



# ARCHITECTS' CODE OF CONDUCT

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PROMOTING	SUPPORTING
REGULATING	ARCHITECTURE

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## RIAI - ARCHITECTS' CODE OF CONDUCT

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# Introduction

Section 56 of the Building Control Act, 2007 (“the Act”) requires the RIAI to prepare a code specifying the standards of professional conduct and practice that shall be adhered to by architects who are registered with the RIAI (“architects”).

## This is that code.

The code reflects the responsibilities of architects to the public, clients, employers and colleagues. The standards of professional conduct and practice that shall be adhered to by architects are set out in this code under three principles as follows:

- Principle 1**      General Obligations
- Principle 2**      Obligations to Clients and Employers
- Principle 3**      Obligations to the Profession

Under the Act, any person may complain to the Professional Conduct Committee (“the Committee”) concerning an action of an architect which is alleged to amount to professional misconduct or poor professional performance.

Professional misconduct is defined in the Act in relation to an architect and means, any act, omission or pattern of conduct of an architect that:

- (a)** Is in breach of the code prepared by the RIAI,
- or*
- (b)** If the architect has been granted by a body established in a state, other than the State, a licence, certificate or registration relating to the

practice of the profession concerned, is a breach of the standard of conduct or performance that applies to a person holding that licence, certificate or registration and that corresponds to a standard in the code referred to in paragraph **(a)** above.

This code further defines professional misconduct as follows:

- a)** Conduct, connected to the profession of architecture or otherwise, which is disgraceful or dishonourable and / or
- b)** Conduct, connected to the profession of architecture, in which the architect concerned has seriously fallen short, by omission or commission, of the standards expected amongst architects.

Poor professional performance is defined in the Act in relation to an architect as meaning any failure of an architect to meet the standards of competence that may reasonably be expected of architects practising architecture.

Architects are expected to be guided in their conduct by the spirit of the code as well as by its express terms. The fact that conduct is not specifically referred to in the code does not mean that it cannot amount to professional misconduct or poor professional performance.

If there is a conflict between the code and any section of the Act, the relevant section of the Act will supersede the code.

The Registration Body shall review the code from time to time and may amend its provisions, if it thinks fit, in accordance with section 56 (2) of the Act.

# Principle 1

## GENERAL OBLIGATIONS

- 1.1** Architects shall at all times act with honesty and integrity and avoid any actions or situations that are inconsistent with their professional obligations. Honesty and integrity underpin the code and will be taken to be required in any consideration of an architect's conduct.
- 1.2** Architects shall avoid, at all times, any action or situation which is inconsistent with their professional obligations or which is likely to raise doubts about their independence, impartiality or integrity.
- 1.3** Architects shall not make, support, or acquiesce in any statement written or otherwise, that is contrary to their professional opinion or that is misleading or unfair to others.
- 1.4** An architect is an independent professional and must be allowed to make independent professional judgements. It is incumbent on architects to recognise differing professional architectural opinion and to facilitate independent professional judgement.
- 1.5** Architects shall not, in an architectural practice, be a partner, shadow-director, ordinary director, act in concert with or take up employment with unsuitable persons, such as a person whose name has been erased from the Register of Architects as a result of a decision of the Committee.
- 1.6** Architects shall not communicate or promote or represent themselves or their professional services in a false, misleading or deceptive manner, nor shall they allow others to do so if acting on their behalf.
- 1.7** Architects shall not promote, engage in, encourage or acquiesce in any act which is likely to assist in the commission of a crime.
- 1.8** Architects shall report to the Registrar any breaches of the code on the part of other architects that come to their notice.
- 1.9** Where an architect is appointed as an arbitrator, adjudicator, mediator, conciliator or expert witness and is in receipt of privileged information, his/her duty in that role may take precedence over any requirement to report breaches of the code to the Registrar.
- 1.10** An architect should not (except in the circumstances described at 1.9 above) enter into a contract, other than a settlement of a dispute, the terms of which would prevent any party from reporting an apparent breach of the code by another architect to the Registrar.
- 1.11** Architects are expected to have a written procedure for prompt and courteous handling of complaints which will be in accordance with the code and provide this to the client and to any other person who requests it. This should include the name of the person who will respond to complaints.
- 1.12** Complaints should be handled courteously and promptly at all times. If appropriate, architects should encourage alternative methods of dispute resolution, such as mediation, arbitration or conciliation.
- 1.13** Architects shall cooperate fully and promptly with the Registration Body and any Committee and/or Board established >>>

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under the Act, and within any specified timescale, if it asks the architect to provide information which it needs to carry out its statutory duties, including evidence that the architect is complying with these principles.

