



ANALYSIS

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1963, No. 12

An Act to consolidate and amend the New Zealand Institute of Architects Act 1913 and to make better provision for the registration and control of architects

[2 October 1963]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Architects Act 1963.

(2) Except as provided in section 53 of this Act, this Act shall come into force on the first day of April, nineteen hundred and sixty-four.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Architects Education and Registration Board constituted under this Act;

“Council” means the Council of the Institute;

“Institute” means the New Zealand Institute of Architects constituted under this Act;

“Investigation Committee” means the Investigation Committee established under this Act;

“Minister” means the Minister of Internal Affairs;

“Registered” means registered under this Act;

“Registering authority” means either the Architects Registration Tribunal or the Architects Education and Registration Board, as the case may require;

“Registrar” means the Secretary of the Institute appointed under subsection (4) of section 5 of this Act; and includes any person for the time being discharging the duties of that office:

“Tribunal” means the Architects Registration Tribunal constituted under this Act.

Cf. 1913, No. 15, s. 2

PART I

NEW ZEALAND INSTITUTE OF ARCHITECTS

Constitution of Institute

3. Constitution of New Zealand Institute of Architects—

(1) There shall be an institute to be called the New Zealand Institute of Architects.

(2) The Institute shall consist of such persons as are for the time being elected as members thereof in accordance with the provisions of this Act and the rules of the Institute.

(3) The Institute shall be a body corporate with perpetual succession and a common seal, and with power to sue and be sued and to hold real and personal property and to do and suffer all that bodies corporate may do and suffer.

(4) The Institute constituted under this Act is hereby declared to be the same body corporate as the New Zealand Institute of Architects which at the commencement of this Act was constituted under the New Zealand Institute of Architects Act 1913.

(5) The purposes of the Institute shall be—

(a) To promote in any manner which the Institute thinks fit the general advancement of architecture, the acquirement of knowledge of the various arts and sciences connected therewith, and the interests of the profession of architecture in New Zealand:

(b) To hold or assist in conferences on architecture and allied subjects:

(c) To publish a journal, giving an account of the proceedings of the Institute and such other matters as may be of interest:

(d) To grant prizes or scholarships or subsidise lectureships in any school, college, or University in connection with any subjects of study relating to architecture or to the duties of an architect:

- (e) To grant pecuniary or other assistance to any society, school, college, or University established in New Zealand in the interests of the profession of architecture;
- (f) To establish a Benevolent Fund for the assistance of members of the Institute, or the wife, widow, or children of any member;
- (g) To do all such things as are incidental or conducive to the attainment of the above objects.

Cf. 1913, No. 15, s. 3

4. Council of the Institute—(1) The Institute shall be governed by a Council which shall be constituted as the rules of the Institute may from time to time provide:

Provided that the Chairman for the time being of the Architects Education and Registration Board shall at all times be a member of the Council.

(2) The rules of the Institute may authorise the Council to delegate from time to time to an Executive Committee such of its powers as the rules may prescribe or such of its powers as it may elect so to delegate.

(3) The constitution or acts of the Council shall not be invalidated or questioned on the ground that the number of the members of the Council is incomplete, or because of any error or irregularity in the election of any member thereof.

Cf. 1913, No. 15, s. 13

5. President and other officers of the Institute—(1) At the first meeting of the Council after the annual meeting, or as soon thereafter as may be, the Council shall elect a Fellow of the Institute to be the President of the Institute and two members of the Institute to be the Honorary Secretary and the Honorary Treasurer thereof respectively. The persons so elected shall be *ex officio* members of the Council.

(2) In case the office of President, Honorary Secretary, or Honorary Treasurer becomes vacant, the Council shall appoint a qualified member to the vacant office.

(3) All appointments under subsection (2) of this section shall remain in force only until the next election by the Council pursuant to subsection (1) of this section.

(4) The Council shall appoint a Secretary of the Institute who shall not be a member of the Council. The Council shall pay to the Secretary out of the funds of the Institute such salary as the Council thinks fit.

(5) The rules of the Institute may provide for the election of Vice-presidents of the Institute, who shall be *ex officio* members of the Council and who shall hold office in accordance with the said rules.

Cf. 1913, No. 15, s. 18

6. Powers of Council—Subject to the provisions of this Act and to the rules of the Institute, the Council shall have the sole and entire management and superintendence of the affairs of the Institute and of the income and property thereof, and may exercise on behalf of the Institute all the powers and functions thereof.

Cf. 1913, No. 15, s. 22

7. Form of contracts—(1) Contracts on behalf of the Institute may be made as follows:

(a) A contract which if made by private persons would be by law required to be by deed may be made on behalf of the Institute in writing under the common seal of the Institute attested in such manner as may be provided in the rules of the Institute:

(b) A contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Institute in writing signed by any person acting under its authority, express or implied:

(c) A contract which if made between private persons would by law be valid although made orally, and not reduced into writing, may be made orally on behalf of the Institute by any person acting under its authority, express or implied.

(2) A contract made according to this section shall be effectual in law, and shall bind the Institute and its successors and all other parties thereto.

Cf. 1913, No. 15, s. 30

8. Powers of the Institute—It shall be lawful for the Institute—

(a) To acquire and hold any freehold or leasehold land reasonably required for offices or chambers for the use of the Institute or the Board or the Tribunal or for any of the purposes of the Institute or the Board or the Tribunal in any place or places in New Zealand:

- (b) To take up and subscribe for or otherwise acquire shares in any company, if membership of the company is essential or highly advantageous to the Institute in connection with acquiring and holding any lease or tenure from the company of land reasonably required for any of the purposes of paragraph (a) of this section:
- (c) To sell, lease, exchange, or mortgage any real or personal property vested in it:
- (d) To borrow money, whether by way of bank overdraft or otherwise, for such of the purposes of the Institute as the Council may from time to time consider desirable:
- (e) To guarantee any contract of any company from which the Institute holds or intends to hold any lease or tenure in accordance with paragraph (b) of this section, and any other contract in which the Institute may have a financial interest and to which it may lawfully be a party in accordance with this section:
- (f) To do all things which are reasonably necessary to carry out the purposes of the Institute.

