

SUBSIDIARY LEGISLATION 390.01**CHAMBER OF ARCHITECTS REGULATIONS**

12th June, 1920

GOVERNMENT NOTICE 202 of 1920, as amended by: Government Notice 72 of 1934; Act LVIII of 1974; Legal Notice 148 of 1975; Act XIII of 1983; Legal Notice 20 of 1989; and Act VIII of 1990. Incorporating also Government Notice 264 of 1969.

1. The title of these Regulations is Architects Regulations. Citation.
2. The Chamber of Architects having for its object the well-being and the progress of the profession of architects and civil engineers shall consist of all persons holding a warrant from the President of Malta to exercise that profession, who shall conform with these Regulations and with any other which the Chamber may make under these Regulations. Chamber of Architects.
Amended by:
LVIII. 1974.68.
3. The management and administration of the Chamber of Architects shall be entrusted to a committee appointed yearly by the Chamber, and composed of ten members, who will among themselves elect a president, a vice-president, a secretary and a treasurer; six to form the quorum. The names of the members of the committee shall be published in the Government Gazette. Members.
4. The committee of the Chamber of Architects shall correspond with the Government and vice-versa on all matters concerning the profession, as well as on other subjects of public interest. Matters concerning the profession.
5. (1) The said committee shall, of its own initiative or on the complaint of any person, enquire into the professional practices of architects and civil engineers whether or not belonging to the Chamber, which are considered inconsistent with the dignity of their profession, and into abuses or failures imputed to them in the exercise of their profession or in connection with professional affairs. Enquiries.
Amended by:
L.N. 20 of 1989.
- (2) In the conduct of an inquiry in accordance with the provisions of sub-regulation (1) of this regulation, the president of the said committee shall have the power to administer the oath to any witness and to any person concerned in the inquiry, and require them to give evidence:

Provided that no person giving evidence before the said committee may be compelled to answer any question which tends to expose him to any criminal prosecution, and every such person shall, in respect of any evidence given by him before the said committee be entitled to the same privileges to which a witness giving evidence before a court of law is entitled.
6. Where, in the opinion of the committee any one of the architects and civil engineers referred to in the preceding regulation is found responsible of such practices, abuses or failures as have been indicated in the foregoing regulation, it shall have the power to punish him with admonition or suspension from the exercise of Punishment.

the profession for a period not exceeding twelve months, or with suspension for any time or removal from the membership of the Chamber of Architects. Any decision involving suspension from the exercise of the profession shall be published in the Government Gazette.

Decisions.

7. No decision of the committee shall, under the provisions of the foregoing regulation, be taken against an architect and civil engineer unless he shall have been given full opportunity to exculpate himself, and no such decision shall be valid unless there shall have been in favour thereof the votes of not less than two-thirds of the members present at the committee.

Right of appeal.
Amended by:
L.N. 148 of 1975.

8. Any architect and civil engineer who has been awarded punishment under regulations 5 and 6 will have the right to appeal against it to the Court of Appeal, provided he files an application for that purpose within fifteen days from the notification of the award to him. The Court of Appeal shall have power to reverse and to modify the award of the committee of the Chamber of Architects, and to give judgment on the costs of the appeal.

Decisions by committee.

9. The decisions pronounced by the committee of the Chamber of Architects, or by the Court of Appeal, in terms of regulations 6 and 7 shall not prejudice any action, which might be exercised under the Criminal Code or under any other law applicable to the case.

Cap. 9.

Suspension.
Amended by:
VIII.1990.3.

10. Should any architect and civil engineer who has been suspended from the exercise of his profession perform, within the period of such suspension, any act which implies the exercise of his profession, he shall become liable, on conviction before the Court of Magistrates (Malta), or the Court of Magistrates (Gozo), to the punishments established by the Criminal Code for contraventions.

Cap. 9.

Making of Regulations.

11. The Chamber of Architects shall have the power to make regulations regarding the functions and the duties of the Chamber, of its committee, the meetings of the Chamber and of the committee, the procedure to be followed in connection with such meetings, the payment of a subscription by the members of the Chamber, and such other regulations as will be deemed necessary or useful for the maintenance of the Chamber and the furtherance of its object. Such regulations before coming into force, must be submitted to and approved by the Government.

