



REPUBLIC OF GHANA

ARCHITECTS DECREE, 1969

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FIRST SCHEDULE

SECOND SEHEDULE

In pursuance of the Proclamation entitle " Proclamation for the constitution of a National Liberation Council for the administration of Ghana and for other matters connected therewith ", published in the *Gazette* No. 11 of Monday, 28th February, 1966, this Decree is hereby made: -

PART I - THE ARCHITECTS REGISTRATION COUNCIL

1. There shall be established in accordance with the provisions of this Decree an Architects Registration council (in this Decree referred to as " the Council") to perform the functions assigned to it by this Decree.

**Establishment of
the Council**

2. (1) The Council shall be a body corporate having perpetual succession and a common seal and may sue or be sued in its corporate name.

**Incorporation of
the Council**

(2) The Council may hold, acquire or dispose of any property, movable or immovable for the purposes of this Decree and may do such things as appear to it to be necessary for the performance of its functions under this Decree.

(3) The Common seal of the Council shall be kept in such custody as the Council may from time to time determine, and shall not be affixed to any document or instrument except by order of the Council, and in the presence of two members of the Council who shall sign any such document or instrument independently of the signatures of any person who may have signed the document or instrument as a witness.

3. (1) The Architects Registration Council shall consists of 10 members as follows: -

**Membership of
the Council**

(a) One member nominated by the Ministry responsible for Works and Housing or in the event of separation, the Ministry responsible for Works, and who shall be a registered architect;

(b) five members of nominated by the Ghana Institute of Architects;

(c) one member nominated by the Faculty of Architecture of University of Science and Technology;

(d) one member nominated by the Attorney-General; and

(f) the Registrar of the Council nominated by the Ghana Institute of Architects.

(2) The Council shall elect a registered architect as Chairman from amongst its members.

4. (1) Every member of the Council shall, unless he earlier vacates his office, hold office for a period of five years from the date of his appointment.
- (2) A member of the Council shall vacate his office by writing under his hand addressed to the chairman of the Council.
- (3) In the event of death of, or vacation office by a member of the Council, the body, which nominated him, shall appoint another person.
- (4) Any member of Council who vacates office by effluxion of time shall be eligible for re-appointment as a member.

**Terms office
members of the
Council**

5. (1) The Council shall be concerned with the architectural profession and shall be charged with the responsibility of securing the highest practicable standards in the practice of architecture in Ghana.
- (2) It shall be the duty of the Council -
- (a) to prescribe or approve courses of study for, and the conduct and standards of qualifying examinations for registration as a registered architect under this Decree;
 - (b) to maintain and publish a register of architects;
 - (c) to prescribe and uphold standards of professional conduct and ethics, and
 - (d) to control the practice of architecture.

**Functions of
Council**

6. The Council may from time to time make bye-laws for all or any of the following purposes:
- (a) For the management and duties of the Council, the holding of meetings by the Council, and the issue of notices calling such meetings;
 - (b) For the duties of officers of the Council;
 - (c) For the appointment of committees and the powers, duties and proceedings of such committees;
 - (d) For the administration, investment and expenditure of the property and funds of the Council from whatever source and for whatever purposes received;
 - (e) For the definition of unprofessional conduct and for determining the mode of inquiry into and the method of dealing with such conduct and the penalties which may be imposed upon any member found guilty of such conduct;
 - (f) For the scale of fees to be charged by architects for professional advice, services rendered and work done;

**Power of Council
to make Bye-
laws**

- (g) for the fees to be paid for initial and annual registration;
- (h) for prescribing the procedure to be followed by persons applying for registration, and
- (i) for instructions and orders conducive to the maintenance and improvement of the status of architects in Ghana.

7. The Council may appoint a secretary and such other officers and employees, as it may deem necessary.

Officers of the Council

8. (1) The Council shall establish and maintain a fund under its management and control into which shall be paid all moneys received by the Council by way of grants-in-aid from the Government or otherwise, and out of which shall be met all expenses and liabilities incurred by the Council in carrying out its functions under this Decree.

Funds of the Council

- (2) The Council may invest moneys in funds in any securities of the Government or in any other securities approved by the Council.
- (3) The Council may from time to time borrow money for the purposes of the Council and may pay interest thereon out of the funds of the Council.
- (4) The annual accounts of the Council shall be subject to audit by a chartered accountant who shall be appointed by the Council.
- (5) The accounts for the preceding year as audited shall be approved by the members at the annual general meeting.

