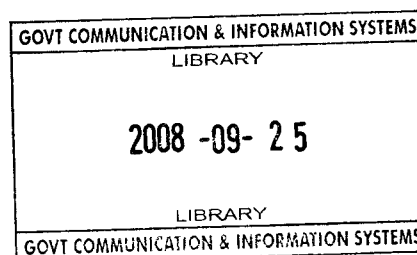


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
BUILT ENVIRONMENT
PROFESSIONS BILL**

[B 53—2008]

*(As agreed to by the Portfolio Committee on Public Works
(National Assembly))*



[B 53A—2008]

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AMENDMENTS AGREED TO
BUILT ENVIRONMENT PROFESSIONS BILL
[B 53—2008]

1. On page 2, before “Definitions”, insert

ARRANGEMENT OF SECTIONS

Sections

1. Definitions

CHAPTER I

**ESTABLISHMENT, OBJECTS AND FUNCTIONS OF COUNCIL AND
PROFESSIONAL BOARDS**

2. Establishment of council
3. Object of council
4. Functions of council
5. Recognition of voluntary associations
6. Constitution of council
7. Disqualification, vacation of office, filling of vacancies and dissolution of council
8. Chairperson and vice-chairperson
9. Meetings of council
10. Quorum and procedure at meetings
11. Committees
12. Appointment of registrar and staff
13. Corporate finance and governance of the council
14. Minister may rectify defects
15. Establishment of professional boards
16. Functions of professional boards

CHAPTER II

EDUCATION, TRAINING AND REGISTRATION OF PROFESSIONALS

17. Education and training
18. Compulsory registration prerequisite to practice as professional
19. Keeping of registers
20. Removal of name from, and restoration of name to, register
21. Suspension of professionals and revocation of such suspension
22. Custody and publication of registers
23. Register as proof of registration
24. Issue of duplicate registration, certificate of status, extract from register or certificate by registrar
25. Qualification prescribed for registration
26. Registration of persons who hold qualifications not prescribed for registration
27. Compliance with certain conditions relating to continuing professional development as prerequisite for continued registration
28. Registration of persons not permanently resident within Republic for education and training purposes
29. Accredited education and training institutions to furnish professional boards with certain particulars
30. Definition of scope of built environment professions
31. Registration prerequisite for practicing profession in respect of which professional board has been established
32. Registration and use of additional qualifications, registration of specialists, persons in the professional categories and additional professional categories
33. Prohibition of performance by unregistered persons of certain acts pertaining to built environment professions registrable in terms of this Act
34. Pretending to be registered person or holder of certain registrable qualifications

CHAPTER III

UNPROFESSIONAL CONDUCT BY REGISTERED PERSON

35. Investigation of charge of unprofessional conduct
36. Charge of unprofessional conduct
37. Appointment of disciplinary tribunal

38. Disciplinary hearing
39. Proceedings after hearing
40. Appeal
41. Effect of suspension or striking-off from register
42. Penalty for false evidence
43. Council to develop code of conduct

CHAPTER IV

GENERAL AND SUPPLEMENTARY PROVISIONS

44. Exemption from operation of provisions of this Act
45. Penalty for false representation inducing registration, for false entries in register and for impersonation
46. Limitations in respect of unregistered persons
47. Investigation of matters relating to education and training of certain persons
48. Regulations
49. Rules
50. Annual fees payable by registered persons
51. Transitional provisions
52. Repeal of laws
53. Short title and commencement

SCHEDULE

CLAUSE 1

1. On page 2, in line 14, after “person” to omit “registered as such in a” and insert “who is registered as such in any of the” and to omit “profession” and insert “professions”.
2. On page 2, in line 27, after “regulation”, insert “or rule”.

