled person issued with a licence under this Act may apply for renewal of the licence in the prescribed form at least thirty days before the date of expiry thereof.

(2) A registered or enrolled person who fails to renew a licence within the prescribed period shall, when applying for a renewal, be required to pay such late application fee, as shall be prescribed.

(3) The Board shall have the power to renew any practising certificate and may, refuse to renew, cancel, withdraw or suspend a licence for a period not exceeding twelve months, if satisfied that the registered person or enrolled person has committed a professional misconduct or is in breach of any provisions of this Act or its Regulations.

PART VI- INSPECTIONS

Authorized officers.

37. (1) The Board may appoint any registered person or enrolled person to be an authorized officer for purposes of this Act.

(2) The Board shall issue a certificate of appointment to every person appointed under this section.

Building sites authorized officers may enter.

38. (l) For the purposes of ensuring compliance with this Act, an authorized officer may, at any reasonable time, enter and inspect any building site or construction work-

(a) in which the officer believes on reasonable grounds that any person i contravening the provisions of this Act;

(b) for the purpose of verifying that professional architectural, quantity surveying, interior designing or construction management practice work is being undertaken by persons registered under this Act; or

(c) for the purpose of verifying that professional architectural, quantity surveying, interior designing or construction management standards have been maintained by persons registered under this Act.

(2) An authorized officer entering any building site under this section shall, if so required, by the person who is or appears to be in charge of the building site, produce for inspection the certificate issued to him under section 37 (2) of this Act.

(3) The right to privacy enshrined in Article 31 of the Constitution and the right to property enshrined in Article 40 of the Constitution are limited as specified in this section for the purpose of ensuring the health and safety of the public.

Powers of officers.

39. In carrying out an inspection in any place pursuant to section 38, an authorized officer may—

(a) examine any design, drawing, approval, work or any related thing;

(b) require any person in such place to produce the design, drawing, approval, work or thing for inspection, in the manner and form requested by the officer;

(c) conduct any test or analysis or take any measurements or photographs of the design, drawing, approval, work or related thing; or

(d) require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of this Act.

Inspection report.

40. (1) An authorized officer who carries out an inspection under this Act shall—

(a) make a preliminary report immediately upon completion of the inspection in the prescribed form, a copy of which shall be retained in the building sites; and

(b) file a full written report with the Board within fourteen days of the last day of inspection.

(2) The report referred to in sub-section (1) shall consist of such matters and shall be dealt with by the Board in such manner as may be prescribed.

Assistance of officers.

41. The owner of a building site inspected by an authorized officer under this Act or the person in charge of the building site and every person found in the building site shall —

(a) provide all reasonable assistance to enable the authorized officer to carry out his duties under this Act; and

(b) furnish the authorized officer with such information as the officer reasonably requires for the purpose for which entry into the place has been made.

PART VII- OFFENCES

False registration or licensing.

42. (1) A person who willingly obtains or attempts to procure registration, enrolment or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an

offence and is liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years, or both.

(2) Where an offence under this section is committed by a legal person, that legal person shall be liable on conviction to a fine not less than one million shillings.

(3) The Board shall remove from the Register or Roll the name of any person who is convicted of an offence under this section and cancel the licence held.

Prohibition for the use of the registered or enrolled terms.

43. (1) The terms "architect", "quantity surveyor", "landscape architect" "interior designer", "construction manager" and the use of the term "technician" in relation to any of the aforementioned disciplines are protected under this Act and shall only be used by or applied to persons or bodies fulfilling the requirements of this Act.

(2) A person who is not registered, enrolled or licensed under this Ac shall not—

(a) willfully and falsely take or in any way use the style or form or title of architect, quantity surveyor, landscape architect or architectural technician in describing his or her occupation or business or in any other name, style, title, addition or description implying whether in itself or in the circumstances in which it is used, that such person or body is an architect, quantity surveyor, landscape architect, interior designer, construction manager or technician in relation thereto;

(b) display any sign, board, card or other device or use a prescribed stamp representing or implying that he is an architect, quantity surveyor, landscape architect interior designer, construction manager or technician in relation thereto.

