

THE TOWN PLANNERS' COUNCIL ACT 2022

Act No. 4 of 2022

I assent

PRITHVIRAJ SING ROOPUN, G.C.S.K.

President of the Republic of Mauritius

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SCHEDULE

An Act

**To establish the Town Planners' Council and to provide
for the practice and discipline of town planners**

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Town Planners' Council Act 2022.

2. Interpretation

In this Act –

“Chairperson” means the Chairperson of the Council;

“Code of Practice” means such Code of Practice as may be prescribed under section 46;

“committee” means a committee set up under section 11;

“Continuing Professional Development programmes” means programmes, courses, lectures, seminars, conferences or workshops in relation to –

- (a) new town planning techniques and methods of management;
- (b) changes in planning law, planning guidelines and standards; or
- (c) any other matter related to the profession of town planners;

“Council” means the Town Planners’ Council established under section 3;

“delegated power” means the power delegated to the Council by the Public Service Commission, under section 89(2)(b)(i) of the Constitution and subject to Part IVA of the Public Service Commission Regulations, to enquire and report into any complaint of professional misconduct or negligence against a town planner appointed by the Public Service Commission;

“financial year” has the same meaning as in the Finance and Audit Act;

“local firm of town planners” means a body, group, company, partnership or *société* which provides town planning services and is under the control of a registered town planner;

“foreign firm of town planners” means a body, group, company, partnership or *société* which provides town planning services and is under the control of a foreign town planner;

“foreign town planner” –

- (a) means a non-citizen who is –
 - (i) authorised by the competent authority in his country to practise town planning; or
 - (ii) a professional member of a recognised institution of his country in the field of town planning; but
- (b) does not include a non-citizen who is a resident of Mauritius and whose name is entered on the Register;

“investigation” means a preliminary investigation under section 27;

“licensed auditor” has the same meaning as in the Financial Reporting Act;

“member” –

- (a) means a member of the Council; and
- (b) includes the Chairperson and the Vice-chairperson;

“Minister” means the Minister to whom responsibility for the subjects of housing and land use planning is assigned;

“Ministry” means Ministry responsible for the subjects of housing and land use planning;

“officer” –

(a) means an officer appointed under section 15; and

(b) includes the Registrar;

“Professional Conduct Committee” means a Professional Conduct Committee set up under section 29;

“Register” means the register of town planners, kept under section 21;

“registered town planner” means a person providing town planning services and who is registered as such under section 20;

“Registrar” means the Registrar of the Council appointed under section 13;

“Registration Board” means the Registration Board set up under section 10;

“supervising officer” means the supervising officer of the Ministry;

“Town and Country Planning Board” means the Town and Country Planning Board established under the Town and Country Planning Act;

“town planning” –

(a) means the coordination of the orderly and economic use and development of land, proper management and conservation of natural and man-made resources for the purposes of promoting the welfare of the community; and

(b) includes urban and regional planning, town and country planning, city planning, spatial planning and land use planning;

“Vice-chairperson” means the Vice-chairperson of the Council.

PART II – TOWN PLANNERS’ COUNCIL**3. Establishment of Council**

(1) There is established for the purposes of this Act the Town Planners’ Council of Mauritius.

(2) The Council shall be a body corporate.

(3) The principal place of business of the Council shall be at such place as it may determine.

4. Objects of Council

The Council shall –

- (a) regulate the profession of town planners; and
- (b) promote advancement in the field of town planning.

5. Functions of Council

The Council shall –

- (a) register town planners;
- (b) provide for the registration of local and foreign firms of town planners exercising in Mauritius;
- (c) exercise and maintain discipline in the profession of town planners –
 - (i) in relation to a town planner who is appointed by the Public Service Commission and in respect of whom the Council holds a delegated power, to the extent and within the limits of that delegation of power; and
 - (ii) in relation to any other registered town planner;
- (d) establish a Code of Practice on standards of professional conduct and ethics and monitor compliance with such Code;
- (e) co-operate with any other local or overseas institution having objects wholly or partly similar to its objects;

- (f) publish an annual list as required under section 24;
- (g) keep a record of its proceedings and decisions;
- (h) approve, organise or cause to be organised training programmes, courses, lectures, seminars or conferences for the profession of town planners;
- (i) advise the Minister on matters pertaining to this Act or any matter connected with, or incidental to, it; and
- (j) perform such other functions as are conducive to its objects.

