

ARCHITECTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Architects Act 1963.

Clause 1 relates to the Short Title.

Clause 2: Subclause (1) repeals a spent definition.

Subclause (2) inserts, into section 2 of the principal Act, a definition of the term "rules of the Institute".

Subclause (3) repeals a spent definition.

Clause 3 repeals a provision relating to non-corporate members of the Institute. General provision for non-corporate members, non-subscribing members, honorary members, and life members of the Institute is made by the new section 12 substituted in the principal Act by *clause 4* of this Bill.

Clause 4 substitutes a new section 12 in the principal Act. The section relates to qualifications for membership of the Institute.

Subsection (1) of the new section re-enacts existing provisions.

Subsections (2) to (4) are new. They authorise the election of non-subscribing members, honorary members, non-corporate members, and life members of the Institute.

Subsection (5) is a re-enactment of the existing provision relating to the classification of members except that it now provides for the classification of honorary members.

Subsection (6): The effect of this subsection is that a person who is a member of the New Zealand Institute of Architects but who is not registered as an architect under the Architects Act 1963 will commit an offence if, in carrying on, whether as an employee or principal, the practice of architecture in New Zealand, he uses, or causes or permits to be used, the word "architect" or any written words, initials, or abbreviations intended to cause or which may reasonably cause any person to believe that the person using the same is an architect. The existing provision relates to the use of the words "registered architect".

Subclause (2) effects a consequential repeal.

Clause 5 repeals spent provisions.

Clause 6 effects consequential amendments.

Hon. Mr Highet

ARCHITECTS AMENDMENT

ANALYSIS

Title	4. Qualifications for membership
1. Short Title	5. Repeal of spent provisions
2. Interpretation	6. Consequential amendments
3. Rules of the Institute	Schedule

A BILL INTITULED

An Act to amend the Architects Act 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—This Act may be cited as the Architects Amendment Act 1982, and shall be read together with and deemed part of the Architects Act 1963* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “registering authority”.

(2) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Registrar”, the following definition:

“ ‘Rules of the Institute’ means any rules made from time to time in accordance with section 9 of this Act.”.

20 (3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Tribunal”.

3. Rules of the Institute—Section 9 (1) (p) of the principal Act is hereby repealed.

*1963, No. 12
Amendment: 1979, No. 77

4. Qualifications for membership—(1) The principal Act is hereby amended by repealing section 12 (as substituted by section 2 of the Architects Amendment Act 1979), and substituting the following section:

“12. (1) Subject to the provisions of this section, the following persons shall be eligible for election to membership of the Institute, namely:

“(a) Every person who is registered as an architect under this Act:

“(b) Every person who is the holder of a recognised certificate as defined in section 16 (3) of this Act.

“(2) Notwithstanding anything in subsection (1) of this section, the Council may from time to time, in accordance with the rules of the Institute, elect any person to be one or more of the following:

“(a) A non-subscribing member of the Institute:

“(b) An honorary member of the Institute:

“(c) A non-corporate member of the Institute.

“(3) A non-subscribing member of the Institute or an honorary member of the Institute or a non-corporate member of the Institute shall not be eligible for election or appointment to the Council or be entitled to vote at any meeting of the Institute but shall be entitled to such privileges and shall be subject to such obligations as may be prescribed by the rules of the Institute; and the words ‘member of the Institute’ in this Act shall, unless the context otherwise requires, include a non-subscribing member, an honorary member, and a non-corporate member.

“(4) The Council may from time to time elect as a life member any member of the Institute qualified in terms of subsection (1) of this section whom the Council considers to have outstanding ability as an architect or to have rendered outstanding service to the Institute or the profession of architecture and any such life member shall be entitled to such additional privileges as may be prescribed by the rules of the Institute.

“(5) Every member of the Institute who is not registered as an architect under this Act shall:

“(a) Notwithstanding anything in section 14 of this Act, remain without classification under that section unless he is an honorary member of the Institute; and

“(b) If convicted of an offence against section 53 (1) of this Act, be liable to be suspended or expelled from the Institute for that offence, whether or not any penalty is imposed on him for the offence.

