

The Myanmar Architect Council Law
(The Pyidaungsu Hluttaw Law No. 39, 2014)
The 7th Waxing of Thadingyut, 1376 M.E.
(30 September, 2014)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and definition

1. This Law shall be called the **Myanmar Architect Council Law**.
2. The expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Architecture** means a profession that builds and creates in living environment including urban design and management without destructing environmental ecology, design, creation, innovation, research and maintenance of public buildings, industrial and private buildings and awareness building with an aim of not only upgrading living standards, disaster prevention, safety, convenience and wellfunctioning but also achieving visual aesthetics;
 - (b) **Focal Ministry** means any Union Ministry designated by the Union Government to implement functions and duties under this Law;
 - (c) **Council** means the Myanmar Architect Council formed under this Law;
 - (d) **Council Member** means any member of the Myanmar Architect Council;
 - (e) **Executive Committee** means the Myanmar Architect Executive Committee formed under this Law;
 - (f) **Technician** means a person who holds a Diploma in Architecture recognized by the Council under this Law;
 - (g) **Graduate Technician** means a person who holds a Bachelor of Architectural Technology degree recognized by the Council under this Law;
 - (h) **Architect** means a person who holds a Bachelor of Architecture degree recognized by the Council under this Law;

- (i) **Architect Professional** means a person who holds a Senior Architect Licence or an Architect Licence issued by the Council under this Law;
- (j) **Registration Certificate** means a Technician Registration Certificate and an Architect Registration Certificate issued by the Council under this Law;
- (k) **Technician Registration Certificate** means a Graduate Technician Registration Certificate and a Technician Registration Certificate issued by the Council under this Law, to a person who holds a Bachelor of Architectural Technology or Diploma of Architecture conferred by any local or foreign Architectural, Technological, Engineering University, College and Institute;
- (l) **Architect Registration Certificate** means a Registered Architect Certificate, an Architect Licence, a Senior Architect Licence and a Foreign Architect Registration Certificate issued by the Council under this Law;
- (m) **Registered Architect Certificate** means a Recognition Certificate issued by the council to a qualified person who holds a Bachelor of Architecture Degree or to a qualified person who holds a Technician Registration Certificate;
- (n) **Architect Licence** means a Recognition Licence issued by the Council to a qualified person who holds a Registered Architect Certificate after passing assessments, according to the Architectural discipline, conducted by the Council;
- (o) **Senior Architect Licence** means a Recognition Licence issued by the Council to a qualified person who holds an Architect Licence;
- (p) **Foreign Architect Registration Certificate** means a Recognition Certificate with type of permitted architecture, level, permitted area and limited period, issued by the Council to a foreign architect in conformity with the stipulations under this Law.

Chapter II

Objectives

3. The Objectives of this Law are as follows:

- (a) to uphold and upgrade the dignity, ethics and capability of Myanmar citizen architect professionals, architects, graduate technicians and technicians practicing architectural works;
- (b) to upgrade and provide safe living environment for the State and the people through proper and efficient use of architecture;
- (c) to guide, supervise and regulate in compliance with set professional standards, proper techniques, safety and maintain ethical conduct in architecture and technological education, research and services;
- (d) to give systematic guidance in cooperation with international professional organizations, including regional, academic and research organizations regarding development of architecture, conducting research, technological education, job skill training, academic and technology exchange, dissemination of architectural experience.

