

1934.

Kenya

No. 23057.

SUBJECT C0533/443

The Architects & Quantity Surveyors Ordinance

Previous

3034/33

Subsequent

38098/35

1 Governor Bygone 114 \_\_\_\_\_ 6<sup>th</sup> Jan 1933

1 authenticated  
7 1/2 printed copies  
of Ordinance to library

Trans. 2 authenticated & 12 printed copies of the  
Architects & Quantity Surveyors Ordinance No 60 of 1933

2 Col Secretary 2pm \_\_\_\_\_ 10 Jan 1933

5 hours to library

Trans. 6 copies of report of select committee on the provisions of  
the bill

3

40.0 24 23

There has been some discussion in the  
the Institute of Structural Engineers and the  
Ordinance and that it is intended to require  
certain engineering qualifications to be  
exempted from the Ordinance except so far as  
has been duly effected as will be seen in  
section 18.

40.0 24 23

The Secretary of the Chartered Institute of  
Institution has also recently called on Mr. Freestone  
and suggested that surveyors are not being  
recognised in East Africa. An East African branch  
of this Institution has been recently formed and  
we have sent a copy of a letter from the Secretary  
of the Institution to the various Colonial Govts.  
notifying them of its existence.

I am afraid the present Ordinance will not  
please the surveyors very much in certain respects.  
There seems indeed some force in what the Structural  
Engineers told us in (1) on 3034/33, that the  
Ordinance has been promoted by the local Institute  
of Architects for their own benefit. Thus section 4  
provides that 3 of the Board's 6 members shall be  
nominees of the East African Institute of Architects  
while the East African branch of the Chartered

Surveyors Institute are given no nominees; but perhaps the Government scarcely yet realised that it exists.

It will also be noted that, under section 7 it is only members of the Institute of Architects who are entitled to be registered automatically. It might have been less invidious merely to have included the Institute of Architects in the schedule and thus have put them on an equal status exactly with the Chartered Surveyors Institute and the Institute of Structural Engineers whose names already appear thereon. I hardly think, however, that it is necessary to say anything about this to the Governor.

I have no other observations on the Ordinance.

In view of the Institute of Structural Engineers' request in No. 7 on 3034, they might be supplied with a copy of this Ordinance, their attention being drawn to section 18 and the schedule.

And, subject to legal observations, sanction the Ordinance in a short draft, taking the opportunity to enclose a copy of the letter to the Institute of Structural Engineers.

RWD:is 12 Feb

This office (from 87) to be a Chapter of Quantity Surveyors within the East African Institute of Architects. It would be interesting to know the relation between this Chapter and the E.A. Branch of the Chartered Surveyors Institution referred to in 24010.

Advent  
12/2

I do not know the effect of S. 10  
Only 2 officials of S. 3 does not  
how is S. 2 to be enforced? If  
the various provisions regarding registration  
do not apply, how are the persons  
concerned to comply with S. 2 in so far  
as it requires them to be registered? Or  
is it intended that they also never be  
registered?

Answer: I do not suggest raising this  
point if the Dept. does not wish to do  
so. Anyone else is happy, none  
is wrong? Also on looking at some  
earlier papers I have come to the  
conclusion that the answer to A is "yes"

J. B. [Signature]  
16/2/34

As to X, this may be some trouble as Surveyors may  
include quantity Surveyors but if it recognizes the Surveyors  
Institution as I expect it will right  
as proposed  
16-2

To Association of Structural Engineers - 22/2/34  
[Signature] (note 60 of 1933) (7 on 3034/33 amended)

Copy to [Signature]  
[Signature] (4)  
[Signature] 2/2/34

To Range, 142 (4/c 3) 26  
1 answer

Institution of Structural Engineers — 20 February 34  
A/c No 54 address qualification at action taken.

M/L

Foreign Office — 11 May 34

Enclose copy of memo with Italian Embassy regarding the legislation of Architects & Quantity Surveyors Ordinance in relation to the Convention of St Germain in large & make known them.

The Italian Govt point out that Ordinance No 9 of 1912 would appear capable of creating in Kenya a discrimination in favour of British Architects which would be contrary to the terms of Article 3 of the Comp. Basis Treaty of 1919/1919.

Sections 2 & 9 of the Ordinance are the relevant sections as regards Architects.

I suggest that Section 2 contains nothing of a discriminatory nature. Under Section 9 b. Italians could be registered architects in the Colony provided that they were members of such Institute as members of such Institute as the Council, specified to be of adequate standing.

It would be impracticable to name all such Institutes in the Ordinance, which, I think, would be the only way

making the Italian A/c aware, but General Dept and the local advice was so doubt advice the Dept in the matter.