6. Powers of Council

The Council shall have such powers as may be necessary to discharge its functions most effectively and may, in particular –

- (a) enter into any contract or other agreement;
- (b) set up any committee;
- (c) sell or exchange any property;
- (d) make or receive any grant or donation, other than to, or from, a town planner, a foreign town planner or a firm of town planners;
- (e) borrow money, other than from a town planner, a foreign town planner or a firm of town planners, and raise funds;
- (f) collect or receive any fee, rental, interest or other sum which may lawfully accrue to it; and
- (g) generally do such acts and things as may be necessary for the purposes of this Act.

PART III – MANAGEMENT OF COUNCIL

7. Composition of Council

- (1) The Council shall consist of –
 - (a) 4 registered town planners, to be appointed by the Minister from among town planners posted at the Ministry;

- (b) 3 registered town planners from local government service, to be appointed by the Minister on the recommendation of the Minister responsible for the subject of local government;
- (c) 2 registered town planners in private practice, to be elected in the manner specified in the Schedule;
- (d) a representative of the Ministry;
- (e) a representative of the Attorney-General's Office; and
- (f) 2 persons who are not town planners, to be appointed by the Minister.

(2) The Council shall elect a Chairperson and a Vice-chairperson from among the members referred to in subsection (1)(a), (b), and (c).

(3) A member, other than a member referred to in subsection (1)(d) or (e) shall, subject to section 8, hold office for a period of 2 years and shall be eligible for reappointment or re-election, as the case may be.

8. Vacancy in membership of Council

(1) A member, other than a member referred to in section 7 (1)(d) or (e) shall cease to hold office –

- (a) on completion of his term of office; or
- (b) on his resignation, by a one-month notice in writing given to the Registrar.

(2) Where a member referred to in section 8(1)(b) resigns, his seat shall become vacant as from the date on which the Registrar receives the notice.

(3) The Council may remove from office any member, other than a member referred to in sections (7)(1)(d) or (e), who –

- (a) is absent, without leave of the Council, from 3 consecutive meetings of the Council;
- (b) commits an act of professional misconduct, professional negligence, or a breach of the Code of

Practice, which, in the opinion of the Council, renders him unfit to be a member;

- (c) is convicted of an offence of fraud or dishonesty or any such other offence;
- (d) is suspended or deregistered as a town planner under this Act;
- (e) is suffering from such mental or physical impairment as, in the opinion of the Council, renders him unfit to be a member;
- (f) fails to disclose any pecuniary or other material interest which he has in relation to any matter before the Council; or
- (g) becomes insolvent, assigns his estate for, the benefit of his creditors or makes an arrangement with his creditors.

(4) The Council may suspend from office, for such time as it may determine, any member who is –

- (a) liable to be removed from office under subsection (3);
- (b) in breach of the Code of Practice; or
- (c) the subject of a preliminary investigation.

(5) Where a vacancy occurs in the membership of the Council, the vacancy shall be filled, in the case of a member –

- (a) referred to in section 7(1)(a), (b), (d) and (e), by a fresh appointment; or
- (b) who is elected, by appointing the town planner who obtained the highest number of votes after the elected town planner at the last election held before the vacancy arose.

(6) A person appointed under subsection (5) shall hold office for the remainder of the term of office of the person whom he replaces.

9. Meetings of Council

(1) The Council shall meet as often as the Chairperson may determine but at least once every two months.

(2) A meeting of the Council shall be held at such time and place as the Chairperson may determine.

(3) At any meeting of the Council, 8 members shall constitute a quorum.

(4) (a) Where the Chairperson is absent from a meeting of the Council, the Vice-chairperson shall preside at a meeting of the Council.

(b) Where the Chairperson and the Vice-chairperson are absent from a meeting of the Council, the members present shall elect one of the members referred to in section 7(1)(a), (b), (c) or (d) to chair the meeting.

(5) (a) A special meeting of the Council –

(i) may be convened by the Chairperson at any time; or

(ii) shall be convened by the Registrar within 21 days of the receipt of a request in writing signed by not less than 5 members.

