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VAN
SUID-AFRIKA



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DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE

KONSEPWETSONTWERP OP DIE INGENIEURSWESSE PROFESSIE VAN SUID-AFRIKA

'n Konsepwetsontwerp op die Ingenieursweseprofessie word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoë daaromtrent moet aan die Direkteur-generaal: Departement van Openbare Werke en Grondsake, Privaatsak X65, Pretoria, 0001 gestuur word en moet hom nie later as vyf weke vanaf datum van hierdie kennisgewing bereik nie.

KONSEPWETSONTWERP OP DIE INGENIEURSWESSE PROFESSIE VAN SUID-AFRIKA

Om voorsiening te maak vir die instelling van die Suid-Afrikaanse Raad vir Ingenieurswese, vir die registrasie van ingenieurs en ingenieurs-in-opleiding, ingenieurstechnoloë en ingenieurstechnoloë-in-opleiding, geregistreerde gediplomeerde ingenieurs, ingenieurstechnici en ingenieurstechnici-in-opleiding en vir ander bykomstige aangeleenthede.

Daar word bepaal deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

Woordskrywing

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

- (i) "adviserende onderwyskomitee" die Adviserende Onderwyskomitee ingestel kragtens artikel 9 (1) (a);
- (ii) "departement" die Departement van Openbare Werke en Grondsake;
- (iii) "Direkteur-generaal" die Direkteur-generaal: Openbare Werke en Grondsake;
- (iv) "gediplomeerde ingenieursinstituut" 'n vereniging van gediplomeerde ingenieurs wat kragtens artikel 6 (1) (j) erken word;

GENERAL NOTICE

NOTICE 929 OF 1987

DEPARTMENT OF PUBLIC WORKS AND LAND AFFAIRS

DRAFT ENGINEERING PROFESSION OF SOUTH AFRICA BILL

A draft bill on the Engineering profession are hereby published for general information and comment. Any comment or representations should be sent to the Director-General: Department of Public Works and Land Affairs, Private Bag X65, Pretoria, 0001, and must reach him not later than five weeks after the date of this notice.

DRAFT ENGINEERING PROFESSION OF SOUTH AFRICA BILL

To provide for the establishment of the Engineering Control of South Africa, for the registration of engineers and engineers in training, engineering technologists and engineering technologists in training, registered certificated engineers, engineering technicians and engineering technicians in training and for other incidental matters.

Be it enacted by the State President and the Parliament of the Republic of South Africa, as follows:

Definitions

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

- (i) "certificated engineers' institute" means an association of certificated engineers recognised in terms of section 6 (1) (j);
- (ii) "council" means the Engineering Council of South Africa established by section 2;
- (iii) "department" means the Department of Public Works and Land Affairs;
- (iv) "Director-General" means the Director-General: Public Works and Land Affairs;

- (v) "geregistreeerde gediplomeerde ingenieur" 'n gediplomeerde ingenieur wat kragtens artikel 10 (7) geregistreer is;
- (vi) "hierdie Wet" ook 'n kennisgewing of reël kragtens hierdie Wet uitgevaardig;
- (vii) "iemand wat kragtens hierdie Wet geregistreer is" 'n ingenieur, ingenieur-in-opleiding, ingenieurstechnoloog, ingenieurstechnoloog-in-opleiding, geregistreeerde gediplomeerde ingenieur, ingenieurstechnikus of 'n ingenieurstechnikus-in-opleiding, na gelang van die geval;
- (viii) "ingenieur" iemand wat as 'n ingenieur kragtens artikel 10 (1) of 10 (3) geregistreer is;
- (ix) "ingenieur-in-opleiding" iemand wat as 'n ingenieur-in-opleiding kragtens artikel 10 (2) geregistreer is;
- (x) "ingenieursinstituut" 'n vereniging van ingenieurs wat kragtens artikel 6 (1) (j) erken word;
- (xi) "ingenieurstechnikus" iemand wat as 'n ingenieurstechnikus kragtens artikel 10 (8) of 10 (10) geregistreer is;
- (xii) "ingenieurstechnikus-in-opleiding" iemand wat as 'n ingenieurstechnikus-in-opleiding kragtens artikel 10 (9) geregistreer is;
- (xiii) "ingenieurstechnikusinstituut" 'n vereniging van ingenieurstechnici wat kragtens artikel 6 (1) (j) erken word;
- (xiv) "ingenieurstechnoloog" iemand wat as 'n ingenieurstechnoloog kragtens artikel 10 (4) of 10 (6) geregistreer is;
- (xv) "ingenieurstechnoloog-in-opleiding" iemand wat as 'n ingenieurstechnoloog-in-opleiding kragtens artikel 10 (5) geregistreer is;
- (xvi) "ingenieurstechnolooginstituut" 'n vereniging van ingenieurstechnoloë wat kragtens artikel 6 (1) (j) erken word;
- (xvii) "ingenieurswerk" ingenieurswerk wat kragtens artikel 6 (6) gereserveer is;
- (xviii) "Minister" die Minister van Openbare Werke en Grondsaak;
- (xix) "ondersoek" soos beoog in artikel 6 (1) (l), 13 en 14, 'n ondersoek gehou deur die raad of deur 'n komitee van die raad insluitende 'n voorlopige ondersoek met die doel om vas te stel of daar *prima facie* bewys van 'n oortreding bestaan;
- (xx) "raad" die Suid-Afrikaanse Raad vir Ingenieurswese ingestel kragtens artikel 2;
- (xxi) "reël" 'n reël wat kragtens hierdie Wet uitgevaardig en van krag is;
- (xxii) "register" 'n register of registers bedoel in artikel 6 (3);
- (xxiii) "registrateur" 'n persoon wat kragtens artikel 6 (1) (a) as registrator aangestel is;
- (xxiv) "student-ingenieur" iemand wat as 'n student-ingenieur kragtens artikel 10 (11) (a) (i) ingeskryf is;
- (xxv) "student-ingenieurstechnikus" iemand wat as 'n student-ingenieurstechnikus kragtens artikel 10 (11) (a) (iv) ingeskryf is;
- (xxvi) "student-ingenieurstechnoloog" iemand wat as 'n student-ingenieurstechnoloog kragtens artikel 10 (11) (a) (ii) ingeskryf is;
- (v) "education advisory committee" means the Education Advisory Committee established in terms of section 9 (1) (a);
- (vi) "engineer" means a person registered as an engineer in terms of section 10 (1) or 10 (3);
- (vii) "engineer in training" means a person registered as an engineer in training in terms of section 10 (2);
- (viii) "engineers' institute" means an association of engineers recognised in terms of section 6 (1) (j);
- (ix) "engineering technician" means a person registered as an engineering technician in terms of section 10 (8) or 10 (10);
- (x) "engineering technician in training" means a person registered as an engineering technician in training in terms of section 10 (9);
- (xi) "engineering technicians' institute" means an association of engineering technicians recognised in terms of section 6 (1) (j);
- (xii) "engineering technologist" means a person registered as an engineering technologist in terms of section 10 (4) or 10 (6);
- (xiii) "engineering technologist in training" means a person registered as an engineering technologist in training in terms of section 10 (5);
- (xiv) "engineering technologists' institute" means an association of engineering technologists recognised in terms of section 6 (1) (j);
- (xv) "engineering work" means engineering work reserved in terms of section 6 (6);
- (xvi) "inquiry" as contemplated in section 6 (1) (l), 13 and 14 means an inquiry by the council or a committee of the council and shall include a preliminary investigation for purpose of determining whether *prima facie* evidence of a contravention exists;
- (xvii) "Minister" means the Minister of Public Works and Land Affairs;
- (xviii) "person registered in terms of this Act" means an engineer, engineer in training, engineering technologist, engineering technologist in training, registered certificated engineer, engineering technician or an engineering technician in training, as the case may be;
- (xix) "prescribed" means prescribed by or under this Act;
- (xx) "register" means the register or registers referred to in section 6 (3);
- (xxi) "registered certificated engineer" means a certificated engineer registered in terms of section 10 (7);
- (xxii) "registrar" means a person appointed as registrar in terms of section 6 (1) (a);
- (xxiii) "rule" means a rule made and in force under this Act;
- (xxiv) "student certificated engineer" means a person enrolled as a student certificated engineer in terms of section 10 (11) (a) (iii);
- (xxv) "student engineer" means a person enrolled as a student engineer in terms of section 10 (11) (a) (i);
- (xxvi) "student engineering technician" means a person enrolled as a student engineering technician in terms of section 10 (11) (a) (iv);

- (xxvii) "student-gediplomeerde ingenieur" iemand wat as 'n student-gediplomeerde ingenieur kragtens artikel 10 (11) (a) (iii) ingeskryf is;
- (xxviii) "voorgeskryf" by of kragtens hierdie Wet voorgeskryf.

Instelling van die Suid-Afrikaanse Raad vir Ingenieurswese

2. Hierby word 'n regspersoon ingestel bekend as die Suid-Afrikaanse Raad vir Ingenieurswese.

Samestelling en aanstelling van lede van raad

3. (1) Die raad bestaan uit twee-en-twintig lede, wat deur die Minister aangestel word, naamlik—

- (a) nege persone wat deur die Federasie van Verenigings vir Professionele Ingenieurs, of sy opvolger in titel, in oorleg met die ingenieursinstitute genomineer word, van wie—
- een 'n ingenieur uit die vertakking landboukundige ingenieurswese,
 - een 'n ingenieur uit die vertakking chemiese ingenieurswese,
 - een 'n ingenieur uit die vertakking siviele ingenieurswese,
 - een 'n ingenieur uit een of beide van die vertakkinge elektriese en elektroniese ingenieurswese,
 - een 'n ingenieur uit die vertakking bedryfsingenieurswese,
 - een 'n ingenieur uit een of meer van die vertakkinge meganiese, lugvaartkundige en marine ingenieurswese,
 - een 'n ingenieur uit die vertakking metallurgiese ingenieurswese,
 - een 'n ingenieur uit die vertakking mynboukundige ingenieurswese, en
 - een 'n ingenieur in private raadgewende praktyk;
- (b) twee persone wat deur die Minister gekies word, na oorlegpleging met die uittredende raad, op grond daarvan dat hulle uit hoofde van hul kennis en ervaring betreffende openbare aangeleenthede en die nywerheidsbehoefte van die land, uitnemend geskik is om te oordeel hoe die openbare belang, vir sover dit deur die ingenieurswese geraak word, op die beste wyse beskerm of bevorder kan word;
- (c) een persoon wat deur die Minister gekies word vanuit persone wat werk in die publieke sektor;
- (d) twee ingenieurstechnoloë genomineer deur die Suid-Afrikaanse Assosiasie van Registreerbare Ingenieurstechnoloë, of sy opvolger in titel, in oorleg met die Federasie van Verenigings vir Professionele Ingenieurs, of sy opvolger in titel;
- (e) twee geregistreerde gediplomeerde ingenieurs genomineer deur die Federasie van Verenigings vir Professionele Ingenieurs, of sy opvolger in titel, in oorleg met die Instituut van Gediplomeerde Werktuigkundige en Elektrotegniese Ingenieurs, Suid-Afrika en die Suid-Afrikaanse Instituut van Marine- en Skeepsboukundige Ingenieurs;
- (f) twee ingenieurstechnici genomineer deur die Affiliasie van Verenigings Verteenwoordigend van Ingenieurstechnici, of sy opvolger in titel, in oorleg met die Federasie van Verenigings vir Professionele Ingenieurs, of sy opvolger in titel;

- (xxvii) "student engineering technologist" means a person enrolled as a student engineering technologist in terms of section 10 (11) (a) (ii);
- (xxviii) "this Act" includes any notice or rule made or issued under this Act.

