
BOARD NOTICES RAADSKENNISGEWINGS

BOARD NOTICE 61 OF 2002

Engineering Council of South Africa

ENGINEERING PROFESSION ACT, 2000 (ACT 46 OF 2000)

RULES IN TERMS OF SECTION 18(1)(c)

SPECIFIED CATEGORY: REGISTERED LIFT INSPECTOR

The Engineering Council of South Africa, has in terms of section 18(1)(c) of the Engineering Profession Act, 2000 (Act 46 of 2000) made the rules set out in the Schedule.

SCHEDULE

Definitions

1. In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Engineering Profession Act, 2000, (Act no 46 of 2000) bears the same meaning and -

"Education Committee: Registered Lift Inspectors" means the education committee for registered lift inspectors established in terms of section 17 of the Act, and for purposes of these rules, **"education committee"** shall have the same meaning;

"Registration Committee: Registered Lift Inspectors" means the registration committee for registered lift inspectors established in terms of section 17 of the Act, and for purposes of these rules, **"registration committee"** shall have the same meaning;

"registered lift inspector" means a person registered as such in terms of these rules;

"registered person" means any person registered in any category of registration referred to in section 18(1)(a) of the Act and any person registered as a registered lift inspector in terms of these rules;

"specified category" for purposes of these rules, means the category of registration pertaining to registered lift inspectors, contemplated under section 18(1)(c) of the Act, and established in terms of Rule 2.

"the Act" means the Engineering Profession Act, 2000 (Act 46 of 2000).

"the register" means a sub-register of registered lift inspectors, incorporated in a register kept by the Council in terms of section 11(c) of the Act.

ESTABLISHMENT OF SPECIFIED CATEGORY : REGISTERED LIFT INSPECTORS

2. A specified category called "Registered Lift Inspector" is hereby established in terms of section 18(1)(c) of the Act.

REGISTRATION COMMITTEE: REGISTERED LIFT INSPECTORS

3. (1) A registration committee to be known as the Registration Committee: Registered Lift Inspectors is hereby established in terms of section 17(1) of the Act.

Composition of the Registration Committee: Registered Lift Inspectors

- (2) The registration committee consists of 14 persons, appointed by the Council, of whom –
 - (a) two shall be registered persons nominated by the Council, who shall have knowledge of the Act, applicable rules, policies, code of conduct and code of practice;
 - (b) one registered person shall be nominated by the Chief Inspector: Occupational Health and Safety of the Department of Labour, who shall be employed in a senior capacity in that Directorate;
 - (c) one registered person shall be nominated by the Chief Inspector: Department Minerals, Directorate Mine Safety and who shall be employed in a senior capacity;
 - (d) one person shall be in the service of the South African Bureau of Standards nominated by the Director of Mechanical and Electrical Engineering of the Bureau of Standards;
 - (e) two registered lift inspectors shall be nominated by the Independent Lift Inspectors Association of South Africa with experience and knowledge in the manufacture, supply and installation and servicing of lifts;
 - (f) one registered person shall be nominated by the Lift Engineering Association of South Africa;
 - (g) one registered lift inspector shall be nominated by the SA Property Owners Association;
 - (h) one registered lift inspector shall be nominated by the Lift Maintenance, Consulting and Upgrading Group, with experience in the manufacture, supply and installation and servicing of lifts;

- (i) four registered lift inspectors nominated by lift companies who are invited by the Council to do so.

Disqualification from Membership of Committee and Vacation of Office

- (3) (a) A person must not be appointed as a member of the registration committee if the –
 - (i) applicable provisions of rule 3(2) of these rules are not complied with;
 - (ii) provisions of section 6(1)(b), (c), (d), (e) and (f) of the Act are not complied with.
- (b) Any member of the registration committee must vacate his or her office if he or she –
 - (i) ceases to meet any one or more of the applicable pre-requisites for appointment referred to in rule 3(3)(a);
 - (ii) is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (iii) has been absent from two consecutive meetings of the committee without its leave.
 - (iv) ceases to be formally associated with, in the employ of, or being the recognised representative, as the case may be, of the organisation which nominated him or her in terms of the applicable provisions of rule 3(2).

