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GRENADA

**ACT NO. 33 OF 2014**

I assent,

CÉCILE E. F. LA GRENADE  
*Governor-General.**2nd July, 2014.*

AN ACT to provide for the registration and discipline of architects and for connected purposes.

*[By Notice].*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

**PART I**

## PRELIMINARY

1. This Act may be cited as the

**ARCHITECTS (REGISTRATION) ACT, 2014,**Short title  
and com-  
mencement.and shall come into force on such date as the Minister shall by notice published in the *Gazette* appoint.

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Interpretation.

**2. In this Act—**

“Board” means the Architects Registration Board established pursuant to section 3;

“building” means a structure intended for use as shelter for human activities and usually consisting of foundations, floor, walls, windows, columns, beams, girders and roof, or a combination of any number of these parts with or without other parts;

“Code of ethics” means the Code of Ethics set out in Schedule;

“Minister” means the Minister responsible for Communications and Works;

“practice of architects” means rendering one or more of the following professional services to clients – advice, consultation, evaluation, planning, design, and minor engineering services, inspection of construction, and other services wherein expert knowledge, skill and experience are required in connection with the buildings, or the equipment or accessories thereof, or with the creation of the built environment where public amenity is concerned or involved;

“register” means the register of architects kept by the Registrar in accordance with section 30;

“work permit” means a work under the Grenada Labour Code.

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**PART II****REGISTRATION BOARD**

3. For the purposes of this Act, there is hereby established a Board to be known as the Architects' Registration Board, which shall be a body corporate to which the provisions of section 49 of the Interpretation and General Provisions Act, Cap.153, shall apply. Establishment of Registration Board.

4.—(1) The Board shall consist of the following members appointed by the Minister as follows— Constitution of the Board.

- (a) the Government's Chief Architect who shall be an *ex officio* member; and
- (b) four members, being architects appointed by the Minister upon the recommendation of the association of architects in Grenada recognized by the Minister as representing architects, or in the absence of such association with any person recognized by the Minister as representing architects; and
- (c) two other persons whom the Minister may deem necessary for the proper functioning of the Board.

(2) The Minister shall, by notice published in the *Gazette*, inform the public of the names of all members of the Board as first constituted and every change in membership thereafter.

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Functions and powers of the Board.

**5.**—(1) The Board shall be responsible for the registration of architects and for regulating the activities and conduct of registered architects in accordance with the provisions of the Act.

(2) The Board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions.

Tenure of appointment.

**6.**—(1) The appointment of all members of the Board shall be for a term of two years, and any such member shall remain eligible for re-appointment, but shall not serve for more than two consecutive terms.

(2) Notwithstanding sub-section (1), no member shall hold office for more than 2 consecutive terms, but such member is eligible for reappointment after the expiration of one year thereafter.

Chairperson.

**7.** The Minister shall appoint one of the members of the Board to be Chairperson of the Board.

Acting appointments.

**8.**—(1) If the Chairperson or any other member of the Board is temporarily absent or unable to act, the Minister may appoint any person to act in the place of the Chairperson or such other member.

(2) Where the power to appoint a person to act in an office is being exercised pursuant to this section, such appointment shall be made in such manner and from among such persons as would be required in the case of a substantive appointment.

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**9.**—(1) Any member of the Board may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board. Resignation.

(2) The Chairperson of the Board may at any time resign his or her office as Chairperson by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

**10.**—(1) The Minister may with just cause revoke the appointment of a Board member made under this Act. Revocation of appointment.

(2) The Minister in revoking an appointment shall—

- (a) give the member of the Board an opportunity to be heard;
- (b) make a note of the revocation and the reasons for the revocation; and
- (c) give the member of the Board notice in writing of—
  - (i) the revocation and the reasons for the revocation; and
  - (ii) his or her right of appeal.

**11.** A person is disqualified from being a member of the Board and shall not become or continue to be appointed as a member of the Board if the person is or has been— Disqualification from being a member of the Board.

