



No. 16 of 2010.

*Architects Registration Act, 2010.*

Saint Christopher  
and Nevis.

I assent,



CUTHBERT M SEBASTIAN

*Governor-General.*

28<sup>th</sup> December, 2010.

## SAINT CHRISTOPHER AND NEVIS

### No. 16 of 2010

**AN ACT** to provide for the establishment of an Architects Registration Board, the registration of architects, the regulation of the practice of architecture and for related or incidental matters.

*[Published 30<sup>th</sup> December 2010, Official Gazette No. 62 of 2010.]*

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:—

#### **PART I PRELIMINARY**

##### **1. Short title and commencement.**

This Act may be cited as the Architects Registration Act, 2010, and shall come into operation on such date as the Minister may, by Order, appoint.

##### **2. Interpretation.**

In this Act

“architecture” means the art and science of designing and making built environment including buildings and other physical structures including town planning, urban design and landscape architecture;

“architect” means a person who has been conferred an accredited professional degree in architecture from an accredited college or university;

“authorised organisation” means an organisation for which a certificate of authorisation is issued in accordance with the provisions of section 18;

“Board” means the Architects Registration Board established in accordance with section 3;

“Chairperson” means the Chairperson of the Board;

“member of an organisation” means any member of a partnership or association of persons or any director, manager, secretary or other similar officer of a body corporate;

“Minister” means the Minister responsible for Sustainable Development;

“organisation” means a partnership, association of persons or body corporate;

“practice of architecture” means to render or offer to render for reward, the services of an architect registered pursuant to this Act;

“Register” means the Register of architects kept by the Registrar in accordance with section 6;

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

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

“Secretary” means the secretary of the Board;

“St. Kitts and Nevis Institute of Architects” means the unincorporated organisation constituted under the name of St. Kitts and Nevis Institute of Architects;

“UNESCO-UIA” refers to the UNESCO-UIA validation system for architectural education.

## **PART II REGISTRATION OF ARCHITECTS**

### **3. Establishment of Board.**

(1) There shall be established for the purposes of this Act a body to be called the Architects Registration Board which shall be a body corporate.

(2) The constitution and procedures of the Board shall be in accordance with Schedule 1.

### **4. Functions of the Board.**

(1) The functions of the Board shall be to

- (a) register architects;
- (b) regulate the practice of architecture in Saint Christopher and Nevis; and
- (c) ensure the maintenance of acceptable standards of professional conduct by persons registered as architects pursuant to this Act.

(2) The Board shall have the power to

- (a) prescribe the procedure to be followed in respect of any disciplinary proceedings against any architect in relation to professional conduct pursuant to this Act;
- (b) do all such things as may appear to it to be necessary or desirable for carrying out its functions under this Act.

**5. Registrar.**

The Minister may, by Order, designate a person to be the Registrar of Architects.

**6. The Register.**

(1) The Board shall cause the Registrar to maintain a Register to be known as the Register of Architects.

(2) The Register shall contain the names, addresses, qualifications and any other particular as may be prescribed, of all persons who are registered as architects pursuant to this Act.

(3) The Register shall be open to inspection by any member of the public at any reasonable time.

(4) A copy of the Register shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

**7. Application for registration.**

(1) An application for registration as an architect pursuant to this Act shall be in the prescribed form signed by the applicant and delivered to the Registrar and shall set out the grounds on which the applicant is eligible to be registered.

(2) The Board may require such evidence of identity or verification of any matter alleged by the applicant or any further information relating to the application as it thinks necessary.

(3) An application pursuant to this section shall be accompanied by the prescribed fee.

**8. Registration.**

(1) If the Board is satisfied in relation to any application for registration that

- (a) the provisions of section 7 have been complied with; and
- (b) the applicant is qualified for registration under the provisions of this section and sections 9, 10, 11, 12, 18 or 28;

the Board shall register the applicant as an architect and shall notify the applicant in writing accordingly and shall direct the Registrar to issue to the applicant a certificate of registration in the prescribed form.

