

THE URBAN AND REGIONAL PLANNING PROFESSION  
BILL, 2013

**EXPLANATORY NOTE**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to establish the Trinidad and Tobago Council for Urban and Regional Planners which shall deal with the regulation of the urban and regional planning profession and other matters incidental thereto.

This Bill would require, pursuant to section 13 of the Constitution, to be passed by a special majority of three-fifths of all the members of each House of Parliament.

Clause 1 would contain the short title.

Part I entitled "Preliminary" would comprise clauses 2 and 3.

Clause 2 of the Bill would allow the Bill to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 3 would provide for the interpretation provisions.

Part II entitled "The Trinidad and Tobago Council for Urban and Regional Planners" would comprise clauses 4 to 14.

Clause 4 would establish the Trinidad and Tobago Council for Urban and Regional Planners as a body corporate.

Clause 5 would provide for the Council to be comprised of five members and alternates who would be nominated by the Trinidad and Tobago Society of Planners and the Minister. Also, it would provide for the Minister to appoint all the members and alternates of the Council. Further, it would cause members to be appointed or elected to offices of the Council.

Clause 6 would identify the functions of the Council.

Clause 7 would set out provisions for the tenure of, and reappointment to, an office.

Clause 8 would identify the grounds for a vacancy of an office. Also, the clause would provide for the continuation in office of a member after his term has expired. Further, it would cater for the publication of appointments and termination. The clause would also allow for the Council to be deemed as properly constituted notwithstanding any defect in the appointment of its members.

Clause 9 would provide for the remuneration of members.

Clause 10 would provide for the seal of the Council, its custody and use.

Clause 11 would deal with meetings of the Council.

Clause 12 would provide for a quorum of members for meetings of the Council.

Clause 13 would allow for decisions of the Council to be made with the majority of members present and voting and the casting vote of the Chairman.

Clause 14 would prevent members from being personally liable for things done or omitted in good faith to be done under the Act.

Part III entitled “Licencing of Urban and Regional Planners” would comprise clauses 15 to 28.

Clause 15 would identify the requirements for practising urban and regional planning in Trinidad and Tobago.

Clause 16 would empower the Council to issue a Professional Licence after the requirements of clause 15 have been fulfilled. Additionally, it would deem certain persons as Urban and Regional Planners upon commencement of the Act and subject to certain conditions.

Clause 17 would allow the Council to renew a Professional Licence.

Clause 18 would empower the Council to issue and renew a Provisional Licence after the requirements of clause 15 have been fulfilled except in respect of experience but subject to certain conditions.

Clause 19 would empower the Council to issue and reissue a Temporary Licence to a person who is not from a qualifying Caribbean Community State, after the requirements of clause 15 have been fulfilled, but subject to restrictions.

Clause 20 would provide for the forms for licences issued under the Act. Also, it would allow the Council to issue a certified copy of a licence.

Clause 21 would provide for the displaying of a licence and the certified copy by its holder.

Clause 22 would identify the various entitlements of a practising Urban and Regional Planner under the Act.

Clause 23 would allow an Urban and Regional Planner to recover fees and costs in any Court for professional services.

Clause 24 would provide for the validity of documents to be signed only by an Urban and Regional Planner.

Clause 25 would identify the grounds for revoking a licence by the Council. Also, it would give the Council the power to suspend a licence until it makes a decision to revoke the licence. Further, the clause would create an offence where a holder of a revoked licence refuses or neglects to give it up to the Council.

Clause 26 would provide for the re-registration of an Urban and Regional Planner whose name was removed from the Register in accordance with the Act.

Clause 27 would make provision for the appeal of a decision of the Council to a Judge.

Clause 28 would allow for Rules of Court to be prescribed for the hearing of an appeal under the Act.

Part IV entitled “Register for Urban and Regional Planners” would comprise clauses 29 to 33.

Clause 29 would provide for the Council to keep a register of every person who holds a licence under the Act.

Clause 30 would make provision for an Urban and Regional Planner to have any higher qualification, which was obtained after his registration, be entered on the Register.

Clause 31 would provide for the removal of incorrect or fraudulent entries that are made in the Register.

Clause 32 would provide that a licence issued under the Act is to be *prima facie* evidence that the person holding the licence is duly registered to practise as an Urban and Regional Planner.

Clause 33 would make provision for the annual publication of the names of persons holding a licence under the Act.

Part V entitled “Committees of the Council” would comprise clauses 34 to 49.

Clause 34 would require the Council to appoint a Recognition Committee and a Disciplinary Committee.

Clause 35 would identify the functions of the Recognition Committee.

Clause 36 would provide for the composition of members for the Recognition Committee.

Clause 37 would provide for the resignation of a member from the Recognition Committee.

Clause 38 would provide for the revocation of the appointment of any member from the Recognition Committee.

Clause 39 would deal with the filling of a vacancy in the Recognition Committee.

Clause 40 would identify the procedure for meetings of the Recognition Committee.

Clause 41 would allow the Council to send the application for a licence and accompanying documents to the Recognition Committee for consideration.

Clause 42 would allow the Recognition Committee to make rules subject to the approval of the Council.

Clause 43 would identify the functions of the Disciplinary Committee.

Clause 44 would set out the composition of the Disciplinary Committee.

Clause 45 would provide for the resignation of a member from the Disciplinary Committee.

Clause 46 would provide for the revocation of appointment of any member from the Disciplinary Committee.

Clause 47 would deal with the filling of a vacancy in the Disciplinary Committee.

Clause 48 would provide for the publication of names of all members of the Disciplinary Committee.

Clause 49 would identify the procedure for meetings of the Disciplinary Committee.

Part VI entitled “Disciplinary Proceedings” would comprise clauses 50 to 53.

Clause 50 would establish the procedure to be followed with respect to complaints of professional misconduct or matters that concern the Urban and Regional Planner being convicted of an offence.

Clause 51 would provide for the making of rules of procedure by the Council. Also, it would allow for the Disciplinary Committee to have the powers to summon witnesses.

