



LAWS OF MALAYSIA

ONLINE VERSION
OF UPDATED TEXT OF REPRINT

Act 487

QUANTITY SURVEYORS ACT 1967

As at 1 March 2016

QUANTITY SURVEYORS ACT 1967

Date of Royal Assent	...	...	1967 (Act No. 67 of 1967)
Date of publication in the <i>Gazette</i>	...	...	1992 (Act 487 w.e.f. 18 March 1992)
Latest amendment made by Act A1481 which came into operation on	...	...	30 January 2016

PREVIOUS REPRINTS

<i>First Reprint</i>	...	...	...	2002
<i>Second Reprint</i>	...	...	...	2006

LAWS OF MALAYSIA

Act 487

QUANTITY SURVEYORS ACT 1967

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and application
2. Interpretation

PART II

BOARD OF QUANTITY SURVEYORS

3. Establishment of Board of Quantity Surveyors
4. Functions of the Board
- 4A. Power of the Board to purchase or lease land, *etc.*

PART III

REGISTRATION OF QUANTITY SURVEYORS, PROVISIONAL QUANTITY SURVEYORS AND QUANTITY SURVEYING TECHNOLOGISTS

5. Register
6. Appointment and duties of Registrar
7. Restrictions of unregistered persons, Consultant Quantity Surveyor, *etc.*
- 7A. Consulting Quantity Surveying Practice
- 7B. A body corporate providing a combination of services comprising consulting Quantity Surveying services, professional engineering services or architectural consultancy services

Section

8. Consultant Quantity Surveyor, Professional Quantity Surveyor and Consulting Quantity Surveying Practice may prepare preliminary estimates, *etc.*
9. *(Deleted)*
10. Qualifications for registration
- 10A. Registration of Quantity Surveying Technologist
11. *(Deleted)*
12. Application for registration
13. Certificate of registration
14. Notification of change of address

PART IIIA

DISCIPLINARY COMMITTEE AND DISPUTE RESOLUTION PANEL

- 14A. Disciplinary Committee
- 14B. Dispute Resolution Panel

PART IV

CANCELLATION, REMOVAL, REINSTATEMENT, *ETC.*

15. Cancellation of registration, *etc.*
16. Removal from Register
17. Reinstatement
18. Certificates or permits to be returned

PART V

GENERAL

19. Appeal
20. Appeal Board
21. Tenure of office of members of the Appeal Board
22. Procedure of appeal

Section

- 23. Procedure of Appeal Board
- 24. Penalties for obtaining registration by false pretences, *etc.*
- 24A. Restriction of employment of unregistered persons
- 24B. Restriction on employment of firm or body corporate as Consulting Quantity Surveying Practice
- 24C. Investigating Committee
- 24D. Procedure for hearing and investigation
- 25. General penalty
- 25A. Failure to comply with orders of the Disciplinary Committee or Appeal Board
- 25B. Power of search and seizure
- 25C. List of things seized
- 26. Rules
- 26A. Authorization by President
- 26B. Notices
- 27. Building and Mining Surveyors excluded
- 28. Saving as to right of Government
- 29. Indemnity
- 30. Appointment of advocate and solicitor and other persons

SCHEDULE

LAWS OF MALAYSIA**Act 487****QUANTITY SURVEYORS ACT 1967**

An Act to provide for the establishment of the Board of Quantity Surveyors, for the registration of Quantity Surveyors and approval to practise of firms or bodies corporate practising as consulting Quantity Surveyors, for the regulation of the practice of quantity surveying and for matters connected therewith.

*[Throughout Malaysia—1 December 1973,
P.U. (B) 515/1973]*

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and application**

1. (1) This Act may be cited as the Quantity Surveyors Act 1967, and shall apply throughout Malaysia.
- (2) *(Omitted).*
- (3) *(Omitted).*

Interpretation

2. In this Act, unless the context otherwise requires—

“Architect” has the same meaning assigned to it in the Architects Act 1967 [*Act 117*];

“architectural consultancy services” has the meaning assigned to it in the Architects Act 1967 [*Act 117*];

“authorized officer” means an officer authorized by the Board under paragraph 4(ff);

“Consultant Quantity Surveyor” means a person who is registered under subsection 10(3);

“Consulting Quantity Surveying Practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act 1965 [*Act 125*], which is granted by the Board a permit to practise as a Consulting Quantity Surveying Practice under section 7A;

“Disciplinary Committee” means a committee appointed by the Board under section 14A;

“Dispute Resolution Panel” means a panel appointed by the Board under section 14B to mediate, adjudicate or arbitrate or otherwise resolve disputes including expert determination;

“Minister” means the Minister charged with the responsibility for public works;

“prescribed” means prescribed by rules made by the Board of Quantity Surveyors;

“Professional Engineer with Practising Certificate” has the same meaning assigned to it in the Registration of Engineers Act 1967 [*Act 138*];

“professional engineering services” has the meaning assigned to it in the Registration of Engineers Act 1967;

“Professional Quantity Surveyor” means a person who is registered under subsection 10(2);

“Provisional Quantity Surveyor” means a person who is registered under paragraph 10(1)(a);

“Quantity Surveying Technologist” means a person who is registered under section 10A;

“Register” means the Register of Quantity Surveyors kept and maintained by the Board of Quantity Surveyors under section 5.

PART II

BOARD OF QUANTITY SURVEYORS

Establishment of Board of Quantity Surveyors

3. (1) For the purposes of this Act there is hereby established a board to be called “the board of Quantity Surveyors” (hereinafter referred to as “the Board”) which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.

(2) The Board shall consist of the following members who shall be Malaysian citizens and who are appointed by the Minister—

- (a) a President who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor;
- (b) five members from among Consultant Quantity Surveyors or Professional Quantity Surveyors who are in the public service of Malaysia;
- (c) *(Deleted by Act 242)*;
- (d) one member from among Consultant Quantity Surveyors or Professional Quantity Surveyors who is in the service of any local authority or statutory authority;

- (dd) one member from among Consultant Quantity Surveyors or Professional Quantity Surveyors from an institution of higher learning;
- (e) four Consultant Quantity Surveyors from the private sector who are practising in Malaysia, on the nomination of the Royal Institution of Surveyors Malaysia or any other professional body recognized by the Board to represent Quantity Surveyors in the private sector;
- (ea) one Consultant Quantity Surveyor or Professional Quantity Surveyor from the private sector who is not practising as a consulting Quantity Surveyor, on the nomination of the Royal Institution of Surveyors Malaysia or any other professional body recognized by the Board to represent Quantity Surveyors in the private sector;
- (f) one member on the nomination of the Board of Architects from among members of that Board established under the Architects Act 1967;
- (g) one member on the nomination of the Board of Engineers from among members of that Board established under the Registration of Engineers Act 1967;
- (h) two members from among Consultant Quantity Surveyors or Professional Quantity Surveyors on the nomination of the President.