9. (1) The Council shall meet at such times and place as it may agree provided that the intervals between meetings shall not exceed three months.

Meetings of the Council

- (2) Six members of the Council shall form a quorum at any meeting of the Council.
- (3) Seven days notice of a meeting of the Council, or not less than twenty-four hours in the case of emergency, shall be delivered or sent by the Secretary to each member of the Council; such notice of special business, the general nature of the business.
- (4) Accidental omission to send or non-receipt of notice referred to in sub-paragraph (3) of this paragraph by any member shall not invalidate the proceedings of any meeting.
- (5) The Chairman or two members of the Council may require the Secretary at the time to summon a meeting of the Council.

- (6) In the absence of the Chairman from any meetings of the Council the members present shall elect one of their members to act as Chairman.
- (7) Questions arising at any meeting of the Council shall be determined by the simple majority of votes cast and in the case of equality of votes, the Chairman have a second or casting vote.
- (8) Subject to provisions of this Decree, the Chairman at any meeting of the Council may, with the consent of the members present, adjourn the meeting from time to time or place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (9) No notice may be given of an adjourned meeting unless it is so directed in the resolution for the adjournment.
- (10) Proper minutes shall be recorded of all resolutions and proceedings of meetings of the Council and of any committees thereof; and every minute signed by the Chairman of the meeting to which it relates, shall be conclusive evidence of the facts therein.

PART II – QUALIFICATIONS AND RESTRICTIONS

10. Subject to the provisions of paragraph 11 of this Decree, any person is entitled to be registered as an architect on payment of the prescribed fee, if he is a member of the Ghana Institute of Architect and is-

- (a) a person who has passed the qualifying examinations of the courses prescribed or approved by the Council under this Decree, and completes practical training of such description and for such period as may be prescribed by the Council; or
- (b) a person who has passed the qualifying examinations of any society or institute of architects by whatever name called, approved by the Council as being in the opinion of the Council an association of equivalent status to the Ghana Institute of Architects; or
- (c) a person who was a member of the Ghana Institute of Architects immediately before the commencement of this Decree.

11. (1) No person shall be registered as an architect,

- (a) unless he has -
 - (i) become resident in Ghana,
 - (ii) attained the age of twenty-one years,
 - (iii) paid the prescribed fees; or

Qualifications

General disqualifications

- (b) if he has been –
 - (i) adjudged by a court of competent jurisdiction to be of unsound mind.
 - (ii) Convicted by a court of competent jurisdiction, whether in Ghana or elsewhere, of any offence involving fraud or dishonesty; or
- (c) if, having been adjudged an insolvent or bankrupt, has not been granted by court of competent jurisdiction, a certificate to the effect that his insolvency or bankruptcy has risen wholly or partly from unavoidable losses or misfortunes.

- (2) Notwithstanding anything in this paragraph a non-resident being otherwise qualified may make a special application for temporary registration for the purposes of executing a specific project.

12. The council shall keep a register of architects in which the name of every person immediately on his being accepted for registration by the Council shall be registered showing against his name such particulars, as the Council from time to time deem necessary.

Registration

- 13.** (1) Subject to the provisions of paragraph 14 of this Decree, the Council may strike off the register of architects the name of an architect if satisfied that he is unfit to practise the profession of architecture by reason that he has been guilty of professional misconduct or has become subject to any disqualification mentioned in sub-paragraphs (a),(b) and (c) of paragraph 11 of this Decree.
- (2) The Council may strike off the register of architects the name of an architect if the prescribed fees remain unpaid for a period exceeding six months.
- (3) A person whose name has been struck off the register of under sub-paragraph (1) of this paragraph may have his name restored if the Council is satisfied that he has become subsequently a fit and proper person to practise the profession of architecture, on the settlement of such penalties which may be decided by the Council.

**Striking off and
cancellation of
registration.**

14.(1) the name of a person shall not be struck off the register unless a disciplinary committee has, after

**Inquiries by
disciplinary
Committees.**

due inquiry, made a report to the Council that the person concerned has been guilty of professional misconduct or is otherwise disqualified under the provisions of paragraph 11 of this Decree.

- (2) Where the Council has reasonable cause to believe, whether upon complaint made to it otherwise, that any person who is a registered architect has been guilty of professional misconduct, the Council may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that person.
- (3) The provisions of the First Schedule to this Decree shall apply in relation the constitution of, and the procedure to be followed by, disciplinary committees appointed under this paragraph, the proceedings at inquiries held by such committees and the powers exercisable by such committees.