(3) Notwithstanding paragraph (2) (b), the Board may grant exemptions upon application to any person or group of persons for the use of the description or use of the term "architect", "quantity surveyor", "landscape architect", "interior designer", "construction manager" or "technician" in relation to any of the aforementioned disciplines and such exemptions shall be in accordance with any written international convention or treaty ratified by Kenya.

(4) A person who contravenes the provisions of subsections (1) or (2) commits an offence.

Prohibition on bodies corporate.

44. (1) A body of persons shall not carry on the business of architectural or quantity surveying unless one of its partners or directors, as the case may be, is registered under this Act.

(2) Where a partner or director of a body mentioned under subsection (1), dies, that body of persons may, despite the provision of subsection (1), continue to carry on the business of architecture or quantity surveying for not more than six months, after which the body of persons shall cease to carry on the business of architectural or quantity surveying unless it can demonstrate, through legally binding documents, that it has taken on board the relevant registered person as a partner or director.

(3) Any person who contravenes the provisions of this section commits an offence.

Prohibition of employment of unregistered persons

45. (1) A person shall not employ or continue to employ any person to offer architectural, quantity surveying, interior design or construction management services or works if that person is not registered under this Act.

(2) A person shall not take up or continue in any employment as a registered or enrolled person unless that person is registered under this Act.

(3) An employer shall not employ or engage an enrolled technician in any work of architectural, quantity surveying, interior designing or construction management services or works unless that technician is under the supervision of a registered person.

(4) A person who contravenes any provision of this section commits an offence.

Restriction of right to submit documents.

46. (1) The right of a registered person under this Act to submit architectural, quantity surveying, interior designing or construction management practice drawings, bills of quantities or other documents to any person or authority in Kenya is restricted to the right to submit such documents only in relation to the discipline of architectural or quantity surveying in which that person including a

registered person working in a firm, is qualified as shown in the entries made in the Register.

(2) A person or firm who is not registered under this Act shall not submit any architectural or quantity surveying drawings, bills of quantities or other documents to any person or authority in Kenya as may be required under any written law.

(3) A person who contravenes any provision of this section commits an offence.

Practicing without a licence.

47. A person who engages in the practice of architecture, quantity surveying, interior designing, construction management and charges a professional fee without a valid license issued by the Board commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or both.

Obstruction.

48. No person shall obstruct or hinder, or knowingly make a false or misleading statement to an authorized officer carrying out duties under this Act.

Certificates.

49. A person who—

(a) destroys or defaces a certificate of registration or enrolment or any licence issued under this Act;

(b) without reasonable excuse, is in possession of a certificate of registration or enrolment or licence not issued to him or her; or

(c) fails to surrender a certificate of registration or enrolment or licence in accordance with section 34(6) of this Act,

commits an offence and shall, on conviction, be liable to a fine not less than one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

General penalty.

50. Any person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding three years, or to both.

PART VIII—COMPLAINTS AND DISCIPLINE

Ethics and Disciplinary Committee.

51. (1) The Board shall establish an Ethics and Disciplinary Committee consisting of its members which shall inquire into any matter referred to it by the Board under sub-section (2) and make its recommendations thereon to the Board.

(2) The Board may refer a matter to the Ethics and Disciplinary Committee if it has reason to believe that a person registered or enrolled under this Act has been, either before or after registration or enrolment—

(a) convicted of an offence punishable by imprisonment for more than six months, the commission of which in the opinion of the Board, has dishonored him in the public estimation; or

(b) commits an act of negligence, impropriety or professional misconduct in respect of the profession.

