



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 375.

7 Maart 1984

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

No. 19 van 1984: Wet op Stads- en Streekbeplanners, 1984.

No. 375.

7 March 1984

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

No. 19 of 1984: Town and Regional Planners Act, 1984.

WET

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Stads- en Streekbeplanners, vir die registrasie van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)*

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "Adviserende Onderwyskomitee" die Adviserende Onderwyskomitee vir Stads- en Streekbeplanners kragtens artikel 14 ingestel; (iii)
- (ii) "boekjaar" 'n jaar wat op 31 Maart eindig; (iv)
- (iii) "hierdie Wet" ook 'n kennisgewing of reël kragtens hierdie Wet uitgereik of uitgevaardig; (ix)
- (iv) "hof" 'n afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid het; (ii)
- (v) "Minister" die Minister van Gemeenskapsontwikkeling; (v)
- (vi) "raad" die Suid-Afrikaanse Raad vir Stads- en Streekbeplanners by artikel 2 ingestel; (i)
- (vii) "register" die register in artikel 9 (2) bedoel; (vii)
- (viii) "registrateur" die persoon wat kragtens artikel 9 (1) (a) as registrateur aangestel is; (viii)
- (ix) "stads- en streekbeplanner" 'n persoon wat as 'n stads- en streekbeplanner kragtens 'n bepaling van artikel 20 geregistreer is; (x)
- (x) "stads- en streekbeplanner-in-opleiding" 'n persoon wat as 'n stads- en streekbeplanner-in-opleiding kragtens artikel 21 geregistreer is; (xi)
- (xi) "stads- en streekbeplannersinstituut" 'n vereniging van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding wat as 'n stads- en streekbeplannersinstituut kragtens artikel 9 (1) (u) erken is; (xii)
- (xii) "voorskryf" by reël kragtens artikel 28 deur die raad uitgevaardig, voorskryf, en het "voorgeskryf" of "voorgeskrewe" 'n ooreenstemmende betekenis. (vi)

Instelling van Suid-Afrikaanse Raad vir Stads- en Streekbeplanners.

2. Daar word hierby 'n regspersoon met die naam die Suid-Afrikaanse Raad vir Stads- en Streekbeplanners ingestel.

ACT

To provide for the establishment of a South African Council for Town and Regional Planners, for the registration of town and regional planners and town and regional planners in training and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 22 February 1984.)*

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

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

Definitions.

- 5 (i) "council" means the South African Council for Town and Regional Planners established by section 2; (vi)
(ii) "court" means a division of the Supreme Court of South Africa having jurisdiction; (iv)
10 (iii) "Education Advisory Committee" means the Education Advisory Committee for Town and Regional Planners established under section 14; (i)
(iv) "financial year" means a year ending on 31 March; (ii)
(v) "Minister" means the Minister of Community Development; (v)
15 (vi) "prescribe" means prescribe by rule made by the council under section 28, and "prescribed" shall have a corresponding meaning; (xii)
(vii) "register", when used as a noun, means the register referred to in section 9 (2); (vii)
20 (viii) "registrar" means the person appointed as registrar under section 9 (1) (a); (viii)
(ix) "this Act" includes any notice or rule issued or made under this Act; (iii)
(x) "town and regional planner" means a person registered as a town and regional planner under any provision of
25 section 20; (ix)
(xi) "town and regional planner in training" means a person registered as a town and regional planner in training under section 21; (x)
30 (xii) "town and regional planners' institute" means any association of town and regional planners and town and regional planners in training recognized as a town and regional planners' institute under section 9 (1) (u). (xi)

2. There is hereby established a juristic person to be known as the South African Council for Town and Regional Planners.

Establishment of South African Council for Town and Regional Planners.

Wet No. 19, 1984

WET OP STADS- EN STREEKBEPLANNERS, 1984

Samestelling van raad, ampsduur van lede en vul van vakatures.

3. (1) Behoudens die bepalinge van artikel 4 bestaan die raad uit die volgende lede wat deur die Minister aangestel word, naamlik—

- (a) agt stads- en streekbeplanners wat uit 'n lys van die name van minstens 10 stads- en streekbeplanners deur stads- en streekbeplannersinstitute benoem, deur die Minister, met inagneming van die ledetal van elke sodanige instituut, gekies word sodat daar in elke provinsie van die Republiek minstens een lid van die raad woonagtig is; 5
- (b) twee persone wat deur die Komitee van Universiteitshoofde in artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoel, benoem word wat elk 'n professor of lektor moet wees in stads- of streekbeplanning aan verskillende universiteite in die Republiek wat 'n fakulteit of 'n onderafdeling daarvan of 'n departement van stads- of streekbeplanning het; 10
- (c) een persoon wat deur die Minister vanuit persone in die heeltidse diens van die Staat gekies word. 20

(2) Ten einde die Minister in staat te stel om lede van die raad kragtens paragrafe (a) en (b) van subartikel (1) aan te stel, moet hy by skriftelike kennisgewing alle stads- en streekbeplannersinstitute en die Komitee van Universiteitshoofde versoek om 'n lys van die name van 'n aangeduide getal persone ooreenkomstig bedoelde paragrafe aan hom voor te lê, en indien daar binne 'n tydperk (van nie minder nie as 21 dae) in bedoelde kennisgewing bepaal vir die voorlegging van so 'n lys van name, geen sodanige lys of 'n lys wat onvoldoende name bevat aan die Minister voorgelê word, kan die Minister enige geskikte persoon of persone as lid of as lede van die raad aanstel in plaas van die persoon of persone wat hy sou aangestel het indien bedoelde institute of Komitee nie versuim het om so 'n lys name of 'n lys met voldoende name voor te lê nie. 25

(3) Die naam van elke persoon wat kragtens hierdie artikel as lid van die raad aangestel is, word in die *Staatskoerant* afgekon- dig. 30

(4) Elke lid van die raad (uitgesonderd 'n lid aangestel kragtens subartikel (1) (c), 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. 40

(5) Indien 'n lid van die raad voor die verstryking van die tydperk waarvoor hy aangestel is, sterf of sy amp ontruim, kan die Minister, behoudens die bepalinge van subartikel (1), 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is. 45

(6) 'n Lid van die raad wie se tydperk waarvoor hy aangestel is, verstryk het, kan weer aangestel word. 50

Eerste lede van raad.

4. (1) Ondanks die bepalinge van paragraaf (a) van artikel 3 (1) bestaan die raad, wanneer dit die eerste keer saamgestel word, benewens die persone in paragrafe (b) en (c) van daardie artikel bedoel, uit agt persone wat, behoudens die bepalinge van artikel 5 (1) (a) tot (d), deur die Minister, uit 'n lys van name van minstens 10 persone deur die Suid-Afrikaanse Instituut van Stads- en Streekbeplanners benoem, aangestel word, sodat daar in elke provinsie van die Republiek minstens een lid van die raad woonagtig is. 55

(2) Die bepalinge van— 60

- (a) artikel 3 (2) is *mutatis mutandis* van toepassing met betrekking tot die aanstelling van 'n lid van die raad in subartikel (1) van hierdie artikel bedoel;
- (b) artikel 3 (3), (5) en (6) is *mutatis mutandis* van toepassing met betrekking tot elke lid van die raad kragtens subartikel (1) van hierdie artikel aangestel.

(3) Elke lid van die raad in subartikel (1) van hierdie artikel beoog, met inbegrip van 'n lid wat as een van die eerste lede van

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3. (1) Subject to the provisions of section 4, the council shall consist of the following members appointed by the Minister, namely—

Constitution of council, tenure of office of members and filling of vacancies.

- 5 (a) eight town and regional planners selected by the Minister, from a list of the names of at least 10 town and regional planners nominated by town and regional planners' institutes, with due regard to the number of members of every such institute, so that there is at least one member of the council resident in every province of the Republic;
- 10 (b) two persons nominated by the Committee of University Principals referred to in section 6 of the Universities Act, 1955 (Act No. 61 of 1955), each of whom shall be a professor or lecturer in town or regional planning at different universities in the Republic having a faculty or subdivision thereof or department of town or regional planning;
- 15 (c) one person selected by the Minister from persons in the full-time employment of the State.

20 (2) To enable the Minister to appoint members of the council under paragraphs (a) and (b) of subsection (1), he shall by notice in writing request all town and regional planners' institutes and the Committee of University Principals to submit a list of the names of a specified number of persons in accordance with
25 the said paragraphs, and if no such list or a list containing insufficient names is submitted to the Minister within a period (of not less than 21 days) determined in the said notice for the submission of such a list of names, the Minister may appoint any suitable person or persons as a member or as members of the council
30 instead of the person or persons he would have appointed if the said institutes or Committee had not failed to submit such a list of names or a list with sufficient names.

(3) The name of every person appointed as a member of the council under this section shall be notified in the *Gazette*.

35 (4) Every member of the council (excluding a member appointed under subsection (1) (c), who shall hold office at the Minister's pleasure) shall be appointed for a period of three years, but shall, after the expiration of the period for which he was appointed, continue to hold office for a further period
40 not exceeding three months until his successor has been appointed.

(5) If a member of the council dies or vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the provisions of subsection (1), appoint
45 a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(6) Any member of the council whose period for which he was appointed has expired, shall be eligible for reappointment.

4. (1) Notwithstanding the provisions of paragraph (a) of section 3 (1) the council shall, when it is constituted for the first time, consist, in addition to the persons referred to in paragraphs (b) and (c) of that section, of eight persons appointed by the Minister, subject to the provisions of section 5 (1) (a) to (d),
50 from a list of names of at least 10 persons nominated by the South African Institute of Town and Regional Planners, so that there is at least one member of the council resident in every province of the Republic.

First members of council.

(2) The provisions of—

- 60 (a) section 3 (2) shall apply *mutatis mutandis* in relation to the appointment of a member of the council referred to in subsection (1) of this section;
- (b) section 3 (3), (5) and (6) shall apply *mutatis mutandis* in relation to every member of the council referred to in subsection (1) of this section.