- (a) declared bankrupt pursuant to the provisions of the Bankruptcy Act;
- (b) declared by a Court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) convicted of a criminal offence except where the offence is a minor traffic offence; or
- (d) convicted of an offence pursuant to the provisions of this Act.

Vacation of office.

**12.** A member of the Board is taken to have vacated his or her office if the member—

- (a) resigns his or her position on the Board in accordance with section 9; or
- (b) cannot continue as a member under section 11;
- (c) dies; or
- (d) if the Minister revokes the appointment of that member under section 10.

Filling of vacancies.

**13.** If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member in the same manner and from the same category of persons if any, who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed.

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**14.**—(1) Any expenses incurred in the administration of <sup>Expenses.</sup> this Act shall be defrayed out of—

- (a) moneys voted for the purpose by Parliament;
- (b) fees received by the Board on registration and renewal of registration or for any other purpose.

(2) There shall be paid from the funds from the Board to the Chairman and other members of the Board such remuneration, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

**15.**—(1) The Board shall have an official Seal. <sup>Seals.</sup>

(2) The Seal of the Board shall be kept in the custody of the Chairperson or the Secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairperson or any other two members of the Board.

(3) The Seal of the Board shall be authenticated by the signature of the Chairperson or any other person performing the duties of the Chairperson and shall be officially and judicially noticed.

(4) All documents which are executed by the Board, other than those required by law to be under Seal, and all decisions of the Board may be signed under the hands of the Chairperson, or the Secretary, or any other member duly authorized in writing to act in that behalf.

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Appointment of  
Secretary and  
other officers.

**16.**—(1) The Board may appoint a Secretary who shall be responsible for the Board's day to day business, and such other officers as the Board may deem necessary for the purpose of carrying out its functions under this Act.

(2) The Secretary and other officers and the Secretary of the Board shall receive such pay and allowances as the Board with the approval of the Minister may determine.

Meetings.

**17.**—(1) The Board shall meet at least twice a year and at such times as may be necessary or expedient for the transactions of its business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) Notwithstanding subsection (1) the Chairperson may at any time call a special meeting of the Board, if within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Board.

Presiding at  
meetings.

**18.** The Chairperson of the Board shall preside at all meetings at which he is present, and in the case of the Chairperson's absence from any meeting the members present and constituting a quorum shall elect a Chairperson from among their members to preside at that meeting.

Quorum.

**19.** At any meeting of the Board, a majority of the members present shall form a quorum.

Conduct of  
meetings of the  
Board.

**20.**—(1) The decisions of the Board shall be decided by a majority of votes of the members present and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(2) The Secretary shall keep in proper form, minutes of all meetings of the Board and shall furnish each member of the Board with copies of the minutes not later than twenty one days after the date on which the meeting was held.

(3) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(4) Subject to the provisions of this Act the Board may regulate its own proceedings.

**21.**—(1) The Board may appoint such committees as it Committees. may think fit and may delegate any such Committee the power and authority to carry out on its behalf such duties as the Board may determine, however, no such Committee shall have the power to make rules.

(2) The constitution of each Committee shall be determined by the Board.

**22.**—(1) No member of the Board shall be personally Protection of members. liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this section the Board shall be liable to the extent that it would be if the member were a servant or an agent of the Board.

**23.**—(1) A member of the Board who is in any way, either Declaration of interest and abstention from voting. directly or indirectly interested in a matter before the Board shall declare the nature of his or her interest at the first

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meeting of the Board at which it is practicable to do so and shall leave the meeting on the matter coming up for discussion.

(2) A declaration and the departure of a member of the Board from the meeting in accordance with sub-section (1) must be noted in the minutes of the meeting.

(3) A member of the Board shall not—

- (a) vote in respect of a matter before the Board in which he or she is in any way interested, whether directly or indirectly; or
- (b) seek to influence the vote of any other member of the Board in relation to the matter.

(4) A member of the Board who fails to comply with sub-section (3) must be promptly removed from the Board.

