

BOARD NOTICE 186 OF 2019



Proposed amendments to the Rules: Continuing Professional Development and Renewal of Registration

In terms of Section 13(k) of the Architectural Profession Act, 2000 (Act No 44 of 2000), the Council must determine the conditions relating to, and the nature and extent of Continuing Professional Development (CPD) required in order to qualify for the renewal of registration as contemplated in Section 22(2) of the said Act.

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

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

Notice inviting comments in writing

Notice is hereby given in terms of Section 36 (2 (a) of the Act that Council has prepared draft rules and all interested and affected persons are requested within 30 business days from the date of the publication of this notice to make written representations on the proposed Rules on Continuing Professional Development and Renewal of Registration.

Written representation must be submitted to the details below on or before 29 November 2019

Submission details:

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The South African Council for the Architectural Profession

Rules: Continuing Professional Development and Renewal of Registration

The South African Council for the Architectural Profession has in terms of Section 36(1) of the Architectural Profession Act, 2000 (Act No.44 of 2000) made amendments to the Rules published under Board Notice 43 of 2017 dated 17 March 2017 in relation to continuing professional development as contemplated Section 13(K) of the Act and in relation to renewal of registration as contemplated by Section 22 (2) of the Act.

The Rules will be come into operation on the date of publication of this board notice.

Schedule

1. INTERPRETATION

In this Board Notice, if reference is made to the male gender it includes the female gender; a word or expression to which a meaning has been assigned by the Act has the same meaning unless the context otherwise indicates.

- (i) **“Architectural Learning Sites (ALS)”** means an educational institution which offers architectural programs and which has been granted accreditation by **the Council** in terms of Section 13(b) of **the Act**;
- (ii) **“approved CPD provider”** means an entity that has been accredited by **the Council** for the purpose of offering appropriate learning in respect of category 1 CPD activities as contemplated in clause 4.2.1 and Appendix A;
- (iii) **“continuing professional development (CPD)”**, means continuing education and training as contemplated in Section 13(k) of **the Act**, and also means the systematic maintenance, improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and technical duties throughout a person’s architectural career;

- (iv) **“expiry date”** as contemplated in Section 22(1) of **the Act**, means the 31st of December of every year;
- (v) **“interactive”** means, in the context of development activities, full active participation in the activities such as organization, presentation and active discussion;
- (vi) **“Registered Professional”** means a person who is registered in terms of section 19(2)(a) of the Act;
- (vii) **“the Act”** means the Architectural Profession Act, 2000 (Act No. 44 of 2000);
- (viii) **“the Council”** means the Council established in terms of Section 2 of **the Act** and in the context of these conditions means any committee, person or persons duly authorized by **the Council** to perform specified functions in terms of these conditions;
- (ix) **“Voluntary Association” (VA)** means an association, institute or society which is recognised by **the Council** as a **voluntary association** in terms of Section 25(3) of **the Act**.
- (x) **“the CPD cycle”** means a period of five (5) years from date of professional registration.

2. PERSONS REQUIRED TO UNDERTAKE CPD ARE THE FOLLOWING

2.1 All persons who are registered in a professional registration category listed under Section 18(1)(a) and (c) of **the Act**.

2.2 **Registered Professionals** who are practicing abroad are subject to the following:

2.2.1 Where a system of **CPD** is being applied in any particular country, such requirements may be accepted by **the Council**, provided that documentary proof of compliance with such **CPD** requirements is submitted. This may be in the form of a certification by the relevant accrediting authority in the country concerned;

2.2.2 The credits earned as set out in 2.2.1 above, will be converted to be in line with the allocation of credits applicable in South Africa (i.e. 10 hours = 1 Credit in Category 1);

- 2.2.3 If no **CPD** is undertaken by the **Registered Professional** practicing abroad in terms of 2.2.1 above, he must, upon his return to South Africa, apply for the necessary extension of time for compliance, to provide him sufficient time to obtain and claim the required CPD credits for the renewal of registration.
- 2.2.4 Any **Registered Professional** practicing abroad may register for CPD courses in South Africa via e-learning.
- 2.2.5 **Registered Professionals** practicing abroad have the option to cancel the registration and re-register upon their return to South Africa.