Clause 52 would require the Disciplinary Committee to submit a report of its findings and recommendations to the Council.

Clause 53 would lay down the powers of the Council upon the consideration of a report that is submitted to it by the Disciplinary Committee.

Part VII entitled “Offences and Penalties” would comprise clauses 54 to 59.

Clause 54 would make it an offence to practise urban and regional planning without a licence.

Clause 55 would make it an offence to fraudulently obtain a licence under this Act.

Clause 56 would make it an offence to fraudulently make entries or alter entries in the Register.

Clause 57 would make it an offence to practise urban and regional planning while suspended.

Clause 58 would prescribe an additional fine for professional misconduct by an Urban and Regional Planner.

Clause 59 would require the consent to the Director of Public Prosecutions before any criminal proceedings for an offence under this part can be instituted.

Part VIII entitled “Miscellaneous” would comprise clauses 60 to 62.

Clause 60 would allow the Council to appoint staff.

Clause 61 would give the Minister the power to make Regulations.

Clause 62 would allow the Minister, after consultation with the Council, to amend the First, Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Schedules by Order.



**THE URBAN AND REGIONAL PLANNING PROFESSION  
BILL, 2013**

**ARRANGEMENT OF CLAUSES**

*Clause*

1. Short title

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2. Act inconsistent with the Constitution
3. Interpretation

**PART II**

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5. Composition of Council
6. Functions of the Council
7. Tenure of office
8. Vacancy of office
9. Remuneration
10. Seal of the Council
11. Meetings of the Council
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14. Immunity of a member

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17. Renewal of licence
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22. Practising as an Urban and Regional Planner

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25. Revocation of a licence
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30. Additional qualifications
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35. Functions of the Recognition Committee
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43. Functions of the Disciplinary Committee
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54. Practising without a licence  
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#### **SEVENTH SCHEDULE**

#### **EIGHTH SCHEDULE**

#### **NINTH SCHEDULE**



## A BILL

An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto.

Preamble

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title

**1.** This Act may be cited as the Urban and Regional Planning Profession Act, 2013.

## PART I

### PRELIMINARY

Act inconsistent with the Constitution

**2.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation

**3.** In this Act –

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“accredited status” has the meaning assigned to it in the Accreditation Council of Trinidad and Tobago Act;

“certificate of good standing” means a statement issued by TTSP which certifies that a person has –

- (a) paid his fees for membership in TTSP;
- (b) completed within the past year, a course of continuing professional development; and
- (c) not committed professional misconduct that brings TTSP into disrepute;

“Code of Ethics” means the Code of Ethics of the Trinidad and Tobago Society of Planners, as included in the Sixth Schedule;

“Council” means the Trinidad and Tobago Council for Urban and Regional Planners established under section 4;

“course of continuing professional development” means, in relation to a member of TTSP, a course mutually agreed between TTSP and that member to promote –

- (a) the systematic maintenance, improvement and broadening of knowledge and skills; and
- (b) the development of personal qualities,

necessary for the execution of professional and technical duties by a member throughout his professional working life;

“licence” means a Professional, Provisional or Temporary Licence;

“member” means a member of the Council;

“Minister” means the Minister to whom responsibility for urban and regional planning is assigned;

“Professional Licence” means a licence issued under section 16;

“Provisional Licence” means the licence issued under section 18;

“qualifying Caribbean Community State” means a Member State of the Caribbean Community other than Trinidad and Tobago which is listed in Schedule 1 of the Immigration (Caribbean Community Skilled Nationals) Act;

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“Register” means the register for Urban and Regional Planners as referred to in section 29;

“Registrar-Secretary” means the person elected under section 5(5)(b);

“Temporary Licence” means a licence issued under section 19;

“TTSP” means the Trinidad and Tobago Society of Planners established under section 3 of the Trinidad and Tobago Society of Planners (Incorporation) Act, 1975;

Act No. 48 of  
1975

“Urban and Regional Planner” means a person whose name is on the Register and holds a valid licence issued under section 16, 18 or 19 to practise Urban and Regional Planning; and

“urban and regional planning” means the provision of physical or spatial planning services and includes –

- (a) the application of professional planning tools and techniques in an analytical process of choice which requires the balancing of competing interest for land and related resources;
- (b) the preparation of land use and physical development plans with short, medium and long-term perspectives at national, regional and local levels; and
- (c) development management activities with respect to the the implementation of relevant government policies.

## **PART II**

### **THE TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS**

Establishment of Council

**4.** There is hereby established a body corporate to be known as “the Trinidad and Tobago Council for Urban and Regional Planners”.

Composition of Council

**5.** (1) The Council shall comprise of the following five members:

- (a) three persons nominated by the Minister –
  - (i) one of whom is an attorney-at-law with experience in urban and regional planning;
  - (ii) one of whom is a public officer and eligible to practise as an Urban and Regional Planner; and
  - (iii) the other representing the public interest; and
- (b) two persons nominated by TTSP, who hold professional membership in TTSP and have at least ten years’ experience in urban and regional planning.

(2) All members shall be appointed in writing by the Minister.

(3) The Minister shall appoint from among the members –

- (a) a Chairman, who shall hold professional membership in TTSP and shall have at least ten years’ experience in urban and regional planning; and

(b) a Vice-Chairman.

(4) The Minister shall appoint, in respect of each member other than the Chairman and Vice-Chairman, an alternate who shall be qualified for appointment in the same manner as the member to whom he is alternate; and a person so appointed as an alternate, while acting in the absence of the member, shall be deemed to be a member and have all the rights, powers, privileges and immunities of the member to whom he is the alternate.

(5) The members of the Council shall elect from among themselves –

- (a) a Treasurer;
- (b) a Registrar-Secretary; and
- (c) such officer as they think fit.