65 (3) Every member of the council contemplated in subsection (1), including any member appointed as one of the first members

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die raad kragtens paragraaf (b) van artikel 3 (1) aangestel is, word, ondanks die bepalings van artikel 3 (4), aangestel vir 'n tydperk wat verstryk een jaar na die datum waarop die eerste vergadering van die raad gehou is of die langer tydperk van hoogstens twee jaar wat die Minister van tyd tot tyd bepaal. 5

Kwalifikasies van lede van raad en omstandighede waaronder hulle hul amp ontruim.

5. (1) 'n Persoon word nie as lid van die raad aangestel nie indien hy—

- (a) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie; 10
- (b) 'n ongerehabiliteerde insolvent is; 10
- (c) aan 'n misdryf skuldig bevind en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnis is; 15
- (d) weens onbehoorlike gedrag uit 'n vertrouensamp onthef is; of 15
- (e) ingevolge die bepalings van hierdie Wet deur die raad aan onbehoorlike gedrag skuldig bevind is.

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

- (a) ingevolge subartikel (1) onbevoeg word om as lid van die raad aangestel te word; 20
- (b) by skriftelike kennisgewing gerig aan die registrateur bedank;
- (c) volgens die reg as 'n geestesongestelde persoon aangehou word;
- (d) sonder verlof van die raad van drie agtereenvolgende 25 vergaderings van die raad afwesig was;
- (e) kragtens artikel 3 (1) (a) aangestel is en hy ophou om 'n stads- en streekbeplanner te wees;
- (f) kragtens artikel 3 (1) (b) aangestel is en hy ophou om 'n professor of lektor in stads- of streekbeplanning aan 'n universiteit in die Republiek te wees; of 30
- (g) kragtens artikel 3 (1) (c) aangestel is en hy ophou om in die heeltydse diens van die Staat te wees, of die Minister sy aanstelling beëindig.

Vergaderings van raad.

6. (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die Minister bepaal, en daarna word vergaderings van die raad gehou op die tye en plekke wat die raad van tyd tot tyd bepaal. 35

(2) Sewe lede van die raad maak 'n kworum uit vir 'n vergadering daarvan. 40

President en vise-president van raad.

7. (1) Die lede van die raad kies op die eerste vergadering van elke nuut saamgestelde raad en daarna wanneer dit nodig word uit hul midde 'n lid van die raad wat 'n stads- en streekbeplanner is, as president en 'n ander sodanige lid as vise-president van die raad, en die president en die vise-president aldus verkies, bekleed hul amp vir die tydperk wat die raad ten tyde van hul verkiesing bepaal. 45

(2) Die vise-president kan, indien die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werksaamhede van die president verrig. 50

(3) Indien die president sowel as die vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, kies die aanwesige lede uit hul midde 'n lid wat 'n stads- en streekbeplanner is, 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 werksaamhede hervat, al die werksaamhede van die president verrig. 55

(4) By die toepassing van subartikel (1) of (3) met betrekking tot die eerste lede van die raad word 'n lid wat kragtens artikel 4 (1) aangestel is, geag 'n stads- en streekbeplanner te wees. 60

Besluite van raad.

8. (1) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit.

(2) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is bloot vanweë 'n tydelike vakature in die 65

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of the council under paragraph (b) of section 3 (1), shall, notwithstanding the provisions of section 3 (4), be appointed for a period expiring one year after the date on which the first meeting of the council was held or such longer period not exceeding 5 two years as the Minister may from time to time determine.

5. (1) No person shall be appointed as a member of the council if he—

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

- (a) is not a South African citizen permanently resident in the Republic;
 - 10 (b) is an unrehabilitated insolvent;
 - (c) has been convicted of an offence and in respect thereof sentenced to imprisonment without the option of a fine;
 - (d) has on account of improper conduct been removed from an office of trust; or
 - 15 (e) has, in terms of the provisions of this Act, been found guilty by the council of improper conduct.
- (2) A member of the council shall vacate his office if he—
- (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the council;
 - 20 (b) resigns by written notice addressed to the registrar;
 - (c) is according to law detained as a mentally ill person;
 - (d) has, without the leave of the council, been absent from three consecutive meetings of the council;
 - 25 (e) was appointed under section 3 (1) (a) and he ceases to be a town and regional planner;
 - (f) was appointed under section 3 (1) (b) and he ceases to be a professor or lecturer in town or regional planning at a university in the Republic; or
 - 30 (g) was appointed under section 3 (1) (c) and he ceases to be in the full-time service of the State, or the Minister terminates his appointment.

6. (1) The first meeting of the council shall be held at such time and place as the Minister may determine, and thereafter meetings of the council shall be held at such times and places as the council may determine from time to time.

Meetings of council.

(2) Seven members of the council shall form a quorum for any meeting thereof.

7. (1) The members of the council shall at the first meeting of every newly constituted council and thereafter as the occasion arises, elect out of their number a member of the council who is a town and regional planner as president and any other such member as vice-president of the council, and the president and vice-president so elected shall hold office for such period as the council may determine at the time of their election.

President and vice-president of council.

45 (2) The vice-president may, if the president is absent or for any reason unable to act as president, perform all the functions of the president.

(3) If both the president and the vice-president are absent from any meeting of the council or unable to preside, the members present shall elect out of their number a member who is a town and regional planner to preside at that meeting, and the person so elected to preside may, during that meeting and until the president or vice-president resumes his functions, perform all the functions of the president.

55 (4) For the purposes of subsection (1) or (3) in relation to the first members of the council any member appointed under section 4 (1) shall be deemed to be a town and regional planner.

8. (1) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council.

Decisions of council.

60 (2) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of an in-

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raad of vanweë die feit dat 'n persoon wat nie geregtig is nie om as lid van die raad sitting te neem as lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, ongeldig nie, 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.

Algemene bevoegdhede van raad.

9. (1) Die raad kan—

- (a) 'n registrateur (wat ook as sekretaris van die raad moet optree) en die ander persone wat die raad vir die ver- 10 rigting van sy werksaamhede nodig ag, aanstel en besoldig, en hul werksaamhede bepaal;
- (b) behoudens die bepalinge van hierdie Wet, die wyse van byeenroeping van, en die prosedure by, vergaderings van die raad of 'n komitee van die raad of die Advise- 15 rende Onderwyskomitee, die kworum vir vergaderings van 'n komitee van die raad of die Adviserende Onderwyskomitee en die wyse waarop notule van die verrigtinge by sodanige vergaderings gehou moet word, bepaal; 20
- (c) die fondse van die raad insamel en daarmee handel deur—
 - (i) dit of 'n gedeelte daarvan by wyse van deposito by die Nasionale Finansiële korporasie van Suid-Afrika, 'n bankinstelling geregistreer ingevolge die Bank- 25 wet, 1965 (Wet No. 23 van 1965), 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of die Hoofposkantoor te belê;
 - (ii) dit of 'n gedeelte daarvan in 'n spaarrekening by so 'n bankinstelling of bouvereniging of by die Hoofposkantoor te deponeer; 30
 - (iii) dit of 'n gedeelte daarvan in 'n lopende rekening by so 'n bankinstelling te deponeer;
- (d) die besoldiging en toelaes bepaal wat betaalbaar is uit 35 die fondse van die raad aan lede van die raad of van 'n komitee van die raad of van die Adviserende Onderwyskomitee wat nie in die heeltidse diens van die Staat is nie;
- (e) behoudens die bepalinge van artikel 13 (2), die aanbe- 40 velings van 'n komitee van die raad of die Adviserende Onderwyskomitee oorweeg en finaal daaroor besluit;
- (f) die wyse waarop 'n persoon aansoek moet doen om registrasie as 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding, die gelde wat aan die 45 raad betaal moet word ten opsigte van so 'n registrasie, die jaargelde wat aan die raad betaal moet word deur 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding, die gedeelte van sodanige jaargelde wat ten opsigte van 'n deel van 'n jaar betaal moet 50 word en die datum waarop sodanige jaargelde of gedeelte daarvan betaalbaar word, voorskryf;
- (g) behoudens die bepalinge van hierdie Wet, 'n aansoek om registrasie as 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding oorweeg en daaroor 55 besluit;
- (h) 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 veranderings daarin of daarop aangebring kan word; 60
- (i) die stappe doen wat hy raadsaam ag vir die beskerming van lede van die publiek in hul transaksies met stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding en vir die handhawing van die integriteit van, die verhoging van die status van en die verbetering van 65 die standaard van dienste gelewer deur stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding en, na oorweging van enige advies of aanbevelings van die Adviserende Onderwyskomitee, die ver-

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5 terim vacancy on the council or of the fact that a person who is
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 requi-
site majority of the members of the council who were present at
the time and entitled to sit as members.

9. (1) The council may—

General powers of
council.

