

A BILL

i n t i t u l e d

An Act to amend the Quantity Surveyors Act 1967.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Quantity Surveyors (Amendment) Act 2014.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The Quantity Surveyors Act 1967 [*Act 487*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting before the definition of “architectural consultancy services” the following definition:

‘ “Architect” has the same meaning assigned to it in the Architects Act 1967 [*Act 117*];’;

- (b) by inserting after the definition of “authorized officer” the following definitions:

‘ “Consultant Quantity Surveyor” means a person who is registered under subsection 10(3);

“Consulting Quantity Surveying Practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act 1965 [*Act 125*], which is granted by the Board a permit to practise as a Consulting Quantity Surveying Practice under section 7A;

“Disciplinary Committee” means a committee appointed by the Board under section 14A;

“Dispute Resolution Panel” means a panel appointed by the Board under section 14B to mediate, adjudicate or arbitrate or otherwise resolve disputes including expert determination;’;

- (c) by deleting the definition of “firm or body corporate practising as consulting Quantity Surveyors”;
- (d) by deleting the definition of “Professional Architect”;
- (e) by deleting the definition of “Professional Engineer”;
- (f) by inserting after the definition of “prescribed” the following definition:

‘ “Professional Engineer with Practising Certificate” has the same meaning assigned to it in the Registration of Engineers Act 1967 [*Act 138*]’;

- (g) by inserting after the definition of “professional engineering services” the following definitions:

‘ “Professional Quantity Surveyor” means a person who is registered under subsection 10(2);

“Provisional Quantity Surveyor” means a person who is registered under paragraph 10(1)(a);

“Quantity Surveying Technologist” means a person who is registered under section 10A;’; and

- (h) by deleting the definitions of “registered graduate Quantity Surveyor”, “registered Quantity Surveyor” and “temporary Quantity Surveyor”.

Amendment of section 3

3. Section 3 of the principal Act is amended—

(a) in subsection (2)—

- (i) in paragraph (a), by substituting for the words “appointed from among registered Quantity Surveyors” the words “who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor”;
- (ii) in paragraph (b), by substituting for the words “being registered Quantity Surveyors holding office” the words “from among Consultant Quantity Surveyors or Professional Quantity Surveyors who are”;
- (iii) in paragraph (d), by substituting for the words “registered Quantity Surveyor” the words “member from among Consultant Quantity Surveyors or Professional Quantity Surveyors”;
- (iv) in paragraph (dd), by substituting for the words “registered Quantity Surveyor” the words “member from among Consultant Quantity Surveyors or Professional Quantity Surveyors”;
- (v) by substituting for paragraph (e) the following paragraph:
 - “(e) four Consultant Quantity Surveyors from the private sector who are practising in Malaysia, on the nomination of the Royal Institution of Surveyors Malaysia or any other professional body recognized by the Board to represent Quantity Surveyors in the private sector;”;

- (vi) by inserting after paragraph (e) the following paragraph:

“(ea) one Consultant Quantity Surveyor or Professional Quantity Surveyor from the private sector who is not practising as a consulting Quantity Surveyor, on the nomination of the Royal Institution of Surveyors Malaysia or any other professional body recognized by the Board to represent Quantity Surveyors in the private sector;” and

- (vii) in paragraph (h), by substituting for the words “two registered Quantity Surveyors to be nominated by” the words “two members from among Consultant Quantity Surveyors or Professional Quantity Surveyors on the nomination of”;

- (b) in subsection (3)—

- (i) by deleting the words “shall be appointed for a term which shall not exceed three years and shall”; and

- (ii) by substituting for the words “unless he sooner resigns or his appointment revoked” the words “shall, unless he sooner resigns, vacates his office or his appointment is revoked,”;

- (c) in subsection (4), by inserting after the words “dies or resigns” the words “, vacates his office”; and

- (d) by inserting after subsection (5) the following subsection:

“(6) The Minister may, by order published in the *Gazette*, amend the Schedule.”.

