



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

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Minister: The Honourable Camille
Robinson-Regis

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Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's website, www.ttparliament.org

BILL ESSENTIALS

BILL ESSENTIALS NO.21, 2018–19

4 June, 2019

The Urban and Regional Planning Profession Bill, 2019

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BACKGROUND

1. **The Urban and Regional Planning Profession Bill, 2019¹** (hereinafter referred to as “**the Bill**”) seeks to establish the Trinidad and Tobago Council for Urban and Regional Planners to deal with the regulation of the urban and regional planning profession and other matters incidental thereto.
2. This Bill was introduced in the Senate by the Honourable Camille Robinson-Regis (Minister of Planning and Development).
3. The Bill is inconsistent with **Sections 4 and 5** of the **Constitution of the Republic of Trinidad and Tobago** and would therefore be required to be passed by a special majority of three-fifths of the members of each House pursuant to **Section 13** of the **Constitution of the Republic of Trinidad and Tobago**.

KEY FEATURES OF THE BILL

INTERPRETATION

4. **Clause 3** of the Bill provides for the interpretation of the terminology used in the Bill, *inter alia*:
 - “accredited status”² has the meaning assigned to it in the Accreditation Council of Trinidad and Tobago Act³;
 - “environmental commission” means the commission established under Section 81 of the Environmental management Act⁴;
 - “qualifying Caribbean Community state” means a member state of the Caribbean Community other than Trinidad and Tobago as listed in Schedule 1 of the Immigration (Caribbean Community Skilled Nationals) Act⁵;
 - “resident”⁶ means a person who is conferred the status of a resident of Trinidad and Tobago under the Immigration Act⁷;

¹ <http://www.ttparliament.org/publications.php?mid=28&id=673>

² According to Section 2 of the Accreditation Council of Trinidad and Tobago Act, accredited status means that a registered institution, its programmes or awards meet established standards of quality.

³ **Chap 39:06**: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/39.06.pdf

⁴ **Chap 35:05**: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf

⁵ **Chap 18:03**: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/18.03.pdf

⁶ According to Section 2 of the Immigration Act, resident means a person referred to in Section 5(1) which are persons not being citizens of Trinidad and Tobago including a person who was entitled under the former Constitution to be registered as a citizen, a person to whom permission has been granted by the Minister to become a resident, a person who immediately before commencement of this Act (1st July 1976) was deemed to be a person belonging to Trinidad and Tobago under Section 2(2) of the former Ordinance, a person who applies for and is granted permission to become a resident, the child of a person who is a citizen of Trinidad and Tobago or who is a resident provided that such child is a minor or is dependent on and living with his parents or such other persons on whom the Minister may confer the status of a resident.

⁷ **Chap 18:01**: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/18.01.pdf

PART II – The Trinidad and Tobago Council for Urban and Regional Planners










Establishment of Council

5. **Clause 4** of the Bill proposes to establish the body corporate, the Trinidad and Tobago Council for Urban and Regional Planners.

Composition of Council

6. **Clause 5** of the Bill provides that the Council is to be comprised of seven (7) members and alternates. The Members will be appointed to the Council in writing by the Minister. Four (4) persons would be nominated by the Minister including, an Attorney-at-Law with experience in urban and regional planning matters, two (2) State Planners who are professional members in the Trinidad and Tobago Society of Planners (“TTSP”) and one (1) person representing the public interest. The remaining three (3) persons nominated by TTSP must be professional members in TTSP with at least ten (10) years’ experience in urban and regional planning.





Functions of the Council



7. **Clause 6** of the Bill enumerates the functions of the Council which include:
-  keeping the administration of this Act under review and when required by the Minister, or otherwise as it thinks fit, submit recommendations for amendments to this Act to the Minister;
 -  register and license persons to practice urban and regional planning in accordance with this Act;
 -  monitor adherence to the Code of Ethics (Sixth Schedule);
 -  institute disciplinary proceedings in accordance with the provisions of this Act (Part VI);
 -  review periodically application fees as set out in the First Schedule;
 -  suspend or revoke the registration or licence of an Urban and Regional planner;
 -  place or remove a name on the Register;
 -  collect such fees as may be prescribed; and
 -  perform such other functions as may be required by any other written law or reasonably incidental in giving effect to this Act.

