

BOARD NOTICE 906 OF 2026




An Effective Regulator Assuring Engineering Excellence

**Rules for the Management of
Enforcement Matters**

27 November 2025

ENGINEERING COUNCIL OF SOUTH AFRICA
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Subject: Rules for the Management of Enforcement Matters			
Compiler: Manager: Improper Conduct & Enforcement Reviewer: Executive: Improper Conduct & Enforcement	Approved by: Governing Council	Next Review Date: 27/11/2028	Page 2 of 27

Revision **01** dated **27/11/2025** and consisting of **27** pages has been reviewed for adequacy by the Business Unit Manager and is approved by the Executive: Improper Conduct & Enforcement

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



The Acting CEO: Ms. Tabisa Mtati

02 March 2026

Date



The President

11 March 2026

Date

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

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1. INTRODUCTION AND OVERVIEW

- 1.1. The Engineering Council of South Africa (“ECSA”), one of the statutory councils within the Built Environment sector, is mandated to regulate and govern the engineering profession across South Africa. ECSA’s primary mission is to protect public safety by ensuring that engineering work is conducted competently, ethically, and in compliance with relevant legal frameworks. As a statutory body established under the Engineering Profession Act, 46 of 2000 (“the Act”), ECSA is entrusted with the vital responsibility of overseeing enforcement within the engineering sector.
- 1.2. Under the provisions of the Act, ECSA has been empowered to act as the regulatory authority that ensures only individuals who are qualified, registered, and competent are allowed to engage in regulated professional engineering work. This regulatory oversight is designed to safeguard the public by ensuring that engineering services adhere to stringent professional standards, thereby minimizing the risks of harm, inefficiency, and substandard practices. In doing so, ECSA plays a pivotal role in maintaining public confidence in the engineering profession and ensuring that only those who meet the prescribed qualifications and competencies perform engineering-related tasks.
- 1.3. A central pillar of ECSA’s regulatory framework is the enforcement of the Identification of Engineering Work (“IDoEW”). The IDoEW is a critical tool in preventing the practice of engineering by unregistered individuals or persons not registered in the appropriate category of registration. It establishes clear boundaries for which disciplines of engineering work, such as civil, electrical, mechanical, or structural engineering, can only be undertaken by those registered with ECSA. This provision prevents unsafe engineering practices, thereby protecting public safety, environmental health, and property while ensuring compliance with South Africa’s engineering standards. ECSA’s role in enforcing the IDoEW helps mitigate the risk of improper conduct, negligence, or harm caused by unregulated engineering activities.
- 1.4. ECSA also collaborates extensively with other regulatory bodies, governmental authorities, and law enforcement agencies to ensure that statutory and common law offences related to engineering practice are appropriately addressed. This collaboration is essential for enforcing ECSA’s regulatory mandate, particularly in cases involving unauthorized practice, non-compliance with the IDoEW, or other statutory breaches. By working alongside law enforcement, ECSA ensures that regulatory violations, including those that may involve criminal behaviour, are comprehensively addressed through a combination of administrative, regulatory, and criminal enforcement mechanisms. This multi-pronged approach ensures that the engineering profession is regulated in a manner that prioritizes public safety while maintaining professional integrity.

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- 1.5. The enforcement Rules promulgated by ECSA under Section 36(1) of the Act serve a dual purpose: first, to protect the public from harm that may arise from unqualified individuals performing engineering tasks, and second, to uphold the professional and ethical standards that govern the engineering profession. These Rules provide a structured regulatory framework for monitoring and managing the conduct of Registered Persons and enforcing compliance with the legal requirements of the profession. By enforcing these Rules, ECSA ensures that only individuals with the requisite qualifications, experience, and competence are permitted to carry out engineering work, particularly in areas that pose significant risks to public health, safety, and welfare.
- 1.6. Additionally, ECSA's enforcement Rules allow for corrective action to be taken when violations occur. These Rules align with broader legislative frameworks, such as the Occupational Health and Safety Act (Act 85 of 1993) ("OHSA"), the National Environmental Management Act (Act 107 of 1998) (NEMA), the Mine Health and Safety Act (Act 29 of 1996) ("MHSA"), the Mineral and Petroleum Resources Development Act (Act 28 of 2002) ("MPRDA"), and the National Building Regulations and Building Standards Act (Act 103 of 1977 amended) ("NBRBSA") and any regulations associated with the above Acts among others. This alignment ensures that ECSA's enforcement activities are not conducted in isolation but are part of a wider, cohesive regulatory system that reinforces professionalism, competence, and ethical conduct in the engineering sector. The alignment of these Rules with national legislation bolsters ECSA's capacity to enforce compliance and to take swift action when public safety is at risk.
- 1.7. Section 36(1) of the Act confers upon ECSA the statutory authority to promulgate Rules through notice in the Government Gazette on any subject matter mandated or permitted by the Act. This authority empowers ECSA to develop, update, and implement Rules that are necessary for enforcing compliance with the Act's provisions. The promulgation of the Rules for the Management of Enforcement Matters not only provides clarity and structure to ECSA's regulatory activities but also ensures that ECSA's statutory responsibilities are fulfilled in a transparent, consistent, and legally sound manner.
- 1.8. The Rules for the Management of Enforcement Matters form a critical component of ECSA's overarching mission, vision, and values, which are centered on ensuring that the engineering profession in South Africa operates at the highest possible standards. The consistent application of these Rules ensures that ECSA's statutory mandate is upheld, that the profession operates in accordance with the law, and that public safety is protected through rigorous enforcement of professional standards. These Rules also serve as a key mechanism for maintaining public trust in the engineering profession, as they provide the regulatory foundation for ensuring that engineering services are performed by qualified, competent professionals who are held accountable for their actions.


2. PURPOSE AND APPLICATION

- 2.1. Engineering work has a direct and significant impact on public safety, welfare, and the environment. Whether through the design of buildings, infrastructure projects, or industrial facilities, the work of engineers shapes the physical world. Poor engineering practices or misconduct can lead to disastrous consequences, including structural collapses, environmental degradation, or public health risks.

