



ARCHITECTS ASSOCIATION OF BOTSWANA CONSTITUTION – (2017 Edition)

CONSTITUTION OF THE ARCHITECTS ASSOCIATION OF BOTSWANA (AS AMENDED – 2017)



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PREAMBLE

Now therefore, and because of a need to nurture and develop the Profession and Practice of Architecture in Botswana, the architects of the Republic of Botswana, in exercise of their right to association and freedom of choice and in keeping to the laws of Botswana governing voluntary associations, have joined together to establish, by virtue of this constitution, the ARCHITECTS' ASSOCIATION OF BOTSWANA.

1. NAME

The name of the Society shall be the Architects' Association of Botswana, and is hereinafter referred to as the Association.

2. INTERPRETATION

2.1. The following words and expressions shall have the following meanings: -

- a) "Association" shall mean the Architects' Association of Botswana.
- b) "Constitution" shall mean this document.
- c) "Executive Committee" shall mean the governing body of the Association appointed in terms of this Constitution.
- d) Words signifying the singular shall include plural or vice versa and words signifying the masculine shall include the feminine unless they appear specifically or otherwise from the context.
- e) "Member" shall mean a member (of any category) of the Association.
- f) The "Profession" shall mean the architectural profession.

3. OBJECTS

- a) To promote the advancement of and to facilitate the acquisition of knowledge in the profession of Architecture.
- b) To promote the general interests of the profession and to encourage Botswana to enter the profession.
- c) To maintain good relations with other professional bodies in Botswana and with similar professional bodies in other countries.
- d) To promote excellence in the built environment and architecture; preservation of cultural heritage, appropriate and sustainable technologies, life-long learning and research.

4. LOCATION

The headquarters of the Association shall be in Gaborone or any such place as the Annual General Meeting may from time to time determine. The current head office of the Association is at Unit 3, Plot 334, Kgosi Road, Extension 5, Gaborone this however shall not preclude the formation of other branches of the Association situated in the country.

5. MANAGEMENT

- 5.1. The affairs of the Association shall be managed by a governing body called the "Executive Committee".
- 5.2. The Executive Committee who shall all be full members of the Association shall comprise the following officers who shall be elected for a two (2) year terms at each alternate AGM:

The President
Vice-President
Secretary
Treasurer

and not more than four (4) additional members, one of whom shall be the immediate outgoing President. Office bearers must have been members of the Association for at least one (1) year to be eligible for election. Should a Branch be formed, its members shall be entitled to nominate one (1) further member to be a member of the Executive committee as their representative every two (2) years.

- 5.3 The Executive Committee shall meet regularly and at least six (6) times a year, the quorum at such meetings shall not be less than half the members of the Executive Committee. The Executive Committee meetings shall be chaired by the President and in his or her absence, by the Vice-President

The Executive Committee shall have the power, on behalf of the Association to:

- a) acquire property both movable and immovable.
- b) lease and rent any property on such terms as they shall see fit.
- c) open an account at any bank, savings bank or building society operating in Botswana, effect any payment into such account or withdraw any sum therefrom.
- d) set the amount of, and ensure that the annual subscription for the various classes of members are fully paid, and that other returns, pertaining to member or class of members, are made.
- e) appoint such representatives as they shall deem fit to represent the Association at any professional or social event/activity in Botswana or abroad.
- f) have legal capacity sue or be sued in its own.
- g) appoint employees, either permanent or temporary, for such duties and at such remuneration as it may deem necessary.
- h) The Executive Committee shall make such regulations and form such sub-committees as it may deem necessary for good management of the Association, in the furtherance of the objects, thereof, and in accordance with

the constitution, provided that all such regulations shall be ratified by a simple majority of the members present at the next Annual General Meeting. No further action shall be taken under a regulation which is not ratified provided an alternative is adopted at the A.G.M., but no power will exist to revoke actions taken in good faith by the Executive Committee under an un-ratified regulation.

