AAK Presentation Memo: Committee Retreat, 16 October 2026

Honourable Chairperson and Members, thank you for hearing the Architectural Association of Kenya. We represent architects and the allied professions of landscape, interior design, project management, environmental design and technicians.

We support the purpose of this Bill. The 1934 Act is out of date, and Kenyans are harmed when unqualified persons practice. A modern law is overdue.

But a regulator must be independent and credible, and every profession it governs needs a lawful way to practice from day one. We will take you through five amendments that achieve that, and we have filed a clause-by-clause annex. We also ask that this Bill be considered together with the Architects Bill and the Quantity Surveyors Bill, so that Parliament passes one coherent law.

Five priority amendments

1. An independent, representative Board (ss.7, 7(2)). The Cabinet Secretary appoints the chairperson and all eight members, and no professional body has a nominating role. Environmental design has no seat, and every member must already hold a practicing certificate, which new professions cannot have.

***Ask**:* appointments from nominations by recognized associations, a competitive process for the chairperson, a seat for every discipline (nine appointed members), and eligibility on registrability for the first Board.

2. A lawful route for every profession (ss.58, 31(4), 47). Only architects and quantity surveyors carry over from Cap. 525. Landscape architects, interior designers, project managers, environmental design consultants and technicians would be practicing unlawfully on the day the Act starts. Section 31(4) also sets a *minimum* two-year prison term, while s.47 for the same conduct sets a three-year *maximum*.

Ask: deemed registration on application within twelve months for practitioners with three years' practice, a 24-month deferral of offences for them, and one merged offence with no minimum term.

3. Fair recognition of associations and chapters (ss.22(2)(e), 24). Registration depends on membership of a body "recognized by the Board" but the Bill gives no criteria. Chapters are created by the Board and run under its guidelines.

Ask: published criteria in the Act, more than one recognized association per discipline, and chapters formed from and led by association members.

4. Legal and constitutional coherence (ss.5(3), 38(3)). Section 5(3) makes the functions section prevail over every other written law, including the Engineers Act and the National Construction Authority Act. Section 38(3) limits the rights in Articles 31 and 40, while the Memorandum says the Bill limits no fundamental rights. ***Ask:*** delete s.5(3) or confine it to registration and licensing, and redraft s.38(3) to meet Article 24 with notice, identification and a warrant for private premises.

5. One framework, not three. Three bills now seek to replace Cap. 525. AAK has endorsed none of them and has long proposed a single Built Environment Bill.

***Ask**:* consider all three together and agree one consolidated text. Add the missing commencement clause and fix the drafting errors set out in our annex.

Discipline-specific asks

Discipline	Ask
Architects and quantity surveyors	Protect the professional's independence in design-and-build and turnkey projects (s.5(2)(w)), and make the Board's fee and project-registration powers workable and consistent with competition law.
Environmental design consultants	Name the discipline in the Bill, as a discipline or a specialization on the Register, and give it a Board seat and a route to sign and submit documents.
Landscape architects	Restore them to every list of disciplines from which they were dropped (ss.20(2), 31(2)(a), 38(1), 45(1), 56(2)).
Interior designers	A transitional route for practitioners without a degree, and consultation with all interior design bodies.
Construction project managers	A separately governed pathway recognizing experience, and a saving for persons already regulated under the Engineers Act and the NCA Act.
Technicians	Set the scope of technician practice in the Act, and add a route from the Roll to the Register.

What AAK asks of the Committee

1. Consider this Bill with the Architects Bill and the Quantity Surveyors Bill, and work toward one consolidated text.
2. Hold a joint session with all recognized associations in each discipline before the committee stage.
3. Allow written follow-up on our annex before amendments are tabled.

AAK wants this law passed, and passed well: independent, constitutional and fair to every profession it regulates. We are ready to work with the Committee at every stage.

Signed,

GEORGE A. NDEGE, ARCHITECT
PRESIDENT, ARCHITECTURAL ASSOCIATION OF KENYA.

AAK | PROMOTING EXCELLENCE IN THE BUILT ENVIRONMENT

Architects
Engineers
Town Planners
Interior Designers
Quantity Surveyors
Landscape Architects
Construction Project Managers
Environmental Design Consultants

AAK/RA/NA/026/59 31st August 2026

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AAK MEMORANDUM ON THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL, 2026

Receive warm greetings from the Architectural Association of Kenya (AAK).

AAK is the umbrella professional association representing practitioners across the built environment, including Architects, Planners, Engineers, Landscape Architects, Interior Designers, Environmental Design Consultants, Construction Project Managers, and Quantity Surveyors. The Association appreciates the opportunity to submit comments on the Architectural and Quantity Surveying Practitioners Bill, 2026 and the efforts by the Ministry of Public Works to regulate currently unregulated built environment professionals.

AAK advocates for the strengthening of professional regulation, enhancement of public protection, improvement of professional standards, and promotion of accountability across the built environment sector. We particularly appreciate the intention to extend statutory recognition to professions and cadres that have historically operated without dedicated regulatory frameworks, including Landscape Architecture, Interior Design, Construction Project Management, licentiates and technicians.

However, following a review of the Bill and consultations across affected professions and chapters, AAK is of the view that the Bill does not adequately provide the coherent, inclusive and professionally accountable regulatory framework required to govern a multidisciplinary built environment sector.

The Architectural and Quantity Surveying Practitioners Bill, 2026, in its current form, does not provide the coherent, inclusive, representative and professionally accountable

regulatory framework required to govern Kenya's built environment professions. AAK therefore rejects the Bill in totality and calls for comprehensive and inclusive stakeholder engagement to address the identified gaps and develop an integrated regulatory framework for the built environment sector.

Our position is grounded in the following key concerns:

1. Consultation cannot be an afterthought
The regulation of the built environment affects the entire sector. Extensive and inclusive stakeholder participation must therefore be undertaken before legislation is advanced. The process through which the current Bill was developed was neither transparent nor sufficiently inclusive, with AAK only becoming aware of the Bill following its submission to Parliament.

2. Fragmented regulation will not solve a multidisciplinary problem
The built environment operates as an interconnected ecosystem. Professional legislation must therefore speak to each other, clearly define professional roles and establish mechanisms for collaboration across disciplines and cadres. The Bill leaves significant grey areas around scopes of work and creates potential for jurisdictional conflict between professions.

3. Professional autonomy must coexist with an overarching sector framework
Each profession should be able to determine its own standards, practice requirements and professional development. However, individual professional legislation must operate within a coherent umbrella framework that provides common principles, inter-professional coordination and a clear place for all built environment professions. AAK supports the concept of an overarching Built Environment Council with equitable professional representation.

4. Protect the independence and role of professional associations
The Bill centralizes regulatory governance in the State. By vesting the power to nominate board members solely in the Cabinet Secretary, it removes the formal representation of professional associations from the regulatory board. This risks creating a state-dominated regulatory structure in which the professional bodies have no guaranteed voice in the governance of their own professional practice.

5. Coherence Must Extend to the Regulatory Architecture and its Naming

Coherence must run through the entire regulatory framework, including the naming of the legislation itself. The Built Environment Practitioners Bill of 2019 was envisioned by AAK and other built environment professional bodies, in which the different professions are recognized within a unified overarching regulatory framework, while retaining their distinct professional identities, scopes of practice and governance structures.

In light of the foregoing concerns, AAK submits the accompanying clause-by-clause observations and proposed amendments. While AAK's position remains that the Bill should be reconsidered through a more inclusive stakeholder engagement process, the recommendations provided in the matrix below are intended to assist Parliament in identifying and addressing the substantive legal, governance, institutional and professional concerns arising from the proposed legislation

AAK remains committed to working with Parliament, the Ministry of Public Works and all built environment stakeholders to develop a regulatory framework that protects the public interest, promotes professional excellence and supports effective collaboration across the built environment sector.

Signed,

GEORGE A. NDEGE, ARCHITECT
PRESIDENT, ARCHITECTURAL ASSOCIATION OF KENYA.

SUMMARY OF AAK MEMORANDUM ON THE DRAFT ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL, 2026

S/No.	Clause/Section of the Bill	Comment	Rationale
1	Clause 2; Clause 3; Clauses 42–47	Clause 2 (Interpretation) defines "Board," "Cabinet Secretary," "chief executive officer," "Commission," "enrolled person," "Register," "registered person," and "Roll" — but it does **not** define what "architecture," "quantity surveying," "landscape architecture," "interior design," or "construction project management" actually consist of as a scope of practice. There's no "'architecture' means..." style definition anywhere in the interpretation clause, and none of the functions, registration, or offence clauses supply one either — they all just use the five terms as if self-evident.	This matters practically for the offence provisions: clauses 42–47 criminalize unregistered "practice" of these professions, but without a definitional boundary on what activities *constitute* practicing architecture versus, say, construction project management (a discipline whose boundaries with engineering and general contracting are genuinely contestable), enforcement and prosecution both rest on an undefined term. CAP 525 had the same gap for its two professions, so this isn't a new problem the AQSP Bill introduces — but given the Bill triples the number of professions covered without adding scope-of-practice definitions for any of them, the absence becomes proportionally more significant. An undefined "construction project management" scope is exactly what would make that jurisdictional overlap with engineers hard to police in practice.
2	Clause 3; CAP 525 sections 15–16 (repealed)	CAP 525 section 15 expressly exempted civil, structural, mechanical and electrical engineers from its restrictions, and section 16 excluded naval architects from the Act altogether. The AQSP Bill repeals CAP 525 in full (clause 57) without re-enacting an equivalent carve-out, while simultaneously extending statutory registration into construction project management — a discipline professional engineers routinely practise under the separate Engineers Act. Naval architecture appears in the new Bill only as a subject the Board may make regulations about (clause 56(2)(x)), not as an exclusion from the Act's reach.	Reinstate an equivalent to CAP 525 section 15 as a new clause exempting registered engineers acting within their Engineers Act registration from the AQSP Bill's registration requirement for construction project management functions that fall within their engineering scope of practice and retain an express naval-architecture exclusion equivalent to CAP 525 section 16 rather than leaving it solely as a regulation-making subject.

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		Without a restored carve-out, a registered engineer working as a construction project manager could find themselves needing dual registration under both the Engineers Act and this Bill, with no clause in either instrument establishing which regime takes precedence for that overlapping scope of practice.	
3	Clauses 4–13 generally	Building plan approval is a devolved county function under Part 2 of the Fourth Schedule to the Constitution. The Bill contains no mechanism for county government consultation, notification, or coordination — a notable omission given that the Board's Part VI inspection powers over building sites will routinely intersect with county planning and building-approval authorities. The 2019 Bill's Council of Governors nominee seats offered at least a partial structural link to county government that this Bill does not replicate.	Consider adding either a Council of Governors nominee seat to the Board's composition under clause 7, or a standing coordination clause requiring the Board to establish liaison arrangements with county governments for building-site inspection and enforcement purposes.
4	Clause 5(3)	Clause 5(3) provides: *"Where any conflict arises between the provisions of this section and the provisions of any other written law for the time being in force, the provisions of this section shall prevail."* This asserts blanket supremacy of a single functions clause over any other written law whatsoever, without identifying the statutes it anticipates conflicting with. The Bill's own extended functions — advising on green building, artificial intelligence, and 'design and build'/'turnkey' contracting — plausibly touch the mandates of the Engineers Act, the Engineering Technology Act, the Physical Planners Registration Act, the Valuers Act, and the National Construction Authority Act, none of which are referenced or reconciled. Courts ordinarily resolve inter-statute conflicts through	Replace the blanket supremacy clause with a narrower, itemised provision identifying the specific statutes (Engineers Act, Physical Planners Registration Act, Valuers Act, National Construction Authority Act) where overlap is anticipated and specify how each conflict is to be resolved (e.g., which Act governs registration versus site-inspection versus contractor pre-qualification). Alternatively, delete the clause and rely on ordinary statutory interpretation principles, which is the more conventional approach for a sectoral regulatory Act.

		the *lex specialis* or *lex posterior* principles, or through express savings language identifying the specific competing provisions; a bare, self-declared supremacy clause of this breadth is unusual and is more likely to generate interpretive disputes than resolve them, particularly where the competing statute is later in time or more specific in its own field.	
5	Clauses 7(1)(d)(vi), 7(2), 23	Clause 7(1)(d)(vi) reserves one Board seat for "a technician." Clause 7(2), however, sets the eligibility test for every appointee under clause 7(1)(d): *"A person shall be qualified to be appointed as a member of the Board under sub-section (1)(d) if such person — (a) is a registered person and holds a valid practising certificate..."* Under the Bill's own definitional architecture, technicians are never "registered persons." Clause 23 creates a wholly separate status — enrolment — for technicians, and the Bill consistently distinguishes "registered person" (clause 22) from "enrolled person" (clause 23) throughout, including in the separate Register and Roll maintained under clause 28. Read literally, clause 7(2)(a) disqualifies every technician from the very seat clause 7(1)(d)(vi) creates for one. The Memorandum of Objects and Reasons cites this seat as evidence that Board composition is "carefully balanced to cater for representation of all the regulated professionals including the para-professionals" (at page 3 of the Memorandum) — so the drafters' own stated intent is undercut by the eligibility clause as written.	Amend clause 7(2)(a) to read "is a registered person or enrolled person and holds a valid practising certificate or enrolment certificate," or add a standalone clause 7(2A) setting a distinct eligibility test for the technician seat referencing enrolment under clause 23 rather than registration under clause 22.
6	Clause 7	Clause 7 establishes a twelve-member Board (chairperson; two ex-officio ministry officials; eight Cabinet Secretary-appointed members; the chief executive officer) without reference to Article 27(8) of the Constitution, which prohibits	Add a clause 7(1A) or amend clause 7(2) to require that Cabinet Secretary appointments under clause 7(1)(d) comply with Article 27(8)'s two-thirds gender rule, and consider adding regional-balance and disability-

		more than two-thirds of the membership of any elective or appointive body from being of the same gender. There is likewise no consideration of regional balance or representation of persons with disabilities under Article 54. By contrast, the 2019 Built Environment Professions Bill made at least a partial gesture in this direction by specifying that the Council of Governors' nominees include "one male and one female professional."	representation criteria consistent with Articles 54 and 232.
7	Clause 7; Schedule paragraph 2; CAP 525 section 4(2)– (3) (repealed)	No provision anywhere in the Bill allows registered practitioners, individually or through a professional association, to nominate or elect any Board member. Every appointive seat under clause 7(1)(d), including all eight discipline-specific seats, is filled solely by the Cabinet Secretary. This is a marked departure from CAP 525 section 4(2)– (3), under which the Architectural Association of Kenya nominated four of the Board's eight members, subject only to Cabinet Secretary approval — a professionally self-selecting mechanism that gave the regulated profession a formal, institutional voice in who regulates it. The concentration extends to removal as well as appointment: under Schedule paragraph 2, a member may be removed by the Cabinet Secretary, on the Board's own recommendation, before their term expires. The same office that appoints every discipline-specific member therefore also controls, in substance, their continued tenure, with no countervailing nomination or election channel to balance that concentration of authority. Even accepting that state oversight of a safety-relevant profession is legitimate, the complete absence of any professional nomination mechanism removes one of the principal safeguards against capture by transient political interests, and forfeits the	Reinstate a nomination mechanism broadly equivalent to CAP 525 section 4(2)–(3), under which a defined number of the discipline-specific Board seats are filled from nominees put forward by the relevant recognised professional body or bodies (given the Bill now covers five disciplines rather than CAP 525's two), for Cabinet Secretary appointment, rather than leaving appointment entirely to the Cabinet Secretary's unconstrained discretion.

		technical-legitimacy benefit that peer-selected regulators typically bring.	
8	Clause 38(3); Memorandum of Objects and Reasons	The Memorandum of Objects and Reasons appended to the Bill states, without qualification: *"The Bill does not limit fundamental rights and freedoms."* Clause 38(3), however, provides: *"The right to privacy enshrined in Article 31 of the Constitution and the right to property enshrined in Article 40 of the Constitution are limited as specified in this section for the purpose of ensuring the health and safety of the public."* These two statements cannot both be correct. Article 24 of the Constitution requires that any limitation of a right be justified by reference to the nature of the right, the purpose and importance of the limitation, its nature and extent, the need to ensure the enjoyment of rights by others, and the relation between the limitation and its purpose. A Memorandum that denies any limitation exists cannot have performed that justification exercise, notwithstanding that the operative text of the Bill plainly does limit two constitutional rights. This creates a live procedural vulnerability: a court, or the Attorney-General's office at a later constitutional-review stage, could treat the absence of an Article 24 justification as a defect going to the validity of clause 38, or the National Assembly could be asked to correct the Memorandum and supply the missing justification before further readings.	Amend the Memorandum's statement on limitation of rights to accurately disclose the Article 31 and Article 40 limitations in clause 38(3) and supply an Article 24(1) justification addressing each of the five statutory factors (nature of the right; purpose and importance of the limitation; nature and extent of the limitation; need to ensure enjoyment of rights by others; relation between the limitation and its purpose). This is a drafting correction that should be made before the Bill proceeds further, since it is the kind of defect that invites a constitutional challenge at the point of enforcement.
9	Clauses 22, 47, 58	Clause 58's transitional and savings provisions carry over the former Board's sitting members, staff, chief executive officer, registered architects and quantity surveyors, and existing CAP 525 licence-holders. These carry-over	Insert a dedicated transitional clause (e.g. new clause 58A) creating a defined registration grace period — commonly 12 to 24 months from commencement — during which persons who can demonstrate prior

		provisions all depend on a predecessor status conferred by the former Board under CAP 525 — which has never regulated landscape architecture, interior design or construction project management. There is consequently no former-Board status for anyone currently practising in these three disciplines to be carried over from, and clause 58 supplies no alternative transitional registration window, phased compliance period, or savings mechanism specific to them. On commencement, a person who has practised as an interior designer or landscape architect in Kenya for years — with no prior statutory registration regime to have joined — is, in principle, immediately exposed to the offence provisions at clauses 42, 45 and 47, since full clause 22 registration cannot have occurred before the Board itself comes into existence. This is not a drafting nicety; it is a practical implementation gap capable of criminalising an entire cohort of currently practising professionals on the day the Act commences.	bona fide practice in landscape architecture, interior design or construction project management (through professional body membership, tax records, or client contracts) may apply for registration without immediate exposure to the offence provisions, and providing that the offence provisions in Part VII do not apply to such persons until the grace period expires.
10	Memorandum of Objects and Reasons; Clause 27	The Memorandum states that the Bill's revision of CAP 525 is "meant to align it with the Constitution of Kenya, 2010 and other similar laws in the East African Member States, in order to facilitate cross-border practice as provided in the E.A.C Common Market Protocol," and separately states the Board's establishment is designed "in conformity with the Mwongozo Code of Corporate Governance." Neither commitment is reflected in the operative clauses. Clause 27's foreign-practitioner regime is generic — it applies to any foreign person or firm and makes no reference to EAC Partner States, mutual recognition of qualifications, or reciprocal registration arrangements contemplated by the Common Market Protocol.	If EAC reciprocity and Mwongozo-standard governance are genuine policy objectives (as the Memorandum states), add an operative clause under clause 27 establishing a distinct, more permissive registration pathway for EAC Partner State nationals holding home-jurisdiction registration, referencing the Common Market Protocol by name; and add a clause requiring the Board to comply with Mwongozo governance standards, consistent with its treatment as a state-linked regulatory body.

