

CHAPTER 269

**THE ARCHITECTS AND QUANTITY
SURVEYORS (REGISTRATION) ACT**

[PRINCIPAL LEGISLATION]

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SCHEDULES

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CHAPTER 269

THE ARCHITECTS AND QUANTITY SURVEYORS (REGISTRATION) ACT

An Act to provide for institutional machinery for the regulation of activities and conducts of architects, quantity surveyors and their firms under the Architect and Quantity Surveyors Registration Board; to provide for qualification for registration, rights and privileges of architects and quantity surveyors and to provide for related matters.

[1st October, 2010]

[GN. No. 343 of 2010]

Act No.
4 of 2010
5 of 2023

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Architects and Quantity Surveyors (Registration) Act.

Interpretation
Act No.
5 of 2023 s.4

2. In this Act, unless the context otherwise requires-
“Appeals Authority” means the Appeals Authority referred to in section 30;

“architect” means a person registered under this Act and includes interior designer, landscape architect, architectural technologist, furniture architect, conservation architect or naval architect;

“architectural draughtsman” means a person whose name has been entered in the sub-register as provided for under section 11;

“architectural technician” means a person whose name has been entered in the sub-register as provided for under section 11;

“Board” means the Architects and Quantity Surveyors Registration Board established under section 3;

“building” means any three dimensional structure or form constructed for the purpose of defining space, within space or around space, whether that space is directly or indirectly used;

“construction work” means any work undertaken by architectural or quantity surveying firm and includes-

- (a) pre-design, the design and post design, drawing and supervision of construction of a three dimensional structure or form of whatsoever material constructed for the purpose of defining space within space or around space, whether that space is directly or indirectly used;
- (b) rehabilitation, redesign, alteration and supervision of such rehabilitation, redesign or alterations;
- (c) seeking and obtaining a planning consent and any other permit or certificate in respect of buildings or structures similar to buildings, civil engineering and services; and
- (d) advisory services in respect of buildings or structures similar to buildings, civil engineering and services;

“design and build” means any work in which a person or a body of persons is responsible for coordinating and funding of the designing and construction of a building or construction work;

“firm” means a person, group of persons or public institution which practise in any activity relating to architectural or quantity surveying and includes sole proprietor, partnership or corporate body whether local or foreign;

“foreign firm” means a firm registered under section 16 of this Act whose majority shares are owned by non-citizens;

“foreign-funded projects” means building works or construction works whose source of funding is wholly or majority shares from foreign sources;

“foreign person” means a person who is not a citizen of the United Republic of Tanzania and who temporarily undertakes specific architectural or quantity surveying works in Tanzania;

- “graduate architect” means any person registered as such under this Act and includes a graduate interior designer, graduate landscape architect, graduate architectural technologist, graduate furniture architect, graduate conservation architect or graduate naval architect;
- “graduate quantity surveyor” means any person registered as such under this Act and includes a graduate building surveyor, graduate construction economist, graduate construction manager or graduate building economist
- “member” means a member of the Board appointed under section 4 and includes the Chairman and the Vice Chairman;
- “Minister” means the Minister responsible for construction industry;
- “principal” means the head of a firm and includes a director, partner, shareholder or an owner of the firm;
- “project management” means management of resources, quantity, cost, quality and time in relation to a building or construction works done by architects, quantity surveyors, engineers or their firms;
- “project manager” in relation to the building or construction works, means an architect, engineer, a quantity surveyor or their firm appointed by the client for the management of resources, time and quality in the building works or projects;
- “quantity surveyor” means a person registered under this Act and includes building surveyor, construction manager or building economist;
- “register” means a register of architects, quantity surveyors, project managers and their firms;
- “Registrar” means the Registrar appointed pursuant to section 8;
- “services” means architectural or quantity surveying professional services that are provided by architects, quantity surveyors or firms referred to under section 36;
- “stop order” means an order issued by the Board under this Act;

“sub-register” means the register of graduate architect, graduate quantity surveyor, architectural technician and architectural draughtsman.

PART II

ESTABLISHMENT OF THE BOARD

Establishment
of Board

3.-(1) There is established a Board to be known as the Architects and Quantity Surveyors Registration Board.

(2) The Board shall be a body corporate and shall-

- (a) have perpetual succession and common seal;
- (b) in its corporate name, be capable of:
 - (i) suing and being sued;
 - (ii) acquiring, holding and disposing of movable and immovable property; and
 - (iii) entering into contracts or other transactions and other acts and things which a body corporate may lawfully perform;
- (c) have power to borrow such sums as it may require for its purpose; and
- (d) exercise the powers and perform the functions conferred upon it by this Act.

Composition
of Board and
tenure of office
of members
Act No.
5 of 2023 s.5

4.-(1) The Board shall consist of nine members who shall be appointed by the Minister as follows:

- (a) a Chairman who shall be an architect or a quantity surveyor with at least ten years' experience in the construction industry and proven tangible contribution to the sector;
- (b) one registered architect representing the Architects Association of Tanzania;
- (c) two representatives from architectural and quantity surveying training institutions, one being a registered architect and the other being a registered quantity surveyor;

- (d) one registered quantity surveyor appointed from the Tanzania Institute of Quantity Surveyors;
- (e) a Law Officer representing the Attorney General;
- (f) one senior officer from the Ministry responsible for local government who shall be either an architect, quantity surveyor or town planner;
- (g) one senior officer from the Ministry responsible for construction; and
- (h) one senior officer from the Ministry responsible for lands who shall be a town planner with experience in the building industry.

(2) The provisions of the Schedule to this Act shall have effect as to the tenure of office, management, proceeding, constitution and other matters relating to the Board.

(3) The Minister may, after consultation with the Board and by order published in the *Gazette*, amend, add, vary, revoke or replace the provisions of the Schedules to this Act.

