

UNITED REPUBLIC OF TANZANIA



THE TOWN PLANNERS (REGISTRATION) ACT.

(CAP. 426)

REGULATIONS
(made under section 31)

THE TOWN PLANNERS (REGISTRATION)
REGULATIONS, 2009.

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**THE TOWN PLANNERS (REGISTRATION) ACT
(CAP. 426)****REGULATIONS***(Made under section 31)*

THE TOWN PLANNERS (REGISTRATION) REGULATIONS, 2009

PART I**PRELIMINARY PROVISIONS**

1. These Regulations may be cited as the Town Planners (Registration) Regulations, 2009 and shall come into operation on the date of publication. Citation
2. In these regulations, unless the context requires otherwise— Interpreta-
tion
Cap. 426
- “Act” means the Town Planners (Registration) Act;
- “Director” means Director of Urban Planning as defined under the Urban Planning Act;
- “Minister” has a meaning as prescribed under the Act; Cap. 116
- “Land Use Planning” has a meaning as prescribed under the Land Use Planning Act;
- “firm” means a group of persons, incorporated companies, partnership, sole proprietorship and any other similar mode of association, practicing as town planners; and
- “foreign town planner” means a person who is a town planner but is not a citizen of Tanzania.

PART II
OBLIGATION TO REGISTRATION

Registra-
tion

3. It is the obligation of any person or firm practicing town planning as defined by the Act to ensure that he is registered with the Board before practicing as a town planner.

Applica-
tion for
Registra-
tion

4.-(1) An application for registration shall be made to the Board in the prescribed form prescribed in the Second Schedule to the Act, in duplicate accompanied with curriculum vitae, academic certificate and any other relevant certificates and scripts, a registration fee and evidence of at least three town planning assignments.

(2) The Board shall determine the nature, size and quality of assignment acceptable for registration.

(3) Applicant shall pay a non refundable registration fee as prescribed in the First Schedule to these Regulations.

(4) Every application for the registration of a town planning firm shall be made by a registered town planner.

(5) An application for temporary registration shall be made in the form prescribed in the Second Schedule to these Regulations.

(6) All foreign town planners shall apply for registration before entering the Country or soon thereafter before taking up the actual execution of a town planning assignment in the Country.

(7) A firm shall be considered for temporary registration if it has in the employment at least one local registered town planner.

Board to
conduct
examina-
tion and
interviews

5.-(1) Notwithstanding the provision of regulation 4, in determining application for registration, the Board may conduct examinations and interviews or call for further information as it may think fit at the applicants' expenses.

(2) Where the Board decides to conduct examinations it shall-

- (a) conduct professional registration examinations;
- (b) charge examination fees as prescribed in the first schedule; and
- (c) set examination procedures.

(3) A candidate who fails the examination may re-sit for the examination six months from the previous sitting.

6.-(1) An application for registration shall be decided upon by the Board within three months from the date of receipt of such application.

Decision
on
application

(2) The Registrar shall communicate the decision of the Board to the applicant by using the address on the application form, within 14 days.

(3) In the case of a person who has qualified for registration—

- (a) the Registrar shall issue a Registration Certificate Form as prescribed in the Second Schedule to the Act; and
- (b) a qualified person for registration, his name shall be entered in the register prescribed in the Second Schedule.

7.-(1) Any registered town planner or firm shall pay annual subscription fee to the Board as prescribed in the First Schedule.

Annual
subscription
Fee

(2) Annual subscription fee shall be paid within sixty days after registration, except for a temporary town planner who shall pay upon registration.

(3) Save for a temporary town planner, a town planner or firm who fails to pay annual fees within the specified time shall be issued a forty five days notice by the Board requiring him to show cause, otherwise his name shall be deleted from the register.

(4) Failure to comply with the notice, the Board shall immediately delete the name from the register.

(5) Where the name of a registered person or firm suspended or deleted from the register is being reinstated, any annual subscription fee

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due at date of such suspension or deletion from the register shall be paid forthwith.

Official Stamp

8. The Board shall issue an official stamp to every registered town planner for use when approving or certifying town-planning documents, technical reports, designs, layouts, drawings and for other similar documents upon payment of a fee prescribed in the First Schedule.

Loss of Certificate

9. Where the Registrar is satisfied that a Registratin Certificate has been lost, mutilated or destroyed, may upon payment of a prescribed fee in the First Schedule, issue a duplicate of the certificate to whom the original certificate was issued.

Return of Certificate to the Board

10.—(1) A registered town planner shall return the Certificate of Registration to the Board upon suspension and deletion from the register.

(2) The Board shall—

- (a) in the case of suspension, hold the Certificate until the person to whom it relates has been reinstated;
- (b) in the case of a person whose name, has been deleted for reasons other than death, cancel the Certificate, or
- (c) in the case of a deceased person, endorse the Certificate with a note of death and thereafter return the Certificate to the representative of the deceased person if so requested.