		No clause requires the Board's governance practices to conform to Mwongozo.	
11	Clauses 51, 53(4)	Clause 51(2) permits the Board to refer a matter to the Ethics and Disciplinary Committee where the Board "has reason to believe" a registered or enrolled person has committed misconduct — but the Bill nowhere provides a mechanism by which a client, member of the public, or fellow practitioner may lodge a complaint, how such a complaint is to be received or processed, or what response the complainant is entitled to. The only appeal right conferred by clause 53(4) belongs to the "registered person or enrolled person" aggrieved by the Board's decision; there is no equivalent right for a complainant dissatisfied with the Board's handling of, or decision not to pursue, their complaint. For an Act whose Memorandum grounds the entire reform in protecting "public interest," the absence of any formal standing for the public within its own disciplinary machinery is a significant structural gap.	Insert a new clause under Part VIII establishing a formal complaint-lodging mechanism open to any person, prescribing the form and manner of complaints, requiring the Board to acknowledge and investigate complaints within a stated period, and granting the complainant a limited right to seek review of a decision not to refer their complaint to the Ethics and Disciplinary Committee.
12	Clauses 26(4)(e), 31–36	Clause 26(4)(e) requires firms to hold professional indemnity insurance as a condition of firm registration. Part V's practising-licence regime, which applies to individually licensed practitioners, contains no equivalent requirement. A sole practitioner who does not register as a "firm" under clause 26 — and nothing in the Bill compels an individual to do so — can obtain and hold a practising licence under clauses 31–36 without ever carrying professional indemnity cover. The practical effect is that a client's recourse in the event of professional negligence depends on the incidental fact of how the practitioner chose to structure their practice, rather than on any deliberate public-interest calibration — an	Extend the professional indemnity insurance requirement to individually licensed practitioners under clause 32, either as a universal condition of licence issuance or renewal, or as a mandatory disclosure requirement where an individual practises without cover, so that clients can make an informed choice.

		inconsistency the Bill's stated purpose does not appear to intend.	
13	Clauses 42, 47, 49, 50	The offence provisions specify fixed penalty amounts in Kenya shillings with no built-in mechanism for periodic review or inflation adjustment. This is the precise defect that rendered CAP 525's original penalties (a maximum fine of KES 5,000, set in 1934 and last revised in 1973) practically meaningless by the time of this Bill's drafting in 2026. Absent a review mechanism, the Bill's substantially higher penalties risk following the same trajectory over the coming decades.	Add a clause empowering the Cabinet Secretary, by notice in the Gazette and on the Board's recommendation, to review and adjust the penalty amounts periodically (e.g., every five years, or by reference to a published inflation index), without requiring a full statutory amendment each time.
14	Arrangement of Clauses (Parts VI–VII)	The Arrangement of Clauses at the front of the Bill appears, on the copy reviewed, to label both the Inspections part and the Offences part as "PART VI," where the Offences part should presumably be "PART VII" (the running head of the body text later refers to the offences provisions as Part VII). This may be an artefact of optical character recognition on a scanned Gazette copy rather than a genuine error in the enrolled Bill and should be verified against a clean copy of the Gazette Supplement before being treated as a confirmed defect.	Verify the Arrangement of Clauses against the official Kenya Gazette Supplement No. 184 (National Assembly Bills No. 47) text directly and correct the Part numbering if the duplication is confirmed rather than an artefact of the scanning/OCR process used for this review.
15	Clause 51(1); Schedule paragraph 4 (Board quorum, for comparison)	Clause 51(1) provides only that "the Board shall establish an Ethics and Disciplinary Committee consisting of its members." Beyond that, the Bill is silent: it does not state how many of the Board's twelve members sit on the Committee, whether membership is fixed or rotates, who chairs it, or what quorum governs its proceedings. This stands in contrast to the Board itself, whose quorum is expressly fixed at five members under the Schedule. Because the Committee's recommendations feed directly into disciplinary sanctions against registered and enrolled persons under clause 53 — including suspension of up to five years or	Amend clause 51 to specify the number of Board members constituting the Committee, designate a chairperson (or provide for the Committee to elect one from among its members), and fix a quorum for its proceedings — either by cross-reference to the Board's own Schedule-fixed quorum of five, or by a distinct figure appropriate to a smaller sub-body.

		removal from the Register or Roll — the absence of a fixed quorum or membership size leaves open the possibility that a very small subset of Board members, convened without any minimum-attendance safeguard, could determine the outcome of a disciplinary inquiry with serious consequences for a practitioner's livelihood.	

In addition, we have attached annexures with a special focus on individual Professions as well as proposed policy direction on professional regulation. These include:

1. Landscape Architecture-Specific Input
2. Interior Design-Specific Input
3. Licentiate and Technician Practice
4. Review of Built Environment Legislation in Kenya
5. Comparison Between ongoing individual legislations and the AQSP Bill: Gaps Addressed by Individual Professional Bills Missing in the AQSP Bill, 2026.
6. Construction Project Management

AAK ARCHITECTS CHAPTER

REVIEW OF THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL 2026

Honourable Chairperson, Honourable Members, distinguished colleagues,

On behalf of the **Architects Chapter** of the Architectural Association of Kenya (AAK), we thank the Committee for the opportunity to address it on this Bill.

The Chapter supports the principal objects of the Architectural and Quantity Surveying Practitioners Bill 2026. Cap. 525 dates from 1934 and no longer serves the profession or the public. We welcome stronger enforcement against unregistered persons and the alignment of Kenyan practice with the Constitution, the East African Community Common Market Protocol and the relevant international professional associations. We acknowledge the Bill's intention to protect the public interest in the built environment.

However, the Architects Chapter has noted critical items in the present Bill, which requires inclusion of the recommendations detailed in this review. The key concerns are as follows:

1.0 On omission of the Architects Chapter, Architectural Association of Kenya (AAK):

1.1. The Bill's Board composition removes the Architects Chapter - AAK from statutory representation.This is a major governance change for Architects (and all other disciplines in Kenya under AAK), which undermines the role of a key project consultant and lead, as well as the most established built environment institution of professionals in Kenya, that has worked collaboratively with regulators and statutory authorities for decades.

1.2 Kenya's building and construction industry is primarily driven by the private sector, with most architects holding membership in the Architectural Association of Kenya (AAK). Excluding AAK membership would severely undermine the oversight, enforcement, and implementation of industry policies and disciplinary standards.

The inclusion of AAK Architects members in the Board, is critical for the advancement of the practice and professionals.

A summary of omission of AAK in the AQSP Bill 2026:

Clause	Provisions in the Bill	Omission & effect on AAK
2 (Interpretation)	No definition of "professional body" or "association".	AAK has no statutory standing, and recognition is left to Board discretion.
5(2)(i), (j), (k)	The Board alone establishes CPD programmes, the code of conduct and dispute resolution.	AAK's existing CPD, code of conduct and member- level dispute processes are not recognised, so they risk duplication or displacement.
5(2)(l)	The Board registers and regulates architectural competitions.	AAK's role in competition guidelines and juries is not acknowledged.
5(2)(s); 56(2)(f)	The Board determines the fees and fee scales.	There is no requirement to consult AAK, which has historically advised on fee scales.
5(2)(u), (v), (w)	The Board advises on green building, AI and design-and-build.	These are areas where AAK has expertise, but there is no consultative mechanism.
6(2)(g)	The Board "may" associate with other bodies in or outside Kenya.	This is wholly discretionary, with no obligation to engage AAK, EAIA, CAA or UIA.
7 (Board composition)	The Cabinet Secretary appoints the chairperson and all	This is the most significant gap. Professional

	eight members. These include two architects, with no nomination process.	associations have no nominating role, and architects on the Board need not have AAK's endorsement.
20 (Accreditation of courses)	The Board works only with the Commission for University Education.	AAK is not involved in accrediting architecture programmes or in site visits and examiner appointments.
22, 23	Membership of a recognised professional body is a mandatory eligibility requirement.	AAK membership is a precondition, but AAK is neither named nor guaranteed recognition. The Board could recognise rival or newly formed bodies, or withhold recognition.
24 (Chapters)	The Board may constitute registered persons into "chapters" by specialisation, run under Board guidelines.	This overlaps with AAK's own chapter structure (including the Architects Chapter). It creates a state-controlled parallel structure that could dilute or displace AAK's chapters.
25	The Board or "such other authority" (with CS approval) conducts the qualifying examinations and sets the curriculum.	There is no consultation with AAK on curriculum or examination standards.
27, 33, 43(3)	Foreign practitioners are admitted on the Board's assessment. Exemptions follow international treaties.	Mutual recognition through professional bodies (EAIA, CAA, UIA) is not provided for. Only the foreign body is

		acknowledged, not the Kenyan one.
37	The Board appoints any registered person as an authorised inspector.	There is no nomination or vetting by AAK, and no safeguard against conflicts of interest.
51–53 (Discipline)	The Ethics and Disciplinary Committee comprises Board members only.	There is no peer or association representation. The Board's disciplinary power sits alongside AAK's own disciplinary processes, with no coordination.
56(1), (2)(d), (t), (u)	The Board makes regulations "in consultation with the Cabinet Secretary" on the code of conduct, competitions and advertising.	There is no duty to consult professional bodies, which are the main stakeholders in these rules.
58 (Transitional)	The Board is a successor body. Members, staff and registrations carry over.	Nothing preserves any association-based nomination or representation that exists under Cap. 525, and nothing protects AAK's arrangements with the former Board.
Memorandum of Objects	Refers to the EAC Common Market Protocol, the Constitution and the Mwongozo Code.	It does not mention consultation with AAK or other professional bodies.

Recommended amendments to the AQSP Bill 2026:

Clause 2: define "recognised professional body" and name AAK in a schedule, or set objective criteria for recognition.

Clause 7: add Board members nominated by AAK and by the other registered professional associations, rather than appointed at the Cabinet Secretary's sole discretion.

Clauses 5, 25 and 56: add a duty to consult recognised professional bodies on CPD, curriculum, examinations, fees, competitions and the code of conduct.

Clause 20: allow professional body participation in accreditation visits and reviews.

Clause 24: clarify that statutory chapters do not displace or replace the internal chapters of the professional bodies.

Clauses 27, 33 and 43(3): provide for mutual recognition arrangements negotiated through the relevant professional associations.

Clauses 51–53: include a professional body representative on the Ethics and Disciplinary Committee, and provide for coordination with the association's own disciplinary processes.

Clause 58: preserve existing association nomination and representation arrangements during the transition.

2.0 On Architects' Project Fees and Work:

2.1 According to Clauses 5, 56 and 58 in the AQSP Bill 2026, it is indicated that the Board shall provide the following: determine the scale of fees to be charged by registered practitioners and firms; register all projects and contracts engaged by registered persons or firms; mechanism for disputes resolution arising from practice.

2.2 The Bill does not address critical issues encountered by Architects in Kenya. Clause 51(3) lists professional misconduct but does not mention fee undercutting amongst professionals and unregistered persons; lowest - fee selection in public and private procurement resulting to unfair competition; non-payment or delayed payment to Architects; 'free design' offered to win design-and-build or turnkey packages; and contractors or developers retaining architects at nominal rates.

2.3 None of these are directly marked as offences or disciplinary matters that need to be resolved by the profession's regulator. The implication is erosion of the Architect's independence - more control by a contractor - on projects and compression of fees.

2.4 On design-and-build or turnkey projects, with reference to clause 5(2), indicates a conflict of interest. The Bill does not define these terms. All substantive is left to Board guidelines and regulations. It does not regulate architects' independence, liability, or professional indemnity within design-and-build or turnkey contracts.

2.5 Protection of the Architect's work as intellectual property, is unaddressed. There is no provision on ownership or reuse of designs, which is a recurring source of unpaid work.

2.4 **Critical recommendations:**

2.4.1 The Board should consider recovering fees on behalf of a registered Architect through its dispute mechanism, and within the scale of fees.

2.4.2 Require written terms of engagement in a prescribed form for every project registered, with stage payments, interest on late payment, and a clause withholding the release of designs until final payment is settled.

2.4.3 Include safeguards for design-and-build and turnkey arrangements: mandatory disclosure of the Architect's engagement terms, independence of the Architect's certification role, and a prohibition on a contractor withholding an Architect's fees as a contract adjustment.

2.4.4 Provide a statutory statement in the Bill, on intellectual property in drawings and designs by an Architect, consistent with the Copyright Act.

3.0 On the infiltration of fraudsters/ quacks into the Architectural profession:

3.1 While the Bill protects the official titles of Architect and Architectural Technician, it does not restrict any person using titles such as: *designer, draughtsperson, or building consultant* - from providing architectural services. Persons with these titles escape from the offences stipulated. This is with reference to clauses 22(1), 23(1), 43(1), 43(2), 43(3), 43(4). The Bill uses "technician in architecture" in clause 23 and "architectural technician" in clause 43(2)(a). It defines no formal designation such as "Registered Architect" or "Architectural Technician."

3.2 With reference to clauses 2, 3, 5(1), 22 (1)(2), 31(2)(3), 46(1), 56(2), the Bill fails to define architectural practice - the Architect's role, leaving a loophole where practicing without the protected title is not an offense. To resolve this, the Bill must define the practice of architecture and explicitly reserve core services: design for building approval, preparation and submission of drawings, stage and completion certification, and construction supervision - strictly for registered Architects. Furthermore, a provision must be included to criminalize the performance of these restricted services by unlicensed or unregistered individuals.

3.3 Clause 27(1)(b) permits foreign firms to register simply by being "incorporated in Kenya," completely removing requirements for local majority ownership, joint ventures with Kenyan companies, or local - to - foreign staff ratios. Instead, foreign entities only need to pledge to train local workers. Consequently, this provision undermines domestic professional standards and fee structures, directly contradicting the Bill's stated objectives.

3.4

With reference to clauses 44(1)(3), 45(1)(4)(3), 46(2)(3), 47, 51(3)(c), the Bill should criminalize knowingly hiring or accepting architectural services from an unregistered or unlicensed individual, as well as the approval of plans by any officer if those plans lack a verifiable license number.

3.5

The Bill should formally recognize the **cross-border practice** of locally registered Kenyan architects. Furthermore, it should explicitly acknowledge the East African Institute of Architects **(EAIA)** as the regional body - aligned with the East African Community (EAC) Treaty - that unifies national architectural associations. Additionally recognition of Commonwealth Association of Architects (CAA) and International Union of Architects **(UIA)** in matters of practice.

4.0 Licentiate Architects and Technicians, and Graduate Architects:

Further reviews and recommendations from the Architects Chapter on Licentiate Architects and Technicians, and Graduate Architects, are enclosed.

Sincerely,

Arch. Jacqueline Kairu
Chairperson, Architects Chapter - AAK

Cc: AAK Architects Chapter Council; AAK Executive Committee

REVIEW OF THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL, 2026: A COMPARISON OF PENDING INDEPENDENT BUILT ENVIRONMENT BILLS AND THE AQSP BILL, 2026

1. Purpose and Scope

This review examines the Architectural and Quantity Surveying Practitioners Bill, 2026 ("the AQSP Bill") against three cognate instruments: the Architects Bill, 2026; the Quantity Surveyors Bill, 2026; and the Built Environment Professions Bill, 2019 ("the BEP Bill"). It is structured in two parts:

- Part A identifies provisions present in the other three Bills that are absent, thinner, or unresolved in the AQSP Bill.
- Part B sets out policy-level concerns and recommendations drawn from local regulatory experience, comparable global practice and cross-disciplinary regulation that should be addressed by amendment to the Bill itself, not left to Board rules, regulations or AAK's internal governance.

2. Gaps Covered Elsewhere but Absent from the AQSP Bill

The AQSP Bill consolidates and, in places, streamlines the regulatory architecture found in the three sister instruments. However, the consolidation drops several safeguards and institutional features that the Architects Bill, the QS Bill, and the BEP Bill each retain in some form. The referenced and/or alluded to clauses are under Section 2.2.

Area	AQSP Bill, 2026 position	How other Bills address it	Nature of gap
Executive/CEO qualifications	s.11 — no eligibility criteria specified for the Chief Executive Officer.	Architects Bill s.9(3) and QS Bill s.8(2) require the ED/CEO to be a registered professional with ≥10 years' experience and to meet Chapter Six requirements.	Leadership competence and integrity threshold for the Board's chief officer is left unregulated.
Dedicated Examinations Board	s.25 — examinations run by the Board itself or a delegated 'other authority';	Architects Bill ss.17–18 and QS Bill ss.16–17 establish separate Examinations Boards with mandatory Ministry of Education/KICD/KNEC/ Commission for University Education representation and a	No statutory guarantee of academic-sector input into curriculum and examination standards, and no institutional

	no standing Examinations Board.	prescribed revenue-share to the professional institute.	separation between the licensing Board and the examining body.
Elected practitioner representation	s.7(1) — chairperson and all 8 members appointed by the Cabinet Secretary; no member is elected by registered practitioners.	Architects Bill s.7(1)(a)-(b) and QS Bill s.7(1)(a),(d) provide for an elected chairperson/president and elected practitioner members.	No self-regulatory, practitioner-elected component in the Board; governance is wholly executive-appointed.
Consumer/public representative	s.7 — no seat reserved for a consumer or public-interest representative.	QS Bill s.7(1)(c) reserves a Council seat for a person appointed to represent consumers of quantity surveying services.	The public-protection object of the Act (s.5) is not matched by a public voice on the Board.
Gender / regional diversity quota	s.7 — silent on gender or regional/ethnic balance.	QS Bill s.7(3) mandates at least one-third gender balance and regional/ethnic diversity on Council; BEP Bill s.5/s.10(3)(b) applies the same principle to the Council and Boards for the Professions.	No enforceable link to Articles 27 and 232 of the Constitution in Board composition, unlike its sister bills.
Review stage before High Court appeal	s.53(4) — an aggrieved person appeals a Board disciplinary decision directly to the High Court.	QS Bill s.38 provides an internal review by the Council before any High Court appeal under s.39.	No lower-cost internal reconsideration step; every disciplinary appeal is forced straight to litigation.
Statutory timeline for disciplinary inquiry	Part VIII — no fixed period within which the Ethics and Disciplinary Committee must conclude an inquiry.	Architects Bill s.34(5) and QS Bill's equivalent set a 45-day statutory limit from the date the complaint is filed.	Open-ended disciplinary timelines risk prolonged uncertainty for both complainants and respondents.
Individual professional-	s.32 — practicing-licence conditions do not expressly require individual PI	Architects Bill s.30(3) makes professional indemnity cover a precondition for an individual's practicing certificate.	Sole practitioners licensed under AQSP may practice without a personal PI insurance

indemnity insurance	insurance; only firms are required to hold it (s.26(4)(e)).		precondition, weakening consumer protection.
Objects clause	Part I — the Bill moves from interpretation (s.2) straight to application (s.3) without a discrete statement of statutory objects.	QS Bill s.3 and BEP Bill s.3 each set out explicit statutory objects to guide interpretation and delegated rule-making.	Loses an interpretive anchor that sister bills use to guide regulations and judicial review of Board decisions.