Functions of
Board

5.-(1) The functions of the Board shall be to-

- (a) register and maintain registers and sub-registers of architects, quantity surveyors and their firm, graduate architects, graduate quantity surveyors, architectural technicians, architectural draughtsmen both local and foreign, and to make decisions on applications for their registration annually;
- (b) prescribe fees for application, registration, annual subscription and other fees as may be required;
- (c) regulate the activities and conducts of architects, quantity surveyors and their firms, graduate architects, graduate quantity surveyor, architectural technicians, and architectural draughtsmen;
- (d) enter building sites and inspect building or construction works for the purpose of verifying and ensuring that, the works are being undertaken by a registered architectural or quantity surveying firms and that the works comply with governing regulations and laws of the country

including requirement for safety, an erection of signboard which shows the title of the project, names, addresses, phones and e-mails of the client, architect, quantity surveyor, project registration sticker and to take legal action against defaulter;

- (e) promote, monitor and provide continuing professional development opportunities and facilities for the study and training in architecture, quantity surveying and allied subjects;
- (f) conduct examinations or professional interviews for purposes of verifying the competence to practice as professionally qualified architects or quantity surveyors or as to the adequacy of practical training in architecture or quantity surveying as may be approved by the Board;
- (g) arrange for publication and general dissemination of materials produced in connection with the work and activities of the Board;
- (h) liaise with other institutions involved in architecture, quantity surveying and allied matters;
- (i) grant professional certificates and other awards of the Board for examinations conducted by the Board;
- (j) take disciplinary action against architects, quantity surveyors and other semi professional registered by the Board;
- (k) register construction works or projects;
- (l) offer advisory services to the public and the construction industry;
- (m) liaise with both local and international professional boards and associations involved in the construction industry for the purposes of consultations, exchange of ideas, and experiences;
- (n) promote and enforce professional conduct, ethics and integrity of architect, quantity surveyor and firms practising or operating in Tanzania;
- (o) administer and regulate architectural competition;

- (p) promote awareness and educate the public on the professions of architecture and quantity surveying as well as the duties and responsibilities of architects and quantity surveyors; and
- (q) carry out any other functions which are for the public interests and which the Minister may direct in writing.

Power to establish committees

6.—(1) The Board may, where it considers necessary, appoint committees from amongst its members and co-opted members to carry out any of its functions.

(2) The committees appointed pursuant to subsection (1) shall regulate their own proceedings.

Delegation of functions

7. The Board may delegate its functions under this Act to any officer, member or committee of the Board.

Appointment of Registrar

8.—(1) The Board shall appoint a Registrar from amongst registered architects or quantity surveyors, who shall at least have seven years working experience in the relevant field.

(2) The Registrar shall be the chief executive officer and secretary of the Board and shall be answerable to the Board and responsible for the day to day management of its affairs.

(3) The Registrar shall hold office for a term of five years and may subject to satisfactory performance, be eligible for re-appointment for one more term.

Other staff of Board

9.—(1) The Board may appoint officers and other employees as may be necessary for the proper discharge of its functions and upon such terms and conditions of service as the Board may determine.

(2) The officers and other employees of the Board appointed under subsection (1) shall, in the performance of their functions be answerable to the Registrar.

PART III

REGISTRATION

Register
Act No.
5 of 2023 s.6

10.–(1) The Registrar shall keep and maintain a register of architects, quantity surveyors, project managers, architectural and quantity surveying firms both local and foreign.

(2) The register referred to in subsection (1), shall contain-

- (a) date of entry;
- (b) name, postal and physical address, phones and e-mails;
- (c) academic qualifications;
- (d) registration number;
- (e) category of registration for local or foreign;
- (f) managerial, professional, technical and other personnel in the case of a firm;
- (g) principal of the firm;
- (h) type of registration;
- (i) duration of registration; and
- (j) any other particular as the Board may direct.

Sub-register

11.–(1) The Registrar shall keep and maintain a sub-register of-

- (a) graduate architects and quantity surveyors;
- (b) architectural technicians; and
- (c) architectural draughtsmen.

(2) The sub-register referred to under subsection (1), shall contain-

- (a) the date of entry;
- (b) name, postal and physical address, phones and e-mails;
- (c) academic qualifications;
- (d) registration number; and
- (e) any other particulars as the Board may direct.

Qualifications
for registration
Act No.
5 of 2023 s.7

12.–(1) A person shall be eligible for registration in the register if that person-

- (a) holds a degree or the equivalent qualification from an approved training institution in any of the following fields:

- (i) architecture;
 - (ii) interior design;
 - (iii) landscape architecture;
 - (iv) furniture architecture;
 - (v) conservation architecture;
 - (vi) architectural technology;
 - (vii) naval architecture;
 - (viii) quantity survey;
 - (ix) building economics;
 - (x) construction economics;
 - (xi) building survey;
 - (xii) construction management; or
 - (xiii) any other related field as the Board may determine;
- (b) has done a minimum of two years supervised work in a practising firm in Tanzania after graduating from a recognized college or university and passed the professional examination conducted by the Board; and
- (c) is a member of the Architects Association of Tanzania or Tanzania Institute of Quantity Surveyors, as the case may be
- (2) A person shall be eligible for registration in the sub-register if-
- (a) that person holds a degree or equivalent qualification from an approved training institution in any of the following fields:
 - (i) architecture;
 - (ii) interior design;
 - (iii) landscape architecture;
 - (iv) furniture architecture;
 - (v) conservation architecture;
 - (vi) architectural technology;
 - (vii) naval architecture;
 - (viii) quantity survey;
 - (ix) building economics;
 - (x) construction economics;

- (xi) building survey;
- (xii) construction management;
- (xiii) architectural drafting; or
- (xiv) any other related field as the Board may determine;
- (b) that person's general conduct is, in the opinion of the Board, sufficient to make him a proper person to be registered under this Act.

(3) A firm shall not be eligible for registration as an architectural firm or quantity surveying firm unless-

- (a) the principal of the firm is registered with the Board as architect or quantity surveyor; and
- (b) it is duly registered under the Companies Act, the Business Names (Registration) Act or any other relevant law.

(4) An architect or quantity surveyor shall not be allowed to be a principal of more than one firm.

