

Liberalisation: The Singapore's Experience

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- **Architects Act & its changes**
- **Impact on Practice**
- **Challenges confronting our Profession**

Architects Act

Historical Background

- 1927 **Architects Ordinance 1926** (Chapter 64)
- 1970 Enactment of **The Architects Act**
(Chapter 213)
- 1991 **Architects Act 1991**
- 2005 **Architects (Amendment) Act**

Architects Act

Prior to 1991, the 'umbrella concept' where architect's scope of work included those of the C&S and M&E engineers as well as the QS

- **Architects Act 1991**

Parliament passed the following Acts:

- Architects Act
- Professional Engineers Act
- Land Surveyors Act

Architects Act 1991

Part I	Preliminary
Part II	Board of Architects
Part III	Privileges of Architects Part
IV	Registration of Architects
Part V	Practicing Certificates
Part VI	Multi-discipline and Corporate Practice
Part VII	Disciplinary Proceedings
Part VIII	General

Website: www.boa.gov.sg

Architects Act

An Act to establish the Board of Architects, to provide for the registration of architects, to regulate the qualifications and practice of architects and the supply of architectural services in Singapore by licensed corporations, licensed partnerships and limited liability partnerships.

Architects Act

Key Areas of change:

- Establishment of the Board of Architects
- Registration of architects
- Licensing of corporations, partnerships, LLPs
- Regulating conduct of registered architects

Architects Act

	Part 1 preliminary
Establishment of the Board of Architects	Part II Board of Architects
Registration of Architects	Part III Privileges of Architects Part IV Registration of Architects Part V Practising Certificates
Licensing of Corporations, Partnerships, LLPs	Part VI Multi-discipline and Corporate Practice
Regulating Conduct of Registered Architects	Part VII Disciplinary Proceedings
	Part VIII General

Architects Act

Part I : Preliminary

- Short title
- Interpretation of various terms
- Act does not to apply to Government, naval and landscape architects

Part VIII : General

- Power of Minister to approve rules made by the Board

Establishment of the Board of Architects

Part II : Board of Architects

- Body Corporate
- Can sue and be sued
- Acquire and dispose of property
- Do and perform such other acts as bodies corporate may by law perform

Establishment of the Board of Architects

Part II : Board of Architects

Functions of BOA

- Establish, maintain and develop standards of professional conduct and ethics
- Hear and determine disputes relating to professional conduct or ethics of registered architects
- Promote learning and education in architecture

Establishment of the Board of Architects

Functions of BOA

- Keep and maintain a register of architects, practitioners and licensees
- Hold or arrange for the holding of examinations to qualify persons for registration
- Approve or reject applications for registration
- License corporations, partnerships and limited liability partnerships

Establishment of the Board of Architects

Board comprising:

- Elected members
- Appointed members
- Citizens or Permanent Residents of Singapore
- Term of not more than 3 years
- Ex-officio members

Establishment of the Board of Architects

Part III : Privileges of Architects

- Only registered architects with Practising Certificate(PC) can engage in architectural work
- Only registered architects with PC, allied professional, licensed corporation or limited liability partnership can supply or offer to supply architectural services

Establishment of the Board of Architects

Part IV : Registration of Architects

- Application for registration and removal from Register

Part V : Practising Certificates PC

- Application for Practising Certificates and cancellation of certificates

Licensing of Corporations, Partnerships, LLPs

Part VI : Multi-discipline and Corporate Practice

- Application for license for multi-discipline and corporate practice
- Conditions of license to practice
- Revocation of license

Regulating Conduct of Registered Architects

Part VII : Disciplinary Proceedings

- The process of dealing with complaints against Registered Architects
- Code of Professional Conduct and Ethics
- The Architects Rules

Recent Changes to Architect Act and Rules

Key Areas	Changes	Architects Act
		I Preliminary
Establishment of the Board of Architects	1 Revise Composition of Board 2 Introduce Election System	II Board of Architects
Registration Of Architects	3 Amend Scope of Practice	III Privileges of Architects
	4 Streamline Registration System for Architects	IV Registration of Architects
	5 Approve Names of New Practices	V Practising Certificates
Licensing Of Corporations, Partnerships, LLPs	6 Allow Limited Liability Partnerships (LLPs) 7 Facilitate Start-Ups	VI Multi-discipline and Corporate Practice
Regulating Conduct of Registered Architects	8 Fine-tune Disciplinary Proceedings	VII Disciplinary Proceedings
		VIII General

1. Revise Composition of Board

10 members appointed by the Minister:

- President
- 8 registered architects of whom 2 are from SIA
- Professional Engineer from the PEB

