

C B E

COUNCIL
FOR THE BUILT
ENVIRONMENT

architecture
engineering
landscape architecture
project & construction management
property valuation
quantity surveying

Built Environment Codes of Conduct

SA COUNCIL FOR THE ARCHITECTURAL PROFESSION

ENGINEERING COUNCIL OF SOUTH AFRICA

SA COUNCIL FOR THE LANDSCAPE ARCHITECTURAL PROFESSION

SA COUNCIL FOR THE PROJECT AND CONSTRUCTION MANAGEMENT PROFESSIONS

SA COUNCIL FOR THE PROPERTY VALUERS PROFESSION

SA COUNCIL FOR THE QUANTITY SURVEYING PROFESSION

Volume 1 (2013)



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BOARD NOTICE 154 OF 2009**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION****THE CODE OF PROFESSIONAL CONDUCT**

Notice is hereby given that the South African Council for the Architectural Profession has in terms of the requirements of section 27(1) of the Architectural Profession Act 2000 (Act 44 of 2000) made the rules set out in the Schedule hereto in terms of section 38(1) of the said Act.

SCHEDULE**DEFINITIONS**

In these rules, unless contrary to the context, any expression or word to which a meaning has been assigned in the Architectural Profession Act, 2000 (Act 44 of 2000) shall bear the same meaning and –

'architectural practice' means the business of a registered person conducted within the architectural profession as a sole proprietorship, partnership, company, close corporation and/or other juristic person and where the word **'practice'** is used on its own in these rules it shall bear the same meaning;

'complaint' means any information or allegation regarding improper conduct by a person registered in terms of the Act, which comes to the attention of the registrar or **the Council**;

'member of a closely allied profession' means a person registered in terms of the
Architectural Profession Act No 44 of 2000.
Engineering Profession Act No 46 of 2000.
Landscape Architectural Profession Act no 45 of 2000.
Project and Construction Management Professions Act No 48 of 2000.
Quantity Surveying Profession Act No 49 of 2000.
Planning Professions Act No.36 of 2002;
Property Valuers Profession Act No 47 of 2000

'principals' are the sole practitioners, members, partners, shareholders and/or other juristic persons having control of the **practice**;

'registered principals' are the shareholders in a practice who are registered persons in terms of the Act;

'registered professional' means a person registered in one of the categories of professionals referred to in section 18 of the Act;

'registered person' means a person registered in one of the categories of professionals and candidates referred to in section 18 of the Act;

'the Act' means the Architectural Profession Act, 2000 (Act 44 of 2000) and any amendments thereto;

'the Council' means the South African Council for the Architectural Profession as contemplated in the Architectural Profession Act No. 44 of 2000;

'type of practice' means the category in which the **registered principals** in the practice can practise architecture.

PREAMBLE

This preamble as far as is relevant, forms part of these rules.

Registered persons are subject to the disciplinary supervision of the Council. The rules lay down standards of professional conduct and practice which must be complied with. Failure to comply would lead to investigation which could result in a disciplinary hearing.

It is an overriding obligation under the rules that, in carrying out professional work, a registered person is expected to act with due skill, competency and integrity. In this context, the Council must investigate any complaint of unacceptable professional conduct as set out in these Rules.

If a registered person is in breach of any provision or of any rule published in terms of the Act, which constitute improper or unprofessional conduct, in the carrying on of his profession, as a natural person in private practice, the Council shall proceed jointly against the **registered principals** of the practice.

- (d) must disclose to their employers and clients, or prospective employers or clients, in writing: -
- (i) any interest, whether financial or otherwise, which they may have in any business undertaking or with any person, and which is related to the work for which they may be or have been employed;
 - (ii) particulars of any royalty or other benefit which accrues or may accrue to them as a result of the work; with the client or employer concerned; and
 - (iii) the status of their professional indemnity insurance cover, upon request;
- (e) may not, either directly or indirectly, receive any gratuity, commission or other financial benefit for any article or process used in, or for the purpose of, the work for which they are employed, unless such gratuity, commission or other financial benefit has been disclosed in writing to the employer or client concerned;
- (f) must avoid situations that give rise to a conflict of interest or the potential for such conflict of interest;
- (g) may not knowingly misrepresent, or permit misrepresentation of their own or any other person's academic or professional qualifications or competency, nor knowingly exaggerate their degree of responsibility for any work;
- (h) must give engineering decisions, recommendations or opinions that are honest, objective and based on facts;
- (i) may neither personally nor through any other person, improperly seek to obtain work, or by way of commission or otherwise, make or offer to make payment to a client or prospective client for obtaining such work;
- (j) must ensure that any work approved or certified by them, has been reviewed or inspected to the extent necessary to confirm the correctness of the approval or certification;
- (k) 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;
- (l) must notify Council on becoming insolvent where such insolvency is caused by his or her negligence or incompetence in performing engineering work;
- (m) must, without delay, notify Council if they become subject to one or more of the following:
- (i) removal from an office of trust on account of improper conduct;
 - (ii) being convicted of an offence and sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.

RULE 1 UNPROFESSIONAL CONDUCT

- 1.1 A registered person shall refrain from
- 1.1.1 conduct which falls short of the standard required of a person registered in terms of the Act;
 - 1.1.2 conduct which would in the opinion of the Council be detrimental to the esteem, dignity, and/or professionalism of the architectural profession;
 - 1.1.3 conduct which would tend to bring the architectural profession into disrepute.
- 1.2 A registered person shall notify the Council without delay if he/she becomes subject to any disqualification as contemplated in section 19(3) of the Act.

RULE 2 TECHNICAL COMPETENCE AND PROFESSIONAL WORK

- 2.1 A registered person shall only undertake architectural work which is identified for the category of registration in which he/she is registered in terms of section 18 of the Act and in accordance with the registration categories in force.
- 2.2 Where work is carried out by a registered candidate, on behalf of a registered professional, such registered professional shall be responsible for ensuring that the person doing the work is competent to perform the task, and if necessary, appropriately registered and is adequately supervised.
- 2.3 A person registered in the category of candidate must perform work in the category for which he/she is registered under the direction, control and/or continual supervision of a registered professional entitled to perform such work and who must assume responsibility for any such work performed by the candidate.
- 2.4 A registered person shall regularly engage in continuing professional development activities in order to ensure that he/she keeps up to date with developments in the practice of architecture and to enhance and maintain his/her professional expertise and competence.

RULE 3 PROMOTION OF SERVICES

- 3.1 A registered person may only promote his/her professional services in a truthful and responsible manner.
- 3.2 Credit for work done during a period as a principal or employee of another architectural practice should make reference to such practice and be clearly described.
- 3.3 The name under which an architectural practice operates should not be misleading, or capable of being confused with that of another practice.
- 3.4 Services offered shall be described in a factual manner that is related only to the work of the professional disciplines and categories of registration represented in a practice.

- 3.5 A registered person shall declare to any potential client any business interests, including any interests in the business of trading in land or business of property developers, property auctioneers, estate agents, building contractors, subcontractors, suppliers in or to the building industry, or in a design - and - build **practice**, the existence of which interest, if not declared, would raise or may be likely to raise doubts about his/her integrity and impartiality as an independent professional.

