



BERMUDA

ARCHITECTS REGISTRATION ACT 1969

1969 : 62

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[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- “the Council” means the Architects Registration Council established under this Act;
- “Minister” means the Minister of Finance or such other Minister as may be appointed to administer this Act;
- “prescribed” means prescribed by regulations made by the Minister under this Act;
- “the Register” means the register maintained by the Registrar-General under section 5;

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“registered architect” means a person registered under this Act.

["Minister" deleted and substituted by BR 5/2011 para.5 effective 25 February 2011]

Unqualified persons; offences

- 2 (1) Subject to this Act, a person shall not, in Bermuda—
- (a) practise or carry on business under any name, style or title containing the word “Architect”; or
 - (b) take or use any name, title or description (whether by initials or otherwise) stating or implying that he is an architect, unless he is a registered architect:

Provided that nothing in this section shall affect—

- (i) the use of the designation “naval architect”, “landscape architect” or “golf course architect”; or
- (ii) the validity of any building contract in customary form.

(2) A person, whether or not a registered architect, shall not in Bermuda take or use or affix to or use in connection with any premises occupied by him, any name, title or description (whether by initials or otherwise) reasonably calculated to suggest that he possesses any professional status or qualifications as an architect other than a professional status or qualification which he in fact possesses and which, in the case of a registered architect, is indicated by particulars entered in the Register in respect of him.

(3) Any person who contravenes or fails to comply with any of the provisions of this section commits an offence against this Act:

Punishment on summary conviction: a fine of \$720, or imprisonment for six months, or both such fine and imprisonment.

Architects Registration Council established

3 (1) For the purposes of this Act there shall be established a council of persons (in this Act referred to as “the Council”) who shall have the powers and perform the duties conferred upon them by or under this Act.

(2) The Council shall be a body corporate under the name of “The Architects Registration Council” with the exclusive right to use that name and with power to sue and liability to be sued in their corporate capacity by that name in all courts and with power to have and use a common seal and to renew or vary the same at pleasure.

(3) The Council shall consist of seven members, of whom six at least shall be registered architects and of whom four at least shall be registered architects eligible for registration under section 4(1)(b), each of whom shall be appointed by the Minister and shall hold office during the Minister’s pleasure:

Provided that where a member of the Council is by reason of ill health or absence from Bermuda, or by reason of any other sufficient cause, unable to perform his duties as a member of the Council, or where for any reason it appears to the Minister to be

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undesirable that he should perform those duties in any particular case, then the Minister shall appoint a registered architect to act for that member during the period of his incapacity and any registered architect so appointed shall, while he is so acting, be deemed for the purpose of this Act to be a member of the Council.

(4) There shall be a Chairman of the Council who shall, subject as hereinafter provided, be appointed annually by the Minister from among the members of the Council to hold office until the 31st day of December for the year for which he was appointed and who shall be eligible for reappointment:

Provided that if at any time a person appointed to be Chairman ceases to be a member of the Council, or for any other reasons ceases to hold office as such, the Minister shall, as soon as may be, appoint from among the members of the Council another person to be Chairman in his stead.

(5) If at any meeting of the Council the Chairman is absent, the members present (being a quorum) shall elect one of their number to act as Chairman at that meeting.

(6) Five members of the Council shall constitute a quorum at any meeting.

(7) Every question or matter to be determined by the Council at any meeting shall be decided by a majority of the members present at that meeting.

(8) *[Repealed by 2019 : 56 s. 2]*

[Section 3 subsections (3) and (4) amended, and subsection (8) repealed by 2019 : 56 s. 2 effective 20 July 2020]

Qualification for registration

4 (1) Subject to this Act a person shall, on application made to the Council in the prescribed manner and upon payment of the prescribed fee, be entitled to be registered under this Act if the Council are satisfied that—

(a) *[omitted][spent]*

(b) he is a full member of the Royal Institute of British Architects of the United Kingdom or of the American Institute of Architects of the United States of America or of the Royal Architectural Institute of Canada or is a registered architect in the United Kingdom under the provisions of law of the United Kingdom; or

(c) he possesses any other qualifications in architecture which, in the opinion of the Council, ought to qualify him for registration under this Act.

(2) Nothing in this Act shall derogate from the Bermuda Immigration and Protection Act 1956 *[title 5 item 16]*.

Registrar-General to keep register of architects

5 (1) The Registrar-General shall cause to be kept and maintained a register of architects containing the names and professional qualifications and addresses of those persons registered under this Act and such other particulars respecting those persons as this Act may require or as may from time to time be prescribed.