15 members:

- **Registered architects with at least 10 years standing**
- **Up to 6 registered architects with PC to be elected by practicing architects**
- **Up to 6 registered architects with PC to be appointed by the Minister**
- **Commissioner of Building Control**
- **President of SIA**
- **Professional Engineer from the PEB**

2. Introduce Election System

- Practicing Architects (with PC)
- Stand for election (Next election- end 2015)
- No soliciting or canvassing for votes –
penalty – not exceeding \$2000
- Propose up to 6 candidates for election
- Second a candidate for election.
- Vote in the election - compulsory
- Penalty for not voting - \$300

3. Amended Scope of Practice

Section 10(5)(i)

To make it illegal for any person to supply architectural services in Singapore unless:

- he is a registered architect who has in force a practicing certificate and is doing so on his own account or
- as a partner in a licensed partnership or LLP or
- a partnership consisting wholly of registered architects who have in force practicing certificates

4. Streamline Registration Criteria

Section 15 (1)

- Amended to provide for the degrees, diplomas and other qualifications approved by Minister for the registration of persons as architects under the Act to be notified in the Gazette for public information

Section 15 (2)

- Amended to change certain qualifying requirements for registration as an architect

4. Streamline Registration Criteria

Three New Sections Added

- Section 17 A – Amendment of register of architects
- Section 17 B – Removal of name and particulars from register of architects
- Section 17 C – Reinstatement of registration

4. Streamline Registration Criteria

Section 17 A

Amendment of register of architects

- Provide for the amendment of the register of architects such as any alteration or correction of error in any entry
- Remove from the register the name of architect whose name has been ordered to be removed under any provision of the Architects Act or who is deceased

4. Streamline Registration Criteria

Section 17 B

Removal of name and particulars from register of architects

- Has no address in Singapore at which he can be contacted or sent any document using his particulars in the register
- Has not renewed his practicing certificate for a continuous period of not less than 10 years

4. Streamline Registration Criteria

Section 17 B

Removal of name and particulars from register of architects

- His qualification for registration under Section 15 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded
- He has obtained his registration by fraud or misrepresentation
- He refuses or has failed to comply with any order made by a Disciplinary Committee under Section 31G(2)(c) or (e)

4. Streamline Registration Criteria

Section 17 C

Reinstatement of registration

- Any person whose name and particulars have been removed from the register of architects under Section 31G (2) (a) shall, if his appeal to the High Court under Section 31H is allowed, be immediately reinstated
- The Board may, in its discretion, after the expiration of not less than 3 years from the removal from the register of architects of the name and particulars of any person, consider any fresh application for registration by that person in accordance with the provisions of Part IV

5. Approve Names of New Practices

Section 18 (4)

- The Board may refuse to issue a practising certificate if the Board does not approve of the name under which the registered architect intends to carry on his practice
- The Board may refuse to approve a practice name if, in its opinion, that practice name is so similar to another existing approved practice name as to be likely to cause confusion to the public

5. Approve Names of New Practices

Section 18 (7)

- A practicing certificate shall specify the name , the principal addresses of the firm or corporation under which the registered architect is practicing or by which he is employed

Section 18 (8)

- Any change in such name or address shall be notified by the registered architect concerned to the Registrar within 2 weeks of such change and an endorsement of such change shall be obtained from the Registrar

6. Allow Limited Liability Partnerships (LLPs)

- **Limited Liability Partnership Act came into effect in April 2005**
- **Wide range of business options**
- **License LLPs which can supply architectural services**

6. Allow Limited Liability Partnerships (LLPs)

General Features

- Body corporate formed by registration under the LLP Act
- Has legal personality separate from its partners
- Has perpetual succession
- Sue and be sued
- Enter into contracts
- Hold property

6. Allow Limited Liability Partnerships (LLPs)

Liability of LLP

- LLP solely responsible for its obligations
- LLP liable for wrongful act or omission of partner
- Partner liable for his own wrongful act or omission.

6. Allow Limited Liability Partnerships (LLPs)

Partners/Key Personnel

- Minimum of two partners
- Individual or body corporate
- Rights and duties
governed by partnership
agreement

7. Facilitate Start-Ups

Limited Corporation

- Paid-up capital is reduced to \$500,000.
- Proportion of directors, who must be registered architects, or allied professionals is halved from 100% to a simple majority.