(2A) (*Deleted by Act 242*).

(3) A member of the Board including the President shall, unless he sooner resigns, vacates his office or his appointment is revoked, hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

(4) If any member of the Board dies or resigns, vacates his office or his appointment is revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed

shall hold office for the remainder of the term for which his predecessor was appointed.

(5) The Schedule shall have effect with respect to the Board.

(6) The Minister may, by order published in the *Gazette*, amend the Schedule.

Functions of the Board

4. The functions of the Board shall be—

- (a) to keep and maintain a Register of Quantity Surveyors;
- (b) to approve or reject applications for registration or permit to practise under this Act or to approve any such application subject to such conditions or restrictions as it may deem fit to impose;
- (c) to order the issuance of a written warning or reprimand, the imposition of a fine, suspension, cancellation, removal or reinstatement in accordance with this Act;
- (d) to fix from time to time with the approval of the Minister the scale of fees to be charged by Consulting Quantity Surveying Practice for professional advice or service rendered;
- (e) to hear and determine disputes relating to professional conduct or ethics of Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes;
- (ea) to act as a stakeholder in a contract for consulting quantity surveying services;
- (f) to determine and regulate the professional conduct and ethics of the Consultant Quantity Surveyor, Professional Quantity

Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist and Consulting Quantity Surveying Practice;

- (fa) to hold or cause to be held professional development programmes for Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist to further enhance their knowledge in the latest developments relating to the profession;
- (fb) to appoint a council comprising members of the Board, Consultant Quantity Surveyors or Professional Quantity Surveyors and other persons or institutions as may be determined by the Board to accredit qualifications and to conduct examination as it deems necessary;
- (fc) to nominate any person to represent it on any board, committee or body if requested by an institution, body or society relating to the profession;
- (fd) to nominate any members of the Board to represent the Board on any board, committee or body in accordance with the relevant laws;
- (fe) to provide scholarships and other facilities for the promotion of learning and education in connection with quantity surveying, where deemed necessary by the Board;
- (ff) to authorise any person to investigate the commission of any offence under this Act or any rules made under this Act; and
- (g) generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Act.

Power of the Board to purchase or lease land, etc.

4A. The Board shall have power—

- (a) to purchase or lease any land or building as may be required for the proper exercise of its functions under this Act;
- (b) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a); and
- (c) to lease out, dispose of, or otherwise deal in any immovable property of the Board.

PART III

REGISTRATION OF QUANTITY SURVEYORS, PROVISIONAL
QUANTITY SURVEYORS AND QUANTITY SURVEYING
TECHNOLOGISTS

Register

5. The Register of Quantity Surveyors shall be in five Parts, that is to say—

- (a) Part A—which shall contain the names, registration numbers, addresses and other particulars of Consultant Quantity Surveyors, together with particulars of any conditions or restrictions imposed by the Board under paragraph 4(b);
- (b) Part B—which shall contain the names, registration numbers, addresses and other particulars of Professional Quantity Surveyors together with conditions or restrictions imposed by the Board under paragraph 4(b);
- (c) Part C—which shall contain the names, registration numbers, addresses and other particulars of Provisional Quantity Surveyors together with particulars of any conditions or restrictions imposed by the Board under paragraph 4(b);
- (d) Part D — which shall contain the names, registration numbers, addresses and other particulars of Consulting Quantity Surveying Practices together with any particulars of

any conditions or restrictions imposed by the Board under subsection 7A(3) or 7B(1);

- (e) Part E—which shall contain the names, registration numbers, addresses and other particulars of Quantity Surveying Technologists together with any particulars as determined by the Board under section 10A.

Appointment and duties of Registrar

6. (1) The Minister shall appoint a Registrar of Quantity Surveyors who shall be under the general direction of the Board and who shall sign all certificates of registration, permits to practice and their renewals, and orders of the Board or orders of any committee established by the Board, and record all entries of registration, suspension, cancellation, removal and reinstatement in the Register.

(2) The Registrar shall publish in one newspaper either in the national language, or the English language, and may, if he thinks fit, cause to be published by electronic means the name, registration number or permit number, address and other particulars of—

- (a) a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist whose registration has been—

- (i) by an order of the Disciplinary Committee—

- (A) suspended under paragraph 15(1A)(c) or subsection 15(3); or

- (B) cancelled under paragraph 15(1A)(d) or section 25A; or

- (ii) reinstated under subsections 17(1) and (3); or

- (b) a Consulting Quantity Surveying Practice whose permit to practise has been—

- (i) by an order of the Disciplinary Committee—
 - (A) suspended under paragraph 7A(5)(cc) or subsection 15(3); or
 - (B) cancelled under paragraph 7A(5)(dd) or subsection 7B(3) or section 25A; or
 - (ii) reinstated under subsection 7A(9) or section 17.
- (2A) The publication under subsection (2) shall be made—
- (a) as soon as possible after the order of the Disciplinary Committee is made, if there is no appeal to the Appeal Disciplinary Committee against that order; or
 - (b) as soon as possible after the order of the Disciplinary Committee is confirmed by the Appeal Disciplinary Committee, if there is an appeal filed against that order.
- (3) In any proceedings, a certificate of registration or permit to practise shall be conclusive proof that the person, or firm or body corporate named in it is a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice, respectively.
- (4) The Registrar may annually publish the Register.

Restrictions of unregistered persons, Consultant Quantity Surveyor, etc.

7. (1) No person shall unless he is a Consultant Quantity Surveyor or Professional Quantity Surveyor—
- (a) practise or carry on business or take up employment as a Quantity Surveyor under any name, style or title containing the words ‘Quantity Surveyors’, ‘Building Economist’, ‘Project Cost Consultant’ or the equivalent

thereto in any other language or bearing any other word whatsoever in any language which may reasonably be construed to imply that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor;

- (b) use or display any sign, board, card or other device representing or implying that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor;
- (c) *(Deleted by Act A1481)*;
- (d) *(Deleted by Act A1481)*.

(1A) A Consultant Quantity Surveyor shall be entitled to use the abbreviation “CQS” after his name.

(1B) A Professional Quantity Surveyor shall be entitled to use the abbreviation “PQS” after his name.

(1c) A Consultant Quantity Surveyor or Professional Quantity Surveyor shall be entitled to use the abbreviation “Sr” before his name if the Consultant Quantity Surveyor or Professional Quantity Surveyor is a member of the Royal Institution of Surveyors, Malaysia.

(2) Notwithstanding subsection (1), a Consultant Quantity Surveyor or Professional Quantity Surveyor may subject to section 8 with the written approval of the Board take up employment as a Quantity Surveyor.

