

1935.

Kenya.

No. 38098.

SUBJECT

CO 533/458

The Architects & Quantity Surveyors Ordinance

Previous

23057/34.

Subsequent

1936.

G.S.
Title

1. A/Govs. Deputy Billing 175 (Am. Mail) _____ 11. AM 35.
Submits draft Bill to amend the Ordinance in
accordance with suggestion No 28 on 23057/34.

See No 6
23057/34

I think that the terms of the draft amending Bill should remove the complaint that the provisions of the Architects and Quantity Surveyors' Ordinance are contrary to Article 3 of the Congo Basin Treaty. The R.I.B.A. and the Chartered Surveyors Institution should not object to the amending Ordinance, but it might be worth while, subject to legal observations, to get their views. We need not expect a repetition of the complaint of the Institution of Structural Engineers in No. 1 on 3034/33, in view of the amendment of Section 18.

See No 16
23057/34

The F.O. should be given an opportunity to see the draft Bill before its introduction into the Legislative Council is approved. If you agree, this can be done after we have consulted the R.I.B.A. and the Chartered Surveyors Institution.

C. J. Furze with

18.4.35.

I shd. be inclined to send it to F.O. first. It wd. be a pity to send it to the outside bodies other to find that F.O. were not satisfied with it from the discrimination point of view. Actually I do not think it is open to objection on that score.

In sending it to F.O., say that it is prepared to send it to the R.I.B.A. & the Chartered Surveyors Institution for comment, before offering it in Parliament.
J. J. Paulin
20/4

agree with the action proposed by Mr. Paskin.

22/4/35

H. Duncan

L.S. Hinchin
23 etc

2 To F.O. (as per mem. in 1) 20/5
Gms. 26/4/35

3. Design Office _____ 9 May 35
DEstroyED UNDER STATUTE States that S.O.S. has no obns. to offer on the terms of
the Draft Bill.

? how send the draft Bill
to the R.I.B.A. & the Chartered
Surveyors' Institution as in
draft here. etc. C.A. Crossin
14/5/35

A. P. Smith
15

4 To Chartered Surveyors Instn } (as per mem. in 1) 19/7
Royal Instn. of Archtitects } Gms. 18/6
18/5/35

6 R.I. of British Architects.

Acks No 5.

DEstroyED UNDER STATUTE

E. R. Lillie's
22.5.35.

Bygones at ml
22.5.35

SM

7. The Chartered Surveyors Institution — 24 May 35
Acks. No 4

DEstroyED UNDER STATUTE

? sent by
E. R. Lillie's
25.5.35.

Bygones
at ml
27.5.35

SM

Further replies to Nos. 4 & 5 have not yet been received.

Noted. Wait 1 month
C.A. Crossin
19/6/35

18.6.35
Key 297

SM

8. Chartered Surveyors Institution — 11 July 35
State that they do not wish to offer any obns. on the
draft Bill.

DEstroyED UNDER STATUTE

? Now remind the R.I.B.A. in
short draft ref. 6.

A. P. Smith
15 etc

C.A. Crossin
16/7/35

21 May 35

DESTROYED UNDER STATUTE
1871.

9. R.S. of British Architects _____ 15 July 35
State that they have no obns. to offer on the draft

? How inform the C.A.S. Keira
in reply to No 1 that after
consulting the Sgt for RA, the
R.S.B.A. & the C.A.S. Keira
the terms of the draft Bill
to amend the Architects & Quantity
Surveyors Ordinance 1933.

AN that the R.S.B.A. and the
Chartered Surveyors' Institution
were also consulted and that
neither of the Institutions desired
to offer any comments on
the draft Bill.

Copy sent to 70
Ref. 3. of

C. J. Foxworth
24/7/35

L. B. Preston
25

J. J. Cassin
27/7
at once

By and Maud
30/7/35

- 10 To Keira, S 66 (1 answer) 30 JUL 1935
- 11 To J.C. (etc 10) 18/8/35

DESTROYED UNDER STATUTE

12 Incorporated Assoc of Architects & Surveyors
13 August 1935

where a copy of a Bill to
Amend the Architects & Surveyors
Act, 1933, can be obtained.

