SUBMISSION OF COMMENTS / PUBLIC PARTICIPATION ON THE ARCHITECTS BILL 2026

COMMENTS MATRIX

Legend: RETAIN — No change recommended **AMEND** — Clause amended

INSERT — New provision added **DELETE** — Provision removed **CONFLICT/GAP** – redefining required

NO.	SECTION / CLAUSE	ORIGINAL TEXT	AMMENDED TEXT	REC.	RATIONALE / JUSTIFICATION
PART 1 - PRELIMINARY					
1.	Clause 2 interpretation	"architect" means a person registered as an architect under section 25 of this Act;		RETAIN	**"architect"** was not defined in CAP 525. CAP 525 used the phrase "registered person" for both architects and quantity surveyors. Since the Bill is profession-specific, a clear definition of who is an architect — tying it to registration — is needed to anchor the title protection in section 3 and the offences in section 40-42.
2.	Clause 2 interpretation	"architectural practice" means a service related to the art and science of designing buildings and structures for habitation and use, and includes—		RETAIN	**"architectural practice"** CAP 525 contained no definition of what constitutes practice, merely restricting use of the title. The Bill's four-limb definition — planning and design advice; preparation of drawings and specifications; inspection and performance assessment; and landscape

					architectural services — achieves three things simultaneously. First, it creates a statutory perimeter within which only registered architects may operate, giving section 3 its substantive content. Second, it pre-empts boundary disputes with engineers, physical planners and other built environment professionals by specifying what architects do rather than what the title signals. Third, it provides the factual substratum for the new offence in section 40 (practising without qualifications), which requires a defined scope of practice to be operative.
3.	Clause 2 (d)	Urban planning and landscape architectural services;	urban design and landscaping services in connection with any of the foregoing;	AMEND	Urban planning is done by planners who are not architects and are registered under their own Act. Urban design is carried out by architects.
4.	Clause 2 interpretation [NEW]		"**architectural firm**" means a firm, company or partnership in which at least one partner or director is a person registered as an architect under this Act and is	INSERT	The original definition is self-referential, deriving its entire content by circular reference to s.23. The amended definition supplies substantive content consistent with CAP 525, making the definition workable independently and ensuring

			responsible for the direction of the architectural work of that firm;		that the registered architect's directing role is expressly stated.
5.	Clause 2 interpretation [NEW]		"**approved**" means approved by the Council;	INSERT	
6.	Clause 2 interpretation [NEW]		"**assessor**" means a registered person appointed by a client or promoter to prepare instructions for, evaluate, and appraise performance in an architectural competition approved by the Council;	INSERT	**"assessor"** and **"promoter"** are both needed because the Bill regulates architectural competitions, which CAP 525 addressed only obliquely through professional conduct by-laws. An assessor is the registered architect engaged to evaluate competition entries; a promoter is the entity seeking Council approval to run a competition. Both require definition to make the competition provisions in the Code of Conduct operable and to ensure accountability for competition conduct can be attributed to the correct party.
7.	Clause 2 interpretation [NEW]		"**promoter**" means an individual, company or legal entity who seeks approval from the Council for an architectural competition;	INSERT	

8.	Clause 2 interpretation [NEW]		"**client**" means a person who engages an architect, whether or not for payment, to provide architectural services;	INSERT	CAP 525 regulated only the individual architect. The Bill extends regulatory reach to the relationships architects enter and the actors with whom they interact. Three definitions bring these actors within the definitional framework. **"client"** is defined broadly to capture anyone engaging an architect whether or not for payment. This matters for the Code of Conduct's duties of disclosure, the engagement agreement provisions and the conflict of interest rules, all of which are client-centric obligations.
9.	Clause 2 interpretation [NEW]		"**contractor**" means an individual, company or legal entity hired by the client to carry out the work required for a construction project and registered under the National Construction Authority Act;	INSERT	**"contractor"** is defined by cross-reference to the National Construction Authority Act to avoid duplication and ensure consistency. Its inclusion is required because the Bill imposes duties on architects in relation to contractor supervision and certification, which must be grounded in a clear understanding of who the "contractor" is.
10.	Clause 2 interpretation [NEW]		"**developer**" means an individual, company or legal entity who arranges the procurement of land	INSERT	**"developer"** reflects a modern procurement reality absent from CAP 525: the separation of the procurer of a construction project from the end-

			or space, finances and other resources required for a construction project;		user client and from the building contractor. Developers play a distinct role in commissioning architects, and the definition enables the Bill to address that relationship without conflating it with the client-architect relationship.
11.	Clause 2 interpretation [NEW]		"**document**" means any record of information and includes anything on which there is writing, anything from which sounds, images or writings can be reproduced with or without the aid of anything else, and a map, plan, drawing or photograph;	INSERT	**"document"** adopts a technology-neutral definition deliberately broad enough to encompass digital drawings, BIM files, electronic specifications and other records that did not exist in 1934 when CAP 525's predecessor was enacted. This is particularly important for the endorsement of documents provisions in the Code of Conduct and for evidentiary purposes in disciplinary proceedings.
12.	Clause 2 interpretation [NEW]		"**technical auditor**" means a registered person appointed to review and report on works or services carried out in relation to design and construction supervision;	INSERT	**"technical auditor"** introduces an entirely new accountability mechanism with no equivalent in CAP 525. The definition — a registered person appointed to review and report on design and construction supervision work — creates a statutory basis for post-completion or mid-project audit of an architect's professional output. It supports both client protection and

					quality assurance functions of the Registration Committee.
13.	Clause 2 interpretation [NEW]		"**Code of Conduct**" means the Code of Professional Conduct for Architects set out in the Third Schedule to this Act, as amended from time to time by the Council;	INSERT	**"Code of Conduct"** requires definition because the Bill elevates the Code from a by-law instrument (as in CAP 525) to a Schedule to the Act itself, giving it primary legislative force while preserving the Council's power to amend it. Defining it by reference to the Third Schedule and confirming its amend-ability avoids ambiguity about the Code's legal status and hierarchy.
14.	Clause 2 interpretation [NEW]		"**unprofessional conduct**" or "professional misconduct" shall have the meaning assigned to it under section 34 of this Act.	INSERT	**"unprofessional conduct"** and "professional misconduct" (s.2(w)) are cross-referenced to section 34 rather than substantively defined in section 2. This preserves flexibility — section 34 provides an exhaustive list of specific acts — while ensuring that the terms carry a consistent meaning wherever they appear in the Act. CAP 525 left both terms entirely to by-law definition, which created uncertainty about the primary Act's scope.
15.	Clause 2 interpretation [NEW]		"**good standing**" means the status of an architect who has met all the conditions set by the Council to practice and is	INSERT	CAP 525 operated a single-tier system: registration entitled a person to practice. The Bill introduces a two-tier system of registration plus an

