

SACPCMP

The South African Council for the Project and Construction Management Professions

— CONSTRUCTING NEW PERSPECTIVES —

SACPCMP POLICY ON REGISTRATION

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Table of Contents

Acronyms and Abbreviations	3
Definitions	3
1. Introduction.....	4
2. Legislative and Policy Framework.....	4
3. Policy Prescripts.....	5
3.1. Registration Categories.....	5
1.1. Application for Registration.....	6
1.2. Competency Frameworks	6
1.3. Assessment of Competency	7
1.4. Recognition of Educational Qualifications	7
1.5. Registration Criteria	8
1.6. Routes to Registration.....	8
1.7. Conditions for Refusal to Register an Applicant.....	10
1.8. Register of Registered Persons and Registration Certificates.....	11
1.9. Maintenance of Registration	12
1.10. Cancellation of Registration.....	12
1.11. Reregistration After Cancellation of Registration.....	13
2. Right to Appeal	13
3. PAJA Imperatives	14
3.1. Procedurally fair Administrative Action.....	14
3.2. Remedies of Administrative Action	15
4. Version Control.....	15
4.1. Maintenance of the policy	15
4.2. Dissemination	16

Acronyms and Abbreviations

CPD	Continuing Professional Development
IPDM	Initial Professional Development Modules
NLRD	National Learners' Records Database
NQF	National Qualifications Framework
SACPCMP	The South African Council for the Project and Construction Management Professions
SAQA	South African Qualifications Authority

Definitions

Registered Person	Is defined in the Act as a person registered under the categories referred to in section 18 of the Act.
The Act	In this policy 'the Act' refers to the founding legislation of the Council which is the Project and Construction Management Professions Act 48 Of 2000.

1. Introduction

The South African Council for the Project and Construction Management Professions is established through the Project and Construction Management Professions Act 48 of 2000, hereafter referred to as 'the Act' to provide for the registration of professionals. According to Section 1 (xiv) of the Act, registration is defined as assessment of competency of applicants for the purpose of registration under the Act and entering the names of the applicants who qualify into a register.

2. Legislative and Policy Framework

The powers given to the SACPCMP concerning registration are outlined in Section 11 of the Act. These relate to:

- i. The consideration of applications for registration
- ii. Prescribed period of validity of registration
- iii. Maintenance of a register of registered persons
- iv. Issuing of certificates

Other matters related to registration are covered in Sections 18, 19, 20, 21 and 22 of the Act. These relate to:

- i. Categories of registrations
- ii. Registration
- iii. Cancellation of registration
- iv. Authorised titles
- v. Renewal of registration
- vi. Return of registration certificate

As a South African Qualifications Authority (SAQA) recognised Professional Body, the SACPCMP's registration policy is also guided by the requirements of the *National Qualifications Framework Act 67 of 2008* and the *SAQA Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the Purposes of the National Qualifications Framework Act, Act 67 of 2008*. This means that all applicants successfully registered as professionals and in specified categories are captured on the National Learners' Records Database (NLRD) by conferring designations that are registered on the NQF.

Furthermore, the NQF Act stipulates the legislative requirements of a qualification obtained in South Africa. The Higher Education Act 101 of 1997 and Skills Development Act 97 of 1998 stipulate the quality assurance requirements for educational institutions and their educational programmes in order for the SACPCMP to legally recognise qualifications for the purpose of registration.

3. Policy Prescripts

3.1. Registration Categories

The Act specifies the categories of registration in Section 18 (1) (a), (b) and (c) under the following categories:

- (a) Professional, which is divided into –
 - (i) Professional Construction Manager; or
 - (ii) Professional Construction Project Manager;

- (b) Candidate, which is divided into –
 - (i) Candidate Construction Manager; or
 - (ii) Candidate Construction Project Manager; or

- (c) specified categories prescribed by the Council.

The SACPCMP thus registers successful applicants in the above categories, for which they will be conferred SAQA recognised designations as follows:

Professionals

Professional Construction Project Manager (PrCPM)
Professional Construction Manager (PrCM)

Specified Categories

Professional Construction Mentor (PrCMentor)
Construction Mentor (CMentor)
Professional Construction Health and Safety Agent (PrCHSA)
Construction Health and Safety Officer (CHSO)
Construction Health and Safety Manager (CHSM)
Professional Building Inspector (PrBInsp)
Certified Building Inspector (CBInsp)

Furthermore, the Council confers Candidate designations as follows:

Candidate Construction Project Manager (Can CPM)
Candidate Construction Manager (Can CM)
Candidate Construction Health and Safety Agent (Can CHSA)
Candidate Construction Health and Safety Officer (Can CHSO)
Candidate Construction Health and Safety Manager (Can CHSM)
Candidate Professional Building Inspector (Can PrBInsp)
Candidate Certified Building Inspector (Can CBInsp)

3.2. Application for Registration

According to Section 11 (a) and 19(1)(a) and (b):

- i. A person must apply in the prescribed application form for registration accompanied by the prescribed fee.

