

**D.R. 21/2014**

**RANG UNDANG-UNDANG**

*b e r n a m a*

Suatu Akta untuk meminda Akta Arkitek 1967.

[ ]

**DIPERBUAT** oleh Parlimen Malaysia seperti yang berikut:

**Tajuk ringkas dan permulaan kuat kuasa**

**1.** (1) Akta ini bolehlah dinamakan Akta Arkitek (Pindaan) 2014.

(2) Kecuali perenggan 3(*d*) dan (*p*) dan seksyen 23, Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta* dan Menteri boleh menetapkan tarikh yang berlainan bagi permulaan kuat kuasa peruntukan yang berlainan Akta ini.

(3) Perenggan 3(*d*) dan (*p*) dan seksyen 23 mula berkuat kuasa pada 1 Jun 2015.

**Pindaan am**

2. Akta Arkitek 1967 [*Akta 117*], yang disebut “Akta ibu” dalam Akta ini, dipinda dengan menggantikan perkataan “Professional Architects”, “Professional Architect” dan “a Professional Architect” di mana-mana jua terdapat, kecuali dalam takrif “Professional Architect” dalam seksyen 3, masing-masing dengan perkataan “Architects”, “Architect” dan “an Architect”.

**Pindaan seksyen 2**

3. Seksyen 2 Akta ibu dipinda—

(a) dengan menomborkan semula seksyen sedia ada sebagai subseksyen (1);

(b) dengan memasukkan selepas takrif “appointed date” takrif yang berikut:

‘ “Architect” means a person registered under subsection 10(2);’;

(c) dengan memasukkan selepas takrif “architectural consultancy services” takrif yang berikut:

‘ “Architectural Technologist” means a person registered under section 27w;’;

(d) dengan menggantikan takrif “Building Draughtsman” dengan takrif yang berikut:

‘ “Building Draughtsman” means—

(a) a Building Draughtsman who, on or before 1 June 2015, is registered with the Board, or has been issued with a valid certificate of registration as provided in section 22 which has been deleted in subsection 23(1) of the Architects (Amendment) Act 2014 [*Act A* ]; or

(b) a Building Draughtsman who, on or before 31 December 2015, is registered or deemed to be registered with the Board, or has been issued with a valid certificate of registration as provided in subsections 23(3) and (4) of the Architects (Amendment) Act 2014;’;

(e) dengan memotong takrif “firm or body corporate practising as consulting Quantity Surveyors”;

(f) dengan memasukkan selepas takrif “Building Draughtsman” takrif yang berikut:

‘ “foreign architect” means an architect who is not a citizen or permanent resident of Malaysia registered under section 10A;’;

(g) dengan memasukkan selepas takrif “Graduate Architect” takrif yang berikut:

‘ “Graduate Interior Designer” means a person registered under subsection 27D(1);

“Inspector of Works” means a person registered under section 27M;’;

(h) dengan memotong takrif “Institut Pereka Bentuk Dalam Malaysia”;

(i) dengan memasukkan selepas takrif “Interior Designer” takrif yang berikut:

‘ “interior design consultancy practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act 1965 [Act 125], providing interior design consultancy services and is registered by the Board under section 27E;

“interior design consultancy services” in relation to interior design works means those services provided in paragraph 27E(1)(b);’;

(j) dengan memasukkan selepas takrif “interior design consultancy services” takrif yang berikut:

‘ “Malaysian Institute of Interior Designers” includes any institute, body or society succeeding it and approved by the Minister;’;

(k) dengan memotong takrif “Malaysian Society of Interior Designers”;

- (l) dengan memotong takrif “Professional Architect”;
- (m) dengan memotong takrif “Professional Engineer”;
- (n) dengan memotong takrif “Register”;
- (o) dengan memotong takrif “registered Quantity Surveyor”;  
dan
- (p) dengan memasukkan selepas subseksyen (1) yang dinomborkan semula subseksyen yang berikut:

“(2) For the avoidance of doubt, the definition of “Building Draughtsman” shall be read together with section 23 of the Architects (Amendment) Act 2014.”.

### **Pindaan seksyen 3**

#### **4. Subseksyen 3(2) Akta ibu dipinda—**

- (a) dalam perenggan (d), dengan menggantikan perkataan “eight” dengan perkataan “ten”;
- (b) dengan memotong perkataan “and” di hujung perenggan (g);
- (c) dengan menggantikan noktah di hujung perenggan (h) dengan koma bernoktah; dan
- (d) dengan memasukkan selepas perenggan (h) perenggan yang berikut:
  - “(i) one member appointed from among Inspectors of Works with at least five years of relevant working experience; and
  - (j) one member appointed from among Architectural Technologists with at least five years of relevant working experience.”.

**Pindaan seksyen 4****5. Seksyen 4 Akta ibu dipinda dalam subseksyen (1)—**

(a) dengan menggantikan perenggan (a) dengan perenggan yang berikut:

“(a) to keep and maintain a Register of Architects, Graduate Architects, foreign architects and architectural consultancy practices, a Register of Building Draughtsmen, a Register of Interior Designers containing particulars of Interior Designers, Graduate Interior Designers and interior design consultancy practices, a Register of Inspectors of Works and a Register of Architectural Technologists;”;

(b) dengan memotong perenggan (aa);

(c) dalam perenggan (c), dengan memasukkan selepas perkataan “Registers” perkataan “specified in paragraph (a)”;

(d) dalam perenggan (d), dengan menggantikan perkataan “and Building Draughtsmen for architectural consultancy services rendered” dengan perkataan “, Interior Designers, interior design consultancy practices and Building Draughtsmen”;

(e) dengan memotong perenggan (dd);

(f) dalam perenggan (e), dengan menggantikan perkataan “and Building Draughtsmen” dengan perkataan “, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors of Works and Architectural Technologists”;

(g) dalam perenggan (f), dengan menggantikan perkataan “and Building Draughtsmen” dengan perkataan “, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors of Works, Architectural Technologists, architectural consultancy practices and interior design consultancy practices”;

(h) dalam perenggan (j)—

(i) dengan menggantikan perkataan “and Building Draughtsmen” dengan perkataan “, Building Draughtsmen, foreign architects, Graduate Interior Designers, Inspectors of Works and Architectural Technologists”; dan

(ii) dengan memotong perkataan “and” di hujung perenggan itu; dan

(i) dengan memasukkan selepas perenggan (j) perenggan yang berikut:

“(ja) to conduct activities for the promotion of the profession of Architects, Graduate Architects, Building Draughtsmen, Interior Designers, Graduate Interior Designers, Inspectors of Works and Architectural Technologists; and”.