			not the subject of any sanction, suspension or disciplinary action;		annual practising certificate, which requires two new definitions. **"good standing"** is the status threshold that bridges the two tiers. It means all Council conditions are met and no sanction or disciplinary action is current. It is used extensively across the Bill — in qualifications for the Council chairperson, in firm registration requirements, and in practising certificate eligibility. Without a statutory definition the phrase would be indeterminate and susceptible to inconsistent application.
16.	Clause 2 interpretation	"**practicing certificate**" means a practicing certificate issued by the Registration Committee under section 30 of this Act;	"**practicing certificate**" means an annual practicing certificate issued under section 30 of this Act;	AMEND	**"practicing certificate"** defines the second tier of entitlement under section 30. Registration is permanent (subject to removal); the practising certificate is annual and must be renewed. This distinction — standard in modern professional regulation — did not exist in CAP 525 and requires definitional clarity.
17.	Clause 2 interpretation	"**Cabinet Secretary**" means the Cabinet Secretary responsible for matters relating to architectural practice		RETAIN	**"Cabinet Secretary"** replaces CAP 525's "the Minister." The Constitution 2010 restructured the executive, abolishing ministerial offices and vesting responsibility in Cabinet Secretaries under Article 152. The

					substitution is therefore constitutionally necessary rather than a policy choice. The definition also narrows the responsible portfolio from the generic "public works" in CAP 525 to matters specifically relating to "architectural practice," which tightens ministerial accountability to the profession.
18.	Clause 2 interpretation	"**Institute**" means the Institute of Architects established under section 3 of this Act;		RETAIN	CAP 525 had a single body, the Board of Registration of Architects and Quantity Surveyors, performing all functions. The Architects Bill separates these into four distinct bodies, each requiring a definition. **"Institute"** is the new overarching body corporate replacing the Board. Without a definition, references throughout the Act to "the Institute" would be ambiguous.
19.	Clause 2 interpretation	"**Council**" means the Council of the Institute established under section 6 of this Act;		RETAIN	**"Council"** is the governing body of the Institute, equivalent to what the Board was in CAP 525 but structurally separated from the professional examination and registration functions. A definition is required because the Council is distinct from the Institute itself.
20.	Clause 2 interpretation	"**Examinations Board**" means the Architects		RETAIN	**"Examinations Board"** is an entirely new body that did not exist under

		Examinations Board established under section 17 of this Act;			CAP 525, where the Board simply conducted or delegated examinations under section 9. Separating the examination function into a statutorily independent body requires a definition to establish its identity and prevent conflation with the Council.
21.	Clause 2 interpretation	"**Registration Committee**" means the committee established under section 19 of this Act;		RETAIN	**"Registration Committee"** similarly separates the registration function from the Council. CAP 525 lodged registration decisions with the Board directly. Creating a dedicated committee requires definitional grounding.
	Clause 2 Interpretation	"**Register**" means the register of architects kept under section 25 of this Act;		RETAIN	
22.	Clause 2 interpretation	"**Professional Conduct Committee**" means the committee established under section 30 of this Act;		RETAIN	**"Professional Conduct Committee"** separates disciplinary adjudication from the Council, addressing the structural conflict of interest inherent in CAP 525's arrangement where the same Board both governed the profession and judged misconduct. A definition is needed to distinguish it from the Council and the Registration Committee.

23.	Clause 2 interpretation	"**Executive Director**" means the person appointed as Executive Director of the Institute under section 10 of this Act;		RETAIN	"**Executive Director**" is a new full-time professional CEO position. CAP 525 had a Registrar, who was a record-keeper rather than a strategic chief executive. The Executive Director performs a materially different and broader role, which requires a separate definition.
	Clause 3 Restrictions on the use of title [NEW]		**3. Restriction on use of title.** **(1)** Subject to the provisions of this Act, no person shall practice under any name, title or style containing the word "architect", "architecture" or "architectural" unless that person is registered under this Act as an architect: Provided that— (a) nothing in this Act shall apply to any person in the service of the Government or to any person who, for the purpose of preparing any particular piece of work for the Government, is exempted by the	INSERT	An important doctrinal point that the Bill (as per this proposed amendment) addresses directly: **title restriction** and **practice restriction** are complementary but distinct protections that close different gaps. Section 3 restricts use of the *word* — a person may not call themselves an architect without being registered. But before the amendment inserting section 40(4), a person could simply call themselves a "building designer", "construction consultant" or "design professional" and perform the full scope of architectural practice as defined in section 2(c) — preparing structural drawings, advising on construction contracts, inspecting building works — without restriction. The title restriction would be technically complied with while its entire purpose was circumvented.

			Cabinet Secretary from the provisions of this Act; (b) a member of an approved professional institution who is entitled under the constitution thereof to display after his or her name any affix which includes the word "Architect", "Architecture" or "Architectural" or any abbreviation thereof, may use such affix whether or not registered under this Act. **(2)** Nothing in this Act shall be construed so as to prevent any person practising the profession of civil engineering, structural engineering, mechanical engineering, electrical engineering or physical planning from performing any function or exercising any power which that person might lawfully have performed or exercised if this Act had not been passed, provided		Section 40(4) (inserted in this proposed amendment) closes this gap by making it an offence to perform the *activities* of architectural practice without possessing the *qualifications* required for registration, regardless of what title is used. The combination of: • the substantive definition of "architectural practice" in section 2(c), • the title restriction in section 3, • the positive right in section 30, and • the practice offence in section 40(4), creates a closed system that protects both the signal (the title) and the activity (the practice).

			that such person shall not use the title "architect" or hold themselves out as an architect. **(3)** Any person who contravenes the provisions of subsection (1) commits an offence. **(4)** Without prejudice to the powers of the Director of Public Prosecutions, proceedings for an offence under this section may be instituted by any person who is authorised in that behalf, whether generally or specially, by the Council in writing.		
PART II – THE INSTITUTE OF ARCHITECTS					
24.	Clause 3 Establishment Clause 3 (2) (c) & (d)	Creates the Institute of Architects as a body corporate headquartered in Nairobi with corporate powers including borrowing money.	(c) borrowing money subject to the written approval of the Cabinet Secretary and in compliance with the Public Finance Management Act;	AMEND	No provision for what happens if headquarters need to move. Power to borrow money (Cl. 3(2)(c)) has no limit or oversight mechanism. Public Finance Management Act — borrowing without treasury approval could conflict.

	Clause 3 (3)	The headquarters of the institute shall be in Nairobi	**(3)** The headquarters of the Institute shall be in Nairobi, save that the Cabinet Secretary may, by notice in the Gazette, designate a different location for the headquarters of the Institute.	AMEND	
25.	Cl. 4 — Membership	(2) The Member of the Institute shall comprise – (a) Fellows, being members of the Institute recognized to have rendered outstanding services to the profession of architects; (b) Professional Members comprising architects and architectural technicians registered under section 21; © Affiliate Members, comprising those members who work in the built industry but are not architects; (d) Corporate Members, comprising both private and public institutions and	**(2)** The members of the Institute shall comprise— (a) Fellows, being members of the Institute recognized to have rendered outstanding services to the profession of architects; (b) Full Members, comprising architects registered under this Act; (c) Affiliate Members, comprising persons who work in the built industry but are not architects, whose admission and rights shall be determined by the Council by regulations;	DELETE / AMEND	Creates 5 membership categories and other categories the Council may establish. **This bill should only register architects and no other affiliated built industry professions.** The architect's voice is diluted if corporate members who are not architects are given voting rights. Affiliate Members (built industry non-architects) and Corporate Members (institutions/companies) can participate in the Institute but their voting rights and obligations are entirely left to Council prescription. No democratic floor is set. An alternative Membership categories should be restricted to Architects divided into 4 categories: Student, Graduate, Professional & Fellow.