SCHEDULE

G.N. 264 of 1969,
incorporated.

(Regulation 11)

**Regulations made by the Chamber of Architects
and Civil Engineers**

1. The Chamber of Architects and Civil Engineers is constituted in terms of the Architecture and Civil Engineering Professionals (*Periti*) Act by means of Government Notice No. 202 of the 12th June, 1920 and is intended for the advancement of the profession, the defence of its rights and for keeping high its prestige.
2. The Chamber shall have its own seat wherein all meetings shall be held unless decided otherwise by the council from time to time. This seat shall be kept open on all working days during normal working hours.
3. Membership of the Chamber shall be open to all such persons as hold the warrant to practise in Malta as architects and civil engineers and this in compliance with the definition contained in the Architecture and Civil Engineering Professionals (*Periti*) Act. All such persons will qualify as full members.
4. Provision shall also be made for honorary and corresponding members in the case of such persons who, having obtained the warrant referred to in regulation 3 above, are residing abroad. Honorary membership may also be granted by the committee, hereinafter referred to as the council, to any such person living in Malta or abroad, who according to the unanimous opinion of the council, with or without a local warrant to practise as architect or civil engineer, has in the past contributed towards the advancement of these professions.
5. Full membership shall be applied for in writing to the honorary secretary of the Chamber who will in turn submit such application to the council within thirty days of its receipt. On acceptance by not less than two-thirds of the members of the council present at the first meeting held within the thirty days referred to above, the applicant shall be informed in writing and requested to pay an admission fee of one lira.
6. The annual subscription fee shall be four liri payable, if so desired, in four equal instalments of one lira every three months. Such subscription is compulsory from year to year up to the 31st December of each year. No subscription as such, other than the one lira admission fee, shall be paid by new first time members for the period up to the end of the year during which their full membership was accepted by the council.
7. In default of the payment of two consecutive quarterly subscriptions, a full member may be refused further membership of the Chamber saving any other right of action for the enforcement of payment of the amounts due.
8. Any person desiring to terminate his full membership of the Chamber shall give notice in writing to the honorary secretary thirty days before the date when his membership fees are due, in default of which he shall be deemed to have renewed his

Constitution.
Cap. 390.

Seat.

Membership.

Cap. 390.

Honorary
membership.Application for full
membership.
Amended by:
XIII.1983.5.Subscription fee.
Amended by:
XIII.1983.5.Default of
payment.Termination of
membership.

	membership for a further period of one year.
Eligibility to form part of council.	9. Only full members are eligible to form part of the council and they shall have the right of one vote at its election.
Right to one vote.	10. Every member has a right to one vote at any of the meetings.
Compliance.	11. All full members shall comply with the regulations. All persons holding a warrant to practise as architects and civil engineers shall comply with the Code of Professional Conduct contained in the First Schedule to these Regulations and with the recognised Tariff of Fees contained in Tariff K of Schedule A to the Code of Organization and Civil Procedure. Failure to do so will imply any such action by the council as its members may on consideration of the case decide to take to ensure full compliance. Such action will include the admonition of any person holding a warrant to practise as architect and civil engineer or the suspension of any such person from the exercise of the profession for a period not exceeding twelve months or the suspension for any time or removal of such person from the membership of the Chamber, if he is a member. Any decision involving suspension from the exercise of the profession shall be published in the Government Gazette as provided in regulation 6 of the Chamber of Architects Regulations.
Cap. 12.	
S.L. 390.01	
Decisions against members.	12. No decision of the council shall, under the provisions of the above-mentioned regulations, be taken against a member of the profession unless he shall have been given full opportunity to exculpate himself and no such decision shall be valid unless there shall have been in favour thereof the votes of not less than two-thirds of the members present at the council meeting with a minimum of six persons present as a quorum.
Right of appeal. <i>Amended by: L.N. 148 of 1975.</i>	13. Any member of the profession, whether a member of the Chamber or not, who shall have so been found guilty will have the right of appeal to the Court of Appeal provided he files an application for that purpose within fifteen days from the receipt of the council's decision. The Court of Appeal shall have the power to confirm, modify or reverse the decision of the council and to give judgment on costs.
Decisions. <i>Amended by: L.N. 148 of 1975. Cap. 9.</i>	14. The decision pronounced by the council or by the Court of Appeal shall not prejudice any action which might be exercised under the Criminal Code or under any other law applicable to the case.
Suspension. <i>Amended by: VIII.1990.3.</i>	15. Should any person who has been suspended from the exercise of his profession perform, within the period of such suspension, any act which implies the exercise of his profession, he will become liable, on conviction before the Court of Magistrates (Malta), or the Court of Magistrates (Gozo), to the penalties established by the Criminal Code for contraventions.
Cap. 9.	
The council.	16. The council shall consist of ten full members elected by the vote of at least twenty members at a general meeting to be held during the month of December.
Nomination by full members.	17. Following the election of the council, the full members elected shall between them nominate the president, the vice-