(3) A person is not allowed to practise as a consulting Quantity Surveyor, or to collect any fee, charge, remuneration or other form of consideration for any professional advice or services rendered, unless the person has obtained a permit to practise as a Consulting Quantity Surveying Practice approved by the Board under section 7A or 7B.

Consulting Quantity Surveying Practice

7A. (1) Notwithstanding subsection 7(1), a firm, or a body corporate may practise as a Consulting Quantity Surveying Practice and recover

in any court any fee, charge, remuneration or other form of consideration for any professional advice or services rendered by it pursuant to its practice as such, if it has the written approval of the Board, and has been issued with a valid permit as a Consulting Quantity Surveying Practice.

(2) Every application by a firm or a body corporate for approval to practise as a Consulting Quantity Surveying Practice shall be made to the Board in the prescribed form and manner and shall be accompanied by the prescribed fee.

(3) The Board shall grant its approval for a firm or a body corporate to practise as a Consulting Quantity Surveying Practice, subject to such conditions or restrictions as it may deem fit to impose, if—

(a) in the case of the sole proprietorship, the sole proprietor is a Consultant Quantity Surveyor;

(b) in the case of the partnership, all the partners are Consultant Quantity Surveyors; or

(c) in the case of the body corporate—

(i) it has a board of directors as may be prescribed by the Board;

(ii) it has shareholdings as may be prescribed by the Board;

(iii) it has a minimum paid-up capital which shall be an amount to be prescribed by the Board; and

(iv) the day-to-day affairs of the body corporate shall be under the control and management of a person who—

(A) is a Consultant Quantity Surveyor; and

(B) is authorized under a resolution of the board of directors of the body corporate to make all final quantity surveying decisions on behalf of the

body corporate in respect of the requirements under this Act or any other law relating to the supply of quantity surveying by the body corporate;

- (d) in the case of the consortium or joint venture, all the members of the consortium or joint venture are Consulting Quantity Surveying Practices.

(4) A Consulting Quantity Surveying Practice shall, within thirty days of the occurrence of any change—

- (a) in the case of a firm, of its sole proprietor or in the composition of its partners;
- (b) in the case of a body corporate, in the composition of its board of directors or shareholders; or
- (c) in the case of a consortium or joint venture, in the composition of its members,

furnish to the Board a true report in writing giving full particulars of the change.

(4A) The report of any change referred to in subsection (4) shall be accompanied by the prescribed fee.

(5) If the Disciplinary Committee finds that—

- (a) the Consulting Quantity Surveying Practice has breached or failed to comply with any of the conditions or restrictions imposed by the Board when granting approval of permit to practise;
- (b) the composition of the partners or of the board of directors or the shareholding of the body corporate, practising as consulting Quantity Surveyors does not comply with section 7B or subsection (3);

- (c) the Consulting Quantity Surveying Practice has breached any of the requirements of subsection (4); or
- (d) the sole proprietor or any partner or any director or shareholder of the Consulting Quantity Surveying Practice, has committed, or is guilty of, or has contributed to, any of the acts or things set out in—
 - (i) paragraph 15(1)(a); or
 - (ii) paragraphs 15(1)(b) to (o) (except paragraphs (e), (f) and (fb),

the Disciplinary Committee may, subject to subsections (6) and (6A), by written notice to the Consulting Quantity Surveying Practice, order—

- (aa) the issuance of a written warning or reprimand to;
- (bb) the imposition of a fine not exceeding one hundred thousand ringgit on;
- (cc) the suspension of the permit to practise for a period not exceeding one year of;
- (dd) the cancellation of the permit to practise of; or
- (ee) any combination of the sanctions set out in paragraphs (aa) to (dd) on,

the Consulting Quantity Surveying Practice.

(5A) If a Consulting Quantity Surveying Practice has been wound up under the Companies Act 1965, the Consulting Quantity Surveying Practice is not allowed to practise and the permit to practise shall be cancelled.

(6) The Disciplinary Committee shall not make any order under paragraphs (5)(aa) to (ee) based upon any of the grounds of complaint set out in paragraphs (5)(a), (b), (c) or subparagraph (d)(ii) unless—

- (a) there has been an investigation of the grounds of complaint conducted by an Investigating Committee; and
- (b) there has been a hearing conducted by the Disciplinary Committee of the grounds of complaint against the Consulting Quantity Surveying Practice.

(6A) The Consulting Quantity Surveying Practice will be given an opportunity to be heard—

- (a) at the investigation by the Investigating Committee—
 - (i) in the case of a sole proprietorship, by the sole proprietor; or
 - (ii) in the case of a partnership or body corporate, by the partner or director who at the material time was responsible for the act or thing which forms the grounds of the complaint; or
- (b) at the hearing by the Disciplinary Committee—
 - (i) in the case of a sole proprietorship, by the sole proprietor; or
 - (ii) in the case of a partnership or body corporate, by the partner or director who at the material time was responsible for the act or thing which forms the grounds of the complaint and the partner or director may be assisted by counsel.

(6B) Notwithstanding subsection (6), the Disciplinary Committee may make an order under paragraphs (5)(aa) to (ee) if the Disciplinary Committee has under paragraph 15(1A) (c) or (d) suspended or cancelled the registration of—

- (a) a sole proprietor;
- (b) one of the partners in a partnership comprising only two partners; or

- (c) one of the directors in the board of directors of a body corporate comprising only two directors.

(7) The Disciplinary Committee shall not make an order under paragraphs (5)(aa) to (ee) based on the grounds of complaint set out in paragraph (5)(d) if, on the date of hearing, the Consulting Quantity Surveying Practice satisfies the Disciplinary Committee —

- (a) that the partner, director or shareholder, as the case may be, who has committed, or is guilty of, or has contributed to, the act or thing in question has ceased to be a partner, director or shareholder of the Consulting Quantity Surveying Practice;
- (b) that the partner, director or shareholder who at the material time was not responsible for the act or thing which forms the grounds of the complaint; and
- (c) that the Consulting Quantity Surveying Practice has complied with the requirements of subsection (3) or section 7B.

(8) Upon the Disciplinary Committee suspending or cancelling the permit to practise of a Consulting Quantity Surveying Practice pursuant to paragraph (5)(cc) or (dd), the Consulting Quantity Surveying Practice shall cease to practise.

(8A) Notwithstanding subsection (8), the Consulting Quantity Surveying Practice is entitled to recover in any court any fee, charge, remuneration or other form of consideration for any professional advice or services rendered by the Consulting Quantity Surveying Practice prior to the date of receipt of the written notice from the Disciplinary Committee suspending or cancelling the permit to practise.

