

Malawi

Architects and Quantity Surveyors Act Chapter 53:02

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Malawi

Architects and Quantity Surveyors Act

Chapter 53:02

Commenced on 1 April 1992

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for matters relating to the professions of architecture and quantity surveying in Malawi and to the qualifications, registration and control of the members thereof; to establish the Board of Architects and Quantity Surveyors, a body corporate, as the qualifying, registering and disciplinary authority of such professions; and to provide for matters connected therewith and incidental thereto

Part I – Preliminary

1. Short title

This Act may be cited as the Architects and Quantity Surveyors Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**approved institution**” means any university, institute, college or school of architecture or quantity surveying approved by the Board pursuant to [section 14](#) (b);

“**Board**” means the Board of Architects and Quantity Surveyors established by [section 3](#);

“**Chairman**” means the Chairman of the Board designated by the Minister pursuant to [section 4](#) (3);

“**financial year**” means the financial year of the Board as provided by [section 20](#);

“**register**” means the register of Architects, or the register of Graduate Architects, or the register of Architectural Technicians, or the register of Quantity Surveyors, or the register of Graduate Quantity Surveyors, or the register of Quantity Surveying Technicians, as the case may be, maintained by the Board pursuant to [section 22](#);

“**Registrar**” means the Secretary;

“**Secretary**” means the Secretary to the Board designated by the Minister pursuant to [section 8](#); and

“**Vice-Chairman**” means the Vice-Chairman of the Board designated by the Minister pursuant to [section 4](#) (3).

Part II – Administration

Division A—Board of Architects and Quantity Surveyors

3. Establishment of the Board

- (1) There is hereby established a Board under the name of the Board of Architects and Quantity Surveyors (in this Act referred to as the “Board”) which shall be a body corporate with perpetual succession and a common seal, with power to alter and change the same from time to time, and

shall, under that name, be capable of suing and being sued and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding or alienating property, real or personal, and of doing all such acts and things as bodies corporate may by law do or perform.

- (2) The common seal of the Board shall be authenticated by the signatures of the Chairman, or of the person for the time being performing the functions of Chairman, and of one other member of the Board designated by the Board, for such purpose, and any document purporting to be sealed with the seal of the Board and so authenticated shall be admissible in evidence of the particulars stated in that document.
- (3) The Board may use a wafer or rubber stamp in lieu of an embossed seal until such time as an embossed seal is procured by the Board.

4. Composition of the Board

- (1) The Board shall consist of the following members—
 - (a) the public officer for the time being holding, or acting in, the post of Controller of Buildings;
 - (b) an officer in the public service, who is a registered architect or quantity surveyor and a resident of Malawi, appointed by the Minister;
 - (c) two persons appointed by the Minister from a panel of not less than five registered architects nominated by the Malawi Institute of Architects;
 - (d) two persons appointed by the Minister from a panel of not less than five registered quantity surveyors nominated by the Surveyors Institute of Malawi; and
 - (e) one other person appointed by the Minister.
- (2) The Minister may appoint to the Board such other persons, not exceeding three in number, as he deems qualified to assist the Board in its work and deliberations.
- (3) The Minister shall designate from amongst members of the Board two persons both of whom shall be citizens of Malawi to serve as Chairman and Vice-Chairman of the Board.
- (4) Members of the Board shall not by virtue only of their appointment to the Board, be deemed to be officers in the public service.

5. Disqualifications

Any person who—

- (a) is an undischarged bankrupt;
- (b) has been convicted, at any time, of an offence under this Act or under any written law which is repealed or replaced by this Act;
- (c) has, within three years last past, for an offence under any written law, been sentenced to a term of imprisonment of not less than six months save as an alternative to, or in default of, the payment of a fine;
- (d) has been convicted, within six years last past, of an offence involving fraud or dishonesty,

shall be disqualified from being appointed to, or from continuing to hold, office as a member of the Board.

6. Tenure of office of members of the Board and vacancies thereon

- (1) Subject to subsection (4), any person who is appointed a member of the Board in pursuance of [section 4\(1\)](#) (b), (c), (d) or (e) shall hold office for such period not exceeding three years as may be specified in the instrument of his appointment.

