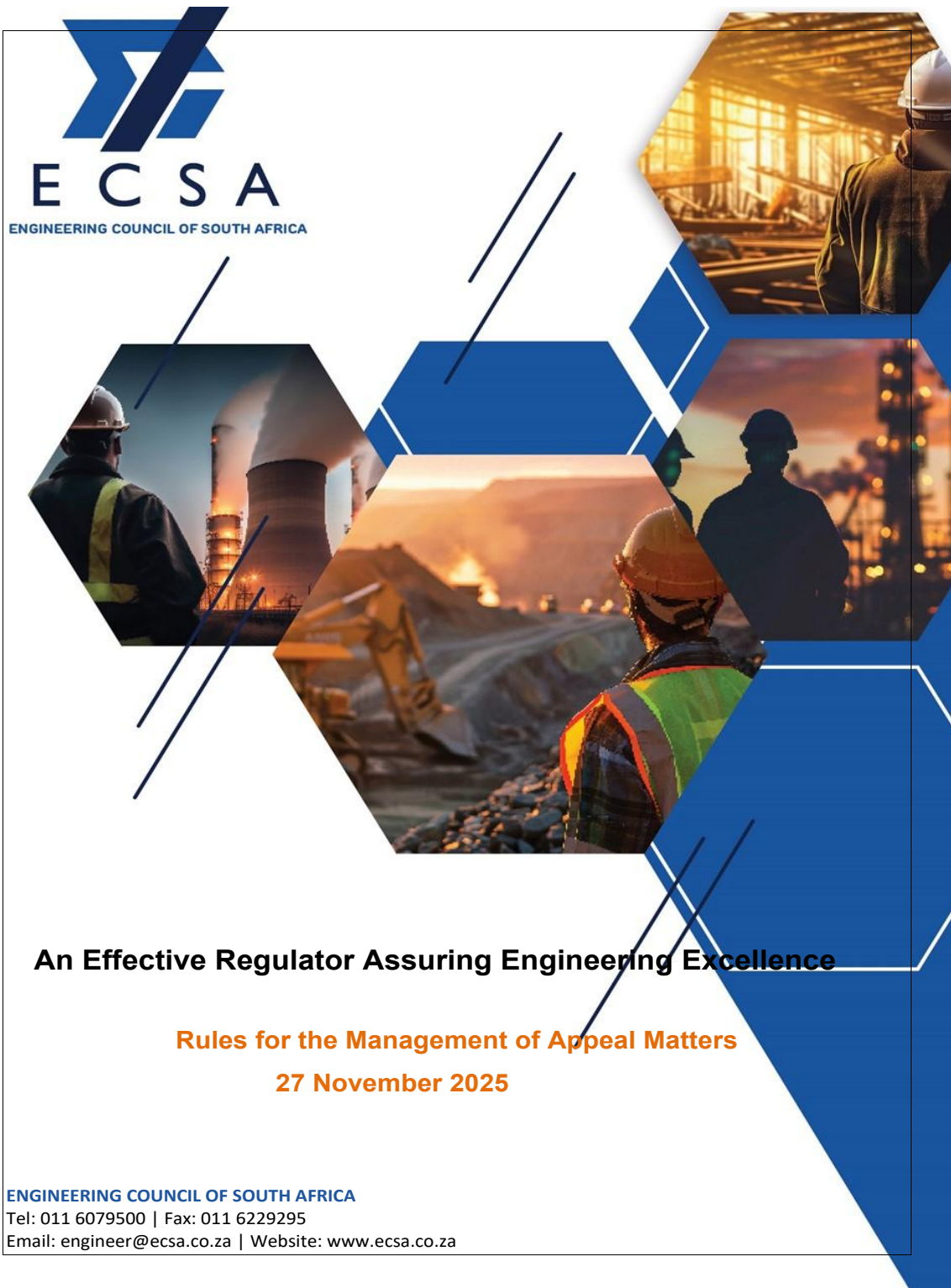


BOARD NOTICE 905 OF 2026

The graphic features the ECOSA logo at the top left, consisting of a stylized blue 'E' and 'C' above the letters 'E C S A' and the text 'ENGINEERING COUNCIL OF SOUTH AFRICA'. To the right and below the logo is a collage of four hexagonal images: a worker in a hard hat and safety vest in a construction site, a worker in a hard hat in a factory with large cooling towers, a worker in a hard hat in a mining or quarry setting, and a worker in a hard hat in an industrial facility with pipes and lights. The entire graphic is set against a blue background with white geometric lines.