Functions of  
the Council

**6.** The functions of the Council are to –

- (a) advise the Minister on matters relating to the operations of the Act;
- (b) register and license persons to practise urban and regional planning in accordance with this Act;
- (c) monitor adherence to the Code of Ethics;
- (d) institute disciplinary proceedings in accordance with the provisions of this Act;
- (e) review periodically application fees as set out in the First Schedule;
- (f) suspend or revoke the registration or licence of an Urban and Regional Planner;
- (g) place or remove a name on the Register;
- (h) collect such fees as may be prescribed; and
- (i) perform such other functions as may be required by any other written law or reasonably incidental in giving effect to this Act.

First Schedule

Tenure of office

**7.** (1) A member shall be appointed to hold office for a term of three years and shall be eligible for reappointment.

(2) No member shall be eligible for reappointment after having held an office for two consecutive terms.

Vacancy of  
office

**8.** (1) The office of a member shall become vacant when –

- (a) he dies;
- (b) his term of office expires;

- (c) he resigns by written notice to the Minister; or
- (d) he is removed from office under subsection (3).

(2) Notwithstanding subsection (1)(b), a member whose term of office has expired may continue in that office until a successor is appointed.

(3) The Minister may, by letter addressed to a member, remove the member from office if the member is –

- (a) unable to function because of physical or mental illness;
- (b) absent from three consecutive meetings of the Council;
- (c) convicted, in any court, of a criminal offence under this Act or which carries a penalty of imprisonment for a term of six or more months;
- (d) guilty of misbehaviour in office;
- (e) declared bankrupt in accordance with the laws of Trinidad and Tobago; or
- (f) disqualified or suspended otherwise than at his own request, from practising his profession in Trinidad and Tobago or any other country by an order of any competent authority.

(4) The appointment or termination, whether by death, resignation, revocation or otherwise, of a member shall be published in the *Gazette* and in at least two daily newspapers in general circulation in Trinidad and Tobago.

(5) Notwithstanding any defect in the appointment of any of its members, the Council shall be deemed to be properly constituted.

Remuneration

**9.** The Council shall pay its members such remuneration and allowances as the Minister may determine.

Seal of the Council

**10.** (1) The Council shall have a seal which shall be kept in the custody of the Chairman or Registrar-Secretary.

(2) The seal of the Council shall be attested by the signature of the Chairman or in his absence by the signatures of the Vice-Chairman and the Registrar-Secretary.

(3) All documents other than those required by law to be under seal, made by, and all decisions of the Council may be signified under the hand of the Chairman or in his absence by the signatures of the Vice-Chairman and the Registrar-Secretary.

(4) Service upon the Council of any notice, order or other document shall

be effected by delivering the same, or by sending it by registered post addressed to the Registrar-Secretary, at the office of the Council.

Meetings of  
the Council

**11.** (1) The Council shall meet at least once every month at a time and place so fixed by its members.

(2) Members shall be given at least seven days' notice with the agenda before each meeting of the Council.

(3) Notwithstanding subsections (1) and (2), the Chairman may at any time convene a special meeting whenever he thinks it necessary to do so.

(4) The Chairman, or in his absence the Vice-Chairman, shall preside at meetings of the Council.

Quorum

**12.** The quorum for a meeting of the Council is three members including one member nominated under section 5(1)(a) and one member nominated under section 5(1)(b).

Voting

**13.** (1) The decisions of the Council shall be by a majority of the votes from members who are present and voting.

(2) The Chairman shall have the casting vote at any meeting of the Council.

Immunity of a  
member

**14.** A member of the Council shall not be personally liable in any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise or discharge of any duty or function under this Act.

### **PART III**

#### **LICENSING OF URBAN AND REGIONAL PLANNERS**

Application  
for a licence  
to practise

**15.** (1) No person shall practise as an Urban and Regional Planner in Trinidad and Tobago unless –

- (a) his name is placed on the Register; and
- (b) he holds a valid licence issued under section 16, 18 or 19 of this Act.

Third Schedule  
First Schedule

(2) An applicant for a licence shall be proficient in the English language and shall submit to the Council an application in the form set out in the Third Schedule together with the fee specified in the First Schedule to the Council.

(3) An application under subsection (2) shall be accompanied by –

- (a) evidence of –

- (i) the identity of the applicant;
  - (ii) a degree, a post graduate diploma or other professional qualifications in urban and regional planning held by the applicant; and
  - (iii) at least two years' post qualification experience in work relating to urban and regional planning as recognized by the Council;
- (b) recommendations from two Urban and Regional Planners attesting to the applicant's fitness and ability to practise urban and regional planning in Trinidad and Tobago;
  - (c) a certificate of good standing from TTSP; and
  - (d) such other information as may be required by the Council.

(4) Subject to subsection (3), the applicant shall submit to the Council qualifications in urban and regional planning that have accredited status and are granted by institutions which are accredited under the Accreditation Council of Trinidad and Tobago Act.

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Professional  
Licence

**16.** (1) An applicant who satisfies the Council that he has complied with the requirements of section 15 and who is a –

- (a) citizen of Trinidad and Tobago or a qualifying Caribbean Community State; or
- (b) resident and permitted to work in Trinidad and Tobago,

shall have his name placed on the Register and be issued a Professional Licence by the Council within sixty days of the receipt of his application.

(2) Where an applicant is a citizen of a qualifying Caribbean Community State complies with the requirements of section 15, the Council shall not refuse to act in accordance with section 16(1) on the ground that the applicant is a non-national of Trinidad and Tobago.

(3) A person, who held professional membership in TTSP immediately prior to the commencement of this Act, shall be deemed to be an Urban and Regional Planner and shall be entitled to have his name placed on the Register and be issued a Professional Licence upon submitting an application in the form set out in the Second Schedule to the Council within three months after the commencement of this Act.

Second Schedule

(4) A person, who is referred to in subsection (3), who fails to submit an application in accordance with that subsection shall cease to be deemed an Urban and Regional Planner.

Renewal of  
licence

**17.** (1) A Professional Licence is valid for the year in which it is issued and until 31st January of the ensuing year and may be renewed for successive periods of one year expiring on the 31st January in the following year.

