

# **2008 ARCHITECTS CHAMBER VISA REGULATION**

## Regulation Issued Under Articles 18 and 39

The Council of Ministers of the Turkish Republic of Northern Cyprus, exercising the authority granted under Articles 18 and 39 of Law No. 21/2005 of the Union of Chambers of Turkish Cypriot Engineers and Architects (UCTCEA), hereby enacts the following Regulation.

### **Article 1 – Short Title**

This Regulation shall be cited as the “2008 Architects Chamber Visa Regulation.”

### **Article 2 – Interpretation**

Unless otherwise required by the text, all definitions in this Regulation shall bear the meanings assigned to them in Law No. 21/2005 of the Union of Chambers of Turkish Cypriot Engineers and Architects (UCTCEA).

### **Article 3 – Purpose**

The purpose of this Regulation is to ensure the positive development of the architectural profession and to ensure that professional services are carried out, implemented, and supervised in accordance with technical and artistic requirements for the public benefit.

### **Article 4 – Formation of the Visa Office**

- (1) The Visa Office shall consist of technical personnel and full-time clerical staff in numbers deemed appropriate by the Board of Directors of the Chamber.
- (2) Technical personnel appointed to the Architects Chamber Visa Office shall be members of the Chamber proposed by the Board of Directors and appointed by the Authority Board. These personnel must be practicing or active members with at least six years of professional experience. Visa Office personnel may not engage in other work, prepare projects, provide professional consultancy, or work in public institutions or private workplaces.
- (3) Clerk - Personnel to be employed in the Visa Office must be at least high school graduates or graduates of an equivalent institution. Such personnel shall be employed on a contractual basis by the Board of Directors of the Architects Chamber, following vacancy announcements published in at least two daily newspapers, with remuneration determined in accordance with current conditions. In the case of male applicants, completion of military service and submission of a discharge certificate shall be required.

### **Article 5 – Duties and Powers of the Visa Office**

The Visa Office shall operate in accordance with the Law of the Union of Chambers of Turkish Cypriot Engineers and Architects and the Regulations and By-laws enacted under that Law.

## **Article 6 – General Rules of Visa Practice**

(1) For visa procedures to be carried out, practicing and active members must have paid all membership fees and similar debts to the Architects Chamber.

Architectural projects must:

- comply with current legislation,
  - comply with the minimum drawing standards determined by the Architects Chamber,
  - comply with this Regulation and all related by-laws. For project visa applications, title deed documents, title deed site plans, sample project and supervision contracts, and statistical forms must be submitted to the Visa Office.
- (2) For project visa approval, it is mandatory to submit the project together with the TRNC title deed and title deed site plan, the Sample Project and Supervision Agreement (Annex I) attached to this Regulation, and the Sample Statistical Form (Annex II) attached to this Regulation to the Visa Office.
- (3) Members are obliged to obtain copies of the project and professional supervision documents issued by the Architects Chamber Visa Office and submit them to the relevant authorities (Municipality or District Office).
- (4) Projects prepared in accordance with the relevant provisions of the 2005 Law of the Union of Chambers of Turkish Cypriot Engineers and Architects (UCTCEA), the Architects Chamber Regulations, and the Regulations and By-laws enacted under this Law shall be granted visa approval.
- (5) If the architect proves that the work belongs to them personally, the project shall be fully approved without requiring compliance with conditions regarding contracts and payment of fees. If the architect proves that the work belongs to their family, projects prepared for each family member shall be approved only for the relevant author without requiring compliance with conditions regarding contracts and payment of fees. A project prepared free of charge by an architect for charitable institutions, limited to once per year, may be approved by the Board of Directors without requiring compliance with conditions regarding contracts and payment of fees.
- (6) Active and Practicing Members may grant a discount on project and supervision fees up to the proportion of the ownership share held by themselves and/or their families on the title deed.
- (7) If the architect preparing an additional floor or renovation project is not the original author of the existing building project, they must obtain an

authorization document from the original author permitting the preparation of the project in order to receive visa approval. In cases of the author's death, emigration from the country, or other circumstances deemed appropriate by the Board of Directors of the Architects Chamber, the Board may issue a document confirming such approval.

