



LEGAL FRAMEWORK AND PRACTICE

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Workshop summary



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

The Act



- ❑ 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 of Namibia, published in Government Gazette
- ❑ draft Act under discussion

Regulations

- Administrator-general (now changed to Minister) 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 (updated in 2018)
 - ▣ Name, legal status, definitions, objects and powers, ethics, membership, board, finance, general, winding up
- Other documents : By-laws, Practice notes, Instructions

Practice – legal requirements

- Enrolment – at NIA/INQS
- Registration – with NCAQS
- Name of practice - approval by NCAQS – 4(1)(ee)/5(1)(bb)
- Legal form of practice – approval by NCAQS – 4(1)(aa)/5(1)(x)
 - Sole proprietor
 - Partnership
 - ?? Incorporated
- Official letterhead – approval by NCAQS – 4(1)(dd)/5(1)(aa)
 - Name practice & practice number
 - Office of practice : physical, postal
 - Contact details : tel, fax, cell, mail
 - Principal members : qualification, designation

Practice – practical requirements

□ Basic requirements

- Office [rule 4(1)(gg) & (hh)] : certificate of fitness (municipality)
- 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

- 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, municipality (municipal regulations, by-laws etc)
 - 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, subconsultant agreement
- between employer and contractor
 - ▣ White form, Blue form, JBCC, GCC, FIDIC