Fifth Schedule  
First Schedule

(2) An application for renewal of a Professional Licence shall be in the form set out in the Fifth Schedule together with the fee specified in the First Schedule and accompanied with a certificate of good standing from TTSP.

(3) An application for the renewal of a Professional Licence shall be delivered to the Registrar-Secretary not earlier than 1st October and not later than 30th November preceding the expiry of the licence but the Council may, if it thinks fit, consider and determine an application for the renewal of the Professional Licence notwithstanding that it is delivered out of time.

Provisional  
Licence

**18.** (1) An applicant, who satisfies the Council that he has complied with the requirements of section 15 except in respect of the experience as required under section 15(3)(a)(iii), shall have his name placed on the Register and be issued a Provisional Licence by the Council.

Fifth Schedule  
First Schedule

(2) A Provisional Licence is valid for the period specified therein but not exceeding twelve months in the first instance and may, on application in the form set out in the Fifth Schedule together with the fee specified in the First Schedule, be renewed or reissued for further periods not exceeding twelve months each and not exceeding thirty-six months in aggregate.

(3) A holder of a Provisional Licence shall –

- (a) practise urban and regional planning under the supervision of an Urban and Regional Planner who holds a valid Professional Licence; and
- (b) not possess a stamp or seal bearing his name.

Temporary  
Licence

**19.** (1) An applicant, who is not a citizen of Trinidad and Tobago or a qualifying Caribbean Community State and who satisfies the Council that he has complied with the requirements of section 15, shall have his name placed on the Register and be issued a Temporary Licence.

Fifth Schedule  
First Schedule

(2) A Temporary Licence shall be valid for the period specified therein but not exceeding twelve months and may, upon application in the form set out in the Fifth Schedule together with the fee specified in the First Schedule be reissued for further periods not exceeding twelve months each.

(3) Subject to subsection (2), the Council may restrict a Temporary Licence to a particular project.

(4) The Council may refuse to grant a Temporary Licence where it has reason to believe that there are sufficient Urban and Regional Planners in Trinidad and Tobago and qualifying Caribbean Community States with requisite experience.

Form for licence  
Fourth Schedule

**20.** (1) A licence shall be in the form set out in the Fourth Schedule.

First Schedule

(2) The Council shall, on payment of the fee specified in the First Schedule, issue to an Urban and Regional Planner a certified copy of his licence.

Display of  
licence

**21.** An Urban and Regional Planner shall conspicuously display –

- (a) his licence at his principal place of business; and
- (b) a certified copy of his licence at any branch office of his business,

in an area that is visible to the public.

Practising as an  
Urban and  
Regional Planner

**22.** An Urban and Regional Planner is entitled to –

- (a) demand and recover reasonable remuneration for urban and regional planning services rendered; and
- (b) use the title “Urban and Regional Planner” or the abbreviation “U.A.R.P.” thereof against his name.

Recovery of fees  
and costs

**23.** (1) An Urban and Regional Planner is entitled to recover as a civil debt in any Court, with full costs of suit, his reasonable charges for professional services.

(2) No person claiming to be, or describing himself as or acting in the capacity of an Urban and Regional Planner shall be allowed to recover in any Court any fees or charges for professional services as an Urban and Regional Planner unless he is an Urban and Regional Planner.

Documents to be  
signed by an  
Urban and  
Regional Planner

**24.** All documents that are required to be signed by an Urban and Regional Planner shall be valid only where the person signing it is the holder of a valid licence under this Act.

Revocation  
of a licence

**25.** (1) The Council may revoke the licence of an Urban and Regional Planner where the Urban and Regional Planner –

- (a) commits professional misconduct; or
- (b) is convicted of an offence which –
  - (i) is punishable on indictment in Trinidad and Tobago; or
  - (ii) was committed outside the jurisdiction of Trinidad and Tobago that if it was committed in Trinidad

and Tobago would have been punishable on indictment.

(2) The Council may suspend the licence of an Urban and Regional Planner until the Council makes a decision with respect to the revocation of a licence as referred to in subsection (1).

(3) A licence shall cease to be valid when the Council revokes it.

(4) When the Council revokes a licence, it shall indicate a specific date for the revocation to take effect and for the licence to be returned by its holder for cancellation by the Council.

(5) Any holder of a licence who refuses or neglects to give up his licence as so indicated in subsection (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of six months.

(6) During the period of its suspension, the licence of an Urban and Regional Planner shall not be valid.

Re-registration  
after removal  
from Register

**26.** (1) A former holder of a licence which was revoked under section 25 may reapply for a licence no earlier than two year after the date of the removal of his name from the Register.

(2) The Council, in its discretion, may approve or refuse an application under subsection (1).

Appeals

**27.** (1) A person may appeal to a Judge from any decision of the Council including a decision to-

- (a) refuse the renewal of his licence under sections 17, 18(2) and 19(2);
- (b) revoke his licence under sections 25 and 53;
- (c) suspend his licence under sections 25(2) and 53; or
- (d) refuse his reapplication under section 26.

(2) A Judge, on hearing an appeal under subsection (1), may make such order in the case as seems just.

Rules of Court

**28.** An appeal against under section 27 shall be made within such time and in such form and shall be heard in such manner as may be prescribed by Rules of Court.

## PART IV

### REGISTER FOR URBAN AND REGIONAL PLANNERS

Register

**29.** (1) The Council shall keep a register for Urban and Regional Planners and cause to be entered on it the name of every person who holds a licence under section 16, 18 or 19 together with the following particulars in respect of each person:

- (a) his full name and address;
- (b) the date of his registration;
- (c) a description and date of the qualification in respect of which he is registered and such other degrees and certificates to which he holds; and
- (d) the date of expiry and renewal of the licence.

(2) The Register shall at all reasonable times be open to inspection at the office of the Council.

(3) The name of the holder of a licence shall be removed from the Register upon the expiration or revocation of the licence.