6. DUTIES

6.1. President:

- a) shall chair all general or Executive Committee or Member Practice Sub-Committee meetings, at which he is present.
- b) shall call annual, extraordinary, Executive Committee or corporate member practice meetings at appropriate times and intervals
- c) shall conduct such meetings in a proper and orderly manner, within the level of responsibility delegated to such meetings.
- d) shall ensure that an auditor is appointed every year.
- e) shall be one of the four members nominated by the AAB for membership of the Architects Registration Council.

6.2 Vice President:

- a) shall act as President in all meetings at which the President is not present
and
- b) shall assume such duties as may from time to time be assigned to him/her by the President and/or Executive Committee.

6.3 Secretary:

- a) shall draw up minutes of the proceedings of all General and Executive Committee meetings of the Association.
- b) keep all the records of the Association which contain therein:
 - i) the names and address of each member and corporate practice member, and the class of membership held
 - ii) such other particulars as the Executive Committee may require and
 - iii) shall be the sole custodian of the records of the Association and keep such records in an orderly manner.

- c) shall be responsible for the collection of all mail and for tabling same at Executive Committee meetings and shall expeditiously carry out any correspondence entrusted to him by the Executive Committee.

6.4 Treasurer:

- a) shall keep proper books of accounts of the Association.
- b) Shall effect or accept any payments.
- c) Shall give full valid discharge for any debt and sign any receipts thereto.
- d) Shall pay into the Association's Bank account as soon as possible all monies entrusted to him / her on behalf of the Association save and except where he/she is authorised by the Executive Committee to keep such monies as petty cash.
- e) Shall along with the auditors appointed by the Association at a proper AGM, prepare the Association's annual accounts at least one month before the AGM each year and at such other time as the Executive Committee may require.
- f) Shall prepare and circulate at the AGM each year for ratification by the members, a budget for the forthcoming year-outlining anticipated revenue and expenditure.
- g) shall, in conjunction with the President and Secretary or other officer authorised by him / her, sign all cheques for the Association's bank account.

6.5 Additional Members:

shall perform all such duties assigned to them by the Executive Committee and or by the President

7. MEMBERSHIP

7.1 The membership of the Association shall consist of the following:

- a) Full Member (Architect)
- b) Associate Member (Architect)
- c) Associate Member (Architectural Technologist)
- d) Associate Member (Architectural Draftsperson)
- e) Candidate Member (Architectural Technologist)
- f) Candidate Member (Architectural Draftsperson)
- g) Student Member
- h) Retired Member
- i) An Honorary Member

- a) **A Full Member** shall be admitted into the Association by the Executive Committee of the Association upon being proposed and seconded by two full members and shall possess one of the following qualifications:

either

- i) normally have passed the final examination at the end of a minimum five (5) Academic years full time study in Architecture as may from time to time be approved by the Executive Committee, and have at least three years approved post qualification practical experience in the profession, at least two of which shall have been in Botswana.

or

- i) hold the professional qualification of such recognised professional institute or body as may be approved by the Executive Committee from time to time and with the same level of experience as required in item (i) above.

The Executive Committee may from time to time draw up regulations which amplify the above. The normal criteria for the acceptability of an exam or a professional qualification shall be their conferring in the country of obtaining such exam or qualification, the ability to practice as an Architect and to obtain Registration as an Architect (where such Registration exists). Such regulations may also stipulate what constitutes approved practice and means of recording same and method of submission to the Executive Committee.

The Executive Committee may at its discretion delegate a sub-committee the task of establishing the eligibility, and the class, of membership of an applicant, and of approving an Associate's practical experience. The Executive Committee shall not without good cause fail to ratify the decision of such a subcommittee. All applications for membership, or upgrading of class of membership, must be decided and replied to within 3 months of receipt of such application. Such membership subcommittee shall comprise a maximum of five members at least two of whom shall be members of the Executive Committee.