1.1.1. Prescribed Application Form

The SACPCMP prescribed application form is digitally available via its registration platform(s).

As part of the application, applicants will be required to sign and adhere to a Code of Conduct. If an applicant is found to be in breach of this Code of Conduct will result in a penalty against the applicant as determined by the SACPCMP.

1.1.2. Fees and Charges

In terms of Section 12 of Act 48 of 2000, the Council may, with regard to the fees and charges which are payable to the Council, determine:

- i. Application fees
- ii. Registration fees
- iii. Annual fees or portion thereof, in respect of a part of a year.
- iv. The date on which the fee or charge is payable
- v. Fees payable for an appeal in terms of section 24(1) or
- vi. Any other fee or charge it considers necessary

The Council may grant exemption from payment of application fees, registration fees, annual fees, charges, or a portion thereof referred to above on a case-by-case basis and after application by the relevant applicant.

Candidates are encouraged to upgrade to professional level within a period of three years from date of registration, whereafter they will pay a full fee irrespective of their registration status.

All the approved fees related to registration are gazetted annually and these are the fees which will be applied for the relevant period of validity.

3.3. Competency Frameworks

According to the Section 13 (d) of the Project and Construction Management Profession Act, 48 of 2000, the Council may consult with

the South African Qualifications Authority (SAQA) or any Body established by it and the voluntary associations, to determine competency standards for the purpose of registration.

A Competency Standards Framework for each category must be gazetted and implemented for a period determined by the Council, against which applicants must be assessed for the purpose of registration.

3.4. Assessment of Competency

According to Section 19 (1) of the Act a person applying as a professional must:

- 3.4.1. Demonstrate his or her competence as measured against standards determined by the SACPCMP for the relevant category of registration.
- 3.4.2. Pass any additional examinations that may be determined by the SACPCMP

The SACPCMP assessment of competency is outlined in the SACPCMP Competency Assessment Framework.

3.5. Recognition of Educational Qualifications

In order for the Council to recognise any educational qualification for the purpose of registration, which has been obtained in the Republic of South Africa:

- 3.5.1. It must be a full qualification
- 3.5.2. Registered on the NQF
- 3.5.3. Obtained from an accredited educational institution, this means that:
 - i. It is accredited by the Council for Higher Education (CHE) if it is an academic qualification
 - ii. It is accredited by the Quality Council for Trades and Occupation (QCTO) if it is an occupational qualification

With regards to foreign qualification has been evaluated by SAQA and evaluation certificate has been obtained.

The recognition of educational qualifications must be conducted in accordance with the SACPCMP's Criteria and Process for the Recognition of Educational Qualifications.

3.6. Registration Criteria

Registration Criteria must be developed for a period as determined by the SACPCMP, according to the applicable competency standards framework for each registration category. These Registration Criteria stipulate the requirements for applicants to be eligible for registration in a specific designation. The Registration Criteria must be gazetted for implementation.

3.7. Routes to Registration

3.7.1. Educational Route

i. SACPCMP Accredited Qualifications and Relevant Experience

If applicants have SACPCMP-accredited qualifications and the relevant experience as outlined in the gazetted Registration Criteria, they will be eligible for registration in the category for which they applied.

ii. SACPCMP Accredited Qualifications and No Relevant Experience

If applicants have SACPCMP-accredited qualifications and do not have the relevant experience as outlined in the Registration Criteria, they will be required to undertake a Structured Candidacy Programme, as determined by the SACPCMP and aligned to the competency framework for a specific designation, which will ensure that they obtain the required experience within the recommended time in order to be eligible for professional registration.

The candidature period must be stipulated in the gazetted Registration Criteria.

iii. Non-SACPCMP-Accredited Qualification and Relevant Experience

All applicants who are not in possession of SACPCMP accredited or recognised qualification for a specific category and have a built environment qualification (including foreign qualifications), will be required to undertake specific Initial Professional Development Modules (IPDM) which are deemed as being desirable to meet the category of registration for which they applied.

Before the above is determined the applicant will undergo an educational qualification evaluation, as described in the *Criteria and Process for the Recognition of Educational Qualifications*, conducted to determine equivalence to an SACPCMP accredited or recognised qualification for a specified designation.

The IPDM are developmental programmes that bridge the gap identified in the educational qualification evaluation and are tailored around each applicant's identified developmental area, which is dependent on their qualification.

