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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 713.

11 April 1975.

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

No. 18 of 1975: Architects' Amendment Act, 1975.

No. 713.

11 April 1975.

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

No. 18 van 1975: Wysigingswet op Argitekte, 1975.

Act No. 18, 1975

ARCHITECTS' AMENDMENT ACT, 1975.

ACT

To amend the Architects' Act, 1970, so as to provide for the registration of persons in certain circumstances as architects subject to restrictions and conditions; to further regulate the payment of annual fees by architects; to empower the Minister of Public Works to exempt persons from the operation of the provisions of the said Act; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 24 March 1975.)*

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

Amendment of
section 4 of
Act 35 of 1970.

1. Section 4 of the Architects' Act, 1970 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(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 registered as such otherwise than under section 19 (3A); or”.

Amendment of
section 14 of
Act 35 of 1970.

2. Section 14 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) except in the case of an appointment in terms of section 13 (1) (b), an architect registered as such otherwise than under section 19 (3A).”.

Amendment of
section 19 of
Act 35 of 1970.

3. Section 19 of the principal Act is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) (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 (c) and, unless the applicant has been granted exemption by the Minister under subsection (3), in subsection (2) (d), but not with the requirement mentioned in subsection (2) (b), the council may register the applicant as an architect subject to the restrictions and conditions mentioned in or determined under paragraph (b) of this subsection.

(b) An architect registered under this subsection—

(i) may not enter into private practice as an architect solely on his own behalf and for his own account;

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WET

Tot wysiging van die Wet op Argitekte, 1970, ten einde voorsiening te maak vir die registrasie van persone in sekere omstandighede as argitekte onderworpe aan beperkings en voorwaardes; om die betaling van jaargelde deur argitekte verder te reël; om die Minister van Openbare Werke te magtig om persone van die toepassing van die bepalings van genoemde Wet vry te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Maart 1975.)*

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

1. Artikel 4 van die Wet op Argitekte, 1970 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 4 van Wet 35 van 1970.

„(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 wat anders as kragtens artikel 19 (3A) as sodanig geregistreer is; of”.

2. Artikel 14 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 14 van Wet 35 van 1970.

„(b) behalwe in die geval van 'n aanstelling ingevolge artikel 13 (1) (b), 'n argitek is wat anders as kragtens artikel 19 (3A) as sodanig geregistreer is.”.

3. Artikel 19 van die Hoofwet word hierby gewysig— Wysiging van artikel 19 van Wet 35 van 1970.

(a) deur die volgende subartikel na subartikel (3) in te voeg:

„(3A) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant aan die in subartikel (2) (a) en (c) en, tensy die applikant deur die Minister kragtens subartikel (3) vrystelling verleen is, in subartikel (2) (d) vermelde vereistes voldoen, maar nie aan die in subartikel (2) (b) vermelde vereiste nie, kan die raad die applikant as 'n argitek onderworpe aan die beperkings en voorwaardes in paragraaf (b) van hierdie subartikel vermeld of daarkragtens bepaal, registreer.

(b) 'n Argitek wat kragtens hierdie subartikel geregistreer is—

(i) mag nie uitsluitlik in eie belang en vir eie rekening as argitek in privaatpraktyk tree nie;

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- (ii) may perform work of an architectural nature generally or, at the discretion of the council, only such work of an architectural nature as the council may determine in each case;
- (iii) shall, in the performance of any such work, comply with such conditions (if any) as to place and type of employment and as to supervision and control by an architect as the council may determine in each case;
- (iv) shall not be entitled to the use of the title mentioned in subsection (13) (b).
- (c) The council shall issue to an architect registered under this subsection a certificate of registration in the prescribed form, on which the restrictions and conditions applicable to him by virtue of the provisions of paragraph (b) shall have been endorsed and which shall be valid for such period as the council may determine in each case.
- (d) The council may of its own accord or on application by an architect registered under this subsection cancel or vary any restriction or condition applicable to such architect by virtue of a determination by the council under paragraph (b).";
- (b) by the substitution for paragraph (b) of subsection (10) of the following paragraph:
 - "(b) fails to pay any annual fee or any portion thereof prescribed under section 7 (1) (g) and payable by him, within sixty days after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow whether before or after the expiration of the said sixty days; or";
- (c) by the substitution for subsection (12) of the following subsection:
 - "(12) Subject to the provisions of subsection (8), 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 (4), 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) together with any expenses incurred by the council in connection with the recovery of any arrear fees, and possesses the prescribed residential qualifications."; and
- (d) by the substitution for paragraphs (a) and (b) of subsection (13) of the following paragraphs:
 - "(a) to describe himself as an architect and, subject, in the case of an architect registered under subsection (3A), to the restrictions and conditions applicable to him by virtue of the last-mentioned subsection, to carry on his profession in the Republic; and
 - (b) except in the case of an architect registered under subsection (3A), to indicate his profession or make it known by using for all purposes the title "Arch. (S.A.)" after his name.".

