

**URBAN AND REGIONAL PLANNING
PROFESSION ACT**

ACT NO. 22 OF 2020

**Act
22 of 2020**

UNOFFICIAL

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Commencement

Sections 1–5, 6(a), (b), (c), (e), (g), (h) and (i), 7–14, 15(2)–(4), 16(1) and (2), 17–20, 29(1) and (2), 30–49, 55, 56, 57A, 59–61 and the First to Sixth Schedules took effect on 26th July 2023 by LN 218/2023.

At the time of the revision of this Act, sections 6(d), 6(f), 15(1), 16(3), 16(4), 21–28, 29(3)–(6), 50–54, 57, 58 and the 7th Schedule and 8th Schedule were still awaiting proclamation.

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PROFESSION ACT**

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22 of 2020.

ACT NO. 22 OF 2020

**URBAN AND REGIONAL PLANNING
PROFESSION ACT**

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.

[ASSENTED TO 3RD JULY 2020]

Enactment. ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Urban and Regional Planning Profession Act.

Commencement. ***2.** This Act comes into operation on such date as the President may, by Proclamation, appoint.

Interpretation. **3.** In this Act, unless the context otherwise requires—
“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 professional or graduate membership in TTSP;
- (b) completed within the past year, a number of hours of continuing professional development; and
- (c) not committed professional misconduct that brings TTSP into disrepute;

Sixth Schedule. “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;

*See Note on Commencement on page 2 for the dates on which various sections of this Act came into force.

“Environmental Commission” means the Commission established under section 81 of the Environmental Management Act; Ch. 35:05.

“graduate member” means, in relation to a member of TTSP, a person who—

- (a) is a resident of Trinidad and Tobago;
- (b) is qualified by academic training to practise as an Urban and Regional Planner in accordance with this Act but does not have the requisite post qualification experience in work relating to urban and regional planning as recognised by the Council; and
- (c) has graduated from a planning programme recognised by the Council and does not have—
 - (i) at least three years’ relevant spatial planning experience if his qualification under paragraph (b) is a Bachelor of Science degree; or
 - (ii) at least two years’ relevant spatial planning experience if his qualification under paragraph (b) is a Master of Science degree;

“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;

“number of hours of continuing professional development” means, in relation to a member of TTSP, a number of hours mutually agreed between TTSP and that member in the area of planning 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;

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

“professional member” means, in relation to a member of TTSP, a person who—

- (a) is a resident of Trinidad and Tobago;
- (b) is qualified by academic training and experience to practise as an Urban and Regional Planner in accordance with this Act; and
- (c) has graduated from a planning programme recognised by the Council and—
 - (i) has at least three years’ relevant spatial planning experience if his qualification under paragraph (b) is a Bachelor of Science degree; or
 - (ii) has at least two years’ relevant spatial planning experience if his qualification under paragraph (b) is a Master of Science degree;

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

Ch. 18:03.

“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;

“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);

Ch. 18:01.

“resident” means a person who is conferred the status of a resident of Trinidad and Tobago under the Immigration Act;

“State Planner” means a person employed by the State to practise urban and regional planning;

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

48 of 1975.

“TTSP” means the Trinidad and Tobago Society of Planners established under section 3 of the Trinidad and Tobago Society of Planners (Incorporation) Act, 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 implementation of relevant government policies.

PART II

THE TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND REGIONAL PLANNERS

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

5. (1) The Council shall comprise the following seven members: Composition of Council.

- (a) four persons nominated by the Minister as follows:
 - (i) one Attorney-at-law with experience in matters relating to urban and regional planning;
 - (ii) two State Planners who are professional members in TTSP; and
 - (iii) one person representing the public interest; and
- (b) three persons nominated by TTSP, who are professional members 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) keep the administration of this Act under review and, when so required by the Minister, or otherwise as it thinks fit, submit recommendations to the Minister;

(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;

First Schedule.

- (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 to giving effect to this Act.

7. A member shall be appointed to hold office for a term of three years and shall be eligible for reappointment. Tenure of office.

8. (1) The office of a member shall become vacant when— Vacancy of office.
- (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 without the leave of the Chairman 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 four members including two members nominated under section 5(1)(a) and two members nominated under section 5(1)(b).

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

Voting.

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

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.

Immunity of a member.

PART III

LICENSING OF URBAN AND REGIONAL PLANNERS

15. (1) No person shall practise urban and regional planning in Trinidad and Tobago unless—

Application for a licence to practise.

