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PART VI

Advertisements and Notices issued by Corporate Bodies and
Private Individuals on payment

PAKISTAN COUNCIL OF ARCHITECTS AND TOWN PLANNER

(Established by the Government of Pakistan under Ordinance IX of 1983)

NOTIFICATION

Karachi, the 7th September, 2018

No. PCATP/Bye-Laws Amendment/09-05-18/Vol-VI.—In exercise of the powers conferred by Section 26 of the Pakistan Council of Architects and Town Planners Ordinance, 1983, the Pakistan Council of Architects and Town Planners (PCATP) is pleased to make and notify the following amendments and additions in PCATP Bye-laws 1983, with immediate effect :-

PART III - CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL

In Bye-law 7, following section (a) has been added :

Bye-Law 7 (a) The Annual General Meeting of the Council shall be held simultaneously at Karachi, Lahore, Islamabad, Quetta and Peshawar through any available electronic means, such as video conferencing, Skype meeting, etc. However, the Chairman shall preside the meeting at the Head Office of the Council.

Bye-law 8 amended as "The quorum to constitute and annual or extraordinary meeting of the Council shall be fifty: Provided that at a meeting held to seek amendment to these bye-laws the presence of at least 75 valid members of the Council shall be necessary".

Bye-law 25 amended as "Election shall be held every two years so as to conclude 10 WORKING DAYS before the expiry of the term of the outgoing members".

Bye-law 26 amended as "The Executive Committee shall prepare the schedule of election so as to comply with the requirements of section 25 and 31 of the PCATP bye-laws.

- (a) there shall be an Election Committee constituted by the Executive Committee, consisting of five (05) members (03 architects & 02 town planners),
- i) with not less than ten years standing.
 - ii) who are not members of the existing Executive Committee.
 - iii) one of whom shall be designated as its Convener.

The Registrar PCATP shall be Secretary of the election committee. All notices and correspondence of the Election Committee shall be signed by its Convener.

- (b) the members of the Election Committee shall not contest the election.
- (c) the Election Committee shall remain constituted for Sixty (60) days after the declaration, by public notice, of the names of the elected candidates under clause (e) of bye-law 43.
- (d) the Election Committee shall be responsible for issuance of election instructions and standard operating procedures, not inconsistent with the provisions of the act and bye-laws made there-under and shall also undertake actions as are deemed necessary and feasible to make the election process transparent.

PART - IV ELECTION OF THE EXECUTIVE COMMITTEE

Bye-law 29 new clause (6) has been added as "A member whose name is removed from the register for a specified period on account of his having been punished for professional misconduct and is later restored to the register shall be disqualified from being elected as a member of the Executive Committee until the expiration of two terms of the Executive Committee".

Bye-law 31 After finalizing the nominations against the two seats as in by-law 30, the Election Committee shall, at least 45 days before the election date, cause a notice to be published in two national dailies (ONE English and ONE Urdu) calling upon the members to elect a Chairman, Vice-Chairman and such number of members of the Executive Committee from each discipline as may be required under section 9 of the Ordinance, laying down a time table for the election and allowing the following minimum time periods between the various stages of the election together with an indication of reservation of seats to give regional representation etc.

- (a) nomination papers to be received not later than 10 working days after the publication of election notice in the national dailies;
- (b) withdrawal of nominations would be allowed not later than 7 working days after the last date for filing the nominations.
- (c) scrutiny of nomination papers to be completed within 5 working days after the last date of withdrawal of nominations;
- (d) polling shall be held through electronic means, such as smart phone application, electronic voting machines, etc. 21 days after the last date of scrutiny of nominations; however, in case of the postal ballots to members in other cities would be posted no later than 5 days after the last date of scrutiny of nominations.
- (e) in areas where vote casting is not done through electronic means, of votes; the postal ballots would be returned latest by 24 hours before the final counting time announced by the election committee.
- (f) the result shall be tabulated at the PCATP head office after counting of the returned ballots at the end of polling time on the day of election.
- (g) result would be announced immediately after the counting is over.