(4) An Urban and Regional Planner may apply in the prescribed form to the Council to have his name removed from the Register.

(5) Where the name of a person is removed from the Register, the Council shall, in writing, notify the person and require him to return his licence.

(6) Subject to section 26, the Council may, upon application under section 15, restore to the Register any name removed therefrom pursuant to subsection (3) or (4).

Additional qualifications

**30.** An Urban and Regional Planner, who obtains any qualification with accredited status and higher than the qualifications in respect of which he had recorded on the Register, is entitled to have that higher qualification entered on the Register.

Erasure of incorrect or fraudulent entry

**31.** The Council shall cause to be erased from the Register any entry which has been incorrectly or fraudulently made.

Licence to be *prima facie* evidence

**32.** A licence issued under this Act shall be *prima facie* evidence in all courts that the person named therein is duly registered to practise as an Urban and Regional planner.

Publication of list

**33.** The Council shall cause to be published in the *Gazette* and two daily newspapers in general circulation in Trinidad and Tobago –

- (a) in the month of February of every year, an alphabetical list of persons who each hold, at 31st January in that year, a licence; and
- (b) as soon as practicable after a person holds a licence after 31st of January in any year, the name of the person obtaining such licence.

## PART V

### COMMITTEES OF THE COUNCIL

Recognition and  
Disciplinary  
Committees

**34.** The Council shall appoint a Recognition Committee and a Disciplinary Committee.

Functions of the  
Recognition  
Committee

**35.** The Recognition Committee shall be responsible for –

- (a) scrutinizing, examining and investigating the academic qualifications of applicants referred to in section 15;
- (b) liaising and consulting with the Accreditation Council of Trinidad and Tobago established under the Accreditation Council of Trinidad and Tobago Act and other institutions;
- (c) assessing and keeping under review the academic and other qualification as referred to in section 15;
- (d) evaluating the post qualification work done by an applicant referred to in section 15(3)(a)(iii); and
- (e) making recommendations to the Council.

Chap. 39:06

Composition  
of the  
Recognition  
Committee

**36.** (1) The Recognition Committee shall comprise five members each of whom shall have at least five years experience in urban and regional planning.

(2) The members to the Recognition Committee shall be appointed in writing by the Council as follows:

- (a) one member of the Council; and
- (b) four persons, who –
  - (i) hold membership in TTSP; and
  - (ii) are nominated by TTSP.

(3) The members of the Recognition Committee shall hold office for a term not exceeding three years.

(4) Members of the Recognition Committee shall elect a Chairman and a Deputy Chairman from among themselves.

Resignation  
from the  
Recognition  
Committee

**37.** (1) A member of the Recognition Committee, other than the Chairman, may at any time resign his office by letter addressed to the Chairman of the Recognition Committee.

(2) The Chairman of the Recognition Committee may at any time resign his office by letter addressed to the Chairman of the Council.

Revocation of  
appointment  
to the  
Recognition  
Committee

**38.** The Chairman of the Council, on the advice of TTSP, may revoke, by instrument in writing, the appointment of a member on the Recognition Committee referred to in section 36(2)(b).

Vacancy  
in the  
Recognition  
Committee

**39.** Where a vacancy in the membership of the Recognition Committee occurs, the Council shall fill such vacancy by appointing another person who satisfies the requirements of section 36 in the same manner as the previous member who held that office to hold same for the remainder of the period for which the previous member was appointed.

Meetings  
of the  
Recognition  
Committee

**40.** (1) The Recognition Committee shall meet as often as may be necessary for the performance of its functions.

(2) Subject to subsection (3), the Chairman, or in his absence the Deputy Chairman, of the Recognition Committee shall preside at meetings of that committee.

(3) Where at any meeting of the Recognition Committee, the Chairman and Deputy Chairman are absent, the members present and forming a quorum may elect one of their members to preside at that meeting.

(4) The quorum of the Recognition Committee shall be three members.

Reports of the  
Recognition  
Committee

**41.** (1) The Council shall send an application referred to under section 15 and the documents that accompany such application for consideration by the Recognition Committee.

(2) The Recognition Committee shall submit a report of its findings and recommendations to the Council within forty-five days after receiving the documents referred to in subsection (1).

Rules of the  
Recognition  
Committee

**42.** The Recognition Committee may, with the approval of the Council, make Rules to govern its procedure and its method of evaluating post qualification work experience.

Functions of the  
Disciplinary  
Committee

- 43.** The Disciplinary Committee shall be responsible for –
- (a) conducting disciplinary proceedings upon receipt of a complaint referred to under section 50(3);
  - (b) enquiring into matters referred to it under section 50(4); and
  - (c) making recommendations to the Council.

Composition  
of the  
Disciplinary  
Committee

- 44.** The Disciplinary Committee shall comprise three members appointed in writing by the Council as follows:
- (a) an Attorney-at-law of at least ten years' standing, who shall be the Chairman;
  - (b) one member of the Council; and
  - (c) one person, who –
    - (i) holds membership in TTSP;
    - (ii) is nominated by TTSP; and
    - (iii) has at least ten years' experience in urban and regional planning.

Resignation from  
the Disciplinary  
Committee

**45.** (1) A member of the Disciplinary Committee, other than the Chairman, may at any time resign his office by letter addressed to the Chairman of the Disciplinary Committee.

(2) The Chairman of the Disciplinary Committee may at any time resign his office by letter addressed to the Chairman of the Council.

Revocation of  
appointment  
to the  
Disciplinary  
Committee

- 46.** The Council may remove a member of the Disciplinary Committee from his office where the member is –
- (a) unable to function because of physical or mental illness;
  - (b) convicted, in any court, of a criminal offence under this Act or which carries a penalty of imprisonment for a term of six or more months;
  - (c) declared bankrupt in accordance with the laws of Trinidad and Tobago; and
  - (d) disqualified or suspended otherwise than at his own request, from practising his profession in Trinidad and Tobago or any other country by an order of any competent authority.

