



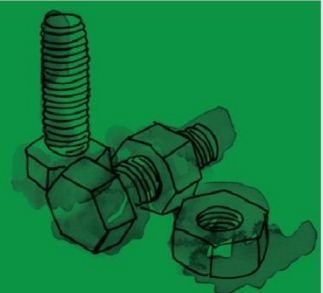
Secretariat Unit

# Bill Essentials

The Urban and Regional Planning Profession Bill, 2014

**An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto.**

Bill No: Senate Bill 4 of 2014  
Introduced in: The Senate  
Introduced on: August 4, 2014



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## Background

The Urban and Regional Planning Profession Bill, 2014 was introduced and read for a first time in the Senate on August 4<sup>th</sup>, 2014 by Senator the Hon. Dr. Bhoendradatt Tewarie, Minister of Planning and Sustainable Development.<sup>1</sup>

## Purpose of the Bill

The Bill seeks to establish the Trinidad and Tobago Council for Urban and Regional Planners.<sup>2</sup> The purpose of the Council would be to regulate the urban and regional planning profession. The Bill is comprised of sixty-two clauses and nine schedules.

## Legislation mentioned in the Bill

- Accreditation Council of Trinidad and Tobago Act Chap. 39:06<sup>3</sup>
- Immigration (Caribbean Community Skilled Nationals) Act Chap. 18:03<sup>4</sup>

## Key Features of Proposed Legislation

### PART I PRELIMINARY

1. Provides that the Act will have effect though inconsistent with section 4 and 5 of the Constitution.

### PART II THE TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS

2. Provides for the establishment of a body corporate to be known as the Trinidad and Tobago Council for Urban and Regional Planners (the Council).
3. Provides that the Council shall comprise five members appointed by the Minister in writing.
4. Provides that the Council shall comprise:
  - a. three persons nominated by the Minister, namely, an attorney-at-law with experience in urban and regional planning, a public officer eligible to practice as an Urban and Regional Planner, and a person representing the public interest; and
  - b. two persons nominated by the Trinidad and Tobago Society of Planners (TTSP) having at least ten years' experience in urban and regional planning and who hold professional membership in the TTSP.
5. Provides for the functions of the Council which are to *inter alia*:
  - a. advise the Minister on matters relating to the operations of the Act;
  - b. register and license persons to practise urban and regional planning;
  - c. monitor adherence to the Code of Ethics;

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<sup>1</sup> <http://www.ttparliament.org/hansards/hs20140804.pdf>

<sup>2</sup> <http://www.ttparliament.org/legislations/b2014s04p.pdf>

<sup>3</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/39.06.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/39.06.pdf)

<sup>4</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/18.03.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/18.03.pdf)

- d. institute disciplinary proceedings in accordance with the Act;
  - e. suspend or revoke the registration or licence of an Urban and Regional Planner; and
  - f. perform such other functions as may be required.
6. Provides for the term office of members of the Council.
  7. Provides for vacancies arising in the Council.
  8. Provides that the Minister shall determine the remuneration and allowances of the Council.
  9. Provides that the Council shall have a seal to be kept in the custody of the Chairman or Registrar-Secretary.
  10. Provides for the operation of Council meetings including:
    - a. meeting times of the Council;
    - b. notice of meetings;
    - c. quorum of meetings; and
    - d. voting;
  11. Provides for immunity of Council members in the exercise or discharge of any duty or function under the Act.

#### PART III LICENSING OF URBAN AND REGIONAL PLANNERS

12. Provides that no person shall practise as an Urban and Regional Planner in Trinidad and Tobago unless his name is placed on the Register and he holds a valid license issued under section 16, 18 or 19 of the Act.
13. Provides that an applicant for a license shall be proficient in the English language.
14. Provides that an application must be accompanied by:
  - a. evidence of the applicant's identity;
  - b. evidence of a degree, post graduate diploma or other professional qualifications in urban and regional planning;
  - c. evidence of at least two years' post qualification experience in urban and regional planning work as recognized by the Council;
  - d. recommendations from two Urban and Regional Planners attesting to the applicant's fitness and ability to practise urban and regional planning in Trinidad and Tobago;
  - e. a certificate of good standing from TTSP; and
  - f. such other information as may be required by the Council.
15. Provides that an applicant must submit qualifications in urban and regional planning from institutions accredited under the Accreditation Council of Trinidad and Tobago Act.
16. Provides that an applicant satisfying the requirements of section 15 and is:
  - a. a citizen of Trinidad and Tobago or a qualifying Caribbean Community State; or
  - b. resident and permitted to work in Trinidad and Tobago

he shall be issued a Professional Licence and have his name placed on the Register.