		organizations, including companies, partnerships and other corporate bodies; and (e) such other category as the Council may establish.	(d) Corporate Members, comprising private and public institutions and organisations, including companies, partnerships and other corporate bodies, whose admission and rights shall be determined by the Council by regulations; and (e) such other category as the Council may by regulations establish. **(3)** Affiliate Members and Corporate Members shall not be entitled to vote on any matter affecting the registration, discipline or governance of architects.		
26.	Clause 4(3) Senior Architect	(3) The Council may grant a letter of conferment to an architect of irreproachable professional conduct who has rendered exemplary services to the architectural practice and public service in Kenya, conferring upon them the		DELETE	No criteria is defined in the Bill. Entirely at Council discretion. No appeals mechanism against conferment or denial. Regulations under Cl. 43(2)(l) are meant to address this but no timeframe given. This ambiguity creates risk of subjective or politically influenced conferment.

		rank and dignity of Senior Architect			
27.	Clause 5 Functions of the Institute	(k) regulate the practice, competence and professional conduct of members	(k) regulate the practice, competence and professional conduct of members in accordance with this Act and the Code of Conduct set out in the Third Schedule;	AMEND	
28.	Clause 5 [NEW]		(o) issue and renew practicing certificates under this Act;	INSERT	
29.	Clause 5 [NEW]		(p) maintain the Register and ensure its accuracy;	INSERT	
30.	Clause 7 Composition of the Council 1 (b)	(b) six other members who shall be practicing architects in good standing elected by the Full Members of the Institute in the manner prescribed by regulations, two of whom shall possess not less than fifteen years of post-qualification experience in architectural practice; and	(b) six other members who shall be practicing architects in good standing elected by the Full Members of the Institute in the manner prescribed by regulations, of whom— (i) at least two shall possess not less than fifteen years of post-qualification experience in architectural practice; and (ii) at least one-third shall be of each gender, in	AMEND	Constitution Art. 27 (equality) — no gender equity provision in council composition despite this being a constitutional requirement for State bodies.

			compliance with Article 27 of the Constitution;		
31.	Clause 1 (c)	(c) the Executive Director, as an ex-officio member of the Council	(c) the Executive Director, as an ex-officio member of the Council without the right to vote.	AMEND	
32.	Clause 7(2) Council Members' Term	A member elected to the Council under subsection (1)(a) and (b) shall hold office for a period of two (2) years and shall be eligible for re-election for one further term only.	A member elected to the Council under subsection (1)(a) and (b) shall hold office for a period of four (4) years and shall be eligible for re-election for one further term only.	AMEND	A two-year term is insufficient for the Council to develop and implement coherent long-term policy. Four years aligns with comparable professional regulatory bodies in Kenya and provides continuity necessary for effective governance of the Institute.
33.	Clause 7(3) [NEW]		**(3)** Regulations made under section 43 shall provide for the election of the Chairperson and members of the Council, and shall ensure that the electoral process is transparent, fair and accessible to all Full Members of the Institute.	INSERT	Electoral mechanism entirely delegated to regulations (not yet drafted).
34.	Clause 7 (4) [NEW]		**(4)** The conduct of business and affairs of the Council shall be as provided in the First Schedule to this Act.	INSERT	

35.	Clause 8 Powers of the Council	(d) open such bank accounts for its funds as may be necessary;	(d) open and operate such bank accounts for the funds of the Institute as may be necessary;	AMEND	
36.		(e) invest any funds of the Institute not immediately required for its purposes; and	(e) invest any funds of the Institute not immediately required for its purposes in such manner as it deems fit; and	AMEND	
37.	Clause 9 Executive Director 3 (a)	(a) is a registered architect;	(a) is a registered architect in good standing under this Act;	AMEND	
38.	3(b)	(b) has had at least ten years of proven experience in architectural practice; and	(b) has had at least six years of proven experience in architectural practice; and	AMEND	
39.	Clause 9 (5) [NEW]		**(5)** In the event of a vacancy in the office of Executive Director or where the Executive Director is absent or incapacitated, the Council shall designate a registered member of staff of the Institute to perform the functions of the Executive Director until the substantive holder	INSERT	

			resumes office or a new appointment is made.		
40.	Clause 17 (3) (a)	(a) six persons who shall be registered architects nominated by the Council, one of whom shall be a distinguished academic scholar with at least ten years of experience in the management of university education;	(a) six persons who shall be registered architects nominated by the Council, one of whom shall be a distinguished academic scholar with at least ten years of experience in the management of university education in architecture; and	AMEND	
35.	Section 17(3)(b) Examinations Board — Composition	one person nominated by Technical and Vocational Education and Training institutions offering diploma courses in architecture.	(b) two persons nominated by the Cabinet Secretary responsible for Education, of whom one shall be from the Kenya Institute of Curriculum Development and one shall be from the Kenya National Examinations Council; and (c) one person nominated by the Commission for University Education.	AMEND	TVET institutions lack the statutory mandate and examination governance expertise required for an examinations board of this nature. KICD and KNEC carry direct statutory responsibility for curriculum development and national examinations respectively. The CUE nominee ensures university-level architectural education is represented. This composition strengthens the Board's technical credibility and alignment with national education governance structures.
36.	Clause 17 (3)(c) [NEW]		(c) one person nominated by the Commission for University Education.	INSERT	

37.	Clause 17 (5) Examinations Board — Term	A member appointed to the Examinations Board under subsection (3)(a) shall hold office for a period of two (2) years and shall be eligible for reappointment for a further and final term of two (2) years.	A member appointed to the Examinations Board under subsection (3)(a) shall hold office for a period of three (3) years and shall be eligible for reappointment for a further and final term of three (3) years.	AMEND	Examination development, syllabus review and accreditation cycles in professional education typically span three to five years. A two-year term creates unnecessary disruption to examination continuity. Three years allows members to complete at least one full examination cycle before potential rotation.
38.	Clause 18 (1) (d) Functions of the Examination Board	(d) liaise with the Ministry responsible for Education in the accreditation of institutions offering training in subjects examinable by the Examinations Board;	(d) liaise with the Ministry responsible for Education and the Kenya National Qualifications Authority in the accreditation of institutions offering training in subjects examinable by the Examinations Board;	AMEND	
39.	Clause 18 (2)	(2) The Examination Board may co-opt such experts as it may consider necessary in furtherance of the functions.	(2) The qualifications prescribed under subsection (1) shall, so far as they relate to examinations, not be inconsistent with the requirements of the Kenya National Qualifications Authority Act.	AMEND	
PART III – REGISTRATION OF ARCHITECTS					

