



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

ISBN 0 621 00064 7

Vol. 84.]

CAPE TOWN, 2ND JUNE, 1972.

KAAPSTAD, 2 JUNIE 1972.

[No. 3528.

DEPARTMENT OF THE PRIME MINISTER.

No. 921.

2nd June, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 52 of 1972: Professional Engineers' Amendment Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 921.

2 Junie 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 52 van 1972: Wysigingswet op Professionele Ingenieurs, 1972.

WET

Tot wysiging van die bepalings van die Wet op Professionele Ingenieurs, 1968, om voorsiening te maak vir die vervanging van die woord „elektrotegniese” deur die woord „elektriese” in die Afrikaanse teks; vir ’n naamsverandering van die Gesamentlike Raad vir Professionele Ingenieurs; vir die aanstelling van sekere plaasvervangende lede van die Suid-Afrikaanse Raad vir Professionele Ingenieurs; vir die aanstelling van sekere professionele ingenieurs wat nie lede van die genoemde Raad is nie as lede van komitees van die genoemde Raad; vir die uitbreiding van die werksaamhede van adviserende komitees; vir die verandering van die voorver-eistes vir registrasie as ’n ingenieur of ingenieur-in-opleiding; vir die rapportering deur geregshowe van *prima facie* onbehoorlike of skandelijke gedrag deur ’n professionele ingenieur of ’n ingenieur-in-opleiding aan die genoemde Suid-Afrikaanse Raad vir Professionele Ingenieurs, en vir die uitbreiding van die bevoegdheid om regulasies uit te vaardig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1972.)

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

Wysiging van
artikel 1 van
Wet 81 van 1968.

1. Artikel 1 van die Wet op Professionele Ingenieurs, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na die omskrywing van „as ’n ingenieur geregistreer” die volgende omskrywing in te voeg:
„as ’n ingenieur-in-opleiding geregistreer’ as ’n ingenieur-in-opleiding geregistreer ingevolge die bepalings van artikel 18 (3) of (11);” en
- (b) deur na die omskrywing van „in diens van die Staat” die volgende omskrywing in te voeg:
„ingenieur-in-opleiding’ iemand wat as ’n ingenieur-in-opleiding geregistreer is;”.

Wysiging van
artikel 3 van
Wet 81 van 1968.

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (iv) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
„(iv) een die elektriese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Elektriese Ingenieurs genomineer moet word;”;
- (b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
„(c) drie persone wat deur die Federasie van Verenigings vir Professionele Ingenieurs genomineer moet word;” en

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ACT

To amend the provisions of the Professional Engineers' Act, 1968, to provide for the substitution, in the Afrikaans text, for the word "elektrotegniese" of the word "elektriese"; for a change of name of the Professional Engineers' Joint Council; for the appointment of certain alternate members of the South African Council for Professional Engineers; for the appointment of certain professional engineers, who are not members of the said Council, as members of committees of the said Council; for the extension of the functions of advisory committees; for the alteration of the prerequisites for registration as an engineer or engineer in training; for the reporting by courts of law of *prima facie* improper or disgraceful conduct on the part of a professional engineer or an engineer in training, to the said South African Council for Professional Engineers, and for the extension of the power to make regulations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19th May, 1972.)

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

1. Section 1 of the Professional Engineers' Act, 1968 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 81 of 1968.

(a) by the insertion after the definition of "department" of the following definition:

"'engineer in training' means a person registered as an engineer in training;"; and

(b) by the insertion after the definition of "registered as an engineer" of the following definition:

"'registered as an engineer in training' means registered as an engineer in training in terms of the provisions of section 18 (3) or (11);".

2. Section 3 of the principal Act is hereby amended—

Amendment of section 3 of Act 81 of 1968.

(a) by the substitution, in the Afrikaans text, for subparagraph (iv) of paragraph (a) of subsection (1) of the following subparagraph:

"(iv) een die elektriese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Elektriese Ingenieurs genomineer moet word;";

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) three persons who shall be nominated by the Federation of Societies of Professional Engineers;"; and

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- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Vir elke lid van die raad kragtens subartikel (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n plaasvervangende lid aldus aangestel kan 'n vergadering van die raad bywoon en aan die verrigtinge aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel is, van bedoelde vergadering afwesig is.”.

Wysiging van
artikel 10 van
Wet 81 van 1968.

3. Artikel 10 (1) van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(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 of daardie lede van die raad en daardie professionele ingenieurs wat nie lede van die raad is nie aanstel wat hy goedgevind om lede van so 'n komitee te wees.”.