## Pindaan seksyen 5

6. Seksyen 5 Akta ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “**Register**” perkataan “**of Architects, etc.**”;

(b) dengan memasukkan selepas perkataan “Graduate Architects” perkataan “, foreign architects”;

(c) dengan menggantikan perkataan “three” dengan perkataan “four”;

(d) dengan memotong perkataan “and” di hujung perenggan (b);

(e) dengan menggantikan noktah di hujung perenggan (c) dengan perkataan “; and”; dan

(f) dengan memasukkan selepas perenggan (c) perenggan yang berikut:

“(d) Section D—which shall contain the names, addresses and other particulars of foreign architects.”.

**Pindaan seksyen 6****7. Seksyen 6 Akta ibu dipinda—**

(a) dalam subseksyen (1), dengan menggantikan perkataan “Register” dengan perkataan “Registers specified in paragraph 4(1)(a)”;

(b) dalam subseksyen (2)—

(i) dengan memotong perkataan “at least one”;

(ii) dengan memotong perkataan “or” di hujung subperenggan (b)(ii);

(iii) dengan memotong perkataan “or” di hujung subperenggan (c)(ii); dan

(iv) dengan memasukkan selepas perenggan (d) perenggan yang berikut:

“(e) an interior design consultancy practice whose registration has been—

(i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27E(5)(dd); or

(ii) reinstated under section 27I or subsection 27E(8);

(f) an Inspector of Works whose registration has been—

(i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27P(2)(d); or

(ii) reinstated under section 27R; and

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(g) an Architectural Technologist whose registration has been—

(i) by an order of the Disciplinary Committee cancelled under section 34A or paragraph 27Y(2)(d); or

(ii) reinstated under section 27ZA.”;

(c) dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) In any proceedings, a certificate of registration issued by the Board shall be a conclusive proof that the person, sole proprietorship, partnership or body corporate named in the certificate of registration—

(a) in the case of the person, the person is an Architect, a Graduate Architect, a foreign architect, a Building Draughtsman, an Inspector of Works, an Architectural Technologist, an Interior Designer, or a Graduate Interior Designer;

(b) in the case of the sole proprietorship, the sole proprietor is an Architect, an Interior Designer, an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services;

(c) in the case of the partnership—

(i) the partners are Architects or Interior Designers; or

(ii) it is an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services; and

(d) in the case of the body corporate, it—

- (i) has a board of directors comprising persons who are Architects or Interior Designers;
- (ii) is an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services; or
- (iii) has shares held by members of the board of directors mentioned in subparagraph (i) solely or with—
  - (A) any other persons who are Architects or Interior Designers; or
  - (B) an architectural consultancy practice rendering architectural consultancy services, or an interior design consultancy practice rendering interior design consultancy services.”; dan

(d) dalam subseksyen (4), dengan menggantikan perkataan “Register” dengan perkataan “Registers specified in paragraph 4(1)(a)”.

### **Pindaan seksyen 7**

**8.** Seksyen 7 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memotong perkataan “**and Graduate Architects**”;
- (b) dengan menomborkan semula subseksyen (1) sebagai seksyen 7;

(c) dengan menggantikan perenggan (a) dengan perenggan yang berikut:

“(a) be entitled to set up an architectural consultancy practice to render architectural consultancy services subject to section 7A;”;

(d) dalam perenggan (ba), dengan memotong perkataan “and/or the abbreviation “P.Arch.” after his name or in association with his name”; dan

(e) dengan memotong subseksyen (2).

### **Pindaan seksyen 7A**

#### **9. Seksyen 7A Akta ibu dipinda—**

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) An Architect shall not, unless registered as a sole proprietorship, a partnership or a body corporate and has been issued with a certificate of registration—

(a) be entitled to set up an architectural consultancy practice to render architectural consultancy services; and

(b) recover in any court any fee, charge, remuneration or other form of consideration for architectural consultancy services rendered as an architectural consultancy practice.”;

(b) dalam subseksyen (3)—

(i) dengan menggantikan perenggan (c) dengan perenggan yang berikut:

“(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 as may 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 an Architect; and
    - (B) is authorized under a resolution of the board of directors of the body corporate to make all final architectural decisions on behalf of the body corporate in respect of the requirements under this Act or any other law relating to the supply of architectural consultancy services by the body corporate.”;
- (c) dalam subseksyen (4), dengan memasukkan selepas perkataan “the change” perkataan “and obtain the Board’s approval on the latest composition or type of architectural consultancy practice”;
- (d) dalam subseksyen (5)—
- (i) dengan memasukkan perkataan “or” di hujung perenggan (a);
  - (ii) dengan memotong perenggan (b) dan (c);
  - (iii) dalam perenggan (d)—
    - (A) dalam subperenggan (i), dengan menggantikan perkataan “15A(2)(l)” dengan perkataan “15A(2)(a) to (l) or (o) to (p)”;
    - (B) dalam subperenggan (ii), dengan memotong perkataan “or paragraphs 15A(2)(a) to (k) or (o) to (p),”;

(iv) dalam perenggan (*bb*), dengan menggantikan perkataan “fifty” dengan perkataan “one hundred”;

(e) dalam subseksyen (6)—

(i) dalam perenggan (*a*), dengan memotong perkataan “, (*b*) or (*c*),”; dan

(ii) dalam perenggan (*aa*), dengan menggantikan perkataan “(5)(*aa*) to (*ee*)” dengan perkataan “(5)(*cc*) or (*dd*), as the case may be”; dan

(f) dengan memasukkan selepas subseksyen (9) subseksyen yang berikut:

“(10) This section shall not apply to an Architect who submits a plan for a building wholly owned by the Architect.”.

### **Pindaan seksyen 7B**

**10.** Seksyen 7B Akta ibu dipinda—

(a) dalam nota bahu—

(i) dengan memasukkan selepas perkataan “**providing**” perkataan “**a combination of services comprising**”; dan

(ii) dengan memotong perkataan “**and/**”;

(b) dalam subseksyen (1)—

(i) dengan memasukkan selepas perkataan “a practice of providing” perkataan “a combination of services comprising”; dan

(ii) dengan memotong perkataan “and/”;

(c) dalam subseksyen (2)—

(i) dalam perenggan (a), dengan menggantikan perkataan “and/or registered” dengan perkataan “with Practising Certificates or Consultant”;

(ii) dalam perenggan (b)—

(A) dengan memotong perkataan “and/”;

(B) dalam subperenggan (i)—

(aa) dengan menggantikan perkataan “, registered” dengan perkataan “with Practising Certificates, Consultant”;

(ab) dengan memotong perkataan “and/” di mana-mana jua terdapat; dan

(ac) dengan menggantikan perkataan “consulting Quantity Surveyors” dengan perkataan “Consulting Quantity Surveying Practice”;

(d) dalam subseksyen (3)—

(a) dalam perenggan (a), dengan memotong perkataan “and/”;

(b) dalam perenggan (b)—

(i) dengan menggantikan perkataan “, registered” dengan perkataan “with Practising Certificate, Consultant”;

(ii) dengan menggantikan perkataan “consulting Quantity Surveyors” dengan perkataan “Consulting Quantity Surveying Practice”;

(e) dengan memotong subseksyen (4); dan

(f) dengan memasukkan selepas subseksyen (4) subseksyen yang berikut:

“(5) In this section—

(a) “Consultant Quantity Surveyor” and “Consulting Quantity Surveying Practice” have the same meaning assigned to it in the Quantity Surveyors Act 1967 [Act 487]; and

(b) “Professional Engineer with Practising Certificate” has the same meaning assigned to it in the Registration of Engineers Act 1967 [Act 138].”.

