

**SUBSIDIARY LEGISLATION**

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**THE ARCHITECTS AND QUANTITY SURVEYORS  
(REGISTRATION) ACT,  
(CAP. 269)**

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*Regulation Title*

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THE ARCHITECTS AND QUANTITY SURVEYORS  
(REGISTRATION) ACT,  
(CAP. 269)

REGULATIONS

*(Made under section 52)*

THE ARCHITECTS AND QUANTITY SURVEYORS REGULATIONS, 2015

PART I

PRELIMINARY PROVISIONS

Citation                    **1.** These Regulations may be cited as the Architects and Quantity Surveyors Regulations, 2015 and shall come into operation on the date of publication.

Interpretation            **2.** In these Regulations, unless the context otherwise requires-

Cap 269                    “Act” means the Architects and Quantity Surveyors (Registration) Act;

“Board” in its acronymy (AQRB)” means the Architect and Quantity Surveyors Registration Board established under section 3 of the Act;

“board member” means any member of the Board of Directors and includes the Chairman;

“business activity” means the purchase, sale or rental of goods, works, services or real estate or any interests therein;

“Chairman” means Chairman of the Board;

“conflict of interest” means a situation or circumstance where a member or employee has a private or personal interest that is sufficient to appear to influence the objective and impartial exercise of his official duties;

“disciplinary authority” means the Management or Board;

“employee” means a person employed by Architect and

Quantity Surveyors Registration Board and includes the Registrar, Assistant Registrar, Head of Units, senior officers, other staff and consultant on temporary assignment or contract to the Board;

“entity” means a corporation, company, association, firm, partnership, society, Joint Stock Company or any other organization or institution; and

“Registrar” means the Chief Executive Officer of the Board;

“registered person” means a person registered by the Board and includes architects, interior designers, landscape architects, furniture architects, naval architects, conservation architects, architectural technologists, quantity surveyors, building surveyors, construction managers, building economists, graduate architects, graduate quantity surveyors, graduate interior designers, graduate landscape architects, graduate furniture architects, graduate naval architects, graduate conservation architects, graduate architectural technologists, graduate building surveyors, graduate construction managers, graduate building economists, architectural technicians and architectural draughtsman.

## PART II

### GENERAL PROVISIONS AND ADMINISTRATION MATTERS

Communi-  
cations

**3.** Any communications to the Board shall be in writing, duly signed and addressed to the Registrar.

Zonal  
offices

**4.-(1)** The Board shall establish zonal offices anywhere in Mainland Tanzania for carrying out its activities.

(2) In every zonal office, there shall be a Zonal in charge Officer who shall be a head the office.

The  
Secretariat

**5.** The Board shall have a Secretariat to assist it in carrying out its functions under the Act.

Functions  
and duties  
of the  
Registrar.

**6.-(1)** The Registrar shall oversee the implementation of the functions of the Board as provided under the Act and as per approved annual plans and budget of the Board;

(2) The Registrar shall carry out duties prescribed under the Scheme of Service and any other function that may be required or as the Board may direct;

Vacancy.

**7.**-(1) The office of Registrar shall become vacant, if-

- (a) the Registrar resigns office in writing addressed to the Board,
- (b) in the opinion of the Board, the Registrar becomes incapable of performing his duties; or
- (c) the Registrar is found guilty of any misconduct by the Board; or

(2) Without prejudice to the provision of sub regulation (1), the provision of Employment and Labour Relations Act shall apply to all employees in all matters related to suspension, termination or employment.

Assistant Registrars and other Staff

**8.**-(1) There shall be Assistant Registrars who shall be appointed by the Board.

(2) The Assistant Registrars shall carry out duties and functions as the Registrar assign to them or any other function as prescribed by the Scheme of Service.

(3) The Board may delegate to the Registrar powers to employ other employees of the Board as it may deem fit in accordance with the Scheme of Service.

Other staff and secondment

**9.**-(1) The Board may employ other staff for the proper execution of the activity of the Board.

(2) A public officer or an officer from the Board may be seconded to the Board or any other public institution.