C.P. Brown  
17/7/34

P. Street

to doubt the Italian would be satisfied if their own Architectural & Quantity Surveyors Institute were declared under the Ordinance for the purposes of S 2 proviso, S 8 (b), S 9 (b), S 10 (b) & S 11 (b), but we do not know, of course, whether the Institute are of adequate standing. I imagine they already are, but doubt or not consult the Govt?

There is a further difficulty under ss. 9 (a) & 11 (a), which would require amendment to enable persons with experience in eq. Italy to practice without passing the examination.

This question, however, is closely akin to another which has been under consideration for some time as regards doctors - the question being whether there is any discrimination, meaning that an alien can become a doctor (or an architect) in U.K. if he wishes.

I submit my observations on this matter in the form of a draft letter to the Foreign Office.

*J.J. Pascoe*

23.5.34.

*I agree that we should write to the FO as in the attached draft letter.*

*6/6/34 A. Duncan.*

The Foreign Office have now replied (on 3.9.34) declining to accept the Colonial Office view as regards the registration of Doctors in the Mandated Territories. It has not yet been decided whether we are to continue to endeavour to convert the Foreign Office to our view, but in the circumstances it would be preferable (if it were possible) now to ~~deal with~~ <sup>deal with</sup> this question ~~separately from~~ <sup>separately from</sup> the question of the non-discrimination clauses of the Mandates.

It appears that it will be possible to do so since I understand from a man connected with the R.I.B.A. that foreigners are not normally eligible for membership of that Institute (though they can be admitted in very special circumstances at the discretion of the Council). As regards the Chartered Surveyors

Institution

Institution, and possibly the R.I.B.A. telephone but I have not yet had any membership by the Institute. It is probable that the Committee will be asked to consider (in the latter case) the possibility of a foreigner to be admitted to membership of the Institute. In these circumstances it is suggested that the Institute should be approached to consider the possibility of a foreigner to be admitted to membership of the Institute. On the other hand it is suggested that the Institute should be approached to consider the possibility of a foreigner to be admitted to membership of the Institute. On the other hand it is suggested that the Institute should be approached to consider the possibility of a foreigner to be admitted to membership of the Institute.

*J.J. Pascoe*  
*9/6*

7 To R.I. of Br. Architects } (cf. memo LX/31)  
8 - Chartered Surveyors Institution } memo 15/6/34

The Chartered Surveyors Institution — 16 June 34  
No 8.  
DESTROYED UNDER STATUTE

10 Royal Institute of British Architects — 15 June 34  
States it is not open to foreigners to become members of R.I.B.A. & that it is almost impossible to furnish a list of foreign institutes whose standing would be adequate to justify their being proclaimed by Com. in Council. Suggests Institute should undertake to advise as regards standard of any particular foreign institute.

? Await a further letter from the Chartered Surveyors Institute

J. J. Parnis  
20/6  
J. J. Parnis

copy passed to Com. in Council

(Done as per C.S. letter) 11. The Chartered Surveyors Institution — 20 June 34

Furnishes information regarding foreigners becoming members of the Institution, states as to designation "Chartered Quantity Surveyor" & also that there are no professional societies of quantity surveyors in many foreign countries which would justify proclaiming under Deans. 2, 10 & 11 of Ordinance with exception of one French Society.

The Pardon

10 & 11 now give you the required date for your letter to P.P.?

J. J. Parnis  
20/6

drafts h.w.

J. J. Parnis  
24/6

- 12 To R.I. of the Architects (10 anna) } 17/7/34
- 13 Chartered Surveyors Inst (11 anna) }
- 14 To I.C. (6 anna) Com. 10/7/34  
(to the 7, 8, 10 & 11 & of order 60 of 1933)

If action is to all (w)

15 To B.T. (etc end + sub. end. in 6 & of no. 14 & 27 small) 18/7 12/7/34

See  
Amplified  
& etc

16 Foreign Office — 16 July 34

Furnishes views on the legal position & allegation of discrimination in connection with the Architects' Quantity Surveyors Ordinance. Suggest amending Ordinance is desirable & requests F.O. may be given an opportunity of considering text in draft.

Subject to General Dept's observations  
? We should now invite the Foreign to amend Ordinance No LX of 1933 on the lines agreed with the F.O. i.e. that the right to practise as an Architect or Quantity Surveyor will be confined to those persons whose qualifications have been approved by the Board of Registration.

It is for com. whether the

(cf. No 6  
of 29/5/34  
F.T.)

copy saved

Suggested in para 6 of the letter is  
essential, or whether the point  
may be left to the discretion of  
the Board.

A. G. G. G.  
29/7/34

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

in aff.  
11  
3/17

On looking into this matter a little  
more carefully, and in particular having  
refreshed my memory by examining the Palestine  
Medical Practitioners Ordinance (No.4 of 1928)  
and the Tanganyika Medical Practitioners and  
Dentists Ordinance (Ch.87 as amended by 7 of  
1934), I do not feel altogether satisfied with  
the action proposed.