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- 2.2. The primary purpose of ECSA's Rules for the Management of Enforcement Matters is to establish a structured and transparent regulatory framework that governs the enforcement of statutory and professional standards within the engineering profession. This framework ensures that the engineering profession in South Africa operates within a legally compliant and ethically sound environment, where public safety is paramount, and professional integrity is always maintained. The Rules for the Management of Enforcement Matters provide clear guidance on how ECSA exercises its regulatory authority under the Act, particularly in relation to ensuring that Registered Persons meet the professional standards required by law.
- 2.3. These Rules are designed to ensure that enforcement actions are applied consistently, fairly, and transparently, to foster accountability and uphold the highest levels of professionalism in the engineering sector. It enables ECSA to act swiftly and effectively when statutory violations occur, ensuring that individuals who fail to comply with legal or professional standards are held accountable. In this way, the Rules not only protect the public from unsafe or unethical engineering practices but also help to promote a culture of compliance and responsibility within the profession.
- 2.4. Furthermore, these Rules ensure that ECSA's enforcement mechanisms are cohesive, legally sound, and aligned with broader national objectives, such as public safety, environmental protection, and economic development. This alignment underscores the importance of professionalism and ethical conduct in engineering work, ensuring that Registered Persons understand and adhere to the legal and ethical responsibilities associated with their profession. By promoting responsible and sustainable engineering practices, the framework supports ECSA's broader mission to ensure that the engineering profession in South Africa contributes positively to the country's development and the well-being of its citizens.
- 2.5. These Rules apply to all Registered Persons, including individual engineers, entities, and organizations operating within the engineering profession under ECSA's jurisdiction. This framework governs all enforcement activities conducted by ECSA, ensuring that these activities comply with South Africa's legal framework, including the Constitution of the Republic of South Africa, Act 108 of 1996 (the Constitution), the Act, and other relevant statutory and regulatory frameworks.
- 2.6. The Rules within the framework are designed to clarify the scope of lawful engineering work, ensuring that only registered, qualified, and competent individuals are permitted to perform specific types of engineering work as outlined in Section 18 of the Act. This provision is vital for protecting public safety, as it ensures that engineering tasks, particularly those that have significant implications for public health, safety, and the environment, are carried out by individuals who have the requisite skills, experience, and registration to do so. The framework also defines the processes for addressing statutory offences, breaches of engineering standards, and violations related to the IDoEW, ensuring that regulatory breaches are addressed promptly and fairly.

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- 2.7. The Rules further support ECSA's efforts to foster a culture of accountability and compliance within the engineering profession. By promoting adherence to statutory and professional standards, the framework ensures that ECSA's enforcement actions are aligned with national legal standards and global best practices in professional regulation. This alignment enhances ECSA's ability to regulate the profession effectively and ensures that the public's trust in the engineering profession is upheld.
- 2.8. The scope of ECSA's Rules for the Management of Enforcement Matters encompasses the following:
- 2.8.1. **Improper Conduct:** This includes violations of ethical standards, negligence in performing professional duties, and fraudulent activities related to engineering work. Improper Conduct is managed in accordance with the Rules for the Management of Improper Conduct Matters.
- 2.8.2. **Unauthorized practice:** Unregistered individuals performing engineering work without the requisite qualifications and registration face enforcement actions. ECSA also acts against registered individuals who perform work outside the scope of their registration categories.
- 2.8.3. **Public safety and environmental violations:** Engineering work that compromises public health, safety, or environmental sustainability falls under ECSA's regulatory purview. Registered Persons who engage in unsafe or environmentally damaging practices are subject to enforcement actions, ensuring that engineering work meets the highest standards of safety and environmental stewardship.
- 2.9. These Rules are designed to address specific enforcement matters, leveraging the statutory authority conferred upon ECSA by the Act. The Rules empower ECSA to conduct investigations, prosecute improper conduct, and impose sanctions to ensure compliance with professional and ethical standards.
- 2.10. The Rules for the Management of Enforcement Matters apply to all stakeholders, including Registered Persons, complainants, reporting parties, and external entities such as law enforcement and other regulatory bodies. The framework ensures that all parties adhere to the principles of fairness, accountability, and compliance with relevant laws.
- 2.11. All individuals subject to these Rules are required to familiarize themselves with the provisions and adhere to the principles set forth. Failure to comply may result in disciplinary proceedings, sanctions, or other corrective actions deemed appropriate by ECSA.
- 2.12. These Rules must be interpreted and applied in conjunction with the Act, the Constitution, and any other legislation enacted to uphold constitutional values. In the event of a conflict between these Rules and other legislation, the provisions of the latter shall take precedence.
- 2.13. The Rules should be interpreted alongside the Standard Operating Procedure for the Enforcement Business Unit, which outlines the specific timeframes and processes for enforcement actions.

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- 2.14. Certain functions mandated by the Act have been delegated to specific functionaries in accordance with Section 40 of the Act. These delegations are reflected in ECSA's Delegation of Authority (DoA), and the Rules must be applied in conjunction with the DoA.
- 2.15. Any communication, notice, or documentation required by the Act or these Rules shall be deemed properly delivered if transmitted via electronic mail to the email address provided by the stakeholder or the registered email address of the Registered Person in the ECSA database.
- 2.16. Should a 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 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 stakeholder until ECSA is notified in writing of any change or withdrawal of such representation.
- 2.17. These Rules must be interpreted in accordance with the provisions of the Act. In the event of a conflict between these Rules and the Act, the provisions of the Act shall prevail.
- 2.18. References to sections of the Act within these Rules are not verbatim citations. For the complete and accurate text of any referenced section, stakeholders should refer directly to the Act itself.
- 2.19. The Rules are supplemented by various standard instruments, copies of which are available on the ECSA website or may be provided upon request. Stakeholders are required to familiarize themselves with these instruments and apply them as necessary in matters related to these Rules.


3. LEGAL JUSTIFICATION FOR ENFORCEMENT POWERS

- 3.1. ECSA's authority to enforce compliance with engineering standards and regulations stems from both the Act and other critical South African laws. These legal instruments collectively form the foundation of ECSA's mandate to regulate the engineering profession and protect public interest.
- 3.2. The Act serves as the primary source of ECSA's enforcement powers, with key provisions enabling ECSA to act as the regulatory body for the engineering profession. Specifically, the following sections of the Act provide the legal framework for enforcement:
- 3.2.1. Section 14 of the Act: This section grants ECSA the authority to regulate the engineering profession to ensure public safety and uphold the integrity of the profession. ECSA is empowered to investigate breaches of professional standards and take necessary actions to protect the public and the environment.
- 3.2.2. Section 18 of the Act: ECSA's mandate includes prohibiting unregistered individuals from

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practicing engineering work. This section categorizes the different levels of registration for engineering professionals, such as Professional Engineers, Technologists, Certificated Engineers, and Technicians, and restricts certain types of engineering work to Registered Persons only.