2.1 Reading of the comparison

Two patterns stand out. First, every governance-independence safeguard in the sister bills, i.e., election of practitioner members, a consumer seat and diversity quotas, is absent from the AQSP Bill's Board (s.7), which is entirely government-appointed. Second, every intermediate due-process step, i.e., a distinct Examinations Board, an internal review before High Court appeal, a fixed inquiry timeline, has been compressed into a single Board acting in all roles (registrar, examiner, prosecutor and first-instance adjudicator) with no internal check before matters escalate to litigation.

2.2 Quoted Statutory References

The clause references relied on in the review are reproduced below verbatim, so they can be checked directly against the Bills. Each is grouped under the gap it illustrates.

2.2.1 Chief Executive Officer / Executive Director qualifications

> **AQSP Bill, 2026, s.11(1) —** *"There shall be a Chief Executive Officer of the Board who shall be competitively recruited and appointed by the Board and whose terms and conditions of service shall be determined by the Board upon the advice of the Salaries and Remuneration Commission."*
>
> **Architects Bill, 2026, s.9(3) —** *"A person is qualified to be appointed as an Executive Director under this section if that person—(a) is a registered architect; (b) has had at least ten years of proven experience in architectural practice; and (c) meets the requirements of Chapter Six of the Constitution."*
>
> **Quantity Surveyors Bill, 2026, s.8(2) —** *"A person shall not be appointed as an Executive Director under this section unless such person—(a) is a registered quantity surveyor; (b) has had at least ten years of*

> *proven experience as a quantity surveyor; and (c) meets the requirements of Chapter Six of the Constitution on leadership and integrity."*

2.2.2 Dedicated Examinations Board

> **AQSP Bill, 2026, s.25(1) —** *"The examinations referred to in sections 22 and 23 of this Act shall be conducted by the Board or its committee or by such other authority as the Board may, with the approval of the Cabinet Secretary, select."*
>
> **Architects Bill, 2026, s.17(3) —** *"The Examinations Board shall consist of—(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; (b) one person nominated by the Technical and Vocational Training Colleges that offer diploma courses for the architectural technician."*
>
> **Quantity Surveyors Bill, 2026, s.16(3) —** *"The Examinations Board shall consist of—(a) four persons who shall be registered quantity surveyors, nominated by the Council...; (b) two persons nominated by the Cabinet Secretary...one from the Kenya Institute of Curriculum Development and one from the Kenya National Examination Council; and (c) one person nominated by the Commission for University Education."*

2.2.3 Elected practitioner representation on the governing body

> **AQSP Bill, 2026, s.7(1)(a),(d) —** *"(a) a chairperson, who shall be appointed by the Cabinet Secretary by virtue of his or her knowledge and experience in architectural and quantity surveying practice... (d) eight members who shall be appointed by the Cabinet Secretary..."*
>
> **Architects Bill, 2026, s.7(1)(a)-(b) —** *"(a) a chairperson who shall be an architect with at least fifteen years of experience in architectural practice, elected by the members of the Institute in the manner prescribed by regulations; (b) six other members who shall be practicing architects elected by architects in the manner prescribed by regulations, two of whom shall possess at least fifteen years post qualification experience."*
>
> **Quantity Surveyors Bill, 2026, s.7(1)(a),(d) —** *"(a) a President who shall be a quantity surveyor with at least fifteen years' experience in practice of quantity surveying, elected by the members of the Institute...; (d) five other members who shall be practising quantity surveyors elected by quantity surveyors in the manner prescribed by regulations."*

2.2.4 Consumer / public representative

> **AQSP Bill, 2026, s.7(1) —** *"No paragraph reserves a seat for a consumer or public-interest nominee; the composition runs (a) chairperson, (b)-(c) two ex-officio Chief Officers, (d) eight Cabinet-Secretary appointees, (e) the chief executive officer."*
>
> **Quantity Surveyors Bill, 2026, s.7(1)(c) —** *"one member, who shall be appointed by the Cabinet Secretary for the time being responsible for matters relating to quantity surveying, representing consumers of quantity surveying services."*

2.2.5 Gender and regional/ethnic diversity quota

> **AQSP Bill, 2026, s.7 —** *"Silent — no gender-balance or diversity requirement appears anywhere in section 7."*
>
> **Quantity Surveyors Bill, 2026, s.7(3) —** *"At least one-third of the Council members shall be of either gender, and the Council shall reflect the regional and ethnic diversity of the people of Kenya."*
>
> **Built Environment Professions Bill, 2019, s.10(3)(b) —** *"represent the ethnic and regional diversity of Kenya."*

2.2.6 Review step before High Court appeal (disciplinary decisions)

> **AQSP Bill, 2026, s.53(4) —** *"A registered person or enrolled person who is aggrieved by the decision of the Board in the exercise of its powers under this section may, within sixty days from the date of the decision of the Board, appeal to the High Court."*
>
> **Quantity Surveyors Bill, 2026, s.38(1),(3) —** *"A person or firm aggrieved by a decision of the Council under section 31(5) may, within fifteen days of being notified of the decision, apply in writing to the Council for a review... The Council shall notify the applicant in writing of its decision on review within thirty days of receiving the application."*

2.2.7 Statutory timeline for concluding a disciplinary inquiry

> **AQSP Bill, 2026, Part VIII (ss.51-52) —** *"No provision in sections 51 or 52 fixes a period within which the Ethics and Disciplinary Committee must conclude an inquiry."*
>
> **Architects Bill, 2026, s.34(5) —** *"The Professional Conduct Committee shall, within forty-five days, hear and determine a matter referred for inquiry under section 31 from the date of filing a complaint."*

2.2.8 Individual professional-indemnity insurance as a licensing precondition

> **AQSP Bill, 2026, s.32(2) —** *"Every application under this section shall be accompanied by the prescribed fee... (3) The Board shall, within sixty days of receipt of the application, issue to the applicant a practising licence... upon being satisfied that the applicant—(a) is duly registered or enrolled under this Act... (c) has complied with such other conditions as the Board may prescribe."*
>
> **AQSP Bill, 2026, s.26(4)(e) [firms only] —** *"the firm maintains professional indemnity insurance and such other requirements as the Council may prescribe [this requirement appears for firm registration, not for the individual practising licence in s.32]."*
>
> **Architects Bill, 2026, s.30(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."*

2.2.9 Objects clause

> **AQSP Bill, 2026, Part I —** *"Part I moves directly from section 2 (Interpretation) to section 3 (Application) — no discrete 'Objects of the Act' clause."*
>
> **Quantity Surveyors Bill, 2026, s.3 —** *"The objects of this Act are to—(a) establish the Institute of Quantity Surveyors of Kenya; (b) regulate the practice of quantity surveying in Kenya; (c) protect the public by ensuring competent and ethical professional practice..."*

3. Problems Facing Graduate Practitioners

3.1 Digital practice and BIM — statutory recognition

Section 5(2)(v) empowers the Board to 'leverage the use of artificial intelligence,' and s.5(2)(t) allows registration of 'projects or contracts,' but no clause gives digital signatures, electronic certification, or BIM-based project records the same legal standing as signed paper documents for registration, submission, or disciplinary/inspection evidentiary purposes.

Precedent: *Kenya — the Business Laws (Amendment) Act, 2020 and the Kenya Information and Communications Act, 1998 already give electronic signatures and records legal effect in regulated dealings; internationally — Singapore's Building and Construction Authority requires BIM e-submission of building plans, and the United Kingdom mandated BIM Level 2 on centrally procured public projects from 2016.*

- **Recommendation:** add an enabling clause recognizing electronic signatures and BIM-based documentation as valid statutory records, aligned with ongoing industry BIM-standardization efforts

and comparable international practice (e.g. mandated BIM submissions in public procurement in other jurisdictions).

C1 — Insert new section 5(3) (Digital and BIM records)

"For the purposes of this Act, a document, drawing, model or record generated, signed, sealed or certified in electronic form, including through building information modelling software, shall have the same legal effect as its physical equivalent, if it meets such requirements for authentication and integrity as the Board may prescribe in regulations made under section 56."

3.2 Coordination with sustainability and building-code regimes

The Board's green-building advisory function (s.5(2)(u)) is not cross-referenced to the National Construction Authority Act, the Building Code, or NEMA/EMCA processes, risking conflicting technical requirements administered by different agencies for the same construction project.

Precedent: *Kenya — the National Construction Authority Act, 2011 and the Environmental Management and Co-ordination Act, 1999 create parallel technical and licensing regimes over the same projects; South Africa — the Council for the Built Environment Act, 2000 gives statutory form to coordination between built-environment councils.*

- **Recommendation:** insert an inter-agency coordination clause requiring alignment between the Board's sustainability guidance and existing building-code and environmental-licensing regimes.

C2 — Amend section 5(2)(u)

Delete paragraph (u) and substitute— "(u) advise on the emerging green designs and green building technologies, and strategies for the mitigation of the effects of climate change, in coordination with the National Construction Authority, the National Environment Management Authority, and the Cabinet Secretary responsible for the National Building Code, to ensure consistent technical requirements across agencies;"

3.3 Data protection in the public Register

Section 28 requires annual Gazette publication of registrants' names, addresses, qualifications and licence status, without reference to the Data Protection Act, 2019, which post-dates and would otherwise govern such personal-data processing.

Precedent: *Kenya — the Data Protection Act, 2019 (purpose limitation and data minimization); South Africa — the Protection of Personal Information Act, 2013; European Union — the General Data Protection Regulation, Article 5.*

- **Recommendation:** limit published particulars to what is necessary for public verification and require the Board to appoint a data protection officer, reconciling s.28 with the Data Protection Act.

C3 — Insert new section 28(7) (Data protection)

"(7) The publication of particulars under subsection (3) shall be limited to such particulars as are reasonably necessary to enable public verification of registration and licensing status, and the Board shall comply with the Data Protection Act, 2019 in the collection, storage and publication of such particulars, and shall designate a data protection officer for that purpose."

3.4 The missing legal status of the graduate practitioner

The Bill defines two statuses: 'registered person' (post-degree, post-experience, post-exam) and 'enrolled person' (diploma-holder technician). A graduate architect or quantity surveyor – degree in hand, serving the mandatory practical-experience period required by s.22(2)(d) – fits neither category. This is not a hypothetical: it is the single largest population AAK's Graduate Chapter represents, and the Bill is silent on their title rights, supervision obligations and standing before the Board.

Comparable precedent: Parliament has already legislated this device for a sister built-environment profession. The Engineers Act, 2011 establishes Graduate Engineer as a statutory registration category alongside Professional Engineer and Consulting Engineer; a graduate accrues at least three years of experience in that category and passes a Board examination before registering as a Professional Engineer, and only a Professional Engineer has the legal capacity to submit plans, drawings, designs, schemes and reports to authorities in Kenya. South Africa applies the same device within architecture itself: the Architectural Profession Act No. 44 of 2000 provides for the registration of candidates as well as professionals, with two years of candidacy and a professional practice examination preceding professional registration. On the AQSP Bill as drafted, architecture and quantity surveying would be the outlier — the only built-environment professions in which the pre-registration period carries no statutory identity at all.

Sources: *Engineers Act, 2011 (Kenya) and Engineers Board of Kenya registration guidance; Architectural Profession Act No. 44 of 2000 (South Africa) and SACAP registration requirements.*

- **Recommendation:** create a statutory 'Graduate Member' category, separate from 'enrolled/technician', with a protected interim designation (e.g. 'Graduate Architect (in training)'), defined supervision requirements, and explicit exclusion from independent signing authority, closing the gap between graduation and registration that currently exposes graduates and their employing firms to ambiguity under the title-protection offences in s.43.

G1 — New section 22A (Graduate registration), consequential on s.7 and Part IV

(1) A person who holds a degree qualification specified under section 22(2)(b) but has not completed the practical experience or examination requirements under section 22(2)(c) and (d) may apply to the Board for registration as a graduate member.

(2) A graduate member shall—

(a) undergo supervised practical training under a registered person for a period prescribed by the Board, being not less than twenty-four months;

(b) be entitled to use the interim designation "Graduate Architect", "Graduate Quantity Surveyor", "Graduate Landscape Architect", "Graduate Interior Designer" or "Graduate Construction Project Manager", as the case may be, and no other title;

(c) not sign, seal or certify any professional document in an individual capacity;

(d) maintain a logbook of supervised experience in the form prescribed by the Board.

(3) It is an offence under section 43 for any person to represent, or cause to be represented, a graduate member as a registered person.

3.5 Unpaid or underpaid mandatory practical training

Architecture's mandatory pre-registration training period has a long, well-documented history of unpaid or underpaid placements internationally. A 2012 RIBA survey found a significant share of student employees in architectural practice received no compensation at all for productive work, which prompted RIBA to introduce a mandatory minimum wage for students completing their practical experience record from 2011, and prompted the 2014 UIA Student Charter to call on architectural institutes worldwide to reject unpaid internships outright.

NCARB (the US registration body) has taken the position that firms have an ethical obligation to compensate every licensure candidate for their work regardless of experience level, and its Architectural Experience Program explicitly disqualifies unpaid placements from counting toward the experience hours needed for registration — a design choice that ties the wage question directly to the registration statute rather than leaving it to firm discretion.

Sources: *RIBA/UIA data via Architect Bulletin (2015); NCARB press statement (2021), "NCARB Reaffirms Opposition to Unpaid Architecture Internships"; Architect (2015), "Is Twitter the architectural intern's unofficial labor union?"*

Precedent: *Kenya — the Employment Act, 2007 and the Regulation of Wages (General) Order set enforceable wage floors that a Board rule cannot replicate; South Africa — the Skills Development Act, 1998 regulates learnership stipends by statute; United States — NCARB's Architectural Experience Program excludes unpaid placements from creditable experience.*

G2 — New section 22B (Remuneration during supervised training)

(1) A person or firm that engages a graduate member to undertake supervised practical training under section 22A shall pay that graduate member remuneration not lower than the minimum wage prescribed for the building and construction industry under the applicable Regulation of Wages order, or such higher minimum as the Board may, in consultation with the Cabinet Secretary responsible for labour, prescribe by regulations.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, without prejudice to any civil remedy available to the graduate member for unpaid remuneration.

(3) The Board shall not accredit a logbook of supervised experience under section 22A in respect of any period for which the firm or registered person has not remunerated the graduate member in accordance with subsection (1).

G3 — New section 22C (Working hours and uncompensated work)

(1) A graduate member shall not be required to work in excess of the hours prescribed under the Employment Act, 2007 without compensation.

3.6 Single-supervisor dependency and non-portability of logged experience

Because practical-experience hours are typically logged and certified only by the supervising firm or registered person, graduates who leave a firm — whether due to firm closure, mistreatment, or simply better opportunity elsewhere — routinely face disputes over whether previously logged hours will be recognised by a new supervisor or by the Board. This creates a structural incentive for graduates to tolerate poor conditions rather than risk losing accumulated time toward registration. Supervisors should be mandated by law to approve hours worked for by graduates under them.

Precedent: *United Kingdom — the Professional Experience and Development Record used for Part 3 candidacy is held and carried by the candidate, not the employer; United States — experience credited to a candidate's own NCARB Record follows the candidate on a change of firm; Kenya — registration as a Graduate Engineer under the Engineers Act, 2011 attaches to the individual rather than to the employing firm.*

G4 — New section 22D (Portability of supervised experience)

(1) Experience hours logged and verified under section 22A shall vest in the graduate member and shall not be forfeited, withheld or diminished by reason only of a change of supervising firm or registered person.

(2) A supervising firm or registered person shall, within fourteen days of a request by a graduate member who has ceased to be supervised by that firm or person, certify the graduate member's logged experience hours in the prescribed form.

(3) A person who, without reasonable cause, refuses or fails to certify experience hours under subsection (2) commits an offence and is liable to a fine not exceeding one hundred thousand shillings.

3.7 Membership pre-condition before examination

BORAQS's own 2026 requirements make prior good-standing membership of AAK or IQSK a precondition of even applying for the graduate professional examination — a cost incurred before the candidate has any guarantee of passing. The High Court has already struck down precisely this structure in a sister built-environment profession: in Muthumba v Land Surveyors Board & 3 others the requirement of full membership of the Institution of Surveyors of Kenya as a precondition to a land surveyor's practising licence was declared unconstitutional as compelled association under Article 36. A BORAQS requirement of AAK or IQSK membership before a candidate may even apply to sit the professional examination stands on the same footing, and the Bill should close it expressly rather than leave it to further litigation.

Precedent: *Kenya — Muthumba v Land Surveyors Board & 3 others (Petition No. E440 of 2023, High Court, judgment delivered 3 March 2026); Constitution of Kenya, Articles 36 and 27; United Kingdom — registration with the Architects Registration Board is independent of membership of the Royal Institute of British Architects; South Africa — the Architectural Profession Act No. 44 of 2000 distinguishes the statutory council from the voluntary associations, and registration turns on the former alone.*

- **Recommendation:** bar the Board from making membership of any voluntary professional association a condition of sitting a professional examination or of registration, and require examination fees to be prescribed by regulations and published, so that the cost of entry is set by public rule rather than by a third party's subscription schedule.