(2) For the purposes of registration under this Act, the Board may verify that the qualifications of an applicant relating to his or her competence as an architect are in accordance with the provisions of section 9.

(3) If the Board is not satisfied as to the eligibility of the applicant to be registered under this Act it shall

- (a) refuse to register the applicant;
- (b) notify him or her in writing accordingly; and
- (c) inform him or her of the right of appeal conferred by section 24.

(4) Any person registered as an architect pursuant to this Act shall be entitled to carry on the practice of architecture in Saint Christopher and Nevis and to demand and recover any reasonable charges for services rendered by him or her as an architect.

### **9. Qualifications for registration.**

A person shall be eligible to be registered as an architect pursuant to this Act if he or she satisfies the Board that

- (a) he or she
  - (i) is a citizen of Saint Christopher and Nevis; or
  - (ii) is ordinarily resident in Saint Christopher and Nevis and is the holder of a work permit where this is required; and
  - (iii) is of good character and reputation; and
- (b) he or she fulfils one or more of the following requirements, namely that he or she
  - (i) is the holder of a Bachelors of Architecture degree, diploma or other qualifications in architecture granted by a recognised university or school of architecture that, in the opinion of the Board, is evidence of satisfactory training in architecture;
  - (ii) is registered as an architect by a board, council or institute in a country other than Saint Christopher and Nevis and, in the opinion of the Board, that board, council or institute upholds satisfactory standards of architecture; or
  - (iii) has been awarded a degree, diploma or other professional qualification in architecture that meets or exceeds the requirements set forth by the UNESCO-UIA Validation Council for Architectural Education; or
- (c) he or she has had not less than five years of practical experience in architecture as the Board approves and at least one of the five years of practical experience was acquired in Saint Christopher and Nevis and he or she qualified for registration before the commencement of this Act.

### **10. Special registration.**

(1) A person within any of the categories specified in Schedule 2 may on application to the Board in the prescribed manner and upon payment of the prescribed fee,

be specially registered to carry on the practice of architecture for such time and on such conditions that the Board may, with the approval of the Minister, specify.

(2) The Minister may by Order, after consultation with the Board, amend Schedule 2 to add to, or to remove any of the categories of persons specified therein.

(3) Notwithstanding the removal of any category of persons from Schedule 2, any person who at the time of such removal is registered pursuant to subsection (1) within that category, shall subject to the provisions of subsection (1), continue to be specially registered until the expiration of the period for which he was specially registered.

(4) The Registrar shall enter in a separate part of the register the names of all person who are specially registered under this section.

(5) The Registrar shall issue to each person who is specially registered under this section a certificate of registration in the prescribed form which shall, to the extent specified therein, entitle that person to practice as a registered architect.

#### **11. Temporary registration.**

- (1) Where the Board is satisfied upon application by any person that that person
- (a) is not a national of Saint Christopher and Nevis; and
  - (b) possesses sufficient knowledge and experience for the efficient practice of architecture;

the Board shall on receipt of the prescribed fee, grant temporary registration to that person.

(2) The Board may, upon application and payment of the prescribed fee, grant temporary registration to any person, not ordinarily resident in Saint Christopher and Nevis and not being a person to whom the provisions of subsection (1) applies, who satisfies the Board that he or she is or will be temporarily visiting Saint Christopher and Nevis for the purpose of practising the profession of architecture and is otherwise qualified under paragraph (b) and (c) of section 9.

(3) A temporary certificate of registration shall entitle the holder to practice the profession of architecture

- (a) in such institution or place;
- (b) in such circumstances;
- (c) for such period in the first instance or any subsequent instance, not exceeding in the first instance one year; and

subject to such other terms and conditions as may be specified in the certificate.

(4) The names, addresses, qualifications and such other particulars as may be prescribed of all persons to whom temporary certificates of registration are issued under this section shall be entered in a separate part of the register.

