

**BOARD NOTICE  
RAADSKENNISGEWING**

---

---

**NOTICE 47 OF 2004**

**The Engineering Council of South Africa**

**CALL FOR COMMENT**

**PROPOSED RULES RELATING TO THE RECOGNITION OF  
VOLUNTARY ASSOCIATIONS**

In terms of Section 36(2) of the Engineering Profession Act, 2000 (Act No. 46 of 2000) the Engineering Council of South Africa hereby makes known that it intends to prescribe a Rule in terms of Section 36(1) as set out in the Schedule to this notice.

Written comments and input on the proposed draft Rule, as set out in the Schedule, are invited from interested persons.

Comments can be submitted as follows:

**E-mail:** [paulroux@ecsa.co.za](mailto:paulroux@ecsa.co.za)  
**Fax:** (011) 616-1859  
**Post:** Private Bag X691, Bruma, 2026  
**Address:** Waterview Corner, 1<sup>st</sup> Floor, 2 Ernest Oppenheimer Ave, Bruma, Johannesburg.

**Telephonic Enquiries:** Mr Bruce Mkhize at (011) 607-9521

**The closing date for such comments to be submitted: 14 May 2004**

---

**Engineering Profession Act, 2000 (Act 46 of 2000)****Rules In Terms of Section 36(1)  
Requirements for Recognition as a Voluntary Association**

The Engineering Council of South Africa, has in terms of section 36(1) of the Engineering Profession Act, 2000 (Act 46 of 2000) made the rules, as set out in the Schedule, in relation to the recognition of Voluntary Associations as contemplated in Sections 14(d) and 25 of the Act.

**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 -
  - (i) "**association**" for purposes of these Rules means an institute, institution, association, society or federation established by engineering practitioners to promote their collective professional and/ or business interests;
  - (ii) "**annual fees**" means the fees determined by the Council in terms of section 12(1)(c) of the Act;
  - (iii) "**committee**" means a committee established in terms of section 17 of the Act;
  - (iv) "**corporate member**" means a member of an association who is eligible to vote at any general meeting of the association;
  - (v) "**CBE**" means the Council for the Built Environment established by section 2 of the Council for the Built Environment Act, 2000 (Act No. 43 of 2000);
  - (vi) "**chief executive officer**" means the person appointed as chief executive officer in terms of section 8(1);
  - (vii) "**Council**" means Engineering Council of South Africa established by section 2 of the Act;
  - (viii) "**department**" means the national department responsible for public works;
  - (ix) "**in good standing**" means a member of an association whose subscriptions are fully paid up and who is eligible to vote at any official meeting of the Association;
  - (x) "**Minister**" means the Minister responsible for Public Works;
  - (xi) "**the Act**" means the Engineering Profession Act, 2000 (Act 46 of 2000).
  - (xii) "**voluntary association**" means an association recognised by the Council as a voluntary association in terms of section 25(3).

**Requirements with which an Association must comply to qualify for recognition as a Voluntary Association**

2. An Association wishing to be recognised as a Voluntary Association must comply with the following requirements:
- (1) The Association must be governed by a formally accepted Constitution which –
    - (a) is not in conflict with Act 46 of 2000 or any policies and regulations of the Council and
    - (b) does not obligate its members to adhere to a code of conduct, which is in conflict with the Council's Code of Professional Conduct, or any applicable code of practice.
  - (2) The Association must be of South African origin and its controlling body must be independent of direct influence by any foreign body;
  - (3) The Association must have as one of its core missions the promotion of the interests of its members and the engineering profession;
  - (4) The Association must have at least 100 corporate members who are in good standing with the Association, subject to sub-clause 8;
  - (5) A majority of its corporate members must be registered with the Council in terms of the Act, subject to sub-clause 8;
  - (6) A majority of the members of its governing body must be registered with any of the professional councils in the built environment;
  - (7) The corporate members must be natural persons;
  - (8) An Association whose membership comprises persons practicing in any of the professions in the built environment are eligible for recognition if:
    - (a) A majority of the corporate members are registered with any of the professional councils in the built environment;
    - (b) A majority of the members of its governing body are registered with any of the professional councils in the built environment, of whom at least 20% must be registered with the Council;
    - (c) The number of its corporate members is not less than 250; and
    - (d) At least 10% of its corporate members are registered with the Council.

**Application for Recognition**

3. Any association wishing to be recognised as a voluntary association must submit an application, in the format prescribed in Appendix A of these Rules, to the Council and provide all the information required therein, and such additional information as the Council may determine in each particular case.