G5 — New section 22E (Membership of a voluntary association not a precondition)

(1) The Board shall not require, as a condition of eligibility to sit a professional examination under section 25 or to be registered under this Act, that an applicant be a member of, or in good standing with, any voluntary professional association.

(2) Nothing in subsection (1) prevents the Board from recognizing continuing professional development, mentorship or examination-preparation programmes offered by a voluntary association, or from consulting such an association.

(3) Every fee payable to the Board in respect of an examination or registration shall be prescribed by regulations made under section 60 and published in the Gazette.

3.8 Open-ended recognition of foreign qualifications

Graduates who qualify at universities outside Kenya cannot begin the registration path until their degree is accepted as equivalent, yet none of the four Bills reviewed fixes a period within which that determination must be made, prescribes a process for making it, or gives the applicant any standing while it is pending. A returning graduate may therefore be unable to commence supervised practical training — and so unable to start the twenty-four-month clock under section 22(2)(d) — for reasons wholly outside their control, and with no remedy if the assessing body simply does not decide. Comparable registration regimes address this by pairing equivalence assessment with a statutory decision deadline and a provisional status that allows training to begin in the interim, so that administrative delay does not itself become a barrier to registration.

Precedent: *Kenya — the Fair Administrative Action Act, 2015 imposes a duty to decide within a reasonable time and to give reasons, and the Engineers Board of Kenya already assesses foreign qualifications for sufficiency to practise under the Engineers Act, 2011; United Kingdom — the Architects Registration Board provides a prescribed examination route by which overseas-qualified applicants enter the register.*

G6 — New section 22G (Recognition of foreign qualifications for graduate registration)

(1) A Kenyan citizen who has obtained a degree qualification specified under section 22(2)(b) from a university outside Kenya may apply for registration as a graduate member under section 22A upon the Commission's confirmation of equivalence, which confirmation the Commission shall issue within ninety

days of application. (2) Failure by the Commission to confirm or decline equivalence within the period under subsection (1) shall entitle the applicant to provisional graduate member registration pending final confirmation.

4. Summary of Recommendations

The recommendations below consolidate Parts A and B. Each is framed at Bill/policy level, with the reason it must sit in the Act itself rather than in Board rules, regulations or institute policy — in every case because it creates a status, an offence, a right against a third party, a limit on a right, or a duty binding the Board or another public body, none of which a regulator can validly confer on itself.

Recommendation (Bill/policy level)	Why it belongs in the statute, not Board rules
Insert eligibility criteria for the Chief Executive Officer at s.11 — registered professional, ten years' experience, Chapter Six compliance.	Qualification thresholds for the Board's chief officer are a check on the appointing body. A Board that sets its own recruitment criteria can waive them; the sister bills place them in the Act (Architects Bill s.9(3); QS Bill s.8(2)). Precedent: Chapter Six of the Constitution and the Leadership and Integrity Act, 2012 already condition public appointments on integrity criteria set by statute rather than by the appointing body.
Establish a standing Examinations Board with mandated academic-sector representation, in place of s.25's open delegation to 'such other authority'.	Institutional separation between the examining and licensing functions cannot be created by the very body it is meant to constrain. Only the Act can guarantee that curriculum and examination standards receive external academic input. Precedent: the Council of Legal Education Act, 2012 separates the body that examines from the body that admits; the Engineers Act, 2011 likewise vests examination in the Board itself rather than an unnamed delegate.
Constitute the Registration Committee as a distinct organ with prescribed membership, as in Architects Bill s.19(2) and QS Bill s.19(2).	Allocation of decision-making power between organs of a statutory body is a matter of statutory design. Internal delegation is revocable at the Board's discretion and offers the applicant no fixed forum. Precedent: the Engineers Act, 2011 and the Architectural Profession

Recommendation (Bill/policy level)	Why it belongs in the statute, not Board rules
	Act No. 44 of 2000 (South Africa) both constitute registration organs in the statute, with prescribed membership.
Provide for practitioner-elected members, and an elected chairperson or president, in the composition of the Board at s.7.	The composition of a statutory body can only be changed by amending the establishing section. No Board rule can add elected seats to the Board that made the rule. Precedent: under the Engineers Act, 2011 the chairperson of the Institution of Engineers of Kenya sits on the Board ex officio; in South Africa the Landscape Architectural Profession Act No. 45 of 2000 fixes a council of six registered professionals, two state members and two members of the public.
Reserve a seat for a consumer or public-interest representative at s.7.	Same constraint: the Board cannot appoint members to itself. The public-protection object in s.5 needs a corresponding voice fixed in the composition clause. Precedent: the Landscape Architectural Profession Act No. 45 of 2000 (South Africa) reserves two council seats for members of the public, and the UK Architects Act 1997 provides for lay members on the Architects Registration Board.
Require at least one-third gender balance and regional/ethnic diversity in Board composition at s.7.	Articles 27 and 232 bind the appointing authority — the Cabinet Secretary — not the appointed Board. Only the Act can direct how the appointment power is exercised, as the QS Bill s.7(3) and BEP Bill s.10(3)(b) do. Precedent: Articles 27(8) and 232(1)(i) of the Constitution and the National Gender and Equality Commission Act, 2011 bind appointing authorities directly.
Insert an internal review tier before the s.53(4) right of appeal to the High Court, on the QS Bill s.38 model.	Creating a review stage, and the time limits attaching to it, conditions a party's route to court. A Board-made procedure cannot lawfully stand between a person and the High Court unless the Act provides for it. Precedent: the Fair Administrative Action Act, 2015 contemplates exhaustion of internal remedies before recourse to

Recommendation (Bill/policy level)	Why it belongs in the statute, not Board rules
	court, and the Tax Appeals Tribunal Act, 2013 shows the tiered model in statute.
Fix a statutory period — 45 days on the Architects Bill s.34(5) model — for concluding a disciplinary inquiry under Part VIII.	A limitation period protecting both complainant and respondent must bind the adjudicator. A deadline the Ethics and Disciplinary Committee sets for itself is unenforceable against it. Precedent: Article 47 of the Constitution and the Fair Administrative Action Act, 2015 require expeditious action; the Architects Bill, 2026 s.34(5) fixes the period expressly.
Make individual professional-indemnity cover a precondition to the practicing license under s.32, mirroring the firm requirement at s.26(4)(e).	A precondition to holding a license restricts the right to practice and creates a consumer-facing guarantee. The Act already imposes it on firms; parity for sole practitioners is a drafting change, not a rule change. Precedent: Standard 8 of the UK Architects Code requires adequate and appropriate insurance as a condition of registration, and this Bill already imposes cover on firms at s.26(4)(e).
Insert a discrete objects clause in Part I, as in QS Bill s.3 and BEP Bill s.3.	An objects clause is the interpretive anchor against which delegated rules and Board decisions are tested. It cannot be supplied by the instruments it exists to constrain. Precedent: the Architectural Profession Act No. 44 of 2000 (South Africa) opens with an objects clause, and the Statutory Instruments Act, 2013 makes such a clause the reference point for testing delegated rules.
Create a statutory Graduate Member category (new s.22A) with a protected interim designation, defined supervision, no individual signing authority and a prescribed logbook.	This creates a new legal status and engages the title-protection offences in s.43. Statuses and offences are creatures of statute; a Board circular cannot make a designation protected or its misuse punishable. **Precedent:** the Engineers Act, 2011 created a statutory Graduate Engineer category for the same purpose, and South Africa's

Recommendation (Bill/policy level)	Why it belongs in the statute, not Board rules
	Architectural Profession Act No. 44 of 2000 registers candidates alongside professionals.
Set a floor for remuneration during supervised practical training (new s.22B), with an offence for contravention and non-accreditation of unpaid periods.	It creates a criminal offence and a civil entitlement against a private employer. The Board has no power to legislate wages or penalties, and cannot bind non-registrant employers.
Vest logged experience hours in the graduate and require certification on exit within fourteen days (new s.22D).	It confers a right on the graduate exercisable against a third-party firm, backed by a penalty. Rights against third parties and their enforcement require statutory footing.
Bar the Board from making membership of any voluntary professional association a precondition to sitting a professional examination or to registration, and require examination and registration fees to be prescribed by regulations and gazetted (new s.22E).	Freedom of association under Article 36 of the Constitution may only be qualified by law, and a subscription schedule set by a third-party institute is not a public rule. Precedent: in Muthumba v Land Surveyors Board & 3 others (Petition No. E440 of 2023, judgment 3 March 2026) the High Court struck down mandatory Institution of Surveyors of Kenya membership as a licensing precondition, holding it compelled association under Article 36; registration with the UK Architects Registration Board is independent of RIBA membership, and the Architectural Profession Act No. 44 of 2000 (South Africa) separates the statutory council from the voluntary associations.
Guarantee working-hours protection and bar uncompensated competition, tender or design work (new s.22C).	Enforceable labour protection cross-referencing the Employment Act, 2007 must sit in the Act; the Board cannot create employment obligations for firms by rule.
Impose a ninety-day deadline for confirming equivalence of foreign qualifications, with provisional registration on default (new s.22G).	The duty falls on a body outside the Board, and the remedy is a deemed entitlement on non-decision. Neither can be created by the Board's own rules.

Recommendation (Bill/policy level)	Why it belongs in the statute, not Board rules
Require supervisory review of, and professional responsibility for, graduate-prepared work before submission (new s.43A).	It allocates professional liability between graduate, supervisor and firm, and connects to the offence and disciplinary provisions. Liability allocation is statutory, not procedural.
Recognize electronic signatures, seals and BIM-based documentation as valid for statutory purposes (new s.5(3)).	The legal validity of signing, sealing and certifying is defined by the Act. A Board rule cannot make an electronic seal effective where the statute contemplates a physical one.
Amend s.5(2)(u) to require coordination with the National Construction Authority and other agencies on sustainability and building-code matters.	Cross-mandate coordination binds other public bodies. One regulator cannot, by rule, oblige another to align with its guidance.
Limit Gazette publication of Register particulars under s.28 to what is necessary for public verification, and require a data-protection officer (new s.28(7)).	The Act itself mandates the publication, so only the Act can qualify it. Compliance with the Data Protection Act, 2019 cannot be achieved by a rule that contradicts a statutory duty.

5. Conclusion

Measured against the Architects Bill, 2026, the Quantity Surveyors Bill, 2026 and the Built Environment Professions Bill, 2019, the AQSP Bill achieves useful consolidation — a single Board, a single Register, and a scope broadened to landscape architecture, interior design and construction project management — but does so at the cost of safeguards those sister instruments already treat as the floor for built-environment regulation: elected practitioner representation, a consumer voice, diversity quotas, an internal review tier before High Court appeal, individual professional-indemnity cover, a fixed disciplinary timeline, and any defined status for the graduate awaiting registration. Part A sets out those gaps clause by clause against the quoted statutory text; Part B addresses what falls specifically on graduate architects and quantity surveyors — unpaid or underpaid mandatory training, non-portable experience hours, cost and demographic barriers to examination, no continuity of training across statutory leave, open-ended recognition of foreign qualifications, uneven access to registered supervisors, and the unrecognized realities of digital practice and Register data protection — and proposes drafted amendment text for each. None of

these can be cured by AAK policy, Board circular or Chapter by-law once the Bill is enacted: each requires a change to the Bill's own words.

LICENTIATE AND TECHNICIAN FOCUS: REVIEW OF THE ARCHITECTS & QUANTITY SURVEYORS PRACTITIONERS BILL, 2026

We are in receipt of the Architects & Quantity Surveyors Practitioners Bill 2026 circulated to the different Associations and Professionals in the Built Environment, and received by the National Assembly on 27th July, 2026.

We have reviewed the proposed Bill and submit our observations as follows: -

Part 1- Preliminary

While the proposed Bill applies to practitioners, it also acknowledges presence of emerging professions and Technicians. "Clause 3. This Act applies to practitioners in the following professions and the respective technicians-

- Architecture;
- Quantity Surveying;
- Landscape Architecture;
- Interior design; and
- Construction Project Management.

This gives hope to the end of a thirty-year-old conversation; one that awards dignity and respect to students graduating from TVET institutions; one that provides a bigger footprint for monitoring zoning regulations and building code and one that gives confidence to the society at large that service is rendered by credible persons.

In his speech, the Permanent Secretary for Public Works, Hon. Joel Arumonyang during the meeting held on 25th August, 2026 informed members present of the Government's efforts to regulate professionals in the Built Environment referring to the Competency Based Curriculum; an education system focused on practical skills, real world application, and continuous assessment. The curriculum also acknowledges Recognition of Prior Learning (RPL) as a formal process that evaluates and certifies skills and competencies gained through work experience, informal training, or life experiences.

Part 2- The Architectural and Quantity Surveying Practitioners Board

Clause 5- "*The object and purpose for which the Board is established is to exercise supervision and control over the training, registration and practice of architecture, quantity surveying, landscape architecture, interior design and construction project management and to advise the Government in relation to all aspects thereof.*"

This aligns with your mandate which includes the following: -

- Regulate the professions of Architecture and Quantity Surveying.
- Registration of Architects, Quantity Surveyors and Firms of both disciplines.
- Make by-laws.
- Defines professional conduct.
- Prescribe the procedures of those applying for registration.
- Conduct professional examinations for Architects and Quantity Surveyors.

We also note that as prescribed under clause 7, the Board shall consist of a Chairperson, Chief Architect from the Ministry of Public Works, Chief Quantity Surveyor from the Ministry of Public Works, and eight members among them two Architects, two Quantity Surveyors, one Landscape Architect, one Interior Designer, one Construction Project Manager and one Technician, all appointed by the Cabinet Secretary.

In reference to the Stakeholder engagement meeting held on 25th August 2026 and as agreed during the meeting, the Board shall observe Mwongozo code of Governance introduced by Government of Kenya in 2015 via Executive Order No. 7. The referred code allows for a maximum of nine members to constitute a Board to which we propose distribution be done as follows: -

- One Architect- President of a recognized Association.
- One Quantity Surveyor- President of a recognized Association.
- One Interior Designer- President of a recognized Association.
- One Landscape Architect- President of a recognized Association.
- One Construction Manager- President of a recognized Association.
- One Technician- Architect's Chapter.
- Chairperson- Appointed by the Cabinet Secretary.
- Chief Architect- State Department of Public Works.
- Chief Quantity Surveyor- State Department of Public Works.

The above proposed arrangement creates a ratio of 75%:25% private to government appointments which also allows autonomy of management and monitoring of practice in the different disciplines.

Part 3- Registration and Enrolment

We acknowledge and welcome the government's efforts to regulate all professions in the Built Environment. Reference is also made to a proposal prepared by Board of Registration of Architects and Quantity Surveyors to categorize Diploma holders based on their work experience as follows: -

- Beginner- Refers to new graduate Diploma holders.

- Intermediate- Diploma graduates with a minimum of three years of working experience.
- Final Stage- Diploma graduates with a minimum of six years of working experience.

The proposal to achieve registration as an Architect is to have three-year bands in which a person will be required to apply for an upgrade from one level to the next. The Regulator can review the application documents, interview the applicant and finally examine.

Conclusion

The spirit of the proposed Bill seeks to regulate emerging professions which in our opinion is a commendable government initiative; a win for the Built Environment industry. The inclusion of these professions further creates a platform for further discussion on scope and fees to be charged per profession.

"The first step towards getting somewhere is to decide you're not going to stay where you are."- J.P. Morgan.

Report Compiled By:
Licentiate & Technician Representative- Kevin Kariuki Gachira; Member No. 5565
Licentiate & Technician Representative- Luke Kiplagat Komen; Member No. 5663

AAK/LAAK/ADV/Y2026/19 31st August 2026

The Clerk,
National Assembly of Kenya
Parliament Buildings
P.O. Box 41842–00100 Nairobi,
Kenya

Thro:

President
Architectural Association of Kenya

Chief Executive Officer
Architectural Association of Kenya

Dear Sir,

RE: MEMORANDUM ON THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL 2026

The Landscape Architects Chapter of the Architectural Association of Kenya (AAK) wishes to express its support for the Architectural and Quantity Surveying Practitioners Bill, 2026, particularly its objective of strengthening professional regulation, accountability, standards and protection of the public within the built environment.

Our support is subject to amendments that will ensure that Landscape Architecture is expressly recognised and regulated as an independent professional discipline, with its own competencies, standards, registration requirements, professional examinations and scope of practice. (See enclosed matrix)

The Landscape Architects Chapter has been an active participant in the initial drive towards the formal regulation of Landscape Architecture in Kenya. We consider statutory regulation an important step in protecting the public, strengthening professional accountability and ensuring that landscape architectural services are delivered by appropriately qualified and competent professionals.

1. RECOGNITION OF LANDSCAPE ARCHITECTURE AS AN INDEPENDENT PROFESSION

Landscape Architecture is an established built environment profession with a distinct body of professional knowledge and practice. Its scope extends beyond aesthetics to include site planning, public realm design, landscape construction, ecological restoration, green infrastructure, biodiversity conservation, stormwater management, climate adaptation, environmental rehabilitation and sustainable development.

The regulatory framework should therefore avoid treating Landscape Architecture as an extension or subsidiary component of Architecture.

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We recommend that the Bill expressly recognise Landscape Architecture as an independent profession and provide distinct competency, registration, examination and licensing requirements for Landscape Architects and Landscape Architectural Technicians.

This approach is consistent with international practice. Landscape Architecture is independently regulated in countries including South Africa, Australia and the United States of America, where professional registration, competency assessment and continuing professional development are recognised as essential elements of professional practice.

2. PROTECTION OF THE PUBLIC AND PROFESSIONAL STANDARDS

The fundamental purpose of regulating Landscape Architecture should be **the protection of the public interest**.

Landscape architectural decisions can directly influence public safety, accessibility, environmental quality, water management, climate resilience, biodiversity and the long-term performance of public and private developments. Regulation therefore provides a mechanism for ensuring that persons undertaking such professional responsibilities possess appropriate education, experience, ethical standards and professional competence.

The Chapter is committed to maintaining high professional standards through professional examinations and Continuing Professional Development (CPD).

In particular, the Chapter has established a professional examination process for its Corporate Members as part of the upgrading process. We recommend that appropriate existing professional examinations and demonstrated professional experience be recognised within the transitional framework of the new legislation, subject to verification and the requirements of the future regulator Board.

3. PROFESSIONAL CHAPTER AND BOARD REPRESENTATION

We recommend that the Bill require the establishment of professional Chapters for each regulated discipline.