Chapter III

Formation of Myanmar Architect Council

4. The Focal Ministry shall, with the approval of the Union Government, form the Myanmar Architect Council as follows:

- | | |
|---|------------|
| (a) Eligible Architects from the Focal Ministry | 4 persons |
| Eligible Architects from Departments, Universities, Colleges and | |
| (b) Institutes related to Architectural Education and at least one eligible Architect each from their respective Ministries | 5 persons |
| (c) An Eligible Architect from Nay Pyi Taw City Development Council | 1 person |
| (d) An Eligible Architect from Yangon City Development Council | 1 person |
| (e) An Eligible Architect from Mandalay City Development Council | 1 person |
| (f) Elected Architects from non-governmental Architectural | 18 persons |

Organizations

(g) Senior Architects 3 persons

5. The Council members shall elect and appoint a Chairperson, two Vice- Chairpersons, one Secretary, two Joint Secretaries and one Treasurer out of them in accord with the stipulations.
6. For the purpose of implementing the functions and duties of the Council, the Myanmar Architect Executive Committee shall be formed with fifteen members elected in accordance with the stipulations, comprising of the Chairperson of the Council as the Chairperson, the Vice - Chairpersons of the Council as Vice - Chairpersons, the Secretary of the Council as the Secretary, the Joint Secretaries of the Council as Joint Secretaries, the Treasurer of the Council as the Treasurer and eight members out of the remaining council members as members of Executive Committee.
7. The term of the council and council members shall be determined as follows:
 - (a) the term of the Council is four years commencing from the date of its formation;
 - (b) the term of the Council members is the same as that of the Council;
 - (c) the Chairperson of the Council is entitled to take tenure of office only for one term of the Council;
 - (d) a Council member may take tenure of office for two consecutive terms;
 - (e) when the office of a member of the Council is vacant, it shall be filled in accord with the rules issued under this Law. The term of the Council member so filled shall only be up to the expiry of the term of the present Council;
 - (f) the term which is filled according to sub-section (e) shall not be applied to the term of sub-sections (c) and (d);
 - (g) when the expiry of the term, the present Council shall continue to carry out its functions and duties until the new Council has been formed and taken over the duties within 60 days according to Section 4.

Chapter IV

Duties and Powers of the Council

8. The duties of the Council are as follows:
- (a) declaring, from time to time, Degrees of Architecture, Degrees of Architectural Technology, and Diplomas in Architecture recognized by the Council;
 - (b) tendering necessary advice to, assisting, coordinating and cooperating with the relevant Ministries for the purpose of issuing list of recognized Universities, Colleges and Institutes related to Architecture for connection with the international and regional organizations;
 - (c) recognizing and refusing to recognize the persons who hold a degree or diploma conferred by any local or foreign Architectural, Technological, Engineering University, College and Institute, for the purpose of issuing any kind of registered certificates under this Law;
 - (d) determining necessary professional qualifications of the Architectural Degree, Architectural Technology Degree and Architectural Diploma holders for the purpose of issuing any kind of registration certificate under this Law;
 - (e) determining ethics to be maintained by the Architect Professionals, Architects, Graduate Technicians and Technicians and supervising the compliance;
 - (f) surveying and scrutinizing to upgrade capability and level of Architect Professionals, Architects, Graduate Technicians and Technicians, and if necessary, in cooperating with the government departments, government organizations and non-governmental organizations;
 - (g) scrutinizing and issuing registration certificates, compiling and keeping records of the registration list and issuing it from time to time;
 - (h) tendering advice to, assisting and cooperating with the focal Ministry, relevant Ministries, government departments, government organizations and non-governmental organizations for compiling necessary norms, standards and architectural codes to enhance the quality and level of architecture and technological works;
 - (i) tendering advice to and assisting the focal Ministry, relevant Ministries, government departments, government organizations and non-governmental

organizations to upgrade the standard of architectural and technological education and produce well qualified Architect Professionals, Architects, Graduate Technicians and Technicians by observing the development and changing trends of international architectural and technological education systems;