(9) Without prejudice to section 17, the Board may at any time upon receipt of an application from a Consulting Quantity Surveying Practice whose permit to practise has been suspended or cancelled under paragraph (5)(cc) or (dd), reinstate the permit to practise if it is satisfied that—

- (a) the Consulting Quantity Surveying Practice, at the time of such application, has complied with the requirements of section 7B or subsection (3);
 - (b) the Consulting Quantity Surveying Practice is capable of complying with the conditions or restrictions imposed by the Board pursuant to section 7B or subsection (3) at the time of the original approval; and
 - (c) where the permit to practise is suspended or cancelled based on the grounds of complaint set out in paragraph (5)(d), the partner or director or shareholder, as the case may be, who has committed, or is guilty of, or has contributed, to the act or thing in question has ceased to be the partner, director or shareholder of the Consulting Quantity Surveying Practice.
- (10) In reinstating the permit to practise under subsection (9) the Board may impose such additional terms, conditions or restrictions as it deems fit.
- (11) *(Deleted by Act A1157).*
- (12) The Registrar shall, upon approval being granted by the Board, issue to the firm or body corporate whose application to practise as a Consulting Quantity Surveying Practice has been approved by the Board, a permit to practise in the prescribed form.
- (13) The permit to practise issued by the Board to the Consulting Quantity Surveying Practice shall expire on 31 December of the year in which it is issued.
- (14) *(Deleted by Act A1157).*
- (15) The permit may, subject to this Act, be renewed annually upon payment of the prescribed fee and upon satisfying such conditions as may be determined by the Board.

A body corporate providing a combination of services comprising consulting Quantity Surveying services, professional engineering services or architectural consultancy services

7B. (1) Where a body corporate carries on a practice of providing a combination of services comprising consulting Quantity Surveying services, professional engineers services or architectural consultancy services, the Board may, subject to such conditions or restrictions as it may deem fit to impose, grant an approval to practise as a Consulting Quantity Surveying Practice in respect of that part of the practice providing consulting Quantity Surveying services.

(2) The body corporate that applies for approval to practise under subsection (1) must be incorporated under the Companies Act 1965 and—

- (a) has a board of directors comprising Consultant Quantity Surveyors, Professional Engineers with Practising Certificate or Architects;
- (b) has shares held by the persons mentioned in paragraph (a) and any of the following persons or bodies corporate where—
 - (i) the Consultant Quantity Surveyors, Professional Engineers with Practising Certificate, Architects, bodies corporate providing consulting Quantity Surveying services, bodies corporate providing professional engineering services or bodies corporate providing architectural consultancy services hold a minimum combined share of 70% of the overall equity of that body corporate, of which the Consultant Quantity Surveyors or bodies corporate providing consulting Quantity Surveying services hold a minimum share of 10%; and
 - (ii) any other persons, including persons belonging to a profession allied to quantity surveying, engineering or architecture, being a profession approved in writing by the Board regulating the profession of

engineering or architecture, respectively, hold a maximum share of 30%,

of the overall equity of the body corporate; and

- (c) has a minimum paid-up capital which shall be an amount to be determined by the Board.

(3) Notwithstanding paragraph 7A(5)(b), where in a body corporate approved to practise under subsection (1)—

- (a) the minimum shareholdings of a Consultant Quantity Surveyor or body corporate providing consulting Quantity Surveying services is less than the percentage stipulated in subparagraph (2)(b)(i); or
- (b) the minimum combined shareholdings of a Consultant Quantity Surveyor, Professional Engineer with Practising Certificates, Architects, body corporate providing consulting Quantity Surveying services, body corporate providing professional engineering services or body corporate providing architectural consultancy services is less than the percentage stipulated in subparagraph (2)(b)(i),

that body corporate shall, as soon as possible but not later than three months after such change in shareholdings or within any extended period of time as may be approved by the Board, increase the respective shareholdings so as to comply with the percentage as stipulated in subparagraph (2)(b)(i), and if that body corporate fails to do so within the stipulated time, the Board shall cancel its permit to practise as a Consulting Quantity Surveying Practice under this Act.

(4) For the purpose of this Act, the body corporate shall, upon being granted approval to practise, be deemed to be a body corporate practising as a Consulting Quantity Surveying Practice.

Consultant Quantity Surveyor, Professional Quantity Surveyor and Consulting Quantity Surveying Practice may prepare preliminary estimates, etc.

8. (1) Except as otherwise provided in subsection (2) or any other written law, no person or body, other than a Consultant Quantity Surveyor or Professional Quantity Surveyor who is residing and practising in Malaysia or Consulting Quantity Surveying Practice in Malaysia, shall be entitled to—

- (a) prepare and submit to any person, organization or authority in Malaysia, for construction projects, any feasibility study reports, preliminary estimates, cost plans, documents and reports for pre-qualification of contractors, bills of quantities and other tender documents, tender estimates and reports, contract documents, and valuations of works for interim payments, variation and final account; and
- (b) provide professional services such as project cost management, value management, risk management, facilities management, project management, construction management, construction claims management, dispute resolution services, technical and construction cost auditing and condition survey.

(2) Nothing in subsection (1) shall affect the right of any architect, engineer, licensed land surveyor, valuer and appraiser for the time being registered under the relevant laws relating to the registration of such professions, to carry out any activity connected with his professional practice allowed under the relevant laws.

(3) Nothing contained in any other written law shall prevent a Consultant Quantity Surveyor, Professional Quantity Surveyor or Consulting Quantity Surveying Practice from making and submitting to any person, organization or authority in Malaysia valuations of structures, plants, machinery and equipment, in the course of carrying out any activity connected with his or its professional practice.

9. (*Deleted by Act A1481*).

Qualifications for registration

10. (1) (a) Subject to this Act, any person who holds a qualification which is recognised by the Board, shall be entitled on application to be registered as a Provisional Quantity Surveyor.

(b) Subject to this Act, a person who is registered under paragraph (a) shall be required to obtain such practical experience as may be prescribed by the Board in order to be entitled to apply for registration as a Professional Quantity Surveyor or Consultant Quantity Surveyor under subsection (2) or (3), as the case may be.

(2) Subject to this Act, any person who—

- (a) is a Provisional Quantity Surveyor;
- (b) has obtained the practical experience as prescribed under paragraph (1)(b); and
- (c) has passed a test of professional competence or other professional assessment or examination conducted or sanctioned by the Board,

shall be entitled on application to be registered as a Professional Quantity Surveyor.

(3) A person shall be entitled to be registered as a Consultant Quantity Surveyor on application to the Board if —

- (a) he is a Professional Quantity Surveyor;
- (b) he is residing in Malaysia;
- (c) he has obtained the practical experience as may be prescribed by the Board; and
- (d) he has passed a further test of professional competence or other professional assessment or examination conducted or sanctioned by the Board.

