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BUITENGEWONE

REPUBLIC OF SOUTH AFRICA



GOVERNMENT GAZETTE

STAATSKOERANT

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GENERAL NOTICES.

DEPARTMENT OF PUBLIC WORKS.

DRAFT BILL ON ARCHITECTS.

The Draft Bill on architects is hereby published for general information.

DRAFT BILL ON QUANTITY SURVEYORS

The Draft Bill on Quantity Surveyors is hereby published for general information.

ALGEMENE KENNISGEWINGS.

DEPARTEMENT VAN OPENBARE WERKE.

KONSEPWETSONTWERP OP ARGITEKTE.

Die Konsepwetsontwerp op Argitekte word hierby vir algemene inligting gepubliseer.

KONSEPWETSONTWERP OP BOUREKENAARS.

Die Konsepwetsontwerp op Bourekenaars word hierby vir algemene inligting gepubliseer.

BILL

To provide for the establishment of a South African Council for Architects, for the registration of architects and architects in training, and for incidental matters.

(To be introduced by the MINISTER OF PUBLIC WORKS.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “architect” means a person registered as an architect in terms of any provision of section 18; (ii)
 - (ii) “architect in training” means a person registered as an architect in training in terms of any provision of section 18; (iii)
 - (iii) “architects’ institute” means any association of architects established for the purpose of furthering the interests of the architects’ profession and which has been recognized under section 7 (3) (a); (iv)
 - (iv) “council” means the South African Council for Architects established by section 2; (ix)
 - (v) “department” means the Department of Public Works; (v)
 - (vi) “Education Advisory Committee” means the Education Advisory Committee for Architects established in terms of section 11; (i)
 - (vii) “in the service of the State” means in the fulltime employment of the Government, including any Provincial Administration, the South-West Africa Administration, the South African Railways and Harbours Administration and the Department of Posts and Telegraphs; (vii)
 - (viii) “Minister” means the Minister of Public Works; (viii)
 - (ix) “prescribed” means prescribed by or under this Act; (xv)
 - (x) “register”, when used as a noun, means the register referred to in section 7 (2); (x)
 - (xi) “registrar” means the person appointed as registrar under section 7 (1) (a); (xi)
 - (xii) “regulation” means a regulation made and in force under this Act; (xii)
 - (xiii) “Republic” includes the territory of South-West Africa; (xiii)
 - (xiv) “Secretary” means the Secretary for Public Works; (xiv)
 - (xv) “this Act” includes any regulation, notice, order or rule made or issued under this Act. (vi)

WETSONTWERP

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Argitekte, vir die registrasie van argitekte en argitekte-in-opleiding, en vir bykomstige aangeleenthede.

(Deur die MINISTER VAN OPENBARE WERKE ingedien te word.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— **Woordomskrwing.**

- (i) „Adviserende Onderwyskomitee” die Adviserende Onderwyskomitee vir Argitekte ingevolge artikel 11 ingestel; (vi)
- (ii) „argitek” iemand wat as 'n argitek geregistreer is ingevolge 'n bepaling van artikel 18; (i)
- (iii) „argitek-in-opleiding” iemand wat as 'n argitek-in-opleiding geregistreer is ingevolge 'n bepaling van artikel 18; (ii)
- (iv) „argiteksinstituut” 'n vereniging van argitekte gestig met die doel om die belange van die argiteksberoep te bevorder en kragtens artikel 7 (3) (a) erken; (iii)
- (v) „departement” die Departement van Openbare Werke; (v)
- (vi) „hierdie Wet” ook 'n regulasie, kennisgewing, bevel of reël kragtens hierdie Wet uitgevaardig of uitgereik; (xv)
- (vii) „in diens van die Staat” in die voltydse diens van die Regering, met inbegrip van 'n Provinsiale Administrasie, die Suidwes-Afrika-administrasie, die Suid-Afrikaanse Spoorweë- en Hawensadministrasie en die Departement van Pos- en Telegraafwese; (vii)
- (viii) „Minister” die Minister van Openbare Werke; (viii)
- (ix) „raad” die Suid-Afrikaanse Raad vir Argitekte by artikel 2 ingestel; (iv)
- (x) „register” die in artikel 7 (2) bedoelde register; (x)
- (xi) „registrateur” die persoon wat kragtens artikel 7 (1) (a) as registrateur aangestel is; (xi)
- (xii) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xii)
- (xiii) „Republiek” ook die gebied Suidwes-Afrika; (xiii)
- (xiv) „Sekretaris” die Sekretaris van Openbare Werke; (xiv)
- (xv) „voorgeskrif” by of kragtens hierdie Wet voorgeskrif. (ix)

Establishment of
the South African
Council for
Architects.

2. There is hereby established a council to be known as the South African Council for Architects, which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Act.

Constitution
of council and
first meeting.

3. (1) The council shall consist of the following members to be appointed by the Minister, namely—

- (a) not more than twelve persons who shall, subject to the provisions of subsections (2) and (4), be selected by the Minister from among persons nominated by the various architects' institutes on such basis as the Minister may determine with due regard to the membership of each such institute;
- (b) two persons who shall be professors or lecturers in architecture at a university in the Republic, selected by the Minister from a list of persons nominated by the senates of universities in the Republic which have departments, schools or faculties of architecture;
- (c) one person selected by the Minister from among persons in the service of the State; and
- (d) two persons selected by the Minister on the grounds that by virtue of their knowledge and experience of public affairs and the industrial requirements of the country, they are particularly suited to judge how the public interest in so far as it is affected by the architects' profession can best be safeguarded or promoted, and of whom one shall be specially selected by reason of his knowledge of the law as it relates to the practice of architecture.

(2) When the council is constituted in terms of subsection (1) for the first time, the members thereof to be selected in terms of subsection (1) (a) shall be selected by the Minister from among the persons registered immediately prior to the commencement of this Act as members of the Institute of South African Architects in terms of the Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), or of the Institute of South West African Architects in terms of the Architects Ordinance, 1952 (Ordinance No. 38 of 1952), of South-West Africa.

(3) Whenever any nomination in terms of subsection (1) (a) or (b) becomes necessary, the Minister shall, subject to the provisions of subsection (4), call upon or cause to be called upon the body concerned, by notice in writing, to nominate within a period specified in the notice, being not less than sixty days from the date thereof, so many persons as the Minister may require to be nominated for appointment to the council.

(4) Whenever any nomination in terms of subsection (1) (a) becomes necessary and there is no architects' institute in existence, the Minister may appoint to be members of the council in terms of that subsection such architects as he may deem suitable, up to the number required.

(5) If after having been called upon by notice in terms of subsection (3) the body concerned fails to nominate within the period specified in that notice, so many persons as were in terms of such notice required to be nominated, the Minister may appoint such persons who hold the qualifications necessary for appointment, including any persons who may have been nominated, as he may deem suitable, up to the number required, to be members of the council in terms of the subsection concerned.

(6) For every member of the council appointed in terms of subsection (1) (a) or (b), (2), (4) or (5), there shall be an alternate member appointed in the same manner as such member, and the member of the council referred to in subsection (1) (c) may, with the consent of the Minister, designate a person in the service of the State to act in his stead as an alternate member of the council, and any alternate

2. Hierby word 'n raad ingestel, bekend as die Suid-Afrikaanse Raad vir Argitekte, wat met regs persoonlikheid beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet.

Instelling van die Suid-Afrikaanse Raad vir Argitekte.

3. (1) Die raad bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik—

Samestelling van raad en eerste vergadering.

- (a) hoogstens twaalf persone wat, behoudens die bepalings van subartikels (2) en (4), deur die Minister vanuit persone wat genomineer moet word deur die onderskeie argiteksinstitute gekies moet word op die grondslag wat die Minister met inagneming van die ledetal van elke sodanige instituut vasstel;
- (b) twee persone wat professore of lektore in argitektuur aan 'n universiteit in die Republiek moet wees en wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die senate van die universiteite in die Republiek waaraan departemente, skole of fakulteite van argitektuur verbonde is;
- (c) een persoon wat deur die Minister gekies moet word vanuit persone in diens van die Staat; en
- (d) twee persone wat deur die Minister gekies moet word op grond daarvan dat hulle uit hoofde van hul kennis en ervaring betreffende openbare aangeleenthede en die nywerheidsbehoeftes van die land, uitnemend geskik is om te oordeel hoe die openbare belang, vir sover dit deur die argiteksberoep geraak word, op die beste wyse beskerm of bevorder kan word, en van wie een spesiaal gekies moet word op grond van sy kennis van die reg soos dit op die praktyk van die argitektuur betrekking het.

(2) Wanneer die raad ingevolge subartikel (1) vir die eerste keer saamgestel word, moet sy lede wat ingevolge subartikel (1) (a) gekies moet word, deur die Minister gekies word vanuit die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Argitekte en Kwantiteitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), as lede van die Instituut van Suid-Afrikaanse Argitekte, of ingevolge die Argitekte-Ordonnansie, 1952 (Ordonnansie No. 38 van 1952), van Suidwes-Afrika as lede van die Instituut van Suidwes-Afrikaanse Argitekte geregistreer was.

(3) Wanneer 'n nominasie ingevolge subartikel (1) (a) of (b) nodig word, moet die Minister, behoudens die bepalings van subartikel (4), die betrokke liggaam deur skriftelike kennisgewing aansê of laat aansê om, binne 'n tydperk in die kennisgewing vermeld maar minstens sesstig dae vanaf die datum van die kennisgewing, soveel persone te nomineer as wat die Minister vir aanstelling in die raad genomineer wil hê.

(4) Wanneer 'n nominasie ingevolge subartikel (1) (a) nodig word en daar geen argiteksinstituut bestaan nie, kan die Minister die argitekte wat hy geskik ag, tot die vereiste getal aanstel om ingevolge daardie subartikel lede van die raad te wees.

(5) Indien die betrokke liggaam in gebreke bly om, na aansegging deur kennisgewing soos in subartikel (3) bepaal, binne die tydperk in die kennisgewing vermeld soveel persone te nomineer as wat volgens die kennisgewing genomineer moes word, kan die Minister die persone wat die kwalifikasies nodig vir aanstelling besit, met inbegrip van iemand wat genomineer is, en wat hy geskik ag, tot die vereiste getal aanstel om ingevolge die betrokke subartikel lede van die raad te wees.

(6) Vir elke lid van die raad ingevolge subartikel (1) (a) of (b), (2), (4) of (5) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en die in subartikel (1) (c) bedoelde lid van die raad kan, met toestemming van die Minister, 'n persoon in diens van die Staat aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree, en 'n plaasvervangende lid aldus aangestel of aange-

member so appointed or designated may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(7) The name of every person appointed as a member of the council and of every person appointed as an alternate to any member, together with the date from which the appointment takes effect and the period for which such appointment has been made, shall be notified in the *Gazette*.

(8) No decision taken by the council or act performed under the authority of the council, shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

(9) The first meeting of the council shall be held at a time and place to be fixed by the Minister.

Qualifications
of members of
council and
circumstances
under which they
vacate office.

4. (1) No person shall be appointed—

- (a) as a member of the council in terms of section 3 (1), (2), (4) or (5), or as an alternate to any such member in terms of section 3 (6), unless he is a South African citizen;
- (b) as a member of the council in terms of section 3 (1) (a), (b) or (c), (4) or (5), or as an alternate to any such member in terms of section 3 (6), unless he is an architect; or
- (c) as a member of the council in terms of section 3 (1) (a), or as an alternate to any such member in terms of section 3 (6), unless he is a member of the body by which he was nominated.

(2) A member of the council shall vacate his office—

- (a) if he signifies in writing his wish to resign and his resignation is accepted by the Minister;
- (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
- (c) if he is declared by a competent court to be of unsound mind;
- (d) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Minister not a fit person to be a member of the council;
- (f) if he is disqualified under this Act from carrying on his profession;
- (g) if he has been absent from three consecutive meetings of the council without its leave;
- (h) if he was appointed in terms of section 3 (1) (a) and ceases to be a member of the body by which he was nominated;
- (i) if he was appointed in terms of section 3 (1) (a), (b) or (c), (4) or (5) and ceases to be an architect;
- (j) at the expiration of a period of six months after the commencement of this Act, if he was appointed in terms of section 3 (2) and has failed to apply, within that period, for registration as an architect in terms of section 18 (4); or
- (k) if he was appointed in terms of section 3 (1) (b) or (c) and ceases to be a professor or lecturer in architecture at a university or ceases to be a person in the service of the State, as the case may be.

(3) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

wys kan 'n vergadering van die raad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.

(7) Die naam van elke persoon as lid van die raad aangestel en van elke persoon as plaasvervanger van 'n lid aangestel, en die datum vanaf wanneer die aanstelling geld en die tydperk waarvoor sodanige aanstelling gedoen is, moet in die *Staatskoerant* afgekondig word.

(8) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as 'n raadslid sitting te neem nie, as 'n raadslid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(9) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel.

4. (1) Niemand word aangestel—

Kwalifikasies van raadslede en omstandighede waaronder hulle hul amp ontruim.

- (a) as 'n lid van die raad ingevolge artikel 3 (1), (2), (4) of (5), of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n Suid-Afrikaanse burger is;
- (b) as 'n lid van die raad ingevolge artikel 3 (1) (a), (b) of (c), (4) of (5), of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n argitek is; of
- (c) as 'n lid van die raad ingevolge artikel 3 (1) (a) of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n lid is van die liggaam deur wie hy genomineer is.

(2) 'n Lid van die raad ontruim sy amp—

- (a) as hy skriftelik kennis gee van sy wens om te bedank en sy bedanking deur die Minister aanvaar word;
- (b) as hy insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (c) as 'n bevoegde hof verklaar dat hy in sy geestesvermoë gekrenk is;
- (d) as hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (e) as hy weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word of as hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister nie 'n geskikte persoon is om 'n lid van die raad te wees nie;
- (f) as hy kragtens hierdie Wet onbevoeg verklaar word om sy beroep te beoefen;
- (g) as hy sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (h) as hy ingevolge artikel 3 (1) (a) aangestel is en hy ophou om 'n lid te wees van die liggaam deur wie hy genomineer is;
- (i) as hy ingevolge artikel 3 (1) (a), (b) of (c), (4) of (5) aangestel is en hy ophou om 'n argitek te wees;
- (j) by verstryking van 'n tydperk van ses maande na die inwerkingtreding van hierdie Wet, indien hy ingevolge artikel 3 (2) aangestel is en versuim het om binne daardie tydperk om registrasie as 'n argitek, ingevolge artikel 18 (4), aansoek te doen; of
- (k) as hy ingevolge artikel 3 (1) (b) of (c) aangestel is en hy ophou om 'n professor of lektor in argitektuur aan 'n universiteit te wees of ophou om 'n persoon in diens van die Staat te wees, na gelang van die geval.

(3) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

Tenure of office of members of council.

5. (1) Every member of the council (not being a member appointed in terms of section 3 (1) (c), who shall hold office during the Minister's pleasure) shall be appointed for a period of three years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Whenever a member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(3) Any person whose period of office as a member of the council has expired by effluxion of time shall be eligible for re-appointment.

President and vice-president of council.

6. (1) The members of the council shall at the first meeting of every newly constituted council, out of their number elect a president and a vice-president of the council and the president and the vice-president shall hold office during the term of office of the council.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president, as the case may be, of the council.

(3) If for any reason the president is not able to act, the vice-president, if able to do so, shall act in his stead.

(4) If the president and the vice-president are absent from any meeting of the council or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the president or vice-president resumes duty, perform all the duties of the president.

(5) A member of the council appointed in terms of section 3 (1) (d) shall not be elected president or vice-president of the council or preside at any meeting thereof.

General powers of council and powers of the Minister in regard to certain matters in respect of which the council has made recommendations.

7. (1) The council shall have the power—

- (a) to appoint and remunerate a registrar (who shall also act as secretary to the council) and other officials and to determine their duties and responsibilities;
- (b) subject to the provisions of this Act, to determine the procedure at meetings of the council or any committee of the council or the Education Advisory Committee and the manner in which minutes of the meetings shall be kept;
- (c) subject to the provisions of section 10 (2), to consider and give its final decisions on recommendations of a committee of the council or the Education Advisory Committee;
- (d) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions;
- (e) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;
- (f) to collect the funds of the council and, subject to the provisions of paragraph (d), to invest and deal with them by placing them or any portion thereof on fixed deposit or in a savings account with the National Finance Corporation of South Africa, any commercial bank registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), any building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;
- (g) to prescribe the manner in which an applicant shall apply for registration as an architect or an architect in training, to prescribe the fees which shall be

5. (1) Elke lid van die raad (uitgesonderd 'n ingevolge artikel 3 (1) (c) aangestelde lid, wat sy amp beklee solank dit die Minister behaag) word aangestel vir 'n tydperk van drie jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

Ampsduur van raadslede.

(2) Wanneer 'n lid van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, met inagneming van die toepaslike bepalings van artikel 3, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is.

(3) Iemand wie se ampstermyn as lid van die raad by tydverloop verstryk het, kan weer aangestel word.

6. (1) Die lede van die raad kies op die eerste vergadering van elke nuut-saamgestelde raad uit hul midde 'n president en 'n vise-president van die raad en die president en die vise-president beklee hulle amp gedurende die ampsduur van die raad.

