



# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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### STATE PRESIDENT'S OFFICE

No. 658.

3 April 1985

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

No. 13 of 1985: Professional Engineers' Amendment Act, 1985.

### KANTOOR VAN DIE STAATSPRESIDENT

No. 658.

3 April 1985

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

No. 13 van 1985: Wysigingswet op Professionele Ingenieurs, 1985.

**Act No. 13, 1985****PROFESSIONAL ENGINEERS' 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 Professional Engineers' Act, 1968, so as to define certain expressions anew; to delete the definition of "Republic"; to authorize the board of control of a particular profession to delegate any of its powers to any of its committees; to authorize a committee which in terms of a delegation of the board of control concerned inquires into any case of alleged improper conduct, to complete that inquiry notwithstanding the fact that the period of office of that board of control has expired; to provide that certain decisions and acts shall not be invalid because of the existence of certain circumstances; and to repeal the provision which applies the Act to South West Africa; and to provide for incidental matters.**

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

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

Amendment of section 1 of Act 81 of 1968, as amended by section 1 of Act 52 of 1972, section 1 of Act 77 of 1979 and section 1 of Act 73 of 1983.

1. Section 1 of the Professional Engineers' Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—
  - (a) by the substitution for the definition of "department" 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:  
“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 full-time employment of the **Central Government** State, any Provincial Administration, **the South West Africa Administration**, the South African **Railways and Harbours Administration** Transport Services or the Department of Posts and Telecommunications;”;
  - (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;” and
  - (e) by the deletion of the definition of “Republic”.

## WYSIGINGSWET OP PROFESSIONELE INGENIEURS, 1985

Wet No. 13, 1985

## ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op Professionele Ingenieurs, 1968, ten einde sekere uitdrukings opnuut te omskryf; die omskrywing van "Republiek" te skrap; die beheerraad van 'n bepaalde professie te magtig om enige van sy bevoegdhede aan enige van sy komitees te deleger; 'n komitee wat uit hoofde van 'n delegasie van die betrokke beheerraad 'n geval van beweerde onbehoorlike gedrag ondersoek, te magtig om daardie ondersoek te voltooi ondanks die feit dat daardie beheerraad se ampstermyn verstryk het; te bepaal dat sekere besluite en handelinge nie ongeldig is weens die bestaan van sekere omstandighede nie; en die bepaling wat die Wet op Suidwes-Afrika van toepassing maak, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse 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 Professionele Ingenieurs, 1968, (hieronder die Hoofwet genoem), word hierby gewysig—  
Wysiging van artikel 1 van Wet 81 van 1968, soos gewysig deur artikel 1 van Wet 52 van 1972, artikel 1 van Wet 77 van 1979 en artikel 1 van Wet 73 van 1983.
- 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 **[Centrale Regering]** Staat, 'n Provinciale Administrasie, **[die Suidwes-Afrika-administrasie,]** die Suid-Afrikaanse **[Spoorweg- en Hawe-administrasie]** Vervoerdienste of 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;" en
- 25    (e) deur die omskrywing van "Republiek" te skrap.

**Act No. 13, 1985****PROFESSIONAL ENGINEERS' AMENDMENT ACT, 1985**

Amendment of  
section 30A of  
Act 81 of 1968,  
as inserted by  
section 24 of  
Act 77 of 1979  
and amended by  
section 2 of  
Act 73 of 1983.

**2. Section 30A of the principal Act is hereby amended by the addition of the following subsections:**

"(13) A board of control may in its discretion delegate to a committee established in terms of a regulation made under subsection (3) (e) any of its powers, but shall not be divested of any power so delegated, 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, that board of control shall not amend or withdraw any decision taken or anything done by such committee by virtue of the power so delegated, but may, subject to the regulations referred to in subsection (3), mitigate any punishment so imposed by any committee." 5

(14) 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 (13) be deemed to have been delegated to the committee by the newly constituted board of control. 10 20

(15) No decision taken by a board of control or act performed on the authority of a board of control, shall be invalid by reason only of a vacancy on that 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." 30 35

Repeal of  
section 32 of  
Act 81 of 1968.

Short title:

**3. Section 32 of the principal Act is hereby repealed.**

**4. This Act shall be called the Professional Engineers' Amendment Act, 1985.**

## WYSIGINGSWET OP PROFESSIONELE INGENIEURS, 1985

Wet No. 13, 1985

**2.** Artikel 30A van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

"(13) 'n Beheerraad kan na goeddunke enige 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 aldus gedelegeer is nie, en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat indien 'n beheerraad aan 'n komitee die bevoegdheid gedelegeer 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, daardie beheerraad nie 'n besluit of iets wat uit hoofde van die bevoegdheid aldus gedelegeer, deur sodanige komitee geneem of gedoen is, kan wysig of intrek nie, maar, behoudens die in subartikel (3) vermelde regulasies, enige straf deur enige komitee aldus opgelê, kan versag."

"(14) 'n Komitee aan wie 'n beheerraad die bevoegdheid gedelegeer 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 ampstermy 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 (13) geag deur die nuut saamgestelde beheerraad aan die komitee gedelegeer te gewees het."

"(15) Geen besluit van 'n beheerraad of handeling op gesag van 'n beheerraad verrig, is ongeldig nie bly vanweë 'n vakature in daardie beheerraad of omdat 'n persoon wat nie geregtig was om as 'n lid van die beheerraad sitting te neem nie, as so 'n lid 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.".

**3.** Artikel 32 van die Hoofwet word hierby herroep.

Herroeping van artikel 32 van Wet 81 van 1968.

**4.** Hierdie Wet heet die Wysigingswet op Professionele Ingenieurs, 1985. Kort titel.