(b) Any request made under paragraph (a)(ii) shall specify the purpose for which the special meeting is sought.

(6) The Council may, where it considers necessary, co-opt such other persons with relevant expertise not already available to the Council to assist it in relation to any matter before it.

(7) At any meeting of the Council, each member shall have one vote on a matter in issue and, in the event of an equality of votes, the person presiding shall have a casting vote.

(8) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

(9) Every member, including a co-opted member, shall be paid such fees and allowances as the Council may determine.

10. Registration Board

(1) The Council shall set up a Registration Board to assist it in the determination of applications for the registration of town planners.

(2) The Registration Board shall consist of –

- (a) a chairperson; and
- (b) 2 assessors,

to be appointed, subject to subsection (3), by the Council on such terms and conditions as it may determine.

(3) The chairperson and the 2 assessors referred to in subsection (2) shall be registered town planners with at least 10 years' experience in the field of town planning.

11. Committees

(1) The Council may set up such committees as may be necessary to assist it in the discharge of its functions, including the conduct of a preliminary investigation.

(2) A committee shall consist of not less than 3 members and such other persons as may be co-opted by the Council.

(3) A committee shall –

- (a) meet as often as is necessary and at such time and place as the chairperson of the committee may determine;
- (b) meet as and when required by the Council; and
- (c) regulate its meetings and proceedings in such manner as it may determine.

(4) A committee shall submit its report within such time as the Council may determine.

(5) The report referred to in subsection (4) shall contain the committee's observations, comments, recommendations or findings, if any, on any matter referred to it.

12. Disclosure of interest

(1) Where any member, or any person related to the member by blood or marriage, has a pecuniary or other material interest in relation to any matter before the Council, the Registration Board or a committee, that member –

- (a) shall disclose the nature of the interest before or at the meeting convened to discuss that matter; and
- (b) shall not take part in any deliberations relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings of the meeting of the Council, the Registration Board or the committee.

13. Registrar

(1) The Council shall appoint a Registrar, on such terms and conditions as it may determine

(2) The Registrar shall be responsible for the proper administration of the Council.

(3) The Registrar shall act as Secretary to the Council and –

- (a) shall, for every meeting of the Council –
 - (i) give notice of the meeting to the members;
 - (ii) prepare and attend the meeting;
 - (iii) keep minutes of proceedings of the meeting; and
- (b) may take part in the deliberations of the meeting of the Council, but shall not have the right to vote.

(4) The Registrar may also act as Treasurer to the Council.

(5) The Registrar shall carry out such other duties and discharge such other functions as the Council may assign to him.

(6) Where the Registrar is for any reason unable to perform his functions, the Council may appoint a registered town planner to act as Registrar.

14. Delegation

(1) The Council may, subject to such instructions as it may give, delegate to the Registrar such of its functions and powers as may be necessary for the effective management of the day to day business and activities of the Council, other than the power to –

- (a) sell or exchange any property;
- (b) make or receive any grant or donation;
- (c) borrow money and raise funds.

(2) The Registrar may, with the approval of the Council, delegate his functions and powers to such officer as he may designate.

15. Appointment of officers

(1) The Council may appoint such officers as it considers necessary for the proper discharge of its functions under this Act.

(2) Every officer shall be under the administrative control of the Registrar.

16. Conditions of service of officers

The Council may make provision to govern the conditions of service of its officers and, in particular, to deal with –

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, officers;
- (b) appeals by officers against dismissal and any other disciplinary measure.

17. Protection from liability

No liability, civil or criminal, shall be incurred by the Council, any member of the Council, the Registration Board or a committee or any officer, in respect of any act done or omitted by it or him in good faith in the discharge of its or his functions, or exercise of its or his powers, under this Act.

18. Powers of Minister

(1) The Minister may give such directions of a general character in writing to the Council, not inconsistent with this Act, as he considers necessary in the public interest, and the Council shall comply with those directions.

(2) The Minister may require the Council to furnish any information or document in relation to its activities, and the Council shall supply such information or document.

PART IV – REGISTERED TOWN PLANNER**19. Town planning**

(1) No person or firm shall practise town planning in Mauritius unless registered as a town planner, local firm or foreign firm with the Council.