The provision should use **"shall establish"** rather than **"may constitute"**, ensuring that each profession has a permanent mechanism through which specialist technical and professional matters can be addressed.

For Landscape Architecture, the Chapter should provide appropriate representation from the profession, academia, the relevant State Department and Landscape Architectural Technicians.

We further recommend that the **Chief Landscape Architect** of the Ministry or State Department responsible for Public Works be expressly included as an ex-officio member of the Board alongside the Chief Architect and Chief Quantity Surveyor.

This will provide the Board with balanced technical representation and ensure that decisions affecting Landscape Architecture are informed by appropriate professional expertise.

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4. SCOPE OF PRACTICE AND REGULATORY PROVISIONS

Landscape Architecture should be expressly included in provisions dealing with:

a) registration of firms and corporate bodies;
b) licensing and professional practice;
c) protection of professional titles;
d) offences and unlicensed practice;
e) inspection of professional works and documents;
f) submission and approval of professional documents;
g) ethics and disciplinary proceedings; and
h) transitional arrangements.

Registered Landscape Architects should have a clear statutory right to prepare, sign and submit landscape architectural documents within their professional scope, including landscape masterplans, landscape development plans, grading plans, planting plans, details, specifications and related professional documentation.

5. CLIMATE ACTION, GREEN INFRASTRUCTURE AND NATURE-BASED SOLUTIONS

We recommend that the Bill's climate action provisions expressly recognise *green infrastructure, nature-based solutions, ecological restoration, biodiversity enhancement, sustainable drainage and water-sensitive design.* These are core areas of contemporary Landscape Architecture and are increasingly important to Kenya's response to climate change, flooding, urban heat, biodiversity loss and environmental degradation.

Landscape Architects are uniquely positioned to integrate natural systems with buildings, infrastructure and public spaces and should therefore be appropriately recognised within the national regulatory framework.

6. TRANSITIONAL ARRANGEMENTS

The transition to statutory regulation should protect the continuity of legitimate existing practice and avoid unnecessary disruption to practitioners, firms and ongoing projects.

We recommend recognition of existing professional experience, professional membership, Corporate examinations undertaken through the Landscape Architects Chapter of AAK, existing practices and ongoing commissions, subject to appropriate verification and transitional requirements.

This will ensure that regulation raises professional standards without creating unjustified uncertainty or disadvantage for practitioners who have already demonstrated competence through established professional processes.

7. OUR COMMITMENT

The Landscape Architects Chapter remains committed to working with Parliament, relevant State Departments, academia and other built environment professions to establish a robust and credible regulatory framework.

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Our intention is to build on existing professional systems and create a regulatory environment that promotes: professional competence, ethical practice, continuous learning, accountability and protection of the public interest.

We believe that Kenya can draw valuable lessons from the regulatory experience of South Africa, Australia and the United States of America, while developing a framework suited to Kenya's own environmental and developmental context.

8. CONCLUSION

The Landscape Architects Chapter therefore respectfully requests that the National Assembly retain the objectives of the proposed Bill while incorporating the necessary amendments to ensure that Landscape Architecture is clearly, independently and comprehensively regulated.

We reiterate our support for the legislative initiative and confirm our readiness to continue participating in the process leading to the enactment of a sound regulatory framework for Landscape Architecture in Kenya.

We respectfully submit this memorandum for consideration by the National Assembly and the relevant Committee.

Respectfully submitted,

L/Arch. Anthony Kimondo
Chairperson, Landscape Architects Chapter of the AAK

Encls.

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S/No.	Clause/Section of the Bill	Comment	Rationale
1)	**Title of the Bill**	The title should be amended to reflect all professions covered by the legislation (e.g., "The Built Environment Professionals Practitioners Bill" or "Built Environment Professionals Practitioners Board").	The current title implies that landscape architecture, interior design, and Construction project management are subsidiary rather than independently regulated professions.
2)	**Clause 5 & 56 (Functions & Scope / Climate Action)**	Expand provisions regarding green design to expressly include green infrastructure, nature-based solutions, and ecological restoration.	Landscape architecture plays a specific, critical role in climate resilience, biodiversity, and stormwater management that extends beyond traditional green building technologies.
3)	**Clause 5(2)(l) (Competitions)**	The regulation of professional competitions should be expanded to include landscape architecture.	Landscape architecture competitions are essential for public projects like parks, urban regeneration, and green infrastructure.
4)	**Clause 7 (Board Composition & Eligibility)**	Include the Chief Landscape Architect amongst the ex-officio members *(a) the Chief Architect, the Chief Quantity Surveyor, and the Chief Landscape Architect of the Ministry for the time being responsible for public works, who shall be ex-officio members;* Ensure equitable Board representation for landscape architecture (e.g., via a Standing Committee) and provide transitional appointment mechanisms. Recognition of corporate members who have successfully completed professional exams conducted by the	Technical matters require specialist competence, and inaugural members from newly regulated professions may not yet possess the proposed practicing certificates.

		Landscape Architects Chapter of the Architectural Association of Kenya	
5)	**Clauses 20–25 (Registration, Education & Enrolment)**	Establish distinct competency standards, examination requirements, and defined scopes for landscape architects and their technicians.	Landscape architecture is an independent discipline; its practitioners should not be evaluated using architectural standards.
6)	**Clause 24 (Creation of Chapters)**	Amend the text from "The Board may constitute" to "The Board shall establish" chapters. Expand this section to indicate membership of the chapters and nomination of members to the chapter e.g *Chapter council may consist of Five members including the chair who will be elected in the first meeting of the council;* *a) One member from academia nominated from a University offering Degree in Landscape Architecture* *b) Two Landscape Architects nominated from voluntary associations.* *c) One Landscape Architect nominated by the State Department in Charge of Landscape Architecture* *d) One Landscape technician nominated from voluntary associations.*	A permanent, mandatory structure ensures each regulated profession has an effective mechanism for addressing specialist technical matters.
7)	**Clause 26, 44 & 45 (Corporate Practice & Employment)**	Expressly include landscape architecture in provisions regulating the registration of firms, corporate bodies, and the employment of unregistered persons.	Closes regulatory loopholes that could allow unregistered entities to offer landscape architectural services without oversight or appropriate registered directors.
8)	**Clause 31 & 47 (Licensing & Offences)**	Explicitly include landscape architecture in the definitions of professional practice and the offence of practicing without a valid licence.	Ensures landscape architects have the same statutory right and obligation to practice under a licence as the other regulated professionals.

9)	**Clause 38 & 39 (Inspections & Officer Powers)**	Include landscape architectural works and documents in the provisions granting authorized officers inspection and examination powers.	Removes ambiguity regarding the Board's legal authority to inspect landscape construction works and related site documents.
10)	**Clause 43 (Protection of Titles)**	Extend the protection of the "Landscape Architect" title to explicitly cover professional practice.	Prevents unregistered individuals from legally holding themselves out as qualified to provide professional landscape architectural services.
11)	**Clause 46 (Submission of Documents)**	Explicitly state that registered landscape architects have the right to prepare, sign, and submit landscape architectural documents.	Provides legal clarity for clients and approving authorities that landscape architects can submit their own masterplans and grading plans.
12)	**Clauses 51–54 (Ethics & Discipline)**	Provide for appropriate landscape architecture representation in ethics and disciplinary structures.	Ensures that professional conduct and negligence are assessed against competencies and standards relevant to landscape architecture.
13)	**Clauses 57–59 (Repeals & Transitional)**	Include specific provisions to protect the continuity of existing landscape architecture practice, firms, and ongoing projects. Acknowledge Corporate Exams conducted by the Landscape Architects Chapter at the Architectural Association of Kenya	Prevents existing practitioners from facing professional disadvantages or legal uncertainty during the transition to the new regulatory framework.
14)	**Memorandum of objects and reasons**	The fundamental purpose of regulating landscape architecture is to safeguard the public this needs to be captured as such** and not simplified as an appendage of Architecture	Licensure mitigates these risks by ensuring practitioners are formally trained and tested to handle complex design elements.

The fundamental purpose of regulating landscape architecture is to safeguard the public, as the profession involves highly technical knowledge directly affecting the built and natural environments Landscape architects are responsible for decisions that impact vital infrastructure, public rights-of-way, and complex site development Without enforceable competency standards, the public is exposed to unacceptable levels of risk. Incompetent landscape architectural practice has a documented history of causing irreparable harm, including permanent disability and death (Josh Sundloff; 2017).

Licensure mitigates these risks by ensuring practitioners are formally trained and tested to handle complex design elements.

- **Physical Safety:** Competent design prevents fatal or disabling injuries related to outdoor lighting, playground equipment, retaining walls, and blind spots in roadway intersections
- **Property Protection:** Proper licensure ensures practitioners can safely manage site grading, stormwater drainage, and erosion control, preventing catastrophic flooding and structural property damage
- **Failure of Alternatives:** Relying solely on civil litigation or consumer protection laws after a tragedy occurs is inadequate, as it cannot reverse fatal or irreparable physical harm.

Consumer Protection and Economic Viability

The technical complexity of landscape architecture makes it nearly impossible for the average consumer to accurately assess a practitioner's competence without a state-issued license.

- **Objective Standards:** Licensure provides a reliable credential that public agencies and private developers can depend on when investing heavily in infrastructure.
- **Financial Security:** Incompetent practice frequently results in costly bidding errors, construction delays, regulatory fines (such as wetland violations), and immense long-term maintenance costs.

Landscape architecture is a distinct design profession occupying a highly technical space that frequently overlaps with architecture and civil engineering. Regulating landscape architects ensures that all design professionals working on site planning, grading, and public spaces are held to the same rigorous, enforceable standards. Leaving landscape architecture unlicensed creates a dangerous regulatory loophole that allows unqualified individuals to design critical outdoor environments

CONSTRUCTION PROJECT MANAGERS CHAPTER – KEY CONCERNS ON THE AQSP BILL, 2026

1. EXECUTIVE SUMMARY & DUAL-TRACK ADVOCACY

The Architectural Association of Kenya – Construction Project Management Chapter (the "AAK CPM Chapter") welcomes the opportunity to submit its views on the Architectural and Quantity Surveying Practitioners Bill, 2026 (the "Bill"). The AAK CPM Chapter strongly supports the regulation of the built environment and, in particular, the formal recognition, professionalization, and regulation of Construction Management and Construction Project Management in Kenya. However, we respectfully submit that the Bill, in its present form, is structurally unsuitable and technically flawed.

To protect the integrity of the built environment and the stability of Kenya's multi-billion-shilling construction industry, the AAK CPM Chapter adopts a robust, two-pronged legislative strategy:

The AAK CPM Chapter's Dual-Track Position

> *Track 1 (Primary Position - Institutional Reform): We respectfully urge the National Assembly to withdraw the Bill in its present form and facilitate the development of a comprehensive, modern, and profession-sensitive regulatory architecture. This architecture should establish independent, discipline-specific boards overseen by a unified Built Environment Council to enable coordination without subordination.*
> *Track 2 (Alternative Position - Substantive Amendments): In the event that Parliament decides to proceed with the Bill, it is absolutely vital that critical, line-by-line amendments are adopted. These amendments must eliminate impossible qualification barriers, establish transitional grandfathering provisions for active practitioners, prevent immediate criminalization, ensure balanced representation on the governing Board, and resolve key corporate loopholes and drafting errors.*

2. PRIMARY POSITION: STRUCTURAL ADVOCACY FOR BUILT ENVIRONMENT COEXISTENCE

2.1 The Myth of the Single-Board Architecture

The proposed Bill attempts to consolidate five distinct professions—architecture, quantity surveying, landscape architecture, interior design, and construction project management— under a single regulatory Board historically designed around architecture and quantity surveying. Placing distinct disciplines with separate educational foundations, professional competencies, and scopes of practice under a single board is institutionally unsound and fails to respect their unique professional identities.

2.2 Professional Differentiation and the Modern CPM Role

Construction Management and Construction Project Management are not offshoots, branches, or subordinate specializations of architecture or quantity surveying; they are distinct professional disciplines. Construction Management centers on the physical execution and delivery of the construction process. Construction Project Management encompasses the strategic planning, coordination, administration, and overall integration of projects from inception through close-out.

The CPM operates in a multi-disciplinary environment and acts as the lead coordinator of all consultants, contractors, and authorities. Because the professional risk and liability profiles of CPMs are fundamentally distinct from traditional design and cost-estimation services, they cannot be adequately regulated by a Board dominated by architects and quantity surveyors.

2.3 The Principles of Profession-Led Self-Regulation

A core tenet of modern professional governance is profession-led self-regulation. Practitioners of a specific discipline must have primary responsibility for standard-setting, examination, and peer discipline. Under the current single-board design, government and traditional disciplines exercise dominant regulatory power over emerging or independently developed fields. The state's role should be that of a policy-maker, overseer, and referee, while technical peer review must remain in the hands of qualified professionals who practice and understand the specific discipline.

2.4 The Built Environment Council Model

We do not advocate for the fragmentation of the built environment, but rather for coordination without regulatory subordination. Modern international practice, most notably in South Africa, has successfully resolved this by establishing independent, profession-specific regulatory boards (for Architecture, Quantity Surveying, CPM, Engineering, Planning, Landscape Architecture, and Interior Design) coordinated under an overarching Built Environment Council. This council harmonizes cross-professional standards, coordinates national built environment policy, and manages inter-professional disputes while preserving the autonomy of each discipline. We urge Parliament to adopt this forward-looking architecture.

3. ALTERNATIVE POSITION: STATEMENT OF DETAILED REGULATORY CONCERNS

If the National Assembly proceeds with the current legislative instrument, it must resolve several critical deficiencies in the Bill's text that pose immediate operational threats to active professionals and the wider construction market:

3.1 Redundant Academic Barriers (Clause 22(3)): To register as a Construction Project Manager under the current draft, a candidate must hold a degree in architecture, quantity surveying, landscape architecture, engineering, interior design, or CPM, AND a postgraduate diploma or degree in CPM. This double-degree requirement is highly redundant and creates a discriminatory academic barrier. An individual holding a dedicated, four-year Bachelor of Science (B.Sc.) degree in Construction Project Management from a recognized Kenyan university would be legally barred from registering and practicing unless they obtain a second, post-graduate degree in the exact same discipline.

3.2 Omission of Transitional Grandfathering (Clause 58(2)): Clause 58(2)(c)(iv) only automatic-transitions (deems registered) those professionals registered as architects or quantity surveyors under the repealed colonial-era Cap. 525. Since CPMs, landscape architects, and interior designers were never regulated under the old Act, the Bill contains absolutely no savings or transitional grandfathering pathway for currently active practitioners. On the day this Act commences, every active, practicing CPM in Kenya will instantly become an unregistered practitioner.

3.3 Immediate Criminal Liabilities and Market Disruption (Clauses 31 & 47): In tandem with the transition gap, Clauses 31(4) and 47 impose severe, immediate criminal penalties. Practicing without a license is punishable by a fine of up to three million shillings or imprisonment of not less than two years (or both), and charging a fee without registration carries a fine of up to two million shillings or three years' imprisonment. Without an explicit statutory grace period or transitional register, active CPMs running multi-billion shilling projects will instantly face prosecution simply for continuing their active contracts and invoicing clients on day one of enactment.

3.4 Severe Under-Representation on the Governing Board (Clause 7(1)): Under Clause 7(1), the Board is structured to consist of eleven members, heavily dominated by the Ministry's Chief Architect, Chief Quantity Surveyor, two appointed architects, and two appointed quantity surveyors. Despite representing a vast, high-capital sector of the modern construction industry, CPMs are allocated only one seat. This extreme imbalance denies CPMs any democratic voice in their own regulation, allowing traditional design and cost-estimation professionals to dictate CPM examinations, standard-setting, and peer discipline.

3.5 Erroneous Taxonomy and Subordination of the CPM Profession (Memorandum of Objects): The Memorandum of Objects and Reasons erroneously asserts that 'construction project management is an offshoot of quantity surveying' and that they are 'clustered as one department'. This taxonomy is highly inaccurate and contested. Modern Construction Project Management is a distinct, multi-disciplinary science

involving civil engineering, contract administration, scheduling, risk management, and overall project integration. Subordinating CPM to quantity surveying disregards global best practices and undermines the independent status of CPM as a distinct professional discipline.

3.6 Exclusion from Document Submission and Sign-Off Rights (Clause 46): Clause 46(1) limits a registered practitioner's right to submit project documents to municipal or public authorities 'only in relation to the discipline of architectural or quantity surveying' in which they are qualified. This effectively denies CPMs, landscape architects, and interior designers the legal authority to submit specialized professional plans, drawings, or project execution files under their own stamp and professional names, legally subordinating their work to traditional architects and quantity surveyors.

3.7 Gaps in Corporate Business Governance (Clause 44(1)): Clause 44(1) prohibits corporate bodies from carrying on the business of 'architectural or quantity surveying' unless a partner or director is registered under the Act. This clause completely fails to include CPM, landscape architecture, and interior design corporations. This oversight creates a corporate regulatory loophole where large entities can offer CPM services commercially without any registered directors, while individual sole-proprietor CPMs face immediate criminal prosecution for practicing without a license.

3.8 Inconsistencies and Omissions across Key Enforcement Clauses: The Bill suffers from clear editorial oversights. In the Schedule, Paragraph 5 is entirely missing, causing the text to skip from Paragraph 4 straight to Paragraph 6. Additionally, 'landscape architecture' is erratically omitted from critical provisions, including Clause 20(2) (inspections of university courses), Clause 31(2)(a) (defining practice), Clause 38(1) (site inspection entries), Clause 45(1) (prohibition of employing unregistered persons), and Clause 56(2) (regulation-making powers). This inconsistent drafting demonstrates a lack of rigorous, holistic integration of the new professions.

