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Law 12/1986, of April 1, 1986, on the regulation of the professional attributions of Architects and Technical Engineers.

Head of State
"BOE" No. 79, April 2, 1986
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CONSOLIDATED TEXT

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JUAN CARLOS I

KING OF SPAIN

To all who see and understand this document,
Be it known: That the Cortes Generales have approved and I come to sanction the following Law:

Preamble

Law 2/1964, of April 29, 1964, established the basic criterion for the reorganization of Technical Education, in the development of which the Government issued several rules regulating the names of Architects and Technical Engineers, their professional faculties and attributions and the requirements to be met for the use of the new titles by Quantity Surveyors, Experts, Experts and Assistants to Engineers.

Through the aforementioned regulations, a series of restrictions and limitations were introduced in the professional practice of these graduates that have been modified and corrected by the Supreme Court, establishing as a body of jurisprudential doctrine the criterion that the professional attributions of Architects and Technical Engineers will be full within the scope of their respective specialty, without any qualitative imitation other than that which derives from the training and knowledge of the technique of their own degree and without, therefore, any quantitative limitations being validly imposed on them or situations of dependence being established in their professional practice with respect to other university Technicians.

Accepting these criteria and complying with the provisions of Article 36 of the Constitution, this Law only deals with the regulation of the professional attributions of Architects and Technical Engineers, i.e., those whose degrees correspond to the completion of the first cycle of university technical education, according to the provisions of Organic Law 11/1983, of August 25, on university reform. For such purposes, the reference of their respective specialties, and notwithstanding their eventual and necessary reform or modification by virtue of the changing circumstances and demands of technological, academic and social demand, is taken as a reference, those listed in Decree 148/1969, as determinants of the different sectors of activity within which these graduates will exercise fully and to the full extent the professional competencies that are proper to them.

All this obviously, without prejudice to what may be established in this respect by the guidelines of the European Communities that may be applicable where appropriate, and to the professional attributions of Architects and Engineers within the scope of their own specialty and by reason of their level of training, which will be the subject of forthcoming regulation by means of a Law in accordance with the constitutional mandate.

The spirit of this Law is not the granting of powers outside the university training of the graduates, but the recognition of those that are proper to them, their consolidation and the enhancement of their independent exercise, without artificial or unjustified restrictions and without thereby introducing interference in the field of the powers that may be proper to other technical graduates and, in the case of building, to Architects.

Finally, and for the time being, the extension of the present Law to the civil servants of the different Public Administrations is excluded, as it is understood that they have their attributions defined in their own corresponding regulations, without prejudice to the future reorganization of bodies and scales, as appropriate, in the benefit of the public interest served.

As for the Armament and Construction Technical Engineers, graduates of the Army Superior School, it is necessary to previously determine and define the specialties studied, which is entrusted to the Government, as an obligatory prior step to the extension, to them, of the present Law, in order to delimit their general attributions.

Article one.

1. Architects and technical engineers, once they have fulfilled the requirements established by the legal system, will have full faculties and powers in the exercise of their profession within the scope of their respective technical specialty.

2. For the purposes of this Law, each of the specialties listed in Decree 148/1969, of February 13, 1969, which regulates the names of graduates in Technical Schools and the specialties to be studied in the schools of Architecture and Engineering-Technical Engineering, shall be considered a specialty.

Article two.

1. Technical Engineers, within their respective specialty, have the following professional attributions:

a) The drafting and signing of projects for the construction, alteration, repair, conservation, demolition, manufacture, installation, assembly or operation of movable or immovable property in their respective cases, both of a principal and accessory nature, provided that they are included by their nature and characteristics in the technique of each degree.

b) The management of the activities that are the object of the projects referred to in the preceding paragraph, even when the projects have been prepared by a third party.

c) The performance of measurements, calculations, valuations, appraisals, appraisals, surveys, studies, reports, work plans and other similar works.

d) The exercise of teaching in its various degrees in the cases and terms provided for in the corresponding regulations and, in particular, in accordance with the provisions of Organic Law 11/1983, of August 25, 1983, on University Reform.

e) The management of all kinds of industries or operations and the exercise, in general, of the activities referred to in the preceding paragraphs.

2. Technical Architects have all the professional attributions described in the first paragraph of this article, in relation to their specialty of execution of works; subject to the prescriptions of the legislation of the building sector.

The power to prepare projects described in paragraph a) above refers to those of all kinds of works and constructions that, in accordance with the aforementioned legislation, do not require an architectural project, to those of partial interventions in constructed buildings that do not alter their architectural configuration, to those of demolition and to those of organization, safety, control and economy of building works of any nature.

3. (Repealed)

4. In addition to the provisions of the first three paragraphs of this article, Architects and Technical Engineers shall also have those other professional rights and powers recognized in the current legal system, as well as those that their regulatory provisions recognized to the former Surveyors, Quantity Surveyors, Experts and Assistants to Engineers.

The professional attributions recognized in the present Law to Architects and Technical Engineers will also correspond to the former Surveyors, Quantity Surveyors, Faculties and Assistants to Engineers, provided that they have acceded or will accede to the corresponding specialty of architecture or technical engineering in accordance with the provisions of the regulations governing the use of the new qualifications.

Article three.

The powers referred to in this Law shall comply in all cases in their exercise with the requirements deriving from the applicable European Community directives.

Article four.

When the professional activities included in the preceding articles refer to matters relating to more than one specialty of architecture or technical engineering, the intervention of the graduate in the specialty that, by the nature of the matter, prevails over the others, will be required. If none of the activities involved is prevalent with respect to the others, the intervention of as many graduates as there are specialties shall be required, with the responsibility then corresponding to all those involved.

Additional provision.

The provisions of this Law shall not be directly applicable to Architects and Technical Engineers linked to the Public Administration by a service relationship of an administrative legal nature, which shall be governed by their respective statutory regulations.

First final provision.

1. The Government is authorized to regulate the development of the provisions of this Law.

2. In accordance with the provisions of Organic Law 11/1983, of August 25, 1983, on University Reform, the Government shall modify the specialties referred to in Article 1.2 of this Law in response to the needs of the market, the corresponding variations in the curricula of the University Schools and the requirements derived from the directives of the European Communities.

3. Within a period of one year, the Government shall submit to the Cortes Generales a draft Law on Building Regulation, which shall regulate the professional interventions of the technical experts in accordance with the provisions of number 2 of Article 2 of this Law and of the other agents involved in the building process.

Second Final Provision (Repealed)**Third final provision.**

The Government will submit to the Congress of Deputies a draft law regulating the professional attributions of second-cycle technical graduates.

Fourth final provision.

Any provisions of equal or lower rank on professional attributions of Engineers and Technical Architects that oppose the provisions of the present Law are hereby repealed, and shall enter into force on the same day of its publication in the "Official Gazette of the State".

Therefore,

I command all Spaniards, individuals and authorities, to keep and enforce this Law.

Zarzuela Palace, Madrid, April 1, 1986.

JUAN CARLOS R.

The President of the Government
FELIPE GONZÁLEZ MÁRQUEZ