Amendment of section 4

- 4.** Section 4 of the principal Act is amended—

- (a) in paragraph (b), by substituting for the word “approval” the word “permit”;

- (b) in paragraph (c), by substituting for the words “Parts III and IV” the words “this Act”;
- (c) in paragraph (d), by substituting for the words “registered Quantity Surveyors and firms or bodies corporate practising as consulting Quantity Surveyors” the words “Consulting Quantity Surveying Practice”;
- (d) in paragraph (e), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”;
- (e) in paragraph (ea), by deleting the words “, where deemed necessary by the Board”;
- (f) in paragraph (f), by substituting for the words “quantity surveying profession” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist and Consulting Quantity Surveying Practice”;
- (g) in paragraph (fa), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”;
- (h) by substituting for paragraph (fb) the following paragraph:
 - “(fb) to appoint a council comprising members of the Board, Consultant Quantity Surveyors or Professional Quantity Surveyors and other persons or institutions as may be determined by the Board to accredit qualifications and to conduct examination as it deems necessary;”;

- (i) by substituting for paragraph (fc) the following paragraph:

“(fc) to nominate any person to represent it on any board, committee or body if requested by an institution, body or society relating to the profession;”; and

- (j) by substituting for paragraph (fd) the following paragraph:

“(fd) to nominate any members of the Board to represent the Board on any board, committee or body in accordance with the relevant laws;”.

Amendment of Part III

5. The principal Act is amended in the title of Part III by inserting after the words “QUANTITY SURVEYORS” the words “, PROVISIONAL QUANTITY SURVEYORS AND QUANTITY SURVEYING TECHNOLOGISTS”.

Amendment of section 5

6. Section 5 of the principal Act is amended—

- (a) by substituting for the word “four” the word “five”;
- (b) in paragraph (a), by substituting for the word “registered” the word “Consultant”;
- (c) in paragraph (b), by substituting for the words “registered graduate” the word “Professional”;
- (d) by substituting for paragraph (c) the following paragraph:
- “(c) Part C— which shall contain the names, registration numbers, addresses and other particulars of Provisional Quantity Surveyors together with particulars of any conditions or restrictions imposed by the Board under paragraph 4(b);”;

(e) by substituting for paragraph (d) the following paragraph:

“(d) Part D — which shall contain the names, registration numbers, addresses and other particulars of Consulting Quantity Surveying Practices together with any particulars of any conditions or restrictions imposed by the Board under subsection 7A(3) or 7B(1);” and

(f) by inserting after paragraph (d) the following paragraph:

“(e) Part E— which shall contain the names, registration numbers, addresses and other particulars of Quantity Surveying Technologists together with any particulars as determined by the Board under section 10A.”.

Amendment of section 6

7. Section 6 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the words “(hereinafter referred to as “the Registrar”)”; and

(ii) by inserting after the words “and orders of the Board” the words “or orders of any committee established by the Board”;

(b) in subsection (2)—

(i) by substituting for the words “at least two national newspapers, in the national language, and” the words “one newspaper either in the national language, or”;

(ii) in paragraph (a)—

(A) by substituting for the words “registered, registered graduate or temporary registered

Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”;

(B) in subparagraph (i), by substituting for the word “Board” the words “Disciplinary Committee”; and

(C) in subparagraph (ii), by substituting for the words “section 17” the words “subsections 17(1) and (3)”; and

(iii) in paragraph (b)—

(A) by substituting for the words “a firm or body corporate practicing as consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”; and

(B) in subparagraph (i), by substituting for the word “Board” the words “Disciplinary Committee”;

(c) in subsection (2A), by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”;

(d) in subsection (3), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor, or a firm or body corporate practising as consulting Quantity Surveyors,” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice,”; and

(e) in subsection (4), by deleting the words “and offer for sale copies of”.

Amendment of section 7

8. Section 7 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**registered graduate and temporary registered Quantity Surveyors**” the words “**Consultant Quantity Surveyor, etc.**”;

(b) in subsection (1)—

(i) by substituting for the words “registered Quantity Surveyor” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor”;

(ii) in paragraph (a), by substituting for the words “that he is a registered Quantity Surveyor” the words “that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor”;

(iii) in paragraph (b), by substituting for the words “that he is a registered Quantity Surveyor;” the words “that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor.”;

(iv) by deleting paragraph (c); and

(v) by deleting paragraph (d);

(c) by inserting after subsection (1) the following subsections:

“(1A) A Consultant Quantity Surveyor shall be entitled to use the abbreviation “CQS” after his name.

(1B) A Professional Quantity Surveyor shall be entitled to use the abbreviation “PQS” after his name.