(3) Without prejudice to the generality of subsection (2), a person who is registered or enrolled under this Act commits an act of professional misconduct if that person—

(a) deliberately fails to follow the standards of conduct and practice of the profession set by the Board;

(b) commits gross negligence in the conduct of his professional duties;

(c) allows another person to practice in his name, where that person—

(i) is not a holder of a licence;

(ii) is not in partnership with him;

(iii) takes advantage of a client by abusing position of trust, expertise or authority;

(iv) lacks regard or concern for client's needs or rights;

(v) shows incompetence or inability to render professional services or works; or

(vi) knowingly submits a land survey, valuation or environmental impact assessment

document prepared by a person who is not licensed to prepare such documents under any written law being in force; or

is guilty of such other conduct which the Board after due inquiry establishes it to be unprofessional.

Procedure of the committee.

52. (1) Upon an inquiry under section 51, the registered person or enrolled person subject to the inquiry shall be afforded an opportunity to be heard either in person or through an advocate.

(2) For the purpose of proceedings at any inquiry by the Committee, the Committee may administer oaths or affirmations and may, subject to any rules made under this Act, enforce the attendance of persons as witnesses and the production of any books or other documents relevant to the inquiry.

(3) The Committee shall, subject to any made under this Act, have power to regulate its own procedure in any disciplinary proceedings.

Disciplinary measures.

53. (1) Where on the recommendations of the Committee the Board is satisfied that a registered person or enrolled person is in breach of any of the terms or conditions of practice prescribed by the Board, the Board may—

(a) issue the registered person or enrolled person with a letter of admonishment;

(b) impose a fine which the Board deems appropriate in the circumstances;

(c) suspend the registration or enrolment of the registered person or enrolled person for a specified period not exceeding five years; or

(d) remove the name of the registered person or enrolled person from the Register or Roll as may be appropriate.

(2) The Board may order a registered person or enrolled person to reimburse costs and expenses incurred in connection with a disciplinary hearing and such costs shall be a civil debt recoverable summarily by the Board.

(3) Where, after the hearing in disciplinary proceedings under this Act the Committee recommends to the Board that a registered person or enrolled person is unfit to practice as a result of ill-health, the Board may, if satisfied with the Committee's recommendations, withdraw the certificate of registration or practising certificate of the registered person or enrolled person until such time as the Board is satisfied that the registered person or enrolled person is fully recovered to resume his duties.

(4) A registered person or enrolled person who is aggrieved by the decision of the Board in the exercise of its powers under this section may, within sixty days from the date of the decision of the Board, appeal to the High Court.

Lifting of suspension.

54. (1) A registered person or enrolled person who has been suspended from practising may appeal to the Board for the lifting of the suspension at any time before the expiry thereof.

(2) Where the Board is satisfied that the suspension of a registered person or enrolled person should be lifted, the Board shall, upon the receipt of the prescribed fee, lift the suspension and restore to the registered person or enrolled person the registration or enrolment practising certificates and licences issued under the Act.

Restoration of name in Register or Roll.

55. (1) A registered person or enrolled person whose name has been removed from the Register or Roll may, after the expiry of such period as may be prescribed, appeal to the Board for restoration of his name in the Register or Roll.

(2) The Board may, after considering the appeal made under sub-section (1), cause the name of the applicant to be restored in the appropriate Register or Roll, upon payment of the prescribed fee.

PART IX — PROVISIONS ON DELEGATED POWERS

Regulations.

56. (1) The Cabinet Secretary may, in consultation with the Board, make Regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, regulations made under this section may provide for—

(a) prescribing anything required to be prescribed under this Act;

(b) the form and method of keeping the registers and other records under this Act;

(c) the course content, examination and internship for persons wishing to be registered or enrolled as registered persons or enrolled persons under this Act;

(d) the code of conduct and conditions of professional practice of registered persons and enrolled persons including the standard international best practices;

(e) the areas and scope of practice of registered and enrolled persons;

(f) the scale of fees to be charged by architects, quantity surveyors, landscape architects, interior designers and construction managers under this Act, for professional advice, services rendered, and work done;

(g) the forms and fees for the purposes of this Act;