Cf. 1913, No. 15, ss. 32-34

9. Rules of the Institute—(1) Subject to the provisions of subsection (2) of this section, at any general meeting of the members of the Institute it shall be lawful for the members present thereat personally (or by proxy if and so far as the rules of the Institute allow of voting by proxy) from time to time to make rules, consistent with this Act, relating to any of the following matters:

- (a) The constitution of the Institute:
- (b) The admission of members of the Institute, and the modes in which persons cease to be members thereof:
- (c) The constitution of the Council:
- (d) The election, appointment, resignation, or removal of the President, Vice-presidents, and other officers and servants of the Institute:
- (e) The qualifications and disqualifications of members of the Council and of the officers and servants of the Institute:
- (f) The holding of meetings of the Council and of the members of the Institute:
- (g) The use and custody of the common seal of the Institute:

- (h) The fees payable to the Institute by the several classes of members of the Institute:
- (i) The powers, duties, and functions of the Council, and of the President, Vice-presidents, officers, and servants of the Institute:
- (j) The establishment of scholarships and prizes:
- (k) The classification from time to time of the members of the Institute:
- (l) The custody, investment, and expenditure of the funds and property of the Institute:
- (m) The manner of voting at any meeting of the Council or of the members of the Institute, and at any election:
- (n) The regulation and good government of the Institute in all matters within its powers:
- (o) The establishment of branches of the Institute in New Zealand, the establishment of branch Committees, the definition of the powers and duties of branch Committees, and the rules governing their proceedings:
- (p) The establishment and fostering of organisations of students of architecture and architectural draughtsmen as non-corporate members of the Institute and for their classification, election, privileges, and conduct, and for the fees payable by those members.
- (2) No such rules shall come into force until they have been approved by the Minister.
- (3) No rule shall be made pursuant to this section and no rule of the Institute shall be altered or revoked unless notice in writing of the proposed rule, alteration, or revocation has been given at a previous general meeting, or has been forwarded to the Secretary of the Institute at least twenty-eight clear days before the date of the meeting at which the proposed rule, alteration, or revocation is to be brought forward. Forthwith on receipt of a notice under this subsection the Secretary shall transmit a copy thereof to every member of the Institute who is in New Zealand.

Cf. 1913, No. 15, s. 21

10. Proof of rules—In any legal proceedings the production of any document purporting to be a copy of any rules made by the Institute and to be sealed with the seal of the Institute, shall, until the contrary is proved, be sufficient proof that those rules have been duly made and are in full force and effect.

Cf. 1913, No. 15, s. 23

11. Registered office of Institute—(1) The Institute shall at all times have a registered office, and notice of the situation thereof and of any change in the situation thereof shall be given by the Council to the Registrar of Companies at Wellington and shall be registered by him.

(2) If any default is made by the Institute or Council in the observance of the requirements of this section, each member of the Council shall be liable on summary conviction to a fine not exceeding one shilling for every day during which the default continues.

(3) All writs, notices, or other documents required or authorised to be served on or delivered or sent to the Institute or Council shall be deemed to be duly served, delivered, or sent if left at the registered office of the Institute.

Cf. 1913, No. 15, s. 36

Membership of the Institute

12. Qualifications for membership—Every person who is registered as an architect under this Act shall be eligible for election as a member of the Institute.

Cf. 1913, No. 15, s. 5

13. Expulsion and suspension of members—(1) A member may be expelled from the Institute in such cases and in such manner as may be prescribed by the rules of the Institute.

(2) A member may be suspended from his rights of membership for such time, in such cases, and in such manner as may be prescribed by the rules of the Institute and may be censured in such manner as may be so prescribed.

(3) A member charged with any offence that may entail expulsion from the Institute or his suspension from rights of membership shall be entitled to be represented or assisted at the hearing of the case by counsel or otherwise.

(4) Any member expelled from the Institute or suspended may appeal from the decision of the Institute to the Supreme Court, and the provisions of section 45 of this Act shall apply with all necessary modifications.

(5) The Institute may give such public notice as it thinks fit of the expulsion or suspension of any member.

Cf. 1913, No. 15, s. 6 (3)

14. Classification of members—(1) Every member shall be classified as a Fellow or Associate or Licentiate of the Institute.

(2) Every member who is a Fellow of the Institute on the commencement of this Act shall be classified as a Fellow, and every member who is an Associate on the commencement of this Act shall, unless and until his classification is changed as hereinafter provided, be classified as an Associate.

(3) The Council may classify as a Fellow any member who is nominated as prescribed in the rules of the Institute and who—

- (a) Has for seven consecutive years been engaged as a principal in the practice of architecture;
- (b) Has for seven years been employed as an architect in a Department of State in New Zealand or elsewhere;
- (c) Has for seven years been employed as an architect by any one or more corporate bodies, firms, or companies, whether in New Zealand or elsewhere;
- (d) Has for seven years been engaged or employed in two or more of the ways described in paragraphs (a) to (c) of this subsection;
- (e) Is an Associate of the Institute considered by the Council, by reason of his services to architecture, to be worthy of the classification:

Provided that in every case the Council shall by resolution be satisfied that, in addition to the possession by the member of some one of the qualifications set out in paragraphs (a) to (e) of this subsection, it is desirable by reason of his professional work or attainments that he be classified as a Fellow.

(4) Every architect who is registered pursuant to section 16 of this Act shall, on election to membership of the Institute, be classified as an Associate.

(5) Every architect who is registered pursuant to section 17 or section 18 of this Act shall, on election to membership of the Institute, be classified as an Associate or as a Licentiate as the Council from time to time determines:

Provided that the Council may require any such architect to pass an examination prescribed by the Council before he is classified as an Associate.