In particular I find that under  
Section 6(a) and (b) of the Tanganyika  
Ordinance, the holding of a diploma which  
entitles a doctor to registration in the United  
Kingdom automatically entitles him to registra-  
tion in Tanganyika. This is not very different  
from Section 9(b) etc. of the Kenya Architects  
and Quantity Surveyors Ordinance. I am not sure  
that to accept the view of the Foreign Office  
as set out in paragraph 2 of their letter would  
not be to condemn these provisions of the  
Tanganyika Ordinance.

There is no corresponding provision  
in the Palestine Ordinance, but I now notice  
for

for the first time that the Ordinance of 1928 was not  
amended as a result of the correspondence in 1929 (see  
Nos. 1 and 4 on 77107/30 Palestine). As the Palestin  
law stands a doctor may be licensed to practise in  
Palestine if the Director is satisfied (inter alia)  
that the applicant has obtained a diploma recognised  
by the Director. Although the Ordinance does not say  
that a list of such diplomas shall be published it  
predicates the recognition of diplomas by the Director  
On looking at the matter again I find <sup>also</sup> the  
questions which arise on Sections 2, 8, 9, 10 and  
11 also arise on Section 18(2), which was not con-  
sidered in the earlier correspondence.

In the circumstances I should be glad to  
discuss with you again before action is taken.

J. G. G.  
31.8.34.

17. Mr Wallinga (4.3) 1/2 \_\_\_\_\_ 12 Sept 34  
Trans. copy of memo. with Signor L. P. P. as enquiring  
whether the results of the investigations in connection with points  
made in the aide-memoir regarding the registration of architects  
& Quantity Surveyors in Kenya can now be indicated.

28th. after discussion with  
Mr Duncan.

J. G. G.  
18/9

18 20 F.O. (w/ draft despatch) comm 27/10 } 28 SEP 1934  
19 20 Wallinga (F.O.) s.o.

20 Foreign Office 12 Oct 34

States has no objection to offer on draft despatch

DESTROYED UNDER STATUTE included in No 18.

? The despatch may now be sent to Kenya.

C. P. Brown 26  
17. 10. 34.

B. Brewster  
7

J. J. Passin  
7

B. Brewster

21 To Kenya, 865 (w/c's sub and to G.) (cons  
two 10 & 11)

20 OCT 1934  
19/10/35

22 Foreign Office 30 Jan 35

DESTROYED UNDER STATUTE

Enquires whether a further answer to No 16 may shortly be expected.

Reply 30. enclosing copies of No 21 to say that if no reply is received from the Province by the end of January a reminder will be sent.

C. P. Brown 26  
1. 1. 35.

B. Brewster  
3 alt

1/27 to note to  
B. Brewster  
30/1/35

3 No F.O. (w/c's 21 w/c's encl.) 3 pms 14/11/35  
(2. 2. encl.)

New file  
9/11/35

C. P. Brown 26  
15. 1. 35.

By wire message  
2/2/35

To Kenya, 103

DM

23 Foreign Office

DESTROYED UNDER STATUTE Enquires whether a further answer to No 20 may shortly be expected.

24 General Dyne 121 (His Mail)

DESTROYED UNDER STATUTE States that it is wished to forward draft legislation in the course of the next three weeks

25  
26  
Copy to G.O. of Ref. 23  
C. P. Brown 26  
15. 1. 35.

5/1/35  
16/3/35

To G.O (w/c 26) 13/11/35 18/3/35

DM



C. O.

Mr.

Mr.

Mr.

Mr. Parkinson

Mr. G. Embroson

Mr. C. Bottomley

Mr. J. ...

Mr. ...

Mr. ...

Secretary of State

*Handwritten notes:*  
I have ...  
reverted up.  
in

*Handwritten:* Air Mail

*Handwritten:* February

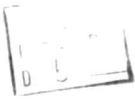
I have etc to refer to  
my reply despatch No 865  
of the 20<sup>th</sup> of October, 1930  
on the subject of the  
provisions of the  
Architects and Quantity  
Surveyors' Ordinance,  
1933, and to enquire  
~~whether~~ <sup>what</sup> progress  
has been made with  
regard to the preparation  
of amending legislation.

DRAFT.

*Kenya*

No 103

*for*



FURTHER ACTION.

*Handwritten:* I have etc

23057/3, Kenya

23 10

The U.S. Off. presents his

C. O.

Mr. ~~Wheeler~~  
Mr. ~~Verning~~ 9/1/35

- Mr. Parkinson.
- Sir G. Tomlinson
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

(22)

compliments to the U.S. Off. for Foreign Affairs, and with reference to his note of the 3rd of January, N. 5 2315/470/60,

is directed to transmit, for the information of Secretary Sir John Lemon, a copy of a despatch addressed to the

Governor of Kenya regarding certain of the provisions of

the Kenya ~~Architects~~ Architects and Quantity Surveyors Ordinance 1933, in relation

DRAFT.

