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# BOARD NOTICE

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## BOARD NOTICE 223 OF 2013



SOUTH AFRICAN COUNCIL  
for the  
ARCHITECTURAL PROFESSION

### RULES FOR THE PROCEDURE OF NOMINATION OF SACAP COUNCIL MEMBERS

In terms of section 36(2)(a) of the Architectural Profession Act, 2000 (Act 44 of 2000), the South African Council for the Architectural Profession hereby makes known that it has determined rules as set out in the Schedule hereunder.

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#### PREAMBLE

The purpose of these rules is to provide for the process of nominating persons to serve on the South African Council for the Architectural Profession (SACAP) in terms of the provisions of the Act.

Service as a member of the SACAP is a voluntary contribution of valuable time and wisdom to the Architectural profession and to the South African society.

#### 1. Definitions

In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Architectural Profession Act, 2000 (Act No. 44 of 2000) bears the same meaning, and -

“**Registrar**” means the Registrar appointed by Council in terms of section 8(1)(a) of the Act.

“**Recommendation Panel**” means a panel appointed by the Council, as described in Rule 8 hereof to evaluate the nominations and make recommendations for consideration by the Council and appointment by the Minister.

“**The profession**” means the Architectural profession.

#### 2. Composition of the Council

The composition of the Council is defined in section 3 of the Act, which provides for eleven members of whom:

- (a) seven registered persons, excluding candidates, of whom at least four must actively practise in the Architectural profession-
  - (i) who must be nominated by the voluntary associations, and any registered person;
  - (ii) who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner; and
- (b) two professionals, in the service of the State nominated by any sphere of government; of whom at least one must be nominated by the department; and
- (c) two members of the public nominated through an open process of public participation.



**SOUTH AFRICAN COUNCIL**  
for the  
**ARCHITECTURAL PROFESSION**

### **3. Calling for nominations**

#### **3.1 Invitations**

- 3.1.1 The Council shall call for nominations on or at a date determined by the Council, which date shall be at least three (3) months before the date of expiry of the term of office of the serving members of the Council.
- 3.1.2 Registered Persons and Voluntary Associations shall be invited by letter substantially in the form of Annexure A, B, C and D respectively, copies of which will be placed on the SACAP and the Voluntary Association's websites.
- 3.1.3 Nominations for members by the public shall be invited by notice in the Government Gazette and at least one national newspaper, which nominations shall be submitted within a period of at least 60 (sixty) days from the date of notice.
- 3.1.4 The manner for inviting Registered Persons and Voluntary Associations (VAs) and the public is prescribed substantially in the form of Annexures A, B, C and D respectively.
- 3.1.5 The manner for inviting nominations in terms of Section 3(1)(b) of the Act is described in Rule 6.

### **4. Requirements for Nominees as Council Members**

The Council shall consist of registered and non-registered members.

#### **4.1 Registered Persons**

To be eligible for nomination as member of the Council a registered person shall comply with the following requirements:

- (a) Be registered as the Architectural Professional within the specified category as prescribed by the Act;
- (b) Have a background or experience in the Architectural profession in one or more of the following: education, training, professional conduct, professional practice, and institutional affairs;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its Committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa;
- (e) Be willing to sign and adhere to SACAP's Code of Conduct for the Council and Committee Members.

#### **4.2 Persons not required to be registered**

Nominees shall comply with the following requirements:

- (a) Have insight into matters concerning the safety and health of the public;
- (b) Have expertise supplementary to the direct field of responsibility of the Council and the Architectural profession, such as law, accounting, political science, economics, environmental management and education on the basis of the verified practical or theoretical experience;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its Committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa;
- (e) Be willing to sign and adhere to SACAP's Code of Conduct for the Council and Committee Members.

#### **4.3 Disqualification from membership of the Council in terms of Section 6(1) of the Act –**

4.3.1 The following persons shall not be eligible to be appointed as a member of the Council:

- (a) A person who is not a South African citizen and ordinarily resident in the Republic;

- (b) An un-rehabilitated insolvent;
- (c) A person who has been convicted of an offence in the Republic and been sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both. This provision excludes offences associated with political objectives committed prior to 27 April 1994;
- (d) A person who has been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
- (e) A person who has been removed from an office of trust as a result of improper conduct; or
- (f) A person who has, in terms of the Act, been found guilty by the disciplinary tribunal or the Council of improper conduct.