17. Provides for the renewal of Professional Licences.
18. Provides that an applicant lacking the required experience shall be issued a Provisional Licence by the Council.
19. Provides for restrictions applying to the holders of Provisional Licences.
20. Provides that an applicant satisfying the requirements of section 15 but who is not a citizen of Trinidad and Tobago or a qualifying Caribbean Community State shall be issued a Temporary Licence.
21. Provides further conditions applicable to the grant of a Temporary Licence.
22. Provides that on payment of a specified fee, the Council shall issue to an Urban and Regional Planner a certified copy of his licence.
23. Provides that an Urban and Regional Planner is entitled to:
  - a. demand and recover reasonable remuneration for services rendered; and
  - b. use the title "Urban and Regional Planner" or the abbreviation "U.A.R.P" against his name.
24. Provides that an Urban and Regional Planner is entitled to recover as a civil debt in any Court, with full costs of suit, his reasonable charges for professional services. No person is allowed to recover fees or charges for professional services as an Urban and Regional Planner unless he is one.
25. Provides that documents requiring the signature of an Urban and Regional Planner shall be valid only if the person signing it holds a valid licence under the Act.
26. Provides that the Council may revoke the licence of an Urban and Regional Planner if:
  - a. he commits professional misconduct; or
  - b. he is convicted of an offence which is punishable on indictment in Trinidad and Tobago or if committed abroad, would likewise be punishable on indictment in Trinidad and Tobago.
27. Provides that the Council shall indicate the date for a revocation to take effect and for the licence to be returned to the Council for cancellation.
28. Provides that where a person refuses or neglects to give up his licence, he commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.
29. Provides that a person whose licence was revoked may reapply for one no earlier than two years after the date of the removal of his name from the Register. The Council may, in its discretion, approve or refuse such an application.
30. Provides a right of appeal to a Judge from any decision of the Council, including a decision to:
  - a. refuse the renewal of a licence under sections 17, 18(2) and 19(2);
  - b. revoke a licence under sections 25 and 53;
  - c. suspend a licence under sections 25(2) and 53; or
  - d. refuse a reapplication under section 26.
31. Provides that an appeal may be made in the form and manner as may be prescribed by Rules of Court.

PART IV REGISTER FOR URBAN AND REGIONAL PLANNERS

32. Provides that the Council shall keep a register for Urban and Regional Planners.
33. Provides that the name of every person holding a licence under section 16, 18 and 19 must be entered on the register together with:
  - a. his address;
  - b. the date of his registration;
  - c. a description and date of his qualifications and such other degrees and certificates he holds; and
  - d. the date of expiry and renewal of his licence.
34. Provides that at all reasonable times, the Register shall be open to inspection at the Council's office.
35. Provides that a licence holder's name shall be removed from the Register on the expiration or revocation of his licence.
36. Provides that where a person's name is removed from the Register, the Council shall notify the person in writing and require him to return his licence.
37. Provides for an Urban and Regional Planner to have any higher qualification, which was obtained after his registration, to be entered on the Register.
38. Provides for the removal of incorrect or fraudulent entries in the Register.
39. Provides that a licence issued under the Act is *prima facie* evidence in all courts that a person is duly registered to practise as an Urban and Regional Planner.
40. Provides that the Council shall annually publish in the *Gazette* and two daily newspapers in general circulation the names of persons holding a licence under the Act.