Bye-law 39 amended as Leaving aside the election to the offices of the Chairman and the Vice-Chairman, at least one candidate from each province and One from Federal Capital having his business address registered with the Council in that province/territory from each discipline shall be elected on the basis of highest number of votes cast in his favour, and for the remaining vacancies, if any, candidate or candidates securing the highest number of votes irrespective of his or their registered places of business, shall be declared elected :

Provided that if no candidate is nominated from a particular province/territory, or if nominated, fails to get a minimum of three votes, his vacancy shall be filled up by the Election Committee on the basis of merit irrespective of the place of his registered business address.

Bye-law 40(3) amended as "Where the number of candidates declared elected under clause (2) of bye-law 40 is less than the number of members of the Executive Committee to be elected from a discipline, the Election Committee may call for election, if deemed necessary".

Bye-law 41 amended as "Balloting for election of the Executive Committee shall be done through electronic means. Ballot papers to eligible voters having postal/business address in areas not covered through electronic balloting system, the same shall be sent by registered post/courier and the postal registration/ courier receipt shall be taken as conclusive proof of such dispatch".

Bye-law 43 (1) amended as "Immediately after close of the balloting, counting of votes shall be done in the presence of the candidate or his representative if present. A certified copy of the result shall be given to candidate or their authorized representatives".

Bye-law 43 (5) amended as On the receipt of the return of the election under clause (3), the Chairman shall declare by public notice the names of the elected candidates.

PART - XI APPOINTMENT, POWERS, DUTIES AND PROCEDURE OF INSPECTORS

Bye-law 64 amended as "The inspection of examinations evaluation of institution and curricula under Sections 8, 10, 11 13 and 14 of the Ordinance and the agreement between HEC and PCATP shall be carried out as per Accreditation Guide and in accordance with the following bye-laws namely :-

- (1) It shall be the duty of the PCATP recognized architectural and town planning institutions in Pakistan to inform the Registrar at least SEVEN working days before any such examination, about the dates and places of the examinations with which the Council is concerned.
 - (a) The Executive Committee will form separate Board of Accreditation (BoA) for each discipline (Architecture and Town Planning) consisting of Chairman PCATP, Vice Chairman of the discipline, HEC Representative, Provincial Representative (01) from each province from the discipline having minimum 10 years of experience and Registrar PCATP (Secretary).
- (2) The Executive Committee shall appoint not less than three (03) Inspectors from each discipline from amongst the members of the Council to inspect the degree awarding institutions as the Board of Accreditation may direct to report thereon to the Registrar and at least one inspector from each discipline shall be a teacher with a teaching experience of at least ten years in that discipline.
 - (a) The Inspectors shall submit a formal report to the Board of Accreditation through the Registrar within 15 days after the visit.
 - (b) The Registrar shall send the report of the Inspectors for comments to the Institution. The Institution shall have thirty days to respond and express their point of view.
 - (c) The report of the Inspector, which shall be treated as confidential, shall be considered by the Board of Accreditation after obtaining the views of the institution concerned on any aspect or aspects of the report considered necessary.
- (2a) The Executive Committee shall appoint an Observer from each discipline from amongst the members of the Council to attend such qualifying and other examinations on the request by the institution and report thereon to the Registrar.
 - i) The Observer shall submit a formal report to the Registrar within 15 days after the date of examination.
 - ii) The report of the Observer which shall be treated as confidential, shall be considered by the Board of Accreditation.
- (3) Every Inspector / Observer shall receive from the Chairman a formal commission in writing under the seal of the Council specifying the examination or examinations or institutions which he is required to inspect.
- (4) It shall be the duty of the Inspector :-
 - (a) to make himself acquainted with any, previous reports on the institutions which he is required to inspect. He shall be provided with a copy of these documents and instructions of the Council by the Registrar;
 - (b) to report to the Council through the Board of Accreditation his independent opinion as to the sufficiency or otherwise of the course of study, faculty and facilities for teaching provided by the Institution;
 - (c) to include also in his report a statement of the extent to which the instructions of the Council or the Board of Accreditation in regard to professional architects and town planners have been carried out in the case of each Institution inspected by him and also to what extent the recommendations of the Council on professional education have been given effect to in the education of the students in the particular subject or subjects with which he is concerned.
 - (d) Deleted
 - (e) Deleted
- (5) The final views and recommendations of the relevant Board of Accreditation shall be communicated by the Chairman to the institution concerned for appropriate action and to the HEC, Federal Government and Provincial Governments for information and the Chairman shall inform the Council of action taken in this regard.