(5) The Board may, in its discretion, extend the period or vary the terms and conditions specified in any temporary certificate of registration.

(6) The Board shall have the power to cancel, without notice, any temporary certificate of registration.

(7) During the period specified in any temporary certificate of registration or any extension thereof, the holder shall, unless the certificate has been cancelled, be deemed for the purposes of this Act to be a registered architect.

## **12. Reciprocity.**

(1) The Board may, upon application, register as an architect any person who furnishes it with satisfactory proof that

- (a) he or she is currently registered as an architect in another country whose requirements for registration are, in the opinion of the Board, no less exacting than those required for registration in Saint Christopher and Nevis;
- (b) a reciprocal arrangement exists between Saint Christopher and Nevis and that other country;
- (c) he or she has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Saint Christopher and Nevis;
- (d) he or she has obtained the necessary work permit to enable him or her to practice in Saint Christopher and Nevis; and
- (e) he or she has practised under the direct supervision of an architect duly registered in Saint Christopher and Nevis pursuant to this Act for a period of not less than twenty four consecutive months.

(2) An architect registered pursuant to the provisions of subsection (1), shall be struck off the register as an architect if his or her work permit expires or is withdrawn.

## **13. Factors not to be taken into consideration.**

In determining whether a person who applies for registration is qualified to be registered under this Act, the fact that the person

- (a) adopts or refrains from adopting, or
- (b) intends to adopt or refrain from adopting,

the practice of any particular theory of architectural design shall not be taken into consideration.

## **14. Additional qualifications.**

Any person registered pursuant to this Act 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 those previously entered.

**15. Corrections of Register.**

- (1) It shall be the duty of the Registrar to
  - (a) remove from the Register any entry which the Board, directs him or her to remove pursuant to this Act;
  - (b) restore to the Register any entry which the Board, pursuant to this Act, directs him or her to restore;
  - (c) correct, in accordance with the Board's direction, any entry in the Register which the Board directs him or her to correct as being in the opinion of the Board, an entry which was incorrectly made;
  - (d) remove from the Register, with the approval of the Board, the name of any person who
    - (i) has died;
    - (ii) not being a citizen of Saint Christopher and Nevis, has, for a period of at least one year, ceased to be ordinarily resident in Saint Christopher and Nevis;
    - (iii) has been issued with a temporary certificate or registration which has expired or has been cancelled; or
    - (iv) in accordance with any of the provisions of this Act, ceases to be a registered architect; and
  - (e) make, from time to time, any necessary alterations in any of the particulars in the Register mentioned in subsection (2) of section 6.

(2) Where it appears to the Board that any person has ceased to practice as an architect, for more than three years, or changed his or her address, it may direct the Registrar to send to the person a registered letter, at his or her address as it appears in the Register, enquiring whether he or she has ceased to practice as an architect, or has changed his or her address.

(3) Where the Registrar receives no response to a letter sent pursuant to subsection (2) within three months from the date of the posting he or she shall send to that person another letter in a similar manner.

(4) Where the Registrar receives no response to the letter sent pursuant to subsection (3) within three months of the date of the posting, he or she shall report the fact to the Board which may direct him or her to remove from the Register the name of that person.

(5) The Board may direct the Registrar to restore to the Register any name removed pursuant to this section.

**16. Entitlement to recover fees, etc.**

(1) Except for a registered architect or an authorised organisation authorised pursuant to sections 18 or a person pursuant to section 20, a person shall not be entitled to

recover in any action, any fee, charge, gratuity, remuneration or other reward for services rendered or offered as a professionally qualified architect or authorised organisation.

(2) Nothing in subsection (1) shall prevent any person from taking any action mentioned in that subsection in respect of anything lawfully done while such person was a registered architect or authorised organisation, as the case may be.