### **Pindaan seksyen 8**

11. Seksyen 8 Akta ibu dipinda—

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) Subject to sections 7A and 7B, only an Architect or a foreign architect who is residing in Malaysia for not less than one hundred and eighty days in any one calendar year shall be entitled to submit plans or drawings to any person or authority in Malaysia.”; dan

(b) dalam subseksyen (2), dengan memasukkan selepas perkataan “Architect” perkataan “, foreign architect”.

### **Pemotongan seksyen 9**

12. Akta ibu dipinda dengan memotong seksyen 9.

### **Pindaan seksyen 10**

13. Seksyen 10 Akta ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “**registration**” perkataan “**of Architects, etc.**”;

- (b) dalam perenggan (1)(b), dengan memotong perkataan “as may be prescribed by the Board”;
- (c) dalam perenggan (2)(a), dengan menggantikan subperenggan (i), (ii) dan (iii) dengan subperenggan yang berikut:
  - “(i) is a Graduate Architect who has obtained the practical experience and passed the examinations as may be determined by the Board under paragraph (1) (b); or
  - (ii) is a Corporate Member of the Pertubuhan Arkitek Malaysia.”;
- (d) dalam subseksyen (2A), dengan memasukkan selepas perkataan “paragraph (2)(a)” perkataan “and any other requirements as may be determined by the Board”; dan
- (e) dalam subseksyen (3), dengan menggantikan perkataan “only a citizen or a permanent resident of Malaysia” dengan perkataan “any person”.

### **Pindaan seksyen 10A**

#### **14. Seksyen 10A Akta ibu dipinda—**

- (a) dengan menggantikan nota bahu dengan nota bahu yang berikut:

**“Registration of foreign architects”;**

- (b) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) Subject to this section and such conditions as the Board may think fit to impose, the Board may, upon payment of the prescribed fee, approve the registration as an Architect of any foreign architect who is a consultant to a project, wholly financed by a foreign government or implemented under any form of arrangement with the Government of Malaysia.”;

(c) dalam subseksyen (2)—

(i) dengan memotong perkataan “temporary”; dan

(ii) dalam perenggan (a), dengan menggantikan perkataan “the country where he normally practises” dengan perkataan “his country of origin”;

(d) dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) The Board may approve the registration of a foreign architect for a period not exceeding one calendar year and may renew such registration as it deems fit.”;

(e) dalam subseksyen (4), dengan memotong perkataan “temporary”;

(f) dalam subseksyen (6), dengan memotong perkataan “temporary”; dan

(g) dengan memotong subseksyen (7).

### **Pindaan seksyen 12**

**15.** Seksyen 12 Akta ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “**registration**” perkataan “**of Architects, etc.**”; dan

(b) dengan memasukkan selepas perkataan “registration” perkataan “of Architects, Graduate Architects, foreign architects and architectural consultancy practice”.

### **Pindaan seksyen 13**

**16.** Seksyen 13 Akta ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “**registration**” perkataan “**of Architects, etc.**”; dan

(b) dalam subseksyen (1), dengan memasukkan selepas perkataan “application for registration” perkataan “under section 12”.

**Pindaan seksyen 14**

**17. Seksyen 14 Akta ibu dipinda—**

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “address” perkataan “of Architects, etc.”; dan
- (b) dengan memasukkan selepas perkataan “Graduate Architect” perkataan “, foreign architect”.

**Pindaan seksyen 15A**

**18. Seksyen 15A Akta ibu dipinda—**

- (a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) The Board shall appoint—

- (a) not more than three members of the Board to investigate any misconduct or complaint made against any Architect, Graduate Architect, foreign architect or architectural consultancy practice; and
- (b) a Disciplinary Committee comprising not more than five members of the Board, not being the members of the Board appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to the Disciplinary Committee by the members of the Board appointed under paragraph (a).”;

- (b) dalam subseksyen (2)—

- (i) dengan menggantikan perkataan “fifty” dengan perkataan “one hundred”;
- (ii) dengan menggantikan perkataan “two years” dengan perkataan “three years”; dan
- (iii) dengan menggantikan perkataan “or Graduate Architect,” dengan perkataan “, Graduate Architect or foreign architect”;

(c) dalam subseksyen (3)—

- (i) dengan menggantikan perkataan “, or (*n*) to (*p*)” dengan perkataan “or paragraph (2)(*p*)”; dan
- (ii) dengan menggantikan perkataan “or Graduate Architect” dengan perkataan “, Graduate Architect or foreign architect”;

(d) dalam subseksyen (4)—

- (i) dengan menggantikan perkataan “member” dengan perkataan “members”; dan
- (ii) dalam perenggan (*a*), dengan menggantikan perkataan “that member” dengan perkataan “those members of the Board”; dan

(e) dalam subseksyen (5) dan (6), dengan menggantikan perkataan “member” dengan perkataan “members”.

## Pindaan seksyen 16

19. Seksyen 16 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Register**” perkataan “**of Architects, etc.**”;
- (b) dalam perenggan (*a*), dengan menggantikan perkataan “or Graduate Architect” dengan perkataan “, Graduate Architect or foreign architect”;
- (c) dalam perenggan (*b*), dengan memasukkan selepas perkataan “Graduate Architect” perkataan “, foreign architect”;
- (d) dalam perenggan (*c*), dengan menggantikan perkataan “or Graduate Architect” dengan perkataan “, Graduate Architect or foreign architect”; dan
- (e) dalam perenggan (*d*), dengan memasukkan selepas perkataan “Graduate Architect” perkataan “, foreign architect”.

**Pindaan seksyen 17****20.** Seksyen 17 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Reinstatement**” perkataan “**into Register of Architects, etc.**”;
- (b) dengan memasukkan selepas perkataan “Graduate Architect” di mana-mana jua terdapat perkataan “, foreign architect”; dan
- (c) dengan memasukkan selepas perkataan “Register” di mana-mana jua terdapat perkataan “of Architects, Graduate Architects, foreign architects and architectural consultancy practices”.

**Pindaan seksyen 18****21.** Seksyen 18 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Certificates**” perkataan “**of registration of Architects, etc.**”;
- (b) dengan memasukkan selepas perkataan “Graduate Architect” perkataan “, foreign architect”; dan
- (c) dengan memasukkan selepas perkataan “Register” perkataan “of Architects, Graduate Architects, foreign Architects and architectural consultancy practices”.