**Recognition as a Voluntary Association and Duration of Recognition**

4. (1) If, after consideration of an application referred to in Rule 3, the Council is satisfied that the association meets the requirements for recognition as set out in Clause 2, the Council must recognise such association as a voluntary association and issue it with a certificate of recognition in terms of section 25(3) of the Act.
- (2) The certificate of recognition is valid for a period of five years from the date of issue, which date is deemed to be the date on which the Council resolves to recognise the Voluntary Association.
- (3) The Voluntary Association must at all times display its certificate of recognition in a prominent place at its head office.
- (4) The Council must, within 30 days from the date on which it recognises a Voluntary Association, publish the name of such Voluntary Association on its website, and thereafter make it known in such other manner as it may deem appropriate.

**Renewal and Lapsing of Recognition**

5. (1) The recognition of a voluntary association remains in effect for as long as it meets the requirements for recognition as set out in Rule 2.
- (2) The recognition of a voluntary association lapses –
- (a) if that voluntary association no longer complies with the requirements as set out in Rule 2; or
- (b) at the expiry of the five-year period referred to in Rule 4(2).
- (3) A Voluntary Association must at least three months prior to the expiry of its recognition, apply in the prescribed manner to the Council for the renewal thereof.
- (4) Every Voluntary Association must provide the Council, at least biennially on or before the anniversary of the date of recognition, with information on its membership profile to enable the Council to monitor whether the requirements for recognition are still being met.
- (5) If at any time during the period referred to in sub-clause (4), a Voluntary Association becomes aware that it no longer complies with the requirements, it must notify the Council forthwith in writing of such fact and provide the reasons for it; and
- (6) If the Council is of the opinion that a Voluntary Association referred to sub-clauses (3), (4) and (5) in fact ceased to comply with the requirements, the recognition of such Voluntary Association lapses in terms of section 25(6)(a) of the Act on the date on which the Council resolves that the Voluntary Association ceased to comply.
- (7) Every Voluntary Association must advise Council of any changes to its constitution and/or by-laws, within 60 days of the date on which the changes were approved.

**Amendment of the Requirements for Recognition**

6. If the Council at any stage decides to amend the requirements for recognition referred to in Rule 2, the Council must:
- (a) inform all Voluntary Associations of this decision and provide them with the proposed amendments;

- (b) call for comment on the amendments from the Voluntary Associations; and
  - (c) prescribe such amendments in terms of section 36 of the Act.
7. (1) If an amendment of the requirements so prescribed results in a Voluntary Association ceasing to comply with the requirements, that Voluntary Association must, within twelve months from the date on which the amended requirements have been prescribed, take the necessary steps to comply with the amended requirements, and provide the Council with proof that it does comply.
- (2) The Council may at its discretion extend the period of 12 months by an additional period not exceeding 12 months, if the Council is satisfied that the Voluntary Association in question has taken definite steps to comply with the requirements, but has nevertheless not succeeded in the time allowed.
- (3) If a Voluntary Association fails or refuses to comply with any of the amended requirements within the period allowed, its recognition as a Voluntary Association lapses on the day when the Council decides that the Voluntary Association ceased to comply with the requirements.

#### **Return of Recognition Certificate**

8. A Voluntary Association whose recognition has lapsed must, within 30 days from the date on which it is so directed in writing by the Council, return its certificate of recognition.

#### **Rights and Obligations of Council and Voluntary Associations**

9. The Council is obliged to consult with the Voluntary Associations in terms of the following sections of the Act:

Section 3(1)(a)(i)	-	Nominating persons as members of Council
Section 4(1)	-	Nominating persons as members of Council
Section 13(d)	-	Determining Competency Standards
Section 13(k)	-	Determining CPD requirements
Section 26(1)(a)	-	Identification of work
Section 27(1)	-	Drafting of Code of Conduct
Section 34(1) & (2)	-	Determining Professional Fees
Section 38(2) & (3)	-	Minister consults: Rules of Exemption

10. The Council undertakes to -

- (1) Give preference to persons nominated by voluntary associations for purposes of appointment as members of the Council and any of its committees: Provided that this provision may not be construed as precluding Council from engaging in constructive co-operation with any other association, institute, society or interested group in sourcing persons with the necessary expertise in fulfilling its functions under the Act.
- (2) Promote a greater awareness among registered persons of the advantages of membership of voluntary associations.
- (3) Grant, in terms of section 12(2) of the Act, a reduction in annual fees payable by registered persons who are members in good standing of a voluntary association.