Cf. 1913, No. 15, ss. 8 (1) (i), 24

PART II

REGISTRATION OF ARCHITECTS

15. Persons entitled to registration—Every person shall be entitled to be registered as an architect who—

- (a) Is registered as a member of the Institute at the commencement of this Act; or

- (b) Obtains from either registering authority or from the Supreme Court a direction for his registration under this Act; or
- (c) Has been registered as a member of the Institute but whose registration as a member has ceased before the commencement of this Act; or
- (d) Has been registered as an architect but whose registration has for any reason ceased:

Provided that if the person ceased to be a member of the Institute by reason of his expulsion from the Institute or if he ceased to be registered by reason of the cancellation of his registration under section 44 of this Act he shall not be entitled to be registered as an architect unless the registering authority is satisfied that he is a fit and proper person to be registered as an architect.

16. Qualifications for registration—(1) Every person shall be entitled to obtain from the registering authority a direction for his registration as an architect who satisfies the registering authority—

- (a) That he is not less than twenty-one years of age; and
- (b) That he is of good character and reputation; and
- (c) That he possesses any one of the following qualifications, namely—

(i) That he is the holder of a recognised certificate granted in New Zealand and has had the practical experience prescribed by the Board;

(ii) That he is the holder of a recognised certificate granted elsewhere than in New Zealand and possesses adequate knowledge and experience of the systems of building and the practice of architecture obtaining in New Zealand.

(2) In the case of a person claiming to be entitled to registration under subparagraph (ii) of paragraph (c) of subsection (1) of this section, the registering authority may in its discretion require the applicant to satisfy examiners in such subjects of examination as it may prescribe, either generally or for a particular case or class of cases, that he possesses adequate knowledge of the systems of building and the practice of architecture obtaining in New Zealand, and any such examination may be one conducted by the registering authority, or one conducted by any examining or educational body holding examinations in New Zealand.

(3) For the purposes of this section the term "recognised certificate" means a certificate, diploma, membership, degree,

licence, letters, testimonial, or other title, status, or document, granted by some University, college, or other public institution in New Zealand or elsewhere, which is recognised by the Board as furnishing a sufficient assurance of the possession by the holder of knowledge and skill requisite for efficient practice of architecture in New Zealand.

Cf. 1913, No. 15, ss. 8 (1) (a), (j), (3)

Transitional Provisions

17. Special qualifications for registration—(1) Subject to the provisions of subsection (2) of this section, every person (other than a person who is otherwise qualified or entitled to registration under this Act) shall be entitled to obtain from the registering authority a direction for his registration as an architect who makes application for registration within twelve months after the commencement of this Act and satisfies the registering authority—

- (a) That he has attained the age of twenty-five years; and
- (b) That he is of good character and reputation; and
- (c) That he possesses any one of the following qualifications, namely:

(i) That he is an architect member of the New Zealand Branch of the body known as the Incorporated Association of Architects and Surveyors;

(ii) That he has for the period of three years immediately preceding the commencement of this Act been substantially and bona fide engaged as a principal in the practice of architecture in New Zealand;

(iii) That he has for a period of one year ended at any time before the commencement of this Act been engaged as a principal in the practice of architecture in New Zealand and has derived his principal means of livelihood from that practice during that period;

(iv) That he has for an aggregate period of ten years ended at any time before the commencement of this Act been engaged in the acquisition of professional knowledge in architecture in a manner satisfactory to the registering authority;

(v) That he has for a period of eight consecutive years ended at any time before the commencement of this Act been engaged as regards parts or a part of that period in the manner described in subparagraph (iii) of this paragraph and as regards the remainder of that period in the manner described in subparagraph (iv) of this paragraph:

(vi) That he has for a period of seven years ended at any time before the commencement of this Act been employed in New Zealand, either continuously or with no greater interval than three months at any one time, in the service of one or more employers in any position in which his duties were substantially those of an architect.

(2) The registering authority shall, in the case of a person claiming to be entitled to registration under any of the provisions of subparagraphs (iii) to (vi) of paragraph (c) of subsection (1) of this section require from the applicant such proof of his competence in the practice of architecture as it thinks fit.

Cf. 1913, No. 15, s. 8 (1) (b)-(h)

18. Existing students of the New Zealand Branch of the Incorporated Association of Architects and Surveyors—Notwithstanding the provisions of sections 16 and 17 of this Act every person enrolled as an architectural student by the New Zealand Branch of the Incorporated Association of Architects and Surveyors at the fifth day of December, nineteen hundred and sixty-two, shall be entitled to obtain from the Board a direction for his registration as an architect if he becomes an architect member of the New Zealand Branch of that Association within five years from that date, and makes application for registration under this Act within that period, and satisfies the Board—

- (a) That he has attained the age of twenty-five years; and
- (b) That he is of good character and reputation; and
- (c) That he has had practical experience not less than that necessary to comply with subparagraph (i) of paragraph (c) of subsection (1) of section 16 of this Act.

Registration

19. Application for registration—(1) Every application for registration as an architect shall be in writing signed by the applicant and delivered to the Registrar, and shall set out the grounds on which the applicant claims to be entitled to registration, and a postal address for communications from the registering authority. The statements made in the application shall be verified by statutory declaration.

(2) The registering authority may require such evidence of identity, or such additional verification of any matter alleged by the applicant, or such further information relating to the application, as it thinks requisite.

(3) Every application for registration under this Act shall be accompanied by the prescribed fee.

(4) Every application for registration under this Act shall, unless it contains any statement to the contrary, be deemed to be also an application for membership of the Institute, and upon registration the Registrar shall submit the names and qualifications of the applicants who have been registered to the Council for election and for classification.

Cf. 1913, No. 15, s. 10 (1)-(2)

20. Appeal from registering authority to Supreme Court—

(1) Any person who is dissatisfied with any determination of the registering authority on his application for registration under this Act may appeal from that determination to the Supreme Court.

(2) On any such appeal the facts may be proved by affidavit unless the Court orders otherwise.

(3) The appeal shall be instituted, and notice thereof given to the registering authority, not later than twenty-eight days after the registering authority's determination has been communicated in writing to the appellant.

(4) In deciding an appeal the Court may substitute its own opinion for the opinion of the registering authority upon any matter about which, by any provision of sections 15 to 18 of this Act, the registering authority is required to be satisfied, and may exercise its own discretion over any matter confided to the discretion of the registering authority by those sections.

