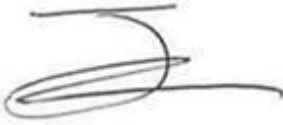




**POLICY ON THE REMOVAL OF GOVERNMENT GAZETTES PUBLISHED ON WEBSITE
IN TERMS OF SECTION 32 (5) OF THE ACT.**

Name of the Policy:	Policy on the removal of government gazettes published on website
Revised by the Registrar	
Date of approval by Council:	10 March 2022
Signature: President of Council	
Signature: Vice President of Council	10 March 2022

1. PURPOSE OF THE POLICY

- 1.1 **WHEREAS** Section 22 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) grants every citizen the right to choose their trade, occupation, or profession provided that such practice of trade, occupation or profession may be regulated by law;
- 1.2 **AND WHEREAS** Section 29 (1) of the Architectural Profession Act, 2000 (Act No. 44 of 2000) empowers the South African Council for the Architectural Profession ("SACAP") to charge a registered person with improper conduct if the Council is convinced that sufficient grounds exist for a charge to be preferred against such Registered Person.
- 1.3 **AND WHEREAS** Section 30 of the Architectural Professions Act, 2000 empowers The South African Council for the Architectural Profession to appoint a Disciplinary Tribunal to hear a charge of improper conduct.
- 1.4 **AND WHEREAS** Section 32 (5) of the Architectural Professions Act, 2000 requires that The Council must *gazette* findings and sanctions of the Disciplinary Tribunal.
- 1.5 **NOW THEREFORE**, the South African Council for the Architectural Profession determines the procedure for the removal of a gazette which is published in terms of Section 32 (5) of the Architectural Professions Act, 2000 (Act No. 44 of 2000).

2. DEFINITIONS

In this document, unless contrary to the context, reference to the male gender includes the female gender; a word or expression to which a meaning has been assigned in the Architectural Profession Act shall bear the same meaning unless the context otherwise indicates, and—

"Act" means the Architectural Profession Act, 2000 (Act No.44 of 2000), the Act;

Categories of Registration means the categories in which candidates and professionals may register in the architectural profession in terms of Section 18(1) (a) and (b) of the Act.

"Code of Professional Conduct" means Board Notice 154 of 2009 and Board Notice 7 of 2021 compiled by **SACAP** in terms of Section 27(1) of the **Act**";

"Professional" means a person who is registered in terms of Section 19(2) (a) of the **Act**;

"Candidate" means a person who is registered in terms of section 19(2) (b) of the **Act**;

"SACAP" means the South African Council for the Architectural Profession established in terms of section 2 of the **Act**;

"Disciplinary Tribunal" means a tribunal appointed in terms of Section 30 of the **Act**.

"GCIS" means the Government Communication Information Systems.

3. POLICY GOALS AND OBJECTIVES

The South African Council for the Architectural Profession is mandated in terms of Section 32 (5) of the **Act** to publish the findings and sanctions imposed by the Disciplinary Tribunal in the government *gazette*. The findings and sanctions are further published on the SACAP website.

This policy seeks to regulate the duration of the publication of findings and sanctions on the website.

4. REMOVAL OF THE GAZETTE FROM THE WEBSITE

4.1 Once a registered person has been found guilty of improper conduct by a Disciplinary Tribunal or has admitted to Council that he or she is guilty of the charge(s), the finding and sanction shall be gazetted by the Government Printing Works and a copy of the *gazette* shall be provided to Council.

4.2 The Council may request the GCIS to remove a gazette notice from their website depending on the seriousness of the charges and whether the registered person is a repeat offender.

4.2.1 The gazette notice for first time offenders shall be published on the SACAP website for a period of 3 months. Further, the GCIS shall be requested to remove the gazette notice within six (6) months from the date of publication for first time offenders. The removal of a gazette notice shall be subject to compliance with the findings and sanctions of Council or Disciplinary Tribunal.

- 4.2.2. The gazette notice for the second time repeat offenders shall be published on the SACAP website for a period six (6) months. The GCIS shall be requested to remove such gazette notice within a period of twelve (12) months after publication. The removal of such gazette shall be subject to compliance with the findings and sanctions of the Council or Disciplinary Tribunal.
- 4.2.3. The gazette notice for third time or more repeat offenders shall be published on the SACAP website for twelve (12) months. The GCIS shall be requested to remove such gazette notice within a period of eighteen (18) months after publication. The removal of the gazette notice shall be subject to compliance with the findings and sanctions of Council or Disciplinary Tribunal.
- 4.3 The SACAP shall not take responsibility for the GCIS's failure to remove any gazette notice from their online platforms.

5. POLICY REVISION

This policy shall be reviewed every two years, unless there are material changes to any legislation which may warrant urgent review of the policy.