Tenure of Office

8. **Clause 7** of the Bill establishes that members shall be appointed to hold office for a term of three (3) years and are eligible for reappointment to an office.

Vacancy of Office

9. **Clause 8** of the Bill outlines when the office of a member shall become vacant and includes death of the member, expiration of term, resignation or removal. The Minister can remove a member from office if the member is:
-  unable to function because of physical or mental illness;
 -  absent from three consecutive Council meetings;
 -  convicted, in any court, of a criminal offence under this Act or which carries a penalty of imprisonment for a term of six (6) or more months;
 -  guilty of misbehaviour in public office;





-  declared bankrupt in accordance with the laws of Trinidad and Tobago; or
-  disqualified or suspended otherwise than at his own request, from practising his profession in Trinidad and Tobago or any other country by Order of any competent authority.

PART III – Licensing of Urban and Regional Planners

Application for a licence to practice

10. **Clause 15** of the Bill establishes that a person is eligible to be an Urban and Regional Planner in Trinidad and Tobago once their name is placed on the Register and they hold a valid licence.

11. The application for a licence must be accompanied by:

-  evidence of-
 - the applicant’s identity;
 - a degree or post graduate degree in urban and regional planning held by the applicant and recognised by the Council;
 - at least three (3) years’ post qualification experience in urban and regional planning work recognised by the Council if the applicant has a Bachelor of Science; and
 - at least two (2) years’ post qualification experience in work relating to urban and regional planning as recognised by the Council if the applicant has a Master of Science degree;
-  recommendations from two (2) Urban and Regional Planners attesting to the applicant’s fitness and ability to practise urban and regional planning in Trinidad and Tobago;
-  a certificate of good standing from TTSP or, in the case of an applicant for a Temporary Licence under section 19-
 - a certificate of good character from the jurisdiction in which the applicant has resided for the last six months; and
 - evidence that the applicant has not committed professional misconduct that brings the professional planning body in the jurisdiction in which the applicant resides into disrepute; and
-  such other information as required by the Council.

12. Additionally, the applicant must submit to the Council qualifications in urban and regional planning that have accredited status and are granted by institutions which are accredited under the **Accreditation Council of Trinidad and Tobago Act**.⁸

Professional Licence

13. **Clause 16** provides that an applicant who has complied with requirements of clause 15; and is a citizen of Trinidad and Tobago or a qualifying Caribbean Community State or a resident of Trinidad and Tobago, shall be placed on the Register and issued a professional licence by the Council within sixty (60) days after receipt of his application. Persons who are professional members of the TTSP immediately prior to the commencement of the Act are deemed to be Urban and Regional Planners and will be entitled to be placed on the Register and issued a Professional Licence once they have

⁸ http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/39.06.pdf

submitted an application within six (6) months after the commencement of the Act. Failure to submit the required application will result in those persons no longer being deemed Urban and Regional Planners.

Renewal of Professional Licence

14. **Clause 17** of the Bill concerns the renewal of the Professional Licence which is valid for the year it is issued until the 31st day of January of the following year and may be renewed for successive periods of one (1) year.

Provisional Licence

15. **Clause 18** of the Bill empowers the Council to place an applicant's name on the Register and issue a Provisional Licence once the applicant has complied with the requirements of Clause 15, despite not having the requisite experience. The holders of such Provisional Licence must practise urban and regional planning under the supervision of an Urban and Regional Planner who holds a valid professional licence and is a professional member of the TTSP with no less than five (5) years standing.


Temporary Licence

16. **Clause 19** of the Bill empowers the Council to place on the Register and grant a Temporary Licence to an applicant who is not a citizen of Trinidad and Tobago or a qualifying Caribbean Community State but who satisfies the Council that he complies with the requirements of section 15.

Revocation of a Licence

17. **Clause 25** of the Bill empowers the Council to revoke a licence where an Urban and Regional Planner:

 commits professional misconduct; or

 is convicted of an offence which-

- i. is punishable on indictment in Trinidad and Tobago or carried a penalty of imprisonment for a period of at least five (5) years; or
- ii. was committed outside the jurisdiction of Trinidad and Tobago that if it was committed in Trinidad and Tobago would have been punishable on indictment or would carry a penalty of imprisonment for a period of at least five (5) years.