3. EXEMPTION FROM CPD REQUIREMENTS

- 3.1 Any person whose registration was cancelled, and who no longer carries out any architectural work either in a consulting capacity, lecturing at an educational institution or in a salaried position is exempted from these conditions.
- 3.2 In the event that any **Registered Professional** referred to in clause 3.1 above elects to return to active architectural practice, such a person must apply to **the Council** for re-registration to the active register and will have to start attending to CPD activities whilst practicing.
- 3.3 **The CPD Committee** may, upon receipt of a fully motivated and substantiated application from any **Registered Professional**, recommend to Council to grant full or partial exemption from the requirements of these conditions for such period as **the Council** may deem appropriate and reasonable. Each application will be considered on its own merits.
- 3.4 Any person who is registered in a candidate category contemplated in Section 18 (1) (b).

4. GENERAL CPD REQUIREMENTS

- 4.1 During each 5 (five) year cycle, every **Registered Professional** must obtain a minimum of 25 (twenty-five) CPD credits in order to qualify for renewal of his registration;
- 4.2 A minimum of 5 (five) of the total number of credits required must be obtained and claimed in Category 1 – Developmental Activities;
- 4.3 In addition to the requirements set out above, a **Registered Professional** must obtain at least 3 (three) credits per annum of which at least 1 (one) credit must be obtained in Category 1.

5. RECORDING OF CPD ACTIVITIES

- 5.1 Unless exempted in terms of the conditions as described in Paragraph 3 above, all **Registered Professionals** must record their **CPD** activities electronically, on their **private**, password protected profile that can be accessed from SACAP's website.
- 5.2 **Registered Professionals** must claim CPD credits on a continuous basis as they occur during each annual cycle.
- 5.3 Proof of any credits obtained, such as a certificate of attendance of Category 1 activities, must be uploaded online.
- 5.4 **Registered Professionals** who are at the end of their renewal cycle must claim all CPD credits for the period, before the end of December of the 5th year (i.e. if the date for renewal is 2017, claims must be submitted by 31 December 2016).
- 5.5 Certificates of attendance of Category 1 activities must be uploaded with the claim for the credits.
- 5.6 All documentary evidence of **CPD** credits claimed must be retained for a period of 5 (five) years for auditing purposes.

6. AUDITING OF RECORDED CPD ACTIVITIES

- 6.1 **The Council** may conduct random audits as it deems necessary and practicable of the **CPD** records of any registered profession who is required to undertake **CPD** in terms of these rules.
- 6.2 **The Council** must advise the **Registered Professional** within 30 (thirty) days after completion of an audit, of the outcome of such audit.
- 6.3 If during such an audit the **Registered Professional** is assessed as not having met the requirements, his **CPD** record and verification documentation must be referred to the CPD Committee or the delegated Committee of the **Council** for a decision regarding remedial steps to be taken by the **Registered Professional**. Such persons will automatically be earmarked for a re-audit during the next year.

7. RENEWAL OF REGISTRATION AND ASSESSMENT AGAINST REQUIREMENTS

- 7.1 **The Council** shall notify the **Registered Professional** during the third term (July – September of the 5th (fifth) year of the cycle) regarding the renewal of their registration.
- 7.2 Electronic renewal notices will be sent to all **Registered Professionals**, confirming the requirements for the renewal of registration.
- 7.3 **The Council** may call for such documentary evidence from the **Registered Professional** as it may deem necessary in order to approve the credits claimed.
- 7.4 If **the Council** is satisfied that the **Registered Professional** has met the requirements of these conditions, **the Council** must indicate such decision in the applicable register maintained by **the Council** and, within thirty (30) days of making the decision, inform the **Registered Professional** of such decision and of the fact that his registration will, subject to these rules, be valid for the next five (5) year CPD cycle.
- 7.5 If the **Registered Professional** has failed to comply with the requirements of these rules, the relevant provisions pertaining to non-compliance contained in paragraph 8 below will apply. The **Registered Professional** must be informed of the decision as well as of the implications within thirty (30) days from the date on which the decision was made.
- 7.6 In addition to the notification to be sent to all **Registered Professionals** due for renewal of registration, a notification will be sent to all **Registered Professionals** at the end of the 4th (fourth) year of the CPD cycle, reminding them that they will be required to renew their registration at the end of the next year. A reminder will also be sent to all Registered Professionals, on an annual basis, advising them to claim all CPD credits for the past year.

8. NON-COMPLIANCE WITH THESE CONDITIONS AT RENEWAL STAGE

- 8.1 If the **Registered Professional** has failed to comply with the requirements of these rules, **the Council** must within 30 days, inform the non-compliant **Registered Professional** of this fact.
- 8.2 Such **Registered Professional** must apply for an Extension of the period of compliance. Such an extension will afford the **Registered Professional** until the end of the calendar year to ensure that they meet the requirements for renewal of registration. No application for extension will be considered without the necessary application and proof of payment of the administration fee having been submitted.

