

SAINT LUCIA

No. 11 of 2005

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II

ADMINISTRATION

3. Establishment of Board
4. Functions of the Board
5. Registrar
6. Register of architects
7. Conditions for registration
8. Registration otherwise than under section 7
9. Registration of architect registered outside of Saint Lucia
10. Factors not considered when determining qualifications for registration
11. Registered architect entitled to practice
12. Unregistered person not to recover remuneration for practice of architecture
13. Additional qualifications
14. Practice of architecture by persons other than those registered under this act
15. Validity of architects documentation
16. Partnership associations or corporations
17. Improper registration
18. Appeals

PART III

DISCIPLINE

19. Disciplinary Committee
20. Reinstatement

PART IV
Miscellaneous

21. Certificate of registration
22. Professional misconduct
23. Offences
24. Regulations
25. Remuneration of the Board
26. Expenses

FIRST SCHEDULE

SECOND SCHEDULE

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

21st January, 2005

SAINT LUCIA

No. 11 of 2005

AN ACT to make provision for the registration of Architects and for regulating the practice of architecture and to provide for matters incidental thereto.

[On Order]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

PART I

PRELIMINARY

Short title and commencement

1.— (1) This Act may be cited as the Architects Registration Act, 2004.

(2) This Act shall come into force on a day prescribed by the Minister by Order in the *Gazette*.

Interpretation

2. In this Act —

“Board” means the Architects Registration Board established under section 3;

“Minister” means the Minister responsible for Physical Development, Environment and Housing.

“Building” means a structure intended for use as a shelter for human activities and usually consisting of foundations, floors, walls, windows, columns, beams, girders and roof, or a combination of any number of these parts with or without other parts.

“practice of architecture” means the professional practice of applying art, science, skill and other knowledge in the planning and designing of buildings, groups of buildings, related environment, and other works, with a view towards functional appropriateness, aesthetic appeal and structural appropriateness and includes related services such as inspecting, constructing and administering construction contracts on behalf of a Client;

“register” means the register kept in accordance with the provisions of section 6;

“registered architect” means a person registered as an architect under this Act;

“Registrar” means the Registrar designated pursuant to section 5;

PART II

ADMINISTRATION

Establishment of Board

3.— (1) There is hereby established for purposes of this Act a body corporate to be called the Architects Registration Board and section 19 of the Interpretation Act No. 18 of 1968 shall apply to the Board.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedure of the Board and other related matters.

Functions of the Board

4.— (1) The functions of the Board are —

- (a) to register architects;
- (b) to regulate the practice of architecture in Saint Lucia;
- (c) to ensure the maintenance of acceptable standards of professional conduct by persons registered as architects;
- (d) to appoint examiners to conduct such examinations which may from time to time be necessary in respect of persons applying for registration as architects;
- (e) to prescribe the procedure to be followed in respect of disciplinary proceedings against architects in relation to professional misconduct; and
- (f) to do all such things as may appear to it to be necessary or desirable for carrying out its functions.

Registrar

5. The Minister shall designate, by notice in the *Gazette*, a person to be Registrar of Architects who shall be Secretary to the Board.

Register of architects

6.— (1) The Registrar shall keep a register to be known as the Architects Register, in which he or she shall cause to be entered the name of every person entitled to be registered as an architect under sections 7 or 8 together with the following particulars in respect of each person —

- (a) his or her full name and address;

- (b) the date of his or her registration;
- (c) a description and the date of the qualifications in respect of which he or she is registered.

(2) The Register shall at all reasonable times be open for inspection at the Registration Office.

(3) The Registrar shall cause to be published in the *Official Gazette* —

- (a) in the month of February in every year an alphabetical list of persons who are at the 31st January in that year registered architects;
- (b) as soon as practicable after such registration, the name of any person registering his or her name as an architect after the 31st January in any year.

(4) The Registrar shall —

- (a) make the necessary alterations in the Register of the names or addresses of persons registered; and
- (b) remove from the Register the names of all persons who —
 - (i) are suspended by the Board;
 - (ii) are no longer qualified to practice architecture;
 - (iii) are deceased;
 - (iv) have ceased to be domiciled and resident in Saint Lucia, or
 - (v) are no longer holders of work permits.