**Pindaan seksyen 21**

**22.** Seksyen 21 Akta ibu dipinda dengan memasukkan selepas perkataan “Register” perkataan “of Building Draughtsmen”.

**Pemotongan seksyen 22**

**23.** (1) Akta ibu dipinda dengan memotong seksyen 22.

(2) Tertakluk kepada subseksyen (4), jika pada 1 Jun 2015—

- (a) seorang Pelukis Pelan Bangunan telah berdaftar di bawah Akta ibu tetapi belum dikeluarkan perakuan pendaftaran, subseksyen 22(3) Akta ibu hendaklah terpakai baginya;
- (b) seorang Pelukis Pelan Bangunan telah berdaftar dan dikeluarkan suatu perakuan pendaftaran di bawah Akta ibu, dia hendaklah terus menjalankan amalan sehingga habis tempoh perakuan pendaftarannya yang atas permohonan boleh diperbaharui secara tahunan bagi tempoh satu tahun setelah membayar fi yang ditetapkan dan setelah memenuhi apa-apa syarat yang ditentukan oleh Lembaga; dan
- (c) terdapat apa-apa permohonan yang belum selesai bagi pendaftaran Pelukis Pelan Bangunan, permohonan itu hendaklah diuruskan di bawah seksyen 22 Akta ibu.

(3) Jika tiada keputusan berhubung dengan permohonan oleh mana-mana orang bagi pendaftaran Pelukis Pelan Bangunan di bawah perenggan (2)(c) pada atau sebelum 31 Disember 2015, orang itu hendaklah disifatkan telah berdaftar sebagai Pelukis Pelan Bangunan.

(4) Bagi maksud subseksyen (2) dan (3), hendaklah dianggap seolah-olah seksyen 22 Akta ibu tidak dipotong.

(5) Peruntukan Akta ibu yang terpakai bagi Pelukis Pelan Bangunan hendaklah terpakai bagi Pelukis Pelan Bangunan yang disebut dalam perenggan (2)(a) dan (b) dan subseksyen (3).

### **Pindaan seksyen 23**

**24.** Seksyen 23 Akta ibu dipinda dalam nota bahu dengan memasukkan selepas perkataan “**address**” perkataan “**of Building Draughtsmen**”.

### **Pindaan seksyen 24**

**25.** Seksyen 24 Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan menggantikan perkataan “Upon the registration of a Building Draughtsman the

following restrictions shall apply— ” dengan perkataan “A Building Draughtsman shall be subject to the following restrictions:”; dan

- (b) dengan menggantikan subseksyen (5) dengan subseksyen yang berikut:

“(5) Subject to paragraph (1)(b), the Building Draughtsman shall be entitled to submit to the Building Authority for approval of any plans of buildings not exceeding two-storeys in height providing that the total built-up floor area does not exceed three hundred square metres in any one or series of project in the same development by the same client.”.

## **Pindaan seksyen 25**

### **26. Seksyen 25 Akta ibu dipinda—**

- (a) dalam subseksyen (2)—

- (i) dalam perenggan (b), dengan menggantikan perkataan “twenty-five” dengan perkataan “one hundred”;
- (ii) dalam perenggan (c), dengan menggantikan perkataan “two years” dengan perkataan “three years”; dan
- (iii) dengan menggantikan perenggan (bb) dengan perenggan yang berikut:

“(bb) if in his capacity as a Building Draughtsman, he fails to disclose in writing to his client that—

- (i) he is a sole proprietor of, partner in, director of, member of, substantial shareholder in or agent for, any contracting company, manufacturing company, firm or business; or

- (ii) he has any financial interest in that contracting, manufacturing company, firm or business,

with which he deals on behalf of his client;”; dan

- (b) dalam subseksyen (3), dengan menggantikan perkataan “to (*jj*),” dengan perkataan “to (*ee*), paragraph (*gg*), (*ii*) or (*jj*),”.

### Pindaan seksyen 26

27. Seksyen 26 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Register**” perkataan “**of Building Draughtsmen**”; dan
- (b) dengan memasukkan selepas perkataan “Register” perkataan “of Building Draughtsmen”.

### Pindaan seksyen 26A

28. Seksyen 26A Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Reinstatement**” perkataan “**into Register of Building Draughtsmen**”; dan
- (b) dengan memasukkan selepas perkataan “Register” di mana-mana jua terdapat perkataan “of Building Draughtsmen”.

### Pindaan seksyen 27

29. Seksyen 27 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Certificates**” perkataan “**of Building Draughtsmen**”; dan
- (b) dengan memasukkan selepas perkataan “Register” perkataan “of Building Draughtsmen”.

**Pindaan seksyen 27A**

**30.** Seksyen 27A Akta ibu dipinda dengan menggantikan perenggan (a) dengan perenggan yang berikut:

“(a) be entitled to set up an interior design consultancy practice to render interior design consultancy services;”.

**Pindaan seksyen 27B**

**31.** Seksyen 27B Akta ibu dipinda—

(a) dengan memasukkan selepas perkataan “Register” perkataan “of Interior Designers”; dan

(b) dengan memasukkan selepas perkataan “particulars of Interior Designers” perkataan “, Graduate Interior Designers and interior design consultancy practices”.

**Pindaan seksyen 27C**

**32.** Seksyen 27C Akta ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “**Registration**” perkataan “**of Interior Designers, etc.**”; dan

(b) dalam subseksyen (1), dengan menggantikan perkataan “interior designer” dengan perkataan “Interior Designer, Graduate Interior Designer and interior design consultancy practice”.

**Pindaan seksyen 27D**

**33.** Akta ibu dipinda dengan menggantikan seksyen 27D dengan seksyen yang berikut:

“**Qualifications for registration of Interior Designers, etc.**

**27D.** (1) A person who holds the qualification recognized by the Board shall be entitled on application to be registered as a Graduate Interior Designer.

(2) A person who is registered as a Graduate Interior Designer under subsection (1) shall be required to obtain such practical experience and to pass the examinations as may be determined by the Board in order to be entitled to apply for registration as an Interior Designer under subsection (3).

(3) A person who—

(a) is a Graduate Interior Designer and has obtained the practical experience and passed the examinations as may be determined by the Board under subsection (2); or

(b) is a Corporate Member of the Malaysian Institute of Interior Designers or has obtained membership of a professional institute or body which the Board considers to be equivalent to the Malaysian Institute of Interior Designers,

shall be entitled on application to be registered as an Interior Designer.

(4) A person who is registered under subsection 10(2) as an Architect and under section 7A as an architectural consultancy practice shall be entitled to be registered as an interior design consultancy practice.”.