- b) **An Associate Member (Architect)** shall be admitted by the Executive committee into the Association upon being proposed and seconded by two full members and shall be a person who has passed an examination or holds a qualification referred to above, who is in the process of acquiring the approved practical experience therein referred to. An Associate will have the right to apply to become a full member upon registration with the Architects' Registration Council (ARC).
- c) **An Associate Member (Architectural Technologist)** shall be admitted into the Association by the Executive committee upon being proposed and seconded by two full members and shall be a person who has registered with the ARC.
- d) **An Associate Member (Architectural Draftsperson)** shall be admitted into the Association by the Executive committee upon being proposed and seconded by two full members and shall be a person who has registered with the ARC.
- e) **A Candidate Member (Architectural Technologist)** shall be admitted into the Association by the Executive committee upon being proposed and seconded by two full members and shall be a person who is in the process of registering with the ARC.

- f) **A Candidate Member (Architectural Draftsperson)** shall be admitted into the Association by the Executive committee upon being proposed and seconded by two full members and shall be a person who is in the process of registering with the ARC.
- g) **A student Member** shall be admitted into the Association by the Executive Committee upon application to the Secretary and shall be a person following approved training to become an architect.
- h) **A Retired Member:**
- i) shall be a member who has formally retired from practice but who wishes to continue his connection with the Association.
 - ii) shall attain such status, on production to the Executive committee of satisfactory proof that he has retired from practice.
 - iii) shall pay one-half of the current annual subscription for the class of membership he held before retirement or such less amount as the Executive Committee may deem fit in the circumstances of each specific case. He shall continue to hold the rights and privileges of the class of membership he enjoyed immediately before retiring.
- i) **Honorary Membership:**
- i) Membership shall be by the invitation of the Executive Committee after obtaining prior approval by ballot of the full members of the Association.
 - ii) May take part in all activities and General Meetings and make use of all facilities provided by the Association except those which the Executive Committee considers are privy to full members of the Association.
 - iii) Shall possess no right to voting or intervening in the affairs of the Association and shall not be liable to pay any subscriptions to the Association.
- j) **Resignation**
- A member shall cease to become a member upon death or resignation. Any member wishing to resign from the Association shall submit his resignation to the secretary. The resignation shall take effect fourteen (14) Calendar days from the date of receipt by the Secretary of such notice. In the case of a member of the Executive Committee two months' notice shall be required so as to facilitate a smooth hand-over to the new Executive Committee member and to answer any queries which may arise. The President is entitled to co-opt another member on to the Executive Committee in the event of a committee member's resignation. Upon resignation, the exiting member shall pay all subscriptions which may be due to the Association at the time of resignation.
- k) **Subscriptions**
- i) Subscriptions are payable annually
 - ii) any person who resigns or is removed from membership shall not be entitled to a refund of his subscription, or any part thereof, or any monies contributed by him at any time.

l) **Formation And Operation Of Subcommittees**

The Executive committee will support the formation and operation of subcommittees for members of a particular class of membership. Minutes of such meetings shall be sent to the secretary who shall table matters raised by such a subcommittee at the following Executive Committee meeting.

8. Corporate Practice Membership

- a) The Executive Committee shall from time to time draw up the regulations setting out the requirements to become and remain a Corporate Practice Member, in general, a firm of architects who satisfy the following criteria:
- i) The majority of partners (or directors in a limited liability company) shall be full members of the Association.
 - ii) The firm shall provide the Executive Committee with evidence of its financial integrity, whether by practising as an unlimited partnership or company with sufficient assets, or under limited liability with sufficient Professional Indemnity Insurance and Cover and Financial Standing as the Executive Committee shall deem necessary, or a combination of the two.
 - iii) Shall pay such annual subscription as the Executive Committee shall decide
- will be eligible for election by the Executive Committee as a corporate practice member of the Association. Membership will be subject to renewal every two years
- b) Each Corporate Practice member shall nominate one person as delegate to attend on its behalf, meetings of the Corporate Practices Member Subcommittee (CPMSC) of the AAB. Meetings of the CPMSC shall be held at the Chairman's discretion or within two weeks of him receiving a request for such a meeting signed by three delegates. Such meetings shall be chaired by the Association President and shall appoint its own secretary to prepare and distribute minutes, and shall be attended by the delegates plus up to two additional members of (and nominated by) the Executive committee who shall not have a vote at these meetings.
- c) The quorum of such a meeting shall be 60% of the member practices. A simple majority shall carry all decisions; the Chairman shall hold a casting vote. Such decisions as are taken will, subject to the same AGM ratification as an Executive Committee Regulation, be binding on all member practices and on individual members and will be circulated to all full and associate members within one month of a decision, under the title "Decision of the Corporate Practice Member Subcommittee", numbered and dated.
- d) Meetings of the CPMSC shall be convened to consider and decide such items as conditions of engagement, and other meetings may give a mandate to the chairman and one delegate to present them in any meeting or negotiation with another body.

