

ROYAL DECREE OF 13 MAY 1965 FOR APPROVAL OF THE TRAINEESHIP RULES DRAWN UP BY THE COUNCIL OF THE ORDER OF ARCHITECTS - OVERVIEW

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ROYAL DECREE OF 13 MAY 1965 FOR APPROVAL OF THE TRAINEESHIP RULES DRAWN UP BY THE COUNCIL OF THE ORDER OF ARCHITECTS

Considering the law of 26 June 1963 for the creation of an Order of Architects, in particular articles 38 and 39; Considering the decision of 5 February 1965 whereby the National Council of the Order of Architects has defined the traineeship rules; Considering the request of 10 February 1965 expressed by the National Council of the Order of Architects; As presented by Our Minister of Middle Classes and upon advice of Our Ministers at the Council meeting of 19 March and 30 April 1965;

We have decided and We decide:

Article 1

The traineeship defined on 5 February 1965 by the National Council of the Order of Architects and attached to this decree, is effective as from the date of validity of this decree.

Article 2

Our Minister of Middle Classes is in charge of the implementation of this decree.

Application scope

Article 1

These traineeship rules apply to all persons registered in the trainee lists maintained by the Councils of the Order.

Article 2

Any person who wishes to exercise the profession of architect either permanently or temporarily in Belgium and who is not registered in a table of the Order shall register in a trainee list.

The applications to obtain a complete exemption of traineeship based on article 52 of the law of 26 June 1963 for the creation of the Order of Architects, due to exercising the profession abroad, are addressed to the Council of the Order of the region where the applicant intends to establish his activity. If the decision is favourable, the Council of the Order immediately registers the person concerned in the table of the Order.

Registration in the trainee list

Article 3

Any person requesting to be registered in a trainee list shall prove that he/she meets the conditions of the law of 20 February 1939 on the protection of the title and the profession of architect.

Article 4

The application for registration is addressed to the Council of the Order to which the member of the Order with whom the applicant intends to complete the traineeship or in the region where the applicant wishes to complete his traineeship.

The application indicates the name and address of the member of the Order who accepts the task of traineeship supervisor or contains, in absence thereof, a request to the Council of the Order to appoint a traineeship supervisor.

The application for registration is associated with the following documents:

- 1) a copy of the certificate or title certified by the municipal council which authorises the applicant to exercise the profession of architect;
- 2) a certificate of good moral conduct and character;
- 3) a certificate of nationality.

Article 5

Upon receipt of the application, the Council of the Order sends two copies of these traineeship rules to the applicant. The applicant returns a duly signed copy for approval to the Council of the Order.

Article 6

If the trainee is involved in a department of the traineeship supervisor that comes under another Council of the Order than the one maintaining the list of trainees in which he is registered during the traineeship, he addresses an application for registration in the trainee list maintained by the competent Council of the Order to the latter.

The file of the trainee concerned is immediately sent to that Council of the Order and at the request of the latter by the previously competent Council of the Order.

Article 7

The registration in a trainee list entails the obligation to complete the traineeship and the payment of the fee set by the National Council of the Order.

Any trainee who, for any reason, including fulfilling military service, cannot meet any obligation, informs the Council of the Order that as the case may be will delete the trainee from the trainee list.

Organisation of the traineeship

Article 8

The duration of the traineeship is set to two years. It can be brought to three years, however, of decreased as decided by the Council of the Order that rules in application of article 51 or article 52 of the law of 26 June 1963 for the creation of an Order of Architects.

The applications for a shorter duration of the traineeship must be submitted in a justified petition in which the required legal conditions are justified.

Only the traineeship periods for which a Council of the Order of Architects approved traineeship contract applies and that were completed according to the provisions of the present article will be considered for the calculation of the length of the traineeship.

Article 9

The applicant who wishes to complete his traineeship abroad in full or in part, addresses his application to the Council of the Order under which he comes at the time of application, or if the application is submitted before the registration in a trainee list, to the Council of the Order of his place of residence. He adds all the documents that can inform the Council of the Order on the professional competence and respectability of the traineeship supervisor established abroad and the guarantees the traineeship can provide for the training of the applicant.

If the decision is favourable, the Council of the Order sets the modalities for supervision on traineeship abroad.

Article 10

Notwithstanding the deviations authorised by a Council of the Order in view of completing a traineeship abroad, the traineeship must be completed with a person who meets the legal provisions.