The Secy of the Association
telephone on the 12th August saying
that he was most anxious to see
a copy of the Bill. I said that
as far as we knew the Bill
had not yet been published. He
said that his Association had
heard about the Bill and
wanted to know how it
originated. I asked him to
put his enquiry in writing.
(It is possible that the Assoc
is peeved that it was not
consulted).

I submit draft
C. J. Foxworth
18/8/35

13 To Incorporated Assoc
of Architects & Surveyors
(12, and) 16/8/35
DESTROYED UNDER STATUTE

14. Incorporated Assocn of Architects etc. — 17 Aug 35

Acko. No 13.

? put by

R. Hillis

20.8.35

Bygones

21.8.35

at ml

M

15. Incorporated Assocn of Architects etc. — 21 Aug 35

DESTROYED UNDER STATUTE

Suggests that in view of information contained on the journal of R.I. of Sr. Architects a copy of the amending Bill should be available in this country.

x

Section 2 of the principal Ordinance,

which the new Bill is designed to amend, restricted the right to practise as an Architect or Quantity Surveyor to those persons registered as Architects, etc. within the terms of the Ordinance: Provided that nothing in the Ordinance should preclude a member of the R.I.B.A. 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.

It was for this reason that it was considered necessary to consult the R.I.B.A.

and

and the Chartered Surveyors' Institution in June, 1934, and again in May this year about the terms of the new Bill. We were in no way compelled to consult the Incorporated Association of Architects and Surveyors, and if there is professional jealousy between the Incorporated Association and the R.I.B.A. it is not for us to intervene. If we knew that the Bill had been published locally we could no doubt satisfy the Incorporated Association by letting them have a copy of the draft approved in No. 10.

? Telegram to Kenya as in draft herewith and re-circulate to General Department for their observations.

C. J. Fox Smith

23.8.35

Admitted 23/8/35

DESTROYED UNDER STATUTE No 223 - 23rd August, 1935

16. O.A.S. Feb 198

Recd. H. W. P. W. Ken

DESTROYED UNDER STATUTE

State that Bill is to be considered at next meeting of Executive Council on 30 August & date of publication will be telegraphed when known.

Genl. Secy. This takes on if the Bill was not published until about the 9th of September at the earliest. We must say something in reply to No 15 before that. Here we have your strong plea C. J. Fox Smith 23/8

I am afraid that I do not know anything about this Association; but since copies of the aft. Bill were sent to two unofficial organizations, in communications wh. were not Conf., & seeing that there has been a reference to the cases in the journal of the R.I.B.A., I do not see how we can reasonably refuse to lend a copy also to this Assoc.

Send: copy of the Bill (encl. No. 1) explaining that it is a aft. Bill wh. was referred to the S. of S. of the O.A.S. for comment, & that it has been approved by the S. of S. (No. 10).

J.J. Passini
26/8

Say that the Bill has not yet been published locally, as required by law as a necessary preliminary to enactment its introduction into the local Legislature; that S. of S. is not yet in a position to say when it will be so published. Enclose copy of the draft bill in 1, explaining as in the Pashin's minute.

J.J. Passini
26/8

30/9

DESTROYED UNDER STATUTE
Incorporated Assoc of Architects (47 small. & aft.) (15 small.) Com. 29/5/35

19 Gov. Tel. No. 264 14. 11. 35

States that Bill was published on 12. 11. 35

There is no longer any need to combine the cases with the Incorporated Assoc of Architects & Surveyors

Tabley
C. J. Passini
18/11/35
Director

The Pashin's see

998
19/11

R 30/9

Principal (indues. enclosed in 18) not yet noted.

Wanted to remind
C. J. Passini
20/11/35
21/11/35

20. F.O. (S/O) J3316/98/60..... 27. 11. 35.
Requests copy of the pending ordinance as finally passed by the Leg. Co. for transmission to the Italian Embassy in order that the Italians may realise that their objections to the original measure have been taken into account.