ENGINEERING COUNCIL OF SOUTH AFRICA

An Effective Regulator Assuring Engineering Excellence

Rules for the Management of Appeal Matters

27 November 2025

ENGINEERING COUNCIL OF SOUTH AFRICA
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Revision 1 dated **27/11/2025** and consisting of **18** pages has been reviewed for adequacy by the Executive of Improper Conduct & Enforcement and approved by the Council Committee.

Controls

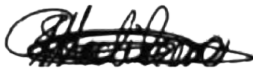
The signatures below certify that this document has been reviewed and accepted and demonstrates that the signatories are aware of all the requirements contained herein and are committed to ensuring their provision



04 March 2026

The Acting CEO: Ms. Tabisa Mtati

Date



11 March 2026

The President

Date

The definitive version of this **Rules** is available to all ECSA staff and is maintained in PDF format in Document Management System.

Printed copies of this management system policy may be issued under controlled conditions (see QM_POL_002) and will be replaced in entirety when any changes or revisions are made.

CONTROLLED DISCLOSURE

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QM-TEM-001 Rev 2 – ECSA Policy and Procedure


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1. INTRODUCTION AND OVERVIEW


- 1.1. The Engineering Council of South Africa ("ECSA") is a statutory body established in terms of Section 2 of the Engineering Profession Act, 46 of 2000 ("the Act"). It is one of the regulatory councils operating within the Built Environment, as recognised under the Council for the Built Environment Act, 43 of 2000. ECSA's mandate is to regulate the engineering profession in the Republic of South Africa in the public interest, with its regulatory authority derived from the Act and underpinned by the principles of legality, procedural fairness, and accountable decision-making.
- 1.2. The Act empowers ECSA to make decisions that materially affect the rights, obligations, or expectations of Registered Persons and stakeholders. As such, those affected by administrative decisions must be provided with a mechanism to challenge such decisions where there is reason to believe that the decision was unlawful, unreasonable, or procedurally unfair. These Rules give effect to this principle by establishing the framework for managing appeal proceedings in accordance with Sections 24, 33, and 35 of the Act.
- 1.3. These Rules also reflect ECSA's commitment to a fair, impartial, and accountable regulatory regime, and they operationalise the right to just administrative action under Section 33 of the Constitution of the Republic of South Africa, 108 of 1996 ("the Constitution"). In doing so, they incorporate and align with the Promotion of Administrative Justice Act, 3 of 2000 ("PAJA"), and other applicable statutory frameworks that advance ethical, participatory, and transparent public administration.
- 1.4. These Rules must be read in conjunction with the following:
- 1.4.1. The Rules of Conduct for Registered Persons;
 - 1.4.2. The Rules for the Management of Enforcement Matters;
 - 1.4.3. The Rules for the Management of Improper Conduct Matters;
 - 1.4.4. ECSA's Delegation of Authority Framework (DoA);
 - 1.4.5. The Standard Operating Procedure (SOP) for the Management of Appeal Matters;
 - 1.4.6. The Service Charter for the Management of Appeal Matters; and


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<p>1.4.7. The Glossary of Terms for Improper Conduct, Enforcement, and Appeals.</p> <p>1.5. Where any rules, policies, guidelines, instruments, or other documents, to the exception of the aforementioned instruments, conflict with these Rules, the provisions of these Rules shall prevail, except where otherwise provided by law.</p> <p>2. PURPOSE, LEGAL STATUS, AND REGULATORY FRAMEWORK</p> <p>2.1 These Rules are promulgated in terms of Section 36(1) of the Act and have the status of subordinate legislation. They are binding on all Registered Persons, Appellants, representatives, and other stakeholders involved in appeals brought before ECSA. These Rules establish a lawful, procedurally fair, and constitutionally compliant framework for the management of appeals in circumstances where a party seeks to contest a decision made by ECSA in terms of the Act.</p> <p>2.2 Pursuant to Section 36(1) and subject to the provisions contained in Section 36(2) and (3) of the Act, the Council is empowered to promulgate Rules through a notice in the Gazette concerning any subject matter mandated or permitted under the Act, as well as any other considerations necessary for the effective implementation of the provisions of the Act or related to any authority granted or obligation imposed by the Act.</p> <p>2.3 The promulgation of these Rules aligns with the Act. This is undertaken to ensure that ECSA's mandate is executed transparently and equitably, to foster uniformity in procedural approaches, and to clearly define and communicate the Rules pertaining to the management of appeals, in accordance with legislative stipulations.</p> <p>2.4 The purpose of these Rules is to provide a consistent and standardized procedure for the initiation, consideration, and resolution of appeals, thereby ensuring that the decision-making process within ECSA is reviewable, accountable, and responsive to lawful contestation. They promote the values of administrative justice and aim to reinforce public trust in the regulatory authority of ECSA.</p> <p>2.5 In terms of their interpretive status, these Rules must be applied in harmony with the Act, the Constitution, PAJA, and any other applicable laws. In the event of any inconsistency between these Rules and the Act, Constitution, PAJA, and any other applicable laws, the provisions of the latter shall prevail. All references to provisions of the Act in these Rules are intended as interpretive aids and do not constitute verbatim quotations. The authoritative source for any referenced provision remains the Act itself.</p> <p style="text-align: center;">CONTROLLED DISCLOSURE</p> <p style="text-align: center;"><small>When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rest with the user to ensure that it is in line with the authorized version on the database. If the "original" stamp in red does not appear on each page, this document is uncontrolled. QM-TEM-001 Rev 2 – ECSA Policy and Procedure</small></p>			


