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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 453.

19 March 1993

No. 453.

19 Maart 1993

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

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

No. 28 of 1993: Town and Regional Planners Amendment Act, 1993.

No. 28 van 1993: Wysigingswet op Stads- en Streekbeplanners, 1993.

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To amend the Town and Regional Planners Act, 1984, so as to provide for the registration of town and regional planning technicians; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 11 March 1993.)*

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

**Amendment of section 1 of Act 19 of 1984, as amended by section 1 of Act 48 of 1987 and section 1 of Act 20 of 1988**

1. Section 1 of the Town and Regional Planners Act, 1984 (hereinafter referred to as the principal Act), is hereby amended— 5

(a) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of **[Public Works]** Regional and Land Affairs;”;

(b) by the addition of the following definitions: 10

“ ‘town and regional planning technician’ means a person registered as a town and regional planning technician under section 21A;

‘town and regional planning technicians’ institute’ means any association of town and regional planning technicians recognized as a town and regional planning technicians’ institute under section 9(1)(u).” 15

**Amendment of section 3 of Act 19 of 1984**

2. Section 3 of the principal Act is hereby amended—

(a) by the addition to subsection (1) of the following paragraph: 20

“(d) one town and regional planning technician selected by the Minister from a list of the names of at least two town and regional planning technicians nominated by town and regional planning technicians’ institutes.”;

(b) by the substitution for subsection (2) of the following subsection: 25

“(2) To enable the Minister to appoint members of the council under paragraphs (a), **[and]** (b) and (d) of subsection (1), he shall by notice in writing request all town and regional planners’

institutes, **[and]** the Committee of University Principals and all town and regional planning technicians' institutes to submit a list of the names of a specified number of persons in accordance with the said paragraphs, and if no such list or a list containing insufficient names is submitted to the Minister within a period (of not less than 21 days) determined in the said notice for the submission of such a list of names, the Minister may appoint any suitable person or persons as a member or as members of the council instead of the person or persons he would have appointed if the said institutes or Committee had not failed to submit such a list of names or a list with sufficient names."

#### Amendment of section 5 of Act 19 of 1984

##### 3. Section 5 of the principal Act is hereby amended—

- (a) by the deletion of the word "or" at the end of paragraph (f) of subsection (2); and
- (b) by the addition of the word "or" at the end of paragraph (g) of subsection (2) and the addition to the said subsection of the following paragraph:
- "(h) was appointed under section 3(1)(d) and he ceases to be a town and regional planning technician."

#### Amendment of section 9 of Act 19 of 1984

##### 4. Section 9 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (f) and (g) of subsection (1) of the following paragraphs, respectively:
- "(f) prescribe the manner in which any person shall apply for registration as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician, the fees which shall be payable to the council in respect of any such registration, the annual fees which shall be payable to the council by a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician, the portion of such annual fees which shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become payable;
- (g) subject to the provisions of this Act, consider and decide upon any application for registration as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician;"
- (b) by the substitution for paragraphs (i) and (j) of subsection (1) of the following paragraphs, respectively:
- "(i) take steps which it may consider expedient for the protection of members of the public in their dealings with town and regional planners, **[or]** town and regional planners in training or town and regional planning technicians and for the maintenance of the integrity of, the enhancement of the status of and the improvement of the standards of services rendered by town and regional planners, **[and]** town and regional planners in training or town and regional planning technicians, and after consideration of any advice or recommendations of the Education Advisory Committee, the improvement of the standards of the academic qualifications of town and regional planners or town and regional planning technicians;
- (j) encourage and itself undertake research into matters in relation to the town and regional planners' profession and give advice or render assistance to any educational institution, town and regional planners' institute, town and regional planning technicians' institute or examining body in connection with education facilities for and the training and education of prospective town