PART V COMMITTEES OF THE COUNCIL

41. Provides that the Council shall appoint a Recognition Committee which shall be responsible for:
  - a. scrutinizing, examining and investigating academic qualifications;
  - b. liaising and consulting with the Accreditation Council of Trinidad and Tobago and other institutions;
  - c. assessing and reviewing academic and other qualifications referred to in section 15;
  - d. evaluating the post qualification work of applicants; and
  - e. making recommendations to the Council.
42. Provides that the Recognition Committee shall comprise five members with at least five years' experience in urban and regional planning.
43. Provides for the composition and term of office of the Recognition Committee.
44. Provides for the resignation and revocation of appointment of a member of the Recognition Committee.
45. Provides that Recognition Committee shall meet as often as necessary to perform its functions.
46. Provides that the Council shall send section 15 applications to the Recognition Committee for consideration.

47. Provides that the Recognition Committee may, with the Council’s approval, make rules to govern its procedures.
48. Provides that the Council shall appoint a Disciplinary Committee which shall be responsible for:
  - a. conducting disciplinary proceedings;
  - b. enquiring into matters referred to it under section 50(4); and
  - c. making recommendations to the Council.
49. Provides that the Disciplinary Committee shall comprise three members and include:
  - a. An Attorney-at-Law of at least ten years’ standing, who shall be the Chairman;
  - b. one member of the Council; and
  - c. one person who is a member of and nominated by the TTSP, and has at least ten years’ experience in urban and regional planning.
50. Provides for the resignation and revocation of appointment of a member of the Disciplinary Committee.
51. Provides that the Council shall publish the names of the first Disciplinary Committee, and every change in membership thereafter, in the *Gazette*.
52. Provides that the Disciplinary Committee shall meet as often as necessary to perform its functions.
53. Provides that the Chairman of the Disciplinary Committee shall preside at all its meetings.

#### PART VI DISCIPLINARY PROCEEDINGS

54. Provides that an Urban and Regional Planner who breaches Part II, III, IV or VI of the Code of Ethics commits professional misconduct.
55. Provides that a person may file a complaint with the Council alleging the commission of professional misconduct. The Council shall refer such complaints to the Disciplinary Committee.
56. Provides that where the Council has reason to believe an Urban and Regional Planner has committed professional misconduct, or was convicted of an offence referred to in section 25(1)(b), it may direct the Disciplinary Committee to make enquiries.
57. Provides that the Council may make rules of procedure for the conduct of disciplinary proceedings.
58. Provides that the Disciplinary Committee shall have the power to summon and examine witnesses under oath.
59. Provides that the Disciplinary Committee shall have the power to call for the production of books and other documents.
60. Provides that if the Disciplinary Committee is of the opinion that a case of professional misconduct has been made out, it shall forward a report of its findings and recommendations to the Council within fourteen days.
61. Provides that subject to section 25(1) the Disciplinary Committee may recommend:
  - a. dismissing the complaint;
  - b. revoking a licence and removing the name of a Urban and Regional Planner’s name from the Register;

- c. suspending a licence; and
  - d. reprimanding an Urban and Regional Planner.
62. Provides that the Council shall provide written reasons for its decisions pursuant to section 53(1).
63. Provides that where the Council:
- a. suspends a licence; or
  - b. revokes a licence or removes the name of an Urban and Regional Planner from the Register

it shall publish the decision in the Gazette and in at least two daily newspapers in general circulation in Trinidad and Tobago.

#### **PART VII OFFENCES AND PENALTIES**

64. Provides that a person who practises urban and regional planning without a licence commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.
65. Provides that a person who obtains a licence fraudulently is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.
66. Provides that a person who makes a fraudulent entry on the Register commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.
67. Provides that a person who practises urban and regional planning whilst suspended commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years.
68. Provides that where a registered Urban and Regional Planner is guilty of professional misconduct, the Council may, in addition to any penalty prescribed, impose a fine of ten thousand dollars.
69. Provides that the consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are instituted under the Act.

