



GOVERNMENT GAZETTE

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REPUBLIC VAN SUID-AFRIKA

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No. 9641

KAAPSTAD, 27 MAART 1985

STATE PRESIDENT'S OFFICE

No. 653.

27 March 1985

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

No. 8 of 1985: Architects' Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 653.

27 Maart 1985

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

No. 8 van 1985: Wysigingswet op Argitekte, 1985.

Act No. 8, 1985

ARCHITECTS' AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the Architects' Act, 1970, so as to define certain expressions anew and to delete a certain definition; to repeal the provisions relating to the carrying on of the architect's profession by a company; to confer legal personality and certain additional powers upon a board of control; to make provision for the funds of such a board of control and the administration thereof; and to repeal the provision relating to the application of the said Act to South West Africa; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 12 March 1985.)*

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

Amendment of section 1 of Act 35 of 1970, as amended by section 1 of Act 78 of 1979 and section 1 of Act 49 of 1982.

1. Section 1 of the Architects' Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of "department" 5 of the following definition:
"department" means the Department of **[Community Development]** Public Works and Land Affairs;"
 - (b) by the substitution for the definition of "Director-General" of the following definition: 10
"Director-General" means the Director-General: **[Community Development]** Public Works and Land Affairs;"
 - (c) by the substitution for the definition of "in the service of the State" of the following definition:
"in the service of the State" means in the fulltime employment of the Government, **[including]** any provincial **[Administration]** administration, **[the South West Africa Administration,]** the South African **[Railways and Harbours Administration]** Transport Services and the Department of Posts and Telecommunications;" 15
 - (d) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of **[Community Development]** Communications and of Public Works;" 20 and
 - (e) by the deletion of the definition of "Republic".

Amendment of section 22 of Act 35 of 1970, as amended by section 12 of Act 78 of 1979 and section 8 of Act 49 of 1982.

2. Section 22 of the principal Act is hereby amended by the substitution in subsection (1A) for the words preceding paragraph (a) of the following words:
"Subject to any exemption granted under this Act, any company **[other than a company referred to in section 22A]**, or any other juristic person which—".

WYSIGINGSWET OP ARGITEKTE, 1985

Wet No. 8, 1985

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Wet op Argitekte, 1970, ten einde sekere uitdrukkinge opnuut te omskryf en 'n sekere omskrywing te skrap; die bepalings betreffende die beoefening van die argiteksprofession deur 'n maatskappy te herroep; regspersoonlikheid en sekere bykomende bevoegdhede aan 'n beheerraad te verleen; voorsiening te maak vir die fondse van so 'n beheerraad en die beheer daarvan; en die bepaling betreffende die toepassing van genoemde Wet in Suidwes-Afrika te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Maart 1985.)

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

1. Artikel 1 van die Wet op Argitekte, 1970 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur die omskrywing van "departement" deur die volgende omskrywing te vervang:
 "departement" die Departement van **Gemeenskapsontwikkeling** Openbare Werke en Grondsake;"
- 10 (b) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:
 "Direkteur-generaal" die Direkteur-generaal: **Gemeenskapsontwikkeling** Openbare Werke en Grondsake;"
- 15 (c) deur die omskrywing van "in diens van die Staat" deur die volgende omskrywing te vervang:
 "in diens van die Staat" in die heeltydse diens van die Regering, **[met inbegrip van]** 'n provinsiale administrasie, **[die Suidwes-Afrika-administrasie]** die Suid-Afrikaanse **[Spoorweg- en Hawe-administrasie]** **Vervoerdienste** en die Departement van Pos- en Telekommunikasiewese;"
- 20 (d) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
 "Minister" die Minister van **Gemeenskapsontwikkeling** Kommunikasie en van Openbare Werke;"
- 25 (e) deur die omskrywing van "Republiek" te skrap.
2. Artikel 22 van die Hoofwet word hierby gewysig deur in subartikel (1A) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 "Behoudens 'n vrystelling kragtens hierdie Wet, is 'n **[ander]** maatskappy **[as 'n maatskappy in artikel 22A bedoel]**, of 'n ander regspersoon wat **[soos dit tot die uitnoming van die dienste van die burgerlike dienste]**

Wysiging van artikel 1 van Wet 35 van 1970, soos gewysig deur artikel 1 van Wet 78 van 1979 en artikel 1 van Wet 49 van 1982.

Wysiging van artikel 22 van Wet 35 van 1970, soos gewysig deur artikel 12 van Wet 78 van 1979 en artikel 8 van Wet 49 van 1982.

