

Memorandum to the Cabinet
Regulations made by the Chamber of
Architects and Civil Engineers.

The Chamber of Architects and Civil Engineers have prepared draft regulations for the better administration of the Chamber and the more effective control of the profession in general.

These regulations have been made under regulation 10 of the Regulations governing the Chamber of Architects and Civil Engineers (Government Notice No. 202 of 1920) which provides that the Chamber shall have the power to make regulations regarding the functions and the duties of the Chamber, of its Committee, the meetings of the Chamber and of the Committee, the procedure to be followed in connection with such meetings, the payment of a subscription by the members of the Chamber and such other regulations as will be deemed necessary or useful for the maintenance of the Chamber and the furtherance of its object.

The same regulation 10 however provides that "such regulations, before coming into force, must be submitted to, and approved by the Government".

The President of the Chamber, Mr. R. de Giorgio B.S.&A., A.&C.E., F.R.I.E.A., has revised the draft regulations proposed by the Chamber with the Senior Crown Council, and the attached draft is now legally in order.

The regulations, inter-alia, provide for a Code of Professional Conduct which appears in the First Schedule to the regulations enforceable under regulation 11 of the proposed regulations. Architects are to comply with the Tariff of Fees contained in Tariff "K" of Schedule A to the Code of Organisation and Civil Procedure (Cap. 15). Other provisions relate to elections to the Council, General Meetings of the Chamber, etc.

The Chamber of Architects and Civil Engineers are pressing for early approval by Government of the draft regulations for eventual publication in the Gazette. Honourable Ministers are invited and solicited to approve the proposed regulations of the Chamber of Architects and Civil Engineers.

19th October, 1968.

ARCHITECTS ORDINANCE (CAP. 72)

Regulations Governing the Chamber of Architects and
Civil Engineers

In exercise of the powers conferred by regulation 10 of the Regulations governing the Chamber of Architects and Civil Engineers, published by Government Notice No.202 of the 12th June 1920, the Chamber of Architects and Civil Engineers has made the following regulations which have been approved by the Government.

Regulations made by the Chamber of Architects and Civil Engineers.

- Constitution. 1. The Chamber of Architects and Civil Engineers is constituted in terms of Ordinance No. XIV of 1919 by means of Government Notice No.202 of the 12th June 1920 and is intended for the advancement of the profession, the defence of its rights and for keeping high its prestige.
- Seat. 2. The Chamber shall have its own seat wherein all meetings shall be held unless decided otherwise by the Council from time to time. This seat shall be kept open on all working days during normal working hours .
- Membership. 3. Membership of the Chamber shall be open to all such persons as hold the warrant to practise in Malta as Architects & Civil Engineers and this in compliance with the definition contained in the Architects Ordinance Chapter 72 of the Revised Edition of the Laws of Malta. All such persons will qualify as full members.
4. Provision shall also be made for honorary and corresponding members in the case of such persons who having obtained the warrant referred to in Para 3 above are residing abroad. Honorary membership may also be granted by the Committee, hereinafter referred to as the Council, to any such person living in Malta or abroad, who according to the unanimous opinion of the Council, with or without a local warrant to practise as Architect or Civil Engineer, has in the past contributed towards the advancement of these professions.
5. Full membership shall be applied for in writing to the Honorary Secretary of the Chamber who will in turn submit such application to the Council within 30 days of its receipt. On acceptance by not less than two-thirds of the members of the Council present at the first meeting held within the 30 days referred to above, the applicant shall be informed in writing and requested to pay an admission fee of £1.
- Subscription 6. The annual subscription fee shall be four pounds (£4)
Fee. payable if so desired in four equal instalments of one pound every three months. Such subscription is compulsory from year to year up to the 31st December of each year. No subscription as such, other than the £1 admission fee shall be paid by new first time members for the period up to the end of the year during which his full membership was accepted by the Council.
7. In default of the payment of two consecutive quarterly subscriptions, a full member may be refused further membership of the Chamber saving any other right of action for the enforcement of payment of the amounts due.

8. Any person desiring to terminate his full membership of the Chamber shall give notice in writing to the Honorary Secretary thirty days before the date when his membership fees are due in default of which he shall be deemed to have renewed his membership for a further period of one year.