18. Any license holder who refuses or neglects to surrender his license commits an offence and would be liable on summary conviction to a fine of Five Thousand Dollars (\$5,000.00) and imprisonment for a term of six (6) months.

Re-registration after removal from Register

19. **Clause 26** of the Bill provides for the re-registration of an Urban and Regional Planner whose licence was previously revoked and name was previously removed from the Register in accordance with Section 25 of this Act. Such persons may reapply for a licence no earlier than one (1) year after the

date of removal of their name from the Register. The Council has the discretion to approve or refuse such application.






Appeals

20. **Clause 27** of the Bill allows for the appeal to the Environmental Commission on a decision of the Council to refuse renewal or reapplication of a licence or to revoke or suspend a licence.

PART IV – Register for Urban and Regional Planners

Register

21. **Clause 29** of the Bill establishes that the Council would keep a register of every licence holder under this Act. Such register would also contain the following particulars in relation to each person including:

-  his full name and usual place of business address;
-  date of his registration;
-  description and date of his qualifications for which he is registered and such other degrees and certificates to which he holds;
-  type of licence held; and
-  date of expiry and renewal of license.

Moreover, such Register must be open to inspection at all reasonable times at the office of the Council.

Publication of List

22. **Clause 33** of the Bill provides for the annual publication of the names of licence holders in the Gazette and two daily newspapers in daily circulation in Trinidad and Tobago.

PART V – Committees of the Council

Recognition and Disciplinary Committees

Functions of the Recognition Committee

23. According to **Clause 35** the functions of the Recognition Committee include responsibility for scrutinising, examining and investigating applicants' academic qualifications; liaising and consulting with the Accreditation Council of Trinidad and Tobago and other institutions; assessing and reviewing academic and other qualifications; evaluating an applicant's post qualification work; and making recommendations to the Council.

Composition of the Recognition Committee

24. **Clause 36** of the Bill provides that the Recognition Committee shall comprise five (5) members, for a term not exceeding three (3) years. Each member must possess at least five (5) years' experience in urban and regional planning, with one being a member of the Council and the other four being professional members of the TTSP and nominated by the TTSP. The members of such committee must elect a Chairman and Deputy Chairman from amongst themselves.

Functions of the Disciplinary Committee





25. Pursuant to **Clause 43**, the Disciplinary Committee has responsibility for conducting disciplinary proceedings upon receipt of a complaint, enquiring into such matters referred to it, and making recommendations to the Council.

Composition of the Disciplinary Committee

26. **Clause 44** of the Bill stipulates that the Disciplinary Committee will be comprised of five (5) members appointed by the Council in writing. The membership must include an Attorney-at-Law of at least ten (10) years' standing who shall be the Chairman; one (1) member of the Council; and three (3) persons who are professional members in TTSP, nominated by TTSP and who have at least ten (10) years' experience in matters relating to urban and regional planning.

Revocation of appointment to the Disciplinary Committee

27. **Clause 46** of the Bill provides for the revocation of appointment of any member from the Disciplinary Committee where the member is :

-  unable to function because of physical or mental illness;
-  convicted, in any court, of a criminal offence under this Act or which carries a penalty of imprisonment for a term of six (6) or more months;
-  declared bankrupt in accordance with Trinidad and Tobago laws; and
-  disqualified or suspended otherwise than at his own request, from practicing his profession in Trinidad and Tobago or any other country by an order from any competent authority.

PART VI – Disciplinary Proceedings

Complaints of professional misconduct committed by an Urban and Regional Planner

28. **Clause 50** of the Bill establishes that any Urban and Regional Planner who breaches Part II, III, IV or VI of the Code of Ethics commits professional misconduct. Additionally, any person may file a complaint with the Council alleging the commission of professional misconduct by an Urban and Regional Planner. This complaint would be referred to the Disciplinary Committee.

29. The Council may also direct the Disciplinary Committee to investigate an Urban and Regional Planner, whom it has reason to believe has committed professional misconduct or was convicted of an offence referred to in clause 25(1) (b). The Disciplinary Committee must investigate the complaint or matter and submit a report of its findings and recommendations to the Council.





