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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN
*Secretary of the National Assembly
of South West Africa*

N. J. DAVIN
*Sekretaris van die Nasionale Vergadering
van Suidwes-Afrika*

Windhoek

Windhoek

No. AG. 96

5 October 1979

No. AG. 96

5 Oktober 1979

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:—

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:—

No. 13 of 1979 Architects' and Quantity Surveyors' Act, 1979

No. 13 van 1979 Wet op Argitekte en Bourekenaars, 1979

Act No. 13, 1979

**ARCHITECTS' AND QUANTITY SURVEYORS' ACT,
1979**

*(English text signed by the Administrator-General on
24 September 1979)*

ACT

To provide for the establishment of a South West African Council for Architects and Quantity Surveyors, for the registration of architects, quantity surveyors, architects in training and quantity surveyors in training, and for incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Definitions.

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

- (i) "architect" means a person registered as an architect in terms of any provision of section 11; (i)
- (ii) "architect in training" means a person registered as an architect in training in terms of any provision of section 11; (ii)
- (iii) "council" means the South West Council for Architects and Quantity Surveyors established by section 2; (vii)
- (iv) "prescribed" means prescribed by or under this Act; (xi)
- (v) "quantity surveyor" means a person registered as a quantity surveyor in terms of any provision of section 11; (iii)
- (vi) "quantity surveyor in training" means a person registered as a quantity surveyor in training in terms of any provision of section 11; (iv)
- (vii) "register" when used as a noun, means any register referred to in section 7(2); (viii)
- (viii) "registrar" means the person employed as registrar under section 7(1)(a); (ix)
- (ix) "regulation" means a regulation made and in force under this Act; (x)
- (x) "territory" means the territory of South West Africa; (v)

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*(Engelse teks deur die Administrateur-generaal onderteken
op 24 September 1979)*

WET

Om voorsiening te maak vir die instelling van 'n Suidwes-Afrikaanse Raad vir Argitekte en Bourekenaars, vir die registrasie van argitekte, bourekenaars, argitekte-in-opleiding en bourekenaars-in-opleiding, en vir bykomstige aangeleenthede.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet — Woordomskrywing.

- (i) “argitek” ’n persoon wat ingevolge ’n bepaling van artikel 11 as ’n argitek geregistreer is; (i)
- (ii) “argitek-in-opleiding” ’n persoon wat ingevolge ’n bepaling van artikel 11 as ’n argitek-in-opleiding geregistreer is; (ii)
- (iii) “bourekenaar” ’n persoon wat ingevolge ’n bepaling van artikel 11 as ’n bourekenaar geregistreer is; (v)
- (iv) “bourekenaar-in-opleiding” ’n persoon wat ingevolge ’n bepaling van artikel 11 as ’n bourekenaar-in-opleiding geregistreer is; (vi)
- (v) “gebied” die gebied Suidwes-Afrika; (x)
- (vi) “hierdie Wet” ook ’n regulasie, kennisgewing, bevel of reël kragtens hierdie Wet uitgevaardig of uitge-reik; (xi)
- (vii) “raad” die Suidwes-Afrikaanse Raad vir Argitekte en Bourekenaars by artikel 2 ingestel; (iii)
- (viii) “register” ’n in artikel 7(2) bedoelde register; (vii)
- (ix) “registrateur” die persoon wat kragtens artikel 7(1)(a) as registrateur in diens geneem is; (viii)
- (x) “regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (ix)

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- (xi) "this Act" includes any regulation, notice, order or rule made or issued under this Act. (vi)

Establishment of council.

2. There is hereby established a council to be known as the South West African Council for Architects and Quantity Surveyors which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Act.

Constitution of council.

3. (1) The council shall consist of the following members to be appointed by the Administrator-General, namely —

- (a) four persons who shall, subject to the provisions of subsection (3), be nominated by the Institute of South West African Architects;
- (b) four persons who shall, subject to the provisions of subsection (3), be nominated by the Institute of South West African Quantity Surveyors;
- (c) two persons selected by the Administrator-General from among persons in full-time employment in the public service in the territory;
- (d) one person selected by the Administrator-General on the ground that, by virtue of his knowledge and experience of public affairs and the economic requirements of the territory, he is particularly suited to judge how the public interest in so far as it is affected by the architects' and quantity surveyors' professions can best be safeguarded or promoted.

(2) Whenever any nomination in terms of subsection (1)(a) or (b) becomes necessary, the Administrator-General shall, subject to the provisions of subsection (3), call upon or cause to be called upon the body concerned, 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) Whenever any nomination in terms of subsection (1)(a) or (b) becomes necessary and any institute referred to in that subsection has ceased to exist, the Administrator-General may appoint to be members of the council in terms of that subsection such architects or quantity surveyors, as the case may be, as he may deem suitable, up to the number required.

(4) If after having been called upon by notice in terms of 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 Administrator-General may appoint such persons who hold the

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- (xi) "voorgeskryf" by of kragtens hierdie Wet voorgeskryf . (iv)

2. Hierby word 'n raad ingestel, bekend as die Suidwes-Afrikaanse Raad vir Argitekte en Bourekenaars, wat met regs persoonlikheid beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet.

Instelling van raad.

3. (1) Die raad bestaan uit die volgende lede, wat deur die Administrateur-generaal aangestel moet word, naamlik —

Samestelling van raad.

- (a) vier persone wat, behoudens die bepalings van subartikel (3), deur die Instituut van Suidwes-Afrikaanse Argitekte genomineer moet word;
- (b) vier persone wat, behoudens die bepalings van subartikel (3), deur die Instituut van Suidwes-Afrikaanse Bourekenaars genomineer moet word;
- (c) twee persone deur die Administrateur-generaal gekies vanuit persone in voltijdse diens in die staatsdiens in die gebied;
- (d) een persoon deur die Administrateur-generaal gekies op grond daarvan dat hy uit hoofde van sy kennis en ervaring met betrekking tot openbare aangeleenthede en die ekonomiese behoeftes van die gebied, besonder geskik is om te oordeel hoe die openbare belang, vir sover dit deur die argiteks- en bourekenaarsberoepes geraak word, op die beste wyse beskerm of bevorder kan word.

(2) Wanneer 'n nominasie ingevolge subartikel (1)(a) of (b) nodig word, moet die Administrateur-generaal, behoudens die bepalings van subartikel (3), die betrokke liggaam by skriftelike kennisgewing versoek of laat versoek om, binne 'n in die kennisgewing vermelde tydperk van minstens sestig dae vanaf die datum van die kennisgewing, soveel persone te nomineer as wat deur die liggaam vir aanstelling in die raad genomineer moet word.

(3) Wanneer 'n nominasie ingevolge subartikel (1)(a) of (b) nodig word en 'n in daardie subartikel bedoelde instituut opgehou het om te bestaan, kan die Administrateur-generaal, na gelang van die geval, sodanige argitekte of bourekenaars wat hy geskik ag, tot die vereiste getal aanstel om ingevolge daardie subartikel lede van die raad te wees.

(4) Indien die betrokke liggaam in gebreke bly om, na 'n versoek by kennisgewing ingevolge subartikel (2), binne die tydperk in daardie kennisgewing vermeld, soveel persone te nomineer as wat ingevolge die kennisgewing genomineer

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qualifications necessary for appointment, including any persons who may have been nominated, as he may deem suitable, up to the number required, to be members of the council in terms of the subsection concerned.

(5) The name of every person appointed as a member of the council, together with the date from which the appointment takes effect and the period for which such appointment has been made, shall be notified in the *Official Gazette*.

(6) No decision taken by the council or act performed under the 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 authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

Qualifications of members of council and circumstances in which they shall vacate office.

4. (1) No person shall be appointed —

- (a) as a member of the council in terms of section 3(1)(a),(b) or (c) or (3) unless he is or is deemed to be an architect or a quantity surveyor; or
- (b) as a member of the council in terms of section (3)(1)(a) or (b) unless he is or is deemed to be a member of the body by which he was nominated.

(2) A member of the council shall vacate his office —

- (a) if he signifies in writing his wish to resign;
- (b) if his estate is sequestrated or he compromises with his creditors;
- (c) if he is detained as a mentally ill person under the provisions of any law;
- (d) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Administrator-General, after consultation with the council, not a fit person to be a member of the council;
- (f) if he is disqualified under this Act from carrying on his profession;

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moes word, kan die Administrateur-generaal sodanige persone wat die nodige kwalifikasies vir aanstelling besit, met inbegrip van persone wat genomineer is, en wat hy geskik ag, tot die vereiste getal aanstel om ingevolge die betrokke subartikel lede van die raad te wees.