(2) Nothing in this Act shall prevent the different grades and cadre of Development Control Officers, Planning and Development Inspectors, Building Inspectors and Planning Inspectors, serving, respectively, in the Ministry, the Local Authorities and the Town and Country Planning Board, from performing their duties in accordance with their scheme of service.

20. Registration of town planner

- (1) No person shall be registered as a town planner unless he –
- (a) satisfies the Council that he –
 - (i) has attained the age of 21;
 - (ii) has not been convicted of an offence involving fraud or dishonesty in any country;
 - (iii) has not been disqualified or deregistered from practising town planning on account of professional misconduct, professional negligence, fraud, dishonesty or breach of a code of practice in any country; and

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- (iv) does not suffer from any mental impairment which is likely to hamper the performance of his duties as town planner;
 - (b) holds a degree or a post graduate degree or an equivalent qualification in town planning from a university or other institution which is approved by the Council;
 - (c) satisfies the Council, subject to subsection (3), that –
 - (i) he has at least 2 years' post-qualification experience in town planning; and
 - (ii) he has prepared such project related to the field of land use or spatial planning as the Council may assign to him;
 - (d) pays such registration and annual fee as may be prescribed.
- (2) (a) Any person who wishes to be registered as a town planner shall make a written application to the Registrar in such form and manner as the Council may determine.
- (b) An application made under paragraph (a) shall be accompanied by –
- (i) the applicant's birth certificate and National Identity Card, or any other acceptable evidence of his identity, and in the case of a non-citizen, his passport;
 - (ii) the original or a certified copy of the applicant's degree or equivalent qualification in town planning;
 - (iii) subject to subsection (3), evidence of not less than 2 years' post-qualification experience in town planning and evidence that the applicant has prepared such project related to the field of land use or spatial planning as assigned to him by the Council;

- (iv) such processing fee as may be prescribed; and
- (v) such additional document or information as the Registrar may require.

(3) An applicant shall not be required to submit particulars under subsection (2)(b)(iii), where he satisfies the Council, by way of affidavit, that he is registered as a –

- (a) professional member in the field of town planning with the Royal Town Planning Institute of the United Kingdom; or
- (b) town planner with such other body as may be prescribed.

(4) (a) On receipt of an application made under subsection (2), the Registrar shall refer the application to the Registration Board for its recommendations.

(b) The Registration Board may, in assessing the application made under subsection (2), call the applicant for an interview.

(5) (a) The Council may, after due consideration of the recommendations of the Registration Board, grant or reject the application and shall forthwith notify the applicant of its decision.

(b) Where the Council grants an application under paragraph (a), it shall, on payment by the applicant of such registration and annual fee as may be prescribed, register the applicant as a town planner and issue to him a certificate of registration, subject to such terms and conditions as the Council may determine.

(c) Where the Council registers a town planner under paragraph (b), the Registrar shall forthwith enter in the Register the name, address, qualification and other particulars of the town planner.

(6) Where the Council is satisfied that a town planner has damaged or lost his certificate of registration, it may, on payment of such fee as may be prescribed, issue a duplicate certificate of registration to him.

21. Register

(1) The Registrar shall keep a Register of town planners, or such other register as may be necessary, in such form and manner as the Council may determine.

(2) The Registrar shall enter in the Register –

- (a) the name, address and qualifications of every town planner, local or foreign firm of town planners providing town planning services in Mauritius;
- (b) any alteration in the particulars of a town planner, local or foreign firm of town planners;
- (c) where a town planner, a local or foreign firm has been suspended or deregistered, an annotation to that effect; and
- (d) such other particulars as the Council may determine.

(3) (a) Subject to subsection (2), where after registration, a town planner obtains any additional qualification in the field of town planning, the Council may, on application made by the town planner, add the additional qualification to the town planner's particulars in the Register.

(b) An application made under paragraph (a) shall be accompanied by such fee as may be prescribed.

22. Continuing Professional Development

(1) Notwithstanding section 24, but subject to subsection (2), no registered town planner shall have his name entered on the annual list unless he has followed such Continuing Professional Development programmes as the Council may prescribe.