- 8.3 The **Registered Professional** will be required to obtain and claim the necessary credits for the renewal of registration, as well as the minimum number of credits required per annum, during the year that the extension is granted for.

9. REFUSAL BY THE REGISTERED PROFESSIONAL TO COMPLY WITH THESE CONDITIONS

Any **Registered Professional** who fails to undertake CPD activities or to comply with these rules shall be charged with improper conduct for failure to comply with Rule 2.4, and the provisions of Sections 27(3), 28, 29, 30, 31, 32 and 33 of the Act apply *mutatis mutandis* in respect of such person.

A Registered Professional found guilty of failure to comply with Rule 2.4 by a duly constituted Disciplinary Tribunal shall be fined in terms of Section 32 (3) (ii) of the Act. The fine is calculated in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991) in accordance with the ratio of one-year imprisonment. The ratio for one-year imprisonment is (twenty thousand) R20 000. The ratio is based on section 92 of the Magistrate Court Act, 1944 (Act 32 of 1994) read with Government Notice R 1411 (GG 19435) of October 1998.

10. RIGHT TO APPEAL

The provisions of Section 24(1) and 24 (3) of the Act apply *mutatis mutandis* in respect of a person who is aggrieved by a decision of **the Council** to refuse the renewal of the person's registration.

11. DEREGISTRATION

- 11.1 If the **Registered Professional's** registration is cancelled due to non-payment of his annual fee in terms of Section 20(1)(a)(iii), the **Registered Professional** must apply for re-registration and may not practice his profession until he has been re-registered.
- 11.2 Such **Registered Professional** must accrue and claim at least 2 (two) penalty CPD credits from Category 1, within twelve (12) months of reregistration. These credits are required in addition to the credits normally required per annum. This implies that a **Registered Professional** that re-registers, after his/her registration being cancelled due to non-

payment, will be required to claim a total of 27 (twenty-seven) CPD credits during the particular CPD cycle. A total of 7 (seven) of these credits must be claimed in Category 1.

- 11.3 In addition to the original registration date, a current registration date, being the date of reregistration, will be noted on the **Registered Professional's** online profile. The 5 (five) year CPD cycle will be determined by the current registration date.

12. APPROVAL OF PROVIDERS OF CPD ACTIVITIES

- 12.1 **Voluntary Associations** and **Accredited Architectural Learning Sites** are approved for the purpose of offering Category 1 CPD activities.
- 12.2 **Voluntary Associations** are approved for the purposes of validating and monitoring Category 1 CPD activities offered by providers who have not been approved in terms of these rules. This includes the allocation of appropriate credits to such activities.
- 12.3 **Voluntary Associations** may charge an appropriate fee for the purposes of recovering costs reasonably incurred for validating such activity.
- 12.4 Whenever a Voluntary Associations validates Category 1 CPD, it must ensure accessibility of the activity to registered professionals (Location); the costs and the relevance of the activity.
- 12.5 The Council has the right to review any CPD Category 1 activities validated by Voluntary Associations and ensure that such CPD activities are relevant and contribute to development and maintenance of professional competencies.
- 12.6 The Council shall not be proscribed to offer CPD activities to Registered Professionals.

13. APPROVAL OF CPD ACTIVITIES

- 13.1 Subject to the definition of **CPD** as set out in this document, a **voluntary association** should, in approving a Category 1 **CPD** activity, take into consideration the following:
- (a) The activity should serve to maintain or enhance the knowledge, skills and competence of all those who participate in it;
 - (b) The activity should meet an educational and developmental need and provide an effective learning experience for the participants;

- (c) The depth and breadth of the subject matter covered must be appropriate;
 - (d) The subject covered should provide a balanced view and should not be unduly promotional;
 - (e) Courses may be assessed by obtaining feedback from participants;
 - (f) CPD providers must have testing mechanism to assess whether the activity contributed to the competence and skills of a Registered Professional and the extent to which the activity has met educational, and developmental needs of the registered professional.
- 13.2 Any provider who desires validation of a Category 1 **CPD** activity must apply to a **voluntary association** for approval of such activity.
- 13.3 Any registered professional who intends to undertake a **CPD** activity offered by a provider other than a **voluntary association** or **accredited educational institution** should ascertain whether such activity is approved in terms of clause 13.2
- 13.4 An approved **CPD** activity is valid for such period as specified by **the Council** from time to time.