(5) A person who gives false information commits an offence and on conviction, is liable to a fine of not less than three million shillings or imprisonment for a term of not less than six months or to both.

Cap. 212
Cap. 213

Foreign person's
registration
Act No.
5 of 2023 s.8

13.-(1) A foreign architect or quantity surveyor shall not practice as an architect or quantity surveyor in Tanzania unless he is registered under this Act.

(2) A foreign architect or quantity surveyor who wishes to be registered under this Act shall satisfy the Board that-

- (a) he is not a citizen of Tanzania;
- (b) he intends to be present in Tanzania in the capacity of a professionally qualified architect or quantity surveyor for the express purpose of carrying out a specific assignment for which he has been engaged;
- (c) he is or immediately prior to entering Tanzania was, practising as an architect or quantity surveyor in the capacity that satisfies the Board of his ability to serve the public as a qualified architect or quantity surveyor; or

- (d) he is a person soliciting for resident and work permit to allow him to practice either as an architect or a quantity surveyor on a specific project or assignment;
- (e) in case of a foreign firm, is a firm that has employed foreign persons whose qualifications and skills are not available in Tanzania and has engaged a local registered person for the purpose of local capacity building for carrying out the specific assignment; and
- (f) he has deposited an affidavit with the Board to the effect that, once the assignment is completed or the investment has been wound up, he shall cease to practise as an architect, or quantity surveyor or firm.

(3) Upon satisfaction with the information provided under subsection (2), the Board may direct the person to be registered under this section for the duration of the specific assignment.

(4) The registration of a person under this section shall continue for a duration of the assignment as is directed by the Board under subsection (3) and on its termination that person shall cease to be registered and return the registration certificate to the Board and in case of doubt the decision of the Board as to the termination of the specific assignment or investment shall be conclusive.

(5) A person registered under this section shall, in relation to the duration of the specific assignment or investment as is directed by the Board under subsection (4) and to things done or omitted in the course of any specific assignment or investment, be treated as being duly registered under this Act as an architect, quantity surveyor, or a firm, and in relation to other matters, it shall be treated as not registered.

(6) For the purpose of this section, the word “persons” includes body of persons, corporate or unincorporate.

(7) A person, client or institution which hires the services or employs foreign architects or foreign quantity surveyors shall ensure he pays the fees imposed under this Act.

(8) A person, client or institution which fails to pay the fees under the provisions of subsection (7) within thirty days

from the date from which it is due, commits an offence and on conviction shall be liable to pay a fine twice the amount of the unpaid fees or to imprisonment for a term of not less than two years or to both.

(9) A person or firm who contravenes subsection (1) commits an offence and on conviction is liable to a fine of not less than fifteen million shillings or to imprisonment for a term not exceeding three years or to both.

Procedure for
person registered
outside country
Act No.
5 of 2023 s.9

14.–(1) An application for registration under this Act shall be made to the Board in a prescribed manner and shall be accompanied by a non-refundable application fee.

(2) The Board may, for the purposes of considering his application for registration, require an applicant to–

- (a) appear before it for professional interview; and
- (b) produce documentary evidence in respect of his qualifications, the relevant work experience, employment or any other information as the Board may deem fit.

Foreign firm
to provide
information

15.–(1) A foreign firm operating in Tanzania shall provide information in a form prescribed by the Board as to the nature, period and qualification of professionals working for it or under the firm and any additional information that the Board may require.

(2) Subject to the provision of subsection (1), a person who fails to furnish or furnishing false or misleading information commits an offence and on conviction shall be liable to a fine of not less than six thousand US dollars or its equivalent to Tanzania shillings or to imprisonment for a term not exceeding three years or to both.

Restriction on
registration of
foreign firms

16.–(1) A foreign firm shall not be registered as a local architect or quantity surveyor or allowed to form a local firm unless–

- (a) in the case of a firm, it is registered in Tanzania and the majority shares are owned by the citizens of United Republic of Tanzania; and

(b) at least one of the foreign principals is practising in Tanzania.

(2) A name of a foreign person or firm shall not be entered into the register if it does not fulfil the conditions stipulated under subsection (1).

(3) A foreign person or firm shall not be registered without evidence of involving local architects or quantity surveyors.

Power to refuse
registration

17. The Board may refuse to register any person or firm if in its opinion-

- (a) is against public interest
- (b) does not meet the conditions made under this Act;
- (c) is a registered contractor;
- (d) is a person whose residence or work permit does not allow him to practise as an architect or a quantity surveyor; or
- (e) is a person whose general and professional conduct has been in the opinion of the Board not qualifying to be registered under this Act:

Provided that, a person or firm shall not be refused to be registered or deregistered without being given an opportunity to be heard.

Conditions
for architects
and quantity
surveyors
Act No.
5 of 2023 s.10

18.-(1) The architects and quantity surveyors shall fulfil the conditions prescribed by the Board.

(2) An architect or quantity surveyor whether local or foreign shall not practise or undertake any architectural or quantity surveying business without having a firm that is duly registered and having a valid annual practising license issued by the Board upon payment of annual subscription fee.

(3) The Board shall require an applicant for registration to satisfy the Board on his professional and general conduct to make him a proper person to be registered, and the Board may direct the Registrar to grant registration or reject the application.

(4) Notwithstanding subsections (1) and (2), a person registered by the Board under section 12(1) may offer the following services as an individual:

- (a) buildings or construction works as provided in paragraph 2 of the Second Schedule to this Act; or
- (b) consultancy services including technical audit, quality control, evaluation of bids, value engineering, probe teams, arbitration and other related services as may be determined by the Board.

(5) The Board shall issue guidelines for the better carrying out of the provisions of subsection (4).

Certificate of registration

19.—(1) Upon registration, the person shall be issued with a certificate of registration indicating the number of registrations, category of registration, date of registration and status of registration.

(2) The certificate issued shall be the property of the Board, non transferable and shall be withdrawn and returned to the Board within twenty one days upon suspension or cancellation of registration.