president, the honorary treasurer and the honorary secretary.

- 18.** The president shall have the power to:
- (a) call all meetings whether general or of the council;
 - (b) preside over such meetings;
 - (c) explain the matters to be discussed and the questions to be decided;
 - (d) ensure the execution of the decisions taken;
 - (e) ensure that minutes of the meeting are kept and at the next meeting to demand that these are read out to the members present to ensure their correctness;
 - (f) to submit at the December general meeting called for the election of the new council, a report on the work done by the Chamber during that year;
 - (g) to represent the Chamber on all occasions.

Powers of president.

19. The vice-president shall in the absence of the president, act in his stead and shall at that moment exercise the same powers.

Vice-president.

20. The honorary treasurer shall administer the finances of the Chamber. He shall also ensure the collection of all membership fees and shall represent the Chamber in all judicial matters.

Treasurer.

21. The treasurer shall keep proper books of accounts and at the December general meeting he shall submit a full statement supported by vouchers for the examination of all the members present who, for this purpose, shall amongst themselves appoint two auditors to examine the books.

Proper books of accounts.

The auditors will be empowered to request any further information from the honorary treasurer as they deem necessary.

22. No member may incur any expenditure on behalf of the Chamber without the authorisation of the honorary treasurer which authorisation, however, will not be withheld if in fact this is sanctioned by at least seven members of the council, who will have taken a decision on the matter during a meeting of the council. The honorary treasurer may delegate any of his duties to the permanent secretary, this however, shall be subject to the approval of the president.

Expenditure.

23. The honorary secretary shall be in charge of all correspondence and all communications with the members as well as with non-members, excluding such correspondence as may refer to financial matters which shall as such be dealt with by the honorary treasurer.

Honorary secretary.

24. The honorary secretary shall keep the minutes of every meeting as well as the full name, qualifications and address of every member, whether full member, honorary or corresponding.

Duties of the honorary secretary.

25. The honorary secretary shall look after the archives of the Chamber, which archives shall include all correspondence, documents, books (excluding books of accounts) and generally also any records which he may from time to time be called upon to keep on the deliberations activities and operations of the Chamber.

Further duties of the honorary secretary.

Absence of secretary.	26. In the absence of the secretary, the president, or the person acting in his stead, may appoint any other member of the Council to act in this capacity.
Delegation of duties.	27. The honorary secretary may, subject to the approval of the president delegate any of his duties to the permanent secretary.
General meetings.	28. The president, and in his absence, the vice-president, shall fix the date, time and venue of all general meetings.
Request for a general meeting.	29. On receipt by the president of a written request for a general meeting signed by at least ten full members, he shall within, twenty-one days of such receipt, call a general meeting for the purpose of discussing the matter referred to in the signed request.
Quorum.	30. The quorum for a general meeting shall be twenty full members besides the president or the vice-president, it being understood however that if when the meeting is first convened a quorum cannot be formed, a second meeting shall be called during which any decision taken shall be valid irrespective of the number of persons present.
Notification by circular of general meeting.	31. A general meeting shall be notified to all full members by means of a circular signed by the honorary secretary and mailed at least six days before the date on which the meeting is to be held. Such notification shall give a clear indication of the subject matter to be discussed but the president may allow the discussion of any other matter which in his opinion is considered of an urgent nature.
One general meeting to be held at least once yearly.	32. There shall be held during every year at least one general meeting during the month of December.
Decisions to be taken by majority votes.	33. All decisions shall be taken by a majority of votes except in the case of a change in these Regulations or in the Code of Professional Conduct, when the vote of at least two-thirds of the members present shall be required to validate any decision. In the case of equality of votes, the president shall have a casting vote in addition to his ordinary vote.
Absence of president and vice-president.	34. In the case when both the president and the vice-president cannot attend a general meeting, the Chair shall be taken by any member elected by the meeting.
Council meetings.	35. The president shall fix the date, time and venue of all council meetings.
Written request.	36. On receipt by the president of a written request for a council meeting signed by at least four council members, the president shall, within seven days, call such meeting for the purpose of discussing the matter referred to in the signed request.
Quorum for a council meeting.	37. Without prejudice to regulation 12 of these Regulations the quorum for a council meeting shall be six members, provided however, that such meeting can still be held if after thirty minutes for the time fixed for the meeting at least four members are present. In the absence of the president or vice-president, the members may amongst themselves appoint a chairman for the meeting.