(5) The Court may order that the appellant be registered, or be registered conditionally or upon terms, or may dismiss the appeal, with or without costs, as it thinks fit.

Cf. 1913, No. 15, s. 11 (2)-(3)

21. Mode of registration—(1) The Registrar shall forthwith at the commencement of this Act without the necessity of any application register as architects all persons who are then members of the Institute.

(2) The Registrar shall forthwith register as on the day on which registration is directed by either the registering authority or the Supreme Court all persons whom a registering authority or the Supreme Court directs to be registered.

22. Contents of register—(1) The registration of architects shall be effected by the entry in a register of architects to be kept by the Registrar of the following particulars—

(a) The date of registration:

- (b) The name of the architect:
- (c) The qualifications by virtue of which he is registered:
 Provided that in the case of architects registered pursuant to section 17 or section 18 of this Act a reference to the subparagraph of paragraph (c) of subsection (1) of section 17 or to section 18 under which the registering authority or the Supreme Court directed the architect to be registered, shall be a sufficient compliance with this requirement:
- (d) The postal address of the architect:
- (e) Such other particulars (if any) as the registering authority, either generally or in a particular case or class of cases, thinks fit to require.

(2) The Registrar shall keep an alphabetical index of the names of the persons registered.

Cf. 1913, No. 15, s. 12 (1)

23. Inspection of register—(1) The register shall at all reasonable times be open to public inspection without fee.

(2) The Registrar shall on payment of the prescribed fee deliver to any person requiring the same a copy certified under his hand of an entry in the register.

Cf. 1913, No. 15, s. 37

24. Changes of address—(1) Every person who is registered as an architect, and who at any time changes his address as appearing in the register, shall, within one month thereafter, send to the Registrar a notice of his new address and the Registrar shall thereupon alter the entry in the register relating to that person accordingly.

(2) Every such person who fails to comply with the provisions of subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding ten pounds.

(3) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any such offence may be laid at any time within three years from the date on which the person changed his address.

Cf. 1913, No. 15, s. 12 (2)

25. Name may be erased from register if registered person cannot be found, etc.—(1) The Registrar may at any time, and shall if the Board so directs, send to any person who is registered as an architect, by registered letter addressed to him at his address as appearing in the register, an inquiry

as to whether or not he desires to have his name retained in the register or has ceased to practise.

(2) If no reply is received to that letter within six months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, or if the said person registered as an architect so requests, the Registrar shall, if the Board so directs, remove from the register the name of the person to whom the letter was so sent.

(3) If the Board has reason to believe that any person registered as an architect has died, it may direct the Registrar to erase the name of that person from the register, and the Registrar shall erase that name accordingly.

(4) Any person whose name has been removed from the register in pursuance of this section may apply to the Registrar to have his name restored to the register, and on proof to the satisfaction of the Board that his name has been removed by mistake the Registrar shall, if so directed by the Board, restore to the register the name of that person:

Provided that, if any person is aggrieved by the refusal of the Board to restore his name to the register upon an application in that behalf, he shall have the same right of appeal as if his application had been an application for registration under this Act.

26. Additional degrees and diplomas may be entered in register—Every person who is registered as an architect, and who obtains any degree or diploma other than that by virtue whereof he is registered, may apply to the Board to amend the register so far as it relates to the qualifications of that person; and on any such application the Board shall, if satisfied that the applicant is entitled to the degree or diploma in respect of which the application is made and that the degree or diploma in respect of which the application is made is of sufficient standing and relevance to warrant its being included in the register, direct the Registrar to amend the register accordingly, and the Registrar shall thereupon insert in the register particulars as to that degree or diploma. Honorary degrees or diplomas shall be specified as such.

27. Amendment of register if person wrongfully registered or where particulars incorrect—(1) If any person has been registered as an architect by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered as aforesaid has been so registered, the Board shall cause the name of that

person to be erased from the register, and the Registrar shall notify that person accordingly.

(2) If any particulars appearing in the register in respect of the qualifications or address of any such person are proved to the satisfaction of the Board to be or are to the knowledge of the Board false or erroneous in any respect, the Board shall direct the Registrar to erase those particulars from the register, or otherwise to amend the register, and the Registrar shall notify that person accordingly.

(3) The provisions of subsection (2) of this section shall apply notwithstanding the fact that at the time when the entry in the register was made the person was actually possessed of the qualifications particulars whereof appear in the register or that at that time the entry was otherwise correct.

(4) Any person whose name has been erased from the register in pursuance of subsection (1) of this section, or any person the particulars of whose qualifications have been altered in pursuance of subsection (2) of this section, may apply to the Supreme Court for an order to the Registrar for the restoration of his name to the register, or for the restoration to the register of any particulars as to his qualifications; and thereupon the Court may make such order in the matter as it thinks fit or may refuse to make any order, and in any such case the costs of the proceedings shall be in the discretion of the Court.

28. Evidence of register, etc.—A certificate purporting to be under the hand of the Registrar to the effect that at any time or during any period specified in the certificate any person was or was not registered as an architect under this Act, or was or was not the holder of an annual practising certificate under this Act, or as to any entry in the register, or the absence from the register of any entry, shall, in the absence of proof to the contrary, and without proof of the signature appended to the certificate, be sufficient evidence of the matters therein specified.

Architects Registration Tribunal

29. Constitution of Architects Registration Tribunal—

(1) There is hereby established a Tribunal to be called the Architects Registration Tribunal.

(2) The Tribunal shall consist of—

(a) Three members to be appointed by the Minister on the nomination of the Council:

- (b) Two members to be appointed by the Minister on the nomination of the New Zealand Branch of the body known as the Incorporated Association of Architects and Surveyors;
 - (c) One member to be appointed by the Minister of Works;
 - (d) One member to be appointed by the Minister as Chairman of the Tribunal.
- (3) All nominations for members of the Tribunal under paragraphs (a) and (b) of subsection (2) of this section shall be in writing countersigned by the nominee and shall be delivered to the Minister not later than one month after the date of the commencement of this Act.
- (4) Except as otherwise provided in section 40 of this Act, every member of the Tribunal shall hold office until the first day of October, nineteen hundred and sixty-five.

