

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

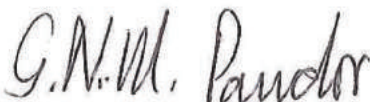
NO. 1240

16 NOVEMBER 2018

**NATIONAL REGISTER OF ARTISANS REGULATIONS, 2018
SKILLS DEVELOPMENT ACT, 1998 (ACT 97 OF 1998)**

I, Grace Naledi Mandisa Pandor, Minister of Higher Education and Training, in terms of Section 26C of the Skills Development Act (97 of 1998) as amended, after consultation with the National Skills Authority, hereby publish the National Register of Artisans Regulations for public comment.

The full document is available at the Department of Higher Education and Training's website: www.dhet.gov.za. All interested institutions, persons and organisations are invited to comment on the Regulations. Comments should be submitted to Mr. Jabu Ntshingila via email: Ntshingila.j@dhet.gov.za and Ms. Mapule Masipa on Masipa.m@dhet.gov.za not later than thirty-one (31) days after the publication of this gazette.



Mrs GNM Pandor, MP

Minister of Higher Education and Training

Date: 19-9-2018

REGULATIONS
Schedule
PREAMBLE

These regulations:

- Will implement Section 26C of the Skills Development Act (97 of 1998), as amended.
- Establish a framework for the professionalisation of artisan development practices in South Africa.
- Define the requirements for and the process of registering as an artisan with the Department of Higher Education and Training.
- To maintain the quality of work delivered by registered practicing artisans.
- To enable the Department of Higher Education and Training to distinguish for statistical purposes between qualified artisans and artisans practicing the trade in which they are qualified.
- To enable the Department of Higher Education and Training to distinguish and monitor for statistical purpose all foreign and national artisans within the country.
- To assure industry that if it employs a registered practicing artisan, that artisan's qualifications are valid (Verification of qualification).
- To enable the Department of Higher Education and Training to determine the need for and grow the capacity of mentors for mentoring of artisan learners.
- Assist the Department of Higher Education and Training to determine the targets for focused artisan training to address the scarcity of artisans to industry.

ARRANGEMENT OF REGULATIONS

1. Definitions
2. National Registrar of Artisans
3. Categories of registration
4. Registration process
5. De-registration as an artisan
6. Registration process
7. Transitional arrangements
8. Delegation
9. Short title and commencement
10. Appendix A: Application for registration as an artisan
11. Appendix B: Proof of registration as an artisan
12. Appendix C: Code of conduct for registered artisans

1. Definitions

In these regulations, any word or expression to which a meaning has been assigned in the Skills Development Act (97 of 1998) as amended, has that meaning unless the context indicates otherwise; and

“the Act” means the Skills Development Act (97 of 1998) as amended.

“the Department” means the Department of Higher Education and Training.

“Artisan” means a person who has been certified as competent to perform a listed trade in accordance with the Skills Development Act (97 of 1998) as amended.

“Artisan learner” means a learner undergoing a formal learning program which include a structured work experience components in a listed trade, and include a trade test in respect to that trade.

“DG” means the Director-General of the Department of Higher Education and Training.

“Listed Trade” means a trade listed in terms of Section 26B of the Skills Development Act (97 of 1998) as amended and published in Government Gazette No. 35625 dated 31 August 2012.

“The Registrar” means the office of the Director-General of the Department of Higher Education and Training as prescribed in section 26(C)1 of the Skills Development Act (97 of 1998) as amended, or any official within the Department of Higher Education and Training delegated by the Director-General of the Department of Higher Education and Training.

“QCTO” means The Quality Council for Trade and Occupations.

“SAQA” means the South African Qualifications Authority.

“Foreign National Artisan” means any foreign national artisan who is certified as an artisan by the Quality Council for Trade and Occupations or holds a qualification issued in the country of origin and the qualification has been evaluated and verified by the South African Qualifications Authority.

“Practicing Artisan” means a person who has passed a trade test in a listed trade and is using tools, equipment and machinery to manufacture, produce, service, install or maintain tangible goods, products or equipment in an engineering and/or technical work environment in the listed trade in which he/she is certificated by the South African Qualifications Authority or equivalence determined by the South African Qualifications Authority.