- 3.2.3. Section 26 of the Act: This section establishes the IDoEW, outlining the specific engineering activities that only Registered Persons may undertake. Any violation of these provisions, including performing restricted work without registration, constitutes a breach of the law and is subject to enforcement actions.
- 3.2.4. Section 36 of the Act: ECSA is authorized under this section to create Rules for enforcing professional standards, addressing improper conduct, and ensuring compliance with statutory obligations. This is a crucial aspect of ECSA's ability to maintain the professionalism and ethical conduct of Registered Persons.
- 3.3. These powers are further bolstered by provisions in broader South African laws that guide administrative actions and ensure transparency in enforcement:
- 3.3.1. Section 22 of the Constitution: The practice of a trade, occupation, or profession may be regulated by law.
- 3.3.2. Section 33 of the Constitution: This constitutional provision guarantees the right to just administrative action. ECSA's enforcement activities must comply with the principles of fairness, reasonableness, and transparency, ensuring that all decisions are legally sound.
- 3.3.3. Promotion of Administrative Justice Act (Act 3 of 2000) ("PAJA"): PAJA requires that all enforcement decisions by ECSA follow lawful procedures and respect the rights of the individuals involved, ensuring that ECSA's enforcement actions are not arbitrary or unfair.
- 3.3.4. Promotion of Access to Information Act (Act 2 of 2000) ("PAIA"): This law ensures transparency in ECSA's enforcement proceedings by granting the public access to information related to enforcement activities, reinforcing accountability.
- 3.4. Through this robust legal framework, ECSA is empowered to regulate, investigate, and sanction both Registered Persons and unregistered individuals engaging in unauthorized engineering work, upholding public safety and maintaining the integrity of the engineering profession.
- 4. BROADER LEGISLATIVE CONTEXT**
- 4.1. ECSA's enforcement mandate is not confined solely to the Act. ECSA is also responsible for ensuring that engineering practices align with a range of broader legislative frameworks, particularly those that prioritize public safety, environmental protection, and workplace standards. Key statutes include:

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- 4.1.1. Occupational Health and Safety Act No. 85 of 1993 (OHSA): This act governs workplace safety across industries such as construction, mining, and industrial engineering. ECSA ensures that engineering professionals comply with the provisions of the OHSA, especially in areas where engineering work directly affects the safety of workers and the public.
- 4.1.2. National Environmental Management Act No. 107 of 1998 (NEMA): This act mandates that engineering projects impacting the environment comply with national environmental regulations and minimise and manage any potential environmental impacts. ECSA enforces adherence to environmental standards, particularly where engineering designs and activities have long-term implications for environmental sustainability.
- 4.1.3. National Building Regulations and Building Standards Act No. 103 of 1977 (NBRBSA): This legislation establishes safety standards for construction projects. Registered Persons must ensure that their designs meet these regulatory requirements for structural integrity and safety. ECSA's enforcement function extends to ensuring compliance with these building regulations.
- 4.1.4. Mine Health and Safety Act No. 29 of 1996 (MHSA): This Act governs the health and safety of persons at mines, giving effect to the public international law obligations of the Republic that concern health and safety at mines and providing for the enforcement of health and safety conditions at mines. ECSA ensures that engineering professionals comply with the Act's provisions regarding engineering work taking place on and in mines, as defined in the Act.
- 4.1.5. Mineral and Petroleum Resources Development Act No. 28 of 2002: This Act provides the necessary framework for the government's obligation to protect the environment, to ensure ecologically sustainable development of mineral and petroleum resources, and to promote economic and social development.
- 4.2. By integrating these broader legal frameworks into its enforcement activities, ECSA's mandate goes beyond mere professional conduct and incorporates a holistic approach to public safety and environmental protection.


5. COLLABORATION WITH LAW ENFORCEMENT AND OTHER ENTITIES

- 5.1. ECSA's enforcement activities are not conducted in isolation. The Council works closely with law enforcement agencies, other regulatory bodies, and professional entities to ensure comprehensive regulatory compliance. In cases where an offence involves both regulatory violations and criminal acts, such as fraud or unauthorized practice, ECSA adopts a dual approach:
- 5.1.1. Improper Conduct Proceedings: For professional improper conduct, ECSA follows its own internal Rules for managing improper conduct cases. Sanctions may include suspension, deregistration, or other professional penalties.

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5.1.2. Criminal Proceedings: For offences that constitute both a regulatory breach and a criminal offence, such as practicing without registration or committing fraud, ECSA prepares a docket for submission to law enforcement agencies under the provisions of the Criminal Procedure Act 51 of 1977 (CrPA). ECSA supports criminal prosecutions by providing evidence and expertise, while ensuring that regulatory compliance is also enforced.

5.2. Through this dual system, ECSA ensures that engineering professionals are held accountable for their actions in both regulatory and criminal contexts, reinforcing public trust in the engineering profession.

6. ENFORCEMENT FOCUS AREAS

6.1. ECSA's enforcement strategy focuses on protecting the public, ensuring professional accountability, and maintaining the integrity of the engineering profession. Key enforcement areas include:

6.1.1. Public interest: ECSA's main priority is safeguarding public interest. Registered Persons are expected to prioritize public safety in their professional duties. Any engineering practices or work that could endanger the public are subject to immediate enforcement action. ECSA's commitment to public protection is a fundamental part of its enforcement procedures, ensuring all Registered Persons and stakeholders fulfil their obligations responsibly and with the highest regard for safety.

6.1.2. Safety: The enforcement framework places strong emphasis on compliance with national safety standards and engineering codes of practice. Registered Persons are legally obligated to report any unsafe practices or activities that could harm the public, either to ECSA or other relevant authorities. Section 39 of the Act provides indemnity to those who report unsafe practices in good faith. ECSA enforces strict measures to prevent accidents, infrastructure failures, and violations of safety standards, holding professionals accountable for ensuring the safe execution of engineering projects.


6.1.3. Risk prevention: Proactive risk management is central to ECSA's enforcement strategy. The Council undertakes continuous monitoring, inspections, and investigations to identify and mitigate risks before they escalate into major concerns. Where public safety or professional standards are at risk, preventive measures such as the suspension or restriction of a Registered Person's practice rights may be imposed. ECSA's aim is to intervene early, thereby protecting both the public and the integrity of the engineering profession.

6.1.4. Transformation of the engineering profession: ECSA plays a crucial role in promoting the transformation of South Africa's engineering sector. This includes enforcing standards that ensure diversity, equal opportunities, and inclusive practices within the profession. Enforcement mechanisms are aligned with national goals of transformation, ensuring all individuals in the profession adhere to high standards of competence and ethics. Regardless of background or position, Registered Persons are held to the same professional and ethical standards.