#### **17. Prohibitions affecting non-registered persons.**

(1) Subject to sections 18 and 20 with effect from such date as the Minister may by order specify, a person shall not

- (a) carry on the practice of architecture;
- (b) take or use, in relation to himself or herself, the designation “architect” either alone or in conjunction with any other words or initials in such manner as to imply that he or she is qualified to carry on the practice of architecture in Saint Christopher and Nevis; or
- (c) take or use, in relation to himself or herself, any designation, title, name, initials, or description indicating or implying that he or she is entitled to carry on the practice of architecture in Saint Christopher and Nevis,

unless he or she is a registered architect.

(2) A person contravenes the provisions of subsection (1) if he or she

- (a) practices any branch of the profession of architecture;
- (b) by any verbal claim, sign, advertisement, letterhead, card or in any other way, represents him or herself to be an architect;
- (c) through the use of some other title, implies that he or she is an architect or that he or she is registered pursuant to this Act; or
- (d) holds himself or herself out as being able to perform or does perform any architectural service or work.

(3) For the purpose of this Act, a person, not being a registered architect, does not carry on the practice of architecture by reason only that

- (a) he or she does so in the course of his or her duties as an employee of a registered architect or an authorised organisation;
- (b) being an engineer or land surveyor in accordance with the relevant laws, he or she engages in architectural work as may be incidental to his or her practice as an engineer or land surveyor, as the case may be;
- (c) being an employee of the Government, who does not fall within the provisions of the Second Schedule, he or she engages in architectural work in the course of his or her duties as an employee of the Government.

(4) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction



- (a) in the case of a first offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both;
- (b) in the case of a second or subsequent offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both.

#### **18. Organisation, partnerships, etc.**

- (1) An organisation, partnership, association or corporation shall not
  - (a) be eligible to be registered under this Act, except as provided in this section;
  - (b) engage in architectural work, unless it has a valid certificate of authorisation issued pursuant to subsection (2).
- (2) The Board may, upon receipt of an application in the prescribed form, direct the Registrar to issue a certificate of authorisation to an organisation, partnership, association or corporation which satisfies the Board that
  - (a) the practice of architecture is or will be its principal function; and
  - (b) the practice of architecture is or will be carried out under the responsibility and supervision of at least one member or full-time employee of the organisation who is a registered architect.
- (3) Any application made pursuant to subsection (2) shall be accompanied by the prescribed fee.
- (4) A certificate of authorisation issued in accordance with this section shall be valid for a period of two years and shall enable the holder to carry on the practice of architecture, subject to such conditions as may be imposed by the Board.
- (5) The name of each organisation, partnership, association and corporation to which a certificate of authorisation has been issued shall be entered into a separate part of the Register.
- (6) An application made pursuant to subsection (2) shall contain the following
  - (a) the names and addresses of each member of the organisation, partnership, association and corporation; and
  - (b) the name of each member and full-time employee of the organisation, partnership, association and corporation who is a registered architect and who will supervise and be responsible for the architectural work of the organisation, partnership, association or corporation.
- (7) Any change in the particulars referred to in sub-section (5) shall be notified to the Registrar within thirty days after the effective date of such change.
- (8) Where an authorised organisation, partnership, association or corporation ceases to have at least one member or full-time employee who is a registered architect and

who supervises and is responsible for the architectural work of the organisation, partnership, association or corporation, the Registrar shall forthwith cancel the certificate of authorisation.

(9) Where the Board is satisfied that an authorised organisation, partnership, association or corporation has

- (a) failed to observe any of the provisions of this section;
- (b) knowingly made any false statement;
- (c) supplied any false information or document in support of its application for a certificate of authorisation; or
- (d) conducted itself in a manner that would, in the case of a registered architect, have been professional misconduct,

it may suspend or cancel the certificate of authorisation and direct the Registrar to remove its name from the Register.

(10) Any person who is a registered architect and is a member or full-time employee of an organisation, partnership, association or corporation which he or she knows

- (a) engages in the practice of architecture without a valid certificate of authorisation issued by the Board; or
- (b) in violation of any condition imposed by this Act or by the Board

commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or both.