15. The Council may, in lieu of exercising its powers under paragraph 13 of this Decree, suspend the person concerned from membership of the Institute for such period as the Council may deem fit.

Suspension

16. (1) Any person aggrieved by a decision of the Council under paragraph 11 or paragraph 13 or paragraph 15 of this Decree may appeal against that decision to the High Court.

Appeals to High Court

- (2) Every appeal under sub-paragraph (1) of this paragraph against a decision shall be -
 - (a) made by petition, in writing, bearing a stamp of N? 2.10;
 - (b) lodged within three months after the date of that decision; and
 - (c) heard and decided by a Judge of the High Court after such summary inquiry as that Judge may deem requisite.

17. For the purposes of this Decree, "professional misconduct" means any act or omission, which is for the time being specified in the second schedule to this Decree.

Meaning of "professional misconduct"

18. (1) No person whose name is not for the time being entered in the Register of Architects may take or use the title of " Architect", or practise under any name, title or style containing the word "Architect", "Architecture", and "Architectural".

Restriction as to the use of titles conferred under this Decree.

- (2) Notwithstanding anything contained in sub-paragraph (1) of this paragraph any firm of architects, one of the partners of which is a registered architect may take and use the title "Architects" or practise under any name, title or style containing the word "Architects", "Architecture", or "Architectural".

PART III – MISCELLANEOUS PROVISIONS

19. Any person who contravenes any provision of this Decree, commits an offence and shall be liable to a fine not exceeding two hundred new cedis, or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offences and penalties

20. (1) Subject to sub-paragraph (2) of this paragraph and to paragraph 22 of this Decree, every person commits an offence, who being a person carrying on business in Ghana and not being an architect registered under this Decree, uses or causes or permits to be used in connection with his name under which he carries on business the word "architect", "architecture", or "architectural " or any words, initials, or abbreviation of words intended to cause or which may reasonably cause any person to believe that the person using the same is an architect.

Improper use of terms implying registration under this Decree

(2) Nothing in sub-paragraph (1) of this paragraph shall apply to the use of the term "naval architect" or the term "landscape architect" by any person in connection with the profession or calling so described.

21. (1) Notwithstanding any provision of this Decree, on the death (whether before or after the commencement of this Decree) of any architect who was at the time of his death actually carrying on practice as an architect, it shall be lawful for his personal representative (with a view to the disposal of goodwill) to continue the practice under the management of a registered architect for not more than five (5) years from the date of death.

Powers of personal representative of deceased Architect.

(2) The personal representative shall keep the Council informed of the registered architect who is managing such practice.

(3) The Council shall keep a register of the practices deceased architects in which shall be recorded the names of the managers of those practices.

22. (1) No registered architect shall be entitled to practise as an architect unless he is a holder of an Annual Practising Certificate which is for the time being in force.

Architects to have annual practising certificates.

- (2) A practising architect shall be issued by the Council upon application to it by a registered architect and upon payment of the prescribed annual fee.
- (3) Every certificate to practise shall be valid until the 31st day of December of the year of issue of that certificate, and may from time to time be renewed, upon payment of the prescribed annual subscription, provided that if at anytime during the currency of any such certificate, the holder thereof ceases to be registered under this Decree or has his registration suspended, the certificate shall cease to be valid.
- (4) Every person who practises or undertakes to practise in breach of this paragraph commits an offence and shall, upon summary conviction, be liable to a fine not exceeding ten new cedis (N? 10.00) for every day that the offence continues.

23. The Ministry may, by legislative instrument, upon the recommendations of the Council, make Regulations for or in respect of any matter relating to or connected with the functions of the Council under this Decree or the proper exercise, discharge or performance thereof.

Regulations.

24. The Ministry may, upon the recommendation of the Council, by legislative instrument, amend, alter or add to or revoke any or all of the provisions of the Schedules to this Decree.

Amendment of schedules.

- 25.** In this Decree unless the context otherwise requires-
- " Council" means the Architects Registration Council established under paragraph 1 of this Decree.
 - "Ministry" means the Ministry responsible for Works and Housing, or in the event of separation, the Ministry of Works.
 - " Chairman" means the Chairman of the Council.

Interpretation.

26. This Decree shall come into force on a day to be appointed by the Commissioner responsible for Works and Housing, by legislative instrument.