40.	Clause 19(4) Registration Committee — Term	A member of the Committee appointed to the Registration Committee under subsection (2) shall hold office for a period of two (2) years and shall be eligible for reappointment for a further and final term of two (2) years.	A member of the Committee appointed to the Registration Committee under subsection (2) shall hold office for a period of three (3) years and shall be eligible for reappointment for a further and final term of three (3) years.	AMEND	Registration standards and quality assurance processes require sustained institutional knowledge. A three-year term mirrors the Examinations Board term, creating consistency across the Institute's statutory committees and allowing Registration Committee members to develop expertise in registration benchmarking.
41.	Clause 20 (1) (a-c) Qualifications of Registration	(1) Subject to the provisions of this Act, a person shall be eligible for registration under this Act as a professional architect if that person – (a) is a graduate architect and has obtained practical experience as prescribed under this Act; (b) has passed a professional assessment examination conducted by the Board; and (c) is a full member of the Institute.	**(1)** Subject to the provisions of this Act, a person shall be eligible for registration under this Act as an architect if that person— (a) has attained the age of twenty-one years; (b) either— (i) has had a minimum of five years of approved training in architecture at a recognised university or institution, followed by at least two years of practical experience in the work of an architect under the supervision of a registered architect, to the satisfaction of the	AMEND	

			Registration Committee, and has passed a professional assessment examination conducted by the Examinations Board; or (ii) has been admitted as a corporate member of an approved professional institution whose qualifications for such admission are not less than those set out in subparagraph (i) of this paragraph; (c) has had a minimum of one year of professional experience in Kenya to the satisfaction of the Registration Committee, or has satisfied the Registration Committee that the person has otherwise acquired adequate knowledge of Kenyan building contract procedures and applicable laws; (d) is a Full Member of the Institute; and		

			(e) has paid the prescribed registration fee.		
	Clause 20 (2) (a) (b)	(2) Subject to the provisions of this Act, a person shall be eligible for registration under this Act as an architectural technician if that person – (a) holds a diploma in architecture or architectural technology and has obtained practical experience as prescribed under this Act; (b) has passed a professional assessment examination conducted by the Board.		DELETE	This Act should NOT allow the registration of diploma holders who are technicians and not professionals. They need their own separate registration body.
	Clause 20 (3)	(3) The Council may, by notice in the Gazette, approve qualifications it considers sufficient to allow a person to be registered as a professional architect or an architectural technician.	(2) The Council may, by notice in the Gazette, approve qualifications it considers sufficient to allow a person to be registered as an architect.	AMEND	Remove any stipulations of registering technicians.
	Clause 20 [NEW]		**(3)** A person shall not practise as an architect	INSERT	This is an important distinction as it deals with the practice of

			unless that person is registered under this Act.		Architecture that is not covered with the current draft.
	Clause 21 Disqualification from Registration	A person is disqualified from being registered if the person -	A person is disqualified from being registered under this Act, or where already registered shall be liable to have their name removed from the Register, if the person—	AMEND	Include qualifications to be removed from the Register.
	Clause 21 (a)	(a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud;	(a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud, dishonesty or moral turpitude;	AMEND	
	Clause 22 (a) Registration of Architectural Firms	(a) the firm has a certificate of registration of a business name or a certificate of incorporation;	(a) the firm has a certificate of registration of a business name or a certificate of incorporation issued under the relevant written law;	AMEND	
	Clause 22 [NEW]		**(2)** All directors of entities seeking registration shall be required to undertake the Executive course in Practice Management administered by the Council before registration.	INSERT	

			(3) Where the registered architect who holds the controlling interest in a firm ceases to be registered under this Act, the registration of the firm shall automatically lapse and the firm shall cease to practise until a replacement registered architect acquires the controlling interest and the firm re-registers. **(4)** A registered firm shall notify the Institute forthwith of any change in the directors, partners or shareholders of the firm. **(5)** A person shall not practise architecture through a firm unless that firm is duly registered under this section.		
	Clause 23 (1) Application for Registration	(1)A person wishing to be registered as an architect or architectural technician shall apply to the Registration Committee.	(1)A person wishing to be registered as an architect shall apply to the Registration Committee in the prescribed form.	AMEND	
	Clause 23 (2)	(2) An application under this section shall be made	(2) An application under this section shall be made	AMEND	

		in the prescribed manner and form and shall be accompanied by the prescribed fee, not exceeding ten thousand shillings.	in the prescribed manner and form and shall be accompanied by the prescribed fee, not exceeding ten thousand shillings, and such supporting documents as the Registration Committee may require.		
	Clause 23 (3)	(3) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the applicant meets the requirements specified under section 20.	(3) Every application shall so far as practicable be brought before the Registration Committee at its next meeting after receipt thereof.	AMEND	Current wording implies immediate approval of the application upon receipt
	Clause 23 (4)	(4) A person shall not practice as an architect or architectural technician unless the person is registered under this Act.	(4) An applicant for registration shall furnish the Registration Committee with such further information and such corroborative evidence of the particulars given in the application as the Registration	AMEND	

			Committee may consider necessary for the purpose of considering the application, and the Registration Committee may call upon the applicant to attend a meeting at the applicant's own expense.		
	Clause 23 (5) (6) (7) [NEW]		(5) Should an applicant without good cause refuse to furnish further information which the Registration Committee may require, or fail to attend personally after receiving due notice, the Registration Committee may refuse to consider further the application (6) Where an application is made in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the applicant meets the requirements	INSERT	

			specified under section 21. (7) The decision of the Registration Committee on an application for registration shall be communicated to the applicant by letter addressed to the applicant at the postal or electronic address appearing on the application form.		
	Clause 24 Certificate of Registration	The Executive Director shall issue to every person or firm registered under this Act, a certificate of registration in the prescribed form.	(1) The Executive Director shall issue to every person registered under this Act a certificate of registration in the prescribed form bearing a serial number corresponding to the number of the entry in the Register. (2) A certificate of registration shall bear the common seal of the Institute and shall remain the property of the Institute. (3) In the event of a certificate of registration	AMEND	Specifying what is contained in the certificate and recorded.

			being lost or destroyed and such loss or destruction being proved to the satisfaction of the Council, a duplicate certificate may be issued to the registered person upon payment of such fee as the Council may prescribe.		
	Clause 25 (1) Register [NEW]		(f) the names of firms registered under this Act;	INSERT	
	Clause 25 (2)	(2) The Executive Director shall remove from the register – (a) the name of a deceased member in a manner prescribed by Council; (b) any entry which has been incorrectly or fraudulently made; and (c) the name of a person removed under section 26	(2) The Register shall be divided into two parts, namely a register of persons and a register of firms.	AMEND	
	Clase 25 (3)	(3) The Executive Director shall cause the name and address of a person whose name is removed from the	(3) Every registered person shall keep the Executive Director informed of any change of address, and	AMEND	

		register under this section, to be published in the Gazette within one month from the date of such removal.	the Executive Director shall amend the Register accordingly.		
	Clause 25 (4)	(4) Upon the removal of the name of an architect or architectural technician from the register, the Executive Director shall inform the person of the removal by registered mail to the person's last recorded address.	(4) The Council shall from time to time publish all entries into and suspensions or deletions from the Register in the Gazette and in such other manner as it may deem fit.	AMEND	
	Clause 25 (5)	(5) Where the name of any person has been removed from the register under this Act, it shall not be reinstated except by the direction of the Council.	(5) The Executive Director shall remove from the Register the name of every registered person who dies, and shall remove from the Register any entry which has been incorrectly or fraudulently made.	AMEND	
	Clause 25 (6)	(6) A person whose name has been removed from the register shall cease to be registered for the purpose of this Act from the date of such removal.	(6) A person whose name has been removed from the Register shall cease to be registered for the purposes of this Act from the date of such removal.	RETAIN	