Vacancy  
in the  
Disciplinary  
Committee

**47.** Where a vacancy in the membership of the Disciplinary Committee occurs, the Council shall fill such vacancy by appointing another person who satisfies the requirements of section 44 in the same manner as the previous member who held that office to hold same for the remainder of the period for which the previous member was appointed.

Publication  
in the  
*Gazette*

**48.** The Council shall cause the names of all members of the first constituted Disciplinary Committee, and every change of its membership thereafter, to be published in the *Gazette*.

Meetings of the  
Disciplinary  
Committee

**49.** (1) The Disciplinary Committee shall meet as often as may be necessary for the performance of its functions.

(2) The Chairman of the Disciplinary Committee shall preside at all meetings of that committee.

(3) The quorum of the Disciplinary Committee shall comprise three members.

## **PART VI**

### **DISCIPLINARY PROCEEDINGS**

Complaints of  
professional  
misconduct  
committed by an  
Urban and  
Regional Planner  
Seventh Schedule  
Eighth Schedule

**50.** (1) An Urban and Regional Planner who breaches Part II, III, IV or VI of the Code of Ethics commits professional misconduct.

(2) A person may file with the Council a complaint, in the form set out in the Seventh Schedule together with affidavit in the form set out in the Eighth Schedule, alleging the commission of professional misconduct committed by an Urban and Regional Planner.

(3) The Council shall refer the complaint under subsection (2) to the Disciplinary Committee.

(4) Where the Council has reason to believe that an Urban and Regional Planner has committed professional misconduct or was convicted of an offence referred to in section 25(1)(b), it may direct that the Disciplinary Committee make enquires under this Part.

(5) The Disciplinary Committee shall enquire into a complaint or a matter under subsection (4) in accordance with rules made under section 51 and submit a report of its findings and recommendations to the Council.

Rules of  
Procedure for the  
Disciplinary  
Committee

**51.** (1) The Council may make rules for the enquiry of complaints and other matters under section 50 of this Act.

(2) The Disciplinary Committee shall have the power to summon witnesses, call for the production of books and other documents and examine witnesses and parties concerned under oath.

Report of the  
Disciplinary  
Committee

**52.** (1) Where the Disciplinary Committee is of the opinion, after an enquiry under this Part, that a case of professional misconduct has been made out against an Urban and Regional Planner, it shall, within fourteen days, forward to the Council a Report of its findings and recommendations.

(2) Subject to section 25(1), the Disciplinary Committee may make a recommendation under subsection (1), as to –

- (a) dismissing the complaint with reasons for so doing;
- (b) revoking a licence and removing from the Register the name of the Urban and Regional Planner to whom the complaint or enquiry relates;
- (c) suspending the licence of the Urban and Regional Planner to whom the complaint or enquiry relates on such conditions as it may deem fit; and
- (d) reprimanding the Urban and Regional Planner to whom the complaint relates.

Consideration  
of report by the  
Council

**53.** (1) The Council, in considering any report submitted by the Disciplinary Committee, may –

- (a) dismiss the complaint;
- (b) revoke a licence and remove the name of the Urban and Regional Planner from the Register;
- (c) suspend the licence of the Urban and Regional Planner for such period not exceeding one year; or
- (d) reprimand the Urban and Regional Planner.

(2) The Council shall provide written reasons when it makes a decision under subsection (1).

(3) Where the Council has decided to –

- (a) suspend the licence of an Urban and Regional Planner; or
- (b) revoke the licence or remove the name of the Urban and Regional Planner from the Register,

it shall publish the decision in the *Gazette* and in at least two daily newspapers in general circulation in Trinidad and Tobago.

## PART VII

### OFFENCES AND PENALTIES

Practising  
without a licence

**54.** A person who practises urban and regional planning without a licence issued under this Act or who fraudulently holds himself out or pretends to be the holder of such a valid licence and –

- (a) demands or receives a fee, gratuity or remuneration;
- (b) makes use of the name or title of “Urban and Regional Planner” or any other name, title, addition, designation or description implying or calculated to lead persons to believe that he is an Urban and Regional Planner or has a licence; or
- (c) either directly or indirectly by advertisement represents that he is qualified or able to practice urban and regional planning,

commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Obtaining a  
licence  
fraudulently

**55.** A person who fraudulently procures or attempts to procure a licence for himself or any other person by making, producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing in an application under section 15 or any document accompanying the application commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Making a  
fraudulent entry  
on the Register

**56.** A person who fraudulently makes, causes or permits to be made –

- (a) a false or incorrect entry or copy of an entry on the Register;  
or
- (b) an alteration in any entry or copy of an entry on the Register,

commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Practising whilst  
suspended

**57.** A person who during the suspension of his licence –

- (a) practises urban and regional planning;
- (b) wilfully pretends to be entitled to practise urban and regional planning; or
- (c) wilfully makes use of any name, title or description implying or calculated to lead persons to believe that he holds a licence under this Act or that he is entitled to be recognized or to act as an Urban and Regional Planner,

commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years.

Professional  
misconduct

**58.** Where a registered Urban and Regional Planner has been found guilty of professional misconduct, the Council may, in addition to any other penalty prescribed in Regulations made under this Act, impose on that Urban and Regional Planner a fine of ten thousand dollars.

Consent of the  
Director of  
Public  
Prosecutions

**59.** The consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are brought under this Act.

## **PART VIII**

### **MISCELLANEOUS**

Staff of the  
Council

**60.** (1) The Council may appoint such suitably qualified persons as it may deem necessary for the performance of its functions under this Act.

(2) The staff of the Council shall be paid such remuneration and be appointed on such other terms and conditions as the Council may determine.

Regulations

**61.** The Minister may, after consultation with the Council, make Regulations for carrying out or giving effect to this Act and in particular for –

- (a) the good governance of the Council and for the proper conduct of its affairs;
- (b) prescribing forms;
- (c) prescribing fees; and
- (d) identifying the types of activities that could be undertaken by an Urban and Regional Planner.