- e) Corporate Practice Members shall be entitled to use the seal of the Association and the designation "Corporate Practice Member of the Architects' Association of Botswana" on their stationery and on their site notice boards.
- f) The President may defer an item raised at an CPMSC meeting to the following meeting of the Executive Committee for their opinion on the CPMSC's rights to decide on such a matter and the Executive Committee's decision on such rights will be final and binding on the CPMSC.

9. DESIGNATION

A full member shall be entitled to use after his name the initials M.A.A.B.

10. ANNUAL GENERAL MEETINGS

- a) The Annual General Meeting of the Association shall be held, unless extraordinary circumstances prevent, in the first quarter of each year on such date and at such place as the Executive Committee shall appoint. Reports by the President and Treasurer shall be presented at the Annual General Meeting. The financial year shall start from 01st January and end on 31st of December.
- b) The annual general meeting shall be convened by notices addressed by the Secretary to all Members and posted not less than twenty-One (21) calendar days prior to the date thereof; such notice shall include an Agenda for the meeting, and a copy of the Annual Accounts.
- c) The quorum for an Annual General Meeting shall be 51% of the full member's resident in Botswana including at least two-thirds of the members of the Executive Committee.
- d) If the meeting, be it executive, annual general, extraordinary general or ordinary, be adjourned for whatever reason members present at the time of such adjournment shall decide on the venue, time and date of the resumption of such and the Secretary shall then accordingly make arrangements for such a resumption and inform members who were not present at the time of adjournment.
- e) Any purchase or spending in excess of 75% of funds currently by the Association by the Executive Committee shall first be authorized by a two thirds majority at a general meeting or an Extraordinary General Meeting

f) Electoral Officer

An electoral officer shall be chosen at any elective annual general meeting.

- i) He shall at all times be the sole person responsible for conducting elections.
 - ii) He shall run the Association's affairs after the dissolution of the Executive Committee during the elections.
- g) The business of the Annual General Meeting shall be to receive, deliberate upon and accept the report of the Executive Committee and the audited Annual Accounts, to elect the officers and member of the Executive Committee, (when due), to elect an Auditor and to deliberate and vote on such motions as the Executive Committee shall have included or been asked to include in the Agenda sent out with the convening notice.

- h) Any member wishing to put down a motion for discussion at the Annual Meeting shall submit it in writing to the secretary at least 7 (Seven) calendar days before the date of the Annual General Meeting; provided, however, that nothing in this clause shall prevent a member present at an Annual General Meeting from proposing during the course of the Meeting an amendment to any motion included in the Agenda or duly notified as set out above to the secretary.
- i) A motion of no confidence against a member of a subcommittee, the Appellant Body or the Executive Committee, or against a Subcommittee, the Appellant Body or the Executive Committee may be brought in accordance with this constitution. In the event of such a motion being successful, the affected party shall undertake a proper hand-over to his successor or a designated body within fourteen (14) calendar days.
- j) Voting shall be by secret ballot. Only fully subscribed or paid up members shall participate in any vote. In case of a tie in votes, the person presiding shall have a casting vote.

k) Proxy Voting at General Meetings

When a Full Member or Associate is representing another by proxy, he shall have in his possession at the Meeting a written statement signed by the Full Member or Associate not Present. The written statement shall contain;

- a) the name of the Full Member or Associate to whom the proxy vote is given;
 - b) the date and place of the meeting;
 - c) the resolution upon which a proxy vote is given.
 - d) whether the proxy vote is to be affirmative, negative or discretionary
- l) There shall be a position reserved for at least one women in the Executive Committee with the ultimate aim of attaining gender balance and parity in the association.