9. Only full members are eligible to form part of the Council and they shall have the right of one vote at its election.

10. Every full member has a right to one vote at any of the meetings.

Compliance.

11. All full members shall comply with the regulations. All persons holding a warrant to practise as Architects & Civil Engineers shall comply with the Code of Professional Conduct contained in the First Schedule to these regulations and with the recognised Tariff of Fees contained in Tariff "K" of Schedule "A" to the Code of Organisation and Civil Procedure (Cap.15). Failure to do so will imply any such action by the Council as its members may on consideration of the case decide to take to ensure full compliance. Such action will include the admonition of any person holding a warrant to practise as Architect & Civil Engineer or the suspension of any such person from the exercise of the profession for a period not exceeding twelve months or the suspension for any time or removal of such persons from the membership of the Chamber, if he is a member. Any decision involving suspension from the exercise of the profession shall be published in the Government Gazette as provided in regulation 5 of the Regulations governing the Chamber of Architects and Civil Engineers. (Government Notice No.202 of 1920).

12. No decision of the Council shall under the provisions of the above-mentioned regulations be taken against a member of the profession unless he shall have been given full opportunity to exculpate himself and no such decision shall be valid unless there shall have been in favour thereof the votes of not less than two-thirds of the members present at the Council meeting with a minimum of six persons present as a quorum.

13. Any member of the profession whether a member of the Chamber or not who shall have so been found guilty will have the right of appeal to H.M. Court of Appeal provided he files an application for that purpose within 15 days from the receipt of the Council's decision. H.M. Court of Appeal shall have the power to confirm, modify or reverse the decision of the Council and to give Judgment on costs.

14. The decision pronounced by the Council or by H.M. Court of Appeal shall not prejudice any action which might be exercised under the Criminal Laws of Malta or under any other law applicable to the case.

15. Should any person who has been suspended from the exercise of his profession perform, within the period of such suspension, any act which implies the exercise of his profession he will become liable on conviction before the Court of Magistrates of Judicial Police to the penalties established by the Criminal Laws for contravention.

The Council.

16. The Council shall consist of ten full members elected by the vote of at least twenty members at a

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general meeting to be held during the month of December.

17. Following the election of the Council, the full members elected shall between themselves nominate the President, the Vice President, the Hon. Treasurer and the Hon. Secretary.

President.

18. The President shall have the power :
- a. to call all meetings whether general or of the Council,
 - b. to preside over such meetings,
 - c. to explain the matters to be discussed and the questions to be decided,
 - d. to ensure the execution of the decisions taken,
 - e. to ensure that minutes of the meetings are kept and at the next meeting to demand that these are read out to the members present to ensure their correctness,
 - f. to submit at the December General Meeting called for the election of the new Council, report on the work done by the Chamber during that year,
 - g. to represent the Chamber on all occasions.

Vice President.

19. The Vice President shall in the absence of the President, act in his stead and shall at that moment exercise the same powers.

Treasurer.

20. The Hon. Treasurer shall administer the finances of the Chamber. He shall also ensure the collection of all membership fees and shall represent the Chamber in all judicial matters.

21. The Hon. Treasurer shall keep proper books of accounts and at the December General Meeting he shall submit a full statement supported by vouchers for the examination of all the members present who for this purpose shall amongst themselves appoint two auditors to examine the books.

The auditors will be empowered to request any further information from the Hon. Treasurer as they deem necessary.

22. No member may incur any expenditure on behalf of the Chamber without the authorization of the Hon. Treasurer which authorization however, will not be withheld if in fact this is sanctioned by at least seven members of the Council who will have taken a decision on this matter during a meeting of the Council. The Hon. Treasurer may delegate any of his duties to the Permanent Secretary, this, however, subject to the approval of the President.

Hon. Secretary.

23. The Hon. Secretary shall be in charge of all correspondence and all communications with the members as well as with non-members excluding such correspondence as may refer to financial matters which shall as such be dealt with by the Hon. Treasurer.

24. The Hon. Secretary shall keep the minutes of every meeting as well as the full name, qualifications and address of every member whether full member, honorary or corresponding.