RULE 4 PROFESSIONAL RESPONSIBILITIES

A registered person shall only:

- 4.1 undertake to perform architectural work where the registered person has clearly set out in writing the terms of the appointment, which must inter alia include the following:
- 4.1.1 the scope of the work;
 - 4.1.2 the services to be provided;
 - 4.1.3 the allocation and limitation of responsibilities;
 - 4.1.4 fee payable for the work or services, the method of calculating it (if appropriate) and the stage(s) at which it will be payable;
 - 4.1.5 the budget (if applicable) or other cost limit for the project, work or service, and the method and implication of estimating costs;
 - 4.1.6 provisions for termination of the agreement;
 - 4.1.7 details of the professional indemnity insurance; and
 - 4.1.8 provision for dispute resolution.
- 4.2 issue any drawings, specifications or documents in respect of work performed by him/her or by a person in his/her employ or by a member or employee of the **architectural practice** of which he/she is a member, which bears his/her name and/or registration number or the name of his/her **architectural practice**;
- 4.3 sign or otherwise identify as having been issued by him/her any building plan or document of which he/she or his/her **architectural practice** is the bona fide author or where such building plan or document has been prepared under his/her direct supervision;
- 4.4 submit plans to the local or other authority for approval, unless such submission is done under cover of an architectural compliance certificate as provided for in the annexure hereto;

A registered person shall:

- 4.5 not receive, directly or indirectly, any commission or remuneration for recommending a particular contractor to a client for work on a building project;
- 4.6 not receive, directly or indirectly any royalty, gratuity, commission, or other remuneration on any article, fitting, installation or process used in or for the purpose of the work in respect of which he/she is employed, unless he/she has notified his/her

- employer or client, in writing, of such royalty, gratuity, commission or other remuneration;
- 4.7 not practice architecture during any period in respect of which his/her registration has been suspended;
- 4.8 not negligently issue any certificate in connection with any building project on which he/she is professionally engaged.

RULE 5 ESTABLISHMENT OF AN ARCHITECTURAL PRACTICE AND CARRYING ON OF A BUSINESS

- 5.1 Any registered principal who practices architecture in any form shall within 30 days of the establishment of a business inform **the Council** thereof in writing, giving full details of the practice name, address from which the practice is conducted, type of practice and names of partners, shareholders, directors or members.
- 5.2 **The Council** shall be informed of any changes in name, type, address, composition of a **practice** and its termination, within 30 days of the relevant occurrence.
- 5.3 The registered principals of a practice shall display their registration certificates in a prominent place in their office.
- 5.4 A registered person shall not, except with the permission of **the Council** and under such conditions as **the Council** may prescribe, enter into any professional relationship or association with any person who is not a registered person or a registered professional of a closely allied profession. Permission will not be granted if the person concerned:
- 5.3.1 is disqualified from registration under any provisions of the Act or from membership of any closely allied profession;
- 5.3.2 is qualified to register under any category provided for under the Act but has not done so.
- 5.5 Registered person(s) may not describe their **practice** as solely practicing architecture unless effective control in terms of majority shareholding, members interest or voting powers is in the hands of persons registered in terms of the Act.
- 5.6 Effective control of any multi-disciplinary professional firm, which also practices architecture, shall be in the hands of **registered professionals** and of registered professionals of closely allied professions.
- 5.7 Every office established for the purpose of conducting an **architectural practice** shall be under the continuous, direct and personal supervision of a **registered professional**. However the registrar may give permission for such office to be supervised on an intermittent basis for such period of time as the registrar may, at his/her discretion, determine, provided that a **registered professional** shall be present in such office for at least one full day per week during normal office hours and that the time of attendance is prominently displayed outside the office. Permission may be granted to allow time for the replacement of a **registered professional** who has left the practice or for the

employment of staff where an office has to be established to provide services for a project.

- 5.8 **The Council** may order that an architectural practice be dissolved if any partner, member or shareholder who is not a registered person but is eligible for registration, has been guilty of any act which, had he/she been a registered person, would have constituted a breach of any provision of the Act or these rules.
- 5.9 **The type of practice** is determined by the most senior category of registered person actively practising in the practice. The name 'professional' can be omitted from the trading name of the practice. The practice shall not use a type which portrays itself to be in a more senior category than the **registered principals** of the practice.

5.10 Letterheads

The letterheads of the practice shall display the following:

- 5.10.1 Name of the **architectural practice** and **type of practice**;
- 5.9.2 The names of the **principals** and their registration numbers;
- 5.9.3 The category of registration of the **principals**, using the prescribed abbreviation:
- Professional Architectural Draughtsperson (PrArchDraught)
 - Professional Architectural Technologist (PrArchT)
 - Professional Senior Architectural Technologist (PrSArchT)
 - Professional Architect (PrArch)
- 5.9.4 The professional designation and qualification of all **principals** who are not registered with the **Council**;
- 5.9.5 Physical and postal address, telephone, fax and email, CIPRO and VAT registration numbers, if applicable,.

Practices or registered professionals may not display the Council's logo on any corporate stationery or letterheads, as it is copyrighted.

RULE 6 INTERNATIONAL WORK

- 6.1 A registered person shall in connection with work outside the borders of South Africa order his/her conduct in accordance with the officially recognised standards and rules of professional conduct in the country concerned: provided that where there are no officially recognised standards or rules of professional conduct in such country, these rules shall apply.
- 6.2 **Registered persons** undertaking work in a foreign country in which they are not appropriately registered, whether their work is a result of a government to government agreement or a requirement of a funding institution or a project from the private sector, shall collaborate with a local architect to ensure that proper and effective understanding is given to legal, environmental, social, cultural and heritage factors. The conditions of

the association should be determined by the parties alone in accordance with international ethical standards and local statutes and laws and must be committed to writing, giving effect to Rules 4.1 to 4.7.

6.3 Disciplinary Procedures

Disciplinary procedures are set out in sections 28 to 33 of the Act and in the Rules for Disciplinary Proceedings published under Board Notice 14 of 2006 in Government Gazette no. 28605 of 17 March 2006.

REPEAL OF PREVIOUS RULES

The rules published under Board Notice 28 of 2004 are hereby repealed.

BOARD NOTICE 256 OF 2013

**Rules of Conduct for Registered Persons:
Engineering Profession Act, 2000
(Act No. 46 of 2000)**

The Engineering Council of South Africa hereby, in terms of section 36 of the Engineering Profession Act, (Act No. 46 of 2000), makes known that it has under section 27 of that Act, made the rules in the Schedule.

SCHEDULE

Objectives

1. The objectives of this Schedule are to ensure that Registered Persons, in the execution of their engineering work -
 - (1) apply their knowledge and skill in the interests of the public and the environment;
 - (2) execute their work with integrity and in accordance with generally accepted norms of professional conduct;
 - (3) respect the interests of the public and honour the standing of the profession;
 - (4) strive to improve their professional skills and those of their subordinates;
 - (5) encourage excellence within the engineering profession; and
 - (6) do not prejudice public health and safety.

Definitions

2. In this Schedule any expression or word that has been defined in the Act has that meaning, and unless the context otherwise indicates -
 - (1) **"business undertaking"** means any business enterprise or entity, joint venture, consortium, association or any such organisation or entity;
 - (2) **"Council"** means Engineering Council of South Africa established by section 2 of the Act;

- (3) **"Information"**; means engineering documents and data produced or relied upon by the Registered Person in the performance of work that form a material part of the project records, including design calculations and drawings, whether electronic format or otherwise.
- (4) **"Registered Persons"** means persons registered in terms of the Act;
- (5) **"the Act"** means the Engineering Profession Act, 2000 (Act No. 46 of 2000); and
- (6) **"work"** means any engineering work normally carried out by Registered Persons in the practice of their profession.

Rules of Conduct: Ethics

3. Registered Persons in fulfilling the objectives contemplated in clause 1 above must comply with the following rules:

Competency

3(1) Registered Persons: -

- (a) must discharge their duties to their employers, clients, associates and the public with due care, skill and diligence.
- (b) may only undertake work which their education, training and experience have rendered them competent to perform and is within the category of their registration;
- (c) must, when carrying out work, adhere to norms of the profession.