(4) No person shall be entitled to be registered as a Consultant Quantity Surveyor, Professional Quantity Surveyor or Provisional Quantity Surveyor if at any time prior to his registration there exists any facts or circumstances which would entitle the Board to cancel his registration pursuant to subsection 15(1A) if he were registered.

(5) Any person who has been refused registration by the Board upon the ground specified in subsection (4) may, if he has not appealed against such refusal or if his appeal has been dismissed, after the expiration of six months from the date of such refusal or of the dismissal of the appeal make a new application for registration to the Board.

Registration of Quantity Surveying Technologist

10A. (1) A person who holds a qualification recognized by the Board shall be entitled, on application, to be registered as a Quantity Surveying Technologist.

(2) A person who is registered under subsection (1) shall be entitled, on application, to be registered as a Provisional Quantity Surveyor under paragraph 10(1)(a) if the person holds any qualification or has complied with any requirements as may be determined by the Board.

(3) No person shall be entitled to be registered as a Quantity Surveying Technologist if at any time prior to his registration there exists any facts or circumstances which would entitle the Board to cancel his registration pursuant to subsection 15(1A) if he were registered.

(4) No person shall, unless he is a Quantity Surveying Technologist—

(a) be entitled to take up employment as a quantity surveying technologist; or

(b) be entitled to describe himself or hold himself out under any name, style or title—

- (i) bearing the words “Quantity Surveying Technologist” or equivalent in any other language; or
- (ii) bearing any other words in any language which may reasonably be construed to imply that he is a Quantity Surveying Technologist.

11. *(Deleted by Act A131).*

Application for registration

12. Application for registration shall be made to the Board in such manner as may be prescribed.

Certificate of registration

13. (1) The Registrar shall upon receipt of the prescribed fee issue to every person whose application has been approved by the Board a certificate of registration in the prescribed form.

(2) Every such certificate of registration shall, subject to this Act, expire on 31 December of the year in which it is issued and may be renewed annually upon payment of the prescribed fee and upon satisfying the conditions as may be determined by the Board.

Notification of change of address

14. Every Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice shall notify the Registrar of any change in his or its business address.

PART IIIA

DISCIPLINARY COMMITTEE AND DISPUTE RESOLUTION PANEL

Disciplinary Committee

14A. (1) The Board shall appoint a Disciplinary Committee to conduct a hearing of any misconduct or complaint referred to it by the Investigating Committee.

(2) The Disciplinary Committee shall comprise the following members:

(a) a Chairman who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor, who has been registered as a Consultant Quantity Surveyor or Professional Quantity Surveyor, as the case may be, for a period of not less than seven years prior to his appointment; and

(b) one Consultant Quantity Surveyor, and one Professional Quantity Surveyor, not being a member of the Board.

(3) The Disciplinary Committee shall conduct a hearing of any misconduct or complaint against any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveyor Technologist or Consulting Quantity Surveying Practice referred to it by the Investigating Committee.

Dispute Resolution Panel

14B. (1) The Board shall appoint a Dispute Resolution Panel which shall comprise the following members:

(a) a Chairman who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor, who has been registered as a Consultant Quantity Surveyor or Professional Quantity Surveyor, as the case may be, for a period of not less than seven years prior to his appointment; and

(b) one Consultant Quantity Surveyor, and one Professional Quantity Surveyor, not being a member of the Board.

(2) The Dispute Resolution Panel shall mediate, adjudicate, arbitrate or otherwise resolve and determine disputes not relating to professional conduct or ethics of any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveyor Technologist or Consulting Quantity Surveying Practice referred to it by the Board.

(3) Where a member of the Board has been appointed as a member of the Dispute Resolution Panel under paragraph (1)(a), that member shall not sit as a member of the Board when the Dispute Resolution Panel makes a recommendation to the Board.

PART IV

CANCELLATION, REMOVAL, REINSTATEMENT, *ETC.*

Cancellation of registration, *etc.*

15. (1) The Disciplinary Committee may make any or any combination of the orders specified in paragraphs (a) to (d) of subsection (1A) against a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist under any of the following circumstances:

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude in Malaysia or elsewhere;
- (b) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
- (c) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a sole proprietor, partner, director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any

financial interest in such company or firm or business, with which he deals on behalf of his client;

- (d) if his registration under this Act has been obtained by fraud or misrepresentation;
- (e) if his qualification under section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;
- (f) if he is found to be of unsound mind;
- (fa) if he is found to be incapable or no longer able to perform his professional duties effectively;
- (fb) if he becomes a bankrupt;
- (g) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Act or of any rules made thereunder;
- (h) if he fails to observe any conditions or restrictions subject to which he is registered;
- (i) if he is found guilty by the Disciplinary Committee of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful;
- (j) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation, the approval of the Board for a permit to practise as a Consulting Quantity Surveying Practice;
- (k) if he conceals or assists in concealing from the Board the existence of any facts or circumstances which, if known, would entitle the Board to withdraw the approval granted under subsection 7A(3) or section 7B from any firm in which he is the sole proprietor or a partner, or body corporate in which he is a director or shareholder;

- (l) if he contravenes, or fails to perform, or assists in the contravention of, or is knowingly a party to the contravention of or failure to perform, conditions or restrictions imposed by the Board when granting approval to a firm or a body corporate as a Consulting Quantity Surveying Practice under section 7A or 7B;
 - (m) if he causes or permits or suffers any firm in which he is the sole proprietor or a partner, or body corporate in which he is a director or shareholder, to practise as a Consulting Quantity Surveying Practice prior to the approval of the Board being obtained;
 - (n) if he causes or permits or suffers any firm in which he is the sole proprietor or a partner, or body corporate in which he is a director or shareholder, to continue to practise quantity surveying after the Board has suspended or cancelled its permit to practise under paragraph 7A(5)(cc) or (dd), respectively; or
 - (o) if he fails to discharge his professional duties with due skill, care and diligence.
- (1A) The orders referred to in subsection (1) are —
- (a) the issuance of a written warning or reprimand;
 - (b) the imposition of a fine not exceeding fifty thousand ringgit;
 - (c) the suspension of registration for a period not exceeding one year;
 - (d) the cancellation of registration.
- (2) The Disciplinary Committee shall not make any order under subsection (1A), based upon any of the circumstances set out in paragraphs (1)(b) to (o) (except for paragraphs (1)(e), (f) and (fb)), unless—

- (a) there has been an investigation conducted by an Investigating Committee; and
- (b) the Disciplinary Committee after having studied the recommendations of the Investigating Committee—
 - (i) may, if it proposes to make an order under paragraph (1A)(a) or (b), convene a hearing; or
 - (ii) shall, if it proposes to make an order under paragraph (1A)(c) or (d), convene a hearing.