In terms of Section 6(3) of the Act, the Minister must for the purpose of rule 4.3.1(d) above, take cognizance of the prevailing circumstances in a foreign country relating to a conviction.

4.3.2 Section 5(2) of the Act determines that a member of the Council may not serve for more than two consecutive terms of office.

#### **4.4 Compilation of Reserve list**

- 4.4.1 The Council may compile a Reserve List of nominees who meet the requirements but are not on the list of nominees recommended for appointment.
- 4.4.2 Nominees shall be required to indicate their availability to be included in a Reserve List if they are not appointed to the Council.
- 4.4.3 When a vacancy arises on the Council during its term of office, the Minister may draw on such Reserve List as a first source of nominees in the filling of the vacancy.

### **5. Section 3(1)(a) Nominees**

#### **5.1 Professional Representation in terms of Section 3(1)(a) of the Act**

Seven registered persons, excluding candidates, of whom at least four shall actively practise in the Architectural profession:-

- (i) Who must be nominated by the voluntary associations and any registered person; and
- (ii) Who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner.

#### **5.2 Prescribed Representation of the Categories of Registration**

At least one person from each category mentioned in Section 18(1)(a) of the Act and actively practising in the Architectural Profession shall be represented.

### **6. Nominations by the State in terms of section 3(1)(b) of the Act**

- 6.1 Nominations will be invited from Local, Provincial and National Government.
- 6.2 SACAP will approach the Director General of Public Works to facilitate the required nominations.

### **7. Public Representation**

Section 3(1)(c) of the Act makes provision for the appointment of two members of the public, nominated through an open process of public participation.

**8. Recommendation Panel**

- 8.1 When any nomination for members of a new Council becomes necessary, the Council shall constitute a Recommendation Panel within 30 days of the call for nominations.
- 8.2 The Recommendation Panel shall be appointed by the Council and shall be constituted as follows by people who are not members of the outgoing Council:
- (a) One registered person from each of the categories of registration;
  - (c) One registered person with special knowledge of Architectural education;
  - (d) One person nominated by the Director General of the Department of Public Works;
  - (e) Two persons from the Public;
  - (f) Any two other persons nominated by the Council to ensure transformational representivity on the panel; and
  - (f) One person who has legal knowledge of both the Act and the SA Constitution.
- 8.3 Directives to Recommendation Panel:
- (a) The Council shall identify and inform the Recommendation Panel of Council Members that are eligible and available for re-appointment. The Recommendation Panel should consider continuity in making their recommendations.
  - (b) The Council has the right to ratify or amend the list of nominees recommended by the Recommendation Panel before submitting the recommendation to the Minister but the Council submission must clearly indicate what changes have been made and include a detailed motivation for doing so.
  - (c) Persons serving on the Recommendation Panel may not serve on the new Council.
- 8.4 The Recommendation Panel shall consider the following when making recommendations to the Council:
- 8.4.1 The requirements for nominees to be appointed from the profession [Section 3(1)(a)], from registered persons, [(Section 3(1)(b)] from the State; and [(Section 3(1)(c)] the public.
- 8.4.2 The Recommendation Panel shall take into account transformational and geographic representivity in its recommendation.
- 8.4.3 The needs of the Council:
- The Council shall, within 30 days of the expiry of the notice of invitation, make its recommendations to the Minister based on recommendations from the Recommendation Panel with the view to meeting *inter alia* the following needs of the new Council:
- (a) Persons with a background in standard setting in Architectural education and training;
  - (b) Persons with experience in the accreditation of Architectural educational programmes;
  - (c) Persons with experience in the registration processes for Architectural candidates and professionals;
  - (d) Persons with experience in preliminary investigations and enquiries related to alleged improper conduct by registered persons;
  - (e) Persons with experience in the relationships between the regulatory bodies and other organisations in South Africa and elsewhere, particularly with regard to international recognition of South African education and registration;
  - (f) Persons with knowledge and an interest in Continuing Professional Development (CPD);
  - (g) Persons in the legal profession;
  - (h) Persons in the accounting or auditing profession; and
  - (i) Persons with experience and knowledge of governance of public sector entities.
- 8.5 The administrative assistance required by the Recommendation Panel is to be supported by the Registrar and the secretariat of SACAP.