- (2) Any retiring member of the Board, other than a member who is disqualified under [section 5](#), shall be eligible for reappointment.
- (3) Upon expiry of the period for which a member is appointed he shall continue to hold office until his successor has been appointed.
- (4) The office of a member of the Board, who is not a member thereof *ex officio*, shall be vacated—
 - (a) upon his death;
 - (b) if he is absent from three consecutive meetings of the Board without the permission of the Board or of the Minister;
 - (c) upon the expiry of one month's notice in writing of his intention to resign given by him to the Minister and to the Board;
 - (d) upon his dismissal from the Board by the Minister by notice in writing;
 - (e) if he becomes mentally or physically unfit, and the Minister is of the opinion that he is no longer, by reason of such unfitness, capable of performing his duties as a member of the Board; and
 - (f) if he becomes disqualified for membership of the Board under [section 5](#).
- (5) An *ex officio* member of the Board shall continue as such for so long as he holds the office by virtue of which membership of the Board is ordained by this Act.

7. Remuneration of members of the Board

Any member of the Board who is not an officer in the public service shall be paid out of the funds of the Board such remuneration and allowances, if any, as may be prescribed.

8. Secretary/ Registrar

- (1) There shall be an officer of the Board designated as the Secretary to the Board who shall be appointed by the Board with the approval of the Minister and on such terms and conditions as the Board shall determine with the approval of the Minister.
- (2) Until a person has been appointed under subsection (1) the Minister may designate an officer in the public service to be the Secretary to the Board.
- (3) The Secretary to the Board shall be the Registrar for all of the purposes of this Act.
- (4) The Secretary shall be the chief executive officer of the Board and as such shall be responsible to the Board for the administration and management of its affairs, and shall be in charge of all administrative, executive and other staff of the Board, and, in all such matters, shall, at all times, be subject to the direction and control of the Board.
- (5) The Secretary shall exercise such powers and perform such duties as the Board may delegate to him in writing from time to time, and in any such delegation the Board may impose such conditions as to the exercise of such powers or the performance of such duties as the Board deemes fit.

9. Other staff of the Board

- (1) In addition to the Secretary the Board may appoint, on such terms and conditions as the Board may determine with the approval of the Minister, such other administrative, executive, or technical staff or other servants or agents as the Board considers necessary for the better administration of the provisions of this Act or the affairs of the Board.
- (2) The Secretary may, with the approval of the Board, employ such temporary or part-time staff as are necessary for the time being efficiently to effect the objects of the Board.

- (3) The Board shall be liable for all salaries and other expenses incurred in relation to persons employed under subsections (1) and (2).

10. Meetings of the Board

- (1) The Board may meet at such places and times as the Chairman may determine and such meetings shall be convened by the Chairman or by the Minister.
- (2) In the absence of the Chairman from any meeting of the Board, the Vice-Chairman shall preside, and in the absence of both the Chairman and the Vice-Chairman from any such meeting the members present, if constituting a quorum, shall elect one of their number to preside at that meeting.
- (3) The Board shall have power to determine its own procedure for the conduct of its meetings.
- (4) Any five members of the Board shall constitute a quorum.
- (5) At any meeting of the Board the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

11. Committees of the Board

- (1) The Board may, with the approval of the Minister, establish one or more committees to carry out any special or general functions determined by the Board and may delegate to any such committee such of the functions of the Board as it may deem expedient.
- (2) The Chairman of the Board shall, by reason of his office, be a member of every committee established pursuant to subsection (1).
- (3) The chairman of each committee established pursuant to subsection (1) shall be appointed by the Board from amongst the members of the Board.
- (4) Each committee may, with the prior approval of the Board or the Chairman, co-opt as members of such committee persons who are not members of the Board and who are not disqualified for such membership, and any of such members so co-opted may or may not be officers in the public service.
- (5) The chairman of any committee may, at any time and at any place, convene a meeting of the committee of which he is chairman.
- (6) The Board or the Chairman may, at any time, direct the chairman of any committee to convene a meeting of such committee and such chairman shall, as soon as is practicable, comply, with such direction.
- (7) Every committee established pursuant to subsection (1) shall keep minutes of its meetings and shall inform the Board of its activities and conduct its proceedings in such manner as the Board may direct.
- (8) The Minister may, in writing, nominate any officer in the public service to attend any meeting or meetings of any committee established pursuant to subsection (1), which officer may take part in the proceedings of any such meetings as if he were a member of such committee, save that he shall not be entitled to vote thereat.
- (9) A member of a committee established pursuant to subsection (1), who is not an officer in the public service shall, in respect of expenses incurred by him in travelling and subsistence while discharging his duties as such member, be paid out of the funds of the Board, such allowances as may be prescribed.