- (j) tendering advice to and assisting the focal Ministry, relevant Ministries, government departments, government organizations and non-governmental organizations for enabling the Architect Professionals, Architects, Graduate Technicians and Technicians to obtain continuous learning in accord with architectural and technological requirements;
- (k) taking the leading role in conducting theoretical and practical trainings, workshops and conferences for sustainable development of architecture and technology and making arrangements to participate, on behalf of the State, in the meetings and conferences of international and regional organizations;
- (l) tendering advice to and assisting the focal Ministry, relevant Ministries, government departments, government organizations and non-governmental organizations in respect of research and development for promoting architectural and technological standards;
- (m) scrutinizing and replying remark when so requested by the focal Ministry to scrutinize whether or not the local and foreign architectural consultants and architectural companies, organizations, contractors and contractor companies are in conformity with the specified procedures and basic standards;
- (n) inquiring, investigating and taking actions for non-observance to maintain in accord with ethics of Architect Professionals, Architects, Graduate Technicians and Technicians;
- (o) appointing the Chief Registrar and determining the functions and duties;
- (p) performing other duties assigned by the focal Ministry, from time to time.

9. The powers of the Council are as follows:

- (a) forming the following working committees and determining the functions and duties thereof:
 - (i) Working Committee for Scrutiny of Registration Certificate;

- (ii) Working Committee for Architectural Discipline Accreditation;
 - (iii) Working Committee for maintaining ethics;
 - (iv) Working Committee for Disciplinary;
 - (v) Working Committee for compiling standards, norms and architectural codes;
 - (vi) Working Committee for continuous teaching in Architecture;
 - (vii) Working Committee for Accreditation of Architectural Companies and Organizations;
 - (viii) Other necessary Working Committees;
- (b) forming relevant working groups according to the architectural discipline;
 - (c) issuing, refusing to issue, revoking and cancelling the registration certificate for a limited period;
 - (d) regulating specific exemptions and determining necessary rules and regulations relating to the issue of registration certificate;
 - (e) determining the term, renewal and refusing the renewal relating to the registration certificate;
 - (f) determining the registration fees, renewal of registration fees and overdue fees for failure to renew the registration;
 - (g) communicating and cooperating with the international, regional, local and foreign architect professionals and technicians for the benefits of the State.
10. The Council may delegate its duties and powers to the Executive Committee for enabling to effective implementation of the objectives contained in this Law.
11. The Council may form the staff office headed by the Chief Registrar to perform the office works. Moreover, branch offices headed by any registrar may be formed in the Region or State.

Chapter V

Termination of Membership of the Council

12. The Council shall, with the proposal of the Executive Committee, terminate a Council member from membership of the Council when any of the following cause occurs:
- (a) resignation;

- (b) being absent from the Council meeting or the Executive Committee meeting for three consecutive times without request for leave;
- (c) keeping untouched with the Council for six months and longer without request for leave;
- (d) being revoked any registration certificate for a limited period or being cancelled from the register;
- (e) being punished for having committed any offence related to the moral character;
- (f) being found out as morally misconduct;
- (g) being unable to perform the duties of the Council due to mental disease, deterioration of memory or any other cause;
- (h) death.

Chapter VI

Convening the Meetings

13. The meetings shall be convened in accord with the stipulations as follows:
 - (a) convening regular meetings of the Council at least once every three months and holding a special meeting if necessary;
 - (b) convening meeting of the Executive Committee at least once a month and holding a special meeting if necessary;
 - (c) calling for a special meeting if a minimum of one-fourth of the Council members request in writing to do so;
14. The activities of the Executive Committee shall be submitted to the nearest meeting of the Council and obtain its approval.
15. The Council shall submit its activities to the focal Ministry once every six months. If necessary, the Council may inform from time to time.

Chapter VII

Finance

16. In order to implement the provisions of this Law, the Council shall establish a fund with the following receipt:

- (a) registration fees, renewal of registration fees, overdue fees for the failure to renew the registration and other entitled money;
 - (b) donations and contributions from local and foreign organizations and donors;
 - (c) money officially accrued from the fund.
17. The Council:
- (a) shall stand separately on its own fund;
 - (b) may request through the focal Ministry to incur expenditure from the Union fund with the approval of the Union Government if the fund is not sufficient to meet its expenses.
18. The Council shall carry out the financial activities systematically in accord with the existing financial rules, regulations and directives.