(5) Every person who is qualified to be registered as an architect and desires to practice as such in Saint Lucia shall, in the month of January in every year, cause his or her name to be entered by the Registrar in the Register on payment of the first registration fee, or annual registration fee as the case may be and shall be entitled to obtain a certificate of registration.

Conditions for registration

7.— (1) Subject to section 8, a person including a citizen of a Member State of the Caricom Community is entitled to be registered as an architect where on application made to the Board the applicant satisfies the board that —

- (a) he or she is qualified to be so registered; and
- (b) he or she is a fit and proper person to practice architecture in Saint Lucia

(2) For the purposes of subsection (1), a person is qualified to be registered as an architect where —

- (a) he or she has been awarded a degree or the equivalent in architecture granted by a university or school of architecture that, in the opinion of the Board, is evidence of satisfactory training in architecture; or
- (b) he or she is registered as an architect by a board, council or institute in a country other than Saint Lucia and where in the opinion of the Board, the overseas body upholds satisfactory standards of architecture; and
- (c) he or she has had not less than 3 years practical experience in the practice of architecture to the satisfaction of the Board, two years of which must be in Saint Lucia under the supervision of a registered architect practicing in Saint Lucia.

(3) An application for registration shall be made to the Secretary of the Board in *Form A* as set out in the Second Schedule

(4) An applicant for registration shall furnish to the Secretary of the Board —

- (a) evidence of his qualifications and experience;
- (b) proof of his identity; and
- (c) such further and other information as the Board requires in respect of the matters referred to in subsections (1) and (2).

Registration otherwise than under section 7

8.— (1) Notwithstanding section 7, a person who does not possess the qualifications specified in that section but who, on application made to the Board within one year of the commencement of this Act, satisfies the Board that —

- (a) he or she is a fit and proper person to be registered as an architect; and
- (b) he or she has had before the commencement of this Act, not less than 15 years experience in the practice of architecture in

a responsible position under an architect with qualifications as described in section 7;
is entitled upon compliance with the requirements of this Act and on payment of the first registration fee to be registered as an architect.

(2) In determining whether a person satisfies the requirements of subsection (1), the Board shall conduct such investigation relating to the experience in architecture of such person as it considers necessary, and may require such person to undergo a written or oral examination in architecture or both including draughtsmanship, design, detailing, basic engineering, specification and professional practice.

(3) A decision of the Board with respect to the entitlement of a person to be registered under this section is final.

Registration of architect registered outside of Saint Lucia

9. The Board may, upon application, register as an architect any person who furnishes it with satisfactory proof —

- (a) that he or she is registered as an architect in a country other than a Member State of the Caricom Community whose requirements for registration are, in the opinion of the Board, no less exacting than those required for registration in Saint Lucia;
- (b) that reciprocal arrangements exist between the Architects Registration Board and that other country;
- (c) that the applicant has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Saint Lucia; and
- (d) that the applicant has obtained the necessary work permit to enable him or her to practice in Saint Lucia.

Certain factors not considered when determining qualifications for registration

10.—(1) In determining whether a person who applies for registration is duly qualified to be registered under this Act, the fact that the person adopts or refrains from adopting, intends to adopt or refrain from adopting, the practice of any particular theory of architectural design shall not be taken into consideration.

(2) Where a person submits to examination in order to entitle him or her to register under this Act, there shall not be imposed upon him or her any obligation to adopt or refrain from adopting the practice of any

particular theory of architecture as a test or condition of admitting him or her to examination or registration under this Act.

Registered architect entitled to practice

11. A person registered under this Act shall be entitled —

- (a) on payment of the prescribed fee to receive from the Registrar a certificate in Form B set out in the *Second Schedule* to practise architecture in Saint Lucia;
- (b) to demand and recover reasonable remuneration for architectural services rendered;
- (c) to use the title “Architect” or any abbreviation thereof against his name, outside his place of work, at building sites where his work is in progress and on his stationery.

Unregistered person not to recover remuneration for practice of architecture

12. A person other than a registered architect is not entitled to recover in any action any fee, charge, gratuity or remuneration for the practise of architecture.

Additional qualifications

13.— (1) A person who, subsequent to his or her registration, obtains any degree, qualification or other designation relevant to the practice of architecture, shall be entitled, on payment of the prescribed fee, to have such degree, qualification or designation inserted in the register in substitution for, or in addition to, any such qualification, degree or designation previously entered.