PART - XII FINANCE AND ACCOUNTING

Bye-law 66 amended as "The bankers of the Council shall be any of the Schedule banks of Pakistan. All funds of the Council shall be paid into the Council's accounts and shall be withdrawn by means of cheques signed by the Chairman/Vice-Chairman and the Registrar/Accountant. The cheque books shall remain in the personal custody of the Registrar".

Bye-law 73 amended as "The Chairman shall have power to sanction cash expenditure of an amount not exceeding two hundred thousand rupees in each case and the Registrar shall have power to sanction expenditure of a contingent nature of an amount not exceeding one hundred thousand rupees in each case within the sanctioned budget".

Bye-law 74 amended as "A permanent imprest of one hundred thousand rupees shall be kept with the Registrar".

PART III - MAINTENANCE, COMPILATION AND PUBLICATION OF THE REGISTER

Bye-law 78 (1-A) added as "Any person possessing an architectural qualification from a PCATP accredited institution shall be eligible to apply to take the licensing examination after ONE year of practical experience.

- (a) The candidate who clears the PCATP examination shall be issued a License by PCATP to practice Architecture.
- (b) Any person possessing an architectural/town planning qualification from a Foreign University / Institution not included in the Second schedule shall be eligible for registration as an Architect/Town Planner only if degree awarded by any such institute is recognized/accredited by Accreditation Board of that country and subject to fulfilling a minimum credit hours decided by the Board of Accreditation of the relevant discipline and on case to case basis. The foreign qualified candidates have to clear the PCATP Registration examination".

PART - XVI LICENSING OF FIRMS

Bye-law 107 added as "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) "The 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 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/town planning and allied works described in the scope of professional services to be rendered by the firm for the employer;
- (9) "Category" means the type of registration required by the firm. The licensing of firms will be offered in "A-4", "A-3", "A-2" and "A-1" categories as defined below :
 - (a) Category "A-4" Minimum Five years of good standing as registered PCATP member, along with Income Tax number (NTN).

- (b) Category "A-3" Minimum Seven years of good standing as registered PCATP member with independent practice in the relevant professional field (architecture/town planning) and having valid National Tax Number (NTN).
- (c) Category "A-2" Minimum Ten years of good standing as registered PCATP member with independent practice in the relevant professional field (architecture/town planning) and having valid National Tax Number (NTN).
- (10) Provided that such categories shall not apply to participation in OPEN design competitions organized by the Council".

Bye-law 108 added as "To be eligible for consideration as a partner, 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 five 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 will have to get registered with the Council and attain the minimum experience as defined in section 107(i) above to become eligible to apply for his firm for registration".

Bye-law 109 added as "The partners, share-holders/proprietors of the firm and the firm must each have a valid National Tax Number Certificate and CNIC".

Bye-law 110 added as "All partners or shareholders of a firm belonging to allied professions must have a valid registration with their respective statutory bodies / councils shall be applicable to them".

Bye-law 111 added as "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".

Bye-law 112 added as "All rules and regulation of the Council shall be applicable on the firms licensed by this Council".

Bye-law 113 added as "All consulting architectural/town planning / engineering services in Pakistan shall be entrusted to consultancies duly registered as such with the Council".

Bye-law 114 added as "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".

Bye-law 115 added as "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 Fifty-one percent of a firms' share must belong to PCATP registered architect of the firm so registered with the Council.
- (2) In case of a town planning firm at least Fifty-one percent of its shares must belong to PCATP registered town planner of the firm so registered with the Council.
- (3) In case of architecture + town planning firms at least forty percent of its shares must belong to PCATP registered architect of the Council and at least forty percent of its shares to PCATP registered town planner of the Council.
- (4) In case of Architecture/Town Planning & Engineering (AE) firm or Engineering & Architecture/Town Planning (EA) firm at least 40% of its share must belong to PCATP registered members".

Bye-law 116 added as "The remaining shares of all firms as defined in byelaw 115, above can be held by members of the allied professions only".

Bye-law 117 added as "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".