	Clause 26 (a)	(a) is certified to be of unsound mind;	(a) has failed, within a period of six months from the date of an inquiry sent by the Executive Director by registered post or electronic communication to the address appearing in the Register, to notify the Executive Director of a current address;	AMEND	
	Clause 26 (b)	(b) requests that the name be removed from the register;	(b) has requested that the name be removed from the Register, in which case the person may be required to satisfy the Council by affidavit lodged with the Executive Director that no disciplinary proceedings under this Act are being or are likely to be taken against the person;	AMEND	
	Clause 26 (c)	(c) is convicted of an offence under the Act;	(c) is convicted of an offence under this Act;	RETAIN	
	Clause 26 (d)	(d) has been found guilty and the person's registration under this Act has been revoked after the conclusion of the disciplinary proceeding; or	(d) has been found guilty and the person's registration under this Act has been revoked after the conclusion of disciplinary proceedings;	AMEND	

	Clause 26 (e)	(e) is declared bankrupt.	(e) is declared bankrupt; or	AMEND	
	Clause 26 (f) [NEW]		(f) is certified to be of unsound mind.	INSERT	
	Clause 26 (2) [NEW]		(2) Except in the circumstances specified in subsection (1)(a), the removal of a registered person's name from the Register shall be notified by the Executive Director to that person by registered post or electronic communication addressed to the address appearing in the Register.	INSERT	Procedure for removal from the register
	Clause 26 (3) [NEW]		(3) Upon the removal or suspension of the name of a registered person from the Register, the Council shall publish a notice of such removal or suspension in the Gazette.	INSERT	
	Clause 26 (4) [NEW]		(4) Upon suspension or removal, a registered person shall forthwith deliver up the certificate of registration to the Institute. Where a certificate is not returned	INSERT	

			upon demand, the Institute shall have power to take legal action for its recovery.		
	Clause 28 (1) Reinstatement to the Register	(1) Where the name of any person has been removed from the register, the Council may, either of its own motion or on the application by the person concerned made in the prescribed manner and in either case after holding such inquiry as the Council thinks fit, direct that – (a) the removal of such a person's name from the register be upheld; or (b) the name of the person be restored in the register.	(1) Where the name of any person has been removed from the Register under section 27 of this Act, the name of that person shall not be entered again in the Register except by direction of the Council.	AMEND	
	Clause 28 (2)	(2) Any person aggrieved by a decision of the Council in the exercise of its powers under this Part may appeal within thirty days to the high Court, and in any such appeal the High Court may confirm,	(2) Where the name of any person has been removed from the Register, the Council may, either of its own motion or on the application of the person concerned made in the prescribed manner, and in either case after holding	AMEND	

		annul or vary the decision as it deems fit.	such inquiry as the Council thinks fit, direct that— (a) the removal from the Register be confirmed; or (b) the name of that person be restored to the Register.		
	Clause 28 (3) [NEW]		(3) Any person aggrieved by a decision of the Council to refuse to register the name, or to remove the name from the Register, or to refuse to restore the name to the Register, may appeal to the High Court against the decision of the Council within thirty days of being notified of such decision, and the High Court may give such directions in the matter as it thinks proper.	INSERT	
	Clause 28 (4) [NEW]		(4) Where the name of a person whose name has been removed from the Register is to be restored, such restoration shall not be effected until there has	INSERT	

			been paid to the Institute in respect thereof— (a) any portion of any annual renewal fee payable which has remained unpaid; and (b) a re-registration fee in such amount as the Council may prescribe.		
	Clause 29 Use of title	A person registered under this Act shall— (a) by virtue of being so registered as an architect, be entitled to take and use the title and description of "Architect"; and (b) not take or use or affix to or use in connection with the premises, any title or description in addition to that of an architect other than as indicated by the particulars relating to qualifications entered in the Register.	(1) A person registered under this Act shall— (a) by virtue of being so registered as an architect, be entitled to take and use the title and description of "Architect"; and (b) not take or use or affix to or use in connection with the premises, any title or description in addition to that of an architect other than as indicated by the particulars relating to qualifications entered in the Register.	AMEND	Amend the Clause title to read: Restriction on use of title.
	Clause 29 (2) [NEW]		(2) A registered person may, where they hold the requisite qualification,	INSERT	

			additionally describe themselves as an interior designer, planner, project manager, construction manager or construction cost consultant.		
	Clause 29 (3) [NEW]		(3) A registered person shall not use in letterheads or other communications misleading or pretentious descriptions that amplify services beyond those they are qualified to provide.	INSERT	
PART IV – PRACTICING CERTIFICATE					
	Clause 30 (1) Application for practicing certificate	(1) No person shall practice as a registered architect or an architectural technician unless the person has been issued with a valid practicing certificate.	(1) No person shall practise as a registered architect unless that person has been issued with a valid practicing certificate under this section.	AMEND	Amend the clause title to Annual practicing certificate. The BORAQS Code already requires this (Clauses 25, 27) but without statutory force. The Bill gives this statutory force — a genuine improvement. However, no grace period is provided for renewal (e.g., if the Institute's systems fail). An architect whose certificate lapses by one day is technically in breach.
	Clause 30 (2)	(2) A person wishing to obtain a practicing	(2) A person wishing to obtain a practicing	AMEND	

		certificate shall apply to the Council through the Registration Committee.	certificate shall apply to the Council through the Registration Committee in the prescribed form.		
	Clause 30 (3)	(3) An application under this section shall be in the prescribed form and shall be accompanied by the prescribed fee, not exceeding ten thousand shillings and a professional indemnity cover.	(3) An application under this section shall be in the prescribed form and shall be accompanied by— (a) the prescribed fee, not exceeding ten thousand shillings; (b) evidence of a valid professional indemnity insurance policy in the minimum amount prescribed by the Council by regulations, obtained from an insurer licensed by the Insurance Regulatory Authority; and (c) evidence of compliance with the continuing professional development requirements prescribed by the Council.	AMEND	Insurance Regulatory Authority Act — IRA regulates indemnity insurance products. The Bill creates an obligation without reference to IRA's framework for professional indemnity.
	Clause 30 (4) (a) (b)	(4) Where an application is made by a person in accordance with this section, the Executive	(4) Where an application is made by a person in accordance with this section, the Executive	AMEND	