Amendments  
to the  
Schedules

**62.** The Minister, upon the consultation with the Council, may by Order, amend the First, Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Schedules.

**FIRST SCHEDULE**

(Section 3)

**FEEES FOR APPLICATION**

Fees payable for the following applications are as follows:

	\$
(a) Professional Licence	1500.00
(b) Renewal of a Professional Licence	1200.00
(c) Provisional Licence	500.00
(d) Renewal of a Provisional Licence	300.00
(e) Temporary Licence	2000.00
(f) Reissue of Temporary Licence	1500.00
(g) Certified Copy of Licence	150.00
(h) Certified Copy of the Register	120.00
(i) Request for other information from the Council	100.00

**SECOND SCHEDULE**

[Section 16(3)]

**APPLICATION  
UNDER SECTION 16(3) OF THE URBAN AND REGIONAL PLANNING  
PROFESSION ACT**

TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS

**ADDRESS OF REGISTERED OFFICE**

I, ..... of .....,  
an Urban and Regional Planner, hereby apply for the issuance of a Professional  
Licence pursuant to section 16(3) of the Urban and Regional Planning Profession  
Act.

In support of this application, I enclose the following documents:

1. Copy of National Identity Card or Passport Bio-data page.
2. A certificate of good standing from TTSP.

I enclose the fee of:

Dated this            day of            , 20   .

.....  
*Urban and Regional Planner*





**FORM 2**

(Section 18)

**PROVISIONAL LICENCE**

TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS

**ADDRESS OF REGISTERED OFFICE**

THIS CERTIFIES THAT .....  
was duly registered and is entitled to practice in accordance with section 18 of the  
Urban and Regional Planning Profession Act as an Urban and Regional Planner in  
Trinidad and Tobago for the period from the     day of                     , 20     to the  
day of                                     , 20     .

Dated this             day of                     , 20     .

.....  
*\*Chairman/Vice-Chairman*

.....  
*\* Registrar-Secretary*

\_\_\_\_\_  
\* Delete where not applicable.

**FORM 3**

(Section 19)

**TEMPORARY LICENCE**

TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS

**ADDRESS OF REGISTERED OFFICE**

THIS CERTIFIES THAT ..... was  
duly registered and is entitled to practice in accordance with section 19 the Urban  
and Regional Planning Profession Act as an Urban and Regional Planner in  
Trinidad and Tobago for the period from the day of , 20 to  
the day of , 20 on .....  
*(state the specific project).*

Dated this day of , 20 .

.....  
*\*Chairman/Vice-Chairman*

.....  
*\*Registrar-Secretary*

\_\_\_\_\_  
\* Delete where not applicable.



## SIXTH SCHEDULE

(Sections 3 and 50)

### CODE OF ETHICS

#### Part I

##### General Obligations

1. An Urban and Regional Planner, who is employed in the public service or private practice and performs work involved in urban and regional planning, whether academic, research or otherwise, shall have a duty to the public, his employer and clients, as well as to other members of the profession, at all times to –

- (a) serve the public interest in a manner which upholds the integrity of the profession within the laws of Trinidad and Tobago;
- (b) uphold the reputation of the urban and regional planning profession;
- (c) conduct himself in accordance with the highest standards of professional practice and integrity; and
- (d) assist with advancing the competency of persons who are qualified or training to become urban and regional planners.

2. An Urban and Regional Planner shall –

- (a) undertake only such work as he is competent to perform by virtue of his training and experience; and
- (b) obtain Professional Indemnity Insurance when so required by law.

3. An Urban and Regional Planner shall consider in his practice of urban and regional planning the following concepts:

- (a) land is a finite resource, particularly in small island States, and should be utilised in a judicious manner;
- (b) the need to protect the integrity of the natural environment;
- (c) problem solving involves an analysis of choices which requires the balancing of competing interests;
- (d) future consequences of present actions;
- (e) the need for meaningful and informed public participation in the urban and regional planning process and due consideration of available choices;
- (f) the social, economic, physical and environment issues underlying land use and spatial development;

- (g) the rights and privileges of individuals under the Constitution and other written laws;
- (h) the pursuit of excellence in design, whether in the natural or built environment;
- (i) the need for public advocacy; and
- (j) the desirability of monitoring and evaluating the implementation of a plan.

4. (1) An Urban and Regional Planner, in his practice, shall –

- (a) have regard to the totality of land use and adjacent seabed;
- (b) ensure the rational and sustainable utilization of land and related natural resources; and
- (c) consider the integrated development of settlements and supporting networks which promote human well-being, environmental harmony and aesthetics.

(2) An Urban and Regional Planner, who holds a Professional Licence or Temporary Licence, shall affix his stamp or seal and signature to those plans, specifications and reports actually prepared and approved by him or done under his direct supervision.

5. An Urban and Regional Planner shall –

- (a) endeavour to extend public understanding of urban and regional planning and its place in society;
- (b) endeavour at all times to enhance the public regard for, and its understanding of, his profession, by extending the public knowledge thereof and discouraging untrue and exaggerated statements with respect to professional services in urban and regional planning;
- (c) have proper regard for the safety, health and welfare of the public in the performance of his professional duties; and
- (d) conduct himself in such a manner as not to prejudice his professional reputation.

## Part II

### Responsibility to the Public

6. An Urban and Regional Planner shall not –

- (a) misrepresent his qualifications and experience;

- (b) endeavour by direct or indirect means to attract the clients of another Urban and Regional Planner and where a client is referred to him by another Urban and Regional Planner, the client remains for all other purposes the client of the referring Urban and Regional Planner and the Urban and Regional Planner to whom the client is referred shall act with due deference to the relationship between the client and the referring Urban and Regional Planner;
- (c) make any public statement on urban and regional planning projects connected with public policy where the statement is made on behalf of or paid for by private interest, unless he clearly discloses the private interest; and
- (d) allow the publication or use of any of his work in any manner that is likely to mislead, and when it comes to his knowledge that it is so published, he shall take immediate steps to correct the false impressions given.