President en vise-president van raad.

(2) Indien die president of die vise-president van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word 'n ander lid van die raad as president of vise-president, na gelang van die geval, behoudens die bepalings van subartikel (1), gekies.

(3) Indien die president om die een of ander rede nie kan optree nie, moet die vise-president, indien hy dit kan doen, in sy plek optree.

(4) Indien die president en die vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit kan gedurende daardie vergadering en totdat die president of vise-president sy ampspligte hervat, al die pligte van die president verrig.

(5) 'n Lid van die raad wat ingevolge artikel 3 (1) (d) aangestel is, kan nie tot president of vise-president van die raad gekies word of op 'n raadsvergadering voorsit nie.

7. (1) Die raad het die bevoegdheid—

- (a) om 'n registrateur (wat ook as sekretaris vir die raad moet optree) en ander amptenare aan te stel en te besoldig en om hul pligte en verantwoordelikhede te bepaal;
- (b) om, behoudens die bepalings van hierdie Wet, die prosedure op vergaderings van die raad of 'n komitee van die raad of die Adviserende Onderwyskomitee en die wyse waarop notule van die verrigtinge gehou moet word, te bepaal;
- (c) om, behoudens die bepalings van artikel 10 (2), die aanbevelings van 'n komitee van die raad of die Adviserende Onderwyskomitee te oorweeg en finaal daaroor te besluit;
- (d) om die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede aan te skaf of te huur;
- (e) om kontrakte aan te gaan en om te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (f) om die fondse van die raad in te samel en, behoudens die bepalings van paragraaf (d), te belê en daarmee te handel deur dit of 'n gedeelte daarvan op vaste deposito of spaarrekening te plaas by die Nasionale Finansiële korporasie van Suid-Afrika, 'n handelsbank ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer, 'n bouvereniging ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer of die Hoofposkantoor;
- (g) om die wyse waarop 'n applikant aansoek moet doen om registrasie as 'n argitek of 'n argitek-in-opleiding voor te skryf, om die gelde wat aan die raad betaal

Algemene bevoegdhede van raad en bevoegdhede van die Minister betreffende sekere aangeleenthede ten opsigte waarvan die raad aanbevelings gemaak het.

payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as an architect or as an architect in training and to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable;

- (h) subject to the provisions of this Act, to consider and decide upon any application for registration as an architect or as an architect in training;
- (i) to decide upon the form of the register and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;
- (j) to recommend to the Minister the requirements with which an association of architects shall comply in order to qualify for recognition as an architects' institute for the purposes of this Act, to consider any application for such recognition and to submit a recommendation thereon to the Minister;
- (k) to recommend to the Minister the minimum fees which shall be chargeable by an architect for his professional services;
- (l) to recommend to the Minister the kinds of work in connection with projects, undertakings or services of an architectural nature which shall be reserved for architects;
- (m) subject to the provisions of this Act, to determine the method of enquiry into allegations of improper conduct of which any architect or architect in training is alleged to have been guilty;
- (n) to take any steps which it may consider expedient for the protection of the public in dealings with architects, for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of professional qualifications of architects;
- (o) to encourage research into matters relating to the architects' profession and to give advice or render assistance to any educational institution, architects' institute or examining body in regard to educational facilities for and the training and education of prospective architects;
- (p) to finance, print, circulate and administer the publication of and generally to take any steps necessary to publish any publication relating to the architects' profession and cognate matters;
- (q) to advise the Minister on all matters relating to the architects' profession and cognate matters;
- (r) to provide that architects shall not participate in any architectural competition not approved by the council, or prescribe the conditions, if any, subject to which any such competition may be approved, to appoint persons to undertake any functions which the council may consider necessary, if requested thereto, and in any other manner to assist in the organization of any such competition; and
- (s) to take such other action and do such other things as may be required for the proper performance of its functions and duties in terms of this Act.

(2) Subject to the provisions of this Act, the council shall keep and maintain a register of architects and architects in training and such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the council may prescribe.

moet word ten opsigte van so 'n registrasie en die jaargelde wat aan die raad betaal moet word deur 'n persoon solank hy as 'n argitek of as 'n argitek-in-opleiding geregistreer bly, voor te skryf en om dié gedeelte van sodanige jaargeld wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargeld of gedeelte daarvan betaalbaar word, te bepaal;

- (h) om, behoudens die bepalings van hierdie Wet, 'n aansoek om registrasie as 'n argitek of as 'n argitek-in-opleiding te oorweeg en daarvoor te besluit;
- (i) om te besluit oor die vorm van die register en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daarop aangebring kan word;
- (j) om by die Minister aan te beveel aan watter vereistes 'n vereniging van argitekte moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n argiteksinstituut te kwalifiseer, om 'n aansoek om sodanige erkenning te oorweeg en 'n aanbeveling daaromtrent aan die Minister voor te lê;
- (k) om by die Minister aan te beveel wat die minimum gelde moet wees waarop 'n argitek vir sy professionele dienste geregtig is;
- (l) om by die Minister aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste wat by die argiteksberoep tuishoort, vir argitekte voorbehou moet word;
- (m) om, behoudens die bepalings van hierdie Wet, die metode te bepaal waarvolgens klagtes van onbehoorlike gedrag waaraan 'n argitek of argitek-in-opleiding hom na bewering skuldig sou gemaak het, ondersoek moet word;
- (n) om die stappe te doen wat hy raadsaam ag vir die beskerming van die publiek in transaksies met argitekte, vir die handhawing van integriteit, die verhoging van die status en die verbetering van die standaard van professionele kwalifikasies van argitekte;
- (o) om navorsing aangaande vraagstukke wat betrekking het op die argiteksberoep aan te moedig en om aan enige opvoedkundige inrigting, argiteksinstituut of eksaminerende liggaam advies te gee en hulp te verleen in verband met opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende argitekte;
- (p) om enige publikasie met betrekking tot die argiteksberoep en verwante aangeleenthede te finansier, te druk en te versprei en die publikasie daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer;
- (q) om die Minister van advies te dien oor alle vraagstukke in verband met die argiteksberoep en verwante aangeleenthede;
- (r) om daarvoor voorsiening te maak dat dit vir argitekte verbode is om deel te neem aan 'n kompetisie met betrekking tot argitektuur wat deur die raad nie goedgekeur word nie, om die voorwaardes, as daar is, waarop so 'n kompetisie goedgekeur kan word voor te skryf, om indien daartoe versoek persone aan te stel om werksaamhede wat die raad nodig beskou, te onderneem en om op enige ander wyse bystand te verleen by die reëling van so 'n kompetisie; en
- (s) om die ander stappe te doen en die ander handelinge te verrig wat vir die behoorlike uitvoering van sy werksaamhede en pligte ingevolge hierdie Wet vereis word.

(2) Die raad moet behoudens die bepalings van hierdie Wet, 'n register van argitekte en argitekte-in-opleiding hou en byhou en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die gelde wat die raad voorskryf.

(3) The Minister may, after consideration and approval of any relevant recommendation made by the council under subsection (1)—

- (a) (i) prescribe the requirements with which an association of architects shall comply in order to qualify for recognition as an architects' institute for the purposes of this Act;
- (ii) consider any application for such recognition and grant the application of any such association which complies with the prescribed requirements;
- (b) prescribe the minimum fees which shall be chargeable by an architect for his professional services;
- (c) prescribe the kinds of work in connection with projects, undertakings or services of an architectural nature which shall be reserved for architects.

(4) Before any provision is made by virtue of subsection (3) (c), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that, if the Minister thereafter determines on any alteration in the provision published as aforesaid as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.

(5) Provisions made by virtue of subsection (3) (c) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

(6) Any provision made by virtue of subsection (1) (g) or any fees prescribed by virtue of subsection (1) or (2) shall be subject to the approval of the Minister, and any provision so made or fees so prescribed and any provision made by virtue of subsection (3) shall be made known by the Minister by notice in the *Gazette*.

Funds of council and the keeping and auditing of accounts.

8. (1) The funds of the council shall consist of the fees received by it in pursuance of any provision made under section 7, and such other moneys, including advances referred to in subsection (4), as may in terms of this Act from time to time become payable to the council.

(2) The council shall cause full and correct account to be kept of all moneys received or expended by it.

(3) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after such statement and balance sheet have been audited by an auditor appointed by the council, cause copies thereof to be transmitted to every member of the council and every architects' institute and cause a copy thereof to be open for inspection at its office by any architect or architect in training.

(4) (a) The Minister may, in consultation with the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to carry out its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, in consultation with the Minister of Finance, determine.

Reports to the Minister.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and

(3) Die Minister kan, na oorweging en goedkeuring van 'n ter sake dienende aanbeveling wat deur die raad kragtens subartikel (1) gedoen is—

- (a) (i) die vereistes voorskryf waaraan 'n vereniging van argitekte moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n argiteks-instituut te kwalifiseer.
- (ii) 'n aansoek om sodanige erkenning oorweeg en die aansoek van enige sodanige vereniging wat aan die voorgeskrewe vereistes voldoen, toestaan;
- (b) die minimum gelde voorskryf waarop 'n argitek vir sy professionele dienste geregtig is;
- (c) die soorte werk in verband met projekte, ondernemings of dienste wat by die argiteksberoep tuis-hoort, voorskryf wat vir argitekte gereserveer word.

(4) Voordat enige voorsiening kragtens subartikel (3) (c) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en dat belanghebbende persone uitgenooi word om besware teen of vertoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat indien die Minister daarna op enige verandering van die soos voormeld gepubliseerde voorsiening besluit as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik kragtens hierdie artikel gemaak word nie.

(5) Voorsienings wat kragtens subartikel (3) (c) gemaak word, kan voorsiening maak vir die uitsluiting daarvan van werk wat gedoen word onder vermelde omstandighede of vir vermelde doeleindes of deur of vir vermelde persone of klasse persone of binne of buite vermelde gebiede of klasse gebiede.

(6) Enige voorsiening wat kragtens subartikel (1) (g) gemaak, of gelde wat kragtens subartikel (1) of (2) voorgeskryf, word, is onderworpe aan die goedkeuring van die Minister, en enige voorsiening aldus gemaak of gelde aldus voorgeskryf en enige voorsiening wat kragtens subartikel (3) gemaak word, word deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak.

8. (1) Die fondse van die raad bestaan uit die gelde deur hom ontvang uit hoofde van enige voorsiening kragtens artikel 7 gemaak, en die ander bedrae, insluitende voorskotte in subartikel (4) bedoel, wat van tyd tot tyd kragtens hierdie Wet aan die raad betaalbaar word.

Fondse van raad en die hou en ouditering van rekenings.

(2) Die raad laat volledig en juis rekening hou van alle gelde wat hy ontvang of uitgee.

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar, en 'n balansstaat aantonende sy geldelike toestand aan die einde van daardie boekjaar, laat opstel, en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n ouditeur wat die raad aanstel, afskrifte daarvan laat stuur aan elke lid van die raad en elke argiteksinstituut en 'n afskrif daarvan by sy kantoor ter insae van enige argitek of argitek-in-opleiding laat lê.

(4) (a) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde deur die Parlement bewillig, die bedrae aan die raad voorskiet wat hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig.

(b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, in oorleg met die Minister van Finansies, bepaal.

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, tesame met 'n afskrif van die in artikel 8 (3) bedoelde geoudi-

Verslae aan die Minister.

expenditure and the balance sheet referred to in section 8 (3) in respect of that financial year and a list of architects whose names appear on the register on the last day of that financial year.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which in the opinion of the council should be brought to the Minister's notice.

(3) The council shall at the request of the Minister or the Secretary furnish to the Minister or the Secretary advice on matters in connection with the architects' profession or cognate matters, and shall communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public import.

(4) The Minister shall lay copies of every report submitted to him in terms of subsection (1), together with the annexures thereto, upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Committees of council.

10. (1) (a) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members as it may deem fit to be members of any such committee.

(b) One of the members of a committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision of any such committee: Provided that if the council has assigned to a committee the power to determine whether or not any person shall be registered as an architect or as an architect in training, or the power to cancel the registration of any person as an architect or as an architect in training, or the power to enquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 23, the council shall not amend or withdraw any decision arrived at or anything done by such committee under the power so assigned.

(3) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned to a committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(4) The provisions of section 3 (8) shall apply *mutatis mutandis* in respect of a committee of the council.

Establishment of Education Advisory Committee.

11. The Minister shall establish a committee to be known as the Education Advisory Committee for Architects.

Constitution of Education Advisory Committee.

12. (1) The Education Advisory Committee shall consist of the following members to be appointed by the Minister, namely—

(a) a representative of each university in the Republic which has a department, school or faculty of architecture, which representative shall be a professor or lecturer in architecture at such university and shall be nominated by the senate of such university;

(b) two persons, who shall be nominated by the Minister of National Education; and

(c) five persons, who shall be selected by the Minister from a list of persons nominated by the architects' institutes or, if there is no such institute in existence, whom the Minister deems suitable.

(2) For every member of the Education Advisory Committee appointed in terms of subsection (1), there shall be an alternate member appointed in the same manner as such member.

teerde staat van inkomste en uitgawes en belansstaat ten opsigte van daardie boekjaar en 'n lys van argitekke wie se name op die laaste dag van daardie boekjaar in die register verskyn.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Die raad moet op versoek van die Minister of die Sekretaris aan die Minister of die Sekretaris advies verstrek oor vraagstukke in verband met die argitekberoep of aanverwante aangeleenthede, en moet inligting wat die raad tydens die verrigting van sy pligte bekom omtrent aangeleenthede wat hy van openbare belang ag, aan die Minister meedeel.

(4) Die Minister moet afskrifte van elke verslag wat ingevolge subartikel (1) aan hom voorgelê word, tesame met die aanhangsels daarby, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

10. (1) (a) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan en kan daardie lede van die raad aanstel wat hy goedvind om lede van so 'n komitee te wees. Komitees van raad.

(b) Een van die lede van 'n komitee word deur die raad aangewys as voorsitter van die komitee.

(2) Die raad kan na goeë dunde van sy bevoegdheid aan 'n komitee wat aldus ingestel is, opdra, maar word nie onthef nie van 'n bevoegdheid wat hy aan 'n komitee opgedra het, en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat indien die raad aan 'n komitee die bevoegdheid opgedra het om te bepaal of iemand as 'n argitek of as 'n argitek-in-opleiding geregistreer moet word al dan nie, of die bevoegdheid om die registrasie van iemand as 'n argitek of as 'n argitek-in-opleiding in te trek, of die bevoegdheid om ooreenkomstig die bepalings van artikel 23 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, die raad nie 'n besluit of iets wat kragtens die bevoegdheid aldus opgedra, deur sodanige komitee geneem of gedoen is, kan wysig of intrek nie.

(3) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegdheid wat die raad aan 'n komitee opgedra het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(4) Die bepalings van artikel 3 (8) is *mutatis mutandis* ten opsigte van 'n komitee van die raad van toepassing.

11. Die Minister stel 'n komitee met die naam die Advise-rende Onderwyskomitee vir Argitekke in. Instelling van Adviserende Onderwyskomitee.

12. (1) Die Adviserende Onderwyskomitee bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik— Samestelling van Adviserende Onderwyskomitee.

(a) 'n verteenwoordiger van elke universiteit in die Republiek waaraan 'n departement, skool of fakulteit van argitektuur verbonde is, welke verteenwoordiger 'n professor of lektor in argitektuur aan daardie universiteit moet wees en genomineer moet word deur die senaat van daardie universiteit;

(b) twee persone wat genomineer moet word deur die Minister van Nasionale Opvoeding; en

(c) vyf persone wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die argiteksinstitute of, indien daar geen sodanige instituut bestaan nie, wat die Minister geskik ag.

(2) Vir elke lid van die Adviserende Onderwyskomitee ingevolge subartikel (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word.

(3) The provisions of section 3 (3) and (5) shall apply *mutatis mutandis* in respect of the appointment of a member of the Education Advisory Committee referred to in subsection (1) (a) or (c) and the provisions of section 3 (7) shall apply *mutatis mutandis* in respect of every person appointed as a member of the Education Advisory Committee and every person appointed as an alternate to such a member.

Qualifications of members of Education Advisory Committee and circumstances under which they vacate office.

13. (1) No person shall be appointed as a member of the Education Advisory Committee in terms of section 12 (1), or as an alternate to any such member in terms of section 12 (2), unless he is—

- (a) a South African citizen; and
- (b) except in the case of an appointment in terms of section 12 (1) (b), an architect.

(2) A member of the Education Advisory Committee shall vacate his office—

- (a) if, having been appointed in terms of section 12 (1) (a), he ceases to be a professor or lecturer in architecture at the university concerned;
- (b) if he was appointed in terms of section 12 (1) (c) by being selected from the list mentioned therein and ceases to be a member of the body by which he was nominated; or
- (c) if he was appointed in terms of section 12 (1) (a) or (c) and ceases to be an architect.

and the provisions of section 4 (2) (a) to (g), inclusive, shall apply *mutatis mutandis* in respect of any such member.

(3) The provisions of section 3 (8) shall apply *mutatis mutandis* in respect of the Education Advisory Committee.