(h) the form and method of conducting any disciplinary proceeding, inspection, assessment, evaluation, examination or regulation required under this Act;

(i) the minimum requirements for establishing a place to be licensed as a building site to carry out architectural, quantity surveying, interior designing and construction management services; and

(j) prescribing the categories, code of conduct and scope of practice of technicians;

(k) prescribing the conditions under which architects, quantity surveyors, landscape architects, interior designers, construction managers and construction project managers who are not citizens may practice in Kenya;

(l) prescribing the procedure for the hearing and determination of complaints against registered or enrolled persons;

(m) 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;

(n) the holding of examinations authorized or permitted under the provisions of this Act and for the carrying into effect of any scheme or curriculum for education in architecture, quantity surveying, landscape architecture, interior designing and construction management formulated under the provisions of this Act;

(o) the establishment, maintenance and support of and for subscribing to charitable and public objects and institutions;

(p) prescribing the procedure to be followed by persons applying for registration;

(q) prescribing the conditions under which persons registered under this Act may practice as limited liability companies, and for requiring professional indemnity insurance in the case of unlimited companies and private firms;

(r) instructions and orders conducive to the maintenance and improvement of the status of architects, quantity surveyors, landscape architects, interior designers and construction managers, in Kenya;

(s) the registration of consulting firms and conditions under which registered persons may practice as consulting firms;

(t) instructions and orders governing the definition, use and promotion of architectural design or urban design competitions, submissions and project bids;

(u) prescribing the manner, scope and conditions under which registered persons may advertise;

(v) prescribing the manner, scope and the conditions under which registered persons may be engaged as technical assessors in the building and construction industry;

(w) prescribing the manner and conditions under which registered persons may act as contractors or agents in technical and financial management of projects they are involved in;

(x) prescribing the scope of practice and conditions under which registered persons may practice as naval architects;

(y) prescribing the manner and procedures for registering projects and contracts by registered or enrolled persons and firms;

(z) green designs and green building technologies;

(aa) 'design and build', 'turnkey', 'package deal' or similar construction projects in the built environment; and

(bb) any other matter that may related to the practice of architectural, quantity surveying, interior designing and construction management in Kenya.

(3) There may be annexed to a breach of any of the regulations made under subsection (1), where such breach does not amount to professional misconduct, a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding two years or both such fine and imprisonment.

(4) The principles and standards applicable to the delegated power referred to under this section are those found in—

(a) the Constitution of Kenya, 2010; Cap.2A.

(b) the Statutory Instruments Act, 2013; Cap. 2.

(c) the Interpretation and General Provisions Act;

(d) the general rules of international law as specified under Article 2(5) of the Constitution; and

(e) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

PART X —REPEALS AND TRANSITIONAL

Repeal of Cap 525.

57. The Architects and Quantity Surveyors Act is repealed.

Savings and transitional.

58. Notwithstanding section 57 –

(a) all the funds, assets and other property, both movable and immovable, which immediately before the effective date were vested in the former Board, shall by virtue of this section, vest in the Board;

(b) all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Board shall, by virtue of this section, be deemed to be vested in, imposed on or enforceable against the Board;

(c) any person who, immediately before the effective date—

(i) was a member of the former Board shall be deemed to be a member of the Board for the unexpired term;

(ii) was serving as the executive officer to the former Board shall be deemed to be the chief executive officer appointed under this Act for the unexpired term unless the holder exercises his option to be redeployed in the service of the public service;

(iii) was a member of staff of the former Board shall be deemed to be a member of staff of the Board for the unexpired period of his or her service;

(iv) was registered as an architect or quantity surveyor by the former Board shall be deemed to be registered by the Board under this Act; and

(v) was the holder of a licence issued by the former Board shall be deemed to be the holder of a corresponding licence issued by the Board under this Act for its unexpired term;

(d) any reference in any written law or in any document or instrument to the former Board shall on and after the appointed day, be construed to be a reference to the Board established under this Act;

(e) any subsidiary legislation issued under or made in the repealed Act shall, unless a contrary intention appears, remain in force, so far as it is not inconsistent with the repealing Act, until it has been revoked or repealed by subsidiary legislation issued or made under the provisions of the repealing Act, and shall be deemed for all purposes to have been made thereunder.