(11) Any person who at the time of the contravention of section (10) was

- (a) a partner or a director, general manager, secretary or similar officer of that organisation, partnership, association or corporation; or
- (b) was purporting to act in any such capacity

shall be liable to be prosecuted for an offence against this section as if he or she had personally committed that offence.

(12) Where on a prosecution pursuant to subsection (10) it is proved to the satisfaction of the court that the person

- (a) consented to or connived in the commission of the offence; or
- (b) did not exercise all the reasonable diligence that he or she might, in the circumstances, have exercised to prevent the offence,

having regard to the nature of his or her functions in the capacity and to all the circumstances, it shall be held that the person has contravened subsection (10).

### **19. Improper registration.**

If any person who is registered as an architect has, in the opinion of the Board, improperly obtained such registration, the Board may

- (a) where the registration was obtained on the basis of any statement, information or document supplied by that person, which he or she

knew at the time to be false, cancel such registration and refuse to grant registration to any subsequent application; or

- (b) where the registration was obtained on any basis other than that specified in paragraph (a), require the person registered to submit, within a period of three months or any longer period as the Board may permit, a new application in accordance with the provisions of this Act and, if he or she fails to do so, the Board may cancel his or her registration.

## **20. Practice of architecture by persons not registered under this Act.**

(1) Subject to section 21, the provisions of this Act shall not prevent a person who is not a registered architect from;

- (a) engaging in those aspects of the practice of architecture that include drafting or supervising works as an owner, contractor, superintendent or clerks of works;
- (b) performing the architectural work involved in minor alteration not requiring submission to the Development Control and Planning Board established pursuant to the Development Control and Planning Act, Cap. 20.07;
- (c) providing architectural services for single family dwellings other than where the multiple production of houses is involved or where the buildings concerned are to be not more than one storey in height and not more than one thousand five hundred (1500) square feet;
- (d) providing architectural services for business premises of
  - (i) not more than one thousand five hundred (1500) square feet;
  - (ii) not more than one storey;
  - (iii) not where there is to be multiple production of such buildings; and
  - (iv) where the interest of the public is not likely to be affected.

(2) The provisions of this Act shall not be deemed or construed to prevent the practice of the relevant profession by any

- (a) engineer registered pursuant to any enactment providing for the registration of engineers;
- (b) land surveyor registered pursuant to the Land Surveyors (Registration) Act, 2000;
- (c) town planner;
- (d) landscape and naval architect;
- (e) interior decorators; or
- (f) furniture designers,

if such person does not use the term “architect” in its unqualified form with intent to mislead the public.

**21. Validity of architect's documentation.**

After the commencement of this Act, a certification, drawing, valuation, declaration or other document required by any enactment to be signed by an architect shall not be valid, unless the person signing it is registered pursuant to this Act.

**PART III- DISCIPLINE****22. Disciplinary Committee.**

(1) The Board shall appoint, from among persons who are registered architects and who are not members of the Board and who have practiced for at least ten years, a Disciplinary Committee consisting of not less than five and not more than seven persons, as the Board may think fit.

(2) The provisions of Schedule 3 shall have effect with respect to the constitution of the Disciplinary Committee and otherwise in relation thereto.

(3) The Disciplinary Committee shall investigate and hear evidence in relation to any matter concerning the conduct of a registered architect or authorised organisation, partnership, association or corporation and shall report its findings and recommendations to the Board.

(4) The Board may make rules for regulating the presentation, hearing and determination of matters by the Disciplinary Committee and for reports to the Board.