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7. ENFORCEMENT MECHANISMS

7.1. ECSA employs various legal and regulatory tools to enforce compliance with the Act, ensuring the integrity and accountability of Registered Persons. The key mechanisms include:

7.1.1. The Act: The Act provides the legal foundation for ECSA's enforcement activities. The Act governs the registration, conduct, and professional responsibilities of engineers. ECSA uses this Act to enforce compliance with ethical, technical, and safety standards.

7.1.2. Code of Conduct for Registered Persons: This Code establishes the ethical and professional obligations that all Registered Persons must follow. Any breaches of the Code are subject to disciplinary actions, which can range from formal warnings to fines, suspension, or cancellation of registration, depending on the severity of the violation. The Code reinforces the ethical values of integrity, honesty, and accountability in engineering practice.

7.1.3. Overarching Code of Practice: This foundational Code provides technical standards and guidelines governing the delivery of engineering services. Registered Persons are required to follow these standards to ensure engineering work is carried out safely, competently, and ethically.

7.1.4. Discipline-Specific Codes of Practice: Different branches of engineering face unique challenges, so each discipline has its own set of technical and ethical guidelines. These Codes ensure that Registered Persons meet specialized standards and adhere to professional requirements within their field.

7.1.5. Rules concerning the Management of Improper Conduct: ECSA ensures all allegations of misconduct are investigated impartially and in accordance with fairness. These investigations determine if a Registered Person has breached professional standards, with appropriate sanctions imposed based on the findings.

7.1.6. IDoEW: Section 26 of the Act allows ECSA to regulate specific engineering tasks, ensuring only qualified and Registered Persons carry out such work. ECSA enforces this provision to protect public safety and maintain the integrity of engineering services.


8. LEGAL AND LEGISLATIVE FRAMEWORK FOR ECSA'S ENFORCEMENT RULES

8.1. ECSA operates within a broad legal and legislative framework designed to ensure the proper regulation of the engineering profession. ECSA's enforcement mandate is not only rooted in the Act but also intersects with several other South African laws, ensuring that the enforcement of professional standards is legally sound, constitutionally compliant, and promotes public safety, professional integrity, and environmental sustainability.

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8.2. Below is a breakdown of the relevant legal frameworks and their application to ECSA's enforcement processes:

8.2.1. The Constitution serves as the supreme law in South Africa, and all enforcement actions undertaken by ECSA must align with its provisions. The Constitution provides the legal foundation for ECSA's enforcement activities, ensuring fairness, accountability, and transparency in all administrative actions. Key provisions impacting ECSA's enforcement include Section 22 of the Act, allowing for professions to be regulated by law, and Section 33 of the Act, which guarantees the right to just administrative action. ECSA must ensure that all enforcement decisions are lawful, reasonable, and procedurally fair. This includes providing notice to Registered Persons about any enforcement action, giving clear reasons for decisions, offering the opportunity for representation, and ensuring that decisions are open to judicial review. Section 34 of the Act grants Registered Persons the right to challenge ECSA's decisions in court, ensuring judicial oversight of enforcement actions. Additionally, Section 24 of the Act emphasizes environmental rights, requiring ECSA to ensure that engineering practices protect the environment and comply with relevant regulations. ECSA's enforcement actions must reflect constitutional rights, ensuring fair administrative procedures, environmental protection, and access to justice while respecting the professional autonomy of engineers.

8.2.2. The Act, serves as the cornerstone of ECSA's regulatory authority, outlining its mandate, powers, and responsibilities. ECSA's enforcement mechanisms are deeply rooted in the provisions of the Act, which govern the registration of engineering professionals, standards of conduct, and the identification of engineering work. Key sections of the Act that impact enforcement include Section 14, which empowers ECSA to protect the public by ensuring compliance with engineering standards and acting when public health or safety is at risk. Section 18 of the Act defines the categories of registration, and ECSA should regulate to ensure that only those registered in the appropriate categories perform specific engineering work. Section 19 of the Act outlines the requirements for maintaining registration, emphasizing the importance of professional competence, and Section 26 of the Act identifies engineering work that only Registered Persons can perform. Lastly, Section 36 of the Act allows ECSA to create and publish Rules concerning improper conduct and disciplinary actions.


ECSA's enforcement framework must strictly adhere to the Act, monitoring compliance with registration requirements, preventing unauthorized practice, ensuring competence, and enforcing statutory Rules of conduct.

8.2.3. PAJA, governs the fairness of administrative decisions. As a statutory body, ECSA must comply with PAJA in its enforcement activities to ensure procedural fairness and accountability. Key provisions of PAJA include the right to be heard, the obligation to provide reasoned decisions, and timely notifications of enforcement actions. Registered Persons also have the right to seek judicial review if ECSA's decisions are deemed unlawful or unfair. ECSA's enforcement framework must ensure that all decisions are made transparently and

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fairly, with any deviations subject to legal challenge under PAJA.

- 8.2.4. PAIA, provides the right to access information held by public and private bodies. ECSA must balance transparency with confidentiality when handling requests for information related to enforcement actions. While ECSA is obligated to provide access to records, it may withhold sensitive information that could compromise ongoing investigations or privacy in terms of the Protection of Personal Information Act 4 of 2013 (POPIA), which provides for the protection of the constitutional right to privacy. ECSA must develop clear policies to handle information requests while complying with PAIA and protecting sensitive data.
- 8.2.5. The NBRBSA, governs the minimum standards for construction in South Africa. ECSA should promote that engineers, specifically Registered Persons involved in building projects comply with these regulations, enforcing penalties for unsafe construction practices or failure to meet building codes. ECSA's enforcement should include monitoring of compliance checks with national building standards, safeguarding public safety through engineering practices.
- 8.2.6. The NEMA, establishes the legal framework for environmental protection in South Africa. ECSA should ensure that Registered Persons comply with environmental regulations, acting against Registered Persons whose practices harm the environment. The enforcement framework should prioritize sustainability and the protection of natural resources. ECSA's enforcement processes are intended to hold engineers, specifically Registered Persons, accountable for environmental degradation, ensuring compliance with NEMA regulations.
- 8.2.7. The OHS Act, governs workplace safety, especially in engineering environments. ECSA must ensure that Registered Persons prioritize safety in their designs and construction practices. Enforcement actions for non-compliance with health and safety regulations may include fines, suspension, or deregistration. ECSA must align its enforcement actions with OHS Act to ensure the protection of workers and the public from engineering-related safety hazards.
- 8.2.8. The Consumer Protection Act 68 of 2008 (CPA), protects consumers from unsafe products and services. ECSA is responsible for ensuring that engineering professionals provide safe, reliable services, with breaches of these standards subject to enforcement under the CPA. ECSA's enforcement framework is intended to ensure that engineers, specifically Registered Persons, meet consumer protection standards and deliver ethical, safe services to avoid certain unfair marketing and business practices.
- 8.2.9. The CrPA, regulates the process of criminal investigations and prosecution. ECSA must collaborate with law enforcement when criminal charges arise involving Registered Persons, particularly in cases of fraud or professional negligence. ECSA's enforcement actions may involve submitting evidence to law enforcement and cooperating in criminal investigations.
- 8.2.10. The Labour Relations Act 66 of 1995 (LRA), intersects with ECSA's enforcement activities when disciplinary actions affect the employment status of Registered Persons.