Article 11

The trainee freely chooses his/her traineeship supervisor. In order to facilitate finding a traineeship supervisor every Council of the Order maintains a list of the members of the Order who meet the legal requirements and declare themselves willing to undertake the training of one or several trainees. The Councils of the Order can refuse to register or delete members of the Order who have shown or show negligence in meeting their obligations as traineeship supervisor from this list. The professional procedure prescribed by law will then be applied.

If necessary the Councils of the Order will take all the necessary measures to provide a traineeship supervisor to any person wishing to complete a traineeship prescribed by law.

Article 12

The trainee may change traineeship supervisor. Unless in special circumstances the fact that the traineeship was followed during an uninterrupted period of six months with the same traineeship supervisor will be considered an important condition to be fructuous.

Article 13

The relations between the traineeship supervisor and the trainee are regulated by a 'traineeship contract' drawn up in accordance with a model set by the National Council of the Order and approved by the Minister of Middle Classes. It is drawn up in three copies and signed by both parties involved.

The traineeship supervisor and the trainee both keep a copy; the third one is sent to the Council of the Order by the trainee.

The latter approves as soon as possible or makes comments on the special conditions of the 'traineeship contract'.

Article 14

The traineeship contract informs of the identity of the traineeship supervisor and trainee and of the mutual commitment for co-operation in compliance with the provisions of these regulations.

They define the special conditions for this co-operation and the minimum amount for the wages of the trainee.

Rights and obligations of the training supervisor

Article 15

By signing the traineeship contract the traineeship supervisor commits to:

- as much as possible personally monitoring the training of the trainee, in particular by involving him/her in the office work, visits to workplaces and administrative steps;
- personally supervise the good conduct in accordance with the deontology of the profession of architect;
- inform the traineeship committee of the Council of the Order objectively about the professional conduct of the trainee and in particular inform it of any shortcoming in the traineeship obligations and any interruption in the completion of the traineeship.

Article 16

The traineeship is waged in principle. In any case, the wages are defined under the supervision of the competent Council of the Order proportionally to the services performed.

Article 17

The traineeship supervisor is not responsible for the professional actions the trainee has performed in a personal capacity.

Rights and obligations of the trainee

Article 18

By signing the traineeship contract the trainee commits to:

- being an obedient employee for the traineeship supervisor;
- completing any tasks he/she is entrusted with for perfecting the professional training in good faith;
- co-operating with the other members of the agency in a spirit of complete co-operation; strictly complying with professional secrecy.

Article 19

The trainee's performance must in principle cover at least hundred-twenty hours per month, to be spread as agreed between parties.

However, the Council of the Order may exceptionally shorten the duration of these services to enable the trainee following additional training courses or preparing tests for winning architecture awards or obtaining public offices.

Audit of the traineeship

Article 20

Each Council of the Order supervises and audits the traineeship in its judicial district.

In order to facilitate the execution of this task, any Council of the Order appoints a traineeship committee in its fold.

That committee consists of the number of members as defined by the Council of the Order. The length of the mandates of the members of this committee coincides with the length of the mandates of these members in the Council of the Order. This duration in principle is four years, unless when a mandate becoming vacant is completed.

Article 21

The traineeship committee has the task:

- to examine the traineeship contracts;
- to audit every traineeship at least twice a year;
- to examine the disputes that can arise between a traineeship supervisor and the trainee;
- to keep a traineeship file, in which all the documents required for the assessment of the traineeship results are included;
- to report to the Council of the Order about the activities in relation to its task.

Article 22

The results of the audits carried out by the traineeship committee are noted on a sheet according to the model prescribed by the National Council.

The sheet is co-signed by the traineeship supervisor and the trainee and added to the file of the latter.

Article 23

After the end of the traineeship period the Council of the Order gives a verdict on the traineeship results after the report of the traineeship committee.

If the results are favourable, it issues a traineeship certificate which makes it possible to register the trainee in a table of the Order.

If the results are not favourable, it can decide to extend the length of the traineeship to three years. In that case the procedure prescribed in disciplinary matters and the professional rules shall be applied.

Sanctions

Article 24

The non-compliance with obligations described in these traineeship rules can result in the application of legally prescribed disciplinary measures to the traineeship supervisor or the trainee.

Transition provision

Article 25

The Councils of the Order can match the traineeship under these rules with the traineeship periods completed before the implementation of the rules by persons who meet the conditions set out in the law of 20 February 1939 on the protection of the title and the profession of architect and who are not registered in a table of the Order.

The applications to obtain that equivalency must be submitted within one year from the implementation of the royal decree for the approval of these rules, on penalty of exclusion.