

BOARD NOTICE 129 OF 2021
THE SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION

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 44 of 2000) (The act)

Notice is hereby given that the South African Council for the Architectural Profession has in terms of section 14(d) read with section 25 of the Act published rules for the recognition and the maintenance of recognition of Voluntary Associations in the architectural profession.

1. Definitions

In these Rules, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act shall bear the same meaning.

“The Act” means the Architectural Profession Act 44 of 2000.

“Association” means an association of natural persons which has:

- (i) an identity separate from its individual members;
- (ii) as the majority of its members who are registered in one of the categories provided for in section 18 (1) of the Act;
- (iii) majority shall mean 51% of members who are registered in any of the categories provided for in section 18(1) of the Act;
- (iv) as the majority of its members who are in good standing and who are certified annually by the association; and
- (v) as its objects the promotion of transformation and diversity in the architectural profession.
- (vi) as its objects the promotion of professional interests of its members.

“Registered person” means a person who is registered in one of the categories set out in section 18 (1) of the Act;

“Rules” shall mean the requirements with which a Voluntary Association must comply with to qualify for recognition by the Council.

“Voluntary Association” shall mean a Voluntary Association recognized by the Council in terms of Section 25, read with section 14(d) of the Act.

2. Requirements for recognition as a Voluntary Association

A Voluntary Association shall have a Constitution that provides for:

- a) a management structure, nomination procedure, and requirements with which members nominated for office shall comply;
- b) the association's powers in general and for the enrolment of members, termination of membership and associated matters;
- c) the requirements for membership in different categories and rules for cancellation and reinstatement thereof; and
- d) a Code of Conduct for its members which aligns with the Council's Code of Conduct as per Board Notice 7 of 2021, 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 of Conduct;
- e) the submission to the Council of all validated Continuing Professional Development (CPD) activities to enable SACAP to upload the information on the SACAP website.
- f) a Voluntary Association that complies with the requirements for recognition and maintenance of recognition which shall be issued with it, a certificate of recognition as provided for in section 25 (3) of the Act.

3. Failure to satisfy all requirements for recognition

- 3.1 If, after consideration of an application for recognition, the Council is not satisfied that a Voluntary Association meets the relevant requirements for recognition as set out in these rules, the Council must formally notify such Voluntary Association and furnish reasons why it does not meet the relevant requirements for recognition as set out in these rules.
- 3.2 The Council shall grant the association a period of 30 days to rectify the application for recognition and re-submit the application for assessment and decision.
- 3.3 If an association does not satisfy the relevant requirements for recognition as set out in these rules despite the Council communication on rule 3.2 above, the Council shall notify the Voluntary Association about its refusal to recognize it and provide reasons thereof.
- 3.4 The Council shall notify the association about its right to appeal against the decision to the Council for the Built Environment in terms of the Act.

4. Annual reporting to maintain recognition

The annual reporting to the Council shall comprise of the following information:

- a) Continuing compliance with the conditions of recognition for Voluntary Associations in terms of these Rules:

- b) Records of attendance of persons who have attended any validated CPD activities 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 19 of the Act;
- c) An evaluation report detailing the relevance, quality and accessibility of the CPD activities offered under the association's auspices.
- d) Information about the annual paid-up members of the association shall include statistics of gender, demographics and age.
- e) Activities that promote diversity, equality and inclusion in the architectural profession.
- f) An annual report detailing all activities of the Voluntary Association to Council by no later than **31 March** each year in order to maintain the validity of its certificate of recognition.

5. Authority to audit information

The Council shall have the authority to audit the information submitted to it by Voluntary Associations.

6. Renewal and lapsing of recognition

- 6.1 A certificate of recognition of a Voluntary Association shall be valid for a period of five years from the date of issue, as provided for in section 25 (4) of the Act.
- 6.2 The recognition of a Voluntary Association shall remain valid for a period of 5 years after recognition provided that a Voluntary Association shall at all times remain in compliance with the requirements for recognition and maintenance of recognition.
- 6.3 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 as provided for in section 25 (7) of the Act.

Repeal of previous rules

The Rules published under Board Notice 86 of 2016 are hereby repealed.