Establishment of the Engineering Council of South Africa

2. There is hereby established a juristic person to be known as the Engineering Council of South Africa.

Composition of council and appointment of members

3. (1) The council shall consist of twenty-two members, to be appointed by the Minister, namely—

- (a) nine persons nominated by the Federation of Societies of Professional Engineers, or its successor in title, in consultation with the engineers' institutes, of whom there shall be—
- one engineer from the branch of agricultural engineering,
 - one engineer from the branch of chemical engineering,
 - one engineer from the branch of civil engineering,
 - one engineer from either or both of the branches of electrical and electronic engineering,
 - one engineer from the branch of industrial engineering,
 - one engineer from one or more of the branches of mechanical, aeronautical and marine engineering,
 - one engineer from the branch of metallurgical engineering,
 - one engineer from the branch of mining engineering, and
 - one engineer in private consulting practice;
- (b) two persons, selected by the Minister, after consultation with the outgoing council, on the grounds that by virtue of their knowledge and experience of public affairs or the industrial requirements of the country, they are particularly suited to judge how the public interest in so far as it is affected by engineering can best be safeguarded or promoted;
- (c) one person selected by the Minister from among persons employed in the public sector;
- (d) two engineering technologists nominated by the South African Association of Registrable Engineering Technologists, or its successor in title, in consultation with the Federation of Societies of Professional Engineers, or its successor in title;
- (e) two registered certificated engineers nominated by the Federation of Societies of Professional Engineers, or its successor in title, in consultation with the Institution of Certificated Mechanical and Electrical Engineers, South Africa and the South African Institute of Marine Engineers and Naval Architects;
- (f) two engineering technicians nominated by the Affiliation of Societies Representing Engineering Technicians, or its successor in title, in consultation with the Federation of Societies of Professional Engineers, or its successor in title;

- (g) drie professors in ingenieurswese aan ingenieurs-fakulteite van universiteite in die Republiek van Suid-Afrika, wat ingenieurs moet wees, genomineer deur die Komitee van Universteitshoofde ingestel kragtens die Wet op Universteite, 1966 (Wet 51 van 1966) in oorleg met die uittrede raad; en
- (h) een lid van die doserende personeel aan 'n technikon in die Republiek van Suid-Afrika, wat kragtens hierdie Wet geregistreer moet wees, genomineer deur die Komitee van Technikonhoofde ingestel kragtens die Wet op Teknikons (Nasionale Opvoeding), 1967 (Wet 40 van 1967) in oorleg met die uittrede raad.

(2) Wanneer 'n nominasie kragtens subartikel (1) nodig word, moet die Minister die betrokke liggaam deur skriftelike kennisgewing aansê, of laat aansê, om binne 'n tydperk in die kennisgewing vermeld, maar minstens 60 dae vanaf die datum van die kennisgewing, soveel persone te nomineer as wat deur die liggaam vir aanstelling indie raad genomineer moet word.

(3) Indien die betrokke liggaam in gebreke bly om, na aansegging deur kennisgewing soos in subartikel (2) bepaal, binne die tydperk in die kennisgewing vermeld soveel persone te nomineer as wat volgens die kennisgewing genomineer moes word, kan die Minister die persone, as daar is, wat werklik aldus genomineer is en, na oorlegpleging met die uittrede raad, die ander persone wat die nodige kwalifikasies vir aanstelling besit, tot die vereiste getal aanstel om lede van die raad te wees.

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

(5) Wanneer die raad vir die eerste keer saamgestel word, word 'n verwysing in hierdie Wet na die uittrede raad uitgelê as verwysende na die Suid-Afrikaanse Raad vir Professionele Ingenieurs ingestel kragtens die Wet op Professionele Ingenieurs, 1968.

Kwalifikasies van raadslede en omstandighede waaronder hulle hul amp ontruim

4. (1) Niemand word aangestel nie as 'n lid kragtens artikel 3 (1) of as 'n plaasvervangende lid van die raad kragtens artikel 3 (4), tensy hy 'n Suid-Afrikaanse burger is.

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

- ophou om 'n Suid-Afrikaanse burger te wees; of
- sy bedanking skriftelik aan die Minister voorlê; of
- volgens die reg as 'n geestesongestelde persoon aangehou word; of
- weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word; of
- sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was; of
- ingevolge hierdie Wet onbevoeg verklaar word om sy professie te beoefen; of
- weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; of
- behalwe vir iemand wat kragtens artikel 3 (1) (b) aangestel is, ophou om kragtens hierdie Wet geregistreer te wees; of

(g) three professors in engineering from the engineering faculties of universities in the Republic of South Africa, who shall be engineers, nominated by the Committee of University Principals established in terms of the Universities Act, 1966 (Act 51 of 1966) in consultation with the outgoing council; and

(h) one member of the teaching staff of a technikon in the Republic of South Africa, who shall be a person registered in terms of this Act, nominated by the Committee of Technikon Principals established in terms of the Technikon (National Education) Act, 1967. (Act 40 of 1967) in consultation with the outgoing council.

(2) Whenever may nominated under subsection (1) becomes necessary, the Minister shall call upon the body concerned, or cause it to be called upon, by notice in writing, to nominate within a period specified in the notice, being not less than sixty days from the date thereof, so many persons as may be required to be nominated by it for appointment to the council.

(3) If after having been called upon by notice under subsection (2), the body concerned fails to nominate, within the period specified in that notice, so many persons as were in terms of such notice required to be nominated, the Minister may appoint the persons, if any, actually so nominated and after consultation with the outgoing council, such other persons who hold the qualifications necessary for appointment up to the number required, to be members of the council.

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

(5) When the council is constituted for the first time, any reference in this Act to the outgoing council shall be construed as being a reference to the South African Council for Professional Engineers established in terms of the Professional Engineers' Act, 1968.

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

4. (1) No person shall be appointed as a member in terms of section 3 (1) or as an alternate member of the council in terms of section 3 (4), unless he is a South African citizen.

(2) A member and any alternate member of the council shall vacate his office if he—

- ceases to be a South African citizen; or
- submits his resignation in writing to the Minister; or
- is according to the law detained as a mentally ill person; or
- has been removed from an office of trust on account of improper conduct; or
- has been absent from three consecutive meetings of the council without its leave; or
- is disqualified under this Act from carrying on his profession; or
- is convicted of an offence and sentenced to a term of imprisonment without the option of a fine; or
- excepting if he is a person appointed in terms of section 3 (1) (b), ceases to be a person registered in terms of this Act; or

- (i) kragtens artikel 3 (1) (c) aangestel is en ophou om in die publieke sektor te werk; of
- (j) kragtens artikel 3 (1) (g) of (h) aangestel is en ophou om 'n lid te wees van die doserende personeel van 'n universiteit of 'n technikon in die Republiek van Suid-Afrika, na gelang van die geval.

Ampstermyn van raadslede, eerste vergadering van raad, verkiesing van president en vise-president en be-sluite van raad

5. (1) Elke lid of plaasvervangende lid van die raad word aangestel vir 'n termyn van vier jaar, maar behou na verstryking van die termyn waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

(2) Wanneer 'n lid of plaasvervangende lid van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, met inagreming van die toepaslike bepalings van artikel 3, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid of plaasvervangende lid aangestel is.

(3) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die uittredende raad vasstel.

(4) Die lede van die raad kies op die eerste vergadering van elke nuutsaangestelde raad, uit hul geledere 'n president en 'n vise-president van die raad en die president en vise-president beklee hul amp gedurende die ampsduur van die raad.

(5) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as 'n raadslid sitting te neem nie, as 'n raadslid sitting geneem het toe 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.

Bevoegdhede van die raad

6. (1) Die raad het die bevoegdheid—

- (a) om 'n registrateur en ander amptenare aan te stel en te besoldig, hul pligte en verantwoordelikhede te bepaal en sodanige handelinge te verrig wat die raad nodig ag met betrekking tot hul diensvoorwaardes;
- (b) om die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede aan te skaf, te huur, te onderhou, te verhuur, te verkoop of op enige ander wyse eiendom aldus verkry, te vervreem;
- (c) om kontrakte aan te gaan en om te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (d) om die fondse van die raad in te samel en sodanige fondse na goeë dunde te belê;
- (e) om die gelde te bepaal wat aan die raad betaal moet word ten opsigte van 'n eksamen, of gedeelte daarvan, wat kragtens hierdie Wet deur of namens die raad afgeneem word;
- (f) om, behoudens die bepalings van artikel 9 (3), die aanbevelings van 'n komitee van die raad te oorweeg en finaal daaroor te besluit;
- (g) om die wyse waarop 'n applikant aansoek moet doen om registrasie kragtens artikel 10 voor te skryf, om die gelde wat aan die raad betaal moet word ten opsigte van so 'n registrasie en die jaargelde wat aan die raad betaal moet word deur 'n persoon wat ingevolge hierdie Wet geregistreer is, voor te skryf, om dié gedeelte van sodanige jaargelde wat ten opsigte van

- (i) was aangestel in terms of section 3 (1) (c) and ceases to be employed in the public sector; or
- (j) was appointed in terms of section 3 (1) (g) or (h) and ceases to be a member of the teaching staff of a university or of a technikon in the Republic of South Africa, as the case may be.

Period of office of members, first meeting of council, election of president and vice-president and resolutions of council

5. (1) Every member or alternate member of the council shall be appointed for a period of four years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Whenever a member or alternate member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member or alternate member was appointed.

(3) The first meeting of the council shall be held at a time and place to be fixed by the outgoing council.

(4) The members of the council shall, at the first meeting of every newly constituted council, out of their number elect a president and a vice-president of the council and the president and vice-president shall hold office during the term of office of the council.

(5) No decision taken by the council or act performed under authority of the council, shall be invalid by reason only of a vacancy on the council or of the fact that a person who was 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 authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

Powers of council

6. (1) The council shall have the power—

- (a) to appoint and remunerate a registrar and other officials, to determine their duties and responsibilities and to do whatever the council considers necessary in relation to their conditions of service;
- (b) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions and maintain, let or sell or in any other manner dispose of property so acquired;
- (c) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;
- (d) to collect the funds of the council and to invest such funds as the council deems fit;
- (e) to determine the fees which shall be payable to the council in respect of any examination, or part thereof, conducted by or on behalf of the council in terms of this Act;
- (f) subject to the provisions of section 9 (3), to consider and give its final decisions on recommendations of a committee of the council;
- (g) to prescribe the manner in which a person shall apply for registration in terms of section 10, to prescribe the registration fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person registered in terms of this Act, to determine what portion of such annual fees shall be payable in respect

'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargelde of gedeelte daarvan betaalbaar word, te bepaal en om vrystelling te verleen van die betaling van sodanige registrasiegelde of jaargelde of gedeelte daarvan;

- (h) om 'n aansoek om registrasie kragtens artikel 10 te oorweeg en daaroor te besluit;
- (i) om te besluit oor die vorm van die register of registers en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daarop aangebring kan word;
- (j) om die vereistes te bepaal waaraan 'n vereniging van ingenieurs of van ingenieurstechnoloë of van gediplomeerde ingenieurs of van ingenieurstechnici, na gelang van die geval, moet voldoen om vir die doeleindes van hierdie Wet vir erkenning te kwalifiseer en om aansoeke vir sodanige erkenning te oorweeg en daaroor te besluit;
- (k) om by die Minister aan te beveel wat die in subartikel (6) (a) bedoelde geldetarief moet wees;
- (l) om die wyse te bepaal waarvolgens klagtes van onbehoorlike gedrag ondersoek moet word waaraan iemand wat kragtens hierdie Wet geregistreer is, hom na bewering skuldig sou gemaak het;
- (m) om enige publikasie met betrekking tot die ingenieursweseprofessie en verwante aangeleenthede te finansier, te druk, te versprei en te verkoop, die publikasie daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer;
- (n) om die Minister van advies te bedien oor vraagstukke in verband met die ingenieursweseprofessie en verwante aangeleenthede;
- (o) om by die Minister aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste van 'n ingenieursaard vir persone wat kragtens hierdie Wet geregistreer is, voorbehou moet word; en
- (p) om die ander stappe te doen en die ander handelinge te verrig wat vir die behoorlike uitvoering van sy werksaamhede en pligte kragtens hierdie Wet vereis word.