- and regional planners or town and regional planning technicians;";
- (c) by the substitution for paragraph (l) of subsection (1) of the following paragraph:
- "(l) arrange with a registered insurer as defined in section 1(1) of the Insurance Act, 1943 (Act No. 27 of 1943), for the indemnification by means of insurance of town and regional planners, [and] town and regional planners in training and town and regional planning technicians against claims arising from the performance of their functions as town and regional planners, [or] town and regional planners in training or town and regional planning technicians;";
- (d) by the substitution in subsection (1) for subparagraph (i) of paragraph (u) of the following subparagraph:
- "(i) prescribe the requirements with which an association of town and regional planners and town and regional planners in training or an association of town and regional planning technicians shall comply in order to qualify for recognition by the council as a town and regional planners' institute or a town and regional planning technicians' institute for the purposes of this Act, and the circumstances in which such recognition shall lapse after an application in connection therewith has been granted;"; and
- (e) by the substitution for subsection (2) of the following subsection:
- "(2) Subject to the provisions of this Act, the council shall keep and maintain a register of town and regional planners, [and] town and regional planners in training and town and regional planning technicians, and such register shall at all reasonable times be open to inspection by any member of the public upon payment of the prescribed fees."

Substitution of section 10 of Act 19 of 1984, as amended by section 2 of Act 48 of 1987 and section 2 of Act 20 of 1988

5. The following section is hereby substituted for section 10 of the principal Act:

**"Reservation by Minister of certain kinds of work for town and regional planners, town and regional planners in training and town and regional planning technicians**

10. (1) The Minister may at the request of the council and with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), by notice in the *Gazette* prescribe kinds of work in connection with town and regional planning which shall be reserved for town and regional planners, [and] town and regional planners in training and town and regional planning technicians, and may in like manner amend or withdraw any reservation so made.

(2) Before any provision is made in terms of subsection (1) for the reservation of work, the Minister shall publish a notice in the *Gazette* in which—

- (a) the proposed provision is set out;
- (b) it is intimated that it is proposed to make the provision in question with effect from a date specified in the notice, which shall be a date not earlier than four weeks as from the date of the notice;
- and
- (c) interested persons are invited to submit any objections to or representations concerning the proposed provision:

Provided that if the Minister thereafter decides on any alteration in the provision published as aforesaid, as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision in terms of this section.

(3) In making provision in terms of this section, work performed in specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas, may be excluded from the provisions thereof."

#### Substitution of section 12 of Act 19 of 1984

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6. The following section is hereby substituted for section 12 of the principal Act:

**"Reports to Minister and furnishing of information to town and regional planners, town and regional planners in training and town and regional planning technicians**

12. The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in connection with its functions during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 11(3) in respect of that financial year, as well as a list of town and regional planners, **[and] town and regional planners in training and town and regional planning technicians** whose names appeared in the register on the last day of that financial year, and shall send to every town and regional planner, **[and] town and regional planner in training and town and regional planning technician** whose name so appeared in the register a copy of each of the said documents."

#### Amendment of section 15 of Act 19 of 1984

7. Section 15 of the principal Act is hereby amended—

- (a) by the deletion of the word "and" at the end of paragraph (b) of subsection (1); and 25
- (b) by the addition of the word "and" at the end of paragraph (c) of subsection (1) and the addition to the said subsection of the following paragraph:
- "(d) one person nominated by the council of every technikon in the Republic having a department or subdivision thereof of town or regional planning and who shall be a member of the teaching staff at such technikon." 30

#### Amendment of section 16 of Act 19 of 1984

8. Section 16 of the principal Act is hereby amended—

- (a) by the deletion of the word "or" at the end of paragraph (e) of subsection (2); and 35
- (b) by the addition of the word "or" at the end of paragraph (f) of subsection (2) and the addition to the said subsection of the following paragraph:
- "(g) was appointed under section 15(1)(d) and he ceases to be a member of the teaching staff at a technikon in the Republic." 40

#### Amendment of section 20 of Act 19 of 1984, as amended by section 3 of Act 20 of 1988 and section 1 of Act 37 of 1990

9. Section 20 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (4) for the expression "R200" of the expression "R2 000". 45

#### Insertion of section 21A in Act 19 of 1984

10. The following section is hereby inserted in the principal Act after section 21:

**“Registration of town and regional planning technicians”**

**21A. (1)** Any person who desires to be registered as a town and regional planning technician shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

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

- (a) is not less than 21 years of age;
- (b) has passed the prescribed examinations, or any examinations recognized by the council for the purposes of this Act after consideration of any advice or recommendations of the Education Advisory Committee;
- (c) has gained the prescribed practical experience of work in town and regional planning;
- (d) is a member of any town and regional planning technicians' institute or any town and regional planners' institute, unless the council is of the opinion that he has, without any sound reason, been refused membership of any such institute; and
- (e) with due regard to the provisions of this Act, is a suitable person for registration as a town and regional planning technician, the council shall, subject to the provisions of subsection (4), register the applicant as a town and regional planning technician, and cause any such person's name to be entered in the register and a certificate of registration in the prescribed form to be issued to him.

