

LEMBAGA ARKITEK MALAYSIA

Tingkat 17, Ibu Pejabat JKR
Jalan Sultan Salahuddin, 50582 Kuala Lumpur
Peti Surat 12695, 50786 Kuala Lumpur

GENERAL CIRCULAR NO. 1/2002

ARCHITECT'S CERTIFICATION UNDER THE STANDARD SALE AND PURCHASE AGREEMENTS

1. The Board finds it necessary to issue this General Circular which follows on General Circular No. 1/2001.
2. This is because even within the first month of the new year, the Board has received information that is of extremely serious concern to the profession. The information relates to the incorrect or apparently fraudulent certification by Architects that will have far-reaching consequences on innocent purchasers of housing units of various types.
3. The Board has already incurred much time and effort in dealing with complaints and disposing of them within the provisions of the Architects Act 1967. This has resulted in the imposition of the maximum penalty of RM5,000 with or without reprimand for those found guilty of improper certification.
4. However, as the serious damage suffered by the innocent purchasers far exceed the penalty imposed on the Architects concerned, the Board has decided that the monetary penalty is inappropriate. **Henceforth, as provided in the Act, the Board will not hesitate to impose a suspension or remove the names from the register of all Architects found guilty of improper or fraudulent certification.** The Board has no choice but to impose such hard measures because past reminders and similar exhortations have not had the desired effect. In adopting this policy, the Board recognises that it will still not be the solution to the shortcomings in the housing delivery system. But at least, the offending Architect will no longer continue to be a hazard to the innocent public.
5. As a reminder, the unacceptable practices most commonly encountered include :-
 - (a) **Premature certification** – including providing undated signed certificates to developers and before proper application has been made for the Certificate of Fitness for Occupation (CFO) together with all prior clearances from subsidiary approving authorities.
 - (b) **Inaccurate certification** – when aspects of work still remain incomplete.
 - (c) **Delegating a part of the Architect's duty** to others (especially to the developer or his nominees) in satisfying himself that the work has been completed in accordance with the Sale and Purchase Agreement notwithstanding that this may have been authorised in writing.
6. The Board hopes that all Architects will take this reminder seriously to avoid causing damage to the reputation and credibility of the architectural profession as a whole.

Thank you.



(NOORISAH ABD. SHUKOR)
President

15 February 2002