Commencement

FIRST SCHEDULE

(Paragraph 14)

DISCIPLINARY COMMITTEE

1. For the purposes of any inquiry to be held under paragraph 14 of the Decree, the Council shall appoint six persons, including the Chairman, the Legal Advisor and the Secretary from among its members, to constitute a disciplinary committee and shall appoint one of them to be Chairman of the committee.
2. (1) The Council shall cause a statement to be prepared setting out the charges to be investigated by the disciplinary committee, and the Secretary of the Council shall transmit a copy of the statement to each member of the committee and to the person whose conduct is the subject of the investigation.
(2) Where the inquiry is to be held in consequence of a petition or complaint by any person alleging misconduct, the Secretary of the Council shall, in addition to the said statement transmit a copy of that petition or complaint to each of the members of the disciplinary committee.
3. (1) The Secretary of the Council shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation.
(2) Every such notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to, the last known address of that person.
(3) Where any person to whom a notice has been given under sub-paragraph (1) of this paragraph fails to appear in person or is not represented by counsel, the inquiry may be held by the disciplinary committee in his absence.
(4) Notice of any date to which the inquiry may be adjourned shall be given by the Chairman of the committee personally to the person whose conduct is the subject of inquiry or be given in manner provided in sub-paragraph (2) of this paragraph.
4. (1) If the Council is of the opinion that the evidence of any person, or the production by any person of any document is necessary to enable any matter to be investigated by a disciplinary committee, the Council shall direct the secretary of the Council to require the attendance of that person, or the production by that person of such document, at such time and place as may be specified in a notice which shall be delivered by

- hand at , or sent through the post by registered letter addressed to, the last know place of residence of that person.
- (2) Any person who having been served with a notice under sub-paragraph (1) of this paragraph fails, without reasonable cause, to attend or to produce any document, as the case may be, at the time and place specified in the notice, commits an offence under this Decree.
 - (3) The secretary of the Council shall be the secretary of every disciplinary committee and every notice issued under this Schedule shall be signed by him.
 - (4) A disciplinary committee shall have power to administer oaths or affirmations to all persons who are required to give evidence before it, and any person who refuses to be sworn or affirmed, or to answer such questions as may be put to him concerning any matter in respect of which the inquiry is held, commits an offence under this Decree.
 - (5) Any person who, upon examination, upon oath or affirmation before a disciplinary committee wilfully gives false evidence commits an offence under this Decree.
 - (6) Any person whose conduct is the subject of the investigation at an inquiry or who is in anyway concerned or implicated in such inquiry may be represented by counsel at the inquiry.
 - (7) The Council may engage any legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.
 - (8) Every inquiry held by a disciplinary committee shall unless the Council otherwise determines, in any case be held in *camera*.
 - (9) Any question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee, and in the event of equality of votes the Chairman shall have a second or casting vote.
 - (10) Upon conclusion of an inquiry, the disciplinary committee shall prepare and transmit to the Council a report embodying the finding on the matters in respect of which the inquiry was held.

SECOND SCHEDULE

(Paragraph 17)

1. Each of the following acts on the part of an architect shall constitute professional misconduct, namely: -

- (a) allowing any other person to practise in his name as an architect unless such person is also an architect and is in partnership with or employed by him.
 - (b) entering into partnership with any person other than an architect or structural engineer or Quantity Surveyor, or securing either through the services of a person not qualified to be an architect, or by means which are not open to any architect, any professional business;
 - (c) entering into partnership in any Limited Liability Company.
2. Each of the following acts or omissions on the part of an architect shall constitute professional misconduct, namely:-
- (a) holding or assuming or consciously accepting a position in which the interest of the architect is in conflict with his professional duty;
 - (b) accepting any remuneration other than professional fees or salary payable by his employer, from any source in connection with the works and duties entrusted to him;
 - (c) failing to uphold and apply the Scale of Professional Charges of the Institute ;
 - (d) accepting any work involving the giving or receiving of discounts, gift or commissions, or accepting any discount, gift or commission from contractors or tradesmen whether employed on his works or not;
 - (e) accepting any remuneration other than fees, salary or royalty for acting as architectural consultant, or assistant to an architectural consultant; soliciting orders for building contractors, decorators, manufactures, estate agents, development firms or companies or firms or companies trading in materials used in or whose activities are otherwise connected with the building industry;
 - (f) allowing his name and affix to appear on the note paper of such firms or companies described in sub-paragraph(e) of this paragraph other than in connection with his professional services;
 - (g) acting in a professional capacity, when engaged as an architectural consultant, advisor or assistant to such firms and companies described in sub-paragraph (e) of this paragraph for third party to whom his principals owe a contractual duty, unless all parties agree that he may act as an independent architect on direct instructions of the said third party and provided that he receives payment of fees direct;
 - (h) acting as a director in any firm or company on business as auctioneers, house and estate agents or trading in materials used in or whose activities are otherwise connected with the building industry or trading in land or buildings for profit.