Clients to use registered architects quantity surveyors etc.

20. A client or developer who undertakes design building or construction works shall ensure that an architectural or quantity surveying firm is registered prior to the execution of the design, building or construction works.

Power to issue stop order

21.—(1) Where the Board finds that the design, building or construction works are being undertaken or carried out by any person or firm which is not registered or for any omissions or commission which contravenes the Act, the Registrar may issue a stop order or take other legal action.

(2) A person who fails to comply with the requirements of the stop order issued under subsection (1) commits an offence and on conviction shall be liable to a fine of not less than five million shillings and in a case of continuing offence, to a fine of three hundred and fifty thousand shillings for every day during which the offence continues after conviction.

(3) The effecting of the stop order shall be by service through the registered address either at the principal office of the party in breach or where such delivery is inappropriate, to the person in charge of a site or if not possible, by affixation on a prominent and conspicuous of the work site and on such actions, the stop order shall become effective forthwith.

(4) A person who-

- (a) refuses or attempts to refuse service of a stop order issued by the Registrar or his appointee; or
- (b) prevents or attempts to prevent the affixation of that stop order,

commits an offence and on conviction shall be liable to a fine of five million shillings or to an amount equivalent to two percent of the construction costs, whichever is greater or to three months imprisonment or to both.

Publication of
registers and lists

22. The Registrar shall, by notice published in the *Gazette*, after the first day of January each year, publish a list containing the names, addresses and qualifications of all registered architects, quantity surveyors and firms remaining in the register after 31st December of the previous year and having a valid practising licence.

Publication
prima facie
evidence of
registration

23.-(1) Subject to the provisions of section 22, publication shall be *prima facie* evidence that persons named in the notice are either registered or deleted under this Act.

(2) The registers, lists, copies or extracts which have been duly certified by the Registrar, shall be accepted in courts, tribunals or other bodies authorised to receive evidence of the facts stated in them.

(3) A person may inspect the register and document relating to any entry and may obtain from the Registrar a copy or an extract from the register or any document on payment of the prescribed fee.

(4) An order compelling the production of the register or any document kept by the Registrar shall not be issued from

any court unless the order bears the seal of the court issuing the order and is accompanied by a statement that it is issued by a court.

(5) The Registrar shall not, in any legal proceeding to which he is not a party, be compelled to-

- (a) produce the register or any document if its contents can be proved under subsection (1); or
- (b) appear as a witness to prove any entry in the register, the matters recorded in the register or any document, unless the court so orders.

PART IV

DELETION AND SUSPENSION FROM REGISTER

Deletion of name
from register

24.-(1) The Board may, at any time direct the name of an architect, quantity surveyor, architectural or quantity surveying firm to be deleted from the relevant register where that person or firm has-

- (a) failed either deliberately as a result of change of address for which he has failed to notify the Registrar of his or its current address within a period of six months from the date of change of such address or an inquiry sent by the Registrar by a registered letter to the address appearing in the register against his name to respond to the inquiry;
- (b) requested that his name be deleted from the register, in which case that person or firm may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings are likely to be taken against him;
- (c) failed to pay annual subscription fees for two consecutive years;
- (d) failed to meet the current registration criteria of the Board;
- (e) violated the provisions of section 18;

- (f) in the opinion of the Board, failed to practice or discharge his duties, responsibilities and obligations as an architect, quantity surveyor or a firm; and
- (g) been found by the Board to be guilty of any contravention of this Act or subsidiary legislation made under it or has committed an act of misconduct.

(2) The Board shall delete from the register the name of deceased person or any architectural or quantity surveying firm which has ceased to exist and delete any entry which is incorrectly or fraudulently made or procured.

(3) Except in the circumstances specified in paragraph (a) of subsection (1) and subsection (2), the deletion from the register of the name of any person or of a non-existent architectural or quantity surveying firm shall be notified by the Registrar to the person or the concerned firm, by recorded delivery or a registered letter to the address appearing in the register against his name immediately prior to the deletion.

(4) Subject to the provisions of this section, a person or an architectural or quantity surveying firm whose name has been deleted from the register under this section shall cease, from the date of the deletion, to be registered for the purposes of this Act, and that person or the principal of that firm shall be obliged to surrender to the Board the certificate of registration for cancellation.

(5) A principal whose architectural or quantity surveying firm is deleted from the register shall not be permitted to register a new firm of architecture or quantity surveying services or conduct architectural or quantity survey services until permission has been sought and granted by the Board.

Power to suspend
registration. etc.

25.—(1) Where an architect or quantity surveyor is convicted of an offence under this Act, or after an inquiry conducted by the Board is found to have committed an offence due to any act or omission amounting to improper disgraceful, negligent, professional misconduct or has breached the regulations, by-laws of the Board, or a firm having been incorporated, has

secured a certificate of compliance or registration of business licence which has not been issued by the licensing committee of the responsible ministry and endorsed by the Board or procured business licence without-

- (a) proof of submitting annual returns or principals profile report of a firm to the Board for the previous year;
- (b) having submitted a registration certificate of the Board to the licensing officer or authority; and
- (c) submitting proof of having paid the registration or annual subscription fees to the Board for the year of which the business licence is being sought,

the Board may-

- (i) caution, censure or suspend that architect, quantity surveyor or firm;
- (ii) direct that, during the period which the Board may specify, the registration of the name shall not have effect;
- (iii) direct the name to be deleted from the register; and
- (iv) take legal action against both the offender, officer or authority responsible for issuing the certificate of incorporation, compliance, registration or the trade licence.

(2) Where the Board institutes a legal action under paragraph (iv) of subsection (1), the Board shall proceed by way of a civil suit for breach of duty and seek costs against the parties:

Provided that, any action against a public officer who is not a local government officer, the provisions of the Government Proceedings Act shall apply.

Cap. 5

Restoration of
name to register

26.-(1) Where the name of a person or firm has been deleted from the register under this Act, the name of that person or firm shall not be re- entered in the register save on the directives of the Board.

