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**ARCHITECTURAL PROFESSION ACT No 44 OF 2000**  
**IDENTIFICATION OF ARCHITECTURAL WORK**

**PREAMBLE**

**WHEREAS** Section 24 of the Constitution of the Republic of South Africa 1996 grants everyone the right to an **environment** that is not harmful to their health or well-being and to have the **environment** protected, for the benefit of present and future generations, through reasonable legislative and other measures;

**AND WHEREAS** Section 22 of the Constitution of the Republic of South Africa 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;

**AND WHEREAS** Section 14(g) to (j) of the Architectural Professional Act 2000 empowers the South African Council for the Architectural Profession to take any steps it considers necessary for the protection of the public in their dealings with registered persons, for the maintenance of the integrity and the enhancement of the status of the architectural profession, for the improvement of the standards of services rendered by registered persons, to create and awareness amongst registered persons of the importance to protect the **environment** against unsound architectural practices, and, where, as a result of architectural related undertakings, public health and safety may be affected;

**AND WHEREAS** Section 18 of the Architectural Professions Act 2000 empowers the South African Council for the Architectural Profession to register persons in the architectural profession in certain categories;

**AND WHEREAS** Section 26 of the Architectural Profession Act 2000 requires the Council to make recommendations to the Council for the Built Environment regarding the work identified in terms of subsection (1) and prohibits a person not registered in

terms of this Act to perform any kind of work identified for any category of professional registered in terms of this Act;

**AND WHEREAS** the activities of architecturally related undertakings impact directly on communities and the South African society and its improved efficiency and effectiveness will enhance quality, productivity, health, safety, environmental outcomes and economic performance;

**AND WHEREAS** the architectural professions practice in a project-specific **environment** which is unique and complex, work with different investors, clients, contractual arrangements and consulting professions, and also with different site conditions, design, materials and technologies, and different contractors, specialist subcontractors and the workforce assembled for each project;

**AND WHEREAS** persons are registered with the South African Council for the Architectural Profession in categories according to the requirements of the Act, The South African Council for the Architectural Profession hereby recommends the following to the Council for the Built Environment regarding the Identification of Work for the different architectural **professionals**:

## **POLICY GOALS AND OBJECTIVES**

The Objectives of this policy are to:

- comply with legislative requirements,
- protect the public by defining the work that each registration category of the Architectural Profession can undertake,
- protect the environment,
- provide a framework for the identification of work and the demarcation of identified work between professions,
- provide an effective and efficient mechanism for addressing and recognising overlaps and duplication between work identified by different professions,

- ensure that where work is to be carried out by different categories of professionals, there are clear and transparent ways of determining the category of profession to carry out the work,
- ensure the transparency and accountability of the identification of work process, and
- facilitate the most economically, socially and technically efficient use of the built environment professions and their categories of registration with a view to attaining maximum benefit for the public.

## 1. 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, 2000 (Act 44 of 2000) shall bear the same meaning and –

1.1 “**ACT**” means the Architectural Profession Act No 44 of 2000;

1.2 “**Architectural Compliance Certificate**” means the certificate in accordance with Schedule 5;

1.3 “**Architectural Work**” *means work which comprises the characteristics, scope, competencies and skills as set out in Schedule 3*

1.4 “**Categories of Registration**” means the categories in which a person who is competent to undertake the range of work specified in Schedules 1 and 2 in respect of each category may register in the architectural profession in terms of Section 18(1) of the **ACT**: Provided that **specialized services** *as referred to in Schedule 2* may only be performed by a registered person meeting the defined requirements;

1.5 “**CBE**” means to Council for the Built Environment established in terms of the Council for the Built Environment Act, 2000;

1.6 “**Code of Conduct**” means the code of conduct drawn up by **SACAP** in terms of Section 27(1) of the **ACT**”;

1.7 “**Environment**” means the surroundings in which humans exist, and include the natural environment already altered by human intervention;