(4) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

Tenure of office of members of Education Advisory Committee.

14. (1) A member of the Education Advisory Committee (not being a member appointed in terms of section 12 (1) (b), who shall hold office during the Minister's pleasure) shall be appointed for such period as the Minister may determine at the time of the appointment.

(2) Any person whose period of office as a member of the Education Advisory Committee has expired by effluxion of time, shall be eligible for re-appointment.

Chairman of Education Advisory Committee.

15. (1) The members of the Education Advisory Committee shall at the first meeting thereof and thereafter as the occasion arises, out of their number elect a chairman thereof and any person so elected shall hold office as such until the expiration of the period for which he was appointed a member of the Committee or until he ceases to be a member thereof, whichever event first occurs.

(2) If the chairman of the Education Advisory Committee vacates his office before the expiration of the period for which he was appointed a member thereof, another member thereof shall, subject to the provisions of subsection (1), be elected chairman in his place.

(3) If the chairman is absent from any meeting of the Education Advisory Committee or is not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

Appointment of members of Education Advisory Committee in other capacities.

16. Nothing in this Act contained shall be construed as precluding a member of the Education Advisory Committee from being appointed or from serving as—

- (a) a member of the council or as an alternate to such a member; or
- (b) a member of a committee of the council.

Functions of Education Advisory Committee.

17. It shall be the function of the Education Advisory Committee to assist the council generally in the performance of its functions and duties in terms of this Act and to enquire

(3) Die bepalings van artikel 3 (3) en (5) is *mutatis mutandis* van toepassing ten opsigte van die aanstelling van 'n in subartikel 1 (a) of (c) bedoelde lid van die Adviserende Onderwyskomitee en die bepalings van artikel 3 (7) is *mutatis mutandis* van toepassing ten opsigte van elke persoon wat as lid van die Adviserende Onderwyskomitee en elke persoon wat as plaasvervanger van so 'n lid aangestel word.

13. (1) Niemand word aangestel as 'n lid van die Adviserende Onderwyskomitee ingevolge artikel 12 (1) of as 'n plaasvervanger van so 'n lid ingevolge artikel 12 (2) nie, tensy hy—

Kwalifikasies van lede van Adviserende Onderwyskomitee en omstandighede waaronder hulle hul amp ontruim.

- (a) 'n Suid-Afrikaanse burger is; en
- (b) behalwe in die geval van 'n aanstelling ingevolge artikel 12 (1) (b), 'n argitek is.

(2) 'n Lid van die Adviserende Onderwyskomitee ontruim sy amp—

- (a) as hy, indien hy ingevolge artikel 12 (1) (a) aangestel is, ophou om 'n professor of lektor in argitektuur aan die betrokke universiteit te wees;
- (b) as hy ingevolge artikel 12 (1) (c) aangestel is deur gekies te word uit die daarin bedoelde lys en ophou om 'n lid te wees van die liggaam deur wie hy genomineer is; of
- (c) as hy ingevolge artikel 12 (1) (a) of (c) aangestel is en hy ophou om 'n argitek te wees,

en die bepalings van artikel 4 (2) (a) tot en met (g) is *mutatis mutandis* ten opsigte van so 'n lid van toepassing.

(3) Die bepalings van artikel 3 (8) is *mutatis mutandis* ten opsigte van die Adviserende Onderwyskomitee van toepassing.

(4) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

14. (1) 'n Lid van die Adviserende Onderwyskomitee (uitgesonderd 'n ingevolge artikel 12 (1) (b) aangestelde lid, wat sy amp beklee solank dit die Minister behaag) word aangestel vir die tydperk wat die Minister ten tyde van die aanstelling bepaal.

Ampsduur van lede van Adviserende Onderwyskomitee.

(2) Iemand wie se ampstermyn as lid van die Adviserende Onderwyskomitee by tydsverloop verstryk het, kan weer aangestel word.

15. (1) Die lede van die Adviserende Onderwyskomitee kies op die eerste vergadering daarvan, en daarna wanneer dit nodig word, een uit hul midde as voorsitter daarvan en 'n aldus gekose persoon beklee sy amp as sodanige totdat die tydperk waarvoor hy aangestel is as lid van die Komitee verstryk, of totdat hy ophou om 'n lid daarvan te wees, na gelang van watter gebeurtenis eerste voorval.

Voorsitter van Adviserende Onderwyskomitee.

(2) Indien die voorsitter van die Adviserende Onderwyskomitee sy amp ontruim voor die verstryking van die tydperk waarvoor hy as 'n lid daarvan aangestel is, word, behoudens die bepalings van subartikel (1), 'n ander lid daarvan in sy plek as voorsitter gekies.

(3) Indien die voorsitter van 'n vergadering van die Adviserende Onderwyskomitee afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kis om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

16. Niks wat in hierdie Wet vervat is nie, word so uitgelê dat dit 'n lid van die Adviserende Onderwyskomitee belet om aangestel te word of te dien as—

Aanstelling van lede van Adviserende Onderwyskomitee in ander hoedanighede.

- (a) 'n lid van die raad of as 'n plaasvervanger van so 'n lid; of
- (b) 'n lid van 'n komitee van die raad.

17. Die funksie van die Adviserende Onderwyskomitee is om in die algemeen die raad by die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet by te staan en om

Werksaamhede van Adviserende Onderwyskomitee.

into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the Committee either specifically or generally and more particularly in regard to the matters referred to in section 7 (1) (b), (i), (l), (n), (o), (p), (q), (s) and sections 18 (2) (b), 18 (6) (c) (ii) and 19.

**Registration
of architects
and architects
in training.**

18. (1) Any person who desires to be registered as an architect or as an architect in training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(2) If after consideration of any such application the council is satisfied that the applicant—

- (a) is not less than twenty-one years of age and is ordinarily resident in the Republic; and
- (b) has passed the prescribed examination or any examination recognized by the council for the purposes of this paragraph; and
- (c) has, during a period of not less than three years after having passed the examination referred to in paragraph (b), performed work of a kind prescribed under section 7 (3) (c) under the direction and control of an architect, or architectural work under the direction and control of an architect which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (7), register the applicant as an architect and issue to him a certificate of registration in the prescribed form.

(3) (a) If after consideration of any such application the council is satisfied that the applicant complies with the requirements mentioned in subsection (2) (a) and (b) but not with the requirements mentioned in subsection (2) (c), the council shall register the applicant as an architect in training and issue to him a certificate of registration to that effect in the prescribed form.

(b) Whenever any person who is registered as an architect in training in terms of paragraph (a) has complied with the requirement mentioned in subsection (2) (c), the council shall, subject to the provisions of subsection (7), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (2).

(4) Any person who immediately prior to the commencement of this Act was registered as an architect in terms of the Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), or the Architects Ordinance, 1952 (Ordinance No. 38 of 1952), of South-West Africa, shall be deemed to have complied with all the requirements for registration mentioned in subsection (2) and the council shall, upon application to it, register the applicant as an architect and issue to him a certificate of registration to that effect in the prescribed form.

(5) No person shall be registered as an architect by virtue of the provisions of subsection (4), unless he applied to the council to be so registered within six months after the date of commencement of this Act, or within such further period as the council may in any particular case allow.

(6) (a) Any person not ordinarily resident in the Republic may apply to the council for temporary registration as an architect.

(b) The application shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(c) If after consideration of any such application the council is satisfied that the applicant—

- (i) is not less than twenty-one years of age; and

ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad in die verrigting van sy werksaamhede ingevolge hierdie Wet, hetsy spesifiek of in die algemeen na die Komitee verwys en meer bepaald met betrekking tot die aangeleenthede in artikel 7 (1) (b), (i), (l), (n), (o), (p), (q), (s) en artikels 18 (2) (b), 18 (6) (c) (ii) en 19 bedoel.

18. (1) Iemand wat begerig is om as 'n argitek of as 'n argitek-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op 'n wyse deur die raad voorgeskryf en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

Registrasie van argitek en argitek-in-opleiding.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

- (a) minstens een-en-twintig jaar oud is en gewoonlik in die Republiek woonagtig is; en
- (b) geslaag het in die voorgeskrewe eksamen of in 'n eksamen wat die raad vir die doeleindes van hierdie paragraaf erken; en
- (c) vir 'n tydperk van minstens drie jaar nadat hy geslaag het in die eksamen in paragraaf (b) bedoel, onderworpe aan die opdragte en beheer van 'n argitek werk verrig het van 'n soort wat kragtens artikel 7 (3) (c) voorgeskryf is, of onderworpe aan die opdragte en beheer van 'n argitek argitekswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalinge van subartikel (7), die applikant as 'n argitek registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(3) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant aan die in subartikel (2) (a) en (b) vermelde vereistes voldoen, maar nie aan die in subartikel (2) (c) vermelde vereistes nie, moet die raad die applikant as 'n argitek-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.

(b) Wanneer 'n persoon wat ingevolge paragraaf (a) as 'n argitek-in-opleiding geregistreer is aan die in subartikel (2) (c) vermelde vereiste voldoen het, moet die raad, behoudens die bepalinge van subartikel (7), op aansoek in die voorgeskrewe vorm die registrasie van sodanige persoon kanselleer en hom ingevolge subartikel (2) registreer.

(4) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n argitek ingevolge die Argitek en Kwanti-teitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), of ingevolge die Argitek-Ordonnansie, 1952 (Ordonnansie No. 38 van 1952), van Suidwes-Afrika geregistreer was, word geag aan al die in subartikel (2) vermelde vereistes vir registrasie te voldoen het, en die raad moet op aansoek by hom die applikant as 'n argitek registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.

(5) Niemand word uit hoofde van die bepalinge van subartikel (4) as 'n argitek geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie Wet, of binne die verdere tydperk wat die raad in 'n besondere geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word.

(6) (a) Iemand wat nie gewoonlik in die Republiek woonagtig is nie, kan by die raad aansoek doen om tydelik as 'n argitek geregistreer te word.

(b) Die aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(c) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

- (i) minstens een-en-twintig jaar oud is; en

(ii) has passed the prescribed examination or any examination recognized by the council for the purposes of this paragraph and

(iii) has had, after having passed such examination, not less than three years practical experience in architectural work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council may, subject to the provisions of subsection (7), register the applicant as an architect and issue to him a certificate of temporary registration in the prescribed form.

(d) A certificate of temporary registration shall be valid for such period, not exceeding twelve months, as the council may in each case determine, but the person concerned may at any time again apply under this section for temporary registration as an architect.

(7) The council shall not register any person as an architect or as an architect in training in terms of this section—

(a) if he has at any time been removed from an office of trust on account of improper conduct; or

(b) if he has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document or perjury and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding two hundred rand; or

(c) if he has been declared by a competent court to be of unsound mind; or

(d) if he is disqualified from registration in terms of a punishment imposed under this Act,

and may refuse so to register any person who is an unrehabilitated insolvent or who has entered into an arrangement with his creditors or who has been guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered.

(8) The council may cancel the registration as an architect or as an architect in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (7) (a), (b), (c) or (d) or whose estate is sequestered or who enters into an arrangement with his creditors or who was within a period of three years prior to his application for registration guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered or whose registration was made in error or on information subsequently proved to be false.

(9) The registration of any person as an architect or as an architect in training, as the case may be, shall lapse if such person—

(a) not being a person registered under subsection (6), ceases to be ordinarily resident in the Republic; or

(b) fails to pay any annual fee or portion thereof prescribed under section 7 (1) (g) and payable by him within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow; or

(c) in the case of a person registered under subsection (6), permanently leaves the Republic before expiration of the period of validity of the certificate of temporary registration issued to him by the council; or

(d) being a person registered in terms of subsection (3) (a), has for ninety consecutive days or longer failed to perform any work mentioned in subsection (2) (c) under the direction and control of an architect.

(10) The council shall at the written request of any architect or of any architect in training remove his name from the register, but the removal shall not affect any liability

(ii) geslaag het in die voorgeskrewe eksamen of in 'n eksamen wat die raad vir die doeleindes van hierdie paragraaf erken; en

(iii) nadat hy in sodanige eksamen geslaag het minstens drie jaar praktiese ondervinding opgedoen het van argitekswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

kan die raad, behoudens die bepalings van subartikel (7), die applikant as 'n argitek registreer en aan hom 'n tydelike registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(d) 'n Tydelike registrasiesertifikaat is geldig vir die tydperk, twaalf maande nie te bowe gaande nie, wat die raad in elke geval bepaal, maar die betrokke persoon kan te eniger tyd weer kragtens hierdie artikel aansoek doen om tydelike registrasie as 'n argitek.

(7) Die raad registreer nie 'n persoon as 'n argitek of as 'n argitek-in-opleiding ingevolg hierdie artikel nie—

(a) as hy te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is; of

(b) as hy te eniger tyd veroordeel is weens afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument of meened, en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as tweehonderd rand gevonnissen is; of

(c) as 'n bevoegde hof verklaar het dat hy in sy geestesvermoë gekrenk is; of

(d) as hy ingevolge 'n straf wat kragtens hierdie Wet opgelê is, onbevoeg vir registrasie verklaar is,

en kan geweier om iemand wat 'n ongerehabiliteerde insolvente persoon is of wat met sy skuldeisers 'n ooreenkoms aangegaan het of wat hom skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te word nie, aldus te registreer.

(8) Die raad kan die registrasie as 'n argitek of as 'n argitek-in-opleiding kanselleer van iemand wat na sy registrasie aan 'n in subartikel (7) (a), (b), (c) of (d) vermelde diskwalifikasie onderhewig word of wie se boedel gesekwestreer word of wat 'n ooreenkoms met sy skuldeisers aangaan of wat hom binne 'n tydperk van drie jaar voor sy aansoek om registrasie skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te wees nie of wat per abuis geregistreer is of geregistreer is op grond van inligting wat daarna bewys word vals te wees.

(9) Die registrasie van 'n persoon as 'n argitek of as 'n argitek-in-opleiding, na gelang van die geval, verval as sodanige persoon—

(a) terwyl hy nie iemand is wat kragtens subartikel (6) geregistreer is nie, ophou om gewoonlik in die Republiek woonagtig te wees; of

(b) versuim om 'n jaargeld of gedeelte daarvan wat kragtens artikel (7) (1) (g) voorgeskryf is en deur hom betaalbaar is, te betaal binne ses maande nadat sodanige geld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat; of

(c) in die geval van iemand wat kragtens subartikel (6) geregistreer is, die Republiek permanent verlaat voor verstryking van die tydperk van geldigheid van die tydelike registrasiesertifikaat wat die raad aan hom uitgereik het; of

(d) terwyl hy iemand is wat ingevolge subartikel (3) geregistreer is, vir negentig agtereenvolgende dae of langer versuim het om in subartikel (2) (c) vermelde werk onderworpe aan die opdragte en beheer van 'n argitek te verrig.

(10) Die raad moet op skriftelike versoek van 'n argitek of van 'n argitek-in-opleiding sy naam uit die register skrap, maar die skraping het geen uitwerking op enige aanspreek-

incurred by such architect or architect in training prior to the date of such request.

(11) Subject to the provisions of subsection (7), the council shall on application to it register as an architect or as an architect in training any person who was previously registered as an architect in terms of subsection (2) or as an architect in training in terms of subsection (3), as the case may be, if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 7 (1) (g) and possesses the prescribed residential qualifications.

(12) A person who is registered as an architect or as an architect in training may describe himself as an architect or as an architect in training, as the case may be, and a person who is registered as an architect shall, if he has paid the annual fee or portion thereof prescribed under section 7 (1) (g), be entitled—

- (a) to describe himself as an architect and to carry on his profession in any part of the Republic; and
- (b) to indicate his profession or make it known by using for all purposes the title "R.A. (S.A.);" after his name.

Examinations contemplated by section 18 (2) (b) or (6) (c) (ii) to be prescribed by regulation.

19. The examinations contemplated by section 18 (2) (b) or (6) (c) (ii) shall be the examinations prescribed by the Minister by regulation.

Circumstances under which certificates of registration shall be returned to registrar.

20. (1) Any person whose registration as an architect or as an architect in training, as the case may be, has been cancelled under section 18 (8) or has lapsed in terms of section 18 (9) or whose name has been removed from the register in terms of section 18 (10), shall return to the registrar his certificate of registration within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Prohibition on practice as architect by unregistered person.

21. (1) Subject to any exemption granted under this Act or the regulations, any person not registered as an architect in terms of any provision of section 18 who—

- (a) for gain performs any kind of work reserved for architects under section 7 (3) (c); or
- (b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as an architect, or uses the name of architect or any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as an architect in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

(2) Any person who immediately prior to the commencement of this Act was registered as an architect in terms of the Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), or the Architects Ordinance, 1952 (Ordinance No. 38 of 1952), of South-West Africa, shall during the period of six months from the commencement of this Act be deemed to be registered as an architect in terms of section 18 (4) of this Act.

Improper conduct.

22. (1) Any architect shall be guilty of improper conduct if he—

- (a) except with the consent of the council or except in terms of any exemption granted under this Act or the regulations knowingly entrusts to any person other than an architect work of a kind reserved for architects under section 7 (3) (c); or
- (b) performs work of a kind reserved for architects under section 7 (3) (c) in connection with any matter which is the subject of dispute or litigation, on condition

likheid waaraan sodanige argitek of argitek-in-opleiding voor die datum van sodanige versoek onderhewig geword het nie.