(2) The application referred to in subsection (1) shall be in Form C as set out in the *Second Schedule*.

Practice of architecture by persons other than those registered under this Act

14.— (1) Subject to section 16, nothing in this Act shall prevent a person who is not an architect from —

- (a) engaging in those aspects of the practice of architecture that include drafting or supervising works as owner, contractor, superintendent or clerk of works;
- (b) performing the architectural work involved in minor alterations;

- (c) providing architectural services for single family dwellings not exceeding 1500 square feet other than where multiple production of houses is involved, or where the buildings concerned are to be of more than one storey in height; or
- (d) providing architectural services for minor business premises of no more than 1000 square feet other than where no more than one storey is involved, or where there is to be multiple production of such buildings where the interests of the public are not likely to be affected, or to require any person to become registered as an architect under this Act for the purpose of doing anything mentioned in this section.

(2) Nothing in this Act shall be deemed or construed to prevent the practice of their professions by —

- (a) engineers registered under the *Engineers (Registration) Act*;
- (b) land surveyors;
- (c) town planners;
- (d) landscape architects;
- (e) interior decorators or furniture designers;

if these persons do not use the term “architect” in its unqualified form with intent to mislead the public.

Validity of architects documentation

15. No certification, drawing, valuation, declaration or other document required by an enactment to be signed by an architect is valid, unless the person signing it is registered as an architect.

Partnership, associations or corporations

16. A partnership, association or corporation may practice architecture in its own name where its principal and customary function is to practice architecture, and where the work is done under the responsibility and supervision of a partner or an associate, or a director of a corporation or under the responsibility and supervision of a full-time permanent employee of the partnership, association or corporation who is a registered architect.

Improper registration

17.— (1) The Board may, where it considers that a person registered as an architect has improperly obtained registration, require that the person apply to have himself or herself properly registered.

(2) Where after a period of 3 months or such longer period as the Board allows, the person referred to in subsection (1) fails without reasonable excuse to apply to be properly registered, the Board may cause the name of that person to be struck off the Register.

Appeals

18. An appeal against any decision made by the Board other than a decision with respect to the entitlement of a person to be registered under section 8 shall lie to a Judge in Chambers and every appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by the rules of court.

PART III

DISCIPLINE

Disciplinary Committee

19.— (1) The Board shall appoint a Disciplinary Committee to examine, enquire and report to the Board on any matter referred by the Board concerning discipline of architects.

(2) The Disciplinary Committee shall consist of five persons of which no more than two shall be registered architects. A member of the Board shall not be a member of the committee.

(3) The Disciplinary Committee shall meet at such times and places as may be necessary or expedient for the transaction of its business and the Committee shall have power to regulate its own procedure.

(4) The Disciplinary Committee shall investigate and hear evidence in relation to any matter concerning the conduct of a registered architect and shall report its findings and recommendations to the Board to —

- (a) censure or reprimand such person;
- (b) suspend such person from the practice of architecture for a period not exceeding two years;
- (c) impose such conditions as the Board may specify concerning the practice of architecture on such person;

- (d) declare that such person is, in its opinion, unfit to be registered as an architect and may give a written order to the Registrar to cancel the registration of such person.

Reinstatement

20. The Board may reinstate any person whose registration has been cancelled and may order that the name of such person be restored to the Register.

PART IV

MISCELLANEOUS

Certificate of registration

21. A certificate of registration issued under this Act shall be *prima facie* evidence in all courts and before all persons of the facts therein certified without further or other proof thereof.

Professional misconduct

22. Where a registered architect has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the Regulations, impose on that architect a fine of not less than \$5,000.00 or not more than \$10,000.00.

Offences

23.— (1) A person who —

- (a) fraudulently procures or attempts to procure the registration of himself or herself or any other person by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing;
- (b) fraudulently makes, causes or permits to be made —
 - (i) any false or incorrect entry or copy of an entry in the Register, or
 - (ii) any alteration in any entry or copy of any entry in the Register;
- (c) not being a registered architect —
 - (i) practices architecture for which he demands or receives any fee, gratuity or remuneration, whether or not such fee, gratuity or remuneration is demanded or received in Saint Lucia;
 - (ii) pretends to be a registered architect;

- (iii) makes use of the name or title of architect or any other name, title, addition, designation or description implying that he or she is a registered architect or is entitled to be recognized or to practice as a registered architect, is guilty of an offence under this Act.