Act No. 8, 1985**ARCHITECTS' AMENDMENT ACT, 1985**

Repeal of
section 22A of
Act 35 of 1970,
as inserted by
section 9 of
Act 49 of 1982.

Amendment of
section 23 of
Act 35 of 1970,
as amended by
section 4 of
Act 18 of 1975
and section 10 of
Act 49 of 1982.

Amendment of
section 27 of
Act 35 of 1970,
as amended by
section 15 of
Act 78 of 1979
and section 12 of
Act 49 of 1982.

Amendment of
section 31B of
Act 35 of 1970,
as inserted by
section 18 of
Act 78 of 1979.

3. Section 22A of the principal Act is hereby repealed.

4. Section 23 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (g) of subsection (1); and
- (b) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) in his capacity as a member, shareholder, employee or director of a company [referred to in section 22A] which carries on the profession of architect, performs any act or commits any omission which would under any provision of this Act have constituted improper conduct if it had been performed or committed by the architect in the carrying on of his profession as a natural person in private practice.”.

5. Section 27 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) prescribing rules with which architects shall comply in carrying on their profession, including rules with which a company [referred to in section 22A] which carries on the profession of architect shall comply in the performance of its activities in carrying out its main object;”.

6. Section 31B of the principal Act is hereby amended—

- (a) by the insertion after subsection (2) of the following subsection:

“(2A) A board of control shall be a juristic person.”;

and

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

“(9) (a) The funds of a board of control shall consist of the fees received by it in pursuance of any provision made under subsection (3), and such other moneys, including advances referred to in paragraph (d), as may in terms of this Act from time to time become payable to such board of control.

(b) A board of control shall cause full and correct account to be kept of all moneys received or expended by it.

(c) A board of control shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after such statement and balance sheet have been audited by an auditor appointed by the board of control, cause copies thereof to be transmitted to every member of the board of control, and cause a copy thereof to be open for inspection at the office by any person registered with the board of control.

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

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

(10) A board of control shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during

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WYSIGINGSWET OP ARGITEKTE, 1985

Wet No. 8, 1985

3. Artikel 22A van die Hoofwet word hierby herroep.

Herroeping van artikel 22A van Wet 35 van 1970, soos ingevoeg deur artikel 9 van Wet 49 van 1982.

4. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (g) van subartikel (1) te skrap; en
- (b) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
 - "(h) in sy hoedanigheid van lid, aandeelhouer, werkneemmer of direkteur van 'n maatskappy [**in artikel 22A bedoel**] wat die professie van argitek beoefen, enige handeling verrig of versuim begaan wat ingevolge 'n bepaling van hierdie Wet onbehoorlike gedrag sou uitgemaak het indien die argitek dit verrig of begaan het by die beoefening van sy professie as natuurlike persoon in privaatpraktyk.".

Wysiging van artikel 23 van Wet 35 van 1970, soos gewysig deur artikel 4 van Wet 18 van 1975, artikel 13 van Wet 78 van 1979 en artikel 10 van Wet 49 van 1982.

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5. Artikel 27 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

- "(e) wat reëls voorskryf waaraan argitekte moet voldoen by die beoefening van hul professie, met inbegrip van reëls waaraan 'n maatskappy [**in artikel 22A bedoel**] wat die professie van argitek beoefen, moet voldoen by die verrigting van sy werksaamhede ter uitvoering van sy hoofdoelstelling,".

Wysiging van artikel 27 van Wet 35 van 1970, soos gewysig deur artikel 15 van Wet 78 van 1979 en artikel 12 van Wet 49 van 1982.

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6. Artikel 31B van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (2) die volgende subartikel in te voeg:
 - "(2A) 'n Beheerraad is 'n regspersoon.;" en
- (b) deur die volgende subartikels by te voeg:
 - "(9) (a) Die fondse van 'n beheerraad bestaan uit die geldie deur hom ontvang uit hoofde van enige voorsiening kragtens subartikel (3) gemaak, en die ander bedrae, met inbegrip van voorskotte in paragraaf (d) bedoel, wat van tyd tot tyd kragtens hierdie Wet aan die beheerraad betaalbaar word.
 - (b) 'n Beheerraad laat volledig en juis rekening hou van alle geld wat hy ontvang of uitgee.
 - (c) 'n Beheerraad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar, en 'n balansstaat aantonende sy geldelike toestand aan die einde van daardie boekjaar, laat opstel, en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n ouditeur wat die beheerraad aanstel, afskrifte daarvan laat stuur aan elke lid van die beheerraad en 'n afskrif daarvan by sy kantoor ter insae van enige persoon geregistreer by die beheerraad laat lê.
 - (d) (i) Die Minister kan, in oorleg met die Minister van Finansies, uit geldie deur die Parlement bewillig, die bedrae aan 'n beheerraad voorskiet wat hy nodig ag om so 'n beheerraad in staat te stel om sy werksaamhede en pligte te verrig.
 - (ii) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, in oorleg met die Minister van Finansies, bepaal.
- (10) 'n Beheerraad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die beheerraad se werksaamhede

Wysiging van artikel 31B van Wet 35 van 1970, soos ingevoeg deur artikel 18 van Wet 78 van 1979.