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<p>3. APPLICATION, SCOPE, AND INTERPRETIVE GUIDANCE</p> <p>3.1 These Rules apply to all appeals lodged in terms of Sections 24, 33, or 35 of the Act. This includes appeals arising from decisions concerning registration applications, disciplinary findings, and decisions of the Council in terms of Section 35 of the Act.</p> <p>3.2 These Rules apply to all persons or entities that have the legal standing to bring an appeal before ECSA, as well as to all functionaries responsible for managing, hearing, or adjudicating such appeals.</p> <p>3.3 Appellants and other stakeholders are expected to conduct themselves with professionalism, diligence, and integrity throughout the appeal process. It is the duty of each party to acquaint themselves with these Rules and all supporting instruments applicable to the appeal procedure.</p> <p>3.4 The interpretation of these Rules must be guided by purposive and contextual principles, taking into account:</p> <p style="padding-left: 40px;">3.4.1 The language and intent of the rules;</p> <p style="padding-left: 40px;">3.4.2 The broader regulatory framework within which they operate;</p> <p style="padding-left: 40px;">3.4.3 The objectives of administrative justice and lawful regulation; and</p> <p style="padding-left: 40px;">3.4.4 The foundational values of the constitution, including openness, fairness, accountability, and the right to be heard.</p> <p>3.5 The common law principles of statutory interpretation apply, including the presumptions against absurdity and redundancy, unless displaced by superior legal authority. Where ambiguity arises, these Rules must be construed to favour lawful, transparent, and constitutionally sound procedures that advance the public interest and the integrity of the profession.</p> <p>3.6 ECSA may, where necessary, issue interpretive guidelines or circulars to aid understanding and application of these Rules. Such guidance is advisory in nature and shall not constitute binding legal authority unless expressly adopted into policy or rule by the Council.</p> <p style="text-align: center;">CONTROLLED DISCLOSURE</p> <p style="text-align: center;"><small>When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rest with the user to ensure that it is in line with the authorized version on the database. If the "original" stamp in red does not appear on each page, this document is uncontrolled. QM-TEM-001 Rev 2 – ECSA Policy and Procedure</small></p>			