(2) (a) Die raad het die bevoegdheid om stappe te doen wat hy raadsaam ag vir die beskerming van die publiek in hulle transaksies met persone wat kragtens hierdie Wet geregistreer is, vir die handhawing van die integriteit en die verhoging van die status van sodanige persone en vir die verbetering van die dienste gelewer deur en die standaard van professionele kwalifikasies van sodanige persone.

(b) Die raad kan uitgawes aangaan betreffende, of finansiële of ander hulp of finansiële sowel as ander hulp verleen in verband met enige aangeleentheid vermeld in paragraaf (a).

(c) Die raad het die bevoegdheid om navorsing aangaande vraagstukke wat betrekking het op die ingenieursweseprofessie, uitgesonderd die tegniese aspekte van ingenieurswese, aan te moedig en om aan enige opvoedkundige inrigting, instituut wat kragtens artikel 6 (1) (j) erken is of eksaminerende liggaam advies te gee of finansiële of ander hulp of finansiële sowel as ander hulp te verleen in verband met opleiding en onderrig in die ingenieurswese.

(3) Die raad moet 'n register of registers van persone wat kragtens hierdie Wet geregistreer is, hou en byhou en sodanige register of registers moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die geld wat die raad mag voorskryf.

(4) Enige gelde wat deur die raad kragtens artikel 6 (1) (g) voorgeskryf word, word deur die raad bekend gemaak op die wyse wat hy wenslik ag.

of any part of the year and the date on which such annual fees or portion thereof shall become due and payable, and to grant exemption from payment of such registration or annual fees or portion thereof;

- (h) to consider and decide upon any application for registration in terms of section 10;
- (i) to decide upon the form of the register or registers and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;
- (j) to determine the requirements with which an association of engineers or of engineering technologists or of certificated engineers or of engineering technicians, as the case may be, shall comply in order to qualify for recognition for the purposes of this Act and to consider and decide upon applications for such recognition;
- (k) to recommend to the Minister the tariff of fees referred to in subsection (6) (a);
- (l) to determine the method of inquiry into allegations of improper conduct of which any person registered in terms of this Act is alleged to have been guilty;
- (m) to finance, print, circulate, sell and administer the publication of and generally to take any steps necessary to publish any publication relating to the engineering profession and cognate matters;
- (n) to advise the Minister on matters relating to the engineering profession and cognate matters;
- (o) to recommend to the Minister the kinds of work in connection with projects undertakings or services of an engineering nature which shall be reserved for persons registered in terms of this Act; and
- (p) to take such other action and do such other things as may be required for the proper performance of its functions and duties under this Act.

(2) (a) The council shall have the power to take steps which it may consider expedient for the protection of the public in their dealings with persons registered in terms of this Act, for the maintenance of the integrity and the enhancement of the status of such persons and for the improvement of the services rendered by and the standards of professional qualifications of such persons.

(b) The council may incur expenditure in connection with or render financial or other assistance or both financial and other assistance in respect of any matter referred to in paragraph (a).

(c) The council shall have the power to encourage research into matters relating to the engineering profession, excluding technical aspects of engineering, and to give advice or render financial or other assistance or both financial and other assistance, to any educational institution, institute recognised in terms of section 6 (1) (j) or examining body in regard to training and education in engineering.

(3) The council shall keep and maintain a register or registers of persons registered in terms of this Act and such register or registers shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the council may prescribe.

(4) Any fees prescribed by the council in terms of section 6 (1) (g) shall be made known by the council in such manner as it deems fit.

(5) Voordat enige voorsiening kragtens subartikel (2) (c) gemaak word, moet die raad die voorgestelde voorsiening na die adviserende onderwyskomitee vir sy aanbeveling verwys.

(6) Die Minister kan, na oorweging van 'n tersaaklike aanbeveling deur die raad kragtens subartikel (1)—

- (a) die geldetarief voorskryf waarop 'n persoon ingevolge hierdie Wet geregistreer ten opsigte van dienste deur hom gelewer, geregig is, welke tarief slegs verpligtend word by onstentenis van 'n voorafonderhandelde ooreenkoms met betrekking tot gelde tussen die geregistreerde persoon en 'n bepaalde kliënt; en
- (b) met die instemming van die Raad op Mededinging ingestel by artikel 3 van die Wet op die Handhawing en Bevordering van mededinging, 1979 (Wet 96 van 1979), soorte werk in verband met projekte, ondernemings of dienste van 'n ingenieursaard voorskryf wat voorbehou word vir persone wat kragtens hierdie Wet geregistreer is.

(7) Voordat enige voorsiening kragtens subartikel (6) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel binne 'n bepaalde typerk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en dat 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 enige 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 ooreenkomstig hierdie artikel gemaak word nie.

(8) Voorsienings wat kragtens subartikel (6) (b) gemaak word, kan voorsiening maak vir die uitsluiting daarvan van werk wat gedoen word onder vermeldde omstandighede of vir vermeldde doeleindes of deur of vir vermeldde persone of klasse persone of binne of buite vermeldde gebiede of klasse gebiede.

(9) Enige voorsiening wat kragtens subartikel (6) gemaak is, word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.

Fondse van die raad en hou en ouditering van rekenings

7. (1) Die fondse van die raad bestaan uit die bedrae deur hom ontvang uit hoofde van 'n voorsiening kragtens hierdie Wet gemaak en enige ander bedrae wat die raad toekom of aan hom betaalbaar word of geskenk word.

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

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy voorafgaande boekjaar, en 'n balansstaat aantoonende sy finansiële toestand aan die einde van daardie boekjaar, laat opstel en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n outditeur wat die raad aanstel, afskrifte daarvan laat stuur aan elke lid van die raad en 'n afskrif daarvan by sy kantoor ter insae laat lê van enige iemand wat kragtens hierdie Wet geregistreer is.

Verslae aan die Minister

8. (1) 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 gedurende daardie boekjaar, tesame met 'n afskrif van die in artikel 7 (3) bedoelde geouditeerde staat van inkomste en uitgawe en balansstaat ten opsigte van daardie boekjaar.

(5) Before any provision is made by virtue of subsection (2) (c) the council shall refer the proposed provision to the education advisory committee for its recommendation.

(6) The Minister may, after consideration of any relevant recommendation made by the Council in terms of subsection (1)—

- (a) prescribe the tariff of fees to which a person registered in terms of this Act shall be entitled for services rendered by him, which tariff shall only become mandatory in the absence of a prior agreement on fees between the registered person and a particular client; and
- (b) with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act 96 of 1979), prescribe the kinds of work in connection with projects, undertakings or services of an engineering nature reserved for persons registered in terms of this Act.

(7) Before any provision is made by virtue of subsection (6), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that, if the Minister thereafter determines 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.

(8) Provisions made by virtue of subsection (6) (b) may provide for the exclusion therefrom of work done under 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.

(9) Any provisions made under subsection (6) shall be made known by the Minister by notice in the *Gazette*.

Funds of council and keeping and auditing of a accounts

7. (1) The funds of the council shall consist of any moneys received by it in pursuance of any provision made under this Act and such other moneys as may accrue or become payable or are donated to the council.

(2) The council shall cause full and correct account to be kept of all moneys 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 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 council, cause copies thereof to be transmitted to every member of the council, and cause a copy thereof to be open for inspection at its office by any person registered in terms of this Act.

Reports to Minister

8. (1) The council 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 that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 7 (3) in respect of that financial year.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Die raad moet op sy versoek aan die Minister of die Direkteur-generaal advies verstrek oor vraagstukke in verband met die ingenieursweseprofessie of verwante aangeleenthede, en moet inligting wat die raad in die loop van die verrigting van sy pligte bekom omtrent aangeleenthede wat hy van openbare belang ag, aan die Minister meedeel.

Instelling van die Adviserende Onderwyskomitee en ander komitees van die raad en delegering van funksies deur die raad

9. (1) (a) Hierby word 'n adviserende komitee ingestel bekend as die Adviserende Onderwyskomitee.

(b) Die raad stel die lede van die adviserende onderwyskomitee aan ooreenkomstig die reëls uitgevaardig kragtens artikel 16 (1) (c).

(c) Vir elke lid van die adviserende onderwyskomitee kragtens paragraaf (b) aangestel, moet daar 'n plaasvervangende lid aangestel word ooreenkomstig die reëls uitgevaardig kragtens artikel 16 (1) (c).

(d) Die funksie van die adviserende onderwyskomitee is om in die algemeen die raad by die verrigting van sy werksaamhede en pligte kragtens hierdie Wet by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad by die verrigting van sy werksaamhede kragtens hierdie Wet, hetsy spesifiek of in die algemeen, na die komitee verwys of wat uit eie beweging deur die komitee geopper is.

(2) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan en kan sodanige van sy lede en ander persone aanstel wat hy goedvind om lede van so 'n komitee te wees.

(3) (a) Die raad kan, behoudens die bepalings van paragraaf (b) en (c), na goeddunke van sy bevoegdhede opdra aan 'n komitee wat aldus ingestel is of aan die adviserende onderwyskomitee, maar word nie geag van 'n bevoegdheid wat hy aan 'n komitee of die adviserende onderwyskomitee opgedra het, onthef te wees nie, en kan 'n besluit van so 'n komitee of die adviserende onderwyskomitee wysig of herroep.

(b) Wanneer die raad aan enige komitee die bevoegdheid opgedra het om te bepaal of iemand kragtens hierdie Wet geregistreer moet word, al dan nie, of die bevoegdheid om die registrasie van iemand wat kragtens hierdie Wet geregistreer is, te kanselleer, of die bevoegdheid om ooreenkomstig die bepalings van hierdie Wet 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê ooreenkomstig die bepalings van artikel 13, mag die raad nie 'n besluit of iets wat uit hoofde van die bevoegdheid aldus opgedra, deur sodanige komitee geneem of gedoen is, wysig of herroep nie maar kan, behoudens die reëls, enige straf deur enige komitee aldus opgelê, versag: Met dien verstande dat enige persoon wat veronreg voel deur 'n besluit van sodanige komitee die reg het tot appèl na die raad en die bepalings van artikel 14 is *mutatis mutandis* van toepassing ten opsigte van sodanige appèl.

(c) 'n Komitee waaraan die raad die bevoegdheid opgedra het om ooreenkomstig die bepalings van artikels 13 en 14 '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 raad, voortgaan om sodanige bevoegdhede uit te oefen totdat bedoelde ondersoek voltooi is, en sodanige bevoegdhede word by die toepassing van paragraaf (b) geag aan die komitee deur die nuut-saamgestelde raad opgedra te gewees het.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which in the opinion of the council should be brought to the Minister's notice.

(3) The council shall at his request provide the Minister or the Director-General with advice on matters relating to the engineering professions or cognate matters, and shall communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public import.

Establishment of the Education Advisory Committee and other committees and delegation of functions by council

9. (1) (a) There is hereby established an advisory committee to be known as the Education Advisory Committee.

(b) The council shall appoint the members of the education advisory committee in accordance with the rules made in terms of section 16 (1) (c).

(c) For every member of the education advisory committee appointed in terms of paragraph (b) there shall be an alternate member appointed in accordance with the rules made in terms of section 16 (1) (c).

(d) It shall be the function of the education advisory committee to assist the council generally in the performance of its functions and duties in terms of this Act and to enquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the committee either specifically or generally or which has been raised by the committee of its own accord.

(2) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members and other persons, as it may deem fit, to be members of any such committee.

(3) (a) The council may, subject to the provisions of paragraphs (b) and (c), assign to a committee so established or to the education advisory committee such of its powers as it may deem fit, but shall not be deemed to be divested of any power which it may have assigned to a committee or the education advisory committee, and may amend or repeal any decision of any such committee or the education advisory committee.