The applicants will be required to undergo an examination on each module, as determined by Council, passing which they will receive a certificate of competence and be allowed to proceed with the professional registration process, if they are perceived to have the required experience.

iv. Non-SACPCMP-Accredited Qualification and No Relevant Experience

If applicants do not have SACPCMP accredited qualifications or recognised qualification for a specific category and have a built environment qualification (including foreign qualifications), and do not have the relevant experience as outlined in the gazetted Registration Criteria, they will be required to undertake a Structured Candidacy Programme, as determined by the SACPCMP and aligned to the competency framework for a specific designation, which will ensure that they obtain the required experience within the recommended time in order to be eligible for professional registration.

As part of the Structured Candidacy Programme these applicants will be required to undertake specific IPDM which are deemed as being desirable to meet the category of registration for which they applied. The applicant will undergo an educational qualification evaluation, as described in the *Criteria and Process for the Recognition of Educational Qualifications*, conducted to determine equivalence to an SACPCMP accredited or recognised qualification for a specified designation.

The IPDM are developmental programmes that bridge the gap identified in the educational qualification evaluation and are

tailored around each applicant's identified developmental area, which is dependent on their qualification.

The applicants will be required to undergo an examination on each module, as determined by Council, passing which they will receive a certificate of competence.

Thus, the requirements to be deemed eligible for professional registration will be upon successful completion of the Structured Candidacy Programme which includes the completion of IPDM as well as the obtaining of required experience.

The candidature period must be stipulated in the gazetted Registration Criteria.

3.7.2. Recognition of Prior Learning

Provision has been made for applicants who do not have the relevant formal qualification but have some substantial knowledge and experience in the field of a specific category. These applicants are allowed to go through a programme of Recognition of Prior Learning (RPL). The programme is designed to assess the amount of knowledge these individuals possess and credit them for their knowledge base.

RPL is governed by the SACPCMP Policy on Recognition of Prior Learning.

3.8. Conditions for Refusal to Register an Applicant

In terms of Section 19(3)(a), the Council may refuse to register an applicant on the following basis:

- a) if the applicant has been removed from an office of trust on account of improper conduct.
- b) if the applicant has been convicted of an offence within the Republic, other than offences committed prior to 27 April 1994 associated with political objectives and was sentenced to imprisonment without an option of a fine, or in the case of fraud, to a fine or imprisonment or both.
- c) if the applicant 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.

- d) if the applicant is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act of 1973.
- e) if the applicant is disqualified from registration as a result of any punishment imposed on him or her under the Act, 48 of 2000.
- f) if the applicant is an un-rehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing work falling within the scope of the category in respect of which he/she is applying for registration.

The SACPCMP must provide the applicant with a notice of refusal to register based on the conditions described above.

3.9. Register of Registered Persons and Registration Certificates

Section 11 (b) and (c) of the Act states that the SACPCMP may:

- i. prescribe the period of validity of the registration of a registered person,
- ii. keep a register of registered persons,
- iii. decide on the form of certificates,
- iv. decide on the maintenance of the register and certificates,
- v. decide on the reviewing of the register and certificates and the manner in which alteration thereto may be effected.

1.8.1. Design and form of registration certificates

Due to issues with security and possibility of fraud, the SACPCMP may change the design and security features of its registration certificates from time to time. Each new certificate must be extensively communicated to all of the SACPCMP's stakeholders and before implementation.

1.8.2. Validity of certificates

The SACPCMP registration certificate is valid for one (1) financial year, after which it must be renewed upon payment of the applicable annual registration fee.

1.8.3. Register of registered persons

The register of Registered Persons is maintained on the SACPCMP's online registration platform, in accordance with the Protection of Personal Information Act 4 of 2013.

3.10. Maintenance of Registration

3.10.1. Continuing Professional Development

To maintain their registration, all registered professionals and specified designations are required to show evidence of Continuing Professional Development (CPD) every three (3) year CPD period (known as a CPD cycle) as specified in the CPD Policy of the SACPCMP and Criteria for CPD Activities. Failure to comply with this may result in deregistration.

3.10.2. Renewal of Registration

According to Section 22 of the Act, a registered person must, at least three months prior to the prescribed expiry date of their registration, apply to the Council for the renewal of his or her registration. Furthermore, the Council may determine conditions for the renewal of registration. Barring when there are any exclusion or penalties against a Registered Person, the conditions of renewal will be as follows:

- a) Payment of the prescribed annual fee (as per gazette notice and validity period).

3.11. Cancellation of Registration

Section 20 of the Act stipulates the conditions under which the SACPCMP may cancel the registration of a Registered Person. The cancellation of registration may occur:

- i. If the registered person becomes disqualified from registration as described in Section 3.8. above.
- ii. If the Registered Person has erroneously been registered, or has been registered on information subsequently proved to be false; or
- iii. If the Registered Person fails to pay the prescribed annual fee or portion thereof, within 60 days from it becoming due or within such further period as the council may allow, either before or after the expiry of the 60 days.
- iv. When a candidate qualifies for professional registration, their candidate registration must be cancelled.
- v. When a Registered Person submits a written request to cancel their registration, except when an investigation into alleged improper conduct against the Registered Person, which must be concluded before the cancellation is implemented.