		Director shall issue such a person a practicing certificate if satisfied that the person— (a) is registered under this Act; and (b) meets such other requirements as may be prescribed.	Director shall issue that person a practicing certificate if satisfied that the person— (a) is registered under this Act and in good standing; and (b) meets such other requirements as may be prescribed.		
	Clause 30 (5)	(5) A practicing certificate issued under subsection (4) shall be valid for one year from the first day of January to the thirty-first day of December of that particular year and may, upon expiry, be renewed.	(5) A practicing certificate issued under subsection (4) shall be valid for one year from the first day of January to the thirty-first day of December of that particular year and may, upon expiry, be renewed. Where a certificate is issued after the first day of January, the fee payable shall be pro-rated for the remaining months of that year.	AMEND	Calendar-year validity means architects registering in November pay a full year's fee for two months of coverage. No pro-rata provision. Additionally, no provision for what happens to ongoing projects when a certificate expires — whether the architect must stop work or whether a grace period applies. This amendment makes it fairer to a firm or person who pays the practicing certificate fee a few months after it is valid.
	Clause 30 (6) [NEW]		(6) A practicing certificate which has lapsed may be renewed within a grace period of thirty days from the date of expiry without penalty. A person who	INSERT	

			continues to practise after the expiry of the grace period without renewal commits an offence under this Act.		
	Clause 30 (7) [NEW]		(7) The Council shall prescribe, by regulations, the minimum amount of professional indemnity insurance required under this section, and shall review such minimum amount at intervals of not more than five years. In prescribing such minimum, the Council shall have regard to the typical value of projects undertaken by architects in Kenya and the recommendations of the Insurance Regulatory Authority	INSERT	
	Clause 31 [NEW]		**31. Practicing certificate for firms.** (1) Every registered firm shall obtain an annual practicing certificate from the Institute.	INSERT	Create process for how firms will get a practicing certificate. This is a gap whereby a firm could register and keep on practicing even when the original director has left.

			(2) An application for a firm's practicing certificate shall be made by a registered architect who is a director or partner of the firm and shall be accompanied by the prescribed fee and such other documents as the Council may require. (3) A firm's practicing certificate shall be valid for the same period and subject to the same renewal provisions as an individual practicing certificate under section 30.		
PART V – PROFESSIONAL CONDUCT					
			Code of professional conduct. **(1)** The Council shall, from time to time, adopt, publish and enforce a Code of Professional Conduct for architects registered under this Act. The initial Code of Professional Conduct is	INSERT	Define how the code of conduct is created and an initial one set out in the Act.

			set out in the Third Schedule to this Act. **(2)** The Council may amend the Code of Professional Conduct from time to time, provided that any amendment shall be— (a) published in draft for comment by members for not less than sixty days before adoption; (b) adopted by a resolution of the Council; and (c) published in the Gazette within thirty days of adoption. **(3)** Failure to comply with the Code of Professional Conduct shall constitute unprofessional conduct or professional misconduct for the purposes of this Act. **(4)** The Council shall publish and make available to the public and to all registered persons the current Code of Professional Conduct.		

	Clause 31 (b) Professional misconduct	(b) refuses, fails or neglects to apply established architectural principles in the course of discharging his or her professional functions;	(b) refuses, fails or neglects to apply established architectural principles in the course of discharging professional functions;	AMEND	
	Clause 31 (f)	(f) engages in activities which are contrary to those for which the person is registered as an architect or architectural technician;	(f) engages in activities which are contrary to those for which the person is registered as an architect;	AMEND	
	Clause 31 (j) [NEW]		(j) accepts or offers discounts, gifts or commissions to or from contractors or tradesmen whether employed on a project or otherwise, without full written disclosure to and consent of the client;	INSERT	
	Clause 31 (k) [NEW]		(k) attempts to supplant another architect or to compete by means of reduction of fees or other inducement;	INSERT	
	Clause 31 (l) [NEW]		(l) obtains or attempts to obtain professional work by means of offering or paying monetary or other	INSERT	

			valuable consideration to any person by improper means;		
	Clause 31 (m) [NEW]		(m) shares fees or enters into partnership with any unregistered person without the approval of the Council;	INSERT	
	Clause 31 (n) [NEW]		(n) makes a false declaration in the application for registration or in any document submitted to the Institute; or	INSERT	
	Clause 31 (2) [NEW]		(2) A registered person shall be held responsible for the acts of members of their staff so far as they relate to matters coming within the scope of subsection (1) of this section.	INSERT	
	Clause 31 (3) [NEW]		(3) Without prejudice to the generality of this section, the Council may from time to time by notice in the Gazette declare any general course of conduct to be professional misconduct.	INSERT	

	Clause 32 (2)	(2) The Committee shall consist of five members elected from amongst the Members of the Institute.	(2) The Committee shall consist of five members elected from amongst the Full Members of the Institute at the annual general meeting.	AMEND	Define when the Committee members are elected.
	Clause 32 (4)	**(4)** The Committee may co-opt experts, as it may consider necessary for the furtherance of its functions.	**(4)** The Committee may co-opt experts, including a person with legal qualifications, as it may consider necessary for the furtherance of its functions.	AMEND	
	Clause 33 (3) [NEW]		**(3)** A complaint under this section shall be made in writing to the Executive Director, who shall transmit it to the Professional Conduct Committee.	INSERT	
	Clause 31 (4) [NEW]		**(4)** Upon receipt of a complaint against a registered person, the Executive Director shall notify the person complained of, giving the grounds of the complaint, by registered letter or electronic communication sent to the last address	INSERT	

			acknowledged in the Register.		
	Clause 31 (5) [NEW]		**(5)** The Council may, where it considers it necessary to protect the public or the integrity of the profession, suspend a registered person on an interim basis pending the conclusion of disciplinary proceedings, upon the recommendation of the Professional Conduct Committee. Such interim suspension shall not exceed six months and shall be subject to review by the Council.	INSERT	This clarifies what happens to a member who is under investigation for disciplinary action.
	Clause 34 (4)	**(4)** The Committee shall have the power to regulate its own procedure	**(4)** The Committee shall have the power to regulate its own procedure in a manner consistent with the principles of fair administrative action under Article 47 of the Constitution.	AMEND	
		(5) The Professional Conduct Committee shall, within forty-five days, hear and determine a matter	**(5)** The Professional Conduct Committee shall, within forty-five days of the filing of a complaint,	AMEND	

		referred for inquiry under section 31 from the date of filing a complaint,.	hear and determine a matter referred for inquiry under section 36.		
	Clause 34 (6) (7) (8) (9)			DELETE	
	Clause 35 (1) [NEW]		**(1)** Where the Professional Conduct Committee is satisfied that a member has committed an act of professional misconduct, the Committee may recommend to the Council— (a) that the member be formally admonished; (b) that the member be suspended from practising for a period not exceeding twelve months; (c) the withdrawal or cancellation of the practicing certificate of the member for such period not exceeding five years; (d) the imposition of a fine not exceeding five million shillings; or	INSERT	Create new clause: Sanctions