(5) Die naam van elke persoon wat as lid van die raad aangestel word sowel as die datum vanaf wanneer die aanstelling geld en die tydperk waarvoor die aanstelling gemaak is, moet in die *Offisiële Koerant* afgekondig word.

(6) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig nie bloot weens 'n vakature in die raad of die feit dat '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, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

4. (1) Niemand word aangestel —

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

- (a) as 'n lid van die raad ingevolge artikel 3(1)(a), (b) of (c) of (3) nie tensy hy 'n argitek of bourekenaar is, of geag word een te wees; of
- (b) as 'n lid van die raad ingevolge artikel 3(1)(a) of (b) nie tensy hy 'n lid is van die liggaam deur wie hy genomineer is of geag word so 'n lid te wees.

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

- (a) indien hy skriftelik te kenne gee dat hy wil bedank;
- (b) indien sy boedel gesekwestreer word of hy met sy skuldeisers 'n skikking aangaan;
- (c) indien hy kragtens die bepalings van die een of ander wet as 'n geestesongestelde persoon aangehou word;
- (d) indien hy weens 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (e) indien hy weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word of indien hy hom skuldig gemaak het aan gedrag waardeur hy na die oordeel van die Administrateur-generaal, na oorlegpleging met die raad, nie 'n geskikte persoon is om lid van die raad te wees nie;
- (f) indien hy kragtens hierdie Wet onbevoeg raak om sy beroep te beoefen;

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(g) if he has been absent from three consecutive meetings of the council without its leave;

(h) if he was appointed in terms of section 3(1)(a) or (b) and ceases to be a member of the body by which he was nominated;

(i) if he was appointed in terms of section 3(1)(a), (b) or (c), (3) or (4) and ceases to be an architect or quantity surveyor, as the case may be;

(j) if he was appointed in terms of section 3(1)(c) and ceases to be a person contemplated in that section.

Tenure of office of members of council.

5. (1) Subject to the provisions of subsection (2), every member of the council (not being a member appointed in terms of section 3(1)(c) or (d), who shall hold office during the Administrator-General's pleasure) shall hold office for a period of two 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: Provided that when the council is to be constituted for the first time —

(a) two persons to be nominated for the purpose in terms of section 3(1)(a) and two other persons to be so nominated in terms of section 3(1)(b) shall hold office until the end of the second month of February after the date of appointment;

(b) two persons to be nominated for the purpose in terms of section 3(1)(a) and two other persons to be so nominated in terms of section 3(1)(b) shall hold office until the end of the third month of February after the date of appointment.

(2) Whenever a member of the council vacates his office before the expiration of the period for which he was appointed, the Administrator-General 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 was appointed.

(3) Any person whose period of office as member of the council has expired by effluxion of time shall be eligible for reappointment.

President and vice-president of council.

6. (1) The members of the council shall out of their number elect a president and a vice-president of the council, and the president and the vice-president shall hold office for such period, being not less than twelve months, as the council may from time to time determine.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for

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(g) indien hy sonder toestemming van die raad van drie agtereenvolgende vergaderings daarvan afwesig was;

(h) indien hy ingevolge artikel 3(1)(a) of (b) aangestel is en hy ophou om lid te wees van die liggaam deur wie hy genomineer is;

(i) indien hy ingevolge artikel 3(1)(a), (b) of (c), (3) of (4) aangestel is en hy ophou om 'n argitek of bourekenaar te wees, na gelang van die geval;

(j) indien hy ingevolge artikel 3(1)(c) aangestel is en hy ophou om 'n in daardie artikel beoogde persoon te wees.

5. (1) Behoudens die bepalings van subartikel (2), bekleë elke lid van die raad (uitgesonderd 'n ingevolge artikel 3(1)(c) of (d) aangestelde lid, wat sy amp bekleë solank dit die Administrateur generaal behaag) sy amp vir 'n tydperk van twee jaar, maar hou aan, na verstryking van die tydperk waarvoor hy aangestel is, om sy amp te bekleë vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is: Met dien verstande dat wanneer die raad vir die eerste keer saamgestel moet word —

Ampsduur van lede van raad.

(a) bekleë twee persone wat ingevolge artikel 3(1)(a) vir daardie doel genomineer moet word en twee ander persone wat ingevolge artikel 3(1)(b) aldus genomineer moet word, hul amp tot die einde van die tweede Februarie-maand na die datum van aanstelling;

(b) bekleë twee persone wat ingevolge artikel 3(1)(a) vir daardie doel genomineer moet word en twee ander persone wat ingevolge artikel 3(1)(b) aldus genomineer moet word, hul amp tot die einde van die derde Februarie-maand na die datum van aanstelling.

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

(3) 'n Persoon wie se ampstermyn as lid van die raad deur tydsverloop verstryk het, kan weer aangestel word.

6. (1) Die lede van die raad kies uit hul midde 'n president en 'n vise-president van die raad, en die president en die vise-president bekleë hul amp vir die tydperk van minstens twaalf maande wat die raad van tyd tot tyd bepaal.

President en vise-president van raad.

(2) Indien die president of die vise-president van die raad sy amp ontruim voor die verstryking van die tydperk waar-

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which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president of the council, as the case may be.

(3) If for any reason the president is not able to act, the vice-president shall act in his stead.

(4) If the president and the vice-president are absent from any meeting of the council or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside shall during that meeting and until the president or vice-president resumes duty, perform all the duties of the president.

(5) A member of the council who is not an architect or a quantity surveyor shall not be elected president or vice-president of the council or preside at any meeting thereof.

General powers of council and powers of the Administrator-General in regard to certain matters in respect of which the council has made recommendations.

7. (1) The council shall have power —

- (a) to employ a registrar and other officials and to determine their duties and responsibilities;
- (b) subject to the provisions of this Act, to determine the procedure at meetings of the council or any committee of the council and the manner in which minutes of the meetings shall be kept;
- (c) subject to the provisions of section 10(2), to consider and give its final decisions on recommendations of a committee of the council;
- (d) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions;
- (e) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;
- (f) to collect the funds of the council and, subject to the provisions of paragraph (d), to invest and deal with such funds by placing the funds or any portion thereof on fixed deposit or in a savings account with any banking institution or building society registered in terms of any law, or the General Post Office, or in stocks issued by any government or any public utility corporation lawfully established;
- (g) with the approval of the Administrator-General, to determine the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council;

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voor hy as lid van die raad aangestel is, word 'n ander lid van die raad, behoudens die bepalings van subartikel (1), as president of vise-president van die raad gekies, na gelang van die geval.

(3) Indien die president om die een of ander rede nie kan optree nie, tree die vise-president in sy plek op.

(4) Indien die president en die vise-president van 'n vergadering van die raad afwesig is of nie kan voorsit nie, kies die aanwesige lede een uit hul midde om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit, verrig al die pligte van die president gedurende daardie vergadering en totdat die president of vise-president sy ampspligte hervat.

(5) 'n Lid van die raad wat nie 'n argitek of bourekenaar is nie, word nie tot president of vise-president van die raad gekies en sit nie op 'n vergadering van die raad voor nie.

7. (1) Die raad is bevoeg —

- (a) om 'n registrateur en ander amptenare in diens te neem en om hul pligte en verantwoordelikhede te bepaal;
- (b) om, behoudens die bepalings van hierdie Wet, die prosedure op vergaderings van die raad of 'n komitee van die raad en die wyse waarop notule van die vergaderings gehou word, te bepaal;
- (c) om, behoudens die bepalings van artikel 10(2), die aanbevelings van 'n komitee van die raad te oorweeg en finaal daaroor te besluit;
- (d) om die roerende of onroerende goed wat hy nodig ag vir die doeltreffende verrigting van sy werksaamhede aan te skaf of te huur;
- (e) om kontrakte aan te gaan en om te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (f) om die fondse van die raad in te samel en om dit, behoudens die bepalings van paragraaf (d), te belê en daarmee te handel deur daardie fondse of 'n gedeelte daarvan te plaas op vaste deposito of in 'n spaarrekening by enige bankinstelling of bouvereniging ingevolge 'n wet geregistreer, of die Hoofposkantoor, of in effekte uitgegee deur 'n regering of 'n wettiglik ingestelde openbare nutsmaatskappy;
- (g) om met goedkeuring van die Administrateur-generaal die besoldiging en toelaes te bepaal wat betaalbaar is uit die fondse van die raad aan lede van die raad of 'n komitee van die raad;

Algemene bevoegdhe van raad en bevoegdhe van die Administrateur-generaal met betrekking tot sekere aangeleenthede ten opsigte waarvan die raad aanbevelings gemaak het.