Election of Chair and Vice-Chair of the Registration Committee

- (4) (a) The members of the registration committee must, at the first meeting of the committee, and thereafter as the occasion arises, elect from amongst their number a chair and vice-chair, who must hold office until the expiry of the period for which the Council was appointed.
- (b) A person may not be elected as chair or as vice-chair in terms of rule 3(4)(a) unless such person is a registered lift inspector.
- (c) The chair or, in the event of his or her incapacity, the vice-chair must act as chair of any meetings of the registration committee: Provided that if the chair and vice-chair are absent from any meeting of the committee or not be able to preside, the members present shall elect a registered lift inspector from amongst their number to preside at that meeting and the person so elected may, during that meeting and until the chair or vice-chair resumes duty, perform all the duties of the chair.

Period of Office of Members of the Registration Committee

- (5) (a) Every member of the registration committee holds office until the expiration of the period for which the Council is appointed.
- (b) Whenever a member vacates office before the expiration of the period for which he or she was appointed, the Council may, subject to the provisions of rule 3(2), appoint another person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

**Quorum and Procedure at Meetings of the
Registration Committee: Registered Lift Inspectors**

- (6) (a) Six members of the registration committee, actually appointed in terms of rule 3(2), referred to as the full committee for purpose of this rule, constitute a quorum.
- (b) In the event of an equality of votes at any meeting of the registration committee, the chair or any person presiding as chair in terms of these rules, has a casting vote in addition to a deliberative vote: Provided that the chair, or the person so presiding, shall not have a casting vote when a recommendation for refusal of an application for registration is considered.
- (c) No decision taken or act performed under the authority of the registration committee, shall be invalid by reason only of a vacancy on such committee or of the fact that a person who was not entitled to sit as a member of the committee sat as a member at the time when the decision was taken or the act was authorised by the requisite majority of the members of the committee who were present at the time and entitled to sit as members.
- (d) All meetings of the registration committee may be held at such times and places as may be fixed by the committee: Provided that if at the close of any meeting the committee has not fixed the time and place for its next meeting, such time and place must be determined by the chair of the committee.
- (e) Every member of the registration committee shall be given not less than two weeks' notice, in writing, of every meeting of the committee.
- (f) If a member of the registration committee who is present at a meeting of the committee does not agree with a resolution of the committee passed at such a meeting, he or she may request that his or her dissension, with or without the reasons therefor, be recorded in the minutes and the person presiding at such a meeting must ensure that such request be so recorded.
- (g) The chair of the registration committee may, subject to the provisions of subrule (6)(e) at any time call a special meeting of a registration committee to be held at such time and place as he or she may determine.

Procedure at meetings when Applications for Registration are considered

- (7) (a) If the full committee divides into two separate subcommittees for purposes of expediting consideration of applications, the quorum of each such separate subcommittee shall be three: Provided that all three of the members of each such subcommittee shall be registered lift inspectors.
- (b) (i) When an application is considered for the first time by any of the separate subcommittees, and such application has not yet been considered by the other separate subcommittee, an applicant shall only be recommended for registration by such separate subcommittee if the members present at the meeting of such separate subcommittee unanimously agree that such applicant be recommended for registration.
- (ii) If any member of any such subcommittee which considers an application for the first time does not agree that an applicant be recommended for registration, such application shall be referred to the other separate subcommittee for consideration.
- (iii) If the majority of the members of the other separate subcommittee are in agreement that the applicant in question be recommended for registration, such separate subcommittee may, after consultation with a majority of the subcommittee which first considered the application, decide to recommend that the applicant be registered.
- (c) (i) If the separate subcommittees are in agreement that an applicant does not meet the requirements for registration but are not in agreement as to the nature or extent of the applicants' deficiencies, the full committee may, after due consideration of the recommendations of each separate subcommittee, confirm the recommendation of such refusal and make a ruling as to the nature and extent of the applicant's deficiencies.
- (ii) If the separate subcommittees are not in agreement whether or not an applicant should be registered, the application shall be referred to the full committee for consideration and the full committee may, after considering the recommendations of the respective separate subcommittees, decide on the matter as it deems appropriate.
- (d) It shall be the responsibility of the full committee to satisfy itself that each separate subcommittee has adequately applied its mind (in terms of procedure and merit) in respect of any application.