### PART III COMMITTEES OF THE BOARD

Appointment of the Committees

**10.**-(1) The Board may appoint sub-Committees as follows:

- (a) Finance and Administration Committee;
  - (b) Professional Practice Committee;
  - (c) Education and Training Committee;
  - (d) Public Advisory and Public Relations Committee;
  - (e) General Purpose Committee; and
  - (f) any other committees as deemed necessary.
- (2) The Committees appointed under sub-regulation (1), shall be composed of the following members-
- (a) Architects Association of Tanzania;
  - (b) Tanzania Institute of Quantity Surveyors;
  - (c) relevant government institutions;
  - (d) Architectural and Quantity Surveying Training Institutions in the country;
  - (e) Registrar, head of departments, Units and any other member invited by the Registrar;
  - (f) any other person co-opted by the Board to carry out any of its functions.
- (3) The Board may establish rules for conducting the procedures of the committees.
- (4) The Committees shall assist the Board in the performance of its statutory functions and duties as required by the Act and the corresponding regulations.

Quorum **11.** At any meeting of the committee, not less than half of the members for the time being shall constitute a quorum.

Decision of the committee **12.**-(1) A decision of the committee shall be determined by majority of the vote of the members present.

(2) In the event of equality of vote, the Chairman shall, in addition to his deliberative vote, have a casting vote.

Tenure of Committee and meetings **13.**-(1) A member of the Committee shall hold office for a period of three years and may be eligible for re-appointment for one more term subject to his satisfactory performance.

(2) The meetings for each Committee shall be determined by the Board.

Member-  
ship and  
Role

**14.**-(1) All members of the Committee shall be citizens of the United Republic of Tanzania.

(2) The Committees shall advise and make recommendations to the Board on matters falling in its jurisdiction.

Functions  
and  
composi-  
tion of  
Finance  
and  
Administ-  
ration  
Committee

**15.**-(1) The Finance and Administration Committee shall be responsible for preparation of Board's plan and budgets, and to guide on all financial matters and administration issues.

(2) The Committee shall comprise of members appointed by the Board as follows-

- (a) Chairperson and Vice Chairperson of the Board;
- (b) Chairpersons of all Board's Committees; and
- (c) Registrar, head of departments and units and any other member of the Secretariat.

Functions  
and  
composi-  
tion of the  
profession-  
al practice  
committee

**16.**-(1) The functions of Professional Practice Committee shall be to ensure discipline, professional ethics and to look on matters related to registration and practice of architects, quantity surveyors and firms.

(2) The Professional Practice Committee shall be responsible for conducting inquiries in event of alleged professional misconduct or professional incompetence on the part of any person registered by the Board.

(3) The Professional Practice Committee shall comprise of the following members-

- (a) two board members one being an architect and the other being a quantity surveyor;
- (b) one architect from the Architects Association of Tanzania;
- (c) one quantity surveyor from Tanzania Institute of Quantity Surveyors;
- (d) one senior member who is an architect or quantity surveyor or town planner from the Ministry responsible for Local Government;



- (e) one senior state attorney from the Attorney General's Chambers; and
- (f) a Registrar, head of departments and units and any other member of the Secretariat.

Functions and Composition of the Education and Training Committee

**17.**-(1) The functions of Education and Training Committee shall include to deal with the matters related to professional examinations and educational advancement of registered persons.

(2) The Education and Training Committee shall comprise of the following members-

- (a) two board members representing training institutions, one being an architect and the other being a quantity surveyor;
- (b) a senior officer from the Ministry responsible for higher education;
- (c) one architect from Architects Association of Tanzania;
- (d) one quantity surveyor from Tanzania Institute of Quantity Surveyors, and
- (e) Registrar, head of departments and units and any other member of the Secretariat.

Functions and composition of Public Advisory and Public Relation Committee

**18.**-(1) The functions of the Public Advisory and Public Relations Committee shall include the following-

- (a) to link professionals, other public organs and the community in general; and

(b) to enhance publicity of architecture and quantity surveying professions.

(2) The Public Advisory and Public Relations Committee shall comprise of the following members-

- (a) two board members;
- (b) one architect from Architects Association of Tanzania;
- (c) one quantity surveyor Tanzania Institute of

Quantity Surveyors;

- (d) one senior public relations officer from the Ministry responsible for construction industry;
- (e) one person who has expertise in public relations from either private or public media, and
- (f) Registrar, head of departments and units and any other member of the Secretariat.