Rules of Procedure for the Disciplinary Committee

30. **Clause 51** of the Bill empowers the Council to establish rules of procedure for the enquiry of complaints and other matters by the Council. The Disciplinary Committee would also have the power to summon witnesses (Eighth Schedule); call for the production of books and other documents; and examine concerned witnesses and parties under oath.

Report of the Disciplinary Committee





31. **Clause 52** of the Bill requires the Disciplinary Committee to submit a report of its findings and recommendations to the Council within fourteen (14) days, where a prima facie case of professional misconduct has been made out against an Urban and Regional Planner.

32. The Disciplinary Committee may make recommendations to:

-  dismiss the complaint providing its reasons;
-  revoke a license and remove from the Register the name of the Urban and Regional Planner to whom the complaint or enquiry relates;
-  suspend the licence of the Urban and Regional Planner to whom the complaint or enquiry relates on such conditions as deemed fit; and
-  reprimand the Urban and Regional Planner to whom the complaint relates.

Consideration of report by the Council

33. Under **Clause 53** of the Bill in consideration of the report of the Disciplinary Committee, the Council may:

-  dismiss the complaint;
-  revoke a license and remove the name of the Urban and Regional Planner from the Register;
-  suspend the Urban and Regional Planner’s licence for such period not exceeding one (1) year; or
-  reprimand the Urban and Regional Planner.

The decision of the Council must be accompanied by written reasons.

PART VII – Offences and Penalties

34. The following offences are created under Clauses 54, 55, 56, 57 and 58 of the Bill:

Clause	Offence	Penalty
54 Practising without a Licence	Practising urban and regional planning without a valid licence issued or who fraudulently holds himself out or pretends to be a valid licence holder.	On summary conviction: a fine of fifteen thousand dollars (\$15,000.00) and imprisonment for two (2) years .
	Demands or receives a fee, gratuity or remuneration.	
	Makes use of the name or title of “Urban and Regional Planner” or any other name, title, addition, designation or description implying or calculated to lead persons to believe that he is an Urban and Regional Planner or possesses a valid licence.	
	Directly or indirectly by advertisement represents that he is qualified or able to practice urban and regional planning.	
55	A person who wilfully procures or attempts to procure a licence for himself or any other person	On summary conviction: a fine of fifteen thousand

Obtaining a licence fraudulently	by making, producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing in an application (Clause 15) or any document accompanying the application.	dollars (\$15,000.00) and imprisonment for two (2) years.
56 Making a fraudulent entry on Register	A person who wilfully makes, causes or permits to be made a false or incorrect entry or copy of an entry on the Register or an alteration in any entry or copy of an entry on the Register.	On summary conviction: A fine of fifteen thousand dollars (\$15,000.00) and to imprisonment for two (2) years.
57 Practising whilst suspended	A person who during the suspension of his licence practices urban and regional planning, wilfully pretends to be entitled to practice urban and regional planning or wilfully makes use of any name, title or description implying or calculated to lead persons to believe that he holds a valid licence or that he is entitled to be recognised or to act as an Urban and Regional Planner.	On summary conviction: A fine of fifteen thousand dollars (\$15,000.00) and to imprisonment for two (2) years.
58 Professional Misconduct	Where a registered Urban and Regional Planner has been found guilty of professional misconduct, the Council may impose a fine in addition to any other penalty prescribed under the Regulations made in this Act.	A fine of ten thousand dollars (\$10,000.00).

Schedules

- First Schedule – Application Fees
- Second Schedule – Application for a Licence
- Third Schedule – Application for a Professional Licence
- Fourth Schedule – Application for Renewal/Re-issuing of a Licence
- Fifth Schedule – Forms for Professional/Provisional/Temporary Licence
- Sixth Schedule – Code of Ethics
- Seventh Schedule – Complaint Form against Urban and Regional Planner
- Eighth Schedule – Disciplinary Committee Summons