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- (h) to prescribe the manner in which an applicant shall apply for registration as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, to prescribe the 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 as long as he remains registered as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, and to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable: Provided that, having regard to the circumstances of the case, the council may grant a remission of the annual fee or any portion thereof payable by any particular person;
- (i) to recommend to the Administrator-General or recognize any examination contemplated in section 11(2)(b), to determine the fees payable to the council in respect of any such examination, and to enter into an agreement with any body of persons, within or outside the territory, with regard to the recognition of any examination or qualification for the purposes of this Act;
- (j) subject to the provisions of this Act, to consider and decide upon any application for registration as an architect or as a quantity surveyor or as an architect in training or as a quantity surveyor in training;
- (k) to decide upon the form of the 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;
- (l) to recommend to the Administrator-General the minimum fees which shall be chargeable by any architect or quantity surveyor for his professional services;
- (m) to recommend to the Administrator-General the kinds of work in connection with projects, undertakings or services of an architectural or quantity surveying nature which shall be reserved for architects or quantity surveyors, as the case may be;
- (n) subject to the provisions of this Act, to determine the method of enquiry into allegations of improper conduct of which any architect or quantity surveyor or architect in training or quantity surveyor in training is alleged to have been guilty;
- (o) to take any steps which it may consider expedient for the protection of the public in dealings with architects or quantity surveyors, for the maintenance

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- (h) om die wyse voor te skryf waarop 'n applikant aansoek moet doen om registrasie as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding, om die gelde voor te skryf 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 solank hy as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding geregistreer bly, en om te bepaal watter gedeelte van sodanige jaargelde ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargelde of gedeelte daarvan verskuldig en betaalbaar word: Met dien verstande dat, met inagneming van die omstandighede van die geval, die raad 'n vermindering kan toestaan van die jaargeld of 'n gedeelte daarvan wat deur 'n bepaalde persoon betaalbaar is;
- (i) om 'n in artikel 11(2)(b) beoogde eksamen by die Administrateur-generaal aan te beveel of te erken, om die gelde wat ten opsigte van so 'n eksamen aan die raad betaalbaar is te bepaal, en om met 'n liggaam van persone, hetsy binne of buite die gebied, 'n ooreenkoms aan te gaan met betrekking tot die erkenning van 'n eksamen of kwalifikasie by die toepassing van hierdie Wet;
- (j) om, behoudens die bepalings van hierdie Wet, 'n aansoek om registrasie as 'n argitek of as 'n bourekenaar of as 'n argitek-in-opleiding of as 'n bourekenaar-in-opleiding te oorweeg en daaroor te besluit;
- (k) om te besluit oor die vorm van die registers en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daaraan aangebring kan word;
- (l) om by die Administrateur-generaal die minimumgelde aan te beveel wat 'n argitek of bourekenaar vir sy professionele dienste moet vra;
- (m) om by die Administrateur-generaal aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste wat by die argiteks- of bourekenaarsberoep tuishoort, vir argitekte of bourekenaars, na gelang van die geval, gereserveer moet word;
- (n) om, behoudens die bepalings van hierdie Wet, die metode van ondersoek te bepaal na bewerings van onbehoorlike gedrag waaraan 'n argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding hom na bewering skuldig sou gemaak het;
- (o) om die stappe te doen wat hy raadsaam ag vir die beskerming van die publiek in transaksies met

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nance of the integrity, the enhancement of the status and the improvement of the standards of professional qualifications of architects or quantity surveyors;

- (p) to encourage research into matters relating to the architects' or quantity surveyors' profession and to give advice or render financial or other assistance to any educational institution or any architects' or quantity surveyors' institute or any examining body in regard to educational facilities for and the training and education of prospective architects or quantity surveyors;
- (q) to finance, print, circulate and administer the publication of, and generally to take any steps necessary to publish, any publication relating to the architects' or quantity surveyors' profession and cognate matters;
- (r) to advise the Administrator-General on all matters relating to the architects' or quantity surveyors' profession and cognate matters;
- (s) to provide that architects shall not participate in any architectural competition of which the conditions have not been approved by the council, to prescribe the conditions subject to which any such competition may be approved, to appoint persons to undertake any functions which the council may consider necessary, if requested thereto, and in any other manner to assist in the organization of any such competition;
- (t) to take such other action and do such other things as may be required for the proper performance of its functions and duties in terms of this Act.

(2) Subject to the provisions of this Act, the council shall keep and maintain a register or registers of architects, quantity surveyors, architects in training and quantity surveyors in training and any such register 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.

(3) The Administrator-General may, after consideration and approval of any recommendation made by the council under subsection (1) —

- (a) prescribe the minimum fees which shall be chargeable by any architect or quantity surveyor for his professional services, and confer upon the council the power to allow an architect or a quantity surveyor to charge a lesser fee for any particular service;

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argitekte of bourekenaars, vir die handhawing van die integriteit, die verhoging van die status en die verbetering van die standarde van professionele kwalifikasies van argitekte of bourekenaars;

(p) om navorsing ten opsigte van aangeleenthede met betrekking tot die argiteks- of bourekenaarsberoep aan te moedig en om aan 'n opvoedkundige inrigting of 'n argiteks- of bourekenaarsinstituut of 'n eksaminerende liggaam advies te gee of finansiële of ander hulp te verleen ten aansien van opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende argitekte of bourekenaars;

(q) om 'n publikasie met betrekking tot die argiteks- of bourekenaarsberoep en verwante aangeleenthede te finansier, te druk en te versprei en die publikasie daarvan te administreer en om in die algemeen die nodige stappe te doen om dit te publiseer;

(r) om die Administrateur-generaal van advies te dien oor alle aangeleenthede met betrekking tot die argiteks- of bourekenaarsberoep en verwante aangeleenthede;

(s) om daarvoor voorsiening te maak dat argitekte nie aan 'n kompetisie met betrekking tot argitektuur mag deelneem nie, waarvan die voorwaardes nie deur die raad goedgekeur is nie, om die voorwaardes voor te skryf waarop so 'n kompetisie goedgekeur kan word, om, indien daartoe versoek, persone aan te stel om werksaamhede te onderneem wat die raad nodig beskou, en om op enige ander wyse bystand te verleen by die reëling van so 'n kompetisie;

(t) om die ander stappe te doen en die ander handeling te verrig wat vir die behoorlike verrigting van sy werksaamhede en pligte ingevolge hierdie Wet vereis word.

(2) Behoudens die bepalings van hierdie Wet, moet die raad 'n register of registers van argitekte, bourekenaars, argitek-in-opleiding en bourekenaars-in-opleiding hou en byhou en so 'n register is te alle redelike tye beskikbaar vir insae deur 'n lid van die publiek teen betaling van die gelde wat die raad voorskryf.

(3) Die Administrateur-generaal kan, na oorweging en goedkeuring van 'n aanbeveling wat deur die raad kragtens subartikel (1) gedoen is —

(a) die minimumgelde voorskryf wat 'n argitek of bourekenaar vir sy professionele dienste moet vra, en aan die raad die bevoegdheid verleen om 'n argitek of bourekenaar toe te laat om 'n kleiner bedrag vir 'n bepaalde diens te vra;

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(b) subject to the provisions of subsection (4), prescribe the kinds of work in connection with projects, undertakings or services of an architectural or quantity surveying nature which shall be reserved for architects or quantity surveyors, as the case may be.

(4) Except in respect of such kinds of work as may have been reserved for architects or quantity surveyors, as the case may be, under the provisions of any law repealed by this Act, the Administrator-General shall, at least four weeks prior to exercising any powers under subsection (3)(b), by notice in the *Official Gazette* invite objections to or representations concerning any proposed reservation of any kind of work for architects or quantity surveyors, and may thereupon, having regard to any objections or representations received, and without any further notice, exercise the said powers in respect of the kinds of work concerned.

(5) Provisions made by virtue of subsection (3)(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.

(6) Any fees prescribed by the council by virtue of subsections (1)(h) and (2) and any provision made or fees prescribed by virtue of subsection (3), shall be made known by notice in the *Official Gazette*.

Funds of council and the keeping and auditing of accounts.