(b) Whenever the council has assigned to any committee the power to determine whether or not any person shall be registered in terms of this Act, or the power to cancel the registration of any person registered in terms of this Act, or the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 13, the council shall not amend or repeal any decision arrived at or anything done by such committee under the power so assigned, but may, subject to the rules, mitigate any punishment so imposed by any committee: Provided that any person aggrieved by a decision of such committee shall have the right to appeal to the council and the provisions of section 14 shall apply *mutatis mutandis* to such an appeal.

(c) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 13 and 14, may, notwithstanding the expiry of the tenure of office of the members of that council, continue to exercise such powers until the conclusion of such inquiry, and such powers shall for the purposes of paragraph (b) be deemed to have been assigned to the committee by the newly constituted council.

(4) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegdheid wat die raad aan 'n komitee opgedra het, word uitgeleë ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(5) Die bepalings van artikel 5 (5) is *mutatis mutandis* van toepassing ten opsigte van die adviserende onderwyskomitee en 'n ander komitee van die raad.

Registrasie van ingenieurs, inskrywing, weiering en kansellering van registrasie

10. (1) (a) Iemand wat begerig is om as 'n ingenieur 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant—

- (i) in besit is van 'n toepaslike kwalifikasie wat deur die raad geakkrediteer is of erken word, of geslaag het in die eksamens wat die raad van tyd tot tyd voorskryf ten opsigte van persone wat nie oor 'n sodanig geakkrediteerde of erkende kwalifikasie beskik nie; en
- (ii) vir die tydperk wat van tyd tot tyd deur die raad bepaal word, ingenieurswerk verrig het wat by uitstek tuis behoort by een of meer van die professies genoem in Afdeling A van Bylae I en wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieur registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(2) (a) Iemand wat begerig is om as 'n ingenieur-in-opleiding 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant aan die in subartikel (1) (b) (i) vermelde vereiste voldoen, moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieur-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(c) Indien die raad na oorweging van 'n aansoek kragtens subartikel (1) (a) oortuig is dat die applikant—

- (i) aan die in subartikel (1) (b) (i) vermelde vereiste voldoen; maar
- (ii) nie aan die in subartikel (1) (b) (ii) vermelde vereiste voldoen nie,

moet die raad, indien die applikant aldus versoek, en behoudens die bepalings van subartikel (12), die applikant as 'n ingenieur-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(d) Wanneer iemand wat kragtens hierdie subartikel as 'n ingenieur-in-opleiding geregistreer is aan die in subartikel (1) (b) (ii) vermelde vereiste voldoen het, moet die raad, behoudens die bepalings van subartikel (12), op aansoek in die voorgeskrewe vorm, die registrasie van sodanige persoon kanselleer en hom kragtens subartikel (1) registreer.

(3) Indien die raad na oorweging van 'n aansoek kragtens subartikel (1) (a) oortuig is dat die applikant, ofskoon hy nie aan die in subartikel (1) (b) (i) vermelde vereiste voldoen nie—

- (a) vir minstens 20 jaar ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en

(4) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned 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.

(5) The provisions of section 5 (5) shall apply *mutatis mutandis* in respect of the education advisory committee and any other committee of the council.

Registration, enrolment, refusal and cancellation of registration

10. (1) (a) Any person who desires to be registered as an engineer 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.

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

- (i) holds an appropriate qualification accredited or recognised by the council or has passed the examinations prescribed by the council from time to time in respect of persons not holding a qualification so accredited or recognised; and
- (ii) has for such period as may from time to time be determined by the council, performed engineering work specially pertaining to any one or more of the professions referred to in Part A of Schedule I, which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (12), register the applicant as an engineer and issue to him a certificate of registration in the prescribed form.

(2) (a) Any person who desires to be registered as an engineer 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.

(b) If after consideration of any such application the council is satisfied that the applicant complies with the requirement referred to in subsection (1) (b) (i), the council shall, subject to the provisions of subsection (12), register the applicant as an engineer in training and issue to him a certificate of registration in the prescribed form.

(c) If after consideration of an application in terms of subsection (1) (a) the council is satisfied that the applicant—

- (i) complies with the requirement referred to in subsection (1) (b) (i); but
- (ii) does not comply with the requirement referred to in subsection (1) (b) (ii),

the council shall, if the applicant so requests, and subject to the provisions of subsection (12), register the applicant as an engineer in training and issue to him a certificate of registration in the prescribed form.

(d) Whenever any person who is registered as an engineer in training in terms of this subsection has complied with the requirement referred to in subsection (1) (b) (ii), the council shall, subject to the provisions of subsection (12), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (1).

(3) If after consideration of an application in terms of subsection (1) (a), the council is satisfied that the applicant, whilst not complying with the requirement referred to in subsection 1 (b) (i)—

- (a) has for not less than twenty years performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and

- (b) geslaag het in 'n eksamen wat deur die raad voorgeskryf is; en
- (c) 'n ingenieurstechnoloog is of 'n beoefenaar is van 'n ander professie wat vir die raad aanvaarbaar is,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieur registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(4) (a) Iemand wat begerig is om as 'n ingenieurstechnoloog 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant—

- (i) in besit is van 'n toepaslike kwalifikasie wat deur die raad geakkrediteer is of erken word, of geslaag het in die eksamens wat die raad van tyd tot tyd voorskryf ten opsigte van persone wat nie oor 'n sodanig geakkrediteerde of erkende kwalifikasie beskik nie; en
- (ii) vir die tydperk wat van tyd tot tyd deur die raad bepaal word, ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnoloog registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(5) (a) Iemand wat begerig is om as 'n ingenieurstechnoloog-in-opleiding 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant aan die in subartikel (4) (b) (i) vermelde vereiste voldoen, moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnoloog-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(c) Indien die raad na oorweging van 'n aansoek kragtens subartikel (4) (a) oortuig is dat die applikant—

- (i) aan die in subartikel (4) (b) (i) vermelde vereiste voldoen; maar
- (ii) nie aan die in subartikel (4) (b) (ii) vermelde vereiste voldoen nie,

moet die raad, indien die applikant aldus versoek, en behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnoloog-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(d) Wanneer iemand wat kragtens hierdie subartikel as 'n ingenieurstechnoloog-in-opleiding geregistreer is aan die in subartikel (4) (b) (ii) vermelde vereiste voldoen het, moet die raad, behoudens die bepalings van subartikel (12), op aansoek in die voorgeskrewe vorm, die registrasie van sodanige persoon kanselleer en hom kragtens subartikel (4) registreer.

(6) Indien die raad na oorweging van 'n aansoek kragtens subartikel (4) (a) oortuig is dat die applikant, ofskoon hy nie aan die in subartikel (4) (b) (i) vermelde vereiste voldoen nie—

- (a) vir sodanige tydperk wat van tyd tot tyd deur die raad bepaal word, ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en
- (b) geslaag het in 'n eksamen, indien enige, wat die raad voorskryf,

(b) has passed an examination prescribed by the council; and

(c) is an engineering technologist or is a practitioner of any other profession acceptable to the council,

the council shall, subject to the provisions of subsection (12), register the applicant as an engineer and issue to him a certificate of registration in the prescribed form.

(4) (a) Any person who desires to be registered as an engineering technologist 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.

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

- (i) holds an appropriate qualification accredited or recognised by the council or has passed the examinations prescribed by the council from time to time in respect of persons not holding a qualification so accredited or recognised; and
- (ii) has for such period as may from time to time be determined by the council, performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technologist and issue to him a certificate of registration in the prescribed form.

(5) (a) Any person who desires to be registered as an engineering technologist 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.

(b) If after consideration of any such application the council is satisfied that the applicant complies with the requirement referred to in subsection (4) (b) (i), the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technologist in training and issue to him a certificate of registration in the prescribed form.

(c) If after consideration of an application in terms of subsection (4) (a) the council is satisfied that the applicant—

- (i) complies with the requirement referred to in subsection (4) (b) (i); but
- (ii) does not comply with the requirement referred to in subsection (4) (b) (ii),

the council shall, if the applicant so requests, and subject to the provisions of subsection (12), register the applicant as an engineering technologist in training and issue to him a certificate of registration in the prescribed form.

(d) Whenever any person who is registered as an engineering technologist in training in terms of this subsection has complied with the requirement referred to in subsection (4) (b) (ii), the council shall, subject to the provisions of subsection (12), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (4).

(6) If after consideration of an application in terms of subsection (4) (a), the council is satisfied that the applicant, whilst not complying with the requirement referred to in subsection (4) (b) (i)—

- (a) has for such period as may from time to time be determined by the council, performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and
- (b) has passed an examination, if any, prescribed by the council,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnoloog registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(7) (a) Iemand wat begerig is om as 'n geregistreerde gediplomeerde ingenieur 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant in besit is van 'n toepaslike kwalifikasie wat deur die raad erken word, moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n geregistreerde gediplomeerde ingenieur registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(8) (a) Iemand wat begerig is om as 'n ingenieurstechnikus 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant—

- (i) in besit is van 'n toepaslike kwalifikasie wat deur die raad geakkrediteer is of erken word, of geslaag het in die eksamens wat die raad van tyd tot tyd voorskryf ten opsigte van persone wat nie oor sodanige geakkrediteerde of erkende kwalifikasie beskik nie; en
- (ii) vir die tydperk wat van tyd tot tyd deur die raad bepaal word, ingenieurswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnikus registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(9) (a) Iemand wat begerig is om as 'n ingenieurstechnikus-in-opleiding 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 registrasiegeld en die inligting wat die raad verlang.

(b) Indien die raad na oorweging van sodanige aansoek oortuig is dat die applikant aan die in subartikel (8) (b) (i) vermelde vereiste voldoen, moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnikus-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(c) Indien die raad na oorweging van 'n aansoek kragtens subartikel (8) (a) oortuig is dat die applikant—

- (i) aan die in subartikel (8) (b) (i) vermelde vereiste voldoen; maar
- (ii) nie aan die in subartikel (8) (b) (ii) vermelde vereiste voldoen nie,

moet die raad, indien die applikant aldus versoek, en behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnikus-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(d) Wanneer iemand wat kragtens hierdie subartikel as 'n ingenieurstechnikus-in-opleiding geregistreer is aan die in subartikel (8) (b) (ii) vermelde vereiste voldoen het, moet die raad, behoudens die bepalings van subartikel (12), op aansoek in die voorgeskrewe vorm, die registrasie van sodanige persoon kanselleer en hom kragtens subartikel (8) registreer.

the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technologist and issue to him a certificate of registration in the prescribed form.

(7) (a) Any person who desires to be registered as a registered certificated engineer 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.

(b) If after consideration of any such application the council is satisfied that the applicant holds an appropriate qualification recognised by the council, the council shall, subject to the provisions of subsection (12), register the applicant as a registered certificated engineer and issue to him a certificate of registration in the prescribed form.

(8) (a) Any person who desires to be registered as an engineering technician 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.

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

- (i) holds an appropriate qualification accredited or recognised by the council or has passed the examinations prescribed by the council from time to time in respect of persons not holding a qualification so accredited or recognised; and
- (ii) has for such period as may from time to time be determined by the council, performed engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technician and issue to him a certificate of registration in the prescribed form.

(9) (a) Any person who desires to be registered as an engineering technician 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.

(b) If after consideration of any such application the council is satisfied that the applicant complies with the requirement referred to in subsection (8) (b) (i), the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technician in training and issue to him a certificate of registration in the prescribed form.

(c) If after consideration of an application in terms of subsection (8) (a) the council is satisfied that the applicant—

- (i) complies with the requirement referred to in subsection (8) (b) (i); but
- (ii) does not comply with the requirement referred to in subsection (8) (b) (ii),

the council shall, if the applicant so requests, and subject to the provisions of subsection (12), register the applicant as an engineering technician in training and issue to him a certificate of registration in the prescribed form.