(2) Subsection (1) shall not apply to a town planner who is excused by the Council on such ground as may be prescribed.

23. Annual fee

(1) Subject to subsection (2), every town planner and firm of town planners shall, on or before 31 May in every year, pay to the Registrar such annual fee as may be prescribed in respect of the year commencing on 1 July of the following financial year.

(2) Where a town planner or a firm fails to comply with subsection (1), he shall be liable to pay the annual fee, together with a surcharge of 50 per cent of the annual fee, by 31 July in the year in respect of which it is due.

(3) Where a town planner or a firm fails to pay the annual fee together with the surcharge required under subsection (2), the council may deregister the town planner or the firm, as the case may be.

(4) Where a town planner or a firm is deregistered under subsection (3), the Council shall cause the Registrar to remove the name and other particulars of the town planner from the Register.

(5) The Council may, where a town planner or firm is deregistered under subsection (3), restore the name and other particulars of the town planner or firm on the Register on good cause shown and on payment of the annual fee together with its surcharge.

24. Annual list

(1) The Registrar shall, not later than the end of August in every year, transmit to the Minister a list of all town planners and firms registered for that year.

(2) The Council shall, not later than 1 September in every year, publish in the Gazette an annual list of registered town planners and firms for that year.

PART V – REGISTRATION OF LOCAL AND FOREIGN FIRM OF TOWN PLANNERS

25. Local firm of town planners

(1) No local firm of town planners shall provide town planning services in Mauritius unless it is registered as a local firm of town planners.

(2) An application for the registration of a local firm of town planners shall be made in such form and manner as may be prescribed.

26. Foreign firm of town planners

(1) No foreign firm of town planners shall provide town planning services in Mauritius unless the firm is registered with the Council on such terms and conditions as may be prescribed.

(2) An application for the registration of a foreign firm of town planners shall be made in such form and manner as may be prescribed.

PART VI – DISCIPLINE**27. Preliminary investigation**

- (1) The Council may investigate any complaint of –
- (a) professional misconduct or negligence; or
 - (b) a breach of the Code of Practice,

against a registered town planner, including a town planner in respect of whom the Council holds a delegated power.

- (2) Where the Council investigates a complaint, it –
- (a) shall notify the registered town planner whose conduct, act or omission is under investigation, of the nature of the complaint against him;
 - (b) may summon and hear the town planner who shall be given an opportunity of being assisted by a legal representative of his choice;
 - (c) may summon and hear witnesses;
 - (d) may call for the communication or production of any relevant record, document or article; and
 - (e) shall complete its investigation not later than 3 months from the date the investigation starts or such other time as may be determined by the Council.

(3) The Council shall, when investigating a complaint, keep a proper record of its proceedings.

(4) (a) Where, in the course of an investigation, any person refuses to communicate or produce any record, document or article on the ground of confidentiality, the Registrar may apply to the Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the investigation.

(b) Where the Judge is satisfied that the record, document or article sought is bona fide required for the purpose of the investigation, he may make an order under paragraph (a).

(5) (a) The Council may, for the purpose of an investigation, appoint a committee consisting of not less than 3 members.

(b) A member who –

(i) is closely related to a registered town planner, including a registered town planner in respect of whom the Council holds a delegated power; or

(ii) has any pecuniary or other personal interest in the subject matter of an investigation,

shall disclose his relationship or interest, as the case may be, and refrain from participating in the investigation.

(c) The committee may exercise any of the powers of the Council under subsection (2)(b), (c) or (d).

28. Disciplinary proceedings

(1) Where, after an investigation, the Council considers it necessary to prefer charges against a registered town planner, it shall forward to the town planner a statement of those charges and call upon him to state in writing, before such date as the Council may specify, any grounds on which he relies to exculpate himself.

(2) Where –

(a) the registered town planner does not furnish a reply to any charge forwarded under subsection (1) within the period specified; or

(b) in the opinion of the Council, fails to exculpate himself, the Council may, subject to section 33, institute disciplinary proceedings before a Professional Conduct Committee.

29. Professional Conduct Committee

(1) The Council may, for the purpose of section 28, set up a Professional Conduct Committee which shall consist of –

- (a) a chairperson, who is or has been a Judge or Magistrate, or is a barrister of not less than 10 years' standing; and
- (b) 2 assessors, who shall be registered town planners with not less than 10 years' experience and who are not members.