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<p>3.7 These Rules also recognise that certain functions mandated under the Act have been delegated to designated officials or panels in terms of Section 40 of the Act. All such delegated functions must be executed in compliance with these Rules and in accordance with the DoA.</p> <p>3.8 These Rules are devised to specifically address the management of appeal matters, leveraging the statutory authority conferred upon ECSA by the Act to enhance and regulate the engineering profession.</p> <p>3.9 In addition, the Rules are intended to empower ECSA with the necessary authority to effectively oversee and regulate the appeals process in terms of the Act.</p> <p>3.10 Any communication, notice, or documentation mandated by the Act or these Rules shall be deemed to have been properly delivered if it is transmitted via electronic mail to the email address furnished by the stakeholder or to the email address listed for the Registered Person in the ECSA database.</p> <p>3.11 Should an Appellant or stakeholder choose to be represented by another person, they must notify ECSA in writing and provide the full particulars of their appointed Representative. ECSA will not be responsible for communicating directly with the Representative. All official correspondence, notices, and decisions will be directed to the Appellant or stakeholder, who bears the full responsibility to keep their Representative informed of all developments, correspondence, and actions relating to the matter. The Representative will be deemed to act on behalf of the Appellant or stakeholder until ECSA is notified in writing of any change or withdrawal of such representation.</p> <p>3.12 These Rules should be interpreted in conjunction with any stipulations outlined in other Rules, documents, or instruments that govern procedures, processes, or activities, actions taken, or to be taken, after a decision and before filing an appeal. Specifically refer to the Registration Rules (documents regulating registration), the Rules for Managing Improper Conduct Matters, and the Act.</p> <p>3.13 For the purposes of these Rules, decisions regarding applications for the recognition of educational qualifications are not governed by Section 24 of the Act. Instead, they are considered under the provisions of Section 35 of the Act.</p> <p>3.14 These Rules should be interpreted in conjunction with the Standard Operating Procedure for the Management of Appeals, which delineates the timeframes referenced herein.</p>			
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<p>3.15 An appeal is not a rehearing nor a reassessment, and no new documents or proof of experience gained after submission of the application for registration, or disciplinary hearing will be allowed.</p> <p>3.16 An Appellant has the right to be assisted/represented in his or her appeal. This right, however, does not excuse non-compliance with the timeframes specified in these Rules and/or the Act.</p> <p>3.17 The Notice of Appeal should clearly articulate how the administrative action triggering the appeal was unlawful, unreasonable, or procedurally unfair.</p> <p>3.18 The Notice of Appeal must be in the prescribed format and should clearly identify the Appellant, including full name, contact details, and an indication of the capacity in which the Appellant is acting (if applicable).</p> <p>3.19 The Notice of Appeal should be signed and dated by the Appellant, affirming the accuracy and truthfulness of the information provided.</p> <p>3.20 ECSA may, on good cause shown and in the interest of justice, condone departure from these Rules on the condition that such departure is not prohibited by the Act.</p> <p>3.21 Any request for consideration of condonation of a departure from these Rules must be made in writing, in the prescribed format, and supported by the evidence/reasons on which the request is based.</p> <p>3.22 A request for condonation in terms of these Rules shall be considered by the Improper Conduct and Enforcement Executive (Executive). The Executive will consider the evidence/facts advanced in support of the request for condonation and decide whether the condonation is granted or not, providing his or her reasons for the decision.</p> <p>3.23 Requests for condonation must be made with due consideration, and strict adherence to these Rules should be maintained if possible.</p> <p>3.24 In granting a request for condonation for a departure from these Rules consideration will be given, inter alia, to the following: the existence of any exceptional circumstances for allowing the condonation, whether good cause has been shown by the Appellant in support of the condonation, when the request was made, any previous delays/requests for condonation and the reasons therefore, whether allowing condonation would unreasonably delay the proceedings or be likely to cause an injustice or prejudice to any other stakeholder.</p>			
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<p>3.25 Under no circumstances should it be assumed that a request for a departure from these Rules will be, or has been, granted unless this is specifically communicated by ECSA in writing.</p> <p>3.26 By granting a request for departure from these Rules, ECSA does not warrant the lawfulness of such a decision or any implied limitation on either CBE and/or the High Court and/or any other entity interpreting the lawfulness of the decision.</p> <p>3.27 Previous Rules concerning the management of appeals are repealed with effect from the date on which these Rules are gazetted.</p> <p>3.28 These Rules are to be interpreted in alignment with the stipulations of the Act.</p> <p>3.29 The provisions set forth within these Rules are complemented by various standard instruments. Copies of these instruments are accessible upon request and can also be found on the ECSA website. Stakeholders are obliged to acquaint themselves with these standard instruments and employ them in matters pertaining to these Rules.</p> <p>4. PROCEDURAL REQUIREMENTS AND PARTICIPANT OBLIGATIONS</p> <p>4.1 All stakeholders involved in the appeals process bear specific duties of procedural cooperation and communication. An appellant must file a Notice of Appeal in the prescribed format, which must clearly set out the decision being challenged, the statutory basis of the appeal, and the grounds on which it is alleged that the original decision was unlawful, unreasonable, or procedurally unfair. The Notice of Appeal must include the appellant's full name, contact details, registration number (where applicable), and, if acting in a representative capacity, the identity and legal status of the person or entity represented.</p> <p>4.2 The Notice of Appeal must be signed and dated by the appellant as a sworn affirmation of the truth and accuracy of its contents. Once lodged, the appellant bears the obligation to prosecute the appeal in good faith and in accordance with the timeframes and procedures prescribed in these Rules and the Standard Operating Procedure for the Management of Appeal Matters.</p> <p>4.3 Where an appellant elects to be represented, a formal notification must be submitted to ECSA, identifying the Representative and confirming that the appellant authorises such representation. It is the Appellant's responsibility to ensure that the Representative is adequately informed of the status and progression of the matter.</p> <p>4.4 All communications from ECSA shall be deemed duly delivered if sent to the last known or officially recorded email address of the Appellant as per the ECSA database, unless a different method of service has been formally requested and confirmed in writing.</p> <p style="text-align: center;">CONTROLLED DISCLOSURE</p> <p style="text-align: center;"><small>When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rest with the user to ensure that it is in line with the authorized version on the database. If the "original" stamp in red does not appear on each page, this document is uncontrolled. QM-TEM-001 Rev 2 – ECSA Policy and Procedure</small></p>			