- (i) allowing his professional affix to appear on the notepaper of any firm or company of which he is a director and from which he is prohibited by sub-paragraph (h) of this paragraph;
- (j) carrying on or acting as principal, partner or manager of any firm carrying on any of the trades or business specified in sub-paragraph (h) of this paragraph;
- (k) advertising or offering his professional services to any person or body corporate by means of circulars or otherwise, or making paid announcements in the Press except when:-
 - (i) applying to prospective employers for a salaried appointment;
 - (ii) advertising a professional appointment open or wanted, directed only to members of the profession concerned;
 - (iii) responding to an advertisement addressed to members of the profession inviting them to submit their names for inclusion in a panel or list of architects, provided his response does not contravene any clause in the Code of Professional Conduct for the time-being in force;
 - (iv) notifying the architectural professional Press once of change of address;
 - (v) notifying his correspondents by post, once, of any change of address;
- (l) giving monetary considerations for illustrations and descriptions of his work to be published in the press or allowing such publications to be used by the publishers for extorting advertisement from contributors, or for attempting to distribute the publications to potential clients;
- (m) exhibiting his name or signature to his buildings, outside his office, or on buildings in the course of construction, alteration or extension, in an ostentatious manner or in lettering exceeding 2 inches in height;
- (p) when employed as a salaried and official architect by a central or local government department or statutory body, an by reason of his office he is in a position to grant or influence the granting of any form of statutory approval, he undertakes private work, notwithstanding any permission from his employers to do so, unless he is satisfied that his position in the matter will be free from any suspicion or suggestion of abuse;
- (q) failing to act in an impartial manner in all cases of dispute between building owner and contractor;
- (r) permitting the insertion in tenders , bills of quantities or other contract documents which provides for payment to be made to him by the contractor whatever may be the

consideration, unless with the full knowledge and approval of the employer;

- (s) taking part in an architectural competition as to which the Council shall have declared by a resolution the members must not take part, because conditions are not in accordance with the Institute's Regulations for Architectural competitions, or being associated in anyway with the carrying out of a design selected as a result of a competition as to which the council have declared by a resolution that members must not take part;
- (t) failing to notify at once , the secretary upon being asked to take part in a limited competition, the particulars of the competition; and
- (u) acting as an architect or joint architect for a work which is or has been the subject of a competition in which he is or has been an assessor, or act as consulting architect unless appointed before the inception of the competition; or having been approached by the promoters to advise on the holding of a competition, with the view to his acting as an assessor, acting as architect for the work; if it is eventually decided not to hold a competition, but to appoint an architect to carry out the work.

3. Notwithstanding anything to the contrary contained in paragraph 1 and 2 of this schedule, an architect shall not be guilty of professional misconduct by reason only of any of the following acts, namely: -

- (a) entering into or being in partnership with any person outside Ghana who is a member of a society or institute of architect which is in the opinion of the Council of equivalent status to the Ghana Institute of Architects;
- (b) securing professional business by reason of such partnership,
- (c) allowing such partnership to be carried on his name, and
- (d) paying or allowing or agreeing to pay or allow to any such partner any share out of the fees or profits.

Made this 21st day of May 1969.

BRIGADIER A.A AFRIFA
Chairman of the National Liberation Council

Date of Gazette notification: 30th May, 1969.

In pursuance of the National Redemption Council (Establishment Proclamation, 1972 this Decree is hereby made:

The Architects Decree, 1969 (N.L.C.D. 357) is hereby amended as follows: -

- (a) in sub-paragraph (1) of paragraph 20, by the substitution for the words " Subject to sub-paragraph (2) of this paragraph" of the words "Subject to paragraph 18, sub-paragraph (2) of this paragraph";
- (b) in paragraph 1 (b) of the Second Schedule, by the deletion of the words from " entering" to Quantity Surveyor, or"

Made this 8th day of June, 1972.

COLONEL I.K. ACHEAMPONG
Chairman of the National Redemption Council

Date of Gazette notification: 13th June, 1972.