

1933

1933

3034

CO 533/431
KENYA

3034

Architects & Quantity Surveyors Ordinance

1933

Previous

Mr. Custance 28/4
297

15.2.46/32

Subsequent

2.10.57/34

- 205 7/2
- Mr. Custance 11/2
- Mr. C. W. ... 11.2
- M. H. B. ... 13.2
- R. ... 22/2
- R. ... 12
- 205 24/4
- 297 24/4
- Mr. Custance 24/4
- Mr. ...
- 298 25/4
- 297 26/4
- President 27/4
- R. 297 28/4

3034

FILE A

PRINTED AND SOLD BY THE GOVERNMENT OF KENYA

Institute of Structural Engineers 3rd Feb 33

Points out that the Bill will prejudicially affect members of the engineering profession & suggests that the rights of contracted members might be safeguarded by inclusion of a clause ^{similar} to that in Strabo Settlement Bill.

This proposal seems reasonable as a result of protests from various bodies of engineers (list in the minute of 24/1/26 on Strabo 46 (74/25)). The Strabo Bill on similar lines was amended by the (a) the insertion of a clause Clause 15 and (b) the inclusion of in the 1st schedule to the case of various approved engineering bodies (see order No 12 of 1926 on Strabo 20039/26).

Said copy to former Kenya obs referring the Bill in the letter of 3/1/32 and to inform him as above. Enclosed following a copy of the Strabo order and of the report of the select Ctee enclosed with the despatch of 22/3/1926: 8500/2688 and also 1 informing that the matter has been referred and forming a further comment. G.D. should see the draft.

W.S. Potts MBE
11/2/33
I

Institute of Structural Engineers 3rd Feb. 33

Points out that the Bill will prejudicially affect members of the engineering profession & suggests that the rights of incorporated members might be safeguarded by inclusion of a clause ^{similar} to that in Strain's Settlement Bill.

This protection seems reasonable as a result of protests from various bodies of engineers (list in the minute of 22/10/32 in Strain's 46 (74/25) the Strain Bill on similar lines was amended by the (a) the insertion of a clause Clause 15 and (b) the inclusion of the 1st Schedule to the order of various approval requirements bodies (see order No. 17 of 1926 - Strain's 200 39/26)

Said copy to former Keay & Co. reformed the Bill in the letter of 29/9/32 and in form he is above sending enclosing a copy of the Strain's order and of the Report of the Select Com. received with the despatch of 22/3/1926 - 85.08/2688 and also in informing that the matter has been referred and promising a further comment.

G. D. should see the draft

W. P. Ross's note
11/2/33

1) Instn. of Structural Engineers _____ 26 April 33

Acto No 6 asks that he may be informed if any
change or amendment to Clause 3 has been adopted.

They had better be informed of
the result when Architectural
College of the order come

H. B. P. M. S. M. L.

28/4/33

at mee

They are up to date

Acto No 6
for the
Institution

RECEIVED
27 APR 1935
COL. OFFICE

Telephone No. 7128, 8712A

Regime. Council, Home London

The Institution of Structural Engineers

Founded 1908 and Incorporated 1919

Secretary
Major P. S. Macland, C.B.E., M.I.C.E., M.Soc.C.E. (Honor.)

10, Upper Belgrave Street
London, W.1

Your Reference: 3034/35

26th April 1935.

Ans. 3 - 2857/34

The Under Secretary of State,
Colonial Office,
London, S.W.1

ACKD. BY P.C.
P.C.

Sir,

Note

I acknowledge with thanks receipt of your letter of the 26th April which has reference to correspondence that has passed as between this Institution and the Colonial Office on the subject of a Bill to establish an Institute of Architects and Quantity Surveyors in Kenya Colony.

I note that it is proposed to introduce the Bill as published into the Legislative Council of Kenya Colony, and to move an amendment to Clause 3 which, if adopted, will have the effect of meeting our representations. I shall be greatly obliged if you will inform me in due course whether the amendment to Clause 3 has been adopted.

