

CHAPTER 128

INSTITUTE OF ARCHITECTS

Law  
No. 1 of 1976.

A LAW TO INCORPORATE THE SRI LANKA INSTITUTE OF ARCHITECTS.

[7th January. 1976.]

Short title.

1. This Law may be cited as the Sri Lanka Institute of Architects Law.

Incorporation  
of the Institute.

2. From and after the 7th day of January, 1976, all persons as now are Fellows and Associates of the Ceylon Institute of Architects or shall hereafter be admitted as corporate members of the Sri Lanka Institute of Architects hereby constituted and incorporated, shall be (so long as they continue to be corporate members of the said Institute) members of and form a body corporate (hereinafter referred to as "the Institute"), with perpetual succession and a common seal, under the name of "The Sri Lanka Institute of Architects", and by that name the Institute shall and may sue and be sued. The Institute shall have full power and authority to have and use such seal, and alter, break and renew the same from time to time at its discretion, and shall have power to do all other acts and things incidental to or appertaining to a body corporate.

General objects  
of the Institute,

3. The general objects for which the institute is constituted are hereby declared to be :—

- (a) to promote and advance the study, practice and application of, and research in, architecture and its kindred subjects and the arts and sciences connected therewith;
- (b) to organize, supervise and control the admission and the professional education and training of persons desiring to qualify as architects, to prescribe or approve courses of study for the qualifying examinations for membership of the Institute, and to conduct or provide for the conduct of such courses and examinations:

(c) to prescribe the qualifications and disqualifications for membership of the Institute, and the standards of professional conduct for members of the Institute and to secure the maintenance thereof;

(d) to protect and promote the interests, status, welfare, rights and privileges of the profession of architects in Sri Lanka, and the interests of the public in relation to that profession, and of persons desiring to qualify as architects;

(e) to establish, regulate and maintain libraries and pension, provident fund and benefit schemes for the benefit of members, officers and servants and their dependants, and to grant assistance financial or otherwise to societies of students;

(f) to do all such acts and things as are necessary for, or incidental or conducive to, the attainment of the above objects.

4. The Institute shall have the power—

Powers of the  
Institute.

(a) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell and exchange, or otherwise alienate, encumber or dispose of, any immovable or movable property for the purposes of the Institute;

(b) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Institute, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Institute .

(c) to invest its funds, and to maintain current, deposit and savings accounts in any bank or banks;

to advance or lend, and to borrow, money for the purposes of the Institute in such manner and upon such security as the Institute may think fit;

(d) to levy fees, subscriptions and contributions in respect of membership, admission to membership, and admission to courses and examinations conducted by the Institute;

(e) to prescribe the terms and conditions of, and to supervise, control and regulate the engagement, training, transfer and dismissal of persons desiring to qualify as architects;

(f) to appoint, employ, transfer, dismiss and take other disciplinary action against officers and servants and to prescribe their terms and conditions of service;

generally, to do all such acts and things as are necessary for, or incidental or conducive to,; the carrying out or the attainment of the objects of the Institute.

Council of the Institute.

**5. (I)** The administration and management of the affairs of the Institute shall be vested in a Council which shall perform the functions and duties and may exercise the powers of the Institute under this Law.

(2) The Council shall consist of a president, senior vice-president, vice-president, the immediate past president, honorary secretary, honorary assistant secretary, honorary treasurer, honorary assistant treasurer, and such other number of members, not less than six and not more than eleven elected or appointed in accordance with the regulations of the Institute. The Council may by regulation provide for the election or appointment, from among the non-corporate members of the Institute, of not more than three other persons as members of the Council, to

represent such non-corporate members or any class thereof, with such rights and privileges as may be prescribed.

(3) Notwithstanding anything to the contrary in the preceding provisions of this section, the first Council shall consist of the persons who were, on the 7th day of January, 1976, the members of the Council of the Ceylon Institute of Architects.

(4) No act or proceeding of the Institute or of the Council shall be or shall be deemed to be invalid by reason only of the existence of any vacancy in the Council or any defect in the election or appointment of any member of the Council.

**6. (1)** The Council may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law, and in respect of any matter required by this Law to be prescribed or in respect of which regulations are authorized or required by this Law to be made, and may from time to time amend, add to, replace or repeal any such regulation.