- 38.** Except in cases considered urgent by the president, council meetings shall be notified in writing to all council members at least five days before the date of the meeting and such notification shall give a clear indication of the subject matter to be discussed. The president may however allow discussions on any subject considered to be of an urgent nature. Notification of holding of council meeting.
- 39.** Decisions shall be taken by a majority of votes. In case of an equality of votes, the president shall have a casting vote in addition to his ordinary vote. Decisions to be taken by majority of votes.
- 40.** Any vacancies which may occur in the council shall be filled within thirty days, through the adoption of the full member who at the last general meeting had attained the next highest number of votes. Vacancies.
- 41.** Any person who ceases for any reason to remain a full member of the Chamber shall forfeit any right or privilege he would have enjoyed as a full member. General provisions.
- 42.** Every member shall be kept responsible for any damage, caused by him or through his negligence, to the property of the Chamber. Responsibility for damage.
- 43.** The management and administration of the Chamber shall be the full responsibility of the council. Management and administration.
- 44.** The council of the Chamber shall consult with the Government and vice-versa on all matters affecting the profession in all its aspects as well as on all such matters as are of public interest and related to the profession. Consultation with the Government.
- 45.** The council may at its own discretion appoint a permanent secretary on a salaried basis, provided however that in this case the approval of at least eight members of the council shall be obtained. In the case of this appointment, however, the person so employed shall hold office only up to the next December general meeting, provided however that such appointment may be renewed by the incoming council again with a vote of eight members in favour of doing so. Appointment of a permanent secretary.
- 46.** The Chamber of Architects and Civil Engineers adopts as its emblem the design shown in the Second Schedule to these Regulations. Emblem.
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SCHEDULES

FIRST SCHEDULE

Code of Professional Conduct

1. A member must not hold, assume or consciously accept a position in which his interest is in conflict with his professional duty.

2. A member is remunerated solely by his professional fees payable by his clients and/or by his salary payable by his employer. He is debarred from any other source of remuneration in connection with the works and duties entrusted to him. It is the duty of a member to uphold and apply the scale of professional charges payable to architects and civil engineers as per Tariff K of Schedule A to the Code of Organization and Civil Procedure.

3. A member must not advertise or offer his professional services to any person or body by means of circulars or otherwise, or make paid announcements in the press except that -

- (a) he may apply to prospective employers for a salaried appointment;
- (b) he may advertise a professional appointment, open or wanted;
- (c) he may insert in the press three notices, of one change of address.

4. A member may allow signed illustrations and descriptions of his work to be published in the press, but he shall not give monetary consideration for such insertions.

5. A member must not attempt to supplant another member, nor must he compete with another architect by means of a reduction of fees or by other inducements.

6. A member, on being approached or instructed to proceed with professional work upon which another member was previously employed, shall notify the fact to such architect.

7. No member shall use his position on any board granting building licences in order to obtain for himself a permit to carry out works.

8. In all cases of dispute between building owner and contractor, a member must act in an impartial manner. He must interpret the conditions of a contract with entire fairness as between the building owner and the contractor.

9. A member should not take part in an architectural and civil engineering competition in respect of which the Chamber has declared that members must not take part.

10. A member, on handing over his practice to another member due to his having taken up a temporary or permanent full time employment with the Government, will not make use of his appointment to the advantages of the practice he has handed over.

SECOND SCHEDULE

Emblem