(11) Behoudens die bepalinge van subartikel (7), moet die raad op aansoek by hom iemand wat voorheen ingevolge subartikel (2) as 'n argitek of ingevolge subartikel (3) as 'n argitek-in-opleiding geregistreer was, as 'n argitek of as 'n argitek-in-opleiding, na gelang van die geval, registreer indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het en die voorgeskrewe woonkwalifikasies besit.

(12) Iemand wat as 'n argitek of as 'n argitek-in-opleiding geregistreer is, kan homself as 'n argitek of as 'n argitek-in-opleiding, na gelang van die geval, beskryf, en iemand wat as 'n argitek geregistreer is, is, indien hy die jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het, geregtig—

- (a) om homself as 'n argitek te beskryf en om sy beroep in enige deel van die Republiek te beoefen; en
- (b) om sy beroep aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „G.A. (S.A.)” agter sy naam gebruik te maak.

19. Die eksamens wat deur artikel 18 (2) (b) of (6) (c) (ii) beoog word, is die eksamens wat deur die Minister by regulasie voorgeskryf word.

Eksamens beoog deur artikel 18 (2) (b) of (6) (c) (ii) moet by regulasie voorgeskryf word.

20. (1) Iemand wie se registrasie as 'n argitek of as 'n argitek-in-opleiding, na gelang van die geval, kragtens artikel 18 (8) gekanselleer is of ingevolge artikel 18 (9) verval het of wie se naam ingevolge artikel 18 (10) uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas is om dit te doen.

Omstandighede waaronder registrasiesertifikaat aan registrateur terugbesorg moet word.

(2) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens subartikel (1), is aan misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

21. (1) Behoudens enige vrystelling kragtens hierdie Wet of die regulasies verleen, is iemand wat nie as 'n argitek ingevolge 'n bepaling van artikel 18 geregistreer is nie en wat—

Verbod op praktyk as argitek deur ongeregistreerde persoon.

- (a) vir vergoeding enige soort werk doen wat kragtens artikel 7 (3) (c) vir argitekke gereserveer is; of
- (b) homself voordoen of hom op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir 'n argitek, of die naam van argitek of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te verwek dat hy as 'n argitek geregistreer is.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Argitekke en Kwantiteitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), of die Argitekke-Ordonnansie, 1952 (Ordonnansie No. 38 van 1952), van Suidwes-Afrika as 'n argitek geregistreer was, word gedurende die tydperk van ses maande vanaf die inwerkingtreding van hierdie Wet geag as 'n argitek ingevolge artikel 18 (4) van hierdie Wet geregistreer te wees.

22. (1) 'n Argitek is skuldig aan onbehoorlike gedrag as hy—

Onbehoorlike gedrag.

- (a) behalwe met die toestemming van die raad, of ingevolge enige vrystelling verleen kragtens hierdie Wet of die regulasies, wetens werk van 'n soort wat vir argitekke gereserveer is kragtens artikel 7 (3) (c), aan iemand anders as 'n argitek opdra; of
- (b) werk van 'n soort wat vir argitekke gereserveer is kragtens artikel 7 (3) (c), verrig in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of

that payment for such work shall be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or

- (c) accepts remuneration for services rendered from any person other than his client or employer; or
- (d) performs work of a kind reserved for architects under section 7 (3) (c) during any period in respect of which he has been suspended under this Act; or
- (e) commits a criminal offence in carrying on his profession; or
- (f) contravenes or fails to comply with any rule prescribed under section 26 (1) (e).

(2) The acquittal or the conviction of an architect or an architect in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence of which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which the architect or architect in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such architect or such architect in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the architect or architect in training charged to adduce evidence that he was in fact wrongly convicted.

Disciplinary
powers of
council.

23. (1) The council shall have the power to enquire into cases of improper conduct of which a person who is registered in terms of this Act as an architect or as an architect in training is alleged to have been guilty while so registered and to impose in respect thereof, if found proved, any punishment prescribed under section 26 (1) (g): Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the enquiry until such proceedings have been determined: Provided further that nothing in this section contained shall affect the right of any architects' institute from taking disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) Whenever any punishment imposed under subsection (1) consists of, or includes, any fine, the amount thereof shall be recoverable by the council from the person concerned and any amount so recovered shall be paid into the funds of the council.

Enquiry by
council.

24. (1) For the purpose of any enquiry under section 23, the council may—

- (a) summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced;

regsgeding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of geding gunstig verloop vir die persoon vir wie die werk gedoen word; of

- (c) besoldiging vir gelewerde dienste ontvang van iemand anders as sy kliënt of werkgever; of
- (d) werk van 'n soort wat vir argitekte gereserveer is kragtens artikel 7 (3) (c), verrig gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is; of
- (e) 'n kriminele misdryf begaan in die uitoefening van sy beroep; of
- (f) 'n reël voorgeskryf kragtens artikel 26 (1) (e) oortree of versuim om daaraan te voldoen.

(2) Die vryspreking of die skuldigbevinding van 'n argitek of 'n argitek-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, as hulle bewys sou word, die misdryf uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan die argitek of argitek-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige argitek of argitek-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat die aangeklaagde argitek of argitek-in-opleiding die reg het om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

23. (1) Die raad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan iemand wat as 'n argitek of as 'n argitek-in-opleiding ingevolge hierdie Wet geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan, indien bewese bevind, enige straf op te lê wat kragtens artikel 26 (1) (g) voorgeskryf is: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivilregtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het om te glo dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is: Met dien verstande voorts dat die bepalings van hierdie artikel nie afbreuk doen aan die reg van 'n argiteksinstituut om ingevolge die konstruksie en reëls van daardie instituut tug- of ander maatreëls op enigeen van sy lede toe te pas nie.

Dissiplinêre magte van raad.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is, uit 'n boete bestaan of 'n boete insluit, kan die bedrag daarvan deur die raad op die betrokke persoon verhaal word, en moet 'n bedrag aldus verhaal in die fondse van die raad gestort word.

24. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 23—

Ondersoek deur raad.

- (a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê, en 'n boek, dokument of saak wat aldus oorgelê is vir ondersoek behou;

- (b) call and by its president administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;
- (c) appoint any person to advise the council at such enquiry on matters pertaining to law, procedure or evidence.

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorized thereto by it, and shall be served in the same manner as a subpoena in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the president of the council, or if any person called under subsection (1) (b) refuses to be sworn or to affirm as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the enquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or official of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being enquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding one hundred rand.

Suspension from practising of architects who have become of unsound mind.

25. (1) Whenever it appears to the council from information on oath that an architect has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section 24 in respect of such architect.

(2) If the council finds that such architect has so become of unsound mind, it may order his suspension for a specified period from practising as an architect.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

Regulations.

26. (1) The Minister may, after consultation with the council, make regulations, not inconsistent with this Act—

- (b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad aan hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;
 - (c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die regte, prosedure of bewyslewering.
- (2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad voorskryf, moet deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word, en word op dieselfde wyse bestel as 'n dagvaarding in 'n strafgeding deur 'n landdroshof uitgereik.
- (3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die president van die raad hom van verdere bywoning onthef, of indien iemand wat kragtens subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of te bevestig, of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.
- (4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging gemaak het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring doen oor enige saak, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.
- (5) Iemand wat die president of 'n lid of amptenaar van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.
- (6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuie af te lê, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.
- (7) Iemand wat weens 'n misdryf ingevolge hierdie artikel veroordeel word, is strafbaar met 'n boete van hoogstens honderd rand.

25. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n argitek in sy geestesvermoë in so 'n mate gekrenk geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om aan te hou praktiseer, kan die raad na goeë dunks ten opsigte van sodanige argitek 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel 24.

Skorsing in hul beroep van argitekte wat in hul geestesvermoë gekrenk geraak het.

(2) Indien die raad bevind dat sodanige argitek aldus in sy geestesvermoë gekrenk geraak het, kan die raad vir 'n vasgestelde tydperk sy skorsing in sy beroep as argitek beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur die raad bepaalde tydperk verleng, of so 'n bevel intrek.

26. (1) Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie—

Regulasies.

- (a) as to any matters which by this Act are required or permitted to be prescribed by regulation;
- (b) as to the calling of and procedure and quorum at meetings of the council or of a committee of the council or of the Education Advisory Committee;
- (c) as to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council or of the Education Advisory Committee;
- (d) as to keeping, custody and publication of a register of architects and architects in training;
- (e) prescribing rules with which architects shall comply in carrying on their profession;
- (f) prescribing conduct (apart from conduct referred to in section 22) on the part of an architect or an architect in training, as the case may be, which shall constitute improper conduct;
- (g) prescribing the method of enquiry into allegations of improper conduct and the punishments which may be imposed in respect thereof, including fines, removal from the register, permanent disqualification from registration and disqualification from registration or suspension from practice for such period as the council may determine;
- (h) as to the examinations required for the purposes of section 18 (2) (b) and (6) (c) (ii);
- (i) as to, generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Every regulation shall be of force and effect unless and until, during the session in which it has been laid upon the Tables of both Houses of Parliament as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both Houses have by resolution disapproved of the regulation, in which event the regulation shall lapse as from a date to be specified in the resolution, but the lapsing of the regulation shall not affect the validity of anything done in terms of such regulation before the date specified in the resolution, and nothing contained in this subsection shall affect the power of the Minister to make a new regulation with regard to the subject matter of that regulation.

Procedure and evidence.

27. (1) The register shall be *prima facie* evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to be certified by the registrar, shall be admitted in evidence in all courts without further proof or production of the original.

Rectification of errors.

28. Whenever anything which according to the provisions of this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, and that it is in the interests of the architects' profession to do so, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

- (a) aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) aangaande die byeenroeping van en die prosedure en kworum by vergaderings van die raad of van 'n komitee van die raad of van die Adviserende Onderwyskomitee;
- (c) aangaande die besoldiging en toelaes betaalbaar uit die fondse van die raad aan lede van die raad of van 'n komitee van die raad of van die Adviserende Onderwyskomitee;
- (d) aangaande die hou, bewaring en publikasie van 'n register van argitekte en argitekte-in-opleiding;
- (e) wat reëls voorskryf waaraan argitekte moet voldoen by die beoefening van hul beroep;
- (f) wat gedrag (buite en behalwe gedrag in artikel 22 bedoel) voorgeskryf wat onbehoorlike gedrag vir 'n argitek of 'n argitek-in-opleiding, na gelang van die geval, uitmaak;
- (g) wat die metode waarvolgens beweerde onbehoorlike gedrag ondersoek moet word en die strawwe wat ten opsigte daarvan opgelê mag word, met inbegrip van boetes, skapping van die register, permanente onbevoegdverklaring vir registrasie en onbevoegdverklaring vir registrasie of skorsing van praktyk vir die tydperk wat die raad vasstel, voorskryf;
- (h) aangaande die eksamens vereis vir die doeleindes van artikel 18 (2) (b) en (6) (c) (ii);
- (i) aangaande, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Elke regulasie is van krag en regsgeldig tensy en totdat, gedurende die sessie waarin dit in albei Huise van die Parlement ter Tafel gelê is soos bepaal by artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), albei Huise die regulasie by besluit afgekeur het, in welke geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld word, maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge sodanige regulasie voor die datum in die besluit vermeld, gedoen is nie en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Minister om 'n nuwe regulasie met betrekking tot die inhoud van hierdie regulasie uit te vaardig nie.

27. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aangeteken moet of mag word. Prosedure en bewyslewing.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing wel in die register gemaak is of nie gemaak is nie of dat enigiets anders wat volgens hierdie Wet gedoen mag word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

(3) 'n Afskrif van 'n inskrywing in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument wat deur die registrateur gesertifiseer heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle howe as getuienis toegelaat.

28. Waar enigiets wat ooreenkomstig die bepalings van hierdie Wet op of voor 'n vermeldde dag of op 'n vermeldde tyd of gedurende 'n vermeldde tydperk gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, en dat dit in die belang van die argiteksberoep is om dit te doen, magtiging daarvoor verleen dat so iets gedoen of uitgevoer kan word op of voor 'n ander dag of op 'n ander tyd of gedurende 'n ander tydperk wat hy aandui, en enigiets aldus gedoen of uitgevoer is van volle krag en word geag wettiglik gedoen of uitgevoer te gewees het ooreenkomstig die bepalings van hierdie Wet. Regstelling van foute.

Liability of council.

29. No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in accordance with the provisions of section 23, 24 or 25.

Delegation of powers.

30. (1) The Minister may by writing under his hand delegate to the Secretary or to any other senior officer of the department all or any of the powers conferred upon him by this Act other than the power to make regulations and the powers conferred upon him by section 7 (3) and (4).

(2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

Repeal of laws.

31. (1) The Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), the Architects Ordinance, 1952 (Ordinance No. 38 of 1952), and the Architects Amendment Ordinance (Ordinance No. 12 of 1955), of South-West Africa are hereby repealed.

(2) All assets, rights, liabilities and obligations, immediately prior to the commencement of this Act, of the Institute of South African Architects, of the Institutes of Architects of the Provinces of the Cape of Good Hope, Natal, the Orange Free State and the Transvaal, and of the Chapter of South African Quantity Surveyors shall, in the case of each of these bodies, devolve, as from a date agreed upon by the persons who were immediately prior to the commencement of this Act members of each such body but not later than twelve months after such commencement, upon the person or persons agreed upon by such members.

(3) If such members fail so to agree, such assets, rights, liabilities and obligations shall devolve, as from a date fixed by a person designated by the Minister, upon the person or persons determined by the said person so designated.

(4) The provisions of subsections (2) and (3) shall apply *mutatis mutandis* in respect of the assets, rights, liabilities and obligations of The Institute of South West African Architects immediately prior to the commencement of this Act.

Application of Act to South-West Africa.

32. This Act and any amendment thereof shall apply also in the territory of South-West Africa.

Short title and commencement.

33. This Act shall be called the Architects' Act, 1969, and shall, subject to the provisions of sections 4 (3) and 13 (4), come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

29. Geen regsgeding, hetsy straf- of sivilregtelik, kan teen die raad of 'n lid of 'n amptenaar daarvan ten opsigte van 'n handeling of plig ooreenkomstig die bepalings van artikel 23, 24 of 25 verrig, ingestel word nie. Aanspreeklikheid van raad.

30. (1) Die Minister kan skriftelik onder sy handtekening aan die Sekretaris of aan 'n ander senior beampte van die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdhede by artikel 7 (3) en (4) aan hom verleen, deleger. Delegering van bevoegdhede.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister self nie.

31. (1) Die Argitekte en Kwantiteitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), die Argitekte-Ordonnansie, 1952 (Ordonnansie No. 38 van 1952), en die Argitekte-Wysigingsordonnansie, 1955 (Ordonnansie No. 12 van 1955), van Suidwes-Afrika word hierby herroep. Herroeping van wette.

(2) Alle bates, regte, laste en verpligtings wat onmiddellik voor die inwerkingtreding van hierdie Wet by die Instituut van Suid-Afrikaanse Argitekte, die Instituut van Argitekte van die Provinsies die Kaap die Goeie Hoop, Natal, Oranje-Vrystaat en Transvaal en die Tak van Suid-Afrikaanse Kwantiteitsopnemers berus het, gaan in die geval van elk van hierdie liggame vanaf 'n datum waarop daarop ooreengekom word deur die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van elke sodanige liggaam was maar nie later as twaalf maande na sodanige inwerkingtreding nie, oor op die persoon of persone omtrent wie sodanige lede ooreenkom.

(3) Indien sodanige lede in gebreke bly om aldus ooreen te kom, gaan sodanige bates, regte, laste en verpligtings vanaf 'n datum vasgestel deur iemand deur die Minister aangewys, op die persoon of persone deur genoemde persoon aldus aangewys, bepaal, oor.

(4) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die bates, regte, laste en verpligtings wat onmiddellik voor die inwerkingtreding van hierdie Wet by die Instituut van Suidwes-Afrikaanse Argitekte berus het.

32. Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing. Toepassing van Wet op Suidwes-Afrika.

33. Hierdie Wet heet die Wet op Argitekte, 1969, en tree in werking, behoudens die bepalings van artikels 4 (3) en 13 (4), op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal. Kort titel en inwerkingtreding.

BILL

To provide for the establishment of a South African Council for Quantity Surveyors, for the registration of quantity surveyors and quantity surveyors in training, and for incidental matters.