3p



*Letter 20 10 34 (w/ 21)  
(without note)*

**FURTHER ACTION.**  
 Regy. & note  
 v. printer  
 noted  
 20/1/34

Mr. Pasquin. 479  
Mr. ~~Downing~~ 21/9/34  
Mr. ~~Frederick~~ 22 of 18/10  
Mr. ~~Parkinson~~ 24  
Sir G. Tomlinson.  
Sir C. Bottomley.  
Sir J. Shuckburgh  
Permt. U.S. of S.  
Parly. U.S. of S.  
Secretary of State.

To go to F.O. for comment and OK.  
Downing Street.  
September 1934.

*[Handwritten signature]*  
draft

Sir,

C. D.  
R 26 SEP  
D-70

I have etc. to transmit to you

the accompanying copy of a note dated the

16th of April from the Italian Embassy,

in which it is <sup>represented</sup> ~~reported~~ that certain of

the provisions of the Architects and

Quantity Surveyors' Ordinance, 1933, are

contrary to the stipulations of Article 3

of the Convention of Saint Germain-en-

Laye.

2. In particular this note appears

to relate to the provisions of paragraphs

(b) in Sections 9 and 11.

3. This question has been considered

in consultation with the Foreign Office,

and <sup>The Vice Consul is</sup> ~~I am advised~~ that, <sup>in</sup> so far as these

provisions are concerned, the Italian

~~complaint~~ <sup>complaint</sup> ~~is well grounded~~ <sup>is well grounded</sup>, so long as

all the foreign institutes in the

countries

3 DRAFTS.

KENYA.

NO. 865

GOVERNOR.

~~Fr. Italian Embassy, 15.4.34.~~  
~~(sub-enclosure in 8)~~  
~~Fr. R.I.B.A., 18.6.34.~~  
~~(10)~~  
~~Fr. Chartered Surveyors' Inst. 20.6.~~  
~~(11)~~

Three drafts.

FURTHER ACTION.

*Copy for Mr. Pasquin to F.O. (15)  
copy etc. encl. to F.O. (23)*

countries concerned, which are regarded as of adequate standing, are not proclaimed.

4. I accordingly enquired of the Secretary of the Royal Institute of British Architects and the Chartered Surveyors' Institution whether it would be possible to draw up lists of the foreign institutes whose standing would be adequate to justify their being proclaimed under these provisions. It will, however, be seen from their replies, ~~the~~ (copies of which are enclosed) that it is not possible to draw up such lists.

2 ✓ In addition to Sections 9(b) and 11(b), the provisions of the first proviso to Section 2, Sections 9(a), 11(a), and ~~18~~ <sup>must also be considered.</sup> ~~also involve discrimination against the foreign countries which are parties to the Convention.~~ It is accordingly necessary that the Ordinance should be amended.

No amendment is required to Section B 4 10, the provision which are spent.

5. I am advised that the objections

C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

to paragraphs (a) and (b) of Section 9 would be removed if they were amended on the following lines:-

(1) ~~E~~ Paragraph (a) by deleting all words after "architect" in line 4. (There would be no objection to substituting a stipulation that the practical training or articulated pupilage should be to the satisfaction of the Board.)

(2) By substituting for paragraph (b) a paragraph on the following lines:-

"Shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of an architect."

architect."

6. An amendment on these lines, while removing the objections to which the present provisions <sup>of para (b)</sup> of ~~the~~ Section 9 are open, would clearly not cause any serious inconvenience to members of the Royal Institute of British Architects; and it would similarly appear to be possible to amend Section 11 without serious inconvenience to Chartered Quantity Surveyors of the Chartered Surveyors Institution.

8. It would, however, not appear to be possible to make similar amendments in the first proviso to Section 2, since it does not appear possible to devise a criterion of professional competency which would be free from the objection of discrimination, without the intervention of the Board. It might, however, perhaps be possible to permit

Mr.  
Mr.  
Mr.  
Mr. Parkinson.  
Sir G. Tomlinson.  
Sir C. Bottomley.  
Sir J. Shuckburgh  
Permt. U.S. of S.  
Parly. U.S. of S.  
Secretary of State.

DRAFT.

permit persons approved by the Board to engage in advisory or consulting practice without being actually registered.

9. Section 18 appears to present even greater difficulties, and I regret that I am <sup>unable</sup> unable to offer any suggestions as to the manner in which it should be amended.

10. I have to request that an amending Ordinance may be prepared and submitted to me for consideration as soon as possible.

I have, etc.

(Sd/-) P. C. WATKINS

FURTHER ACTION.

Mr. Paskin. 18/9  
 Mr. ~~Freeman~~ 21/9/34  
 Mr. ~~Freeman~~ v/f

- Mr. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

S.O. for Mr. Paskin's signature.

Downing Street.