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<p>4.5 Non-compliance with procedural obligations, including late submissions, defective filings, or miscommunication, does not automatically excuse failure to comply with these Rules. All parties are presumed to act with professional diligence and accountability in their dealings with the Council.</p> <p>5. CONDONATION AND DEVIATION FROM RULES</p> <p>5.1 ECSA may, upon good cause shown and where the interests of justice so require, condone a departure from these Rules, provided such deviation is not prohibited by the Act or any other applicable law. A request for condonation must be submitted in writing in the prescribed format and must include the reasons for the request, the extent of the deviation, and supporting evidence.</p> <p>5.2 Condonation requests will be considered by the Executive, who shall evaluate the request with due regard to the following non-exhaustive factors:</p> <p>5.2.1 Whether good cause exists for the deviation;</p> <p>5.2.2 Whether exceptional circumstances justify the departure;</p> <p>5.2.3 The time at which the request was submitted relative to the delay or defect;</p> <p>5.2.4 Any prior delays or previous condonation requests by the same party;</p> <p>5.2.5 The prejudice, if any, that may be caused to other stakeholders; and</p> <p>5.2.6 Whether granting condonation would undermine the purpose or fairness of the appeals process.</p> <p>5.3 The Executive shall issue a written decision with reasons. No condonation is deemed to have been granted unless formally communicated in writing. The granting of condonation does not bind the Council, the CBE, or a court of law to uphold the lawfulness of any decision taken in consequence of such condonation.</p> <p>6. REPEAL, TRANSITIONAL MEASURES, AND LEGAL CONTINUITY</p>			
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<p>6.1 These Rules repeal all previous rules or policies relating to the management of appeals, including any instruments published prior to their gazetting. All appeals instituted on or after the date of commencement of these Rules shall be governed by this revised instrument.</p> <p>6.2 Appeals pending on the date of commencement shall continue under the previous rules applicable at the time the appeal was lodged. This transitional measure is consistent with Section 12(2) of the Interpretation Act, 33 of 1957, which affirms the legal continuity of processes initiated under repealed instruments.</p> <p>6.3 Where transitional clauses are included in other instruments, those must be interpreted in harmony with these Rules to preserve fairness, predictability, and procedural integrity.</p> <p>7. COMMENCEMENT, SHORT TITLE, AND PUBLICATION</p> <p>7.1 These Rules are cited as the <i>Rules for the Management of Appeal Matters</i> and shall come into operation on the date of their publication in the Government Gazette. They shall apply to all appeals lodged in terms of the Act on or after the date of commencement.</p> <p>7.2 Prior to gazetting, the Council has ensured that all requisite consultations in terms of the Act have been conducted, and that all legal prerequisites for the adoption of valid subordinate legislation have been met. Upon promulgation, ECSA shall issue formal communications to all Registered Persons, stakeholders, and the public through its official platforms.</p> <p>8. JUST ADMINISTRATIVE ACTION</p> <p>8.1 Section 33 of the Constitution provides for "Just Administrative Action." It ensures that everyone has the right to administrative action that is lawful, reasonable, and procedurally fair. The section embodies the principles of good governance and accountability in public administration, reflecting the commitment to a transparent, fair, and just entity that respects the rights of individuals.</p> <p>8.2 Everyone has the right to administrative action that is lawful, reasonable, and procedurally fair.</p> <p>8.3 Everyone whose rights have been adversely affected by administrative action has the right to be provided with written reasons upon request.</p> <p>8.4 The PAJA gives effect to the constitutional right to just administrative action. In terms of PAJA, an administrative decision encompasses any decision or failure to make a decision by an organ of state when exercising a power in terms of the Constitution, a provincial Constitution, or any legislation.</p>			
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<p>8.5 It also applies to natural or juristic persons performing a public function under an empowering provision that affects someone's rights and has a direct, external legal effect. There are specific exclusions, such as judicial functions and legislative actions.</p> <p>8.6 PAJA was enacted to give effect to the right to administrative action that is lawful, reasonable, and procedurally fair, and the right to request written reasons for administrative action as contemplated in Section 33 of the Constitution.</p> <p>8.7 PAJA seeks to enhance transparency and accountability in the administrative processes of government entities and public bodies, promoting a culture of good governance and ethical decision-making.</p> <p>8.8 In terms of PAJA, the right to be provided with reasons for administrative actions is not automatic. Administrators must give reasons for their decisions/actions upon request. Affected persons must be informed of the right to request reasons. This mechanism ensures that individuals can seek clarification and, if necessary, challenge administrative decisions/actions through appropriate channels.</p> <p>8.9 In terms of the Act, specifically Section 35, any member of the public whose interests and rights are affected by a decision/action made by the Council may, within thirty Days from that person becoming aware of the decision/action, request the Council in writing to furnish him or her in writing with its reasons for that decision/action.</p> <p>8.10 Hence, it is crucial for individuals to note that the provision of reasons for an administrative action (decision) is not automatic. To obtain such reasons, the individual must formally submit a request in writing. Furthermore, the periods prescribed by the Act are not dependent (commence) on the receipt of the provision of reasons but rather the date on which the decision came to the attention of the individual.</p> <p>9. GRIEVANCE PROCEDURE IN RELATION TO REGISTRATION - SECTION 24 APPEAL</p> <p>9.1 Section 24 of the Act reads as follows, if an applicant is of the opinion that a committee, in its refusal to register the applicant or to cancel the registration of the applicant, other than a cancellation in terms of Section 20(1)(a)(iii) or 32(3)(a)(iv), did not comply with Section 33 of the Constitution, the applicant may on payment of the prescribed fee and within thirty Days from the date on which the refusal came to the applicants' knowledge, appeal to the Council against the decision.</p>			