**23. Disciplinary powers of the Board.**

(1) On receipt of a report from the Disciplinary Committee, where the Board finds any person, organisation, partnership, association or corporation registered or authorised under this Act to have

- (a) procured registration under this Act, as a result of any misleading, false or fraudulent misrepresentation;
- (b) committed an act of dishonesty, negligence or incompetence; or
- (c) committed disgraceful or improper conduct in a professional respect,

the Board may

- (i) censure or reprimand the person, organisation, partnership, association or corporation;
- (ii) suspend the person, organisation, partnership, association or corporation from the practice of architecture for a period not exceeding three years;
- (iii) impose such conditions as the Board may specify concerning the practice of architecture of that person, organisation, partnership, association or corporation;
- (iv) declare that the person, organisation, partnership, association or corporation is, in its opinion, unfit to be registered as an architect

or authorised organisation under this Act and may give a written order to the Registrar to cancel the registration of such person, organisation, partnership, association or corporation.

(2) The Registrar shall comply with any order given by the Board pursuant to subsection (1) and shall send a copy of the order to the person, organisation, partnership, association or corporation by registered post to the last known address of the person, organisation, partnership, association or corporation.

(3) Any person, organisation, partnership, association or corporation,

(a) whose registration has been suspended by the Board, or upon whom the Board has imposed specific conditions and

(b) who, after such cancellation or during such suspension or while such conditions remain in force, practices the profession of architecture or does so in violation of the conditions imposed by the Board

commits an offence and is liable, on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or both.

(4) The Board may, reinstate any person, organisation, partnership, association, or corporation, as the case may be, whose registration has been cancelled and may order that the name of such person, organisation, partnership, association or corporation be restored to the Register.

#### **24. Appeals.**

(1) Any person, organisation, partnership, association or corporation that is dissatisfied with any determination of the Board in relation to an application for registration or authorisation under this Act or with any order of the Board based on a report made by the Disciplinary Committee may appeal from that determination or order to a Judge in Chambers.

(2) An appeal made pursuant to subsection (1) shall be made within such form, and shall be heard in such manner, as may be prescribed pursuant to this Act.

(3) On an appeal, the facts may be proved by affidavit unless the Judge orders otherwise.

(4) The appeal shall be instituted and notice thereof given to the Board not later than ninety days or such longer period as a Judge may, in any case, allow, after the determination or order of the Board has been communicated in writing to the appellant.

(5) In deciding an appeal, the Judge may substitute his or her own opinion for the opinion of the Board upon any matter and may, in his or her own discretion, order the Board to take any action which it is empowered to take under this Act.

#### **25. Rules made by Board.**

(1) The Board may, with the approval of the Minister, make rules in relation to the promotion by the Board, in the public interest, of acceptable standards of professional conduct among registered architects and authorised organisations, partnerships, associations and corporations.

(2) Without prejudice to the generality of subsection (1), the Board may make rules for the following:

- (a) to prescribe a code of professional conduct to be observed by all registered architects and authorised organisations, partnerships, associations and corporations;
- (b) to make provision with respect to any other thing prescribed by regulations for the purposes of this Act.

#### **PART IV – MISCELLANEOUS**

##### **26. Evidential provisions.**

A certificate of registration or certificate of authorisation issued by the Registrar shall be *prima facie* evidence in any court and before any person of the facts therein certified without any further or other proof.

##### **27. Regulations.**

The Minister may, after consultation with the Board, make regulations generally for giving effect to the purposes and provisions of this Act and in particular but without prejudice to the generality of the foregoing, may make regulations in relation to all or any of the following matters-

- (a) prescribing the qualifications and requirements which shall be a prerequisite for registration under this Act;
- (b) prescribing the form and method of keeping the register;
- (c) prescribing the forms of applications, certificates, and other documents required under this Act;
- (d) prescribing the fees payable to the Board in respect of any application, or registration under this Act or any alteration of or addition to the register or certificate or copy thereof issued pursuant to this Act;
- (e) providing for the issue of certificates and seals to registered architects;
- (f) regulating the procedure of the Board;
- (g) providing for the service of documents under or for the purpose of any provisions of this Act;
- (h) providing for the surrender of seals and certificates;
- (i) providing for the stamping of drawings, plans or other documents by registered architects;
- (j) providing for Rules in relation to appeals pursuant to section 24;
- (k) providing for such other matters as may be required for the efficient discharge by the Board of its duties and functions under this Act.