30. Meetings and procedure of Tribunal—(1) The first meeting of the Tribunal shall be held at a time and place of which notice shall be given by the Minister to the members, and meetings shall be held thereafter at such times and places as the Tribunal or the Chairman shall decide.

(2) At every meeting of the Tribunal four members shall form a quorum.

(3) The Chairman shall preside at every meeting of the Tribunal at which he is present. If at any meeting of the Tribunal the Chairman for the time being is not present, the Tribunal shall appoint some member present to act as Chairman in respect of that meeting.

(4) Every matter before the Tribunal shall be determined by a majority of votes of the members present at a meeting of the Tribunal.

(5) At any meeting of the Tribunal the Chairman of that meeting shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote.

(6) Except as expressly provided in this Act or in any regulations made under this Act, the Tribunal may regulate its procedure in such manner as it thinks fit.

31. Functions of Tribunal—(1) The functions of the Tribunal shall be—

- (a) To consider in accordance with section 15, section 16, and section 17 of this Act all applications for registration under this Act:

- (b) To conduct or direct the conducting of any examinations necessary for the purposes of section 16 of this Act.
- (2) If the Tribunal, after considering any application for registration under this Act is of the opinion that the applicant is entitled to be registered under this Act, it shall so direct, and the Registrar shall thereupon register the applicant and shall notify him accordingly.

(3) If the Tribunal, after considering any application as aforesaid, is of the opinion that the applicant is not entitled to be so registered, it shall refuse to direct his registration, and the Registrar shall notify him accordingly.

32. Dissolution of Tribunal—(1) The Tribunal shall be dissolved and the term of office of the members thereof shall expire with the thirtieth day of September, nineteen hundred and sixty-five.

(2) The dissolution of the Tribunal shall not affect the validity of any applications made to it, or any decisions made by it before its dissolution and upon its dissolution the functions, powers, and duties of the Tribunal shall become functions, powers, and duties of the Board.

Architects Education and Registration Board

33. Constitution of Board—(1) There is hereby established a Board to be known as the Architects Education and Registration Board.

(2) The Board shall consist of:

(a) The President of the Institute for the time being or a Fellow of the Institute appointed by the President as his deputy for the time being:

(b) Five members, being members of the Institute appointed by the Minister on the nomination of the Council:

(c) One member, being the head of a School of Architecture at any University, technical college, or technical institute which conducts a school of architecture recognised for the time being by the Board for the purposes of this section, which member shall be appointed by the Minister of Education:

(d) One member, being an officer of the Department of Education, to be appointed by the Minister of Education:

- (e) One member, being an architect registered under this Act, to be appointed by the Minister of Works:
 - (f) One member to be appointed by the Minister on the nomination of the New Zealand Institution of Engineers Incorporated:
 - (g) One member to be appointed by the Minister on the nomination of the New Zealand Master Builders' Federation Incorporated:
 - (h) One member to be appointed by the Minister on the nomination of the University Grants Committee:
 - (i) One other member to be appointed by the Minister.
- (3) Except as provided in section 40 of this Act, every member of the Board appointed under paragraphs (b) to (i) of subsection (2) of this section shall hold office for a term of three years, but may from time to time be reappointed.
- (4) The Board may invite any other person to act from time to time as an advisory member of the Board. An advisory member shall be entitled to speak at any meeting of the Board, but shall have no vote in its deliberations.

34. Meetings of Board—(1) The first meeting of the Board shall be held at a time and place of which notice shall be given by the Minister to the members, and meetings shall be held thereafter at such times and places as the Board or the Chairman decides.

(2) At every meeting of the Board seven members shall form a quorum.

(3) Every matter before the Board shall be determined by a majority of votes of the members present at a meeting of the Board.

(4) Except as expressly provided in this Act or in any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

35. Chairman—(1) The Board shall from time to time elect one of its members holding office under paragraph (a) or paragraph (b) of subsection (2) of section 33 of this Act as Chairman of the Board.

(2) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting of the Board the Chairman for the time being is not present or there is no Chairman, the Board shall appoint some member present to act as Chairman in respect of that meeting.

(3) At any meeting of the Board the Chairman of that meeting shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote.

36. Functions of the Board—The functions of the Board shall be—

- (a) To advise and make recommendations to the Minister in respect of any matter affecting the education and registration of architects, including any matter which may arise in connection with the administration of section 18 of this Act:
- (b) To prescribe courses of training and instruction to be undergone by candidates for recognised certificates:
- (c) To prescribe the practical experience which applicants for registration under this Act who are the holders of recognised certificates granted in New Zealand must possess:
- (d) To make such other provision for the training, education, and examination of persons practising or intending to practise the profession of architecture in New Zealand or elsewhere as it thinks fit:
- (e) To prepare and publish from time to time a code of practice and professional conduct to be observed by architects:
- (f) To consider applications for registration under this Act after the Tribunal is dissolved:
- (g) To exercise disciplinary powers in accordance with the provisions of this Act:
- (h) To carry out such other functions and to exercise such other powers as are conferred on it.

37. Conduct of examinations—Without restricting the examinations which may be prescribed by the Board under this Act or the manner in which any such examinations may be conducted, it is hereby declared that it shall be lawful for the Board to make arrangements with any University in New Zealand or the University Grants Committee for the conduct by that University or by an Examination Board appointed by the University Grants Committee of all or any examinations prescribed by the Board under this Act.

Cf. 1913, No. 15, s. 25; 1961, No. 54, s. 59-(1)

38. Investigation Committee—(1) There shall be a Committee to be called the Architects Investigation Committee.

(2) The Committee shall consist of—

- (a) The Chairman who shall be a registered architect nominated by the Minister:

(b) Two registered architects to be nominated by the Council.

(3) No member of the Board shall be appointed as a member of the Committee.

(4) The members of the Committee shall be appointed by the Governor-General on the recommendation of the Minister.

