

1936

38098

CO 533/466
KENYA

38098

The Architects & Quantity Surveyors
Legislation

Previous

1935

Subsequent

297

11/2/36

309

17/2

Murkin

17/2

303

13/2

298

17/2

297

19/2

Lilong (Lloyd)

24/2

R 297

3
file

1 Gov: Byrne - No. 7 ————— 9.1.36

spans to
Liby

Inv. 2 under heads 572 prints copies of the
Architects & Quantity Surveyors (Amend) Ord., 1935
(No 42 of 1935) together with legal report.

The only deviation from the
draft Bill which was approved
of the Dept. in No 10 on
30.09.35 occurs in Section 2
19. The addition of the necessary
words "and by the deletion of
the word 'further' which occurs
in the first line of the
second proviso thereto."

Sanction G3

I send a copy of the Order
to F.O. (It can be sent to
to Mr Houston Boswall Ref 21
on 3.8.35-

C. J. Cross with
12/2/36

J. J. Parnell
11/2 at me

Moved
to file
to Liby
2/1/36

2 To W. E. Houston - Boswall (F.O.) 15/2/36
(LTC order in 1)
DESTROYED BY THE ARCHIVE

3 To Kenya, 113 (1. Amend) G/3 18 FEB 1936

Liby (Kenya)

2
Tide

1 Gov. Bygone - No. 7 ————— 9.1.36

spare to
Liby.

Ins. 2 authentic 572 printed copies of the
Architects & Quantity Surveyors (Amendment) Ordinance 1935
(No 42 of 1935) together with legal report

The only deviation from the
draft Bill which was approved
by the Dept. in No 10 on
3/10/35 occurs in Section 2,
i.e. the addition of the necessary
words "and by the deletion of
the word 'further' which occurs
in the first line of the
second proviso thereto."

Sanction G.S.

I send a copy of the Order
to FO, (it can be sent to
to Mr Houston-Boswall. Ref 21
on 3/8/35-

C.H. Goswami
12/2/36

J.P. Prami
12/2
at once

Note
to Mr
to Mr
2/1/36

2 To W.E. Houston-Boswall (FO) 15/2/36 ✓
(late order in 1)
DEPARTMENT OF THE GOVERNMENT

3 To Kenya, 113 (1 Annual) 6/3/36 18 FEB 1936

Liby (K...)

KENYA

No 7



GOVERNMENT HOUSE
NAIROBI,
KENYA.

9 January, 1936.

RECEIVED
- 8 FEB 1936
C. O. REGY

SIR,

With reference to your predecessor's despatch No.566 of the 30th July, 1935, I have the honour to forward two authenticated copies and twelve printed copies of Ordinance No. XLIII of 1935, entitled "An Ordinance to amend the Architects and Quantity Surveyors Ordinance, 1933" together with a legal report thereon by the Attorney General.

2. The Ordinance passed its third reading in the Legislative Council on the 19th December, 1935, and I assented to it in His Majesty's name on the 31st December.

I have the honour to be,

SIR,

Your most obedient, humble servant,

BRIGADIER-GENERAL
GOVERNOR.

Copy of order to Lt. L. Huntley - Assent (2)
Assent (3)

THE RT. HON.
J.H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE DOMINIONS,
DOWNING STREET, LONDON, S.W.1.

KENYA

No 7



GOVERNMENT HOUSE
NAIROBI,
KENYA

RECEIVED
- 8 FEB 1936
C. O. REGY

9 January, 1936

Sir,

With reference to your predecessor's despatch No.566 of the 30th July, 1935, I have the honour to forward two authenticated copies and twelve printed copies of Ordinance No. XLII of 1935, entitled "An Ordinance to amend the Architects and Quantity Surveyors Ordinance, 1933", together with a legal report thereon by the Attorney General.

The Ordinance passed its third reading in the Legislative Council on the 19th December, 1935, and I assented to it in His Majesty's name on the 31st December.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL,
GOVERNOR.