Bye-law 118 added as "When employing Architects and 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 registered firm for ensuring that such employees continue to be registered with their respective council/s".

Bye-law 119 added as "The registration provided to a firm shall not exempt the proprietors, partners, shareholders and employees (as enumerated above) from keeping in their individual registrations updated with their respective council/s".

Bye-law 120 added as "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, and any share or interest which is not owned by the Government must be owned by PCATP registered architects or town planners in the proportions as aforesaid. In case of Engineering firms, the decision regarding registration shall be taken by the Executive Committee on case to case basis".

Bye-law 121 added as "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".

Bye-law 122 added as "The managing partner of a partnership firm and the chief executive of a firm shall be a registered architect/town planner with a minimum professional experience in their respective disciplines and all the other partners of a partnership firm and all directors and executives other than one finance executive of a firm shall be either a registered architect/town planner or allied professionals with a minimum professional experience of ten years after graduation in their respective disciplines".

Bye-law 123 added as "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 for the firm".

Bye-law 124 added as "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".

Bye-law 125 added as "Registered architect's/town planner's engaged in Government Service or public organizations may undertake private practice if they are allowed by their respective organizations/departments".

Bye-law 126 added as "All Foreign Firms;

- (a) shall get themselves registered as a firm for specified projects which need expertise and specialized knowledge not available with Pakistani firm;
- (b) shall join an association or joint venture with a Pakistani firm and in such an association or joint venture, the services to be rendered by the foreign firm shall be limited to the expertise and knowledge not available with any Pakistani firm;
- (c) 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.

Bye-law 127 added as "For Registration 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 registration of the firm for the following year or refuse registration or renewal if the information supplied by the firm, in the opinion of the Council, does not meet the requirements of these bye-laws".

Bye-law 128 added as "A firm shall inform the Council of any event taking place following its' registration or renewal thereof which render him ineligible for continuation of registration in accordance with these bye-laws. On receipt of such information, the Council may decide to continue the validity of the registration until the date of next renewal or suspend or cancel the registration as it may deem fit".

Bye-law 129 added as "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".

Bye-law 130 added as "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".

Bye-law 131 added as "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".

Bye-law 132 added as "No registered architect/town planner shall conduct himself in a manner, nor act in any capacity, nor hold any appointment, which, in the opinion of the council, prejudices his position".

Bye-law 133 added as "Every firm shall be responsible to the Council for the professional conduct of any person, firm or body with whom he is associated by partnership or otherwise in connection with his practice and on receipt of an intimation from the Council that the person with whom he is associated is acting in a manner which would disqualify him from practicing as a firm, he shall forthwith terminate his connection with such person, firm or body".

Bye-law 134 added as "Every firm shall act in all professional matters strictly in a fiduciary capacity with regard to any employer for whom he may act and his charges to such employer shall constitute his only remuneration in connection with such work".

Bye-law 135 added as "No firm shall give or accept any trade commission, discount, allowance or indirect profit in connection with any professional work on which he is engaged".

Bye-law 136 added as "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 is acting for an employer unless and until such royalty, gratuity or commission has been notified in writing to the employer".

Bye-law 137 added as "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".

Bye-law 138 added as "A firm shall not, directly or indirectly, attempt to supplant another firm, nor shall he intervene or attempt to intervene in or in connection with professional work of any kind which to his knowledge has already been entrusted to another firm".

Bye-law 139 added as "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 he has been formally notified in writing by the employer ;

- (1) of the termination of the services of the previous firm, or
- (2) of his appointment as a general or review firm, and he has informed in writing the existing firm and the Council of such acceptance.

Bye-law 140 added as "A firm shall avoid all acts or practices likely to discredit the dignity or honor of the profession and for that purpose he shall not advertise his professional services in a manner derogatory to the dignity of the profession but he may utilize the following means of identification :-

- (1) professional cards and listing in recognized and dignified publications and classified section of the telephone directories;
- (2) sign boards at the site of his office or projects for which he renders services;
- (3) brochures, business cards, letter heads and other factual representations of experience, facilities, personnel and capacity to render services.

Bye-law 141 added as "Two or more consultancies partially or wholly owned or directed by common individuals, regardless of the extend 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 his services for a project : Provided that such consulting firms may be permitted to form a joint venture to offer services as one venture".