(5) Except as otherwise provided in section 40 of this Act, every member of the Committee shall hold office for a period of three years, but may from time to time be reappointed.

(6) The decision of any two members of the Committee shall be the decision of the Committee.

39. Remuneration and travelling expenses—(1) The Tribunal, the Board, and the Investigation Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Tribunal and of the Board and of the Investigation Committee remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

40. Extraordinary vacancies on Tribunal, Board, and Investigation Committee—(1) If any person, while holding office as a member of the Tribunal, Board, or Investigation Committee,—

(a) Ceases to possess any qualification necessary for his appointment to the office; or

(b) Is convicted of any offence punishable by imprisonment; or

(c) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or

(d) Is adjudged a bankrupt; or

(e) Becomes incapable of performing his duties as a member of the Tribunal, Board, or Committee,—

his office shall be thereby vacated.

(2) If any member of the Investigation Committee becomes a member of the Board, his office as a member of the Committee shall be thereby vacated.

(3) If any appointed member of the Tribunal, Board, or Investigation Committee dies or resigns or otherwise vacates his office, the vacancy so created shall be filled in the manner

in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every appointed member of the Board or of the Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(5) The powers of the Tribunal, the Board, and the Committee shall not be affected by any vacancy in the membership thereof.

Disciplinary Provisions

41. Complaints against registered architects—(1) Every person who seeks to make a formal complaint that any registered architect has done anything which renders the exercise of the disciplinary powers of the Board expedient in the interests of the public or of the Board shall make the complaint to the Registrar.

(2) Every such complaint shall be in writing and shall, if the Registrar or the Investigation Committee so requires, be supported by such statutory declarations as the Registrar or the Committee may require.

(3) Where the Registrar has received any such complaint and such statutory declarations as may be required as aforesaid, he shall refer the complaint to the Investigation Committee; and the Committee, after due inquiry, shall decide whether the complaint should be referred to the Board to be dealt with as hereafter provided in this Act.

(4) For the purposes of any such investigation, the Investigation Committee may—

- (a) Make or employ any person to make whatever preliminary inquiries it deems necessary;
- (b) Require the production for inspection by the Committee or any person so employed of any books, documents, or papers which are in the possession or under the control of the architect to whom the investigation relates and which relate to the subject matter of the investigation;
- (c) Require the said architect to give all information in relation to any such books, documents, or papers which may be reasonably required by the Committee or by the person so employed.

(5) Every architect, who without lawful justification, refuses or fails to produce to the Investigation Committee or any person whom that Committee may specify any books, documents, or papers required of him as aforesaid, or to give any such information, commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds.

(6) Before the Investigation Committee makes any final determination in respect of any matter which it investigates under this section—

(a) The Chairman of the Committee shall post or deliver to the person concerned—

(i) Copies of the written complaint (if any) and of all statutory declarations that have been made in support of the complaint; and

(ii) A notice setting out any further particulars that may be necessary to disclose the reason for the investigation, and inviting the person concerned, within such period (not being less than fourteen days) as may be specified in the notice, to give to the Chairman of the Committee any written explanation he may wish to offer and to advise the said Chairman if he wishes to be heard by the Committee:

(b) The Investigation Committee shall allow the time specified in the notice to elapse, and shall give the person concerned reasonable opportunity to be heard if he wishes to do so, and shall give due consideration to any explanation he may make.

(7) When the Investigation Committee determines that any matter investigated by it under this section should be referred to the Board, it shall be the duty of the Chairman of the Investigation Committee to take that action or arrange for it to be taken.

(8) Subject to the provisions of this Act and of any regulations made under this Act, the Investigation Committee may regulate its procedure as it thinks fit.

42. Grounds for disciplinary action—Upon a complaint referred to the Board as aforesaid by the Investigation Committee, or upon a complaint made to the Board by the Investigation Committee of its own motion, the Board may exercise in respect of that person all or any of the disciplinary powers conferred on it by section 44 of this Act if it is

satisfied, after inquiry as hereafter provided in this Act, but not otherwise—

- (a) That he has been convicted of a crime involving dishonesty as defined in section 2 of the Crimes Act 1961; or
- (b) That he has been guilty of grave impropriety or infamous conduct in a professional respect; or has been guilty of gross carelessness, or gross neglect, or gross incapacity, in the performance of his professional duties; or has been guilty of any act or default discreditable to an architect; or
- (c) That he is a bankrupt who has not obtained his order of discharge or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled.

43. Inquiry by Board into complaint—(1) Upon any complaint being referred or made to it as aforesaid, the Board shall hold an inquiry into the matter, and shall give to the person concerned not less than thirty days' notice in writing of its intention to hold an inquiry, and of the time and place of hearing, and of the nature of the charge to be inquired into. The notice may be served personally or by registered letter addressed to the person concerned at his last known place of business or abode.

(2) At the inquiry the person concerned shall be entitled to be present and to be heard, and may if he thinks fit be represented by counsel or otherwise.

(3) Every complaint that is referred or made to the Board by the Investigation Committee shall be prosecuted at the inquiry by such person as that Committee shall appoint.

(4) At any inquiry, any person so appointed by the Investigation Committee may be heard and may be represented by counsel or otherwise.

44. Disciplinary powers of Board—(1) The disciplinary powers which the Board may exercise as aforesaid in respect of any registered architect, if it thinks fit, shall be as follows:

- (a) Subject to subsection (2) of this section, the Board may cause the name of the person to be removed from the register:
- (b) Subject to subsection (2) of this section, the Board may by writing under the hand of the Chairman, suspend that person's registration for a period not exceeding five years:

(c) The Board may, by writing under the hand of the Chairman, impose a penalty upon the person not exceeding one hundred pounds:

Provided that no such penalty may be imposed under this paragraph in any case where the Board is proceeding under paragraph (a) of this subsection, or where the Board is inquiring into any act or omission which constitutes an offence for which the person has been convicted by any Court and which is punishable by imprisonment or fine:

(d) The Board may, by writing under the hand of the Chairman, censure the person:

(e) The Board may, by writing under the hand of the Chairman, order the person to pay to the Registrar such sum as the Board thinks fit in respect of costs and expenses of and incidental to the inquiry by the Board and the investigation by the Investigation Committee.