(2) Where the name of any person or firm has been deleted or suspended from the register, the Board may after an inquiry direct that the-

- (a) deletion from the register be confirmed;
- (b) name of that person or firm be restored to the register; or
- (c) suspension of the effect of the registration of that person or firm be terminated.

(3) The directions given by the Board under subsection (2), may include a provision for the date upon which a restoration to the register or the termination of suspension of the effect of registration shall take effect and for the payment by the person or firm concerned of the fee or penalty as the Board may determine.

Proceedings at
inquiry

27.-(1) Upon an inquiry held by the Board, the person or firm whose conduct is being inquired into shall not be entitled to be represented by an advocate.

(2) For the purposes of proceedings at an inquiry, the Board shall have power to-

- (a) administer oaths; and
- (b) summon persons to attend and give evidence and order the production of documents.

(3) The summons and an order issued under the hand of the Chairman of the Board or the Vice Chairman, shall be deemed to have been issued by the Board.

(4) The Chairman of the Board, or in his absence, the Vice Chairman, shall record or cause to be recorded a summary of any oral or written evidence given at an inquiry held by the Board.

(5) Subject to the provisions of section 53, the Board shall have the power to regulate its procedure at an inquiry held by it.

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be judicial proceedings.

(7) A person who is convicted under this section shall pay the costs for the inquiry proceedings and other charges incurred by the Board after completion of the inquiry.

Disobedience of
summons and
refusal to give
evidence

28.—(1) A person who, having been served with a summons or an order issued under the provisions of section 27, refuses or omits without sufficient cause to answer the question to the best of his knowledge put to him by the Board, or refuses or omits without sufficient cause to produce any document in his possession or under his control which are specified in the order, commits an offence, and on conviction shall be liable to a fine of not less than five million shillings or to imprisonment for a term not exceeding one year but not less than six months or to both.

(2) A person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

Appeals

29.—(1) A person or firm aggrieved by a decision of the Board to-

- (a) refuse to register his name or his firm;
- (b) delete the name from the register;
- (c) suspend the effect of registration of the name; and
- (d) any other decision of the Board in the course of execution of its functions,

may appeal to the Appeals Authority within thirty days from the date of the decision.

(2) In any appeal, the Appeals Authority may give directions in a manner which it thinks proper, and the directions given shall be final, conclusive and binding upon all parties concerned.

(3) The Board may appear as the respondent and be heard on any appeal against its decision and, for the purposes of enabling directions to be given as to the costs of any appeal, the Board shall be deemed to be a party to it.

Appeals Authority

30.—(1) The Appeals Authority shall consist of-

- (a) a Chairman who shall be a person qualified to be a Judge of the High Court nominated by the Minister;
- (b) a senior State Attorney representing the Office of the Attorney General;

- (c) one senior member who is an employee of the Ministry responsible for local government and who is either an architect or quantity surveyor or a town planner appointed by the Minister; and
- (d) two members appointed by the Minister, who shall be-
 - (i) one architect nominated by the Architects Association of Tanzania; and
 - (ii) one member nominated by the Tanzania Institute of Quantity Surveyors.

(2) The members of Appeals Authority shall hold office for a term of three years and may be eligible for re-appointment for another term.

Rules of
proceedings
before Appeals
Authority

31.—(1) The Minister may, after consultation with the Attorney General, make rules and regulations for the taking of evidence, fees to be paid, procedure and the manner of notifying the Board of its intention to appeal.

(2) Subject to any rules made under subsection (1), the provisions of sections 27 and 28 shall apply *mutatis mutandis*, in relation to appeals made under section 29 and to persons summoned to give evidence before the Appeals Authority.

Deletions and
suspensions from
sub-register

32. The provisions of this Part shall apply *mutatis mutandis* to the persons registered in sub-register.

PART V

RESTRICTION ON PRACTISING AS AN ARCHITECT, QUANTITY SURVEYOR, ARCHITECTURAL OR QUANTITY SURVEYING FIRM

Use of title of
architect or
quantity surveyor
Act No.
5 of 2023 s. 11

33.—(1) A person or firm whose name has been entered in the register shall be entitled to adopt and use the style and title “architect”, “quantity surveyor”, “architectural or quantity surveying firm”, or contraction or abbreviation as the Board may approve and offer his or the firm’s services to the public

for fee or reward by the way of practice as a registered architect, a quantity surveyor or a firm.

(2) A person whose name has been entered into the sub-register as a graduate architect, graduate quantity surveyor, architectural technician or architectural draughtsman shall adopt-

- (a) the title and style “graduate architect” or “architectural technician” or “architectural draughtsman” or “graduate quantity surveyor”; or
- (b) abbreviation or contraction of the title as the Board may approve,

and to offer his services to the public under the supervision of an architect or quantity surveyor, for a salary, reward or remuneration as an employee or otherwise as an architectural assistant or architectural technician or quantity surveying assistant.

Restrictions
on practising
as architect,
quantity surveyor
or firm

34.—(1) A person or firm which-

- (a) not being an architect, a quantity surveyor, architectural or quantity surveying firm falsely represents to be such;
- (b) not being entitled to do so under section 33, use a style, or title of “architect”, “quantity surveyor” or “firm”, or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that person or firm is so registered;
- (c) not being an architect holds himself out other than for the purpose of applying for registration whether directly or by implication, to be a professionally qualified architect;
- (d) not being a quantity surveyor, holds himself out other than for the purpose of applying for registration to be a professionally qualified quantity surveyor;
- (e) not being a firm, holds itself out other than for the purpose of applying for registration to be a professionally qualified firm;

- (f) not being a registered architect, practises or carries on business in Tanzania as an architect;
- (g) not being a firm, practises or carries on business in Tanzania as an architectural or quantity surveying firm; or
- (h) not being quantity surveyor, practices or carries on business in Tanzania as a quantity surveyor,

commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term not less than three years or to both.