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<p>9.2 The Council must, at its first ensuing meeting, or within sixty days from the date of the receipt of the appeal, decide on the appeal and provide the Appellant with reasons for its decision. If an appeal is lodged against a refusal of a committee to renew the registration of a Registered Person, the registration of that person may not be cancelled until the appeal has been decided.</p> <p>9.3 An appeal in terms of Section 24 is lodged on the grounds that an applicant is of the opinion that a decision to refuse to register him or her or to cancel his or her registration, other than a cancellation for failing to pay the prescribed annual fee or portion thereof, within sixty days from becoming due or within such further period as the Council may allow, he or she, may in the prescribed manner appeal against the decision in terms of Section 24 of the Act.</p> <p>9.4 The person must appeal in the prescribed manner and upon payment of the prescribed fee within thirty days from the date on which the refusal/cancellation, as prescribed by the Act, came to the Appellant's knowledge.</p> <p>9.5 The prescribed fee is a fee published by ECSA in terms of Section 36 of the Act and is available on the ECSA Website.</p> <p>9.6 The Appellant must confirm and ensure that receipt of the appeal has been acknowledged and that the prescribed fee is paid to the Council within the prescribed period set out in the Act.</p> <p>9.7 Two report writers will be tasked with compiling a report concerning an appeal in terms of Section 24.</p> <p>9.8 Report writers shall be suitably qualified, experienced, and independent persons, with appointments limited to those on the ECSA database or within the prescripts of the ECSA procurement processes.</p> <p>9.9 The Report writers will consist of one person qualified in law who has the appropriate experience and one person who has the appropriate experience concerning the decision forming the ground for appeal (Moderator).</p> <p>9.10 The conclusions of the report must be based solely on the facts and the grounds of the appeal report alongside the analysis that informed the findings and conclusions.</p> <p>9.11 Report writers tasked with compiling the Appeal Report must not have participated in the original decision-making process. The primary function of the report and its authors is to evaluate the basis of the appeal. This involves a thorough review of the summative assessments from assessors and moderators of the forum of the first instance, as well as the</p>			
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<p>recordings from the professional interview, and any other documents and/or recordings deemed necessary by the Improper Conduct Manager.</p> <p>9.12 The completed report shall be submitted to ECSA, and a copy of this report must also be made available to the Appellant. The Appellant is afforded the opportunity to submit a written response to the report, using the prescribed format. In the absence of evidence to the contrary, failure to submit a response within the prescribed timeframe will be deemed as a decision by the Appellant electing not to submit a written response to the report.</p> <p>9.13 The comprehensive appeal dossier, including the summative appraisal reports, recordings of the professional interview, the report authored by the report writers, the Notice of Appeal and any further responses from the Appellant, and any other documents deemed necessary by the Improper Conduct Manager will be tabled at the Council's first ensuing meeting, or within sixty Days from the receipt of the appeal. The Council will then deliberate and decide on the appeal, providing the Appellant with the reasons for its decision.</p> <p>9.14 The Notice of Appeal must, at a minimum, clearly set out the grounds on which the appeal is based. An appeal in terms of Section 24 can only be based on the administrative action triggering the appeal being unlawful, unreasonable, and/or procedurally unfair. Understanding the specific grounds for the appeal is crucial and is entrenched in Section 33 of the Constitution, read together with Section 3 of PAJA.</p> <p>9.15 The notice must be signed and dated by the Appellant, certifying the accuracy of the information provided and authorizing the appeal.</p> <p>9.16 The Notice of Appeal must include a comprehensive set of documents relevant to the administrative action being appealed, including the original decision, any correspondence related to the request for reasons, the reasons provided, and any other relevant evidence supporting the claim of unjust administrative action.</p> <p>9.17 The decision of the Council will be communicated to the Appellant in writing.</p> <p>9.18 The Council must consider all evidence so presented and in accordance with the rules of natural justice and the provisions of PAJA and regulations thereto, deliberate in camera, and come to a decision.</p> <p>9.19 Any member of the Council who was a member of the forum first instance may not deliberate or vote at the appeal in the Council.</p> <p>9.20 If the appeal is upheld, the prescribed fee will be reimbursed to the Appellant.</p> <p style="text-align: center;">CONTROLLED DISCLOSURE</p> <p style="text-align: center;"><small>When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rest with the user to ensure that it is in line with the authorized version on the database. If the "original" stamp in red does not appear on each page, this document is uncontrolled. QM-TEM-001 Rev 2 – ECSA Policy and Procedure</small></p>			

