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EXPLANATORY MEMORANDUM TO THE ARCHITECTS AND QUANTITY SURVEYORS (CONTINUING PROFESSIONAL DEVELOPMENT) BY-LAWS, 2020- L.N. 202/2020

1. The Purpose of the By-Laws

The general purpose of the *Architects and Quantity Surveyors (Continuing Professional Development) By-Laws, 2020 (L.N. 202/2020)* is to bring into effect a scheme that will provide added value to the capability of architects and quantity surveyors through advancement in knowledge, skills and personal qualities necessary for the execution of their professional and technical duties.

2. The Legislative Context

Section 10 of the of the Architects and Quantity Surveyors Act, Chapter 525 of the Laws of Kenya, gives the Board of Registration of Architects and Quantity Surveyors, the right from time to time to formulate, vary and carry into effect a scheme and curriculum for education in architecture and quantity surveying.

The present By-Laws therefore have been made in this context.

3. Policy Background

Construction being a fast-evolving industry, there is a dire need for professionals to adapt to new systems, technologies, materials and practices. This will help them to remain competitive internationally and will among other things, strengthen their personal and corporate brand and ultimately help them build their professional network portfolio.

One of the most effective ways to demonstrate compliance with the obligations of any professional, is the constant and regular updating of skills and knowledge necessary for competence performance.

PAPERS LAID	
DATE	6th July 2021
TABLED BY	L of Majority
COMMITTEE	-
CLERK AT THE TABLE	M. Adhiambo

4. Public Consultations

Cognizant of the significance of the advancement of knowledge, skills and personal qualities necessary for the execution of professional and technical duties vis-a-vis the new measures to combat COVID-19 pandemic and the need to prevent and control the spread of the same, the need for the new By-laws cannot be gainsaid.

Varied consultations were done with stakeholders during the Board's national conferences in May, July and September, 2019, prior to the publication of the By-Laws. The key constituency for the Board are the registered practitioners regulated under the Act.

5. Guidance

The Board of Registration of Architects and Quantity Surveyors shall sensitize all its membership and registered persons, on the provisions and requirements of the present By-Laws.

6. The Contact Person in the Board of Registration of Architects and Quantity Surveyors

The contact person at the Board of Registration of Architects and Quantity Surveyors shall be its Chairperson, Arch. Silvester Kiua Muli, OGW or the Registrar.

Dated the.....13th January.....,2021.



James Macharia, EGH
CABINET SECRETARY

18/11/2020

SPECIAL ISSUE

2165

Kenya Gazette Supplement No. 192

6th November, 2020

(Legislative Supplement No. 114)

LEGAL NOTICE NO. 202

THE ARCHITECTS AND QUANTITY SURVEYORS ACT

(Cap. 525)

IN EXERCISE of the powers conferred by section 10 of the Architects and Quantity Surveyors Act, the Board of Registration of Architects and Quantity Surveyors with the approval of the Cabinet Secretary for the time being responsible for matters relating to public works makes the following By-laws:—

**THE ARCHITECTS AND QUANTITY SURVEYORS
(CONTINUING PROFESSIONAL DEVELOPMENT) BY-LAWS,
2020**

1. These By-Laws may be cited as the Architects and Quantity Surveyors (Continuing Professional Development) By-Laws, 2020.

Citation.

2. In these By-Laws, unless the context otherwise requires—

Interpretation.

“Act” means the Architects and Quantity Surveyors Act;

Cap. 525

“attendance” means attendance in person by an architect or quantity surveyor;

“Board” has the same meaning as provided for in the Architects and Quantity Surveyors Act;

“continuous professional development” means a process or activity that provides added value to the capability of the professional through advancement in knowledge, skills and personal qualities necessary for the execution of professional and technical duties;

“CPD Year” means the calendar year beginning on the 1st July and ending on the 30th June;

“credit point” means continuous professional rating as determined by the Board;

“participation” includes the delivery of a paper or the giving of a lecture at an approved activity by a registered person as an accredited provider or the attendance of a registered person at the delivery of a paper or the giving of a lecture by an accredited provider or sponsoring agency;

“registered” means being registered as an architect or quantity surveyor under sections 7 and 8 of the Act by the Board; and

“unit” means a numerical unit of measurement that a registered person accrues by participation at an approved event.

3. The purpose of continuous professional development is to—
- Purpose of continuous professional development
- (a) maintain, improve and broaden the professional knowledge and skills of architects and quantity surveyors;
 - (b) keep architects and quantity surveyors relevant and informed of the developments in their general practice and field of study;
 - (c) encourage constant reflection, learning and maintenance of a broad outlook by architects and quantity surveyors to maintain high professional standards;
 - (d) further develop the personal qualities of architects and quantity surveyors for the execution of their professional and technical duties; and
 - (e) reassure recipients of architectural and quantity surveying services and the public of the high standards of training, knowledge, skills and expertise as architects and quantity surveyors.
4. (1) The Board shall conduct education programmes as may from time to time be deemed relevant and may accredit any programme conducted by any institution, body or organization (in these By-Laws referred to as “the sponsoring agency”).
- Conduct of education programmes of the Board.
- (2) The Board shall assign a unit or units of continuing education for each programme to be used in awarding credit points to registered persons participating thereof.
- (3) The Board shall determine the number of units attached to each Approved activity, from time to time, taking cognizance of the changing professional practice environment.
- (4) The Board shall give notice to registered persons prior to the review of credit points under the continuous professional development scheme.
5. (1) An approved activity may include—
- Approved activities.
- (a) a seminar;
 - (b) a workshop;
 - (c) a lecture;
 - (d) a conference;
 - (e) a colloquium;
 - (f) a symposium;
 - (g) study tour;
 - (h) construction site visits;
 - (i) industrial visits;
 - (j) professional journal or publication;
 - (k) practice biased research publication; and
 - (l) a multi-media based or website-based programme.