**28. Government employed architects**

Except for his or her salary as a Government employee, an architect employed in the public service shall not be entitled to recover, in any action, any fee, charge, gratuity, remuneration or other reward for services rendered or offered in his capacity as a government employed architect.

**Schedule 1**

(Section 3)

**Constitution and Procedures of the Board****Membership of the Board**

1. (1) The Board shall consist of five members who shall be appointed as follows:
  - (a) one member who shall be the President of the St. Kitts and Nevis Institute of Architects who shall be a member ex officio; and
  - (b) four members who shall be appointed by the Minister as follows-
    - (i) two registered architects who shall be nominated by the St. Kitts and Nevis Institute of Architects;
    - (ii) one other registered architect;
    - (iii) one other person not being a registered architect.
- (2) The appointment of each member of the Board shall be for a period not exceeding two years and any member shall be eligible for reappointment.

**Chairperson**

2. (1) The Board shall elect one of its members to be the Chairperson and the Chairperson shall be eligible for re-election as Chairperson.
- (2) The Chairperson shall, as long as he remains a member of the Board, hold office until his successor is elected.
- (3) An election of Chairperson, other than the first such election, shall be held at the first meeting of the Board after the 1<sup>st</sup> day of January of each year.
- (4) The Chairperson of the Board shall preside at all meetings of the Board and if at any meeting of the Board, the Chairperson is absent or unable to act the members present and constituting a quorum shall elect from among themselves a member to act as Chairperson in respect of that meeting.

**Members**

3. If any member of the Board is, for whatever reason, unable to perform his functions as a member of the Board for a period in excess of three months, the Minister may appoint another person to act in the place of such member and such appointment shall be made in such manner and from among such persons as would be required in the case of a substantive appointment.

**Resignation**

4. (1) A member of the Board may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson and his resignation shall take effect from that date specified therein or, if no date is specified, the date of receipt by the Minister.
- (2) The Chairperson may at any time resign his office as Chairperson by instrument in writing addressed to the Minister and his resignation shall take effect from the date specified therein or, if no date is specified, the date of receipt by the Minister of the instrument.
- (3) The Minister, on receipt of the resignation of the Chairperson pursuant to subparagraph (2) shall as soon as possible notify the Registrar who shall convene a meeting for the purpose of electing a new Chairperson.

**Filling of vacancies**

5. If any vacancy occurs in the membership of the Board the vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed.

**Publication of membership in the Gazette**

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

**Seal of the Board**

7. (1) The seal of the Board shall be kept in the custody of the Chairperson or Secretary and shall be affixed to instruments pursuant to a resolution of the Board.
- (2) The seal of the Board shall be authenticated by the signature of the Chairperson or any person performing the duties of the Chairperson and shall be judicially noticed.
- (3) All documents, other than those required by law to be under seal, made by and all decisions of the Board may be signified under the hand of the Chairperson or any other member authorised to act in that behalf or by the Secretary with the approval of the Board.

**Meetings**

8. (1) The Board shall meet at such times and at such places as it considers necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.
- (2) The Chairperson may at any time call a special meeting of the Board, and shall call a special meeting within seven days of the receipt of a request for that purpose addressed to him in writing and signed by three members of the Board.
- (3) The quorum of the Board shall be the majority of the membership of the Board.



- (4) The decisions of the Board shall be by a majority of votes and in any case in which the voting is equal, the Chairperson, or other member presiding at the meeting shall have, in addition to his or her deliberative vote, a second or casting vote.
- (5) Minutes in proper form of each meeting of the Board shall be kept by the secretary.
- (6) The validity of the proceedings of the Board shall not be affected by virtue of any vacancy among the members thereof or any defect in the appointment of a member thereof.
- (7) Subject to the provisions of this Schedule or any regulations, the Board may regulate its own proceedings.