(1C) A Consultant Quantity Surveyor or Professional Quantity Surveyor shall be entitled to use the abbreviation “Sr” before his name if the Consultant Quantity Surveyor or Professional Quantity Surveyor is a member of the Royal Institution of Surveyors, Malaysia.”;

- (d) in subsection (2), by substituting for the words “registered graduate or temporary registered Quantity Surveyor” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor”; and
- (e) by inserting after subsection (2) the following subsection:

“(3) A person is not allowed to practise as a consulting Quantity Surveyor, or to collect any fee, charge, remuneration or other form of consideration for any professional advice or services rendered, unless the person has obtained a permit to practise as a Consulting Quantity Surveying Practice approved by the Board under section 7A or 7B.”.

Amendment of section 7A

9. Section 7A of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Consulting Quantity Surveying Practice”;

- (b) in subsection (1)—

- (i) by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”; and

- (ii) by substituting for the words “, to so practise” the words “as a Consulting Quantity Surveying Practice”;

- (c) in subsection (2), by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”;

- (d) in subsection (3)—

- (i) by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”;

- (ii) in paragraph (a), by substituting for the word “registered” the word “Consultant”;
- (iii) in paragraph (b), by substituting for the word “registered” the word “Consultant”;
- (iv) by substituting for paragraph (c) the following paragraph:

“(c) in the case of the body corporate—

- (i) it has a board of directors as may be prescribed by the Board;
- (ii) it has shareholdings as may be prescribed by the Board;
- (iii) it has a minimum paid-up capital which shall be an amount to be prescribed by the Board; and
- (iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who—
 - (A) is a Consultant Quantity Surveyor; and
 - (B) is authorized under a resolution of the board of directors of the body corporate to make all final quantity surveying decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of quantity surveying by the body corporate;”;

- (v) by inserting after paragraph (c) the following paragraph:

“(d) in the case of the consortium or joint venture, all the members of the consortium or joint venture are Consulting Quantity Surveying Practices.”;

- (e) in subsection (4)—

- (i) by substituting for the words “A firm or a body corporate practising as consulting Quantity Surveyors” the words “A Consulting Quantity Surveying Practice”;
 - (ii) by deleting the word “or” at the end of paragraph (a);
 - (iii) by substituting for the comma at the end of paragraph (b) the words “; or”;
 - (iv) by inserting after paragraph (b) the following paragraph:

“(c) in the case of a consortium or joint venture, in the composition of its members,”; and
 - (v) by inserting after subsection (4) the following subsection:

“(4A) The report of any change referred to in subsection (4) shall be accompanied by the prescribed fee.”;

- (f) in subsection (5)—

- (i) by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”;

- (ii) by substituting for paragraph (a) the following paragraph:

“(a) the Consulting Quantity Surveying Practice has breached or failed to comply with any of the conditions or restrictions imposed by the Board when granting approval of permit to practise;”;

- (iii) in paragraph (b), by deleting the words “of the firm,”;

- (iv) in paragraph (c), by substituting for the words “firm or body corporate practising as consulting Quantity Surveyors” the words “Consulting Quantity Surveying Practice”; and

- (v) in paragraph (d)—

- (A) by substituting for the words “partners of the firm,” the word “partner”;

- (B) by substituting for the words “body corporate, practising as consulting Quantity Surveyors, being a person who is a registered Quantity Surveyor” the words “Consulting Quantity Surveying Practice”;

- (C) in subparagraph (ii), by substituting for the words “and (f)” the words “, (f) and (fb)”;

- (D) by substituting for the words “firm or body corporate practising as consulting Quantity Surveyors” wherever appearing the words “Consulting Quantity Surveying Practice”; and

- (E) in paragraph (bb), by substituting for the word “fifty” the words “one hundred”;

(g) by inserting after subsection (5) the following subsection:

“(5A) If a Consulting Quantity Surveying Practice has been wound up under the Companies Act 1965, the Consulting Quantity Surveying Practice is not allowed to practise and the permit to practise shall be cancelled.”;

(h) in subsection (6)—

(i) by substituting for the word “Board” the words “Disciplinary Committee”; and

(ii) by substituting for paragraph (b) the following paragraph:

“(b) there has been a hearing conducted by the Disciplinary Committee of the grounds of complaint against the Consulting Quantity Surveying Practice.”;

(i) in subsection (6A)—

(i) by substituting for the words “firm or body corporate practising as consulting Quantity Surveyors” the words “Consulting Quantity Surveying Practice”;

(ii) in paragraph (a)—

(A) by inserting after the word “investigation” the words “by the Investigating Committee”; and

(B) by substituting for subparagraph (ii) the following subparagraph:

“(ii) in the case of a partnership or body corporate, by the partner or director who at the material time was responsible for the act or thing which forms the grounds of the complaint; or”; and