If it has been determined that a Registered Person's registration will be cancelled, the SACPCMP must notify the Registered Person of the pending cancellation.

Notwithstanding the cancellation of registration, the Registered Person will still be liable for any fee, arrears or penalty imposed by the Council for the period that they were registered.

3.12. Reregistration After Cancellation of Registration

According to Section 22 (3) of the Act the following conditions apply for the reregistration of previously registered persons are as follows:

3.12.1. Application for Reregistration

If a Registered Person has been deregistered under the conditions described in Sub-section 3.11 above, they will be required to apply for reregistration.

The reregistration of a previously Registered Person, based on the reason for cancellation and duration of the lapsed registration, may be on condition that they:

- a) Pass a competency assessment and/or examination determined by the SACPCMP,
- b) Pay the prescribed application for reregistration fee,
- c) Pay any arrear annual fee (where applicable),
- d) Pay any penalties imposed by the Council (where applicable).

4. Right to Appeal

According to Section 24 (1) of the Act, if an applicant is of the opinion that the SACPCMP in its refusal to register him or her, or to cancel his or her registration did not comply with section 33 of the Constitution, that applicant may appeal to the Council against that decision.

The above excludes the refusal or cancellation that is implemented for the following reasons:

- i. a cancellation in terms of Section 3.11 of this policy
- ii. or was found guilty of improper conduct,

To appeal the aggrieved applicant must:

- iii. make payment of the prescribed fees and
- iv. lodge the appeal within 30 days from the date on which the refusal or cancellation came to their knowledge,

Appeals are governed by the SACPCMP's Appeal Policy.

5. PAJA Imperatives

To give effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa.

5.1. Procedurally fair Administrative Action

- (1) Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair.
- (2) A fair administrative procedure depends on the circumstances of each case.

In order to give effect to the right to procedurally fair administrative action, an administrator (SACPCMP), must:

- i. give a person adequate notice of the nature and purpose of the proposed administrative action.
- ii. Provide a reasonable opportunity to make representations.
- iii. Provide a clear statement of the administrative action.
- iv. Provide adequate notice of any right of review or internal appeal, where applicable; and
- v. Provide adequate notice of the right to request reasons for the administrative action to give effect to the right to procedurally fair administrative action.

In order to give effect to the right to procedurally fair administrative action, an administrator (SACPCMP) may, in his or her or its discretion, also give a person

- vi. The opportunity to obtain assistance and, in serious or complex cases, legal representation.
- vii. The opportunity to present and dispute information and arguments; and
- viii. The opportunity to appear in person.

If it is reasonable and justifiable in the circumstances, an administrator (SACPCMP) may depart from any of the requirements referred to above. In determining whether a departure is reasonable and justifiable, an administrator (SACPCMP) must consider all relevant factors, including:

- ix. the objects of the empowering provision.
- x. the nature and purpose of, and the need to take, the administrative action.

- xi. the likely effect of the administrative action.
- xii. the urgency of taking the administrative action or the urgency of the matter; and
- xiii. the need to promote an efficient administration and good governance.

Where an administrator (SACPCMP) is empowered by any empowering provision to follow a procedure which is fair, the administrator may act in accordance with that different procedure.

An administrator (SACPCMP) must convene an internal tribunal to hear a case convened by a person aggrieved and seeking relief for just administrative action. The tribunal shall follow the same procedure as that of a case of against a professional for misconduct.

5.2. Remedies of Administrative Action

The tribunal, in proceedings for review, may grant any order that is just and equitable, including orders directing the administrator (SACPCMP):

- i. to give reasons; or
- ii. to act in the manner the tribunal requires.
- iii. prohibiting the administrator from acting in a particular manner.
- iv. setting aside the administrative action and
- v. remitting the matter for reconsideration by the administrator, with or without directions; or
- vi. in exceptional cases, substituting or varying the administrative action or correcting a defect resulting from the administrative action; or
- vii. directing the administrator or any other party to the proceedings to pay compensation.
- viii. declaring the rights of the parties in respect of any matter to which the administrative action relates.
- ix. granting a temporary interdictor or temporary relief or
- x. as to costs.

6. Version Control

6.1. Maintenance of the policy

The current policy will be reviewed every five (5) years and will be scheduled. Unscheduled reviews will be triggered by the following:

- i. Legislation changes
- ii. Benchmarking (changes in benchmarks or new benchmarks)
- iii. Changes in technology

6.2. Dissemination

The policy will be made available to SACPCMP stakeholders and the general public on the SACPCMP website after publishing in the Government Gazette. It will be disseminated externally on request.