I am,

Sir,

Your obedient servant,

P. S. Macland

Secretary.

Mr. Priestman 24/4
Mr. *Darwin wife.*

3034/33 Kenya.

G. R.
R. 24 APR
D. 25

Mr. Parkinson.
Mr. Tomlinson.
Sir C. Ballantyne.
Sir J. Shuckburgh.
Permt. U.S. of S.
Party U.S. of S.
Secretary of State

25 April, 1933.

Sir,

I am etc. to refer to your

DRAFT

THE SECRETARY
THE INSTITUTION OF
STRUCTURAL ENGINEERS

(4)

letter of the 1st of March and
previous correspondence on the subject
of a Bill to establish an Institute of
Architects and Quantity Surveyors
in Kenya Colony.

I am to say that intimation
has now been received from The Governor
of Kenya *has now reported* that it is proposed to
introduce the Bill as published into
the Legislative Council, and to move
an amendment to Clause 3 during the
committee stage, which, if adopted,
will have the effect of meeting your
representations.

I am, etc.

(Signed) J. E. W. FLOOD



KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 200

RECEIVED
20 APR 1933 50
COL. OFFICE

MARCH, 1933.

Sir,

No. 3

With reference to your despatch No. 147 of the 2nd March, 1933, I have the honour to inform you that it is proposed to introduce in Legislative Council the Architects' and Quantity Surveyors' Bill as published in the Official Gazette of 6th September, 1932.

2. Representations similar to those made by the Institution of Structural Engineers in their letter of 3rd February, 1933, have also been made to Government by local members of the Institution with the result that Government proposes to move an amendment to clause 7, during the passage of the Bill through Committee, granting the exemptions desired.

I am advised by the Attorney General that in the event of the Bill being enacted by the Legislative Council with an amendment as proposed the representations made to you by the Institution of Structural Engineers will have been fully met.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER GENERAL,
GOVERNOR.

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

C. O.

Mr. Priestman 25/2/33

Mr. *Dr. ...*

Mr. Parkinson

Mr. Tomlinson

Sr. C. Bottomley

Sr. J. Shuckburgh

Depy. U.S. of S.

Parly. U.S. of S.

Secretary of State

Approved by No. 50123057

CD
2 FEE
28

2 March
February, 1933.

Sir,

I have etc. to transmit to

you, for your observations, a copy of

a letter from the Institution of

Structural Engineers protesting

against the enactment in its present

form of the Bill to Establish an

Institute of Architects and Quantity

Surveyors which was published in the

Times Gazette of the 6th September, 1932

As a result of similar

protests by the Institution of

Structural Engineers and other bodies,

the Straits Settlements Bill on simi-

lar lines was amended by the insertion

of a saving clause (Section 15) provi-

ding for the exemption of persons

holding certain qualifications, and

also taking powers for the Govern-

DRAFT.

KENYA

No. *744*

Govt

Ex. Ind. SE. 2nd 20th
115
1

(2 drafts)

in-Council to add, from time to time,

to the schedule of exempted persons.

(The amendment suggested in the letter from the Institution of Structural Engineers would refer to the letter proposed)

A copy of the Straits Settlements

Ordinance in question (No. 12 of 1926)

is enclosed, together with a copy of the Report of the Select Committee appointed to consider the Bill.

3. I suggest that unless you see any objection, the Bill might, with advantage, be amended in a particular on the lines of the Straits Settlements Ordinance, and I shall be glad to receive an expression of your views on the question for communication to

the Institution of Structural Engineers.

I have, etc.,

(Sgd.) P. CUNLIFFE-LISTER

in-Council to add, from time to time,

to the schedule of exempted persons.