(2) No person's name shall be removed from the register, and no person's registration shall be suspended under paragraph (b) of subsection (1) of this section by reason of any offence committed before the date of his registration if at that date the registering authority was aware of his conviction in respect of that offence.

(3) Every monetary penalty imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Board.

(4) While any order of suspension of registration under this section remains in force the person concerned shall be deemed not to be registered under this Act, but forthwith on the expiry of the order his rights and privileges as a person registered under this Act shall be revived as from the date of the expiry.

(5) No decision of the Board exercising any of the disciplinary powers conferred on it by this section shall take effect while the person to whom the decision relates remains entitled to appeal against the decision in accordance with section 45 of this Act or while any such appeal by him awaits determination by the Supreme Court.

(6) In any case where the Board causes the name of any person to be removed from the register as aforesaid, the Board may, as part of its decision, fix a time after which the person whose name is so removed may apply to the Board for re-registration under this Act. If no time is so fixed, the Board may allow any such application to be made at such time as it thinks fit:

Provided that any person aggrieved by the refusal of the Board to consider any such application in a case where no time has been fixed may apply to the Supreme Court to fix the time after which application for reregistration may be made.

(7) At any time permitted in accordance with subsection (6) of this section, the person may apply for reregistration; and all the provisions of this Act as to registration shall so far as applicable apply to reregistration under this section.

(8) The Board may appoint a legal assessor, who may be present at the inquiry into any matter, and may then or at any time previously or subsequently advise the Board on matters of law, procedure, and evidence relating thereto.

45. Appeals against decision of Board—(1) In any case where the Board has exercised any of its disciplinary powers in respect of any person as aforesaid, that person may, not later than twenty-eight days after the date of the notification by the Board to the person of the exercise of the power, appeal in writing to the Supreme Court against the decision in which the power is exercised.

(2) Where any such appeal is made to the Supreme Court as aforesaid, that Court may confirm or vary or reverse the decision to which the appeal relates, and may in addition make such order as to the payment of the costs of the appeal as it thinks fit.

(3) Every such appeal to the Supreme Court shall be by way of rehearing; and, unless the Court otherwise directs, on any such rehearing the record of the evidence adduced at the hearing before the Board shall be placed before the Court, and it shall not be permissible to recall witnesses who gave evidence before the Board or to call other witnesses.

PART III

MISCELLANEOUS PROVISIONS

Procedure

46. Witnesses may be required to attend and give evidence—(1) The Board or the Tribunal, by notice in writing signed by the Chairman of the Board or the Tribunal for the time being, may, on tendering proper travelling expenses, require any person to attend and give evidence before it at the hearing of any matter under this Act, and to produce all books, documents, and papers in that person's custody or under his control relating to the subject-matter of the hearing.

(2) The Board or the Tribunal may require evidence to be given on oath and either orally or in writing, and for that purpose the Chairman of the Board or the Tribunal for the time being may administer an oath.

(3) Every person who without lawful justification refuses or fails to attend and give evidence when required to do so by the Board or the Tribunal as aforesaid or to answer truly and fully any question put to him by a member of the Board or the Tribunal or to produce to the Board or Tribunal any book, document, or paper required of him, commits an offence against this section, and is liable on summary conviction to a fine not exceeding one hundred pounds.

47. Immunity of witnesses and counsel—Witnesses and counsel shall have the same privileges and immunities in relation to matters before the Investigation Committee, the Board, or the Tribunal as if they were proceedings in a Court of law.

48. Witnesses' expenses—(1) Every witness giving evidence or intending to give evidence at the hearing of any inquiry under this Act shall be entitled in the discretion of the Board or Tribunal to such sum for his expenses and loss of time as the Board or Tribunal may determine.

(2) Subject to any order made by the Board or Tribunal as to the payment of costs and expenses, all such witnesses' expenses shall be paid by the Board.

Financial Provisions

49. Application of fees, etc., received by Tribunal or Board—(1) The Registrar shall take and receive the fees prescribed by regulations made under this Act as payable to the Tribunal or the Board in respect of the matters specified in the regulations.

(2) Until the prescribed fee has been paid, the Registrar may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable.

(3) All fees and other money received on behalf of the Tribunal or the Board under this Act shall be paid forthwith into such bank within the meaning of the Banking Act 1908 as the Board may determine to the credit of a separate account in its name, and may be applied by the Board as follows:

- (a) In payment of the expenses incurred by the Tribunal or the Board in the exercise of their functions under this Act, including remuneration of the officers and servants of the Board:
 - (b) In payment of any costs, fees, salaries, allowances, and travelling allowances and expenses payable in accordance with this Act to the members of the Tribunal and the members of the Board and the members of the Investigation Committee:
 - (c) Otherwise for the payment of any expenditure lawfully incurred by the Tribunal or the Board or the Investigation Committee.
- (4) All cheques drawn on the said bank account shall be signed by any two of such members of the Board as are nominated for the purpose, or by one such member and the Registrar. All negotiable and other instruments requiring endorsement shall be endorsed by such person or persons as may from time to time be authorised in that behalf by the Board.
- (5) No cheque shall be drawn on the said account, and no money of the Board shall be expended, except pursuant to a resolution of the Board approving payment of the amount thereof, but no banker or other person to whom a cheque duly signed as aforesaid is presented shall be concerned to inquire whether any such resolution has been passed.
- (6) The Board may from time to time, as it thinks fit, invest any money not for the time being required for any of the purposes mentioned in subsection (3) of this section by depositing it in its name in the Post Office Savings Bank or with any bank or investing it in any other manner in which trustees are for the time being authorised to invest trust funds.

50. Accounts and audit—(1) The accounts of the Board for every year ending with the thirty-first day of March shall comprise a balance sheet showing the financial position of the Board at the thirty-first day of March in that year, together with a statement of income and expenditure.