8. *Fine-tune Disciplinary Proceedings*

Investigation Committee

- Chairman who is a member of the Board
- 2 members who are registered architects
- 1 member who is an allied professional or a lay person

Investigation panel

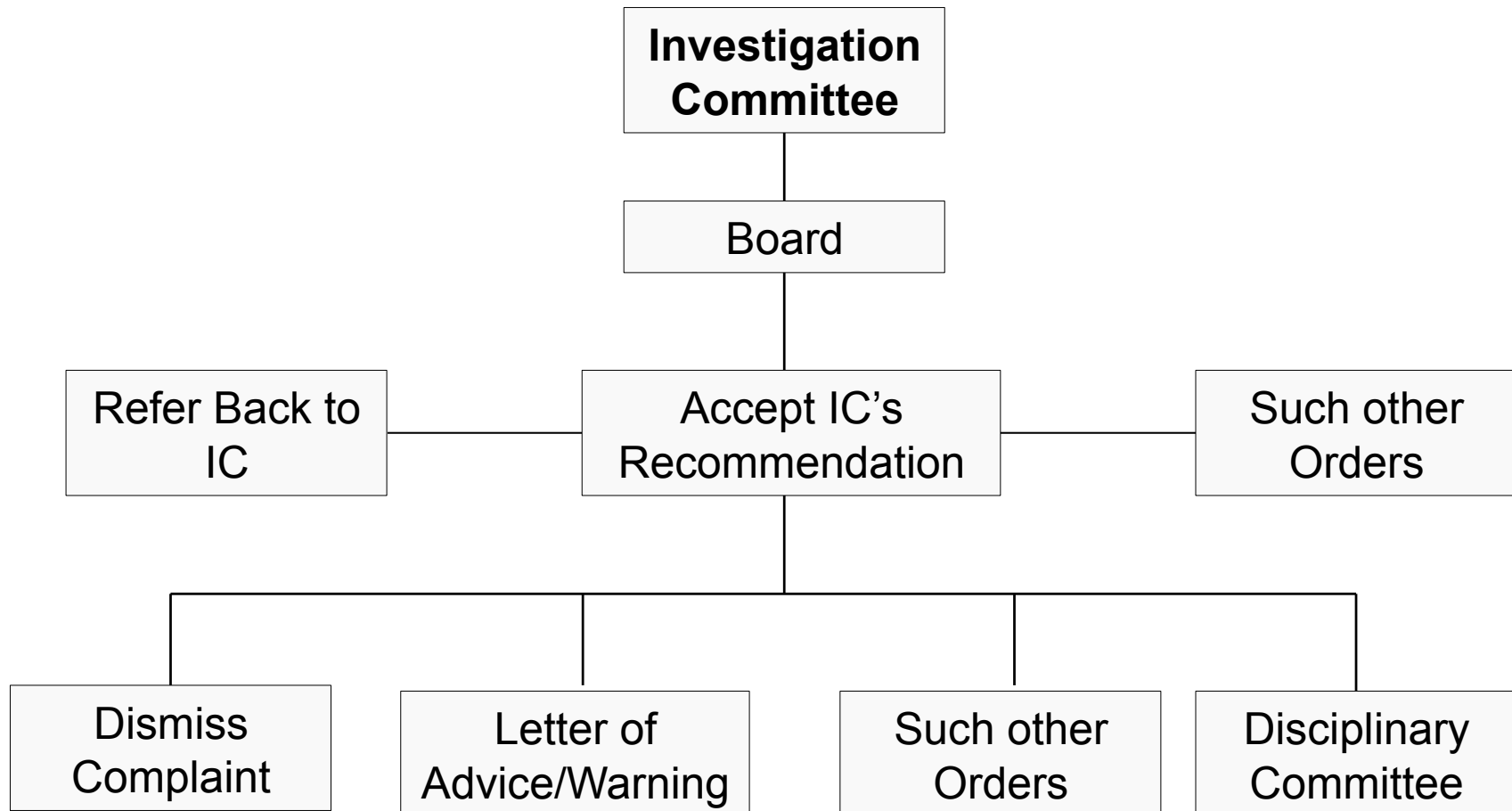
- 10 - 20 registered architects of at least 10 years' standing
- 5 -10 allied professionals or lay persons
- Shall be appointed for a term of 2 years.