(2) A person who is guilty of an offence under this Act is liable on summary conviction —

- (a) for a first offence, to a fine of \$5,000.00 or to imprisonment for 6 months; and
- (b) for each subsequent offence, to a fine of \$10,000.00 or to imprisonment for 12 months.

(3) In any prosecution under paragraph (c) of subsection (1), the absence of the name of the persons charged from the list last published in the *Official Gazette* pursuant to section 6(3) is *prima facie* evidence that such person is not a registered architect.

Regulations

24.— (1) The Minister may, make regulations after consultation with the Board —

- (a) regulating the conditions of architectural practice in Saint Lucia;
- (b) specifying what institutions are approved by the Board for the purpose of section 7(2);
- (c) prescribing the procedure to be followed in respect of disciplinary proceedings against architects in relation to professional misconduct;
- (d) setting up for any period a disciplinary body to investigate and adjudicate upon any allegation of professional misconduct on the part of an architect and make recommendations in respect of the allegation;
- (e) providing for the publication of the recommendations of any body referred to in paragraph (d);
- (f) determining the constitution and membership and regulating the procedure of any body referred to in paragraph (d) and providing for any other matter which may be relevant to that body or its functions;
- (g) providing for examinations to be conducted for the purposes of registration under this Act and prescribing the subject matter

of such examinations, the candidates and the manner in which and times when such examinations will be conducted;

- (h) prescribing the fees payable in respect of any examination and registration under this Act;
- (i) prescribing a code of professional conduct for architects;
- (j) providing for the stamping of drawings or other documents and the use of seals by an architect; and
- (k) carrying into effect generally the purposes for which the Board is constituted.

Remuneration of the Board

25.— (1) Members of the Board shall be paid such remuneration as is fixed by Cabinet acting on the recommendation of the Minister.

(2) Remuneration paid to members under subsection (1), shall be charged on the Consolidated Fund.

Expenses

26. Any expenses incurred in the administration of this Act shall be defrayed out of the moneys voted for the purpose by Parliament.

FIRST SCHEDULE

(Section 3)

CONSTITUTION AND PROCEDURE OF THE BOARD**Appointment of Members of the first Board**

1. The first Board shall consist of seven members —
 - a) five of whom shall be Architects appointed by the Minister, on the nomination of the Institute of Architects; and
 - b) two other members chosen by the Minister.

Appointment of members of Board

2. Thereafter the Board shall consist of seven members —
 - a) four of whom shall be registered Architects, appointed by the Minister on the nomination of the Institute of Architects; and
 - b) three other members chosen by the Minister.

Appointment of Committees

3. The Board may —
 - a) appoint committees composed of registered architects not being members of the Board, for the proper carrying out of its functions; and
 - b) delegate to any of the committees any functions it considers necessary.

Tenure of Office

4. A member shall, subject to paragraphs 4, 5 and 6, hold office for such period as the Minister may direct in the instrument appointing such member but shall be eligible for re-appointment.

Absent Member

5. Where a member has expressed his inability to act as such member or is absent from Saint Lucia for a long period, the Minister may appoint any person to act temporarily in his place.

Appointment of Chairperson

- 6.— (1) The Board at its first meeting held after 1st January in each year shall elect one of its members to be the Chairperson for a term of one year, and that member shall be eligible for re-election as Chairperson.

(2) The Chairperson shall have an original and a casting vote.

(3) The Chairperson shall preside at all meetings of the Board at which he or she is present.

(4) Where the Chairperson ceases to be a member of the Board before the expiration of the period for which he or she has been elected, the Board shall elect some other member in his or her place to be chairperson for the remainder of that period.

(5) Where at any meeting of the Board, the Chairperson is not present or there is no Chairperson, the members present shall elect one of their members to act as Chairperson in respect of that meeting.

Appointment of secretary and other officers

7.— (1) The Board may appoint a secretary and such other officers as it deems necessary for the purpose of carrying out its functions under this Act.

(2) The secretary and other officers of the Board shall receive such pay and allowances as the Minister, after consultation with the Board, determines.