### **Pindaan seksyen 27E**

#### **34. Seksyen 27E Akta ibu dipinda—**

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) An Interior Designer shall not, unless registered with the Board as a sole proprietorship, a partnership or a body corporate and has been issued a certificate of registration—

(a) recover in any court any fee, charge, remuneration or other form of consideration for interior design consultancy services rendered as an interior design consultancy practice; and

(b) provide interior design consultancy services for interior works involving any but without prejudice to the generality of the following:

- (i) consultation, advice, direction, evaluation, budgetary estimate and appraisal;
- (ii) schematic interior design plans, design development and project programming;
- (iii) preparation of contract documents including working drawings, construction details and technical specifications;
- (iv) contract administration, supervision and certification of payment and progress of works; and
- (v) any other activities relating to the creation, preservation and enhancement of the interior environment including the following:
  - (A) any changes on the building structure;
  - (B) any changes to an existing building layout;
  - (C) building or statutory codes; and
  - (D) health and safety issues.”;

(b) dalam subperenggan (3)(c)(i), dengan memotong perkataan “and/”; dan

(c) dalam subseksyen (5)—

- (i) dalam perenggan (bb), dengan menggantikan perkataan “twenty-five” dengan perkataan “fifty”; dan
- (ii) dalam perenggan (cc), dengan menggantikan perkataan “two years” dengan perkataan “three years”.

**Pindaan seksyen 27F****35.** Seksyen 27F Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**address**” perkataan “**of Interior Designers, etc.**”;
- (b) dengan memasukkan selepas perkataan “Interior Designer” perkataan “, Graduate Interior Designer and interior design consultancy practice”; dan
- (c) dengan memasukkan selepas perkataan “his” perkataan “or its”.

**Pindaan seksyen 27G****36.** Seksyen 27G Akta ibu dipinda—

- (a) dalam perenggan (1)(a), dengan memasukkan selepas perkataan “Interior Designer” perkataan “, Graduate Interior Designer”; dan
- (b) dalam subseksyen (2)—
  - (i) dalam perenggan (b), dengan menggantikan perkataan “twenty-five” dengan perkataan “fifty”;
  - (ii) dalam perenggan (c), dengan menggantikan perkataan “two years” dengan perkataan “three years”; dan
  - (iii) dengan memasukkan selepas perkataan “Interior Designer” perkataan “or Graduate Interior Designer”.

**Pindaan seksyen 27H****37.** Seksyen 27H Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Register**” perkataan “**of Interior Designers**”;

- (b) dengan memasukkan selepas perkataan “Register” perkataan “of Interior Designers”;
- (c) dalam perenggan (a), dengan memasukkan selepas perkataan “Interior Designer” perkataan “or Graduate Interior Designer”;
- (d) dalam perenggan (b), dengan memasukkan selepas perkataan “Interior Designer” perkataan “, Graduate Interior Designer”;
- (e) dalam perenggan (c), dengan memasukkan selepas perkataan “Interior Designer” perkataan “or Graduate Interior Designer”; dan
- (f) dalam perenggan (d), dengan memasukkan selepas perkataan “Interior Designer” perkataan “, Graduate Interior Designer”.

### **Pindaan seksyen 27I**

#### **38. Seksyen 27I Akta ibu dipinda—**

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Reinstatement**” perkataan “**into Register of Interior Designers**”;
- (b) dengan memasukkan selepas perkataan “Interior Designer” di mana-mana jua terdapat perkataan “, Graduate Interior Designer or interior design consultancy practice”;
- (c) dengan memasukkan selepas perkataan “his” dan “him” di mana-mana jua terdapat masing-masing perkataan “or its” dan “or it”;
- (d) dengan memasukkan selepas perkataan “Register” di mana-mana jua terdapat perkataan “of Interior Designers”; dan
- (e) dalam subseksyen (2), dengan memasukkan selepas perkataan “he” perkataan “or it”.

**Pindaan seksyen 27J****39.** Seksyen 27J Akta ibu dipinda—

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “**Certificates**” perkataan “**of registration of Interior Designers, etc.**”;
- (b) dengan memasukkan selepas perkataan “Interior Designer” perkataan “, Graduate Interior Designer or interior design consultancy practice”;
- (c) dengan memasukkan selepas perkataan “Register” perkataan “of Interior Designers”; dan
- (d) dengan memasukkan selepas perkataan “him” di mana-mana jua terdapat perkataan “or it”.

**Bahagian baru VB dan VC****40.** Akta ibu dipinda dengan memasukkan selepas seksyen 27J Bahagian yang berikut:**“PART VB****SPECIAL PROVISIONS RELATING TO INSPECTORS OF WORKS****Restrictions on unregistered Inspectors of Works****27K.** No person shall, unless he is an Inspector of Works—

- (a) be employed as an Inspector of Works; or
- (b) be entitled to describe himself or hold himself out under any name, style or title—
  - (i) bearing the words “Inspector of Works” or equivalent in any other language; or
  - (ii) bearing any other word in any language which may reasonably be construed to imply that he is an Inspector of Works.

### **Register of Inspectors of Works**

**27L.** For the purpose of this Part, there shall be a Register of Inspectors of Works which shall contain the names, addresses and other particulars of Inspectors of Works.

### **Registration of Inspectors of Works**

**27M.** (1) Any Inspector of Works may apply for registration under this Part.

(2) An application for registration shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

(3) The Registrar shall, upon receipt of the prescribed fee, issue to any person whose application has been approved by the Board a certificate of registration in the prescribed form expiring on the 31 December of the year in which it is issued.

(4) The registration 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.

### **Qualifications for registration of Inspectors of Works**

**27N.** (1) A person who holds the qualification recognized by the Board shall be entitled on application to be registered as an Inspector of Works.

(2) A person who is registered under subsection 10(2) as an Architect shall be entitled to practise or carry on business as an Inspector of Works.

### **Notification of change of address of Inspectors of Works**

**27O.** An Inspector of Works shall notify the Registrar of any change in his correspondence address.

**Cancellation of registration, etc., of Inspector of Works**

**27P.** (1) The Board shall appoint—

- (a) not more than three members of the Board to investigate into any misconduct or complaint made against any Inspector of Works; and
- (b) a Disciplinary Committee comprising not more than five members of the Board, including a member of the Board who is an Inspector of Works, not being a person appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to it by the member of the Board appointed under paragraph (a).

(2) The Disciplinary Committee may order—

- (a) the issuance of a written reprimand to;
- (b) the imposition of a fine not exceeding twenty-five thousand ringgit on;
- (c) the suspension of the registration for a period not exceeding two years of; or
- (d) the cancellation of the registration of,

the Inspector of Works.