(d) Whenever any person who is registered as an engineering technician in training in terms of this subsection has complied with the requirement referred to in subsection (8) (b) (ii), the council shall, subject to the provisions of subsection (12), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (8).

(10) Indien die raad na oorweging van 'n aansoek kragtens subartikel (8) (a) oortuig is dat die applikant, ofskoon hy nie aan die in subartikel (8) (b) (i) vermelde vereiste voldoen nie—

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

(b) geslaag het in 'n eksamen, indien enige, wat die raad voorskryf,

moet die raad, behoudens die bepalings van subartikel (12), die applikant as 'n ingenieurstechnikus registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(11) (a) Die raad kan, by ontvangs van 'n aansoek in die voorgeskrewe vorm, 'n applikant inskryf—

(i) as 'n student-ingenieur indien hy besig is met studie van kursusse in ingenieurswese aan 'n universiteit wat sal lei tot 'n kwalifikasie wat deur die raad kragtens subartikel (1) (b) (i) geakkrediteer is of erken word en indien hy voldoen aan die vereistes wat die raad van tyd tot tyd voorskryf;

(ii) as 'n student-ingenieurstechnoloog indien hy besig is met studie van kursusse in ingenieurstechnologie aan 'n technikon wat sal lei tot 'n kwalifikasie wat deur die raad kragtens subartikel (4) (b) (i) geakkrediteer is of erken word en indien hy voldoen aan die vereistes wat die raad van tyd tot tyd voorskryf;

(iii) as 'n student-gediplomeerde ingenieur indien hy deur die toepaslike eksaminerende liggaam aanvaar is en besig is met die studie van vakke wat sal lei tot 'n kwalifikasie wat kragtens subartikel (7) (b) erken word en indien hy voldoen aan die vereistes wat die raad van tyd tot tyd voorskryf; of

(iv) as 'n student-ingenieurstechnikus indien hy besig is met die studie van kursusse in ingenieurstechnologie wat sal lei tot 'n kwalifikasie wat deur die raad kragtens subartikel (8) (b) (i) geakkrediteer is of erken word en indien hy voldoen aan die vereistes wat die raad van tyd tot tyd voorskryf.

(b) Die registrateur moet aan iemand wat kragtens paragraaf (a) ingeskryf is, 'n sertifikaat van inskrywing uitreik onderworpe aan sodanige voorwaardes wat die raad van tyd tot tyd bepaal.

(12) Die raad kan weier om iemand kragtens hierdie Wet te registreer indien hy—

(a) te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is; of

(b) te eniger tyd veroordeel is weens afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument of meeneed; of

(c) volgens die reg as 'n geestesongestelde persoon aangehou word; of

(d) onbevoeg vir registrasie verklaar is ingevolge 'n straf wat kragtens hierdie Wet opgelê is; of

(e) 'n ongerehabiliteerde insolvent is of met sy skuldeisers 'n ooreenkoms aangegaan het.

(13) Die raad kan die registrasie kanselleer van iemand wat kragtens hierdie Wet geregistreer is, wat na sy registrasie aan 'n in subartikel (12) (a), (b), (c) of (d) vermelde diskwalifikasie onderhewig word of wie se boedel gesekwestreer word of wat 'n ooreenkoms met sy skuldeisers aangegaan of wat per abuis geregistreer is of wat geregistreer is op grond van inligting wat daarna bewys word vals te wees.

(14) Die raad moet die registrasie van iemand wat kragtens hierdie Wet geregistreer is, kanselleer indien sodanige persoon versuim om 'n jaargeld of gedeelte daarvan wat

(10) If after consideration of an application in terms of subsection (8) (a), the council is satisfied that the applicant, whilst not complying with the requirement referred to in subsection (8) (b) (i)—

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

(b) has passed an examination, if any, prescribed by the council,

the council shall, subject to the provisions of subsection (12), register the applicant as an engineering technician and issue to him a certificate of registration in the prescribed form.

(11) (a) The council may, upon application to it in the prescribed manner, enrol an applicant—

(i) as a student engineer if he is engaged in the study of courses in engineering at a university leading to a qualification accredited or recognised by the council in terms of subsection (1) (b) (i) and if he complies with the requirements prescribed by the council from time to time;

(ii) as a student engineering technologist if he is engaged in the study of courses in engineering technology at a technikon leading to a qualification accredited or recognised by the council in terms of subsection (4) (b) (i) and if he complies with the requirements prescribed by the council from time to time;

(iii) as a student certificated engineer if he has been accepted by the appropriate examining authority and is engaged in the study of subjects leading to a qualification recognised in terms of subsection (7) (b) and if he complies with the requirements prescribed by the council from time to time; or

(iv) as a student engineering technician if he is engaged in the study of courses in engineering technology leading to a qualification accredited or recognised by the council in terms of subsection (8) (b) (i) and if he complies with the requirements prescribed by the council from time to time.

(b) The registrar shall issue a certificate of enrolment in the prescribed form to a person enrolled in terms of paragraph (a) subject to such conditions as the council may from time to time prescribe.

(12) The council may refuse to register any person in terms of this Act if he—

(a) has at any time been removed from an office of trust on account of improper conduct; or

(b) has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document or perjury; or

(c) is according to the law detained as a mentally ill person; or

(d) is disqualified from registration in terms of a punishment imposed under this Act; or

(e) is an unrehabilitated insolvent or has entered into an arrangement with his creditors.

(13) The council may cancel the registration of any person registered in terms of this Act who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (12) (a), (b), (c) or (d) or whose estate is sequestrated or who enters into an arrangement with his creditors or whose registration was made in error or on information subsequently proved to be false.

(14) The council shall cancel the registration of any person registered in terms of this Act if such person fails to pay any annual fee or portion thereof prescribed under section 6

kragtens artikel 6 (1) (g) voorgeskryf en deur hom betaalbaar is, te betaal binne ses maande nadat sodanige geld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat: Met dien verstande dat hierdie subartikel nie so uitgelê word nie al sou die kansellasië van 'n persoon se registrasie hom onthef van die verpligting om enige deur hom verskuldigde jaargeld te betaal.

(15) Die raad moet op skriftelike versoek van iemand wat kragtens hierdie Wet geregistreer is, sy registrasie kanselleer maar die kansellasië het geen uitwerking op enige aanspreeklikheid waaraan sodanige persoon voor die datum van sodanige versoek onderhewig geword het nie: Met dien verstande dat waar 'n ondersoek na beweerde onbehoorlike gedrag deur sodanige persoon ingestel is of staan te word, sodanige kansellasië nie ten uitvoer gebring word nie totdat sodanige ondersoek afgehandel is.

(16) (a) Iemand wie se registrasie kragtens subartikel (13), (14) of (15) of as gevolg van 'n straf wat kragtens hierdie Wet opgelê is, gekanselleer is, moet die registrasiesertifikaat wat voorheen aan hom uitgereik is aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas is om dit te doen.

(b) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens paragraaf (a), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200,00.

(17) Iemand wat voorheen kragtens hierdie artikel geregistreer was, kan weer vir sodanige registrasie aansoek doen indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan wat kragtens artikel 6 (1) (g) voorgeskryf is, betaal en die raad moet, behoudens die bepalinge van subartikel (12), sodanige aansoeker se vorige registrasie herstel, sy naam weer in die register inskryf en 'n duplikaat registrasiesertifikaat aan hom uitreik.

(18) (a) Iemand wat as 'n ingenieur geregistreer is, kan sy professie aandui of bekend maak deur vir alle doeleindes die betiteling "Pr. Ing." agter sy naam gebruik te maak.

(b) Iemand wat as 'n ingenieurstechnoloog geregistreer is, kan sy professie aandui of bekend maak deur vir alle doeleindes van die betiteling "Pr. Teg. (Ing)" agter sy naam gebruik te maak.

(c) Iemand wat as 'n geregistreerde gediplomeerde ingenieur geregistreer is, kan sy professie aandui of bekend maak deur vir alle doeleindes van die betiteling "Reg. Dipl. Ing." agter sy naam gebruik te maak.

(d) Iemand wat as 'n ingenieurstechnikus geregistreer is, kan sy professie aandui of bekend maak deur vir alle doeleindes van die betiteling "Ing. Teg." agter sy naam gebruik te maak.

(19) Iemand wat as 'n professionele ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, kragtens die Wet op Professionele Ingenieurs, 1968 geregistreer was, word geag as 'n ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, kragtens hierdie artikel geregistreer te wees.

(20) Iemand wat geregistreer was as 'n professionele tegnoloog (ingenieurswese) of as 'n tegnoloog-in-opleiding, na gelang van die geval, deur die Beheerraad vir Professionele Tegnoloë (Ingenieurswese), ingevolge 'n regulasie uitgevaardig kragtens artikel 30A (3) (d) van die Wet op Professionele Ingenieurs, 1968, word geag as 'n ingenieurstechnoloog of as 'n ingenieurstechnoloog-in-opleiding, na gelang van die geval, kragtens hierdie artikel geregistreer te wees.

(21) Iemand wat geregistreer was as 'n ingenieurstechnikus (meester), 'n ingenieurstechnikus of as 'n ingenieurstechnikus-in-opleiding, na gelang van die geval, deur die Be-

(1) (g) and payable by him within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow: Provided that this subsection shall not be so construed that the cancellation of a person's registration shall relieve him of his liability for any annual fee due and payable by him.

(15) The council shall at the written request of any person registered in terms of this Act, cancel his registration, but the cancellation shall not affect any liability incurred by such person prior to the date of such request: Provided that where an investigation into alleged improper conduct by such person is in progress or to be held, such cancellation shall not be made until that investigation has been concluded.

(16) (a) Any person whose registration has been cancelled under subsection (13), (14) or (15) or as a result of punishment imposed under this Act, shall return to the registrar the certificate of registration previously issued to him within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

(b) Any person who fails to comply with any direction given under paragraph (a), shall be guilty of an offence and liable on conviction to a fine not exceeding R200,00.

(17) Any person who was previously registered under this section may reapply for such registration if he pays the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 6 (1) (g) which is due and payable by him, and the council shall, subject to the provisions of subsection (12), reinstate such applicant's previous registration, re-enter his name in the register and issue to him a duplicate certificate of registration.

(18) (a) A person who is registered as an engineer shall be entitled to indicate his profession or make it known by using for all purposes the title "Pr. Eng." after his name.

(b) A person who is registered as an engineering technologist shall be entitled to indicate his profession or make it known by using for all purposes the title "Pr. Tech. (Eng)" after his name.

(c) A person who is registered as a registered certificated engineer shall be entitled to indicate his profession or make it known by using for all purposes the title "Reg. Cert. Eng." after his name.

(d) A person who is registered as an engineering technician shall be entitled to indicate his profession or make it known by using for all purposes the title "Eng. Tech." after his name.

(19) Any person who was registered as a professional engineer or as an engineer in training, as the case may be, in terms of the Professional Engineers' Act, 1968 shall be deemed to be registered as an engineer or as an engineer in training, as the case may be, in terms of this section.

(20) Any person who was registered as a professional technologist (engineering) or as a technologist in training, as the case may be, by the Board of Control for Professional Technologists (Engineering), under a regulation promulgated in terms of section 30A (3) (d) of the Professional Engineers' Act, 1968 shall be deemed to be registered as an engineering technologist or an engineering technologist in training, as the case may be, in terms of this section.

(21) Any person who was registered as an engineering technician (master), an engineering technician or as an engineering technician in training, as the case may be, by the

heerraad vir Ingenieurstechnici, ingevolge 'n regulasie uitgevaardig kragtens artikel 30A (3) (d) van die Wet op Professionele Ingenieurs, 1968, word geag as 'n ingenieurstechnikus of as 'n ingenieurstechnikus-in-opleiding, na gelang van die geval, kragtens hierdie artikel geregistreer te wees.