(2) A person who practises under the name, title or style containing, any words or phrases implying “architect”, “quantity surveyor” or “quantity surveying or architectural firm” unless he or it is registered under this Act as an architect or quantity surveyor or architectural or quantity surveying firm, commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term not less than three years or to both.

(3) A public or private institution or organisation shall not provide services in architecture or quantity surveying or approve architectural or quantity surveying designs or documents, unless its key officer responsible for taking or approving managerial or technical decisions is registered with the Board.

(4) A person who contravenes the provisions of subsection (3) commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or imprisonment for a term not less than three years or to both.

(5) An architectural or quantity surveying firm which secures a project without registering it with the Board within thirty days after the signing of the contract receiving the letter of the award or confirming of having secured the project shall be liable to a penalty of five million or one percent of the contract sum whichever is higher for every project undertaken in contravention of this section.

(6) An architectural or quantity surveying firm shall not practice or carry on architectural or quantity surveying

services or business indirectly in a given building work under the name of a particular architectural or quantity surveying firm whether local or foreign without having any control or decision making powers to such a business.

Persons operating
as architects,
quantity
surveyors or
firms

35.-(1) A person, whether corporate or unincorporate shall not carry on the business of architecture or quantity surveying unless the principal 'is registered:

Provided that, where one or more of the principals of the firm is an architect, the remaining being quantity surveyors then that firm may lawfully practise both as architects and quantity surveyors.

(2) Where a principal of a firm whether corporate or unincorporate, carrying on business as architects or quantity surveyors dies, that firm may be allowed to complete the projects or contracts in hand if the legal representative were architects or quantity surveyors.

(3) Where a firm undertakes any work on design and build method of procurement, the architectural and quantity surveying components shall be handled by an architectural firm and quantity surveying firm.

(4) This Act shall not be construed as entitling any firm whether corporate or un incorporate to be registered as or as empowering the Registrar to register any firm as architects or quantity surveyors.

(5) A person or a firm, after fulfilling the conditions for registration, may be registered as architects or quantity surveyors or firm, and carry on its business as architects, quantity surveyors or firms:

Provided that, the Board may refuse to register any firm as architects, quantity surveyors or firms, or direct deletion from the register of the name of any firm registered if satisfied that, any of the principals is a person registered as architects or quantity surveyors in his individual capacity would not have been accepted for registration.

(6) A person or a firm which carries on business as registered architects, quantity surveyors or architectural and quantity surveying firms in contravention of any of the provisions of this section commits an offence and on conviction, shall be liable to a fine of not less than three million shillings or to imprisonment for a term not exceeding three years or to both.

Definition of
“carrying on
business” or
“practising or
conducting
business as”
architect quantity
surveyor or firm
Act No.
5 of 2023 s.12

36.—(1) For the purposes of this Act, a person or firm shall be deemed to be carrying on the business or practising as an architect, quantity surveyor or firm if it offers or renders services that would normally be provided by an architect, quantity surveyor or firm in accordance with the definition of practising as architect, quantity surveyor or firm as provided for under this Act, to another person, whether those services are offered or rendered under a contract of service or a contract for services or otherwise.

(2) A practising or carrying on business as an architect shall include providing professional services in connection with town planning design, construction, conservation, restoration or alteration of a building or group of buildings, structures or project management or any other services as may be determined by the Board.

(3) A practising or carrying on business as a quantity surveyor shall include providing professional services in connection with construction costs advise preparation of bills of quantities, valuation, planning, administration and project management of building or construction project or any other services as may be determined by the Board.

(4) A person or firm who undertakes the project management of a building or construction works at any level of the project, where it is deemed by the Board that architectural or quantity surveying expertise and services is required through the process of planning, design, executing or controlling the activities, by the use or available human, technical or financial resources on behalf of or in contract with the project owner, shall be registered with the Board as either an architect or quantity surveyor.

Monitoring
and control of
practices
Act No.
5 of 2023 s.13

37.-(1) For the purposes of regulating the standards and monitoring activities undertaken by registered person, the Board shall ensure that, a person, clients, developer, financier or firm which undertakes building or construction works engages the services of an architect and a quantity surveyor in all stages of the project.

(2) The provisions of the Second Schedule to this Act shall apply in relation to the types of buildings or construction works to which subsection (1) shall apply.

(3) A person who contravenes the provisions of subsection (1) commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or two percent of the construction costs whichever is higher or to imprisonment for a term of not less than three years or to both.

(4) The Board shall ensure that, all architects and quantity surveyors who have been registered have their names published in the official *Gazette* and the publication shall confer upon those persons exclusive right of lodging applications for building works and seeking consent from the local government Authorities pursuant to the provisions of this section.

(5) A person who does not have exclusive rights under subsection (4), lodges any application commits an offence and on conviction is liable to a fine of not less than two million shillings to an application not consented to, by the Board.

(6) A person who attempts or practices as a graduate architect, graduate quantity surveyor, architectural technician or architectural draughtsman without being registered under this Act, commits an offence and on conviction shall be liable to a fine not exceeding five million shillings or to imprisonment for a term of three months or to both.

(7) The Registrar may issue a notice of inquiries regarding a building or construction project to any client, relevant authority or architect, quantity surveyor or firm as to compliance, wherever any non-compliance is found.

(8) Subject to the provisions of subsection (9), failure to comply with a notice of compliance within fourteen days, the

Registrar shall issue a stop order, the effect of which shall be to suspend the continuance of the works until the provisions under this Act have been so complied with.

Exemption

38. The Minister may, upon the written recommendation of the Board, for public interest, by order published in the *Gazette* exempt any person or class of persons from all or any provisions of this Part or may modify all or any of the provisions of this Part in their application to any person or firm.

Proceedings
for offences
committed within
certain period

39.-(1) A person shall not be prosecuted for an offence under this Part committed within the period of six months after the commencement of this Act.

(2) The Board may, with the consent of the Minister, by notice published in the *Gazette*, extend the period of six months provided for in subsection (1) by any further period which it may specify.