Financial year of Board.

**24.** The financial year of the Board is the twelve month period beginning 1st day of January to 31st day of December.

Budget and plan of action of Board.

**25.** The Board shall not later than three months before the beginning of the next financial year cause to be prepared and shall adopt and submit to the Minister—

- (a) a budget with the estimates of its income and expenditure; and
- (b) a plan of action,

for the Board in respect of the next financial year.

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**26.** The Board shall keep proper records of accounts in accordance with generally accepted international standards and principles and shall prepare and retain financial statements in respect of each financial year. Accounts of the Board.

**27.—**(1) The Board shall as soon as is practicable after each financial year have its accounts audited annually by the Director of Audit or his representative, or by an independent auditor appointed by the Board, who shall conduct the audit in accordance with generally accepted international auditing standards and principles. Audit of Board.

(2) The Board shall grant to the auditor appointed under sub-section (1) access to all books, deeds, contracts, accounts, vouchers, or other documents which the auditor may deem necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person required to appear, make a signed statement or to provide information under sub-section (2) and who fails to comply, commits an offence and is on summary conviction liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months or to both and to revocation of his or her appointment as a member or staff of the Board in accordance with this Act.

**28.** An auditor appointed under section 27 shall as soon as practicable, and not later than two months after the end of each financial year submit copies of the audited financial statement of the Board and a report on the financial statement to the Board. Auditor's report of Board.

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Annual report of  
Board.

**29.**—(1) In accordance with sub-section (2) and not later than three months after the end of each financial year, the Board shall submit to the Minister—

- (a) an annual report on the work and activities of the Board for that financial year; and
- (b) a copy of the audited financial statement of the Board together with a report on the financial statement as provided to the Board by the independent auditor under section 23.

(2) The Minister shall on receipt of the annual report, the audited financial statement and report on the financial statement under sub-section (1), lay the statement and reports in Parliament at its next meeting following the date on which the statement and reports were received by him or her.

(3) An annual report under sub-section (1) must be in the form approved by the Minister.

(4) The Minister shall cause a summary of an annual report under sub-section (1) to be published in the *Gazette* and at least two newspapers in general and at least weekly circulation in Grenada and the entire annual report must be available to the public after the laying of such report in Parliament in accordance with this section.

(5) The annual report must be made available to the public under sub-section (4) upon payment of the prescribed fee to the Board.

**PART III**

## REGISTRATION

**30.**—(1) The Board shall establish and maintain a register to be known as the Architects' Register in which it shall cause to be entered the name of every person entitled to be registered as an architect under section 31 or 32 together with the following particulars in respect of each person—

- (a) his full name and address;
- (b) the date of his registration; and
- (c) his registration number.

(2) The register shall at all reasonable times be open to inspection at the Office of the Board.

(3) The Board shall cause to be published in the *Gazette*—

- (a) in the month of February in every year, an alphabetical list of persons who have at the 31st January in the year registered their names as architects;
- (b) as soon as practicable after such registration, the name of any person registering his name as an architect after the 31st January in any year.

(4) The Board shall—

- (a) make the necessary alteration in the register of the names and addresses of persons registered under this Act; and

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- (b) remove therefrom the names of all persons registered under this Act who are suspended or de-registered by the Board, or who are no longer qualified to practice architecture, or retired, or who have ceased to be domiciled and resident in Grenada, or to be holders of work permits.

Qualification for  
Registration.

**31.**—(1) Every person is entitled to be registered as an architect under this section if on application made to the Board he satisfies the Board that he or she is—

- (a) qualified to be registered;
- (b) a fit and proper person to practice architecture in Grenada; and
- (c) domiciled and resident in Grenada and is the holder of a work permit if required.