However, authorship shall not be required for projects and buildings constructed before 16.09.1981 and licensed without obtaining approval from the Visa Office. Structures constructed without permission before this date shall undergo survey documentation procedures, provided that an official authority certifies that they were built before this date.

- (8) The Architects Chamber Visa Office is obliged to finalize visa procedures within a maximum of seven working days.
- (9) Visa approval shall be carried out by stamping and signing the project copies to be used in implementation by the Visa Office. Applications for visa approval must be submitted with a minimum of two sets of project copies, which shall be stamped and approved by the Architects Chamber Visa Office personnel.

### **Article 7 – Professional Supervision During Implementation**

During implementation, only project copies bearing the official visa stamp may be used. In all inspections carried out by authorized authorities on site, these stamped copies shall be accepted as valid.

### **Article 8 – Financial Provisions**

- (1) The salaries of personnel employed on a contractual basis in the Visa Office, as well as all expenses of the office, shall be covered by the Architects Chamber.
- (2) The revenues of the Visa Office shall remain as income of the Chamber.
- (3) All rights related to the Sample Project and/or Supervision Agreement (Annex I) and the Architects Chamber Visa Office Statistical Form (Annex II), attached to this Regulation, belong to the Architects Chamber.
- (4) Among the responsible persons of registered offices, the practicing architect or architects whose signatures appear on the agreement shall personally benefit from the rights granted to architects under this Regulation. All rights and responsibilities belong to the practicing architect or architects who signed the agreement.

Members are obliged to pay in advance the fees corresponding to the Project and/or Professional Supervision Visa Fees Tariff for project visa approval.

### **Article 9 – Enforcement**

- (1) This Regulation shall be administered by the Architects Chamber.
- (2) The Sample Agreement, the Project and/or Professional Supervision Certificate, the Architects Chamber Visa Office Statistical Form, and the Project and/or

Professional Supervision Visa Fees Tariff are annexes to this Regulation and shall be read together with it.

(3) Any dispute arising from the implementation of this Regulation shall be resolved by the Board of Directors of the Architects Chamber.

### **Article 10 – Repeal**

Upon the entry into force of this Regulation, the 1979 Joint Professional Service and Supervision Regulation for Architects and Civil Engineers and related regulations shall be repealed insofar as they concern the Architects Chamber.

### **Article 11 – Entry into Force**

This Regulation shall enter into force as of the date of its publication in the Official Gazette.

# ANNEX I – SAMPLE PROJECT AGREEMENT

## 1- SUBJECT OF THE AGREEMENT:

This agreement regulates the preparation of the relevant projects for the architectural services listed below to be carried out on the plot or land defined in the table below,

- (.....) New Construction
- (.....) Additional Construction
- (.....) Repair or Renovation
- (.....) Parceling and Subdivision
- (.....) Supervision
- (.....) Other

the approval of the project by the Architects Chamber Visa Office by the architect / registered office, and the Professional Services to be provided until the necessary permit is approved by the competent authorities, as well as the relationship between the employer and the architect / registered office.

## 2- LOCATION OF THE WORK:

(References regarding existing structures must be provided. For example: visa number, construction permit number, etc.)

District	Municipality	Village	Neighborhood	Street/Avenue	Block	Sheet/Plan	Parcel	References

## 3- NATURE AND PROGRAM OF THE SERVICE:

This service shall be provided in accordance with Law No. 21/2005 of the Union of Chambers of Turkish Cypriot Engineers and Architects (UCTCEA), the 2008 Architects Chamber Visa Regulation enacted thereunder, and the other regulations and by-laws enacted under Law No. 21/2005.

Requirements Program:

.....  
.....  
.....  
.....

