

No. S 18

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

**ARCHITECTS, PROFESSIONAL ENGINEERS AND
QUANTITY SURVEYORS (AMENDMENT) ORDER, 2019**

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement
 2. Amendment of section 1 of S 33/2011
 3. Amendment of section 4
 4. Amendment of section 6
 5. Insertion of new Part VIIA
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QUANTITY SURVEYORS (AMENDMENT) ORDER, 2019

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Architects, Professional Engineers and Quantity Surveyors (Amendment) Order, 2019 and shall be deemed to have commenced on the same date as the Architects, Professional Engineers and Quantity Surveyors Order, 2011 (S 33/2011).

Amendment of section 1 of S 33/2011

2. Section 1 of the Architects, Professional Engineers and Quantity Surveyors Order, 2011, in this Order referred to as the principal Order, is amended, in subsection (2) —

(a) by deleting “and quantity surveyors” from the third line and by substituting “, quantity surveyors and building draughtsmen” therefor;

(b) by deleting “and quantity surveyors” from the fourth and fifth lines and by substituting “, quantity surveyors and building draughtsmen” therefor.

Amendment of section 4

3. Section 4 of the principal Order is amended, in subsection (5), by deleting “3 years” and by substituting “not more than 3 years” therefor.

Amendment of section 6

4. Section 6 of the principal Order is amended, in paragraph *(e)*, by inserting “, or charged by building draughtsmen for services,” immediately after “services”.

Insertion of new Part VII

5. The principal Order is amended by inserting the following new Part immediately after section 50 —

“PART VIII

SPECIAL PROVISIONS RELATING TO BUILDING DRAUGHTSMEN

Interpretation for this Part

50A. In this Part —

“certificate of registration” means the certificate of registration issued under section 50E;

“register” means the register of building draughtsmen referred to in section 50C(1);

“registered building draughtsman” means a building draughtsman who has been issued with a certificate of registration under this Part.

Illegal practice of unregistered building draughtsmen

50B. (1) No person shall, unless he is a registered building draughtsman —

(a) practice or carry on business as a building draughtsman;

(b) use verbally or otherwise —

(i) the word “building draughtsman” or any other derivatives in connection with his business designation;

(ii) any word, name or designation that might lead to the belief that he is a registered building draughtsman;

(c) use or display any sign, board, card or other device representing or implying that he is a registered building draughtsman;

(d) advertise or hold himself out or conduct himself in any way or by any means as a person who is authorised to supply services; or

(e) be entitled to recover in any court any charge, fee or remuneration for any services rendered.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction —

(a) in respect of a first offence, to a fine not exceeding \$10,000; and

(b) in respect of a second or subsequent offence, to a fine not exceeding \$20,000, imprisonment for a term not exceeding one year or both.

Register of building draughtsmen

50C. (1) For the purposes of this Part, the Board shall keep and maintain at its office a register of building draughtsmen in which shall be entered all the names of building draughtsmen registered under this Part, the business addresses, the qualifications by virtue of which they are so registered and such other particulars as the Board may determine.

(2) The Registrar shall —

(a) as soon as practicable after 1st January each year, prepare and publish in the *Gazette* a list containing the names, qualifications and addresses of all registered building draughtsmen;

(b) publish in the *Gazette* the names, qualifications and addresses of registered building draughtsmen removed from or reinstated into the register of building draughtsmen.

Application of registration

50D. (1) A building draughtsman who has been registered with, and been issued with a certificate of registration by, the Board before 1st February 2016, may apply for registration under this Part and continue to practice as a registered building draughtsman.

(2) The application for registration shall be made to the Board in such form and manner as the Board may determine.

Certificate of registration

50E. (1) The Registrar shall, on payment of a fee of \$150, issue to any applicant whose application has been approved by the Board, a certificate of registration.

(2) The certificate of registration shall, subject to this Part and such other conditions as the Board may determine, expire on the 31st December of the year in which it is issued and shall thereafter be renewable upon payment of a fee of \$100.

Notification of change of address of registered building draughtsmen

50F. Any change to the business address shall be notified by the registered building draughtsman to the Registrar within 2 weeks of such change.

Restrictions on registered building draughtsmen

50G. (1) A registered building draughtsman shall, notwithstanding the provisions of any written law to the contrary, be entitled to submit plans of

buildings to the building authority in accordance with the restrictions specified in subsection (4) or such other restrictions as the Board thinks fit to impose.

(2) No person who is employed by a body corporate, partnership, limited liability partnership, building contractor, manufacturer or firm shall be entitled to be registered under this Part.

(3) No registered building draughtsman shall practise under the name of a body corporate, partnership and limited liability partnership.

(4) Subject to subsection (1), the registered building draughtsman shall be entitled to submit to a building authority for approval of any plans of buildings for residence not exceeding two-storeys in height provided that the total built-up floor area does not exceed 300 square metres in any one or series of project in the same development by the same client.

Disciplinary proceedings and removal from register

50H. (1) The Board may appoint an Investigation Committee comprising —

- (a) a chairman who is a member of the Board;
- (b) a registered building draughtsman; and
- (c) an allied professional or a layman,

to investigate into any misconduct or complaint made against a registered building draughtsman.

(2) Sections 36, 37, 41, 42, 44 to 50 shall, with the necessary modifications, apply to the disciplinary proceedings of a registered building draughtsman.

(3) For the purposes of applying sections 36, 37, 41, 42, 44 to 50, a reference in those provisions to registered architect, registered professional engineer or registered quantity surveyor shall be treated as a reference to a registered building draughtsman.

(4) For the purposes of applying section 42(2), a Disciplinary Committee for any complaint against a registered building draughtsman shall comprise —

- (a) a registered architect who is a member of the Board; and
- (b) two registered building draughtsmen of at least 5 years standing.

(5) For the purposes of applying section 47(2)(b), a reference to a period of not more than 2 years shall be treated as a reference to such period as the Board may determine.

Reinstatement into register of building draughtsmen

50I. (1) A registered building draughtsman whose name has been removed from the register pursuant to this Order shall, if his appeal to the Minister is allowed, be forthwith reinstated without payment of any fee, and the Registrar shall issue a certificate of registration to him.

(2) A registered building draughtsman whose name has been removed from the register pursuant to this Order and who has not appealed against that order or whose appeal has been dismissed may after the expiration of not less than 3 years from the date of the order of cancellation or from the date of the decision of the appeal apply for reinstatement.

(3) The Board shall, on receipt of satisfactory evidence of proper reasons for his reinstatement and on reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to the cancellation of his registration and on payment of a fee of \$100, issue a certificate of registration to him.

Certificate of registration to be returned

50J. A registered building draughtsman whose name has been removed from the register pursuant to this Order shall, within 14 days after notification to him by registered post of the removal, surrender to the Board the certificate of registration issued to him under this Part.”.

Made this 16th. day of Syawal, 1440 Hijriah corresponding to the 19th. day of June, 2019 at Our Istana Nurul Iman, Bandar Seri Begawan.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.**