11. EXTRAORDINARY GENERAL MEETINGS

- a) Extraordinary General Meetings shall be held at such times and places as the Executive Committee may decide, either when requested to do so by one quarter (1/4) of the Full and Associate members Resident in Botswana, in writing, or upon their own discretion, but so that any such meeting is held within thirty five Calendar days of the receipt of such a request or the reaching of such a decision.
- b) Any notice by one-quarter (1/4) of Full and Associate Members in Botswana requesting an Extraordinary General Meeting shall set out in full, the motion which they intend to put to such meetings.
- c) The Secretary shall convene an Extraordinary General Meeting by notice, in writing to all members. The convening notice shall give twenty-one (21) calendar days' notice and shall include an agenda for the meeting, which shall set out any motion which is to be put to the meeting.
- d) A quorum shall be as for an Annual General Meeting, as shall be the voting procedures.

12. ORDINARY MEETINGS

Ordinary meetings, for social and/or cultural purposes may be called from time to time by the secretary on the decision of the Executive Committee. Ordinary Meetings shall be convened by notice, in writing, to all members. Members may invite guests to attend ordinary meetings.

13. AUDITOR

- a) Shall be a member of the Accountant's Institute of Botswana (BICA) who has been appointed at an Annual General Meeting to audit the Association's books.
- b) After auditing of the said books the auditor will present his report and opinion to the Executive Committee.

14. ANNUAL SUBSCRIPTIONS

- a) All Members shall pay annual subscriptions when due to the Association, at amounts for the various categories of membership which shall be fixed by the Executive Committee from time to time, to be ratified by a majority of members present at the AGM.
- b) A member whose subscription is two (2) consecutive years in arrears shall cease to be a member of the Association, provided that he shall be sent a reminder by registered mail after three months by the Treasurer. The Executive Committee shall prescribe a re-joining fee and penalty on default subscriptions.
- c) A member admitted to the Association after the 1st January in any year shall not be liable to pay an annual subscription for the period up to the following AGM.
- d) The Executive Committee may fix entrance subscriptions which shall be payable upon admission to membership of the Association and transfer subscription which shall be payable upon a member being admitted to a different class of membership.
- e) Corporate Practice Members shall pay an annual subscription as set by the Executive Committee. Item (b) above shall apply as regards late payment. No power shall exist for the Executive Committee to waive payment in respect of Corporate Practice Member.

15. DEEDS

Every deed, act or Document relating to the Association shall be signed by the President and the Secretary.

16. BRANCHES

Branches of the Association in different parts of Botswana may be formed subject to the approval of the Executive Committee, who may issue regulations governing the powers and responsibilities of such branches.

17. PROFESSIONAL CONDUCT

All members shall conform to the Rules of Professional Conduct which the Executive Committee may from time to time make by regulation.. These Regulations shall be published and sent to a new member on approval of their membership application. The Association fully ascribes to the Architect's Registration Councils Code of Professional Conduct and Ethics reproduced under article 24 below

18. DISCIPLINE

The Executive Committee shall have the power to caution, reprimand or expel from the Association any Member or Corporate Practice Member who, in the reasonable opinion

of the Executive Committee, is found to have contravened rules of professional conduct as so stated or such binding decisions as may have been enacted at a meeting of the CPMSC. . Provided that the Executive Committee shall, before exercising their powers under this subsection, notify the member or corporate practice member concerned in writing, by registered letter, of the complaint, and they shall be asked if they wish to submit a written or verbal explanation to the Executive Committee until the expiry of this period of sixty calendar days. The powers of the Executive Committee under this subsection can only be exercised by the unanimous decision of a quorum or two-thirds majority of the Executive Committee Members in attendance whichever shall be the greater after hearing/considering both the complaint, and the members explanation and the relevant regulation or decision of the CPMSC .

