

## **Namibia Institute of Architects Code of Conduct**

Code of professional conduct applicable to architects and architects-in-training

- (1) An architect or, where applicable, an architect-in-training shall, in carrying on his profession, comply with the following rules-
- (a) he shall, in the performance of his functions, have full regard for the public interest;
  - (b) he shall order his conduct so as to uphold the dignity, standing and reputation of his profession;
  - (c) he shall not conduct himself dishonorably in connection with the work performed by him as an architect;
  - (d) he shall not conduct himself in such a manner as to bring discredit upon his profession;
  - (e) he shall order his conduct in connection with architectural work outside the borders of the territory in accordance with these regulations: Provided that where there are recognized standards of professional conduct in a country outside the territory he shall adhere to those standards;
  - (f) he shall not maliciously or recklessly injure, whether directly or indirectly, the professional reputation, professional prospects or business of any other architect;
  - (g) he shall discharge his duties to his employer or client in an efficient and competent manner with complete fidelity, without undue delay and with full regard to public safety;
  - (h) subject to paragraph (i) he shall not –
    - (i) engage or participate in any of the building trades, except in his capacity as the owner or part owner of a building to be or being erected;
    - (ii) Serve as an employee or a director of or in any other like capacity in any company, firm or undertaking carrying on any contracting, supplying or manufacturing business involved in building or construction work;
    - (iii) Either personally or through the agency of any other person, have any financial interest in any company, firm or undertaking carrying on any contracting, supplying or manufacturing business involved in building or construction work: Provided that nothing herein contained shall prevent him from investing in the stocks and shares of any public company whose stocks and shares are quoted on a licensed stock exchange;
  - (i) he shall, whilst serving as an employee or as a director or in any other like capacity in any company, firm or undertaking carrying on any contracting, supplying or manufacturing business connected with building or construction work, or whilst having a financial interest in any such company, firm or undertaking other than a public company complying with the proviso to paragraph (h)(iii) –
    - (i) not do or hold himself out to do the work of an architect whether from remuneration or otherwise, except directly and only for such company, firm or undertaking;
    - (ii) not hold himself out to be in private practice as an architect or to be in a position to give independent advice on matters of contract, pricing or costs;
    - (iii) ensure that his name and professional designation are not used in brochures or advertisements issued by such company, firm or undertaking or by any other means in a manner which states or implies that an independent architectural service can be provided;
  - (j) he shall not use the advantages of a salaried position to compete unfairly with other architects;
  - (k) he shall not issue any drawings or specifications or professional documents in respect of work performed by himself or by some person in his employ or by any member or employee of the

company of which he is a member, unless they bear his name or the name of his firm or the name of the company of which he is a member;

- (l) he shall not sign as an architect or otherwise identify as having been issued by him, any building plan or other document of which he or his firm or a member or employee of the company of which he is a member is not the bona fide author;
- (m) he shall not take part in any architectural competition, limited or otherwise, within the territory, unless the conditions have been submitted to and approved by the council;
- (n) he shall not attempt in any way to secure work for which a competition has been instituted, except as a competitor and in accordance with the conditions of such competition;
- (o) he shall not attempt to influence, directly or indirectly, the award in a competition;
- (p) He shall not act as an architect or joint architect for any work in respect of which he or his partner or a member of the company of which he is also a member has been nominated as assessor or has accepted the assessorship of any architectural competition or has acted as assessor or adjudicator for such competition, unless the council consents to his appointment as architect or joint architect for such work;
- (q) he shall not review the work of another architect or the work of a company of which he is not a member for the same client except with the knowledge of such architect or company unless the engagement of such architect or company for the work which is being reviewed has been terminated;
- (r) he shall not knowingly undertake a commission while a claim for compensation of an architect previously employed on that commission and whose employment has been terminated remains unsatisfied, without first notifying the council and the architect previously employed;
- (s) he shall not undertake or offer to undertake a commission for remuneration less than the fees prescribed under the Act without obtaining the prior consent of the council;
- (t) he shall not obtain or attempt to obtain architectural work by means of offering or paying a monetary or other valuable consideration or inducement;
- (u) he shall not receive directly or indirectly any royalty, gratuity, commission or other remuneration or any article or process used in or for the purposes of the work in respect of which he is employed unless or until he has notified his employer or client, in writing, of such royalty, gratuity, commission or other remuneration;
- (v) he shall neither personally nor through the agency of any other person, whether or not such person is in his employ, canvass nor solicit professional employment nor offer to make, by way of commission or otherwise, payment for the obtaining of such employment;
- (w) he shall not prepare or submit either directly or indirectly any building plans or schemes for projects or similar documents for which he or his firm or the company of which he is a member has not been professionally engaged;
- (x) he shall not advertise or issue circulars or letters to any person or body other than those with whom a business relationship exists, in a manner calculated to attract clients: Provided that he shall not be debarred from taking part by invitation in radio or television programmes, films or other public appearances featuring an architect's work or submitting articles and scripts of his own or another architect's work to the press in which the work is discussed in a manner generally calculated to further the interests or to promote the study and science of architecture;
- (y) he shall not act unfairly against the interests of any party to a building contract;