Chapter VIII

Application and Issue of a Technician Registration Certificate

19. If a Bachelor Degree holder of Architectural Technology or a holder of Diploma in Architecture conferred by any local or foreign Architectural, Technology or Engineering University, College and Institute is desirous to obtain a Technician Registration Certificate, it shall be applied to the Council in accord with the stipulations.
20. (a) The Executive Committee may, on behalf of the Council, issue a Technician Registration Certificate by stipulating the terms and conditions by causing to pay registration fees, or refusing to issue if it is allowed after scrutinizing, in accord with the stipulation, the application under Section 19.
- (b) When issuing any kind of Technician Registration Certificate under sub-section (a), the term of such Technician Registration Certificate shall be prescribed.
21. If a Technician Registration Certificate holder is desirous to renew the term of his certificate, it shall be applied to the Council 60 days in advance before the expiry of the term. If it has been exceeded the specified period as such, it may be applied after paying the overdue fee in accord with the stipulations.
22. The Executive Committee may, on behalf of the Council, renew the Technician Registration Certificate by causing to pay the specified renewal fee or refusing to

renew if an application under Section 21 is allowed after scrutinizing in accord with the stipulations.

23. (a) A Technician Registration Certificate holder may, when the specified period has passed, apply to the Council to obtain a graduate technician registration certificate in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, issue a Graduate Technician Registration Certificate to a person who has applied under sub-section (a) by examining in accord with the stipulations according to the specialized architectural discipline.
24. (a) A Graduate Technician Registration Certificate holder may, when the prescribed period has reached, apply to the Council to obtain the Registered Architect Certificate in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, issue a Registered Architect Certificate to a person who has applied under sub-section (a) by examining in accord with the stipulations according to the specialized architectural discipline.

Chapter IX

Application and Issue of an Architect Registration Certificate

25. If a Bachelor Degree holder of Architecture conferred by any local or foreign Architectural, Technology or Engineering University and College or a qualified person who holds a Technician Registration Certificate by the Council is desirous to obtain a Registered Architect Certificate, it shall be applied to the Council in accord with the stipulations.
26. (a) The Executive Committee may, on behalf of the Council, issue a Registered Architect Certificate by specifying the terms and conditions by causing to pay the registration fees or refuse to issue if it is allowed the application under Section 25 after scrutinizing in accord with the stipulations.
- (b) When issuing a Registered Architect Certificate under sub-section (a), the term of such Registered Architect Certificate shall be prescribed.

27. (a) A Registered Architect Certificate holder shall, when the prescribed period has reached, apply to the Council to obtain an Architect Licence in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, issue an Architect Licence by specifying the terms and conditions to a qualified person who has passed the examinations according to the architectural discipline conducted by the Council.
28. (a) If an Architect Licence holder is desirous to obtain a Senior Architect Licence when the prescribed period is reached, it shall be applied to the Council in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, issue a Senior Architect Licence to a qualified person by specifying the terms and conditions.
29. (a) If a holder of any kind of Architect Registration Certificate is desirous to renew the term of certificate, it shall be applied to the Council at least 60 days in advance before the expiry of the term. If it has been exceeded the prescribed period as such, it may be applied after paying the overdue fees in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, allow or refuse to renew the application under the sub-section (a) after scrutinizing in accord with the stipulations. If it is allowed to renew, the applicant shall be required to pay renewal fees.
30. (a) If a foreign architect is desirous to obtain a Foreign Architect Registration Certificate, it shall be applied to the Council in accord with the stipulations.
- (b) The Executive Committee shall, on behalf of the Council, allow or refuse to issue a Foreign Architect Registration Certificate after scrutinizing the application under the sub-section (a).
- (c) If a Foreign Architect Registration Certificate is permitted, the type of permitted architecture, permitted area, limited period and other necessary terms and conditions shall be prescribed after causing to pay the specified registration fees.