(2) For the purpose of subsection (1)(a) a person is qualified to be registered as an architect if he or she—

- (a) has been awarded a degree, diploma, or other qualification in architecture, granted by a University or school of architecture which, in the opinion of the Board is evidence of satisfactory training in architecture;
- (b) is registered as an architect by a Board, Council, or Institute in a country other than Grenada, provided that in the opinion of the Board such overseas body upholds satisfactory standards of architecture; and

- (c) has had no less than 3 years of such practical experience in architecture acquired under the direct supervision of an architect duly registered as the Board approves.

(3) An application for registration shall be made to the Secretary of the Board in the prescribed form approved by the Board.

(4) An applicant for registration shall furnish to the Secretary of the Board—

- (a) evidence of his qualifications and experience;
- (b) proof of his identity;
- (c) such further and other information as the Board requires in respect of the matters referred to in sub-sections (1) and (2); and
- (d) such fees as may be prescribed.

(5) After the commencement of this Act, every person that is qualified to be registered as an architect under this Act and desires to practice as such in Grenada, shall in the month of January in every year cause his name to be entered by the Registrar and on payment of the prescribed fee shall be entitled to obtain a certificate of such registration.

**32.** Notwithstanding section 31, any persons who does not possess the qualifications specified in that section but who, on application made to the Board within 6 months of the commencement of this Act, satisfies the Board that he or she—

Registration of  
certain existing  
practitioners.

- (a) is a fit and proper person to be registered as an architect;

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- (b) is a member in good standing in the Grenada Institute of Architects (GIA); and
  - (c) has had before the commencement of this Act not less than 10 years of the practice of architecture in a responsible position under an architect with qualifications as described in section 31, is entitled to be registered as an architect.

Further  
investigation by  
the Board.

**33.—**(1) In determining whether a person satisfies the requirements of section 31 or 32, the Board may conduct an investigation relating to the experience in architecture of such persons as it considers necessary and may require such person to undergo a written or oral examination or both written and oral examination in architecture including draughtsmanship, design, detailing, basic engineering, specifications writing, and professional practice.

(2) Notwithstanding any provision to the contrary, a refusal by the Board with respect to the entitlement of a person to be registered under this section may be appealed in writing to the Minister, who may by regulations prescribe a procedure for determining the Appeal.

(3) A decision by the Minister under sub-section (2) shall be final.

(4) Notwithstanding sub-section (2) and (3), a person who is dissatisfied with any other decision of the Board shall appeal in writing, to the Minister who may by regulations prescribe a procedure for determining such appeals.

**34.** The Board may, upon application, register as an architect any person who furnishes it with satisfactory proof, where necessary that—

Reciprocity.

- (a) he or she is registered as an architect in another country whose requirements for registration are, in the opinion of the Board, no less exacting than those required for registration in Grenada;
- (b) reciprocal arrangements exist between the Registration Boards of Grenada and that other country;
- (c) he or she has sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Grenada; and
- (d) he or she obtained the necessary work permit under the Grenada Labour Code.

**35.** In determining whether a person who applies for registration is duly qualified to be registered under this Act in accordance with section 31 or 32, the fact that he or she adopts or refrains from adopting the practice of any particular theory or architectural design shall not be taken into consideration.

Particular theories not to be taken into account.

**36.** A person registered under this Act shall be entitled—

Registered architect entitled to practice architecture.

- (a) on payment of the prescribed fee, to receive a certificate in the form approved by the Board to practice architecture in Grenada;

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- (b) to demand and recover reasonable remuneration for architectural services rendered;
  - (c) to use the title “Architect” or any abbreviation thereof against his name, outside his place of work, at building sites where his work is in progress, and on his stationery.

Continuing education.

**37.** A person registered under this Act shall be obligated to ensure that he or she remains current with the ever changing requirements of the practice of architecture through continuing education in a form and format to be determined by the Board.

Practice of architecture by persons other than architects.

**38.—(1)** Subject to section 36, nothing in this Act shall prevent a person who is not a registered architect from—

- (a) engaging in those aspects of the architecture that includes drafting or supervising any architectural works as owner, contractor, superintendent or clerk of works;
- (b) performing the architectural work involved in minor alterations,

where no authority requires the drawings to bear the stamp or seal of an architect, nor requires any such person to become registered under this Act for the purpose of dealing with the public.