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- 8.2.11. The Council for the Built Environment Act 43 of 2000 (CBE Act), provides a regulatory framework for built environment professionals. ECSA must enforce engineering standards consistent with the broader principles set by the Council for the Built Environment (the CBE) and collaborate with other statutory councils to ensure professional standards across the built environment. ECSA's enforcement framework must ensure consistency with CBE's principles, co-ordinating enforcement with other councils where necessary. The CBE Act as an appeal body regarding matters referred to it in terms of the law regulating the built environment professions.
- 8.2.12. The Delegation of Authority (DoA) Framework, under Section 40 of the Act, allows the Council to delegate enforcement powers to other committees or individuals. This framework ensures clarity and accountability in enforcement actions. ECSA must ensure that its enforcement powers are properly managed and exercised transparently within the DoA framework. Powers granted to Council by the Act and in terms of these Rules allocated for execution by another functionary, are hereby delegated by Council by virtue of Council's approval of these Rules. Any power or authority delegated by the Council, or any other individual or body, as outlined in these Rules is hereby further delegated and/or sub-delegated in accordance with the provisions specified in these Rules by virtue of its approval by Council.
- 8.2.13. Lastly, ECSA's enforcement framework must consider applicable common law principles, including negligence and fraud. Engineering professionals are expected to exercise reasonable care and skill in their duties, and breaches of these expectations may result in enforcement actions. ECSA must incorporate and apply common law principles to address professional improper conduct and coordinate with legal authorities in cases involving common law offences.
- 8.3. In conclusion, ECSA's enforcement framework operates within a comprehensive legal and legislative context, ensuring that all actions are legally sound, procedurally fair, and compliant with South African law. By incorporating constitutional principles, statutory obligations, common law, and best practices, ECSA upholds the highest standards of professionalism, safety, and integrity within the engineering profession.
- 8.4. The enforcement provisions under the Act, must adhere to South Africa's constitutional principles, especially Sections 33 and 34 of the Constitution. Section 33 ensures the right to just administrative action, meaning that all enforcement actions must be lawful, reasonable, and procedurally fair. This includes providing those affected with notice, clear reasons for the enforcement action, and an opportunity to respond. Section 34 guarantees Registered Persons the right to access courts, allowing them to challenge enforcement actions in court, thus promoting transparency and accountability in the regulatory process.

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- 8.5. The Act provides the legal framework for the registration and regulation of engineering professionals, with particular emphasis on Sections 18(1) and 18(2) of the Act.
- 8.6. Sections 18(1) and 18(2) of the Act create categories of registration, and state that no person may practice in any category unless they are registered. Sections 19 to 21 of the Act empower ECSA to ensure compliance with registration requirements, investigate breaches, and enforce professional standards. Section 26 of the Act mandates the IDoEW, ensuring that specific types of engineering work are performed only by Registered Persons. Section 36 of the Act allows the Council to promulgate Rules necessary for implementing the Act, including Rules for the Management of Enforcement Matters.
- 8.7. PAJA gives effect to Section 33 of the Constitution and governs how ECSA conducts its enforcement actions. ECSA must follow PAJA by ensuring that enforcement is fair, reasonable, and provides individuals with an opportunity to make representations. Decisions must be proportional to the offence and clearly communicated, with individuals informed of their right to have the enforcement decision reviewed by a court or tribunal. Similarly, the PAIA governs public access to information held by ECSA. In enforcing the Act, ECSA must balance transparency with the need to protect sensitive and personal information in terms of POPIA.
- 8.8. Registered Persons must comply with various other laws, including the NBRBSA. This act ensures that engineers involved in construction adhere to building standards and regulations, protecting public safety through compliance with these standards. The NEMA, ensures that environmental laws are complied with and sustainability is practiced on all projects that have the potential to harm the environment. Non-compliance with NEMA can lead to severe sanctions, particularly when public welfare and environmental sustainability are at risk.
- 8.9. Additionally, Registered Persons must comply with the OHSA, which ensures that their designs and management of projects meet workplace safety regulations. Any enforcement actions should address failures in complying with these standards, particularly where engineers have direct oversight of hazardous projects. The CPA, impacts Registered Persons by prohibiting certain unfair marketing and business practices, promoting responsible consumer behaviour, and regulates consumer transactions and agreements. ECSA's enforcement provisions should ensure that Registered Persons meet these obligations to consumers.
- 8.10. ECSA also operates under the CrPA, particularly when its enforcement efforts lead to criminal proceedings, such as cases of fraudulent misrepresentation of qualifications or registration status. The Act allows ECSA to work with law enforcement agencies, and Section 212 of the CrPA permits evidence to be presented via affidavit in such cases. Additionally, financial penalties imposed as part of enforcement must comply with the Financial Sector Conduct Authority (FSCA) and Anti-Money Laundering (AML) regulations, ensuring transparency in financial reporting.
- 8.11. In alignment with the CBE Act, ECSA's enforcement actions must adhere to the overarching framework governing the Built Environment professions. This includes ensuring that professional registration and

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discipline standards align with the CBE's requirements. While ECSA's enforcement primarily concerns the Act, enforcement actions may overlap with employment law governed by the LRA. In such cases, the enforcement actions should be clear about how they affect the employment status of Registered Persons, especially when their registration is suspended or revoked.