Wysiging van
artikel 11 van
Wet 81 van 1968.

4. Artikel 11 van die Hoofwet word hierby gewysig deur subparagraaf (iv) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:

„(iv) die elektriese ingenieurswese;”.

Wysiging van
artikel 12 van
Wet 81 van 1968.

5. Artikel 12 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

„(iii) drie persone wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die Federasie van Verenigings vir Professionele Ingenieurs.”; en

- (b) deur subparagraaf (ii) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) een persoon wat deur die Minister gekies word; en”.

Vervanging van
artikel 17 van
Wet 81 van 1968.

6. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Werksaam-
hede van
adviserende
komitees.

17. Die funksie van 'n adviserende komitee is om in die algemeen die raad by die verrigting van sy werksaamhede en pligte kragtens 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 kragtens hierdie Wet, hetsy spesifiek of in die algemeen, na sodanige adviserende komitee verwys, of wat uit eie beweging deur 'n adviserende komitee geopper is, en meer bepaald—

- (a) in die geval van die Adviserende Onderwyskomitee, met betrekking tot die aangeleenthede in artikel 7 (1) (b), (i), (l), (n), (o), (p), (q), (r) en artikels 18 (2) (b), 18 (4) (a) (iii), 18 (6) (c) (ii) en 19 bedoel; en

- (b) in die geval van die Professionele Adviserende Komitees, met betrekking tot die aangeleenthede in artikels 7 (1) (b), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), 18 (2) (d) en 18 (4) (b) bedoel.”.

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- (c) by the substitution for subsection (4) of the following subsection:

"(4) For every member of the council appointed in terms of subsection (1), there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed as alternate member is absent from such meeting."

3. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 10 of Act 81 of 1968.

"(a) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members or such of its members and such professional engineers not being members of the council, as it may deem fit, to be members of any such committee."

4. Section 11 of the principal Act is hereby amended by the substitution, in the Afrikaans text, for subparagraph (iv) of paragraph (b) of subsection (1) of the following subparagraph: Amendment of section 11 of Act 81 of 1968.

"(iv) die elektriese ingenieurswese;"

5. Section 12 of the principal Act is hereby amended—

Amendment of section 12 of Act 81 of 1968.

- (a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:

"(iii) three persons, who shall be selected by the Minister from a list of persons nominated by the Federation of Societies of Professional Engineers."; and

- (b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:

"(ii) one person who shall be selected by the Minister; and"

6. The following section is hereby substituted for section 17 of the principal Act: Substitution of section 17 of Act 81 of 1968.

"Functions of advisory committees.

17. It shall be the function of an 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 such advisory committee either specifically or generally, or which has been raised by an advisory committee of its own accord, and more particularly—

- (a) in the case of the Education Advisory Committee, in regard to the matters referred to in section 7 (1) (b), (i), (l), (n), (o), (p), (q), (r) and sections 18 (2) (b), 18 (4) (a) (iii), 18 (6) (c) (ii) and 19; and

- (b) in the case of the Professional Advisory Committees, in regard to the matters referred to in sections 7 (1) (b), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), 18 (2) (d) and 18 (4) (b)."

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Wysiging van
artikel 18 van
Wet 81 van 1968.

7. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

„(d) vir die tydperk wat van tyd tot tyd deur die raad bepaal word, ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is;”;

- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(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) of (d) vermelde vereistes nie, moet die raad, indien die applikant aldus versoek, die applikant as 'n ingenieur-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.”;

- (c) deur subparagraaf (ii) van paragraaf (a) van subartikel (4) deur die volgende subparagraaf te vervang:

„(ii) minstens vyf-en-twintig jaar ondervinding opgedoen het van ingenieurswerk van 'n soort wat kragtens artikel 7 (3) (c) voorgeskryf is (waarvan minstens tien jaar opgedoen moes gewees het in volkome beheer van sodanige werk wat na die oordeel van die raad van 'n belangrike aard was) of van ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is;”

- (d) deur subparagraaf (iii) van paragraaf (c) van subartikel (6) deur die volgende subparagraaf te vervang:

„(iii) vir die tydperk wat van tyd tot tyd deur die raad bepaal word ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is;” en

- (e) deur paragraaf (c) van subartikel (9) te skrap.

Wysiging van
artikel 22 van
Wet 81 van 1968.

8. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) Iemand wat as 'n ingenieur of 'n ingenieur-in-opleiding, na gelang van die geval, geregistreer is, is skuldig aan onbehoorlike gedrag as hy—”; en

- (b) deur die volgende subartikel by te voeg:

„(4) Wanneer dit gedurende verrigtinge in 'n geregs-hof of gedurende 'n ondersoek ingevolge 'n wet aan die hof of aan die persoon in beheer van die ondersoek, na gelang van die geval, blyk dat daar *prima facie*-getuienis is van onbehoorlike of skandelijke gedrag van die kant van 'n professionele ingenieur of 'n ingenieur-in-opleiding, of gedrag wat, met die oog op die professie of beroep van 'n ingenieur, onbehoorlik of skandelik is, gelas die hof of die persoon in beheer van die ondersoek, na gelang van die geval, dat 'n afskrif van die notule van die verrigtinge of die ondersoek of daardie gedeelte daarvan wat op die saak betrekking het, aan die raad gestuur word.”.

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7. Section 18 of the principal Act is hereby amended—

Amendment of
section 18 of
Act 81 of 1968.

- (a) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) has, for such period as may from time to time be determined by the council, performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard;”;

- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(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) or (d) the council shall, if the applicant so requests, register the applicant as an engineer in training and issue to him a certificate of registration to that effect in the prescribed form.”;

- (c) by the substitution for subparagraph (ii) of paragraph (a) of subsection (4) of the following subparagraph:

“(ii) has had not less than twenty-five years experience in engineering work of a kind prescribed in terms of section 7 (3) (c) (of which not less than ten years has been gained while in complete control of such work which in the opinion of the council was of an important nature) or in engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and”;

- (d) by the substitution for subparagraph (iii) of paragraph (c) of subsection (6) of the following subparagraph:

“(iii) has, for such period as may from time to time be determined by the council, performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard;”;

- (e) by the deletion of paragraph (c) of subsection (9).

8. Section 22 of the principal Act is hereby amended—

Amendment of
section 22 of
Act 81 of 1968.

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) Any person registered as an engineer or an engineer in training, as the case may be, shall be guilty of improper conduct if he—”;

- (b) by the addition of the following subsection:

“(4) Whenever in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the person in charge of the investigation, as the case may be, that there is *prima facie* evidence of improper or disgraceful conduct on the part of a professional engineer or an engineer in training, or conduct which, regard being had to the profession or calling of an engineer, is improper or disgraceful, the court or the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue, be transmitted to the council.”.

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Wysiging van
artikel 26 van
Wet 81 van 1968.

9. Artikel 26 (1) van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(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 'n adviserende komitee en aangaande die verhalings op fondse van die raad van toelaes betaalbaar aan 'n lid van die raad of 'n komitee van die raad of 'n adviserende komitee wat in diens van die Staat is;”;

(b) deur paragraaf (e) deur die volgende paragraaf te vervang:

„(e) wat reëls voorskryf waaraan professionele ingenieurs en ingenieurs-in-opleiding, na gelang van die geval, moet voldoen by die beoefening van hul beroep;” en

(c) deur die volgende paragraaf na paragraaf (h) in te voeg:

„(hA) aangaande die gelde wat aan die raad betaal moet word ten opsigte van 'n in artikel 18 (2) (b), 18 (6) (c) (ii) of 19 bedoelde eksamen (of gedeelte daarvan) wat deur of namens die raad afgeneem word;”.

Kort titel.

10. Hierdie Wet heet die Wysigingswet op Professionele Ingenieurs, 1972.

PROFESSIONAL ENGINEERS' AMENDMENT ACT, 1972.

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9. Section 26 (1) of the principal Act is hereby amended— Amendment of
section 26 of
Act 81 of 1968.
(a) by the substitution for paragraph (c) of the following paragraph:

“(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 an advisory committee and as to the recovery from funds of the council of any allowances paid to a member of the council or of a committee of the council or of an advisory committee who is in the service of the State;”;

- (b) by the substitution for paragraph (e) of the following paragraph:

“(e) prescribing rules with which professional engineers and engineers in training, as the case may be, shall comply in carrying on their profession;”;
and

- (c) by the insertion after paragraph (h) of the following paragraph:

“(hA) as to the fees which shall be payable to the council in respect of any examination (or part thereof) referred to in section 18 (2) (b), 18 (6) (c) (ii) or 19, conducted by or on behalf of the council;”.

10. This Act shall be called the Professional Engineers' Short title.
Amendment Act, 1972.