(iii) in paragraph (b)—

(A) by inserting after the word “hearing” the words “by the Disciplinary Committee”;

(B) in subparagraph (i), by deleting the words “or counsel”; and

(C) by substituting for subparagraph (ii) the following subparagraph:

“(ii) in the case of a partnership or body corporate, by the partner or director who at the material time was responsible for the act or thing which forms the grounds of the complaint and the partner or director may be assisted by counsel.”;

(j) in subsection (6B), by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”;

(k) by substituting for subsection (7) the following subsection:

“(7) The Disciplinary Committee shall not make an order under paragraphs (5)(aa) to (ee) based on the grounds of complaint set out in paragraph (5)(d) if, on the date of hearing, the Consulting Quantity Surveying Practice satisfies the Disciplinary Committee—

(a) that the partner, director or shareholder, as the case may be, who has committed, or is guilty of, or has contributed to, the act or thing in question has ceased to be a partner, director or shareholder of the Consulting Quantity Surveying Practice;

(b) that the partner, director or shareholder who at the material time was not responsible for the act or thing which forms the grounds of the complaint; and

- (c) that the Consulting Quantity Surveying Practice has complied with the requirements of subsection (3) or section 7B.”;
- (l) by substituting for subsection (8) the following subsection:

“(8) Upon the Disciplinary Committee suspending or cancelling the permit to practise of a Consulting Quantity Surveying Practice pursuant to paragraph (5)(cc) or (dd), the Consulting Quantity Surveying Practice shall cease to practise.”;
- (m) by inserting after subsection (8) the following subsection:

“(8A) Notwithstanding subsection (8), the Consulting Quantity Surveying Practice is entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional advice or services rendered by the Consulting Quantity Surveying Practice prior to the date of receipt of the written notice from the Disciplinary Committee suspending or cancelling the permit to practise.”;
- (n) in subsection (9)—
 - (i) by substituting for the words “firm or body corporate whose permit to practise as consulting Quantity Surveyors has been suspended or cancelled pursuant to paragraph (5)(cc) or (dd), respectively, reinstate the permit to practise to such firm or body corporate” the words “Consulting Quantity Surveying Practice whose permit to practise has been suspended or cancelled under paragraph (5)(cc) or (dd), reinstate the permit to practise”;
 - (ii) in paragraph (a), by substituting for the words “firm or body corporate” the words “Consulting Quantity Surveying Practice, at the time of such application,”;
 - (iii) in paragraph (b), by substituting for the words “firm or body corporate” the words “Consulting Quantity Surveying Practice”; and

- (iv) in paragraph (c), by substituting for the words “of the firm, or director or shareholder of the body corporate” the words “, director or shareholder of the Consulting Quantity Surveying Practice”;
- (o) in subsection (12), by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”;
- (p) by substituting for subsection (13) the following subsection:

“(13) The permit to practise issued by the Board to the Consulting Quantity Surveying Practice shall expire on 31 December of the year in which it is issued.”; and

- (q) by inserting after subsection (14) the following subsection:

“(15) The permit may, subject to this Act, be renewed annually upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board.”.

Amendment of section 7B

10. Section 7B of the principal Act is amended—

- (a) by substituting for the words “and/or” wherever appearing, including in the shoulder note, the word “or”;
- (b) in the shoulder note, by substituting for the words “**quantity surveying**” the words “**a combination of services comprising consulting Quantity Surveying**”;
- (c) in subsection (1)—
 - (i) by inserting after the words “a practice of providing” the words “a combination of services comprising”;
 - (ii) by substituting for the words “quantity surveying” wherever appearing the words “consulting Quantity Surveying”; and

- (iii) by inserting after the words “to practise” the words “as a Consulting Quantity Surveying Practice”;

(d) in subsection (2)—

(i) in paragraph (a)—

- (A) by substituting for the word “registered” the word “Consultant”;
- (B) by inserting after the words “Professional Engineers” the words “with Practising Certificate”; and
- (C) by substituting for the words “Professional Architects” the word “Architects”;

(ii) in paragraph (b)—

(A) in subparagraph (i)—

- (aa) by substituting for the word “registered” wherever appearing the word “Consultant”;
- (bb) by inserting after the words “Professional Engineers” the words “with Practising Certificate”;
- (cc) by substituting for the words “Professional Architects” the word “Architects”; and
- (dd) by substituting for the words “practising as consulting Quantity Surveyors” wherever appearing the words “providing consulting Quantity Surveying services”; and