- 8.12. In addition to these legislative frameworks, ECSA should ensure compliance with the National Water Act 36 of 1998 (NWA), in engineering projects involving water usage or work near a watercourse. ECSA should also promote diversity and transformation within the profession, in line with the Broad-Based Black Economic Empowerment Act 53 of 2003 (B-BBEE Act), especially in public sector projects. Personal data obtained during enforcement must be handled in accordance with POPIA, ensuring its secure and lawful use. ECSA's enforcement activities are intended to also ensure that public sector projects comply with the Public Finance Management Act 1 of 1999 (PFMA), and that engineers working on municipal infrastructure projects adhere to the Municipal Systems Act 32 of 2000. Furthermore, engineers must comply with the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), which governs public procurement processes and competition law under the Competition Act 89 of 1998.
- 8.13. When enforcing the provisions of the Act, ECSA must investigate both statutory and common law offences. Statutory offences include violations of the Act, such as unauthorized practice, fraudulent registration, or misconduct. These offences can lead to criminal prosecution or administrative penalties. Common law offences, such as fraud, breach of contract, or gross negligence, are also investigated, with collaboration from law enforcement. ECSA provides technical reports and affidavits under Section 212 of the CrPA, which are crucial in criminal investigations and court cases involving Registered Persons.
- 8.14. The enforcement of IDoEW under Section 26 of the Act is a key part of ECSA's mandate. This section mandates the identification of engineering work, ensuring that certain types of engineering work are performed only by competent persons registered under the Act. Section 18(1) of the Act creates specific categories of registration, and Section 18(2) of the Act ensures that individuals may only practice in these categories if they are registered. Furthermore, Section 26(4) of the Act allows work to be performed under the direction and supervision of a Registered Person, thus ensuring accountability.
- 8.15. In the context of enforcement, it is essential for ECSA to follow up on all matters where affidavits have been submitted under Section 212 of the CrPA, ensuring compliance and accountability. Additionally, ECSA must assess whether violations of the Act are also breaches of the ECSA Codes of Conduct or Practice.
- 8.16. The enforcement framework must clearly define the range of sanctions and penalties for non-compliance, which may include fines, suspension or revocation of registration, reputational penalties, and corrective actions. Sanctions should be proportional to the severity of the violation, in line with constitutional principles and PAJA requirements.

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8.17. While appeals are not within the immediate scope, ECSA should provide mechanisms for internal review of enforcement decisions. This ensures that Registered Persons have access to a fair process before escalating matters to external legal recourse, in compliance with Section 34 of the Constitution.

8.18. ECSA's enforcement framework, when aligned with these legal frameworks and standards, ensures that its regulatory actions are robust, fair, and legally sound. By integrating these considerations into its enforcement actions, ECSA upholds public safety, promotes accountability, and maintains the integrity of the engineering profession in South Africa.

9. INCIDENT MANAGEMENT

9.1. Legal Framework for Incident Management

9.1.1. Incident management is fundamental to ECSA's enforcement mandate, guided by Sections 14 and 36 of the Act. ECSA is empowered to investigate incidents involving statutory violations, unauthorized engineering practice, and breaches of public safety or environmental regulations. The framework emphasizes quick action to protect public safety, the environment, and ensure legal compliance. ECSA may work in conjunction with law enforcement in cases involving criminal statutory breaches.

9.2. **Reporting Mechanisms.** ECSA employs multiple reporting channels to ensure timely and proactive responses to incidents.

9.3. **Public and Stakeholder Reporting:** Any individual, organization, or industry stakeholder can report incidents related to public safety, engineering failures, or unauthorized practice via an online portal, hotline, or written communication.

9.4. **Registered Persons' Reporting Obligations:** Registered Persons are obligated to report incidents that compromise public safety, breach the Act provisions, or violate engineering standards.

9.5. **Regulatory Collaborations:** ECSA coordinates with local authorities, environmental and safety regulators, and other professional bodies to gather intelligence on incidents, providing a cross-disciplinary approach to investigations.

9.6. **Anonymous Whistleblower Protection:** An anonymous ECSA reporting mechanism ensures whistleblower protection for those reporting incidents of unauthorized practice or other violations.


9.7. **Investigation Procedure.** The structured investigation process involves:

9.7.1. **Initial Assessment:** Upon receiving a report, ECSA evaluates the severity and risk level of the incident. If immediate danger to public health, safety, or the environment exists, a rapid response protocol is activated.

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- 9.7.2. **Incident Classification:** Incidents are classified based on severity, impact on public safety, financial loss, or environmental damage. Incidents attracting media attention or significant public interest receive high priority.
- 9.7.3. **Investigation Team Formation:** An appropriate investigation team, comprising technical specialists, legal advisors, and investigators, is assigned based on the incident classification. The team must operate within strict timelines to ensure swift and thorough investigations.
- 9.7.4. **Evidence Collection and Analysis:** The team gathers all pertinent evidence, including engineering documentation, witness statements, technical inspections, and other relevant materials. Detailed forensic analysis may be conducted where applicable.
- 9.7.5. **Concluding Investigation:** A comprehensive investigation report is drafted, identifying responsible parties, recommended sanctions, and corrective actions. If criminality is involved, the report is forwarded to law enforcement with a detailed docket.
- 9.7.6. **Review and Approval:** The final investigation report is reviewed by the Incident Management Team ("IMT") and the Investigating Committee, with approval from the ECSA Council where necessary.
- 9.7.7. **Corrective Measures and Sanctions:** ECSA enforces corrective actions, which may include cease-and-desist orders, fines, and disciplinary measures, ensuring compliance and resolution of the incident.
- 9.8. The Incident Management Plan ("IMP") provides ECSA with a systematic, adaptable framework for responding to significant engineering-related incidents involving Registered Persons, particularly where public safety or major financial loss is at risk. The IMP ensures proper investigation, accountability, transparency, and prompt resolution of such incidents.
- 9.9. For major incidents, ECSA will establish an IMT to oversee the investigation and response. The IMT includes key personnel such as:
- 9.9.1. Manager: Improper Conduct and/or for Enforcement
 - 9.9.2. Executive: Improper Conduct and Enforcement
 - 9.9.3. Public Relations Specialist
 - 9.9.4. Investigating Committee Representative
 - 9.9.5. Technical and Legal Experts (as required)
 - 9.9.6. External Specialists (if needed for environmental or safety concerns).
- 9.10. The IMT's responsibilities include managing the investigation, stakeholder communications, media engagement, and co-ordination with other regulatory authorities.