PART VI FINANCIAL PROVISIONS

Funds of Board

40. The funds and resources of the Board shall consist of-

- (a) registration and annual subscription fees by architects, quantity surveyors and firms, graduate architect graduate quantity surveyor, architectural technician, architectural draughtsman;
- (b) any sums which may be appropriated by Parliament for the Board;
- (c) any sums which the Board may receive by way of grant or loan from any person or organisation;
- (d) any sums legally obtained which the Board may, borrow for the purposes of the activities of the Board; and
- (e) any sums which may, in any manner, become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

Accounts and
audit

41.—(1) The Board shall cause to be kept proper books of accounts and shall, as soon as practicable after the end of each financial year, cause the accounts relating to that financial year together with—

- (a) a statement of income and expenditure during that financial year; and
- (b) a statement of the assets and liabilities of the last day of that financial year,

to be submitted to the Controller and Auditor-General.

(2) The copies of the statements referred to in subsection (1), and a copy of the auditors' report shall be forwarded to the Minister.

Estimates of
income and
expenditure of
Board

42. The Registrar shall, at the end of each financial year, prepare and submit a report to the Board for approval, estimate of income and expenditure and upon approval shall forward such report to the Minister.

Power to invest

Cap. 53

43. The Board shall have power to invest its funds in any investments which are authorised by, and subject to any conditions which are prescribed by the Trustee Investments Act, in relation to investments of funds by a trustee.

Annual statement
of accounts
and Registrar's
report to be laid
before National
Assembly

44. The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received—

- (a) copies of the statements referred to in subsection (1) of section 41 together with a copy of the auditors' report; and
- (b) a copy of the Registrar's report.

Minister may give
directives

45. The Minister may, in writing under his hand, give the Board directives of a general or specific nature which are for the public interest and the Board shall comply with those directives.

Remuneration
of members of
Board
Act No.
5 of 2023 s.14

46. The members of the Board shall be paid from the funds of the Board such fees or allowances at the rates as may be determined by the relevant authority.

PART VII MISCELLANEOUS PROVISIONS

General offences

47. A person or a firm which-

- (a) fraudulently makes, causes or permits to be made, any false or incorrect entry in the register or any copy of it;
- (b) fraudulently procures or attempts to procure, whether for the firm, for himself or any other person, as an architect quantity surveyor or firm;
- (c) fraudulently procures or attempts to procure, whether for the firm, himself or any other person, a trading licence or professional licence as an architect, quantity surveyor or firm;
- (d) knowingly and wilfully makes any statement which is false in material particular, or which is misleading with a view to gaining any advantage, concession or privilege under this Act whether for himself or for any other person; or
- (e) provides architectural or quantity surveyor services in buildings or civil works without being properly registered under this Act,

commits an offence and on conviction is liable to a fine not less than three hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term not exceeding five years but not less than three years or to both.

Offences and
penalties

48.-(1) A person who contravenes or fails to comply with the provisions of this Act, where the specific penalty is not provided under the respective provisions, on conviction shall be liable to a fine not exceeding five million shillings or imprisonment for a term not exceeding two years or to both.

(2) Where a firm contravenes or fails to comply with any of the provisions of this Act, a principal of the firm shall be deemed to commit the offence and on conviction is liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years or to both unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part.

(3) A person who works in a public institution and provides services in architecture or quantity surveying without being registered under this Act commits an offence and on conviction is liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years or to both.

Power to
compound
offences

49.—(1) The Registrar may compound an offence committed under this Act by requiring a person to pay an amount of money which the Board may direct.

(2) The powers conferred under this section shall be exercised where the person admits in writing that he has committed an offence and agrees to the offence being compounded under this section.

(3) Subject to the provisions of subsection (2), the Registrar shall give a receipt to the person from whom he has received the amount.

(4) The Registrar shall submit to the Board in every three months a list of compounded offences that have been compounded in that period.

Limitation of
liability

50. A member or employee of the Board shall not be personally liable for any act or default done or omitted in good faith in the course of carrying out the responsibilities and functions of exercising the power conferred upon him by the Board.

Professional
fees chargeable
to architects
and quantity
surveyors

51.—(1) An architect, quantity surveyor and every firm shall be bound by the scale of fee prescribed by the Board notwithstanding any provision in any other law, regulations or by-laws of the authority association, institute, society or organisation to which he is a member.

(2) A provision in any law, regulation, by-law of any authority, association, institute, society, organisation of architects or quantity surveyors or firms, incorporated, or founded, providing for a minimum scale of fees for services rendered by an architect, quantity surveyor or firm shall not bind any member in relation to any services rendered in Tanzania and that provisions in any law, regulation or by-law shall not be put forward as a ground for claiming fees at a rate less than the rate prescribed, authorised, approved or decided by the Board or person appointed by the Board to act as an arbitrator.

Regulations

52.—(1) The Minister may, upon the advice of the Board, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the provision of subsection (1), the Minister may make regulations for-

- (a) the conduct of the business of the Board and the procedure to be followed in any inquiry;
- (b) the duties of the Registrar, officers and other employees;
- (c) registration of persons or firms and anything which is permitted or required by this Act;
- (d) regulating disciplinary proceedings against the Registrar, officers and employees appointed by the Board;
- (e) taking disciplinary action against the Registrar and officers appointed by the Board; and
- (f) any other matter which is reasonable and in accordance with the laws regulating architecture or quantity surveying in the country.