## 4- MINIMUM ARCHITECTURAL PROJECT SERVICES:

- Preliminary Design Studies
- Application Projects

## **5- ADDITIONAL ARCHITECTURAL PROJECT SERVICES**

- Preparation and Preliminary Feasibility Studies (Town Planning Preliminary Approval, Supreme Council of Antiquities Approval, Ministry of Tourism Preliminary Approval, etc.)
- System and Assembly Details
- Manufacturing Details
- Administrative and Technical Specifications
- Quantity Surveying, Cost Estimation, Cost Analysis
- Tender Studies
- Preparation of Tender Documents
- Conducting the Tender Process
- Consultancy

## **6- ARCHITECTURAL IMPLEMENTATION AND MANAGEMENT SERVICE PHASES**

- Architectural Professional Supervision Services (APS)
- Delivery of As-Built Projects
- Final Accounts
- Provisional Acceptance
- Final Acceptance

## **7- FEES**

Unless otherwise specified by the parties, the agreement fee shall be calculated according to the 'minimum fee rate schedule' based on the 'construction unit costs' valid on the date the agreement is registered with the Architects Chamber Visa Office together with the Preliminary Project.

OR

The parties have agreed that the project fee shall be ..... TL, the professional supervision fee shall be ..... TL, and the TOTAL fee shall be .....TL.

This fee may not be lower than the rates specified in the 'Minimum Fee Rate Schedule.'

## **8- PAYMENT METHOD**

The Employer shall pay the ARCHITECT for the services specified in Articles 4 and 5 in the following manner.

The fee for each stage of the services shall be paid to the ARCHITECT upon completion of that stage and delivery to the EMPLOYER / CLIENT, or upon approval of the work stages requiring acceptance by the EMPLOYER / CLIENT.

The fees for Architectural Professional Supervision Services specified in Article 6 shall be calculated monthly by dividing the total fee for these service stages over the project duration and according to the tariff valid in the year the service is provided.

Unless otherwise specified in the Agreement, the ARCHITECT shall issue a Professional Service Receipt or Invoice indicating the relevant work stage for each payment received. VAT shall be added to every payment.

All obligations related to Stamp Duty shall be borne by the EMPLOYER / CLIENT.

## **9- DURATION**

a) Preliminary Project: .....

b) The Application Project shall be completed no later than .....

These periods relate solely to the work carried out by the ARCHITECT. The Employer's review and approval periods, professional supervision, permit procedures, preliminary approvals, tendering procedures, and realization periods of other services are not included in the ARCHITECT's working periods.

Unless otherwise specified in writing, the project review periods of the EMPLOYER / CLIENT may not exceed 20% of each work stage duration. Durations are defined as "working days."

## **10- DUTIES, RIGHTS, AND RESPONSIBILITIES OF THE ARCHITECT / REGISTERED OFFICE**

The originals of all designs, preliminary projects, final projects, application projects, and annexes prepared under this agreement shall remain with the architect / registered office, regardless of whether construction is carried out or not.

The Employer declares full compliance with all rights held by the architect / registered office.

## **11- DOCUMENTS AND EXPENSES TO BE PROVIDED BY THE EMPLOYER**

- Title deed, ownership, or entitlement documents of the land or plot
- Approved site plans of the land or plot
- Permit documents, visa numbers, and dates of all existing structures on the land or plot
- Topographic map of the land or plot
- All other documents, information, and expenses related to fulfilling legal requirements during construction

## **12- TERMINATION OF THE AGREEMENT**

If either party acts contrary to this agreement, the other party shall notify the violating party in writing and grant a minimum period of 30 working days to remedy the violation. If the violation is not remedied within this period, the other party may terminate this agreement immediately by written notice.

In such case, the Employer shall be obliged to pay the Architect for all work completed up to the date of termination.

The party acting contrary to the agreement shall also be liable to compensate the other party for damages arising from the termination.

**13- DISPUTES**

In the event that disputes arising between the parties cannot be resolved through mutual agreement, all parties to the dispute may apply to the Board of Directors of the Architects Chamber for arbitration. If the disputes cannot be resolved amicably, the Courts of the TRNC shall have jurisdiction.