(2A) The Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist will be given an opportunity to be heard—

- (a) at the investigation by the Investigating Committee, in person; or
- (b) at the hearing by the Disciplinary Committee, in person or by counsel.

(3) The Disciplinary Committee may, if it deems fit, suspend the registration of any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice for a period not exceeding six months pending any investigation by an Investigating Committee under this Act and during the period of such suspension he or it shall not exercise any of the rights or privileges accorded to him or it under this Act.

(4) *(Deleted by Act A1157).*

Removal from Register

16. There shall be removed from the Register the name and other particulars of—

- (a) any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist who has died, or Consulting Quantity Surveying Practice which has ceased to practise;
- (b) any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Technologist who has failed to renew his registration, or Consulting Quantity Surveying Practice which has failed to apply for a renewal of its approval to practise, within one month of the expiry of the registration or approval to practise, respectively;
- (c) any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist whose registration has been cancelled under paragraph 15(1A)(d) or section 25A, or Consulting Quantity Surveying Practice whose permit to practise has been cancelled under paragraph 7A(5)(dd), subsection 7B(3) or section 25A; or
- (d) any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist whose registration, or Consulting Quantity Surveying Practice whose approval to practise, has been effected by reason of any mistake or error made by the Board in considering his or its application for registration or approval to practise, respectively.

Reinstatement

17. (1) Any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice whose name has been removed from the Register pursuant to an order of the Board under subsection 7A(5) or 15(1A) shall, if his or its appeal is allowed, forthwith be reinstated; and the Registrar shall issue a certificate of registration or permit to practise to him or it.

(2) Any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice whose name has been removed from the Register for failure to renew his registration or its permit to practise shall be reinstated as soon as may be after he or it has notified the Registrar of his or its desire to be reinstated and upon payment of such fees as may be prescribed and the Registrar shall issue a certificate of registration or permit to practise to him or it:

Provided that no Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice shall be reinstated under this section if he has failed to renew his registration or its permit to practise within a period of three years of the expiry thereof.

(3) Any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee under subsection 7A(5) or 15(1A) and who has not appealed against that order or whose appeal has been dismissed may, after the expiration of not less than six months from the date of the order of cancellation or from the date of the decision of the appeal, apply for reinstatement.

(4) The Board shall, upon receipt of satisfactory evidence of proper reasons for the reinstatement of the Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist or Consulting Quantity Surveying Practice removed from the Register and upon reimbursement to the Board of all expenditure incurred arising out of the proceedings leading to cancellation of his or its registration or its permit to practise and upon payment of the prescribed fee, issue a certificate of registration or permit to practise to him or it.

Certificates or permits to be returned

18. Any Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice whose name is removed from the Register shall within fourteen days after notification to such person, firm or body corporate by registered post of the removal, surrender to the Board the certificate of registration or permit to practise issued to such person, firm or body corporate under this Act.

PART V

GENERAL

Appeal

- 19.** (1) Any person, firm or body corporate—
- (a) who has been refused registration or approval to practise by the Board;
 - (b) who has been registered or approved to practise but is dissatisfied with any conditions or restrictions imposed by the Board under paragraph 4(b), subsection 7A(3) or 7B(1); or
 - (c) who having been registered or approved to practise has had his or its name removed from the Register pursuant to an order made by the Disciplinary Committee under subsection 7A(5) or 15(1A),

may within twenty-one days of being notified of the refusal, conditions, restrictions or removal, appeal to the Appeal Board constituted under section 20 and the Appeal Board may thereupon make such orders as it may deem just or proper.

- (2) The Board shall give effect to any order made by the Appeal Board forthwith.

Appeal Board

20. For the purpose of this Part there shall be established an Appeal Board consisting of a person qualified for appointment as a Judge of the High Court as a Chairman who shall be appointed by the Yang di-Pertuan Agong (after consultation with the Chief Justice) and two other persons appointed by the Yang di-Pertuan Agong.

Tenure of office of members of the Appeal Board

21. A member of the Appeal Board shall unless he sooner resigns his office or his appointment revoked hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

Procedure of appeal

22. (1) A notice of appeal against an order of the Board or the Disciplinary Committee, as the case may be, referred to in section 19 shall be made in writing to the Appeal Board and a copy of the notice to the President of the Board or the Chairman of the Disciplinary Committee, as the case may be.

(2) On receipt of a copy of the notice of appeal the President of the Board or in the absence of the President the member delegated by the President so to do, or the Chairman of the Disciplinary Committee, as the case may be, shall cause to be prepared and sent to the Chairman of the Appeal Board records or a summary of the records of the proceedings of the Board or the Disciplinary Committee, as the case may be, and the statement setting out the grounds on which the Board or the Disciplinary Committee, as the case may be, arrived at its decision.

(3) Upon receiving the records or summary of the records and the grounds of the decision of the Board or the Disciplinary Committee, as the case may be, the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal.

(4) The Appeal Board after hearing the appeal may confirm, vary or revoke the decision of the Board or the Disciplinary Committee, as the case may be.

(5) The decision of the Appeal Board shall be final.

Procedure of Appeal Board

23. The Appeal Board shall at its discretion determine its own procedure.

Penalties for obtaining registration by false pretences, etc.

24. Any person, firm or body corporate who—

- (a) procures or attempts to procure registration or approval or a certificate of registration or a permit to practice under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, permit, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in the Register;
- (c) forges, alters or counterfeits any certificate of registration or permit to practise under this Act;
- (d) uses any forged, altered or counterfeited certificate of registration or permit to practise under this Act knowing the same to have been forged, altered or counterfeited;
- (e) impersonates a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist;
- (f) buys or fraudulently obtains a certificate of registration or permit to practise under this Act issued to another

Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice; or

- (g) sells any certificate of registration or permit to practise issued under this Act; or
- (h) contravenes subsection 7(1), 8(1), section 24A, 24B, subsection 24D(2) or 25B(5),

shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both, and, in the case of a continuing offence, to a further fine of five hundred ringgit for each day during which the offence continues after conviction.

Restriction on employment of unregistered persons

24A. No person shall employ as a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist any person who is not registered under this Act.

Restriction on employment of firm or body corporate as Consulting Quantity Surveying Practice

24B. No person shall employ as a Consulting Quantity Surveying Practice any firm or body corporate unless it is approved by the Board to practise as a Consulting Quantity Surveying Practice.

Investigating Committee

24c. (1) For the purposes of subsections 7A(6), 15(2) and 15(3), the Board shall appoint an Investigating Committee consisting of—

- (a) a Chairman who shall be a Consultant Quantity Surveyor or Professional Quantity Surveyor;
- (b) two members from among Consultant Quantity Surveyors or Professional Quantity Surveyors who are not members of the Board; and
- (c) one other person where deemed necessary,

to conduct an investigation.