(2) Nothing in this Act shall be deemed or construed to prevent the practice of the following professionals who are registered or licensed by law, where required—

- (a) Engineers;

- (b) Land surveyors;
- (c) Town planners;
- (d) Naval architects or landscape architects, provided such persons do not use the term “architect” in its unqualified form with intent to mislead the public;
- (e) Interior designers, decorators or furniture designers;
- (f) Quantity surveyors;
- (g) Project managers.

**39.** After the commencement of this Act no certificate, drawing, valuation, declaration or other document required by law to be signed by an architect is valid, unless the person signing it is registered under this Act and can produce identification to so prove. Proof of identification.

**40.—(1)** Notwithstanding sections 36 and 38 a person not a registered architect for the purposes of this Act may engage in the construction of buildings and other works as prescribed by the Minister in Regulations. Persons not qualified for the purposes of the Act.

(2) A person providing services under sub-section (1) shall be entitled—

- (i) to compensation or remuneration for services rendered; and
- (ii) to recover in any action any fee, charge, gratuity or remuneration for his services.

Partnerships,  
associations or  
corporations.

**41.** A partnership, association, or corporation may practice architecture in its own name if its principal and customary functions are to practice architecture, and if the work is done under the responsible supervision of a partner or an associate or a director respectively, who, in any case, is a registered architect.

Improper  
registration.

**42.** The Board may, if it considers that a person registered as an architect has improperly obtained such registration, required under this Act, to request of that person to validate his or her position and if for a period of three months or such longer period as the Board allows, such person fails without reasonable excuse to apply to be properly registered, the Board may cause such person's name to be struck off the register.

Right of Appeal.

**43.** An appeal against any decision made by the Minister other than a decision with respect to the entitlement of a person to be registered under section 33 (2) and (3), shall lie to a Judge in chambers and every such appeal shall be within such time and in such form and shall be heard in such manner as may be prescribed by rules of court.

Code of ethics.

**44.—(1)** A registered Architect shall conform to the Code of Ethics for registered Architects set out in the Schedule.

(2) A registered Architect who breaches any provisions of the Code of Ethics is liable to disciplinary action by the Board.

(3) The Code of Ethics may be amended by order by the Minister upon the recommendation of the Board.

**PART IV**

## MISCELLANEOUS

45.—(1) A person who—

Offences.

- (a) fraudulently procures or attempts to procure the registration under this Act of himself or any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing; or
- (b) fraudulently makes, causes, or permits to be made—
  - (i) any false or incorrect entry or copy in the register;
  - (ii) any alteration in any entry or copy of any entry in the register; or
  - (iii) use of the title of architect or any other name, title, addition, designation or description implying that he is a registered architect or is entitled to be recognized as an architect in Grenada,

is guilty of an offence.

(2) A person who is guilty of an offence under this section is liable on summary conviction—

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- (a) to have their licence to practice architecture revoked;
  - (b) for a first offence to a fine of twenty thousand dollars or to a term of imprisonment of one year; and
  - (c) for each subsequent offence to a fine of ten thousand dollars or to a term of imprisonment of six months.

(3) In any prosecution under subsection (1) (b) (iii), the absence of the name of the person charged from the list last published in the *Gazette* pursuant to section 30 is *prima facie* evidence that such person is not a registered architect.

Additional  
penalty.

**46.** Where an architect has been found guilty of professional misconduct, the Board may, in addition to any other penalty prescribed in the regulations, impose on the architect a fine of five thousand dollars and/or revoke or suspend their licence to practice architecture.

Regulations.