(3) Any person who at the commencement of the Town and Regional Planners Amendment Act, 1993—

- (a) has passed the examinations referred to in subsection (2)(b); or
- (b) had been engaged in the performance of work in town and regional planning for a period of not less than three years which in the opinion of the council is of a satisfactory nature, may, within 12 months from the commencement of the Town and Regional Planners Amendment Act, 1993; or such further period as the council may allow, lodge with the council in the manner prescribed by it an application in writing for registration as a town and regional planning technician, and the council shall, subject to the provisions of subsection (4), and upon such information as the council may require being furnished and upon payment of the prescribed fees, register as a town and regional planning technician any such person who in its opinion complies with the requirements of subsection (2)(e), and shall cause his name to be entered in the register and a certificate of registration in the prescribed form to be issued to him.

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

- (a) if such person has at any time been removed from an office of trust on account of improper conduct or has been convicted of an offence involving an element of dishonesty and sentenced in respect thereof to imprisonment without the option of a fine or to a fine of at least R2 000: Provided that if the council is satisfied, in respect of any person who is subject to a disqualification referred to in this paragraph, that, with due regard to all the relevant considerations, the registration of such a person is justified in the interest of fairness towards him, the council may, on such conditions as the council may determine, register such a person as a town and regional planning technician;
- (b) if such person is according to law detained as a mentally ill person; or
- (c) if the name of such person has been removed from the register by virtue of any punishment imposed upon him under this Act.

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

- (a) becomes disqualified in terms of subsection (4)(a) or (b) from being registered as a town and regional planning technician;
- (b) has erroneously been registered as a town and regional planning technician or has been so registered on information subsequently proved to be false;
- (c) fails to pay any annual fee or a portion thereof prescribed under section 9(1)(f) and payable by him, within 60 days after such fee or portion thereof becomes payable or within such further period as the council may, either before or after the expiration of the said 60 days, in any particular case allow.
- (6) The council shall at the written request of any town and regional planning technician remove his name from the register: Provided that where an inquiry into alleged improper conduct by such a town and regional planning technician is in progress or to be held, such removal shall not be made until that inquiry has been concluded.
- (7) Subject to the provisions of subsection (4), the council shall on application to it register as a town and regional planning technician any person who was previously registered as a town and regional planning technician in terms of this section and whose registration has been withdrawn in terms of subsection (5)(c), if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 9(1)(f), together with any expenses incurred by the council in connection with the recovery of any arrear fees.
- (8) A person who is registered as a town and regional planning technician may describe himself as a town and regional planning technician and shall be entitled to indicate his status or to make it known by using for all purposes the title TRPT (SA) after his name.”

#### Amendment of section 22 of Act 19 of 1984

11. Section 22 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A person whose registration as a town and regional planner, **[or] town and regional planner in training or town and regional planning technician** has been withdrawn under the provisions of this Act or whose name has under the said provisions been removed from the register, shall return his certificate of registration to the registrar within 30 days from the date upon which he is ordered by the registrar by notice in writing transmitted by post to do so, unless he satisfies the registrar that the certificate has been lost or destroyed, if such is the case, or he is again registered under section 20(7) or 21A(7), as the case may be.”

#### Amendment of section 23 of Act 19 of 1984, as amended by section 4 of Act 20 of 1988

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

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of section 10(3), a person not registered as a town and regional planner, **[or] town and regional planner in training or town and regional planning technician** who—

(a) for reward performs any kind of work reserved for town and regional planners, **[or] town and regional planners in training or town and regional planning technicians** under section 10(1);

or

(b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a town and regional planner, **[or] town and regional planner in training or town and regional**

planning technician or uses the name of a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician in terms of this Act,

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

(b) by the substitution for the proviso to paragraph (b) of subsection (3) of the following proviso:

“Provided that such work has not been reserved for town and regional planners, **[and]** town and regional planners in training or town and regional planning technicians in terms of section 10(1) of this Act.”.

