

**BOARD NOTICE 63 OF 2021****Proposed amendments to the requirements for recognition and maintenance of recognition for voluntary association**

In terms of section 14(d) read with section 25 of the Architectural Profession Act SACAP made rules under Board Notice 86 of 2016 for requirements for recognition and maintenance of recognition of a voluntary association. SACAP hereby consults to review and amend the rules under Board Notice 86 of 2016.

In terms of section 36 (1) of the Act, the Council is empowered to make rules with regard to any matter that is required or permitted to be prescribed in terms of the act and any other matter for the better execution of the Act.

Section 36 (2) (a) of the Act provides that before the Council makes any rule under this section, it must publish a draft of the proposed rule in the *Gazette* together with a notice calling on interested persons to comment in writing within a period stated in the notice, but the period may not be less than 30 days from the date of publication of the notice.

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**Notice inviting comments in writing**

Notice is hereby given in terms of Section 36 (2) (a) of the Act that Council has prepared draft rules and all interested and affected persons are requested within 30 business days from the date of the publication of this notice to make written representations on the proposed requirements for recognition and maintenance of recognition for voluntary association.

**Written representation must be submitted to the details below on or before 21 June 2021**

**Submission details:**

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**THE SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

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**DRAFT REQUIREMENTS FOR RECOGNITION AND MAINTENANCE OF RECOGNITION OF A VOLUNTARY ASSOCIATION IN TERMS OF SECTION 25, READ WITH SECTION 14(d), OF THE ARCHITECTURAL PROFESSION ACT, 2000 (ACT NO. 44 OF 2000) (THE ACT)**

Notice is hereby given that, as provided in this Schedule, the South African Council for the Architectural Profession intends, in terms of section 14(d) read with section 25 of the Act, to implement the following rules for the recognition of an association as a voluntary association in terms of Section 25 of the Act and the maintenance of that recognition.

**SCHEDULE**

1. In this Schedule, unless the context indicates the contrary, a word or term as defined in section 1 of the Act, shall have that same meaning; provided that, for purposes of this Schedule, the following words shall have the following meanings:
  - (i) “the Act” means the Architectural Profession Act, 2000 (Act No. 44 of 2000), as amended from time to time;
  - (ii) “association” means an association of natural persons which has:
    - (a) an identity separate from its individual members;
    - (b) as the majority of its members, persons who have been registered in one of the categories provided for in section 18 of the Act: provided that, in this definition,
    - (c) majority shall mean 50% of the members plus one additional person who is registered in terms of one of the categories provided for in section 18(1) of the Act;
  - (a) as the majority of its members, persons who are in good standing and who are certified annually by the association in the manner specified in this Notice; and
  - (b) as its objects, the promotion and transformation of the architectural profession in South Africa and the promotion of the professional interests of its members;

- (iii) “registered person” means a person who is registered in one of the categories in terms of section 18(1) of the Act;
  - (iv) “Rules” shall mean the rules contained in this Schedule; and
  - (v) “voluntary association” means any voluntary association recognized by the Council in terms of Section 25, read with section 14(d) of the Act and “VA” shall have a corresponding meaning.
2. To qualify for recognition as voluntary association, and association shall comply with the following:
- 2.1 the association shall have a constitution that provides for:
- 2.1.1 a management structure, nomination procedure and requirements with which members nominated for office shall comply;
  - 2.1.2 the association’s powers in general and for the enrolment of members, termination of membership and associated matters;
  - 2.1.3 the requirements for membership in different categories and rules for cancellation and re-instatement thereof; and
  - 2.1.4 a code of professional conduct for its members which aligns with the Council’s Code of Conduct as per Board Notice 154 of 2009, or such other Notice as may be applicable from time to time, and which provides for disciplinary procedures which observe the rules of natural justice and which provide for appropriate sanctions for contraventions of the code;
  - 2.1.5 the submission to the Council of all validated courses to be offered under the auspices of the association for CPD purposes to enable SACAP to upload the information on the SACAP website;

3. if, after consideration of an application, the Council is not satisfied that the association meets the relevant requirements for recognition as set out in these rules, the Council must formally notify such association and give reasons why it does not meet the relevant requirements for recognition as set out in these rules.
4. Council shall, in notifying the association that is found not to meet the relevant requirements for recognition as set out in these rules that its application has not been successful, also notify that association of its right to appeal against such a Council decision through the avenues provided for lodging an appeal through the Council for the Built Environment.
5. Annual Reporting to maintain recognition as voluntary association;
  - 5.1 the annual reporting to the Council, for statistical and related purposes, of a report certifying and signed by a designated office bearer, detailing:
    - 5.1.1 continuing compliance with the conditions of recognition for voluntary associations in terms of these Rules:
    - 5.1.2 records of attendance of persons who have attended any validated CPD courses or any other activities offered under the auspices of the association and which are intended to count towards compliance with CPD requirements of persons registered in terms of section 18(1) of the Act;
    - 5.1.3 list and self- evaluation / self- assessment of course content report detailing the relevance and quality of the CPD activities offered under association's auspices.
    - 5.1.4 information about the annual paid up members of the association; and
    - 5.1.5 transformation statistics for association membership including gender, demographics and age.
6. Provided that the Council shall have the right to audit the information submitted to it by voluntary associations.
7. A voluntary association shall further submit its annual report to Council by no later than **31 March** each year in order to maintain the validity of its certificate of recognition.

**8. Renewal and lapsing of recognition;**

8.1 A certificate of recognition of a voluntary association shall be valid for a period of five years from date of issue, as provided for in Section 25 read with Section 14(d) of the Act: provided that a voluntary association shall at all times remain in compliance with the provisions of this Board Notice.

8.2 The recognition of voluntary association remains in effect for as long as it meets the requirements for recognition in terms of these rules.

8.3 Council reserves the right to conduct regular audits and inspections on all recognised voluntary associations to ensure that voluntary associations remains compliant to the requirements for recognition in terms of these rules.

8.4 The recognition of voluntary association lapses in terms section 25(6)(a) of the Act-

8.4.1 if that association no longer complies with the requirements contemplated in section 14(d);or

8.4.2 at the expiry of the five-year period referred to in subsection (4).

8.5 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.

**REPEAL OF PREVIOUS RULES**

The Rules published under Board Notice 45 of 2021 are hereby repealed.