“Qualified artisan” means a person who is certificated as an artisan in terms of this or any other South African Act in a specific listed trade, but may not be practicing the trade on a daily or regular basis.

“Deregistration” in terms of these regulations means the removal of previously registered artisan from the national register of qualified artisans by the registrar.

“Trade Test” means a final integrated summative assessment for an artisan qualification for a listed trade that is conducted at an accredited trade test center by an assessor registered with the National Artisan Moderation Body

“Trade Test Certificate” means a certificate in terms of this regulation issued by the Quality Council for Trade and Occupations to a learner who has passed a trade test.

“NADSC” means the National Artisan Development Support Center within the Skills Development Branch in the Department of Higher Education and Training.

“NAMB” means the national artisan moderation body contemplated in section 26A of the Skills Development Act (97 of 1998) as amended.

2. National Registrar of Artisans

The DG as prescribed in section 26(C)1 of the Act, or any official within the Department delegated by the DG is the Registrar.

3. Categories of Registration

(1) As prescribed by the section 26(C) of the Act, all artisans who have successfully completed a trade test in a listed trade and all foreign artisans **MUST** register with the Department through the NADSC at the website <http://nadsc.dhet.gov.za/> or visit INDLELA or contact the National Artisan Development call center on 086 999 0125 to register in one of the following categories, in accordance with the prescribed form attached as Appendix A.

- (a) Qualified Artisan
- (b) Practicing Artisan
- (c) Foreign National Artisan

(2) The registration of artisans in terms of these regulations does not supersede or overrule any registration requirements of a relevant professional body for the listed trade as prescribed in section 26C(2)(b).

4. Registration process

- (1) An applicant must complete the required application form on the NADSC web site at <http://nadsc.dhet.gov.za/> (**Annexure A**) and upload the following documentary evidence in accordance to the registration category:

(A) Qualified not practicing artisans:

- i. a certified copy of ID document;
- ii. a certified copy of trade test certificate;
- iii. a signed copy of the Code of Conduct for Registered Artisans; and
- iv. Proof of address

(B) Qualified Practicing Artisan:

- i. a certified copy of ID document;
- ii. a certified copy of trade test certificate;
- iii. a service letter on a formal company letter head from the employer stating clearly what functions are performed by the applicant in his current employment;
- iv. if self-employed the following must be submitted to replace the letter of employment:
 - (a) a business registration documentation (if applicable);
 - (b) an affidavit giving a clear description on the scope of business conducted if the business was not registered;
 - (c) contact details of three (3) most recent clients serviced in terms of the trade for which registration is applied;
 - (d) a summarized Curriculum Vitae with a clear affidavit.
- v. a signed copy of the Code of Conduct for Registered Artisans;
- vi. Proof of address;
- vii. for renewal only attach proof of previous registration and a letter of Service on a formal company letterhead from the employer stating clearly what functions are being performed.

(C) Foreign National Artisan

- i. a certified copy of passport;
- ii. evidence of a legal visa or permit for entrance to the country issued by the Department of Home Affairs with the exclusion of a medical permit or visa;
- iii. a certified copy of a trade test certificate, if trade test was conducted in South Africa or;
- iv. certified copy of all foreign trade qualifications;
- v. letter of foreign qualification evaluation issued by SAQA;
- vi. Proof of address and;
- vii. a signed copy of the Code of Conduct for Registered Artisans;

- (2) All certified copies must not be older than three (3) months.
- (3) Within 30 working days of registration the Department will issue proof of registration in the form and manner determined by the DG to the applicant allocating a unique registration number.
- (4) If the DG refuses to register an applicant, the DG must give written notice of the decision to the applicant
- (5) The registered practicing artisan **must** renew his or her registration after a five (5) year period or if any of the conditions for registration change.
- (6) The registered foreign national artisan **must** renew his or her registration after a three (3) year period or if any of the conditions of registration change.

5. De-registration of an artisan

(1) The DG may de-register an artisan if -

- i. poor quality work was performed by a registered practicing artisan which lead to an accident or incident causing injury, death or damage to equipment or property and was investigated and verified by the relevant authority in line with the requirements of the provisions of the Promotion of Administrative Justice Act of 2000;
- ii. a registered artisan acts in contravention of the code of conduct for practicing artisans;
- iii. the DG must provide the written notice of the de-registration to the registered artisan and the reasons of doing so.