			(e) the removal of the member's name from the Register.		
	Clause 35 (2) [NEW]		**(2)** Upon receipt and consideration of the recommendations of the Professional Conduct Committee, the Council shall within fourteen days inform the affected member in writing of the disciplinary action taken and provide reasons for the action.	INSERT	Sanctions
	Clause 35 (3) [NEW]		**(3)** A person aggrieved by the decision of the Professional Conduct Committee in the exercise of its powers under this section may, within thirty days from receipt of the decision, appeal to the Council.	INSERT	Sanctions
	Clause 35 (4) [NEW]		**(4)** A person aggrieved by the decision of the Council in the exercise of its powers under this section may, within sixty days from the date of the	INSERT	Sanctions

			decision of the Council, appeal to the High Court.		
	Clause 35 (5) [NEW]		**(5)** Pending the conclusion of an appeal under this section, the disciplinary sanction imposed shall remain in force unless the High Court orders otherwise.	INSERT	Sanctions
	Clause 35 (6) [NEW]		**(6)** The Institute may publish in the Gazette and in such other manner as the Council deems fit, the names of any persons against whom disciplinary action has been taken under this section	INSERT	Sanctions
PART VI – FINANCIAL PROVISIONS					
	Clause 36 (d)	(d) grants.	(d) grants, including any grants that may be allocated by the National Government for the establishment or operation of the Institute.	AMEND	
	Clause 36 (2) [NEW]		**(2)** All monies received on account of the Institute shall be payable to an account in the name of the Institute at such bank as the Council shall	INSERT	Define where the monies are pried into

			direct, and no money shall be paid out except by direction of the Council.		
PART VII — OFFENCES AND PENALTIES					
	Clause 40 Holding Out as a registered person under this Act	A person who, not being eligible to be registered under this Act, uses any title appropriate to a person so registered, or holds himself or herself out directly or indirectly as being so registered, commits an offence and shall be liable on conviction to a fine not exceeding five million shillings, or to imprisonment for a term not exceeding three years, or to both.	**(1)** A person who, not being eligible to be registered under this Act, uses any title appropriate to a person so registered, or holds himself or herself out directly or indirectly as being so registered, commits an offence and shall be liable on conviction to a fine not exceeding five million shillings, or to imprisonment for a term not exceeding three years, or to both. **(2)** Without prejudice to the powers of the Director of Public Prosecutions, proceedings for an offence under this section may be instituted by the Institute, which may authorise in writing any person to institute such proceedings on its behalf.	RETAIN & AMEND	The subsections adequately address fraudulent holding out and proxy practice.

			(3) A registered person who allows an unregistered person to practise in their name commits an offence and shall be liable on conviction to the same penalties as in subsection (1). **(4)** A person who practises architecture without possessing the qualifications required for registration under this Act commits an offence and shall be liable on conviction to a fine not exceeding five million shillings, or to imprisonment for a term not exceeding three years, or to both.		
	Clause 43 [NEW] Practising Without Qualifications		A person who practises architecture without possessing the qualifications required for registration under this Act commits an offence and shall be liable on conviction to a fine not	INSERT	The original Act contains a gap: it only catches persons who hold out as registered, not persons who simply practise without the underlying academic or professional qualifications. A person can theoretically practise without using the title "architect" and escape

			exceeding five million shillings, or to imprisonment for a term not exceeding three years, or to both.		liability. The new subsection closes this gap, ensuring that unqualified practice is itself an offence distinct from fraudulent use of title.
PART VIII – PROVISIONS ON DELEGATED POWERS					
	Clause 43 (2) (a)	(a) the procedure for the election of the Chairperson and members of the Institute;	(a) the procedure for the election of the Chairperson and members of the Council, including provisions to ensure gender equity consistent with Article 27 of the Constitution;	AMEND	
	Clause 43 (2) (e)	(e) a code of ethics, rules of professional conduct and standards of practice;	(e) a code of ethics, rules of professional conduct and standards of practice, which shall be consistent with the Third Schedule;	AMEND	
	Clause 43 (2) [NEW]		the minimum amount of professional indemnity insurance required under section 30 (3);	INSERT	
	Clause 43 (2) [NEW]		procedures for project registration and the maintenance of the Institute's project portal.	INSERT	
PART IX – TRANSITIONAL PROVISIONS					
	Clause 44 (1)	**(1)** The Board of Registration of Architects	**(1)** The Board of Registration of Architects	AMEND	Distinction of the BORAQS council transitional powers need to be made.

	Transition CAP 525	and Quantity Surveyors established under section 4 of the Architects and Quantity Surveyors Act shall perform the functions of the Council until the Council is constituted.	and Quantity Surveyors established under section 4 of the Architects and Quantity Surveyors Act shall perform the functions of the Council until the Council is constituted in accordance with this Act, provided that the Board shall exercise only those functions that relate to architects for this purpose.		
		(4) Any regulation, rule, order, notice, direction or form made or issued under the Architects and Quantity Surveyors Act, in so far as it relates to architects and is not inconsistent with this Act, shall continue in force as if made or issued under this Act.	**(4)** Any regulation, rule, order, notice, direction or form made or issued under the Architects and Quantity Surveyors Act, in so far as it relates to architects and is not inconsistent with this Act, shall continue in force as if made or issued under this Act, until replaced by regulations made under section 47.	AMEND	
	Clause 44 (8) [NEW]		**(8)** The Code of Professional Conduct for Architects and Quantity Surveyors issued by the	INSERT	

			Board of Registration of Architects and Quantity Surveyors in May 2023 shall, in so far as it relates to architects, continue in force as if it were the Code of Professional Conduct under this Act until the Council adopts and publishes a Code of Professional Conduct under section 33. The Council shall adopt a Code of Professional Conduct within twelve months of the coming into force of this Act.		
	Clause 44 (9) [NEW]		**(9)** The Council shall, within eighteen months of its constitution, enter into a Memorandum of Understanding with the National Construction Authority for the purpose of coordinating project registration obligations and avoiding duplication of regulatory requirements.	INSERT	
FIRST SCHEDULE – PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFIARS OF THE COUNCIL					

	Clause 1 (vi)	(vi) is otherwise unable to discharge his functions.	(vi) is otherwise unable to discharge the functions of the office.	AMEND	
	Clause 4 (4)	At a meeting of the Council at which neither the Chairperson nor Vice Chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to the meeting and the business transacted.	At a meeting of the Council at which neither the Chairperson nor Vice Chairperson is present, the members of the Council present shall elect one of their number to preside.	AMEND	
	Clause 4 (5) [NEW]		Except in the case of emergency, seven clear days' notice of meeting shall be given.	INSERT	
	Clause 10 Power of the Council to regulate its own procedure	(10) Subject to the provisions of this Schedule, the Council shall regulate its own procedure.		DELETE	The council should follow laid down procedures,
[NEW] **THIRD SCHEDULE - CODE OF PROFESSIONAL CONDUCT FOR ARCHITECTS** *[Section 31(1)]*					
		PART I — GENERAL PRACTICE STANDARDS **1. Reasonable Standards of Conduct**		INSERT	The core standards need to be enshrined in the Act.

		(1) In providing architectural services, an architect shall— (a) act with honesty, integrity and with reasonable care in the provision of services; (b) act with impartiality between the contractor and the client; (c) comply with all applicable laws; and (d) provide services according to agreed time frames. **(2)** An architect shall only offer to clients services within their skill and competencies. **(3)** An architect in charge of a client's project shall ensure that the architect has sufficient capacity and experience to be in charge of the project. **(4)** An architect shall withdraw from providing services if the architect reasonably believes that continuing would require acting in a manner that is unethical or contravenes this Act or the Code. **(5)** An architect shall advise a client to obtain specialist advice from a suitably qualified person concerning any issue arising in connection with the provision of services if the architect believes it is in the client's interest to do so. **(6)** A registered person shall not take as a partner or co-director in a firm any person who is not in good standing with the Institute. **(7)** An architect shall keep original drawings, specifications, reports and all other documents necessary to verify any matter relating to a project for a minimum of six years after the final completion of the project.		