(To be introduced by the MINISTER OF PUBLIC WORKS.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "council" means the South African Council for Quantity Surveyors established by section 2; (ix)
- (ii) "department" means the Department of Public Works; (v)
- (iii) "Education Advisory Committee" means the Education Advisory Committee for Quantity Surveyors established in terms of section 11; (i)
- (iv) "in the service of the State" means in the fulltime employment of the Government, including any Provincial Administration, the South-West Africa Administration, the South African Railways and Harbours Administration and the Department of Posts and Telegraphs; (vii)
- (v) "Minister" means the Minister of Public Works; (viii)
- (vi) "prescribed" means prescribed by or under this Act; (xv)
- (vii) "quantity surveyor" means a person registered as a quantity surveyor in terms of any provision of section 18; (ii)
- (viii) "quantity surveyor in training" means a person registered as a quantity surveyor in training in terms of any provisions of section 18; (iii)
- (ix) "quantity surveyors' association" means any association of quantity surveyors established for the purpose of furthering the interests of the quantity surveyors' profession and which has been recognized under section 7 (3) (a); (iv)
- (x) "register", when used as a noun, means the register referred to in section 7 (2); (x)
- (xi) "registrar" means the person appointed as registrar under section 7 (1) (a); (xi)
- (xii) "regulation" means a regulation made and in force under this Act; (xii)
- (xiii) "Republic" includes the territory of South-West Africa; (xiii)

WETSONTWERP

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Bourekenaars, vir die registrasie van bourekenaars en bourekenaars-in-opleiding, en vir bykomstige aangeleenthede.

(Deur die MINISTER VAN OPENBARE WERKE ingedien te word.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie **Woordomskrywing**.
Wet—

- (i) „Adviserende Onderwyskomitee” die Adviserende Onderwyskomitee vir Bourekenaars ingevolge artikel 11 ingestel; (iii)
- (ii) „bourekenaar” iemand wat as 'n bourekenaar geregistreer is ingevolge 'n bepaling van artikel 18; (vii)
- (iii) „bourekenaar-in-opleiding” iemand wat as 'n bourekenaar-in-opleiding geregistreer is ingevolge 'n bepaling van artikel 18; (viii)
- (iv) „bourekenaarsvereniging”, 'n vereniging van bourekenaars gestig met die doel om die belange van die bourekenaarsberoep te bevorder en kragtens artikel 7 (3) (a) erken; (ix)
- (v) „departement” die Departement van Openbare Werke; (ii)
- (vi) „hierdie Wet” ook 'n regulasie, kennisgewing, bevel of reël kragtens hierdie Wet uitgevaardig of uitgereik; (xv)
- (vii) „in diens van die Staat” in die voltydse diens van die Regering, met inbegrip van 'n Provinsiale Administrasie, die Suidwes-Afrika-administrasie, die Suid-Afrikaanse Spoorweë- en Hawensadministrasie en die Departement van Pos- en Telegraafwese; (iv)
- (viii) „Minister” die Minister van Openbare Werke; (v)
- (ix) „raad” die Suid-Afrikaanse Raad vir Bourekenaars by artikel 2 ingestel; (i)
- (x) „register” die in artikel 7 (2) bedoelde register; (x)
- (xi) „registrateur” die persoon wat kragtens artikel 7 (1) (a) as registrateur aangestel is; (xi)
- (xii) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xii)
- (xiii) „Republiek” ook die gebied Suidwes-Afrika; (xiii)

(xiv) "Secretary" means the Secretary for Public Works;
(xiv)

(xv) "this Act" includes any regulation, notice, order or rule made or issued under this Act. (vi)

Establishment of
the South African
Council for
Quantity
Surveyors.

2. There is hereby established a council to be known as the South African Council for Quantity Surveyors, which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Act.

Constitution of
council and
first meeting.

3. (1) The council shall consist of the following members to be appointed by the Minister, namely—

- (a) not more than twelve persons who shall, subject to the provisions of subsections (2) and (4), be selected by the Minister from among persons nominated by the various quantity surveyors' associations on such basis as the Minister may determine with due regard to the membership of each such association;
- (b) two persons who shall be professors or lecturers in quantity surveying at a university in the Republic, selected by the Minister from a list of persons nominated by the senates of universities in the Republic which have departments, schools or faculties of quantity surveying;
- (c) one person selected by the Minister from among persons in the service of the State; and
- (d) two persons selected by the Minister on the grounds that by virtue of their knowledge and experience of public affairs and the industrial requirements of the country, they are particularly suited to judge how the public interest in so far as it is affected by the quantity surveyors' profession can best be safeguarded or promoted, and of whom one shall be specially selected by reason of his knowledge of the law as it relates to the practice of quantity surveying.

(2) When the council is constituted in terms of subsection (1) for the first time, the members thereof to be selected in terms of subsection (1) (a) shall be selected by the Minister from among the persons enrolled immediately prior to the commencement of this Act as members of the Chapter of South African Quantity Surveyors in terms of the Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), or the persons registered immediately prior to such commencement as members of The Institute of South West African Quantity Surveyors in terms of the Quantity Surveyors Ordinance, 1959 (Ordinance No. 36 of 1959), of South-West Africa.

(3) Whenever any nomination in terms of subsection (1) (a) or (b) becomes necessary, the Minister shall, subject to the provisions of subsection (4), call upon or cause to be called upon the body concerned, by notice in writing, to nominate within a period specified in the notice, being not less than sixty days from the date thereof, so many persons as the Minister may require to be nominated for appointment to the council.

(4) Whenever any nomination in terms of subsection (1) (a) becomes necessary and there is no quantity surveyors' association in existence, the Minister may appoint to be members of the council in terms of that subsection such quantity surveyors as he may deem suitable, up to the number required.

(5) If after having been called upon by notice in terms of subsection (3) the body concerned fails to nominate, within the period specified in that notice, so many persons as were in terms of such notice required to be nominated, the Minister may appoint such persons who hold the qualifications necessary for appointment, including any person who may have

- (xiv) „Sekretaris” die Sekretaris van Openbare Werke;
(xiv)
- (xv) „voorgeskrif” by of kragtens hierdie Wet voorgeskryf. (vi)

2. Hierby word 'n raad ingestel, bekend as die Suid-Afrikaanse Raad vir Bourekenaars, wat met regspersoonlikheid bekleed is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet.

Instelling van die Suid-Afrikaanse Raad vir Bourekenaars.

3. (1) Die raad bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik—

Samestelling van raad en eerste vergadering.

- (a) hoogstens twaalf persone wat, behoudens die bepalings van subartikels (2) en (4), deur die Minister vanuit persone wat genomineer moet word deur die onderskeie bourekenaarsverenigings, gekies moet word op die grondslag wat die Minister met inagneming van die ledetal van elke sodanige vereniging vasstel;
- (b) twee persone wat professore of lektore in bourekening aan 'n universiteit in die Republiek moet wees en wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die senate van die universiteite in die Republiek waaraan departemente, skole of fakulteite van bourekening verbonde is;
- (c) een persoon wat deur die Minister gekies moet word vanuit persone in diens van die Staat; en
- (d) twee persone wat deur die Minister gekies moet word op grond daarvan dat hulle uit hoofde van hul kennis en ervaring betreffende openbare aangeleenthede en die nywerheidsbehoefte van die land, uitnemend geskik is om te oordeel hoe die openbare belang, vir sover dit deur die bourekenaarsberoep geraak word, op die beste wyse beskerm of bevorder kan word, en van wie een spesiaal gekies moet word op grond van sy kennis van die reg soos dit op die praktyk van die bourekening betrekking het.

(2) Wanneer die raad ingevolge subartikel (1) vir die eerste keer saamgestel word, moet sy lede wat ingevolge subartikel (1) (a) gekies moet word, deur die Minister gekies word vanuit die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Argitekte en Kwantiteitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), op die lys geplaas was as lede van die Tak van Suid-Afrikaanse Kwantiteitsopnemers, of die persone wat onmiddellik voor sodanige inwerkingtreding ingevolge die Ordonnansie op Bourekenaars, 1959 (Ordonnansie No. 36 van 1959), van Suidwes-Afrika as lede van die Instituut van Suidwes-Afrikaanse Bourekenaars geregistreer was.

(3) Wanneer 'n nominasie ingevolge subartikel (1) (a) of (b) nodig word, moet die Minister, behoudens die bepalings van subartikel (4) die betrokke liggaam deur skriftelike kennisgewing aansê of laat aansê om, binne 'n tydperk in die kennisgewing vermeld maar minstens sestig dae vanaf die datum van die kennisgewing, soveel persone te nomineer as wat die Minister vir aanstelling in die raad genomineer wil hê.

(4) Wanneer 'n nominasie ingevolge subartikel (1) (a) nodig word en daar geen bourekenaarsvereniging bestaan nie, kan die Minister die bourekenaars wat hy geskik ag, tot die vereiste getal aanstel om ingevolge daardie subartikel lede van die raad te wees.

(5) Indien die betrokke liggaam in gebreke bly om, na aansegging deur kennisgewing soos in subartikel (3) bepaal, binne die tydperk in die kennisgewing vermeld soveel persone te nomineer as wat volgens die kennisgewing genomineer moes word, kan die Minister die persone wat die kwalifikasies nodig vir aanstelling besit, met inbegrip van iemand wat

been nominated, as he may deem suitable, up to the number required, to be members of the council in terms of the subsection concerned.

(6) For every member of the council appointed in terms of subsection (1) (a), (1) (b), (2), (4) or (5), there shall be an alternate member appointed in the same manner as such member, and the member of the council referred to in subsection (1) (c) may, with the consent of the Minister, designate a person in the service of the State to act in his stead as an alternate member of the council, and any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(7) The name of every person appointed as a member of the council and of every person appointed as an alternate to any member, together with the date from which the appointment takes effect and the period for which such appointment has been made, shall be notified in the *Gazette*.

(8) No decision taken by the council, or act performed under the authority of the council, shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

(9) The first meeting of the council shall be held at a time and place to be fixed by the Minister.

Qualifications of members of council and circumstances under which they vacate office.

4. (1) No person shall be appointed—

- (a) as a member of the council in terms of section 3 (1), (2), (4) or (5), or as an alternate to any such member in terms of section 3 (6), unless he is a South African citizen;
- (b) as a member of the council in terms of section 3 (1) (a), (b) or (c), (4) or (5), or as an alternate to any such member in terms of section 3 (6), unless he is a quantity surveyor; or
- (c) as a member of the council in terms of section 3 (1) (a), or as an alternate to any such member in terms of section 3 (6), unless he is a member of the body by which he was nominated.

(2) A member of the council shall vacate his office—

- (a) if he signifies in writing his wish to resign and his resignation is accepted by the Minister;
- (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
- (c) if he is declared by a competent court to be of unsound mind;
- (d) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Minister not a fit person to be a member of the council;
- (f) if he is disqualified under this Act from carrying on his profession;
- (g) if he has been absent from three consecutive meetings of the council without its leave;
- (h) if he was appointed in terms of section 3 (1) (a) and ceases to be a member of the body by which he was nominated;
- (i) if he was appointed in terms of section 3 (1) (a), (b) or (c), (4) or (5), and ceases to be a quantity surveyor;
- (j) at the expiration of a period of six months after the commencement of this Act, if he was appointed in terms of section 3 (2) and has failed to apply, within that period, for registration as a quantity surveyor in terms of section 18 (4); or

genomineer is, en wat hy geskik ag, tot die vereiste getal aanstel om ingevolge die betrokke subartikel lede van die raad te wees.

(6) Vir elke lid van die raad ingevolge subartikel (1) (a) of (b), (2), (4) of (5) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en die in subartikel (1) (c) bedoelde lid van die raad kan, met toestemming van die Minister, 'n persoon in diens van die Staat aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree, en 'n plaasvervangende lid aldus aangestel of aangewys kan 'n vergadering van die raad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.

(7) Die naam van elke persoon as lid van die raad aangestel, en van elke persoon as plaasvervanger van 'n lid aangestel, en die datum vanaf wanneer die aanstelling geld en die tydperk waarvoor sodanige aanstelling gedoen is, moet in die *Staatskoerant* afgekondig word.

(8) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as 'n raadslid sitting te neem nie, as 'n raadslid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(9) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel.

4. (1) Niemand word aangestel—

- (a) as 'n lid van die raad ingevolge artikel 3 (1), (2), (4) of (5), of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n Siud-Afrikaanse burger is;
- (b) as 'n lid van die raad ingevolge artikel 3 (1) (a), (b) of (c), (4) of (5), of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n bourekenaar is; of
- (c) as 'n lid van die raad ingevolge artikel 3 (1) (a) of as 'n plaasvervanger van so 'n lid ingevolge artikel 3 (6) nie, tensy hy 'n lid is van die liggaam deur wie hy genomineer is.

Kwaliifikasies
 van raadslede
 en omstandighede
 waaronder hulle
 hul amp ontruim.

(2) 'n Lid van die raad ontruim sy amp—

- (a) as hy skriftelik kennis gee van sy wens om te bedank en sy bedanking deur die Minister aanvaar word;
- (b) as hy insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (c) as 'n bevoegde hof verklaar dat hy in sy geestesvermoë gekrenk is;
- (d) as hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (e) as hy weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word of as hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister nie 'n geskikte persoon is om 'n lid van die raad te wees nie;
- (f) as hy kragtens hierdie Wet onbevoeg verklaar word om sy beroep te beoefen;
- (g) as hy sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (h) as hy ingevolge artikel 3 (1) (a) aangestel is en hy ophou om 'n lid te wees van die liggaam deur wie hy genomineer is;
- (i) as hy ingevolge artikel 3 (1) (a), (b) of (c), (4) of (5) aangestel is en hy ophou om 'n bourekenaar te wees;
- (j) by verstryking van 'n tydperk van ses maande na die inwerkingtreding van hierdie Wet, indien hy ingevolge artikel 3 (2) aangestel is en versuim het om binne daardie tydperk om registrasie as 'n bourekenaar, ingevolge artikel 18 (4), aansoek te doen; of

- (k) if he was appointed in terms of section 3 (1) (b) or (c) and ceases to be a professor or lecturer in quantity surveying at a university or ceases to be a person in the service of the State, as the case may be.

(3) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

Tenure of office of members of council.

5. (1) Every member of the council (not being a member appointed in terms of section 3 (1) (c), who shall hold office during the Minister's pleasure) shall be appointed for a period of three years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Whenever a member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(3) Any person whose period of office as a member of the council has expired by effluxion of time, shall be eligible for re-appointment.

President and vice-president of council.

6. (1) The members of the council shall at the first meeting of every newly constituted council, out of their number elect a president and a vice-president of the council and the president and the vice-president shall hold office during the term of office of the council.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president, as the case may be, of the council.

(3) If for any reason the president is not able to act, the vice-president, if able to do so, shall act in his stead.

(4) If the president and the vice-president are absent from any meeting of the council or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the president or vice-president resumes duty, perform all the duties of the president.

(5) A member of the council appointed in terms of section 3 (1) (d) shall not be elected president or vice-president of the council or preside at any meeting thereof.

General powers of council and powers of the Minister in regard to certain matters in respect of which the council has made recommendations.

7. (1) The council shall have the power—

- (a) to appoint and remunerate a registrar (who shall also act as secretary to the council) and other officials and to determine their duties and responsibilities;
- (b) subject to the provisions of this Act, to determine the procedure at meetings of the council or any committee of the council or the Education Advisory Committee and the manner in which minutes of the meetings shall be kept;
- (c) subject to the provisions of section 10 (2), to consider and give its final decisions on recommendations of a committee of the council or the Education Advisory Committee;
- (d) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions;
- (e) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;
- (f) to collect the funds of the council and, subject to the provisions of paragraph (d), to invest and deal with them by placing them or any portion thereof on fixed deposit or in a savings account with the National Finance Corporation of South Africa, any

- (k) as hy ingevolge artikel 3 (1) (b) of (c) aangestel is en hy ophou om 'n professor of lektor in bourekening aan 'n universiteit te wees of ophou om 'n persoon in diens van die Staat te wees, na gelang van die geval.

(3) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

5. (1) Elke lid van die raad (uitgesonderd 'n ingevolge artikel (3) (1) (c) aangestelde lid, wat sy amp beklee solank dit die Minister behaag) word aangestel vir 'n tydperk van drie jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

Ampsduur van raadslede.

(2) Wanneer 'n lid van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, met inagneming van die toepaslike bepalings van artikel 3, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is.

(3) Iemand wie se ampstermyn as lid van die raad by tydsverloop verstryk het, kan weer aangestel word.

6. (1) Die lede van die raad kies op die eerste vergadering van elke nuut-saamgestelde raad, uit hul midde 'n president en 'n vise-president van die raad en die president en die vise-president beklee hulle amp gedurende die ampsduur van die raad.

President en vise-president van raad.

(2) Indien die president of die vise-president van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word 'n ander lid van die raad as president of vise-president, na gelang van die geval, behoudens die bepalings van subartikel (1), gekies.

(3) Indien die president om die een of ander rede nie kan optree nie, moet die vise-president, indien hy dit kan doen, in sy plek optree.

(4) Indien die president en die vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit kan gedurende daardie vergadering en totdat die president of vise-president sy ampspligte hervat, al die pligte van die president verrig.

(5) 'n Lid van die raad wat ingevolge artikel 3 (1) (d) aangestel is, kan nie tot president of vise-president van die raad gekies word of op 'n raadsvergadering voorsit nie.