THE RT. HON.
J.H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

*Copy of order to Sir E. Hulton - Bawley (2)
1/200/4
Answer (3)*

LEGAL REPORT

THE ARCHITECTS AND QUANTITY SURVEYORS BILL,
1935

7/23/35/4
It has been pointed out to Government that certain of the provisions of the Principal Ordinance, notably sections 9(b) and 11(b) thereof, are contrary to the stipulations of Article 3 of the Convention of Saint Germain-en-Laye, which provides, inter alia, that there shall be no discrimination in the matter of practice of their professions towards nationals of one of the signatory powers to the Convention when practising in the territory of another of the signatory powers. Section 18 of the Principal Ordinance and the Schedule referred to therein also present difficulties in their present form in connection with Article 3 of the Convention, as does the first proviso to section 2 of the Principal Ordinance.

Accordingly the sections above referred to of the Principal Ordinance are amended by this Bill in such a way that the provisions of the above-mentioned Article 3 of the Convention of Saint Germain-en-Laye are not infringed.

1935 m
1935 full
The Bill was submitted to the Secretary of State prior to its passage through the Legislative Council, and it has been ascertained that he has no objection to its provisions.

No Comparative Table accompanies the Bill since the amendments contained therein are not modelled on any Ordinance or Imperial Act. A copy of the Bill, however, showing the sections of the Principal Ordinance which are proposed to be amended or replaced is enclosed for transmission to the Secretary of State.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,
19th December, 1935.



for SOLICITOR GENERAL,
ATTORNEY GENERAL

C O P Y
O F
THE ARCHITECTS AND QUANTITY SURVEYORS BILL, 1935
SHOWING SECTIONS OF THE ARCHITECTS AND QUANTITY
SURVEYORS ORDINANCE, 1933, WHICH ARE PROPOSED
TO BE AMENDED OR REPLACED

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 778

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,

Acting Clerk of the Legislative Council.

A Bill to Amend the Architects and Quantity Surveyors Ordinance, 1933.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Architects and Quantity Surveyors (Amendment) Ordinance, 1935, and shall be read as one with the Architects and Quantity Surveyors Ordinance, 1933, hereinafter referred to as the Principal Ordinance.

Short title.

No. 60 of 1935.

2. Section 2 of the Principal Ordinance is hereby amended by the repeal of the first proviso thereto which is set out in lines eight to fourteen (inclusive) thereof, and by the deletion of the word "further" which occurs in the first line of the second proviso thereto.

Repeal of the first proviso to Section 2 of the Principal Ordinance.

Section 2 of the Principal Ordinance which it is proposed to amend:—

Restriction on use of title of architect and quantity surveyor.

2. Subject as is hereinafter provided, after the expiration of six months from the date of the coming into operation of this Ordinance no person shall practise under any name, title or style containing the word architect, architecture, architectural, quantity surveyor or quantity surveying unless he is in terms of this Ordinance registered as an architect or as a quantity surveyor, as the case may be.

Provided that nothing in this Ordinance shall preclude a member of the Royal Institute of British Architects or a chartered quantity surveyor of the Chartered Surveyors' Institution or a member of any other institute which the Governor in Council may by proclamation declare to be of adequate standing from so practising in an advisory or consulting capacity only:

Provided further that nothing in this Ordinance shall apply to any person in the service of the Government of the Colony or of the High Commissioner for Transport, or to any person who, for the purpose of preparing any particular piece of work for the Government of the Colony or for the High Commissioner for Transport, may be exempted by the Governor in Council from the provisions of this Ordinance.

Qualifications
for registration
as an architect.

Section 9 of the Principal Ordinance which it is proposed to replace :-

9. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as an architect unless he shall at the date of his application for membership have attained the age of twenty-two years and paid the registration fee as provided by the by-laws and either :-

- (a) have passed a qualifying examination approved by the Board and have had not less than five years' practical training or articed pupilage in the work of an architect either in the Colony or in the United Kingdom of Great Britain and Northern Ireland or in some British possession or British Dominion or British Protectorate or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty's Government; or
- (b) be entitled to vote as a member of the Royal Institute of British Architects or of such other institute as the Governor in Council may by proclamation declare to be of adequate standing; or
- (c) have been an assistant or articed pupil to an architect in the Colony for a continuous period of five years prior to the date of his application and have passed such examination as the Board may determine.