6. Re-Registration

(1) Once a practicing artisan is de-registered by the DG in terms of Regulation 5, an application for re-registration can be submitted if -

- i. no critical changes were affected to the curriculum components of the trade for which the applicant is applying for re-registration since de-registration;
- ii. training was attended to address the critical changes identified in the curriculum components of the trade;
- iii. top-up training and assessment were attended to address the gaps identified during employment by a client, employer or an occupational health and safety inspector which led to poor work quality.
- iv. Re-registration of artisans de-registered due to poor quality work will be evaluated by the NAMB to determine whether re-assessments will be required in the trade prior to re-registration. A Trade certification will not be revoked and a trade test result for the specific module tested will be issued as required for re-registration.

7. Transitional Arrangements

- (1) As prescribed by the Act, it is mandatory for all qualified artisans to register with the Department.
- (2) As a transitional arrangement a grace period of 3 years will be given to already qualified artisans to allow them to register.

- (3) After the grace period, a fine of R1500.00 annually will be charged on all non-registered artisans for non-compliance.
- (4) Department of Labour and Sector Education and Training Authorities will monitor the registration status of artisans at workplaces after the transitional period to enforce the registration requirement.
- (5) After the grace period of three (3) years, registration with the Department will be a requirement for all qualified artisans if they wish to register with any artisan professional body.
- (6) All foreign national artisans must register with the Department before applying for the critical skill visa with the Department of Home Affairs.
- (7) Foreign national artisans will not be granted critical skill visa by the Department of Home Affairs if they are not registered with the Department.
- (8) Newly qualified artisans will automatically be registered with the Department when their trade test certificate is issued.

8. Delegation

The registrar as contemplated in section two (2) of these regulations may delegate any of the functions assigned to the post of registrar or any delegation to another person as contemplated in the Act.

9. Short title and commencement

These Regulations are the National Registration of Artisans Regulations 2018 and shall take effect on a date to be determined by the Minister of Higher Education and Training by proclamation in the *Gazette*.

Appendix A: Application for Registration as an Artisan



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

Application for the Registration as an Artisan.

(In terms of Section 26(C) of the Skills Development Act.)

Application Details:

Application type:	Renewal	New registration	Re-registration
Willingness to mentor Artisan Learners	Yes	No	
Name and surname			
ID. Number			
Address			
Telephone			
e-mail			
Trade qualified in			
Date qualified			

Category of registration applied for:

No	Category	Mark X
1.	Practicing Artisan	
2.	Qualified Artisan	
3.	Foreign National Artisan	

Employment detail: (Only last three employers: Starting with most recent)

Company Name (1)		
Address		
Position held		
Employment duration (from/to)		
Duration of employment in years		
Contact Person Details		
Name and surname		
Telephone		
e-mail		
Position		
Short Description of tasks		
Company Name (2)		
Address		
Position held		
Employment duration (from/to)		
Duration of employment in years		
Contact Person Details		
Name and surname		
Telephone		
e-mail		

Position		
Short Description of tasks		
Company Name (3)		
Address		
Position held		
Employment duration (from/to)		
Duration of employment in years		
Contact Person Details		
Name and surname		
Telephone		
e-mail		
Position		
Short Description of tasks		

For Re-registration complete:

Training attended prior to application of re-registration.

Course Title	Provider	Date attended

Documents attached:

Document title	Yes	No
Summarized Curriculum Vitae		
Certified copy of ID document		
Certified copy of Passport		
Certified copy of Trade test certificate		
Signed Code of Conduct for registered artisans		
Certified copy of all foreign trade qualifications		
Letter of employment detailing responsibilities and scope of work		
Letter of foreign qualification evaluation issued by SAQA		
Proof of address		
FOR RE-REGISTRATION/ RENEWAL - Proof of previous registration.		
FOR RE-REGISTRATION – Proof of training if required.		

I,..... ID/Passport No.....
 hereby state that all the information given is true and that no false representation was
 made of qualification or work experience. I understand that my registration if awarded
 may be revoked if any false statement is made on this application.

.....

Applicant

.....

Date

.....

Current / previous employer

.....