(B) in subparagraph (ii)—

- (aa) by substituting for the word “board” the word “Board”; and

(bb) by substituting for the words “the profession of quantity surveying,” the words “the profession of”; and

(iii) in paragraph (c), by substituting for the word “Minister” the word “Board”;

(e) in subsection (3)—

(i) in paragraph (a)—

(A) by substituting for the word “registered” the word “Consultant”; and

(B) by substituting for the words “practising as consulting Quantity Surveyors” the words “providing consulting Quantity Surveying services”;

(ii) in paragraph (b)—

(A) by substituting for the word “registered” the word “Consultant”;

(B) by inserting after the words “Professional Engineers” the words “with Practising Certificates”;

(C) by substituting for the words “Professional Architects” the word “Architects”; and

(D) by substituting for the words “practising as consulting Quantity Surveyors” the words “providing consulting Quantity Surveying services”; and

(iii) by inserting after the words “permit to practise” the words “as a Consulting Quantity Surveying Practice”; and

(f) in subsection (4), by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”.

Amendment of section 8**11.** Section 8 of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Consultant Quantity Surveyor, Professional Quantity Surveyor and Consulting Quantity Surveying Practice may prepare preliminary estimates, *etc.*”;

- (b) in subsection (1)—

- (i) by substituting for the words “registered Quantity Surveyor” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor”; and
- (ii) by substituting for the words “firm or body corporate practising as consulting Quantity Surveyors” the words “Consulting Quantity Surveying Practice”;
- (c) in subsection (2), by inserting after the words “professional practice” the words “allowed under the relevant laws”; and
- (d) in subsection (3), by substituting for the words “registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor or Consulting Quantity Surveying Practice”.

Deletion of section 9**12.** The principal Act is amended by deleting section 9.**Amendment of section 10****13.** Section 10 of the principal Act is amended—

- (a) in paragraph (1)(a)—

- (i) by deleting the words “in quantity surveying”; and

- (ii) by substituting for the words “registered graduate Quantity Surveyor” the words “Provisional Quantity Surveyor”;

(b) in paragraph (1)(b)—

- (i) by deleting the words “after consultation with the Minister”;
- (ii) by substituting for the words “registered Quantity Surveyor” the words “Professional Quantity Surveyor or Consultant Quantity Surveyor”; and
- (iii) by substituting for the words “subsection (2)” the words “subsection (2) or (3), as the case may be”;

(c) in subsection (2)—

- (i) in paragraph (a), by substituting for the words “registered graduate Quantity Surveyor” the words “Provisional Quantity Surveyor”;
- (ii) in paragraph (c), by inserting after the word “assessment” the word “or”; and
- (iii) by inserting after the word “registered” the words “as a Professional”;

(d) by substituting for subsection (3) the following subsection:

“(3) A person shall be entitled to be registered as a Consultant Quantity Surveyor on application to the Board if—

- (a) he is a Professional Quantity Surveyor;
- (b) he is residing in Malaysia;
- (c) he has obtained the practical experience as may be prescribed by the Board; and

- (d) he has passed a further test of professional competence or other professional assessment or examination conducted or sanctioned by the Board.”; and
- (e) in subsection (4), by substituting for the words “registered Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor or Provisional Quantity Surveyor”.

Amendment of section 10A

14. The principal Act is amended by substituting for section 10A the following section:

“Registration of Quantity Surveying Technologist

10A. (1) A person who holds a qualification recognized by the Board shall be entitled, on application, to be registered as a Quantity Surveying Technologist.

(2) A person who is registered under subsection (1) shall be entitled, on application, to be registered as a Provisional Quantity Surveyor under paragraph 10(1)(a) if the person holds any qualification or has complied with any requirements as may be determined by the Board.

(3) No person shall be entitled to be registered as a Quantity Surveying Technologist if at any time prior to his registration there exists any facts or circumstances which would entitle the Board to cancel his registration pursuant to subsection 15(1A) if he were registered.

(4) No person shall, unless he is a Quantity Surveying Technologist—

(a) be entitled to take up employment as a quantity surveying technologist; or

(b) be entitled to describe himself or hold himself out under any name, style or title—

(i) bearing the words “Quantity Surveying Technologist” or equivalent in any other language; or

- (ii) bearing any other words in any language which may reasonably be construed to imply that he is a Quantity Surveying Technologist.”.