- 10 (a) appoint and remunerate a registrar (who shall also act
as secretary of the council) and such other persons as
the council may deem necessary for the performance of
its functions, and determine their functions;
- 15 (b) subject to the provisions of the Act, determine the
manner of convening, and the procedure at, meetings
of the council or any committee of the council or the
Education Advisory Committee, the quorum for meet-
ings of any committee of the council or the Education
Advisory Council and the manner in which minutes of
such meetings shall be kept;
- 20 (c) collect the funds of the council and deal with them by—
 (i) investing them or any part thereof by means of a
 deposit with the National Finance Corporation of
 South Africa, a banking institution registered in
 terms of the Banks Act, 1965 (Act No. 23 of
25 1965), a building society registered in terms of the
 Building Societies Act, 1965 (Act No. 24 of 1965),
 or the General Post Office;
 (ii) depositing them or any part thereof in a savings ac-
 count with such a banking institution or building
 society or with the General Post Office;
- 30 (iii) depositing them or any part thereof in a current
 account with such a banking institution;
- 35 (d) determine 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 Council who are not in the full-time service of
 the State;
- 40 (e) subject to the provisions of section 13 (2), consider and
 give its final decision on recommendations of a commit-
 tee of the council or the Education Advisory Commit-
 tee;
- 45 (f) prescribe the manner in which any person shall apply
 for registration as a town and regional planner or town
 and regional planner in training, the fees which shall be
 payable to the council in respect of any such registra-
 tion, the annual fees which shall be payable to the
 council by a town and regional planner or town and re-
 gional planner in training, the portion of such annual
 fees which shall be payable in respect of any part of a
50 year and the date on which such annual fees or portion
 thereof shall become payable;
- 55 (g) subject to the provisions of this Act, consider and de-
 cide upon any application for registration as a town and
 regional planner or town and regional planner in train-
 ing;
- 60 (h) decide upon the form of the register and certificates to
 be kept, maintained or issued in terms of this Act, the
 reviewing thereof and the manner in which alterations
 thereto may be effected;
- 65 (i) take steps which it may consider expedient for the pro-
 tection of members of the public in their dealings with
 town and regional planners or town and regional plan-
 ners in training and for the maintenance of the integrity
 of, the enhancement of the status of and the improve-
 ment of the standards of services rendered by town and
 regional planners and town and regional planners in
 training and, after consideration of any advice or rec-
 ommendations of the Education Advisory Committee,

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- betering van die standaard van die akademiese kwalifikasies van stads- en streekbeplanners;
- (j) navorsing aangaande aangeleenthede wat betrekking het op die stads- en streekbeplannersberoep aanmoedig en self onderneem en aan enige opvoedkundige inrigting, stads- en streekbeplannersinstituut of eksaminerende liggaam advies gee of hulp verleen in verband met opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende stads- en streekbeplanners;
- (k) enige publikasie met betrekking tot die stads- en streekbeplannersberoep en verwante aangeleenthede finansier, druk, versprei, verkoop, die publikasie daarvan administreer en in die algemeen enige stappe doen wat nodig is om dit te publiseer;
- (l) met 'n geregistreerde versekeraar soos omskryf in artikel 1 (1) van die Versekeringswet, 1943 (Wet No. 27 van 1943), reëlins tref vir die vrywaring deur middel van versekering van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding teen eise wat voortspruit uit die verrigting van hul werksaamhede as stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding;
- (m) die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede verkry of huur, en goed wat aldus verkry of gehuur is, in stand hou, verhuur of verkoop of op 'n ander wyse daarvoor beskik;
- (n) kontrakte aangaan of besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (o) met 'n geregistreerde versekeraar bedoel in paragraaf (l) reëlins tref vir die voorsiening van dekking deur middel van versekering—
- (i) vir 'n lid of enige amptenaar van die raad ten opsigte van enige liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat plaasvind in die loop van die verrigting deur so 'n lid of amptenaar van sy werksaamhede ingevolge hierdie Wet;
- (ii) vir die raad teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop, met inbegrip van dekking ten opsigte van enige verlies of skade wat die raad deur 'n persoon in sy diens betrokke is en ten opsigte van alle goed onder die beheer van die raad;
- (p) reëlins tref vir die betaling van pensioen- en ander voordele aan 'n amptenaar van die raad en sy afhanklikes by die beëindiging van die diens van daardie amptenaar;
- (q) van tyd tot tyd geld by wyse van lenings opneem ten einde sodanige van sy werksaamhede as wat die raad bepaal, doeltreffend te kan verrig;
- (r) met die oog op die bevordering van 'n aangeleentheid betreffende die stads- en streekbeplannersberoep, geld uitleen teen die sekuriteit wat die raad voldoende ag;
- (s) enige van sy onroerende goed met verband beswaar as sekuriteit vir 'n in paragraaf (q) bedoelde lening;
- (t) bepaal waar sy hoofkantoor geleë moet wees;
- (u) (i) die vereistes voorskryf waaraan 'n vereniging van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding moet voldoen om te kwalifiseer vir erkenning deur die raad as 'n stads- en streekbeplannersinstituut vir die doeleindes van hierdie Wet, en die omstandighede voorskryf waarin sodanige erkenning nadat 'n aansoek in verband daarmee toegestaan is, verval;
- (ii) 'n aansoek om sodanige erkenning oorweeg en die aansoek toestaan van enige sodanige vereniging wat aan die aldus voorgeskrewe vereistes voldoen; en

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the improvement of the standards of the academic qualifications of town and regional planners;

- 5 (j) encourage and itself undertake research into matters in relation to the town and regional planners' profession and give advice or render assistance to any educational institution, town and regional planners' institute or examining body in connection with educational facilities for and the training and education of prospective town and regional planners;
- 10 (k) finance, print, distribute, sell and administer the publication of, and generally take any steps necessary to publish, any publication in relation to the town and regional planners' profession and related matters;
- 15 (l) arrange with a registered insurer as defined in section 1 (1) of the Insurance Act, 1943 (Act No. 27 of 1943), for the indemnification by means of insurance of town and regional planners and town and regional planners in training against claims arising from the performance of their functions as town and regional planners or town and regional planners in training;
- 20 (m) acquire or hire such movable or immovable goods as it may consider necessary for the effective performance of its functions, and maintain, let or sell or in any other manner dispose of goods so acquired or hired;
- 25 (n) enter into contracts or decide upon the manner in which contracts shall be entered into on behalf of the council;
- 30 (o) arrange with a registered insurer referred to in paragraph (l) for the provision of cover by means of insurance—
- 35 (i) for a member or any officer of the council in respect of any bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance by such a member or officer of his functions in terms of this Act;
- 40 (ii) for the council against any loss, damage, risk or liability which it may suffer or incur, including cover in respect of any loss or damage caused to the council by any person in its employment and in respect of all goods under the control of the council;
- (p) arrange for the payment of pension and other benefits to any officer of the council and his dependants on the termination of the employment of that officer;
- 45 (q) from time to time raise money by way of loans for the purpose of effectively performing such of its functions as the council may determine;
- (r) with a view to the promotion of any matter relating to the town and regional planners' profession, lend money against such security as the council may deem adequate;
- 50 (s) mortgage any of its immovable goods as security for any loan referred to in paragraph (q);
- (t) determine where its head office shall be situated;
- 55 (u) (i) prescribe the requirements with which an association of town and regional planners and town and regional planners in training shall comply in order to qualify for recognition by the council as a town and regional planners' institute for the purposes of this Act, and the circumstances in which such recognition shall lapse after an application in connection therewith has been granted;
- 60 (ii) consider any application for such recognition and grant the application of any such association which complies with the requirements so prescribed; and
- 65

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- (v) oor die algemeen, al die maatreëls tref wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede of ten einde die oogmerke van hierdie Wet te bereik.

(2) Die raad moet, behoudens die bepalings van hierdie Wet, 'n register van stads- en streekbeplanners en stads- en streekbeplanners-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 voorgeskrewe gelde.

Voorbehoud deur Minister van sekere soorte werk vir stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding.

10. (1) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* die soorte werk in verband met stads- en streekbeplanning voorskryf wat vir stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding voorbehou word, en kan enige voorbehoud aldus gemaak op soortgelyke wyse wysig of intrek.

(2) Voordat daar ingevolge subartikel (1) voorsiening gemaak word vir die voorbehoud van werk, moet die Minister 'n kennisgewing in die *Staatskoerant* publiseer waarin—

- (a) die voorgestelde voorsiening uiteengesit word;
- (b) daar vermeld word dat dit die voorneme is om die betrokke voorsiening te maak met ingang van 'n datum in 20 die kennisgewing vermeld, wat 'n datum nie vroeër as vier weke vanaf die datum van die kennisgewing mag wees nie; en
- (c) 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 'n 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 ingevolge hierdie artikel gemaak word nie.

(3) By die maak van voorsiening ingevolge hierdie artikel, kan werk wat onder bepaalde omstandighede of vir bepaalde doeleindes of deur of vir bepaalde persone of klasse persone of binne of buite bepaalde gebiede of klasse gebiede verrig word, van die bepalings daarvan uitgesluit word.

Fondse van raad en hou en ouditering van rekenings.

11. (1) Die fondse van die raad bestaan uit alle gelde wat ingevolge die bepalings van hierdie Wet betaalbaar is, alle geld wat ingevolge bedoelde bepalings deur die raad opgeneem word en die ander bedrae, met inbegrip van voorskotte in subartikel (4) bedoel, wat van tyd tot tyd ingevolge bedoelde bepalings aan die raad betaalbaar word.

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

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe in sy jongste voorafgaande boekjaar en 'n balansstaat wat sy geldelike toestand aan die einde van daardie boekjaar aantoon, laat opstel en moet bedoelde staat en balansstaat laat ouditeer deur 'n ouditeur wat die raad aanstel.

(4) (a) Die Minister kan, met die instemming van die Minister van Finansies, uit geld 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, met die instemming van die Minister van Finansies, bepaal.

Verslae aan Minister en verstrekking van inligting aan stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding.

12. 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 in daardie boekjaar, tesame met 'n afskrif van die geouditeerde staat van inkomste en uitgawe en die balansstaat bedoel in artikel 11 (3) ten opsigte van daardie boekjaar sowel as 'n lys van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding wie se name op die laaste dag van daardie boekjaar in die register verskyn het, en moet aan elke stads- en streekbeplanner en stads- en streekbeplanner-in-oplei-

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- (v) generally, take all such measures as it may deem necessary for the proper performance of its functions or to achieve the objects of this Act.
- (2) Subject to the provisions of this Act, the council shall keep and maintain a register of town and regional planners and town and regional planners in training, and such register shall at all reasonable times be open to inspection by any member of the public upon payment of the prescribed fees.
10. (1) The Minister may, after consultation with the council, by notice in the *Gazette* prescribe the kinds of work in connection with town and regional planning which shall be reserved for town and regional planners and town and regional planners in training, and may in like manner amend or withdraw any reservation so made.
- 15 (2) Before any provision is made in terms of subsection (1) for the reservation of work, the Minister shall publish a notice in the *Gazette* in which—
- (a) the proposed provision is set out;
- 20 (b) it is intimated that it is proposed to make the provision in question with effect from a date specified in the notice, which shall be a date not earlier than four weeks as from the date of the notice; and
- (c) interested persons are invited to submit any objections to or representations concerning the proposed provision:
- 25 Provided that if the Minister thereafter decides 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 in terms of this section.
- 30 (3) In making provision in terms of this section, work performed in 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, may be excluded from the provisions thereof.
- 35 11. (1) The funds of the council shall consist of all fees payable in terms of the provisions of this Act, all money raised by the council in terms of the said provisions and such other amounts, including advances referred to in subsection (4), as may in terms of the said provisions become payable to the council from time to time.
- (2) The council shall cause full and correct account to be kept of all money 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 cause such statement and balance sheet to be audited by an auditor appointed by the council.
- 50 (4) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of money appropriated by Parliament such amounts as he may deem necessary in order to enable the council to perform its functions.
- (b) Any such advance shall be made on such conditions and shall be payable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.
- 55 12. The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in connection with its functions during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 11 (3) in respect of that financial year, as well as a list of town and regional planners and town and regional planners in training whose names appeared in the register on the last day of that financial year, and shall send to every town and regional planner and town and re-

Reservation by Minister of certain kinds of work for town and regional planners and town and regional planners in training.