**9. Assessment of Nominations**

- 9.1 All nominations received shall be scrutinised by the Registrar firstly to confirm the eligibility of the nominee, compliance with requirements and the completeness of the nomination submission.
- 9.2 The Recommendation Panel shall receive all nominations with a clear indication of any nominees that may be ineligible or with incomplete nomination submissions.
- 9.3 The Recommendation Panel shall evaluate each nominee in terms of the Council's needs and the requirements of the Act and identify all nominees who meet the requirements.
- 9.4 The Recommendation panel shall develop a list of persons recommended to serve as the new Council and a reserve list of nominees.
- 9.5 The Recommendation Panel shall by a date determined by the Council submit a report to the Council containing:
- (i) a list of all nominations received;
  - (ii) a list of nominees recommended;
  - (iii) a reserve list of nominees;
  - (iv) a list of nominees not eligible and the reasons therefore; and
  - (v) confirmation of compliance with the principle of representivity as envisaged by the Act and these Rules, the challenges faced in that regard, and how same was addressed.

## ANNEXURES



**INVITATION TO REGISTERED PERSONS****ANNEXURE A****DATE**

Dear Registered Person

**INVITATION TO NOMINATE: SACAP COUNCIL MEMBERS**

You are cordially invited to nominate one or more registered persons for consideration and possible appointment as member(s) to the South African Council of the Architectural Profession (SACAP) in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

Vacancies: seven registered persons, excluding candidates, of whom at least four shall actively practice in the Architectural profession:-

- (i) who must be nominated by the voluntary associations and any registered person; and
- (ii) who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner.

The following should be noted:

1. Nominees must be registered with the SACAP, in at least one of the following categories: Professional Architect; Professional Senior Architectural Technologist; Professional Architectural Technologist and Professional Architectural Draughtsperson (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
2. The nominations should be made on the Nomination Form and be signed by the registered person submitting the nomination.
3. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
4. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
5. The nominations must be accompanied by:
  - 5.1 An Acceptance Form duly completed and signed by the nominee;
  - 5.2 A brief Curriculum Vitae in the format per Annexure E; and
  - 5.3 A declaration by the nominee stating that he/she has read and accepted the attached terms of sections 3 to 6 of the Act No: 44 of 2000.
6. Successful nominees will be appointed in their own right and will not represent any constituency in particular.
7. Since the potential number of nominations is likely to exceed the number of vacancies on Council by a significant margin, serious consideration will be given to the nominees' expertise, background and ability.
8. All nominees must be South African citizens and be ordinarily resident in the RSA.
9. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to be within at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
10. SACAP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for the Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. Members of the Recommendation Panel will not be eligible for appointment to the Council.
11. The recommended persons will be required to provide the Recommendation Panel, through the Registrar, with proof of qualifications, copy of identity document for verification and all other necessary documents that may be reasonably requested.

12. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
13. Appointments will be on a non-remunerative basis. Only small honoraria, reasonable travel and subsistence expenses will be paid to Council members.

Yours sincerely,

**Registrar of SACAP**

**INVITATION TO VOLUNTARY ASSOCIATIONS****ANNEXURE B****DATE****Dear Voluntary Association****INVITATION TO NOMINATE: SACAP COUNCIL MEMBERS**

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the South African Council for the Architectural Profession (SACAP) in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

Vacancies: seven registered persons, excluding candidates, of whom at least four shall actively practice in the Architectural profession:-

- (i) who must be nominated by the voluntary associations and any registered person; and
- (iii) who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner.

The following should be noted:

1. **Voluntary Associations** may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the SACAP, in at least one of the following categories Professional Architect; Professional Senior Architectural Technologist; Professional Architectural Technologist and Professional Architectural Draughtsperson (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the President or Chief Executive.
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
  - 6.1 An Acceptance Form duly completed and signed by the nominee;
  - 6.2 A brief Curriculum Vitae in the format per Annexure E; and
  - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. Successful nominees will be appointed in their own right and will not represent his/her Voluntary Association.
8. Since the potential number of Voluntary Associations nominations is likely to exceed the number of vacancies on Council, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to within be at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
11. SACAP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No member of the Recommendation Panel will be eligible for appointment to the Council.

12. The recommended persons will be required to provide the Recommendation Panel, through the Registrar, with proof of qualifications, copy of identity document for verification and all other necessary documents that may be reasonably requested.
13. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
14. Appointments will be on a non-remunerative basis. Only small honoraria, reasonable travel and subsistence expenses will be paid to Council members.

Yours sincerely,

**Registrar of SACAP**

## INVITATION TO STATE ENTITIES

## ANNEXURE C

DATE

Dear .....

