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The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

SRI LANKA INSTITUTE OF ARCHITECTS

Regulations of the Sri Lanka Institute of Architects

REPEALING of the existing Regulations made under Sections 6.2.3(3), 6.4.2, 6.4.4, in the *Gazette Extraordinary* No. 2041/18 of 17th October 2017, and the substitution thereof of new Regulations 6.2.3(3), 6.4.2(1), 6.4.2(2), 6.4.2(3), 6.4.2(4), 6.4.2(5) and renumbering of Section 7.9 as 7.10 and insertion of new Section 7.9, addition to Sections 5.3.2, 6.2.3(7), 8.1 and of new Clauses 6.2.3(8), 8.7.

Arch. RANJANA SURAWEEERA,
Honorary Secretary.

Sri Lanka Institute of Architects,
No.120/7, Vidya Mawatha,
Colombo 7.
23rd December, 2020.

Section 5.3.2: Principle Two

Insert new clauses as 5.3.2 (g) and 5.3.2 (h)

5.3.2 (g):

Not act personally or professionally or through any other organization, in a manner that will demean or degrade the Institute, either directly or indirectly.

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5.3.2 (h):

Not engage or participate in any organization, institute or body, established without expressed approval of the institute, for the purposes of promoting architecture and/or architects in Sri Lanka with objectives similar to the institute.

Clause 6.2.3 (3)

Delete Clause 6.2.3(3) and replace with the following Clause:—

If any Chartered Architect, Architect or Architectural Licentiate practices or purports to be an independent Consulting Architect and simultaneously be a Principal, Partner, Director or Co-Director or is employed in a firm which engages in the business of:

- (a) Trading in land or buildings; or similar;
- (b) Property developers, auctioneers, or house agents; or similar;
- (c) Contractors, Manufacturers or suppliers in or to the building industry or similar business;
- (d) Design Build, Turn Key, Interior Fit out, or similar;

unless that Firm is distinct from the registered Architectural Practice and is clearly identified as such, the Chartered Architect, Architect, or Architectural Licentiate shall not practice such trades under the architectural practice registered under SLIA. The Chartered Architect, Architect, or Architectural Licentiate shall practice such other trades excluded in Clause 6.2.3(3) as follows:—

- (A) **SLIA Registered Architectural Practice (with Chartered Architects, Architects, Architectural Licentiates, Allied and Prescribed professionals) with Chartered Architects, Architects and Architectural Licentiates having a majority Voting Shares** can provide specialized services such as urban design, project management, architectural conservation and interior design or any other area of expertise in the field of architectural practice as defined in Clause 1.2 of these regulations, provided that the specialized area is clearly identified as such. The practice and/or the Chartered Architects, Architects, or Architectural Licentiates individually are liable to be prosecuted in the event of a breach;
- (B) **Registered Company of a non-Architectural Firm (with Chartered Architects, Architects, Architectural Licentiates and allied and prescribed professionals and non-architects) with Chartered Architects, Architects, or Architectural Licentiates may or may not having a majority of Voting Shares** shall not provide Architectural Services; the company shall provide services excluded to perform by an Architectural Practice. The SLIA-Registered architectural practice shall not be a subsidiary, sub-subsidiary or an associate company in any form of the non-Architectural Company. The two companies shall be independent legal entities, carrying independent liabilities.

In both the (A) and (B) instances, every Chartered Architect, Architect, or Architectural Licentiate shall be subjected to the Code of Professional Conduct and may be prosecuted in the event of a breach. The non-Architectural company shall not be liable to be prosecuted under these regulations.

Clause 6.2.3 (7)

Add the following Clause as 6.2.3(7):—

Whistle-blowing:

- (a) Chartered Architects, Architects, or Architectural Licentiates shall have in their practices written internal procedures to enable proper whistle-blowing by members of the Institute employed by such practices.

- (b) Chartered Architects, Architects, or Architectural Licentiates shall take all reasonable steps to protect and support such whistle-blowers.
- (c) Chartered Architects, Architects, or Architectural Licentiates who are employed should report dangerous situations and suspected wrongdoing to an appropriate person or organisation as soon as possible.

Clause 6.2.3 (8)

Add the following Clause as 6.2.3(8):—

Non-disclosure Agreement:

Chartered Architects, Architects, or Architectural Licentiates must not use Non disclosure Agreements (NDAs) to prevent the reporting of wrongdoing or professional misconduct to the relevant authorities.

