AAK | PROMOTING EXCELLENCE IN THE BUILT ENVIRONMENT

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

AAK/RA/NA/F01

17th June 2026

Mr. Samuel Njoroge, CBS
The Clerk of the National Assembly
P.O. Box 41842-00100
Parliament Building
Nairobi, Kenya

Dear Sir,

RE: MEMORANDUM TO THE NATIONAL ASSEMBLY ON THE PROPOSED QUANTITY SURVEYORS BILL,2026 (NATIONAL ASSEMBLY BILL NO. 6 OF 2026)

The Architectural Association of Kenya (AAK), as the umbrella body representing a broad spectrum of built environment professionals, wishes to respectfully submit its observations regarding the proposed Quantity Surveyors Bill currently before the National Assembly.

For close to six decades, AAK has served as a professional home and incubator for built environment practitioners in Kenya. The Association has consistently championed collaboration across the sector, bringing together both regulated professionals, such as architects, engineers, planners and quantity surveyors, and currently unregulated disciplines including landscape architects, interior designers, construction project managers and environmental design consultants. This collaborative ecosystem has been central to advancing excellence, professionalism and innovation within Kenya's construction and urban development sectors.

AAK therefore urges the National Assembly, as it deliberates on the Bill, to carefully consider the broader implications of any legislative reform on the entire built environment value chain. The process of delivering safe, functional and sustainable buildings is inherently multidisciplinary. It begins with conceptualization and planning, continues through design and regulatory approvals, and culminates in construction, management and long-term stewardship of the built asset. Each of these stages involves multiple professional contributions that must work in harmony to safeguard public interest.

Legislation that addresses the needs or concerns of a single profession, however important, risks fragmenting this delicate ecosystem. Such fragmentation could inadvertently weaken coordination within the sector, create regulatory overlaps, and limit the collaborative frameworks that are necessary for modern construction and urban development. In 2019, AAK commissioned a comprehensive research and published a policy paper to inform the development of a stronger, more coherent, and effective regulatory framework

for built environment professions and professionals in Kenya. The report is attached for your reference and consideration, as it provides relevant evidence-based recommendations that may inform ongoing discussions on the regulation of built environment professions and the proposed institutional framework under the Bill.

AAK strongly believes that the present moment offers an important opportunity for Kenya to modernize its approach to the governance of the built environment. Rather than strengthening professional silos, the country would benefit from legislative frameworks that encourage integration, clarity of roles, and shared accountability among all practitioners involved in shaping the built environment.

For this reason, AAK continues to advocate for the development of a comprehensive Built Environment Bill that recognizes the interdependence of all professionals within the sector. Such a framework would provide a unified platform for regulating practice, fostering collaboration, and ensuring that Kenya's rapidly growing towns and cities are planned, designed and constructed to the highest standards of safety, sustainability and public value.

The Association respectfully calls upon Members of the National Assembly to undertake broad consultations with all stakeholders across the built environment professions before finalizing the proposed legislation. A co-created regulatory approach – one that recognizes the contributions of all disciplines – will better protect the public interest and strengthen Kenya's capacity to deliver resilient infrastructure, well-planned cities and high-quality buildings.

AAK remains ready to support Parliament and other government institutions in developing forward-looking policies that align professional practice, urban development and construction delivery for the benefit of all Kenyans.

Signed,

GEORGE A. NDEGE
PRESIDENT, ARCHITECTURAL ASSOCIATION OF KENYA.

SUMMARY OF AAK'S SUBMISSIONS ON THE PROPOSED QUANTITY SURVEYORS BILL, 2026

BACKGROUND

The profession of Quantity Surveying has historically been regulated under the Architects and Quantity Surveyors Act 1933 (Cap. 525), which establishes a statutory Board responsible for the registration and oversight of the profession. Over the years, quantity surveyors have joined voluntary professional associations that played complementary and advisory roles within the built environment sector. These include:

- The Architectural Association of Kenya (AAK), formed in 1967, with a quantity surveyor's chapter amongst other built environment profession chapters.
- The Institution of Quantity Surveyors of Kenya (IQSK), formed in 1994 as a voluntary association of professional quantity surveyors.

The Quantity Surveyors Bill, 2026, was brought to the attention of members through its formal gazetting in February 2026. It was only thereafter, in March 2026, that a public announcement was made through social media, which we subsequently came across on LinkedIn.

Stakeholders note with concern that:

- The Bill was not preceded by adequate stakeholder participation, and the drafting process lacked transparency.
- The proposed framework raises significant constitutional concerns; and
- The proposed framework does not integrate well with existing statutory frameworks or with broader proposed reforms across the built environment sector.

CONSTITUTIONAL CONCERNS

i. Stakeholder Participation

Articles 10 and 118 of the Constitution of Kenya require meaningful public participation in legislative processes, including adequate stakeholder engagement. The fact that many practising and aspiring quantity surveyors became aware of the Bill only after its gazettement highlights a gap in stakeholder engagement. The Bill, aimed at significantly restructuring the profession's regulatory framework and converting a voluntary association into a statutory body, was not adequately communicated to professionals, and

invitations were not issued during its drafting. The procedure followed, leading to the gazetting of the Bill, raises concerns about whether the introduction and ongoing legislative process satisfy the necessary constitutional standards on participation.

ii. Freedom of Association

Article 36 of the Constitution of Kenya guarantees the right to form, join or participate in the activities of an association of any kind, and not to be compelled to join an association. The Bill states that, in addition to future entries to the profession, all professionals registered under the existing Architects and Quantity Surveyors Act 1933 will automatically become members of the Institute of Quantity Surveyors (section 5.1) and, as a de facto prerequisite, must remain members to continue practising the profession.

