

## **Annexure-A**

### **PAKISTAN COUNCIL OF ARCHITECTS AND TOWN PLANNERS**

#### **LICENSING OF FIRMS (REVISED)**

107. The Licensing of Architectural/Town Planning firms under Clause (n) of Section 8 of the Ordinance shall be carried out in accordance with the following bye laws namely: -

1. The term “**FIRM**” used in these byelaws mean any person, partnership, corporate body or any other legal entity which independently performs study, prepares reports, makes design, supervises project implementation, construction or similar advisory activities in the respective architectural/ town planning discipline and is licensed as such by the Council.
  2. “**Regulations**” means the regulations framed by the Council for the conduct and practice of architecture and town planning firms.
  3. “**Bio-Data**” means the professional qualifications and experience of the technical staff working with the firm and their particular status in the firm.
  4. “**Allied Professions**” means all such professions directly or indirectly related or associated to the performance of professional architectural works and professional town planning works.
  5. “**Board of Assessors**” means the team or group of three persons (Two Architects and one Town Planner) appointed by the Chairman PCATP. Each member of this Board must have at least fifteen years’ professional experience
  6. “**Portfolio**” means the The details and value of works executed/ongoing by the firm.
  7. “**Foreign firm**” means the enterprise incorporated or registered as a consulting architect/town planner outside Pakistan.
  8. “**Project**” means the architecture/planning and allied works described in the scope of professional services to be rendered by the firm for the employer;
- 8 A “**Licensed Architect**” means any person registered with PCATP before 31st Dec. 2019 and PCATP registered members after 31st Dec. 2019, who has passed the Architects

Licensing Examination, is allowed to independently undertake professional architectural work as per PCATP Ordinance 1983 or similar advisory activities in the architectural discipline and is licensed as such by the council.

8.B **“Registered Planner”** means any person registered with PCATP is allowed to independently undertake professional planning work as per PCATP Ordinance 1983 or similar advisory activities in the planning discipline and is registered as such by the Council.

8C **"Copyright"** means the exclusive right to reproduce the work. As per Clause 13a of the Pakistan Copyright Ordinance 1962, the copyrights of all documents prepared for a project will rest with the firm that created those documents. Moreover, if two or more architects/planners worked together to create the plans/documents, then the copyright will be owned jointly by them.

9. **“Category”** means the type of registration required by the firm. The licensing of firms will be offered in “A-5”, “A-4”, “A-3”, "A-2” and “A-1” for architecture firms and "P-5", "P-4", "P-3", "P-2" and "P-1" for town planning firms, as defined below:

#### **9. A ARCHITECTURE FIRMS**

- i. **Category “A-5”**; Principal Architect should have minimum TWO years of good standing as PCATP licensed Architect.
- ii. **Category “A-4”**; Principal Architect should have minimum FIVE years of good standing as PCATP licensed Architect and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.
- iii. **Category “A-3”**; Principal Architect should have minimum SEVEN years of good standing as PCATP licensed Architect with independent practice in the field of Architecture and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.
- iv. **Category "A-2”**; Principal Architect should have minimum TEN years of good standing as PCATP licensed Architect with independent practice independent practice in the field of Architecture and having valid National Tax Number (NTN) in the name

of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.

- v. **Category "A-1"**; Principal Architect should have minimum FIFTEEN years of good standing as PCATP licensed Architect with independent practice in the field of Architecture and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.

#### **9. B TOWN PLANNING FIRM**

- i. **Category "P-5"**; Principal Planner should have minimum TWO years of good standing as PCATP registered planner.
- ii. **Category "P-4"**; Principal Planner should have minimum FIVE years of good standing as PCATP registered Planner and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.
- iii. **Category "P-3"**; Principal Planner should have minimum SEVEN years of good standing as PCATP registered Planner with independent practice in the field of Planning and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.
- iv. **Category "P-2"**; Principal Planner should have minimum TEN years of good standing as PCATP registered Planner with independent practice in the field of Planning and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.
- v. **Category "P-1"**; Principal Planner should have minimum FIFTEEN years of good standing as PCATP registered planner with independent practice in the field of Planning and having valid National Tax Number (NTN) in the name of Firm as well as Account Maintenance Certificate from a scheduled bank in the name of the Firm.