4. THE PROPOSERS' AMENDMENT MATRIX

To resolve the technical, operational, and constitutional issues detailed above, the AAK CPM Chapter submits the following line-by-line proposed amendments to the text of the Bill. These suggestions are formulated in statutory drafting language ready for direct incorporation by the Departmental Committee:

Clause & Current Text	Key Concern / Gaps	Proposed Legislative Redraft
Clause 22(3) Mandates that a candidate must hold a CPM or engineering degree AND a post-	Creates a redundant, high academic barrier that forces specialized undergraduate CPM degree holders to obtain a second degree to practice.	Amend Clause 22(3)(d) to read: "(d) holds a degree in construction project management, OR holds a degree in architecture, quantity surveying, landscape architecture,

graduate diploma or degree in CPM to register.		engineering, or interior design, WITH a post-graduate diploma or degree in construction project management..."
Clause 58(2) Only transitions/grandfather-in registered practitioners under Cap. 525 (architects and quantity surveyors).	No savings or transitional pathway for existing, qualified CPMs, landscape architects, or interior designers. On enactment, they instantly become illegal practitioners.	Insert a new paragraph (vi) to Clause 58(2)(c): "(vi) was actively practicing as a construction project manager, landscape architect, or interior designer in Kenya for a continuous period of not less than three years prior to the commencement of this Act, and possesses a relevant degree or equivalent professional qualification, shall be deemed to be registered under this Act upon application within twelve months of the effective date."
Clauses 31(4) & 47 Impose immediate, severe criminal penalties (fines up to 3M KES and imprisonment up to 3 years) for practicing without a license.	Due to the transition gap, existing practitioners will face immediate criminal prosecution on day one of enactment simply for continuing ongoing project administration.	Insert a proviso to Clause 31(4) and Clause 47: "Provided that the offences and penalties under this section in relation to construction project managers, landscape architects, or interior designers shall not take effect until the expiry of twenty-four months from the commencement of this Act."
Clause 7(1) Board consists of 11 members, including 2 architects, 2 quantity surveyors, and only 1 construction project manager.	Severe under-representation of the vast CPM sector, allowing traditional disciplines to dictate standard-setting and peer-regulation for CPMs.	Amend Clause 7(1)(d)(v) to read: "(v) two shall be construction project managers nominated by their respective professional association;" and adjust total numbers to ensure balanced governance.
Clause 46(1) Restricts document submission to authorities strictly to "discipline of architectural or quantity surveying."	Unfairly denies CPMs and other new disciplines the right to submit and sign off project management and scheduling documents under their own names.	Amend Clause 46(1) to read: "...restricted to the right to submit such documents only in relation to the discipline of architectural, quantity surveying, landscape architectural, interior designing, or construction project management in which that person is qualified as shown in the entries made in the Register."
Clause 44(1) Prohibits corporate bodies from carrying on "architectural or quantity surveying" business without a registered director.	Creates a loophole by failing to restrict corporate bodies offering CPM, landscape architecture, or interior design business from operating without registered directors.	Amend Clause 44(1) to read: "A body of persons shall not carry on the business of architectural, quantity surveying, landscape architectural, interior designing, or construction project management unless one of its partners or directors, as the case may be, is registered under this Act."

Various Clauses & Schedule Erratic omissions of landscape architecture; Schedule skips Paragraph 5 entirely.	Drafting inconsistencies and editorial gaps undermine the technical and legal integrity of the proposed Act.	Insert the missing Paragraph 5 in the Schedule. Conduct a thorough editorial sweep to uniformly insert "landscape architectural" and "landscape architecture" alongside CPM across Clauses 20(2), 31(2)(a), 38(1), 45(1), and 56(2).

5. HARMONISED RECOMMENDATIONS TO PARLIAMENT

Based on the dual-track advocacy strategy and the rigorous review of the regulatory gaps in the Bill, the AAK CPM Chapter presents the following ten harmonized recommendations to the National Assembly:

Recommendation 1: Reject the Architectural and Quantity Surveying Practitioners Bill, 2026 in its present form and withdraw it from the legislative calendar to avoid catastrophic market disruptions.

Recommendation 2: Withdraw the Bill and initiate a comprehensive, stakeholder-led review of professional regulation across the entire built environment spectrum in Kenya.

Recommendation 3: Recognize Construction Management and Construction Project Management as distinct, independent professions requiring dedicated and peer-led statutory regulation rather than subordination.

Recommendation 4: Support the development and enactment of a separate 'Construction Managers and Construction Project Managers Bill' to establish an autonomous, fit-for-purpose regulatory framework.

Recommendation 5: Ensure that CPMs are not regulated by a Board whose institutional history, senior representation, and administrative machinery are dominated by architecture and quantity surveying.

Recommendation 6: Adopt a robust model of profession-led statutory self-regulation, maintaining the Government's role strictly as a policy-maker, referee, and guarantor of public interest.

Recommendation 7: Establish an overarching Built Environment Council to coordinate interprofessional standards, manage overlaps, and address matters of national built-environment policy.

Recommendation 8: Guarantee that every regulated built-environment profession has meaningful and balanced participation in the governance of its respective regulatory board.

Recommendation 9: Undertake a comprehensive review of existing built-environment statutes (such as the National Construction Authority Act) to eliminate jurisdictional conflicts and regulatory overlaps.

Recommendation 10: In the alternative, if Parliament decides to proceed with National Assembly Bill No. 47 of 2026, immediately adopt and incorporate the Proposers' Amendment Matrix as detailed in Section 4 of this memorandum.

6. CONCLUSION & SIGN-OFF

While the Architectural and Quantity Surveying Practitioners Bill, 2026, represents a progressive and long-overdue effort to regulate the modernized built environment, it must not do so at the cost of excluding, subordinating, or criminalizing active professional project managers. Modern construction projects are highly complex, multi-disciplinary, and high-capital ventures that require independent, autonomous, and professional management.

The proposed amendments outlined in this memorandum seek to align the Bill with modern industry practices, protect currently active and qualified professionals, remove redundant educational barriers, and secure balanced, democratic governance on the Board. We respectfully submit these proposed adjustments and request the Departmental Committee on Housing, Urban Planning and Public Works to incorporate them before presenting the Bill for its second and third readings in the National Assembly.

The AAK CPM Chapter remains willing and ready to participate constructively in all consultative hearings, contributing our deep technical and professional expertise toward establishing a regulatory framework that Kenya can rely on for the next several decades.

Respectfully Submitted for and on behalf of the AAK Construction Project Managers Chapter:

Ndindiri Waweru
Chairperson, AAK Construction Project Managers Chapter
Date: 31st August 2026

Attested by:

Martin Mbugua
Secretary, AAK Construction Project Managers Chapter
Date: 31st August 2026

AAK/EDCAAK/ADV/Y2026 26TH SEPTEMBER 2026

The Clerk,
National Assembly of Kenya
Parliament Buildings
P.O. Box 41842–00100 Nairobi, Kenya

Through:

President
Architectural Association of Kenya

Chief Executive Officer
Architectural Association of Kenya

Dear Sir,

RE: MEMORANDUM ON THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL 2026

The Environmental Design Consultants Chapter of the Architectural Association of Kenya (AAK) wishes to express its support for the Architectural and Quantity Surveying Practitioners Bill, 2026, particularly its objective of strengthening professional regulation, accountability, standards and value proposition to the public within the built environment.

The support is subject to amendments that will ensure that Environmental Design Consultancy is expressly recognized and regulated as an independent professional discipline, with its own competencies, standards, registration requirements, professional examinations and scope of practice as expressly shown on the matrix below

The Environmental Design Consultants Chapter has been an active participant in the initial drive towards the formal regulation of Environmental Design Consultancy in Kenya. We consider statutory regulation an important step in value addition to the public, strengthening professional accountability and ensuring that Environmental Design Consultancy services are delivered by appropriately qualified and competent professionals.

1. RECOGNITION OF ENVIRONMENTAL DESIGN CONSULTANCY AS AN INDEPENDENT PROFESSION

Environmental Design Consultancy is an established built environment profession with a distinct body of professional knowledge and practice. Its scope extends beyond aesthetics to include site planning,

public spaces and buildings design, noise control and acoustics, building lighting, building thermal, energy efficiency, green building and infrastructure, water efficiency, rain and stormwater management, solid waste management, climate responsive design and adaptation, environmental rehabilitation and sustainable design and innovations.

The regulatory framework should therefore consider Environmental Design Consultancy as an independent professional practice

We recommend that the Bill expressly recognize Environmental Design Consultancy as an independent profession and provide distinct competency, registration, examination and licensing requirements for Environmental Design Consultants and Environmental Design consultancy Technicians.

This approach is consistent with international practices. Environmental Design Consultancy is independently regulated in countries including Germany, Japan, Britain, Middle East, Australia and the United States of America, where professional registration, competency assessment and continuing professional development are recognized as essential elements of professional practice.

2. VALUE TO THE PUBLIC AND PROFESSIONAL STANDARDS

The fundamental purpose of regulating Environmental Design Consultancy should be **the value proposition to the public interest**. Environmental Design Consultancy decisions can directly influence public and private building user safety, universal accessibility, environmental air quality, building acoustics, building lighting, urban heat island, decarbonization in the built environment, water and waste management, energy efficiency, climate responsive design, biodiversity and the long-term performance of public and private buildings and infrastructure. Regulation therefore provides a mechanism for ensuring that persons undertaking such professional responsibilities possess appropriate education, experience, ethical standards, and professional competence. The Chapter is committed to maintaining high professional standards through professional examinations and Continuing Professional Development (CPD).

In particular, the Chapter will establish a professional examination process for its Corporate Members as part of the upgrading process. We recommend that current and existing appropriate professional examinations and demonstrated professional experience be recognized within the transitional framework of the new legislation, subject to verification and the requirements of the future regulator Board.

3. PROFESSIONAL CHAPTER AND BOARD REPRESENTATION

We recommend that the Bill incorporate the establishment of professional Chapters for each regulated discipline. The provision should use **"shall establish"** rather than **"may constitute"**, ensuring that each profession has a permanent mechanism through which specialist technical and professional matters can be addressed. In the case of Environmental Design Consultancy, the Chapter should provide appropriate representation from the profession, academia, the relevant State Department and Environmental Design Technicians.

We further recommend that the **Chief Environmental Design Consultant** of the Ministry or State Department responsible for Public Works be expressly included as an ex-officio member of the Board alongside the Chief Architect and Chief Quantity Surveyor. This will provide the Board with balanced technical representation and ensure that decisions affecting Building Environmental Design Consultancy are informed by appropriate professional expertise.

4. SCOPE OF PRACTICE AND REGULATORY PROVISIONS

Environmental Design Consultancy should be expressly included in provisions dealing with:

4.1 Registration of firms and corporate bodies;
4.2 Licensing and professional practice;
4.3 Protection of professional titles;
4.4 Offences and unlicensed practice;
4.5 Inspection of professional works and documents;
4.6 Providing leading role into green buildings and sustainability policy and practice
4.7 Training, certifying and licensing green building and sustainability practitioners
4.8 Approving curricula relating to building environmental
4.9 Assessing and certifying green buildings and infrastructure
4.10 Submission and approval of professional documents;
4.11 Ethics and disciplinary proceedings; and
4.12 Transitional arrangements.
4.13 Chargeable fees, associated disbursements and logistical compensations

Registered Environmental Design Consultants should have a clear statutory right to prepare, sign and submit Environmental Design Consultancy documents within the professional scope, including building thermal, lighting design and acoustic simulation contours and other technical details and input that the Environmental Design Consultants deem suitable details, specifications and related professional documentation.

5. GREEN BUILDINGS AND SUSTAINABILITY: CLIMATE ACTION, GREEN BUILDINGS AND INFRASTRUCTURE, NATURE-BASED SOLUTIONS AND GREEN BUILDINGS CERTIFICATION

We recommend that the Bill's climate action provisions expressly recognize green buildings and infrastructure, assessing and certification of green buildings to enhance the habitability of building spaces, nature-based solutions, climate responsive design, building lighting design, building thermal design, decarbonization, noise control and acoustics design, ecological sensitivity, sustainable design and innovations, rainwater and stormwater management, solid waste management and drainage, and water-sensitive design.

These are core areas of contemporary Environmental Design Consultancy and are increasingly important to Kenya's response to climate change, urban heat islands, biodiversity loss and environmental degradation. Environmental Design Consultants are uniquely positioned to integrate natural systems with buildings, infrastructure and public spaces and should therefore be appropriately recognized within the national regulatory framework.

6. TRANSITIONAL ARRANGEMENTS

The transition to statutory regulation should protect the continuity of legitimate existing practice and avoid unnecessary disruption to practitioners, firms and ongoing projects. We recommend recognition of existing professional experience, professional membership, corporate examinations to be undertaken through the Environmental Design Consultants Chapter of AAK, existing practices and ongoing commissions, subject to appropriate verification and transitional requirements. This will ensure that regulations raise professional standards without creating disruptive uncertainty or disadvantage for practitioners who have already demonstrated competence through established professional processes.

7. OUR COMMITMENT

The Environmental Design Consultants Chapter remains committed to working with Parliament, relevant State Departments, academia and other built environment professions to establish a robust and credible regulatory framework. The intention is to build on existing professional systems and create a regulatory environment that promotes: professional competence, ethical practice, continuous learning, accountability and protection of the public interest.

We believe that Kenya can draw valuable lessons from the regulatory experience of Germany, Britain, Japan, Middle East, the United States of America and other like-minded states, while developing a framework suited to Kenya's own environmental and developmental context.

8. CONCLUSION

The Environmental Design Consultants' Chapter therefore subserviently requests that the National Assembly retain the objectives of the proposed Bill while incorporating the necessary amendments to

ensure that Environmental Design Consultancy is clearly, independently and comprehensively regulated.

We reiterate our support for the legislative initiative and confirm our readiness to continue participating in the process leading to the enactment of a sound regulatory framework for Environmental Design Consultancy in Kenya. We respectfully submit this memorandum for consideration by the National Assembly and the relevant Committee.

Submitted by and on behalf of the Environmental Design Consultants Chapter.

EDC. Gladys Njoroge
G.M.N
Chairperson, Environmental Design Consultants Chapter of the AAK
Encls. *Environmental Design Consultants Chapter (AAK): Comments on The Architectural and Quantity Surveying Bill 2026*

MATRIX (i)

S/No.	Clause/Section of the Bill	Comment	Rationale
5)	**Title of the Bill**	The title should be amended to reflect all professions covered by the legislation (e.g., "The Built Environment Professionals Practitioners Bill" or "Built Environment Professionals Practitioners Board").	The current title implies that Environmental Design Consultants, landscape architecture, interior design, and Construction project management are subsidiary rather than independently regulated professions.
6)	**Clause 5 & 56 (Functions & Scope / Climate Action)**	Expand provisions regarding green design to expressly include green buildings and infrastructure, nature-based solutions.	Environmental Design Consultants plays a specific, critical role in climate responsive design energy efficiency, biodiversity, and water efficiency, wastewater management that extends beyond traditional green building technologies.
7)	**Clause 5(2)(l) (Competitions)**	The regulation of professional competitions should be expanded to include Environmental Design Consultancy	Environmental Design Consultancy competitions are essential for public projects like public building, institutions and others
8)	**Clause 7 (Board Composition & Eligibility)**	Include **the Chief Environmental Design Consultant** amongst the ex-officio members (a) the Chief Architect, the Chief Quantity Surveyor, and the Chief Environmental Design Consultant of the Ministry for the time being responsible for public works, who shall be ex-officio members; Ensure equitable Board representation for Environmental Design	Technical matters require specialist competence, and inaugural members from newly regulated professions may not yet possess the proposed practicing certificates.

		Consultancy (e.g., via a Standing Committee) and provide transitional appointment mechanisms. Recognition of corporate members who have successfully completed professional exams	

SR/NO	Clause & Current Text	Key Concern / Gaps	Proposed Legislative Redraft
9)	**Add a Clause 22(4) That mandates that a candidate must hold a Bachelor of Architecture or engineering degree AND a post-graduate diploma or degree in Building Environmental Design to register.**	To create a clear criteria for, high academic criteria that ensures specialized undergraduate EDC degree holders to obtain a second degree/CERTIFICATION to practice.	Add Clause 22(3)(e) to read: "(e) holds a degree in architecture and a post graduate diploma in Building Environmental Design, OR holds a degree in architecture, engineering, WITH a post-graduate diploma or degree in Building Environmental design ..."
10)	**Clause 58(2) Only transitions/grandfather-in registered practitioners under Cap. 525 (architects and quantity surveyors).**	No savings or transitional pathway for existing, qualified environmental design consultants, CPMs, landscape architects, or interior designers. On enactment, they instantly become illegal practitioners. Provide a transitional pathway and ample grace period.	Insert a new paragraph (vi) to Clause 58(2)(c): "(vi) was actively practicing as a Building Environmental Design, construction project manager, landscape architect, or interior designer in Kenya for a continuous period of not less than three years prior to the commencement of this Act, and possesses a relevant degree or equivalent professional qualification, shall be deemed to be registered under this Act upon application within twelve months of the effective date."
11)	**Clauses 31(4) & 47 Impose immediate, severe criminal penalties (fines up to 3M KES and imprisonment up to 3**	Due to the transition gap, existing practitioners will face immediate criminal prosecution on day one of enactment simply for continuing ongoing project	Insert a proviso to Clause 31(4) and Clause 47: "Provided that the offences and penalties under this section in relation to construction project managers, landscape architects, or interior designers shall not take effect until the expiry of twenty-four

	years) for practicing without a license.	administration. Revise to provide a soft landing not a punishment for practicing	months from the commencement of this Act."
12)	**Clause 7(1) Board consists of 11 members, including 2 architects, 2 quantity surveyors, and only 1 construction project manager.**	Gross under-representation of the specialized Building Environmental Design sector, allowing traditional disciplines to dictate standard-setting and peer-regulation for EDC	Amend Clause 7(1)(d)(v) to read: "(v) two shall be Environmental Design Consultants, nominated by their respective professional association;" and adjust total numbers to ensure balanced governance.
13)	**Clause 46(1) Restricts document submission to authorities strictly to "discipline of architectural or quantity surveying."**	Open it up for the specialized documentation EDC to be submitted	Amend Clause 46(1) to read: "...restricted to the right to submit such documents only in relation to the discipline of Building environmental design, architectural, quantity surveying, landscape architectural, interior designing, or construction project management in which that person is qualified as shown in the entries made in the Register."
14)	**Clause 44(1) Prohibits corporate bodies from carrying on "architectural or quantity surveying" business without a registered director.**	Creates a loophole by failing to restrict corporate bodies offering Building Environmental design, CPM, landscape architecture, or interior design business from operating without registered directors.	Amend Clause 44(1) to read: "A body of persons shall not carry on the business of Building Environmental Design, architectural, quantity surveying, landscape architectural, interior designing, or construction project management unless one of its partners or directors, as the case may be, is registered under this Act."
15)	Various Clauses & Schedule Erratic omissions of Environmental Design consultants, landscape architecture; Schedule skips Paragraph 5 entirely.	Drafting inconsistencies and editorial gaps undermine the technical and legal integrity of the proposed Act.	Insert the missing Paragraph 5 in the Schedule. Conduct a thorough editorial sweep to uniformly insert “Building Environmental Design Consultancy”, "landscape architectural" and "landscape architecture" alongside CPM across Clauses 20(2), 31(2)(a), 38(1), 45(1), and 56(2).