28 September, 1934.

Dear Wallinger,

This letter will accompany

an official letter ~~to the Foreign~~  
~~Office~~, enclosing the draft of a  
 despatch to Kenya about the Italian  
 objections to the Architects and  
 Quantity Surveyors' Ordinance. You  
 asked me by telephone the other day  
 whether it would be possible now to  
 say any more to them than that the  
 matter is under consideration. As  
 however, the matter is so very com-  
 plicated and we do not yet ourselves  
 see quite how the Ordinance is to be  
 amended, I am afraid that there is  
 nothing further that can be said to  
 them at this stage.

Yours sincerely,

(Signed) F. J. HOWARD.

**3 DRAFTS**

G. A. WALLINGER, ESQ.,  
 FOREIGN OFFICE.

Three drafts.

**FURTHER ACTION.**

Mr. Paskin. 149

Mr. ~~Rees~~ *W.P.*

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Answered by No 20

Downing Street,

28 September, 1934.

Sir,

I am etc. to refer to

Foreign Office letter No.

J 1645/470/60 of the 16th of July

regarding the provisions of the

Kenya Architects and Quantity

Surveyors' Ordinance, 1933, and to

transmit to you for the consideration

of Secretary Sir John Simon the

draft of a despatch which it is

proposed to address to the Governor

of Kenya. I am ~~compelled~~ to askwhether it is ~~compelled~~ <sup>denied</sup> to offer any

observations on the terms of this

~~despatch.~~ *Draft.*

I am, etc.

(Signed) L. B. FREESTON

**3 DRAFTS**THE UNDER SECRETARY OF STATE,  
FOREIGN OFFICE.To Governor.  
(companion draft)

Three drafts.

FURTHER ACTION.

Copy

Italian Embassy,

(J 1645/470/60)

4, Grosvenor Square, W.

No. 3427.

12th September, 1934 XII.

Dear Mr. Thompson,

*E.L. & N. 6*

With reference to Mr. Peterson's letter  
No. J 989/470/60 of May 10th, I am writing to ask whether  
you are now in a position to indicate the results of the  
investigations in connection with the points made in the  
adieu-memoire, regarding the Registration of Architects  
and Quantity Surveyors in Kenya, enclosed in my letter No.  
*E.L. & N. 6* 1436 of April 20th.

Thanking you in advance for your kind attention  
to the matter,

Believe me,

sincerely yours,

(Sgd.) R. Prunas.

G. H. Thompson, Esq.,

Foreign Office,

S.W.1.



copy  
J 1645/470/60)  
o. 3427.

Italian Embassy,  
4, Grosvenor Square,  
12th September, 1934 XII.

Dear Mr. Thompson,

With reference to Mr. Peterson's letter  
No. J 989/470/60 of May 10th, I am writing to ask whether  
you are now in a position to indicate the results of the  
investigations in connection with the points made in the  
adieu-memoire, regarding the Registration of Architects  
and Quantity Surveyors in Kenya, enclosed in my letter No.  
1436 of April 20th.

Thanking you in advance for your kind attention  
to the matter,

Believe me,  
sincerely yours,  
(Sgd.) R. Prunas.

H. Thompson, Esq.,  
Foreign Office,  
S.W.1.

14th September, 1954.

S 1648/478/50.

Dear Signor Frances,

I have before me your letter (No. 8487) of September 12th, in which you ask whether we can yet tell you the results of the investigations we have been making as a result of your letter to Petersen No. 1488 of April 20th. I fear that the delay has indeed been long but you will appreciate that the question is a complicated one and that Rome is a long way from London. I can only assure you that we have not lost sight of the matter and will reply as soon as possible.

(Sd.) G. H. THOMPSON.

Dear Renato Frances Barrege.

14th September, 1954.

No. J 2545/472/50.

Dear Signor Frances,

I have before me your letter (No. 2487) of September 12th, in which you ask whether we can yet tell you the results of the investigations we have been making as a result of your letter to Peterson No. 1488 of April 20th. I fear that the delay has indeed been long but you will appreciate that the question is a complicated one and that Kenya is a long way from London. I can only assure you that we have not lost sight of the matter and will reply as soon as possible.

(Sd.) G. H. FRANKS

Signor Renato Frances Barrege.

No. J 1645/470/60.

and address

not to be used for any other purpose

but to

The Under Secretary of State  
Foreign Office  
London, W. 1

FOREIGN OFFICE

S.W.1.

16th July, 1934.

Sir,

*Notes*

I am directed by Secretary Sir John Simon to acknowledge the receipt of your letter No 23057/34 of July 10th regarding the provisions of the Kenya Ordinance dealing with the registration of architects and quantity surveyors and, in reply, to inform you that he concurs in the statement of the legal position as set forth in the first sentence of paragraph 3 of your letter under acknowledgment. Sir John Simon feels however that, in these circumstances, the Italian complaint against the Ordinance in question would seem to be founded so long as the action suggested in the second sentence of paragraph 3 of your letter is not taken. As such action is apparently impossible, an amending Ordinance so worded as to preclude any allegation of discrimination is clearly desirable.