Bye-law 142 added as "A firm shall not seek selection by an employer purely on the basis of competitive bidding of professional charges".

Bye-law 143 added as "No firm may team up or form a consortium with a construction company or processor 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".

Bye-law 144 added as "The firm and his 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".

Bye-law 145 added as "Normally the copy-right of all documents prepared for a project rests with the firm unless otherwise stipulated in the agreement between the employer and the firm".

Bye-law 146 added as "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 his own account or in conjunction with other parties concerned.

Bye-law 147 added as "The firm is liable for the consequence of errors and omissions on his part or on the part of his employees in so far as the design of a project is concerned to the extent and with the limitations mentioned in this bye-law.

Bye-law 148 added as "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".

Bye-law 149 added as "The liability of a firm stated in clause (153) expires after one year from the stipulated date of completion of construction or installation of the relevant unit of the project as provided for in the agreement with the employer or after three years from the date of final completion of the designs whichever is earlier, and the employer shall have the option to have the firm's liability extended beyond the period stated herein provided that such indemnity or security for the extended period shall be procured at the cost of the employer".

Bye-law 150 added as "The firm may, to protect himself, insure himself against his liabilities, but this is not obligatory. If the employer demands his indemnification and insists on submission of such securities or insurance to cover the firm's liability *vis a vis* employer up to the limit specified in clause (154), the firm shall procure the necessary cover before commencing the services and the cost of procuring such cover shall be borne by the firm up to a maximum limit of one per cent of the total remuneration of the firm for the design phase. However, in case the insurance cover requires extension by the employer beyond ONE year of the design, it shall be done after obtaining consent of the firm and the cost thereof shall be borne by the employer".

Bye-law 151 added as "The firm shall at the request of the employer, indemnify the employer against any or all risks arising out of the furnishing of professional services by the firm to the employer, not covered by the provisions of clause (152) and exceeding the limits set forth in clause (153), provided the actual cost of procuring such indemnity as well as costs exceeding the limits set forth in clause (155) shall be borne by the employer".

Bye-law 152 added as "Notwithstanding anything contained in these regulations, the firm shall have liability for all losses or damages suffered by the employer on account of any misconduct by the firm or any of his employees in the discharge of their responsibilities under the agreement with the employer".

Bye-law 153 added as "The firm has no liability whatsoever for any part of the project not designed by him or under his responsibility. Furthermore, the firm has no liability whatsoever for any costs for which the liability rests with the contractor or the supplier".

Bye-law 154 added as "No firm shall engage any person, who is a paid employee of another firm, to perform any part-time work in his offices or to perform any piece of work or work on contract, unless and until he has obtained permission in writing of the firm who is the employer of such person".

Bye-law 155 added as "No firm shall make offer of employment to employees of his employer and if he is approached by employees of his employer regarding employment with him, he shall make certain that he has his employer's consent 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 employer are already working together".

Bye-law 156 added as "Firms practicing outside Pakistan or in Pakistan on foreign projects shall order their conduct according to these bye-laws as far as they are applicable and practicable and according to the rules of the professional conduct, code of ethics of any national society or body in that part of the world as well as in accordance with Government regulations and the local practice and procedures in those countries".

PART - XVII LICENSING OF CONTRACTORS

Bye-law 157 added as "In these bye-laws, unless there is anything repugnant in the subject of context,-