5. RECOMMENDATIONS

Based on reviews submitted above: -

The AAK EDC Chapter presents the following strategic recommendations to the National Assembly:

5.1: Recognize Building Environmental Design as distinct, independent professions requiring dedicated and peer-led statutory regulation rather than subordination.

5.2 Implement an all-inclusive model of profession-led statutory self-regulation, maintaining the Government's role strictly as a policy-maker, referee, and guarantor of public interest.

5.3: Provision for the development and enactment of a separate Building Environmental Design Bill' to establish an autonomous, purposeful regulatory framework.

5.4: Undertake a comprehensive review of existing built-environment statutes (such as, Building Code 2024, Climate action Act 2022, the National Construction Authority Act to eliminate jurisdictional conflicts and regulatory overlaps

5.5: Establish an overarching Built Environment Council to coordinate interprofessional standards, manage overlaps, and address matters of national built-environment policy.

5.6: Guarantee that every regulated built-environment profession has meaningful and balanced participation in the governance of its respective regulatory board.

5.7. Withdraw the Bill, initiate a comprehensive, stakeholder-led review of professional regulation across the entire built environment in the country

5.8: Should Parliament choose to proceed with National Assembly Bill No. 47 of 2026, EDC prayer is to adopt and incorporate the Proposers' Amendment Matrix as detailed in Section 4 of this memorandum.

INTERIOR DESIGNERS CHAPTER – KEY CONCERNS ON THE AQSP BILL, 2026

1. Recognition of Interior Design as a distinct professional discipline

We welcome the inclusion of Interior Designers within the proposed regulatory framework. However, our concern is that **inclusion must go beyond simply bringing Interior Designers under the same regulatory umbrella as Architecture and Quantity Surveying.**

Interior Design is a distinct professional discipline with its own body of knowledge, education and training, competencies, professional responsibilities, risks and standards of practice.

The profession has evolved significantly and today encompasses much more than aesthetics or decoration. Interior Designers undertake space planning, interior architecture, workplace strategy, technical design, materials and finishes, furniture and equipment specification, lighting and environmental considerations, accessibility, coordination of building services, documentation, project implementation and, in many cases, project management and contract administration.

We therefore believe that the Bill must explicitly recognize Interior Design as an autonomous professional discipline, with its own clearly defined scope of practice and professional standards.

We should not create a situation where Interior Designers are regulated under a framework that was fundamentally developed around the traditional professions, without adequately reflecting the realities and responsibilities of Interior Design today.

2. Clear and legally defined scope of practice

A major concern is the need for **clarity around what an Interior Designer is legally authorized and competent to undertake.**

If the profession is going to be regulated, the legislation needs to clearly establish the scope of Interior Design practice.

This is important not only for practitioners but also for the public and other professionals who work alongside Interior Designers.

There needs to be clarity around:

- What constitutes the professional practice of Interior Design;
- What services a registered Interior Designer may provide;

- The relationship between Interior Designers, Architects, Engineers, Quantity Surveyors and other built-environment professionals;
- Which aspects of projects require collaboration or statutory approvals from other professionals; and
- Where the professional responsibility of an Interior Designer begins and ends.

A profession cannot be effectively regulated if its scope of practice remains ambiguous.

3. Appropriate registration and licensing framework

If Interior Designers are being brought into statutory regulation, the registration and licensing framework must be **appropriate to the profession.**

We would therefore like clarity on:

- The qualifications required for registration;
- The practical experience requirements;
- Professional examinations or assessments, if any;
- Continuing Professional Development requirements;
- Licensing requirements for individuals and firms; and
- The standards against which Interior Designers will be assessed.

The concern is not with maintaining high standards. **We strongly support high standards.**

The concern is ensuring that those standards are **developed with Interior Designers and reflect the actual competencies required to practice Interior Design.**

4. Transitional provisions for existing practitioners

This is particularly important.

Interior Design has been practiced professionally in Kenya for many years, despite the absence of the same statutory regulatory framework that has historically existed for architects and quantity surveyors.

There are therefore many experienced practitioners already practicing in the market who have:

- Relevant academic qualifications;
- Significant professional experience;
- Established portfolios;
- Professional memberships;
- Long-standing client relationships; and
- Demonstrated competence in delivering complex projects.

The introduction of regulation should not inadvertently disadvantage practitioners who have legitimately built their careers before the legislation came into force.

We therefore need clear, fair and transparent transitional provisions that recognize existing qualifications, professional experience and demonstrated competence.

There should be a realistic pathway for existing practitioners to transition into the new regulatory framework without being treated as though they are entering the profession for the first time.

5. Meaningful representation and professional governance

If Interior Designers are going to be subject to statutory registration, licensing, professional standards, disciplinary procedures and potentially sanctions, then Interior Designers must have a meaningful voice in the governance of the institution regulating them.

Representation should not simply be symbolic.

The Interior Design profession needs representation in the structures responsible for:

- Developing professional standards;
- Establishing registration requirements;
- Determining CPD requirements;
- Developing codes of conduct;
- Considering disciplinary matters;
- Setting professional fees and regulatory charges; and
- Making decisions that directly affect the practice of Interior Design.

Those who are being regulated must have a meaningful voice in determining how they are regulated. This is particularly important in a multi-disciplinary regulatory framework where some professions have historically had a much stronger statutory and institutional presence than others.

6. Regulation should not mean subsuming Interior Design into another profession

The Chapter supports regulation. In fact, we have been advocating for proper recognition and regulation of the Interior Design profession.

However, regulation should not result in Interior Design being treated as an extension or subset of Architecture.

Interior Designers collaborate closely with Architects, Engineers, Quantity Surveyors, Project Managers and other professionals, but collaboration does not mean professional equivalence or professional dependency.

We need a framework that recognizes the complementary relationship between these professions while preserving the distinct professional identity and autonomy of each.

A good regulatory framework should encourage collaboration, not hierarchy.

As the Interior Designers Chapter, we welcome the recognition of Interior Design within the proposed regulatory framework. We believe that proper regulation is necessary for the protection of the public, the improvement of professional standards and the advancement of our profession.

However, our position is that Interior Design must not simply be included within a regulatory framework; it must be properly understood and appropriately represented within that framework. Interior Design is a distinct profession with its own body of knowledge, education, competencies, scope of practice and professional responsibilities.

We therefore seek clear statutory recognition of the profession, a clearly defined scope of practice, appropriate registration and licensing requirements, and meaningful representation of Interior Designers in the governance and decision-making structures of the regulator.

We also believe that the Bill must provide fair transitional arrangements for practitioners who are already practicing and have acquired qualifications, experience and professional competence over many years.

Our position is not that Interior Designers should be excluded from regulation. Quite the opposite. We want to see Interior Design properly regulated. But we want a regulatory framework that regulates the profession on the basis of what Interior Design actually is and not as an extension of another profession, and not as an afterthought.

We are therefore asking that Interior Designers are given a meaningful seat at the table in shaping the standards, governance structures and regulatory mechanisms that will ultimately govern our profession.

LEGISLATIVE AND REGULATORY REVIEW

Review of Built Environment Legislation in Kenya

A comparative commentary and recommendations on the regulation of architecture, quantity surveying and related built-environment professions

Prepared for

Oscar Ogunde

Senior Director
Symbion Consulting Group

15 August 2026

Executive Summary

> **Central recommendation. Kenya should enact one Built Environment Professions Act containing common public-interest rules and profession-specific statutory chambers, while retaining engineering under the Engineers Act with binding coordination arrangements.**

Statutory regulation remains justified because built-environment services involve life safety, irreversible capital expenditure, long-tail defects, environmental impacts and acute information asymmetry. Regulation should nevertheless target competence, accountability and high-risk functions rather than professional prestige, association membership or market prices.

The Architectural and Quantity Surveying Practitioners Bill, 2026 is directionally stronger than the separate Architects and Quantity Surveyors Bills because it recognises multidisciplinary practice. It nonetheless requires substantial amendment. The most important issues are its inaccurate title, incomplete treatment of planning professions, reliance on association membership, fee-setting powers, overlapping scopes of practice, disciplinary independence and an underdeveloped professional indemnity regime.

Recommended legislative settlement

- One framework Act for shared governance, registration principles, consumer protection, firm regulation, complaints, insurance, digital delivery and cross-profession coordination.
- Profession-specific chambers for architecture, quantity surveying, landscape architecture, interior design, construction/project management and planning.
- Technologists and technicians included in the same Act through protected registration categories, competency-based scopes, progression pathways and risk-proportionate accountability.
- Express statutory coordination with the Physical and Land Use Planning Act and Physical Planners Registration Act, with urban design defined as an interdisciplinary service rather than the monopoly of one profession.
- Protected titles separated from narrowly defined reserved statutory functions and open, non-reserved activities.
- Voluntary professional associations with consultative, CPD, mentoring and advocacy roles, but no power to control admission or licensing.
- Freely negotiated fees, with only non-binding, evidence-based guidance developed in consultation with the Competition Authority.
- Risk-based professional indemnity insurance applying to every practitioner or entity offering professional services to the public.
- An independent disciplinary architecture separating investigation, prosecution, adjudication and appeal.

1. Scope and Context

This review considers the current attempt to replace or reorganise the Architects and Quantity Surveyors Act (Cap. 525), alongside earlier and parallel proposals affecting architecture, quantity surveying, landscape architecture, interior design, construction management, construction project management, urban planning, urban design and physical planning.

The analysis draws on the Architectural and Quantity Surveying Practitioners Bill, 2026; Built Environment Professions Bill, 2019; Architects Bill, 2026; Quantity Surveyors Bill, 2026; Construction Project Managers and Construction Managers Bill, 2023; and Engineers Bill, 2011. Comparative reference is made principally to the United Kingdom, Australia and South Africa.

This report is a policy and legislative commentary prepared from the supplied materials and publicly available legal sources. It is not a substitute for a formal legal opinion on a particular dispute or transaction.

2. Assessment of the Legislative Proposals

2.1 Built Environment Professions Bill, 2019

The 2019 Bill adopted an umbrella model, proposing a Council for the Built Environment covering architecture, quantity surveying, engineering, planning, valuation, landscape architecture, interior design and construction project management. Profession-specific boards would continue to register, license and discipline their professions.

Its strengths were coordination, inclusivity and an explicit public-interest mandate. Its weaknesses were the risk of creating a duplicative supervisory institution, unclear allocation of powers between the umbrella Council and professional boards, representation tied to named voluntary associations and limited treatment of consumer redress, multidisciplinary firms, insurance and liability.

2.2 Separate Architects and Quantity Surveyors Bills, 2026

The two Bills separate Cap. 525 into profession-specific regimes. Each establishes an Institute that is simultaneously regulator, membership body, promoter, educator or accreditor, and disciplinary authority. This combination creates an institutional conflict: a public regulator must protect users and the public, while a membership association ordinarily promotes the collective interests of members.

The Architects Bill is comparatively narrow and does not provide a convincing mechanism for multidisciplinary delivery or interfaces with planners, engineers, interior designers and project managers. The Quantity Surveyors Bill more clearly recognises corporate practices and professional indemnity, but retains the same regulator-association conflation.

2.3 Construction Project Managers and Construction Managers Bill, 2023

The Bill reflects the growing role of project and construction managers in programming, procurement, cost coordination, risk, quality and information management. Recognition is justified, but the generic term project management should not be monopolised. Reserved functions should be limited to defined construction-related, certification or high-risk functions.

2.4 Engineers Bill, 2011 and the enacted engineering regime

The engineering model provides useful precedents in registration categories, firm registration, licensing, accreditation, inspection, title protection and discipline. Its restrictions on employment and document submission should not be copied without careful definitions of engineering work, supervised work and multidisciplinary responsibility.

2.5 Architectural and Quantity Surveying Practitioners Bill, 2026

The Practitioners Bill is the more promising present proposal. Despite its title, it covers architecture, quantity surveying, landscape architecture, interior design and construction project management. It provides for one Board, practitioner and firm registration, practising licences, inspections, discipline, firm-level professional indemnity and emerging technologies.

Its principal deficiencies are:

- an inaccurate and hierarchical title that names only two of the professions regulated;
- insufficient treatment of planning, physical planning and interdisciplinary urban design;
- registration routes that rely on membership of a recognised professional body;
- powers to determine or prescribe professional fees;
- imprecise boundaries between protected titles, reserved functions and open activities;
- professional indemnity provisions focused mainly on firm registration rather than all public practice; and
- disciplinary functions that remain too institutionally close to the Board.

3. Regulation or No Regulation

Complete deregulation is inappropriate. Construction and development expose clients, occupants, purchasers, neighbours, public authorities and financiers to risks that may only become visible years after completion. The contracting client is not the only person requiring protection.

Regulation should, however, be proportionate and distinguish four concepts:

Protected titles. Designations such as architect or quantity surveyor that may only be used by appropriately registered persons.

Reserved statutory functions. Defined certificates, submissions or approvals that only an authorised professional may sign.

Controlled high-risk activities. Work requiring a registered professional because of project complexity, occupancy or public-safety consequences.

Open activities. Work that competent persons may undertake without misleadingly using a protected title or issuing a statutory certificate.

The United Kingdom protects the title architect but generally reserves no architectural activity. Australia protects the title and, depending on the state or territory, regulates specified services. South Africa combines profession-specific statutory councils with an umbrella Council for the Built Environment. Kenya should adopt a calibrated hybrid rather than pure title protection or blanket occupational exclusivity.

4. Diploma Holders, Technologists and Technicians

> **Recommended position. Diploma-qualified technologists and technicians should be expressly included in the same framework Act and the relevant professional chambers. Separate Acts would create duplication, reinforce silos and make multidisciplinary accountability harder to administer.**

Diploma holders perform substantial design development, documentation, measurement, estimating, production information, site inspection and construction-administration work. Excluding them leaves the public without a reliable register, code of conduct or complaint route. Treating them merely as indefinitely supervised assistants is equally unsatisfactory because many undertake work independently and possess significant experience.

Inclusion must not erase differences in education, breadth of competence or professional responsibility. The law should recognise different categories without treating them as a social hierarchy. Legal authority should follow demonstrated competence and project risk, not academic title alone.

4.1 Comparative lessons from Australia

Australia separates protection of the title architect from broader building-design licensing. The national architectural competency standard maps development from graduate, to candidate for registration, to post-registration architect and recognises alternative competency-based pathways for experienced practitioners.

Queensland provides a particularly useful risk-tiered model. The Queensland Building and Construction Commission licenses building design at low-rise, medium-rise and open levels. Low-rise licensees may prepare plans and specifications for class 1 and 10 buildings and certain smaller classes 2 to 9 buildings; higher licence classes carry broader scopes. Eligibility combines technical qualifications, experience and verified competence, and contractor-level design practice is linked to professional indemnity requirements.

New South Wales takes a function-based approach for prescribed buildings. Registered design practitioners make compliance declarations for regulated designs, must comply with professional and record-keeping duties, and must ensure that their registered design work is indemnified. The important lesson is that legal responsibility attaches to the regulated function and declaration, rather than to an undifferentiated occupational label.

Australia therefore offers three principles relevant to Kenya: multiple pathways to assessed competence; graded authority linked to building risk and complexity; and personal responsibility for the design or declaration actually undertaken.

4.2 South African tiered categories

South Africa places architects, senior architectural technologists, architectural technologists and architectural draughtspersons within the same statutory architectural profession, with corresponding candidate categories. This supports coherent standards and progression, although Kenya should avoid rigid work reservations that unnecessarily suppress competition across competent categories.

4.3 Recommended Kenyan registration categories

Each professional chamber should be empowered to establish categories using a common statutory vocabulary. For architectural and related design work, the initial framework could recognise:

- Professional practitioner: degree-level or equivalent competence, prescribed experience and professional assessment; authorised for the full scope of the category, subject to any specialist limitations.

- Professional technologist: diploma or higher-diploma level plus prescribed experience and competency assessment; authorised to lead defined projects and functions within published risk and complexity limits.
- Professional technician: certificate or diploma level plus practical experience and assessment; authorised for defined technical, documentation, measurement, inspection and lower-risk functions, independently where the register permits and otherwise under recorded supervision.
- Candidate or trainee: a person completing supervised experience toward one of the substantive categories.
- Specialist or limited-practice registrant: a person assessed for a narrow function such as BIM coordination, technical detailing, measured surveys, cost measurement or specified inspection work.

Equivalent categories should be developed for quantity surveying, interior design, landscape architecture and construction management. The titles must be clear enough for clients and approval authorities to understand what the holder is authorised to do.

4.4 Distinctions in scope and responsibility

The Act should set the principles, while regulations and chamber standards define the detailed competency matrices. Distinctions should address:

- project class: occupancy, height, floor area, complexity, heritage status and public-safety consequence;
- service stage: concept, developed design, technical documentation, procurement, construction inspection and certification;
- level of judgment: routine application of established standards versus integration of complex, novel or conflicting requirements;
- authority to contract independently, lead a multidisciplinary team, sign prescribed submissions or issue compliance certificates;
- circumstances requiring review, co-signature or supervision by a higher or differently qualified category; and
- demonstrated specialist competence that may extend an individual licence beyond the ordinary baseline for the qualification.

The legislation should not state that every diploma holder is necessarily subordinate on every project, nor that experience alone automatically confers unrestricted professional status. A public register should show each person's category, authorised functions, conditions, responsible firm and current insurance position.

4.5 Liability and protection of the public

Every registered person should owe a duty to exercise the reasonable skill, care and diligence expected of a competent person in that registration category undertaking that function. A lower academic category is not a defence for accepting work outside authorised competence.

- A technologist or technician acting independently is directly accountable for the work, representations and certificates personally undertaken.
- Where supervision is legally required, the supervisor is responsible for adequate direction and review; the supervised person remains responsible for honest, competent execution and escalation of matters beyond competence.

- Firms must allocate work only to appropriately authorised persons and maintain a responsibility matrix identifying authorship, checking, approval and certification.
- Professional indemnity limits should be proportionate to authorised work and project risk, but no practising category should be left entirely outside insurance or consumer-redress arrangements.
- Protected category titles and registration numbers should appear on drawings, bills, reports and prescribed digital submissions.
- Discipline should distinguish lack of competence, negligent performance, practising outside scope, inadequate supervision and dishonest misrepresentation.