Functions of the Registration Committee

- (8) (a) The registration committee may consider and decide on applications for registration in terms of rule 4: Provided that any decision to refuse the registration of a person must be submitted to the central registration committee of the Council for approval: Provided further that any decision to register a person as a registered lift inspector, or as a candidate lift inspector must be reported to the central registration committee of the Council at the earliest opportunity.

- (b) The registration committee may determine the requirements for registration as a registered lift inspector: Provided that the requirements so determined must be approved by the Council, or any committee of the Council specifically authorised by the Council to do so.
- (c) The registration committee has the power to assist the Council generally in the performance of its functions and duties and specifically in regard to matters specially pertaining to the specified category of registered lift inspectors.

REGISTRATION OF REGISTERED LIFT INSPECTORS

- 4. (1) The provisions of section 19 of the Act, with the necessary changes, apply in respect of a person who desires to be registered as a registered lift inspector in terms of section 19(2)(a), or as a candidate lift inspector in terms of section 19(2)(b), as the case may be.
 - (2) A person who, for purposes of the Lift, Escalator and Passenger Conveyor Regulations published under Government Notice 797 of 29 April 1994, was registered –
 - (a) (i) as a registered engineering technician (ssl) or a registered engineering technician in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990); or
 - (ii) as a professional engineering technician, a professional certificated engineer, a professional engineering technologist or a professional engineer in terms of the Act, and
 - (b) was also listed by ECSA as a lift inspector,
- on the date of publication of these rules, is deemed to be registered in terms of these rules.
- (3) A person who was registered as a registered engineering technician (ssl) in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), but who was not listed by ECSA as a lift inspector, remains so registered until such person applies for registration as a registered lift inspector in terms of these rules.

CANCELLATION OF REGISTRATION

- 5. The provisions of sections 20 and 23 of the Act apply in respect of a person registered in terms of these rules.

RENEWAL OF REGISTRATION

6. The provisions of section 22 of the Act apply in respect of a person registered in terms of these rules.

AUTHORISED TITLES AND ABBREVIATIONS

7. (1) A person who is registered as a registered lift inspector in terms of these rules may describe himself or herself as such and use the title "Registered Lift Inspector", and may affix the abbreviation "Reg.Lift.Insp." after his or her name.
- (2) A person who is registered as a candidate lift inspector in terms of these rules may describe himself or herself as such.

EDUCATION COMMITTEE : REGISTERED LIFT INSPECTORS

8. (1) An education committee to be known as the Education Committee: Registered Lift Inspectors is hereby established in terms of Section 17 of the Act.

Composition of the Education Committee: Registered Lift Inspectors

- (2) The education committee consists of 10 persons, appointed by the Council, of whom -
- (a) one must be a member of the engineering academic staff at a technical college, with a background in mechanical and electrical engineering, who shall be a person nominated by the Association of Further Education and Training Institutions of South Africa;
 - (b) one must be a member of the engineering academic staff at a technikon, with a background in mechanical and electrical engineering, and who must be nominated by the Committee of Technikon Principals;
 - (c) one registered person must be nominated by the Chief Inspector: Department : Minerals, Directorate Mine Safety and who must be employed in a senior capacity;
 - (d) one registered person must be nominated by the Chief Inspector: Occupational Health and Safety of the Department of Labour and who must be employed in a senior capacity in that Directorate;
 - (e) one registered lift inspector must be nominated by the SA Property Owners Association;
 - (f) one practising registered lift inspector must be nominated by the Lift Inspectors Association of South Africa and who must have experience as a consultant in the field of lift engineering;

- (g) one registered lift inspector must be nominated by the Lift Engineering Association of South Africa;
- (h) one registered lift inspector must be designated by the Registration Committee: Registered Lift Inspectors;
- (i) one registered person must be in the service of the South African Bureau of Standards and who must be nominated by the Director of Mechanical and Electrical Engineering of the Bureau of Standards; and
- (j) one registered lift inspector must be nominated by the Institution of Certificated Mechanical and Electrical Engineers, SA.