(22) Iemand wat geregistreer was as 'n geregistreerde gediplomeerde ingenieur deur die Beheerraad vir Geregistreerde Gediplomeerde Ingenieurs, ingevolge 'n regulasie kragtens artikel 30A (3) (d) van die Wet op Professionele Ingenieurs, 1968 word geag as 'n geregistreerde gediplomeerde ingenieur kragtens hierdie artikel geregistreer te wees.

(23) Voordat enige kwalifikasie deur die raad geakkrediteer of erken word, of enige eksamens deur die raad voorgeskryf word, na gelang van die geval, soos bedoel in subartikels (1) (b) (i), (3) (b), (4) (b) (i), (6) (b), (7) (b), (8) (b) (i) of (10) (b), moet die raad die voorgestelde akkreditasie, erkenning of voorskrif na die adviserende onderwyskomitee vir sy aanbeveling verwys.

Verbod op verrigting van ingenieurswerk deur ongeregistreerde persone en vrystellings

11. (1) Behoudens die bepalings van subartikel (2) en enige vrystelling kragtens hierdie Wet verleen, is iemand wat nie kragtens hierdie Wet geregistreer is nie en wat—

- (a) ingenieurswerk verrig; of
- (b) homself voordoen as of hom op enige wyse hoognaamd uitgee of toelaat dat hy uitgegee word vir iemand wat kragtens hierdie Wet geregistreer is (hetsy hy voorgee geregistreer te wees al dan nie), of enige naam genoem in Bylae I, of enige naam, titel, beskrywing of simbool gebruik of enige handeling verrig wat aandui of bereken is om die indruk by persone te wek dat hy kragtens hierdie Wet geregistreer is,

aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000.

(2) Die bepalings van subartikel (1) (a) word, behalwe in die geval van 'n persoon wat registreerbaar is as 'n ingenieur of as 'n ingenieur-in-opleiding, nie so uitgelê as sou dit iemand wat nie kragtens hierdie Wet geregistreer is nie, verbied om ingenieurswerk te verrig, onderworpe daaraan dat sodanige ingenieurswerk verrig moet word onder die leiding, beheer of toesig van 'n ingenieur, ingenieurstechnoloog, geregistreerde gediplomeerde ingenieur of 'n ingenieurstechnikus, wat geag sal word verantwoordelikheid te aanvaar vir die ingenieurswerk aldus verrig: Met dien verstande dat ingenieurswerk wat by uitstek tui shoort by een of ander van die professies genoem in Afdeling B van Bylae I, vir 'n tydperk van vyf jaar vanaf die datum waarop hierdie Wet in werking tree, nie onder die leiding, beheer of toesig van iemand wat kragtens hierdie Wet geregistreer is, verrig hoef te word nie.

(3) Iemand, hetsy 'n natuurlike persoon, 'n maatskappy, beslote korporasie of ander regspersoon, wat van enige-mand anders in sy diens wat kragtens hierdie Wet geregistreer is, eis of toelaat dat hy enige handeling verrig waarvan die doen, of versuim om 'n handeling te verrig waarvan die nalaat 'n oortreding van enige bepaling van artikel 12 (1) (a), (1) (b), (1) (c), (1) (d) of (1) (f) van hierdie Wet is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000.

(4) Die bepalings van subartikel (1) word nie so uitgelê nie as sou dit enige van die volgende persone belet om in die beoefening van sy professie ingenieurswerk te verrig waarvoor sy opvoeding, opleiding en ervaring hom spesifiek bekwaam het, naamlik:

- (a) Persone geregistreer kragtens die Wet op Argitekte, 1970 (Wet 35 van 1970);

Board of Control for Engineering Technicians, under a regulation promulgated in terms of section 30A (3) (d) of the Professional Engineers' Act, 1968 shall be deemed to be registered as an engineering technician or as an engineering technician in training, as the case may be, in terms of this section.

(22) Any person who was registered as a registered certificated engineer by the Board of Control for Registered Certificated Engineers, under a regulation promulgated in terms of section 30A (3) (d) of the Professional Engineers' Act, 1968 shall be deemed to be registered as a registered certificated engineer in terms of this section.

(23) Before any qualification is accredited or recognised or any examinations are prescribed by the council, as the case may be, as contemplated by subsections (1) (b) (i), (3) (b), (4) (b) (i), (6) (b), (7) (b), (8) (b) (i) or (10) (b), the council shall refer the proposed accreditation, recognition or prescription to the education advisory committee for its recommendation.

Prohibition of performance of engineering work by unregistered persons and exemptions

11. (1) Subject to the provisions of subsection (2) and any exemption granted in terms of this Act, any person not registered in terms of this Act, who—

- (a) performs engineering work; or
- (b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a person registered in terms of this Act (whether or not purporting to be registered), or uses any name referred to in Schedule I, or any name, title, description or symbol or performs any act indicating or calculated to lead persons to infer that he is registered in terms of this Act,

shall be guilty of an offence and liable in conviction to a fine not exceeding R5 000.

(2) The provisions of subsection (1) (a) shall, other than in respect of a person who is registrable as an engineer or as an engineer in training, not be construed as prohibiting any person not registered in terms of this Act from performing engineering work, provided that such engineering work shall be performed under the direction, control or supervision of an engineer, engineering technologist, registered certificated engineer or engineering technician, who shall be deemed to assume responsibility for the engineering work so performed: Provided that, for a period of five years commencing on the date on which this Act comes into operation, the performance of engineering work specially pertaining to one or other of the professions referred to in Part B of Schedule I shall not be required to be subject to the direction, control or supervision of a person registered in terms of this Act.

(3) Any person, whether a natural person, a company, close corporation or other juristic person, who requires of or causes any person in its employ who is registered in terms of this Act to perform any act of commission or omission which is a violation of the provisions of section 12 (1) (a), (1) (b), (1) (c), (1) (d) or (1) (f) of the Act, shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000.

(4) The provisions of subsection (1) shall not be so construed as prohibiting any of the following persons from performing engineering work in the course of practising his profession for which his education, training and experience have specifically rendered him competent—

- (a) persons registered in terms of the Architects' Act, 1970 (Act 35 of 1970);

- (b) persone geregistreer kragtens die Wet op Bourekenaars 1970 (Wet 36 van 1970);
 - (c) persone geregistreer kragtens die Wet op Natuurwetenskaplikes, 1982 (Wet 55 van 1982);
 - (d) persone geregistreer kragtens die Wet op Professionele Landmeters en Tegniese Opmeters, 1984 (Wet 40 van 1984); en
 - (e) persone geregistreer kragtens die Wet op Stads- en Streeksbeplanners, 1984 (Wet 19 van 1984).
- (5) Niks in hierdie Wet vervat word so uitgelê nie as sou dit afbreuk doen aan die krag en uitwerking van enige voor-siening gemaak kragtens—
- (a) die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet 6 van 1983); of
 - (b) die Wet op Myne en Bedrywe, 1956 (Wet 27 van 1956); of
 - (c) die Handelskeepvaartwet, 1951 (Wet 57 van 1951); of
 - (d) die Wet op Ontploffbare Stowwe, 1956 (Wet 26 van 1956).
- (6) Die Minister kan, na oorweging en goedkeuring van 'n tersaaklike aanbeveling deur die raad, by kennisgewing in die *Staatskoerant*, Bylae I wysig, aanvul of skrap.

Onbehoorlike gedrag

12. (1) Iemand wat kragtens hierdie Wet geregistreer is, is skuldig aan onbehoorlike gedrag indien hy—

- (a) in die beoefening van sy professie, nalaat om die openbare veiligheid, openbare gesondheid en openbare belang in die algemeen behoorlik in ag te neem; of
- (b) in die beoefening van sy professie, nalaat om sy verpligtinge teenoor sy werkgewer of kliënt op 'n bevoegde en bekwame wyse en met volkome getrouheid en eerlikheid na te kom; of
- (c) in die beoefening van sy professie, nalaat om die waardigheid, status en goeie naam van die professie hoog te hou; of
- (d) ingenieurswerk verrig of onderneem om ingenieurswerk te verrig, waarvoor sy opvoeding, opleiding en ondervinding hom nie bekwaam het nie; of
- (e) enige vereiste wat kragtens artikel 16 (1) (h) by reël voorgeskryf is, oortree of versuim om daaraan te voldoen; of
- (f) homself voordoen as, of op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir 'n persoon wat geregistreer is in 'n ander kategorie as die kategorie waarin hy geregistreer is, of die naam van sodanige ander kategorie of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te wek dat hy geregistreer is in 'n kategorie anders as dié waarin hy wel geregistreer is; of
- (g) versuim om te hou by die toepaslike geldetarief wat kragtens artikel 6 (6) (a) voorgeskryf is: Met dien verstande dat hierdie bepaling slegs van toepassing is in gevalle waar hy en sy kliënt nie vooraf uitdruklik op 'n ander tarief vir sy dienste ooreengekom het nie.

(2) Die vryspreking of die skuldigbevinding van iemand wat kragtens hierdie Wet geregistreer is deur 'n geregtshof op 'n kriminele aanklag, belet nie dat stappe kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie ondanks die feit dat die feite uiteengesit in die aanklag van onbehoorlike gedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

- (b) persons registered in terms of the Quantity Surveyor's Act, 1970 (Act 36 of 1970);
- (c) persons registered in terms of the Natural Scientists' Act, 1982 (Act 55 of 1982);
- (d) persons registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (Act 40 of 1984); and
- (e) persons registered in terms of the Town and Regional Planners' Act, 1984 (Act 19 of 1984).

(5) Nothing in this Act contained shall be construed as derogating from the force and effect of any provision made in terms of—

- (a) the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983); or
- (b) the Mines and Works Act, 1956 (Act 27 of 1956); or
- (c) the Merchant Shipping Act, 1951 (Act 57 of 1951); or
- (d) the Explosives Act, 1956 (Act 26 of 1956).

(6) The Minister may, after consideration and approval of a relevant recommendation by the council, by notice in the *Gazette* amend, add to or delete from Schedule I.

Improper conduct

12. (1) Any person registered in terms of this Act shall be guilty of improper conduct if he—

- (a) in carrying on his profession, fails to have due regard to the public safety, public health and public interest generally; or
- (b) in carrying on his profession, fails to discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and honesty; or
- (c) in carrying on his profession, fails to uphold the dignity, standing and reputation of the profession; or
- (d) performs or undertakes to perform engineering work for which his education, training and experience have not rendered him competent; or
- (e) contravenes or fails to comply with any requirement prescribed by rules made in terms of section 16 (1) (h); or
- (f) pretends to be or by any means whatsoever hold himself out or allows himself to be held out as a person registered in a category different from the category in which he is registered, or uses the name of such other category or any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered in a category other than the category in which he is registered; or
- (g) fails to adhere to the applicable tariff of fees prescribed in terms of section (6) (a): Provided that this provisions shall only apply in the event of him not having expressly agreed with his client on another tariff for his services.

(2) The acquittal or the conviction of a person registered in terms of this Act, 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, notwithstanding the fact that 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 another offence on which he might have been convicted at his trial on the said criminal charge.

(3) As die onbehoorlike gedrag waarvan iemand wat kragtens hierdie Wet geregistreer is, 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 persoon 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 ter syde gestel is: Met dien verstande dat die aangeklaagde persoon die reg het om getuïenis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

(4) Wanneer dit gedurende verrigtinge in 'n geregshof of gedurende 'n ondersoek ingevolge enige wet aan die hof of aan die persoon in beheer van die ondersoek, na gelang van die geval, blyk dat daar *prima facie*-getuïenis is van onbehoorlike of skandelijke gedrag aan die kant van iemand wat kragtens hierdie Wet geregistreer is, of gedrag wat, met die oog op die ingenieursprofessies, onbehoorlik of skandelijk is, gelas die hof of die persoon in beheer van die ondersoek, na gelang van die geval, dat 'n afskrif van die notule van die verrigtinge of die ondersoek of daardie gedeelte daarvan wat op die saak betrekking het, aan die raad gestuur word.