12. Co-opted persons

The Board or any committee of the Board may, in its discretion, at any time and for any length of time invite any person, and the Minister may in like manner nominate any officer in the public service, to

attend any meeting of the Board or of a committee of the Board and to take part in the deliberations thereat, but such person or officer shall not be entitled to vote at that meeting.

13. Minutes of Board and committee meetings

Minutes of every meeting of the Board and of a committee of the Board shall be taken and kept by the Secretary or by such other officer of the Board as the Secretary may designate in that behalf and shall be subject to confirmation by the Board or the committee at the succeeding meeting.

Division B—Powers of the Board

14. Powers of the Board

The Board shall be the sole qualifying and registering authority for the professions of architecture and quantity surveying in Malawi and shall have the following powers—

- (a) to register persons qualified to be registered under this Act;
- (b) to approve universities, institutions, colleges or schools of architecture, or quantity surveying or other educational or training institutions within or outside Malawi, as approved institutions the training at which in architecture or quantity surveying or any branch thereof will be recognized by the Board as acceptable training for the registration of persons under this Act;
- (c) to establish educational standards and qualifications for the professions of architecture and quantity surveying in Malawi;
- (d) to exercise disciplinary control over practitioners in the professions of architecture and quantity surveying in Malawi;
- (e) to purchase, lease, or otherwise acquire any property, real or personal, for or in connexion with the exercise of any of its powers or objects;
- (f) to manage, insure, let, sell, alienate, mortgage or otherwise deal with any property of the Board as it may deem necessary or expedient;
- (g) to receive donations or gifts of moneys or other property from any person or body of persons and, for the furtherance of its objects, to receive such donations or gifts beneficially or as the trustee of any trust established for the furtherance of such objects; and
- (h) to do or perform any act or thing required by this Act to be done or performed by the Board or which the Board considers to be expedient for the purposes of this Act.

15. Power of the Board to make rules

The Board may, with the approval of the Minister, make rules for all or any of the following purposes—

- (a) for the management of the Board, for the holding of meetings of the Board, for the issue of notices calling such meetings, and for the procedure to be followed at such meetings;
- (b) for the definition of unprofessional conduct and for determining the mode of inquiry into and the penalties which may be imposed upon any Architect or Quantity Surveyor found guilty of such conduct;
- (c) for the definition of misconduct and for determining the mode of inquiry into and the method of dealing with such misconduct and the penalties which may be imposed upon any person registered under this Act found guilty of such misconduct;
- (d) for recommending the scale of fees to be charged by persons registered under this Act in respect of professional advice, services rendered and work done, and the Board shall base such scale of fees on the recommendations of the Malawi Institute of Architects or the Surveyors Institute of Malawi;

- (e) for describing the procedure to be followed by persons applying for registration;
- (f) for the maintenance and improvement of the dignity and reputation of the professions of architecture and quantity surveying and the social standing of the practitioners of those professions;
- (g) for prescribing the conditions under which persons registered under this Act may practise as limited liability companies, and for requiring professional indemnity insurance in the case of such companies; and
- (h) for approving examinations authorized or permitted under this Act and for approving any curriculum for education or training in architecture or quantity surveying formulated by the Malawi Institute of Architects or the Surveyors Institute of Malawi.

16. Non-liability of members of the Board

No member of the Board shall be liable for any act or default of his, or of the Board, done in good faith in the exercise or purported exercise of his duties as member of the Board.

Part III – Financial and accounting provisions

17. Funds of the Board

- (1) The funds of the Board shall consist of—
 - (a) such sums as may be payable to the Board from moneys appropriated by Parliament for the purpose;
 - (b) such moneys or other property as may be payable to or vest in the Board whether in the course of the exercise of its powers or functions or otherwise; and
 - (c) such moneys or other property as may be payable to or vest in the Board pursuant to this or any other written law or pursuant to any trust or gift.
- (2) The funds of the Board shall be deposited and held on such accounts as the Minister may approve.

18. Investment of surplus sums

The Board may invest any sums which are not immediately required for its objects in such manner as the Minister may approve.

19. Borrowing powers

Subject to the provisions of section 32 (1) of the Finance and Audit Act, the Board may borrow, either temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its obligations or discharging its functions under this Act.

[Cap. 37:01]

20. Financial year of the Board

The financial year of the Board shall be the period commencing on the date of commencement of this Act and ending on the following 31st March and thereafter it shall be a period of twelve months ending on 31st March every year.