- 1.14** Architects shall notify the Registrar of any change in the name under which, or the address at which, he or she carries on business.
- 1.15** Whilst an architect's primary responsibility is to his/her client(s), he/she should nevertheless have due regard to his/her wider responsibility to conserve and enhance the environment.
- 1.16** Architects shall maintain and advance their knowledge of the art and science of architecture, respect the body of architectural accomplishment, contribute to its growth and give precedence to learned and independent professional judgement over any other motive in the pursuit of the art, science, and business of architecture.

## Principle 2

### OBLIGATIONS TO CLIENTS AND EMPLOYERS

- 2.1** Architects shall conduct their architectural practice and deal with clients in a professional and efficient manner. In particular architects shall keep clients regularly informed of the progress of work undertaken on their behalf and of any issue that may significantly affect its quality or cost.
- 2.2** Architects shall treat the affairs of a client or employer in strict confidence. Architects shall ensure that adequate security is in place to safeguard both paper and electronic records for clients, taking full account of data protection legislation, and the safeguarding of client's confidential information.
- 2.3** Architects shall not, without the agreement of the client or employer, use to their own advantage confidential information gained in the course of their association.
- 2.4** Architects who have a personal, business or financial interest in a matter referred to them for their advice or services shall disclose as soon as possible such interest to the relevant client or employer.
- 2.5** Architects shall disclose in writing any conflict of interest that arises and manage it to the satisfaction of all affected parties. Written confirmation shall be sought that all parties involved have given their informed consent to the architect continuing to act. Where the consent is not received, the architect shall cease to act for one or more of the parties.
- 2.6** Architects shall be competent to carry out professional work they undertake to do and where others are engaged by the architect on behalf of the client or employer, the architect shall ensure that they are competent and are adequately supervised.
- 2.7** Architects shall make appropriate arrangements for their professional work and practice in the event of incapacity, death, absence from or inability to work.
- 2.8** Architects, when undertaking an architectural commission shall, as soon as is reasonably practicable, confirm in writing to the client and / or the employer:
1. The scope of the professional services to be provided.
  2. The fee or the method of calculating fees.
  3. Description and allocation of the responsibilities of client, architect and other consultants.
  4. Any limitations of responsibilities.
  5. Payments stages and terms of payment.
  6. Provisions for termination.
  7. Any special or unusual factors.
  8. Information on dispute resolution procedures.
  9. Projected timescales for delivery of stages of the service.
  10. The target or other cost limit for the project, work or services.
  11. The essential requirements of the project and any special circumstances and conditions relevant to the commission.
- 2.9** Architects should have regard to the RIAI's published client/architect agreements when proposing to a client the services to be provided.
- 2.10** Architects shall ensure that the client and/or employer agreements record that the architect is registered with the Registration Body and that the architect is subject to this code and that the client and/or employer can refer a complaint to the Committee established under the Act for complaints about poor professional performance and/or professional misconduct. >>>