19. APPELLATE BODY

- a) There shall be elected at the Annual General Meeting an Appellate Body of three (3). Preferably Retired, Members otherwise Full Members who are not in the Executive Committee.
- b) It shall be independent of the Executive Committee and shall have the power to co-opt up to two non-members of the Association.
- c) It shall elect from amongst its members a Chairman and a Secretary.
- d) It shall hear appeals arising out of decisions taken under Membership and Discipline which appeals shall be lodged in writing within thirty (30) calendar days after receipt, in writing, of such decisions.
- e) Before considering an appeal as described in above, the appellate body shall request a written statement from the Executive Committee as to reasons for its decision. The appellate body shall consider such statement, the basis of the appeal and the relevant section of the constitution before reaching its decision, which shall be binding.

20. AFFILIATION

The Association may affiliate itself to any local or international body which in the opinion of the Executive Committee would assist to fulfil its Objectives. Such affiliation shall be sought by the Executive Committee subject to ratification by simple majority (51%) at an AGM or EGM (section 14 and 15 of this constitution) before reaching its decision which shall be binding.

21. SEAL OF THE ASSOCIATION

The seal of the Association consists of circle with the name "ARCHITECTS ASSOCIATION OF BOTSWANA" arranged concentrically to that circle, with a quadratic graphic image constructed of triangles, some shaded and others unshaded. The Executive Committee shall be the custodian of the Seal of the Association.

22. AMENDMENT OF CONSTITUTION

No amendment shall be made to this Constitution except by two-thirds (2/3) majority of the Full Members present or represented by proxy at an Annual or Extraordinary General Meeting and shall be subject to approval by the Registrar of Societies.

23. DISSOLUTION

- a) The Association shall only be dissolved at an Extraordinary General Meeting called for that purpose at which three quarters of the votes cast are in favour of a resolution to

this effect. If no quorum is obtained, the proposal to dissolve the Association shall be submitted to a further Extraordinary General Meeting which shall be held one month later at which the quorum shall be the members present. Notice in writing of this meeting shall be posted to all members of the Association at least twenty one (21) calendar days before the date of the meeting.

- b) The dissolution shall be subject to the laws at that time.
- c) When the dissolution of the Association has been effected in accordance with the law and this constitution, no further action shall be taken by the Executive Committee in connection with the aims of the Association other than to notify the trustees of known existing assets and liabilities of the Association. Any cash in hand shall be paid to the trustees.
- d) In the event of dissolution, the bank in which the Association's monies are deposited; the Association's Auditor's and a Legal entity approved by the Law Society of Botswana; shall act as trustees and liquidator and shall wind up the affairs of the Association in accordance with the law, any residual assets should be kept in trust account by the trustees for a period of sixty (60) months, if at the expiry of the said period a similar professional body shall have been registered in law the accrued residual assets shall be donated to it. If on the other hand, no such similar professional body shall have been registered in law at the expiry of the said period the accrued residual assets shall be donated to a charitable organisation of repute.

24. CODE OF ETHICS AND RULES OF PROFESSIONAL CONDUCT OF THE ARCHITECTS' ASSOCIATION OF BOTSWANA

The Architect's Association of Botswana as fully ascribes to the Code of Professional Conduct and Ethics of the Architectural Profession as Published by the Architects' Registration Council (ARC). All Members of the Association are bound by this code copied hereunder and its subsequent amendments:

Standards

3.1 Standard 1 -Honesty, Sincerity and Integrity:

- 3.1.1 *A Registered Person shall, at all times, carry out his or her duties with honesty and integrity and shall avoid any actions or situations which contradict their professional obligations.*
- 3.1.2 *A Registered person shall declare all business interests to a Client. Where conflict of interest arises, such conflict shall be disclosed, to the Client, in writing. Provision of services shall only continue after written acknowledgement from the client has been received confirming that, notwithstanding such potential conflict, the Work of an Architect may, never-the-less, proceed*
- 3.1.3 *A Registered Person shall not make any statement which he or she knows to be misleading, u n f a i r to other professionals or that can bring disrepute to the profession of architecture;*
- 3.1.4 *Where a Registered Person makes or receives any payment or other inducement for the introduction or referral of work, he/she shall disclose the arrangement to the Client in writing.*