10. Provided that such categories shall not apply to participation in OPEN design competition organized by the Council.

108. To be eligible for consideration as a partner or share-holder or proprietor of a firm, an architect or a town planner must have his name borne on the register of the Council and must have a minimum of two years' experience after acquiring such qualification which are approved by the

Council for the purpose of registration as an architect or a town planner. In case, his name is not registered with Council, he/she will have to get the same registered with the Council and attain the experience as defined in section 107 (1) above to become eligible to apply for his/her firm for registration.

109. The partners/share-holders/proprietors of the firms licensed must have a valid Personal National Tax Number Certificate and CNIC.
110. All partners or shareholders of a firm belonging to allied professions must have a valid registration with their respective statutory bodies/councils.
111. The applicant firm must submit an affidavit stating that the information contained in the application form is true in all respect and the details, if any, about any actions taken by their Council regarding breach of the code of professional conduct of the respective council against or any of its partners, share-holders or proprietors.
112. All rules and regulation of the Council shall be Applicable on the firms licensed by this Council.
113. All consulting architectural and town planning services in Pakistan shall been entrusted to consultancies duly registered as such with the Council. All Architectural and Town Planning Firms operating in Pakistan will get themselves registered with the Council by 30th June 2021, after which Registration of Firms (including Proprietorship concerns) shall be mandatory.
114. The owners and employees of a firm shall continue to acquire the latest knowledge of discipline through continuing professional development as prescribed by the Council.
115. The share holdings of partners/ shareholders of a firm to be eligible for registration shall be as follows:
  - 1) In case of architectural firms at least **Sixty percent** of a firms' ownership and profit share must belong to PCATP licensed architect of the firm.
  - 2) In case of a town planning firm at least **Sixty percent** of a firms' ownership and profit share must belong to PCATP registered town planner of the firm.
116. The remaining shares of all firms as defined in Bye law 115, above can be held by members of the allied professions only.
117. All rules and regulations as imposed by Local, Provincial or Federal authorities shall be applicable upon proprietors, partners or shareholders of a firm individually and upon the firm severally.

118. When employing Architects/Town Planners or allied professionals in their firms, they must ensure that only such persons are employed whose names are borne in the Register of the Council. As long as such employees remain employed with the firm, it shall be the responsibility of the licensed firm for ensuring that such employees continue to be registered with their respective council/s.
119. The licensed provided to a firm shall not exempt the proprietors, partners, shareholders and employees (as enumerated above) from keeping their individual registrations updated with their respective council/s.
120. Provided that these conditions shall not apply to companies or partnerships in which the Government has any shares or interest, to the extent of such shares or interest, to the extent of such shares or interest, and any share or interest which is not owned by the Government must be owned by PCATP licensed architects or registered town planners. Provided that the head of the entity/head of the department to be a registered architect or a town planner, and the managing director can belong to any profession.
121. On the demise of the sole proprietor of a firm or his becoming incapable of rendering professional service due to incapacitation and circumstances beyond his control, his successors may be permitted to complete on-going projects only, but such permission shall not exceed the time required to complete the on-going projects.
122. The Managing partner of a partnership firm and the chief executive of a firm shall be a PCATP licensed architect/registered town planner with the requisite professional experience in the category of firm in their respective discipline and the majority partners of a partnership firm and majority directors and executives shall be a licensed architect/registered town planner with a minimum professional experience as per the requirement of the Category registration with PCATP in their respective discipline.
123. The sole proprietor of a proprietor-ship concern and at least seventy-five per cent of all partners of a partnership firm, and all directors, including the chief executive of a private limited company shall work solely in the respective consulting architectural/town planning profession. He/She shall not work as a CEO/Sole proprietor, Managing partner of any other Architecture/Town planning firm.
124. Any change in the constitution of the firm shall meet the above requirements at all times, except for a reorganization period which in the case of the demise of a partner shall not exceed the completion period of projects committed and in hand.