2. I am to observe in this connexion and with reference to paragraph 6 of your letter that, while in theory there would not appear to be any objection to its being laid down in the Ordinance that the Board of Registration would not admit to the Register any person whose qualifications were inferior to those requisite for membership of the Royal Institute of British Architects etc., such a prescription might well lead to representations by foreign countries, and consequently the

/Secretary

The Under Secretary of State,

Colonial Office.

Secretary of State would prefer that it should be omitted. If some such safeguard is considered essential, it should be possible to employ a general phrase about qualifications which would not mention any specific British institution.

3. It is not intended to return any reply to the representation made by the Italian Embassy until a final decision has been taken on the terms of the proposed amending Ordinance, and I am to ask that this Department may be granted an opportunity of considering its text in draft before instructions are despatched to the Governor of Kenya for its promulgation.

4. A copy of this letter is being sent to the Board of Trade.

I am,

Sir,

Your obedient Servant,

  
Francis P. Burton.

C. O.

23057/34 Kenya

Mr. Paskin 28/6

Mr. Duncan 4/7/34

Mr. Vernon  
Freeston  
Mr. ~~Bottomley~~ 4/7

Mr. Tomlinson

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Amended 10/6/34*

Downing Street, S.W.

10 July 1934.

Sir,

I am pld. to acknowledge the

(6) receipt of your letter No. J. 383/470/30 of the 14th of May, transmitting a copy of a communication from the Italian Embassy in regard to the provisions of the Kenya Ordinance relating to the registration of Architects and Quantity Surveyors, and to transmit to you for the information of Secretary Sir John Simon the accompanying copies of correspondence with the Royal Institute of British Architects and the Chartered Surveyors' Institution. A copy of the Ordinance is also enclosed.

*copy not incl. & RT 15*

**DRAFT.**

The Under Secretary of State,  
Foreign Office.

7  
8  
10  
11  
Kenya Ordinance LX/33.

**FURTHER ACTION.**  
Copy with copies of encls. and encl. and sub. encl. to No. 6 to T. 1f.  
of No. 10. on 2/2/34.

It will be observed that it is not open to foreigners to become members of the Royal Institute of British Architects. So far, therefore, as that Institute is concerned, the considerations which arise in connection with the registration of doctors

doctors in the mandated Territories (as to

which see the correspondence ending with

Foreign Office letter No.W.4531/83/98 of the

28th of May, do not apply.

3. It ~~is assumed~~ <sup>seems clear</sup> that no infringement

of the provisions of the Treaty of St Germain-en-Laye

is involved by a provision prohibiting (without

reward to nationality) the exercise of a profession

by any person whose qualifications are less than a

specified standard. That being so, it would appear

that the requirements of the Treaty, in this matter,

would be met if all the foreign institutes in the

countries concerned, membership of which would

afford evidence of the possession of qualifications

comparable with those required to qualify for

membership of the British institutes specified in

the Ordinance, were proclaimed under the provisions

of the <sup>first</sup> proviso to Section 2 and under Sections 8(b),

9(b), 10(b), and 11(b) of the Ordinance.

4. So far as architectural associations are

concerned it appears that it is not possible to compile

a really trustworthy inclusive list of foreign

associations which satisfy this requirement.

The situation, therefore, appears to be similar to

(No.9 on  
31942/34)

C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson. (No.1. on  
67216/29

Pal.)

Sir C. Bottomley.

Sir J. Shuckburgh. (No.2 on  
31942/34)

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State

DRAFT.

(see para. 2 of  
No.2 on  
67216/29 Pal.)

**FURTHER ACTION.**

that which was encountered in connection with

the registration of medical practitioners in

Palestine.

In the despatch referred to in paragraph 3

of Colonial Office letter No.31942/34 of the

2nd of February the High Commissioner asked to

be furnished with such information as would

enable the Department of Health to compile a

complete a list as possible of recognised

schools of medicine, dentistry, and pharmacy.

It was because of the difficulty of compiling

such a list that the solution described in

paragraph 4 of Colonial Office letter of the

2nd of February was adopted, ~~and~~ <sup>it</sup> appears to

Sir Philip Curdliffe-Lister that the most

satisfactory method of complying with the

provisions of the Treaty of St Germain-en-Laye

would be to adopt a similar scheme for the

registration of architects in Kenya.

5. As regards Quantity Surveyors, it

appears that there is only one foreign

institute, and that a French one, which could

properly be proclaimed under the Ordinance.

While,

While, on the basis of necessary qualifications, the proclamation of this one foreign institute would not appear to involve any infringement of the Treaty of St Germain-en-Laye, in practice it might be difficult to justify without entering into invidious comparisons if representations were received from some other foreign Government. In this case also it would appear that the best course would be to leave applications to be considered by the Board on their merits in each individual case.