(2) The chairperson and assessors of a Professional Conduct Committee shall be appointed by the Council on such terms and conditions as the Council may determine.

(3) The Council shall appoint a secretary who shall keep the minutes of proceedings of every meeting of the Professional Conduct Committee.

(4) (a) Where the chairperson or an assessor of a Professional Conduct Committee is related by blood or marriage to a registered town planner who is the subject of disciplinary proceedings, the chairperson or assessor shall disclose his relationship to the Professional Conduct Committee and shall not take part in those proceedings.

(b) Any disclosure made under paragraph (a) shall be recorded in the minutes of proceedings.

(c) Where the chairperson or an assessor does not take part in the proceedings under paragraph (a), the Council shall appoint another person to replace him.

(d) Any person appointed under paragraph (c) shall satisfy the requirements of subsection (1)(a) or (b), as the case may be.

30. Proceedings of Professional Conduct Committee

(1) A Professional Conduct Committee shall meet at such time and place as the chairperson of the Committee thinks fit.

(2) Where disciplinary proceedings are instituted under section 28, the Professional Conduct Committee shall inquire into the charges preferred against the registered town planner.

(3) A Professional Conduct Committee may –

- (a) summon any person to appear before it to give evidence or produce any record, document or article; and
- (b) take evidence on oath, solemn affirmation or declaration and, for that purpose, administer an oath, solemn affirmation or declaration, as the case may be.

(4) (a) Where, in the course of any disciplinary proceedings, a person refuses to communicate or produce any record, document or article, the Registrar may apply to a Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the proceedings.

(b) Where the Judge is satisfied that the record, document or article sought is bona fide required for the purpose of the proceedings, he may make an order under paragraph (a).

31. Disciplinary measures

(1) A Professional Conduct Committee shall, after having heard any disciplinary proceedings, forward to the Council its report and a copy of its proceedings, including any record, document or article produced, not later than one month after the completion of the proceedings.

(2) The report under subsection (1) shall include –

- (a) a finding as to whether the charge has been proved or not, and the reasons for such finding;
- (b) details of any matter which, in the opinion of the Professional Conduct Committee, aggravates or alleviates the gravity of the charge; and

- (c) a summing up and such comments as will indicate clearly the opinion of the Professional Conduct Committee on the subject matter of the disciplinary proceedings.

(3) The Professional Conduct Committee shall not, in its report, make any recommendation regarding the form of disciplinary measure.

(4) (a) Where the report is in relation to a registered town planner, other than a registered town planner in respect of whom the Council holds a delegated power, and states that the charge has been proved, the Council may –

- (i) administer him a warning or a severe warning;
- (ii) suspend him as a registered town planner for a period not exceeding 2 years; or
- (iii) deregister him as a town planner.

(b) Where the report is in relation to a registered town planner, in respect of whom the Council holds a delegated power, the Council shall submit its own report to the Public Service Commission, in accordance with regulation 46E of the Public Service Commission Regulations.

(5) Where the sanction imposed by the Public Service Commission on a registered town planner, in respect of whom the Council holds a delegated power, is dismissal or retirement in the interest of the public service, the Council shall determine whether or not it shall suspend or deregister the town planner.

(6) A decision of the Council under subsection (4) or (5) shall be communicated to the registered town planner not later than 14 days from the date of the decision.

32. Other disciplinary measures

Without any of the proceedings provided for in sections 27 and 28 being instituted, the Council shall, where a registered town planner has been convicted of an offence and is serving a sentence of imprisonment or penal servitude, suspend him as a town planner for such time as the Council may determine or deregister him as a town planner.

33. Summary proceedings

Where the Council is satisfied, after having carried out an investigation against a registered town planner, other than a registered town planner in respect of whom the Council holds a delegated power, that he has committed an act or omission which, in its opinion, is not considered to be of a serious nature, it may administer a warning or a severe warning to him.

34. Effect of suspension or deregistration

The Council shall cause the Registrar –

- (a) to remove from the Register the name and other particulars of any town planner who has been deregistered under this Act;
- (b) to give notice of any suspension or deregistration under this Act in the Gazette and in 2 daily newspapers.