Integrity

3(2) Registered Persons: -

- (a) must discharge their duties to their employers, clients, associates and the public with integrity, fidelity and honesty;
- (b) must not undertake work under conditions or terms that would compromise their ability to carry out their responsibilities in accordance with the norms of the profession;
- (c) must not engage in any act of dishonesty, corruption or bribery;

Public Interest**3(3) Registered Persons: -**

- (a) must at all times have due regard for and give priority to the health, safety and interest of the public.
- (b) must when providing professional advice to a client or employer, and such advice is not accepted, inform such client or employer of any consequences which may be detrimental to the health, safety or interests of the public and at the same time inform the Council of their action.

Environment**3(4) Registered Persons must at all times -**

- (a) have due regard for, and in their work avoid or minimise, adverse impact on the environment; and
- (b) strive to ensure that in meeting present development needs, the ability of future generations to meet their needs is not compromised,

Dignity of the Profession**3(5) Registered Persons: -**

- (a) must order their conduct so as to uphold the dignity, standing and reputation of the profession;
- (b) may not maliciously or falsely, whether in the practice of their profession or otherwise, knowingly injure the professional reputation or business of any other Registered Person or the reputation of the Council;
- (c) may not improperly supplant or attempt to supplant a Registered Person in a particular engagement after such Registered Person has been employed;
- (d) may not advertise their professional services in a misleading or exaggerated manner or in a manner that is harmful to the dignity of the profession;
- (e) may not review the work carried out for a particular client by another Registered Person, except -
 - (i) where the review is carried out for a different client; or
 - (ii) with the prior knowledge of the other Registered Person; or
 - (iii) after receipt of a notification in writing from the client that the engagement of the other Registered Person has been terminated; or
 - (iv) where the review is intended for purposes of dispute resolution or legal proceedings, including proceedings arising from these Rules; or
 - (v) for routine or statutory checks.

Administrative

4. Registered Persons: -

- (a) may not without satisfactory reasons destroy or dispose of, or knowingly allow any other person to destroy or dispose of, any information within a period of 10 years after completion of the work concerned;
- (b) may not place contracts or orders, or be the medium of payments, on their employer's or client's behalf without the written authority of the employers or clients;
- (c) may not issue any information prepared by them or by any other person under their direction or control, unless this information bears -
 - (i) the name of the organisation concerned;
 - (ii) the name of the Registered Person concerned or another appropriately qualified and authorised person; and
 - (iii) the date of preparation.
- (d) may, in instances where the signature of a Registered Person is required, use an electronic signature as defined in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);
- (e) must order their conduct in connection with work outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the law of the country concerned: Provided that where there are recognised standards of professional conduct in a country outside the Republic, they must adhere to those standards in as far as they are not inconsistent with these rules.
- (f) must supervise, and take responsibility for, work carried out by their subordinates including persons registered as candidates;
- (g) must ensure that, while engaged as partners, directors, members or employees of a business undertaking which performs work, the control over the work is exercised, and the responsibility in respect thereof is carried out by a Registered Person other than a person registered as a candidate in terms of section 18 (1)(b) of the Act;
- (h) must, when requested by the Council to do so, in writing provide the Council with all the information available to them which may enable the Council to determine which Registered Person was responsible for any act that the Council may consider *prima facie* to be improper conduct;
- (i) must notify Council without delay of any change of his or her physical address;
- (j) must within 30 days respond to correspondence received from clients, colleagues and Council in so far as it relates to work or proceedings in terms of these Rules.

Repeal of Rules

5. The rules published in Board Notice 15 of 2006 are hereby repealed, subject to section 12(2) of the Interpretation Act, 1957 (Act No. 33 of 1957).

Short title

6. This Schedule is called the Code of Conduct for Registered Persons.



**SOUTH AFRICAN COUNCIL
FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION**

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CODE OF CONDUCT

(Gazette Nr 35139 of 16 March 2012)

**FOR THE
SOUTH AFRICAN COUNCIL FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION
(SACLAP)**

The South African Council for the Landscape Architectural Profession has, under Section 27 (1) of the Landscape Architectural Profession Act, 2000 (Act Nr 45 of 2000) determined the Code of Conduct for registered professionals.

Date: March 2012

1. OBJECTIVE

- 1.1 This Code of Conduct aims to promote the standard of ethical behaviour by any person registered by the South African Council for the Landscape Architectural Profession in terms of the Landscape Architectural Profession Act, 45 of 2000.
- 1.2 Furthermore it is aimed at promoting sound corporate governance principles within the landscape architectural environment and the broader built environment.
- 1.3 Every Landscape Architect registered with the South African Council for the Landscape Architectural Profession is guided by this Code of Conduct.

2. JURISDICTIONAL APPLICATION

- 2.1 Where a person is registered in another country as a landscape professional by a body similar to the South African Council for the Landscape Architectural Profession and that person practices or carries out work within the borders of the Republic of South Africa, and the provisions of this Code of Conduct are contrary to the provisions of the Code of Conduct of the country where that person is registered as a landscape professional, the provisions of this Code of Conduct supersedes those of that country.
- 2.2 Where the work of a registered person is done in another country and the provisions of the Code of Conduct of that country is contrary to the provisions of this Code of Conduct, the provisions of the Code of Conduct applicable in that country supersedes the provisions of this Code of Conduct.

3. INTERPRETATION

In this Code of Conduct, unless context otherwise indicates:

- 3.1 Word signifying the singular shall include the plural and vice versa.
- 3.2 Headings of clauses are for convenience only and shall not aid in the interpretation or modification of clauses of this Code of Conduct.
- 3.3 Words and phrases defined in this Code of Conduct shall bear the meanings assigned to them throughout this Code of Conduct.
- 3.4 The word “registered person” means a person registered by the South African Council for the Landscape Architectural Profession as a Professional Landscape Architect, Professional Landscape Technologist; Professional Landscape Technician or Professional Landscape Assistant in terms of section 18 of the Landscape Architectural Profession Act, 45 of 2000.
- 3.5 Councils for the professions means any of the following Councils:
 - (a) South African Council for the Architectural Profession, established by the Architectural Profession Act, 2000;
 - (b) South African Council for the Project and Construction Management Professions, established by the Project and Construction Management Professions Act, 2000;
 - (c) Engineering Council of South Africa, established by the Engineering Profession Act, 2000;
 - (d) South African Council for the Landscape Architectural Profession, established by the Landscape Architectural Profession Act, 2000;
 - (e) South African Council for the Property Valuers Profession, established by the Property Valuers Profession Act, 2000; and

- (f) South African Council for the Quantity Surveying Profession, established by the Quantity Surveying Profession Act, 2000.

4. PRINCIPLES GOVERNING THE CONDUCT OF THE PARTIES

A registered person shall -

- 4.1 Perform his or her duties and functions diligently and honestly;
- 4.2 Fulfil all obligations imposed on him or her in this Code of Conduct;
- 4.3 Act in good faith and best interest of good corporate governance;
- 4.4 Act in all respects in a manner that is that is consistent with the integrity of the landscape architectural profession;
- 4.5 Not maliciously or recklessly injure or attempt to injure the reputation of another party.