- 2.11** Where the architect considers it necessary to engage specialist expertise on the client's behalf the architect shall inform the client and/or employer before entering into any agreement with such specialist and seek the clients and/or employers written consent including the agreed fee to engage with such a specialist.
- 2.12** Architects in architectural practice shall ensure that they have adequate and appropriate professional indemnity cover in place for the architect, the practice and the employees which, if required by the RIAI, is to be confirmed as being in place annually.
- 2.13** Architects shall provide information on their professional indemnity cover to clients and/or employer, the Registration Body and/or any Committee or Board established under the Act if and when required.
- 2.14** Architects shall ensure that their professional finances are managed prudently, so as not to be to the detriment of a client. Examples of matters which may be examined that might indicate a wilful disregard for responsibility or integrity by an architect include:
- An order of bankruptcy.
  - A Court Order disqualifying the architect from acting as a company director.
  - The liquidation of a company of which they are a director other than for the purposes of reconstruction or amalgamation.
  - An accommodation with creditors, including voluntary arrangements.
  - Failure to pay a judgement debt.
- 2.15** Architects shall carry out their professional work without undue delay and, so far as it is within their power, within an agreed reasonable time limit.
- 2.16** When an architect offers, or is part of such offer, a service combining architectural services with building/ construction contracting services, an architect shall confirm in writing to all relevant parties that his/her services will not include the independent functions of an architect.
- 2.17** Nothing in this code shall prevent an architect from resigning from a project or terminating an appointment provided reasonable cause and reasonable notice are given.
- 2.18** Architects shall keep proper records of all money held by them that belongs to a client or other third party and account for it at all times.
- 2.19** Architects shall keep such money in a designated bank account, called a "client account" which is to be separate from any personal or business account.
- 2.20** Architects shall instruct the bank in writing and ensure that all money in the client account is held as clients' money and that the bank cannot combine it with any other account or exercise any right of set off or counterclaim against it.
- 2.21** Architects shall ensure that money is not withdrawn from a client account to make a payment unless there is a specific written instruction from the client.
- 2.22** Unless otherwise agreed by the client, architects should arrange for any interest accruing from a client account to be paid to the client.

## Principle 3

### OBLIGATIONS TO THE PROFESSION

- 3.1** Architects in the practice of their profession, shall pursue their professional activities with independence, impartiality, confidentiality, integrity, honesty and fairness at all times.
- 3.2** Architects shall not be party to any arrangement which involves the giving or receipt of an improper inducement in any form.
- 3.3** Architects shall not accept a commission if, by reason of office or position, they could grant or influence the granting of any form of statutory or other approval or assistance for the commission.
- 3.4** Architects may bring their practice to the notice of potential clients provided that the application is not in respect of a project for which they could reasonably know that an architect has already been commissioned.
- 3.5** Architects shall maintain, at all times, a reasonable level of professional skill and competence.
- 3.6** Architects shall comply on an annual basis with the RIAI's policy requirements in relation to continuing professional development. It shall be the architect's own responsibility to ensure compliance with these requirements.
- 3.7** Architects shall not imply skills not attested to by their qualifications or experience or use their qualifications in a misleading way.
- 3.8** Architects in seeking or maintaining qualifications or accreditation shall not engage in plagiarism in any form or provide information which is false or misleading in any respect.
- 3.9** Architects practicing in any form of association with a person who is not an architect shall ensure that the agreement controlling such association permits them to act in accordance with this code and that this code is observed in all matters pertaining to the practice.
- 3.10** Architects shall practice as sole trader, body corporate, firm or partnership only in compliance with the rules as issued by the RIAI in accordance with section 18 (6) of the Act.
- 3.11** Architects practicing in any form of professional association shall ensure that a formal partnership or corporate agreement is in place and is kept up to date.
- 3.12** Architects, before undertaking an architectural collaboration directly with other architects, shall ensure that a written agreement is in place defining the nature of the collaboration, the manner in which the work will be allocated and fees shared between the parties, and the attribution of design responsibility and credits.
- 3.13** Architects who collaborate with others in the design of a building project shall ensure that any publicity relating to it accurately and fairly reflects the contribution of their colleagues.
- 3.14** Architects shall regard the design of a building or complex as the intellectual property of the architect responsible for it, unless there is evidence to the contrary. Before undertaking a commission to carry out the design of another architect, architects shall, where the intellectual property in the design of a building or complex is owned by another architect, take all reasonable steps to so inform such architect and shall record the action taken. >>>



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- 3.15** If required or on being required by a client to proceed with work on which the architect has reason to believe, or ascertains by reasonable enquiry, another architect is engaged, the architect shall immediately take all reasonable steps to so inform such other architect and shall record the action taken.
  - 3.16** An architect, if approached to give an opinion on the work of another architect, shall notify that architect, as a matter of professional courtesy and subject to the client's approval.
  - 3.17** Architects shall not infringe the intellectual copyright of another architect.
  - 3.18** Architects shall ensure that when they are publishing any promotional material or advertisements, the material or advertisements published are factual, truthful and lawful.
  - 3.19** Architects shall not sign drawings, specifications, reports or any other professional work or documentation for which they are not responsible and of which they are not in control.
  - 3.20** For the avoidance of any doubt nothing in this code shall be used to prevent normal pro – competitive practice and normal commercial practice.

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