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- 9.11. In line with Section 40 of the Act, the Council may delegate specific enforcement powers to business units, committees, or officials to ensure efficient management of the incident. Delegations must be clearly defined to enhance transparency and accountability.
- 9.12. In incidents where ongoing engineering works pose an imminent risk, ECSA has the authority to issue immediate cease-and-desist orders to halt activities until corrective measures are taken. This authority is critical in preventing further harm to public safety or the environment.
- 9.13. **Focus Areas of the IMP**
- 9.13.1. **Stakeholder Identification and Roles:** Identify key stakeholders, including Registered Persons, affected communities, law enforcement, government agencies, and the media. Define each stakeholder's role in the investigation and response process.
- 9.13.2. **Communication Strategy:** Provide clear communication on the steps being taken during the investigation. Ensure all stakeholders receive timely updates on investigation progress, corrective measures, and outcomes. Transparent communication to the public and media, ensuring ECSA leads all media interactions. Media statements should be aligned with ECSA's Communications Policy. Establish clear timelines for the investigation, reporting, and corrective actions.
- 9.13.3. **Reporting of Outcomes.** ECSA's findings, sanctions, and corrective actions must be published transparently while maintaining confidentiality where necessary. Detailed incident reports, investigation findings, and outcomes must be shared with relevant regulatory bodies and affected stakeholders.
- 9.13.4. **Media Management.** Given the potential for significant public and media interest, a **Media Management Plan** must be included within the IMP. This plan includes:
- 9.13.4.1. **Media Spokesperson:** Designate a spokesperson from the Public Relations team or the Manager: Enforcement to handle all media inquiries. Only authorized personnel may speak on behalf of ECSA.
- 9.13.4.2. **Crisis Communication Protocols:** Establish a clear media engagement protocol during high-profile incidents, ensuring ECSA provides accurate, consistent, and timely information.
- 9.13.4.3. **Media Policy:** Align the media response with ECSA's broader Communications Policy, ensuring preparedness for both positive and negative media attention.
- 9.14. The enhanced IMP strengthens ECSA's ability to respond to critical incidents swiftly and comprehensively. It integrates risk management, transparency, stakeholder engagement, and legal compliance into a cohesive strategy, ensuring ECSA fulfils its mandate to protect public safety and

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uphold engineering standards. This robust framework not only streamlines internal operations but also enhances public trust in ECSA's enforcement activities.

10. REPORTING REQUIREMENTS FOR ENFORCEMENT

10.1. Reporting on the execution of statutory mandates is vital for ensuring transparency, accountability, and oversight in regulatory functions. Within ECSA's Enforcement Framework, structured reporting is not only a compliance requirement but an essential governance instrument to evaluate the effectiveness and efficiency of enforcement actions. Accurate, timely, and comprehensive reporting aids in providing a snapshot of the performance and outcomes of the enforcement process during the reporting period, thereby contributing to the continuous improvement of regulatory practices.

10.2. The reporting process is divided into three core components to ensure a holistic overview of enforcement activities:

10.2.1. **Part A:** Details of complaints and enforcement actions.

10.2.2. **Part B:** Analysis of enforcement effectiveness and efficiency.

10.2.3. **Part C:** Categorized analysis of complaints by discipline and registration category.

10.3. PART A: PARTICULARS OF COMPLAINTS RECEIVED

10.3.1. This section is intended to provide a quantitative and qualitative overview of complaints received and actions taken during the reporting period. It ensures that key metrics on the type and nature of complaints are captured for further analysis.

10.3.2. **Number of Complaints Received:** A detailed breakdown of the total number of complaints received during the reporting period, categorized by the nature of the complaint.

10.3.3. **Disciplines of Registered Persons Investigated:** Information regarding the professional disciplines of the Registered Persons subject to investigation under ECSA's jurisdiction.


10.3.4. **Provisions of the Code of Conduct:** A breakdown of the specific provisions of the Code of Conduct and Code of Practice that were the subject of complaints, highlighting any trends in recurring transgressions.

10.3.5. **Respondents:** Categories of Registered Persons who were investigated, including distinctions between Professional Engineers, Engineering Technicians, and other registration categories. Disciplines of the respondents, to ensure visibility on how enforcement applies across the various engineering disciplines.

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10.3.6. **Nature of Complaints:** Complaints regarding the transgressions of specific provisions within the Code of Conduct. Complaints relating to breaches of the broader Code of Practice, reflecting concerns about professional standards and accountability.

10.4. **PART B: ANALYSIS OF ENFORCEMENT EFFECTIVENESS AND EFFICIENCY**

10.4.1. **Effectiveness.** The capacity of the Business Unit to meet its statutory obligations and operational goals is critical. The effectiveness of the enforcement mechanisms is measured against specific performance metrics and operational targets as set out in the Annual Operational Plan and Annual Performance Plan.

10.4.2. **Operational and Performance Plan Completion:** Level of completion of the enforcement mandate against the allocated budget and timeline. Challenges encountered in meeting these targets, alongside a forecast of performance for the remaining reporting period.

10.4.3. **Complaint Lodging Mechanisms:** Evaluation of the accessibility and functionality of mechanisms for lodging complaints, ensuring the public and Registered Persons are well-served in terms of initiating complaints.

10.4.4. **Stakeholder Feedback:** Timely feedback provided to complainants on the status of their submissions. Timely feedback to Registered Persons under investigation, ensuring adherence to procedural fairness and transparency.

10.5. **Efficiency.** Efficiency relates to the optimization of resources, time, and effort in achieving the desired outcomes. The following metrics serve as key performance indicators for assessing the efficiency of enforcement processes:

10.5.1. **Complaint Resolution vs. Charges Preferred:** A comparative analysis of the number of complaints received versus the number of formal charges preferred against Registered Persons, providing insights into enforcement action rates.


10.5.2. **Guilty Findings vs. Charges Preferred:** The ratio of guilty findings to the number of charges preferred, which serves as a critical indicator of the success of enforcement procedures and evidentiary standards.

10.5.3. **Cost Analysis:** A detailed comparison of the expenditure incurred per case in the current reporting period against historical data from the previous reporting periods. Enhanced budget forecasting for enforcement actions based on this comparative analysis.

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10.6. PART C: ANALYSIS OF COMPLAINTS PER REGISTRATION CATEGORY AND DISCIPLINE

10.6.1. **Analysis by Registration Category and Discipline.** This section provides an in-depth analysis of complaints and enforcement actions categorized by the registration category (e.g., Professional Engineers, Engineering Technologists) and the engineering discipline of the Registered Person (e.g., Civil, Mechanical, Electrical Engineering, *inter alia*).

10.6.2. **Categories of Registration:** Statistical analysis of how enforcement actions are distributed across the various categories of Registered Persons, identifying any patterns or areas where additional oversight may be required.

10.6.3. **Disciplines:** Breakdown of complaints by engineering discipline, enabling ECSA to monitor specific areas where transgressions are more frequent, or systemic issues may be emerging.

11. CONFIDENTIALITY AND PROTECTION OF INFORMATION

11.1. All stakeholders are obligated to maintain the strictest confidentiality regarding all matters, information, and documents pertaining to enforcement proceedings, in accordance with the relevant legislation and these Rules.