#### **Committees**

9. (1) The Board may appoint such committees as it thinks fit and may delegate to any such committee the power and authority to carry out on its behalf, such duties as the Board may determine, except that no such committee shall have the power to make rules.
- (2) The constitution of each committee as appointed as aforesaid shall be determined by the Board.

#### **Liability of Board**

10. (1) A member of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.
- (2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member were a servant or agent of the Board.

#### **Remuneration**

11. There shall be paid from the funds of the Board to the Chairperson and the other members of the Board, such remuneration whether by way of honorarium, salary or fees and such allowances as the Minister may by Order prescribe.

#### **Auditors**

12. The Board shall appoint auditors who shall audit the accounts of the Board and submit an annual report to the Chairperson who shall transmit the report to the Minister within thirty days of receiving the same.

#### **Disclosure of interest and absence from meeting**

13. It is the duty of a member of the Board who is in any way, whether directly or indirectly, interested in an application to the Board for registration, to declare the nature of his or her interest at the first meeting of the Board at which it is practicable for him or her to do so.

14. A member shall be allowed to absent himself or herself from the meeting in respect of any application in which he or she is in any way interested, whether directly or indirectly.

#### **Schedule 2**

(Section 10)

##### **Categories of persons who may be specially registered**

1. Any person holding the position of Chief Architect of St. Christopher and Nevis or Chief Architect in the Nevis Island Administration.
2. Employees in the service of the Government who are engaged in an architectural capacity and who satisfy the Board that they possess the knowledge, experience and qualifications necessary for the practice of architecture in that service.

#### **Schedule 3**

(Section 22)

##### **The Disciplinary Committee**

1. Subject to the provisions of this Schedule, the members of the Disciplinary Committee shall hold office for such period not exceeding two years as the Board may determine and shall be eligible for reappointment.
2. (1) The Board shall appoint one of the members of the Committee to be the Chairperson of the Committee.  
(2) The Chairperson shall preside at all meetings of the Committee and if at any meeting he is absent or unable to act, the members present and constituting a quorum shall elect from among themselves a member to act as Chairperson in respect of that meeting.
3. The Board may appoint any person who would be eligible for appointment as a member of the Committee in accordance with subsection (1) of section 22 to act temporarily in the place of any member of the Committee who, for whatever reason, is unable to perform his functions as a member of the Committee.
4. (1) Any member of the Committee may, at any time, resign his office by instrument in writing addressed to the Chairperson of the Board and from the date specified in the instrument or if no date is specified, the date of the receipt by the Chairperson of the Board of such instrument is the date the member shall cease to be a member of the Committee.  
(2) The Chairperson of the Committee may at any time resign his office as Chairperson by instrument in writing addressed to the Chairperson of the Board and from the date specified in the instrument, or if no date is specified, the date of the receipt by the Chairperson of the Board of such instrument the Chairperson shall cease to be the Chairperson of the Committee.
5. The Board may, at any time, revoke the appointment of the Chairperson or any other member of the Committee.

6. The names of all the members of the Committee as first constituted and every change in membership thereof shall be published in the *Gazette*.
7. It is the duty of a member of the Committee who is in any way, whether directly or indirectly, interested in a matter for consideration by the Committee, to declare the nature of his or her interest at the first meeting of the Committee at which it is practicable for him or her to do so and he or she shall be allowed to absent himself or herself from any meeting on the matter.
8.
  - (1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business and the meetings shall be held at such places and times and on such days as the Committee shall determine.
  - (2) The quorum of the Committee shall be such number as is two less than the full complement of the Committee.
  - (3) Subject to the provisions of this Schedule and to any rules made by the Board, the Committee shall have power to regulate its own proceedings.
  - (4) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

CURTIS A. MARTIN  
*Speaker*

Passed by the National Assembly this 3<sup>rd</sup> day of December, 2010.

JOSÉ LLOYD  
*Clerk of the National Assembly*