#### **PART VIII MISCELLANEOUS**

70. Provides that the Council may appoint suitably qualified staff as necessary to perform its functions.
71. Provides that the Council shall determine remuneration and terms and conditions of its staff.
72. Provides that the Minister may, after consultation with the Council, make regulations for giving effect to this Act.
73. Provides that the Minister, upon consultation with the Council, may amend the First, Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Schedules by Order.



## Considerations

- The Bill is inconsistent with section four and five of the Constitution and requires a three-fifths majority in the House of Representatives and the Senate.
- The Bill gives the Minister the power to determine the remuneration and allowances of Council members.
- The Bill grants immunity to Council members in the performance of their functions.
- The Bill makes no provision for determining proficiency in the English Language.
- The Bill allows the Council to refuse the grant of a Temporary Licence if there is reason to believe that there are sufficient Urban and Regional Planners in Trinidad and Tobago and qualifying Caribbean Community States.
- The Bill allows the Council to appoint Recognition and Disciplinary Committees.
- The Bill gives the Council power to make rules of procedure for the conduct of disciplinary proceedings.
- The Bill gives the Disciplinary Committee the power to summon and examine witnesses under oath and call for the production of documents.
- The Bill provides that the consent of the Director of Public Prosecutions is required before criminal proceedings are initiated under the Act.

## Comparative Legislation

Country	Legislation	Remarks
Trinidad and Tobago	Architecture Profession Act Chap. 90:02 <sup>5</sup>	An Act respecting the registration of Architects and otherwise regulating the practice of Architecture.
	Engineering Profession Act Chap. 90:01 <sup>6</sup>	An Act respecting the registration of engineers and otherwise regulating the practice of engineering.
United Kingdom	Architects Act 1997 <sup>7</sup>	Provides for the keeping and publishing of the statutory Register of Architects by the Architects Registration Board
Australia (New South Wales)	Building Professionals Act 2005 No. 115 <sup>8</sup>	An Act to establish the Building Professionals Board; to provide for the accreditation of certifiers for the purposes of the Environmental Planning and Assessment Act 1979; to provide for the regulation of accredited certifiers, the making of complaints against accredited certifiers and the investigation of certifying authorities; to amend the Environmental

<sup>5</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/90.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/90.02.pdf)

<sup>6</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/90.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/90.01.pdf)

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/1997/22/contents>

<sup>8</sup> <http://www.legislation.nsw.gov.au/inforcepdf/2005-115.pdf?id=e3e0067f-bd4e-4e74-b7d0-9a33f33166fb>

*The Urban and Regional Planning Profession Bill, 2014*

		Planning and Assessment Act 1979 and other Acts consequentially; and for other purposes.
Canada	Professional Engineers Act R.S.O. 1990 Chapter P.28 <sup>9</sup>	Provides for the establishment of the Association of Professional Engineers of the Province of Ontario as a body corporate.
Kenya	Architects and Quantity Surveyors Act Chapter 525 <sup>10</sup>	An Act of Parliament to provide for the registration of architects and quantity surveyors.
New Zealand	Chartered Professional Engineers of New Zealand Act 2002 <sup>11</sup>	Provides for the reform of the law relating to the registration of engineers.
South Africa	Architectural Profession Act No. 44 of 2000 <sup>12</sup>	Provides for the establishment of the South African Council for the Architectural Profession and to provide for the registration of professionals.



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<sup>9</sup> [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90p28\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p28_e.htm)

<sup>10</sup> <http://www.kenyalaw.org:8181/exist/rest/db/kenyalaw/Kenya/Legislation/English/Acts%20and%20Regulations/A/Architects%20and%20Quantity%20Surveyors%20Act%20Cap.%20525%20-%20No.%2060%20of%201933/docs/ArchitectsandQuantitySurveyorsAct.pdf>

<sup>11</sup> <http://www.legislation.govt.nz/act/public/2002/0017/latest/DLM144381.html>

<sup>12</sup> [https://www.ecsa.co.za/regulation/RegulationDocs/architectural\\_professions\\_act\\_\(no\\_44\\_of\\_2000\).pdf](https://www.ecsa.co.za/regulation/RegulationDocs/architectural_professions_act_(no_44_of_2000).pdf)