Together, these provisions create a system where:

- Existing and future professionals are mandatorily absorbed as members of the Institute, and;
- Continued membership to the Institute is a prerequisite for continued practice.

Tying entry into the profession, ongoing practice and the individual's professional identity to membership of the Institute will substantially restrict the freedom of association of individual members.

iii. Fair Administrative Action

Article 47 of the Constitution of Kenya guarantees every person the right to fair, lawful, and procedurally just administrative action. The Bill, however, concentrates key regulatory functions, namely registration, licensing, discipline, and accreditation, within a single Institute that is also a statutory body with mandatory membership. These functions are nominally exercised through subcommittees that are not fully independent, as they operate in circular reference to the governing council that makes decisions without clear accountability structures.

The concern is that this structure concentrates decision-making in a few members of the profession, creating the risk of actual or perceived bias and does not create tangible counterbalances in the form of procedural safeguards available to practitioners.

In this regard, the concentration of powers within a single body as well as within its governing council may undermine the principles of fairness, accountability, and transparency as required under Article 47.

STATUTORY AND REGULATORY FRAMEWORK CONSISTENCY

i. Existing Regulatory Framework under the Architects and Quantity Surveyors Act, 1933

Under the existing framework established by the Architects and Quantity Surveyors Act (Cap. 525), the law provides for the establishment of the Board, the maintenance of a register, qualifications for registration, examinations and professional standards, all under various sections. Notably, the qualifications for quantity surveyor registration recognize voluntary associations as measures of professional standards, qualifications, and representation.

The proposed Bill introduces a significant structural shift by consolidating both regulatory functions and professional membership within a single Institute. These functions include registration, licensing, discipline, accreditation, and membership.

The effect of this consolidation is to merge regulatory and representative roles into a single entity, thereby removing the existing system of institutional checks and balances. The creation of a statutory Institute of Quantity Surveyors would also necessitate amendments to the constitutions of other voluntary associations, nullify existing mutual recognition agreements, and effectively abolish the Quantity Surveyors Chapter of the AAK, which derives its authority from the Architects and Quantity Surveyors Act, Architects and Quantity Surveyors By-Laws, and the AAK Constitution and By-Laws.

Further, the Bill proposes to give effect to the Institute by separating quantity surveyors from the Architects and Quantity Surveyors Act framework. It provides for the transfer of assets from the current joint regulatory structure and the transition of the existing Board into the first governing council of the Institute. These consequential amendments are likely to be detrimental to the regulation of quantity surveyors and to the broader frameworks that arise from the current joint regulatory regime.

ii. Inconsistency with broader pushes for regulatory reform

The Bill introduces a rigid and potentially unsustainable institutional model. It fails to adequately consider ongoing reform efforts across other built environment professions and does not align with existing statutory frameworks, including the National Construction Authority Act. The attached Research Report on the Coalition of Built Environment Professions by the AAK highlighted the need for robust and effective regulation of built environment professions in Kenya and recommended the development of umbrella legislation to govern built environment professionals and their practice. This recommendation stems from growing concerns over unregulated or inadequately regulated practice, which has been associated with increasing cases of professional misconduct, building collapses, fraudulent land acquisitions, and poor-

quality construction works that pose significant risks to the public. These challenges underscore that strong and coherent regulatory frameworks are not merely procedural but are essential safeguards for public safety, professional standards and national development.

Further, the Bill extends the definition and scope of quantity surveying into other professions that are themselves pursuing independent regulatory recognition. For example, it expands the qualifications for registration as a quantity surveyor to include construction managers, a group currently seeking separate legislative recognition. It also appears to broaden the scope of quantity surveying into areas such as the endorsement of drawings and specifications, which fall within the established mandates of architects and engineers under their respective regulatory frameworks.

These provisions, together with the substantial restructuring of the current joint regulation of architects and quantity surveyors, create a risk of statutory inconsistency. At a minimum, they are likely to necessitate significant amendments in various acts in the short to medium term to ensure coherence across the built environment regulatory landscape.

STAKEHOLDERS' PETITION

From stakeholder engagements, the following positions have emerged:

- Limited stakeholder engagement raises concerns about the intent and inclusivity of the Bill;
- Constitutional concerns arise from the freedom of association and fair administration.
- The Bill introduces institutional and legal conflicts in existing structures as well as in future regulatory structures created by other professions.
- The Bill does not demonstrate any clear improvements to the existing regulation of quantity surveying.

As aspiring and registered quantity surveyors, and therefore key stakeholders in this matter, we respectfully petition the National Assembly as follows:

That the Quantity Surveyors Bill, 2026 be withdrawn in its entirety to allow for a comprehensive review and meaningful stakeholder participation, so that any future regulatory reform is sustainable, aligned with the broader built environment regulatory framework, consistent with constitutional principles, and in the public interest.

Following such withdrawal, we undertake to convene inclusive discussions, in consultation with other professions and industry stakeholders, to develop proposals for a more coherent and sustainable regulatory framework for the profession and the built environment as a whole, with public interest as the guiding principle.

This petition further recognizes prior proposals advocating for the establishment of a unified council for the built environment. As stakeholders, we see considerable merit in this approach in promoting a more efficient, coordinated, and sustainable regulatory system, and we encourage Parliament to give due consideration to this model in future legislative efforts.