8. *Fine-tune Disciplinary Proceedings*

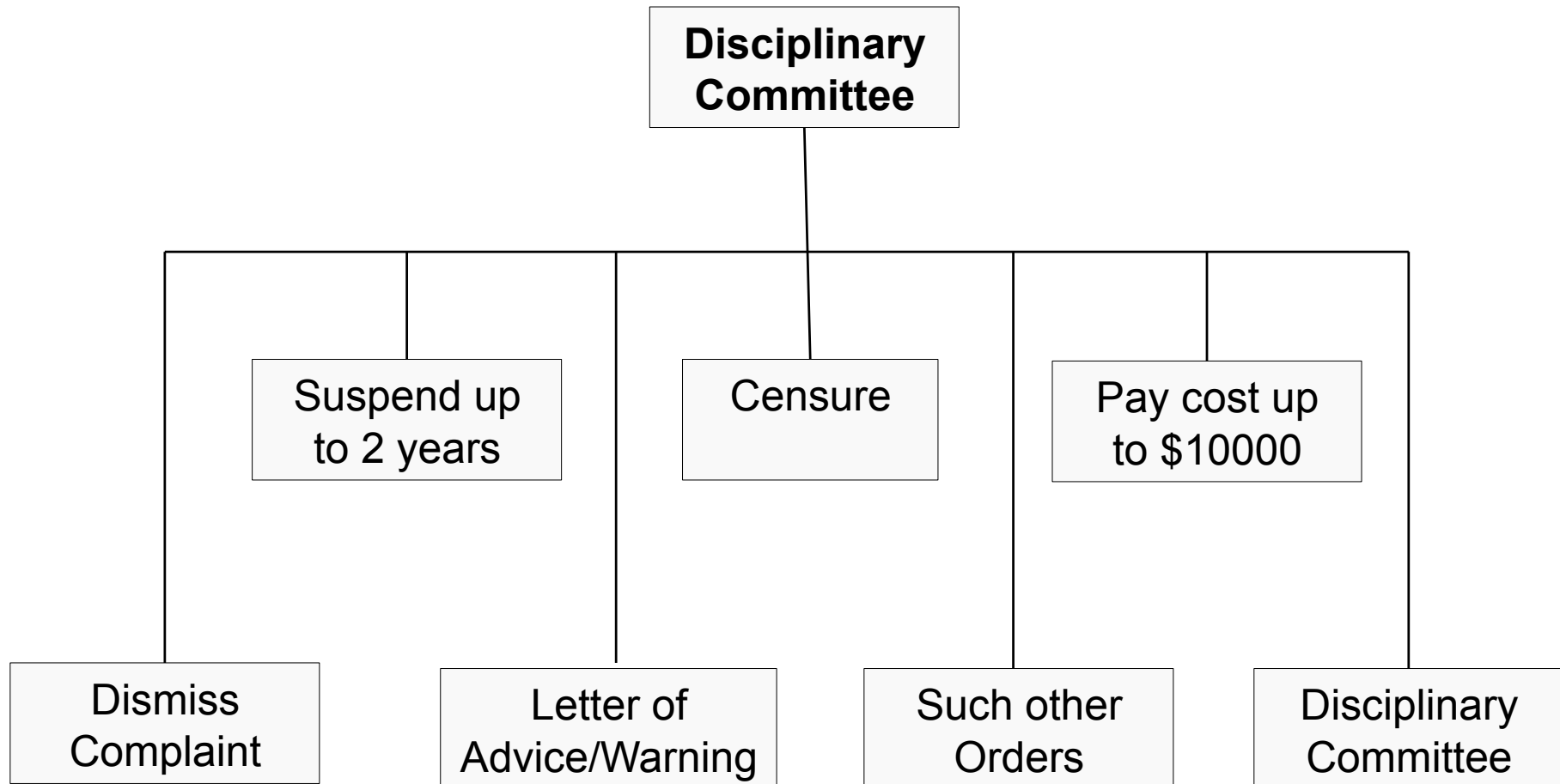
Disciplinary Committee

- All members shall be registered architects
- Not less than 3 registered architects of at least 10 years' standing and at least 2 of them are to be board members
- An observer of the proceedings from the allied professional or lay persons in the investigation panel.

8. Fine-tune Disciplinary Proceedings



8. Fine-tune Disciplinary Proceedings



Impact on Practice

- Very open economy for business
- Can operate in any of the 4 types of licenses
- Only registered persons/firms with BOA can offer architectural services
- Forming of big multi-disciplinary practices on the rise....(M&A by foreign firms common)
- Impact of APEC Architects Bilateral/Trilateral Agreements
- Impact of ASEAN Architects Agreement in AEC by end 2015

Challenges confronting our Profession...

- Illegal practices on the increase
- Influx of foreign 'design consultants'
- Insufficient number of local young people pursuing architecture & also those who continue to practice
- Immigration control on foreign labour
- Increasing statutory & legal responsibilities yet with declining professional fees
- Government procurement-Quality Fee Method(QFM)
- Productivity drive – heavy investments on technology such as BIM, buildability and constructability controls..

THANK YOU!

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