(3) The Disciplinary Committee may make an order under subsection (2) if the Inspector of Works—

- (a) is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) acts as a contractor or trades in building materials directly connected with his employment;
- (c) is registered under this Act by fraud or misrepresentation;

- (d) offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (e) fails to observe any conditions or restrictions of his registration;
- (f) is found to be of unsound mind;
- (g) is found to be incapable of performing his professional duties effectively;
- (h) becomes a bankrupt;
- (i) is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful; or
- (j) is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

(4) The Disciplinary Committee shall not make any order under subsection (2), based upon any of the circumstances set out in paragraphs (3)(b) to (e), paragraph (g), paragraphs (i) and (j), unless an opportunity of being heard either personally or by counsel has been given to the Inspector of Works against whom the Disciplinary Committee intends to make the order.

(5) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation of an Inspector of Works—

- (a) require any person, including a sole proprietor, partner, director, manager, secretary or employee, in connection with his employment, to attend before the member of the Board and give evidence on oath or affirmation, and that member of the Board may administer the oath; and

(b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(6) Upon completion of his investigation, the member of the Board appointed under paragraph (1)(a) shall submit a report together with his recommendations, if any, to the Disciplinary Committee for its consideration.

(7) Any Inspector of Works dissatisfied with an order of the Disciplinary Committee under this section may, within twenty-one days of being notified of such order, appeal to the Minister whose decision shall be final.

### **Removal from Register of Inspectors of Works**

**27Q.** There shall be removed from the Register of Inspectors of Works the name and other particulars of any Inspector of Works—

- (a) who has died;
- (b) who has failed to renew his registration within one month of the expiry of the registration;
- (c) whose registration has been cancelled under section 34A or paragraph 27P(2)(d); or
- (d) who has been registered by reason of any mistake or error made by the Board in considering his application for registration.

### **Reinstatement into Register of Inspectors of Works**

**27R.** (1) An Inspector of Works whose name has been removed from the Register of Inspectors of Works pursuant to an order of the Disciplinary Committee under subsection 27P(2) shall be reinstated if the appeal by the Inspector of Works is allowed by the Minister under subsection 27P(7) and the Registrar shall issue a certificate of registration to the Inspector of Works.

(2) An Inspector of Works whose name has been removed from the Register of Inspectors of Works for failure to renew his registration shall be reinstated as soon as may be after the Inspector of Works has notified the Registrar, within five years of such removal, and upon—

- (a) payment of such fees as may be prescribed by the Board; and
- (b) satisfying such conditions as may be imposed by the Board,

the Registrar shall issue a certificate of registration to the Inspector of Works.

(3) An Inspector of Works whose name has been removed from the Register of Inspectors of Works pursuant to an order of the Disciplinary Committee under subsection 27P(2) and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than two years from the date of the order or from the date of the decision of the appeal, apply for reinstatement.

(4) The Board upon—

- (a) receipt of satisfactory evidence of proper reasons for the reinstatement of the Inspector of Works;
- (b) receipt of reimbursement of all expenditure incurred arising out of the proceedings leading to the cancellation of the registration of the Inspector of Works; and
- (c) payment of the prescribed fee,

shall order the Registrar to issue a certificate of registration to the Inspector of Works.

### **Certificates of registration of Inspectors of Works to be returned**

**27s.** An Inspector of Works whose name has been removed from the Register of Inspectors of Works shall, within fourteen days after notification of the removal to the Inspector of Works by registered post, return to the Board the certificate of registration issued to him.

## PART VC

SPECIAL PROVISIONS RELATING TO ARCHITECTURAL  
TECHNOLOGISTS**Restrictions on unregistered Architectural Technologists**

**27t.** No person shall, unless he is an Architectural Technologist—

- (a) be employed as an Architectural Technologist; or
- (b) be entitled to describe himself or hold himself out under any name, style or title—
  - (i) bearing the words “Architectural Technologist” or equivalent in any other language; or
  - (i) bearing any other word in any language which may reasonably be construed to imply that he is an Architectural Technologist.

**Register of Architectural Technologists**

**27u.** For the purpose of this Part, there shall be a Register of Architectural Technologists which shall contain the names, addresses and other particulars of Architectural Technologists.

**Registration of Architectural Technologists**

**27v.** (1) An Architectural Technologist may apply for registration under this Part.

(2) An application for registration shall be made to the Board in such manner as may be determined by the Board and accompanied by the prescribed fee.

(3) The Registrar shall, upon receipt of the prescribed fee, issue to any person whose application has been approved by the Board a certificate of registration in the prescribed form expiring on the 31 December of the year in which it is issued.

(4) The registration 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.

### **Qualifications for registration of Architectural Technologists**

**27w.** A person who holds the qualification recognized by the Board shall be entitled on application to be registered as an Architectural Technologist.

### **Notification of change of address of Architectural Technologists**

**27x.** An Architectural Technologist shall notify the Registrar of any change in his correspondence address.

### **Cancellation of registration, *etc.*, of Architectural Technologist**

**27y.** (1) The Board shall appoint—

- (a) not more than three members of the Board to investigate into any misconduct or complaint made against any Architectural Technologist; and
- (b) a Disciplinary Committee comprising not more than five members of the Board, including a member of the Board who is an Architectural Technologist, not being a person appointed under paragraph (a), to conduct a hearing of any misconduct or complaint referred to it by the member of the Board appointed under paragraph (a).

(2) The Disciplinary Committee may order—

- (a) the issuance of a written reprimand to;
- (b) the imposition of a fine not exceeding twenty-five thousand ringgit on;

(c) the suspension of the registration for a period not exceeding two years of; or

(d) the cancellation of the registration of,

the Architectural Technologist.

(3) The Disciplinary Committee may make an order under subsection (2) if the Architectural Technologist—

(a) is convicted of any offence involving fraud or dishonesty or moral turpitude;

(b) acts as a contractor or trades in building materials directly connected with his employment;

(c) is registered under this Act by fraud or misrepresentation;

(d) offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;

(e) fails to observe any conditions or restrictions of his registration;

(f) is found to be of unsound mind;

(g) is found to be incapable of performing his professional duties effectively;

(h) becomes a bankrupt;

(i) is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful;  
or

(j) is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder.

(4) The Disciplinary Committee shall not make any order under subsection (2), based upon any of the circumstances set out in paragraphs (3)(b) to (e), paragraph (g), paragraphs (i) and (j), unless an opportunity of being heard either personally or by counsel has been given to the Architectural Technologist against whom the Disciplinary Committee intends to make the order.

(5) The member of the Board appointed under paragraph (1)(a) may, for the purpose of an investigation of an Architectural Technologist—

(a) require any person, including a sole proprietor, partner, director, manager, secretary or employee, in connection with his employment, to attend before the member of the Board and give evidence on oath or affirmation, and that member of the Board may administer the oath; and

(b) require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(6) Upon completion of his investigation, the member of the Board appointed under paragraph (1)(a) shall submit a report together with his recommendations, if any, to the Disciplinary Committee for its consideration.

(7) Any Architectural Technologist dissatisfied with an order of the Disciplinary Committee under this section may, within twenty-one days of being notified of such order, appeal to the Minister whose decision shall be final.