21. Books, accounts, audits and reports

- (1) The Board shall cause to be kept proper books of account and other records in relation to all moneys and other property vested, received or otherwise obtained, and of all moneys expended or other property sold or otherwise disposed of, by the Board.
- (2) The accounts of the Board shall be audited annually by professional auditors appointed by the Board with the approval of the Minister.
- (3) The expenses of, and incidental to, any audit shall be payable out of the funds of the Board.
- (4) The Board shall as soon as is practicable, but not later than six months after the end of each financial year, submit to the Minister an annual report upon its work and operations.
- (5) The report required under subsection (4) shall include a balance sheet, an income and expenditure account and the annual report of the auditors, and shall be laid by the minister before the national assembly pursuant to section 32F of the Finance and Audit Act.

[Cap. 37:01]

Part IV – Registration

22. Registers

- (1) The Board shall, for the purposes of this Act, keep and maintain, in the appropriate prescribed forms—
 - (a) a Register of Architects;
 - (b) a Register of Graduate Architects;
 - (c) a Register of Architectural Technicians;
 - (d) a Register of Quantity Surveyors;
 - (e) a Register of Graduate Quantity Surveyors; and
 - (f) a Register of Quantity Surveying Technicians.
- (2) The Registers shall be in the custody of the Registrar and shall be kept at the offices of the Board, or at such other place in Malawi as the Board may direct.
- (3) The Registrar shall perform such duties in connexion with the Registers as may be prescribed, and, in this regard, shall be under the control of the Board in the performance of such duties.
- (4) A Register shall, at all reasonable times, be open to inspection by—
 - (a) public officers and members of the police force in course of duty;
 - (b) every person registered under the register; and
 - (c) members of the public, upon payment of the prescribed fee.
- (5) Every person registered under this Act shall, before 31st March each year, pay to the Board such annual fee and in such manner as may be prescribed.
- (6) The Registrar shall, once in every year and as soon as may be convenient after 1st April, publish in the *Gazette* the names, addresses, qualifications, dates of registration and other particulars of all persons registered under this Act.

23. Architects and Quantity Surveyors must be registered

- (1) Save where this Act otherwise provides, no person shall engage in the practice of architecture or quantity surveying in Malawi, or hold himself out as being entitled so to do, unless he is registered under this Act.
- (2) Any person who engages in the practice of architecture or quantity surveying in contravention of subsection (1) shall not be entitled to recover in any court any charge or fee in respect of any architectural or quantity surveying work or activity done or performed by him in the course of his practice which constitutes a contravention of subsection (1).

24. Applications to the Board

Every application for registration under this Act shall be made to the Board in the form and manner prescribed and shall be accompanied with the appropriate prescribed fee.

25. Qualification for registration as an Architect

Any person may, upon making application for registration, be registered as an Architect provided that he proves to the satisfaction of the Board that his professional and general conduct has been such as not, in the opinion of the Board, to debar him from registration and that he—

- (a) is a member of the Malawi Institute of Architects or such other institution or society as the Minister may, by notice published in the *Gazette*, declare to be of adequate standing; and
- (b) either—
 - (i) has passed a qualifying examination approved by the Board and has had at least two years' practical training in the work of an Architect to the satisfaction of the Board; or
 - (ii) has satisfied the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of an Architect.

26. Qualifications for registration as a Graduate Architect

- (1) Any person shall be entitled to make application for registration as a Graduate Architect under this Act if he has, in consequence of an examination, obtained from an approved institution a degree or other qualifying certificate which the Board considers acceptable for registration.
- (2) Every Graduate Architect registered pursuant to this section shall be entitled to practise architecture as an Architect in training, by agreement with and under the direction or control of a registered Architect.

27. Qualifications for registration as an Architectural Technician

- (1) Any person shall be entitled to make an application for registration as an Architectural Technician under this Act if—
 - (a) he has passed an examination recognized by the Malawi Institute of Architects or has obtained from an approved institution other qualifications which the Board considers acceptable for registration; and
 - (b) subsequent to his qualifying certificate, has received practical training from approved employment as a technician for a period of not less than two years.
- (2) If the Board is satisfied that the applicant is of good character and is a fit and proper person to be registered and that he has complied with all the requirements of this section, it shall direct the Registrar to register the applicant.