**INVITATION TO NOMINATE: SACAP COUNCIL MEMBERS**

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the South African Council for the Architectural Profession (SACAP) in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

Vacancies: two persons, of whom at least—

- (i) two must be professionals, in the service of the State nominated by any sphere of government; and
- (ii) at least one must be nominated by the department of Public Works

The following should be noted:

1. State entities in any sphere of the State may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the SACAP, in at least one of the following categories: Professional Architect; Professional Senior Architectural Technologist; Professional Architectural Technologist and Professional Architectural Draughtsperson (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the Department Head or Director General.
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
  - 6.1 An Acceptance Form duly completed and signed by the nominee;
  - 6.2 A brief Curriculum Vitae in the format per Annexure E; and
  - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. Successful nominees will be appointed in their own right and will not represent his/her department or the state entity which nominated the employee.
8. Since the potential number of nominations from the State is likely to exceed the number of vacancies on Council, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to within be at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
11. SACAP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No member of the Recommendation Panel will be eligible for appointment to the Council.
12. The recommended persons will be required to provide the Recommendation Panel, through the Registrar, with proof of qualifications, copy of identity document for verification and all other necessary documents that may be reasonably requested.

13. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
14. Appointments will be on a non-remunerative basis. Only a small honoraria, reasonable travel and subsistence expenses will be paid to Council members.

Yours sincerely,

**Registrar of SACAP**

## INVITATION TO THE PUBLIC TO BE PUBLISHED IN THE NEWSPAPERS

## ANNEXURE D

**INVITATION TO THE PUBLIC TO NOMINATE MEMBERS TO THE SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Call for Nominations for Members of the Public to be appointed as Members of the South African Council for the Architectural Profession (SACAP).

In terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000), nominations are invited from members of the general public to serve on the SACAP Council:

- Number of vacancies: two members of the public

**Background**

The South African Council for the Architectural Profession (SACAP) was established as a state regulatory body under the Architectural Profession Act, 2000. The Council is mandated by the Act to protect the public by registering professionals and candidates, accrediting educational institutions, upholding professional conduct, identifying the functions of the profession, recommending professional fees and promoting regional and international recognition of the profession.

The Council meets at least four times a year and will be supported by administrative staff.

The period of office for the members is four years.

Each nomination must be in writing and must contain the following information in the detail required by the Council. (*Please refer to the Council directly for further information.*)

1. The name and address of the nominating person or organization;
2. The name, address and identity number of the nominee;
3. An Acceptance Form duly completed and signed by the nominee;
4. Motivation for the appointment of the nominee to the Council (not exceeding one page);
5. A short Curriculum Vitae of the nominee (not exceeding two pages), the format of which can be found on SACAP website [www.sacapsa.com](http://www.sacapsa.com); and
6. A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. The recommended persons will be required to provide the Recommendation Panel, through the Registrar, with the copy of the identity document for verification and all other necessary documents.

All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to be within at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.

**South African Council for the Architectural Profession**

PO Box 408, Bruma, 2026

Physical: 1<sup>st</sup> Floor, Lakeside Place, Cnr Ernest Oppenheimer and Queen Street, Bruma, Johannesburg

Tel: +27 11 479 5000 | Fax: +27 11 479 5100

Email: [Nominations@sacapsa.com](mailto:Nominations@sacapsa.com)

Web: [www.sacapsa.com](http://www.sacapsa.com)

## ANNEXURE E

APPLIES TO ANNEXURES A, B, C AND D

## Proforma Curriculum Vitae

The format below should be closely followed.

(Unnecessary information should be avoided as far as possible.)

## CURRICULUM VITAE

(Name of Nominee)

1. **General Information:**

**Names & Surname:**

**Date of Birth:**

**RSA Identity Number:**

**Citizenship:**

**Country of Normal Domicile:**

**Professional Registration (SACAP or other):**

**Registration Number:**

**Other Professional Affiliations:**

**Academic Qualifications and Year attained:**

**Years Experience Post-qualification:**

2. **Professional Experience** (200 words)

**Specialisation:**

**Key Experience:** (Brief summary of most important work during stages of career)

3. **Involvement in Profession** (100 words)

**Contributions to Professional Associations, Societies and Councils:**

(Local & International)

4. **Key Attributes and Contributions on offer to new Council**

(i.e. Why you should be appointed) (100 words)