4.6 Progression and recognition of experience

The Act should create bridges rather than dead ends. A technician should be able to progress to technologist and professional practitioner through accredited further learning, recognition of prior learning, verified portfolios, structured experience and independent competency assessment. Alternative pathways should be demanding but should test capability rather than insist on repeating learning already demonstrated.

Existing diploma holders should enter through transitional assessment and grandfathering provisions based on verified education, experience and work portfolios. Grandfathering should recognise proven competence without granting an unrestricted scope merely because a person has worked for a long period.

5. Physical Planning, Land Use and Urban Design Alignment

> **Recommended position. The planning statutes and the proposed Built Environment Professions Act should be expressly cross-referenced, but urban design should remain an interdisciplinary field. Statutory land-use planning decisions must remain under the planning system; urban-design services may be undertaken by persons registered and demonstrably competent in architecture, physical planning, landscape architecture or a recognised urban-design category.**

5.1 Existing statutory position

The Physical and Land Use Planning Act, 2019 primarily establishes the national and county spatial-planning, plan-making and development-control system. It does not itself constitute the principal professional-registration statute. It defines a registered physical planner by reference to the Physical Planners Registration Act, which establishes the Physical Planners Registration Board and regulates entry and conduct in that profession.

Section 59 of the 2019 Act requires documents, plans and particulars submitted for development permission to be prepared by the relevant qualified, registered and licensed professionals. The provision is deliberately plural and function-based. The General Development Permission and Control Regulations likewise define licensed professionals to include planners, architects, engineers, land surveyors, valuers and quantity surveyors.

The 2019 Act already recognises urban design: significant urban-design and environmental challenges can justify declaration of a special planning area under section 52. The 2021 Building Regulations go further by requiring landscape architects and urban designers to be incorporated in specified planning

and development-control contexts and contemplate participation by physical planners, landscape architects, urban designers, architects, engineers and quantity surveyors.

5.2 The present gap

Urban design is mentioned but not adequately defined. There is no clear statutory answer to who may use the title urban designer, who may lead an urban-design plan, when a registered physical planner must sign the statutory planning component, or how architectural, landscape, engineering and economic inputs are to be authenticated. This creates risks of professional turf disputes, duplicated signatures and unallocated liability.

5.3 Amendments to the Physical and Land Use Planning Act

The following amendments are recommended:

- Insert a definition of urban design as the interdisciplinary planning and design of the physical form, public realm, movement networks, built form, landscape, infrastructure interfaces and place character of settlements or parts of settlements.
- Distinguish an urban-design framework or plan from a statutory physical and land-use development plan. The former informs spatial form and implementation; the latter retains its statutory status, approval pathway and land-use consequences under the 2019 Act.
- Amend section 59 to require each prescribed component of an application to identify the registered professional responsible for its preparation, checking and authentication, using a common digital responsibility schedule.
- Require a registered physical planner to take responsibility for statutory land-use planning analysis, zoning, subdivision, change or extension of use and conformity with approved plans.
- Permit a registered architect, planner, landscape architect or registered urban-design specialist with demonstrated competence to lead an urban-design framework, subject to the statutory planning component being authenticated by a registered physical planner.
- Require multidisciplinary urban-design teams for prescribed major developments, special planning areas, transit-oriented developments, urban renewal areas and projects exceeding stated risk, area or population-impact thresholds.
- Expand sections 52 and 53 so special-area plans include public-realm networks, built-form controls, block and plot structure, streetscape and mobility integration, landscape and blue-green infrastructure, accessibility, climate resilience, implementation phasing and design-review arrangements.
- Replace named association nominations in planning forums with transparent competency-based nomination or appointment, consistent with Article 36 and the Muthumba decision.
- Create interoperable registers and a single verification gateway through which counties can confirm the registration category, licence status and conditions of every professional signing an application.

5.4 Amendments to the proposed practitioners legislation

- Do not define physical planning, urban planning or urban design as an exclusive branch of architectural practice.
- Recognise urban design as a cross-disciplinary competence or specialist registration that may be added to an underlying registration after assessment.

- Preserve the statutory powers of county governments, planning authorities and the Physical Planners Registration Board unless Parliament deliberately transfers them through coordinated consequential amendments.
- Require consultation with the planning regulator before issuing any scope-of-practice rule affecting statutory plans, development applications, urban-design frameworks or development-control documents.
- Create a joint jurisdiction committee for disputes between architecture, planning, landscape architecture, engineering and related chambers, with public-interest and county-government representation.
- Provide that registration as an architect, landscape architect or urban designer does not by itself authorise a person to authenticate a statutory physical-planning instrument reserved to a registered physical planner; equally, registration as a physical planner does not by itself authorise architectural or engineering certification.

5.5 Recommended responsibility model

For major projects, the submission should be accompanied by one multidisciplinary responsibility matrix. It should identify the lead urban designer, registered physical planner, architect, landscape architect, engineers, quantity surveyor and any transport, environmental or heritage specialists; describe each person's deliverables; and record who authored, checked and certified each component. Liability should follow the assigned function rather than an artificial claim that one profession owns the whole urban-design process.

6. Government and Practitioner Roles

Neither full ministerial control nor unqualified professional self-regulation is desirable. Government provides democratic accountability and national policy; practitioners supply indispensable technical judgment; independent and consumer members protect legitimacy and public confidence.

Appropriate role of the Cabinet Secretary

- national policy and presentation of regulations to Parliament;
- appointment following an open, merit-based selection process;
- receipt of audited reports and performance information;
- limited intervention where the regulator has demonstrably failed.

The Cabinet Secretary should not decide individual registrations, direct disciplinary outcomes, dictate technical standards, approve complaints or remove members at will.

Recommended Council composition

- approximately 50% registered professionals chosen through transparent professional electoral colleges;
- approximately 25% independent public-interest and consumer members, including insurance, development and accessibility expertise;
- approximately 15% national and county government representation;
- approximately 10% education, competition/economics and legal expertise.

No profession should adjudicate another profession's competence. Profession-specific chambers should determine technical registration and competence questions; the central Council should manage common standards and cross-profession issues.

7. Professional Associations and Compulsory Membership

> **Recommended rule. Registration with the statutory regulator may be compulsory for regulated practice; membership of AAK, IQSK or another separate association should remain voluntary.**

In Muthumba v Land Surveyors Board, the High Court held that compulsory membership of the Institution of Surveyors of Kenya as a licensing condition violated Article 36(2). The Court distinguished a statutory regulator from a separate voluntary association acting as a gatekeeper.

Requirements that applicants be members in good standing of a relevant professional body should therefore be removed. Competence should instead be demonstrated through accredited qualifications, structured experience, regulator-administered assessment, recognition of prior learning and verified foreign registration.

Constructive roles for associations

- nominating qualified candidates through transparent processes;
- providing accredited CPD and candidate mentoring;
- developing non-binding practice guidance and research;
- professional advocacy and public education;
- peer assistance and specialist technical panels;
- consultation on regulatory standards without controlling entry or discipline.

Lawyers and accountants are not direct analogues

The Law Society of Kenya and ICPAK form part of statutory regulatory systems established by legislation. Under the Advocates Act, issue of a practising certificate confers LSK membership; the Court of Appeal has upheld that statutory arrangement in the advocates' context. The Accountants Act similarly creates a statutory institute and requires practising certificates and licences.

These regimes do not automatically justify compulsory membership of AAK or IQSK. If Parliament chooses an integrated statutory body, it must establish its governance, public-law duties, fair-administration safeguards and accountability completely by statute. Separating public regulation from member advocacy remains the safer model.

8. Professional Fees, Published Scales and Competition

> **Recommended rule. Professional fees should be freely negotiated. Mandatory minimum scales and discipline for fee reduction should not be restored.**

Cap. 525 and the historic by-laws authorise scales of fees and treat some forms of fee competition as unprofessional conduct. The Engineers (Scale of Fees for Professional Engineering Services) Rules, Legal Notice No. 20 of 2022, go further: their stated objects include minimum fees and prevention of

undercutting, and rule 5 provides that an engineer or firm shall not be paid less than the prescribed fees.

The supplied architects and quantity surveyors instrument presents detailed percentage and time-charge schedules, complexity factors, service stages and conditions of engagement. These are useful as scope-definition and remuneration-calculation tools. However, its legal status requires particular caution. The supplied copy is described as Legal Notice No. 133 of 2023. Parliamentary statutory-instrument trackers record L.N. 133 as withdrawn on 15 November 2023. A replacement instrument was published as Legal Notice No. 188 of 2023 on 10 November 2023, but the same Parliamentary tracking record states that L.N. 188 was withdrawn by the Board on 5 March 2024. The current Kenya Law consolidation does not clearly incorporate those 2023 schedules into the principal by-laws.

> **Immediate legal action. BORAQS, the Ministry, Parliament and the Attorney-General should issue a joint status clarification identifying the fee instrument presently in force. Procurement entities and practitioners should not assume that the supplied L.N. 133 schedule is currently enforceable merely because the PDF remains in circulation.**

8.1 Policy assessment of the scales

The scales have legitimate functions: they describe normal and additional services, allocate payment by project stage, distinguish project complexity, address suspension and repetition, and help clients detect unrealistically low bids. Those functions support informed contracting and can reduce disputes.

The difficulty lies in converting those methodologies into compulsory minimum prices. A minimum price does not itself prove that the promised staff, time, checking, insurance or deliverables will be provided. It may restrict entry by smaller or innovative practices, prevent efficiency savings from being passed to clients, increase public-project costs and create inconsistent treatment between professions. The Competition Authority's earlier market review criticised mandatory architectural fee scales as restrictive of price competition.

There is also a horizontal-coordination risk. If separate regulators prescribe cumulative mandatory percentages for architecture, quantity surveying and multiple engineering disciplines, the combined professional cost can become detached from actual scope, duplication, procurement method, digital efficiencies and risk allocation. Multidisciplinary firms may be forced to add separate minima even where services are integrated.

8.2 Recommended treatment in the new Act

The new legislation should preserve scope and engagement guidance while changing the price effect:

The Act should provide that:

- collective price fixing and enforced minimum fees are prohibited;
- charging below a guideline is not, by itself, professional misconduct;
- public procurement may evaluate quality and price;
- abnormally low bids may be examined for staffing, scope adequacy, insurance and deliverability;
- the regulator may publish non-binding cost information, model scopes and fee-estimation methodologies; and
- any guidance must be transparent, evidence-based and developed with the Competition Authority.

- Guidelines should show ranges or calculation examples rather than mandatory floors, and should distinguish full, partial and integrated services.
- Every appointment should contain a service schedule, named personnel, deliverables, assumptions, exclusions, PI cover and payment milestones.
- Regulators may investigate an abnormally low bid where it indicates misrepresentation, inadequate resourcing or inability to discharge statutory duties, but low price alone should not constitute misconduct.
- Public procurement should use quality-and-cost evaluation, with minimum technical thresholds and realistic resource schedules, rather than automatic statutory price floors.
- Any exemption from competition law or mandatory tariff should require express primary legislation, published economic evidence, Competition Authority consultation, periodic review and proof that less restrictive measures cannot adequately protect the public.
- Existing fee disputes should be governed by the instrument legally in force when the contract was made, together with the parties' written appointment; transitional legislation should avoid retrospective price obligations.

8.3 Harmonised cross-profession approach

Architects, quantity surveyors and engineers should use a common statutory framework for engagement and disclosure, but not a cartel-like common tariff. A model schedule can standardise service stages, deliverables, responsibility, payment timing and change control while allowing price competition. For integrated commissions, the client should receive one responsibility and fee matrix showing overlaps, omitted services and the basis of each component fee.

9. Protection of the Public

The Act should state that the overriding objective of the Council and every chamber is to protect the public, promote safe and sustainable development, maintain competence and support fair competition.

Minimum public-protection provisions

- a free, searchable, real-time register showing licence category, firm, sanctions and insurance status;
- mandatory written appointments defining scope, fees, exclusions, responsible professionals and complaint routes;
- disclosure of conflicts, commissions, referral payments and financial interests;
- duties to warn clients and authorities of material safety risks;
- record-retention, digital-model custody and project-handover requirements;
- proportionate inspection powers and interim suspension only for evidenced immediate risk;
- remedial training, restitution and supervised-practice orders in addition to fines;
- publication of final disciplinary decisions; and
- an independent appeal tribunal with a further appeal on law to the High Court.

Complaints should be accepted from clients, occupants, purchasers, contractors, counties and other professionals. Investigation, prosecution and adjudication should be institutionally separated.

10. Professional Indemnity and Future Real-Estate Delivery

Professional indemnity insurance should be a central practice requirement, not merely a document submitted when a firm is registered. It should follow the person accepting professional responsibility and the risks of each project, including sole practitioners, foreign practices, joint ventures and multidisciplinary firms.

Recommended insurance provisions

- risk-banded minimum limits based on project value, occupancy, complexity and professional role;
- cover for sole practitioners, companies, partnerships, joint ventures, employees and former principals;
- appropriate retroactive cover and a minimum run-off period after cessation of practice;
- direct annual electronic confirmation by insurers and prompt notice of cancellation or material reduction;
- client disclosure of limits, excesses and material exclusions;
- aggregate-limit and reinstatement requirements for large practices;
- project-specific or coordinated project PI for high-value and high-risk developments;
- proportionate pooled arrangements for small and emerging practices; and
- a limited consumer-protection fund for defined uninsured loss, fraud or practitioner insolvency.

Digital delivery, BIM and artificial intelligence

Prescribed projects should identify a lead professional and maintain a design-responsibility matrix. BIM and common data environments should record authorship, review, approval and revision. Use of artificial intelligence must not dilute responsibility: the registered professional signing or approving a deliverable remains accountable for verifying its accuracy, fitness and regulatory compliance.

11. Recommended Legislative Architecture

One framework Act with professional chambers

The preferred settlement is a Built Environment Professions Act containing common statutory provisions and profession-specific chapters or schedules.

Common provisions

- public-interest objectives and regulatory independence;
- registers, licensing and firm regulation;
- multidisciplinary practice and responsibility matrices;
- consumer contracts, complaints and common ethical duties;
- professional indemnity and continuing competence;
- inspection, enforcement, discipline and appeals;
- mutual recognition and foreign-practice rules;
- competition safeguards;
- digital delivery, BIM and AI accountability;
- coordination with counties, NCA, building-control bodies and EBK.

Profession-specific provisions

- registration categories and competence standards;
- protected titles and narrowly defined reserved functions;
- education, experience and assessment routes;
- profession-specific codes and technical standards;
- foreign recognition and temporary practice.

Planning and urban design

Physical planning and statutory land-use approvals should remain aligned with planning legislation. Urban design should be recognised as an interdisciplinary competence that may be held by appropriately qualified architects, planners or landscape architects. The Act should not award one profession an exclusive claim to the whole urban-design field.

Engineering

Engineering should remain under the Engineers Act because an established statutory regime already exists. The framework Act should nevertheless establish binding coordination, common project protocols and a jurisdiction mechanism between the Built Environment Council and the Engineers Board of Kenya.

12. Priority Amendments to the Practitioners Bill

1. Rename the Bill the Built Environment Professions Bill.
2. Add planning representation and coordinate expressly with physical and land-use planning law.
3. Define urban design as interdisciplinary and preserve the distinct statutory authentication role of registered physical planners.
4. Require responsibility matrices and multidisciplinary teams for prescribed urban-design and special-planning projects.
5. Remove compulsory membership or good-standing requirements tied to voluntary associations.
6. Replace professional fee-setting powers with non-binding, competition-reviewed guidance.
7. Require formal clarification of the status of architects/QS L.N. 133 and L.N. 188 of 2023 and review the engineers minimum-fee rules for competition compatibility.
8. Establish professional chambers for technical registration and competence decisions.
9. Expressly register professional practitioners, technologists, technicians, candidates and limited-practice specialists within each relevant chamber.
10. Define category scopes through competency and project-risk matrices, including when independent practice, supervision, co-signature or specialist review is required.
11. Create transparent progression and recognition-of-prior-learning routes for experienced diploma holders.
12. Add independent consumer, insurance, development and accessibility representation.
13. Separate disciplinary investigation, prosecution, adjudication and appeal.
14. Distinguish protected titles from reserved statutory functions and open activities.
15. Require risk-based PI cover for every person or entity offering services to the public.
16. Recognise multidisciplinary firms and require a design-responsibility matrix.
17. Add written-engagement, conflict-disclosure, record-retention and duty-to-warn requirements.

18. Create an independent Built Environment Appeals Tribunal.
19. Require Competition Authority consultation before scope-of-work or remuneration instruments.
20. Introduce risk-based project classes so regulatory intensity follows public and financial risk.
21. Preserve accrued registrations, contracts, complaints, liabilities and proceedings through detailed transition provisions.

13. Conclusion

> **Policy principle. Regulate competence, accountability and high-risk functions; do not regulate professional prestige, association membership or market prices.**

Kenya's modern built environment requires coordination without professional homogenisation. A framework Act with strong common protections and technically autonomous professional chambers offers the best balance between public safety, constitutional rights, government accountability, practitioner expertise, fair competition and multidisciplinary innovation.

Sources Reviewed

Category	Materials
Primary documents supplied	Architectural and Quantity Surveying Practitioners Bill, 2026; Built Environment Professions Bill, 2019; Architects Bill, 2026; Quantity Surveyors Bill, 2026; Construction Project Managers and Construct Managers Bill, 2023; Engineers Bill, 2011; Physical and Land Use Pl Act, 2019; supplied architects/QS fee-scale instrument labelled L.N
Kenya Law	Physical Planners Registration Act; Physical and Land Use Planning and 2021 Regulations; Architects and Quantity Surveyors Act and B Engineers Scale of Fees Rules, L.N. 20 of 2022; Competition Act; Accountants Act; Advocates Act; Law Society of Kenya Act.
Kenyan decisions	Muthumba v Land Surveyors Board & 3 others [2026] KEHC 2645 (K Nganga v Law Society of Kenya & 2 others [2025] KECA 1384 (KLR).
Comparative sources	United Kingdom Architects Act 1997 and Regulated Professions Re South African Council for the Built Environment and SACAP registra materials; Australian Architects Accreditation Council competency standards and pathways; Queensland building-design licensing; Ne South Wales Design and Building Practitioners scheme.
Competition and instrument status	Competition Authority of Kenya, Dismantling Regulatory Obstacles Competition in Kenya; Parliamentary Statutory Instruments Tracker recording withdrawal of architects/QS L.N. 133 and L.N. 188 of 202