Disiplinêre bevoegdhede van raad

13. (1) Die raad het die bevoegdheid om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan iemand wat kragtens hierdie Wet geregistreer is hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan enige straf op te lê wat ingevolge artikel 16 (1) (j) voorgeskryf is: 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 glo dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is.

(2) (a) Wanneer 'n straf wat kragtens subartikel (1) opgelê is, uit 'n boete bestaan of 'n boete insluit, moet die bedrag daarvan deur die raad op die betrokke persoon verhaal en in die fondse van die raad gestort word.

(b) Indien die persoon bedoel in subartikel (1) weier of nalaat om 'n boete te betaal binne 30 dae na die datum waarop dit opgelê is, word sy registrasie kragtens hierdie Wet geag opgehef te wees totdat die betrokke boete aan die raad betaal is.

Ondersoek deur raad

14. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 13—

- (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, dokument 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, dokument of saak oor te lê, en kan 'n boek, dokument of saak wat aldus oorgelê is vir ondersoek behou;
- (b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad aan hom 'n eed opleë of van hom 'n bevestiging aanneem, en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;
- (c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering.

(3) If the improper conduct with which such person registered in terms of this Act 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 person 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 person charged to adduce evidence that he was in fact wrongly convicted.

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

Disciplinary powers of council

13. (1) The council shall have the power to inquire into cases of improper conduct of which a person who is registered in terms of this Act is alleged to have been guilty while so registered and to impose in respect thereof any punishment prescribed under section 16 (1) (j): 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) (a) Whenever any punishment imposed under subsection (1) consists of or includes any fine, the amount thereof shall be recoverable by the council from the person concerned and be paid into the funds of the council.

(b) If the person referred to in subsection (1) refuses or fails to pay a fine within 30 days of the date on which it is imposed, his registration in terms of this Act shall be deemed to be suspended until such time as the fine concerned has been paid to the council.

Inquiry by council

14. (1) For the purpose of an inquiry under section 13, the council may—

- (a) summon any person who in its opinion may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the inquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and to retain for examination any book, document or thing so produced;
- (b) call and by its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control; and
- (c) appoint any person to advise the council at such inquiry on matters pertaining to law, procedure or evidence.

(2) 'n Dagvaarding aan iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad voorskryf, moet deur die president van die raad of 'n persoon deur hom daartoe gemagtig onderteken word, en word op dieselfde wyse beteken as 'n dagvaarding vir die verskyning van 'n getuie in 'n siviele geding in 'n landdroshof.

(3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly 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 iemand ooreenkomstig subartikel (1) (b) weier om as getuie beëdig te word of om te bevestig, 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, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.

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

(5) Iemand wat die president of 'n lid of beampte van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of kragtens hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.

(6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuie aan te voer, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

(7) Iemand wat weens 'n misdryf ingevolge hierdie artikel skuldig bevind word, is strafbaar met 'n boete van hoogstens vyfhonderd rand.

Skorsing uit praktyk van persone wat in hul geestesvermoë gekrenk geraak het, verlening van tydperk of intrekking van bevel

15. (1) Wanneer dit uit beëdigde of bevestigde inligting vir die raad blyk dat iemand wat kragtens hierdie Wet geregistreer is, in so 'n mate in sy geestesvermoë gekrenk geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om aan tehou praktiseer, kan die raad na goeë dunde ten opsigte van sodanige persoon 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel 14.

(2) Indien die raad bevind dat sodanige persoon aldus in sy geestesvermoë gekrenk geraak het, kan die raad vir 'n vasgestelde tydperk die skorsing van sodanige persoon van die beoefening van sy professie beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur hom bepaalde tydperk verleng, of so 'n bevel intrek.

Reëls

16. (1) Die raad kan reëls uitvaardig—

(a) aangaande enige aangeleentheid wat ingevolge hierdie Wet deur die raad voorgeskryf moet of kan word;

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorised thereto by him, and shall be served in the same manner as a summons for the attendance of a witness at a civil trial in a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend 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 in terms of subsection (1) (b) refuses to be sworn or to affirm 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 of the inquiry 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 subpoenaed 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 made 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 or to be represented by some other person duly authorised in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding five hundred rand.

Suspension from practice of persons who have become of unsound mind, extension of period of termination of suspension

15. (1) Whenever it appears to the council from information on oath or affirmation that any person registered in terms of this Act has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an inquiry *mutatis mutandis* in accordance with the provisions of section 14 in respect of such person.

(2) If the council finds that such person has so become of unsound mind, it may order the suspension of such person for a specified period from practising his profession.

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

Rules

16. (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;

- (b) aangaande die prosedure vir die nominasie van persone vir aanstelling as lede en plaasvervangende lede van die raad kragtens artikel 3 (1) (a), (d), (e), (f), (g) en (h) en artikel 3 (4);
- (c) aangaande die samestelling van die adviserende onderwyskomitee en sy subkomitees, die vereistes waaraan 'n persoon moet voldoen om as 'n lid of plaasvervangende lid van die adviserende onderwyskomitee en sy subkomitees aangestel te word, die omstandighede waaronder 'n lid of plaasvervangende lid van die adviserende onderwyskomitee sy amp as sodanig moet ontruim, die ampstermyn waarvoor 'n lid of 'n plaasvervangende lid aangestel word, en aangaande die aanwysing van 'n voorsitter en vise-voorsitter van die adviserende onderwyskomitee en enige van sy subkomitees;
- (d) aangaande die samestelling van ander komitees, die aanwysing van 'n voorsitter en 'n vise-voorsitter van enige sodanige komitee, die ampstermyn van sodanige komitees en, in die algemeen, aangaande enige aangeleentheid wat nodig is vir die behoorlike funksionering van sodanige komitees;
- (e) aangaande die byeenroeping van en die prosedure en kworum by vergaderings van die raad of van 'n komitee van die raad of van die adviserende onderwyskomitee en sy subkomitees en aangaande enige ander aangeleentheid wat op vergaderings van die raad of van 'n komitee van die raad of van die adviserende onderwyskomitee en sy subkomitees betrekking het;
- (f) aangaande die vasstelling en betaling van toelaes of besoldiging wat betaalbaar is uit die fondse van die raad aan lede van die raad of van 'n komitee van die raad of van die adviserende onderwyskomitee en sy subkomitees;
- (g) aangaande die hou, bewaring en publikasie van 'n register of registers van persone wat kragtens hierdie Wet geregistreer is;
- (h) aangaande die vereistes waaraan iemand wat kragtens hierdie Wet geregistreer is, moet voldoen by die beoefening van sy profesie;
- (i) wat die gedrag, afgesien van die gedrag vermeld in artikel 12, voorgeskryf wat onbehoorlike gedrag uitmaak vir iemand wat kragtens hierdie Wet geregistreer is;
- (j) wat die metode waarvolgens beweerde onbehoorlike gedrag ondersoek moet word, die aanstelling deur die raad van 'n komitee om ondersoek in te stel na 'n klag van beweerde onbehoorlike gedrag en die strawwe wat opgelê kan word ten opsigte van onbehoorlike gedrag, met ingebrip van 'n berisping of 'n waarskuwing of 'n berisping en 'n waarskuwing, 'n boete, skorsing uit die praktyk, skraping van die register en tydelike of permanente onbevoegdverklaring vir registrasie voorskryf, en aangaande versagting van 'n straf wat aldus opgelê is;
- (k) aangaande die kwalifikasies wat deur die raad geakkrediteer is of erken word of die eksamens wat deur die raad voorgeskryf word vir doeleindes van artikel 10;
- (l) aangaande die ondersoeke en navrae ter plaatse wat deur die raad ingestel of gedoen kan word met die oog op die akkreditering van kwalifikasies bedoel in artikel 10, en aangaande die prosedure wat gevolg moet word ten opsigte daarvan;
- (m) aangaande die vereistes wat die raad kragtens artikel 10 (11) (a) voorskryf, die gelde wat betaal moet word deur studente wat aldus ingeskryf is, die voorwaardes wat die raad kragtens artikel 10 (11) (b) bepaal en aangaande enige aangeleentheid wat die raad noodsaaklik ag vir doeleindes van artikel 10 (11);
- (b) as to be procedures regarding the nomination of persons for appointment as members and alternate members of the council in terms of section 3 (1) (a), (d), (e), (f), (g) and (h) and section 3 (4);
- (c) as to the constitution of the education advisory committee and its subcommittees, the requirements with which a person shall comply to be appointed as a member or as an alternate member of the education advisory committee and its subcommittees, the circumstances under which a member or alternate member of the education advisory committee shall vacate his office as such, the term of office for which a member or alternate member shall be appointed, and as to the designation of a chairman and vice-chairman of the education advisory committee and any of its subcommittees;
- (d) as to the constitution of other committees of the council, the designation of a chairman and vice-chairman of any such committee, the term of office of such committees and, generally, as to any matter which is necessary for the proper functioning of such committees;
- (e) as to the calling of and procedure and quorum at meetings of the council or of a committee of the council or of the education advisory committee and its subcommittees and as to any other matter relating to meetings of the council or of a committee of the council or of the education advisory committee and its subcommittees;
- (f) as to the determination and payment, out of its funds, of allowances or remuneration to members of the council or of a committee of the council or of the education advisory committee and its subcommittees;
- (g) as to the keeping, custody and publication of a register or registers of persons registered in terms of the Act;
- (h) as to the requirements with which a person registered in terms of this Act shall comply in carrying of his profession;
- (i) prescribing conduct, apart from conduct referred to section 12, on the part of a person registered in terms of this Act, which shall constitute improper conduct;
- (j) prescribing the method of inquiry into allegations of improper conduct, the appointment by the council of a committee to conduct an inquiry into an allegation of improper conduct and the punishments which may be imposed in respect of improper conduct, including a reprimand or a caution or a reprimand and a caution, a fine, suspension from practice, removal from the register, temporary or permanent disqualification from registration, and as to the mitigation of any such punishment so imposed;
- (k) as to the qualifications accredited or recognised or the examinations prescribed by the council for the purposes of section 10;
- (l) as to the investigations and enquiries *in loco* that may be instituted or conducted by the council with a view to the accreditation of qualifications referred to in section 10, and the procedure to be observed in connection therewith;
- (m) as to the requirements prescribed by the council in terms of section 10 (11) (a), any fees payable by students so enrolled, the conditions which the council may impose in terms of section 10 (11) (b) and as to any matter which the council deems necessary for purposes of section 10 (11);

- (n) aangaande die vereistes vir erkenning as 'n ingenieursinstituut of as 'n ingenieurstechnolooginstituut of as 'n gediplomeerde ingenieursinstituut of as 'n ingenieurstechnikusinstituut deur die raad van 'n vereniging van ingenieurs of van ingenieurstechnoloë of van gediplomeerde ingenieurs of van ingenieurstechnici; en
- (o) aangaande, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Enige reël kragtens subartikel (1) uitgevaardig of die herroeping van 'n regulasie kragtens artikel 23 (4), word deur die raad by kennisgewing in die *Staatskoerant* bekend gemaak.

Prosedure en bewyslewing

17. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat volgens hierdie Wet daarin aangeteken moet of kan word.

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

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

(4) Die registers wat kragtens die Wet op Professionele Ingenieurs, 1968 gehou is, word ingelyf en geag deel te vorm van die registers wat kragtens hierdie Wet gehou word.