Amendment of section 14

15. Section 14 of the principal Act is amended by substituting for the words “registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”.

New Part IIIA

16. The principal Act is amended by inserting after section 14 the following Part:

“PART IIIA

DISCIPLINARY COMMITTEE AND DISPUTE RESOLUTION PANEL

Disciplinary Committee

14A. (1) The Board shall appoint a Disciplinary Committee to conduct a hearing of any misconduct or complaint referred to it by the Investigating Committee.

(2) The Disciplinary Committee shall comprise the following members:

- (a) a Chairman who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor, who has been registered as a Consultant Quantity Surveyor or Professional Quantity Surveyor, as the case may be, for a period of not less than seven years prior to his appointment; and
- (b) one Consultant Quantity Surveyor, and one Professional Quantity Surveyor, not being a member of the Board.

(3) The Disciplinary Committee shall conduct a hearing of any misconduct or complaint against any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveyor Technologist or Consulting Quantity Surveying Practice referred to it by the Investigating Committee.

Dispute Resolution Panel

14B. (1) The Board shall appoint a Dispute Resolution Panel which shall comprise the following members:

- (a) a Chairman who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor, who has been registered as a Consultant Quantity Surveyor or Professional Quantity Surveyor, as the case may be, for a period of not less than seven years prior to his appointment; and
- (b) one Consultant Quantity Surveyor, and one Professional Quantity Surveyor, not being a member of the Board.

(2) The Dispute Resolution Panel shall mediate, adjudicate, arbitrate or otherwise resolve and determine disputes not relating to professional conduct or ethics of any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveyor Technologist or Consulting Quantity Surveying Practice referred to it by the Board.

(3) Where a member of the Board has been appointed as a member of the Dispute Resolution Panel under paragraph (1)(a), that member shall not sit as a member of the Board when the Dispute Resolution Panel makes a recommendation to the Board.”.

Amendment of section 15

17. Section 15 of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the word “Board” the words “Disciplinary Committee”;

- (ii) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”;
 - (iii) in paragraph (b), by substituting for the word “Board” the words “Disciplinary Committee”;
 - (iv) in paragraph (g), by substituting for the word “Board” the words “Disciplinary Committee”;
 - (v) in paragraph (i), by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”;
 - (vi) in paragraph (j), by substituting for the words “firm or a body corporate to practise as consulting Quantity Surveyors” the words “permit to practise as a Consulting Quantity Surveying Practice”;
 - (vii) in paragraph (l), by substituting for the words “under subsection 7A(3) or section 7B” the words “as a Consulting Quantity Surveying Practice under section 7A or 7B”; and
 - (viii) in paragraph (m), by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”;
- (b) in paragraph (1A)(b), by substituting for the word “ten” the word “fifty”;
- (c) in subsection (2)—
- (i) by substituting for the word “Board” the words “Disciplinary Committee”;
 - (ii) by substituting for the words “paragraphs (b) to (d), or (f) to (o) of subsection (1)” the words “paragraphs (1)(b) to (o) (except for paragraphs (1)(e), (f) and (fb))”; and

(iii) in paragraph (b)—

- (A) by substituting for the word “Board” the words “Disciplinary Committee”;
- (B) in subparagraph (i), by deleting the words “conducted by at least 10 members of the Board”; and
- (C) in subparagraph (ii), by deleting the words “conducted by at least 10 members of the Board”;

(d) in subsection (2A)—

- (i) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”;
- (ii) in paragraph (a), by inserting after the word “investigation” the words “by the Investigating Committee”; and
- (iii) in paragraph (b), by inserting after the word “hearing” the words “by the Disciplinary Committee”; and

(e) in subsection (3)—

- (i) by substituting for the word “Board” the words “Disciplinary Committee”; and
- (ii) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”.

Amendment of section 16

18. Section 16 of the principal Act is amended—

- (a) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor” wherever appearing the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”; and
- (b) by substituting for the words “firm or body corporate practising as consulting Quantity Surveyors” wherever appearing the words “Consulting Quantity Surveying Practice”.

Amendment of section 17

19. Section 17 of the principal Act is amended—

- (a) in subsections (1) and (2), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” wherever appearing the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice”;
- (b) by substituting for subsection (3) the following subsection:

“(3) Any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee under subsection 7A(5) or 15(1A) and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than six months from the date of the order of cancellation or from the date of the decision of the appeal, apply for reinstatement.”; and

- (c) by inserting after subsection (3) the following subsection:

“(4) The Board shall, upon receipt of satisfactory evidence of proper reasons for the reinstatement of the Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice removed from the Register and upon reimbursement to the Board of all expenditure incurred arising out of the proceedings leading to cancellation of his or its registration or its permit to practise and upon payment of the prescribed fee, issue a certificate of registration or permit to practise to him or it.”.