**47.—(1)** The Minister may, on the recommendation of the Board make regulations for—

- (a) a code of professional conduct for architects;
- (b) providing for the stamping of drawings or other documents and the use of seals by an architect;
- (c) specifying the institutions that are approved by the Board for the purpose of section 31(2);

- (d) prescribing the procedure to be followed in respect to disciplinary proceedings against architects in relation to professional misconduct;
- (e) setting up for any period a disciplinary body to investigate and adjudicate upon any allegation of professional misconduct on the part of an architect and make recommendations thereon;
- (f) providing for the publication of the recommendations of the body referred to in paragraph (e);
- (g) determining the constitution and membership and regulating the procedure of the body referred to in paragraph (e) and providing for any other matter which may be relevant to such body or its functions;
- (h) prescribing the fees payable in respect of any examination and of registration under this Act and the minimum percentage and time charges to be made by architects and prescribing anything that is required or authorized to be prescribed; and
- (i) a licensing regime for the purposes of this Act;
- (j) the regulating of indemnity insurance for registered architects;
- (k) generally all matters incidental to or connected with matters mentioned under this Act.

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SCHEDULE

(Section 44)

**CODE OF ETHICS**

1. Architects shall act with impartiality, responsibility and truthfulness at all times in their professional and business activities.
2. Architects should not allow themselves to be improperly influenced either by their own, or others' self-interest.
3. Architects should not be a party to any statement which they know to be untrue, misleading, unfair to others or contrary to their own professional judgment.
4. Architects should avoid conflicts of interest. If a conflict arises, they should declare it to those parties affected and either remove its cause, or withdraw their services.
5. Architects should respect confidentiality and the privacy of their clients, employees and associates.
6. Architects should not engage in corrupt practices. Including but not limited to offering or taking bribes in connection with their professional work, including gifts, discounts and/or commissions intended to influence outcomes.
7. Architects are to be remunerated solely by their professional fees payable by their client or by a salary payable by his or her employer. He/she is debarred from any other source of remuneration in connection with the works and duties entrusted to them.
8. Architects are expected to apply high standards of skill, knowledge and care in all their work. They must also apply their informed and impartial judgment in reaching any decisions. Architects are expected to remain abreast of developments in their field and endeavour to continually improve their professional skills.
9. Architects should realistically appraise their ability to undertake and achieve any proposed work. They should also make their clients aware of the likelihood of achieving the client's requirements and aspirations. If members feel they are unable to comply with this, they should not propose, or accept the work.

10. Architects should ensure that their terms of appointment, the scope of their work and the essential project requirements are clear and recorded in writing. They should explain to their clients the implications of any conditions of engagement and how their fees are to be calculated and charged. Architects should maintain appropriate records throughout their engagement.
11. Architects should keep their clients informed of the progress of a project and of the key decisions made on the client's behalf.
12. Architects are expected to use their best efforts to meet the client's agreed time, cost and quality requirements for the project. They must notify the client promptly, should there be any material changes to the agreed requirements.
13. Architects are expected to have in place (or have access to) effective procedures for dealing promptly and appropriately with disputes or complaints.
14. Architects should respect the beliefs and opinions of other people, recognise social diversity and treat everyone fairly. They should also have a proper concern and due regard for the effect that their work may have on its users and the local community.
15. Architects should be aware of the environmental impact of their work and endeavour to respect, conserve and enhance the natural and cultural environment.
16. Architects are expected to comply with good employment practices. They should provide their employees and associates with a suitable working environment and compensate them fairly. Architects must recognise and give credit to others for professional work performed.
17. Where Architects are engaged in any form of competition to win work or awards, they should act fairly and honestly with potential clients and competitors. Any competition process in which they are participating must be known to be reasonable, transparent and impartial. If members find this not to be the case, they should endeavour to rectify the competition process or withdraw.
18. Architects shall not sign or affix their seal to drawings, specifications, reports or other professional work for which they do not have direct knowledge, supervision and control.

Passed by the House of Representatives this 16th day of May, 2014.

RAPHAEL DONALD  
*Acting Clerk to the House of Representatives.*

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Passed by the Senate this 11th day of June, 2014.

RAPHAEL DONALD  
*Acting Clerk to the Senate.*

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GRENADA

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