I submit draft
C. J. Passini
30/11/35

DESTROYED UNDER STATUTE

To W.E. Horstman Boswell (20 small) 4/1/36

38098/387
14

COPY

RECEIVED
15 NOV 1935
O. O. REGY

Telegram from the Governor of Kenya to the Secretary of State
for the Colonies

Dated 14th November, 1935. Received at 2.59 pm. 14th. Nov. 1935.

(17)

No. 264 My telegram No 198. Bill published on 12th November.

C. O.

Addressed 29/7/35
Mr. Ault 29/7/35
Mr. *fo*

- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

AIR MAIL

C.D.
 R 29JUL
 D *AM*

July 1935

Sir,

DRAFT.

Kenya.
 No. 566 ✓
 S.S.

(1)

I have the to refer to your despatch no. 115 of the 4th of April, and to inform you that after consulting the Secretary of State for Foreign Affairs, I approve the terms of the draft bill to amend the Architects and Quantity Surveyors Ordinance, 1933.

Copy to F.O. (11)

2. The Royal ~~Arch~~ Institute of British Architects and the Chartered Surveyors' Institution were also consulted, regarding the terms of the draft bill ~~but~~ neither of these bodies desired to offer

FURTHER ACTION.

Copy to ~~to~~, if

14.

G. O.

Mr. Grossmith.
Mr. *Freeman* *16/5*
Mr. *Parker* *16/5* *for*
Sir C. Parkinson.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Perms. U.S. of S.
Parly. U.S. of S.
Secretary of State.

Not answerd by No 8
No 5
R 16MAY
D 17

No 9 38098/35
DOWNING STREET.

4/59

18 May, 1935.

Sir,

Son

I am, etc. to refer to the

correspondence terminating with the
letter from this Department of the

7th of July, 1934, and to transmit to

you for your consideration the draft of

a Bill to amend the ~~Kenya~~ Architects*

and Quantity Surveyors* Ordinance, 1933,

wh. has been received from the Gov. of Kenya.
The objects of this amending legislation

are set out in the statement accompanying

the draft Bill.

2. Sir Philip Cunliffe-Lister will

be grateful for any observations which

you may have to offer on the terms of

the new Bill.

3. For convenience of reference, I *mention*

to ~~state~~ that a copy of the Principal

Ordinance was enclosed in the letter

from this Department dated the 15th of

June, 1934, reference No. 23057/34.

Yours faithfully,
R. FREESTON, Esq., I. Am., Etc.

DRAFT.

(See 12/13
on 23057/34)

THE SECRETARY,

THE CHARTERED SURVEYORS' INSTITUTION.

THE SECRETARY,

ROYAL INSTITUTE OF
BRITISH ARCHITECTS.

FURTHER ACTION.

(See
No 7/8
23057/34)

C. O.

Mr. Nicholls. 23/4
Mr. Fleming. 24/4/35
Mr. Parkin 25/4
The Secy Gen
Sir G. Parkinson. 26/4

Answered by No 3

C.D.
R 25 APR 26
D
S

April, 1935.

2

Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Perms. U.S. of S. (27 on
Parly. U.S. of S.23057/34)
Secretary of State.

Sir,

S 3

With reference to the

letter from this Dept. of the 18th of March, No.23057/34, I am etc. to transmit to you, to be laid before Secretary Sir John Simon, a copy of a draft Bill to amend the Kenya Architects and Quantity Surveyors Ordinance, 1933.

DRAFT.

The U.S. of S.
Foreign Office.

2. Subject to any

observations which the Secretary of State for Foreign Affairs may wish to offer on the provisions of the Bill in relation to the stipulations of Article 3 of the Convention of Saint Germain-en-Laye, the Secretary of State proposes to send a copy of the Bill to the Royal Institute of British Architects and the Chartered Surveyors' Institution for consideration

Draft Bill.
(enc to 1)

FURTHER ACTION.

/before

2 10

C. O.

Mr. Nicholls. 25/4

Mr. Fleming. 24/4/35

Mr. Parkin 25/4
The Hon. Gen. Sir G. Parkinson.