35. Restoration of name and other particulars to Register

(1) Where the name and other particulars of a town planner have been removed from the Register in accordance with this Act, the name and other particulars of that person shall not be restored to the Register except by order of the Council or of the Supreme Court.

(2) The Council may, on its own motion or on application of the person concerned and after holding such inquiry as it may determine, cause the town planner's name and other particulars to be restored to the Register.

PART VII – FINANCIAL PROVISIONS AND ACCOUNTS**36. General Fund**

The Council shall set up a General Fund –

- (a) into which shall be paid –
 - (i) any grant, donation and contribution received by it;
 - (ii) any fee, rental or interest; and
 - (iii) any other sum which may lawfully accrue to it;

-
- (b) out of which all payments required to be made by the Council shall be effected.

37. Execution of documents

(1) Subject to subsection (2), no deed, instrument, contract or other document shall be executed or signed by or on behalf of the Council unless it is signed by the Chairperson or, in his absence, by the Vice-chairperson.

(2) No cheque shall be signed by or on behalf of the Council unless it is signed by –

- (a) the Chairperson or, in his absence, by the Vice-chairperson; and
- (b) the Registrar.

38. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Council.

39. Annual report

(1) The Council shall submit an annual report to the Minister, together with an audited statement of accounts, on the operations of the Council in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Council before the Assembly.

40. Audit

(1) The Council shall keep proper accounts of all sums received and paid.

(2) The accounts for each financial year shall be audited by a licensed auditor appointed by the Council.

PART VIII – MISCELLANEOUS**41. Seal of Council**

The seal of the Council shall bear such device as it may approve.

42. Legal proceedings

(1) The Council shall act, sue and be sued in its corporate name.

(2) Service of process by or on the Council shall be sufficient if made on behalf of or on the Registrar.

43. Confidentiality

(1) No member of the Council, the Registration Board or a committee or officer shall, during or after his relationship with the Council, use or disclose any matter which comes to his knowledge in the performance of his functions, except for the purpose of administering this Act.

(2) Any person who, without lawful excuse, contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

44. Review of decision of Council

(1) A person who is aggrieved by a decision of the Council –

- (a) not to register him as a town planner or firm; or
- (b) to take any disciplinary measure against him,

may apply for judicial review of the decision before the Supreme Court.

(2) On an application under subsection (1), the Supreme Court may make such order or give such directions in the matter as it may determine.

45. Offences

(1) Subject to section 19(2), any person who –

- (a) not being registered, or being suspended or deregistered, as a town planner –
 - (i) practises town planning;

-
- (ii) takes or uses the name, description or title “Professional Town Planner”, “Chartered Town Planner”, “Authorised Town Planner”, “Authorised Foreign Town Planner”, “Consulting Town Planner”, “Qualified Town Planner”, “Registered Town Planner” or “Town Planner”, or any abbreviation thereof in any language, either alone or in connection with any other title, name, word or letter;
 - (iii) holds himself out or conducts himself as a registered town planner;
 - (iv) by any wilful act or omission, causes or induces any person to believe that he is a registered town planner; or
 - (v) demands, sues for or recovers in any Court any charge by way of claim, counter-claim or otherwise in relation to any town planning services he claims to have provided as a registered town planner; or
- (b) fraudulently procures or attempts to procure his registration as a town planner,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) For the purpose of this section, the performance of a single act relating to the practice of town planning may be held to be sufficient evidence of such practice.

(3) Notwithstanding subsection (1)(a)(ii), nothing in this section shall prevent a local or foreign firm of town planners from using the name or title containing the words “Town Planner”.

(4) Any person who –

- (a) wilfully fails to attend a Professional Conduct Committee after having been summoned;

- (b) refuses to take an oath or make a solemn affirmation or declaration, as the case may be, before a Professional Conduct Committee;
- (c) refuses without reasonable excuse to produce any record, document or article before the Professional Conduct Committee;
- (d) gives false evidence or evidence which he knows to be misleading before a Professional Conduct Committee;
- (e) obstructs the proceedings of a meeting of the Council or a Professional Conduct Committee;
- (f) molests any member of the Council or a Professional Conduct Committee in the course of, or on account of, any investigation or proceedings under this Act; or
- (g) in any other manner contravenes this Act or regulations made under this Act,

shall commit an offence.