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(2) The Registrar-General shall cause to be published in the Gazette, as soon as may be after the first day of January in each year, a list of names and other particulars entered in the Register on that date, and a copy of the Gazette containing the most recent list so published shall be prima facie evidence in all courts that the persons whose names are included therein are registered architects; and the absence of the name of any person from such list shall be prima facie evidence that that person is not a registered architect:

Provided that—

- (a) in the case of any person who does not appear in any list, a certificate purporting to be signed by the Registrar-General of the entry of the name of such person in the Register and the date of such entry shall be prima facie evidence—
 - (i) that he is a registered architect; and
 - (ii) of the date upon which he became a registered architect;
- (b) in the case of any person whose name does appear in any such list, a certificate as aforesaid of the striking off or removal of the name of that person from the Register and of the date of the striking off or removal, shall be prima facie evidence—
 - (i) that he is not a registered architect; and
 - (ii) of the date upon which he ceased by virtue of the striking off or removal to be a registered architect.

(3) The Registrar-General—

- (a) shall cause to be entered in the Register the name of a person—
 - (i) who shall have been found by the Council to be eligible for registration under section 4; or
 - (ii) whose name, having been struck off or removed from the Register, is to be restored to the Register in pursuance of section 10;
- (b) shall cause to be made in the Register such alterations and additions relating to particulars of registered architects as may from time to time become necessary;
- (c) shall cause to be removed from the Register the name of a registered architect—
 - (i) who has died; or
 - (ii) who has, under section 9, applied to have his name removed from the Register;
- (d) shall cause to be struck off the Register the name of a person whose name is to be struck off the Register under section 8; and

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- (e) may, without prejudice to anything in the foregoing provisions of this section, cause such notices to be published in the Gazette as appear to him to be expedient in the circumstances.

Application for registration

6 (1) A person who desires to be registered under this Act (hereinafter referred to as an “applicant for registration”) shall apply in the prescribed form to the Registrar-General and shall forward to the Registrar-General such documents relating to his professional qualifications, experience and character in support of the application as may from time to time be prescribed, together with such fee as may be prescribed.

(2) The Registrar-General shall cause the application and the accompanying documents (if any) to be transmitted to the Council who shall, as soon as conveniently may be, meet to consider the application.

(3) Where, as a result of their consideration of the application and after making such enquiries, if any, as appear to them desirable in the circumstances, it appears to the Council that the applicant for registration is eligible for registration, the Council shall as soon as conveniently may be, inform the Registrar-General of their decision and the Registrar-General shall cause the name of the applicant and his address and his professional qualifications to be entered in the Register with such other particulars as may from time to time be prescribed, and shall cause a certificate of registration in the prescribed form to be completed and forwarded to the applicant.

(4) Where an applicant for registration does not appear to the Council to be eligible for registration, the Council shall inform the Registrar-General of their decision and the reasons therefor and the Registrar-General shall in turn cause the applicant to be informed of the decision of the Council and the reasons therefor.

(5) A person aggrieved by any decision of the Council under this section may appeal to the Supreme Court against the decision in the manner prescribed by section 11.

[Section 6 subsection (5) amended by 2019 : 56 s. 2 effective 20 July 2020]

Professional conduct

7 (1) Where the Council becomes aware of any allegation of disgraceful conduct in a professional respect on the part of a registered architect, they shall as soon as may be enquire into the matter and in respect of any such enquiry—

- (a) the Council may take evidence on oath and for that purpose the Chairman of the Council may administer an oath;
- (b) the Council shall afford the registered architect every facility—
 - (i) to appear before the Council at all stages of the enquiry;
 - (ii) to be represented by counsel;
 - (iii) to cross-examine witnesses; and
 - (iv) generally to make a full defence or explanation in the matter;

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- (c) the Council shall inform the Registrar-General of their findings and the Registrar-General shall inform the registered architect accordingly; and
- (d) the registered architect shall be entitled to appeal against any such finding to the Supreme Court in the manner provided in section 11.

(2) The general standard of professional conduct to which a registered architect shall conform shall be that from time to time prescribed by the Council and, subject thereto, shall be the Code of Professional Conduct from time to time prescribed by the Architects Registration Council of the United Kingdom.

(3) Any proceedings in connection with the holding of an enquiry by the Council in pursuance of this section shall, for the purposes of the provisions of the Criminal Code [*title 8 item 31*] relating to perjury, be deemed to be judicial proceedings.

[Section 7 subsection (1)(d) amended by 2019 : 56 s. 2 effective 20 July 2020]

Striking off

8 (1) Where a registered architect—

- (a) is convicted, whether in Bermuda or elsewhere, of any offence and as a result of that conviction is sentenced to a term of imprisonment without the option of a fine; or
- (b) is found by the Council to be guilty of conduct disgraceful to him in a professional respect; or
- (c) is ordered to have his name struck off any register of architects maintained and kept in any place outside Bermuda—

then—

- (i) it shall be the duty of the registered architect to inform the Council of the circumstances set out in paragraph (a) or (c);
- (ii) it shall be the duty of the Council, if they are satisfied as to the truth of any of the matters specified in paragraphs (a), (b) or (c), and after giving the registered architect every opportunity to make such explanation as he may wish to do, to decide as soon as may be whether the name of the registered architect should be struck off the register.