Funds of council and keeping and auditing of accounts.

Reports to Minister and furnishing of information to town and regional planners and town and regional planners in training.

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ding wie se naam aldus in die register verskyn het, 'n afskrif van elk van genoemde stukke stuur.

Komitees van raad.

13. (1) (a) Die raad kan komitees instel om hom by die ver-
rigting van sy werksaamhede by te staan en kan daardie
lede van die raad en daardie stads- en streekbeplanners en
ander persone wat nie lede van die raad is nie en wat hy
goedvind, aanstel om lede van so 'n komitee te wees. 5
(b) Een van die lede van 'n komitee word deur die raad as
voorsitter van die komitee aangewys.
(2) Die raad kan enige van sy bevoegdhede na goeddunke de- 10
legeer aan 'n komitee wat aldus ingestel is, maar word nie ont-
hef nie van 'n bevoegdheid wat hy aldus aan 'n komitee gedele-
geer het, en kan 'n besluit van so 'n komitee wysig of intrek.
(3) 'n Verwysing in hierdie Wet na die raad of die president
van die raad met betrekking tot die uitoefening van 'n bevoegd- 15
heid wat die raad aan 'n komitee gedelegeer het, word uitgelê as
'n verwysing ook na daardie komitee of na die voorsitter van
daardie komitee, na gelang van die geval.
(4) Die bepalings van artikel 8 (2) is *mutatis mutandis* ten op-
sigte van 'n komitee van die raad van toepassing. 20

Instelling van Advise-
rende Onder-
wyskomitee.

14. Die Minister stel 'n komitee in wat die Adviserende Onderwyskomitee vir Stads- en Streekbeplanners heet.

Samestelling van
Adviserende On-
derwyskomitee,
amptduur van lede
en vul van vaka-
tures.

15. (1) Die Adviserende Onderwyskomitee bestaan uit die
volgende lede wat deur die Minister aangestel word, naamlik—
(a) een persoon wat deur die senaat van elke universiteit in 25
die Republiek wat 'n fakulteit of onderafdeling daarvan
of 'n departement van stads- of streekbeplanning het en
eksamens in artikel 20 (2) (b) bedoel, afneem, benoem
word en wat 'n professor of lektor in stads- of streekbe-
planning aan daardie universiteit moet wees; 30
(b) twee persone wat deur die Minister van Nasionale Op-
voeding benoem word; en
(c) soveel persone wat gelyk in getal is aan die verskil in
getal tussen die persone kragtens paragraaf (a) en dié
kragtens paragraaf (b) aangestel, en wat deur die Mi- 35
nister gekies word uit 'n lys van name van stads- en
streekbeplanners wat benoem word deur stads- en
streekbeplannersinstitute.
(2) Die bepalings van—
(a) artikel 3 (2) is *mutatis mutandis* van toepassing met be- 40
trekking tot die aanstelling van 'n lid van die Advise-
rende Onderwyskomitee in subartikel (1) (c) van hier-
die artikel bedoel;
(b) artikel 3 (3), (4), (5) en (6) is *mutatis mutandis* van toe-
passing met betrekking tot elke lid van die Adviserende 45
Onderwyskomitee in subartikel (1) van hierdie artikel
bedoel.

Kwalifikasies van
lede van Advise-
rende Onderwys-
komitee en omstan-
dighede waaronder
hulle hul amp ont-
ruim.

16. (1) 'n Persoon word nie as lid van die Adviserende Onder-
wyskomitee aangestel nie indien hy—
(a) nie 'n Suid-Afrikaanse burger is wat permanent in die 50
Republiek woonagtig is nie;
(b) 'n ongerehabiliteerde insolvent is;
(c) aan 'n misdryf skuldig bevind en ten opsigte daarvan
tot gevangenisstraf sonder die keuse van 'n boete ge-
vonnis is; 55
(d) weens onbehoorlike gedrag uit 'n vertrouensamp ont-
hef is; of
(e) ingevolge die bepalings van hierdie Wet deur die raad
aan onbehoorlike gedrag skuldig bevind is.
(2) 'n Lid van die Adviserende Onderwyskomitee ontruim sy 60
amp indien hy—
(a) ingevolge subartikel (1) onbevoeg word om as lid van
die Adviserende Onderwyskomitee aangestel te word;
(b) by skriftelike kennisgewing gerig aan die registrateur
bedank; 65

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gional planner in training whose name so appeared in the register a copy of each of the said documents.

13. (1) (a) The council may establish committees to assist it in the performance of its functions and may appoint such of its members and such town and regional planners and other persons who are not members of the council as it may deem fit, to be members of any such committee. Committees of council.
- (b) One of the members of a committee shall be designated by the council as chairman of the committee.
- 10 (2) The council may in its discretion delegate to a committee so established any of its powers, but shall not be divested of any power which it has so delegated to a committee, and may amend or withdraw any decision of such a committee.
- (3) Any reference in this Act to the council or the president of the council in relation to the exercise of any power which the council has delegated 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.
- 15 (4) The provisions of section 8 (2) shall apply *mutatis mutandis* in respect of a committee of the council.
14. The Minister shall establish a committee to be known as the Education Advisory Committee for Town and Regional Planners. Establishment of Education Advisory Committee.
15. (1) The Education Advisory Committee shall consist of the following members appointed by the Minister, namely— Constitution of Education Advisory Committee, tenure of office of members and filling of vacancies.
- (a) one person nominated by the senate of every university in the Republic having a faculty or subdivision thereof or a department of town or regional planning and conducting examinations referred to in section 20 (2) (b) and who shall be a professor or lecturer in town or regional planning at such university;
- 30 (b) two persons nominated by the Minister of National Education; and
- (c) as many persons as may be equal in number of the difference in number between the persons appointed under paragraph (a) and the persons appointed under paragraph (b), selected by the Minister from a list of names of town and regional planners nominated by town and regional planners' institutes.
- 35 (2) The provisions of—
- (a) section 3 (2) shall apply *mutatis mutandis* in relation to the appointment of a member of the Education Advisory Council referred to in subsection (1) (c) of this section;
- 40 (b) section 3 (3), (4), (5) and (6) shall apply *mutatis mutandis* in relation to every member of the Education Advisory Council referred to in subsection (1) of this section.
- 45 (3) section 3 (3), (4), (5) and (6) shall apply *mutatis mutandis* in relation to every member of the Education Advisory Council referred to in subsection (1) of this section.
16. (1) No person shall be appointed as a member of the Education Advisory Committee if he— Qualifications of members of Education Advisory Council and circumstances under which they vacate office.
- (a) is not a South African citizen permanently resident in the Republic;
- (b) is an unrehabilitated insolvent;
- 55 (c) has been convicted of an offence and in respect thereof sentenced to imprisonment without the option of a fine;
- (d) has on account of improper conduct been removed from an office of trust; or
- (e) has, in terms of the provisions of this Act, been found guilty of improper conduct.
- 60 (2) A member of the Education Advisory Committee shall vacate his office if he—
- (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the Education Advisory Committee;
- 65 (b) resigns by written notice addressed to the registrar;

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- (c) volgens die reg as 'n geestesongestelde persoon aangehou word;
- (d) sonder verlof van die komitee van drie agtereenvolgende vergaderings van die komitee afwesig was;
- (e) ingevolge artikel 15 (1) (a) aangestel is en hy ophou om 'n professor of lektor in stads- of streekbeplanning aan 'n universiteit in die Republiek te wees; of
- (f) ingevolge artikel 15 (1) (c) aangestel is en hy ophou om 'n stads- en streekbeplanner te wees.

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

Voorsitter van Adviserende Onderwyskomitee.

17. (1) Die lede van die Adviserende Onderwyskomitee kies op die eerste vergadering van elke nuut saamgestelde komitee en daarna wanneer dit nodig word uit hul midde een as voorsitter van die komitee, en die voorsitter beklee sy amp vir die tydperk, maar minstens 12 maande, wat die raad van tyd tot tyd bepaal of totdat hy ophou om 'n lid van die komitee te wees, na gelang van watter gebeurtenis eerste voorval.

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

Aanstelling van lede van Adviserende Onderwyskomitee in ander hoedanighede.

18. Die bepalinge van hierdie Wet word nie so uitgelê nie dat dit 'n lid van die Adviserende Onderwyskomitee belet om aangestel te word of te dien as —

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

Werksaamhede van Adviserende Onderwyskomitee.

19. Die werksaamhede van die Adviserende Onderwyskomitee is om die raad by die verrigting van sy werksaamhede ingevolge hierdie Wet by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot 'n aangeleentheid wat die raad by die verrigting van sy werksaamhede ingevolge hierdie Wet, hetsy spesifiek of in die algemeen na die Komitee verwys of wat uit eie beweging deur die komitee geopper is, en meer bepaald met betrekking tot die aangeleenthede in artikels 9 (1) (b), (f), (i), (j), (k) en (v) en (2) (b) bedoel.

Registrasie van stads- en streekbeplanners.

20. (1) 'n Persoon wat begerig is om as 'n stads- en streekbeplanner geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op die wyse deur die raad voorgeskryf, en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegelde en die inligting wat die raad verlang.