8. (1) The funds of the council shall consist of the fees received by it in pursuance of any provision made under section 7, and such other moneys as may in terms of this Act from time to time become payable 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 last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after such statement and balance sheet have been audited by an auditor appointed by the council, forward copies thereof to every member of the council and cause a copy thereof to be open for inspection at its office by any architect or quantity surveyor or architect in training or quantity surveyor in training.

Reports to the Administrator-General.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Administrator-General 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 8(3) in respect of that financial year.

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- (b) behoudens die bepalings van subartikel (4) die soorte werk in verband met projekte, ondernemings of dienste wat by die argiteks- of bourekenaarsberoep tuishoort, voorskryf wat vir argitekte of bourekenaars, na gelang van die geval, gereserveer word.

(4) Behalwe ten opsigte van daardie soorte werk wat kragtens die bepalings van 'n by hierdie Wet herroepe wet vir argitekte of bourekenaars, na gelang van die geval, gereserveer is, moet die Administrateur-generaal minstens vier weke voordat hy bevoegdhede kragtens subartikel (3)(b) uitoefen, by kennisgewing in die *Offisiële Koerant* besware teen of verhoë met betrekking tot die voorgestelde reservering van 'n soort werk vir argitekte of bourekenaars aanvra, en kan hy daarna, met inagneming van besware of verhoë ontvang, en sonder verdere kennisgewing, bedoelde bevoegdhede ten opsigte van die betrokke soort werk uitoefen.

(5) Voorsiening wat uit hoofde van subartikel (3)(b) gemaak word, kan voorsiening maak vir die uitsluiting daaruit van werk wat gedoen word onder bepaalde omstandighede of vir bepaalde doeleindes of deur of vir bepaalde persone of klasse persone of binne of buite bepaalde gebiede of klasse gebiede.

(6) Gelde voorgeskryf deur die raad kragtens subartikels (1)(h) en (2) en voorsiening gemaak of gelde voorgeskryf uit hoofde van subartikel (3), word by kennisgewing in die *Offisiële Koerant* bekend gemaak.

8. (1) Die fondse van die raad bestaan uit die gelde deur hom ontvang uit hoofde van enige voorsiening kragtens artikel 7 gemaak, en die ander bedrae, wat van tyd tot tyd ingevolge hierdie Wet aan die raad betaalbaar word.

Fondse van raad en die hou en ouditering van rekenings.

(2) Die raad laat volledig en korrek boekhou van alle gelde deur hom ontvang of uitgegee.

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawes vir sy jongste voorafgaande boekjaar en 'n balansstaat wat sy geldelike omstandighede aan die end van daardie boekjaar aantoon, laat opstel en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n ouditeur deur die raad aangestel, afskrifte daarvan aan elke lid van die raad stuur en 'n afskrif daarvan by sy kantoor ter insae van enige argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding laat lê.

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Administrateur-generaal 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, sowel as 'n afskrif van die in artikel 8(3) bedoelde geouditeerde staat van inkomste en uitgawes en die balansstaat ten opsigte van daardie boekjaar.

Verslae aan die Administrateur-generaal.

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

(3) The council shall at the request of the Administrator-General furnish him with advice on matters in connection with the architects' or quantity surveyors' profession or cognate matters, and shall communicate to the Administrator-General information acquired by it in the course of its duties, on matters regarded by it as being of public import.

Committees of council.

10. (1) (a) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members and such architects or quantity surveyors who are not members of the council as it may deem fit to be members of any such committee.

(b) One of the members of a committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision of any such committee: Provided that if the council has assigned to a committee the power to determine whether or not any person shall be registered as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, or the power to cancel the registration of any person as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, or the power to enquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 15, the council shall not amend or withdraw any decision arrived at or anything done by such committee under the power so assigned except that it may mitigate any punishment so imposed: Provided further that any member of a committee to which the power has been assigned to enquire into any case of alleged improper conduct and to impose a punishment in respect thereof, shall, notwithstanding the expiration of his period of office as member of the council, continue to serve on such committee until the conclusion of the enquiry.

(3) 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.

(4) The provisions of section 3(6) shall apply *mutatis mutandis* in respect of a committee of the council.

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

(3) Die raad moet op versoek van die Administrateur-generaal aan hom advies oor aangeleenthede in verband met die argitek- of bourekenaarsberoep of aanverwante aangeleenthede verstrek 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 Administrateur-generaal meedeel.

10. (1) (a) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan en kan sodanige lede van die raad en sodanige argitekte of bourekenaars wat nie lede van die raad is nie aanstel as wat hy goed ag om lede van so 'n komitee te wees.

Komitees van raad.

(b) Een van die lede van 'n komitee word deur die raad as voorsitter van die komitee aangewys.

(2) Die raad kan sodanige van sy bevoegdheide as wat hy goed ag aan 'n aldus ingestelde komitee oordra, maar word nie ontdoen van 'n bevoegdheid wat hy aan 'n komitee oorgedra het nie, en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat indien die raad aan 'n komitee die bevoegdheid oorgedra het om te bepaal of 'n persoon as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding geregistreer moet word al dan nie, of die bevoegdheid om die registrasie van 'n persoon as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding in te trek, of die bevoegdheid om ooreenkomstig die bepalings van artikel 15 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, die raad nie 'n besluit of iets wat kragtens die bevoegdheid aldus oorgedra, deur sodanige komitee geneem of gedoen is, kan wysig of intrek nie, behalwe dat die raad 'n aldus opgelegde straf kan versag: Met dien verstande voorts dat 'n lid van 'n komitee aan wie die bevoegdheid oorgedra is om 'n geval van onbehoorlike gedrag te ondersoek en 'n straf ten opsigte daarvan op te lê, aanhou om in die komitee te dien tot die voltooiing van die ondersoek, ondanks die verstryking van sy ampstermyn as lid van die raad.

(3) '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 oorgedra het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(4) Die bepalings van artikel 3(6) is *mutatis mutandis* ten opsigte van 'n komitee van die raad van toepassing.

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Registration of architects,
quantity surveyors, archi-
tects in training and quan-
tity surveyors in training.

11. (1) Any person who desires to be registered as an architect or a quantity surveyor or an architect in training or a quantity surveyor 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.

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

(a) is not less than twenty-one years of age; and

(b) has passed the examination prescribed by regulation or any examination recognized by the council for the purpose of this paragraph; and

(c) has, for a period determined from time to time by the council and commencing before or after the date of passing of any examination referred to in paragraph (b), performed architectural or quantity surveying work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard, and has performed such work —

(i) in the territory, under the direction and control of an architect or a quantity surveyor;

(ii) elsewhere than in the territory, under the direction and control of any other person who has passed an examination recognized by the council for the purposes of this subparagraph, if such person is engaged primarily in the performance of the kinds of work prescribed under section 7(3)(b); and

(d) is a member of the Institute of South West African Architects or the Institute of South West African Quantity Surveyors, as the case may be, of such a class of members as the council may approve,

the council shall, subject to the provisions of subsection (7), register the applicant as an architect or a quantity surveyor, as the case may be, and issue to him a certificate of registration.

(3) The Administrator-General may grant an applicant exemption from the requirement mentioned in subsection (2)(d), if he is satisfied that membership of the institute concerned is without good cause being withheld from such applicant.

(4) (a) If after consideration of any application under subsection (1) the council is satisfied that the applicant complies with the requirements mentioned in

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11. (1) 'n Persoon wat begerig is om as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-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.

Registrasie van argitekte, bourekenaars, argitekte-in-opleiding en bourekenaars-in-opleiding.

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

(a) minstens een-en-twintig jaar oud is; en

(b) in die by regulasie voorgeskrewe eksamen of 'n eksamen deur die raad vir die doeleindes van hierdie paragraaf erken, geslaag het; en

(c) vir 'n tydperk wat van tyd tot tyd deur die raad bepaal word en wat 'n aanvang neem voor of na die datum waarop 'n in paragraaf (b) bedoelde eksamen geslaag word, argiteks- of bourekenaarswerk verrig het wat na die oordeel van die raad van voldoende verskeidenheid en van 'n bevredigende aard en standaard is, en sodanige werk verrig het —

(i) in die gebied, onder die leiding en beheer van 'n argitek of bourekenaar;

(ii) elders as in die gebied, onder die leiding en beheer van 'n ander persoon wat in 'n eksamen geslaag het wat vir die doeleindes van hierdie subparagraaf deur die raad erken word, indien daardie persoon hoofsaaklik betrokke is by die verrigting van die soorte werk wat kragtens artikel 7(3)(b) voorgeskryf is; en

(d) 'n lid is van die Instituut van Suidwes-Afrikaanse Argitekte of van die Instituut van Suidwes-Afrikaanse Bourekenaars, na gelang van die geval, en behoort tot die klas van die lede wat die raad goedkeur.

moet die raad, behoudens die bepalings van subartikel (7), die applikant as 'n argitek of 'n bourekenaar registreer, na gelang van die geval, en aan hom 'n registrasiesertifikaat uitreik.