Amendment of section 18

20. Section 18 of the principal Act is amended by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”.

Amendment of section 19

21. Subsection 19(1) of the principal Act is amended—

- (a) in paragraph (b), by substituting for the words “, 7B(1) or 10A(3)” the words “or 7B(1)”; and
- (b) in paragraph (c), by substituting for the word “Board” the words “Disciplinary Committee”.

Amendment of section 20

22. Section 20 of the principal Act is amended by substituting for the words “Lord President” the words “Chief Justice”.

Amendment of section 22

23. Section 22 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by inserting after the words “order of the Board” the words “or the Disciplinary Committee, as the case may be,”; and
 - (ii) by inserting after the words “President of the Board” the words “or the Chairman of the Disciplinary Committee, as the case may be”;
- (b) in subsection (2)—
 - (i) by inserting after the words “so to do” the words “, or the Chairman of the Disciplinary Committee, as the case may be,”;
 - (ii) by inserting after the words “proceedings of the Board” the words “or the Disciplinary Committee, as the case may be,”; and
 - (iii) by inserting after the words “which the Board” the words “or the Disciplinary Committee, as the case may be,”;
- (c) in subsection (3), by inserting after the words “decision of the Board” the word “or the Disciplinary Committee, as the case may be,”; and
- (d) in subsection (4), by inserting after the words “the Board” the words “or the Disciplinary Committee, as the case may be”.

Amendment of section 24

24. Section 24 of the principal Act is amended—

- (a) in paragraph (e), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”; and

- (b) in subsection (f), by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”.

Amendment of section 24A

25. Section 24A of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**as Quantity Surveyors**”; and
- (b) by substituting for the words “Quantity Surveyor” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist”.

Amendment of section 24B

26. Section 24B of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**consulting Quantity Surveyors**” the words “**Consulting Quantity Surveying Practice**”; and
- (b) by substituting for the words “a consulting Quantity Surveyor” and “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”.

Amendment of section 24C

27. Section 24C of the principal Act is amended—

- (a) in subsection (1)—
 - (i) in paragraph (a), by substituting for the words “registered Quantity Surveyor” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor”; and

- (ii) in paragraph (b), by substituting for the words “registered Quantity Surveyors” the words “members from among Consultant Quantity Surveyors or Professional Quantity Surveyors”;

(b) by deleting subsection (2); and

- (c) in subsection (3), by substituting for the word “Board” the words “Disciplinary Committee”.

Amendment of section 24D

28. Section 24D of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the word “Board” the words “Disciplinary Committee”; and

(ii) in paragraph (a)—

- (A) by substituting for the words “President of the Board or” the words “Chairman of the Disciplinary Committee or the”; and

- (B) by substituting for the words “to oath” the words “the oath”; and

(b) in subsection (2), by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”.

Amendment of section 25A

29. Section 25A of the principal Act is amended—

(a) in the shoulder note, by substituting for the word “**Board**” the words “**Disciplinary Committee**”;

(b) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor, or firm or body corporate practising as consulting Quantity

Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”; and

- (c) by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”.

Amendment of section 25B

30. Paragraph 25B(3)(c) of the principal Act is amended by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor, or that the firm or body corporate is approved to practice as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”.

Amendment of section 26A

31. Section 26A of the principal Act is amended—

- (a) in subsection (1)—

- (i) by substituting for the words “registered Quantity Surveyor” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor”; and

- (ii) by substituting for the words “consulting Quantity Surveyors” the words “a Consulting Quantity Surveying Practice”; and

- (b) in subsection (3), by substituting for the words “registered Quantity Surveyor or it were a firm or body corporate practising as consulting Quantity Surveyors” the words “Consultant Quantity Surveyor or Professional Quantity Surveyor or it were a firm or body corporate practising as a Consulting Quantity Surveying Practice”.

Amendment of section 26B

32. Section 26B of the principal Act is amended—

- (a) by substituting for the words “registered, registered graduate or temporary registered Quantity Surveyor or firm or body corporate practising as consulting Quantity Surveyors” wherever appearing the words “Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice”; and
- (b) by substituting for the word “Board” wherever appearing the words “Disciplinary Committee”.