5. PUBLIC INTEREST

A registered person shall, in the execution of his or her duties -

- 5.1 Promote and maintain the highest standard and have regard for the health and safety of the public;
- 5.2 Immediately take measures or report to the appropriate authority any situation in which the public is exposed to risk concerning health, safety, interest or welfare;
- 5.3 Respect the constitutional rights of the individuals or community involved;
- 5.4 At all times maintain strict confidentiality of information obtained from clients or employers;
- 5.5 Not act in a manner that may be construed as betrayal of public trust;
- 5.6 Ensure that the information presented to an individual or community is given in a form and language that the community or individual can understand;
- 5.7 Have due regard for the consequences of proposed work on health, safety, interest and welfare and customs of local communities;
- 5.8 Treat with respect and obey the laws, customs, tradition and cultures of communities;
- 5.9 Have due regard for the consequences of the proposed work on social, political and religious beliefs of the community;
- 5.10 Act responsibly and honestly in execution of all work;
- 5.11 Report to the South African Council for the Landscape Architectural Profession the professional advice submitted but not accepted by an individual or community if he or she is of opinion that such non-acceptance of advice may jeopardise the health, safety and welfare of the public;
- 5.12 Exercise due care and diligence especially where projects and lay clients and members of the public are concerned;
- 5.13 When an employer or client proposes activities that will adversely affect the safety, health, interest or welfare of the public, inform the employer or client of accepted professional principles and practice and the possible adverse consequences of the proposed activities, and take all reasonable steps to find alternative solutions to such proposed activities, but when all else fails:
 - 5.13.1 Must inform the South African Council for the Landscape Architectural Profession of such activities and professional advice submitted;
 - 5.13.2 Where there is concrete evidence of risk to public safety and health, clause 4.13.1 supersedes all confidentiality clauses in this Code of Conduct;

- 5.14 Not accept work beyond his or her competence except if such work is undertaken in conjunction with a registered person who has the required competence, after a written disclosure to the employer or client and upon receiving written approval from the employer or client.

6. ENVIRONMENTAL PROTECTION

A registered person shall, in the execution of his or her duties -

- 6.1 Have due regard for the protection of the environment;
- 6.2 Maximise the use of renewable resources;
- 6.3 Promote sustainable development and protect the reproductive capacity of the environment;
- 6.4 Apply environmentally friendly procedures;
- 6.5 Anticipate negative impact on the environment and on people's environmental rights as enshrined in the Constitution;
- 6.6 Take all reasonable measures to minimise the adverse impact on the environment, people's environmental rights as enshrined in the Constitution and biodiversity. This involves measures to cease, modify or control an act that may result in environmental degradation or infringing on the people's environmental rights that are enshrined in the Constitution;
- 6.7 Take all reasonable measures to avoid disturbance of landscapes and sites that constitutes the nation's cultural heritage sites. Where it cannot be altogether avoided, take measures to minimise impact;
- 6.8 Not wilfully accept or propose work that has a direct or indirect negative impact on sustainability of biodiversity or potential threat to ecosystems, unless a valid environmental impact assessment has been undertaken and proposals on the minimisation and remedial action submitted and approved by the relevant authority;
- 6.9 Avoid waste spillage that may result in environmental degradation or disturbance of ecosystems. Where it cannot be avoided, take measures to minimise, re-use or recycle or dispose of it in a responsible manner;
- 6.10 Inform employers or clients that all registered persons are subject to this section of the Code of Conduct.

7. CLIENTS AND EMPLOYERS

A registered person shall -

- 7.1 Before accepting a proposal for work, inform the client or employer about his or her registration status. This includes providing the client or employer with details of procedures for complaints and verification of registration status;
- 7.2 Where possible, provide the client or employer with a plan with the details of work to be done and the proposed completion date or time of the work;
- 7.3 Finalise the terms of service provision or employment regarding scope of work, limits of responsibility, remuneration and conditions for termination of service in writing before he or she commences work for an client or employer;
- 7.4 Report regularly to the client or employer about the progress of work;

- 7.5 Inform the client or employer timeously of avoidable or unavoidable delays in the progress of the work he or she is executing;
- 7.6 Never alter the scope of work without the approval of the client or employer;
- 7.7 Report regularly to the client or employer about the expected cost of work done and the expected date of completion;
- 7.8 Use prudent advertising that is not misleading, exaggerated or contrary to public interest when he or she approaches a prospective client to ensure that only facts that are true, correct and to the point are presented; and his or her capabilities and competence are not overstated.

8. PERSONAL AND BUSINESS ETHICS

A registered person shall not -

- 8.1 Solicit or accept or receive a gift or a bribe in return for the performance of duties;
- 8.2 Become involved directly or indirectly in acts of corruption or deception or dishonesty;
- 8.3 Recklessly, intentionally, maliciously or carelessly do anything that may directly or indirectly injure the reputation, prospects or business of other registered persons;
- 8.4 Become involved in acts that may negatively affect the integrity of the profession;
- 8.5 Conduct himself or herself in a manner that may be construed as improper, disgraceful, inappropriate and dishonourable;
- 8.6 Accept from or offer to someone in a business relationship either with himself or herself or with the client or employer a gift, gratuity, inducement, confidential information, commission, entertainment, benefit, royalty or service in return for performance of his or her duties;
- 8.7 Accept payment from another party other than the client or employer for the relevant work - unless the payment is made on behalf of the client or employer for professional services rendered;
- 8.8 Reproduce work prepared by another person (without properly acknowledging it) to create the impression that he or she had done it;
- 8.9 If work is done outside the borders of the Republic of South Africa, fail to obey the requirements of this Code of Conduct and the laws of another country in so far as they apply to the landscape architectural profession and the proposed work, as well as those of the other country that does not have its own code of ethics or code of conduct;
- 8.10 Use information not known to others in order to gain unfair advantage in a business relationship;
- 8.11 Fail to comply with the requirements of this Code of Conduct unless the South African Council for the Landscape Architectural Profession gives approval to do so.

9. COMPETENCIES, EXPERIENCE AND QUALIFICATION

A registered person shall not -

- 9.1 Misrepresent or allow the misrepresentation of his or her registration status or of others, professional qualifications, experience, responsibility or competence, membership of institutions or associations or other such bodies or registration of others or himself or herself
- 9.2 Divulge information directly or indirectly provided by an client or employer to a third party unless required to do so by law or required to do so by this Code of Conduct to assist in the investigation of a complaint made to the South African Council for the Landscape Architectural Profession or required to

do so by a disciplinary tribunal of the South African Council for the Landscape Architectural Profession or written permission is given by the client or employer to divulge the information.

10. PROFESSION

A registered person shall -

- 10.1 Maintain an obligation to his or her profession by advancing his or her own knowledge, education and training and those of team members and colleagues in order to serve clients and employers to the required professional standards; and nurturing and developing junior and new professionals throughout their careers;
- 10.2 Promote the dignity, prestige and integrity of the landscape architectural profession;
- 10.3 Deliver work that meets the standards of quality of the landscape architectural profession;
- 10.4 Advertise and communicate to the public his or her professional services in a respectable manner that presents a fair representation of his or her experience, knowledge, skills and competencies, does not prejudice or disrespect the beliefs, cultures, religion and interests of the public and does not negatively impact on the dignity and integrity of landscape architectural profession;
- 10.5 Review the work of another registered person only when -
 - (a) the review is to be used in a court of law or another form of dispute resolution;
 - (b) the review is to be used by one of the Councils for the Professions and
 - (c) a disciplinary tribunal has been appointed by such Council to hear a complaint against such registered person;
 - (d) given written notice that the services of such other registered person have been terminated;
 - (e) such other registered person has been notified of the intended review and is given an opportunity to study the review and comment on its contents;
 - (f) such other registered person has been fully paid for work done;
 - (g) a client or employer requested a review of the work of another registered person
- 10.6 Only issue work documents that -
 - (a) have been signed by all registered persons concerned with the content of the documents;
 - (b) clearly bear the names of registered persons (or practices) who signed the document,
 - (c) their registration status, their physical addresses, postal addresses, fax numbers or telephone numbers;
 - (d) show the date of signature of the documents;
 - (e) indicate the respective responsibilities of those who performed the relevant work;
- 10.7 Properly supervise work delegated to others to ensure satisfactory completion;
- 10.8 Accept and perform his or her work conscientiously with due care, fidelity, honesty, integrity, objectivity, thoroughness, care, diligence and total compliance with the laws, codes of practice and regulations that apply to the landscape architectural profession;
- 10.9 Act as a faithful agent or trustee of his or her client or employer in his or her work;
- 10.10 Treat all persons equitably regardless of race, gender, sex, ethnic or social origin, colour, sexual orientation, disability, religion, conscience, belief, political affiliation, culture or language;
- 10.11 Provide work to accepted standards and norms of the landscape architectural profession;
- 10.12 Give opinions, statements and reports that are honest, reliable, fair, impartial and based on facts;