Resignation of Members of the Board

8.— (1) A member, other than the Chairperson, may at any time resign his or her office in writing addressed to the Chairperson and upon the date of receipt by the Chairperson of such letter shall cease to be a member of the Board.

(2) The Chairperson may at any time resign his or her office in writing addressed to the Minister and upon the date of the receipt by the Minister of the letter, the Chairperson shall cease to be a member of the Board.

(3) The Minister may at any time by instrument in writing revoke the appointment of any member of the Board.

Publication of Membership in the Gazette

9. The names of all members of the Board as at first constituted and every change in the membership thereof shall be published in the *Gazette*.

Quorum

10. The quorum of the Board at any meeting shall be three.

Temporary Appointments

11. In the absence or inability to act of any member, the Minister may appoint any person to act temporarily in place of the member, and the temporary appointment shall be made in the same manner and from the same categories of persons if any, as the appointment of the member.

Vacancies

12. A vacancy shall be deemed to arise in the membership of the Board in case of —

- a) the death or resignation of a member;
- b) the revocation by the Minister of the appointment of a member;
- c) the absence from Saint Lucia of a member without leave of the Minister;
- d) the failure of a member to attend three consecutive meetings of the Board without permission.

Seal of the Board

13.— (1) The seal of the Board shall be kept in the custody of the Chairperson or such officer of the Board as the Board may approve and may be affixed to documents or instruments pursuant to a resolution of the Board in the presence of the Chairperson and the Secretary of the Board.

(2) The seal of the Board shall be authenticated by the signature of the Chairperson and the Secretary to the Board.

(3) All decisions of the Board as well as documents or instruments, other than those required by law to be under seal, shall be signified in writing under the hand of the Chairperson.

Procedure and Meeting

14.— (1) Subject to this paragraph, the Board shall have power to regulate its own procedure.

(2) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such time and place as the Board may determine.

(3) The decision of the Board at any meeting shall be a majority of votes and in the event of an equality of votes the Chairperson or the member presiding at the meeting shall have a casting vote.

(4) Minutes in proper form of each meeting of the Board shall be kept.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members of the Board or by any defect in the appointment of a member of the Board.

6. State countries or institutions in which you have practiced since qualifying.

Countries or Institutions	Date	
	From	to
.....
.....
.....
.....

7. In which country are you registered or entitled to practise as an architect?

.....

.....

.....

8. Has your registration or entitlement to practise as an architect in any country ever been cancelled or suspended?.....

9. If so on what date and for what reason?

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.....

10. Names and addresses of three referees as to character.

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.....

I enclose copies of certificates

I the undersigned hereby apply to be registered as an architect and declare that I am the person named in the enclosed documents and that the above information is true and correct.

.....
(Signature of Applicants)

.....
(Date)

Explanatory Notes

1. *All documentation is required in English. This includes certified translations of qualifications and curriculum vitae.*
2. *The documentation you submit must be certified by a competent authority. Examples of a competent authority might include the registration body in your country of residence, the relevant government ministry, head of school or stamp from a notary to indicate authenticity.*

FORM B

CERTIFICATE OF REGISTRATION

I certify that the name of
(name)

wasday ofentered in the register of
architects kept and maintained by me pursuant to the provisions of the *Architects
registration Act*

Date thisday of.....

.....
Registrar

FORM C

Section 13(2)

**APPLICATION FOR ENTRY OF ADDITIONAL
QUALIFICATIONS IN REGISTER**

To: The Registrar

1. Name of applicant

2. Qualification	Date on which additional Qualifications granted
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.....
.....
.....
.....

I hereby make application for the entry of the above mentioned qualifications granted since the entry of my name in the register of the architects kept by the registrar under Section 6 of the Architects registration Act.

I do hereby declare that, to the best of my information and belief, the particulars stated are true

.....
(Signature of Applicant)

.....
(Date)

Explanatory Notes

1. *All documentation is required in English. This includes certified translations of qualifications.*
2. *The documentation you submit must be certified by a competent authority. Examples of a competent authority might include the registration body in your country of residence, the relevant government ministry, head of school or stamp from a notary to indicate authenticity.*

Passed in the House of Assembly this 30th day of November, 2004.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 21st day of December, 2004.

HILFORD DETERVILLE,
President of the Senate.