28. Qualifications for registration as a Quantity Surveyor

Any person may, upon making application for registration, be registered as a Quantity Surveyor provided that he proves to the satisfaction of the Board that his professional and general conduct has been such as not, in the opinion of the Board, to debar him from registration and that he—

- (a) is a full member of the Surveyors Institute of Malawi or of such other institution or society as the Minister may, by notice published in the *Gazette*, declare to be of adequate standing; and
- (b) either—
 - (i) has passed a qualifying examination approved by the Board and has had at least two years' practical training in the work of a Quantity Surveyor to the satisfaction of the Board; or
 - (ii) has satisfied the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of a Quantity Surveyor.

29. Qualifications for registration as a Graduate Quantity Surveyor

- (1) Any person shall be entitled to make application for registration as a Graduate Quantity Surveyor under this Act if he has, in consequence of an examination, obtained from an approved institution a degree or other qualifying certification which the Board considers acceptable for registration.
- (2) Every Graduate Quantity Surveyor registered pursuant to this section shall be entitled to practise quantity surveying as a Quantity Surveyor in training, by agreement with and under the direction or control of a registered Quantity Surveyor.

30. Qualification for registration as a Quantity Surveying Technician

- (1) Any person shall be entitled to make an application for registration as a Quantity Surveying Technician under this Act if—
 - (a) he has obtained Part I and Part II technician certificates in quantity surveying from the Polytechnic of Malawi or has obtained from an approved institution other qualifications approved by the Surveyors Institute of Malawi which the Board considers acceptable for registration; and
 - (b) subsequent to his qualifying certificate, has received practical training from approved employment as a technician for a period of not less than two years.
- (2) If the Board is satisfied that the applicant is of good character and is a fit and proper person to be registered and that he has complied with all the relevant requirements of this section, it shall direct the Registrar to register the applicant.

31. Certificate of registration

The Registrar shall issue to every person registered as an Architect, Graduate Architect, Architectural Technician, Quantity Surveyor, Graduate Quantity Surveyor, Quantity Surveying Technician, as the case may be, under this Act, a certificate of registration in the appropriate prescribed form.

32. Correction of Registers

- (1) The Registrar may, with the prior approval of the Board, from time to time, make any necessary alteration or correction in any Register in relation to any entry therein.
- (2) The Registrar shall remove from any Register the name of any deceased person, and shall, when directed by the Board so to do, remove from any Register any entry which has been incorrectly or fraudulently made therein.

- (3) The Registrar may, with the consent, in writing, of the person concerned, remove from any Register the name of any person who has ceased to practise architecture or quantity surveying in Malawi.
- (4) Any name removed from any Register pursuant to subsection (3) shall, at the request in writing of the person concerned, be reinstated by the Registrar.

Part V – Disciplinary provisions

33. Suspension or striking out of Architects or Quantity Surveyors

The Board shall, in its own right or on the recommendation of the Malawi Institute of Architects or the Surveyors Institute of Malawi, as the case may be, have the right to reprimand or suspend any Architect or Quantity Surveyor or strike out of the register the name of any such person who shall have been found by the Board to have been guilty of unprofessional conduct as defined by Rules made under [section 15](#).

34. Suspension or striking out of Graduate Architects, Architectural Technicians, Graduate Quantity Surveyors or Quantity Surveying Technicians

The Board shall, in its own right or on the recommendation of the Malawi Institute of Architects or the Surveyors Institute of Malawi, as the case may be, have the right to reprimand or suspend any person registered under this Act as a Graduate Architect, an Architectural Technician, a Graduate Quantity Surveyor or a Quantity Surveying Technician or strike out of the register the name of any such person who shall have been found by the Board to have been guilty of misconduct as defined by Rules made under [section 15](#).

Part VI – Offences

35. Unlawful practice of architecture or quantity surveying

Save where this Act otherwise provides, any person who is not registered under this Act, and who in Malawi—

- (a) engages, or purports to engage, in the practice of architecture or quantity surveying;
- (b) holds himself out as being entitled to engage in the practice of architecture or quantity surveying;
- (c) does or performs, or purports to do or perform, any act or thing which, under this Act may be done or performed exclusively by a person registered under this Act,

shall be guilty of an offence and liable to a fine of K5,000 and to imprisonment for a term of one year.