COMPARATIVE LEGISLATION

	ZAMBIA	SOUTH AFRICA	HONG KONG
	The Urban and Regional Planners Act 2011	Planning Profession Act 36 of 2002	Cap. 418 Planners Registration Ordinance
Definition of Planner	“planner” means a person with special knowledge of urban designing, the environmental, social, economic and political issues with the spatial approach to problem solving acquired through planning education and experience;	“planner” means a person who exercises skills and competencies in initiating and managing change in the built and natural environment in order to further human development and environmental sustainability as contemplated in section 2(a), and who is registered in one or more of the categories contemplated in section 13(4);	“registered professional planner” means a person whose name is currently entered in the register;
Establishment of Council	The Zambia Institute of Planners The Council of the Institute	The South African Council for Planners	The Planners Registration Board
Tenure	3 years	4 years	4 years
Functions of the Council	The functions of the Council include accrediting planning educational institutions; providing for the protection of the public and the improvement of standards for planning services; promoting professional ethics; ensuring that the rules and guidelines for professional ethics developed by the Institute are responsive to the expectations of business institutions, the public and those who rely on planning work; and promoting continual professional development.	The functions of the Council are to: (a) Regulate the planning profession so as to promote and protect the interests of the public in relation to planning; (b) Register persons in terms of this Act (c) Institute and enforce disciplinary action against registered persons contravening the provisions of this Act; (d) Support the functioning of disciplinary and appeal structures established under this Act; and (e) Ensure and promote a high standard of education and training in the planning sector.	The functions of the Board include establishing and maintaining a register of registered professional planners; setting and reviewing qualification standards; advising the Government on registration matters; examining and verifying the qualifications of applicants; receiving and reviewing applications for registration and renewal of registration for registered planners; conducting disciplinary proceedings; and keeping proper records of its proceedings.

<p>Registration</p>	<p>The Council will issue a certificate of registration to planners and planning firms. The applicants must possess the requisite knowledge and training, hold recognised academic qualifications; be a resident of or be established in Zambia, is of good professional standing, and of good character. Planning students can also be registered under the Act.</p>	<p>The Council will issue a registration certificate in the relevant category if the applicant:</p> <p><i>candidate planner-</i> (i) is registered for, or has completed, an accredited planning educational programme at the National Qualifications Framework level 5 or higher; and (ii) is, in the Council's opinion, a fit and proper person to engage in planning work under the control and supervision of a technical or a professional planner or such other person or institution as determined by the Council;</p> <p><i>technical planner-</i> (i) has completed an accredited planning educational programme at the National Qualifications Framework Level 6 or higher; (ii) has undergone practical training of not less than two years or as may be prescribed by the Council; and (iii) has passed a competency assessment determined by the Council.</p> <p><i>Professional planner</i> (i) has completed an accredited planning educational programme at the National Qualifications Framework level 7 or higher; (ii) has undergone practical training of not less than two years or as may be prescribed by the Council; and (iii) has passed a competency assessment determined by the Council,</p>	<p>The Board shall not register a person as a registered professional planner unless—</p> <p>(a) he is a member of the Institute; or is a member of a planning body the membership of which is accepted by the Board as being of a standard not less than that of the Institute; or has passed such examination in planning and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and</p> <p>(b) he satisfies the Board that he has had 1 year’s relevant professional experience in Hong Kong before the date of his application for registration; and</p> <p>(c) he is ordinarily resident in Hong Kong; and</p> <p>(d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and</p> <p>(e) he satisfies the Board by declaration in writing that he is competent to practise as a planner; and</p> <p>(f) he is a fit and proper person to be registered.</p> <p>The entry in the register of a person as a registered professional planner under this Ordinance shall remain in force for 12 months from the date when he was registered and may be renewed annually by application of the person so registered.</p>
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		An applicant may also be registered if he possesses such other qualifications as defined in the South African Qualifications Authority Act, 1995, as may be determined for the relevant category from time to time by the South African Qualifications Authority in terms of that Act and by the Council	
Title for Registered Planner	The classes of registered planners are: <ul style="list-style-type: none"> – Fellow of Zambia Institute of Planners-FZIP – Member of Zambia Institute of Planners-MZIP – Technician of Zambia Institute of Planners- Tec ZIP – Associate of Zambia Institute of Planners - AZIP 	The categories of registered persons are- : <ul style="list-style-type: none"> – candidate planner; – technical planner; and – professional planner. 	registered professional planner
Cancellation of registration	Planners, Planning firms and Planning students may lose their certificate of registration in instances of fraud and misrepresentation of information, professional misconduct or criminal conviction. <p>Where a planner’s registration is cancelled, his practising certificate is void and must be surrendered to the Council.</p>	Registration may be cancelled if a person becomes disqualified on the following grounds- rehabilitated insolvency, mental incompetence, conviction of an offence involving dishonesty or imprisonment without the option of a fine, improper conduct, and adjudged not a fit and proper person. Registration can also be cancelled if a person was erroneously registered; registered on the basis of incorrect information; or fails to pay amounts owing to the Council. <p>A person whose registration has been cancelled must return the certificate of registration to the Registrar within 30 days.</p>	The Registrar may remove the name of a registered professional planner from the register if he has notice that the registered professional planner has died; applied to discontinue his registration; in the opinion of the Board, ceased to be ordinarily resident in Hong Kong; failed to renew his registration; ceased to hold a qualification by virtue of which he was registered; or failed to notify a change of details required under section 11(3).

