

ARCHITECTS' REGISTRATION (AMENDMENT) ACT, 2024

No. 17



of 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of the long title to Cap. 61:08
3. Amendment of section 2 of the Act
4. General amendment of the Act
5. Amendment of section 3 of the Act
6. Amendment of section 5 of the Act
7. Amendment of section 7 of the Act
8. Amendment of section 23 of the Act
9. Amendment of section 24 of the Act
10. Amendment of section 48 of the Act
11. Amendment of section 48A of the Act
12. Amendment of section 49 of the Act
13. Transition

An Act to amend the Architects' Registration Act.

Date of Assent: 15.10.2024

Date of commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act shall be cited as the Architects' Registration (Amendment) Act, 2024 and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Architects' Registration Act (hereinafter referred to as "the Act"), is amended by substituting for the long title the following new long title —

Amendment of the long title to Cap. 61:08

"An Act to establish the Architects Professionals' Council; to provide for the registration of professionals, candidates and specified categories in the architectural profession and to regulate the practice of architecture; and for matters incidental thereto."

3. Section 2 of the Act is amended —

Amendment of section 2 of the Act

(a) by inserting the following definitions in their correct alphabetical order —

"Architectural professional" means a professional registered under section 23;

"candidate" means a graduate registered under section 23;

"Council" means Architectural Professionals' Council established under section 23;

"interior architect" means an interior architect registered under section 23;

	<p>“interior designer” means an interior designer registered under section 23;</p> <p>“landscape architect” means a landscape architect registered under section 23;</p> <p>“landscape architectural technologist” means a landscape architectural technologist registered under section 23;</p> <p>“urban designer” means an urban designer registered under section 23; and</p> <p>“voluntary associations” means any voluntary associations of any categories of architectural professionals in section 23 of this Act which are duly registered in accordance with the Societies Act; and</p>
Cap. 18:01	<p>(b) by deleting the entries for the interpretation of words, “Institute” and “work of an architect”.</p>
General amendment of the Act	<p>4. The Act is amended generally by —</p> <p>(a) substituting for the “draftsperson” wherever it appears in the Act the word, “draughtsperson”;</p> <p>(b) substituting for the word “Institute” wherever it appears in the Act the words, “voluntary organisations”; and</p> <p>(c) substituting for the words “architect, architectural technologists and architectural draftsperson” wherever they appear together in that order in the Act, the words, “architectural profession registered in terms of section 23 of this Act.”</p>
Amendment of section 3 of the Act	<p>5. Section 3 (1) of the Act is amended by substituting for the word “Architects’ Registration Council”, the word “Architectural Professionals’ Council”.</p>
Amendment of section 5 of the Act	<p>6. The Act is amended in —</p> <p>(a) section 5 (2) (d) by substituting for that paragraph, the following new paragraph —</p> <p>“(d) four persons eligible for registration under the Act, elected by voluntary associations, of whom two shall be from the private sector;”; and</p> <p>(b) section 5 (2) (e) by substituting for the words “Tertiary Education Council established under the Tertiary Education Act”, the words, “Botswana Qualifications Authority”.</p>
Amendment of section 7 of the Act	<p>7. The Act is amended in —</p> <p>(a) section 7 (2) by inserting immediately after paragraph (b), the following new paragraph —</p> <p>“(bA) in collaboration with the Botswana Qualifications Authority, accredit educational institutions and their educational programmes on architecture;”; and</p> <p>(b) section 7(3) by substituting for the words “Tertiary Education Council”, the words, “Botswana Qualifications Authority”</p>
Amendment of section 23 of the Act	<p>8. Section 23 is amended by substituting for that section the following new section —</p>