**14- SPECIAL CONDITIONS:**

.....  
.....  
.....

**15- ENTRY INTO FORCE OF THE AGREEMENT**

This agreement, consisting of fifteen (15) articles including this article, has been duly prepared and signed by the parties and entered into force on the date of (..... / ..... / .....).

**ARCHITECT**  
Name-Surname-Signature-Seal

**EMPLOYER**  
Name-Surname-Signature-Seal

**WITNESS 1**  
Name-Surname-Signature

**WITNESS 2**  
Name-Surname-Signature

**ARCHITECTS CHAMBER**

VISA OFFICE REGISTRATION NO: \_\_\_\_\_

DATE: \_\_\_\_\_

THIS SECTION SHALL BE COMPLETED ACCORDING TO THE FINAL BUILDING AREA OF THE APPLICATION PROJECT ON THE DATE IT IS SUBMITTED TO THE VISA OFFICE.

INTENDED USE	FLOOR AREA m <sup>2</sup>	CONSTRUCTION SYSTEM	BUILDING CLASS	UNIT COST PER m <sup>2</sup>	APPROXIMATE BUILDING COST	EXPLANATION
GENERAL TOTAL						

VISA OFFICE APPROVAL

NO: \_\_\_\_\_ DATE: \_\_\_\_\_

FEES:

## ANNEX II – STATISTICAL FORM

### Architects Chamber Visa Office Statistical Form

#### LOCATION OF THE PROJECT

District	Municipality	Village	Neighborhood	Street/Avenue	Block	Sheet/Plan	Parcel	Land Area	References

**Note: References related to existing structures must be provided.**

#### PROJECT SUBJECT

- New Construction
- Additional Construction
- Repair or Renovation
- Parceling
- Subdivision
- As-Built
- Survey Documentation
- Other

#### PROJECT DESCRIPTION:

.....

#### INTENDED USE:

.....

#### NUMBER OF FLOORS:

.....

#### TOTAL CONSTRUCTION AREA:

.....

#### BUILDING FOOTPRINT AREA:

.....

#### CONSTRUCTION SYSTEM:

.....

#### BUILDING CLASSIFICATION:

.....

**CONTRACT DATE:** ...../...../.....

**MECHANICAL INSTALLATION**    YES ( )    NO ( )

**PARTIES**

**AUTHOR / AUTHORS**

Name-Surname	
Title	
Chamber Registration No	

**EMPLOYER**

Name-Surname	
Address / Telephone	

Architects Chamber Visa Approval	
Approval	
Registration No	
Project Visa No	

### **ANNEX III – VISA FEES TARIFF**

- (1) Agreements registered with the Visa Office together with a certified true copy of the title deed document and an approved title deed site plan shall remain valid for a period of six months. During the registration of these agreements with the Visa Office, an amount corresponding to 2% (two percent) of the minimum wage, which constitutes the minimum visa fee, shall be collected as a registration fee. This amount shall be deducted from the visa fee during the visa approval stage.
- (2) Project files approved by the Visa Office must be collected by the authors (or their authorized representatives) within one month from the date of approval. For files not collected within this period, a delay fee of 10% for each delayed month shall be charged based on the visa fee.
- (3) The fees to be collected from projects approved by the Visa Office shall be as follows:

Project Type	Fee
Survey Documentation Projects	Amount corresponding to 2% of the minimum wage
Building Subdivision	Amount corresponding to 2% of the minimum wage
Land Subdivision	Amount corresponding to 2% of the minimum wage
Wire Layout / Telleme	Amount corresponding to 2% of the minimum wage

For newly constructed buildings, an amount equal to 3/10,000 (three per ten thousand) of the approximate construction cost shall be charged as the architectural visa fee.

For parceling projects, 50% of the visa fee calculated according to the normal fee calculation method shall be charged.

Note: The matters mentioned above under Article 3 shall be implemented in such a way that the annual increase does not exceed 20%, and the Building Unit Costs may be revised and put into effect periodically by the Board of Directors of the Architects Chamber.