ANNEXURE A

CPD CONDENSED

This table reflects a summary of the calculation of the CPD credits, and the required credits per annum as well as over the 5 (five) year cycle.

Further information on the categories of activities, and the requirements can be found in Annexure 'B'.

CATEGORY 1 DEVELOPMENTAL ACTIVITIES			
ACTIVITY	CREDITS REQUIRED PER ANNUM	CREDITS TO BE CLAIMED PER 5 YEAR CYCLE	
Attendance of structured educational/developmental meetings (conferences, seminars, workshops, lectures, etc.) • Presented or validated by SACAP Recognised Voluntary Associations; or • Presented by accredited SACAP Architectural Learning Sites	Compulsory 1 Credit	Compulsory 5 Credits	
Mentoring architectural students in studio at any of the accredited SACAP Architectural Learning Sites (ALS) on voluntary basis for at least 4 hours per week over a period of a year to the maximum of 3 credits per year			
CATEGORY 2 WORK BASED ACTIVITIES			
ACTIVITY	CALCULATION OF CREDITS	MAXIMUM TO BE CLAIMED	
		Per Annum	Per 5-year Cycle
a. Architectural work: • Project work; or • Lecturing at an accredited SACAP Architectural Learning Site (ALS)	400 hours = 1 credit	2 Credits	10 Credits
b. In-house training or mentoring of: • Candidates (registered as such with SACAP) • Architectural students, as required by validated architectural programmes	50 hours = 1 credit	1 Credit	5 Credits
CATEGORY 3 INDIVIDUAL ACTIVITIES			
ACTIVITY	CALCULATION OF CREDITS	MAXIMUM TO BE CLAIMED	
		Per Annum	Per 5-year Cycle
a. Membership of one or more SACAP Recognised Voluntary Associations	1 Full financial year membership = 1 credit	1 Credit	5 Credits
b. Individual activities	As per table in Annexure ‘B’	3 Credits	15 Credits

ANNEXURE 'B'

CATEGORIES OF CPD ACTIVITIES

CATEGORY 1: DEVELOPMENTAL ACTIVITIES

1. WHAT CAN BE CLAIMED IN THIS CATEGORY?

Credits for this category can be claimed for the following:

1.1 Attendance of structured educational/ developmental activities such as:

- Workshops
- Conferences
- Congresses
- Lectures
- Seminars
- Refresher Courses
- E-learning

Provided that such an activity is accredited by a SACAP:

- Recognised Voluntary Associations; or
- Accredited Architectural Learning Site

1.2 Attendance of any programmes by the accredited Schools of Architecture at the accredited Architectural Learning Sites (ALSs).

1.3 Mentoring architectural students at any of the ALS' will be acknowledged for a maximum of 3 credits per annum.

1.3.1 The mentor will be required to spend at least 4 hours per week on assisting and mentoring the students at the university.

1.3.2 The university has to complete a report on the mentoring that was done. This report will serve as confirmation of the CPD credits claimed.

1.3.3 All mentors must be listed as such with SACAP.

2. CALCULATION OF CREDITS

Save for the mentoring of architectural students, as set out in 1.3 above:

- 2.1 1 Credit will be allocated for attendance of a 10-hour activity, depending on whether participation is **interactive** or **non-interactive**.
- 2.2 A full day activity will be regarded as being for 10 hours and a half day activity will be regarded as 5 hours and hence half a credit.
- 2.3 The credits to be claimed for attendance of Category 1 CPD activities will normally be determined by the VA or ALS accrediting the activity and will be indicated as such.

3. NUMBER OF CREDITS TO BE CLAIMED

- 3.1 It is compulsory to claim at least 1 Credit from Category 1 annually.
- 3.2 This implies that a **minimum of 5 Credits** are required from this category at the end of the 5-year cycle in order to renew the registered person's registration.
- 3.3 It further implies that 5 credits may be accrued and claimed in category 1 within a calendar year and may therefore be claimed for the full 5-year CPD cycle.

