

OBJECTS AND REASONS

This Bill would amend the *Architects Registration Act*, Cap. 366.

*Arrangement of Sections*

*Section*

1. Short title.
2. Amendment of section 2 of Cap. 366.
3. Insertion of new section 5A into Cap. 366.
4. Amendment of section 6 of Cap. 366.
5. Amendment of section 7 of Cap. 366.
6. Amendment of Cap. 366.
7. Amendment of section 12 of Cap. 366.
8. Insertion of new section 16A into Cap. 366.
9. Amendment of section 17 of Cap. 366.
10. Amendment of section 18 of Cap. 366.
11. Amendment of section 19 of Cap. 366.

BARBADOS

A Bill entitled

An Act to amend the *Architects Registration Act*.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Architects Registration (Amendment) Act, 2005*. Short title.

Amendment  
of section 2  
of Cap. 366.

2. Section 2 of the *Architects Registration Act*, in this Act referred to as the principal Act is amended by deleting the definitions of "building" and "practice of architecture", and substituting the following in their appropriate alphabetical order:

"building" means a structure intended for use as shelter for human activities, excluding industrial and storage facilities, 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 rendering one or more of the following professional services to clients:

- (a) advice;
- (b) consultation;
- (c) evaluation;
- (d) planning design;
- (e) inspection of construction; and
- (f) other services,

where expert knowledge, skill and experience are required in connection with the

- (i) erection, enlargement or alteration of any building, or accessories thereof; or
- (ii) creation of the building environment where public amenity is concerned;".

3. The principal Act is amended by inserting immediately after section 5 the following section:

Insertion of  
new section  
5A into  
Cap. 366.

"Power of  
Board to  
require  
examina-  
tion.

5A. Where in respect of an application for registration as an architect

(a) the Board is satisfied as to the matters specified in paragraph (b) of section 5(1), but does not consider the qualifications which the applicant holds to be evidence of satisfactory training in architecture; or

(b) a question arises with respect to the evidence presented by the applicant as to his training,

the Board may, in its absolute discretion, require the applicant to submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory training in architecture."

4. Section 6 of the principal Act is amended

Amend-  
ment of  
section 6 of  
Cap. 366.

(a) in subsection (1), by deleting paragraph (b) and substituting the following:

"(b) he has had before the 21st April, 2003, not less than 10 years experience in the practice of architecture";  
and

(b) by deleting subsection (3) and substituting the following:

"(3) Where the Board determines that a person is not entitled to be registered as an architect pursuant to this section, that person may appeal to the Tribunal established pursuant to section 16A."

5. Section 7 of the principal Act is amended

Amendment  
of section 7  
of Cap. 366.

(a) in paragraph (b), by deleting the words "the Board" and substituting the word "Barbados"; and

(b) by deleting paragraph (c).

Amend-  
ment of  
Cap. 366.

6. The principal Act is amended by deleting section 10.

Amend-  
ment of  
section 12  
of Cap.  
366.

7. Section 12 of the principal Act is amended

(a) in subsection (1), by deleting

(i) paragraph (c) and substituting the following:

"(c) providing architectural services for family dwellings; or";

(ii) paragraph (d) and substituting the following:

"(d) providing architectural services for commercial structures of no more than 5 000 square feet or 465 square metres where no more than two storeys are involved;";

(b) in subsection (2) by deleting the word "decorators" appearing in paragraph (e); and

(c) by inserting the following as subsections (3) and (4):

"(3) A person referred to under subsection (1) who engages in any aspects of the practice of architecture not specified in that subsection is guilty of an offence and is liable on summary conviction

(a) for a first offence, to a fine of \$5 000 or to imprisonment for a term of one year; and

(b) for each subsequent offence, to a fine of \$15 000 or to imprisonment for a term of 2 years.

(4) Section 18(1)(c)(i) shall not apply to a person who by virtue of subsection (1), practices those aspects of architecture specified in that subsection."

8. The principal Act is amended by inserting immediately after section 16 the following new section as section 16A:

Insertion of  
new section  
16A into  
Cap. 366.

"Establish-  
ment of  
Tribunal

**16A.** (1) There is established an Architects Registration Appeals Tribunal, in this Act referred to as the Tribunal, which shall hear appeals in connection with the registration of architects pursuant to section 6.

(2) The Tribunal shall be comprised of

- (a) an attorney-at-law, of at least 10 years standing;
- (b) an architect, of at least 10 years experience; and
- (c) a person with knowledge and experience in construction and architecture.

(3) The members of the Tribunal shall be appointed by the Minister for a period of 3 years and shall be eligible for re-appointment.

(4) The members of the Tribunal shall receive such remuneration as the Minister determines.

(5) A decision of the Tribunal with respect to the entitlement of a person to be registered under section 6 is final."

Amendment  
of section 17  
of Cap. 366.

9. The principal Act is amended by deleting section 17 and substituting the following:

"Profes-  
sional  
misconduct.

17. Where a registered architect has been found guilty of professional misconduct, the Board may in addition to any other penalty prescribed in the Regulations,

(a) impose on that architect a fine of \$5 000; and

(b) where the architect refuses to pay the fine referred to in paragraph (a), the Board may suspend his registration for a period not exceeding one year."

Amendment  
of section 18  
of Cap. 366.

10. Section 18 of the principal Act is amended in subsection (2)

(a) by deleting the words "\$500" and the words "2 months" appearing in paragraph (a) and substituting the words "\$10 000" and "2 years" respectively; and

(b) by deleting the words "\$1 000" and the words "4 months" appearing in paragraph (b) and substituting the words "\$25 000" and "3 years" respectively.

Amend-  
ment of  
section 19  
of Cap.  
366.

11. Section 19 of the principal Act is amended by inserting immediately after paragraph (b) of subsection (1) the following paragraph:

"(bb) providing for the conduct of examinations and related matters and the fees to be paid for such examinations;".