(f) the annual estimates of the former Board for the financial year in which the appointed day occurs shall be deemed to be annual estimates of the Board for the remainder of that financial year but such estimates may be varied by the Board in such manner as the Cabinet Secretary may approve; and

(g) the administrative directions made by the former Board or by the Cabinet Secretary which are in force immediately before the appointed day shall, on and after such day, have force as if they were directions made by the Board or the Cabinet Secretary under this Act.

Interpretation of terms.

59. In this Part-

"effective date" means the day upon which this Act comes into operation; and

"former Board" means the Board of Registration of Architects and Quantity Surveyors established under the Architects and Quantity Surveyors Act (now repealed). Cap. 525.

SCHEDULE (s.8)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Tenure of office.

1. A member of the Board other than an *ex-officio* member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term.

Vacation of office.

2. (1) A member other than an *ex-officio* member may-

(a) at any time resign from office by notice in writing to the Cabinet Secretary;

(b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member –

(i) has been absent from three consecutive meetings of the Board without its permission;

(ii) is found to have contravened the provisions of chapter six or thirteen of the Constitution;

(iii) is convicted of a criminal offence that amounts to a felony in Kenya; or

(iv) is otherwise unable or unfit to discharge his functions.

Meetings.

3. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding sub-paragraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be five members (including the Chairperson or the person presiding).

(5) The members of the Board shall, during their first meeting after appointment elect one of their number to be the vice chairperson who shall preside whenever the Chairperson is absent, with all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to sub-paragraph (6), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Disclosure of interest.

4. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof 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.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes sub-paragraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

Contracts and instruments.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Common Seal.

7. (1) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not

required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer.

(2) The Board shall, in the absence of either the Chairperson or the Chief Executive Officer in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to among other things, repeal and replace the current Architects and Quantity Surveyors Act (Cap. 525) which was enacted in 1934 and came into operation on the 1st April, 1934 during the colonial rule. The revision of Cap. 525 is meant to align it with the Constitution and other similar laws in the East African Member States, in order to facilitate cross-border practice as provided in the E.A.C Common Market Protocol and to effectively deal with the menace of non-registered persons in the industry, and to include in the Board, emerging professions of landscape architecture, interior design and construction management.

Instructively, landscape architecture and interior design are offshoots of the traditional architecture profession while construction management is an offshoot of quantity surveying. By virtue of training, architecture, landscape architecture and interior design are all clustered as one department while quantity surveying and construction management are similarly clustered as one department.

The United Nations has currently classified the practice by architects, quantity surveyors, landscape architects, interior design and construction managers as Architectural and Quantity Surveying as coded under the Central Product Classification by the World Trade Organization (WTO).

New challenges including the proliferation of non-registered persons and changes in university curriculum for training architects and quantity surveyors and other factors have given rise to the need to repeal the existing law and replace it with one which will effectively safeguard public interest. The Bill is therefore an intervention that is way long overdue as a measure to improve the practice of architecture and quantity surveying and as a tool for effective regulation of the professions in the built environment.

This Bill therefore seeks to make provision for the training, registration, licensing and practice of architects, quantity surveyors, landscape architects, interior designers, construction managers and their related technicians so as to achieve statutory harmony in the regulation of the architectural and quantity surveying practice in Kenya.

The Bill also provides for the establishment, powers and functions of the Architectural and Quantity Surveying Practitioners Board in a manner that makes it effectively perform its functions and also in conformity with the Mwongozo Code of Corporate Governance.