Amendment of
section 23 of
Act 35 of 1970.

4. Section 23 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (e) of the following paragraph:

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- (ii) kan werk wat by die argiteksberoep tuishoort in die algemeen of, na goeddunke van die raad, slegs die werk wat by die argiteksberoep tuishoort wat die raad in elke geval bepaal, verrig;
- (iii) moet by die verrigting van bedoelde werk die voorwaardes (as daar is) aangaande die plek en soort van diens en aangaande toetsing en beheer deur 'n argitek nakom wat die raad in elke geval bepaal;
- (iv) is nie op die gebruik van die titel in subartikel (13) (b) vermeld, geregtig nie.
- (c) Die raad moet aan 'n argitek wat kragtens hierdie subartikel geregistreer is, 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik waarop die beperkings en voorwaardes wat uit hoofde van paragraaf (b) op hom van toepassing is, aangeteken is en wat vir die tydperk wat die raad in elke geval bepaal, geldig is.
- (d) Die raad kan uit eie beweging of op aansoek deur 'n argitek wat kragtens hierdie subartikel geregistreer is, 'n beperking of voorwaarde wat uit hoofde van 'n bepaling deur die raad kragtens paragraaf (b) op bedoelde argitek van toepassing is, intrek of verander.”;
- (b) deur paragraaf (b) van subartikel (10) deur die volgende paragraaf te vervang:
 - „(b) versuim om 'n jaargeld of gedeelte daarvan wat kragtens artikel 7 (1) (g) voorgeskryf is en deur hom betaalbaar is, te betaal binne sestig dae nadat sodanige geld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval hetsy voor of na die verstryking van bedoelde sestig dae toelaat; of”;
- (c) deur subartikel (12) deur die volgende subartikel te vervang:
 - „(12) Behoudens die bepalings van subartikel (8), moet die raad op aansoek by hom iemand wat voorheen ingevolge subartikel (2) as 'n argitek of ingevolge subartikel (4) 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, tesame met uitgawe deur die raad aangegaan in verband met die verhaal van agterstallige gelde, betaal het en die voorgeskrewe woonkwalifikasies besit.”; en
- (d) deur paragrafe (a) en (b) van subartikel (13) deur die volgende paragrafe te vervang:
 - „(a) om homself as 'n argitek te beskryf en, behoudens, in die geval van 'n argitek wat kragtens subartikel (3A) geregistreer is, die beperkings en voorwaardes wat uit hoofde van laasgenoemde subartikel op hom van toepassing is, om sy beroep in die Republiek te beoefen; en
 - (b) behalwe in die geval van 'n argitek wat kragtens subartikel (3A) geregistreer is, om sy beroep aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „Arg. (S.A.)” agter sy naam gebruik te maak.”.

4. Artikel 23 van die Hoofwet word hierby gewysig deur in Wysiging van subartikel (1) na paragraaf (e) die volgende paragraaf in te artikel 23 van voeg: Wet 35 van 1970.

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“(eA) being registered under subsection (3A) of section 19, contravenes or fails to comply with the provisions of paragraph (b) of that subsection; or”.

Insertion of
section 31A in
Act 35 of 1970.

5. The following section is hereby inserted in the principal Act after section 31:

“Exemption
of persons
from ope-
ration of
provisions
of Act.

31A. (1) The Minister may, after consultation with the council, by notice in the *Gazette* and subject to such conditions as he may determine, exempt any person or class of persons specified in the notice, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act.

(2) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.”.

Short title.

6. This Act shall be called the Architects' Amendment Act, 1975.

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„(eA) terwyl hy kragtens subartikel (3A) van artikel 19 geregistreer is, die bepalings van paragraaf (b) van daardie subartikel oortree of versuim om daaraan te voldoen; of”

5. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 31A in Wet 35 van 1970.

„Vrystelling van persone van toepassing van bepalings van Wet. 31A. (1) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon of klas persone of in die algemeen of onder die omstandighede wat in die kennisgewing vermeld word en of vir 'n onbepaalde tydperk of vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van hierdie Wet vrystel. (2) Die Minister kan 'n kragtens hierdie artikel uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.”

6. Hierdie Wet heet die Wysigingswet op Argitekte, 1975. Kort titel.