Functions  
and  
composi-  
tion of  
General  
Purpose  
Committee

**19.**-(1) The functions of the General Purpose Committee shall be a link between various regulatory or public organs related to the practices and services offered by architects and quantity surveyors.

(2) The General Purpose Committee shall comprise of the following members:

- (a) two Board members;
- (b) one senior officer who is either an architect, quantity surveyor, or town planner from the Ministry responsible for local government;
- (c) one senior Immigration Officer from the Ministry responsible for Immigration;
- (d) one senior officer from the Occupational Health and Safety Authority;
- (e) one senior officer from Business Registration and Licensing Agency;
- (f) one senior officer from the Ministry responsible for Labour and Employment;
- (g) one senior officer who is an architect or quantity surveyor from Contractors Registration Board;
- (h) one senior officer who is an engineer from Engineers Registration Board;
- (i) one senior officer who is a town planner from Town Planners Registration Board;
- (j) one senior officer from Tanzania Investment Centre;
- (k) one senior officer who is a quantity surveyor or an architect from the National Construction Council;
- (l) one senior officer from the National Environmental Management Council;

- (m) one senior officer from Tanzania Revenue Authority, and
- (n) Registrar, head of departments and units and any other member of the Secretariat.

**PART IV**

**CONDUCT OF EMPLOYEES**

General  
standard

**20.** An employee shall conduct himself in a manner that inspires confidence and trust among the regulated entities, customers, competitors and the public ,and in respect shall-

- (a) strive to continually improve his professional competence and his ability to serve the public interest;
- (b) not engage in fraudulent, wasteful, abusive or corrupt activities or practices in the performance of his duties and obligations;
- (c) not engage in personal use of public property of any kind for other than performance of official duties; and
- (d) not retain or acquire possession of any property of the employer upon completion of its use for unauthorized purpose.

Diligence

**21.** An employee shall endeavor to perform his duties diligently by-

- (a) maintaining the highest standard of discipline;
- (b) demonstrating his sense of responsibility by ensuring that he-
  - (i) uses his skills, knowledge and expertise to attain maximum result;
  - (ii) executes duties and assigned responsibilities with maximum standards and at the required time;
  - (iii) disengages from conduct which might impair work performance; and
  - (iv) is ready to work at any duty station.

Prescribed  
activity

**22.**-(1) An employee shall not use his official position

to obtain unwarranted privileges or personal benefits for which such person would may otherwise be ineligible.

(2) An employee shall not during the performance of his official duties, discriminate or provide preferential treatment to against person or entity.

(3) An employee shall not engage in any activity that may impair his independence and impartiality in the performance of official duties.

(4) An employee shall not at anytime, before and after employment, disclose to an unauthorized person or entity confidential information acquired during employment with Board.

(5) An employee shall avoid all types of conduct which may constitute harassment which include sexual activity, tribal or race harassment at work place.

(6) An employee shall not disclose information not intended to be currently available to the public such as docket, agenda, schedules, inquiries investigation, audits and similar matters.

(7) An employee shall not solicit or accept, directly or indirectly bribe from any person, entity or institutional.

Following  
of laws and  
Regulations

**23.** An employee shall apply the prevailing laws, regulations and procedures when discharging his duties and functions.

Discrimina-  
tion to  
other person

**24** An employee shall not discriminate or harass a member of the public or fellow employee on grounds of sex, gender, social origin, disability, tribe or place of origin, religion, political opinion, nationality, ethnicity, marital status, age, HIV/aids or disability.

Conflict of  
interest

**25.**-(1) An employee shall not acquire any pecuniary or other interest that conflicts with performance of his duties as a member or employee.

(2) Where at any time an employee has a conflict of interest in relation to any matter that is before the Board for consideration or determination or any matter that is reasonably expected, might come before the Board for

consideration or determination, such member or employee shall-

- (a) immediately disclose the conflict of interest; and
- (b) refrain from taking part in the consideration or determination of the matter.

(3) Any employee who, without reasonable cause, fails to make declaration of his interest as required or knowingly makes a false declaration or misleading the decision or determination of the Board, shall be deemed to breach these Regulations.