(3) Die Administrateur-generaal kan 'n applikant vrystelling verleen van die vereiste in subartikel (2)(d) vermeld, indien hy oortuig is dat lidmaatskap van die betrokke instituut sonder grondige rede van daardie applikant weerhou word.

(4) (a) Indien die raad na oorweging van 'n aansoek ingevolge subartikel (1) oortuig is dat die applikant aan die in subartikel (2)(a) en (b) en, tensy die appli-

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subsection (2)(a) and (b) and, unless the applicant has been granted exemption by the Administrator-General under subsection (3), in subsection (2)(d), but not with the requirement mentioned in subsection (2)(c), the council shall register the applicant as an architect in training or a quantity surveyor in training, as the case may be, and issue to him a certificate of the registration to that effect.

(b) Whenever any person who is registered as an architect in training or a quantity surveyor in training in terms of paragraph (a), has complied with the requirement mentioned in subsection (2)(c), the council shall, subject to the provisions of subsection (7), cancel the registration of such person and on application register him in terms of subsection (2).

(5) Any person who immediately prior to the commencement of this Act was registered as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training in terms of the Architects' Act 1970 (Act 35 of 1970) or the Quantity Surveyors' Act 1970 (Act 36 of 1970) of the Republic of South Africa, shall, in the case of an architect or a quantity surveyor, be deemed to comply with all the requirements for registration mentioned in subsection (2) and, in the case of an architect in training or a quantity surveyor in training, be deemed to comply with all the said requirements other than the requirement mentioned in subsection (2)(c), and the council shall, upon application to it, but subject to the provisions of subsection (6), register the applicant as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, as the case may be, and issue to him a certificate of registration to that effect.

(6) No person shall be registered by virtue of the provisions of subsection (5), unless he applied to the council to be so registered within six months after the date of commencement of this Act, or within such further period as the council may in any particular case allow.

(7) The council may refuse to register any person as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training in terms of this section —

- (a) if he has at any time been removed from an office of trust on account of improper conduct; or
- (b) if he has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document or perjury and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding two hundred rand; or
- (c) if he is detained as a mentally ill person under the provisions of any law; or

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kant deur die Administrateur-generaal kragtens subartikel (3) vrystelling verleen is, die in subartikel (2)(d) vermelde vereistes voldoen, maar nie aan die in subartikel (2)(c) vermelde vereiste nie, moet die raad die applikant as 'n argitek-in-opleiding of bourekenaar-in-opleiding, na gelang van die geval, registreer en aan hom 'n registrasiesertifikaat, te dien effekte uitreik.

(b) Wanneer 'n persoon wat ingevolge paragraaf (a) as 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding geregistreer is, aan die in subartikel (2)(c) vermelde vereiste voldoen het, moet die raad, behoudens die bepalings van subartikel (7), die registrasie van daardie persoon kanselleer en hom op aansoek ingevolge subartikel (2) registreer.

(5) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding ingevolge die Wet op Argitekte, 1970 (Wet 35 van 1970) of die Wet op Bourekenaars, 1970 (Wet 36 van 1970) van die Republiek van Suid-Afrika geregistreer was, word, in die geval van 'n argitek of 'n bourekenaar, geag aan al die in subartikel (2) vermelde vereistes vir registrasie te voldoen en, in die geval van 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding, geag aan al die bedoelde vereistes behalwe die in subartikel (2)(c) vermeld vereiste te voldoen, en die raad moet op aansoek by hom, maar behoudens die bepalings van subartikel (6), die applikant as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding, na gelang van die geval, registreer en aan hom 'n registrasiesertifikaat te dien effekte uitreik.

(6) Niemand word uit hoofde van die bepalings van subartikel (5) geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie Wet, of binne die verdere tydperk wat die raad in 'n besondere geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word.

(7) Die raad kan weier om 'n persoon as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding ingevolge hierdie artikel te registreer —

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

(b) indien hy te eniger tyd skuldig bevind is aan afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument of meened en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as tweehonderd rand gevonnissen is; of

(c) indien hy kragtens die bepalings van die een of ander wet as 'n geestesongestelde persoon aangehou word; of

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

(e) if his estate is sequestrated or he compromises with his creditors or has been guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered.

(8) The council may cancel the registration as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (7)(a), (b) (c) or (d) or whose estate is sequestrated or who enters into an arrangement with his creditors or who had within a period of three years prior to his application for registration been guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered or whose registration was made in error or on information subsequently proved to be false.

(9) The registration of any person as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, as the case may be, shall lapse if such person —

(a) fails to pay any annual fee or any portion thereof prescribed under section 7(1)(h) and payable by him, within sixty days after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow, whether before or after the expiration of the said sixty days; or

(b) being a person who has not been granted exemption by the Administrator-General under subsection (3), ceases to comply with the requirement mentioned in subsection (2)(d); or

(c) being a person registered in terms of subsection (4)(a), has for ninety consecutive days or longer failed to perform any work of a kind mentioned in subsection (2)(c) under the direction and control of an architect or a quantity surveyor, as the case may be: Provided that the council may condone any failure contemplated in this paragraph if it is satisfied that such failure was beyond the control of the person concerned.

(10) The council shall at the written request of any architect or quantity surveyor or architect in training or quantity surveyor in training remove his name from the register, but the removal shall not affect any liability incurred by such architect or quantity surveyor or architect in training or quantity surveyor in training prior to the date of such request.

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(d) indien hy ingevolge 'n straf wat kragtens hierdie Wet opgelê is, vir registrasie onbevoeg raak; of

(e) indien sy boedel gesekwesteer word of hy met sy skuldeisers 'n skikking aangaan of hy hom skuldig gemaak het aan gedrag waardeur hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te word nie.

(8) Die raad kan die registrasie as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding kanselleer van 'n persoon wat ná sy registrasie aan 'n in subartikel (7)(a), (b), (c) of (d) vermelde disqualifikasie onderhewig word of wie se boedel gesekwesteer word of wat 'n skikking met sy skuldeisers aangaan of wat hom binne 'n tydperk van drie jaar voor sy aansoek om registrasie skuldig gemaak het aan gedrag waardeur hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te wees nie of wie se registrasie per abuis plaasgevind het of op grond van inligting wat agterna as vals bewys is.

(9) Die registrasie van 'n persoon as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding verval, na gelang van die geval, indien daardie persoon —

(a) versuim om 'n kragtens artikel (7)(1)(h) voorgeskrewe jaargeld of gedeelte daarvan wat deur hom betaalbaar is, te betaal binne sestig dae nadat sodanige geld of gedeelte daarvan verskuldig word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat, hetsy vóór of ná die verstryking van bedoelde sestig dae; of

(b) terwyl hy 'n persoon is aan wie daar nie kragtens subartikel (3) deur die Administrateur-generaal vrystelling verleen is nie, ophou om te voldoen aan die in subartikel (2)(d) vermelde vereiste; of

(c) terwyl hy 'n persoon is wat ingevolge subartikel (4)(a) geregistreer is, vir negentig agtereenvolgende dae of langer versuim het om werk van 'n in subartikel (2)(c) vermelde soort onder die leiding en beheer van 'n argitek of 'n bourekenaar, na gelang van die geval, te verrig: Met dien verstande dat die raad enige in hierdie paragraaf beoogde versuim kan kondoneer indien hy oortuig is dat die versuim buite die beheer van die betrokke persoon was.

(10) Die raad moet op skriftelike versoek van 'n argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding sy naam uit die register skrap, maar die skraping raak nie enige aanspreeklikheid van sodanige argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding wat voor die datum van sodanige versoek ontstaan het nie.

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(11) Subject to the provisions of subsection (7), the council shall on application to it register as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training any person who was previously registered as an architect or a quantity surveyor in terms of subsection (2) or as an architect in training or a quantity surveyor in training in terms of subsection (4), as the case may be, if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section (7)(1)(h) together with any expenses incurred by the council in connection with the recovery of any arrear fees.