- 10.13 Immediately disclose in writing to his or her client, employer, prospective client and prospective employer any conflict of interest that is actual, potential, perceived or that could reasonably be construed as being actual or potential or perceived and must in any such a case withdraw from the work even if the work has already started unless -
- (a) the client or employer agrees in writing that the work may continue acknowledging the information about the conflict in writing
 - (b) the matter is disclosed in all relevant documents or reports and
 - (c) if it will compromise the legitimate interests of the work in which case the client or employer must be advised by an independent registered person in writing to obtain professional legal advice on the matter;
- 10.14 Not quote a fee for work without having received sufficient information to enable him or her to assess the nature and scope of the work required in executing the work;
- 10.15 Must carry out his or her responsibilities according to the required professional standards towards his or her client and employer through:
- (a) having at his or her command, the qualifications, knowledge, training, education, experience, resources in work force and financial ability before accepting the work or if unable to meet these requirements; and
 - (b) disclose to the client or employer in writing the particulars of the lack of qualifications, knowledge, training, education, experience, resources in work force financial ability necessary to complete the work;
- 10.16 Reply as soon as practically possible or within 30 days to correspondence from the client or employer;
- 10.17 Inform the client or employer in writing when accepting work about the procedures for submitting complaints against conduct or the work of a registered person;
- 10.18 Closely maintain and satisfy the scope and objectives of the work even when there have been changes by the client or employer;
- 10.19 Not attempt to replace another registered person that has been duly appointed by a client or employer to do the work without confirming that the appointment was duly terminated and must ensure no other registered person was already appointed before accepting the appointment, unless there is a written permission from the client or employer confirming that the first registered person was unable to satisfy the requirements of the work or is injured, become disabled or deceased and is unable to carry out the work as initially agreed;
- 10.20 Continuously improve his or her professional skills and those of his or her subordinates.

11. GENERAL PRINCIPLES

A registered person shall -

- 11.1 Sign documents only when the work has been done by himself or herself or under his or her direct supervision;
- 11.2 Where work has been done with others, accept joint responsibility with co-signatories for the work concerned;
- 11.3 Notify the South African Council for the Landscape Architectural Profession immediately if he or she is declared insolvent, provisionally or finally sequestrated or liquidated; becomes medically unfit to be or

- remain a registered person; becomes physically unable to carry out his or her duties according to the required standards of the profession, is declared by a competent authority or court to be mentally ill or is convicted of a criminal offence;
- 11.4 Report to the South African Council for the Landscape Architectural Profession or a relevant authority if another registered person provides a client or employer with a misleading opinion, analysis or conclusion about work;
 - 11.5 Fully cooperate with any request for information or directive from the South African Council for the Landscape Architectural Profession when a complaint has been lodged against a registered person or where the South African Council for the Landscape Architectural Profession deems there to be a *prima facie* breach of this Code of Conduct;
 - 11.6 Accept responsibility for the work that he or she does;
 - 11.7 Keep all plans, records, instructions, certificates, drawings, electronic or otherwise, intact for 10 years or from such period as stipulated by any law, whichever is the longer;
 - 11.8 Respect the intellectual property rights of others;
 - 11.9 Arrange suitable professional indemnity insurance to protect clients or employers;
 - 11.10 Reveal to a prospective client or employer the appropriate amount of professional indemnity insurance on request;
 - 11.11 Obtain the client's or employer's written authorisation to proceed with work or to place an order on behalf of the client or employer;
 - 11.12 Must keep any money of the client or employer held in trust by a registered person in a bank account separate from his or her own or that of the business entity that is used for his or her own practice and credit the interest earned on the money to the client or employer;
 - 11.13 At all times comply with the stipulations of the contract for a particular work, and maintain complete fairness, transparency, strict independence and impartiality in respect of his or her work;
 - 11.14 Pay promptly for goods delivered and/or services rendered in accordance with contractual obligations unless quality, progress or similar circumstances indicate otherwise, in which case the client or employer must be notified of such circumstances in writing;
 - 11.15 Not subcontract without the written consent of the client or employer and if the client or employer agrees to subcontracting, subcontracts must accurately describe the responsibilities of each party to the contract including details about the termination of the contract. Subcontractors must also adhere to all the provisions and stipulations of the contract between the registered person and the client or employer;
 - 11.16 Not rely on the critical information supplied by the client or employer, without appropriate qualification or confirmation of such information from the reliable independent sources;
 - 11.17 At all times, adhere to the principle of sound corporate governance and "zero tolerance" to fraud or corruption;
 - 11.18 Treat client or employer with due dignity, respect and courtesy.

SCHEDULE

1. Definitions:

The Act– means the Project and Construction Management Professions Act, 48 of 2000.

Council- means the South African Council for the Project and Construction Management Professions established by Section 2 of the Act, 48 of 2000.

Project– means the Total Development envisaged by the client including the Professional Services.

Registered Persons means persons registered in terms of section 19(2) of the Act.

2. Introduction

All persons registered with the South African Council for the Project and Construction Management Professions shall uphold and advance the honour and dignity of these professions in keeping with high standards of ethical conduct and shall:

- 2.1 act with integrity and sincerity in serving their employers, clients and the public with diligence and care.
- 2.2 strive to increase their competence and the prestige of their profession.
- 2.3 shall apply their skill and knowledge to advance human welfare.
- 2.4 not engage in any act of dishonesty, corruption or bribery.

3. Relations with the public

Registered Persons shall:

- 3.1 in carrying out their responsibilities have full regard to the public interest.
- 3.2 uphold the honour and dignity of their profession.

3.3 be objective and truthful in professional reports, statements, or testimonies, including all relevant and pertinent information therein.

3.4 have due regard for the safety, health and welfare of the public and the environment.

3.5 express an opinion on a project or construction management subject only when it is founded on adequate knowledge and honest conviction.

4. Relations with employers and clients

Registered Persons shall:

4.1 discharge their duties to their employers and clients in a responsible and competent manner.

4.2 act in all matters as faithful agents or trustees of each employer or client.

4.3 not accept compensation from more than one party for the same service, or for other services pertaining to the same project, without the consent of all interested parties.

4.4 disclose to their employers and clients any interest, whether direct or indirect, with other parties dealing with or relating to or in conflict with the business of their employers and clients.

4.5 disclose, in writing, to their employers and clients, the status of their professional indemnity cover insurance.

4.6 not unless required by law or by this code, divulge any information of a confidential nature which they obtained in connection with an appointment.

5. Relations with other professionals

Registered Persons shall:

5.1 Act with integrity, sincerity and honesty in all dealings with all other professionals.

5.2 not maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the reputation, prospects or businesses of others.

5.3 not discriminate on grounds of gender, race or ethnic origin, sexual orientation, marital status, creed, nationality, disability or age.