The provisions of the Bill are as follows:-

PART I of the Bill contains preliminary provisions and provides for the commencement of the Act by notice. This will enable the Cabinet Secretary and the current Board to attend to all transitional measures which might be necessary to operationalize the new law before its commencement. This Part also sets out the categories of persons to whom the law will apply.

PART II of the Bill contains provisions dealing with the establishment of the Architectural and Quantity Surveying Practitioners Board. It provides for the establishment of the Board as a corporate entity and enhances its functions and powers. The current law is silent on the powers and functions of the Board and this has curtailed the effective performance of its mandate.

Clause 7 of the Bill provides for the composition of the Board, which is carefully balanced to cater for representation of all the regulated professionals including the para-professionals. **Clause 10** of the Bill provides for the Chapters of the Board so as to enable the Board to have adequate mechanisms of interaction with the specific professions of the regulated persons.

PART III of the Bill contains provisions relating to the finances of the Board including the sources of the funds. This will enable the Board to have a reliable source of income for the effective performance of its functions. **Clause 18** of the Bill provides for the preparation and auditing of the accounts of the Board.

PART IV of the Bill contains provisions relating to the registration and enrolment of the architectural and quantity surveying professionals and technicians. Registration is reserved for professionals holding university degrees or other equivalent or higher qualifications in their respective disciplines while enrolment caters for technicians or persons who are not degree holders but are engaged in assisting the professionals within the scope of their practice.

PART V of the Bill contains provisions relating to the licensing and practice of architectural and quantity surveying professionals and their related technicians. **Clause 31** of the Bill provides that the concerned persons may only engage in their respective professions if they are registered or enrolled under the Act.

The Part also deals with non-citizens who are required to apply to the Board and fulfill all the professional requirements under the Act.

PART VI of the Bill contains provisions relating to inspections. **Clause 37** of the Bill provides for the appointment of authorized officers by the Board for purposes of carrying out inspections. Inspection of

building sites or construction works by the Board are important for the purposes of ensuring compliance with this Act, verifying that professional architectural, quantity surveying, interior design, landscape architecture or construction management practice undertaken by persons who are registered or enrolled under this Act and that the professional standards are being maintained at such sites.

PART VII contains provisions relating to offences under the Act. The current Act provides for very low penalties for contravention of the Act where a person passing off as a professional gets away with a fine as low as five thousand shillings. **Clause 42** of the Bill provides for the offence of false registration or licensing and imposes a stiff penalty of a fine of not more than two million shillings or imprisonment for a term not exceeding two years, or both.

Clause 50 of the Bill provides of the general penalty for offences under the Act where the penalty has not been provided. The general penalty for an offence under the Act is enhanced to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding three years, or to both.

Part VIII establishes the framework for receiving, investigating and determining complaints against registered and enrolled persons. It provides for the establishment of an Ethics and Disciplinary Committee, disciplinary proceedings and sanctions against practitioners found to have engaged in professional misconduct.

Part IX contains provisions on delegated powers.

Part X provides for the repeal of the Architects and Quantity Surveyors Act, Cap. 525, and sets out transitional arrangements to facilitate the transition from the existing regulatory framework to the proposed framework. It also provides for the continuation of relevant registrations, licences and other matters under the repealed law, subject to the transitional provisions.

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

Clause 56 of the Bill delegates legislative powers to the Board, in consultation with the Cabinet Secretary for the purpose of giving effect to the provisions of the Act. The Bill contains provisions under clause 38(3) that expressly limit the right to privacy under Article 31 and the right to property under Article 40 of the Constitution.

Statement as to whether the Bill concerns county governments County Governments within the meaning of Article 110(1)(a) of the Constitution

The Bill principally relates to the regulation of professional training, registration, enrolment, licensing and practice of architects, quantity surveyors, landscape architects, interior designers, construction project managers and their respective technicians. Therefore, the provisions of the Bill do not affect the functions and powers assigned to County Governments under the Fourth Schedule to the Constitution

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 occasion additional expenditure of public funds.

Dated the 5th November., 2026.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.