125. Licensed architect's/ registered town planners employed in Government service or public organizations may undertake private practice through firm after procuring a permission letter from their respective organizations/departments.
126. All Foreign firms registered with SECP, must comply with rules and regulations applicable to PCATP registered Pakistani firms. However, foreign firms not registered with SECP;
- i. shall get themselves registered as a firm for specified projects which need expertise and specialized knowledge not available with Pakistani firm;
  - ii. shall join as an associate or in joint venture with a PCATP licensed Pakistani firm and in such an association or joint venture, the services to be rendered by the foreign firm shall be as per requirements laid down by the State Bank of Pakistan (SBP).
  - iii. Provided that this clause shall not apply to foreign firms who pay a visit to Pakistan under transfer of technology agreements on short assignments for which prior approval of Council for specified project thereof is obtained by the employer concerned by payment of required registration fee.
127. For licensing in accordance with these bye-laws and subsequent annual renewals, the firm shall submit application to the Council on the prescribed form. The application for renewal shall be submitted to the Council from the 1st day of December of every year based on firm's status as on 30th of November of the same year.
- The Council, after scrutinizing the application and obtaining any further information or clarifications from the firm as it may deem necessary, may register or renew the license of the firm for the following year or refuse license's renewal if the information supplied by the firm, in the opinion of the Council, does not meet the requirements of these bye-laws.
128. A firm shall inform the Council of any event taking place following it's' license registration or renewal thereof which render him ineligible for continuation of license registration in accordance with these bye-laws. On receipt of such information, the Council may decide to continue the validity of the license until the date of next renewal or suspend or cancel the license as it may deem fit.
129. Any infringement of these bye-laws by a firm shall render it liable to punitive action by the Council as it may deem fit. Such action may amount to suspension for a period of time or de-registering of the firm.
130. Submission of information to the Council by a firm which is found to be false or intentionally misrepresented shall be considered as misconduct and such a firm shall be liable to be punished in accordance with the provision of the Ordinance.

131. Any person who practices the profession of consulting architect/town planner in Pakistan without valid license granted by the Council through examination and any person who abets or helps such unauthorized practice or any person or organization who infringes or helps in the infringement of these bye-laws shall be liable to be punished in accordance with the provision of the Ordinance.
132. As per PCATP Code of Professional Conduct, no licensed architect/registered town planner shall conduct itself in a manner, nor act in any capacity, nor hold any appointment, which, in the opinion of the Council, prejudices it self's position.
133. As per PCATP Code of Professional Conduct, every firm shall be responsible to the Council for the professional conduct of any person, firm or body with whom he/she is associated by partnership or otherwise in connection with his/her practice and on receipt of an intimation from the Council that the person with whom he/she is associated is acting in a manner which would disqualify him/her from practicing as a firm, he/she shall forthwith terminate his/her connection with such person, firm or body.
134. As per PCATP Code of Professional Conduct, every firm shall act in all professional matters strictly in a fiduciary capacity with regard to any employer for whom he/she may act and his/her charges to such employer shall constitute his/her only remuneration in connection with such work.
135. As per PCATP Code of Professional Conduct, no firm shall give or accept any trade commission, discount, allowance or indirect profit in connection with any professional work on which he/she is engaged.
136. As per PCATP Code of Professional Conduct, no firm shall receive directly or indirectly any royalty gratuity or commission on any patented or protected article of process used on or for the purpose of the work in respect of which he/she is acting for an employer unless and until such royalty, gratuity or commission has been notified in writing to that employee.
137. As per PCATP Code of Professional Conduct, a firm shall not act so as to injure or attempt to injure, whether directly or indirectly, the professional reputation, prospects or business of another firm provided that this clause shall not be taken as prohibiting expression of technical opinion in good faith without malice on behalf of his employer before a tribunal or in a commissioned report or of lodging a fully substantiated complaint against the professional conduct of another firm to the Council.

