

CHAPTER 438

THE QUANTITY SURVEYORS ACT

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CHAPTER 438

QUANTITY SURVEYORS

*Act No.
37 of 1995*

An Act to establish a Quantity Surveyors Registration Board; to provide for the registration of quantity surveyors and to provide for matters connected with or incidental to the foregoing.

[29th December, 1995]

PART I

PRELIMINARY

1. This Act may be cited as the Quantity Surveyors Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"Board" means the Board established by section *three*;

"Chairman" means the Chairman appointed under section *eleven*;

"committee" means a committee of the Board;

"foreign firm" means a firm in which the majority of the partners are non-Zambian;

"Institute" means the Surveyors Institute of Zambia registered under the Cap. 119 Societies Act;

"member" means a member of the Board or a committee;

"registered quantity surveyor" means a person registered as a quantity surveyor under this Act;

"Registrar" means the Registrar appointed under section *fourteen*; and

"Vice-Chairman" means the Vice-Chairman elected under section *eleven*.

PART II

QUANTITY SURVEYORS REGISTRATION BOARD

3. There is hereby established a Quantity Surveyors Registration Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the provisions of this Act to do all such acts and things as a body corporate may by law do or perform. Establishment of Board

4. (1) The seal of the Board shall be such device as the Board may determine and shall be kept by the Registrar. Seal of Board

(2) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Registrar or one other member authorised in that behalf by a resolution of the Board.

(3) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be executed or issued, as the case may be, by the Board without further proof, unless the contrary is proved.

5. The functions of the Board shall be to- Functions of Board

(a) maintain and improve the status of quantity surveyors in Zambia; and

(b) consider allegations of conduct contrary to the profession of a quantity surveyor.

6. (1) The Board shall be composed of the following members: Composition of Board

(a) three registered quantity surveyors employed by the Government;

(b) three registered quantity surveyors in private practice;

(c) two registered quantity surveyors employed by a contractor; and

(d) a representative of the Attorney-General, who shall be nominated by the Attorney-General.

(2) In this section "contractor" means a company which, or an individual who, carries out the construction of structures such as buildings, bridges, roads and such other similar infrastructures.

7. The members of the Board except the member referred to in paragraph (d) of subsection (1) of section six, shall be nominated by the Appointment of members of Board

Institute and shall be appointed by the Minister.

8. (1) A member shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for further period of three years. Tenure of office

(2) A member may resign from the Board upon giving one month's notice, in writing, to the Minister.

(3) The office of a member shall become vacant-

(a) upon the member's death;

(b) if the member is absent without reasonable excuse from three consecutive meetings of the Board of which the member has had notice;

(c) on ceasing to be a registered quantity surveyor; or

(d) if he is declared bankrupt.

9. A member shall be paid such remuneration or allowances as the Board may determine. Remuneration and allowances

10. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure. Proceedings of Board

(2) The Board may invite any person whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Board, but such person shall have no vote.

(3) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(4) The Board shall cause to be kept minutes of the proceedings of

every meeting of the Board and of every committee established by the Board.

11. (1) There shall be a Chairman who shall be appointed by the Minister from amongst the members.

Chairman and
Vice-Chairman

(2) There shall be a Vice-Chairman who shall be elected by the Board from amongst its members.

(3) The Board shall meet for the transaction of business at least four times in any calendar year at such places and times as the Chairman may determine.

(4) A meeting of the Board may be called by the Chairman upon giving notice of not less than fourteen days and shall be so called if not less than three members of the Board so request, in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called, upon giving shorter notice.

(5) Five members shall form a quorum at any meeting of the Board.

(6) There shall preside at any meeting of the Board-

(a) the Chairman; or

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of both the Chairman and Vice-Chairman, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(7) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

12. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to any committee established such of its functions as it considers fit. Committees of Board

(2) The Board may appoint as members of a Committee established under subsection (1), persons who are, or are not, members of the Board and such persons shall hold office for such period as the Board may determine.

(3) Subject to any specific or general direction of the Board, any committee established under subsection (1), may regulate its own procedure.

13. (1) If any person is present at a meeting of the Board or a committee at which any matter is the subject of consideration and in which matter that person or his spouse is directly or indirectly interested in a private capacity, he shall as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching the matter. Disclosure of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which the disclosure is made.

PART III

REGISTRATION OF QUANTITY SURVEYORS

14. There shall be a Registrar of Quantity Surveyors who shall be appointed by the Board. Registrar

15. (1) An application for registration as a quantity surveyor shall be submitted to the Registrar in the prescribed form. Application for registration as a quantity surveyor

(2) On receipt of an application under subsection (1) the Registrar may, within thirty days, carry out any investigation, or require any

further information to be submitted to him, as he considers necessary.

(3) An application for registration as a quantity surveyor shall be accompanied by-

(a) a registration fee; and

(b) a certificate of the relevant academic qualifications.

(4) A foreign firm may operate in Zambia if it is registered by the Board, in joint venture with a Zambian quantity surveying firm.

16. The Board shall issue a person with a certificate of registration as a quantity surveyor. Issue of certificate

17. (1) The Registrar shall keep a register in which the name of a person who registers his name under section *fifteen* shall be entered. Register

(2) The register referred to in subsection (1) shall show against the name of the person whose name is entered in it such particulars as the Board considers necessary, and the Board shall enter in the register all changes in relation to those particulars.