Disqualification from Membership of Committee, and Vacation of Office

- (3) (a) A person must not be appointed as a member of the education committee if the -
 - (i) applicable provisions of rule 8(2) of these rules are not complied with;
 - (ii) provisions of section 6(1)(b), (c), (d), (e) and (f) of the Act are not complied with.
- (b) Any member of the education committee must vacate his or her office if he or she -
 - (i) ceases to meet any one or more of the applicable pre-requisites for appointment referred to in rule 8(3);
 - (ii) is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (iii) has been absent from two consecutive meetings of the education committee without its leave.
 - (iv) ceases to be formally associated with, in the employ of, or being the recognised representative, as the case may be, of the organisation which nominated him or her in terms of the applicable provisions of rule 8(2).

Election of Chair and Vice-Chair of the Education Committee: Registered Lift Inspectors

- (4) (a) The members of the education committee must at the first meeting of the committee, and thereafter as the occasion arises, elect from amongst their number a chair and a vice-chair, who must hold office until the expiry of the period for which the Council is appointed.
- (b) A person may not be elected as chair or as vice-chair in terms of rule 3(4)(a) unless such person is a registered lift inspector.

- (c) A chair or, in the event of his or her incapacity, a vice-chair must act as chair of any meetings of the committee: Provided that if such chair and vice-chair are absent from any meeting of the committee, or not able to preside, the members present must elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the chair or vice-chair resumes duty, perform all the duties of the chair.

Period of Office of Members of the Education Committee: Registered Lift Inspectors

- (5) (1) Every member of the education committee holds office until the expiration of the period for which the Council is appointed.
- (2) Whenever a member vacates office before the expiration of the period for which he or she was appointed, the Council may, subject to the provisions of rule 8(2), appoint another person to fill the vacancy for the un-expired portion of the period for which such member was appointed.

**Quorum and Procedure at Meetings of the
Education Committee: Registered Lift Inspectors**

- (6) (a) Five members of the education committee actually appointed in terms of rule 8(2) constitute a quorum of the committee.
- (b) In the event of an equality of votes at any meeting of the education committee, the chair or any person presiding as chair in terms of these rules, has a casting vote in addition to a deliberative vote: Provided that the chair, or the person so presiding, does not have a casting vote when a recommendation for withdrawal of accreditation or recognition of an educational programme is considered.
- (c) No decision taken or act performed under the authority of the education committee, shall be invalid by reason only of a vacancy on the committee or of the fact that a person who was not entitled to sit as a member of the committee sat as a member at the time when the decision was taken or the act was authorised by the requisite majority of the members of the committee who were present at the time and entitled to sit as members.
- (d) All meetings of the committee must be held at such times and places as may be fixed by the committee: Provided that the committee may not meet at less than twice in every year: Provided further that if at the close of any meeting the committee has not fixed the time and place for its next meeting, such time and place must be determined by the chair of the committee.
- (e) Every member of the committee must be given not less than two weeks' notice, in writing, of every meeting of the committee.
- (f) If a member of the committee who is present at a meeting of the committee does not agree with a resolution of the committee passed at such a meeting, he or she may request that his or her dissension, with or without the reasons therefor, be recorded in the minutes and the person presiding at such a meeting must ensure that such request is so recorded.

- (g) The chair of the committee may, subject to the provisions of rule 8(6)(e) at any time call a special meeting of the committee to be held at such time and place as he or she may determine.

Functions of the Education Committee: Registered Lift Inspectors

- (7) (a) The education committee must assist the Education Advisory Committee of the Council generally in the performance of its functions and duties in terms of these Rules and primarily in regard to matters pertaining to the education and qualifications of persons in the lifts, escalators and passenger conveyors industry, and to consult with or to co-opt such persons whose knowledge and expertise may be required for purposes of executing a task or making a decision.
- (b) In more specific terms, the education committee may -
- (i) consider and decide on matters of policy relating to accreditation of educational programmes and examinations aimed at qualifying persons for registration as registered lift inspectors, to draw up and to maintain guidelines on matters of policy and the conducting of accreditation visits, subject to approval by the Education Advisory Committee of the Council and after consultation with the Technikon Accreditation Committee, the executive committee or Council, whichever meets first;
 - (ii) compile and maintain a list of persons whom the education committee considers eligible for appointment as members of any accreditation team and to consult with such institutes and other committees of Council as it may consider expedient for purposes of establishing and maintaining such list of eligible persons;
 - (iii) appoint accreditation teams for individual programmes, team leaders and, in the case of accreditation visits to technikons in consultation with the Technikon Accreditation Committee, to provide such additional support as may be necessary to meet the objectives contemplated in these rules, and to delegate such powers and prescribe the procedures as may be necessary to the chairman or members of the committee.
 - (iv) after consideration of the full reports of accreditation teams, grant provisional, full and conditional accreditation to educational programmes and withhold accreditation from non-accredited programmes, as the case may be;
 - (v) after consideration of the full reports of accreditation teams, recommend to the Council or the Executive Committee, whichever meets first, withdrawal of accreditation of any programme previously accredited, after consultation with the Technikon Accreditation Committee;
 - (vi) confirm the expiry of accreditation of any programme in the event of a provider failing to initiate an accreditation visit and to advise the Council or the Executive Committee, whichever meets first, of such occurrence;