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

(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 Second Schedule together with the fee specified in the First Schedule to the Council.

Second Schedule.
First Schedule.

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

- (a) evidence of—
 - (i) the identity of the applicant;
 - (ii) a degree in the field of urban and regional planning or a post graduate degree in urban and regional planning held by the applicant and recognised by the Council; and
 - (iii) at least—
 - (A) three years' post qualification experience in work relating to urban and regional planning as recognised by the Council if the applicant has a Bachelor of Science degree; or

- (B) two years' post qualification experience in work relating to urban and regional planning as recognised by the Council if the applicant has a Master of Science degree;
- (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 or, in the case of an applicant for a Temporary Licence under section 19—
 - (i) a certificate of good character from the jurisdiction in which the applicant has resided for the last six months; and
 - (ii) evidence that the applicant has not committed professional misconduct that brings the professional planning body in the jurisdiction in which the applicant resides into disrepute; 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.

Ch. 39:06.

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 of 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 subsection (1) on the ground that the applicant is a non-national of Trinidad and Tobago.

(3) A person, who is a professional member of 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 Third Schedule to the Council within six months after the commencement of this Act.

Third 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.

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

Renewal of
Professional
Licence.

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

Fourth
Schedule.
First Schedule.

(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.

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.

Provisional
Licence.

Fourth
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 Fourth 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 is a Professional Member of TTSP of no less than five years' standing; 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.

Fourth
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 Fourth 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) A Temporary Licence issued under subsection (1) shall be deemed to be invalid where it is subsequently discovered that the application contained any misrepresentation of information or falsification of any document required under section 15.

Form for
licence.
Fifth Schedule.

20. (1) A licence shall be in the form set out in the Fifth 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.

21. An Urban and Regional Planner shall conspicuously display— Display of licence.

- (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.

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.

Practising as an Urban and Regional Planner.

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.

Recovery of fees and costs.

(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.

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.

Documents to be signed by an Urban and Regional Planner.

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

Revocation of a licence.

- (a) commits professional misconduct; or
- (b) is convicted of an offence which—
 - (i) is punishable on indictment in Trinidad and Tobago or carries a penalty of imprisonment for a period of at least five years; 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 or would carry a penalty of imprisonment for a period of at least five years.

(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 one 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 the Environmental Commission on any decision of the Council including a decision to—

- (a) refuse the issue or renewal of a licence under sections 16, 17, 18 and 19;
- (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) The Environmental Commission, on hearing an appeal under subsection (1), may make such order in the case as seems just.

28. An appeal 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 the Environmental Commission. Rules of Court.

PART IV

REGISTER FOR URBAN AND REGIONAL PLANNERS

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: Register.

- (a) his full name and usual place of business 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;
- (d) the type of licence held by the person; and
- (e) 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) The Council shall, within seven days of the removal of the name of a person from the Register, notify the person in writing and require him to return the 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.

Striking out of incorrect or fraudulent entry.

31. The Council shall cause to be struck out 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) scrutinising, 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 qualifications 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.

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

Composition of the Recognition Committee.

(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) are professional members of TTSP; and
 - (ii) are nominated by TTSP.

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

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

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.

Resignation from 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.

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).

Revocation of appointment to 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

Vacancy in the Recognition Committee.

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. (1) The Disciplinary Committee shall comprise five 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) three persons, who—
 - (i) are professional members in TTSP;
 - (ii) are nominated by TTSP; and
 - (iii) have at least ten years' experience in matters relating to urban and regional planning.

(2) The members of the Disciplinary Committee shall hold office for a term not exceeding three years and shall be eligible for reappointment.

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.

Resignation from 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.

46. The Council may remove a member of the Disciplinary Committee from his office where the member is—

Revocation of appointment to the Disciplinary Committee.

- (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.

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

Vacancy in the Disciplinary Committee.

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.

50. (1) An Urban and Regional Planner who breaches section 21 or 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 a statutory declaration, 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 and provide the Urban and Regional Planner named in the complaint with a copy of the complaint.

(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 enquiries 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.

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

Rules of Procedure for the Disciplinary Committee.

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

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, together with a record of the proceedings which may be in writing or in electronic form.

Report of the Disciplinary Committee.

(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.

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

Consideration of report by the Council.

- (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 and 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 valid 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 practise 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 wilfully 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.