Section 11 of the Principal Ordinance which it is proposed to replace :-

Qualifications
for registration
as a
quantity
surveyor.

11. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as a quantity surveyor unless he shall at the date of his application for membership have attained the age of twenty-two years, and paid the registration fee as provided by the by-laws, and either :-

- (a) have passed a qualifying examination approved by the Board and have had not less than five years' practical training or articed pupilage in the work of a quantity surveyor either in the Colony or in the United Kingdom of Great Britain and Northern Ireland or in some British possession or British Dominion or British Protectorate or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty's Government; or

3. Section 9 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :-

Repeal and
replacement of
section 9 of
the Principal
Ordinance.
Qualifications
for registration
as an
architect

9. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as an architect unless he shall at the date of his application for membership have attained the age of twenty-two years and paid the registration fee as provided by the by-laws, and either :-

- (a) have passed a qualifying examination approved by the Board and have had not less than five years' practical training or articed pupilage in the work of an architect to the satisfaction of the Board; or
- (b) shall satisfy the Board that he possesses a qualification which; in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of an architect.

4. Section 11 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :-

Repeal and
replacement of
section 11 of
the Principal
Ordinance.

11. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as a quantity surveyor unless he shall at the date of his application for membership have attained the age of twenty-two years and paid the registration fee as provided by the by-laws, and either :-

Qualifications
for registration
as a
quantity
surveyor.

- (a) have passed a qualifying examination approved by the Board and have had not less than five years' practical training or articed pupilage in the work of a quantity surveyor to the satisfaction of the Board; or

- (b) is a chartered quantity surveyor of the Chartered Surveyors' Institution, or such other institute as the Governor in Council may by proclamation declare to be of adequate standing; or
- (c) have been an assistant or articled pupil to a quantity surveyor in the Colony for a period of five years prior to the date of his application and have passed such examinations as the Board may determine.

Section 18 of the Principal Ordinance which it is proposed to replace.—

Exemption of persons holding certain qualifications.

18. (1) Nothing in this Ordinance contained, except the provisions of section 2, shall be construed so as to prevent any person to whom any one of the descriptions set out in the Schedule hereto applies from performing any function or exercising any power which he might lawfully have performed or exercised if this Ordinance had not been passed.

(2) The Governor in Council may from time to time, by notification in the Gazette, at his discretion extend the Schedule hereto so as to include therein any person to whom a diploma evidencing technical ability has been granted by any association, whether British or foreign, which is similar in character to any of the associations mentioned in the Schedule hereto.

The Schedule to the Principal Ordinance which it is proposed to repeal.—

SCHEDULE.

1. Graduates in engineering of any British or British Colonial university.
2. Corporate Member of the Institution of Civil Engineers.
3. Member or Associate-Member of the Institution of Structural Engineers.
4. Corporate Members of the Institution of Mechanical Engineers.
5. Corporate Members of the Institution of Electrical Engineers.
6. Chartered quantity surveyors of the Chartered Surveyors' Institution.
7. Member or Associate-Member of the Institution of Municipal and County Engineers.
8. Member of the Institution of Mining and Metallurgy.

- (b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of a quantity surveyor."

5. Section 18 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 18 of the Principal Ordinance.

18. Nothing in this Ordinance contained, except the provisions of section 2, shall be construed so as to prevent any person practising the profession of Civil Engineering, Structural Engineering, Mechanical Engineering, or Electrical Engineering from performing any function or exercising any power which he might lawfully have performed or exercised if this Ordinance had not been passed.

Exemption of persons holding certain qualifications.