18. (1) A person shall not be registered as a quantity surveyor unless he- Qualification for registration as a quantity surveyor

(a) is at the date of his application for registration, resident in Zambia;

(b) has attained the age of twenty-one years; and

(c) holds a Bachelor of Science Degree in quantity surveying, building economics and measurement or other equivalent qualifications approved by the Board; or

(d) has completed at least five years of a professional course from a university recognised by the Commonwealth Association of Surveying and Land Economy (CASLE).

(2) in addition to the qualifications referred to in subsection (1), a person shall-

(a) have completed two years of post graduate practical experience in full-time employment under the supervision of a registered quantity surveyor, one year of which shall be in private practice or Government employment and has been keeping a diary on a day-to-day basis on the person's work which diary shall be signed by the supervising registered quantity surveyor; or

(b) hold qualifications equivalent to those in paragraph (c) of subsection (1), have had not less than three years' working experience as a quantity surveyor outside Zambia, and have worked for a period of not less than twelve months in Zambia under the supervision of a registered quantity surveyor in private practice or Government.

(3) Where a firm is registered by the Board, that firm shall file with the registrar, a memorandum of practice signed by all the partners stating-

(a) the names and qualifications of each partner;

(b) the nationality of partners;

(c) the name of the firm; and

(d) the address of the registered office, the postal address, the telephone and facsimile number of the firm.

19. The Board shall issue a certificate of registration to every person registered under this Act.

Certificate of registration

20. Every person registered under this Act shall be entitled to use the title "registered quantity surveyor" or the abbreviation "RQS" after his name.

Effect of registration

21. (1) A person who is not registered under this Act shall not be entitled to use the title "registered quantity surveyor" or hold himself out as a registered quantity surveyor.

Effect of non-registration

(2) A person who contravenes subsection (1) shall be guilty of an

offence and shall be liable, upon conviction, to a fine not exceeding fifty thousand penalty units.

22. Where a registered quantity surveyor changes his address, he shall immediately inform the Registrar, in writing, of that change. Change of address

23. Every registered quantity surveyor shall on or before the 1st July each year pay such annual subscription as the Board may determine. Annual subscription

PART IV

DISCIPLINARY PROCEEDINGS

24. A registered quantity surveyor who conducts himself in a manner contrary to his profession, or engages in any occupation which is consistent with his profession shall be liable to reprimand, suspension or expulsion. Reprimand, suspension or expulsion

25. (1) Where the Registrar finds that a registered quantity surveyor has conducted himself in a manner contrary to his profession, the Registrar shall prefer that charge against that registered quantity surveyor and shall sign the charge. Procedure before reprimand, suspension or expulsion

(2) The Registrar shall immediately after signing the charge referred to in subsection (1), lay the charge before the Board.

(3) The Board shall examine the charge and if, in its opinion, there is a *prima facie* case against the registered quantity surveyor concerned, it shall send a copy of the charge, by registered post to the registered quantity surveyor concerned and shall require him to answer to the charge.

(4) The registered quantity surveyor referred to in subsection (3) shall appear in person or through a legal practitioner before the Board.

(5) Where a registered quantity surveyor who is required to appear

before the Board fails to do so, or if the Board is not satisfied with his answer to the charge, the Board may order that the registered quantity surveyor concerned be-

- (a) reprimanded;
- (b) suspended for such period as the Board may determine; or
- (c) expelled.

(6) The Board shall not order a reprimand, suspension or expulsion unless it is made by a decision of not less than four members of the Board present at a meeting of the Board.

26. A registered quantity surveyor whose address is unknown to the Registrar or whose annual subscription is at least one year in arrear, shall be deemed to have ceased to be a registered quantity surveyor and-

Circumstances when registered quantity surveyor deemed to have ceased to be registered quantity surveyor

- (a) his name shall be cancelled from the Register; and
- (b) his certificate of registration shall be cancelled immediately.

27. (1) The Board may de-register a registered quantity surveyor if that quantity surveyor is found guilty of an offence under this Act.

De-registration of quantity surveyors

(2) A registered quantity surveyor who is de-registered under subsection (1) shall not be re-registered as a quantity surveyor except after the expiration of a period of not less than three years.

28. Any registered quantity surveyor who is suspended, resigns or whose name is cancelled, from the register shall upon demand from the Board, immediately surrender his certificate of registration to the Board and the Board shall, in the case of a person who-

Surrender of certificate

- (a) is suspended, retain his certificate during the period of suspension of that person; or
- (b) resigns, or whose name is cancelled or ordered to be cancelled from the register, cancel that person's certificate.

29. (1) Any person aggrieved with a decision of the Board may within 90 days appeal to the Minister. Appeals

(2) If after appealing to the Minister a person is aggrieved with the decision of the Minister, he may appeal to the High Court.

PART V

GENERAL

30. The Minister may, by statutory instrument and on the recommendation of the Board, make Regulations for all or any of the following purposes- Regulations

- (a) the determination of conduct which is contrary to the profession of a quantity surveyor and the determination of methods of inquiry into, and dealing with, such conduct and the penalty which may be imposed where a member is found guilty of each conduct;
- (b) the determination of the scale of fees to be charged by quantity surveyors for professional services rendered;
- (c) prescribing fees to be paid for registration and the annual subscriptions to be paid by registered quantity surveyors; and
- (d) the suspension and de-registration of quantity surveyors.