Answered by No 3

C.D.
R 25 APR 26
D 15

April, 1935.

Sir G. Tomlinson.

Sir,

Sir C. Bottomley.

With reference to the

Sir J. Shuckburgh.

Perms. U.S. of S. (27 on
Partly. U.S. of S.23057/34)

Secretary of State.

letter from this Dept. of the 18th of March, No.23057/34, I am etc. to transmit to you, to be laid before Secretary Sir John Simon, a copy of a draft Bill to amend the Kenya Architects and Quantity Surveyors Ordinance, 1933.

DRAFT.

The U.S. of S.
Foreign Office.

2. Subject to any observations which the Secretary of State for Foreign Affairs may wish to offer on the provisions of the Bill in relation to the stipulations of Article 3 of the Convention of Saint Germain-en-Laye, the Secretary of State proposes to send a copy of the Bill to the Royal Institute of British Architects and the Chartered Surveyors' Institution for consideration

Draft Bill.
(encl. to 1)

FURTHER ACTION.

/before

before approving its introduction
into the Legislative Council of
Kenya.

I am etc.

(Signed) I. E. W. FLOO

AIR MAIL

KENYA
No. 175.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
15 APR 1935
G. O. REGD

46
APRIL, 1935.

Sir,

With reference to your despatch No.103 of the 2nd March, on the subject of the provisions of the Architects and Quantity Surveyors Ordinance, 1933, I have the honour to forward the accompanying draft amending Bill for your consideration.

The matter raised in your despatch No.865 of the 20th October last was referred to the Board of Registration set up under the Ordinance when the amendments set out in the draft Bill prepared by the Attorney General were unanimously recommended.

2. It will be observed that Sections 9 and 11 of the principal Ordinance have been amended in the manner suggested by you, while the first proviso in Section 2 has been deleted. Section 18 of the principal Ordinance has been amended by the deletion of the schedule and an alteration of the section itself to cover all branches of engineering.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ACTING GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

Amend (10)
No 21
2305/144
2505/314
copy of am. to F.C. (2)
copy of am. to {Attorney General's Sec. / Regd Sec of the Ordinance}

AIR MAIL

KENYA
No. 75.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
15 APR 1935
G. O. REGD.

14. APRIL, 1935.

Sir,

With reference to your despatch No.103 of the 2nd March, on the subject of the provisions of the Architects and Quantity Surveyors Ordinance, 1933, I have the honour to forward the accompanying draft amending Bill for your consideration.

No. 24
23057/44

The matter raised in your despatch No.865 of the 20th October last was referred to the Board of Registration set up under the Ordinance when the amendments set out in the draft Bill prepared by the Attorney General were unanimously recommended.

No. 21
23057/34

2. It will be observed that Sections 9 and 11 of the principal Ordinance have been amended in the manner suggested by you, while the first proviso in Section 2 has been deleted. Section 18 of the principal Ordinance has been amended by the deletion of the schedule and an alteration of the section itself to cover all branches of engineering.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ACTING GOVERNOR'S DEPUTY.

Amend (10)

Copy of amend. to F.C. (B)

Copy of amend. to { Amend Amending Bill. }
Copy of amend. to { Amend Bill of the Ordinance }

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

A BILL TO AMEND THE ARCHITECTS AND QUANTITY
SURVEYORS ORDINANCE, 1933. 12

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, 1936, and shall
be read as one with the Architects and Quantity Surveyors
Ordinance, 1933, hereinafter referred to as the Principal
Ordinance.

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.

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

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 applica-
tion 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 articleship
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 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 articulated pupillage 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 13 of the Principal Ordinance.

"Exemption of persons holding certain qualifications.

5. Section 13 of the principal ordinance is hereby repealed and the following is substituted therefor -

13. 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

6. The Schedule to the Principal Ordinance is hereby

14
2nd

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 letter of the 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 13 of the Principal Ordinance and the Schedule therein referred to also present difficulties in its present form in connection with Article 3 of the Convention, and the first proviso to section 1 of the Principal Ordinance.

Accordingly, the provisions 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.