(2) *(Deleted by Act A1481);*

(3) Upon completion of its investigation, the Investigating Committee shall submit a report together with its recommendations to the Disciplinary Committee for its consideration.

Procedure for hearing and investigation

24D. (1) The Disciplinary Committee or Investigating Committee may, for the purpose of a hearing or investigation—

- (a) require any person, including a sole proprietor, partner, director, manager or secretary, to attend before it and give evidence on oath or affirmation, and the Chairman of the Disciplinary Committee or the Chairman of the Investigating Committee presiding at the hearing or investigation may administer the oath; and
- (b) require such person to produce any book, document or paper relating to the subject matter of the hearing or investigation which is in the custody of that person or under his control.

(2) A person, including a sole proprietor, partner, director, manager or secretary, shall, unless with reasonable excuse—

- (a) attend and give evidence when required to do so by the Disciplinary Committee or Investigating Committee;

- (b) answer truthfully and fully any question put to him by any member of the Disciplinary Committee or Investigating Committee; or
- (c) produce to the Disciplinary Committee or Investigating Committee any book, document or paper required of him.

General penalty

25. (1) Any person, firm or body corporate who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence and, where no penalty is expressly provided therefor, is liable on conviction to a fine not exceeding two thousand ringgit.

(2) If a firm or a body corporate contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder, the sole proprietor or every partner, director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty as the firm or the body corporate is guilty of and liable to, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part.

Failure to comply with orders of the Disciplinary Committee or Appeal Board

25A. Notwithstanding subsection 7A(6) or 15(2), where a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice refuses or fails to comply with an order of the Disciplinary Committee made under subsection 7A(5) or 15(1A), or Appeal Disciplinary Committee made under section 19, the Disciplinary Committee shall immediately cancel his certificate of registration or its permit to practise, respectively.

Power of search and seizure

25B. (1) An authorized officer shall have the power to investigate the commission of any offence under this Act or any rules made under this Act.

(2) An authorized officer may, for the purposes of carrying out the objectives of this section, at any reasonable time enter, inspect and examine any place of work.

(3) In exercising his powers under subsection (2), an authorized officer may—

- (a) examine any book, account, record or other document as may be necessary to ascertain whether or not this Act or any rules made under this Act has been complied with;
- (b) direct that the place of work or any part of it, or anything in it, shall be left undisturbed, whether generally or in particular respect, for so long as is reasonably necessary for the purposes of any examination or investigation under this section;
- (c) search for and seize any signboard card, letter, pamphlet, leaflet, notice or any device representing or implying that the person is a Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice; or
- (d) seize or take copies of or extracts from any book, account, record or other document found in the place of work which he has power to enter or in the vicinity of that place of work, and that is reasonably believed to furnish evidence of the commission of an offence under this Act or any rules made under this Act.

(4) Where by reason of its nature, size or amount, it is not practicable to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document seized under

this section, the authorised officer may, by any means, seal such signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document in the place of work in which it is found.

- (5) A person shall not, except with lawful authority —
- (a) break, tamper with or damage, or attempt to break, tamper with or damage the seal referred to in subsection (4); or
 - (b) remove or attempt to remove any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document under seal.

List of things seized

25c. (1) Except as provided in subsection (2), where any signboard, card, letter, pamphlet, leaflet, notice, book, account, record or other device or document is seized from the place of work under section 25B, the authorized officer shall prepare a list of the things seized and immediately deliver a copy of the list signed by him to the occupier of the place which has been searched, or to his agent or servant at that place.

(2) Where the place of work is unoccupied, the authorized officer shall, wherever possible, post a list of the things seized conspicuously at that place.

Rules

26. The Board may with the approval of the Minister make rules to prescribe anything which may be prescribed or required to be prescribed under this Act or to enable it to perform any of its functions or to exercise any of its powers set out in this Act.

Authorization by President

26A. (1) Subject to subsection (2) and such policy as the Board may from time to time adopt, the President may from time to time, on payment of the prescribed fee and on such conditions or with such restrictions as he thinks fit to impose, in writing authorize any person who is not a Consultant Quantity Surveyor or Professional Quantity Surveyor, or any firm or body corporate which is not practising as a Consulting Quantity Surveying Practice, to do any act or thing that the person, firm or body corporate would, but for the authorization, be prohibited, or not be entitled, to do, and may at any time, without assigning any reason therefor, withdraw the authorization by notice served on the person, firm or body corporate.

(2) No person, firm or body corporate shall be authorized under this section to do any such act or thing for more than a total period of one hundred and eighty days in any one calendar year.

(3) A person, firm or body corporate who does any such act or thing under and in accordance with an authorization under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted or entitled to do that act or thing as if he were a Consultant Quantity Surveyor or Professional Quantity Surveyor or it were a firm or body corporate practising as a Consulting Quantity Surveying Practice.

Notices

26B. (1) Any notice or document left at, or posted by registered post or prepaid post to, the last known address or principal place of business last appearing in the Register of Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice shall be deemed to have been duly served upon that Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice.

(2) Subject to subsection (3), if the Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice fails to reply to the notice or document which has been duly served upon him or it in accordance with subsection (1) for at least three times, the Disciplinary Committee shall take action against that Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice in accordance with this Act.

(3) If the Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice fails to reply to the notice or document which has been duly served upon him or it in accordance with subsection (1) for at least three times, and if, with regard to the matter contained in the notice or document, the Disciplinary Committee proposes to suspend or cancel his registration or its permit to practise, the Disciplinary Committee shall—

- (a) cause to be published in at least one national newspaper a notification containing the material contents of that notice or document; and
- (b) take action in accordance with this Act based on his or its reply to the notification, or otherwise on his or its failure to reply to that notification.

Building and Mining Surveyors excluded

27. This Act shall not apply to Building Surveyors and Mining Surveyors.

Saving as to right of Government

28. Nothing in this Act contained shall apply to anything done or omitted to be done by or under the authority of the Government of Malaysia or of any State.

Indemnity

29. (1) No action or proceeding shall be instituted or maintained in any court against the Board, Appeal Board, Disciplinary Committee, Investigating Committee or any body appointed by the Board, any members of the Board, Appeal Board, Disciplinary Committee, Investigating Committee or any such body, or any person authorized to act for or on behalf of the Board for any act or omission done in good faith in the discharge of any of its or his functions, powers and duties under this Act or any rules made under this Act.

(2) This section does not apply to powers conferred under section 4A or any power to enter into contracts exercised by the Board.

Appointment of advocate and solicitor and other persons

30. (1) The Board may appoint an advocate and solicitor to institute and conduct proceedings on its behalf.