(2) Where the Council decide that the name of a registered architect should be struck off the Register they shall so inform the Registrar-General, and the Registrar-General shall cause the registered architect to be informed by written notice accordingly.

(3) A registered architect shall be entitled to appeal against any such decision of the Council to the Supreme Court in the manner provided in section 11.

(4) The Registrar-General, where the Council decide that the name of a registered architect should be struck off the Register, shall—

- (a) on the tenth day after he has given notice to the registered architect in accordance with subsection (2), cause the name of the registered architect

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to be struck off the Register, unless in the meantime an appeal has been duly entered in respect of the decision; or

- (b) where an appeal is duly entered, and where the appeal is subsequently dismissed by the Supreme Court, cause the name of the registered architect to be struck off the Register;

and in either such case, the Registrar-General shall—

- (i) cause the registered architect to be informed by written notice that his name has been struck off the Register;
- (ii) by a notice given as aforesaid, require the registered architect to return his certificate of registration within seven days after receiving the notice; and
- (iii) cause a notification of the striking off to be published in the Gazette.

(5) Any registered architect who contravenes subsection (1)(i) commits an offence against this Act:

Punishment on summary conviction: a fine of \$720.

(6) Any person who fails to return his certificate of registration to the Registrar-General in accordance with any requirement duly given under subsection (4)(ii) commits an offence against this Act:

Punishment on summary conviction: a fine of \$180.

[Section 8 subsections (3) and (4) amended by 2019 : 56 s. 2 effective 20 July 2020]

Voluntary removal

9 Any registered architect may apply to the Registrar-General to have his name removed from the Register and, upon receiving any such application, the Registrar-General shall cause his name to be removed accordingly.

Restoration of name

10 (1) Where—

- (a) the name of a registered architect has been struck off the Register under section 8; or
- (b) the name of a registered architect has been removed from the Register under section 9,

the registered architect, at any time after the expiration of three months after the date of the striking off or removal, as the case may be, shall be entitled to apply from time to time to the Council for his name to be restored to the Register.

(2) Upon receipt of any such application as aforesaid the Council, having regard, as in the circumstances may be material, to—

- (a) the character of the person;
- (b) his conduct subsequent to his name being struck off;

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- (c) the nature of the matter in respect of which the striking off occurred;
- (d) his professional ability; and
- (e) the other circumstances of the case,

may decide that his name be restored to the Register.

(3) The Council shall in every case inform the Registrar-General of their decision under subsection (2) and the Registrar-General shall take such steps to—

- (a) inform the person accordingly;
- (b) make such entries, deletions or otherwise in the Register as may be appropriate; and
- (c) forward a certificate of registration to the person,

as in the circumstances may be necessary to give effect to the decision.

(4) Where the Council decide that the name of a person shall not be restored to the Register, the person may appeal to the Supreme Court in the manner provided in section 11.

[Section 10 subsection (4) amended by 2019 : 56 s. 2 effective 20 July 2020]

Appeals

11 Where a person is aggrieved by any decision of the Council in respect of which an appeal is allowed under this Act, he may, within seven days after receiving any notice communicating that decision to him, appeal to the Supreme Court, and the Supreme Court shall determine any such appeal and may make such order as appears to it just.

[Section 11 repealed and replaced by 2019 : 56 s. 2 effective 20 July 2020]

Minister may make regulations

12 (1) The Minister may make regulations for the better carrying out of this Act and, without prejudice to the generality of the foregoing, regulations may provide for—

- (a) prescribing the forms, notices or other documents to be used for any of the purposes of this Act;
- (b) specifying the manner in which notices shall or may be served;
- (c) prescribing documents required to be forwarded with applications for registration under this Act;
- (d) prescribing any other matter or thing which by or under this Act may be or is to be prescribed; and
- (e) prescribing any fees which may be payable under this Act.

(2) *[omitted] [covered by Interpretation Act 1951 section 35]*

(3) The negative resolution procedure shall apply to regulations made under this section.

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(4) *[omitted]* *[covered by Interpretation Act 1951 section 35]*

(5) The Minister, in making, revoking or varying any regulations as aforesaid, shall have regard to any representations made by the Council in that behalf.

Transitional

13 *[omitted]*

[Assent Date: 21 March 1969]

[Amended by:

1977 : 35

BR 5 / 2011

2019 : 56]