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Act No. 8, 1985**ARCHITECTS' AMENDMENT ACT, 1985**

that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in subsection (9) (c) in respect of that financial year.

(11) A board of control may delegate to a committee established in terms of a regulation made under subsection (3) (e) such of its powers as it may deem fit, 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 committee: Provided that if a board of control has delegated to a committee the power to determine whether or not any person shall be registered with such board of control, or the power to cancel the registration of any person registered with such board of control, or the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof, a board of control shall not amend or withdraw any decision arrived at or anything done by such committee under the power so delegated, but may, subject to the regulations referred to in subsection (3), mitigate any punishment so imposed by any committee.

(12) A committee to which a board of control has delegated the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof may, notwithstanding the expiry of the tenure of office of the members of that board of control, continue to exercise such powers until the conclusion of such inquiry, and such powers shall for the purposes of the proviso to subsection (11) be deemed to have been delegated to the committee by the newly constituted board of control.

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

(14) The provisions of section 7 (1) (d), (e), (f) and (fA) shall *mutatis mutandis* apply in respect of a board of control.

(15) The registrar shall be responsible for the execution of the resolutions of a board of control and the administration of the affairs of a board of control, and for the service of the registrar and his staff a board of control shall remunerate the council on such basis as may be agreed upon by the board of control and the council.”.

Repeal of
section 35 of
Act 35 of 1970.

7. Section 35 of the principal Act is hereby repealed.

Short title.

8. This Act shall be called the Architects' Amendment Act, 1985.

WYSIGINGSWET OP ARGITEKTE, 1985

Wet No. 8, 1985

gedurende daardie boekjaar, tesame met 'n afskrif van die in subartikel (9) (c) bedoelde geouditeerde staat van inkomste en uitgawe en balansstaat ten opsigte van daardie boekjaar.

(11) 'n Beheerraad kan na goeddunke van sy bevoegdhede deleger aan 'n komitee wat kragtens 'n subartikel (3) (e) uitgevaardigde regulasie ingestel is, maar word nie onthef van 'n bevoegdheid wat hy aldus aan 'n komitee deleger het nie en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat indien 'n beheerraad aan 'n komitee die bevoegdheid deleger het om te bepaal of iemand by so 'n beheerraad geregistreer moet word al dan nie, of die bevoegdheid om die registrasie van iemand geregistreer by so 'n beheerraad in te trek, of die bevoegdheid om 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, 'n beheerraad nie 'n besluit of iets wat uit hoofde van die bevoegdheid aldus deleger, deur sodanige komitee geneem of gedoen is, kan wysig of intrek nie, maar behoudens die in subartikel (3) bedoelde regulasies enige straf deur enige komitee aldus opgelê, kan versag.

(12) 'n Komitee aan wie 'n beheerraad die bevoegdheid deleger het om 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, kan, ondanks die verstryking van die ampsduur van die lede van daardie beheerraad, voortgaan om sodanige bevoegdhede uit te oefen totdat bedoelde ondersoek voltooi is, en sodanige bevoegdhede word by die toepassing van die voorbehoudsbepaling by subartikel (11) geag deur die nuut saamgestelde beheerraad aan die komitee deleger te gewees het.

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

(14) Die bepalings van artikel 7 (1) (d), (e), (f) en (fA) is *mutatis mutandis* ten opsigte van 'n beheerraad van toepassing.

(15) Die registrator is verantwoordelik vir die uitvoering van 'n beheerraad se besluite en die administrasie van 'n beheerraad se sake, en vir die dienste van die registrator en sy personeel moet 'n beheerraad die raad vergoed op 'n grondslag waaroor die beheerraad en die raad ooreenkomm.

7. Artikel 35 van die Hoofwet word hierby herroep.

Herroeping van
artikel 35 van
Wet 35 van 1970.

8. Hierdie Wet heet die Wysigingswet op Argitekte, 1985.

Kort titel.