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

- (a) minstens 21 jaar oud is;
- (b) geslaag het in die voorgeskrewe eksamen of in eksamens wat die raad, na oorweging van enige advies of aanbevelings van die Adviserende Onderwyskomitee, vir die doeleindes van hierdie paragraaf erken;
- (c) die voorgeskrewe praktiese ondervinding van werk in stads- en streekbeplanning opgedoen het;
- (d) 'n lid is van enige stads- en streekbeplannersinstituut, tensy die raad van oordeel is dat hy lidmaatskap van so 'n instituut sonder enige gegronde rede geweier is; en
- (e) met inagneming van die bepalinge van hierdie Wet, 'n geskikte persoon is om as 'n stads- en streekbeplanner geregistreer te word,

moet die raad, behoudens die bepalinge van subartikel (4), die aansoeker as 'n stads- en streekbeplanner registreer, en laat die

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- (c) is according to law detained as a mentally ill person;
- (d) has, without leave of the committee, been absent from three consecutive meetings of the committee;
- 5 (e) was appointed under section 15 (1) (a) and he ceases to be a professor or lecturer in town or regional planning at a university in the Republic; or
- (f) was appointed under section 15 (1) (c) and he ceases to be a town and regional planner.
- (3) The provisions of section 8 shall apply *mutatis mutandis* in
10 respect of the Education Advisory Committee.

17. (1) The members of the Education Advisory Committee shall at the first meeting of every newly constituted committee and thereafter as the occasion arises, elect out of their number one as chairman of the committee, and the chairman shall hold
15 his office for such period, being not less than 12 months, as the council may from time to time determine or until he ceases to be a member of the committee, whichever event first occurs.
- (2) If the chairman is absent from any meeting of the Education Advisory Committee or is unable to preside, the members
20 present shall elect out of their number one to preside at that meeting, and the person so elected to preside shall, during that meeting and until the chairman resumes his functions, perform all the functions of the chairman.

Chairman of Education Advisory Committee.

18. The provisions of this Act shall not be construed so as to
25 preclude a member of the Education Advisory Committee from being appointed or from serving as—
- (a) a member of the council; or
- (b) a member of a committee of the council.

Appointment of members of Education Advisory Committee in other capacities.

19. The functions of the Education Advisory Committee shall
30 be to assist the council in the performance of its functions in terms of this Act and to inquire into and advise upon or make recommendations in relation 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 or
35 which has been raised by the committee of its own accord, and more particularly in relation to the matters referred to in sections 9 (1) (b), (f), (i), (j), (k) and (v) and 20 (2) (b).

Functions of Education Advisory Committee.

20. (1) Any person who desires to be registered as a town and regional planner shall lodge with the council, in the manner pre-
40 scribed 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—
- 45 (a) is not less than 21 years of age;
- (b) has passed the prescribed examinations, or any examinations recognized by the council for the purposes of this Act after consideration of any advice or recommendations of the Education Advisory Committee;
- 50 (c) has gained the prescribed practical experience of work in town and regional planning;
- (d) is a member of any town and regional planners' institute, unless the council is of the opinion that he has, without any sound reason, been refused membership of
55 any such town and regional planners' institute; and
- (e) with due regard to the provisions of this Act, is a suitable person for registration as a town and regional planner,
- the council shall, subject to the provisions of subsection (4),
60 register the applicant as a town and regional planner, and cause

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raad so 'n persoon se naam in die register inskryf en 'n registrasiesertifikaat in die voorgeskrewe vorm aan hom uitreik.

(3) 'n Persoon wat by die inwerkingtreding van hierdie Wet—

- (a) 'n lid van die Suid-Afrikaanse Instituut van Stads- en Streekbeplanners is; of
- (b) besig was met die uitvoering van stads- en streekbeplanningswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens 15 jaar of, in die geval van 'n persoon wat geregistreer is as—
 - (i) 'n landmeter ingevolge die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950);
 - (ii) 'n professionele ingenieur ingevolge die Wet op Professionele Ingenieurs, 1968 (Wet No. 81 van 1968);
 - (iii) 'n argitek ingevolge die Wet op Argitekte, 1970 (Wet No. 35 van 1970); of
 - (iv) 'n bourekenaar ingevolge die Wet op Bourekenaars, 1970 (Wet No. 36 van 1970),

minstens 10 jaar aldus besig was,

kan binne ses maande vanaf die inwerkingtreding van hierdie Wet of die verdere tydperk wat die raad toelaat 'n skriftelike aansoek om registrasie as stads- en streekbeplanner by die raad indien op die wyse deur die raad voorgeskryf, en die raad moet, behoudens die bepalinge van subartikel (4), so 'n persoon wat na die oordeel van die raad aan die vereistes van subartikel (2) (e) voldoen, en by verstrekking van die inligting wat die raad verlang en teen betaling van die voorgeskrewe gelde, as stads- en streekbeplanner registreer en laat sy naam in die register inskryf en laat 'n registrasiesertifikaat in die voorgeskrewe vorm aan hom uitreik.

(4) Die raad registreer nie ingevolge die bepalinge van hierdie artikel 'n persoon as 'n stads- en streekbeplanner nie—

- (a) indien daardie persoon te eniger tyd weens onbehoorlike gedrag uit 'n vertrouensamp onthef is of weens 'n misdryf waarvan oneerlikheid 'n element is, skuldig bevind is en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van minstens R200 gevonnissen is: Met dien verstande dat indien die raad ten opsigte van 'n persoon wat onderworpe is aan 'n onbevoegdheid bedoel in hierdie paragraaf, oortuig is dat, met inagneming van al die tersaaklike oorwegings, die registrasie van so 'n persoon in belang van billikheid teenoor hom geregverdig is, die raad, op die voorwaardes wat die raad bepaal, so 'n persoon as 'n stads- en streekbeplanner kan registreer;
- (b) indien daardie persoon volgens die reg as 'n geestesongestelde persoon aangehou word; of
- (c) indien die naam van daardie persoon uit die register geskrap is uit hoofde van 'n straf hom kragtens hierdie Wet opgelê.

(5) Die raad moet die registrasie van 'n persoon as 'n stads- en streekbeplanner intrek indien daardie persoon—

- (a) ingevolge subartikel (4) (a) of (b) onbevoeg word om as 'n stads- en streekbeplanner geregistreer te word;
- (b) per abuis as 'n stads- en streekbeplanner geregistreer is of aldus geregistreer is op grond van inligting wat daarna bewys word vals te wees;
- (c) versuim om jaargelde of 'n gedeelte daarvan wat kragtens artikel 9 (1) (f) voorgeskryf en deur hom betaalbaar is, te betaal binne 60 dae nadat sodanige gelde of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad, hetsy voor of na die verstryking van bedoelde 60 dae, in 'n bepaalde geval toelaat.

(6) Die raad moet op skriftelike versoek van 'n stads- en streekbeplanner sy naam uit die register skrap: Met dien verstande dat waar 'n ondersoek na beweerde onbehoorlike gedrag deur so 'n stads- en streekbeplanner aan die gang is of gehou

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any such person's name to be entered in the register and a certificate of registration in the prescribed form to be issued to him.

(3) Any person who at the commencement of this Act—

- 5 (a) is a member of the South African Institute of Town and Regional Planners; or
- (b) was engaged in the performance of work in town and regional planning which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not
- 10 less than 15 years or, in the case of a person registered as—
- (i) a land surveyor in terms of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950);
- 15 (ii) a professional engineer in terms of the Professional Engineers' Act, 1968 (Act No. 81 of 1968);
- (iii) an architect in terms of the Architects' Act, 1970 (Act No. 35 of 1970); or
- (iv) a quantity surveyor in terms of the Quantity Surveyors' Act, 1970 (Act No. 36 of 1970),
- 20 not less than 10 years,

may, within six months from the commencement of this Act or such further period as the council may allow, lodge with the council, in the manner prescribed by it, an application in writing for registration as a town and regional planner, and the council

25 shall, subject to the provisions of subsection (4), and upon such information as the council may require being furnished and upon payment of the prescribed fees, register as a town and regional planner any such person who in its opinion complies with the requirements of subsection (2) (e) and shall cause his name to be

30 entered in the register and a certificate of registration in the prescribed form to be issued to him.

(4) The council shall not register any person as a town and regional planner in terms of the provisions of this section—

- 35 (a) if such person has at any time been removed from an office of trust on account of improper conduct or has been convicted of an offence involving an element of dishonesty and sentenced in respect thereof to imprisonment without the option of a fine or to a fine of at least R200: Provided that if the council is satisfied, in
- 40 respect of any person who is subject to a disqualification referred to in this paragraph, that, with due regard to all the relevant considerations, the registration of such a person is justified in the interest of fairness towards him, the council may, on such conditions as the
- 45 council may determine, register such a person as a town and regional planner;
- (b) if such person is according to law detained as a mentally ill person; or
- 50 (c) if the name of that person has been removed from the register by virtue of any punishment imposed upon him under this Act.

(5) The council shall withdraw the registration as a town and regional planner of any person if that person—

- 55 (a) becomes disqualified in terms of subsection (4) (a) or (b) from being registered as a town and regional planner;
- (b) has erroneously been registered as a town and regional planner or has been so registered on information subsequently proved to be false;
- 60 (c) fails to pay any annual fee or a portion thereof prescribed under section 9 (1) (f) and payable by him, within 60 days after such fee or portion thereof becomes payable or within such further period as the council may, either before or after the expiration of the
- 65 said 60 days, in any particular case allow.

(6) The council shall at the written request of any town and regional planner remove his name from the register: Provided that where an inquiry into alleged improper conduct by such a

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staan te word, sodanige skraping nie gedoen word alvorens daardie ondersoek afgehandel is nie.

(7) Behoudens die bepalings van subartikel (4) moet die raad op aansoek by hom 'n persoon wat voorheen ingevolge hierdie artikel as 'n stads- en streekbeplanner geregistreer was en wie se registrasie ingevolge subartikel (5) (c) ingetrek is, as 'n stads- en streekbeplanner registreer indien hy die voorgeskrewe registrasiegelde en enige agterstallige jaargelde of gedeelte daarvan wat kragtens artikel 9 (1) (f) voorgeskryf is, tesame met enige uitgawe deur die raad aangegaan in verband met die verhaal van 10 agterstallige gelde, betaal het.