5.4 not request, propose, or accept professional commissions on a contingency basis under circumstances that may compromise their professional judgement.

6. Standards of Professional performance

Registered Persons shall:

- 6.1 undertake work only for which they possess the necessary skills, knowledge and resources.
- 6.2 not falsify or permit misrepresentation of their own or their associates' academic or professional qualifications.
- 6.3 endeavour to provide opportunities for professional development and advancement of candidates in their employ or under their supervision.
- 6.4 undergo regular continuing professional development as prescribed to enhance and maintain their personal professional competence.
- 6.5 notify the Council immediately on becoming aware of a violation of this code by any other Registered Person.
- 6.6 notify the Council immediately of becoming insolvent.
- 6.7 Comply with all requirements or provisions of Act 48 of 2000.

7. Disciplinary procedures

In the event of a complaint the disciplinary procedures as set out in the Act (48 of 2000) will be applied as follows:

- 7.1 Sect. 28: Investigation of charge of improper conduct.
- 7.2 Sect. 29: Charge of improper conduct.
- 7.3 Sect. 30: Appointment of Disciplinary Tribunal.
- 7.4 Sect. 31: Disciplinary Hearing.
- 7.5 Sect. 32: Proceedings after hearing.
- 7.6 Sect. 33: Appeal against decision of Disciplinary Tribunal

SOUTH AFRICAN COUNCIL FOR THE PROPERTY VALUERS PROFESSION

CODE OF CONDUCT FOR REGISTERED PERSONS

(Section 28)

EFFECTIVE DATE 10 NOVEMBER 2004

1. The purpose of this code is to provide a code of professional conduct for registered persons. As require by section 28 of the Property Valuers Profession Act, 2000, this code has been drawn up in consultation with the Council for the built Environment, voluntary associations and registered persons. In terms of the provisions of the said section 28, all registered persons must comply with this code and failure to do so constitutes improper conduct.

2. **In this code, unless the context otherwise indicates:**
 - (i) “the Act” means the Property Valuers Profession Act, 2000 (Act No. 47 of 2000);
 - (ii) “assignment” means a professional engagement related to property valuation and includes a written examination related to property valuation;
 - (iii) “client” means any person or body instructing a registered person to perform an assignment;
 - (iv) “the council” means the South African Council for the Property Valuers Profession, established by section 2 of the Act;
 - (v) “property valuation” means the determination of the value of immovable property; and
 - (vi) “registered person” means a person registered in any category referred to in, or prescribed by the council in terms of, section 19 of the Act.

3. **A registered person shall:**
 - (a) at all times display his or her registration certificate in a prominent position in his or her place of business or employment;
 - (b) without delay, notify the council in writing of any change of postal address, e-mail address, telephone number and employment; and
 - (c) comply with the rules made under section 37 of the Act.

4. A registered person shall not -

- (a) use false, misleading or exaggerated claims in order to secure assignments;
- (b) advertise his or her professional services in a manner which is self-laudatory or which is not true or factual or which is derogatory to the dignity of the property valuers profession;
- (c) maliciously or recklessly injure, whether directly or indirectly, the professional reputation, professional prospects, or business of any other registered person;
- (d) maliciously criticise or disparage the work of another registered person or discuss, except when required to do so in terms of the Act or any other law, any allegation of improper conduct against another registered person;
- (e) supplant or attempt to supplant another registered person in a particular assignment after definite steps have to his or her knowledge been taken towards the engagement of such other registered person, except with the written consent of the latter;
- (f) accept remuneration for performing a property valuation from any person other than his or her client, the client's authorized representative or agent or the registered person's employer;
- (g) divulge verbally or in writing any information of a confidential nature which he or she has obtained in exercising his or her powers or performing his or her duties, except if required to do so in terms of the Act or any other law, and
- (h) either personally or through the agency of any other person, canvass or solicit an assignment by offering by way of commission or otherwise, to make payment for obtaining such assignment.

5. In carrying on the property valuers profession, a registered person shall:

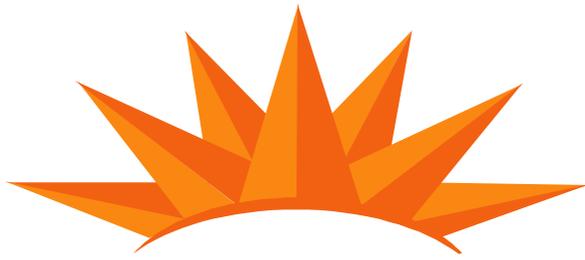
- (a) before accepting an assignment, disclose to his or her client the existence of any direct or indirect pecuniary interest which he or she may have in respect of such assignment;
- (b) order his or her conduct so as to uphold the dignity, standing and reputation of the property valuers profession by maintaining a high standard of professionalism, honesty and integrity;
- (c) discharge his or her duties to his or her employer or client in an efficient and competent manner, utilising the knowledge, skill and experience to complete the assignment to an acceptable professional standard, with complete fidelity and without undue delay;

- (d) act with the strictest independence, objectivity and impartiality in performing a property valuation;
- (e) when performing an assignment on the basis of specific instructions, record such instructions in any written submission in connection with such property assignment;
- (f) verify, or cause to be verified, all critical information relevant to a property valuation supplied by the client or any other person, unless specifically instructed by the client to perform the property valuation based on the information so supplied;
- (g) when performing a property valuation in terms of any law, acquaint himself or herself with the provisions of such law relevant to property valuation and comply therewith;
- (h) sign all property valuation reports and other documentation relating to his or her work in the property valuers profession, prepared by or for him or her, and use his or her title as provided for in section 22(3) of the Act; and
- (i) ensure, where possible, that his or her name is shown on all accounts rendered in connection with property valuations signed by him or her.

6. In carrying on the property valuers profession, a registered person shall not:

- (a) mislead any person, or allow any person to be misled, in respect of the registered person's professional qualifications and status, either by providing incorrect information or by withholding relevant information;
- (b) without first qualifying himself or herself, undertake an assignment for the execution of which his or her training and experience have not rendered him or her competent;
- (c) without full disclosure to all parties concerned, act for two or more parties in the same matter;
- (d) accept an assignment that includes reporting of the outcome based on predetermined opinions and conclusions required by the client; and
- (e) rely on critical information relevant to a property valuation supplied by the client or any other person, without appropriate qualification or confirmation from an independent source, unless reliance on such information is specifically instructed by the client.

7. This code shall be called the Code of Conduct for the Valuers Profession 1 of 2004 and shall commence on 10 November 2004.



THE SOUTH AFRICAN COUNCIL
for the
QUANTITY SURVEYING PROFESSION

Established in terms of the Quantity Surveying Profession Act 2000 (Act 49 of 2000)

**CODE OF PROFESSIONAL
CONDUCT**

**PUBLISHED IN TERMS OF THE QUANTITY SURVEYING PROFESSION
ACT 2000 (ACT NO 49 OF 2000)**

(Revised March 2013)

Adopted by Council 7th March 2013

CODE OF PROFESSIONAL CONDUCT

In terms of the requirements of Section 27 (of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000), and Section 4 of the Rules of the Council, the South African Council for the Quantity Surveying Profession hereby makes known that it has determined the code of professional conduct as set out in the schedule hereunder.