- (vii) issue and make known, annually, a list of programmes accredited by the committee;
- (viii) establish and monitor a Qualifications and Examinations Committee for Registered Lift Inspectors and provide the necessary guidelines within which such subcommittee may evaluate qualifications that have not been accredited or evaluated by the education committee for purposes of recognition in terms of these rules;
- (ix) keep the technician accreditation committee, the education advisory committee and the registration committee: registered inspectors informed of decisions taken in terms of these delegated powers, and to report on trends or other matters of professional and public concern arising from its activities.

PROFESSIONAL CONDUCT

9. Any person who is registered in terms of these rules must comply with the applicable Code of Conduct, or Code Practice as prescribed by the Council from time to time, and failure to do so constitutes improper conduct in terms of section 27(3) of the Act.

INVESTIGATION INTO IMPROPER CONDUCT, PUNISHMENTS AND APPEALS AGAINST DECISIONS OF COUNCIL

10. (1) Subject to subrule (3), the provisions of sections 28, 29, 30, 31, 32 and 33 of the Act apply in respect of a person registered in terms of these rules.
- (2) The Investigating Committee referred to in section 28 of the Act may take such steps as may be necessary to collaborate with the Directorate: Occupational Health and Safety the Department of Labour with the view to investigating incidents involving registered persons in terms of Regulation 8 of the General Administrative Regulations published under the Occupational Health and Safety Act, 1993.
- (3) If a fine is imposed by a disciplinary tribunal under section 32(3)(ii) of the Act and the registered person is unable to pay the fine in full within 30 days, the registered person may, -:
- (a) if the disciplinary tribunal is still in sitting, make representations to the tribunal, which may allow payment of the fine by instalments and may determine the period within which the fine must be paid; or
 - (b) within 14 days after conclusion of the proceedings, make representations to the chairperson of the tribunal, who may allow payment of the fine by instalments and may determine the period within which the fine must be paid.
- (4) The disciplinary tribunal's decision whether or not to allow payment of the fine in instalments will be final.

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- (5) If a registered person having been fined fails to pay the fine within the period determined in subrule (3) or fail to pay the instalments granted in subrule (3)(a) or (b), the Council may –
- (a) recover the amount of the fine by due process of law in a competent court; and
 - (b) suspend the person's registration in terms of the Act, until such time as the amount of the fine has been paid in full.

PROHIBITION CLAUSES

11. (1) Unless registered as a Registered Lift Inspector in terms of these rules, a person may not practise his or her profession in a manner that is contrary to the provisions –
- (a) contemplated in section 18(2) of the Act; and
 - (b) of the Lift, Escalator and Passenger Conveyor Regulations published under the Occupational Health and Safety Act, 1993.
- (2) A person who is registered as a candidate lift inspector must perform work of a lift engineering and inspection nature only under the supervision and control of a registered lift inspector.
- (3) A registered lift inspector may only practise in a consulting capacity, which is restricted to matters relating to lift inspection.
- (4) The provisions of section 26(3) of the Act, with the necessary changes, apply to any person who is not registered as a registered lift inspector, including the titles and abbreviations prescribed in rule 7 of these rules.
- (5) The provisions of section 26(4), with the necessary changes, apply in respect of non-registered persons performing work under the direction, control or supervision of a registered lift inspector.

OFFENCES AND PENALTIES

12. The provisions of section 41(3) of the Act apply in respect of any person who contravenes rule 22.
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