Date

(For re-registration-most recent employer)

For official use:

Received by:		Name	
		Designation	
		Date	
		Signature	
Recommended by:	Not recommended by	Name	
		Designation	
		Date	
		Signature	
Approved by:	Not approved by	Name	
		Designation	
		Date	
		Signature	
Captured by:		Name	
		Designation	
		Date	
		Signature	
Trade name:			
OFO Code:			
Registration no:			

Reason for non-recommendation:

Reason for non-approval:

Appendix B: Proof of registration as an artisan.



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

REGISTERED ARTISAN

This letter serves to confirm that

Mr. /Ms. _____

ID/Passport number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Artisan Registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Has complied with the requirements of registration as an Artisan and is registered in the following:

TRADE:	
OFO CODE:	
SPECIALISATION:	

VALIDITY

FROM:		TO:	
-------	--	-----	--

No	Category	Mark X
1.	Practicing Artisan	
2.	Qualified Artisan	
3.	Foreign National Artisan	

.....
Director General

.....
Date

Appendix C: Code of Conduct for Registered Artisans:

Code of Conduct for Registered Artisans

DEFINITION OF A PRACTICING ARTISAN

A practicing artisan is a person qualified in a trade and practicing that trade in any of the following contexts:

1. Artisan working on the trade in a production, service or maintenance environment.
2. Line supervisor or manager to a specific trade utilizing his trade expertise in the fulfillment of his daily tasks
3. Trade training staff, mentors and coaches.
4. Trade assessment practitioners.

OBJECTIVES

The objectives of this code of conduct for artisans are to:

1. Define acceptable behavior for practicing artisans in the workplace.
2. Develop and maintain a high quality of artisan practices and promote best practices within the occupation in the workplace and training environment.
3. Provide norms and standards for practicing for evaluating their own practices and behaviors;
4. Guide artisan to practice their trade with integrity, sincerity and in accordance with the accepted standards of the artisan occupation
5. To ensure artisans respect the interests of clients and the integrity of the artisan occupation.

CODE OF CONDUCT

All practicing artisans must conduct their occupation in line with the general rules and guidelines stipulated below:

1. Execute their job functions with professionalism, good attitude and values, due care and diligence.
2. Adhere to acceptable practices and high quality standards when carrying out their work.
3. Continuously improve their skills within the trade area and mentor and guide new entrants in the occupation.
4. Not perform their work or conduct them in any manner that will compromise the standard of the occupation or training in and for the occupation.
5. Not engage in any act of dishonesty, corruption or bribery in the execution of their duties.
6. Disclose to the relevant parties any interest in clients, business or stakeholders to avoid any perceived, real or potential conflict of interest at all times.
7. Not knowingly misrepresent or permit misrepresentation of their own trade qualification or competency or those of any other person involved with work.
8. Give artisan workplace or training decisions, recommendations or opinions that are honest, objective and based on facts.
9. May neither personally or through any other person improperly seek to obtain work, or by way of commission or otherwise, make or offer to make payment for a client or prospective client for obtaining such work.
10. May not, unless required by law or by these rules, divulge any information of a confidential nature, which they obtained in the exercise of their duties in the workplace or in the training and assessment environment.
11. Notify NAMB immediately if they become aware of any violation of these rules by any registered artisan in the workplace or in the training and assessment environment.
12. Notify without delay NAMB if they become aware of any assessment practitioner conducting their responsibility in any manner harmful to the occupation.
13. Actively participate in activities to develop and enhance trade occupations.
14. Act in a manner that will enhance and maintain a positive image towards the trade occupations.
15. Must at all-time have due regard for health and safety in and around the workplace.
16. Have due regard for the environment in the execution of their work and avoid, any adverse impact there on.
17. May not willfully harm the employment, reputation or business of any other practicing artisan.
18. Maintain the level of confidentiality required by and in the execution of the duties in terms of his or her employment in the occupation.
19. Always ensure adequate supervision of and take responsibility for work carried out by subordinates in the workplace.
20. Submit in writing any information requested by the NAMB with reference to improper conduct by themselves or any other practicing artisan.
21. Maintain registration status as prescribed by the Department of Higher Education and Training

Names			
Surname			
ID/Passport No			
Trade			
Date		Signature	