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<p>9.21 The Council cannot overturn, overrule, or vary the decision of the first instance. If the Council decides not to uphold the decision of the first instance, it must direct the deciding authority to consider the administrative action afresh in terms of the descriptive just administrative action provisions.</p>			
<p>10. APPEAL AGAINST A DECISION OF A DISCIPLINARY TRIBUNAL - SECTION 33 APPEALS</p>			
<p>10.1 A Registered Person found guilty of Improper Conduct may appeal to the Council against a finding of the disciplinary tribunal or against the sentence, or both. The appeal must be lodged within thirty days after the Disciplinary Tribunal has informed the Registered Person of its decision. The Council may dismiss the appeal against the decision of the disciplinary tribunal and confirm the finding or sentence or both, or uphold the appeal against the decision of the Disciplinary Tribunal wholly or in part, and set aside or vary the finding or sentence or both.</p>			
<p>10.2 If an appeal is dismissed, the Appellant may, within thirty days from the date of the dismissal of the appeal, appeal to the CBE. If a Registered Person found guilty of Improper Conduct lodges an appeal in terms of this Section, the decision of the Disciplinary Tribunal under Section 32(3) and the publication by the Council in terms of Section 32(5) may not be put into effect before the Council or the CBE, or both, has decided the appeal. The Appellant, whose appeal was dismissed by the CBE, may appeal to the appropriate High Court</p>			
<p>10.3 An Appellant wishing to appeal in terms of this section must appeal in the prescribed format. There is no prescribed fee payable in terms of an Appeal lodged in terms of Section 33 of the Act.</p>			
<p>10.4 The appeal must be lodged within thirty days after the Disciplinary Tribunal has informed the Registered Person of its decision.</p>			
<p>10.5 The Complainant in the Improper Conduct matter will be advised that an appeal has been lodged by the Registered Person in terms of Section 33 of the Act.</p>			
<p>10.6 However, the right to appeal in terms of Section 33 of the Act is to be exercised only by the Registered Person, and as such, the Complainant will not form part of this appeal process.</p>			
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<p>10.7 The Registered Person must confirm and ensure that receipt of the appeal has been acknowledged and that the appeal is filed with ECSA within the prescribed period set out in the Act.</p> <p>10.8 The entire appeal record will be tabled at the Council's first ensuing meeting from the date of the receipt of the Appeal to consider and decide on the Appeal.</p> <p>10.9 The Council may dismiss the appeal against the decision of the Disciplinary Tribunal and confirm the finding or sentence or both, or uphold the appeal against the decision of the disciplinary tribunal wholly or in part and set aside or vary the finding or sentence or both.</p> <p>10.10 The appeal record will consist of the disciplinary hearing bundle and any supplementary disciplinary bundles, the pre-hearing recital, any directives filed by the disciplinary tribunal, heads of arguments, written closing arguments, if any, the recording of the Appeal hearing, the decision of the disciplinary tribunal, any other record forming part of the disciplinary hearing and, the Notice of Appeal.</p> <p>10.11 The Council must consider all evidence so presented and, in accordance with the rules of natural justice, the PAJA and regulations thereto, deliberate in camera, and come to a decision.</p> <p>10.12 Any member of the Council who was a member of the forum of the first instance may not vote at the Appeal in the Council.</p> <p>10.13 An appeal is not a rehearing of the charge or charge(s) of Improper Conduct and/or mitigating and aggravating arguments concerning the sanction imposed. No new documents will be allowed/considered as part of the appeal in terms of this section.</p> <p>10.14 When appealing against a decision of a disciplinary tribunal, the Notice of Appeal should be meticulously prepared to ensure it communicates the basis of the appeal clearly and effectively.</p> <p>10.15 The Appellant's full name, contact details, and any relevant identification numbers or designations related to the disciplinary proceedings.</p> <p>10.16 A detailed reference to the decision being appealed, including:</p> <p style="padding-left: 40px;">10.16.1 The date of the decision, a summary or copy of the decision itself, and a clear statement of the grounds on which the Appeal is based. This should include specific reasons why the Appellant believes the decision and/or sentence to be flawed or</p>			
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<p style="text-align: center;">unjust, referencing any procedural errors, misinterpretations of the law and/or facts, or any perceived bias or unfairness;</p> <p>10.16.2 Detailed allegations regarding alleged errors made by the disciplinary tribunal in reaching its decision. This could include procedural errors that affected the fairness of the disciplinary hearing, incorrect application or interpretation of the law, factual errors in the findings, failure to consider relevant evidence, or giving undue weight to certain evidence; and</p> <p>10.16.3 A list of evidence and documents that support the appeal.</p> <p>10.17 The notice must be signed and dated by the Appellant, certifying the accuracy of the information provided and authorizing the appeal.</p> <p>10.18 The Council may dismiss the appeal against the decision of the Disciplinary Tribunal and confirm the finding or sentence or both, or uphold the appeal against the decision of the disciplinary tribunal wholly or in part and set aside or vary the finding or sentence or both.</p> <p>10.19 The Registered Person and the Complainant will be notified, in writing, of the decision of the Council.</p> <p>10.20 If an appeal is dismissed by the Council, the Appellant may, within thirty days from the date of the dismissal of the appeal, appeal to the CBE. The appeal must be lodged directly with the CBE in terms of Section 33(3).</p> <p>11. APPEALS AGAINST CERTAIN DECISIONS OF THE COUNCIL – SECTION 35 APPEAL</p> <p>11.1 The Council for the Built Environment (“the CBE”) is empowered to act as an appeal body in terms of Section 4(m) read with Section 21 of the Council for the Built Environment Act, 43 of 2000 (“the CBE Act”), as amended.</p> <p>11.2 Any member of the public whose interests and rights have been affected (the Requestor) may, within thirty days of becoming aware of the Council decision, request that the Council furnish, in writing, reasons for that Council decision.</p> <p>11.3 Within ninety days from being furnished with the reasons for the decision, the Requestor may, after giving notice to the Council, appeal to the CBE in terms of Section 21 of the CBE Act.</p> <p>11.4 The Requestor must submit the appeal to the CBE in terms of the CBE Rules on Conducting Appeals.</p> <p style="text-align: center;">CONTROLLED DISCLOSURE</p> <p style="text-align: center;"><small>When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rest with the user to ensure that it is in line with the authorized version on the database. If the “original” stamp in red does not appear on each page, this document is uncontrolled. QM-TEM-001 Rev 2 – ECSA Policy and Procedure</small></p>			