<p>Licence</p>	<p>A planner must apply to the Council for a practising certificate. The practising certificate must be conspicuously displayed at the place of practice. The practising certificate is renewed annually.</p>		
<p>Revocation of Licence</p>	<p>The Council shall cancel a practising certificate in cases of professional misconduct, undischarged bankruptcy, criminal conviction with a sentence exceeding 6 months, fraud or misrepresentation in obtaining the practising certificate, or a declaration that the planner is of unsound mind.</p>		
<p>Disciplinary Committee</p>	<ul style="list-style-type: none"> - The Disciplinary Committee is comprised of 8 members. The Chairperson and Vice-Chairperson must be legal practitioners qualified to hold or have held high judicial office. - The Committee will investigate complaints against a planner or planning firm and can also initiate an investigation against a planning firm if there are grounds to believe that the planner has contravened the Code of Ethics - The Act stipulates that all hearings shall be in camera; that there be legal representation for a planner; and for the Disciplinary Committee to deliver its decision in the form of a reasoned 	<ul style="list-style-type: none"> - The Council must appoint one or more investigating officers to investigate any charge of improper conduct when a complaint has been levied against a registered person or the Council has reasonable grounds to suspect a registered person is guilty of improper conduct. - The investigating officer would not be allowed to question the person without informing them that they have the right to legal representation and that they are not obliged to make any statement but any statement made will be used as evidence against them. - Upon completion of the investigation the investigator will submit a report making recommendations to the Council. 	<ul style="list-style-type: none"> - The Board may refer any complaint concerning a disciplinary offence to an Inquiry Committee for decision of not less than 3 members of the Institute. - The Board may appoint a legal practitioner to advise an inquiry committee on any points of law and procedure that arise. - The Inquiry Committee may order the removal of a registered planner from the Register; reprimand the registered professional planner in writing to be recorded on the register; order that a registered planner be suspended for a period not exceeding 2 years; order that the Chairman admonish the registered professional planner orally; and order the registered professional planner to pay all or part of the costs of arising from the case if, the inquiry committee is satisfied that in all the

