

First published in the *Government Gazette*, [www.egazette.gov.sg](http://www.egazette.gov.sg), on 30 May 2025.

ARCHITECTS ACT 1991  
(SECTION 38)

ARCHITECTS (ELECTION OF BOARD  
MEMBERS) RULES 2005

ARRANGEMENT OF RULES

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[1 October 2005]

**Citation**

1. These Rules are the Architects (Election of Board Members) Rules 2005.

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*Prepared and Published by*

THE LAW REVISION COMMISSION UNDER THE AUTHORITY  
OF THE REVISED EDITION OF THE LAWS ACT 1983

2.6.2025

## **Definitions**

### **2. In these Rules —**

“elected members”, in relation to the Board, means the members of the Board mentioned in section 4A(1)(c) of the Act;

“practising architect” means a registered architect who has in force a valid practising certificate.

## **Returning officer**

**3.—(1)** The Registrar, or any other person whom the Board may from time to time appoint, is the returning officer for the purpose of section 4A(1)(c)(i) of the Act.

(2) The returning officer may appoint assistant returning officers who are to act under the direction of the returning officer.

## **Notice of nomination**

**4.—(1)** For the purpose of section 4A(1)(c)(i) of the Act, the returning officer must determine —

- (a) the date, time, place, manner and procedure for submitting nomination papers;
- (b) the date for balloting which must be not more than 60 days after the close of nominations; and
- (c) the time and place at which, and the manner by which, the ballot is to be conducted.

(2) The returning officer must cause a notice to be sent to every practising architect informing him or her of the matters mentioned in paragraph (1), together with a nomination paper which must be in the form determined by the Board.

## **Nominations**

**5.—(1)** Every practising architect who desires to nominate a candidate for election as a member of the Board must —

- (a) enter his or her own name as proposer and sign on the nomination paper mentioned in rule 4(2);

- (b) enter on the nomination paper the name of the candidate and have the consent of the candidate endorsed thereon;
- (c) enter on the nomination paper the name of 4 seconders for the candidate and have the signatures of the seconders endorsed thereon; and
- (d) submit the nomination paper in the manner fixed by the returning officer under rule 4(1)(a) together with any information concerning the candidate that the returning officer may require.

(2) No person other than a practising architect may propose or second the nomination of any candidate.

(3) A proposer must not nominate more candidates in any election than the number of vacancies to be filled in that election.

### **Vacancies filled by number of nominations**

6. Where there are no more valid nominations than the number of vacancies to be filled in any election, the returning officer must declare the candidates nominated to be elected.

### **Vacancies exceeded by number of nominations**

7. Where there are more valid nominations than the number of vacancies to be filled in any election, the returning officer must cause a notice to be sent to every practising architect containing instructions relating to —

- (a) the date, time and place for balloting;
- (b) the manner and procedure for balloting; and
- (c) the names of the candidates and any other relevant information that the returning officer may determine.

### **No soliciting or canvassing for votes**

8.—(1) A person must not do any of the following except in the manner permitted by the returning officer:

- (a) canvass for votes;
- (b) solicit the vote of any person;

(c) cause any other person to do any act mentioned in sub-paragraphs (a) and (b).

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Form and manner of voting**

9.—(1) Voting must be by secret ballot.

(2) Balloting must be conducted in such form and manner, whether manually or by mechanical or electronic means, as the returning officer may determine.

### **Proof of identity**

10. Every practising architect who votes must produce such proof of identity as the returning officer may require.

### **Penalty for failure to vote**

11. The penalty under section 4B(2)(b) of the Act for failure to vote is \$300.

### **Counting of votes**

12.—(1) The returning officer must —

(a) cause the votes given to each candidate to be counted, whether manually or by mechanical or electronic means; and

(b) declare to be elected the candidate or candidates with the highest numbers of votes.

(2) If there is an equality of votes, the successful candidate or candidates must be determined by drawing lots.

(3) The returning officer must cause a notice to be sent to every registered architect informing him or her of the results of the election.

### **Storage of records**

13. Subject to any direction that the president may give, the records of the vote must be retained securely by the Board for 3 months.

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## **Complaints to Board**

**14.—**(1) Subject to paragraph (2), any question arising out of the election as to whether —

- (a) a person is a practising architect;
- (b) a candidate has been validly nominated; or
- (c) a vote may be counted,

must be decided by the returning officer.

(2) Any person aggrieved by any act or decision of the returning officer may, not later than 7 days after the results of an election have been declared, complain to the Board, which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(3) Any complaint that a candidate or any person on a candidate's behalf has used corrupt methods or undue influence in order to secure the election or rejection of a candidate, or has contravened rule 8(1), must be made to the Board which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(4) Any failure to comply with these Rules does not invalidate an election if it appears that the election was conducted in accordance with the principles laid down in these Rules, and that the failure did not affect the results of the election.