3.2 Standard Two - Diligence:

- 3.2.1 A Registered Person shall carry out their work conscientiously, with skill and care and in accordance with the terms of their agreement with the Client;
- 3.2.2 A Registered Person shall, when acting for parties or giving advice, exercise impartial, Independent, ethical and professional judgment;
- 3.2.3 A Registered Person shall keep their Client promptly informed of the progress of work and of any issue which may significantly change its quality, cost or cause delay;
- 3.2.4 A Registered Person shall carry out his or her professional work without undue delay and, so far as is reasonably practicable, in accordance with any timescale and cost limits agreed with his or her Client;
- 3.2.5 Should it be necessary for a Registered Person to act as both Professional and Contractor or supplier of materials or manufacturer in relation to their Client, it shall be the obligation of such person to inform his or her Client of the need for an independent assessment of their Work, services or goods provided

3.3 Standard Three - Proficiency and Transparency:

- 3.3.1 A Registered Person is expected to be competent in his or her duties. Should others be engaged to carry out the duties on behalf of a Registered Person, it shall be ensured that such other persons are competent, adequately supervised and remain the responsibility to the Registered Person;
- 3.3.2 A Registered Person shall avail proof of registration by the Council to a Client, cause the details of his or her registration to be captured in the client/architect agreement and avail a copy of the Code for Client's information and awareness as well as enabling the Client to refer a complaint to the Council should the conduct or competence of such Registered Person fall short of the standards in this Code;
- 3.3.3 A Registered Person who has been issued with a practising certificate, and wishes to offer services to the public by performing the Work of Architect or by being in charge of its procurement or management, shall append his or her name and registration number on all contract documents, design and technical documentation of such project for which he or she is in charge;
- 3.3.4 Only standard contract documents and Client/architects agreements sanctioned, but not necessarily authored, by the Council may be used by a Registered Person. There shall be a written agreement, generated by a Registered Person, which adequately and clearly covers the duties and obligations of both parties to the services contract;
- 3.3.5 A Registered Person shall keep his or her knowledge and skills relevant to their professional work up to date and be aware of the content of any guidelines or requirements issued by the Council, from time to time, on Continuing Professional Development or conditions of engagement;

- 3.3.6 *It shall be the responsibility of a Registered Person to have effective systems in place to ensure that their practice is run professionally and that projects are regularly monitored and reviewed;*
- 3.3.7 *It shall be the responsibility of a Registered Person to make appropriate arrangements for their professional duties in the event of incapacity, death, absence from, or inability to carry on with their duties;*
- 3.3.8 *A Registered Person shall ensure that he or she is able to provide adequate professional, financial and technical resources when entering into a contract and throughout its duration, and hereby acknowledges the right of the Council to carry-out an inspection, at any time, to verify the adequacy of such resources;*
- 3.3.9 *A Registered Persons shall safeguard all Clients' confidential information;*
- 3.3.10 *Where a Registered Person is a principal in a practice and where the Work of an Architect is sub-contracted, he or she shall ensure that the name of the sub-contracted party is made known to the Client, in writing, prior to work being commenced by the that sub-contracted party;*

3.4 Standard Four - Trustworthiness:

- 3.4.1 *A Registered Person is expected to keep proper records of all money held by them which belongs to a Client or other third party, and to account for it at all times in an account which is separate from any personal or business account;*
- 3.4.2 *Unless otherwise agreed to by the Client, the Registered Person shall arrange for any interest (or other benefit) accruing from a Client account to be promptly paid to the Client;*
- 3.4.3 *A Registered Person shall not accept a bribe, commission, discount or gift as an inducement to show favour to a particular person, body service or product.*

