



## CODE OF PROFESSIONAL CONDUCT APPLICABLE TO QUANTITY SURVEYORS AND QUANTITY SURVEYORS-IN-TRAINING MADE UNDER THE ARCHITECTS' AND QUANTITY SURVEYORS' ACT, 1979

5. (1) A quantity surveyor or, where applicable, a quantity surveyor-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 dishonourably in connection with the work performed by him as a quantity surveyor;
  - (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 quantity surveying 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 undertake work of a quantity surveying nature for the execution of which his training and experience have not rendered him competent;
  - (g) he shall not maliciously or recklessly injure, whether directly or indirectly, the professional reputation, professional prospects or business of any other quantity surveyor;
  - (h) he shall discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and without undue delay;
  - (i) subject to paragraph (j), 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 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 stocks exchange;

- (j) 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 involved in 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 (i)(iii) –
  - (i) not do or hold himself out to do the work of a quantity surveyor whether for remuneration or otherwise, except directly and only for such company, firm or undertaking;
  - (ii) not hold himself out to be in private practice as a quantity surveyor 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 quantity surveying service can be provided;
- (k) he shall not use the advantages of a salaried position to compete unfairly with other quantity surveyors;
- (l) he shall not issue any bills of quantities, specifications, final accounts, certificates 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;
- (m) he shall not sign as quantity surveyor or otherwise identify as having been issued by him any bills of quantity or other documents of which he or his firm or an employee of the company of which he is a member is not the *bona fide* author;
- (n) he shall not review the work of another quantity surveyor or the work of a company of which he is not a member for the **same** client except with the knowledge of such quantity surveyor or company unless the engagement of such quantity surveyor or company has been terminated;
- (o) he shall not knowingly undertake a commission while a claim for compensation of a quantity surveyor previously employed on that commission and whose employment has been terminated remains unsatisfied, without first notifying the council and the quantity surveyor previously employed;
- (p) 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;
- (q) he shall not obtain or attempt to obtain quantity surveying work by means of offering or paying a monetary or other valuable consideration or inducement;
- (r) he shall not receive directly or indirectly any royalty, gratuity, commission or other remuneration on 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;
- (s) 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 such commission or otherwise, payment for the obtaining of such employment;
- (t) he shall not prepare or submit either directly or indirectly bills of quantities, estimates of cost, feasibility studies or similar documents for which he or his firm or the company of which he is a member has not been professionally engaged;
- (u) 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 initiation in radio or television programmes, films or other appearances featuring quantity surveying work or submitting articles and scripts of his own or another quantity surveyor'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 quantity surveying;

- (v) he shall not act unfairly against the interests of any party to a building contract;
- (w) he shall not knowingly compete for professional work with a fellow practitioner with whom any negotiations are taking place in respect of such work;
- (x) he shall not, in his capacity as a quantity surveyor 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;
- (y) he shall not, in his capacity as a quantity surveyor in private practice, enter into partnership or other association with any person other than a quantity surveyor or architect in private practice, except with the prior consent of the council;
- (z) 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 proper 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;
- (aa) he shall display on all the letterheads of his practice or the 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;
- (bb) 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 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;
- (cc) he shall not perform the work of a quantity surveyor in private practice within the borders of the territory unless he shall maintain an office within the borders of the territory;
- (dd) he shall not maintain any office for the purpose of there carrying on the work of a quantity surveyor in private practice unless such office shall be under the continual, direct and personal supervision of a registered quantity surveyor, nor shall he indicate, by any means whatsoever, that his practice as a quantity surveyor extends to any office other than one complying with the terms of this paragraph;
- (ee) he shall notify the council without delay of any change of address or employment;
- (ff) he shall not wilfully destroy or fail, without a satisfactory reason, to produce original dimensions 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;
- (gg) he shall not engage or act in private practice as a quantity surveyor 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 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 period of office;
    - bb subject to paragraph (z), the name of the company with the work “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 a quantity surveyor or any work incidental thereto and such work only: Provided that -
      - i the work aforesaid may include the work of an architect or other work approved by the council;
      - ii the company shall not carry out the work of a quantity surveyor unless at least one of its members is a quantity surveyor;
  - (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 quantity surveyors registered under the Act: Providing that –
      - i. the members may include architects 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 voting rights attaching 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 event 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 the company through any member or employee thereof which would constitute improper conduct if done by a quantity surveyor shall be deemed to have been done by each member of the company who is a quantity surveyor, 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 quantity surveyor shall be allowed to do anything through a company which he would not be allowed to do otherwise.