Power to make regulations-

(2) Without prejudice to the generality of the powers conferred by the provisions of the preceding subsection, the Council may make regulations in respect of—

(i) the term of office of the Council, eligibility for and the mode of election or appointment thereto, the resignation or vacation of office and the filling of casual vacancies, the delegation of the powers and functions of the Council and the appointment of committees and boards, the annual report of the Council, and the adoption and use of the common seal;

(ii) the rights, powers, functions and duties of the officers of the Council;

(iii) the summoning and holding of meetings of the Council, the annual general meeting, other general meetings and special general meetings of the members of the Institute, the times, places, notice

and agenda of such meetings, the quorum thereof and the conduct of business thereat;

- (iv) the management of the property of the Institute and the custody of its funds;
- (v) the formulation of a code of professional conduct;
- (vi) the procedure of disciplinary inquiries, including the form of complaints, the appointment of disciplinary committees and the provision of legal assistance thereto, the framing of charges, the furnishing of explanations in reply, the issue of notices, the rights of parties to legal representations, the rules of evidence applicable thereto, the maintenance of the record of the proceedings thereat, and the form and content of the reports of disciplinary committees.

(3) Such regulations, or the amendment, addition, replacement or repeal thereof or thereto, shall not be valid, unless approved at a general meeting of the members- of the Institute by a two-thirds majority of the corporate members present and voting, held in accordance with the provisions of the regulations for the time being in force, and shall come into operation on the date of their publication in the Gazette.

(4) Notwithstanding anything to the contrary in the preceding provisions of this section, the regulations contained in the Schedule\* hereto shall be, and shall be deemed for all purposes to be, the regulations of the Institute, and may be amended, added to, replaced or repealed as if they were regulations made under and in accordance with the preceding provisions of this section.

Membership of the Institute,

**7.** (1) The corporate members of the institute shall consist of Fellows and Associates:

Provided, however, that the Council may admit as non-corporate members (not having the right to vote of such classes and

with such rights, privileges and obligations as may be prescribed) persons not eligible for corporate membership of the Institute.

(2) Regulations may be made in respect of the qualifications and disqualifications (in addition to those prescribed by section 8 (1) of this Law) for membership, the mode of application for and admission to membership, the form and issue of certificates of membership, the maintenance of a register of members, the amounts and mode of payment of entrance fees, subscriptions, and contributions, and of any additional fees to be paid by practising members, the waiver and the reduction and the effect of non-payment thereof, the rights, privileges and duties of members, and the conditions of membership, including resignation and re-admission.

(3) Notwithstanding anything to the contrary in the preceding provisions of this section, all persons who were members of the Ceylon Institute of Architects immediately prior to the 7th day of January, 1976, shall be and shall be deemed for all purposes to be members of the same class or category, as the case may be, of the Institute, and shall continue so to be subject to the provisions of this Law and the regulations made hereunder.

**8.** (1) No person shall be admitted as a member of the Institute—

Disqualifi-  
cation for  
membership  
and  
disciplinary  
powers and  
procedure.

- (a) if he has been adjudged by a competent court, whether in Sri Lanka or elsewhere, to be of unsound mind;
- (b) if having been adjudged an insolvent or bankrupt by a competent court, whether in Sri Lanka or elsewhere, he has not been granted by such court a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortune; or
- (c) if he has been convicted by a competent court, whether in Sri Lanka or elsewhere, of any offence as shall be prescribed by regulation

\* Schedule is omitted.

or of any offence, involving moral turpitude and punishable with imprisonment or similar punishment, and has not been granted a free pardon.

(2) The Council shall disenrol any member who becomes subject to any of the disqualifications specified in paragraphs (a), (b) and (c) of subsection (1) of this section:

Provided, however, that the Council may in its discretion re-admit such person if he ceases to be subject to such disqualification, or if in its opinion he has redeemed his character and is fit to practise the profession of an architect.

(3) The Council shall disenrol any member who in its opinion has been guilty of professional misconduct:

Provided, however, that the Council may, in lieu of disenrolment, reprimand such member or suspend him from membership for such period not exceeding one year as the Council may consider just and equitable in all the circumstances; and provided, further that the Council may in its discretion re-admit such person if in its opinion he has redeemed his character and is fit to practise the profession of an architect.

(4) The Council shall not disenrol, suspend from membership, or reprimand any member under the preceding provisions of this section, unless a disciplinary committee appointed by the Council has, after inquiry, made a report to the Council that such member has become subject to any of the aforesaid disqualifications or has been guilty of professional misconduct.

(5) (a) Where a disciplinary committee appointed by the Council is of the opinion that the evidence of any person or the production by any person of any document would be relevant to or necessary for such inquiry, it shall have the power by a notice in writing to require such person to attend at such time and place as shall be specified in such notice, in order to give evidence or to produce such document.