### **Removal from Register of Architectural Technologists**

**27z.** There shall be removed from the Register of Architectural Technologists the name and other particulars of any Architectural Technologist—

(a) who has died;

(b) who has failed to renew his registration within one month of the expiry of the registration;

- (c) whose registration has been cancelled under section 34A or paragraph 27Y(2)(d); or
- (d) who has been registered by reason of any mistake or error made by the Board in considering his application for registration.

### **Reinstatement into Register of Architectural Technologists**

**27ZA.** (1) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists pursuant to an order of the Disciplinary Committee under subsection 27Y(2) shall be reinstated if the appeal by the Architectural Technologist is allowed by the Minister under subsection 27Y(7) and the Registrar shall issue a certificate of registration to the Architectural Technologist.

(2) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists for failure to renew his registration shall be reinstated as soon as may be after the Architectural Technologist has notified the Registrar, within five years of such removal, and upon—

- (a) payment of such fees as may be prescribed by the Board; and
- (b) satisfying such conditions as may be imposed by the Board,

the Registrar shall issue a certificate of registration to the Architectural Technologist.

(3) An Architectural Technologist whose name has been removed from the Register of Architectural Technologists pursuant to an order of the Disciplinary Committee under subsection 27Y(2) and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than two years from the date of the order or from the date of the decision of the appeal, apply for reinstatement.

(4) The Board upon—

- (a) receipt of satisfactory evidence of proper reasons for the reinstatement of the Architectural Technologist;
- (b) receipt of reimbursement of all expenditure incurred arising out of the proceedings leading to the cancellation of the registration of the Architectural Technologist; and
- (c) payment of the prescribed fee,

shall order the Registrar to issue a certificate of registration to the Architectural Technologist.

### **Certificates of registration of Architectural Technologists to be returned**

**27ZB.** An Architectural Technologist whose name has been removed from the Register of Architectural Technologists shall, within fourteen days after notification of the removal to the Architectural Technologist by registered post, return to the Board the certificate of registration issued to him.”.

### **Pindaan seksyen 28**

**41.** Perenggan 28(1)(b) Akta ibu dipinda dengan memasukkan selepas perkataan “Register” perkataan “of Architects, Graduate Architects, foreign architects and architectural consultancy practices or the Register of Interior Designers”.

### **Pindaan seksyen 33**

**42.** Seksyen 33 Akta ibu dipinda—

- (a) dengan memasukkan selepas perkataan “corporate” perkataan “, as the case may be,”;
- (b) dalam perenggan (b), dengan menggantikan perkataan “any Register kept and maintained under this Act” dengan perkataan “the Registers specified in paragraph 4(1)(a)”;

- (c) dalam perenggan (e), dengan menggantikan perkataan “Building Draughtsman or Interior Designer;” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works or Architectural Technologist;”; dan
- (d) dalam perenggan (f), dengan menggantikan perkataan “Building Draughtsman, Interior Designer,” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist,”.

### **Pindaan seksyen 34A**

#### **43. Seksyen 34A Akta ibu dipinda—**

- (a) dengan menggantikan perkataan “or 27G(3),” dengan perkataan “, 27G(3) or 27P(4),”;
- (b) dalam perenggan (d)—
  - (i) dengan memasukkan selepas perkataan “Interior Designer” perkataan “or Graduate Interior Designer”; dan
  - (ii) dengan menggantikan perkataan “paragraph” dengan perkataan “subsection”;
- (c) dengan memotong perkataan “or” di hujung perenggan (d);
- (d) dalam perenggan (e)—
  - (i) dengan menggantikan perkataan “paragraph” dengan perkataan “subsection”; dan
  - (ii) dengan menggantikan koma yang terdapat selepas perkataan “section 28” dengan koma bernoktah; dan

(e) dengan memasukkan selepas perenggan (e) perenggan yang berikut:

“(f) an Inspector of Works refuses or fails to comply with an order of the Disciplinary Committee made under subsection 27P(2) or decision of the Minister made under subsection 27P(7); or

(g) an Architectural Technologist refuses or fails to comply with an order of the Disciplinary Committee made under subsection 27Y(2) or decision of the Minister made under subsection 27Y(7),”.

#### **Pindaan seksyen 34B**

**44.** Perenggan 34B(3)(c) Akta ibu dipinda dengan menggantikan perkataan “Building Draughtsman, Interior Designer,” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist,”.

#### **Pindaan seksyen 35B**

**45.** Seksyen 35B Akta ibu dipinda—

(a) dalam subseksyen (1)—

(i) dengan menggantikan perkataan “Register of a Professional Architect, Graduate Architect, Building Draughtsman, Interior Designer, architectural consultancy practice or interior design consultancy practice” dengan perkataan “Registers specified in paragraph 4(1)(a)”; dan

(ii) dengan menggantikan perkataan “Building Draughtsman, Interior Designer,” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist,”;

(b) dalam subseksyen (2)—

- (i) dengan menggantikan perkataan “Building Draughtsman, Interior Designer,” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist,”; dan
- (ii) dengan menggantikan perkataan “Building Draughtsman, Interior Designer,” dengan perkataan “foreign architect, Building Draughtsman, Interior Designer, Graduate Interior Designer, Inspector of Works, Architectural Technologist,”; dan

(c) dalam subseksyen (3), dengan memasukkan selepas perkataan “Interior Designer,” perkataan “Graduate Interior Designer, Inspector of Works, Architectural Technologist,”.

### **Kecualian dan peralihan**

**46.** (1) Semua sebutan mengenai Arkitek Profesional dalam mana-mana undang-undang bertulis dan apa-apa dokumen hendaklah, pada permulaan kuat kuasa Akta ini, ditafsirkan sebagai sebutan mengenai Arkitek sebagaimana yang ditakrifkan dalam seksyen 2 Akta ibu sebagaimana yang dipinda dalam Akta ini.

(2) Apa-apa permohonan bagi pendaftaran yang belum selesai pada tarikh permulaan kuat kuasa Akta ini hendaklah diuruskan di bawah Akta ibu sebagaimana yang dipinda oleh Akta ini.

(3) Apa-apa keputusan yang dibuat oleh Jawatankuasa Tatatertib atau Lembaga di bawah Akta ibu hendaklah terus berkuat kuasa seolah-olah Akta ibu tidak dipinda oleh Akta ini.

(4) Apa-apa penyiasatan, prosiding, termasuk prosiding tatatertib, dan perkara yang berhubungan dengan penyiasatan dan prosiding itu yang sedia ada dan belum selesai di bawah Akta ibu hendaklah diteruskan dan diuruskan di bawah Akta ibu seolah-olah ia tidak dipinda oleh Akta ini.

(5) Apa-apa penyiasatan, prosiding, termasuk prosiding tatatertib, dan perkara yang berhubungan dengan penyiasatan dan prosiding itu yang boleh dimulakan di bawah Akta ibu sebelum tarikh permulaan kuat kuasa Akta ini hendaklah dimulakan dan diuruskan di bawah Akta ibu seolah-olah ia tidak dipinda oleh Akta ini.