(2) The accounts of the Board shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

51. Institute to contribute to Board's funds—(1) In the event of the Board not having sufficient funds (whether in its said bank account or on deposit as aforesaid or otherwise) for

payment of its lawful expenditure at any time, the amount of the deficiency shall be met by the Institute. The amount to be so met by the Institute shall be recoverable from it by the Board as a debt.

(2) If any question arises as to the amount to be paid under this section, it shall be determined by the Minister, whose decision shall be final.

52. Unauthorised expenditure—The Board may, in any financial year, expend out of its funds for purposes not authorised by any other provision of this Act or by any other Act any sum or sums not amounting in the whole to more than fifty pounds.

General Provisions

53. Improper use of terms implying registration under this Act or membership of Institute—(1) Subject to subsection (4) of this section and to section 54 of this Act, every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds who, being a person carrying on business in New Zealand and not being an architect registered under this Act, uses, or causes or permits to be used in connection with his name or business or with the name under which he carries on business, the written word "architect" or any combination of written words that includes the word "architect" or any written words, initials, or abbreviations of words intended to cause or which may reasonably cause any person to believe that the person using the same is an architect.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds who, not being a member of the Institute, uses, or causes to be used, in connection with his business, trade, calling, or profession any written words, titles, initials, or abbreviations of words, titles, or initials, intended or likely to cause any person to believe that he is a member of the Institute.

(3) Every person who, not being a member of the Institute, uses in connection with his name or with the name under which he carries on business the words "Fellow of the New Zealand Institute of Architects" or "Associate of the New Zealand Institute of Architects" or "Licentiate of the New Zealand Institute of Architects" or the initials "F.N.Z.I.A." or "A.N.Z.I.A." or "L.N.Z.I.A." or any words liable to be understood by any person as indicating that he is or was a member of the Institute, commits an offence, and is liable on

summary conviction to a fine not exceeding one hundred pounds, unless it is proved that the said words, initials, or abbreviations were used under such circumstances that they were not capable of being (or were not likely to be) understood by any person as a reference to the practice of architecture.

(4) Nothing in subsection (1) of this section shall apply to the use of the term "naval architect" or the term "landscape architect" by any person in connection with the profession or calling so described.

(5) This section shall come into force on the first day of October, nineteen hundred and sixty-five.

Cf. 1913, No. 15, s. 27

54. Continuation of practice of deceased architect—

(1) Notwithstanding any other provision of this Act, on the death (whether before or after the commencement of this Act) of any architect who was at the time of his death actually carrying on practice as an architect, it shall be lawful for his personal representative (with a view to the disposal of the goodwill) to continue the practice under the management of a registered architect for not more than five years from the date of death; and if it is shown to the satisfaction of the Board that it is or may be impracticable satisfactorily to dispose of the practice within that period, for such further period or periods, not exceeding two years in the aggregate, as may be allowed by the Board.

(2) The personal representative shall keep the Registrar informed of the name of the registered architect who is managing every such practice.

(3) The Registrar shall, under the direction of the Board, keep a register of the practices of deceased architects in which shall be recorded the names of the managers of those practices.

55. Architects to have annual practising certificates—

(1) In this section the term "year" means the period of twelve months beginning on the first day of April in any year and ending with the thirty-first day of March next following.

(2) No registered architect shall, after the first day of April, nineteen hundred and sixty-five, be entitled in any year to act as an architect unless he is the holder of an annual practising certificate issued in respect of that year.

(3) Every person who acts or undertakes to act as an architect in breach of this section commits an offence and is

liable on summary conviction to a fine not exceeding five pounds for every day on which the offence has continued.

(4) The Board, on application made to it by any registered architect, shall issue to him an annual practising certificate, which shall be in force,—

- (a) If it is issued before the date of the expiry of a current certificate held by the applicant, from the thirty-first day of March next after the date of its issue until the thirty-first day of March next following:
- (b) In any other case on and after the date of its issue until the thirty-first day of March next following:

Provided that, if at any time during the currency of any such certificate the holder thereof ceases to be registered under this Act or his registration is suspended, the certificate shall cease to be in force.

56. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the form of and the method of keeping the register of architects;
- (b) Prescribing the forms of application, certificates, and other documents required under this Act;
- (c) Prescribing the fees payable in respect of examination and of registration under this Act, in respect of the restoration of names after their removal from the register, and in respect of any other alteration of or addition to the register; and also in respect of any other matters under this Act;
- (d) Providing for the issue to architects of annual practising certificates, and prescribing the fee payable in respect thereof;
- (e) Regulating the procedure of the Board, Tribunal, and Investigation Committee;
- (f) Prescribing fines, not exceeding twenty pounds in any one case, for the breach of any regulation made under this Act;
- (g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

57. References to registered architects in other Acts—

(1) All references in any Act to a registered architect shall, unless a different intention appears, be deemed to be references to an architect registered under this Act.

(2) Section 14 of the Earthquake and War Damage Act 1944 is hereby amended by omitting from paragraph (b) of subsection (2A) (as inserted by subsection (1) of section 2 of the Earthquake and War Damage Amendment Act 1951) the words "registered member of the New Zealand Institute of Architects", and substituting the words "registered architect".

58. Repeals—The enactments specified in the Schedule to this Act are hereby repealed.

SCHEDULE

Section 58

ENACTMENTS REPEALED

- 1913, No. 15—The New Zealand Institute of Architects Act 1913. (1957 Reprint, Vol. 11, p. 171.)
- 1919, No. 45—The New Zealand Institute of Architects Amendment Act 1919.
- 1921–22, No. 68—The New Zealand Institute of Architects Amendment Act 1921–22.
- 1938, No. 20—The Statutes Amendment Act 1938. Section 41. (1957 Reprint, Vol. 11, p. 189.)
- 1949, No. 51—The Statutes Amendment Act 1949. Section 39. (1957 Reprint, Vol. 11, p. 190.)
- 1961, No. 54—The Universities Act 1961: So much of the First Schedule as relates to the New Zealand Institute of Architects Act 1913.
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This Act is administered in the Department of Internal Affairs.