7. (1) Die raad het die bevoegdheid—

- (a) om 'n registrateur (wat ook as sekretaris vir die raad moet optree) en ander amptenare aan te stel en te besoldig en om hul pligte en verantwoordelikhede te bepaal;
- (b) om, behoudens die bepalings van hierdie Wet, die prosedure op vergaderings van die raad of 'n komitee van die raad of die Adviserende Onderwyskomitee en die wyse waarop notule van die verrigtinge gehou moet word, te bepaal;
- (c) om, behoudens die bepalings van artikel 10 (2), die aanbevelings van 'n komitee van die raad of die Adviserende Onderwyskomitee te oorweeg en finaal daaroor te besluit;
- (d) om die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede aan te skaf of te huur;
- (e) om kontrakte aan te gaan en om te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (f) om die fondse van die raad in te samel en, behoudens die bepalings van paragraaf (d), te belê en daarmee te handel deur dit of 'n gedeelte daarvan op vaste deposito of spaarrekening te plaas by die Nasionale Finansiële korporasie van Suid-Afrika, 'n handelsbank

Algemene bevoegdhede van raad en bevoegdhede van die Minister betreffende sekere aangeleenthede ten opsigte waarvan die raad aanbevelings gemaak het.

commercial bank registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), any building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;

- (g) to prescribe the manner in which an applicant shall apply for registration as a quantity surveyor or a quantity surveyor in training, to prescribe the fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as a quantity surveyor or as a quantity surveyor in training and to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable;
 - (h) subject to the provisions of this Act, to consider and decide upon any application for registration as a quantity surveyor or as a quantity surveyor in training;
 - (i) to decide upon the form of the register and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;
 - (j) to recommend to the Minister the requirements with which an association of quantity surveyors shall comply in order to qualify for recognition as a quantity surveyors' association for the purposes of this Act, to consider any application for such recognition and to submit a recommendation thereon to the Minister;
 - (k) to recommend to the Minister the minimum fees which shall be chargeable by a quantity surveyor for his professional services;
 - (l) to recommend to the Minister the kinds of work in connection with projects, undertakings or services of a quantity surveying nature which shall be reserved for quantity surveyors;
 - (m) subject to the provisions of this Act, to determine the method of enquiry into allegations of improper conduct of which any quantity surveyor or quantity surveyor in training is alleged to have been guilty;
 - (n) to take any steps which it may consider expedient for the protection of the public in dealings with quantity surveyors, for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of professional qualifications of quantity surveyors;
 - (o) to encourage research into matters relating to the quantity surveyors' profession and to give advice or render assistance to any educational institution, quantity surveyors' association or examining body in regard to educational facilities for and the training and education of prospective quantity surveyors;
 - (p) to finance, print, circulate and administer the publication of and generally to take any steps necessary to publish any publication relating to the quantity surveyors' profession and cognate matters;
 - (q) to advise the Minister on all matters relating to the quantity surveyors' profession and cognate matters; and
 - (r) to take such other action and do such other things as may be required for the proper performance of its functions and duties in terms of this Act.
- (2) Subject to the provisions of this Act, the council shall keep and maintain a register of quantity surveyors and quantity surveyors in training and such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the council may prescribe.

ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer, 'n bouvereniging ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer of die Hoofposkantoor;

- (g) om die wyse waarop 'n applikant aansoek moet doen om registrasie as 'n bourekenaar of 'n bourekenaar-in-opleiding voor te skryf, om die gelde wat aan die raad betaal moet word ten opsigte van so 'n registrasie en die jaargelde wat aan die raad betaal moet word deur 'n persoon solank hy as 'n bourekenaar of as 'n bourekenaar-in-opleiding geregistreer bly, voor te skryf en om dié gedeelte van sodanige jaargeld wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargeld of gedeelte daarvan betaalbaar word, te bepaal;
 - (h) om, behoudens die bepalings van hierdie Wet, 'n aansoek om registrasie as 'n bourekenaar of as 'n bourekenaar-in-opleiding te oorweeg en daaroor te besluit;
 - (i) om te besluit oor die vorm van die register en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daarop aangebring kan word;
 - (j) om by die Minister aan te beveel aan watter vereistes 'n vereniging van bourekenaars moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n bourekenaarsvereniging te kwalifiseer, om 'n aansoek om sodanige erkenning te oorweeg en 'n aanbeveling daaromtrent aan die Minister voor te lê;
 - (k) om by die Minister aan te beveel wat die minimum gelde moet wees waarop 'n bourekenaar vir sy professionele dienste geregtig is;
 - (l) om by die Minister aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste wat by die bourekenaarsberoep tuishoort, vir bourekenaars voorbehou moet word;
 - (m) om, behoudens die bepalings van hierdie Wet, die metode te bepaal waarvolgens klagtes van onbehoorlike gedrag waaraan 'n bourekenaar of bourekenaar-in-opleiding hom na bewering skuldig sou gemaak het, ondersoek moet word;
 - (n) om die stappe te doen wat hy raadsaam ag vir die beskerming van die publiek in hulle transaksies met bourekenaars, vir die handhawing van integriteit, die verhoging van die status en die verbetering van die standaard van professionele kwalifikasies van bourekenaars;
 - (o) om navorsing aangaande vraagstukke wat betrekking het op die bourekenaarsberoep aan te moedig en om aan enige opvoedkundige inrigting, bourekenaarsvereniging of eksaminerende liggaam advies te gee en hulp te verleen in verband met opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende bourekenaars;
 - (p) om enige publikasie met betrekking tot die bourekenaarsberoep en verwante aangeleenthede te finansier, te druk en te versprei en die publikasie daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer;
 - (q) om die Minister van advies te dien oor alle vraagstukke in verband met die bourekenaarsberoep en verwante aangeleenthede; en
 - (r) om die ander stappe te doen en die ander handelinge te verrig wat vir die behoorlike uitvoering van sy werksaamhede en pligte ingevolge hierdie Wet vereis word.
- (2) Die raad moet behoudens die bepalings van hierdie Wet, 'n register van bourekenaars en bourekenaars-in-opleiding hou en byhou en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die gelde wat die raad voorskryf.

(3) The Minister may, after consideration and approval of any relevant recommendation made by the council under subsection (1)—

- (a) (i) prescribe the requirements with which an association of quantity surveyors shall comply in order to qualify for recognition as a quantity surveyors' association for the purposes of this Act;
- (ii) consider any application for such recognition and grant the application of any such association which complies with the prescribed requirements;
- (b) prescribe the minimum fees which shall be chargeable by a quantity surveyor for his professional services;
- (c) prescribe the kinds of work in connection with projects, undertakings or services of a quantity surveying nature which shall be reserved for quantity surveyors.

(4) Before any provision is made by virtue of subsection (3) (c), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to take such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provisions: Provided that, if the Minister thereafter determines on any alteration in the provision published as aforesaid as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.

(5) Provisions made by virtue of subsection (3) (c) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

(6) Any provision made by virtue of subsection (1) (g) or any fees prescribed by virtue of subsection (1) or (2) shall be subject to the approval of the Minister, and any provision so made or fees so prescribed and any provision made by virtue of subsection (3) shall be made known by the Minister by notice in the *Gazette*.

Funds of council and the keeping and auditing of accounts.

8. (1) The funds of the council shall consist of the fees received by it in pursuance of any provision made under section 7, and such other moneys, including advances referred to in subsection (4), as may in terms of this Act from time to time become payable to the council.

(2) The council shall cause full and correct account to be kept of all moneys received or expended by it.

(3) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after such statement and balance sheet have been audited by an auditor appointed by the council, cause copies thereof to be transmitted to every member of the council and every quantity surveyors' association and cause a copy thereof to be open for inspection at its office by any quantity surveyor or quantity surveyor in training.

(4) (a) The Minister may, in consultation with the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to carry out its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, in consultation with the Minister of Finance, determine.

(3) Die Minister kan, na oorweging en goedkeuring van 'n ter sake dienende aanbeveling wat deur die raad kragtens subartikel (1) gedoen is—

- (a) (i) die vereistes voorskryf waaraan 'n vereniging van bourekenaars moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n bourekenaarsvereniging te kwalifiseer;
- (ii) 'n aansoek om sodanige erkenning oorweeg en die aansoek van enige sodanige vereniging wat aan die voorgeskrewe vereistes voldoen, toestaan;
- (b) die minimum gelde voorgeskryf waarop 'n bourekenaar vir sy professionele dienste geregtig is;
- (c) die soorte werk in verband met projekte, ondernemings of dienste wat by die bourekenaarsberoep tuishoort, voorskryf wat vir bourekenaars gereserveer word.

(4) Voordat enige voorsiening kragtens subartikel (3) (c) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en dat belanghebbende persone uitgenooi word om besware teen of vertoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat, indien die Minister daarna op enige verandering van die soos voormeld gepubliseerde voorsiening besluit as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik kragtens hierdie artikel gemaak word nie.

(5) Voorsienings wat kragtens subartikel (3) (c) gemaak word, kan voorsiening maak vir die uitsluiting daarvan van werk wat gedoen word onder vermelde omstandighede of vir vermelde doeleindes of deur of vir vermelde persone of klasse persone of binne of buite vermelde gebiede of klasse gebiede.

(6) Enige voorsiening wat kragtens subartikel (1) (g) gemaak, of gelde wat kragtens subartikel (1) of (2) voorgeskryf, word, is onderworpe aan die goedkeuring van die Minister, en enige voorsiening aldus gemaak of gelde aldus voorgeskryf en enige voorsiening wat kragtens subartikel (3) gemaak word, word deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak.

8. (1) Die fondse van die raad bestaan uit die gelde deur hom ontvang uit hoofde van enige voorsiening kragtens artikel 7 gemaak, en die ander bedrae, insluitende voorskotte in subartikel (4) bedoel, wat van tyd tot tyd kragtens hierdie Wet aan die raad betaalbaar word.

Fondse van raad en die hou en ouditering van rekenings.

(2) Die raad laat volledig en juis rekening hou van alle gelde wat hy ontvang of uitgee.

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar, en 'n balansstaat aantonende sy geldelike toestand aan die eindie van daardie boekjaar, laat opstel, en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n ouditeur wat die raad aanstel, afskrifte daarvan laat stuur aan elke lid van die raad en elke bourekenaarsvereniging en 'n afskrif daarvan by sy kantoor ter insae van enige bourekenaar of bourekenaaropleiding laat lê.

(4) (a) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde deur die Parlement bewillig, die bedrae aan die raad voorskiet wat hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig.

(b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, in oorleg met die Minister van Finansies, bepaal.

Reports to
the Minister.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 8 (3) in respect of that financial year and a list of quantity surveyors whose names appear on the register on the last day of that financial year.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which in the opinion of the council should be brought to the Minister's notice.

(3) The council shall at the request of the Minister or the Secretary furnish to the Minister or the Secretary advice on matters in connection with the quantity surveyors' profession or cognate matters, and shall communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public import.

(4) The Minister shall lay copies of every report submitted to him in terms of subsection (1), together with the annexures thereto, upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Committees of
Council.

10. (1) (a) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members as it may deem fit to be members of any such committee.

(b) One of the members of a committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision of any such committee: Provided that if the council has assigned to a committee the power to determine whether or not any person shall be registered as a quantity surveyor or as a quantity surveyor in training, or the power to cancel the registration of any person as a quantity surveyor or as a quantity surveyor in training, or the power to enquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 23, the council shall not amend or withdraw any decision arrived at or anything done by such committee under the power so assigned.

(3) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned to a committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(4) The provisions of section 3 (8) shall apply *mutatis mutandis* in respect of a committee of the council.

Establishment of
Education
Advisory
Committee.

11. The Minister shall establish a committee to be known as the Education Advisory Committee for Quantity Surveyors.

Constitution
of Education
Advisory
Committee.

12. (1) The Education Advisory Committee shall consist of the following members to be appointed by the Minister, namely—

(a) a representative of each university in the Republic which has a department, school or faculty of quantity surveying, which representative shall be a professor or lecturer in quantity surveying at such university and shall be nominated by the senate of such university;

(b) two persons, who shall be nominated by the Minister of National Education; and

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, tesame met 'n afskrif van die in artikel 8 (3) bedoelde geouditeerde staat van inkomste en uitgawes en balansstaat ten opsigte van daardie boekjaar en 'n lys van bourekenaars wie se name op die laaste dag van daardie boekjaar in die register verskyn.

Verslae aan die Minister.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Die raad moet op versoek van die Minister of die Sekretaris aan die Minister of die Sekretaris advies verstrek oor vraagstukke in verband met die bourekenaarsberoep of aan verwante aangeleenthede, en moet inligting wat die raad tydens die verrigting van sy pligte bekom omtrent aangeleenthede wat hy van openbare belang ag, aan die Minister meedeel.

(4) Die Minister moet afskrifte van elke verslag wat ingevolge subartikel (1) aan hom voorgelê word, tesame met die aanhangsels daarby, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

10. (1) (a) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan en kan daardie lede van die raad aanstel wat hy goedvind om lede van so 'n komitee te wees.

Komitees van raad.

(b) Een van die lede van 'n komitee word deur die raad aangewys as voorsitter van die komitee.

(2) Die raad kan na goeë dunde van sy bevoegdheid aan 'n komitee wat aldus ingestel is, opdra, maar word nie onthef nie van 'n bevoegdheid wat hy aan 'n komitee opgedra het, en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat indien die raad aan 'n komitee die bevoegdheid opgedra het om te bepaal of iemand as 'n bourekenaar of as 'n bourekenaar-in-opleiding geregistreer moet word al dan nie, of die bevoegdheid om die registrasie van iemand as 'n bourekenaar of as 'n bourekenaar-in-opleiding in te trek, of die bevoegdheid om ooreenkomstig die bepalings van artikel 23 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, die raad nie 'n besluit of iets wat kragtens die bevoegdheid aldus opgedra, deur sodanige komitee geneem of gedoen is, kan wysig of intrek nie.

(3) 'n Verwysing in hierdie Wet na die raad of die president bevoegdheid wat die raad aan 'n komitee opgedra het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(4) Die bepalings van artikel 3 (8) is *mutatis mutandis* ten opsigte van 'n komitee van die raad van toepassing.

11. Die Minister stel 'n komitee met die naam die Advise-rende Onderwyskomitee vir Bourekenaars in.

Instelling van Adviserende Onderwyskomitee.

12. (1) Die Adviserende Onderwyskomitee bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik—

Samestelling van Adviserende Onderwyskomitee.

(a) 'n verteenwoordiger van elke universiteit in die Republiek waaraan 'n departement, skool of fakulteit van bourekening verbonde is, welke verteenwoordiger 'n professor of lektor in bourekening aan daardie universiteit moet wees en genomineer moet word deur die Senaat van daardie universiteit;

(b) twee persone, wat genomineer moet word deur die Minister van Nasionale Opvoeding; en

- (c) five persons, who shall be selected by the Minister from a list of persons nominated by the quantity surveyors' associations or, if there is no such association in existence, who are deemed suitable by the Minister.

(2) For every member of the Education Advisory Committee appointed in terms of subsection (1), there shall be an alternate member appointed in the same manner as such member.

(3) The provisions of section 3 (3) and (5) shall apply *mutatis mutandis* in respect of the appointment of a member of the Education Advisory Committee referred to in subsection (1) (a) or (c) and the provisions of section 3 (7) shall apply *mutatis mutandis* in respect of every person appointed as a member of the Education Advisory Committee and every person appointed as an alternate to such a member.

Qualifications of members of Education Advisory Committee and circumstances under which they vacate office.

13. (1) No person shall be appointed as a member of the Education Advisory Committee in terms of section 12 (1), or as an alternate to any such member in terms of section 12 (2), unless he is—

- (a) a South African citizen; and
(b) except in the case of an appointment in terms of section 12 (1) (b), a quantity surveyor.

(2) A member of the Education Advisory Committee shall vacate his office—

- (a) if, having been appointed in terms of section 12 (1) (a), he ceases to be a professor or lecturer in quantity surveying at the university concerned;
(b) if he was appointed in terms of section 12 (1) (c) by being selected from the list mentioned therein and ceases to be a member of the body by which he was nominated; or
(c) if he was appointed in terms of section 12 (1) (a) or (c) and ceases to be a quantity surveyor,

and the provisions of section 4 (2) (a) to (g), inclusive, shall apply *mutatis mutandis* in respect of any such member.

(3) The provisions of section 3 (8) shall apply *mutatis mutandis* in respect of the Education Advisory Committee.

(4) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

Tenure of office of members of Education Advisory Committee.

14. (1) A member of the Education Advisory Committee (not being a member appointed in terms of section 12 (1) (b), who shall hold office during the Minister's pleasure) shall be appointed for such period as the Minister may determine at the time of the appointment.

(2) Any person whose period of office as a member of the Education Advisory Committee has expired by effluxion of time, shall be eligible for reappointment.

Chairman of Education Advisory Committee.

15. (1) The members of the Education Advisory Committee shall at the first meeting thereof and thereafter as the occasion arises, out of their number elect a chairman thereof and any person so elected shall hold office as such until the expiration of the period for which he was appointed a member of the Committee or until he ceases to be a member thereof, whichever event first occurs.

(2) If the chairman of the Education Advisory Committee vacates his office before the expiration of the period for which he was appointed a member thereof, another member thereof shall, subject to the provisions of subsection (1), be elected chairman in his place.