Amendment of section 29

33. Subsection 29(1) of the principal Act is amended by inserting after the words “Appeal Board,” wherever appearing the words “Disciplinary Committee,”.

Amendment of Schedule

34. The Schedule to the principal Act is amended—

- (a) in subparagraph 2(1), by substituting for the word “once” the words “four times”; and
- (b) in paragraph 4, by substituting for the words “providing scholarships and” the words “sponsor or provide facilities for”.

Saving and transitional

35. (1) A firm or body corporate practising as a consulting Quantity Surveyor under the principal Act, before the date of the coming into operation of this Act, may continue to practise, carry on business or take up employment in quantity surveying services until the expiry of the certificate of registration issued under the principal Act.

(2) For the purposes of subsection (1), the provisions relating to a firm or body corporate practising as a consulting Quantity Surveyor under the principal Act shall continue to apply as if those provisions of the principal Act had not been amended by this Act.

(3) Any registered Quantity Surveyor under the principal Act who—

(a) on the date of the coming into operation of this Act, has been registered for a period of not less than five years shall be deemed to be registered as a Consultant Quantity Surveyor; and

(b) on the date of the coming into operation of this Act, has been registered for a period of less than five years shall be deemed to be registered as a Professional Quantity Surveyor.

(4) Any registered Quantity Surveyor deemed to be registered as a Consultant Quantity Surveyor under paragraph (3)(a) and any registered Quantity Surveyor deemed to be registered as a Professional Quantity Surveyor under paragraph (3)(b) shall continue to practise, carry on business or take up employment in quantity surveying services until the expiry of the certificate of registration issued under the principal Act.

(5) Any person deemed to be a registered Professional Quantity Surveyor under paragraph (3)(b) may apply to be registered as a Consultant Quantity Surveyor—

(a) within five years from the date of coming into operation of this Act provided that he has been registered for a period of not less than five years and has acquired working experience during that period; or

(b) if the person has passed an examination as may be determined by the Board.

(6) Any registered graduate Quantity Surveyor and temporary registered Quantity Surveyor under the principal Act shall, on the date of the coming into operation of this Act, be deemed to be registered as a Provisional Quantity Surveyor.

(7) Any registered graduate Quantity Surveyor and temporary registered Quantity Surveyor deemed to be registered as a Provisional Quantity Surveyor under subsection (6) shall continue to practise, carry on business or take up employment in quantity surveying services until the expiry of the certificate of registration issued under the principal Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Quantity Surveyors Act 1967 (“Act 487”).

2. *Clause 1* provides for the short title and the power of the Minister to appoint different dates for the commencement of different provisions of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 487 to introduce new definitions and to amend existing definitions used in Act 487.

4. *Clause 3* seeks to amend section 3 of Act 487 on the new composition of the Board to reflect the new titles relating to quantity surveying profession introduced in the proposed Act.

5. *Clauses 4, 7, 8, 9, 10, 11, 13, 15, 18, 19, 20, 24, 25, 26, 27, 29, 30, 31 and 32* seek to amend sections 4, 6, 7, 7A, 7B, 8, 10, 14, 16, 17, 18, 24, 24A, 24B, 24C, 25A, 25B, 26A and 26B of Act 487 to reflect, among other things, the new titles relating to quantity surveying profession introduced in the proposed Act.

6. *Clause 6* seeks to amend section 5 of Act 487 following the new or substituted categories of registration for Quantities Surveyors.

7. *Clause 14* seeks to substitute section 10A of Act 487 to do away with the registration of temporary Quantity Surveyors and replace it with the registration of Quantity Surveying Technologist.

8. *Clause 16* seeks to introduce a new Part IIIA into Act 487 to empower the Board to appoint a Disciplinary Committee to conduct hearings of professional misconduct and ethics in the new section 14A, and enable the Board to appoint a Dispute Resolution Panel to hear and determine disputes other than matters under the jurisdiction of the Disciplinary Committee in the new section 14B. The amendments in *clauses 21, 23, 28 and 33* seek to amend sections 19, 22, 24D and 29 of Act 487 consequential to the setting up of the Disciplinary Committee.

9. *Clause 17* seeks to amend section 15 of Act 487 to empower the Disciplinary Committee to make disciplinary orders.

10. *Clause 34* seeks to amend the Schedule to Act 487 to reflect the current practice.

11. *Clause 35* deals with the saving and transitional provisions.

12. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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