(2) The Board for the purposes of carrying out its functions, powers and duties under this Act may appoint any other person to assist the Board in carrying out such functions, powers and duties.

SCHEDULE

[Subsection 3(5)]

1. (1) The following persons shall be disqualified from being appointed to or being members of the Board —

(a) a person who is of unsound mind and/or is otherwise incapable of performing his duties;

(b) a bankrupt.

(2) A member of the Board shall vacate his office if he fails to attend three consecutive meetings of the Board without the permission in writing of the President or if he becomes disqualified under subparagraph (1).

2. (1) The Board shall meet at least four times a year at such place as may from time to time be appointed by the President.

(2) At any meeting of the Board the President shall preside, and in his absence the members shall elect one of their number to preside over the meeting.

(3) The quorum of the Board shall be ten.

(4) If on any question to be determined by the Board there is an equality of votes, the President or, in the case where the President is absent, the member presiding over the meeting shall have a casting vote.

(5) Subject to subparagraphs (3) and (4) the Board shall determine its own procedure and, except in relation to sections 15 and 26, have power to delegate to committees appointed by the Board all or any of the functions of the Board upon such terms and subject to such conditions and restrictions as the Board may in its absolute discretion think fit. Any act, ruling or decision of any committee so appointed shall be deemed to be the act, ruling or decision of the Board.

(6) The Board shall cause proper records of its proceedings and of the proceedings of any committee appointed by it to be kept.

3. (1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board as the Board may think fit.

(2) Until a seal is provided by the Board under this paragraph, a stamp bearing the description “Board of Quantity Surveyors” may be used and shall be deemed to be the Common Seal.

(3) The Common Seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President,

and any document purporting to be sealed with the said seal, authenticated as aforesaid shall, until the contrary is shown, be deemed to have been validly executed.

4. All moneys arising from fees payable under this Act shall be paid to the Board to be applied in the first place to defraying the expenses of registration and other expenses of the administration of this Act including any expenses of the Board that may be allowed under any rules made under this Act and thereafter to sponsor or provide facilities for the promotion of learning and education in connection with quantity surveying. Moneys not immediately required by the Board shall be invested in such Trustee Securities as the Board may from time to time determine.

LAWS OF MALAYSIA

Act 487

QUANTITY SURVEYORS ACT 1967

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A131	Registration of Surveyors (Amendment) Act 1972	07-07-1972
Act A172	Registration of Surveyors (Amendment) Act 1973	30-03-1973
Act A248	Registration of Surveyors (Amendment) Act 1974	15-03-1974
Act 242	Valuers, Appraisers and Estate Agents Act 1981	06-02-1981
Act A598	Valuers and Appraisers (Amendment) Act 1984	07-09-1984
Act A742	Registration of Quantity Surveyors (Amendment) Act 1989	25-08-1989
P.U. (A) 349/2001	Revision of Laws (Rectification of Quantity Surveyors Act 1967) Order 2001	18-03-1992
Act A1157	Quantity Surveyors (Amendment) Act 2002	01-12-2002
Act A1481	Quantity Surveyors (Amendment) Act 2015	30-01-2016

LAWS OF MALAYSIA

Act 487

QUANTITY SURVEYORS ACT 1967

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A742 Act A1157	25-08-1989 01-12-2002
1	Act A742	25-08-1989
2	Act A131 Act 242 Act A742 Act A1157 Act A1481	07-07-1972 06-02-1981 25-08-1989 01-12-2002 30-01-2016
3	Act A131 Act A172 Act 242 Act A598 Act A742 Act A1157 Act A1481	07-07-1972 30-03-1973 06-02-1981 07-09-1984 25-08-1989 01-12-2002 30-01-2016
4	Act A131 Act 242 Act A1157 Act A1481	07-07-1972 06-02-1981 01-12-2002 30-01-2016
4A	Act A742	25-08-1989
Heading of Part III	Act A1481	30-01-2016
5	Act A131 Act 242	07-07-1972 06-02-1981

Section	Amending authority	In force from
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
6	Act 242	06-02-1981
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
7	Act A131	07-07-1972
	Act 242	06-02-1981
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
7A	Act A248	15-03-1974
	Act 242	06-02-1981
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
7B	Act A1157	01-12-2002
	Act A1481	30-01-2016
8	Act A131	07-07-1972
	Act 242	06-02-1981
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
9	Act A131	07-07-1972
	Act A1157	01-12-2002
	Act A1481	30-01-2016
10	Act A131	07-07-1972
	Act 242	06-02-1981
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016

Section	Amending authority	In force from
10A	Act A1157	01-12-2002
	Act A1481	30-01-2016
11	Act A131	07-07-1972
13	Act A1157	01-12-2002
14	Act A131	07-07-1972
	Act A1157	01-12-2002
	Act A1481	30-01-2016
Part IIIA	Act A1481	30-01-2016
14A	Act A1481	30-01-2016
14B	Act A1481	30-01-2016
Heading of Part IV	Act A1157	01-12-2002
15	Act A131	07-07-1972
	Act A248	15-03-1974
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
16	Act A131	07-07-1972
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
17	Act A131	07-07-1972
	Act A742	25-08-1989
	Act A1157	01-12-2002
	Act A1481	30-01-2016
18	Act A1157	01-12-2002
	Act A1481	30-01-2016
19	Act A1157	01-12-2002
	Act A1481	30-01-2016

Section	Amending authority	In force from
20	Act 242 Act A1481	06-02-1981 30-01-2016
22	Act A1157 Act A1481	01-12-2002 30-01-2016
24	Act A131 Act A1157 Act A1481	07-07-1972 01-12-2002 30-01-2016
24A	Act A742 Act A1481	25-08-1989 30-01-2016
24B	Act A1157 Act A1481	01-12-2002 30-01-2016
24C	Act A1157 Act A1481	01-12-2002 30-01-2016
24D	Act A1157 Act A1481	01-12-2002 30-01-2016
25	Act A172 Act A248 Act A742 Act A1157	30-03-1973 15-03-1974 25-08-1989 01-12-2002
25A	Act A1157 Act A1481	01-12-2002 30-01-2016
25B	Act A1157 Act A1481	01-12-2002 30-01-2016
25C	Act A1157	01-12-2002
26	Act A742	25-08-1989
26A	Act A248 Act A1157	15-03-1974 01-12-2002

Section	Amending authority	In force from
	Act A1481	30-01-2016
26B	Act A1157 Act A1481	01-12-2002 30-01-2016
27	Act 242 Act A598 Act A1157	06-02-1981 07-09-1984 01-12-2002
29	Act A1157 Act A1481	01-12-2002 30-01-2016
30	Act A1157	01-12-2002
Schedule	Act 242 Act A742 Act A1481	06-02-1981 25-08-1989 30-01-2016