(8) 'n Persoon wat as 'n stads- en streekbeplanner geregistreer is, kan homself as 'n stads- en streekbeplanner beskryf en is geregtig om sy status aan te dui of bekend te maak deur vir alle doeleindes van die betiteling SS (SA) agter sy naam gebruik te 15 maak.

Registrasie van
stads- en streek-
beplanners-in-
opleiding.

21. (1) 'n Persoon wat nie aan die in artikel 20 (2) (b) of (c) bedoelde vereiste vir registrasie as 'n stads- en streekbeplanner voldoen nie maar wat begerig is om as 'n stads- en streekbeplanner-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op die wyse deur 20 die raad voorgeskryf, en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegelde en die inligting wat die raad verlang.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is 25 dat die aansoeker—

- (a) by 'n deur die raad goedgekeurde opleidingsinrigting ingeskryf is vir 'n kursus wat die aflegging van die eksamens bedoel in artikel 20 (2) (b) behels; of
- (b) met inagneming van die bepalings van hierdie Wet, 'n 30 geskikte persoon is om as 'n stads- en streekbeplanner geregistreer te word,

moet die raad, behoudens die bepalings van subartikel (4), die aansoeker as 'n stads- en streekbeplanner-in-opleiding registreer, en laat die raad so 'n persoon se naam in die register in- 35 skryf en 'n registrasiesertifikaat in die voorgeskrewe vorm aan hom uitreik waarop die beperkings en voorwaardes wat uit hoofde van die bepalings van subartikel (3) ten opsigte van hom van toepassing is, aangeteken is.

(3) 'n Stads- en streekbeplanner-in-opleiding verrig werk in 40 stads- en streekbeplanning onderworpe aan die beperkings en voorwaardes betreffende die soort diens wat hy mag lewer en betreffende toesig en beheer deur 'n stads- en streekbeplanner wat die raad in elke geval bepaal.

(4) Die bepalings van—

- (a) artikel 20 (4) en (5) is *mutatis mutandis* van toepassing 45 met betrekking tot die registrasie van 'n stads- en streekbeplanner-in-opleiding;
- (b) artikel 20 (6) of (7) is *mutatis mutandis* van toepassing met betrekking tot 'n stads- en streekbeplanner-in-op- 50 leiding, of 'n stads- en streekbeplanner-in-opleiding wie se registrasie ingetrek is, na gelang van die geval.

(5) 'n Persoon wat as 'n stads- en streekbeplanner-in-opleiding geregistreer is, kan homself as sodanig beskryf.

Terughesorging van
registrasieserti-
fikaat.

22. (1) 'n Persoon wie se registrasie as 'n stads- en streekbe- 55 planner of stads- en streekbeplanner-in-opleiding kragtens die bepalings van hierdie Wet ingetrek is of wie se naam kragtens genoemde bepalings uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne 30 dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennis- 60 gewing deur die pos gestuur, gelas word om dit te doen, tensy hy die registrateur oortuig dat die sertifikaat verlore geraak het of vernietig is, indien dit die geval is, of hy weer ingevolge artikel 20 (7) geregistreer is.

(2) 'n Persoon wat versuim om te voldoen aan 'n lasgewing 65 kragtens subartikel (1), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200.

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town and regional planner is in progress or to be held, such removal shall not be made until that inquiry has been concluded.

(7) Subject to the provisions of subsection (4), the council shall on application to it register as a town and regional planner any person who was previously registered as a town and regional planner in terms of this section and whose registration has been withdrawn in terms of subsection (5) (c), if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 9 (1) (f), together with any expenses incurred by the council in connection with the recovery of any arrear fees.

(8) A person who is registered as a town and regional planner may describe himself as a town and regional planner and shall be entitled to indicate his status or to make it known by using for all purposes the title TRP (SA) after his name.

21. (1) Any person who does not comply with the requirements referred to in section 20 (2) (b) or (c) for registration as a town and regional planner but who desires to be registered as a town and regional planner 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.

Registration of town and regional planners in training.

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

- (a) is enrolled at an educational institution approved by the council for a course which includes sitting for the examinations referred to in section 20 (2) (b); or
 - (b) with regard to the provisions of this Act, is a suitable person for registration as a town and regional planner,
- the council shall, subject to the provisions of subsection (4), register the applicant as a town and regional planner in training, and cause such person's name to be entered in the register and a certificate of registration in the prescribed form to be issued to him on which the restrictions and conditions applicable to him by virtue of the provisions of subsection (3) are endorsed.

(3) A town and regional planner in training shall perform work in town and regional planning subject to such restrictions and conditions relating to the kind of service he may render and relating to supervision and control by a town and regional planner, as the council may in each case determine.

(4) The provisions of—

- (a) section 20 (4) and (5) shall apply *mutatis mutandis* in relation to the registration of a town and regional planner in training;
- (b) section 20 (6) or (7) shall apply *mutatis mutandis* in relation to a town and regional planner in training, or a town and regional planner in training whose registration has been withdrawn, as the case may be.

(5) A person registered as a town and regional planner in training may describe himself as such.

22. (1) A person whose registration as a town and regional planner or town and regional planner in training has been withdrawn under the provisions of this Act or whose name has under the said provisions been removed from the register, shall return his certificate of registration to the registrar within 30 days from the date upon which he is ordered by the registrar by notice in writing transmitted by post to do so, unless he satisfies the registrar that the certificate has been lost or destroyed, if such is the case, or he is again registered under section 20 (7).

Return of certificate of registration.

(2) A person who fails to comply with any order given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200.

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Verbod op verrigting van sekere handelinge deur ongeregistreerde persone.

23. (1) Behoudens die bepalinge van artikel 10 (3) is 'n persoon wat nie as 'n stads- en streekbeplanner of 'n stads- en streekbeplanner-in-opleiding geregistreer is nie en wat—
 (a) teen vergoeding enige soort werk verrig wat kragtens artikel 10 (1) vir stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding voorbehou is; of
 (b) homself voordoen of op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word as 'n stads- en streekbeplanner of 'n stads- en streekbeplanner-in-opleiding of die naam van stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding gebruik of enige naam, titel, beskrywing of simbool wat aandui of daarop bereken is om die indruk by persone te wek dat hy ingevolge hierdie Wet as 'n stads- en streekbeplanner of 'n stads- en streekbeplanner-in-opleiding geregistreer is, 15
 aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000.

(2) Subartikel (1) (a) tree in werking op die datum ses maande na 'n datum wat die Minister na oorlegpleging met die raad by kennisgewing in die *Staatskoerant* bepaal: Met dien verstande 20 dat die Minister, indien hy dit goedvind, bedoelde tydperk van ses maande of in die algemeen by kennisgewing in die *Staatskoerant* of ten opsigte van 'n bepaalde persoon deur 'n sertifikaat in opdrag van die Minister deur die registrateur uitgereik, vir die verdere tydperk en op die voorwaardes wat die Minister op aan- 25 beveling van die raad dienstig ag, kan verleng.

Onbehoorlike gedrag.

24. 'n Stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding is skuldig aan onbehoorlike gedrag indien hy—

- (a) werk verrig van 'n soort wat kragtens artikel 10 (1) vir stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding voorbehou is in verband met 'n aan- 30 geleentheid wat die onderwerp van 'n geskil of regsge- ding uitmaak of kan uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien die geskil of regsge- ding gunstig verloop vir die persoon vir 35 wie die werk verrig word;
- (b) werk verrig van 'n soort wat kragtens artikel 10 (1) vir stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding voorbehou is gedurende 'n tydperk 40 waartydens hy kragtens hierdie Wet geskors is;
- (c) in die geval van 'n stads- en streekbeplanner-in-oplei- 45 ding, 'n beperking of voorwaarde wat uit hoofde van die bepalinge van artikel 21 (3) ten opsigte van hom van toepassing is, oortree of versuim om daaraan te voldoen;
- (d) behalwe met die toestemming van die raad, wetens 50 werk van 'n soort wat vir stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding kragtens artikel 10 (1) voorbehou is, aan 'n ander persoon as 'n stads- en streekbeplanner opdra;
- (e) 'n misdryf by die verrigting van sy werk as 'n stads- en 55 streekbeplanner of stads- en streekbeplanner-in-oplei- ding begaan;
- (f) besoldiging van 'n ander persoon as sy kliënt of werk- 60 gewer ontvang vir die verrigting van werk van 'n soort wat vir stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding, na gelang van die geval, kragtens artikel 10 (1) voorbehou is;
- (g) 'n vereiste vervat in 'n kragtens artikel 28 (1) (c) uitge- 65 vaardigde reël oortree of versuim om daaraan te vol- doen; of
- (h) hom strydig met 'n in kragtens artikel 28 (1) (d) uitge- vaardigde reël gedra.

Dissiplinêre be-
voegdhede van
raad.

25. (1) Die raad kan ondersoek instel na gevalle van onbehoor- 65 like gedrag waaraan 'n persoon wat ingevolge hierdie Wet as 'n stads- en streekbeplanner of stads- en streekbeplanner-in-oplei- ding geregistreer is, hom na bewering skuldig gemaak het terwyl

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23. (1) Subject to the provisions of section 10 (3), a person not registered as a town and regional planner or town and regional planner in training who—

Prohibition of performance of certain acts by unregistered persons.

- 5 (a) for reward performs any kind of work reserved for town and regional planners or town and regional planners in training under section 10 (1); or
- 10 (b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a town and regional planner or town and regional planner in training or uses the name of a town and regional planner or town and regional planner in training or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a town and regional planner or town and regional planner in training in terms of this Act,

15 shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

(2) Subsection (1) (a) shall come into operation on a date six months after a date fixed by the Minister, after consultation with the council, by notice in the *Gazette*: Provided that the Minister may, if he deems fit, extend the said period of six months, either generally by notice in the *Gazette* or in respect of a specific person by a certificate issued by the registrar on the instructions of the Minister, for such further period and on such conditions as the Minister may, on the recommendation of the council, deem expedient.