(5) Any person who commits an offence under subsection (4) shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

46. Regulations

(1) The Minister may for the purposes of this Act make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) shall be made after consultation with the Council.

(3) Any regulations made under subsection (1) may provide –

- (a) for a Code of Practice;
- (b) for rules and guidelines for Continuing Professional Development programmes;
- (c) for the levying of fees and the taking of charges;
- (d) for the amendment of the Schedule;

- (e) for a list of the bodies referred to in section 20(3)(b);
- (f) for any matter required to be prescribed under this Act; and
- (g) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

47. Savings and transitional provisions

- (1) Every person who, on the commencement of this Act –
 - (a) is registered as a professional member in the field of town planning with the Royal Town Planning Institute of the United Kingdom;
 - (b) is registered as a town planner with such other body as may be prescribed;
 - (c) is practising as a town and country planning officer or higher grade at the Ministry or a planning officer/senior planning officer at the Town and Country Planning Board or as a planning and development officer or Head of Land Use Planning Department in a local authority in Mauritius; or
 - (d) submits proven evidence by way of an affidavit that he has practised as a town planner for a continuous period of at least 20 years,

shall, on the commencement of this Act, be deemed to be registered as a town planner under this Act and shall, on payment of such fee as may be prescribed, be issued with a certificate of registration under this Act.

- (2) (a) Notwithstanding section 7, the Minister shall, on the commencement of this Act, appoint –
 - (i) 4 town and country planning officers or officers of higher grade posted at the Ministry;

- (ii) 3 planning and development officers or officers of a higher grade from the local government service; and
- (iii) 2 town planners who are in private practice,

as the initial members of the Council.

- (b) The members appointed under paragraph (a) shall –
 - (i) elect from among themselves a Chairperson and a Vice-chairperson;
 - (ii) appoint a Registrar of the Council for a term not exceeding 12 months; and
 - (iii) hold office for a period not exceeding 12 months.

(c) At any meeting of the Council, 5 members shall constitute a quorum.

(3) The Registrar shall, within 12 months of the commencement of this Act, transmit to the Minister a list of all town planners who are deemed to be so registered or are so registered.

(4) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

48. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

Passed by the National Assembly on the nineteenth day of April two thousand and twenty two.

Bibi Safeena Lotun (Mrs)
Clerk of the National Assembly

SCHEDULE
[Section 7(1)(c)]

PROCEDURE FOR ELECTION

1. Calling for nominations and appointment of nomination day

The Registrar shall, within 9 months of the commencement of this Act and, thereafter, not less than one month before the expiry of the term of office of the members specified in sections 7(1)(c) or 47(2)(a)(iii), publish, in the Gazette and such newspaper as he may determine, a notice –

- (a) inviting the submission of nominations; and
- (b) appointing a day, time and place for the nominations to be submitted.

2. Eligibility to stand as candidate

No person shall be eligible to stand as candidate for election as a member unless, on nomination day –

- (a) he is a registered town planner; and
- (b)
 - (i) he is not subject to any investigation;
 - (ii) no disciplinary proceedings are being held against him under section 28; and
 - (iii) no disciplinary measure has been taken against him during the last 5 years preceding the nomination.

3. Procedure after nomination

Where the number of persons duly nominated exceeds the number of persons to be elected, the Registrar shall publish, in the Gazette and such newspaper as he may determine, a notice –

- (a) specifying the names of the persons duly nominated;
- (b) appointing a day, time and place, being not less than 15 days after the publication of the notice, for the holding of an election.

SCHEDULE - Continued**4. Persons entitled to vote**

(1) Every person who, on nomination day, is a registered town planner shall be entitled to vote at an election of the members.

(2) Every registered town planner shall vote for such number of candidates as there are vacancies available in the membership of the Council.

5. Election

(1) The election of the members shall be conducted under the supervision of the supervising officer, or his representative, who shall submit to the Minister the results of the election forthwith.

(2) The Minister shall, within 21 days of receipt of the results of the election, cause the composition of the Council to be published in the Gazette.