### Part III

#### Responsibility to the Employer and Client

##### 7. (1) An Urban and Regional Planner shall not –

- (a) solicit prospective clients or employment through the use of harassment or duress and false or misleading claims;
- (b) sell or offer for sale professional services by stating or implying an ability to influence decisions by improper means;
- (c) offer to pay or accept, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or execute urban and regional planning work; or
- (d) accept or continue to perform work which cannot be performed with the promptness required by the prospective client or employer and the circumstances of the assignment.

(2) Where an Urban and Regional Planner is unable to do any portion of work, he shall either recommend to his client, or engage the services of, another Urban and Regional Planner or related professional, who is suitably qualified to perform the type of work required.

##### 8. An Urban and Regional Planner shall –

- (a) accept the decisions of a client or employer regarding the objectives and nature of the professional services to be performed, notwithstanding observations made to the client or employer during briefing except where the course of action to be pursued

involves conduct which is illegal or contrary to this Code;

- (b) provide diligent, creative, independent and competent performance of work in pursuit of the interests of a client or employer and consistent with dedicated service to the public interest; and
- (c) exercise independent professional judgment on behalf of clients and employers.

9. When pursuing urban and regional planning work on behalf of a client, an Urban and Regional Planner shall avoid undertaking work for and on behalf of any other client, if by so doing, the interests of either client may be in any way prejudiced or his ability to act wholly in the interests of either client may be in any way impaired.

10. Where the interests of an Urban and Regional Planner is likely to be affected by the decision of his client or employer on any matter whatsoever, he shall in writing, disclose to his client or employer the nature of his interests immediately after the relevant facts have come to his knowledge.

11. (1) An Urban and Regional Planner shall have a duty to fully disclose any actual, apparent or reasonably foreseeable conflict of interests by the Urban Regional Planner to his client or employer.

(2) An Urban and Regional Planner, who fails to comply with subclause (1), shall not be entitled to any remuneration in relations to the performance of the work.

12. (1) An Urban and Regional Planner shall refrain from disclosing confidential information pertaining to the interests of his clients or employers without their consent, except when required –

- (a) by process of law;
- (b) to prevent a clear violation of law; or
- (c) to prevent a substantial injury to the public.

(2) An Urban and Regional Planner shall avoid the use of information obtained confidentially in the course of his assignment as a means of making personal gain, except with the knowledge and written consent of his client or employer, as the case may be.

#### Part IV

##### Employment in the Public Sector

13. When advising or acting for a public authority in the discharge of any statutory planning function, an Urban and Regional Planner shall employ his

professional skills with the sole concern for the proper discharge of that function, in the best interest of the authority that may be involved.

14. When employed by or acting as a consultant to a government department, planning authority or other public service agency, an Urban and Regional Planner shall not –

- (a) undertake any private urban and regional planning work; or
- (b) engage in any private dealings in land or building,

which falls within the jurisdiction of the department, authority or agency except with the written permission of the department, authority or agency concerned.

15. An Urban and Regional Planner shall not use the power of his office to seek or obtain a special advantage that is not in the public interest or to gain a special advantage that is not a matter of public knowledge.

16. An Urban and Regional Planner shall refrain from divulging any confidential findings resulting from studies or actions by any commission, board or other body of which he is a member or for which he is acting without the consent of that body.

17. While serving as a witness before a court, commission or other tribunal, an Urban and Regional Planner shall refrain from expressing opinions on the practice of urban and regional planning which are not founded on adequate knowledge and honest conviction.

## Part V

### Self-responsibility

18. An Urban and Regional Planner shall –

- (a) be faithful to public needs;
- (b) be fair and loyal to his associates, employers, clients, subordinates and employees;
- (c) strive for high standards of professional competence;
- (d) not deliberately commit an act which reflects adversely on the urban and regional planning profession;
- (e) respect the rights of others and, in particular, shall not improperly discriminate against any person in the practice of his profession;
- (f) strive to contribute time and effort to groups lacking in adequate resources and to volunteer in activities related to the profession of urban and regional planning;

- (g) seek to maintain his professional competence throughout his professional life;
- (h) contribute to the development of the profession by sharing his experience and research;
- (i) accurately represent the professional qualifications, education and affiliations of himself and other members of the profession; and
- (j) report to the Council any unprofessional or dishonest conduct of any Urban and Regional Planner.

## Part VI

### Advertising

19. (1) An Urban and Regional Planner shall employ circumspect advertising to announce his practice and availability and shall ensure that any such advertising is not excessive, misleading to the public or prejudicial to his professional reputation or that of the profession.

(2) An Urban and Regional Planner shall not advertise his professional services by using any –

- (a) inaccurate statement of fact;
- (b) explicit comparison between the professional services he offers and the service offered by another Urban and Regional Planner; or
- (c) endorsement of a commercial product.

(3) For the purposes of this Part, “excessive advertising” includes a statement to the effect that an Urban and Regional Planner can offer superior services or solve all problems in his profession.

**SEVENTH SCHEDULE**

[Section 50(2)]

**FORM OF COMPLAINT AGAINST  
AN URBAN AND REGIONAL PLANNER**

To the Council constituted under the Urban and Regional Planning Profession Act

In the matter of ....., an Urban and Regional Planner,  
of..... and

In the matter of the Urban and Regional Planning Profession Act.

I, the undersigned .....of .....  
..... hereby make a complaint that ..... of  
....., Urban and Regional Planner, may be  
required to answer the allegations contained in the affidavit which accompanies this  
complaint.

I make this complaint on the ground that the matters of fact stated in the  
said affidavit constitute professional misconduct under the Urban and Regional  
Planning Profession Act by the said .....in his capacity of  
Urban and Regional Planner.

In witness whereof I have hereunto set my hand this ..... day of  
....., 20.....

.....  
Signature of Complainant