6. On the other hand, there would not appear to be any objection to its being prescribed in the Ordinance that the Board should not admit to the register any person whose qualifications were inferior to those requisite for membership of the Royal Institute of British Architects or for recognition as a Chartered Quantity Surveyor as the case may be.

7. I am to enquire whether, in the opinion of Sir John Simon, there are sufficient grounds for instructing the Governor of Kenya to introduce an amending Ordinance on the lines indicated in this letter.

8. Copies of the communication from the

C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Part. U.S. of S.

Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

Italian Embassy and of this letter are

being sent to the Board of Trade.

I am, etc.



C. O.

23057/34 Kenya.

Mr. Paskin. 28/6

Mr. ~~Freeston~~ W. 2.

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,  
7 July 1934.

**DRAFT.**

- (1) The Secretary, ~~Office~~  
Royal Institute of British  
Architects
- (2) The Secretary, ~~Office~~  
Chartered Surveyors Institution.

Sir,

I am, etc. to thank you  
for your letter (1) of the 18th June  
(2) HGE/JEC of the 20th June, in  
regard to the question of the  
practice by foreigners as (1)  
architects, (2) quantity surveyors  
in Kenya, and to inform you that

(Signed) L. B. FREESTON

**FURTHER ACTION.**

# The Chartered Surveyors' Institution

(INCORPORATED BY ROYAL CHARTER)

TELEPHONE NO  
**WHITEHALL 5322** (5 Lines)  
TELEGRAPHIC ADDRESS  
**SURVEYABLE-PARL-LONDON**

*12, Great George Street  
Westminster SW1*

*Hand (13)*



*208*

*copy to Kenya (21)*

*copy to FO (14)  
BPT (15)*

117,  
11. 2. 1954  
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed amendments to the Rules of the Institution and to the proposed amendments to the Statutes of the Institution. I am sorry to hear that you are unable to attend the meeting of the Council on the 18th inst. but I am sure that you will be able to attend the meeting of the Council on the 25th inst. which will be held at the Institution on that date. I am sure that you will be able to attend the meeting of the Council on the 25th inst. which will be held at the Institution on that date.

In regard to the proposed amendments to the Rules of the Institution, I am sorry to hear that you are unable to attend the meeting of the Council on the 18th inst. but I am sure that you will be able to attend the meeting of the Council on the 25th inst. which will be held at the Institution on that date. I am sure that you will be able to attend the meeting of the Council on the 25th inst. which will be held at the Institution on that date.

British law and custom in the United States is likely to obtain the exception required to permit the advertisement of the Institution, established by the Legislature of the State of New York.

Quantity Surveying, however, is a separate and distinct branch of the engineering profession, and the Institution "Incorporated as the Surveyors' Institution," which is established in the United States, may be used as a branch of the Surveyors' Institution. We have passed the examination of the Institution in the United States. This branch is now known as Quantity Surveying. British statute law in the United States, and Mining branches of the surveying profession. There is, indeed, no reason why, at this stage of detail, quantity surveying should not become an interpretive art, like architecture or medicine. The fact remains, however, that with the possible exception of France, quantity surveying has nowhere attained the status, either in form or recognition, which attaches to it in Great Britain and its Dominions and Colonies. It is only now beginning.

to emerge as a distinct profession in the United States, and at a Convention of the American Institute of Quantity Surveyors held only three or four years ago, the superiority of ~~the~~ British technique and practice over the American was frankly admitted.

While therefore the standing implied by the term "Chartered Quantity Surveyor" rests partly on the severe examination tests imposed as a condition of membership of the Chartered Surveyors' Institution, it is due even more largely to the superior development of the profession in Great Britain as compared with foreign countries.

If, therefore, by "adequate standing" is meant a standing comparable to that of the Chartered Quantity Surveyor, I can safely say that so far as my knowledge goes, there are no professional societies of quantity surveyors in any foreign country which the Governor-in-Council would be justified in proclaiming under Sections 2, 10 and 11 of the ordinance, with the exception, possibly, of the following French society:-  
Chambre Syndicale des Métreurs-Verificateurs Spécialistes de Paris, 13 Rue Ligner, Paris XX. I suggest, however, it might be as well if confirmation as to the standing of this Society were obtained from the Société des

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Architectes Diplômés par le Gouvernement, 120 Rue  
de Grenelle, Paris VII.

The latter Society is the leading  
Institute of Architects in France and is recognised  
by the French Government.

If I could usefully amplify this  
letter by an interview, I should be very pleased to  
call and see you by appointment.

I am, Sir,

Your obedient servant,

*H. G. Evans*  
Fa Secretary.

The Under-Secretary of State,  
Colonial Office,  
London, S. W. 1.