Chapter X

Duties and Rights of a Registration Certificate Holder

31. A registration certificate holder:
- (a) shall abide by the rules, procedures, orders and directives issued under this Law;
 - (b) shall maintain the ethics stipulated by the Council;
 - (c) has the right to practice legally the specified architectural and technical works related to his discipline;
 - (d) has the right to use the terms which may be used against his name in accord with the stipulations according to the relevant registration certificate which has been obtained;
 - (e) has the right to tender advice to the Council for the improvement of the functions of the Council;
 - (f) has the right to submit his grievances to the Council and take advice from the Council.

Chapter XI

Taking Administrative Action

32. If any person who has obtained a Registration Certificate or Licence violates any of the terms and conditions contained in the Registration Certificate or licence, the Executive Committee may pass any of the following administrative action against him:
- (a) warning;
 - (b) causing to pay suitable fine;
 - (c) revoking the registration certificate for a limited period;
 - (d) cancelling the registration certificate.

Chapter XII

Appeal

33. Any person who dissatisfied with any administrative order or decision passed by the Executive Committee may appeal to the Council within 60 days from the date of receipt of such order or decision.
34. The Council may, in an appeal under Section 33, amend, cancel or approve the order or decision of the Executive Committee.
35. The decision of the Council under Section 34 shall be final and conclusive.

Chapter XIII

Prohibitions

36. Any person without a Registration Certificate issued by the Council, other than performing the duties by civil service architects, shall not practise specified architectural and technical works by the rules issued under this Law.
37. No Registration Certificate holder shall use the terms against his name which are inappropriate with his rank.
38. No Registration Certificate holder:
 - (a) shall transfer or cause to use his Registration Certificate to any other person;
 - (b) shall, if it is taken action or passed a decision by the Council to cancel his Registration Certificate, fail to return it to the Council within 30 days from the date of such action or decision in accord with this Law.

Chapter XIV

Penalties

39. Whoever violates any prohibition contained in Section 36 shall, on conviction, be punished with imprisonment for a term not exceeding two years or with fine or with both.
40. A holder of any Registration Certificate violates the prohibition contained in Section 37 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both.

41. A holder of any Registration Certificate violates the prohibition contained in Section 38 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both.
42. A holder of any Registration Certificate violates any prohibition contained in the rules and orders issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine or with both.

Chapter XV

Miscellaneous

43. If a civil service personnel, an Architect, a Graduate Technician and a Technician are desirous to obtain a Registration Certificate, it shall be applied to the Council in accord with the stipulations.
44. A Registration Certificate and the term issued by the Myanmar Architect Executive Committee to any architect before the commencement of this Law shall be deemed as a Registration Certificate and the term issued in accord with this Law.
45. No civil or criminal action shall be taken against any member of the Council, Executive Committee, Working Committee and Working Group for any function is done in good faith under this Law.
46. Any member of the Council, Executive Committee, Working Committee, and Working Group shall be deemed to be civil service personnel at the time of performing the duties under this Law.
47. The Myanmar traditional architect and engineer have the right to practise their works other than the specified works by the rules made under this Law and the architectural works which may endanger to the public.
48. The members of the Council and Executive Committee who are not civil service personnel shall have the right to enjoy emolument and allowances stipulated by the focal Ministry with the approval of the Union Government.
49. In prosecuting any offence under this Law, prior sanction of the focal Ministry shall be obtained.
50. The focal Ministry shall coordinate and provide assistance, as may be necessary, in order to effectively implement the functions and duties contained in this Law.

51. The Council may, in accord with the existing laws, accept donations, technical and other assistance from local and foreign organizations and donors.
52. In implementing the provisions of this Law:
 - (a) the focal Ministry in coordination with the Council may, with the approval of the Union Government, issue necessary rules, regulations and by-laws;
 - (b) the Council may, with the approval of the focal Ministry, issue necessary notifications, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

President

The Republic of the Union of Myanmar