Section 6.4.2 to be renamed “Marketing – Outbound Marketing”

Delete Clauses 6.4.2 (1) and 6.4.2 (2) and substitute the following clauses:—

(1) Outbound Marketing:

Chartered Architects, Architects, or Architectural Licentiates and practices must ensure that all marketing and promotional material used to promote their services are:

- (a) legal, decent and truthful;
- (b) fair to others;
- (c) accurate in respect of the level of expertise and the resources being offered;
- (d) do not amount to solicitation by targeting prospective user groups locally or internationally;
- (e) do not amount to unethical advertising.

(2) In Marketing their services, Chartered Architects, Architects, or Architectural Licentiates and practices must not:

- (a) make misleading statements through words or images;
- (b) unfairly discredit competitors, directly or indirectly; or
- (c) encourage or condone unacceptable behaviours per the Code of Professional Conduct.

(3) In Marketing their services, Members must comply with all relevant legislation, including the SLIA Act, No. 14 of 1996. (Careful attention should be paid to the use of protected words, titles or descriptions – such as the title ‘architect’ which is governed by SLIA Act, No. 14 of 1996.)

(4) Members using the title ‘Chartered Architect’, ‘Architect’ must also be registered wherever registration is a requirement under the law (as per Section 8 of the SLIA Act, No. 14 of 1996)

(5) A practice may allow **inbound & Conditional** outbound Marketing to ‘promote prospecting’ to a targeted group of prospective clients and may allow signed illustrations and descriptions of the work to be published in the press and shall allow such insertions to be used by the publishers for soliciting or obtaining advertisements from contributors. The publisher shall not directly facilitate solicitation in favour of the architect or architectural practice to obtain work.

- (1) A practice may publish and send their professional work to a targeted audience either as a circular, brochure, book or on any electronic media for which the practice has been responsible.

(2) A practice may provide descriptive insights to the work completed or speculative using –

- (i) digital media;
- (ii) Internet online;
- (iii) Blogs, advertisements, videos, solid media;
- (iv) websites;
- (v) or any other,

to generate leads and help to achieve objectives. However, unethical optimization or sponsoring of such will be considered a breach.

(3) A practice shall not publish a series of illustrations and send for the purpose of selling type plans to prospective clients.

Section 6.4.4 – Web Sites and E-mails

Delete Clauses 6.4.4

Sections 7.9 and 7.10

Section 7.9 is to be re-numbered as 7.10; Clauses 7.9.1-7.9.7 are to be re-numbered as 7.10.1-7.10.7.

New Section 7.9 to be inserted as follows:–

7.9 Meeting under Emergency Situations:

- (a) In case of a national or local emergency situation as declared by the government, the Council, the Board of Trustees, the Procedures Committee, the Boards, Standing Committees, ad-hoc Committees and meetings with the staff of SLIA could be held as virtual meetings using the internet; it is possible that some members are participating with their physical presence while others are online; in either case, the meetings and decisions arrived at such meetings shall be valid as if the meetings were held with the physical presence of all participants.
- (b) The online presence of any member shall be as valid as if he was physically present.
- (c) This provision is applicable in retrospect to all meetings referred to in this Clause held in the year of 2020 prior to the adoption of this regulation including the meeting at which this regulation was adopted by the membership at the Special General Meeting held on the 18th of December 2020.
- (d) The attendance of such meetings as recorded by the software used and/or by responding to the Chairman calling the names of the members shall be valid as if the participants physically signed an attendance register.

New Clause 8(7)

New clauses to be added as Clause 8(7) (a)-8.7(e) immediately after 8(6) as follows:–

- (a) In case of a national or local emergency situation as declared by the government, the Annual General Meeting, Quarterly General Meetings and Special General Meetings could be held as virtual meetings using the internet; it is possible that some members are participating with their physical presence while others are online. In either case, the meetings and decisions arrived at such meetings shall be valid as if the meetings were held with the physical presence of all participants.

- (b) The online presence of any member shall be as valid as if he was physically present.
- (c) This provision is applicable in retrospect to all meetings referred to in this Clause held in the year of 2020 prior to the adoption of this regulation including the meeting at which this regulation was adopted by the membership included held on the 18th of December, 2020.
- (d) The attendance of such meetings as recorded by the software used and/or by responding to the Chairman calling the names of the members shall be valid as if the participants physically signed an attendance register.
- (e) Notification of meetings would be done via e mail at all times; hard copies will be provided on request where possible.

Clause 8.1- Annual General Meeting

Insert the following immediately before Clause 8.1.1:—

However, in case the Annual General Meeting was not held in February due to government-imposed restrictions, a Special Annual General Meeting shall be summoned before the end of May of the year the Institute failed to hold its Annual General Meeting in February. Thereafter, the Annual General Meeting shall be held in the month such Special Annual General Meeting was held.