(6) Apa-apa hak, keistimewaan, obligasi, liabiliti, penalti atau hukuman yang diperoleh, terakru atau dikenakan di bawah Akta ibu, boleh diteruskan, dikuatkuasakan, dikenakan dan diuruskan, mengikut mana-mana yang berkenaan, seolah-olah Akta ibu tidak dipinda oleh Akta ini.

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#### HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Arkitek 1967 (“Akta 117”). Pindaan yang dicadangkan bertujuan untuk terutamanya meliberalisasikan profesion seni bina di Malaysia dan untuk mengadakan peruntukan bagi perkara yang berkaitan dengannya.

2. *Fasal 1* mengadakan peruntukan bagi tajuk ringkas dan kuasa Menteri untuk menetapkan tarikh yang berlainan bagi permulaan kuat kuasa peruntukan yang berlainan Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk mengadakan peruntukan bagi pindaan am kepada Akta 117 dengan menggantikan perkataan “Professional Architects”, “Professional Architect” dan “a Professional Architect” di mana-mana jua terdapat, kecuali dalam takrif “Professional Architect” dalam seksyen 3, masing-masing dengan perkataan “Architects”, “Architect” dan “an Architect”.

4. *Fasal 3* bertujuan untuk meminda seksyen 2 Akta 117 untuk memasukkan takrif baru dan untuk meminda takrif sedia ada yang digunakan dalam Akta 117.

5. *Fasal 4* bertujuan untuk meminda seksyen 3 Akta 117 untuk memasukkan Pemeriksa Tapak dan Teknologis Seni Bina sebagai profesion baru seni bina untuk diwakili dalam keanggotaan Lembaga.

6. *Fasal 5* bertujuan untuk meminda seksyen 4 Akta 117 untuk menambah fungsi Lembaga.

7. *Fasal 6* bertujuan untuk meminda seksyen 5 Akta 117 untuk membenarkan pendaftaran arkitek asing.

8. *Fasal 7* bertujuan untuk meminda seksyen 6 Akta 117 untuk membenarkan Pendaftar menyiarkan dalam *Warta* atau akhbar nasional butir-butir Arkitek, Arkitek Berijazah, arkitek asing, Pelukis Pelan Bangunan, Pemeriksa Tapak, Teknologis Seni Bina, Pereka Dalaman, Pereka Dalaman Berijazah, amalan perundingan seni bina yang menjalankan perkhidmatan perundingan seni bina, atau amalan perundingan rekaan dalaman yang menyediakan perkhidmatan perundingan rekaan dalaman yang pendaftarannya telah digantung, dibatalkan, dipotong dan dimasukkan semula di bawah Akta 117.

9. *Fasal 8* bertujuan untuk meminda seksyen 7 Akta 117 untuk mengadakan sekatan terhadap Arkitek yang tidak berdaftar.

10. *Fasal 9* dan *10* bertujuan untuk meminda masing-masing seksyen 7A dan 7B Akta 117 untuk mengadakan peruntukan bagi perkara yang berhubungan dengan amalan perundingan seni bina dan perkhidmatan perundingan seni bina.

11. *Fasal 11* bertujuan untuk meminda seksyen 8 Akta 117 untuk memperuntukkan bahawa hanya Arkitek atau arkitek asing yang bermastautin di Malaysia bagi tempoh tidak kurang daripada satu ratus lapan puluh hari dalam mana-mana satu tahun kalendar layak untuk mengemukakan pelan atau lukisan kepada mana-mana orang atau pihak berkuasa di Malaysia.

12. *Fasal 13* bertujuan untuk meminda seksyen 10 Akta 117 untuk menyatakan kelayakan bagi pendaftaran Arkitek, dsb.

13. *Fasal 14* bertujuan untuk meminda seksyen 10A Akta 117 untuk membenarkan pendaftaran arkitek asing yang merupakan seorang perunding kepada suatu projek, yang dibiayai sepenuhnya oleh kerajaan asing atau dilaksanakan di bawah apa-apa bentuk perkiraan dengan Kerajaan Malaysia.

14. *Fasal 18* bertujuan untuk meminda seksyen 15A Akta 117 untuk membolehkan Lembaga melantik anggota Jawatankuasa Tatatertib yang berhubungan dengan salah laku atau aduan terhadap Arkitek, Arkitek Berijazah, arkitek asing dan amalan perundingan seni bina.

15. *Fasal 19* bertujuan untuk meminda seksyen 16 Akta 117 untuk mengadakan peruntukan bagi pemotongan Arkitek, Arkitek Berijazah, arkitek asing dan amalan perundingan seni bina daripada Daftar Arkitek, dsb.

16. *Fasal 20* bertujuan untuk meminda seksyen 17 Akta 117 untuk membolehkan Lembaga mengenakan syarat tertentu bagi kemasukan semula arkitek asing yang namanya dipotong daripada Daftar Arkitek, dsb.

17. *Fasal 23* bertujuan untuk memotong seksyen 22 Akta 117 untuk tidak meneruskan pendaftaran baru Pelukis Pelan Bangunan. *Fasal* ini juga mengadakan peruntukan bagi peruntukan peralihan berbangkit daripada pemotongan seksyen 22 Akta 117.

18. *Fasal 25* bertujuan untuk meminda seksyen 24 Akta 117 untuk memperkukuh sekatan terhadap Pelukis Pelan Bangunan yang diperuntukkan di bawah Akta 117.

19. *Fasal 26* bertujuan untuk meminda seksyen 25 Akta 117 untuk menaikkan penalti yang boleh dikenakan oleh Jawatankuasa Tatatertib terhadap Pelukis Pelan Bangunan di bawah Akta 117.
20. *Fasal 33* bertujuan untuk meminda seksyen 27D Akta 117 untuk membenarkan pendaftaran Pereka Dalam Berijazah dan Pereka Dalam yang mempunyai kelayakan yang diiktiraf oleh Lembaga.
21. *Fasal 34* bertujuan untuk meminda seksyen 27E Akta 117 untuk mengadakan peruntukan bagi pendaftaran amalan perundingan rekaan dalaman.
22. *Fasal 36* bertujuan untuk meminda seksyen 27G Akta 117 untuk menaikkan penalti yang boleh dikenakan oleh Jawatankuasa Tatatertib terhadap Pereka Dalam di bawah Akta 117.
23. *Fasal 40* bertujuan untuk memasukkan Bahagian VB and VC ke dalam Akta 117 masing-masing mengenai peruntukan yang berhubungan dengan Pemeriksa Tapak dan Teknologis Seni Bina.
24. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini merupakan pindaan kecil atau berbangkit.

*IMPLIKASI KEWANGAN*

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U2)2846]