6. The Schedule to the Principal Ordinance is hereby repealed.

Repeal of the Schedule to the Principal Ordinance.

OBJECTS AND REASONS.

It has been pointed out to Government that certain of the provisions of the Principal Ordinance, notably sections 9 (b) and 11 (b) thereof, are contrary to the stipulations of Article 3 of the Convention of Saint Germain-en-Laye, which provides, *inter alia*, that there shall be no discrimination in the matter of practice of their professions towards nationals of one of the signatory powers to the Convention when practising in the territory of another of the signatory powers. Section 18 of the Principal Ordinance and the Schedule referred to therein also present difficulties in their present form in connection with Article 3 of the Convention, as does the first proviso to section 2 of the Principal Ordinance.

Accordingly the sections above referred to of the Principal Ordinance are amended by this Bill in such a way that the provisions of the above mentioned Article 3 of the Convention of Saint Germain-en-Laye are not infringed.

No expenditure of public moneys will be involved if the provisions of this Bill become law.



Colony and Protectorate of Kenya.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

JOSEPH ALOYSIUS BYRNE, G.C.M.G., K.B.E., C.B.,
Governor.

Assented to in His Majesty's
name this 11th day of December
1935.

LYNNE

Governor.

AN ORDINANCE TO AMEND THE
ARCHITECTS AND QUANTITY SURVEYORS
ORDINANCE, 1933

ORDINANCE No. XLII of 1935

**An Ordinance to Amend the Architects and
Quantity Surveyors Ordinance, 1933.**

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council thereof,
as follows:—

1. This Ordinance may be cited as the Architects and
Quantity Surveyors (Amendment) Ordinance, 1935, and shall be
read as one with the Architects and Quantity Surveyors Ordinance,
1933, hereinafter referred to as the Principal Ordinance.

Short title.

No. 60 of 1933

2. Section 2 of the Principal Ordinance is hereby
amended by the repeal of the first proviso thereto which is set
out in lines eight to fourteen (inclusive) thereof, and by the
deletion of the word "further" which occurs in the first line
of the second proviso thereto.

Repeal of the
first proviso
to section 2 of
the Principal
Ordinance.

3. Section 9 of the Principal Ordinance is hereby re-
pealed and the following section is substituted therefor:—

Repeal and
replacement of
section 9 of
the Principal
Ordinance.

9. No person shall after the expiration of a period
of six months from the date of the coming into operation
of this Ordinance be registered as an architect unless he
shall at the date of his application for membership have
attained the age of twenty-two years and paid the registra-
tion fee as provided by the by-laws, and either—

Qualifications
for registra-
tion as an
architect.

- (a) have passed a qualifying examination approved by
the Board and have had not less than five years'
practical training or-articled pupilage in the
work of an architect to the satisfaction of the
Board; or

(b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of an architect.

Repeal and replacement of section 11 of the Principal Ordinance. Qualifications for registration as a quantity surveyor.

4. Section 11 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:

11. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as a quantity surveyor unless he shall at the date of his application for membership have attained the age of twenty-two years and paid the registration fee as provided by the by-laws, and either—

- (a) have passed a qualifying examination approved by the Board and have had not less than five years practical training or articled pupils in the work of a quantity surveyor to the satisfaction of the Board; or
- (b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of a quantity surveyor.

Repeal and replacement of section 18 of the Principal Ordinance. Examples of persons holding certain qualifications.

5. Section 18 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:

18. Nothing in this Ordinance contained, except the provisions of section 2, shall be construed so as to prevent any person practising the profession of Civil Engineering, Structural Engineering, Mechanical Engineering, or Electrical Engineering from performing any function or exercising any power which he might lawfully have performed or exercised if this Ordinance had not been passed.

Repeal of the Schedule to the Principal Ordinance.

6. The Schedule to the Principal Ordinance is hereby repealed.

Passed in the Legislative Council the nineteenth day of December, in the year of our Lord one thousand nine hundred and thirty-five.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

J. F. G. TROUGHTON

Acting Clerk of the Legislative Council