Review of Fees

11. The Board may at its own discretion review fees in respect of any provision contained in the First Schedule to these Regulations.

PART III
CODE OF ETHICS

Standard conduct

12.—(1) The professional Code of ethics under this Part, shall be the standard conduct to which all registered town planners shall adhere to.

(2) The standard conduct required under su-regulation (1), shall be as provided for in the Third Schedule to these Regulations.

PART IV
CONDUCT OF INQUIRY

13.-(1) The Board may hold an inquiry into the professional conduct of a registered town planner or firm engaged in professional town planning works or services.

Inquiries by the Board and procedures

(2) The Board shall serve a twenty one days written notice to a person or firm suspected to violate any provision of the Act, to show cause why the Board should not hold an inquiry onto that person or firm.

(3) A person or firm being inquired into shall appear in person or represented by an advocate before the Board at the time and place specified by the Board.

(4) A person being inquired into shall be allowed to submit any document which will constitute evidence to be relied upon for defense.

(5) Where a person has been summoned by the Board for inquiry and does not appear without reasonable grounds, the Board shall proceed *ex-parte* to examine evidence, if any, before it.

(6) Upon proof of any persons' omission or refusal to abide with these Regulations, the Board may invoke the provisions of Section 19 of the Act.

14. The Board may refer the inquiry to a sub-committee which will later report to the Board for decision making.

Board may refer inquiry to sub-committee

PART V
GENERAL PROVISIONS

15. Any person may inspect the register upon payment of fees prescribed in the First Schedule.

Inspection of Register

16. The Board shall have the power to enquire from the employers about the particulars of their employees who render or offer town planning services.

Power to enquire

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Liabilities 17. All professional liabilities shall rest with a natural person of the respective firm.

Allowances and salaries 18. The Board may recommend to the Minister allowances payable to members of the Board, salary and remunerations of the Registrar, office of the Registrar staff and any other person accountable to the Board.

Registrar to act on behalf of the Board 19.—(1) The Registrar shall perform his functions and exercise powers stipulated under the Act on behalf of and upon directions of the Board.
(2) The Registrar shall not be personally liable for anything done in good faith in exercise of his duties.

Communication to the Board 20. All communication to the Board shall be addressed to the Registrar at the address of the Board.

Power of the Board to establish Offices 21. The Board shall have powers to establish anywhere in Mainland Tanzania, offices or centers for carrying out its activities.

Appointment of Committees 22.—(1) The Board, on a need basis and for purposes of efficiency and enhancing its operations, shall appoint committees to expedite, inquire, advice or recommend to the Board any matter in its jurisdiction.

(2) The committees appointed under sub-Regulation I, shall deal with amongst others, education and training, professional practice, finance and administration.

(3) The size and composition of the committees shall be determined by the Board.

Duty of approving authority 23. It shall be the duty of any public or private institution or organization dealing with approval or acceptance of town planning documents or plans to ensure that the documents or plans have been prepared by a registered town planner.

Firms to have Office plaque and letter head 24.—(1) Any professional firm shall have—
(a) office plaque which shall remain in position during all the period the office remains registered, and

(b) letter headed papers which will shall be used in all its official communication.

(2) Contravention of this Regulation shall be subject to a penalty of fifty thousands shillings for each day of continued contravention.

25.-(1) The Board shall have power to approve, oversee and control town planners' competitions.

Town
planners'
competi-
tion

(2) The Board shall approve town planners' competitions with the following preconditions-

- (a) clearly defined objectives and conditions of competition;
- (b) a jury consisting of five members, three of who shall be registered town planners, to be appointed by the Registrar in consultation with competition sponsors;
- (c) prizes to be offered by competition sponsors which shall be announced at the beginning of the competition; and
- (d) prizes to be offered shall be deposited with the Board before the beginning of the competition.

(3) Where a competition is cancelled the Board and competition sponsors shall determine compensation to be paid for loss incurred by competitors.

26. All fees and other charges under these Regulations shall be as prescribed in the First Schedule.

Fees and
other

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FIRST SCHEDULE

FEEES

(Made under Regulation 26, 31(2) (b) (d))

S/N	Item		Fees in TZs
1.	Registration fee	Tanzania Citizen	100,000/=
		Non-Tanzania Citizen	1,500,000/=
		Local firm	200,000/=
		Foreign firm	2,800,000/=
2.	Professional Examination fee		100,000/=
3.	Annual subscription fee	Tanzania Citizen	50,000/=
		Non-Tanzania Citizen	1,000,000/=
		Local firm	150,000/=
		Foreign firm	1,000,000/=
4.	Official stamp		150,000/=
5.	Fees for duplicate certificate		100,000/=
6.	Fees for inspection of register	Applicant furnishes registration number	10,000/=
		Applicant does not furnish registration number	20,000/=

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PART B
DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....
Signature of applicant *Full name in block letters* *Position*

PART C
FOR OFFICIAL USE

Application reference No.
Approved/not Approved.....
Comments.....
.....
Registration No.
Officer..... Signature..... Date.....