#### Substitution of section 24 of Act 19 of 1984

13. The following section is hereby substituted for section 24 of the principal Act:

##### “Improper conduct

24. A town and regional planner, **[or]** town and regional planner in training or town and regional planning technician shall be guilty of improper conduct if he—

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

#### Amendment of section 25 of Act 19 of 1984

14. Section 25 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

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“(1) The council may inquire into cases of improper conduct of which a person who is registered in terms of this Act as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician is alleged to have been guilty while so registered, and may impose in respect thereof, if found proved, one of the following penalties, namely—

- (a) a caution or a reprimand or a reprimand and a caution;
- (b) a fine not exceeding **[R500] R5 000**;
- (c) suspension for a specified period not exceeding one year to perform in the Republic work of a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician; or
- (d) withdrawal of his registration as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician, as the case may be, and the removal of his name from the register:

Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been determined.”; and

- (b) by the substitution for subsections (3) and (4) of the following subsections, respectively:

“(3) The acquittal or the conviction of a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.

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

#### Substitution of section 27 of Act 19 of 1984

15. The following section is hereby substituted for section 27 of the principal Act:

“Suspension from their functions of town and regional planners, town and regional planners in training and town and regional planning technicians who have become mentally ill

27. (1) When it appears to the council from information on oath that any town and regional planner, **[or]** town and regional planner in training or town and regional planning technician has become

mentally ill to such an extent that it would be contrary to the public interest to allow him to continue to perform work in town and regional planning, the council may in its discretion hold an inquiry *mutatis mutandis* in accordance with the provisions of section 26 in respect of such town and regional planner, **[or]** town and regional planner in training or town and regional planning technician. 5

(2) If the council finds that such town and regional planner, **[or]** town and regional planner in training or town and regional planning technician has so become mentally ill, the council may order for a specified period his suspension from his functions as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician, as the case may be. 10

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section." 15

**Amendment of section 28 of Act 19 of 1984, as amended by section 3 of Act 48 of 1987**

16. Section 28 of the principal Act is hereby amended—

(a) by the substitution for paragraphs (c), (d) and (e) of subsection (1) of the following paragraphs, respectively: 20

“(c) prescribing the requirements with which town and regional planners, **[and]** town and regional planners in training or town and regional planning technicians shall comply in the performance of work in town and regional planning;

(d) prescribing conduct (in addition to conduct referred to in section 24) constituting improper conduct for any town and regional planner, **[or]** town and regional planner in training or town and regional planning technician; 25

(e) prescribing the method of inquiry into allegations of improper conduct by any town and regional planner, **[or]** town and regional planner in training or town and regional planning technician;” and 30

(b) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) prescribing, subject to the provisions of subsection (2), the tariff of fees to which a town and regional planner or town and regional planning technician shall be entitled for services rendered by him in that capacity, in the absence of an agreement between such town and regional planner or town and regional planning technician and a particular client in terms of which he shall be entitled in respect of such services to fees according to any other tariff;” 35 40

**Amendment of section 31 of Act 19 of 1984**

17. Section 31 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 45

“Any person who feels aggrieved by a refusal by the council to register him as a town and regional planner, **[or]** town and regional planner in training or town and regional planning technician, as the case may be, in terms of the provisions of this Act, or by a decision made by the council in the exercise of the council's powers under section 25 or 27, may at any time after he became aware of that refusal or decision, but not later than—” 50

**Amendment of section 34 of Act 19 of 1984**

18. Section 34 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) the provisions of this Act shall apply *mutatis mutandis* in the said territory in respect of the registration of any person as a professional town and regional planner, **[or]** town and regional planner in training or town and regional planning technician.”

**Substitution of long title of Act 19 of 1984**

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19. The following long title is hereby substituted for the long title of the principal Act:

**“ACT**

To provide for the establishment of a South African Council for Town and Regional Planners, for the registration of town and regional planners, **[and]** 10  
town and regional planners in training and town and regional planning technicians and for matters connected therewith.”

**Short title**

20. This Act shall be called the Town and Regional Planners Amendment Act, 1993.

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