36. Unlawful use of descriptions

Any person who, in relation to himself or to any business which he owns, manages or controls, assumes or uses, in Malawi—

- (a) the title or description of “Architect”;
- (b) the title or description of “Graduate Architect”;
- (c) the title or description of “Architectural Technician”;
- (d) the title or description of “Quantity Surveyor”;
- (e) the title or description of “Graduate Quantity Surveyor”;
- (f) the title or description of “Quantity Surveying Technician”, or any abbreviation of any such title or description, without being registered as such under this Act, shall be guilty of an offence and liable to a fine of K5,000 and to imprisonment for a term of one year.

37. Unlawful employment of non-registered person

- (1) Any person who, without the prior consent of the Board—
 - (a) employs any person not registered under this Act to do or perform; or
 - (b) during the course of his employment of any person not registered under this Act, requires such person to do or perform,

any prescribed architectural or quantity surveying work or activity shall be guilty of an offence and liable to a fine of K5,000 and imprisonment for a term of one year.
- (2) Any person not registered under this Act, who, while in the employment of any other person, knowingly, in the course of such employment, does or performs any prescribed architectural or quantity surveying work or activity shall be guilty of an offence and liable to a fine of K2,500 and to imprisonment for a term of six months.

38. Fraudulent entries and copies

Any person who knowingly or fraudulently makes, or causes, or permits to be made—

- (a) any false or incorrect entry in any Register; or
- (b) any false or incorrect copy of any entry in any Register, shall be guilty of an offence and liable to a fine of K2,500 and to imprisonment for a term of six months.

Part VII – Miscellaneous

39. Use of title

- (1) Any person registered as an Architect under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Architect.
- (2) Any person registered as a Graduate Architect under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Graduate Architect.
- (3) Any person registered as an Architectural Technician under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Architectural Technician.
- (4) Any person registered as a Quantity Surveyor under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Quantity Surveyor.
- (5) Any person registered as a Graduate Quantity Surveyor under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Graduate Quantity Surveyor.
- (6) Any person registered as Quantity Surveying Technician under this Act shall, by virtue of such registration, be entitled to take and use the title and description of Quantity Surveying Technician.
- (7) Any person registered under this Act shall not take, or use, or affix to, or use in connexion with his business office or premises, any title in addition to that under which he is registered under this Act, other than as indicated by the particulars relating to his qualifications entered in the relevant Register.
- (8) The Board may approve abbreviations of titles and descriptions recognized under this Act and persons registered under any category shall be entitled to use the abbreviation of that category approved by the Board.

40. Execution of certificates and other documents

No certificate or other document which is required by law, or under the terms or conditions of any contract, to be signed by a duly qualified architect or quantity surveyor, shall, if so signed in Malawi, be valid unless signed by a person duly registered, and competent to sign such certificate or other document, under this Act.

41. Regulations

The Minister may, from time to time, by Regulations, made by notice in the *Gazette*, prescribe anything which by the provisions of this Act may be prescribed and in respect of which no other prescribing authority is specified, and may, in like manner, from time to time, make Regulations for the better carrying out of this Act, and without prejudice to the generality of the foregoing, such Regulations may make provision for—

- (a) the forms of the registers required to be maintained by the Board under this Act;
- (b) the forms of application, notices, licences, certificates and other documents required for the purposes of this Act;
- (c) the forms of books and records to be kept for the purposes of this Act;
- (d) the allowances to be paid to members of the Board and to members of committees of the Board in respect of honorarium or travelling expenses and subsistence;
- (e) the fees to be paid to the Board on any application for registration as an Architect, Graduate Architect, Architectural Technician, Quantity Surveyor, Graduate Quantity Surveyor and Quantity Surveying Technician;
- (f) the fees to be paid upon the issue of any certificate of registration, or of any certified copy thereof or any entry in any Register maintained pursuant to this Act; and
- (g) annual fees payable to the Board by Architects, Graduate Architects, Architectural Technicians, Quantity Surveyors, Graduate Quantity Surveyors and Quantity Surveying Technicians.

42. Appeals

Any person aggrieved by any decision of the Board may appeal to the Minister, whose decision in the matter shall be final and shall not be subject to appeal to, or review or question by any court of law and the Minister shall not be required to assign any reasons therefor.

43. Repeal of Cap. 53:02 and savings

- (1) The Architects and Quantity Surveyors Act is hereby repealed.
- (2) Any subsidiary legislation made under the Architects and Quantity Surveyors Act in force immediately before the commencement of this Act—
 - (a) shall remain in force unless in conflict with this Act and be deemed to be subsidiary legislation made under this Act; and
 - (b) may be replaced, amended or repealed by subsidiary legislation made under this Act.