By-laws
Act No.
5 of 2023 s.15

53. With approval of the Minister, the Board may make by-laws-

- (a) prescribing scale of fees which may be charged by architects, quantity surveyors or firms for services rendered by them;
- (b) prescribing certificates and other awards which may be conferred or granted by the Board;
- (c) prescribing the conditions to be satisfied before granting any certificate or other award;
- (d) prescribing the manner in which certificates or other awards may be granted;
- (e) regulating the conduct of professional interviews and examinations;
- (f) prescribing fees for admission to any course offered by the Board;
- (g) prescribing fees payable to the Board by professionals and any other fees for effecting of the duties of the Board under this Act;
- (h) prescribing fees payable by the candidates for any professional interview or examination held or conducted by the Board;
- (i) providing for and regulating disciplinary proceedings against the “graduates and candidates for Board’s examinations;
- (j) prescribing rules for professional conduct and ethics for architects, quantity surveyors and firms;
- (k) providing for the registration and regulating of graduate who undergo professional practical training, technicians and draughtsmen;
- (l) prescribing the fees to be paid on application, registration, annual subscription, the issue of certificates or registration and extracts, registering projects, copies and lists of, or in relation to entries in the registers;
- (m) to reconcile parties involved in disputes and in cases of disagreements, referring those cases to a legally established authority catering for arbitration;

- (n) conducting arbitration for parties under dispute whose contracts or agreements stipulate that the Board shall arbitrate their case;
- (o) vetting of certificates, diplomas, degrees and the attendance academic transcripts for the express purpose of establishing whether or not the said certificates meet the minimum acceptable requirements for registration with the Board;
- (p) for regulation of architects and quantity surveyors in their execution of professional services, buildings or construction works, and to prescribe standards and conditions to be observed by them, prescribe for conditions regarding professional indemnity and to provide sanction for non-compliance;
- (q) to provide for the procedure for controlling or stopping breaches of the provisions of this Act and Regulations made under it; and
- (r) any other matter as the Board may think necessary.

Inconsistency
with other
legislation

54. Where any provisions of this Act is in conflict or is otherwise inconsistent with the provisions of any other written laws relating to architects and quantity surveyors, the provisions of this Act shall prevail to the extent of such inconsistency.

Repeal
Act No.
16 of 1977

55. [Repeals the Architects and Quantity Surveyors (Registration) Act].

Transitional and
Saving provisions

56.—(1) Notwithstanding the repeal made under section 55, anything done or any act taken under or purported to have been done under the repealed Act, shall be deemed to have been done under the provisions of this Act.

(2) A subsidiary legislation made or given under the repealed Act shall be deemed to have been made or given under the provisions of this Act and shall remain in force until revoked or rescinded by other subsidiary legislation made or given under this Act.

(3) The Minister may, at any time before the commencement of this Act, by order published in the *Gazette*, make transitional provisions which he may deem necessary for the better control and general supervision of the architects and quantity surveyors.

FIRST SCHEDULE

(Made under section 4(2))

PROCEEDINGS OF THE BOARD

Tenure of Office

1.-(1) A member of the Board shall, unless he dies, resigns or vacates, hold office for a minimum period of three years until the time his appointment is revoked by the Minister for public interest.

(2) The Minister may fill any casual vacancy occurring if the member revokes the appointment and appoint a replacement.

(3) A member may resign by giving notice in writing to the appointing authority.

(4) One third of the members of the Board shall be changed upon the expiry of the three years term except when the whole Board is being dissolved.

(5) The tenure of office shall be three years and the member of the Board may be eligible for re-appointment for one term.

Meetings of Board

2.-(1) The Board shall meet four times a year for transaction of its business.

(2) The Chairman shall preside at all meetings of the Board.

(3) Where at any meeting of the Board, the Chairman is absent, the Vice Chairman shall preside.

(4) In the absence of both the Chairman and Vice Chairman at a meeting of the Board, the members present shall elect from amongst their number a temporary Chairman.

(5) The Chairman or person presiding at the meeting of the Board shall, in the event of equality of votes, have a casting vote in addition to his deliberative vote.

(6) The Secretary of the Board shall give to each member adequate notice of the time and place of the meeting.

(7) The Board may co-opt any person to participate in the deliberation at any meeting of the Board, but the person so co-opted shall not be entitled to vote.

(8) The Board may hold an extra ordinary meeting, if requested in writing by half of the members or at any other time where exigency so require.

Vice Chairman	3. In its first meeting, members of the Board shall elect, from amongst their number, a Vice Chairman.
Quorum	4. At any meeting of the Board not less than half of the members in office for the time being shall constitute a quorum.
Decision of Board	5.—(1) Subject to the provision relating to the casting vote, all questions relating to a casting vote, shall be determined by majority of the votes of the members present. (2) Notwithstanding the provisions of subparagraph (1), a decision may be made by the Board without meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members. (3) The validity of any act or proceedings of the Board shall not be affected by any vacancy among its members who are at the material time, disqualified to act as such.
Records and minutes	6.—(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting and the minutes of each meeting of the Board shall be read and confirmed or amended and confirmed at the next meeting of the Board and signed by the person presiding at the meeting. (2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in absence of proof or error, be deemed to be a correct record of the meeting, whose minutes they purport to be.
Orders and directives	7. All orders, directives, notices or other documents issued by or on behalf of the Board shall be signed by the— (a) Chairman; or (b) Secretary or any officer of the Board authorised in writing in that behalf by the Secretary.
Seal of Board	8. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairman or the Secretary or some other 'officer of the Board and at least one member of the Board.
Board may regulate its own procedure	9. Subject to the provisions of this Schedule, the Board may regulate its own procedures.
Proceedings not to be invalid by reason of irregularity	10. An act or proceedings of the Board shall not be invalid by reasons of the number of the members not being complete at the time of any act, proceedings or any defect in the appointment of any member who, at the time in question, is disqualified or disentitled by that reason to act as such.

SECOND SCHEDULE

(Made under section 37(2))

CATEGORY OF BUILDINGS

1. All double storey level buildings and above of whatever size and value.
 2. All buildings located in cities, municipalities, districts headquarters and towns whose value exceeds such sum as shall, be determined by the Board for different disciplines of construction industry and all residential buildings which require inputs of structural design.
 3. All public buildings, including higher learning institutions, secondary and primary schools, markets, hospitals, religious buildings, stadia, cinema, courts, playing grounds, swimming pools, clubs, commercial buildings and all other similar buildings where the public are allowed or permitted to enter.
 4. All industrial buildings, that is, factories, warehouses, garages, milling mills and other buildings in which operations of industrial nature are conducted or undertaken.
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