

Professional Architects' Council (Code of Practice) Regulations 2016

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THE PROFESSIONAL ARCHITECTS' COUNCIL ACTS

Regulations made by the Minister under sections 2 and 46 of the Professional Architects' Council Act

- 1.** These regulations may be cited as the **Professional Architects' Council (Code of Practice) Regulations 2016**.
- 2.** In these regulations –
“Act” means the Professional Architects' Council Act.
- 3.** For the purpose of section 2 of the Act, the Code of Practice shall be the Code set out in the Schedule.
- 4.** These regulations shall come into operation on 1 January 2017.

Made by the Minister on 1 January 2017.

SCHEDULE

[Regulation 3]

PROFESSIONAL ARCHITECTS' COUNCIL CODE OF PRACTICE

PART I - GENERAL OBLIGATIONS

1. Every professional architect shall comply with international and local design guidelines and principles as may be applicable.
2. Every professional architect shall comply with the relevant standards, established codes of good practice as may be applicable.
3. Every professional architect shall uphold the law in the conduct of his professional activities.
4. Every professional architect shall ensure that his practices have appropriate and effective internal procedures, including monitoring and review procedures, and sufficient resources so as to enable him to operate efficiently.
5. Every professional architect shall continually seek to raise the standards of technical, functional and aesthetic excellence, professional architectural education, research, training, and practice.
6. Every professional architect shall strive to continually improve his professional knowledge and skill in areas relevant to his practice.
7. Every professional architect shall, as may be appropriate, promote the allied arts and contribute to the development and betterment of the building industry.
8. Where work is carried out, on behalf of a professional architect, by an employee or any other person acting under a professional architect's direct control, the professional architect

shall ensure that the person is competent to perform the task and is, if necessary, adequately supervised.

9. No professional architect shall affix his signature or stamp on drawings, plans or specifications, whether made for the obtention of a Building and Land Use Permit or any other statutory approval procedure or not, where such drawings, plans or specifications were not designed or supervised by that professional architect.

10. Every professional architect shall comply with the Building Control Act and the Local Government Act, and any other laws directly and indirectly related with the professional practice of professional architecture.

11. Every professional architect, other than a professional architect appointed by the Public Service Commission, shall have a professional indemnity insurance policy.

PART II - OBLIGATIONS TO PUBLIC

1. Every professional architect shall -

- (a) where possible, preserve the natural and cultural heritage of the community in which he will create professional architecture;
- (b) where possible, contribute in the improvement of the environment and the quality of the life and habitat within it in a sustainable manner; and
- (c) mind the effect of his work on the wider interests of every person who may reasonably be expected to use or enjoy the product of his work.

2. No professional architect shall represent or advertise himself or his professional services in false, misleading or deceptive manners.

3. Every professional architect shall, where possible, involve himself in civic activities and promote public awareness of professional architectural issues.

PART III - OBLIGATIONS TO CLIENT

1. Every professional architect shall only undertake professional work where he, together with those whom he may engage as consultants, are adequately qualified and trained, and have experience in the specific areas involved and where they can ensure that adequate financial and technical resources will be provided in order to enable them to fulfill their commitments, in every respect, to their client.
2. Every professional architect shall perform his professional work with due skill, care and diligence.
3. Every professional architect shall carry out his professional work without undue delay and, so far as it is within his powers, within a reasonable time limit.
4. Every professional architect shall keep his client informed of the progress of work undertaken on the client's behalf and of any issue that may affect its quality or cost or may otherwise affect the service provided to a client.
5. Every professional architect shall accept responsibility for the independent advice provided by him to his client.
6. (1) No professional architect shall undertake professional work unless he agrees, in writing, with his client, as to the terms of the appointment, namely —
 - (a) scope of work;
 - (b) allocation of responsibilities;
 - (c) any limitation of responsibilities;

(d) fees or any method of calculating it; and

(e) any provision for termination.

(2) Subparagraph (l) shall not be applicable to a professional architect appointed by the Public Service Commission.

7. Every professional architect, other than a professional architect appointed by the Public Service Commission, shall be remunerated solely according to the fees and benefits specified in the written agreement of engagement or employment.

8. No professional architect shall offer any inducement to procure an appointment.

9. Every professional architect shall observe the confidentiality of their client's affairs and shall not disclose confidential information without the prior consent of the client or other lawful authority.

10. (1) Every professional architect shall disclose to a client, an owner or contractor every circumstance known to him that may be construed as creating a conflict of interest.

(2) Every professional architect shall ensure that the conflict does not compromise the legitimate interests of the client, owner or contractor, or interfere with the professional architects' duty to render impartial judgment of contract performance by others.

PART IV - OBLIGATIONS TO PROFESSION OF PROFESSIONAL ARCHITECTS

1. No professional architect shall take as a partner and act as a codirector with an unsuitable person, such as a person whose name has been removed from any register of professional architects, otherwise than at his own request, or a person disqualified from membership of a recognised body of professional architects.

2. Every professional architect shall strive, through his actions, to promote the dignity and integrity of the profession, and to ensure that his representatives and employees conform their

conduct to this standard, so that no action or conduct is likely to undermine the confidence of those for and with whom he works, and so that members of the public dealing with professional architects are protected against misrepresentation, fraud or deceit.

3. Every professional architect shall, to the best of his ability, strive to contribute to the development of professional architectural knowledge, culture, and education.

PART V - OBLIGATIONS TO COLLEAGUES

1. Professional architects shall not, while undertaking professional work, discriminate on grounds of race, religion, disability, marital status or gender.

2. No professional architect shall appropriate the intellectual property. or unduly take advantage of the ideas, of another professional architect without express authority from the originating professional architect.

3. (1) No professional architect shall, when offering services as an independent consultant, quote a fee without receiving an invitation to do so.

(2) Sufficient information on the nature and the scope of the project shall be made available to a professional architect to enable a fee proposal to be prepared that clearly indicates the service covered by the fee.

4. No professional architect shall, when offering services as an independent consultant, revise a fee quotation to take account of the fee quoted by another professional architect for the same service.

5. No professional architect shall attempt to supplant another professional architect from an appointment.

6. No professional architect shall, when appointed as a competition assessor, subsequently act in any other capacity in relation to the work.

7. No professional architect shall maliciously or unfairly criticise or attempt to discredit another professional architect's work.

8. Every professional architect shall, on being approached to undertake a project or other professional work on which he knows or can ascertain, by reasonable inquiry, that another professional architect has a current appointment with the same client for the same project or professional work, notify that other professional architect.

9. (1) Every professional architect shall, when appointed to give an opinion on the work of another professional architect, notify the other professional architect, unless it would be prejudicial to prospective or actual litigation to do so.

(2) Subparagraph (1) shall not be applicable to a professional architect appointed by the Public Service Commission.

10. Every professional architect shall provide his associates and employees with a suitable working environment, compensate them fairly, and facilitate their professional development.

11. Every professional architect shall ensure that his personal and professional finances are managed legally and prudently.

12. Every professional architect shall build his professional reputation on the merits of his own service and performance and recognize and give credit to others for professional work performed.

NOTE: This code of practice shall apply to all professional architects practicing in Mauritius, whether foreign architect or not.