Important notes: Please enclose the following:

- (a) application form in duplicate
- (b) Curriculum vitae, and
- (c) Prescribed fees to:

Registrar
Town Planners Registration Board
P.O. Box
Dar es Salaam TANZANIA
Tel. Fax.....

THIRD SCHEDULE

STANDARD CONDUCT

(Made under regulation 12(2))

Integrity

1. A registered town planner shall at all times endeavor to uphold and advance the integrity of the town planning profession in a spirit of fidelity, fairness and impartiality in serving the public, employers and clients.

Misconduct

2. A registered town planner shall be entitled to refuse to do any act or omission, which would cause the registered town planner to contravene the professional code of ethics.

(b) Any registered town planner who contravenes a provision of the Code commits a professional misconduct and shall be subject to disciplinary action by the Board.

3. Every registered town planner shall strive to enhance the competence advancement and prestige of the town planning profession and shall have the duty—

Competence

- (a) of creating and providing opportunities for the practical training of candidates aspiring to become professional town planners;
- (b) support professional advancement of other town planners;
- (c) co-operate in advancing the art and science of town planning by exchanging or sharing knowledge, information and experience with fellow professionals;
- (d) build professional reputation on the merits of the services and shall not compete unfairly with others; and
- (e) continue ones professional development throughout the career and shall take into account appropriate technological advance i professional activities.

4. Every registered town planner shall practice in accordance with the best practice taking into account technical guidelines and directives issued from time to time by the Director.

Practice

5. A registered town planner shall prepare or approve town planning documents, plans, design and drawings which are in conformity with set standards.

Standards

6. A registered town planner shall not intentionally communicate inadequate, false or misleading information that may compromise the integrity of any assessment or approval process.

Misleading information

7. A registered town planner shall expose without fear or favor all those engaged in illegal or unethical conduct which may discredit the profession.

Exposure of misconduct

8. A registered town planner shall not unreasonably refuse or delay carrying out of bona fide instructions received from the employer or client.

Carrying out instructions

9. A registered town planner shall act diligently as a faithful agent or trustee and shall endeavor to avoid conflicts of interest.

Diligence

10. Every registered town planner shall—

- (a) disclose all known or potential conflicts of interest to his employer or client which may influence or appear to influence ones judgment or the quality of services offered.

Disclosure of conflict of interest

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- (b) not participate in decisions with respect to professional services if he is an interested party.
- Contract payment 11. A registered town planner shall not claim or demand to be paid for the services rendered to the employer or client other than that agreed in the contract.
- Charges and Costs 12.—(1) Any registered town planner shall charge fees in accordance with sub-regulations (b).
- (2) In computing costs payable the following shall be considered—
 - (a) the skills and knowledge required;
 - (b) consultation involved;
 - (c) risks involved in carrying out the assignment;
 - (d) the nature of responsibilities undertaken;
 - (e) the time taken to complete the assignment; and
 - (f) professional fee equivalent to 7% – 12% of the cost of the project out of which 2% shall be paid to the Board.
- Corruption 13. A registered town planner shall neither offer nor solicit or accept financial or other valuable considerations, directly or indirectly from employers, clients, agents or other parties in connection with work for which he is interested or responsible.
- Reputation of the Board 14. A registered town planner shall not act in any way likely to prejudice the reputation of the Board or its functions and shall co-operate fully with an inquiry carried out in the event of any alleged breach of this Code.
- Confidential data 15. A registered town planner shall not reveal confidential data or information obtained in a professional capacity without the prior consent of the client or employer except where authorized or required by law.
- Public interest 16. A registered town planner shall at all times strive to serve public interest and shall in the process—
 - (a) interpret planning issues to the public in an objective and truthful manner;
 - (b) work for the advancement of the safety, health and well being of the community; and
 - (c) endeavor to extend and enhance public knowledge and understanding of town planning matters.

17. A registered town planner shall not compete unfairly with another registered town planner or firm by attempting to obtain employment or professional engagements by taking advantage of a position, by malicious criticism of another planner, by reduction of fees or by any other improper and unfair means.

Unfair
competi-
tion

18. In private practice, a registered town planner shall not review or take the work of another town planner for the same client except with the knowledge and written consent of such other planner, or unless the contract of such planner has been terminated.

Review of
Work

19. A registered town planner shall not directly or indirectly in carrying out professional business permit any act which can be regarded as advertising.

Advertis-
ing

Dar es Salaam,
5 September, 2009

JOHN ZEPHANIA CHILIGATI (MB.),
*Minister for Lands, Housing and
Human Settlements Development*