(12) A person who is registered as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training may describe himself as an architect or a quantity surveyor or as an architect in training or a quantity surveyor in training, as the case may be.

Circumstances under which certificates of registration shall be returned to registrar.

12. (1) Any person whose registration as an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, as the case may be, has been cancelled under section 11(8) or has lapsed in terms of section 11(9) or whose name has been removed from the register in terms of section 11(10), shall return to the registrar his certificate of registration within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Prohibition against practising as architect or quantity surveyor by unregistered person.

13. (1) Subject to any exemption granted under this Act —

(a) any person other than an architect or a quantity surveyor who —

(i) for gain performs any kind of work reserved for architects or quantity surveyors under section 7(3)(b); or

(ii) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as an architect or a quantity surveyor or uses the name of architect or quantity surveyor or any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as an architect or a quantity surveyor in terms of this Act; or

(b) any person other than a natural person which —

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(11) Behoudens die bepalings van subartikel (7), moet die raad op aansoek by hom 'n persoon wat voorheen ingevolge subartikel (2) as 'n argitek of 'n bourekenaar of ingevolge subartikel (4) as 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding geregistreer was, as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding, registreer, na gelang van die geval, indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan kragtens artikel 7(1)(h) voorgeskryf, sowel as uitgawes deur die raad aangegaan in verband met die verhaal van agterstallige gelde, betaal het.

(12) 'n Persoon wat as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding geregistreer is, kan homself as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding beskryf, na gelang van die geval.

12. (1) 'n Persoon wie se registrasie as 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding, na gelang van die geval, kragtens artikel 11(8) gekanselleer is of ingevolge artikel 11(9) verval het of wie se naam ingevolge artikel 11(10) uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, beveel word om dit te doen.

Omstandighede waaronder registrasiesertifikate aan registrateur terugbesorg moet word.

(2) Iemand wat versuim om aan 'n bevel kragtens subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

13. (1) Behoudens 'n kragtens hierdie Wet verleende vrystelling is —

Verbod op die praktiseer as argitek of bourekenaar deur ongeregisteerde persoon.

(a) 'n ander persoon as 'n argitek of 'n bourekenaar wat —

(i) teen vergoeding enige soort werk verrig wat kragtens artikel 7(3)(b) vir argitekte of bourekenaars gereserveer is; of

(ii) homself voordoen as of hom op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir 'n argitek of bourekenaar, of die naam van argitek of 'n bourekenaar of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te verwek dat hy ingevolge hierdie Wet as 'n argitek of 'n bourekenaar geregistreer is; of

(b) 'n ander persoon as 'n natuurlike persoon wat —

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- (i) for gain performs any kind of work reserved for architects or quantity surveyors under section 7(3)(b) or in any way makes it known that it is prepared to perform any such work; or
- (ii) uses any name, title, description or symbol indicating or calculated to lead persons to infer that it performs any kind of work reserved for architects or quantity surveyors,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

(2) Subsection (1)(b) shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*, being a date not earlier than twelve months after the commencement of this Act.

Improper conduct.

14. (1) An architect or a quantity surveyor shall be guilty of improper conduct if he —

- (a) except with the consent of the council or except in terms of any exemption granted under this Act entrusts to any person other than an architect or a quantity surveyor work of a kind reserved under section 7(3)(b) for architects or quantity surveyors, as the case may be; or
- (b) performs work of a kind reserved under section 7(3)(b), in connection with any matter which is the subject of dispute or litigation, on condition that payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or
- (c) accepts remuneration for services rendered from any person other than his client or employer; or
- (d) performs work of a kind reserved under section 7(3)(b) during any period in respect of which he has been suspended under this Act; or
- (e) commits an offence in carrying on his profession; or
- (f) contravenes or fails to comply with any rule prescribed under section 18(d).

(2) The acquittal or the conviction of an architect or a quantity surveyor or an architect in training or a quantity surveyor in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on

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- (i) teen vergoeding enige soort werk verrig wat kragtens artikel 7(3)(b) vir argitekte of bourekenaars gereserveer is of op enige wyse bekend maak dat hy bereid is om sodanige werk te verrig; of
- (ii) 'n naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te verwek dat hy enige soort werk verrig wat vir argitekte of bourekenaars gereserveer is,

aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand.

(2) Subartikel (1)(b) tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal en wat nie vroeër as twaalf maande na die inwerkingtreding van hierdie Wet is nie.

14. (1) 'n Argitek of 'n bourekenaar is skuldig aan onbehoorlike gedrag indien hy —

Onbehoorlike gedrag.

- (a) behalwe met toestemming van die raad, of behalwe ingevolge 'n vrystelling verleen kragtens hierdie Wet, 'n soort werk wat vir argitekte of bourekenaars, na gelang van die geval, kragtens artikel 7(3)(b) gereserveer is, aan 'n ander persoon as 'n argitek of 'n bourekenaar toevertrou; of
- (b) werk van 'n soort wat kragtens artikel 7(3)(b) gereserveer is verrig in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of regsgeding uitmaak, op voorwaarde dat betaling vir daardie werk sal geskied slegs indien die geskil of regsgeding gunstig verloop vir die party vir wie die werk gedoen word; of
- (c) besoldiging vir gelewerde dienste ontvang van 'n ander persoon as sy kliënt of werkgewer; of
- (d) 'n soort werk wat kragtens artikel 7(3)(b) gereserveer is, verrig gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is; of
- (e) 'n misdryf by die uitoefening van sy beroep begaan; of
- (f) 'n kragtens artikel 18(d) voorgeskrewe reël oortree of versuim om daaraan te voldoen.

(2) Die vryspreking of die skuldigbevinding van 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie stappe teen hom kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag nie, selfs al sou die feite in die aanklag van onbehoorlike gedrag uiteengesit, as hulle bewys sou word, die misdryf uitmaak wat in die kriminele

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which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which any architect or quantity surveyor or architect in training or quantity surveyor in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such architect or quantity surveyor or architect in training or quantity surveyor in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

Disciplinary powers of council.

15. (1) The council shall have power to enquire 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, if such person is found guilty at the enquiry, to impose upon him any punishment prescribed under section 18(1)(f) and to recover from him any costs incurred by the council in connection with the enquiry: 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 enquiry until such proceedings have been determined: Provided further that nothing in this section contained shall affect the right of any institute referred to in section 3(1)(a) or (b) from taking disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) 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 any amount so recovered shall be paid into the funds of the council.

Enquiry by council.

16. (1) For the purpose of any enquiry under section 15, the council may —

- (a) summon any person who in its opinion may be able to give material information concerning the subject of the enquiry 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 enquiry, 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 may retain for examination any book, document or thing so produced;

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aanklag uiteengesit word waarop of waaraan hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf uitmaak waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(3) Indien die onbehoorlike gedrag waarvan 'n argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gewaarmerkte afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige argitek of bourekenaar of argitek-in-opleiding of bourekenaar-in-opleiding geïdentifiseer is as die persoon wat in die notule vermeld word, voldoende bewys dat hy sodanige misdryf gepleeg het, tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat dit die aangeklaagde vrystaan om getuienis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind was.

15. (1) Die raad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan 'n persoon wat ingevolge hierdie Wet geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en indien bedoelde persoon by die ondersoek skuldig bevind word, hom 'n kragtens artikel 18(1)(f) voorgeskrewe straf op te lê en van hom enige koste te verhaal wat die raad in verband met die ondersoek aangegaan het: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivilregtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het om te vermoed dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is: Met dien verstande voorts dat die bepalinge van hierdie artikel nie afbreuk doen aan die reg van 'n in artikel 3(1)(a) of (b) bedoelde instituut om ooreenkomstig sy konstitusie en reëls tug- of ander maatreëls op enigeen van sy lede toe te pas nie.

Dissiplinêre bevoegdhede van raad.

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

16. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 15 —

Ondersoek deur raad.

(a) 'n persoon wat na sy oordeel in staat is om inligting van wesenlike belang omtrent die onderwerp van die ondersoek te verstrek, of ten opsigte van wie daar vermoed word dat hy 'n boek, dokument of saak wat op die onderwerp van die ondersoek betrekking het, in sy besit of bewaring of onder sy beheer het, 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 aldus oorgelê, vir ondersoek behou;

(b) call and by its president administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;

(c) appoint any person to advise the council at such enquiry on matters pertaining to law, procedure or evidence.

(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 authorized thereto by it, and shall be served in such manner as the council may determine.