(3) If the chairman is absent from any meeting of the Education Advisory Committee or is not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

- (c) vyf persone wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die bourekenaarsverenigings of, indien daar geen sodanige vereniging bestaan nie, wat deur die Minister geskik geag word.
- (2) Vir elke lid van die Adviserende Onderwyskomitee ingevolge subartikel (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word.
- (3) Die bepalinge van artikel 3 (3) en (5) is *mutatis mutandis* van toepassing ten opsigte van die aanstelling van 'n in subartikel 1 (a) of (c) bedoelde lid van die Adviserende Onderwyskomitee en die bepalinge van artikel 3 (7) is *mutatis mutandis* van toepassing ten opsigte van elke persoon wat as lid van die Adviserende Onderwyskomitee en elke persoon wat as plaasvervanger van so 'n lid aangestel word.

13. (1) Niemand word aangestel as 'n lid van die Adviserende Onderwyskomitee ingevolge artikel 12 (1) of as 'n plaasvervanger van so 'n lid ingevolge artikel 12 (2) nie, tensy hy—

Kwalifikasies van lede van Adviserende Onderwyskomitee en omstandighede waaronder hulle hul amp ontruim.

- (a) 'n Suid-Afrikaanse Burger is; en
- (b) behalwe in die geval van 'n aanstelling ingevolge artikel 12 (1) (b), 'n bourekenaar is.
- (2) 'n Lid van die Adviserende Onderwyskomitee ontruim sy amp—
- (a) as hy, indien hy ingevolge artikel 12 (1) (a) aangestel is, ophou om 'n professor of lektor in bourekening aan die betrokke universiteit te wees;
- (b) as hy ingevolge artikel 12 (1) (c) aangestel is deur gekies te word uit die daarin bedoelde lys en ophou om 'n lid te wees van die liggaam deur wie hy genomineer is; of
- (c) as hy ingevolge artikel 12 (1) (a) of (c) aangestel is en hy ophou om 'n bourekenaar te wees, en die bepalinge van artikel 4 (2) (a) tot en met (g) is *mutatis mutandis* ten opsigte van so 'n lid van toepassing.
- (3) Die bepalinge van artikel 3 (8) is *mutatis mutandis* ten opsigte van die Adviserende Onderwyskomitee van toepassing.
- (4) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

14. (1) 'n Lid van die Adviserende Onderwyskomitee (uitgesonderd 'n ingevolge artikel 12 (1) (b) aangestelde lid, wat sy amp bekleed solank dit die Minister behaag) word aangestel vir die tydperk wat die Minister ten tyde van die aanstelling bepaal.

Ampsduur van lede van Adviserende Onderwyskomitee.

(2) Iemand wie se ampstermyn as lid van die Adviserende Onderwyskomitee by tydsverloop verstryk het, kan weer aangestel word.

15. (1) Die lede van die Adviserende Onderwyskomitee kies op die eerste vergadering daarvan, en daarna wanneer dit nodig word, een uit hul midde as voorsitter daarvan en 'n aldus gekose persoon bekleed sy amp as sodanig totdat die tydperk waarvoor hy aangestel is as lid van die Komitee verstryk, of totdat hy ophou om 'n lid daarvan te wees, na gelang van watter gebeurtenis eerste voorval.

Voorsitter van Adviserende Onderwyskomitee.

(2) Indien die voorsitter van die Adviserende Onderwyskomitee sy amp ontruim voor die verstryking van die tydperk waarvoor hy as 'n lid daarvan aangestel is, word, behoudens die bepalinge van subartikel (1), 'n ander lid daarvan in sy plek as voorsitter gekies.

(3) Indien die voorsitter van 'n vergadering van die Adviserende Onderwyskomitee afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

Appointment
of members of
Education
Advisory
Committee in
other capacities.

16. Nothing in this Act contained shall be construed as precluding a member of the Education Advisory Committee from being appointed or from serving as—

- (a) a member of the council or as an alternate to such a member; or
- (b) a member of a committee of the council.

Functions of
Education
Advisory
Committee.

17. It shall be the function of the Education Advisory Committee to assist the council generally in the performance of its functions and duties in terms of this Act and to enquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the Committee either specifically or generally and more particularly in regard to the matters referred to in section 7 (1) (b), (f), (l), (n), (o), (p), (q), (r) and sections 18 (2) (b), 18 (6) (c) (ii) and 19.

Registration
of quantity
surveyors and
quantity
surveyors in
training.

18. (1) Any person who desires to be registered as a quantity surveyor or as a quantity surveyor in training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(2) If after consideration of any such application the council is satisfied that the applicant—

- (a) is not less than twenty-one years of age and is ordinarily resident in the Republic; and
- (b) has passed the prescribed examination or any examination recognized by the council for the purposes of this paragraph; and
- (c) has, during a period of not less than three years after having passed the examination referred to in paragraph (b), performed work of a kind prescribed under section 7 (3) (c) under the direction and control of a quantity surveyor, or quantity surveying work under the direction and control of a quantity surveyor which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (7), register the applicant as a quantity surveyor and issue to him a certificate of registration in the prescribed form.

(3) (a) If after consideration of any such application the council is satisfied that the applicant complies with the requirements mentioned in subsection (2) (a) and (b) but not with the requirements mentioned in subsection (2) (c), the council shall register the applicant as a quantity surveyor in training and issue to him a certificate of registration to that effect in the prescribed form.

(b) Whenever any person who is registered as a quantity surveyor in training in terms of paragraph (a) has complied with the requirement mentioned in subsection (2) (c), the council shall, subject to the provisions of subsection (7), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (2).

(4) Any person who immediately prior to the commencement of this Act was enrolled as a quantity surveyor in terms of the Architects' and Quantity Surveyors' (Private) Act, 1927 (Act No. 18 of 1927), or was registered as a quantity surveyor in terms of the Quantity Surveyors Ordinance, 1959 (Ordinance No. 36 of 1959), of South-West Africa, shall be deemed to have complied with all the requirements for registration mentioned in subsection (2) and the council shall, upon application to it, register the applicant as a quantity surveyor and issue to him a certificate of registration to that effect in the prescribed form.

(5) No person shall be registered as a quantity surveyor by virtue of the provisions of subsection (4), unless he applied

16. Niks wat in hierdie Wet vervat is nie, word so uitgelê dat dit 'n lid van die Adviserende Onderwyskomitee belet om aangestel te word of te dien as—

Aanstelling van lede van Adviserende Onderwyskomitee in ander hoedanighede.

- (a) 'n lid van die raad of as 'n plaasvervanger van so 'n lid; of
- (b) 'n lid van 'n komitee van die raad.

17. Die funksie van die Adviserende Onderwyskomitee is om in die algemeen die raad by die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad in die verrigting van sy werksaamhede ingevolge hierdie Wet, hetsy spesifiek of in die algemeen, na die Komitee verwys en meer bepaald met betrekking tot die aangeleenthede in artikel 7 (1) (b), (i), (l), (n), (o), (p), (q), (r) en artikels 18 (2) (b), 18 (6) (c) (ii) en 19 bedoel.

Werksaamhede van Adviserende Onderwyskomitee.

18. (1) Iemand wat begerig is om as 'n bourekenaar of as 'n bourekenaar-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op 'n wyse deur die raad voorgeskryf en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

Registrasie van bourekenaars en bourekenaars-in-opleiding.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

- (a) minstens een-en-twintig jaar oud is en gewoonlik in die Republiek woonagtig is; en
- (b) geslaag het in die voorgeskrewe eksamen of in 'n eksamen wat die raad vir die doeleindes van hierdie paragraaf erken; en
- (c) vir 'n tydperk van minstens drie jaar nadat hy geslaag het in die eksamen in paragraaf (b) bedoel, onderworpe aan die opdragte en beheer van 'n bourekenaar werk verrig het van 'n soort wat kragtens artikel 7 (3) (c) voorgeskryf is, of onderworpe aan die opdragte en beheer van 'n bourekenaar bourekenaarswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalinge van subartikel (7), die applikant as 'n bourekenaar registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

- (3) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant aan die in subartikel (2) (a) en (b) vermelde vereistes voldoen, maar nie aan die in subartikel (2) (c) vermelde vereistes nie, moet die raad die applikant as 'n bourekenaar-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.
- (b) Wanneer 'n persoon wat ingevolge paragraaf (a) as 'n bourekenaar-in-opleiding geregistreer is aan die in subartikel (2) (c) vermelde vereiste voldoen het, moet die raad, behoudens die bepalinge van subartikel (7), op aansoek in die voorgeskrewe vorm die registrasie van sodanige persoon kanselleer en hom ingevolge subartikel (2) registreer.

(4) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Argitekte en Kwantiteitsopnemers (Private) Wet, 1927 (Wet No. 18 van 1927), op die lys geplaas was as 'n kwantiteitsopnemer, of ingevolge die Ordonnansie op Bourekenaars, 1959 (Ordonnansie No. 36 van 1959), van Suidwes-Afrika as 'n bourekenaar geregistreer was, word geag aan al die in subartikel (2) vermelde vereistes vir registrasie te voldoen het, en die raad moet op aansoek by hom die applikant as 'n bourekenaar registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.

(5) Niemand word uit hoofde van die bepalinge van subartikel (4) as 'n bourekenaar geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie

to the council to be so registered within six months after the date of commencement of this Act, or within such further period as the council may in any particular case allow.

(6) (a) Any person not ordinarily resident in the Republic may apply to the council for temporary registration as a quantity surveyor.

(b) The application shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(c) If after consideration of any such application the council is satisfied that the applicant—

(i) is not less than twenty-one years of age; and

(ii) has passed the prescribed examination or any examination recognized by the council for the purposes of this paragraph; and

(iii) has had, after having passed such examination, not less than three years' practical experience in quantity surveying work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard.

the council may, subject to the provisions of subsection (7), register the applicant as a quantity surveyor and issue to him a certificate of temporary registration in the prescribed form.

(d) A certificate of temporary registration shall be valid for such period, not exceeding twelve months, as the council may in each case determine, but the person concerned may at any time again apply under this section for temporary registration as a quantity surveyor.

(7) The council shall not register any person as a quantity surveyor or as a quantity surveyor in training in terms of this section—

(a) if he has at any time been removed from an office of trust on account of improper conduct; or

(b) if he has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document or perjury and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding two hundred rand; or

(c) if he has been declared by a competent court to be of unsound mind; or

(d) if he is disqualified from registration in terms of a punishment imposed under this Act,

and may refuse so to register any person who is an unrehabilitated insolvent or who has entered into an arrangement with his creditors or who has been guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered.

(8) The council may cancel the registration as a quantity surveyor or as a quantity surveyor in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection 7 (a), (b), (c) or (d) or whose estate is sequestrated or who enters into an arrangement with his creditors or who was within a period of three years prior to his application for registration guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered or whose registration was made in error or on information subsequently proved to be false.

(9) The registration of any person as a quantity surveyor or as a quantity surveyor in training, as the case may be, shall lapse if such person—

(a) not being a person registered under subsection (6), ceases to be ordinarily resident in the Republic; or

(b) fails to pay any annual fee or portion thereof prescribed under section 7 (1) (g) and payable by him within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow; or

Wet, of binne die verdere tydperk wat die raad in 'n besondere geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word.

(6) (a) Iemand wat nie gewoonlik in die Republiek woonagtig is nie, kan by die raad aansoek doen om tydelik as 'n bourekenaar geregistreer te word.

(b) Die aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(c) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

(i) minstens een-en-twintig jaar oud is; en

(ii) geslaag het in die voorgeskrewe eksamen of in 'n eksamen wat die raad vir die doeleindes van hierdie paragraaf erken; en

(iii) nadat hy in sodanige eksamen geslaag het minstens drie jaar praktiese ondervinding opgedoen het van bourekenaarswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

kan die raad behoudens die bepalings van subartikel (7), die applikant as 'n bourekenaar registreer en aan hom 'n tydelike registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(d) 'n Tydelike registrasiesertifikaat is geldig vir die tydperk, twaalf maande nie te bowe gaande nie, wat die raad in elke geval bepaal, maar die betrokke persoon kan te eniger tyd weer kragtens hierdie artikel aansoek doen om tydelike registrasie as 'n bourekenaar.

(7) Die raad registreer nie 'n persoon as 'n bourekenaar of as 'n bourekenaar-in-opleiding ingevolge hierdie artikel nie—

(a) as hy te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is; of

(b) as hy te eniger tyd veroordeel is weens afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument of meened, en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as tweehonderd rand gevonnis is; of

(c) as 'n bevoegde hof verklaar het dat hy in sy geestesvermoë gekrenk is; of

(d) as hy ingevolge 'n straf wat kragtens hierdie Wet opgelê is, onbevoeg vir registrasie verklaar is,

en kan weier om iemand wat 'n ongerehabiliteerde insolvente persoon is of wat met sy skuldeisers 'n ooreenkoms aangegaan het of wat hom skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te word nie, aldus te registreer.

(8) Die raad kan die registrasie as 'n bourekenaar of as 'n bourekenaar-in-opleiding kanselleer van iemand wat na sy registrasie aan 'n in subartikel (7) (a), (b), (c) of (d) vermelde diskwalifikasie onderhewig word of wie se boedel gesekwestreer word of wat 'n ooreenkoms met sy skuldeisers aangaan of wat hom binne 'n tydperk van drie jaar voor sy aansoek om registrasie skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te wees nie of wat per abuis geregistreer is of geregistreer is op grond van inligting wat daarna bewys word vals te wees.

(9) Die registrasie van 'n persoon as 'n bourekenaar of as 'n bourekenaar-in-opleiding, na gelang van die geval, verval as sodanige persoon—

(a) terwyl hy nie iemand is wat kragtens subartikel (6) geregistreer is nie, ophou om gewoonlik in die Republiek woonagtig te wees; of

(b) versuim om 'n jaargeld of gedeelte daarvan wat kragtens artikel (7) (1) (g) voorgeskryf is en deur hom betaalbaar is, te betaal binne ses maande nadat sodanige geld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat; of

- (c) in the case of a person registered under subsection (6), permanently leaves the Republic before expiration of the period of validity of the certificate of temporary registration issued to him by the council; or
- (d) being a person registered in terms of subsection (3) (a), has for ninety consecutive days or longer failed to perform any work mentioned in subsection (2) (c) under the direction and control of a quantity surveyor.

(10) The council shall at the written request of any quantity surveyor or of any quantity surveyor in training remove his name from the register, but the removal shall not affect any liability incurred by such quantity surveyor or quantity surveyor in training prior to the date of such request.

(11) Subject to the provisions of subsection (7), the council shall on application to it register as a quantity surveyor or as a quantity surveyor in training any person who was previously registered as a quantity surveyor in terms of subsection (2) or as a quantity surveyor in training in terms of subsection (3), as the case may be, if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 7 (1) (g) and possesses the prescribed residential qualifications.

(12) A person who is registered as a quantity surveyor or as a quantity surveyor in training may describe himself as a quantity surveyor or as a quantity surveyor in training, as the case may be, and a person who is registered as a quantity surveyor shall, if he has paid the annual fee or portion thereof prescribed under section 7 (1) (g), be entitled—

- (a) to describe himself as a quantity surveyor and to carry on his profession in any part of the Republic; and
- (b) to indicate his profession or make it known by using for all purposes the title "R.Q.S." after his name.

Examinations contemplated by section 18 (2) (b) or (6) (c) (ii) to be prescribed by regulation.

Circumstances under which certificates of registration shall be returned to registrar.

19. The examinations contemplated by section 18 (2) (b) or (6) (c) (ii) shall be the examinations prescribed by the Minister by regulation.

20. (1) Any person whose registration as a quantity surveyor or as a quantity surveyor in training, as the case may be, has been cancelled under section 18 (8) or has lapsed in terms of section 18 (9) or whose name has been removed from the register in terms of section 18 (10), shall return to the registrar his certificate of registration within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Prohibition on practice as quantity surveyor by unregistered person.

21. (1) Subject to any exemption granted under this Act or the regulations, any person not registered as a quantity surveyor in terms of any provision of section 18 who—

- (a) for gain performs any kind of work reserved for quantity surveyors under section 7 (3) (c); or
- (b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a quantity surveyor, or uses the name of quantity surveyor or any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a quantity surveyor in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

(2) Any person who immediately prior to the commencement of this Act was enrolled as a quantity surveyor in terms

- (c) in die geval van iemand wat kragtens subartikel (6) geregistreer is, die Republiek permanent verlaat voor verstryking van die tydperk van geldigheid van die tydelike registrasiesertifikaat wat die raad aan hom uitgereik het; of
 - (d) terwyl hy iemand is wat ingevolge subartikel (3) geregistreer is, vir negentig agtereenvolgende dae of langer versuim het om in subartikel (2) (c) vermelde werk onderworpe aan die opdragte en beheer van 'n bourekenaar te verrig.
- (10) Die raad moet op skriftelike versoek van 'n bourekenaar of van 'n bourekenaar-in-opleiding sy naam uit die register skrap, maar die skrapping het geen uitwerking op enige aanspreeklikheid waaraan sodanige bourekenaar of bourekenaar-in-opleiding voor die datum van sodanige versoek onderhewig geword het nie.
- (11) Behoudens die bepalings van subartikel (7), moet die raad op aansoek by hom iemand wat voorheen ingevolge subartikel (2) as 'n bourekenaar of ingevolge subartikel (3) as 'n bourekenaar-in-opleiding geregistreer was, as 'n bourekenaar of 'n bourekenaar-in-opleiding, na gelang van die geval, registreer indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het en die voorgeskrewe woonkwalifikasies besit.
- (12) Iemand wat as 'n bourekenaar of as 'n bourekenaar-in-opleiding geregistreer is, kan homself as 'n bourekenaar of as 'n bourekenaar-in-opleiding, na gelang van die geval, beskryf en iemand wat as 'n bourekenaar geregistreer is, is, indien hy die jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het, geregtig—
- (a) om homself as 'n bourekenaar te beskryf en om sy beroep in enige deel van die Republiek te beoefen; en
 - (b) om sy beroep aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „G.B.R.” agter sy naam gebruik te maak.