Disciplinary measures

**26.** The Board shall take disciplinary measures against any person who contravenes the provision of this Part.

## PART V

### REGISTRATION OF PERSON AND FIRMS

Registration of person and firms

**27.**-(1) The Board shall establish a register and sub register of persons and firms as prescribed under the Architects and Quantity Surveyors By-laws.

(2) The register and sub register of such person and firm, as the case may be, shall contain names, date of entry, registration number, academic qualification, titles, category, postal address, physical address, emails, phone number and other particulars as the Board may direct.

Application for registration

**28.**-(1) An application for registration shall state the qualifications upon which the application is based and accompanied by certified copies of such certificates or other documents as deems it necessary to support those qualifications.

(2) The Board may at its discretion require original certificates or documents for authentication.

(3) An application for registration of persons and firms shall be in a form as prescribed by the Board and be accompanied by the fees prescribed under the Architects and Quantity Surveyors By-laws.

Registration process

**29.** The process of registration shall be provided by the Board from time to time as shall be defined in the

registration manual for each registration category.

Determina-  
tion of  
application  
for  
registration

**30.** An application for registration received by the Board shall be processed in accordance with the procedure set out in the Architects and Quantity Surveyors By-laws.

Registration  
Identity or  
Certificate

**31.**-(1) A person or firm registered under the Act and these Regulations shall be issued with an identity and certificate as prescribed by the Board.

(2) The registration certificates shall be duly signed and sealed with the common seal of the Board.

(3) A registration certificate for an individual shall have the photograph of the bearer

Failure to  
comply  
with  
Regulations

**32.** The Board shall not consider the application of any person or firm that fails to comply with any requirement made under these Regulations and Architects and Quantity Surveyors By-laws.

Registra-  
tion of  
foreign  
person  
and firms

**33.** All foreign persons and firms shall be required to be registered by the Board before starting operations in Tanzania.

Job  
positions

**34.** An architectural or quantity surveying job positions for both private and public institutions shall be occupied by registered person in relevant categories.

## PART VI

### DISCIPLINARY PROCEEDINGS FOR EMPLOYEES

Disciplin-  
ary  
Authority

**35.**-(1) The Board shall institute a disciplinary proceeding against the Registrar, Assistant Registrar, Head of Units and other senior officers of the Board.

(2) The management shall institute a disciplinary proceeding against all junior officers, temporary, casual and all employees falling under its appointing powers as stipulated in the Scheme of Service.

Negligen-  
ce and  
miscond-  
uct

**36.**-(1) Where an employee causes the Board to suffer losses either willfully or by negligence, the value or amount caused by the employee shall be recovered in a manner as may

resulting into losses be determined by the Board.

(2) When an employee fails to pay the damage caused under sub regulation (1), the Board may institute legal proceedings against such person to recover of damage caused.

Code of conduct

**37.** The Board shall require an employee to conduct himself in a manner designed to promote the interest, good name and well being of the Board and any employee who fails to conduct himself in such a manner through willful acts, omission or negligence shall be guilty of misconduct and the disciplinary action may be taken by the respective disciplinary authority.

Disciplinary procedure

**38.**-(1). The disciplinary authority may appoint not less than three and not more than five members from public service to form part of the inquiry committee.

(2) A person shall not be appointed as a member of inquiry committee unless he is of a higher position than the rank held by an employee who is subjected to inquiry.

(3) Where the Committee is conducting the inquiry and is in the opinion that a professional or technical matter likely to arise in the course of the proceedings, it may request the assistance of not more than two person with the necessary qualification or experience in the relevant matter.

Proceedings

**39.**-(1) No formal proceedings for disciplinary breach shall be instituted against an employee unless he has been served with a copy of the charge setting out the nature of the breach which he is alleged to have committed.

(2) Every disciplinary charge shall state briefly the nature of the breach which the accused is alleged to have committed, and shall set out in a concise form the allegations made against the accused employee and be served upon the employee.

(3) A charge shall be accompanied by a notice addressed to the employee and be required to state in writing, a period as may be specified in the notice, the grounds upon which he relies to exculpate himself.