		(8) An architect shall not occasion unreasonable delay in the preparation of a valuation or a certificate for purposes of payment, nor engage in undervaluation or under-certification of works. **2. Professional Practice and Firm Registration** **(1)** An architect shall register their firm with the Institute and shall not practise in firms that are not duly registered with the Institute. **(2)** All directors of entities seeking registration shall be required to undertake the Executive course in Practice Management administered by the Council. **3. Trading Names and Letterheads** **(1)** An architect shall ensure that their trading names are unique and do not mislead the public or duplicate existing registered names. **(2)** An architect shall use letterheads showing the names of all architects who are partners or directors and shall not vary letterheads depending on the occasion or type of client. **(3)** An architect shall not use in letterheads misleading and pretentious descriptions unless they possess special qualifications recognised by the Council. **(4)** All information hosted on internet-based platforms shall be factual and not self-praising. **4. Advertisement** **(1)** No architect shall advertise or offer professional services to any person or corporate body by means of		

		paid announcements in the press or other media, unless approved by the Council. **(2)** An architect may allow signed illustrations and descriptions of their work to be published in the press or other media but shall not give monetary consideration for such insertions or allow such insertions to be used by publishers for soliciting advertisements from contributors. **(3)** All information given out to the media by an architect about the architect or the firm must be factual and must not diminish the standing and dignity of the profession. **5. Site Notice Boards** **(1)** A registered person shall exhibit their name on the notice board erected outside or immediately adjacent to construction sites in lettering not exceeding 100 millimetres in height. **(2)** No architect shall erect notice boards bearing the architect's name on construction sites before the commencement of building operations or allow sign boards to remain after the final completion of the project. **(3)** An electronic site sticker issued by the Institute shall be affixed to the site sign board at the commencement of construction of any project. **(4)** Only registered persons supervising a project shall appear on the site sign board. **6. Supplanting** **(1)** No architect shall attempt to supplant another architect.		

		(2) An architect may take over an ongoing project from another architect provided the architect has notified the previously employed architect and the Institute through the project registration portal and has satisfied the architect that there are no outstanding obligations between the client and the previously employed architect. **7. Form of Engagement** **(1)** An architect shall enter into a written agreement with the client concerning the provision of architectural services, setting out clearly and concisely the duties of the architect and the fees payable immediately upon receipt of the client's instructions. **(2)** The agreement shall include the parties to the agreement; the name, registration number and contact details of the architect; the scope and nature of the services; reasonable estimates of disbursements; how fees and costs will be paid; how the client will be kept informed of progress; how the agreement may be terminated; dispute resolution mechanisms; and such other conditions as the Council may prescribe. **(3)** Every agreement of engagement shall be registered in the Institute's project registration portal in the prescribed format. **(4)** Every registered person shall have regard to the recommended fees published by the Council under the Second Schedule to this Act when agreeing fees with a client, in compliance with the Competition Act and any guidelines issued by the Competition Authority of Kenya.		

		8. Endorsement of Documents **(1)** No architect shall put their name and signature on any drawings, specifications, certificates or final accounts unless such documents are either prepared or checked and approved by the architect. **(2)** Every architect shall ensure that all drawings and documents shared electronically with third parties are authenticated and bear distinguishing marks, and the architect shall assume full responsibility for their use. **9. Conflict of Interest** **(1)** No architect shall enter into an agreement with a client if the agreement would result in an actual or potential conflict of interest with the client, unless full written disclosure is made and informed consent obtained. **(2)** No architect shall accept any work that involves the giving or acceptance of discounts, gifts or commissions from contractors or tradesmen whether employed on the work or not, without full written disclosure to and the consent of the client. **(3)** A registered person retained by one party to a contract shall not render professional services in the same project to the other party in any circumstances. **10. Remuneration** **(1)** A registered person shall have regard to the recommended fees published by the Council under the Second Schedule to this Act when agreeing remuneration for architectural services, and shall ensure that any fee arrangement complies with the		

		Competition Act and any guidelines issued by the Competition Authority of Kenya. **(2)** No registered person may share or agree to share fees or enter into partnership regarding architectural work with any unregistered person unless approved by the Council. **(3)** No registered person shall appropriate fees received for onward transmission to other consultants. **11. Professional Indemnity Insurance** A registered person shall not practise without a valid professional indemnity insurance policy in the minimum amount prescribed by the Council, obtained from an insurer licensed by the Insurance Regulatory Authority. **12. Continuous Professional Development** All registered persons are required to comply with the provisions of the Continuing Professional Development regulations made by the Council under section 47. **13. Design and Build Projects** A registered person may render professional services to Design and Build, Turnkey, Package Deal or similar construction projects either as consultants retained by the developer or contractor, or as paid employees or directors of such entities. In all such cases, the architect shall at all times uphold the professional ethics and standards required by this Code. **14. Architectural Competitions** **(1)** No registered person shall participate in any architectural competition, limited or otherwise, unless the conditions of the competition have been approved		

		by the Council and conform to the guidelines governing the promotion and conduct of architectural competitions issued by the Council. **(2)** No registered person shall act as a consulting architect for a project where the person has been appointed as an assessor or technical auditor. **(3)** A registered person shall not in any way attempt to influence unfairly or dishonourably, whether directly or indirectly, the award in a competition. **15. Project Registration** Every registered person shall register each project undertaken with the Institute through the project registration portal maintained by the Institute, and shall ensure compliance with all project registration requirements prescribed by the Council.		

PART C: GENERAL COMMENTS / OVERALL POSITION

The current Act as drafted does not solve any problem. It only changes the managers.

CAP 525 never defined who an architect was. This Act does, but it stops short of a key issue: Distinguishing Title Restriction from Practice Restriction — and why both are needed. A lot of effort is put into making sure the title Architect is protected. Unfortunately, as currently drafted, it does not stop a person who could simply call themselves a "building designer", "construction consultant" or "design professional" and perform the full scope of architectural practice as defined in section 2(c) - preparing architectural drawings, advising on construction contracts, inspecting building works — without restriction. The title restriction would be technically complied with while its entire purpose is circumvented. There is a need to close this gap by making it an offence to perform the activities of architectural practice without possessing the qualifications required for registration, regardless of what title is used.

Before 1956, candidates could qualify through apprenticeship under registered architects, which was a valid route at the time. That historical pathway is no longer appropriate. Kenya now has several accredited university programmes in architecture, and an architecture degree has become the recognized global entry standard for the profession. Bodies such as the Architects Accreditation

Council of Australia, the Royal Institute of British Architects, and the National Architectural Accrediting Board in the United States base professional qualification on accredited university programmes rather than informal apprenticeship. For this reason, diploma holders and technicians should not be registered under this Act. All entries mentioning them should be deleted from the Act.

Post graduation apprentice needs to match global standards. The Royal Institute of British Architects requires a minimum of twenty-four months of documented professional experience before Part 3 (the professional practice examination). The South African Council for the Architectural Profession and the Uganda Architects Registration Board both require two years of post-degree supervised experience.