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12. CONFIDENTIALITY AND PROTECTION OF INFORMATION

- 12.1 All stakeholders are obligated to treat all matters, information, and documentation related to any appeal proceeding with the utmost confidentiality, as prescribed by the applicable legislation and/or these Rules.
- 12.2 Stakeholders must ensure the safeguarding of personal and sensitive information of individuals as required by, inter alia, applicable legislation, ensuring that such information is accessed only by authorized individuals and used solely for the purposes as set out in these Rules and only strictly in compliance with the provisions contained in the Protection of Personal Information Act, 4 of 2013 ("POPIA").
- 12.3 Stakeholders are required to comply with any injunctions and/or legal directives regarding the protection of personal and/or confidential information. Stakeholders must take all necessary measures to prevent any unauthorised disclosure, misuse, and/or alteration of any confidential or personal information received by them in the course and scope of their duties.
- 12.4 This clause imposes both a legal and ethical duty on all stakeholders to maintain confidentiality and to protect any personal information received by them, throughout and beyond the conclusion of any proceedings related to appeals and/or the appeal processes.

13. DOCUMENT REVISION HISTORY

Revision Number	Revision Date	Revision Details	Approved By
0	29/10/2025	New Document	Investigation Committee
01	27/11/2025	Document reviewed at its entirety	Governing Council

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