Category 1	Activities	Calculation of Credits	Per Annum		Over 5 Year Cycle	
			Minimum	Maximum	Minimum	Maximum
Developmental Activities	Interactive: • Workshops • Conferences • Congresses	10 hours = 1 credit	1 Credit Compulsory	No Maximum	5 Credits Compulsory	No Maximum
	Non-interactive: • Workshops • Conferences • Congresses • Lectures • Seminars • Refresher Courses					
	Self-study through e-learning					
	Mentoring of students at ALS	At least 4 hours per week, over a period of 32 weeks		3 Credits		

CATEGORY 2: WORK-BASED ACTIVITIES**A. ARCHITECTURAL WORK****1. WHAT CAN BE CLAIMED IN THIS CATEGORY?**

Since registered persons also improve their knowledge and competence by performing their day-to-day architectural responsibilities, credits can be claimed in this category for:

- Architectural related work (including management)
- Full time lecturing at an accredited ALS

2. CALCULATION OF CREDITS

1 Credit for 400 hours per year for architectural related work and lecturing.

3. NUMBER OF CREDITS TO BE CLAIMED?

A maximum of 2 credits (for 800 hours) may be claimed in respect of this activity per annum and thus 10 credits over the 5-year cycle.

B. MENTORING**1. WHAT CAN BE CLAIMED IN THIS CATEGORY?**

Credits can be claimed for the mentoring of:

- Candidates, registered with SACAP; and/or
- Architectural students, as required as part of their validated programme.
- In-house training sessions organised by an employer/architectural company and career guidance for candidates may also be presented under this category.

2. CALCULATION OF CREDITS

1 Credit can be claimed for 50 hours of mentoring.

3. NUMBER OF CREDITS THAT CAN BE CLAIMED

A maximum of 1 CPD credit can be claimed in this category per annum. This implies that no more than 5 credits can be claimed for this activity over the 5-year cycle.

Category 2	Activities	Calculation of Credits	Per Annum		Over 5 Year Cycle	
			Minimum	Maximum	Minimum	Maximum
Work-based Activities	A. Architectural work or Full time Lecturing	400 Hours = 1 Credit	Not compulsory	2 Credits	Not compulsory	10 Credits
	B. Training or mentoring of Registered Candidates; and/or Full time students	50 Hours = 1 Credit		1 Credit		5 Credits

CATEGORY 3: INDIVIDUAL ACTIVITIES

A. MEMBERSHIP OF ONE OR MORE VOLUNTARY ASSOCIATION RECOGNISED BY SACAP

1. WHAT CAN BE CLAIMED IN THIS CATEGORY?

A credit can be claimed in this category for being a member of a SACAP recognised voluntary association.

2. CALCULATION OF CREDITS

1 Credit can be claimed for membership of a full financial year, of one of the SACAP recognised voluntary associations.

3. NUMBER OF CREDITS TO BE CLAIMED

A maximum of 1 credit can be claimed in this category per annum.

B. INDIVIDUAL ACTIVITIES

1. WHAT CAN BE CLAIMED IN THIS CATEGORY?

With the exception of post-graduate studies credits can be claimed under the individual categories listed in the table below.

2. CALCULATION OF CREDITS

1 Credit can be claimed for every 10 hours of participation on the listed activities.

3. NUMBER OF CREDITS TO BE CLAIMED

The maximum number of credits that can be claimed for these activities per annum, and during the 5-year cycle, is indicated in the table below.

Category 3	Activities	Calculation of Credits	Per Annum		Per Annum	
			Minimum	Maximum	Minimum	Maximum
Individual Activities	A. Membership of 1 or more SACAP recognised AV	1 Credit for membership of a full financial year	Not Compulsory	1 Credits	Not Compulsory	5 Credits
	B. Credits can also be claimed for the following individual categories					
	- Relevant postgraduate degree	3 credits per year	Not Compulsory	3 Credits	Not Compulsory	15 Credits
	- Other relevant postgraduate qualifications	2 credits per year of study				
	- Evaluation of Masters or Doctorate theses as an external examiner	2 credits per year				
	- Supervision of students undertaking post-graduate studies	2 credits per year				
	- Oral examinations of final year and postgraduate studies	1 credit for every 10 hours of active involvement				
	- Validation of educational programs for accreditation purposes	1 credit for every 10 hours of active involvement				
	- Publication of refereed articles: • Single author • Two authors	• 2 credits per article • 1 credit per article				
	- Publication of professional or technical articles	1 credit per article				
	- Papers presented at conferences or congresses	1 credit each				
	- Presenter at workshops, seminars, refresher courses, etc.	2 credits for 10 hours				
	- Part-time lecturing to under-graduate and post-graduate students	1 credit for every 10 hours				
	- Participation in statutory professional, institutional and technical or nontechnical committees	1 credit for every 10 hours of active involvement				
	- Self-study which includes but is not restricted to studying of journals or electronic or computerised material. Activities under this item must be verified					
	- Relevant community activities					
	- Specialist activities such as arbitrator, mediator, forensic architecture, environmental impact assessment, etc.					
	- Adjudication of awards and recognised architectural competitions					