CLAUSE 4

1. On page 3, in line 50, after “national”, omit “public works”.
2. On page 4, in line 1, to insert a new subparagraph:
 - (e) subject to the National Qualifications Frameworks Act, 2008, advise and assist the South African Qualifications Authority as is required under that Act;

3. On page 4, from line 1, renumber subparagraphs *(e)* to *(r)* to read *(f)* to *(s)*.
4. On page 4, from line 1, to omit “the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995),”.
5. On page 4, in line 21, after “Minister” insert “or if the council deems it fit and necessary”.
6. On page 4, in line 25, after “Minister” insert “or if the council deems it fit and necessary”.
7. On page 4, in line 27, after “gain” insert “and maintain”.
8. On page 4, in line 29, after “boards” insert “, taking due cognizance of the differences between the professions,”.
9. On page 4, in line 41, omit “bodies responsible for the establishment of education and training standards in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)” and insert “professional bodies in terms of the National Qualifications Frameworks Act, 2008”.
10. On page 4, in line 46, after “of” insert “section 4 of”

CLAUSE 5

1. On page 5, in line 41, after “the”, omit “identification of the type of work” and insert “acts contemplated in section 30(1)”.

CLAUSE 6

1. On page 5, in line 49, after “professional”, omit “for every professional board, each professional designated by the professional board in question” and insert “of each built environment profession”
2. On page 5, in line 51 after “Works” insert “who is registered in terms of this Act”
3. On page 5, in line 54, after “more”, omit “that” and insert “than” and after “persons” insert “who are registered in terms of this Act”.
4. On page 5, in line 57, after “representative”, omit “, of whom at least three” and insert “who”.
5. On page 6, in line 9, after “If”, omit “any professional board contemplated in subsection (1)(a) or the statutory body” and insert “the entity”.

CLAUSE 7

1. On page 6, in line 40, after “case”, omit “my” and insert “may”.
2. On page 7, in line 6, subsection (5) becomes paragraph *(a)* and after line 8 to insert the following subparagraph:
 - (b)* The new council must be constituted within 90 days of the dissolution of the council in terms of paragraph *(a)*.

CLAUSE 15

1. On page 10, in line 18 to substitute “20” for “30”.
2. On page 10, in line 24, delete “not less than”.
3. On page 10, after line 31, insert a new subparagraph
 - (g) for the appointment of the professional appointed by the Minister in terms of section 6(1)(a) to be an *ex officio* member of the relevant professional board;
4. On page 10, from line 32, to insert “for” at the beginning of subsection (6)(g) to (k).
5. On page 10, from line 32, to renumber subsection (6)(g) to (6)(l) to read (6)(h) to (6)(m).

CLAUSE 16

1. On page 11, after line 14, to insert the following paragraph:
 - (b) subject to the National Qualifications Framework Act, 2008, advise and assist the South African Qualifications Authority as is required under that Act;
2. On page 11, from line 15, renumber paragraph (b) to read (c) and omit “the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995),”.
3. On page 11, from line 23, renumber paragraphs (c) to (k) to read (d) to (l).
4. On page 11, from line 26, omit “South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)” and insert “National Qualifications Framework Act, 2008”

CLAUSE 17

1. On page 12, in line 4, omit “South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)” and insert “National Qualifications Framework Act, 2008”.
2. On page 12, from line 26, omit subsection (5).

CLAUSE 25

1. On page 15, in line 40, after “may”, insert “in consultation with the Minister responsible for education and”.

CLAUSE 28

1. On page 16, in line 29, after “of” omit “certain” and after “persons” insert “not permanently resident within Republic”.

CLAUSE 48

1. On page 24, in line 6, after “professions”, to omit “enrolled at any accredited educational institution”.

2. On page 24, from line 11, omit subparagraph (iii).
3. On page 24, renumber subsection (1)(iv) and (1)(v) to read (1)(iii) and (1)(iv).
4. On page 24, in line 47, substitute “candidate” for “person”.
5. On page 25, from line 17, insert the following subsection:
(6) Any regulation made under this section must, before final publication in the Gazette, be tabled in Parliament.

CLAUSE 51

1. On page 26, from line 35, renumbering of subsections (2) to (11) to read subsections (3) to (12).