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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

Our Ref: DIR 04/09

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DIRECTIVE TO ALL WARRANT HOLDERS

Procedure for 'Change of Architect' and/or withdrawal from a commission

Dear Colleagues,

Following the issue of MEPA Circular 03/09 and the subsequent issue of Chamber Directive DIR 03/09 dated 7 August and 10 August respectively, representatives of the Chamber of Architects and Civil Engineers have met with the MEPA Chairman to discuss a number of issues associated with cases where a Client wishes to employ a second *Perit* to replace the one he/she had previously engaged and in cases where a *Perit* wishes to withdraw from a commission whether or not the Client has engaged a replacement.

Following the discussions held, it has been decided that with immediate effect, MEPA will revert back to the system as existed prior to the issue of its Circular 03/09, dated 7th August 2009. Furthermore, and in order to improve the system and to avoid any misunderstandings the following procedures are to be adopted by all *Periti*;

1) Termination by the Client prior to the Issue of a Development Permit

The responsible *Perit* is to immediately inform MEPA of his withdrawal from the case and the subsequent relinquishing of all associated responsibilities, by means of a registered letter, with a copy to the Client and preferably also to the Chamber.

2) Termination by the Client after the Issue of a Development Permit

The responsible *Perit* is to immediately inform MEPA of the client's instructions given to him/her and of his/her subsequent relinquishing of responsibility for any works beyond the indicated date, by means of a registered letter, together with copies of the said letter, preferably by registered mail to the Police Authorities of the locality where the development is taking place, the Local Council of the same locality, the Contractor, if applicable, to the Client and preferably also to the Chamber.

3) Termination by the *Perit* originally engaged by the Client

The *Perit* is to immediately inform the Client by means of a formal Withdrawal Notice sent by registered mail, declaring his resignation from the commission and relinquishing of associated responsibilities (*save for works on site already carried out*). If a permit application is involved, the *Perit* is also to send a copy of the Withdrawal Notice to MEPA and if the permit has already been issued, further copies of the Withdrawal Notice are to be sent preferably by registered mail to the Police Authorities of the locality where the development is taking place, the Local Council of the same locality, the Contractor, if applicable, the Client and preferably also to the Chamber.

4) Taking over from another *Perit*

Regardless of whether the commission of the original *Perit* engaged was terminated by the Client or by the said *Perit* himself/herself, the *Perit* engaged to take over, shall immediately advise the originally engaged *Perit* formally and in writing of his/her being requested to take over the commission. If a MEPA permit or application is involved, the second *Perit* shall approach the first *Perit* and request his endorsement on the appropriate '*Change of Architect*' form provided that it is either already endorsed by the *Perit* that is taking over, or the two hold a meeting and endorse the said form on the same occasion.

The Chamber of Architects and Civil Engineers is currently in consultation with MEPA in order to establish a mechanism through which MEPA, upon receiving the Notice of Withdrawal, will advise the Applicant/Client to terminate the works (*if applicable*) and appoint another *Perit* and furnish a '*Change of Architect*' form endorsed by **both** the incoming and the outgoing *Perit* within an established period of time in default of which the Application will be withdrawn or the Permit suspended.

Moreover, MEPA will be informing the Chamber of any instances where the Applicant/Client informs it that although he/she has requested the original *Perit* to sign the "*Change of Architect*" form the latter has refused, or is unwilling to do so and the Chamber will be referring all relevant cases for appropriate disciplinary action.

All *Periti* are to note that '*Change of Architect*' forms should **only** be endorsed upon receipt of a formal request by another *Perit* and provided that either the form has been already endorsed by the *Perit* who is taking over or provided that a meeting is held between the two and endorsed by both on the same occasion. Moreover, all *Periti* are to inform their Clients of this accordingly. *Periti* are also to note that any pending issues between themselves and their Client, such as unpaid fees or similar, are not an admissible reason to withhold their handing over of a commission to a colleague and furnishing the appropriate endorsed form.

Finally, the Chamber wishes to reiterate as, it has already done in previous directives, that it is a serious breach of the Code of Professional Conduct for a *Perit* to refuse to furnish his endorsement on a '*Change of Architect*' form when requested to do so by a colleague who has been engaged to take over the works, provided that the said form has already been endorsed by the said colleague or that a meeting is held between the two to endorse the form on the same occasion. Moreover, it is also a serious breach of the Code of Professional Conduct for a *Perit* to take over a commission originally undertaken by a colleague without first informing the said colleague in a formal and appropriate fashion.



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