- "Registration" **23.** (1) A person shall not practice in an architectural professional category unless he or she is registered in a category specified under this section.
- (2) A person may apply to the Council to be registered as an architectural professional in —
- (a) professional category as —
 - (i) architect;
 - (ii) interior architect;
 - (iii) landscape architect;
 - (iv) interior designer;
 - (v) urban designer;
 - (vi) architectural technologist;
 - (vii) interior architectural technologist;
 - (viii) landscape architectural technologist;
 - (ix) interior designer technologist;
 - (x) urban designer technologist;
 - (xi) architectural draughtsperson; and
 - (b) candidate category for a prescribed period as —
 - (i) candidate architect;
 - (ii) candidate interior architect;
 - (iii) candidate landscape architect;
 - (iv) candidate interior designer;
 - (v) candidate urban designer;
 - (vi) candidate architectural technologist;
 - (vii) candidate interior architectural technologist;
 - (viii) candidate landscape architectural technologist;
 - (ix) candidate interior designer technologist;
 - (x) candidate urban designer technologist; and
 - (xi) candidate architectural draughtsperson; and
 - (c) a category as may be prescribed.
- (3) A person registered in the candidate category shall not perform any architectural professional work unless under the supervision and control of a professional of such a category as the Council may determine.
- (4) Any person who applies to be registered under any category in this section shall, apply to the Council in accordance with the form as may be prescribed and shall pay a fee as may be prescribed.
- (5) The Council shall register an applicant in the relevant category and issue a registration certificate to the successful applicant in the prescribed form if, after consideration of an application, the Council is satisfied that the applicant —
- (a) in the case of a person applying for registration as a professional —

- (i) has demonstrated competence as measured against standards determined by the Council for the relevant category of registration; and
- (ii) has passed any additional examinations that may be determined by the Council; and
- (b) in the case of a person applying for registration as a candidate in a specified category, has satisfied the relevant educational outcomes determined by the Council for this purpose, by —
 - (i) having passed accredited or recognised examinations at any educational institution offering educational programmes in architectural professions; and
 - (ii) having passed any other examination that may be determined by the Council; or
 - (iii) presenting evidence of prior learning in architecture.”
- (6) For purposes of this section, “prior learning” means the previous learning and experience of a learner, howsoever obtained, against the learning outcomes required for a specified qualification and the acceptance for the purpose of qualification of that which meets those requirements.”.

Amendment of section 24 of the Act

9. The Act is amended by deleting section 24.

Amendment of section 48 of the Act

10. The Act is amended by substituting for section 48 the following new section —

“Effect of registration 48. (1) A person who is registered under section 23 may describe himself or herself and only use a title relevant to the specified category to which he or she is registered.

(2) A registered person shall use his or her title in all architectural reports and other documentation relating to his or her work in the architectural profession, prepared by him or her.

(3) The Council shall in consultation with —

(a) voluntary associations; and

(b) any persons that may be affected by this law, determine the identification of the type of architectural work which may be performed by persons registered in any category referred to in subsection (1).

(4) Any person who is not registered in terms of this Act shall not —

(a) perform any kind of work identified for any category of registered persons;

(b) pretend to be, or in any manner allow himself or herself to be held out as a person registered in terms of this Act;

(c) use the name of any registered person or any title referred to in this section; or

(d) perform any act indicating, or calculated to lead to persons to believe, that he or she is registered in terms of this Act.

- (5) Notwithstanding subsection (1), it shall not be an offence for a person to use the designation "Naval Architect" or any similar designation as the Council may determine.
- (6) A person who contravenes this section commits an offence and is liable to a fine not exceeding P50 000 or to imprisonment for a term not exceeding two years, or to both and, on a second or subsequent conviction, to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both."

11. The Act is amended by deleting section 48A.

Amendment of
section 48A
of the Act
Amendment of
section 49 of
the Act

12. The Act is amended by substituting for section 49 the following new section —

"Administrative sanctions 49. The Council may impose administrative penalties of an amount not exceeding that specified in this Act where a person contravenes any provisions or regulations made under this Act."

13. Upon the coming into effect of this Act, all persons who fall within any of the identified categories of architectural professionals under this Act who are not registered, shall within six months of the coming into effect of this Act or within such further period as the Council may determine, apply to be registered under this Act.

Transition

PASSED by the National Assembly this 27th day of August, 2024.

BARBARAN. DITHAPO,
Clerk of the National Assembly.