11.2. Stakeholders must ensure the protection of personal and sensitive information in compliance with applicable laws, including but not limited to the POPIA. Such information must be accessed solely by authorized individuals and used exclusively for the purposes defined by these Rules.

11.3. Stakeholders are required to adhere to any legal directives or injunctions aimed at safeguarding confidential and personal information. They must implement all necessary precautions to prevent unauthorized disclosure, misuse, or alteration of confidential and personal information, in accordance with South African law.

11.4. This clause establishes a legal and ethical obligation for all stakeholders to preserve confidentiality and protect personal information both during and after the conclusion of any proceedings related to enforcement.


12. REVIEW OF THE RULES

12.1. ECSA conducts continuous reviews of its Rules for the Management of Enforcement Matters to ensure the Rules remain aligned with legislative changes, industry best practices, and emerging professional standards. This review process ensures that ECSA's enforcement mechanisms are responsive to the needs of the profession and the public, promoting high standards of regulatory oversight.

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13. COMMON LAW AND STATUTORY OFFENCES

13.1. Common Law Offences. Common law offences are violations that stem from judicial precedents rather than written legislation. In the engineering profession, these offences often relate to:

13.1.1. Negligence: Failure to perform duties to the standard expected of a professional, resulting in harm to others.

13.1.2. Fraud: The misrepresentation of qualifications, professional status, or other key information to deceive employers, clients, or the public.

13.2. Statutory Offences under the Act. Statutory offences are violations of specific provisions within the Act. Under Section 41 of the Act, the following offences are punishable:

13.2.1. Practicing without registration: It is a statutory offence for an individual to engage in engineering work without being registered in the appropriate category under Section 18(2).

13.2.2. Falsification of registration information: Presenting false or misleading information during the registration process or in professional dealings is also a statutory violation.

13.2.3. Misrepresentation of professional status: A Registered Person who falsely claims qualifications or experience to which she/he is not entitled is subject to statutory penalties.

13.3. Penalties for Statutory Offences. Penalties for statutory violations include:

13.3.1. Monetary fines: Offenders may be fined up to double the remuneration received for unlawful work.

13.3.2. Imprisonment: For serious offences, penalties may include imprisonment in accordance with the Adjustment of Fines Act (Act 101 of 1999).

13.3.3. Deregistration: Offenders may be suspended or permanently deregistered from ECSA, depending on the severity of the offence.


14. MANAGEMENT OF PUBLIC INTEREST CONCERNS

14.1. Public interest concerns arise in cases where failures, negligence, or misconduct/improper conduct by Registered Persons present significant risks to public health, safety, welfare, or environmental sustainability. These concerns are often high-profile incidents that require immediate intervention to prevent harm.

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14.2. The management of public interest concerns follows a structured process:

- 14.2.1. Identification and Reporting: Any person or organization can raise a public interest concern with ECSA.
- 14.2.2. Initial Assessment: Upon receiving a report, ECSA will conduct an immediate assessment to determine the severity of the concern.
- 14.2.3. Immediate Action: If the concern involves imminent risk to public safety, ECSA will take immediate action to halt ongoing engineering work and mitigate potential harm.
- 14.2.4. Thorough Investigation: A detailed investigation will be launched, involving technical assessments, on-site inspections, and consultations with relevant experts.
- 14.2.5. Corrective Actions: ECSA will impose corrective measures, such as the suspension of engineering work or the removal of engineers from projects. ECSA may also recommend preventative measures to avoid a recurrence of a similar incident.
- 14.2.6. Communication and Public Awareness: ECSA has an obligation to ensure that the public is informed about the management of public interest concerns.


15. ENFORCEMENT OF THE IDENTIFICATION OF ENGINEERING WORK (IDoEW)

- 15.1. The Identification of Engineering Work (IDoEW) defines the types of engineering work that may only be performed by Registered Persons. This regulation is essential for maintaining professional standards and ensuring that only those with appropriate qualifications and expertise engage in specialized engineering tasks.
- 15.2. ECSA maintains a detailed list of engineering tasks that are categorized based on the qualifications and experience of Registered Persons.
- 15.3. ECSA will actively monitor the practice of engineering work across South Africa to identify instances where unregistered persons are performing regulated work. Monitoring activities include:
 - 15.3.1. Inspections of engineering projects to verify compliance with the IDoEW Rules.
 - 15.3.2. Conducting random audits of engineering projects and/ or request proof of registration from practitioners.
 - 15.3.3. Collaboration with other regulatory bodies, such as the Department of Labour and local building authorities, to enforce these regulations.

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15.4. When unregistered persons or entities are found to be performing regulated engineering work, ECSA will:

15.4.1. Issue cease-and-desist orders to immediately halt unlawful work.

15.4.2. Pursue legal action against violators, whether through reporting mechanisms or otherwise.

15.4.3. Pursue an Improper Conduct Investigation where necessary.

15.5. Section 41 of the Act outlines the offences and penalties for violating the provisions of the Act. Penalties include imprisonment for severe violations, particularly in cases where public safety is compromised.

15.6. ECSA will initiate enforcement actions based on:

15.6.1. Reports from the public, Registered Persons, or government agencies, *inter alia*.

15.6.2. Monitoring activities conducted by ECSA to identify illegal practices or non-compliance.

15.6.3. Once enforcement action is initiated, a formal investigation is conducted, following principles of natural justice and due process. Affected persons have the right to be heard and present evidence in their defence.

15.7. The Rules of Enforcement established under Section 36 of the Act are critical to ECSA's mandate to protect public safety, ensure professional standards, and maintain the integrity of the engineering profession. The implementation of these Rules will take place over a six-month period, during which ECSA will conduct stakeholder consultations, public awareness campaigns, and training sessions for Registered Persons. Full compliance is expected from all Registered Persons, and ECSA will monitor the enforcement of these Rules continuously to ensure that the profession operates in line with the highest legal and ethical standards.

16. MONITORING AND REVIEW

16.1. ECSA will establish a monitoring and review process to assess the effectiveness of the Rules of Enforcement. This will involve:


16.1.1. Annual reviews: The enforcement Rules will be reviewed annually to ensure they remain relevant and effective in addressing emerging challenges in the engineering profession.

16.1.2. Feedback from stakeholders: ECSA will solicit feedback from Registered Persons, engineering firms, and the public to identify areas for improvement in the enforcement process.

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17. DOCUMENT REVISION HISTORY

Revision Number	Revision Date	Revision Details	Approved By
00	29/10/2025	New Document	Investigation Committee
01	27/11/2025	Document reviewed at its entirety	Governing Council

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