(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 under 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 enquiry, 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 official of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) The person whose conduct is being enquired 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 authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(b) 'n by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en deur die president van die raad aan hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra en aansê om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;

(c) 'n persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede met betrekking tot die reg, prosedure of bewyslewering.

(2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die deur die raad voorgeskrewe vorm wees, moet deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word, en word bestel op die wyse wat die raad bepaal.

(3) Indien 'n persoon 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 hy deur die president van die raad van verdere bywoning onthef word, of indien 'n persoon wat kragtens subartikel (1)(b) opgeroep is, weier om as getuie beëdig te word of te bevestig, of sonder genoegsame rede in gebreke bly om volledig en bevredigend na sy beste wete en geloof te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp van die ondersoek, 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 getuienis 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 gemaak het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring maak oor 'n aangeleentheid, terwyl hy weet dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

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

(6) Die persoon na wie se gedrag deur die raad ondersoek ingestel word, moet in kennis gestel word van die aard van die klag wat teen hom ingebring is en is daarop geregtig om persoonlik te verskyn of deur 'n ander persoon wat behoorlik namens hom skriftelik daartoe gemagtig is, verteenwoordig te word, en om getuienis te lewer, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

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

Suspension from practising of architects or quantity surveyors who have become of unsound mind.

17. (1) Whenever it appears to the council from information on oath that an architect or a quantity surveyor has become of unsound mind to such an extent that it would be contrary to the public interest to allow him to continue in practice, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section 16 in respect of such architect or quantity surveyor.

(2) If the council finds that such architect or quantity surveyor has so become of unsound mind, it may order his suspension for a specified period from practising as an architect or a quantity surveyor, as the case may be.

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

Regulations.

18. The Administrator-General may, after consideration and approval of any relevant recommendations made by the council, make regulations, not inconsistent with this Act —

- (a) as to any matters which by this Act are required or permitted to be prescribed by regulation;
- (b) as to the calling of and procedure and quorum at meetings of the council or of a committee of the council;
- (c) as to the keeping, custody and publication of a register of architects and architects in training or quantity surveyors and quantity surveyors in training;
- (d) prescribing rules with which architects or quantity surveyors shall comply in carrying on their profession;
- (e) prescribing conduct (in addition to conduct referred to in section 14) on the part of an architect or an architect in training or a quantity surveyor or a quantity surveyor in training, as the case may be, which shall constitute improper conduct;
- (f) prescribing the method of enquiry into allegations of improper conduct and the punishments which may be imposed in respect thereof, including fines, removal from the register, permanent disqualification from registration and disqualification from registration or suspension from practice for such period as the council may determine or conferring on the council the power of mitigation of any punishment so imposed and prescribing the manner in which such mitigation shall take place;

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(7) 'n Persoon wat aan 'n misdryf ingevolge hierdie artikel skuldig bevind word, is strafbaar met 'n boete van hoogstens tweehonderd rand.

17. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n argitek of 'n bourekenaar in sy geestesvermoë in so 'n mate gekrenk geraak het dat dit in stryd met die openbare belang sou wees om hom toe te laat om aan te hou praktiseer, kan die raad na goeë dunske ten opsigte van daardie argitek of bourekenaar 'n ondersoek *mutatis mutandis* ooreenkomstig die bepalings van artikel 16 instel.

Skorsing in hul beroep van argitekte of bourekenaars wat in hul geestesvermoë gekrenk geraak het.

(2) Indien die raad bevind dat sodanige argitek of bourekenaar aldus in sy geestesvermoë gekrenk geraak het, kan die raad vir 'n vermeldde tydperk sy skorsing in sy beroep as argitek of bourekenaar, na gelang van die geval, beveel.

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

18. (1) Die Administrateur-generaal kan, na oorweging en goedkeuring van tersaaklike aanbevelings wat deur die raad gedoen is, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie —

Regulasies.

- (a) oor aangeleenthede wat by hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) oor die byeenroeping van en die prosedure en kworum op vergaderings van die raad of van 'n komitee van die raad;
- (c) oor die hou, bewaring en publikasie van 'n register van argitekte en argitekte-in-opleiding of bourekenaars en bourekenaars-in-opleiding;
- (d) wat reëls voorskryf waaraan argitekte of bourekenaars by die beoefening van hul beroep moet voldoen;
- (e) wat gedrag (benewens gedrag in artikel 14 bedoel) deur 'n argitek of 'n argitek-in-opleiding of 'n bourekenaar of 'n bourekenaar-in-opleiding voorskryf, na gelang van die geval, wat onbehoorlike gedrag uitmaak;
- (f) wat die metode van ondersoek na bewerings van onbehoorlike gedrag en die strawwe wat ten opsigte daarvan opgelê mag word, voorgeskryf, met inbegrip van boetes, skrapping uit die register, permanente onbevoegdverklaring vir registrasie en onbevoegdverklaring vir registrasie of skorsing in praktyk vir die deur die raad bepaalde tydperk, of wat die bevoegdheid van strafversagting van 'n aldus opgelegde straf aan die raad verleen en die wyse voorskryf waarop bedoelde strafversagting moet plaasvind;

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

Procedure and evidence.

19. (1) The register shall be *prima facie* evidence of all matters directed or authorized 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 authorized 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.

Rectification of errors.

20. Whenever anything which according to the provisions of this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Administrator-General may, if he is satisfied that such failure was due to error or oversight, and that it is in the interests of the architects' or quantity surveyors' profession to do so, authorize 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 this Act.

Liability of council.

21. 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 good faith in accordance with the provisions of section 15, 16 or 17.

Delegation of powers.

22. (1) The Administrator-General may by writing under his hand delegate to any senior officer in the public service any or all of the powers conferred upon him by this Act other than the power to make regulations and the powers conferred upon him by section 7(3).

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

(3) The Administrator-General 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 Administrator-General himself.

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- (g) in die algemeen, oor alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

19. (1) Die register is as *prima facie*-bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aange-teken moet of kan word.

Prosedure en bewyslewe-
ring.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing in die register gemaak is of nie gemaak is nie of dat enigiets anders wat volgens hierdie Wet gedoen mag word, gedoen is of nie ge-doen 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 in bewaring van die registrateur, of 'n uittreksel uit die register of uit so 'n dokument wat deur die registra-teur gesertifiseer heet te wees, word sonder verdere bewys of oorlegging van die oorspronklike in alle howe as getuienis toegelaat.

20. Waar enigiets wat ooreenkomstig die bepalings van hierdie Wet op of voor 'n vermelde dag of op 'n vermelde tydstip of gedurende 'n vermelde tydperk gedoen of verrig moet word, nie aldus gedoen of verrig is nie, kan die Ad-ministrateur-generaal, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, en dat dit in belang van die argiteks- of bourekenaarsberoep is om dit te doen, magtiging verleen dat so iets gedoen of verrig kan word op of voor 'n ander dag of op 'n ander tydstip of gedurende 'n ander tydperk wat hy gelas, en enigiets aldus gedoen of ver-rig, is ten volle van krag en word geag wettiglik ooreen-komstig die bepalings van hierdie Wet gedoen of verrig te gewees het.

Regstelling van foute.

21. Geen regsgeding, hetsy privaat- of strafregtelik, kan teen die raad of 'n lid of beampte daarvan ten opsigte van 'n handeling of plig te goedertrou ooreenkomstig die bepalings van artikel 15, 16 of 17 verrig, ingestel word nie.

Aanspreeklikheid van
raad.

22. (1) Die Administrateur-generaal kan skriftelik onder sy handtekening aan 'n senior amptenaar in die staatsdiens enige van of al die bevoegdhede deleger wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdhede by artikel 7(3) aan hom verleen.

Delegering van bevoegd-
hede.

(2) 'n Persoon aan wie 'n bevoegdheid kragtens sub-artikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Administrateur-generaal.

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

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Exemption of persons from operation of provisions of Act.

23. (1) The Administrator-General may, after consultation with the council, by notice in the *Official Gazette* and subject to such conditions as he may determine, exempt any person (including any person other than a natural person) or class of persons specified in the notice, either generally or in such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act.

(2) The Administrator-General may at any time by notice in the *Official Gazette* amend or repeal any notice issued in terms of this section.

Repeal of laws and savings.

24. (1) The Architects' Act 1970 (Act 35 of 1970), the Architects' Amendment Act 1975 (Act 18 of 1975) and the Quantity Surveyors' Act, 1970 (Act 36 of 1970) are hereby repealed.