- (a) "architectural work" includes soil investigation, building construction, renovation, interior works, provision of landscaping services including tree planting, turfing, horticulture etc. of residential, commercial, institutional, industrial and educational buildings.
- (b) "town planning work" includes soil investigation, infrastructure development works inclusive of construction of roads, pavements and related works, laying of sewerage pipelines, disposal works, sewerage treatment works and allied works. Installation of water supply pipelines, pumping stations, tube wells, water treatment works etc. provision of landscaping services including tree planting, turfing, horticulture etc. in new land sub divisions.
- (c) "client/employee" means any person, corporate body, public organization or any other agency who wishes to have an architectural/town planning works constructed through a contractor;
- (d) "completion date" shall mean the date on which the construction of project is completed as per construction contract;
- (e) "construction" of any architectural/town planning work shall also mean to include surveys, sub-soil and other investigations and execution of all activities required to achieve the desired final shape of an architectural/town planning work and all other works incidental thereto;
- (f) "contractor" means any person, partnership, corporate body or other legal entity incorporated under the laws of Pakistan and registered or licensed as such by the Council;
- (g) "sub-contractor" means the contractor who is undertaking a portion of the work sublet by the contractor;
- (h) "Registration" means a registration granted by the Council under these bye-laws.
- (i) "maintenance" includes all activities executed after the completion date of construction and during the maintenance period as specified in the construction contract or during a period of twelve months after the completion date of construction;
- (j) "operation" means the supervision and management of running, operation and execution of all activities required to efficiently operate a project after it is constructed by a contractor in order to achieve the aims and objectives of the project;
- (k) "project or work" means an architectural/town planning work constructed and maintained by a contractor either through a contract with a client or employer;

Bye-law 158 added as "No architectural/town planning work shall be constructed except by a contractor registered as such by the Council".

Bye-law 159 added as "All construction and management and supervision of operations of architectural/town planning works shall be entrusted to contractors registered as such by the Council".

Bye-law 160 added as "Any person/firm who constructs an architectural/town planning work in Pakistan without any valid registration of specified category from the Council shall be liable to pay to the Council a sum of Rs. 50,000/- per annum".

Bye-law 161 added as "The registration issued to the contractor shall specifically mention the type of work that the contractor can undertake according to disciplines".

Bye-law 162 added as "The contractor enlisted in a particular field or discipline shall be allowed to undertake work of other disciplines up to twenty-five *per cent* of the amount of limit of category in which he is entitled".

Bye-law 163 added as "A registration granted by the Council shall entitle the contractor to perform a work for client or employer. However, the client or employer may prescribe his own requirements over and above the requirements prescribed by the Council, particularly in respect of financial soundness, plant and equipment capability, previous experience, business management capabilities and specific expertise which in the opinion of a client or employer, is essential for the execution of the work. The contractor shall be eligible to apply for prequalification even if he is not enlisted or registered with the client or employer. The grant of registration by the Council shall not absolve the contractor from application of any building control laws and other codes that are applicable to the work".

Bye-law 164 added as "Application for enlistment or renewal of contractor in any category shall contain the following documents, namely :

- (a) A financial certificate in favour of the firm from any scheduled bank ;
- (b) A list of works executed by the company or Chief Executive in previous years indicating value of projects, name of employers and certificates of satisfactory completion by the respective employers;
- (c) List of works in progress indicating cost of work and copy of letter of intent or agreement of each project;
- (d) List of technical and other staff members;
- (e) List of plants and equipment.

Bye-law 165 added as "On receipt of an application for issue of contractor's registration and after satisfying itself on making any inquiries that it may deem necessary, the Council may issue a registration certificate to the applicant as contractor, as the case may be, in anyone of the categories as specified in Table 'A' .

Table A : CONTRACTOR'S CATEGORIES

Category	Cost of Works (Million PKR)
A-1	No limit
A-2	Up to 400
A-3	Up to 250
A-4	Up to 100

Note :- Construction cost of a project shall exclude cost of land, plant and machinery cost of land, plant and machinery permanently installed in the works.

Bye-law 166 added as "The applicant shall be required to submit information and other relevant documents for evaluation or assessment of their credentials as and when required by the Enrolment Committee".

Bye-law 167 added as "The owners of firm or company shall be responsible to submit authenticated information and documents along with application for registration, renewal or up gradation of their registration".

Bye-law 168 added as "Registration of a contractor shall, entitle him to construct a project, the total construction and capital cost of which does not exceed the construction and capital cost limited by category of his registration. Number of projects that the contractor can apply, tender for shall be unlimited as long as construction and capital cost of each such project falls within the registration's category".