24. A town and regional planner or town and regional planner in training shall be guilty of improper conduct if he—

Improper conduct.

- 30 (a) performs work of a kind reserved for town and regional planners or town and regional planners in training under section 10 (1) in connection with any matter which is the subject of a dispute or litigation, on condition that payment for such work will be made only if such dispute or litigation ends favourably for the person for whom such work is performed;
- 35 (b) performs work of a kind reserved for town and regional planners or town and regional planners in training under section 10 (1) during any period in respect of which he has been suspended under this Act;
- 40 (c) in the case of a town and regional planner in training, contravenes or fails to comply with any restriction or condition applicable in respect of him by virtue of the provisions of section 21 (3);
- 45 (d) except with the consent of the council, knowingly entrusts to any person other than a town and regional planner work of a kind reserved for town and regional planners or town and regional planners in training under section 10 (1);
- 50 (e) commits an offence in the performance of his work as a town and regional planner or a town and regional planner in training;
- 55 (f) accepts remuneration from any person other than his client or employer for the performance of work of a kind reserved for town and regional planners or town and regional planners in training, as the case may be, under section 10 (1);
- (g) contravenes or fails to comply with any requirement contained in a rule made under section 28 (1) (c); or
- 60 (h) conducts himself contrary to a rule made under section 28 (1) (d).

25. (1) The council may inquire into cases of improper conduct of which a person who is registered in terms of this Act as a town and regional planner or town and regional planner in training is alleged to have been guilty while so registered, and may im-

Disciplinary powers of council.

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hy aldus geregistreer was en kan ten opsigte daarvan, indien bewese bevind, een van die volgende strawwe oplê, naamlik—

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing;
- (b) 'n boete van hoogstens R500;
- (c) skorsing vir 'n bepaalde tydperk van hoogstens een jaar om in die Republiek die werk van 'n stads- en streekbeplanner of 'n stads- en streekbeplanner-in-opleiding, na gelang van die geval, te verrig; of
- (d) intrekking van sy registrasie as stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding, na gelang van die geval, en die skraping van sy naam uit die register:

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 vermoed dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is uit 'n boete bestaan, moet 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.

(3) Die vryspreking of die skuldigbevinding van 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding deur 'n geregshof op 'n strafregtelike 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, indien dit bewys sou word, die misdryf uitmaak wat uiteengesit is in die strafregtelike aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde strafregtelike aanklag skuldig bevind kon gewees het.

(4) Indien die onbehoorlike gedrag waarvan die stads- en streekbeplanner of stads- en streekbeplanner-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 stads- en streekbeplanner of stads- en streekbeplanner-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 tersyde gestel is: Met dien verstande dat die aangeklaagde stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding die reg het om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

Ondersoek deur raad.

26. (1) Die raad kan vir die doeleindes van 'n ondersoek kragtens artikel 25—

- (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, stuk 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, stuk of saak voor te lê, en kan 'n boek, stuk of saak wat aldus voorgelê is vir ondersoek behou;
- (b) enige persoon wat by die ondersoek aanwesig is en wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en deur middel van die president van die raad hom 'n eed oplê of van hom 'n bevestiging afneem en hom ondervra en hom aansê om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê;
- (c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering, om getuienis te lei en om getuies onder kruisverhoor te neem.

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pose in respect thereof, if found proved, one of the following penalties, namely—

- (a) a caution or a reprimand or a reprimand and a caution;
- (b) a fine not exceeding R500;
- 5 (c) suspension for a specified period not exceeding one year to perform in the Republic work of a town and regional planner or town and regional planner in training; or
- 10 (d) withdrawal of his registration as a town and regional planner or town and regional planner in training, as the case may be, and the removal of his name from the register:

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 inquiry until such proceedings have been determined.

(2) When any penalty imposed under subsection (1) consists of a fine, the amount thereof shall be recovered by the council from the person concerned, and any amount so recovered shall be paid into the funds of the council.

(3) The acquittal or the conviction of a town and regional planner or town and regional planner 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 any other offence of which he might have been convicted at his trial on the said criminal charge.

(4) If the improper conduct with which the town and regional planner or town and regional planner 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 town and regional planner or town and regional planner 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 town and regional planner or town and regional planner in training charged to adduce evidence that he was in fact wrongly convicted.

26. (1) For the purpose of any inquiry under section 25 the council may— Inquiry by council.

- 45 (a) summon any person who in its opinion may be able to give material information concerning the subject which is being investigated or who is presumed to have in his possession or custody or under his control any book, document or thing which relates to the subject which is
- 50 being investigated, to appear before the council at a time and place specified in the summons to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;
- 55 (b) call and by way of its president administer an oath to, or accept an affirmation from, any person present at the inquiry 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;
- 60 (c) appoint any person to advise the council at such inquiry on matters pertaining to law, procedure or evidence, to lead evidence and to cross-examine witnesses.

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(2) 'n Dagvaarding wat 'n persoon aansê om voor die raad te verskyn of om 'n boek, stuk of saak voor te lê, moet in die vorm wees wat die raad bepaal, deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word en beteken word op 'n wyse deur die raad bepaal. 5

(3) Indien 'n persoon wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede versuim 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 'n persoon wat kragtens subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of 'n bevestiging af te lê of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettig aan hom gestel oor die onderwerp wat ondersoek word of om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê wat hy aangesê is om voor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die onder- 10 vraging van so 'n persoon of die voorlegging van so 'n boek, stuk of saak die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof 20 getuienis af te lê of 'n boek, stuk of saak voor te lê, van toepassing is.

(4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging afgelê het, 'n valse antwoord gee op 'n vraag wat wettig aan hom gestel is of 'n valse verklaring doen oor 'n aangeleentheid, 25 wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) 'n Persoon wat die president of 'n lid of amptenaar van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid by of ingevolge hierdie artikel aan hom verleen, is aan 'n misdryf skul- 30 dig.

(6) Aan 'n persoon wie se gedrag deur die raad ondersoek word, moet kennis gegee word van die klagte wat teen hom in- gebring is en so 'n persoon is geregtig om persoonlik by die on- 35 dersoek te verskyn of deur 'n advokaat van die Hooggeregshof van Suid-Afrika of 'n persoon wat behoorlik toegelaat is om in die Republiek as prokureur te praktiseer wat behoorlik deur hom daartoe gemagtig is, verteenwoordig te word, en om getuie- nis voor te lê, getuies namens homself op te roep en te ondervra 40 en om ander getuies onder kruisverhoor te neem.

(7) Die raad moet 'n oorkonde van die verrigtinge by 'n on- 45 dersoek hou of laat hou.

(8) 'n Persoon wat weens 'n misdryf ingevolge hierdie artikel skuldig bevind word, is strafbaar met 'n boete van hoogstens 45 R500.

Skorsing in hul werksaamhede van stads- en streekbeplanners en stads- en streekbeplanners-in-opleiding wat geestesongesteld geraak het.

27. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n stads- en streekbeplanner of stads- en streekbeplanner-in-op- 50 leiding in so 'n mate geestesongesteld geraak het dat dit in stryd met die openbare belang sou wees om hom toe te laat om aan te hou om werk in stads- en streekbeplanning te verrig, kan die raad na goeë dunske ten opsigte van sodanige stads- en streekbe- 55 planner of stads- en streekbeplanner-in-opleiding 'n ondersoek *mutatis mutandis* ooreenkomstig die bepalinge van artikel 26 hou.

(2) Indien die raad bevind dat sodanige stads- en streekbe- 60 planner of stads- en streekbeplanner-in-opleiding aldus geestesongesteld geraak het, kan die raad vir 'n vasgestelde tydperk sy skorsing in sy werksaamhede as stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding, na gelang van die geval, 65 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.

Reëls.

28. (1) Die raad kan reëls uitvaardig—

(a) met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet deur die raad voorgeskryf moet of kan word; 65

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(2) A summons requiring any person to appear before the council or to produce any book, document or thing, shall be in the form determined by the council, be signed by the president of the council or by a person authorized thereto by the council and be served in such a manner as the council may determine.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to appear 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 upon under subsection (1) (b) refuses to be sworn or to accept an affirmation 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 which is being investigated 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 summoned 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 accepted 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 officer 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 inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself at the inquiry or to be represented by an advocate of the Supreme Court of South Africa or a person duly admitted to practise as an attorney in the Republic duly authorized thereto by him, and to produce evidence, call and examine witnesses on his behalf and to cross-examine other witnesses.

(7) The council shall keep or cause to be kept a record of the proceedings at an inquiry.

(8) Any person convicted of an offence in terms of this section shall be liable to a fine not exceeding R500.

27. (1) When it appears to the council from information on oath that any town and regional planner or town and regional planner in training has become mentally ill to such an extent that it would be contrary to the public interest to allow him to continue to perform work in town and regional planning, the council may in its discretion hold an inquiry *mutatis mutandis* in accordance with the provisions of section 26 in respect of such town and regional planner or town and regional planner in training.

(2) If the council finds that such town and regional planner or town and regional planner in training has so become mentally ill, the council may order for a specified period his suspension from his functions as a town and regional planner or town and regional planner in training, as the case may be.

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

Suspension from their functions of town and regional planners and town and regional planners in training who have become mentally ill.

28. (1) The council may make rules—

(a) in relation to any matter which is required to be or may be prescribed by the council in terms of this Act;

Rules.

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- (b) met betrekking tot die hou, byhou en bewaring van, en insae in, die register;
 - (c) wat die vereistes voorskryf waaraan stads- en streekbeplanners of stads- en streekbeplanners-in-opleiding by die verrigting van werk in stads- en streekbeplanning 5 moet voldoen;
 - (d) wat gedrag (benewens gedrag in artikel 24 bedoel) voorskryf wat onbehoorlike gedrag vir 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding uitmaak; 10
 - (e) wat die metode voorskryf waarvolgens bewerings van onbehoorlike gedrag deur 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding ondersoek moet word;
 - (f) wat die vorm en inhoud van, en ander toepaslike ver- 15 eistes in verband met, stads- en streekbeplanningsverslae, planne en stukke voorskryf;
 - (g) wat, behoudens die bepalinge van subartikel (2), die tarief van gelde voorskryf waarop 'n stads- en streekbeplanner geregtig is ten opsigte van dienste in daardie 20 hoedanigheid deur hom gelewer;
 - (h) met betrekking tot, in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik.
- (2) Die raad vaardig nie enige reëls kragtens subartikel (1) (g) 25 uit sonder die vooraf verkreeë goedkeuring van die Minister nie.
- (3) Die raad laat enige reëls kragtens hierdie artikel uitgevaardig in die *Staatskoerant* publiseer.