	<p>judgment. The hearings of the Disciplinary Committee is deemed to be a judicial proceeding.</p> <ul style="list-style-type: none"> - The Disciplinary Committee can: (a) order the cancellation of a practising certificate or certificate of registration of the planner or planning firm, or modify the fields of speciality in which the planner or planning firm may practise; (b) censure the planner or planning firm; (c) caution the planner or planning firm; (d) impose a fine, not exceeding three hundred thousand penalty units to be paid to the Institute; (e) order the planner or planning firm to pay to the Institute or to any other party to the hearing, any costs of, or incidental to, the proceedings; (f) order the planner or planning firm to pay any party to the hearing or other person, as restitution, the amount of loss caused by that person's negligence; or (g) impose any reasonable conditions for the suspension, for a period not exceeding one year, of the certificate of registration or practising certificate of the planner or planning firm. 	<ul style="list-style-type: none"> - The Council may subsequently bring a charge of improper conduct against the person investigated. - The Council must inform the person of the charge against him in writing and that the person must either admit or deny the charge; - The Council will appoint a Disciplinary Tribunal to hear the charge of improper conduct comprising of 3 registered persons, a person qualified in law and a person with specialised knowledge of the matters under adjudication. - If found guilty, the Disciplinary Tribunal must caution or reprimand the registered person; impose a fine; suspend the registration for a period not exceeding 1 year; or cancel the registration of the registered person concerned and request the removal of his name from the Register. - An Appeal Board, comprising 3 persons who practise or teach planning; and 2 members of the public, one of whom is qualified and experienced in the legal profession, to hear appeals arising from the Act. 	<p>circumstances of the case it would be unjust and inequitable not to do so.</p> <ul style="list-style-type: none"> - An Inquiry Committee shall have power to hear, receive and examine evidence on oath; (b)to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions; (c)to admit or exclude the public or any member of the public from the inquiry; to admit or exclude the press from the inquiry; (e)to award any person summoned to attend the inquiry as a witness such sum, to be paid from the funds of the Board, as in the opinion of the inquiry committee has been reasonably expended by him in connection with his attendance. - No person shall be required to answer any question or produce any document or other thing which, in the opinion of the inquiry committee, may tend to incriminate him. - A witness shall, in respect of any evidence given by him before the inquiry committee, be entitled to the same privileges to which he would be entitled if he were giving evidence in court. - Appeals shall be heard by the Court of Appeal
<p>Offences and Penalties</p>	<ul style="list-style-type: none"> - If one acts as a planner without being registered or without a practising certificate one commits an offence and is liable, upon conviction, to a 		<p>Any person who— (a) having been summoned by an inquiry committee to attend as a witness or to produce a document without reasonable excuse refuses or fails to do so; (b) attends as a</p>

	<p>fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.</p> <ul style="list-style-type: none"> - A planner who provides any planning service during the period the practising certificate is void commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both. - A person who has been summoned to the Disciplinary Committee but has refused to attend, answer fully, produce documents, or be sworn or affirm commits an offence and is liable upon conviction, for every such refusal or failure to a fine not exceeding twenty thousand penalty units. 		<p>witness before an inquiry committee and, without lawful excuse, refuses or fails to answer any question put to him by the inquiry committee; (c) fraudulently obtains registration for himself or any other person; (d) obtains registration for himself or any other person by means of any misleading, false or fraudulent representation or statement, either orally or in writing; (e) makes or causes to be made any falsification in the register; (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Board or an inquiry committee in connection with its functions under this Ordinance; (g) falsely takes or uses any name, initials, title, addition or description implying that his name is entered in the register; (h) not being a registered professional planner, uses or knowingly permits the use of in connection with his business or profession the description "registered professional planner"; the initials "R.P.P."; or initials or abbreviations or words intended to cause, or which may reasonably cause, any person to believe that the person using them is on the register; (i) not being on the register, advertises or represents himself as a registered professional planner or knowingly permits himself to be so advertised or represented; (j) holds himself out to be ordinarily resident in Hong Kong at the time of making an application for registration when he is not so ordinarily resident; commits an offence and is liable to a fine of \$50,000 and to imprisonment for 1 year.</p>
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References

Comparative Legislation

HONG KONG

- **Planners Registration Ordinance Chapter 418**

[https://www.elegislation.gov.hk/hk/cap418!en@2008-07-11T00:00:00.assist.pdf?FILENAME=Assisted%20Monolingual%20PDF%20\(English\).pdf&DOC_TYPE=K&PUBLISHED=true](https://www.elegislation.gov.hk/hk/cap418!en@2008-07-11T00:00:00.assist.pdf?FILENAME=Assisted%20Monolingual%20PDF%20(English).pdf&DOC_TYPE=K&PUBLISHED=true)

ZAMBIA

- **The Urban and Regional Planners Act No. 4 of 2011**

http://www.parliament.gov.zm/sites/default/files/documents/acts/Urban_and_Regional_Act_2011%20No.%204%20of%202011.pdf

<http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Urban%20and%20Regional%20Planning%20Act%2C%202015.pdf>

SOUTH AFRICA

- **Planning Profession Act 36 of 2002**

https://www.gov.za/sites/default/files/gcis_document/201409/a36-020.pdf



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