Bye-law 169 added as "No contractor's registration shall be granted by the Council to such persons, firm and companies who :

- (a) are declared bankrupt and are not rehabilitated;
- (b) have acted in a manner such that their previous registration has been cancelled for any reason whatsoever until the Council is satisfied that the causes of previous cancellation of registration have been removed;
- (c) have been dismissed at any time from employment for corruption, fraud or moral turpitude;
- (d) have committed professional misconduct : and;
- (e) fail to pay the prescribed registration fees or the charges for violations in accordance with these bye-laws: Provided that the persons who are directors of such companies, which are under liquidation, shall not be affected by the provisions of this bye-law unless such persons, as individuals, are declared to be bankrupt.

Bye-law 170 added as "Two or more contractors can apply jointly to construct a project of a category higher than the category of their individual registration provided that the cost of such project does not exceed the sum total of the limit of costs of projects permitted by the categories of the individual registration. No separate registration for such joint venture shall be required under these bye-laws provided that the joint venture fulfills all other requirements of these bye-laws concerning such a project".

Bye-law 171 added as "Every contractor shall uphold the honor and dignity of the construction profession, and shall be fair and honest in his business dealings. His practices and activities shall be guided by the principles of justice and equity".

Bye-law 172 added as "A contractor shall refrain from acting maliciously or recklessly in an attempt to injure the professional reputation, prospects or business of other contractors, directly or indirectly".

Bye-law 173 added as "A contractor shall provide quality service and be faithful in the performance of the undertaking".

Bye-law 174 added as "No contractor shall attempt to supplant a fellow contractor who is in the employ of the client or employer or to prevent a contractor from undertaking that which the, client or employer has engaged him to do".

Bye-law 175 added as "A contractor shall hold himself dedicated to the proposition that the construction profession shall be rid of individual whose reputation, conduct and practices are inimical to the profession".

Bye-law 176 added as "Contractor shall promote and ensure the optimum utilization of human and material resources of Pakistan for achieving self-reliance and promote indigenous materials and equipment".

Bye-law 177 added as "A contractor shall advise his client or employer honestly about the technical and financial viability of project entrusted to him".

Bye-law 178 added as "A contractor shall ensure the safety of men and materials associated with the work".

Bye-law 179 added as "A contractor shall undertake project assignments only when he possesses adequate equipment and experienced staff".

Bye-law 180 added as "A contractor shall not disclose confidential information concerning national security and technical details of the project to any unauthorized person or entity".

Bye-law 181 added as "The client or employer shall adopt an equitable method of selection of a contractor for a particular project and will ensure that the following basic requirements are met namely :

- (a) An Architectural/Town Planning work falling under a certain category must be entrusted only to those contractors who are registered by the Council in accordance with these bye-laws, either in the same category or in a higher category.
- (b) The various vital elements to be covered are :
 - (i) net worth of the applicant as on the date of application.
 - (ii) current availability of applicant's construction equipment or tools required for the project;
 - (iii) Professional experience of construction of the type of proposed Project including professional personnel of required experience in full time employment of the applicant less the personnel committed on projects in hand.
 - (iv) Previous performances of the applicant on other projects and similar projects.
 - (v) Previous performances of the applicant on other projects and similar projects.
- (c) A provision is made in the proposed contract with the constructor or operator for the settlement of any difference by arbitration under the Arbitration Act 1940, before recourse to any other legal action.
- (d) Selection is done through open and fair competition and no preference is given to any contractor for reason of his being in the public or private sector.

Bye-law 182 added as "Two or more contractors partially or wholly owned or directed by common individuals, regardless of the extent of their shares or interest shall not be eligible to bid or compete for the same project. Only one such contractor shall be eligible to bid for a project. However, such contractors may form a joint venture to bid as one venture".

Bye-law 183 added as "For initial registration, change in category, and annual renewals, the applicant for the contractor's registration shall submit application to the Council on the prescribed form. The application for renewal be submitted to the Council after the 5th day of November of the year based on the contractor's status as on the date of submission of application".

Bye-law 184 added as "However, if required, the applicant shall pay a late payment fee at the rate specified by the Executive Committee from time to time. The Council, after scrutinizing the application and obtaining any further information or clarifications from the applicant as it may deem necessary, may issue or renew the registration for the following year or refuse the same if the information supplied by the applicant, in the opinion of the Council, does not meet the requirements for grant of renewal of license under these bye-laws. A new application may be scrutinized by the Council within 30 days of receipt and the applicant will be informed of any shortcomings or discrepancies of the documents submitted by him. Registration shall be issued or refused within 30 days of receipts of supplementary information from the applicant. In the event of no response from the applicant within 30 days the application will stand automatically rejected".