- (z) he shall not knowingly compete for professional work with a fellow practitioner with whom any negotiations are taking place in respect of such work;
- (aa) he shall not, in his capacity as an architect in private practice, enter into or dissolve any form of professional partnership or association, nor shall he become a member or cease to be a member of any company without notifying the council;
- (bb) he shall not, in his capacity as an architect in private practice, enter into partnership or other association with any person other than an architect or a quantity surveyor in private practice except with the prior approval of the council;
- (cc) he shall, within two months after having been instructed, in writing, by the council to do so, dissolve any partnership or other association, or cease to be a member of a company of which he is a member: Provided that the council shall issue such an instruction only if it is satisfied, after due and enquiry, that one or more of the other members or employees of the partnership or association or company concerned, who are not registered under section 11 of the Act, have been guilty of an offence which, had they been so registered, would have constituted a contravention of any provision of these regulations;
- (dd) he shall display on all letterheads of his practice or firm or the company of which he is a member, the name or names of the principal or principals and all the partners or directors thereof and shall describe the services rendered by the firm or company in a factual manner and related only to the professional work of the professional disciplines represented in the firm or company;
- (ee) he shall not use a name with any misleading content for the title and style or name of his firm or of his firm in association with another firm or of the company of which he is a member, nor shall he use any name other than his personal name or names for such title and style or name without the approval of the council: Provided that such title and style or name may include the name of a person of whom he is the bona fide successor in title;
- (ff) he shall not perform the work of an architect in private practice within the borders of the territory unless he shall maintain an office within the borders of the territory;
- (gg) he shall not maintain any office for the purpose of their carrying on the work of an architect in private practice unless such office shall be under the continual, direct and personal supervision of a registered architect, nor shall he indicate by any means whatsoever that his practice as an architect extends to any office other than the one complying with the terms of this paragraph;
- (hh) he shall notify the council without delay of any change of address or employment;
- (ii) if he has acted in a consultative capacity in respect of a project for which another architect was employed and whose services were subsequently dispensed with, he shall not undertake such project himself without the consent of the council;
- (jj) he shall not willfully destroy or fail, without a satisfactory reason, to produce original drawings and any other documentary evidence necessary for the verification of his work until three years after the final completion of the contract and settlement of all accounts;
- (kk) he shall not engage or act in private practice as an architect under the style of a company or through the medium of a company or practice in association with a company purporting to do work which has been prescribed under section 7(3)(b) of the Act, unless-
  - (i) the company is a private company limited by shares and incorporated under the Companies Act, 1973, the memorandum of association of which shall contain –
    - aa** A provision to the effect that the directors and former directors of the company shall be liable, jointly and severally, together with the company, for such debts

and liabilities of the company as are, or were, contracted during their periods of office;

**bb** Subject to paragraph (dd) the name of the company with the word “incorporated” as the last part of its name;

**cc** A provision to the effect that the company is established for the purpose of carrying out the work of an architect or any work incidental thereto and such work only: Provided that –

- i the work aforesaid may include the work of a quantity surveyor and any other work approved by the council;
- ii the company shall not carry out the work of an architect unless at least one of its members is an architect;

(ii) the articles of the company shall contain provisions to the effect that

**aa** the members of the company shall be natural persons only who are architects registered under the Act: Provided that-

- i The members may include quantity surveyors registered under the Act and any other person approved by the council; and
- ii In the event of the death of a member or in the event of his ceasing to be qualified as a member for any reason, any shares in the company held by such member prior thereto may continue to be held by him or his estate for such period as the council may determine but the voting rights attached to such shares shall, during such period, be exercised by a member of the company nominated in writing by the deceased or disqualified member prior to his death or disqualification or, failing such nomination, by the chairman for the time being of the company, who shall be deemed to have been so nominated;

**bb** every director of the company shall be a member thereof and every member, whether a director or not, shall be the beneficial owner of the shares registered in his name;

**cc** In the event of the death of a member or in the case of his ceasing to be qualified as a member for any reason, the remaining directors shall take steps to ensure that the provisions of subparagraph (ii) aa are complied with within the period determined by the council;

(2) Any act done by or on behalf of a company by any member or employee thereof which would constitute improper conduct if done by an architect shall be deemed to have been done by each member of the company who is an architect unless it is proved that he did not knowingly take part in the commission of the act and could not have prevented it.

(3) No architect shall be permitted to do anything through a company which he would not be permitted to do otherwise.