(b) A disciplinary committee appointed by the Council shall have power to administer oaths and affirmations to all persons who are required to give evidence before such Committee, and any person who wilfully gives false evidence upon oath or affirmation shall be guilty of an offence under this Law.

(c) Any person who, having been served with a notice under paragraph (a) of this subsection, fails or refuses without reasonable cause to attend or to give evidence or to answer any question or to produce any document referred to in such notice or to be sworn or affirmed, shall be guilty of an offence under this Law :

Provided, however, that such failure or refusal to attend or to give evidence or to answer any question or to produce any document or to be sworn or affirmed, shall not be an offence where such person is under or by virtue of the provisions of any written law, including the Evidence Ordinance, required or permitted to refrain from attending or giving evidence or answering such questions or producing such document or being sworn or affirmed.

(6) (a) The member in respect of whom a disciplinary committee has made such a report, may appeal against such report, or against the decision of the Council consequent upon such report, to the Court of Appeal.

(b) Every such appeal shall be made by a petition in writing bearing a stamp of ten rupees, setting out the matters of law relied upon, and naming the Institute as the respondent thereto, shall be lodged in the Registry of the Court of Appeal within twenty-one days of the date of communication of the decision of the Council, and shall be heard and determined by the Court of Appeal after such inquiry as it may deem necessary.

9. (a) The Council shall have power by regulation from time to time to prescribe, and to amend, add to, replace or repeal, a code of professional conduct.

Code of Professional Conduct.

(6) Pending the making of regulations under this section, for the purposes of this Law, " professional misconduct " means any

act or omission contrary to the code of professional conduct of the Ceylon Institute of Architects for the time being in force.

(c) ;The Council shall by regulation prescribe a Code of Professional Conduct within a period of six months after the 7th day of January, 1976; the provisions of section 6 (3) shall not apply thereto. Such Code shall come into operation on the date of the publication in the Gazette or on such subsequent date as may be specified therein.

Officers and servants of the Institute.

**10.** The Council may appoint a secretary and such other officers and servants as it may deem necessary.

Financial provisions.

**11.** (1) The Council shall cause to be kept proper books of account with respect to all sums of money received and expended by the Institute and the matters in respect of which such receipts and expenditure take place, and the assets and liabilities of the Institute, and all other matters necessary for showing the true state and condition of the funds of the Institute.

(2) The accounts of the Institute shall be subject to audit by a person or a firm qualified to practise as a Chartered Accountant in Sri Lanka, who shall be appointed for the purpose in each year by the Council, The provisions of section 132 of the Companies Ordinance\* shall apply to such auditor or auditors as if the words "the Institute " were therein substituted for the words "the company" and "a company "; and the words "members and officers of the Council" for the words "directors and officers of the company ".

(3) The annual report of the Council shall include the statement of accounts for the period of twelve months ending on the 31st day of December of that year, the balance sheet as at that date and the auditor's report thereon.

Use of titles.

**12.** (1) Every corporate member of the Institute shall be entitled to take and use the title " Chartered Architect ". A Fellow shall also be entitled to use after his name the initials " F. I. A. (Sri Lanka)", and an Associate the initials " A. I. A. (Sri Larika)".

\* Repealed and replaced by the Companies Act, No. 17 of 1982.

(2) Any firm of Architects, each of the partners of which is a corporate member of the Institute, shall be entitled to take and use the title " Chartered Architects ".

(3) Where one or more of the partners of a firm are corporate members of the Institute, the Council may permit such firm to take and use the title " Chartered Architect " or " Chartered Architects ", as the case may be, as part of the description of such firm, provided that the remaining partners are members of other professions.

(4) Save as aforesaid, no person or body of persons shall take or use the title " Chartered Architect " or " Chartered Architects" or the initials " F. I. A. (Sri Lanka) ", or " A. I. A. (Sri Lanka) ", or use the same as the name or part of the name in any book, journal or other publication, dealing with architecture, design or the practice of architecture or the profession of architecture.

**13.** (I) Any person who contravenes any provision of this Law shall be guilty of an offence under this Law,

Offences and penalties.

(2) Any person who is guilty of an offence under this Law shall be liable, on conviction after trial before a Magistrate, to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(3) No prosecution for any offence under this Law shall be instituted except by a member or officer of the Council authorized in writing for the purpose by the Council.

**14.** Nothing in this Law contained shall prejudice or affect the rights of the Republic or of any body politic or corporate or of any other persons, except such as are mentioned in this Law and those claiming by, from or under them,

Saving of the rights of the Republic and others.