SCHEDULE

1. DEFINITIONS

In these rules, unless the context indicates otherwise, any expression or word to which meaning has been assigned in the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000) shall bear the same meaning and –

‘complaint’ means any information regarding the improper conduct by a person registered in terms of *the Act*, which comes to the attention of the registrar or the council, or a complaint, charge or allegation of improper conduct against such person;

‘member of a closely allied profession’ means a person registered in terms of at least one of the following Acts:

Architectural Profession Act No. 44 of 2000

Engineering Profession Act No. 46 of 2000

Landscape Architectural Profession Act No. 45 of 2000

Project and Construction Management Professions Act No. 47 of 2000

Quantity Surveying Profession Act No. 49 of 2000

Planning Profession Act No. 36 of 2002

‘quantity surveying practice’ means the business of a registered Professional Quantity Surveyor conducted within the quantity surveying profession as a sole proprietorship, partnership, company, close corporation, trust or any other juristic person and where the word **‘practice’** is used on its own in these rules, it shall bear the same meaning.

‘registered persons’ means persons registered in terms of *the Act*

‘the Act’ means the Quantity Surveying Profession Act 2000 (No. 49 of 2000) including any Regulation, Notice, Order or rule issued or made in terms of the Act

2. OBJECTS

The objects of this Schedule are to ensure that registered persons or quantity surveying practices-

- 2.1 uphold and promote the dignity, standing and reputation of the profession;
- 2.2 discharge their duties in a competent and efficient manner and with complete integrity and without prejudice to their client's or employer's interests and their professional responsibilities;
- 2.3 respect the interest and professional reputation of any other registered person or quantity surveying practice.

3. RULES OF CONDUCT

Registered persons and quantity surveying practices are subject to the disciplinary supervision of the council. The rules lay down standards of professional conduct and practice and failure to follow the guidance of the rules will be taken into account should it become necessary to examine the conduct or competence of a registered person.

The code of conduct forms the basis of disciplinary proceedings. The council will investigate any complaint of unacceptable professional conduct or of serious professional incompetence.

If a quantity surveying practice is in a breach of any provision of *the Act* or any rule published in terms of *the Act*, which would have constituted improper or unprofessional conduct if committed by registered persons in the carrying out of their profession as natural persons in private practice, the council shall proceed against the principal officer of the practice.

In fulfillment of the objects stated in 2, registered persons, –

- 3.1 must have due regard to public safety, public health and the public interest generally;
- 3.2 must discharge their duties to their respective employers or clients effectively and competently;
- 3.3 must discharge their duties to their respective employers or clients with integrity, fidelity and honesty;
- 3.4 must order their conduct so as to uphold the dignity, standing and reputation of the profession;
- 3.5 may not undertake or offer to undertake *professional work* for which their education, training and experience have not rendered them competent to perform;
- 3.6 must ensure that where work is carried out on behalf of a registered Professional Quantity Surveyor by an employee or by anyone else acting under a registered Professional Quantity Surveyor's direction or control, such registered person shall be responsible for ensuring that the person is competent to perform the task, and if necessary, is adequately supervised;
- 3.7 must provide work or services of a quality, scope, and to a level, which are commensurate with accepted standards and practices in the profession;
- 3.8 must disclose to their respective employers or clients, or prospective employers or clients, in writing –

- 3.8.1 any interest, whether financial or otherwise, which they may have in any company, firm, or organization, or with any person, which is related to the work for which they have been or may be employed; and
- 3.8.2 particulars of any royalty or other benefit which accrues or may accrue to them as a result of such work;
- 3.9 may not, subject to paragraph 3.8 receive, either directly or indirectly, any gratuity, commission or other financial benefit on any article or process used in or for the purpose of the work in respect of which they are employed, unless such gratuity, commission or other financial benefit has been authorised in writing by the employer or client concerned;
- 3.10 may not, whether practicing their profession or otherwise, injure the professional reputation or business of any other *registered person*;
- 3.11 may not knowingly attempt to supplant another registered Professional Quantity Surveyor in a particular appointment after the client has employed the other registered Professional Quantity Surveyor;
- 3.12 may not advertise their professional services in a self-laudatory manner or in a manner that is misleading or inaccurate or derogatory to the dignity of the profession;
- 3.13 may not knowingly misrepresent, or knowingly permit misrepresentation of, their own academic or professional qualifications or those of any other person involved with *quantity surveying work*, nor knowingly exaggerate their own degree of responsibility for *quantity surveying work* or that of any other person involved in it;
- 3.14 may not review for a particular client, the *quantity surveying work* of another registered Professional Quantity Surveyor except -
- 3.14.1 with their prior knowledge and written consent, which such consent shall not be unreasonably withheld. of the other *registered Professional Quantity Surveyor*. Furthermore, the must be afforded a reasonable opportunity to submit their comments to the client on the findings of the review;
- 3.14.2 after receipt of a notification in writing from the client, that the engagement of the other registered Professional Quantity Surveyor has been terminated; or
- 3.14.3 where the review is intended for purposes of a recognized and competent court of law in the Republic of South Africa or legal proceedings;

Such review may only be undertaken, following the full settlement by the client who is mandating that the quantity surveyors work be reviewed. [Drafting Note: the dispute could pertain to the quality of bad work that the client disputes is due and payable – Council to discuss]

Accordingly, the above provisions will not waive any lien or right of retention that the quantity surveyor whose work is being reviewed, may have held or hold, in respect of the work that they have undertaken;

- 3.15 may not without satisfactory reasons, destroy or dispose of; or knowingly allow any other person to destroy or dispose of, any calculations, drawings or contractual documents within a period of 5 years after completion of the project concerned;
- 3.16 may not place contracts or orders, or be the medium of payments, on their respective employer's or client's behalf without the written authority of the employer or client concerned;

- 3.17 may not issue any reports, specifications, documents or drawings in respect of *quantity surveying work* prepared by them or by any other person under their direction or control, unless –
- 3.17.1 such reports, specifications, documents or drawings bear the name of the organisation concerned;
- 3.18 may not either directly or indirectly deal in construction projects and / or property development for his / her own account or for any consideration where:
- (a) such dealings in construction projects and / or property development conflict with his / her responsibilities to his / her client or employer; or
- (b) he / she has privileged or confidential information concerning such construction projects and / or property development as a result of any quantity surveying work undertaken by him / her: Provided further that he / she shall not make any personal use of or divulge to others, privileged or confidential information related to the quantity surveying work undertaken by him / her
- 3.19 may neither personally nor through any other person improperly seek to obtain *quantity surveying work*, or by way of commission or otherwise, make or offer to make payment to a client or prospective client for obtaining such work;
- 3.20 must order their conduct in connection with *quantity surveying work* outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the law of the country concerned: Provided that where there are recognised standards of professional conduct in a country outside the Republic, they must adhere to those standards;
- 3.21 must ensure that, while engaged as partners, directors, members or trustees of a quantity surveying practice operating under the style of a sole proprietorship, a partnership, a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), or a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984) (or any legislation which subsequently repeals or supersedes these Acts) and which performs *quantity surveying work* of a nature generally performed in a *quantity surveying practice*, the control over the *quantity surveying work* of the organisation is exercised, and the responsibility in respect of it is carried, by a *registered Professional Quantity Surveyor*;
- 3.22 must give the Registrar notice in writing within one month of any change of physical and postal addresses of business and residence;
- 3.23 must, when requested by the council to do so, in writing provide the council with all the information available to them which may enable the council to determine which *registered person* was responsible for any act which the council considers **prima facie** to be improper conduct;
- 3.24 In addition to the abovementioned rules, registered Candidate Quantity Surveyors -
- 3.24.1 shall not practice for their own account,
- 3.24.2 shall not practice in partnership, as a director of a company, as a member of a close corporation or trustee of a trust, performing quantity surveying work except with the prior written approval of the Council and subject to any condition which the Council may impose,
- 3.24.3 shall not perform any quantity surveying work other than under the direct and continuous supervision of a registered Professional Quantity Surveyor, except under such circumstances as the Council may approve in writing.