(4) No formal proceedings instituted under this regulation shall be invalid by reason of irregularity in the formulation of the charge.

(5) Where an employee is served with a charge and fails to make representations in writing giving ground upon which he relies to the charge or make representation which in the opinion of the Inquiry Committee shall not amount to a complete defense of the breach of which the accused employee is charged, the Inquiry Committee shall proceed with an inquiry into a breach.

(6) Upon the conclusion of the investigation, the inquiry committee shall make recommendation to the disciplinary authority

(7) Upon receipt of the report the disciplinary authority shall make its finding whether in its opinion the accused employee is guilty of the breach with which he has been charged and if the disciplinary authority finds the accused employee guilty, shall proceed toward such punishment as prescribed in the Employment and Labour Relations Act.

Cap 366

suspension

**40.**-(1) If in any case, the disciplinary authority considers that it is in the interest of the Board that an employee ceases to exercise the powers and functions of his employment such employee may be barred from the exercising his powers and functions.

(2) Where an employee is suspended under these Regulations, he shall be informed by the Board of the reasons of such suspension.

(3) During the suspension period, the employee shall receive full salary and shall not leave his duty station without prior permission in writing from the Board.

Procedure in disciplinary breach amounting to criminal offence

**41.**-(1) Where an employee is alleged to have committed a disciplinary offence which constitutes a criminal offence under any written law proceedings for the criminal offence shall be instituted against him and completed in a court of law.

(2) If the employee is acquitted of a criminal charge and no disciplinary proceedings have been taken or



completed against him such acquittal shall not be a bar to disciplinary proceedings arising out of his conduct in this matter, and such disciplinary proceedings may be continued or instituted against the employee and he may be punished as if no criminal proceedings had been instituted against him.

(3) If the employee is charged with a criminal offence the appropriate disciplinary authority may suspend the employee from the exercise of powers and functions of his office on full salary pending consideration of his case under the provisions of this Regulation.

(4) Where an employee has been convicted of a criminal offence, he shall be deemed to have been guilty under the provisions of these Regulations of a disciplinary offence based upon the same charge of which he was convicted, and the disciplinary authority shall, without continuing or instituting any disciplinary proceeding or to take appropriate action against employee.

(5) Where an employee has been convicted of breach of offence and prior to the commencement to the criminal proceedings he was found guilty by disciplinary authority, the disciplinary offence based on the facts upon which the subsequent criminal charge was based, the disciplinary authority, may upon the conclusion of the criminal proceedings, substitute for the disciplinary punishment which in the opinion of the disciplinary authority, is warranted in view of the conviction of the employee of the criminal offence or in view of any evidence adduced at the criminal offence or view of any evidence adduced at the criminal proceedings.

(6) For the purpose of this Regulation, criminal proceedings shall be deemed to have been concluded where:

- (a) there has been no appeal against the conviction or acquittal upon the expiry of the time allowed for such appeal by or under any other written law;
- (b) there has been no appeal against the conviction or acquittal upon the expiry for the time allowed by or under any written law in any further appeal; and
- (c) there has been an appeal or further appeal against any conviction or acquittal, the judgment of the appellate tribunal shall take into consideration in determining whether the employee has been convicted or

acquitted.

Machinery  
of appeal

**42.**-(1) Where any punishment is imposed upon an employee by a Management under these Regulations such employee may appeal against such decision to the Board.

(2) Where an employee intends to appeal under sub-regulation (1), against any decision, he shall, within seven days of the receipt of the decision, give notice in writing to the Board of his intention to appeal and shall within fourteen days of such receipt, submit his petition of appeal to the Board.

(3) The Board shall, on receipt of notice petition under sub-regulation (2), serve a copy of such notice on petition to the management against whose decision the appeal is brought.

(4) On an appeal under these Regulations the Board may, in its discretion, allow both the appellant and the deciding authority whose decision is being appealed against or an opportunity to be heard in support of or as case may be against the appeal.

## PART VII

### DISCIPLINARY PROCEEDINGS FOR REGISTERED PERSON

Institution  
of inquiry

**43.**-(1) Inquiry into the conduct of a registered person or firm may be instituted by the Board or a complaint addressed to the Board by any person alleging for professional misconduct on the part of a registered person or firm.