(2) An activity may only be an approved activity by the Board if it contains significant intellectual or practical content related to the practice of architecture and quantity surveying.

(3) An approved activity shall only be conducted or offered by a sponsoring agency as may be accredited by the Board from time to time except in circumstances where the approved activity involves research or preparation of an article in which case the Board shall determine whether such research or preparation is an approved activity.

6. (1) The Board or the sponsoring agency may award credit in the continuous education programme and shall issue certificates of participation to all participants who have successfully completed the programme.

Award of credit points and certificates.

(2) A registered person may, on an application to the Board, be awarded not more than 10 units in a CPD Year for—

- (a) being engaged in post-graduate studies leading to a certificate, diploma or degree but only if the Board determines that the studies are relevant to the practice of architecture or quantity surveying;
- (b) teaching a course leading to the award of a certificate, diploma or degree in any area relevant to the practice of architecture and quantity surveying; or
- (c) acting as an external examiner of a university in a course leading to the award of post-graduate degree in an area related to the practice of architecture and quantity surveying.

7. (1) The Board shall keep a record of all accredited programmes showing their sponsoring agencies, the description of any such programmes and whether the sponsoring agency has filed a record of its participants.

Record of accredited programmes and participants.

(2) The Board or the sponsoring agency shall keep a record of the participants in any programme, showing whether the participants successfully completed their programmes or not.

(3) The sponsoring agency shall, upon the completion of any programme, file a return with the Board.

8. Every continuing professional development or education programme shall emphasize ethical, practical and professional aspects of architectural and quantity surveying practice or strategic planning relevant to the practice of architecture and quantity surveying and must be aimed at the improvement of the professional competence of architects and quantity surveyors.

Requirements for continuing education programmes.

9. (1) Any person or institution seeking to provide an approved activity in a CPD Year shall apply to the Board to become an accredited provider, in the manner as may be prescribed by the Board.

Application for accreditation.

(2) The Board shall consider the application for accreditation and shall approve or reject the same, having regard to the following—

- (a) whether the objective of the programme is that of the

improvement of the professional competence of architects and quantity surveyors;

- (b) whether the applicant has the infrastructure sufficient and conducive for disseminating the programmes;
- (c) whether the programme is an educational programme;
- (d) whether the applicant has the expertise and resources necessary for achieving the goals of continuous professional development or educational programme;
- (e) whether the programme is an activity dealing with the subject matter or emerging trends in the practice of architecture and quantity surveying;
- (f) whether the mode or method of delivery of the content sought to be utilized is appropriate for dissemination of the relevant skills and knowledge to the participants; and
- (g) any other matter that may appear relevant.

10. The Board may prescribe a fee to be paid by participants taking part in any continuing education programme, and, in the case of an accredited programme, the Board shall approve any such accreditation fees levied to a sponsoring agency.

Prescribing fees.

11. (1) Any application for an annual practicing certificate shall be accompanied by proof that the applicant has secured thirty (30) units upon attending and participating in the continuing education programmes during the preceding year as set out in Form A1 in the Schedule to these By-Laws.

Proof of compliance.

(2) The Board shall issue a registered person with a certificate of compliance if the person complies with these By-Laws.

12. (1) In the event that a registered person accrues more than 30 units, the excess number of units shall not be carried over to the next CPD Year by that person.

General requirements.

(2) Every architect or quantity surveyor shall keep a record of all CPD activities that he or she has participated in and shall produce them before the Board when required to do so.

13. These By-Laws shall not apply to any registered person above 65 years of age.

14. (1) The Board may delegate any or all of its functions under these By-Laws, to a Committee by itself.

(2) The Committee shall from time to time revise these By-Laws and submit them to the Board for approval.

Effect of failure to comply with these By-Laws.

(3) In the discharge of its functions, the Committee shall regulate its own procedure.

15. (1) If a registered person fails to comply with these By-Laws—

- (a) the Board shall notify him or her in writing of the failure; and
- (b) the Board may require him or her to inform the Board in

writing within fourteen (14) days of the Board's notice of his or her proposal to comply with these By-Laws.

(2) The Board may decline to issue an architect or quantity surveyor with a practicing certificate if that architect or quantity surveyor—

- (a) fails to inform the Board within fourteen (14) days of his or her proposal to comply with these By-Laws;
- (b) informs the Board of his or her proposal to comply with these By-Laws but fails to comply within ninety (90) days of having informed the Board of the proposal.

(3) An architect or quantity surveyor who fails to comply with these By-Laws commits an act of professional misconduct.

SCHEDULE

FORM A1

(By-Law 11(1))

CPD RECORD SHEET

Name.....

Reg. No..... Telephone.....

Email.....

Physical Address.....

CPD Year.....

CPD Date	Theme/Topic	Duration	CPD Provider/Host	CPD points awarded	Remarks (FOR OFFICIAL USE ONLY)
TOTAL CPD points for the Year					

Registrar, BORAQS

Signature..... Date.....

Made on the 22nd October, 2020.

SILVESTER KIUA MULI,
Chairperson, Board of Registration
of Architects & Quantity Surveyors.