

LEGAL FRAMEWORK AND PRACTICE

NIA – INQS

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PRESENTATION BY W. DEWULF

Workshop summary



- The Act : NCAQS
- Regulations
- Institutes : NIA and INQS
- Practice – legal requirements
- Practice – practical requirements
- Practice – other requirements
- Other agreements

The Act : NCAQS

- Architects' and Quantity Surveyors' Act 1979
- brought into force on 1 January 1980
- section 13(1)(b) brought into force on 2 May 1983
- Sections : definitions (1), council matters (2-10), registration (11-12), reservation of work (13), improper conduct (14), disciplinary (15-17), regulations (18)
- Architects' and Quantity Surveyors' Amendment Act 1992
- proclaimed by Parliament
- draft Act under discussion

Regulations

- Administrator-general (currently Minister of Works & Transport) regulation 91 of 1981 .
- also referred to as code of conduct
- further implementation of law = legal requirement
- Sections : definitions (1), council meetings (2), register (3), code of conduct (4-5), enquiry (6) and punishments (7).
- other documents: Schedules, Directives

- all published in Government Gazette - updates

Institutes: NIA and INQS



- Constitution of NIA
 - ▣ Definitions, name, legal status, objects and powers, membership, president, board, members' assembly, winding up
- Constitution of INQS
 - ▣ Name, legal status, definitions, objects and powers, ethics, membership, board, finance, general, winding up
- Other documents : By-laws, Practice notes, Instructions

Practice – legal requirements

- Name of practice (approval by NCAQS)
- Legal form of practice (approval by NCAQS)
 - Sole proprietor
 - Partnership
 - ?? Incorporated
- Official letterhead (approval by NCAQS)
 - Name practice & practice number
 - Office of practice : physical, postal
 - Contact details : tel, fax, cell, mail
 - Principal members : qualification, designation
- Enrolment with Institute (NIA/INQS)

Practice – practical requirements

□ Basic requirements

□ Qualification : Professional Indemnity

PI insurance is designed for professionals who provide advice and/or services to their customers. It protects you/your practice against legal costs and claims by third parties for damages arising from acts, omissions or breaches of professional duty

□ Office : certificate of fitness (municipality)

□ Inland Revenue : value added tax (VAT), income tax

□ Social Security Commission : MSD fund, EC fund, Development fund

□ Practice management

□ HR: structure, organisation, records, office manual, contracts, remuneration

□ admin: filing system, drawings, documents

□ equipment : furniture, IT, library

□ finance : regular overheads, cost planning, staff, fee accounts

Practice – other requirements



- Design
 - regulations, norms, standards
 - Copyright
- Procedures, duties
 - PROCAP
 - duties between different consultants
- Public relations
 - ethics, publicity, media, marketing, publications

Other agreements



- between client and consultant
 - Appointment letter, Client/ Architect agreement
- between consultants
 - Subconsultant agreement
- between Employer and Contractor
 - White form, Blue form, FIDIC, JBCC, GCC
- between Contractor and subcontractors