(2) A complaint addressed to the Board under sub regulation (1) shall be in writing and signed by the complainant.

Complainant  
to be made  
by affidavit  
if required

**44.**-(1) The Board may require the complaint or any part of the complaint to be verified by an affidavit.

(2) The Board shall, upon receipt of **the** complaint or on its own initiative, serve a copy of the complaint to the registered person or firm alleged to have committed misconduct by a registered mail or recorded delivery using his last address that appears in the Board's record.

(3) Upon receipt of the complaint under sub regulation (2), the registered person or firm whose conduct is complained of, shall within fourteen days, file a reply to the complaint.

Investigation

**45.**-(1) The Board after receiving a reply, shall investigate the matter and if there is questionable professional conduct shall call the alleged party and proceed with the inquiry under regulation 43.

(2) Where the Board after investigation, finds that there is no questionable professional conduct towards the alleged person or firm, shall dismiss the matter and notify the parties.

Person complained of to appear in person and produce documents

**46.**-(1) The Board shall summon an alleged person or firm to appear before the Board for inquiry and may call upon such person to produce any document, in his possession or under his control relating to the complaint or matter under investigation and hear any evidence and inspect any document which the complainant or the person complained of has adduced.

(2) Where a person is summoned by the Board, and such person or firm fails to appear or to file required documents without a good cause, the Board may proceed with the inquiry.

Right of person complained of to appear before Board

**47.**-(1) A person or firm against whom the complaint is made shall have the right to appear before the Board to be heard personally.

Decision by Board

**48.** The Board may after inquired into the alleged misconduct:

- (a) take no further action;
- (b) caution the registered person or firm;
- (c) inflict a penalty as determined by the Board;
- (d) suspend the registered person or firm from practice; or
- (e) delete the name from the register or sub register

Procedures on complaints for professional misconduct

**49.** The Professional Practice Committee shall conduct investigation of complaints of professional misconduct of a registered person or firm and recommend to the Board, as it thinks fit.

Member to  
be  
excluded  
when  
Board is  
making  
decision

**50.** A member who participates in the investigation of an inquiry by a Professional Practice Committee shall not again participate when the Board is making decision on the same complaint of which he was involved in making recommendation to the Board.

Prima  
facie  
case

**51.**-(1) Where the complaint or an affidavit does not disclose a *prima facie* case, the Board may request the complainant to submit additional evidence or swear a new affidavit with such additional evidence as he is able to produce.

(2) Where a complainant fails to submit additional evidence or a new affidavit as required under sub-regulation (1) within a period of seven days, the Board shall dismiss the complaint.

(3) In conducting the inquiry, the Board may inquire into any other matter of professional misconduct even if that matter is not part of the complaint.

(4) The Board shall make decision on inquiry and shall inform the alleged person or firm within a period of six months from the date of receiving complaint

(5) Without prejudice to sub regulation (4), a person who is convicted for professional misconduct, shall be liable for the payments of costs of the inquiry proceedings and other charges incurred by the Board as determined by the Board.

Appeals

**52.**-(1) Any person or firm that is aggrieved by a decision of the Board, may appeal to the Appeals Authority within thirty days from the date of its decision.

(2) In determining an appeal, the Appeals Authority may give such directions in the matter as it deems fit.

(3) The Board may appear as a respondent and be heard on appeal against its decision.

(4) For the purpose of enabling directions to be given as to the cost of the appeal, and the Board shall be deemed to be a party, whether or not it appears in the date on which the hearing of appeal takes place.

(5) At the hearing of appeal, a document purporting to be a copy of an extract from the register or sub register or any document kept or published by the Registrar and purporting to be certified by the Registrar as a true copy or extract, shall be admissible as evidence.

PART VIII  
MISCELLANEOUS PROVISION

Offences  
and  
penalties

**53.** Any person who contravenes the provisions of these Regulations and where no penalty is provided under the respective provision such person shall be liable to a penalty of not exceeding five million shillings.

Power to  
make  
guidelines

**54.** The Board may make guidelines for carrying out its functions.

Dar es Salaam,  
....., 2015

JOHN POMBE MAGUFULL,  
*Minister for Works*