Bye-law 185 added as "The application fee for registration, change of category of registration, or renewal of registration is as follows, or fixed by the Executive Committee from time to time which should accompany the applications :-

Table B : CONTRACTOR'S FEES

Category	Application Fee	Registration Fee (Annual)
A-1	PKR 15,000/-	PKR 50,000/-
A-2	PKR 12,000/-	PKR 30,000/-
A-3	PKR 10,000/-	PKR 20,000/-
A-4	PKR 8,000/-	PKR 12,000/-

Bye-law 186 added as "For initial registration, change in category, and renewal, the applicant for the contractor's license shall submit application to the Council in the prescribed form. The application for renewal shall be submitted to the Council by the 5th day of November of the year based on the constructor's or operator's status as on the 31st day of October of the same year. The license shall stand expired on 31st day of December each year. If the renewal is not submitted by 31st day of March, a surcharge of 2% will be levied".

Bye-law 187 added as "No consideration shall be given to any application unless the registration fee is paid with the application. The above fee is inclusive of scrutiny fee of half the amount. In the event of rejection of application, half of application fee will be refunded".

Bye-law 188 added as "The contractor shall inform the Council of any events taking place after grant of a registration to him or renewal thereof, which render him ineligible in accordance with these bye-laws. On receipt of such information the Council may decide to reduce the category of registration or suspend or cancel the registration as it may deem fit".

Bye-law 189 added as "Submission of information to the Council by an applicant for registration or by a contractor which is found to be false or intentionally misrepresented shall be considered as misconduct and such applicant or registration and / or the person representing such applicant or contractor shall be liable to be punished in accordance with the provisions of these bye-laws".

Bye-law 190 added as "Any infringement of these bye-laws by a contractor shall render him liable to punitive action by the Council as it may deem fit. Such action may amount to suspension for a specific period or cancellation of registration altogether".

Bye-law 191 added as "If at any time it is brought to the notice of the Council that any person/firm is infringing upon or is helping in the infringement of these bye-laws, the Council, before taking any action against the person/firm in accordance with the provisions of these bye-laws, may appoint an investigator or investigators being professional from the relevant discipline, of not less than 10 years standing to investigate the matter by physically inspecting any record or by any other means and to report to the Council facts of the case. Any person who obstructs such investigation by an investigator appointed by the Council as aforesaid, shall be considered to abet or help in the infringement of these bye-laws".

Bye-law 192 added as "In the case of violation of any provision of these bye-laws or providing wrong information the Council shall have the power to cancel the registration granted by it".

Bye-law 193 added as "Any department or organization black listing any contractor shall inform the Council indicating reasons or grounds for such blacklisting".

Bye-law 194 added as "PCATP reserves the right to initiate Black listing of a Contractor/or his firm for gross misconduct, misappropriation and corrupt practices".

PAKISTAN COUNCIL OF ARCHITECTS AND TOWN PLANNER

(Established by the Government of Pakistan under Ordinance IX of 1983)

NOTIFICATION

Karachi, the 7th September, 2018

No. PCATP/Code of Conduct-Addition/09-05-0118/Vol. VI.—In exercise of the powers conferred by Section 26(4) of the Pakistan Council of Architects and Town Planners Ordinance, 1983, the Pakistan Council of Architects and Town Planners (PCATP) is pleased to add a New Clause in PCATP Professional Code of Conduct and notify the following additions in PCATP Professional Code of Conduct 1983 with immediate effect :-

Clause 3.8 added as "3.8 An architect or Town Planner shall avoid all acts or practices likely to discredit the dignity or honor of the profession and for that purpose he shall not advertise his professional services in a manner derogatory to the dignity of the profession but he may utilize the following means of identification :

- i. professional cards and listing in recognized and dignified publications and classified section of the telephone directories;
- ii. sign boards at the site of his office or projects for which he renders services;
- iii. brochures, business cards, letter heads and other factual representations of experience, facilities, personnel and capacity to render services.

AR. ASAD I.A. KHAN,
Chairman PCATP.