56. A person who wilfully makes, causes or permits to be made—

Making a fraudulent entry on the Register.

- (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.

57. A person who during the suspension of his licence—

Practising whilst suspended.

- (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 recognised 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 and to imprisonment for two years.

57A. Notwithstanding any other written law to the contrary, a prosecution for a summary offence under this Act may be commenced before the expiration of five years after the commission of the offence or one year after the discovery thereof, whichever date last occurs.

Prosecution of offences.

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.

Professional misconduct.

PART VIII

MISCELLANEOUS

Staff of
the Council.

59. (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.

60. (1) The Minister may, after consultation with the Council, make Regulations for carrying out or giving effect to this Act.

(2) Without limiting the generality of the foregoing, the Minister may make Regulations 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.

(3) Regulations made under this section may prescribe that a contravention thereof shall constitute an offence punishable on summary conviction by a fine not exceeding fifteen thousand dollars and a term of imprisonment not exceeding two years.

Amendments to
the Schedules.

61. The Minister, after consultation with the Council, may by Order subject to negative resolution of Parliament amend the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules.

FIRST SCHEDULE

FEES FOR APPLICATION

(Sections 6, 15,
17, 18, 19 and
20)

Fees payable for the following applications are as follows:

	\$
(a) Professional Licence	1,500.00
(b) Renewal of a Professional Licence	1,200.00
(c) Provisional Licence	500.00
(d) Renewal of a Provisional Licence	300.00
(e) Temporary Licence	2,000.00
(f) Reissue of Temporary Licence	1,500.00
(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 15)

APPLICATION FOR A LICENCE

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

ADDRESS OF REGISTERED OFFICE

I, of
hereby apply for a (*Professional /Provisional /Temporary) Licence pursuant
to section 15 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. Copy of professional qualifications in urban and regional planning.
3. A certificate of good standing from TTSP.
4. 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.
- *5. In the case of an application for a—
 - (a) Professional Licence, evidence of at least two years' post qualification experience in work relating to urban and regional planning;
 - (b) Provisional Licence, a letter from the Urban and Regional Planner who agreed to undertake the supervision; and
 - (c) Temporary Licence, a statement to identify the Planning Project.

I declare that I (*am/am not) proficient in the English language.

I enclose the fee of:

Dated this day of 20 .

.....
Signature of Applicant

*Delete where not applicable.

THIRD SCHEDULE

APPLICATION

[Section 16(3)]

**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

FOURTH SCHEDULE

[Sections 17,
18(2) and
19(2)]

**APPLICATION FOR RENEWAL/REISSUING OF A LICENCE
TRINIDAD AND TOBAGO COUNCIL FOR URBAN AND
REGIONAL PLANNERS**

ADDRESS OF REGISTERED OFFICE

I, of
..... hereby apply for the renewal or reissuing of the
(*Professional/Provisional/Temporary) Licence pursuant to section 17, 18(2)
or 19(2) of the Urban and Regional Planning Profession Act, which was last
issued on the day of
..... 20.....

I enclose the fee of:

Dated this day of 20 .

.....
Urban and Regional Planner

*Delete where not applicable.

FORM 3

TEMPORARY LICENCE

(Section 19)

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

ADDRESS OF REGISTERED OFFICE

This Certifies that is
duly registered and is entitled to practise in accordance with section 19 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 on

.....
(state the specific project)

Dated this day of 20 .

.....
*Chairman/Vice-Chairman

.....
*Registrar-Secretary

*Delete where not applicable.

SIXTH SCHEDULE

CODE OF ETHICS

(Sections 3 and
50)

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 utilisation 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 statutory
declaration which accompanies this complaint.

I make this complaint on the ground that the matters of fact stated in the said
statutory declaration 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

EIGHTH SCHEDULE

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

[Section 51(2)]

SUMMONS

Complaint No. of 20.....

In the matter of, an Urban and
Regional Planner and

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

To: *(state name and address of witness)*

You are hereby summoned to appear before the Disciplinary
Committee of the Council constituted under the Urban and Regional
Planning Profession Act at
..... on the day of,
20..... at the hour of *a.m./p.m. and so from day to day
until the application in the above matter is heard, to give evidence
on behalf of *(if the person summoned
is to produce books or documents add)* and you are required to bring with you
(specify the books or documents required).

Dated this day of 20 .

.....
Chairman of the Disciplinary Committee

*Delete where not applicable.