3.5 Standard Five - Adequacy of Insurance Cover:

- 3.5.1 *A Registered Person shall maintain, throughout the duration of the contract and as may be required by the Council, adequate and appropriate insurance cover for him or herself, his or her practice and employees. Such insurance shall be adequate to meet a claim, whenever it is arises;*
- 3.5.2 *A Registered Person shall maintain, throughout the duration of the contract and as may be required by the Council, adequate and appropriate insurance cover for him or herself, his or her practice and employees. Such insurance shall be adequate to meet a claim, whenever it is arises;*
- 3.5.3 *Should a Registered Person be engaged as an employee, it shall be necessary on the part of such employee to ensure that insurance cover and/or other appropriate indemnity arrangements are adequately provided by their employer;*
- 3.5.4 *A Registered Person shall provide evidence that the requirements for insurance have been met as expected of them in such form, manner and to the extent the Council may require*

3.6 Standard Six - Safeguarding the Profession:

- 3.6.1 A Registered Person shall ensure that their professional finances are managed responsibly;
- 3.6.2 Where a Registered Person is, knowingly or otherwise, in a position where they have fallen short of the Code such circumstance shall immediately be made known to the Council. The Registered Person shall promptly notify the Council where they:
1. are convicted of a criminal offence;
 2. are made the subject of a court order disqualifying them from acting as a company director;
 3. Have failed to pay a judgment debt;
 4. Are made the subject of a bankruptcy court order or declaration;
- 3.6.3 Notification to the Council shall not be limited to the list above and shall cover any circumstances that may compromise the position of a Registered Person to offer services to the public.

3.7 Standard Seven - Non-discrimination:

A Registered Person should treat everyone fairly and in line with the law. There shall be no discrimination on the basis of disability, age, gender, sexual orientation, health, ethnicity or any other inappropriate consideration.;

3.8 Standard Eight - Being Prompt and Procedural:

- 3.8.1 A Registered Person shall have a written procedure for prompt and methodical handling of complaints;
- 3.8.2 Where appropriate and unless expressly stated in a contract, a Registered Person shall encourage alternative methods of dispute resolution, such as mediation or conciliation.

3.9 Standard Nine - Compliance with Regulatory Instruments of Botswana and Internationally:

- 3.9.1 A Registered Person is expected to co-operate fully and promptly with the Council and within its specified timescales;
- 3.9.2 A Registered Person shall notify the Council promptly and in writing of any changes in the details held about them on the Register, including his or her address and telephone numbers;

Where there is no code of conduct and ethics of the profession in a foreign country, a Registered Person shall be bound by the provisions of this Code.

3.10 Standard Ten - Responsibility and Integrity in the Promotional and Competitive Environment

- 3.10.1 A Registered Person may only promote their professional services in a truthful and in a manner that does not exaggerate his or her capacities, capabilities or expertise;

- 3.10.2 Advertising and promotion of a Registered Person's professional services shall be restricted to the name of the practice and services offered that are factually verifiable and ensure that achievements are not overstated and cannot be confused with that of another practice in or outside the country;
- 3.10.3 Whilst the Registered Person's primary responsibility is to his or her clients, he or she should take into account the environmental impact of their professional activities;
- 3.10.4 A Registered Person shall ensure that the commissioning of work related to existing projects has been formerly concluded with any previously appointed Registered Person and it shall be his or her duty to inform such previously appointed parties prior to taking up such appointment;
- 3.10.5 A Registered Person shall only take part in competitive design or bidding processes that are Clear, fair and transparent;
- 3.10.6 A Registered Person shall, at all times, comply with the Standard Design Competition Procedural Guidelines published by the Council and shall promptly notify the Council where such competition rules are in contravention of Council's guidelines
- 3.10.7 A Registered Person shall not accept a commission to review another Architect's work without first informing the architect in writing. Such review of work shall be limited to whether or not the Work of an Architect is fit for purpose and not to any subjective opinion.