(2) Any regulation made or any fees (including minimum fees) prescribed or any kind of work prescribed as reserved for architects or quantity surveyors under any provision of any law repealed by this Act, which could be made or prescribed under a corresponding provision of this Act, shall be deemed to have been made or prescribed under such corresponding provision, and any reference in any such regulation or in respect of any fees or kind of work so prescribed —

- (a) to any council as defined in any such law, shall be construed as a reference to the council;
- (b) to any institute, shall be construed as a reference to the Institute of South West African Architects or the Institute of South West African Quantity Surveyors, as the case may be;
- (c) to any law repealed by this Act, shall be construed as a reference to this Act;
- (d) to the Minister of Public Works or the Minister, shall be construed as a reference to the Administrator-General;
- (e) to any provision of any law repealed by this Act, shall be construed as reference to the corresponding provision of this Act;
- (f) to any register, shall be construed as a reference to the corresponding register referred to in this Act;
- (g) to a registrar, shall be construed as a reference to the registrar;
- (h) to the Republic, shall be construed as a reference to the territory.

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23. (1) Die Administrateur-generaal kan, na oorlegging met die raad, by kennisgewing in die *Offisiële Koerant* en behoudens die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon (met inbegrip van 'n ander persoon as 'n natuurlike persoon) of klas persone, hetsy in die algemeen óf onder die omstandighede wat in die kennisgewing vermeld word en hetsy vir 'n onbepaalde tydperk óf vir die tydperk wat aldus vermeld word, van die toepassing van enige of al die bepalings van hierdie Wet vrystel.

Vrystelling van persone van toepassing van bepalings van Wet.

(2) Die Administrateur-generaal kan 'n ingevolge hierdie artikel uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Offisiële Koerant* wysig of intrek.

24. (1) Die Wet op Argitekte, 1970 (Wet 35 van 1970), die Wysigingswet op Argitekte, 1975 (Wet 18 van 1975) en die Wet op Bourekenaars, 1970 (Wet 36 van 1970) word hierby herroep.

Herroeping van wette en voorbehoude.

(2) 'n Regulasie uitgevaardig of gelde (met inbegrip van minimumgelde) voorgeskryf of enige werk voorgeskryf as gereserveer vir argitekte of bourekenaars kragtens 'n bepaling van 'n by hierdie Wet herroepe wet, wat kragtens 'n ooreenstemmende bepaling van hierdie Wet uitgevaardig of voorgeskryf kon gewees het, word geag kragtens bedoelde ooreenstemmende bepaling uitgevaardig of voorgeskryf te wees, en 'n verwysing in so 'n regulasie of ten opsigte van gelde of 'n soort werk aldus voorgeskryf —

(a) na 'n raad soos in so 'n wet omskryf, word uitgelê as 'n verwysing na die raad;

(b) na 'n instituut, word uitgelê as 'n verwysing na die Instituut van Suidwes-Afrikaanse Argitekte of die Instituut van Suidwes-Afrikaanse Bourekenaars, na gelang van die geval;

(c) na 'n by hierdie Wet herroepe wet, word uitgelê as 'n verwysing na hierdie Wet;

(d) na die Minister van Openbare Werke of die Minister, word uitgelê as 'n verwysing na die Administrateur-generaal;

(e) na 'n bepaling van 'n by hierdie Wet herroepe wet, word uitgelê as 'n verwysing na die ooreenstemmende bepaling van hierdie Wet;

(f) na 'n register, word uitgelê as 'n verwysing na die ooreenstemmende register in hierdie Wet vermeld;

(g) na 'n registrateur, word uitgelê as 'n verwysing na die registrateur;

(h) na die Republiek, word uitgelê as 'n verwysing na die gebied.

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Continued existence of Institute of South West African Architects and South West African Chapter of the Association of South African Quantity Surveyors.

25. (1) The Institute of South West African Architects, a constituent body of the Institute of South African Architects, and the South West African Chapter of the Association of South African Quantity Surveyors, a constituent body of the said association, shall, notwithstanding the repeal of the Architects' Act, 1970 (Act 35 of 1970) and the Quantity Surveyors' Act, 1970 (Act 36 of 1970), continue to exist as separate corporate bodies under the names of the Institute of South West African Architects and the Institute of South West African Quantity Surveyors, respectively, capable of suing and being sued in their corporate names, and of performing all such acts as are necessary for or incidental to the carrying out of their objects and the performance of their functions and duties in terms of their constitutions.

(2) Any institute continuing to exist by virtue of the provisions of subsection (1) may, notwithstanding anything to the contrary contained in the constitution of such institute or in any law, adopt such new constitution as it may deem fit in view of the promulgation of this Act.

(3) Any person who immediately prior to the commencement of this Act was a member of the Institute of South West African Architects or of the South West African Chapter of the Association of South African Quantity Surveyors, shall be deemed to be a member of the Institute of South West African Architects or the Institute of South West African Quantity Surveyors, as the case may be, until such time as he may cease to be a member in terms of the constitution concerned.

(4) Any person referred to in section 11(5), who, by virtue of the provisions of subsection (3) of this section, is deemed to be a member of the Institute of South West African Architects or the Institute of South West African Quantity Surveyors, shall, as from the commencement of this Act, be deemed to be an architect or a quantity surveyor or an architect in training or a quantity surveyor in training, as the case may be —

- (a) in the case of any such person who has not applied for registration as required by section 11(6), until the expiry of six months after the commencement aforesaid;
- (b) in the case of any such person who has so applied, until the date upon which a certificate of registration is issued to him.

Short title and commencement.

26. This Act shall be called the Architects' and Quantity Surveyors' Act, 1979, and shall, subject to the provisions of section 13(2), come into operation upon a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

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25. (1) Die Instituut van Suidwes-Afrikaanse Argitekte, 'n konstituerende liggaam van die Instituut van Suid-Afrikaanse Argitekte, en die Suidwes-Afrikaanse Tak van die Vereniging van Suid-Afrikaanse Bourekenaars, 'n konstituerende liggaam van daardie vereniging, bly, ondanks die herroeping van die Wet op Argitekte, 1970 (Wet 35 van 1970) en die Wet op Bourekenaars, 1970 (Wet 36 van 1970), as aparte regspersone voortbestaan onder die name van die Instituut van Suidwes-Afrikaanse Argitekte en die Instituut van Suidwes-Afrikaanse Bourekenaars, onderskeidelik, wat elk bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte ingevolge sy grondwet.

Voortbestaan van Instituut van Suidwes-Afrikaanse Argitekte en Suidwes-Afrikaanse Tak van die Vereniging van Suid-Afrikaanse Bourekenaars.

(2) 'n Instituut wat uit hoofde van die bepalings van subartikel (1) bly voortbestaan, kan, ondanks andersluidende bepalings van die konstitusie van daardie instituut of andersluidende wetsbepalings, 'n nuwe konstitusie na goeddunke aanvaar met die oog op die afkondiging van hierdie Wet.

(3) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die Instituut van Suidwes-Afrikaanse Argitekte of van die Suidwes-Afrikaanse Tak van die Vereniging van Suid-Afrikaanse Bourekenaars was, word geag 'n lid te wees, na gelang van die geval, van die Instituut van Suidwes-Afrikaanse Argitekte of die Instituut van Suidwes-Afrikaanse Bourekenaars, tot tyd en wyl hy ingevolge die betrokke konstitusie ophou om lid te wees.

(4) 'n In artikel 11(5) bedoelde persoon wat uit hoofde van die bepalings van subartikel (3) van hierdie artikel geag word 'n lid te wees van die Instituut van Suidwes-Afrikaanse Argitekte of die Instituut van Suidwes-Afrikaanse Bourekenaars, word geag 'n argitek of 'n bourekenaar of 'n argitek-in-opleiding of 'n bourekenaar-in-opleiding te wees, na gelang van die geval, vanaf die inwerkingtreding van hierdie Wet —

- (a) in die geval van so 'n persoon wat nie soos by artikel 11(6) vereis, om registrasie aansoek gedoen het nie, tot die verstryking van ses maande ná voormelde inwerkingtreding;
- (b) in die geval van so 'n persoon wat aldus aansoek gedoen het, tot die datum waarop 'n registrasiesertifikaat aan hom uitgereik word.

26. Hierdie Wet heet die Wet op Argitekte en Bourekenaars, 1979, en tree in werking, behoudens die bepalings van artikel 13(2), op 'n datum deur die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

Kort titel en inwerking-treding.