19. Die eksamens wat deur artikel 18 (2) (b) of (6) (c) (ii) beoog word, is die eksamens wat deur die Minister by regulasie voorgeskryf word.

Eksamens beoog deur artikel 18 (2) (b) of (6) (c) (ii) moet by regulasie voorgeskryf word.

20. (1) Iemand wie se registrasie as 'n bourekenaar of as 'n bourekenaar-in-opleiding, na gelang van die geval, kragtens artikel 18 (8) gekanselleer is of ingevolge artikel 18 (9) verval het of wie se naam ingevolge artikel 18 (10) uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas is om dit te doen.

Omstandighede waaronder registrasiesertifikate aan die registrateur terugbesorg moet word.

(2) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens subartikel (1), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

21. (1) Behoudens enige vrystelling kragtens hierdie Wet of die regulasies verleen, is iemand wat nie as 'n bourekenaar ingevolge 'n bepaling van artikel 18 geregistreer is nie en wat—

Verbod op praktyk as bourekenaar deur ongeregistreerde persoon.

- (a) vir vergoeding enige soort werk doen wat kragtens artikel 7 (3) (c) vir bourekenaars gereserveer is; of
 - (b) homself voordoen of hom op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir 'n bourekenaar, of die naam van bourekenaar of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te verwek dat hy as 'n bourekenaar geregistreer is,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Argitekte en Kwantiteitsopnemers

of the Architects and Quantity Surveyors (Private) Act, 1927 (Act No. 18 of 1927), or was registered as a quantity surveyor in terms of the Quantity Surveyors Ordinance, 1959 (Ordinance No. 36 of 1959), of South-West Africa, shall during the period of six months from the commencement of this Act be deemed to be registered as a quantity surveyor in terms of section 18 (4) of this Act.

Improper conduct. 22. (1) Any quantity surveyor shall be guilty of improper conduct if he—

- (a) except with the consent of the council or except in terms of any exemption granted under this Act or the regulations knowingly entrusts to any person other than a quantity surveyor work of a kind reserved for quantity surveyors under section 7 (3) (c); or
- (b) performs work of a kind reserved for quantity surveyors under section 7 (3) (c) in connection with any matter which is the subject of dispute or litigation, on condition that payment for such work shall be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or
- (c) accepts remuneration for services rendered from any person other than his client or employer; or
- (d) performs work of a kind reserved for quantity surveyors under section 7 (3) (c) during any period in respect of which he has been suspended under this Act; or
- (e) commits a criminal offence in carrying on his profession; or
- (f) contravenes or fails to comply with any rule prescribed under section 26 (1) (e).

(2) The acquittal or the conviction of a quantity surveyor or a quantity surveyor in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence of which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which the quantity surveyor or quantity surveyor in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such quantity surveyor or such quantity surveyor in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the quantity surveyor or quantity surveyor in training charged to adduce evidence that he was in fact wrongly convicted.

Disciplinary powers of Council.

23. (1) The council shall have the power to enquire into cases of improper conduct of which a person who is registered in terms of this Act as a quantity surveyor or as a quantity surveyor in training is alleged to have been guilty while so registered and to impose in respect thereof, if found proved, any punishment prescribed under section 26 (1) (g): Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the enquiry until such proceedings have been determined: Provided further that nothing in this section contained shall affect the right of any quantity surveyors' association from taking disciplinary or other action against any of its members in accordance with its constitution and rules.

(Private) Wet, 1927 (Wet No. 18 van 1927), op die lys geplaas was as 'n kwantiteitsopnemer, of ingevolge die Ordonnansie op Bourekenaars, 1959 (Ordonnansie No. 36 van 1959), van Suidwes-Afrika as 'n bourekenaar geregistreer was, word gedurende die tydperk van ses maande vanaf die inwerking-treding van hierdie Wet geag as 'n bourekenaar ingevolge artikel 18 (4) van hierdie Wet geregistreer te wees.

22. (1) 'n Bourekenaar is skuldig aan onbehoorlike gedrag as hy— **Onbehoorlike gedrag.**

- (a) behalwe met die toestemming van die raad, of ingevolge enige vrystelling verleen kragtens hierdie Wet of die regulasies, wetenskap van 'n soort wat vir 'n bourekenaar gereserveer is kragtens artikel 7 (3) (c), aan iemand anders as 'n bourekenaar opdra; of
- (b) werk van 'n soort wat vir bourekenaars gereserveer is kragtens artikel 7 (3) (c), verrig in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of regsding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of ding gunstig verloop vir die persoon vir wie die werk gedoen word; of
- (c) besoldiging vir gelewerde dienste ontvang van iemand anders as sy kliënt of werkgewer; of
- (d) werk van 'n soort wat vir bourekenaars gereserveer is kragtens artikel 7 (3) (c), verrig gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is; of
- (e) 'n kriminele misdryf begaan in die uitoefening van sy beroep; of
- (f) 'n reël voorgeskryf kragtens artikel 26 (1) (e) oortree of versuim om daaraan te voldoen.

(2) Die vryspreking of die skuldigbevinding van 'n bourekenaar of 'n bourekenaar-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, as hulle bewys sou word, die misdryf uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek is of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan die bourekenaar of bourekenaar-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige bourekenaar of bourekenaar-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat die aangeklaagde bourekenaar of bourekenaar-in-opleiding die reg het om getuieis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

23. (1) Die raad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan iemand wat as 'n bourekenaar of as 'n bourekenaar-in-opleiding ingevolge hierdie Wet geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan, indien bewese bevind, enige straf op te lê wat kragtens artikel 26 (1) (g) voorgeskryf is: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivilregtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het om te glo dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is: Met dien verstande voorts dat die bepalinge van hierdie artikel nie afbreek doen aan die reg van 'n bourekenaarsvereniging om ingevolge die konstitusie en reëls van daardie vereniging tug- of ander maatreëls op enigen van sy lede toe te pas nie. **Dissiplinêre magte van raad.**

(2) Whenever any punishment imposed under subsection (1) consists of, or includes, any fine, the amount thereof shall be recoverable by the council from the person concerned and any amount so recovered shall be paid into the funds of the council.

Enquiry by
council.

24. (1) For the purpose of any enquiry under section 23, the council may—

- (a) summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced;
- (b) call and by its president administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;
- (c) appoint any person to advise the council at such enquiry on matters pertaining to law, procedure or evidence.

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorized thereto by it, and shall be served in the same manner as a subpoena in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the president of the council, or if any person called under subsection (1) (b) refuses to be sworn or to affirm as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the enquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made an affirmation, given a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or official of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being enquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding one hundred rand.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is, uit 'n boete bestaan of 'n boete insluit, kan die bedrag daarvan deur die raad op die betrokke persoon verhaal word, en moet 'n bedrag aldus verhaal in die fondse van die raad gestort word.

24. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 23— Ondersoek deur raad.

(a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê, en 'n boek, dokument of saak wat aldus oorgelê is vir ondersoek behou;

(b) enige by die ondersoek aanwesige persoon wat kragtens paragraf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad aan hom 'n eed oplê of van hom 'n bevestiging aaneem, en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;

(c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die regte, prosedure of bewyslewering.

(2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad voorskryf, moet deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word, en word op dieselfde wyse bestel as 'n dagvaarding in 'n strafgeding deur 'n landdroshof uitgereik.

(3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die president van die raad hom van verdere bywoning onthef, of indien iemand wat kragtens subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of te bevestig, of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuienis af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.

(4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging gemaak het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring doen oor enige saak, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) Iemand wat die president of 'n lid of amptenaar van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.

(6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuienis oor te lê, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

(7) Iemand wat weens 'n misdryf ingevolge hierdie artikel veroordeel word, is strafbaar met 'n boete van hoogstens honderd rand.

Suspension from practising of quantity surveyors who have become of unsound mind.

25. (1) Whenever it appears to the council from information on oath that a quantity surveyor has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section 24 in respect of such quantity surveyor.

(2) If the council finds that such quantity surveyor has so become of unsound mind, it may order his suspension for a specified period from practising as a quantity surveyor.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

Regulations.

26. (1) The Minister may, after consultation with the council, make regulations, not inconsistent with this Act—

- (a) as to any matters which by this Act are required or permitted to be prescribed by regulation;
- (b) as to the calling of and procedure and quorum at meetings of the council or of a committee of the council or of the Education Advisory Committee;
- (c) as to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council or of the Education Advisory Committee;
- (d) as to the keeping, custody and publication of a register of quantity surveyors and quantity surveyors in training;
- (e) prescribing rules with which quantity surveyors shall comply in carrying on their profession;
- (f) prescribing conduct (apart from conduct referred to in section 22) on the part of a quantity surveyor or a quantity surveyor in training, as the case may be, which shall constitute improper conduct;
- (g) prescribing the method of enquiry into allegations of improper conduct and the punishments which may be imposed in respect thereof, including fines, removal from the register, permanent disqualification from registration and disqualification from registration or suspension from practice for such period as the council may determine;
- (h) as to the examinations required for the purposes of section 18 (2) (b) and (6) (c) (ii);
- (i) as to, generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Every regulation shall be of force and effect unless and until, during the session in which it has been laid upon the Tables of both Houses of Parliament as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both Houses have by resolution disapproved of the regulation, in which event the regulation shall lapse as from a date to be specified in the resolution, but the lapsing of the regulation shall not affect the validity of anything done in terms of such regulation before the date specified in the resolution, and nothing contained in this subsection shall affect the power of the Minister to make a new regulation with regard to the subject matter of that regulation.

Procedure and evidence.

27. (1) The register shall be *prima facie* evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

25. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n bourekenaar in sy geestesvermoë in so 'n mate gekrenk geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om aan te hou praktiseer, kan die raad na goeëdunke ten opsigts van sodanige bourekenaar 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalinge van artikel 24.

Skorsing in hul beroep van bourekenars wat in hul geestesvermoë gekrenk geraak het.

(2) Indien die raad bevind dat sodanige bourekenaar aldus in sy geestesvermoë gekrenk geraak het, kan die raad vir 'n vasgestelde tydperk sy skorsing in sy beroep as bourekenaar beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur die raad bepaalde tydperk verleng, of so 'n bevel intrek.

26. (1) Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie—

Regulasies.

- (a) aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) aangaande die byeenroeping van en die prosedure en kworum by vergaderings van die raad of van 'n komitee van die raad of van die Adviserende Onderwyskomitee;
- (c) aangaande die besoldiging en toelaes betaalbaar uit die fondse van die raad aan lede van die raad of van 'n komitee van die raad of van die Adviserende Onderwyskomitee;
- (d) aangaande die hou, bewaring en publikasie van 'n register van bourekenaars en bourekenaars-in-opleiding;
- (e) wat reëls voorskryf waaraan bourekenaars moet voldoen by die beoefening van hul beroep;
- (f) wat gedrag (buite en behalwe gedrag in artikel 22 bedoel) voorskryf wat onbehoorlike gedrag vir 'n bourekenaar of 'n bourekenaar-in-opleiding, na gelang van die geval, uitmaak;
- (g) wat die metode waarvolgens beweerde onbehoorlike gedrag ondersoek moet word en die strawwe wat ten opsigte daarvan opgelê mag word, met inbegrip van boetes, skraping van die register, permanente onbevoegdverklaring vir registrasie en onbevoegdverklaring vir registrasie of skorsing van praktyk vir die tydperk wat die raad vasstel, voorskryf;
- (h) aangaande die eksamens vereis vir die doeleindes van artikel 18 (2) (b) en (6) (c) (ii);
- (i) aangaande, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Elke regulasie is van krag en regsgeldig tensy en totdat, gedurende die sessie waarin dit in albei Huise van die Parlement ter Tafel gelê is soos bepaal by artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), albei Huise die regulasie by besluit afgekeur het, in welke geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld word, maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge sodanige regulasie word die datum in die besluit vermeld, gedoen is nie en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Minister om 'n nuwe regulasie met betrekking tot die inhoud van daardie regulasie uit te vaardig nie.

27. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aangeteken moet of mag word.

Prosedure en bewyslewering.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing wel in die register gemaak is of nie gemaak is nie of dat enigiets anders wat volgens hierdie Wet gedoen mag word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to be certified by the registrar, shall be admitted in evidence in all courts without further proof or production of the original.

Rectification
of errors.

28. Whenever anything which according to the provisions of this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, and that it is in the interests of the quantity surveyors' profession to do so, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

Liability of
council.

29. No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in accordance with the provisions of section 23, 24 or 25.

Delegation of
powers.

30. (1) The Minister may by writing under his hand delegate to the Secretary or to any other senior officer of the department all or any of the powers conferred upon him by this Act other than the power to make regulations and the powers conferred upon him by section 7 (3) and (4).

(2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

Repeal of
Ordinance
No. 36 of 1959
(South-West
Africa).

31. (1) The Quantity Surveyors Ordinance, 1959, of South-West Africa is hereby repealed.

(2) All assets, rights, liabilities and obligations, immediately prior to the commencement of this Act, of the Institute of South West African Quantity Surveyors shall devolve, as from a date agreed upon by the persons who were immediately prior to the commencement of this Act members of that Institute but not later than twelve months after such commencement, upon the person or persons agreed upon by such members.

(3) If such members fail so to agree, such assets, rights, liabilities and obligations shall devolve, as from a date fixed by a person designated by the Minister, upon the person or persons determined by the said person so designated.

Application of
Act to South-
West Africa.

32. This Act and any amendment thereof shall apply also in the territory of South West Africa.

Short title and
commencement.

33. This Act shall be called the Quantity Surveyors' Act, 1969, and shall, subject to the provisions of sections 4 (3) and 13 (4), come into operation on the date of commencement of the Architects' Act, 1969.

(3) 'n Afskrif van 'n inskrywing in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument wat deur die registrateur gesertifiseer heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle howe as getuienis toegelaat.

28. Waar enigiets wat ooreenkomstig die bepalinge van hierdie Wet op of voor 'n vermelde dag of op 'n vermelde tyd of gedurende 'n vermelde tydperk gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, en dat dit in die belang van die bourekenaarsberoep is om dit te doen, magtiging daarvoor verleen dat so iets gedoen of uitgevoer kan word op of voor 'n ander dag of op 'n ander tyd of gedurende 'n ander tydperk wat hy aandui, en enigiets aldus gedoen of uitgevoer is van volle krag en word geag wettiglik gedoen of uitgevoer te gewees het ooreenkomstig die bepalinge van hierdie Wet.

Regstelling
van foute.

29. Geen regsgeding, hetsy straf- of sivilereglik, kan teen die raad of 'n lid of 'n amptenaar daarvan ten opsigte van 'n handeling of plig ooreenkomstig die bepalinge van artikel 23, 24 of 25 verrig, ingestel word nie.

Aanspreeklikheid
van raad.

30. (1) Die Minister kan skriftelik onder sy handtekening aan die Sekretaris of aan 'n ander senior beampte van die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdhede by artikel 7 (3) en (4) aan hom verleen, deleger.

Delegering van
bevoegdhede.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister self nie.

31. (1) Die Ordonnansie op Bourekenaars, 1959, van Suidwes-Afrika word hierby herroep.

Herroeping van
Ordonnansie
No. 36 van 1959
(Suidwes-Afrika).

(2) Alle bates, regte, laste en verpligtings wat onmiddellik voor die inwerkingtreding van hierdie Wet by die Instituut van Suidwes-Afrikaanse Bourekenaars berus het, gaan vanaf 'n datum waarop daar ooreengekom word deur die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van daardie Instituut was maar nie later as twaalf maande na sodanige inwerkingtreding nie, oor op die persoon of persone omtrent wie sodanige lede ooreenkom.

(3) Indien sodanige lede in gebreke bly om aldus ooreen te kom, gaan sodanige bates, regte, laste en verpligtings vanaf 'n datum vasgestel deur iemand deur die Minister aangewys, op die persoon of persone deur genoemde persoon aldus aangewys, bepaal, oor.

32. Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing.

Toepassing
van Wet op
Suidwes-Afrika.

33. Hierdie Wet heet die Wet op Bourekenaars, 1969, en tree in werking, behoudens die bepalinge van artikels 4 (3) en 13 (4), op die datum van inwerkingtreding van die Wet op Argitekte, 1969.

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