Architectes Diplômés par le Gouvernement, 126 rue  
de Grenelle, Paris VII.

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*H. G. Evans*

*7a* Secretary.

The Under-Secretary of State,  
Colonial Office,  
London, S. W. 1.

Royal Institute of British Architects.

Incorporated by Royal Charter in the reign of William IV Victoria  
Edward VII and George V

9, Conduit Street London W.1

Your ref.- 23057/34.

18th June, 1934.

Sir,

I am in receipt of your letter of the 15th June with reference to the Architects and Quantity Surveyors Ordinance, 1933, of the Colony of Kenya.

It is not open to foreigners to become members of the Royal Institute of British Architects. We have, of course, some Honorary Corresponding Members in foreign countries, but they are not professional members of the R.I.

As regards foreign institutes whose standing would be adequate to justify their being proclaimed by the Govern- in-Council under the provisions of the first proviso to Section 2 and under Sections 8 (b) and 9 (b) of the Ordinance I am afraid it would be difficult, if not impossible, to provide a really trustworthy inclusive list at this moment. The standard of professional qualification in the large number of foreign architectural societies with which we are in touch varies very considerably, and while as a matter of professional courtesy we recognise them all, we should not like to take the responsibility of guaranteeing the professional qualifications of their members except in a few cases.

I am asked to suggest whether the point would not sufficiently met if the R.I.B.A. were to undertake to advise the Govern- in-Council as regards the standards of any particular foreign institute if a member of such institute desires to be registered.

I am, Sir,  
Your obedient Servant,

Ian MacArthur  
Secretary.

The Under Secretary of State,  
Colonial Office,  
Downing Street, S.W.1.

No. 1  
Answer (12)

Copy to Kenya (21)  
Copy to F.O. (14)  
877 (15)

10  
Filing  
Kilmer  
Henry Jones



10/19

# Royal Institute of British Architects.

Incorporated by Royal Charter in the reign of William IV. (London, Edward VII. and George V.)

Telephone  
Members 1933  
Members 1934

21, Bedford Street, London, W.1.

Telephone  
Members 1933  
Members 1934

Your ref. - 23057/34.

18th June, 1934.

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I am, Sir,  
Your obedient Servant,

*Ian MacArthur*

Secretary.

The Under Secretary of State,  
Colonial Office,  
Downing Street, S.W.1

No 1  
Answer (12)

Copy to Kenya (21)  
Copy to F.O. (14)  
877 (15)

10<sup>29</sup>

# Royal Institute of British Architects.

Incorporated by Royal Charter in the reign of William IV. Victoria  
(Lancaster Street, London W.1.)

Telephone  
Hampstead 7231  
Hampstead 7232

11, Lancaster Street, London W.1.

Telephone  
Hampstead 7231  
Hampstead 7232

Your ref.- 23057/34.

No. 19  
Annex (19)

18th June, 1934.

Sir,

I am in receipt of your letter of the 15th June with reference to the Architects and Quantity Surveyors Ordinance, 1933, of the Colony of Kenya.

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I am, Sir,  
Your obedient Servant,

*Ian MacArthur*  
Secretary.

The Under Secretary of State,  
Colonial Office,  
Downing Street, S.W.1.

Copy to Kenya (2)  
Copy to F.O. 14  
877 (15)

C. O.

23057/1934 Kenya.



Mr. Paskin 9/6

Mr. Duncan 12/6/34

Mr. Freedom 13/7.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

15 June, 1934.

Answered by No 10

3/11/34

Sir,

I am etc. to inform you

that, in connection with the Architects and Quantity Surveyors Ordinance, 1933, of the Colony of Kenya (of which a copy is enclosed for convenience of reference) the question has arisen whether it is open to foreigners to become members

(1) THE SECRETARY, ROYAL INSTITUTE OF BRITISH ARCHITECTS.

(2) THE SECRETARY, CHARTERED SURVEYORS INSTITUTION.

To

- (1) of the Royal Institute of British Architects
(2) Chartered Surveyors Institution

copy to FC 9/11

on the same conditions as British subjects, and if so whether the conditions on which a person may become a member of the Institute Institution are such as to render it substantially more difficult for foreigners than for

FURTHER ACTION.

- (1) become a member of the Institute
(2) Institution

O. D.  
R 13 JUN.  
D 13

- Mr. Paskin 9/6
- Mr. Duncan 12/6/34
- Mr. Jackson 15/7.
- Mr. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Downing Street,

15 June, 1934.

Answered by No 10

3/10/34

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To

- (1) of the Royal Institute of British
- (2) Chartered Surveyors Institution

copy to FC 1/4 1/5

Architects on the same conditions as British subjects, and if so whether the conditions on which a person may become a member of the Institute Institution

- (1)
- (2)

are such as to render it substantially more difficult for foreigners than for

**FURTHER ACTION.**

Don Lx/33

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