138. As per PCATP Code of Professional Conduct, a firm shall not, directly or indirectly, attempt to supplant another firm, nor shall it intervene or attempt to intervene in or in connection with professional work of any kind which to its knowledge has already been entrusted to another firm.
139. As per PCATP Code of Professional Conduct, no firm shall knowingly accept professional work in connection with which another firm has been appointed to act, except in collaboration with, or with the consent of, such firm, unless it has been normally notified in writing by the employer:
- 1) of the termination of the services of the previous firm, or
  - 2) of its appointment as a general or review firm, and it has informed in writing the existing firm and the Council of such acceptance.
140. As per PCATP Code of Professional Conduct, a firm shall avoid all acts or practices likely to discredit the dignity or honor of the profession and for that purpose it shall not advertise its professional services in a manner derogatory to the dignity of the profession but it may utilize the following means of identification: -
- 1) Professional cards and listing in recognized technical journals/publications, classified section of the telephone directories;
  - 2) sign boards at the site of its office or projects for which it renders services;
  - 3) Brochures, business cards, letter heads and other factual representations of experience, facilities, personnel and capacity to render services.
141. Two or more consultancies partially or wholly owned or directed by common individuals, regardless of the extent of their shares or interest, are not eligible to offer or compete for the same project. Only one such firm shall be eligible to offer its services for a project:
- Provided that such consulting firms may be permitted to form a joint venture to offer services as one venture.
142. A firm shall not seek selection by an employer purely on the basis of competitive bidding of professional charges.
143. No firm may team up or form a consortium with a construction company or process or equipment contractor, except in cases where an employer may invite turnkey proposal for a project, or where a construction company employs a firm for exclusive consulting services either internally or jointly towards a third party against a clearly defined remuneration for services to be rendered with no interest in the commercial or business interests of the construction company.



144. The firm and its employer shall use the standard definitions and any other such terms as and when introduced, amended or revised by the Council from time to time.
145. As per Clause 13a of The Copyright Ordinance 1962, the copy-right of all documents prepared for a project rest with the firm unless otherwise stipulated in the agreement between the employer and the firm.
146. The firm shall have the right, subject to the employer's approval, which shall not be withheld unduly, to publish descriptive articles with or without illustrations, relevant to the references either on its own account or in conjunction with other parties concerned.
147. The firm is liable for the consequence of errors and omissions on its part or on the part of its employees in so far as the design of a project is concerned to the extent and with the limitations mentioned in this bye-law.
148. If the employer suffers any losses or damages as a result of proven faults, errors or omissions in the design of a project, the firm shall make good such losses or damages, subject to the condition that the maximum liability as aforesaid shall not exceed the total remuneration of the firm for the design phase in accordance with the terms of the agreement between the firm and the employer.
149. Deleted.
150. Deleted.
151. Deleted.
152. No firm or client shall make offer of employment to employees of each other and if it is approached by employees of firm or client regarding employment with her, it shall make certain that it has the consent of firm or client before entering into any negotiations with such employees.
- Provided that no such negotiations shall take place in respect of the project in which the firm and the client are already working together.
153. The firm has no liability whatsoever for any part of the project not designed by it or under its' responsibility. Furthermore, the firm has no liability whatsoever for any costs for which the liability rests with the contractor or the supplier.
154. No firm shall engage any person, who is a paid employee of another firm, to perform any part-time work in its offices or to perform any piece of work or work on contract, unless and until it has obtained permission in writing of the firm who is the employer of such person.

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156. Deleted.