Prosedure en
bewyslewing.

29. (1) Die register is *prima facie*-getuienis van alle aangeleenthede wat by of kragtens hierdie Wet daarin aangeteken 30 moet of kan word.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing in die register gemaak is of nie gemaak is nie of dat enigiets anders wat by of kragtens hierdie Wet gedoen kan word, gedoen is of nie gedoen is nie, is *prima facie*-getuienis van die aangeleenthede in daardie sertifikaat 35 vermeld.

(3) 'n Afskrif van 'n inskrywing in die register of van 'n stuk in die bewaring van die registrateur, of van 'n uittreksel uit die register of uit so 'n stuk, wat deur die registrateur gesertifiseer 40 heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle geregshowe as getuienis toegelaat.

Regstelling van
foute.

30. Wanneer enigiets wat ingevolge hierdie Wet op of voor 'n bepaalde dag of op 'n bepaalde tyd of gedurende 'n bepaalde 45 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, magtiging 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 gelas, en 50 enigiets aldus gedoen of uitgevoer, is van volle krag en word geag wettig gedoen of uitgevoer te gewees het ooreenkomstig die bepalinge van hierdie Wet.

Appel teen sekere
besluite van raad.

31. (1) 'n Persoon wat hom veronreg voel deur 'n weiering deur die raad om hom ingevolge die bepalinge van hierdie Wet 55 as 'n stads- en streekbeplanner of stads- en streekbeplanner-in-opleiding, na gelang van die geval, te registreer, of deur 'n besluit deur die raad gedoen by die uitoefening van die raad se bevoegdhede kragtens artikel 25 of 27, kan te eniger tyd nadat hy van daardie weiering of besluit bewus geword het, maar nie later 60 nie as—

- (a) 30 dae nadat die raad hom skriftelik van daardie weiering of besluit in kennis gestel het, en teen betaling van die voorgeskrewe gelde, die raad skriftelik versoek om sy redes vir daardie weiering of besluit skriftelik binne 65 30 dae na ontvangs van daardie versoek aan hom te verstrek;

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- (b) in relation to the keeping, maintaining, custody and inspection of the register;
 - (c) prescribing the requirements with which town and regional planners and town and regional planners in training shall comply in the performance of work in town and regional planning;
 - (d) prescribing conduct (in addition to conduct referred to in section 24) constituting improper conduct for any town and regional planner or town and regional planner in training;
 - (e) prescribing the method of inquiry into allegations of improper conduct by any town and regional planner or town and regional planner in training;
 - (f) prescribing the form and contents of, and the other applicable requirements in connection with, town and regional planning reports, plans or documents;
 - (g) prescribing, subject to the provisions of subsection (2), the tariff of fees to which a town and regional planner shall be entitled for services rendered by him in that capacity;
 - (h) in relation to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) The council shall not make any rules under subsection (1) without the prior approval of the Minister.
- (3) The council shall cause any rules made under this section to be published in the *Gazette*.

29. (1) The register shall be *prima facie* evidence of all matters which are required to be or may be entered therein by or under this Act. Procedure and evidence.

(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 by or under this Act has or has not been done, shall be *prima facie* evidence of the matters mentioned in that certificate.

(3) A copy of an entry in the register or of a document in the custody of the registrar, or of 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 of law without further proof or production of the original.

30. When anything which is required to be done or performed in terms of this Act 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, authorize such thing to be done or performed on or before any other day or at any other time or during any 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. Rectification of errors.

31. (1) Any person who feels aggrieved by a refusal by the council to register him as a town and regional planner or town and regional planner in training, as the case may be, in terms of the provisions of this Act, or by a decision made by the council in the exercise of the council's powers under section 25 or 27, may at any time after he became aware of that refusal or decision, but not later than— Appeal against certain decisions of council.

(a) 30 days after the council has informed him in writing of that refusal or decision, and upon payment of the prescribed fees, request the council in writing to furnish him in writing with its reasons for that refusal or decision within 30 days after receipt of such request;

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- (b) 90 dae nadat die raad sy redes vir daardie weiering of besluit ooreenkomstig paragraaf (a) aan hom verstrekket of, indien geen redes verstrekket word nie, 30 dae nadat bedoelde 90 dae verstryk het en na kennisgewing aan die raad, teen daardie weiering of beslissing na die hof appelleer, en daarop kan die hof—
- (i) bedoelde appèl van die hand wys;
 - (ii) indien hy van oordeel is dat die raad nie ooreenkomstig die betrokke bepalings van hierdie Wet gehandel het nie, 'n bevel gee wat teenoorgeesteld is aan die weiering of besluit van die raad of wat die besluit van die raad wysig;
 - (iii) die saak vir verdere oorweging na die raad terugverwys; of
 - (iv) die ander bevel gee, met inbegrip van 'n bevel aan- gaande koste, wat hy dienstig ag.

(2) Die hof waarna kragtens subartikel (1) geappelleer kan word, is die hof wat regsbevoegdheid het in die gebied waar die plek geleë is waar die betrokke persoon voor die raad verskyn het, en die reëls wat van toepassing is ten opsigte van die aantekening en voortsetting van 'n appèl teen die beslissing van 'n landdroshof in 'n siviele geding is, behoudens die bepalings van subartikel (1) betreffende die tydperk waarbinne 'n appèl bedoel in daardie subartikel aangeteken moet word; *mutatis mutandis* van toepassing ten opsigte van die aantekening en voortsetting van 'n appèl bedoel in subartikel (1).

Aanspreeklikheid van raad.

32. Geen regsgeding, hetsy straf- of sivilereglik, kan teen die raad of 'n lid of 'n amptenaar van die raad ten opsigte van 'n handeling of plig ooreenkomstig die bepalings van artikel 25, 26 of 27 verrig, ingestel word nie.

Erkenning van die Suid-Afrikaanse Instituut vir Stads- en Streekbeplanners.

33. Die Suid-Afrikaanse Instituut vir Stads- en Streekbeplanners word geag 'n vereniging van stads- en streekbeplanners te wees wat deur die raad kragtens artikel 9 (1) (u) as 'n stads- en streekbeplannersinstituut vir die doeleindes van hierdie Wet erken is: Met dien verstande dat sodanige erkenning by verstryking van 'n tydperk van drie jaar vanaf die inwerkingtreding van hierdie Wet verval, tensy hy die raad te eniger tyd voor bedoelde verstryking oortuig dat hy aan die vereistes in artikel 9 (1) (u) bedoel, voldoen.

Verrigting van sekere werksaamhede buite die Republiek.

34. Indien die Staatspresident en die regering van 'n gebied wat voorheen deel van die Republiek was, daartoe ooreenkom en 'n wet van sodanige gebied daarvoor voorsiening maak—

- (a) kan die raad, die Adviserende Onderwyskomitee en die Minister ten opsigte van persone en aangeleenthede in genoemde gebiede dieselfde werksaamhede verrig as wat hulle in die Republiek aldus kragtens hierdie Wet sou kon verrig; en
- (b) is die bepalings van hierdie Wet *mutatis mutandis* van toepassing in genoemde gebied ten opsigte van die registrasie van 'n persoon as 'n stads- en streekbeplanner of 'n stads- en streekbeplanner-in-opleiding.

Kort titel en inwerkingtreding.

35. Hierdie Wet heet die Wet op Stads- en Streekbeplanners, 1984, en tree in werking, behoudens die bepalings van artikel 23 (2), op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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- (b) 90 days after the council has in accordance with paragraph (a) furnished him with its reasons for that refusal or decision or, if no reasons are furnished, 30 days after such 90 days have expired and after notice to the council, appeal to the court against such refusal or decision, and the court may thereupon—
- (i) dismiss the said appeal;
 - (ii) if it is of the opinion that the council has not acted in accordance with the relevant provisions of this Act, give an order contrary to the refusal or decision of the council or amending the decision of the council;
 - (iii) remit the matter to the council for further consideration; or
 - (iv) give such other order, including any order as to costs, as it may deem expedient.
- (2) An appeal under subsection (1) lies to the court having jurisdiction in the area where the place is situated where the person concerned appeared before the council, and the rules applicable in respect of the noting and prosecution of an appeal against the finding of a magistrate's court in a civil suit shall, subject to the provisions of subsection (1) relating to the period within which an appeal referred to in that subsection shall be noted, apply *mutatis mutandis* in respect of the noting and prosecution of an appeal referred to in subsection (1).
32. No legal proceedings, whether civil or criminal, shall lie against the council or any member or officer thereof in respect of any act or duty performed in accordance with the provisions of section 25, 26 or 27. Liability of council.
30. 33. The South African Institute of Town and Regional Planners shall be deemed to be an association of town and regional planners recognized for the purposes of this Act by the council under section 9 (1) (u) as a town and regional planners' institute: Provided that such recognition shall lapse on the expiration of a period of three years from the commencement of this Act, unless it satisfies the council at any time before such expiration that it complies with the requirements referred to in section 9 (1) (u). Recognition of the South African Institute of Town and Regional Planners.
34. If the State President and the government of any territory which was formerly part of the Republic agree thereto and a law of such territory provides therefor— Performance of certain functions outside the Republic.
- (a) the council, the Education Advisory Committee and the Minister may perform in respect of persons and matters in the said territory the same functions as they could so have performed in the Republic under this Act;
 - (b) the provisions of this Act shall apply *mutatis mutandis* in the said territory in respect of the registration of any person as a professional town and regional planner or town and regional planner in training.
35. This Act shall be called the Town and Regional Planners Act, 1984, and shall, subject to the provisions of section 23 (2), come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