4. ESTABLISHMENT OF A QUANTITY SURVEYING PRACTICE AND CARRYING ON OF BUSINESS

- 4.1 A registered Professional Quantity Surveyor who practices *quantity surveying* in any form shall obtain the prior written approval of the council to do so and shall within 30 days of the establishment of the business inform the council thereof in writing, giving full details of the address from which the practice is conducted, type of practice and names of partners, shareholders, directors, members or trustees.
- 4.2 The council shall be informed of any changes in style or address, changes in the constitution of a practice and of its termination within 30 days of the relevant occurrence.
- 4.3 The use of impersonal names shall be submitted to the Registrar of the council for approval.
- 4.4 A registered Professional Quantity Surveyor shall not, except with the permission of the council and under such conditions as the council may prescribe, enter into any professional relationship or association with any person who is not a registered Professional Quantity Surveyor, or a member of a closely allied profession.

Permission will not be granted if the person concerned –

- 4.4.1 is disqualified from registration under any provision of *the Act* or from membership of any closely allied profession;
- 4.4.2 is qualified to register under any category provided for under *the Act* but has not done so.
- 4.5 A quantity surveying practice shall be controlled by two-thirds registered Professional Quantity Surveyors in terms of number, shareholding, directorship and voting power.
- 4.6 A multidisciplinary professional practice, that also practices *quantity surveying work*, shall be controlled by registered members of closely allied professionals, and the quantity surveying division / section shall be under the fulltime supervision of a registered professional Quantity Surveyor.
- 4.7 Any office established for the purpose of conducting a *quantity surveying practice* shall be under the continuous, direct and personal supervision of a registered Professional Quantity Surveyor: Provided that the registrar may give permission for such office to be supervised on an intermittent basis for such period of time as the registrar may, in his or her discretion, determine. Conditions for such permission are that a registered Professional Quantity Surveyor shall be present in such office for a least one full day per week during normal office hours and that the time of attendance is prominently displayed outside the office. Permission will normally be granted to allow time for the replacement of a registered Professional Quantity Surveyor who has resigned or who has left for some reason or to allow time for the employment of staff where an office has to be established in an area because of the award of a project.
- 4.8 The council may order that a practice be dissolved if any partner, trust, member or shareholder who is not a registered person has been guilty of any act which, had he or she been a registered person, would have constituted a breach of any provision of *the Act* or these rules.
- 4.9 Letterheads of a practice shall display the names of sole principals, partners, directors, trustees or close corporation members, as the case may be, together with their registration status using the prescribed abbreviations.

Partners, directors or members who are not registered with the council should indicate their professional designations and qualifications

4.10 A practice must, when requested by a client to do so, provide the client in writing with all information pertaining to the juristic nature, style and composition of the practice, staffing levels and professional indemnity cover.

4.11 A practice must, in terms of their appointment for the provision of quantity surveying services, ensure that all quantity surveying work undertaken by the practice will be under the control of a registered Professional Quantity Surveyor and must provide full disclosure to the client of the level of supervision provided by the registered Professional Quantity Surveyor.

5. DISCIPLINARY PROCEDURES

In the event of a complaint, the disciplinary procedures set out in the Act are to be followed as follows:

Section 28 Investigation of a charge of improper conduct

Section 29 Charge of improper conduct

Section 30 Appointment of disciplinary tribunal

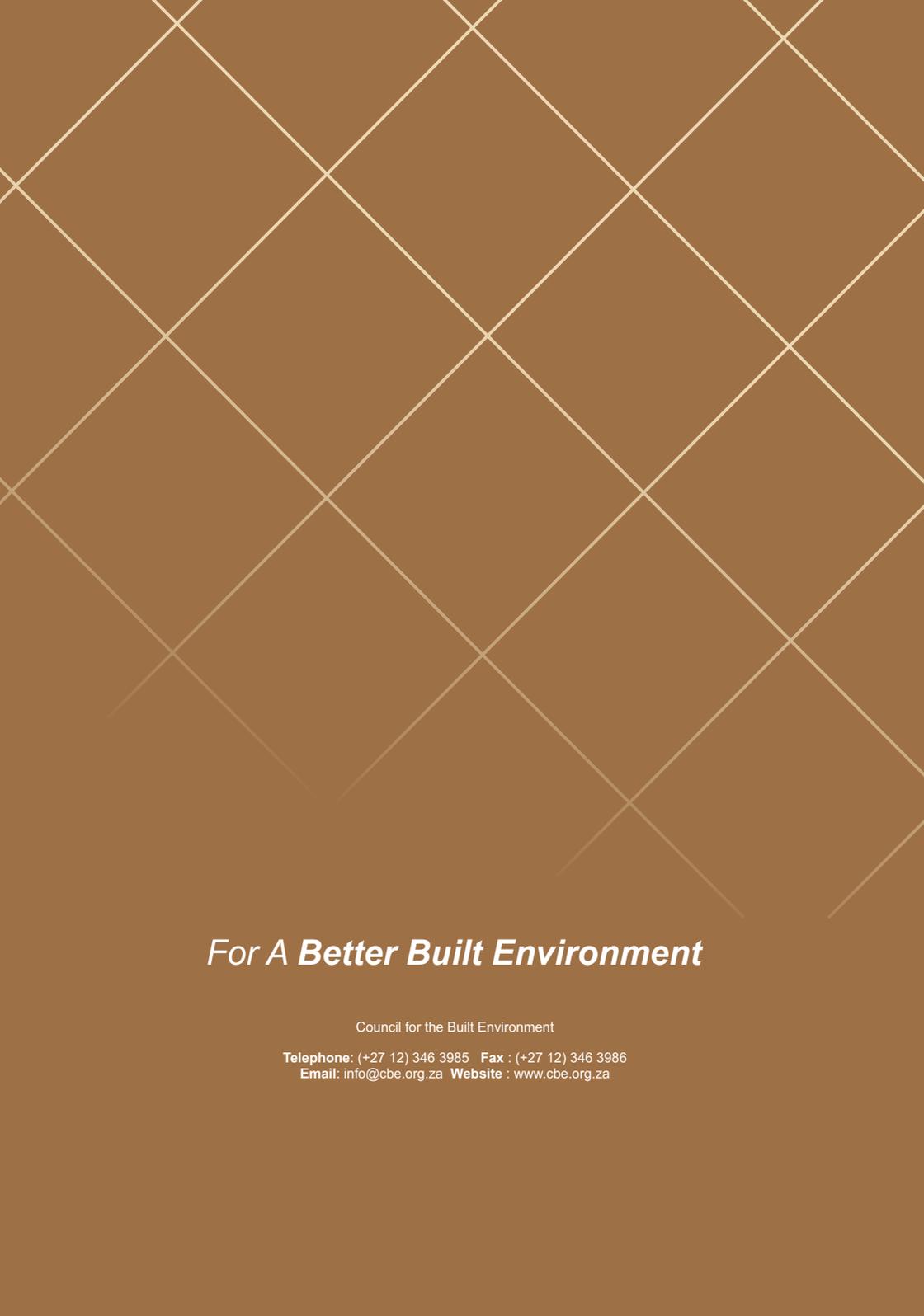
Section 31 Disciplinary hearing

Section 32 Proceedings after hearing

Section 33 Appeal against decision of disciplinary tribunal

6. REPEAL OF PREVIOUS RULES

The regulations pertaining to Code of Professional Conduct and Improper Conduct published under Notice No. R 208 dated 4 February 1983 are hereby repealed, subject to section 12 (2) of the Interpretation Act, 1957 (Act No. 33 of 1957).



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