

BOARD NOTICES RAADSKENNISGEWINGS

BOARD NOTICE 88 OF 2005

THE SOUTH AFRICAN COUNCIL FOR THE QUANTITY SURVEYING PROFESSION

QUANTITY SURVEYING PROFESSION ACT, 2000 (ACT 49 OF 2000)

In terms of section 36(1) of the Quantity Surveying Profession Act, 2000 (Act 49 of 2000), the South African Council for the Quantity Surveying Profession hereby makes known that it has determined rules as set out in the Schedule hereunder.

The rules contained in the Schedule below shall become effective on 1 October 2005.

RULES OF THE SOUTH AFRICAN COUNCIL FOR THE QUANTITY SURVEYING PROFESSION

SCHEDULE

1 DEFINITIONS

- 1.1 In these rules, unless the context indicates otherwise, any expression or word to which a meaning has been assigned in the Quantity Surveying Profession Act, 2000 (Act 49 of 2000) shall bear the same meaning and -
- (i) "Association" means an association of quantity surveyors;
 - (ii) "Council" means the South African Council for the Quantity Surveying Profession;
 - (iii) "President" means the President of the South African Council for the Quantity Surveying Profession;
 - (iv) "Quantity Surveyors' Association or Institute" means any voluntary association of quantity surveyors recognised as a quantity surveyors' association or institution in terms of section 25 of the Act;
 - (v) "the Act" means the Quantity Surveying Profession Act, 2000 (Act 49 of 2000).

2 MEETINGS AND PROCEDURE AT MEETINGS OF THE COUNCIL AND COMMITTEES OF THE COUNCIL

2.1 Meetings of the Council

- 2.1.1 Subject to the provisions of section 4(7) of the Act and rule 2.1.2, all meetings of the Council shall be held ~~at~~ such times and places as may be fixed by the Council: Provided that the Council shall meet at least twice a year in every year: Provided further that, if at the ~~close of any meeting the Council~~ has not-fixed the time and place of its next meeting, such time and place shall be determined by the President.
- 2.1.2 The President may ~~at~~ any time call a meeting of the Council to be held at such time and place as he / she may determine.
- 2.1.3 The President shall, upon a written request to the Registrar, signed by not less than five members of the Council, ~~call~~ a meeting thereof to be held within six weeks ~~after~~ the date of receipt of ~~such~~ request, at such time and place as he / she may determine. The members requesting the meeting shall state the objective thereof.
- 2.1.4 A notice, in writing, of every meeting of the Council, accompanied by an agenda, shall be sent by the Registrar to each member of the Council.
- 2.1.5 The Agenda for any meeting shall be prepared by the Registrar in consultation with the President.

2.2 Procedure of meetings

- 2.2.1 Any member of the Council having a personal interest in a matter discussed at a meeting, shall disclose such interest before the matter is considered and shall recuse himself / herself if the meeting so decides.

- 2.2.2** The President or person presiding at the meeting shall have a deliberative vote and in the event of an equality of votes in regard to any matter, shall also have a casting vote.
- 2.2.3** The proceedings of any meeting shall be preserved in the form of minutes, which shall be confirmed by the members of the Council and authenticated by the signature of the President as soon as possible after such confirmation.
- 2.2.4** Voting on any matter shall in general be by a show of hands, provided that if any one member so requests, the voting shall be by ballot.

23 Meetings of Committees of the Council

- 23.1** The provisions of rules 2.2.1, 2.2.2, 2.2.3 and 2.2.4 shall apply *mutatis mutandis* to meetings of committees established by the Council in terms of section 17 of the Act.

3 REGISTERS OF PROFESSIONAL QUANTITY SURVEYORS, CANDIDATE QUANTITY SURVEYORS AND OTHER CATEGORIES

3.1 Establishment of registers

- 3.1.1** Registers shall in terms of section 11(c) of the Act, be kept in which shall be entered the full name, qualifications, date of first registration, postal and physical addresses, telephonic and facsimile contact details of any person whose application for registration under section 18(1) of the Act has been approved by the Council.
- 3.1.2** The date of first registration of any person referred to in rule 3.1.1 shall be the date that appears on the certificate of registration issued in terms of the Act.