5 “(6) A person who is a member of the Institute but who is not registered as an architect under this Act commits an offence against section 53 (1) of this Act only if, in carrying on, whether as an employee or principal, the practice of architecture in New Zealand he uses, or causes or permits to
10 be used, in connection with his name or practice or with the name under which he carries on practice,—

“(a) 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
15 the same is an architect; or

“(b) Any of the words or initials proscribed, in the case of a person who is not a member of the Institute, by
20 section 53 (3) of this Act.”

(2) Section 2 of the Architects Amendment Act 1979 is hereby consequentially repealed.

5. Repeal of spent provisions—The principal Act is hereby amended by repealing—

25 (a) Sections 17 and 18 and the heading above section 17; and

(b) Sections 29 to 32 and the heading above section 29.

6. Consequential amendments—The principal Act is hereby consequentially amended in the manner indicated in
30 the Schedule to this Act.

Section 6

SCHEDULE

AMENDMENTS TO PRINCIPAL ACT

Section Amended			Amendment
Section 8	...	...	By omitting from paragraph (a) the words "or the Tribunal" in both places where they occur.
Section 14	...	...	By repealing subsections (4) and (5), and substituting the following subsection: "(4) Every architect who is registered pursuant to this Act shall, on election to membership of the Institute, be classified as an Associate."
Section 15	...	...	By omitting paragraph (b), and substituting the following paragraph: "(b) Obtains from the Board or the High Court a direction for his registration under this Act; or". By omitting from the proviso the words "registering authority", and substituting the word "Board".
Section 16	...	...	By omitting the expression "registering authority" wherever it appears, and substituting in each case the word "Board".
Section 19	...	...	By omitting from subsection (1), and also from subsection (2), the words "registering authority", and substituting in each case the word "Board".
Section 20	...	...	By repealing this section, and substituting the following section: " 20. Appeal from Board to High Court —(1) Any person who is dissatisfied with any determination of the Board on his application for registration under this Act may appeal from that determination to the High 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 Board, not later than 28 days after the Board'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 Board upon any matter about which, by any provision of sections 15 and 16 of this Act, the Board is required to be satisfied, and may exercise its own discretion over any matter confided to the discretion of the Board by those sections.

SCHEDULE—*continued*AMENDMENTS TO PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 20— <i>continued</i>	“(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.”
Section 21	By repealing subsection (2), and substituting the following subsection: “(2) The Registrar shall forthwith register as on the day on which registration is directed by either the Board or the High Court all persons whom the Board or the High Court directs to be registered.”
Section 22	By repealing the proviso to paragraph (c) of subsection (1). By omitting from paragraph (e) of subsection (1) the words “registering authority”, and substituting the word “Board”.
Section 36	By omitting from paragraph (a) the words “including any matter which may arise in connection with the administration of section 18 of this Act,”: By omitting from paragraph (f) the words “after the Tribunal is dissolved”.
Section 39	By omitting from subsection (1) the words “Tribunal, the”. By omitting from subsection (2) the words “of the Tribunal and”.
Section 40	By repealing this section, and substituting the following section: “40. Extraordinary vacancies on Board or Investigation Committee —(1) If any person, while holding office as a member of the 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 disordered person within the meaning of the Mental Health Act 1969; or “(d) Is adjudged bankrupt; or “(e) Becomes incapable of performing his duties as a member of the Board or Committee,— his office shall be thereby vacated.

SCHEDULE—*continued*AMENDMENTS TO PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 40— <i>continued</i>	<p>“(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.</p> <p>“(3) If any appointed member of the 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.</p> <p>“(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.</p> <p>“(5) The powers of the Board and the Committee shall not be affected by any vacancy in the membership thereof.”</p>
Section 46	By omitting the words “or the Tribunal” wherever they appear.
	By omitting from subsection (3) the words “or Tribunal”.
Section 47	By omitting the words “, the Board, or the Tribunal”, and substituting the words “or the Board”.
Section 48	By omitting the words “or Tribunal” wherever they appear.
Section 49	By omitting from subsection (1), and also from subsection (3), the words “the Tribunal or” wherever they appear.
	By omitting from subsection (3) (b) the words “the members of the Tribunal and”.
Section 56	By omitting from paragraph (e) the word “, Tribunal”.