*(The amendment suggested in the letter
from the Institution of Structural Engineers
needs reference to the letter provision.)*

A copy of the Straits Settlements

Ordinance in question (No. 12 of 1926)

is enclosed, together with a copy of the

Report of the Select Committee appointed

to consider the Bill.

3. I suggest that unless you

see any objection, the Bill might, with

advantage, be amended in this particular

on the lines of the Straits Settlements

Ordinance, and I shall be glad to re-

ceive an expression of your views on

the question for communication to

the Institution of Structural Engineers.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

The Institution of Structural Engineers

Founded 1908 and Incorporated 1909

Mr. P. A. Matheron, O.B.E., M.I. Struct. E., M.Soc. C.E. (Honor.)

10, Upper Belgrave Street,
London, S.W.1

3rd February 1935.

ACKD BY P.L.

200
The and

The Secretary of State,
Colonial Office,
Downing Street,
S.W.1.

T.C
45 FEB 1935
DOL

Sir,

Kenya Colony.
Bill to establish an Institute of Architects
and Quantity Surveyors.

I am instructed by my Council to inform you that they have had under consideration a Bill to establish an Institute of Architects and Quantity Surveyors in Kenya Colony.

From a perusal of a copy of this Bill which is published in the Official Gazette of the Colony dated 6th September 1932, it would appear to affect very prejudicially the members of the engineering professions in the Colony, many of whom are members of the Institution of Structural Engineers. The Bill has been promoted by the local Institute of Architects and Quantity Surveyors and, if passed, will benefit members of that Institute at the expense of engineers upon whom it will inflict injustice.

I am instructed therefore to submit with the greatest deference the following opinions on the Bill for your consideration :-

1. The work of the two professions, namely Engineering and Architecture, overlap in certain kinds of work so that it would appear to be not possible to draft a

9

The Institution of Structural Engineers.

Continuation Sheet, No. I

- Bill which would benefit one profession without penalising the other. Engineers design power stations, factory buildings and other structures which are also designed by Architects; while an Architect can carry out bridges, piers and other structures which are also carried out by Engineers. If therefore the Bill becomes law, the position of the local Architect will be such that an Engineer will only obtain work in a consultant capacity and will be prevented from carrying out his normal function of designing and erecting structures.
2. The question of minimum fees as proposed in the Bill should be carefully considered, since in practice fees vary considerably and are dependent upon the character of the work (See Clause 10).
 3. The words "Quantity Surveyor" and "Quantity Surveying" embrace all quantities and quantity surveying. There is no limit placed on these expressions in the draft Bill and they therefore can include engineering quantities and quantity surveying. It would not seem to be possible to avoid encroaching on the activities of the engineer who gets out his own quantities. It would appear that an engineer is not eligible for election as a Quantity Surveyor and, if he were, it would place him in the invidious position that in order to practice one of the duties of his own profession he would be required to belong to the Institute of another profession.

You were good enough to give instructions that the rights of corporate members of this Institution were to be safeguarded by the inclusion of a special clause in the Architects Registration Bill in the Straits Settlements (Ordinance No. 12, 1926, 4th Schedule).

The Institution of Structural Engineers.

Continuation Sheet, No. 2.

I am instructed to submit that similar action might be taken with the Bill above referred to, and that a clause on the following lines, together with a schedule, might be inserted :-

"Exemption of persons holding certain qualifications."

(1) Nothing in this Ordinance contained shall be construed so as to prevent any person to whom any one of the descriptions set out in the Schedule hereto applies from performing any function or exercising any power which he might lawfully have performed or exercised if this Ordinance had not been passed."

The Schedule.

1. Bachelor of Engineering, or Bachelor of Science (Engineering) of any British or British Colonial University.
2. Member or Associate-Member of the Institution of Structural Engineers.

I need not say that my Council would be very appreciative if it were possible for you to direct that a clause on the above lines should be inserted in the proposed Kenya Colony Bill.

I have the honour to be, Sir,

Your obedient Servant,

R. Maitland

Secretary.