3.2 Keeping of registers

- 3.2.1** The Registrar shall remove from the registers the name of any registered person who has died or whose registration has been withdrawn in terms of section 20(1), (2) or (3) of the Act or whose name has been removed from the registers in terms of section 32(3)(a)(iv) or who has been suspended from his / her profession under section 32(3)(a)(iii).
- 3.2.2** No particulars in regard to any degree, diploma or certificate shall be entered in the register unless the Council is satisfied that the person claiming to possess such degree, diploma or certificate is entitled thereto.
- 3.2.3** Any entry which is proved to the satisfaction of the Council to have been made in error or through fraudulent misrepresentation or under circumstances not tenable in law shall be deleted from the registers.
- 3.2.4** Whenever any entry in respect of any person has been deleted under the authority of the Council, the Registrar shall, within twenty eight days of such deletion, notify the person concerned, in writing, thereof at his last registered address.
- 3.2.5** The registers shall be kept in the office of the Council and the Registrar shall from time to time, under the authority of the Council, cause copies of the register to be printed and published.
- 3.2.6** The registers shall at all reasonable times be open to inspection by any member of the public upon payment of the fee prescribed by the Council.

3.3 Application for registration

- 3.3.1** An application for registration in terms of section 19(1) of the Act shall be in the prescribed form and shall be accompanied by:
- 3.3.1.1** the applicable registration and annual fees; and
- 3.3.1.2** in the case of an application in terms of section 19(1) of the Act -
- (a) a "practical training report" detailing the applicant's practical training and experience gained in quantity surveying; and
- (b) certified copies of all academic certificates;
- 3.3.1.3** any further information that the Registrar may require for the proper consideration of the application.
- 3.3.2** Upon a person being registered in terms of section 18(1) of the Act, the Registrar shall issue a Certificate of Registration.
- 3.3.3** A duplicate of the Certificate issued in terms of rule 3.3.2 may be issued if the application therefore is accompanied by an affidavit setting out the circumstances in support of the request and on payment of the fee prescribed from time to time by the Council.

3.4 Practical training for registration in terms of section 18(1) of the Act

- 3.4.1** The practical training for registration as a Professional Quantity Surveyor shall be performed to the satisfaction of the Council and under the guidance of a registered Professional Quantity Surveyor.
- 3.4.2** The practical training referred to in rule 3.4.1 shall be performed after the successful completion of the prescribed examination referred to in section 19(2)(a) and (b) of the Act and shall be an aggregate period of at least 36 months. The practical training shall include experience as described in the application form.
- 3.4.3** The categories of training and experience are those defined by the Council.
- 3.4.4** The Council may waive the requirements of rules 3.4.1 and 3.4.2 in any special circumstances and subject to such conditions as it may deem fit.

4 CODE OF CONDUCT IN TERMS OF CLAUSE 27 OF THE ACT

- 4.1** The Code of Conduct is as drawn up and published by the Council.

5 REQUIREMENTS WITH WHICH A VOLUNTARY ASSOCIATION OF QUANTITY SURVEYORS SHALL COMPLY IN ORDER TO QUALIFY FOR RECOGNITION AS A QUANTITY SURVEYORS' ASSOCIATION IN TERMS OF SECTION 25 OF THE ACT

- 5.1** A Quantity Surveyors' Association or Institute shall not be recognised in terms of section 25 of the Act unless it complies with all the requirements prescribed hereunder, provided that in respect of applications received from areas other than the Republic of South Africa, the Council may grant exemption from one or more of the requirements.
- 5.2** A voluntary association shall:
- 5.2.1** have a constitution that is not in conflict with rules or regulations published under the Act and which:
- (i) provides for the management structure, nomination procedure and requirements with which members nominated for election to the management board should comply;
 - (ii) sets out in detail the aims and objectives of the voluntary association, its administrative powers and power relating to the enrolment of members, education in quantity surveying, appointment of staff and financial arrangements;
- s.22** be established as a juristic person;
- 5.2.3** if representing a particular category or categories of registered persons, have the majority of such registered persons as its members;
- 5.2.4** set out clearly the requirements for membership of the association in different classes, if applicable;
- 5.2.5** provide rules for the cancellation and re-instatement of membership;
- 5.2.6** have a code of conduct for its members and a clearly described disciplinary procedure;
- 5.2.7** be able to provide the necessary administrative support for the activities of the association;
- 5.2.8** be able to sustain itself financially.
- 5.3** If a voluntary association fails or refuses to comply with any of the requirements referred to in rule 5.2 during the period prescribed in section 25(4) of the Act, recognition of such a voluntary association shall have deemed to lapse.

South African Council for the Quantity Surveying Profession