25. The Hon. Secretary shall look after the archives of the Chamber, which archives shall include all correspondence, documents, books (excluding books of accounts) and generally also any records which he may from time to time be called upon to keep of the deliberations, activities and operations of the Chamber.

26. In the absence of the Hon. Secretary, the President or the person acting in his stead, may appoint any other member of the Council to act in this capacity.

27. The Hon. Secretary may, subject to the approval of the President, delegate any of his duties to the Permanent Secretary.

General Meetings.

28. The President, and in his absence, the Vice President, shall fix the date, time and venue of all general meetings.

29. On receipt by the President of a written request for a general meeting, signed by at least ten full members, he shall within twentyone days of such receipt, call a general meeting for the purpose of discussing the matter referred to in the signed request.

30. The quorum for a general meeting shall be twenty (20) full members besides the President or the Vice President it being understood however that if when the meeting is first convened a quorum cannot be formed a second meeting shall be called during which any decision taken shall be valid irrespective of the number of persons present.

31. A general meeting shall be notified to all full members by means of a circular signed by the Hon. Secretary and mailed at least six days before the date on which the meeting is to be held. Such notification shall give a clear indication of the subject matter to be discussed, but the President may allow the discussion of any other matter which in his opinion is considered of an urgent nature.

Council Meetings.

32. There shall be held during every year at least one general meeting during the month of December.

33. All decisions shall be taken by a majority of votes except in the case of a change in these regulations or in the Code of Professional Conduct, when the vote of at least two thirds of the members present shall be required to validate any decision.

In the case of equality of votes, the President shall have a casting vote in addition to his ordinary vote.

34. In the case when both the President and the Vice President cannot attend a general meeting, the Chair shall be taken by any member elected by the meeting.

35. The President shall fix the date, time and venue of all Council meetings.

36. On receipt by the President of a written request for a Council Meeting signed by at least four Council Members, the President shall within seven days call such meeting for the purpose of discussing the matter referred to in the signed request.

37. Without prejudice to regulation 12 of these Regulations the quorum for a Council Meeting shall be six members provided however, that such meeting can still be held if after thirty minutes from the time fixed for the meeting at least four members are present. In the absence of the President or Vice President the members may amongst themselves appoint a chairman for the meeting.

38. Except in cases considered urgent by the President, council meetings shall be notified in writing to all council members at least five days before the date of the meeting and such notification shall give a clear indication of the subject matter to be discussed. The President may however allow discussions on any subject considered to be of an urgent nature.

39. Decisions shall be taken by a majority of votes. In case of an equality of votes, the President shall have a casting vote in addition to his ordinary vote.

40. Any vacancies which may occur in the Council shall be filled within thirty days, through the adoption of the full member who at the last General Meeting had attained the next highest number of votes.

General provisions.

41. Any person who ceases for any reason to remain a full member of the Chamber shall forfeit any right or privilege he would have enjoyed as a full member.

42. Every member shall be kept responsible for any damage caused by him or through his negligence to the property of the Chamber.

43. The management and administration of the Chamber shall be the full responsibility of the Council.

44. The Council of the Chamber shall consult with the Government and vice-versa on all matters effecting the profession in all its aspects as well as on all such other matters as are of public interest and related to the profession.

45. The Council may at its own discretion appoint a permanent secretary on a salaried basis, provided however that in this case the approval of at least eight members of the Council shall be obtained. In the case of this appointment however, the person so employed shall hold office only up to the next December General Meeting, provided however that such appointment may be renewed by the incoming Council again with a vote of eight members in favour of doing so.

46. The Chamber of Architects and Civil Engineers adopts as its emblem the design shown in the Second Schedule to these Regulations.

47. These regulations shall come into force on the date of their publication in the Government Gazette.

SCHEDULES

FIRST SCHEDULE

Code of Professional Conduct

1. A member must not hold, assume or consciously accept a position in which his interest is in conflict with his professional duty.

2. A member is remunerated solely by his professional fees payable by his clients and/or by his salary payable by his employer. He is debarred from any other source of remuneration in connection with the works and duties entrusted to him. It is the duty of a member to uphold and apply the Scale of Professional Charges payable to Architects & Civil Engineers as per Tariff K of the Code of Organization and Civil Procedure (Schedule A) (Amendment) (No.2) Regulations, 1968.