Regstelling van foute

18. Waar enigiets wat deur die raad ooreenkomstig die bepalings van hierdie Wet op of voor 'n vermeldde dag of op 'n vermeldde tydperk of gedurende 'n vermeldde tydperk gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy tevrede is dat sodanige versuim te wyte was aan 'n fout of vergissing, en dat dit in die belang van die ingenieursweseprofessie is om dit te doen, magtiging daarvoor verleen dat so iets gedoen of uitgevoer kan word op of voor 'n ander dag of op 'n ander tydperk of gedurende 'n ander tydperk wat hy gelas, en enigiets aldus gedoen of uitgevoer, is van volle krag en uitwerking en word geag wetlik gedoen of uitgevoer te gewees het ooreenkomstig die bepalings van hierdie Wet.

Aanspreeklikheid van raad

19. Geen regsgeding, hetsy straf- of sivielregtelik, kan teen die raad of 'n lid of amptenaar daarvan ten opsigte van 'n handling of plig ooreenkomstig hierdie Wet verrig, ingestel word nie.

Delegering van bevoegdhede

20. (1) Die Minister kan skriftelik onder sy handtekening aan die Direkteur-generaal of enige ander senior beampte in die departement enige van of al die bevoegdhede deleger wat hierdie Wet aan hom verleen behalwe die bevoegdhede genoem in artikels 6 (6), 11 (6) en 21.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister self nie.

(n) as to the requirements for recognition as an engineers' institute or as an engineering technologists' institute or as a certificated engineers' institute or as an engineering technicians' institute by the council of an association of engineers or of engineering technologists or of certificated engineers or of engineering technicians; and

(o) as to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any rule made in terms of subsection (1) or the repeal of any regulation in terms of section 23 (4) shall be made known by the council by notice in the *Gazette*.

Procedure and evidence

17. (1) The register shall be *prima facie* evidence of all matters directed or authorised by this Act to be noted therein.

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

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

(4) The registers maintained in terms of the Professional Engineers' Act, 1968 shall be incorporated in and be deemed to form part of the registers to be maintained in terms of this Act.

Rectification of errors

18. Whenever anything which according to the provisions of this Act is required to be done or performed by the council 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, and that it is in the interests of the engineering profession to do so, authorise such thing to be done or performed on or before some other day or at some other time or during some 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 the Act.

Liability of council

19. No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in accordance with this Act.

Delegation of powers

20. (1) The Minister may by writing under his hand delegate to the Director-General or any other senior officer of the department all or any of the powers conferred upon him by this Act other than the powers conferred upon him by sections 6 (6), 11 (6) and 21.

(2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

Verstelling van toepassing van bepalings van Wet

21. (1) Die Minister kan, na oorlegpleging met die raad, en indien hy oortuig is dat dit in die publieke belang is, by kennisgewing in die *Staatskoerant*, 'n in die kennisgewing vermelde persoon, met inbegrip van 'n persoon in diens van enige maatskappy, beslote korporasie of ander regspersoon of enige klas van sodanige persone in sodanige diens, of enige maatskappy, beslote korporasie of ander regspersoon, of in die algemeen of onder die voorwaardes wat in die kennisgewing vermeld word of vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van hierdie Wet vrygestel.

(2) Die Minister kan, op aanbeveling van die raad, te eniger tyd by kennisgewing in die *Staatskoerant* 'n kennisgewing kragtens subartikel (1) uitvaardig, wysig of intrek.

Ooreenkomste met onafhanklike State

22. Indien die Regering van die Republiek 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 en die Minister ten opsigte van persone en aangeleenthede in genoemde gebied dieselfde werksaamhede verrig as wat hulle ingevolge hierdie Wet in die Republiek aldus sou kon verrig; en
- (b) is die bepalings van hierdie Wet *mutatis mutandis* van toepassing in genoemde gebied ten opsigte van die registrasie en die regte, pligte en verpligtinge van iemand wat kragtens hierdie Wet geregistreer is.

Afskaffing van Suid-Afrikaanse Raad vir Professionele Ingenieurs en Beheerraad en oorgang van regte en verpligtinge op die Suid-Afrikaanse Raad vir Ingenieurswese

23. (1) Die Suid-Afrikaanse Raad vir Professionele Ingenieurs, ingestel by artikel 2 van die Wet op Professionele Ingenieurs, 1968 hou op om te bestaan op die dag onmiddellik voor die dag waarop die eerste vergadering van die raad gehou word en alle regte, verpligtinge, bates en skulde wat deur die Suid-Afrikaanse Raad vir Professionele Ingenieurs kragtens die Wet op Professionele Ingenieurs, 1968 verkry of aangegaan is, na gelang van die geval, gaan onmiddellik oor op die raad en die raad word geag sodanige regte, verpligtinge, bates en skulde te verkry of aan te gaan het kragtens hierdie Wet.

(2) 'n Beheerraad wat kragtens artikel 30A (2) van die Wet op Professionele Ingenieurs, 1968 ingestel is, hou op om te bestaan op die dag onmiddellik voor die dag waarop die eerste vergadering van die raad gehou word en alle regte, verpligtinge, bates en skulde, insluitend enige voorskot wat aan 'n beheerraad kragtens artikel 30A (9) (d) van die Wet op Professionele Ingenieurs, 1968 betaal is, verkry of aangegaan is, na gelang van die geval, gaan onmiddellik oor op die raad en die raad word geag sodanige regte, verpligtinge, bates en skulde te verkry of aan te gaan het kragtens hierdie Wet.

(3) Enige handeling verrig of 'n besluit geneem deur die Suid-Afrikaanse Raad vir Professionele Ingenieurs of 'n beheerraad ingestel kragtens artikel 30A (2) van die Wet op Professionele Ingenieurs, 1968 word geag verrig of geneem te gewees het, nagelang van die geval, kragtens die ooreenstemmende bepalings van hierdie Wet.

(4) Die regulasies wat kragtens artikel 26 van die Wet op Professionele Ingenieurs, 1968 uitgevaardig is voor die herroeping van daardie Wet, word geag reëls te wies wat deur die raad uitgevaardig is kragtens artikel 16 (1) totdat hulle deur die raad herroep word.

Exemption from the operation of provisions of Act

21. (1) The Minister may, after consultation with the council, and if he is satisfied that it is in the public interest to do so, by notice in the *Gazette*, exempt any person, employed by any company, close corporation or other juristic person or any class of such persons so employed or any company, close corporation or other juristic person specified in the notice, either generally or subject to such conditions as may be specified in the notice or for such period as may be so specified, from the operation of any one or more of the provisions of this Act.

(2) The Minister may, on the recommendation of the council, at any time by notice in the *Gazette* amend or repeal any notice issued under subsection (1).

Agreement with independent States

22. In the Government of the Republic and the government of any territory which was formerly part of the Republic agree thereto and a law of such territory provides therefor—

- (a) the council 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 in terms of this Act; and
- (b) the provisions of this Act shall apply *mutatis mutandis* in the said territory in respect of the registration and the rights, duties and obligations of any person registered in terms of this Act.

Abolition of the South African Council for Professional Engineers and the Boards of Control, the transition of rights and obligations on the Engineering Council of South Africa

23. (1) The South African Council for Professional Engineers established under section 2 of the Professional Engineers' Act, 1968 shall cease to exist on the day immediately preceding the date of the first meeting of the council and all rights, obligations, assets and liabilities acquired or incurred, as the case may be, by the South African Council for Professional Engineers in terms of the Professional Engineers' Act, 1968, shall immediately vest in the council and the council shall be deemed to have acquired or incurred such rights, obligations, assets and liabilities in terms of this Act.

(2) Any board of control established in terms of section 30A (2) of the Professional Engineers' Act, 1968 shall cease to exist on the day immediately preceding the date of the first meeting of the council and all rights, obligations, assets and liabilities, including any advances paid to a board of control under section 30A (9) (d) of the Professional Engineers' Act, 1968 acquired or incurred, as the case may be, shall immediately vest in the council and the council shall be deemed to have acquired or incurred such rights, obligations, assets and liabilities in terms of this Act.

(3) Any act performed or decision taken by the South African Council of Professional Engineers or by a board of control established in terms of section 30A (2) of the Professional Engineers' Act, 1968 shall be deemed to have been performed or to have been taken, as the case may be, in terms of the corresponding provisions of this Act.

(4) Any regulations made under section 26 of the Professional Engineers' Act, 1968 before the repeal of that Act, shall be deemed to be rules made by the council under section 16 (1) until they are repealed by the council.

(5) Die geldetarief wat kragtens artikel 7 (3) (b) van die Wet op Professionele Ingenieurs, 1968 voorgeskryf is, word geag die geldetarief te wees wat deur die Minister kragtens artikel 6 (6) (a) van hierdie Wet voorgeskryf is totdat sodanige geldetarief deur die Minister gewysig word.

(6) Enige professionele ingenieursinstituut wat kragtens artikel 7 (3) (a) van die Wet op Professionele Ingenieurs, 1968 erken is, word geag kragtens artikel 6 (1) (j) as 'n ingenieursinstituut erken te wees.

Herroeping van wette

24. Die wette uiteengesit in Bylae II word hierby herroep.

Kort titel en inwerkingtreding

25. Hierdie Wet heet die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1987 en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

BYLAE I

INGENIEURSWESPROFESSIE

AFDELING A

Bedryfsingenieur
Chemiese ingenieur
Elektriese ingenieur
Elektroniese ingenieur
Ingenieur
Landboukundige ingenieur
Lugvaartkundige ingenieur
Marine ingenieur
Meganiiese ingenieur
Metallurgiese ingenieur
Mynboukundige ingenieur
Professionele ingenieur
Raadgewende ingenieur
Siviele ingenieur
Skeepsboukundige ingenieur

AFDELING B

Geregistreerde gediplomeerde ingenieur
Ingenieurstechnikus
Ingenieurstechnikus (meester)
Ingenieurstechnoloog
Professionele tegnoloog (ingenieurswese)

BYLAE II

HERROEPING VAN WETTE

Nommer en jaar van Wet	Titel
Wet No. 81 van 1968	Wet op Professionele Ingenieurs, 1968
Wet No. 52 van 1972	Wysigingswet op Professionele Ingenieurs, 1972
Wet No. 77 van 1979	Wysigingswet op Professionele Ingenieurs, 1979
Wet No. 73 van 1983	Wysigingswet op Professionele Ingenieurs, 1983
Wet No. 13 van 1985	Wysigingswet op Professionele Ingenieurs, 1985.

(5) The tariff of fees prescribed in terms of section 7 (3) (b) of the Professional Engineers' Act, 1968 shall be deemed to be tariff of fees prescribed in terms of section 6 (6) (a) of this Act until such tariff is amended by the Minister.

(6) Any professional engineers' institute recognised in terms of section 7 (3) (a) of the Professional Engineers' Act, 1968 shall be deemed to be an engineers' institute recognised in terms of section 6 (1) (j).

Repeal of laws

24. The laws specified in Schedule II are hereby repealed.

Short title and commencement

25. This Act shall be called the Engineering Profession of South Africa Act, 1987 and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

SCHEDULE I

ENGINEERING PROFESSIONS

PART A

Aeronautical engineer
Agricultural engineer
Chemical engineer
Consulting engineer
Civil engineer
Electrical engineer
Electronic engineer
Engineer
Industrial engineer
Marine engineer
Mechanical engineer
Metallurgical engineer
Mining engineer
Naval architect
Professional engineer

PART B

Engineer technologist
Professional technologist (engineering)
Engineering technician
Engineering technician (master)
Registered certificated engineer

SCHEDULE II

LAWS REPEALED (SECTION 24)

Number and year of Act	Title
Act No. 81 of 1968	Professional Engineers' Act, 1968
Act No. 52 of 1972	Professional Engineers' Amendment Act, 1972
Act No. 77 of 1979	Professional Engineers' Amendment Act, 1979
Act No. 73 of 1983	Professional Engineers' Amendment Act, 1983
Act No. 13 of 1985	Professional Engineers' Amendment Act, 1985.

Help om ons land, Suid-Afrika, skoon te hou!
Please keep our country, South Africa, clean!

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1987 tot 30 September 1988 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1987 to 30 September 1988, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

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