- 1.8 “**EIA**” means Environmental Impact Assessment;
- 1.9 “**Heritage**” means any site or artifact of cultural or historical significance as described in the National Heritage Resources Act No 25 of 1999;
- 1.10 “**HIA**” means Heritage Impact Assessment;
- 1.11 “**Interior Architectural Designer**” means a person who is qualified by education *and has recognized* experience and skills to design interior spaces, *with knowledge of space planning, building and material technology, interior construction, building climate, building regulations, materials and furnishings and capable of preparing drawings and technical documentation relative to the design of interior spaces for submission to a local authority and for the purposes of construction.*
- 1.12 “**Professional**” means a person who is registered in terms of Section 19(2)(a) of the **Act**;
- 1.13 “**Project complexity**” is as defined below and is to be read in conjunction with Schedule 1: Identification of Work Matrix and Project Classification:
- “**basic complexity projects**” means small, simple building with a low impact on its environs;
  - “**low complexity projects**” means simple buildings or groups of buildings in an uncomplicated grouping with low impact on its environs;  
  
These are structures with low performance requirements, of simple utilitarian character, design and detail, and constructed utilizing standard low technology building methods. They require a minimum

of mechanical and electrical services or equipment, and basic civil works infrastructure;

- **“medium complexity projects”** means buildings or groups of buildings in a relatively uncomplicated grouping with a medium impact on its environs. These are structures with medium performance requirements, of average character and design or detail, up to three stories high, which require non-complex structural and civil works and an average level of mechanical or electrical equipment as could normally be handled by design-supply specialist contractors;
  
- **“high complexity projects”** means a building or buildings in a large or complicated grouping with a significant impact on its environs.

These are structures with high performance requirements and demanding a sophisticated level of design and detail content to respond to specialized requirements. Complex buildings will usually incorporate comparatively large or specialised mechanical, electrical and other specialist installations, or be of complex structural or civil design;

- 1.14 **“protected area”** means an area of natural or heritage significance that is protected by legislation;
  
- 1.15 **“SACAP”** means the South African Council for the Architectural Profession established in terms of Section 2 of the **Act**;
  
- 1.16 **“SIA”** means Social Impact Assessment;

1.17 **“site sensitivity”** means the inherent importance of the site in environmental or heritage terms, as defined by the National Heritage Resources Act No 25 of 1999, the National Environmental Management Act No 107 of 1998 and the Local Government Municipal Systems Act No 32 of 2000;

**Site sensitivity** levels are as defined below:

- **“low sensitivity site”** means a site that is neither identified as, nor exhibits, any evidence of environmental or **heritage** significance and do not require **EIA, HIA** or **SIA** studies to be undertaken before development. **Low sensitivity sites** are normally, but not exclusively, within already developed urban areas;
- **“medium sensitivity site”** means a site which exhibits some evidence of environmental or **heritage** significance but for which **EIA, HIA** or **SIA** studies are not required by the government agencies involved;
- **“high sensitivity site”** means a site identified as of special environmental or **heritage** significance which will require **EIA, HIA** or **SIA** studies to be undertaken to define the parameters for development, for example declared **protected areas** and **urban conservation areas**;

1.18 **“specialized services”** means services falling outside the normal competencies of a registered person which require additional qualifications or experience and/or registration with the relevant statutory body – see Schedule 2;

- 1.19 “**urban conservation area**” means an identified urban area governed by specific legislation and/or regulation to protect the **heritage** content of the existing built fabric.

## 2. REGULATIONS

- 2.1 No person who is registered in any category referred to in Section 18 of the Act, may undertake **architectural work** unless such work is demarcated for the relevant category of registration in accordance with Schedules 1 and 2: Provided that a person registered in any particular category may perform the work demarcated for any lower category. Where work is not specified in the schedules, SACAP should be consulted.
- 2.2 Notwithstanding the provisions of regulation 2.1, a registered professional undertaking **architectural work** for a client shall do so in compliance with the SACAP Code of Conduct
- 2.3 Subject to Section 26(4) of the **Act**, any person who undertakes identified **architectural work** without being registered with **SACAP**, is contravening the **Act** and is guilty of an offence.
- 2.4 All applications for approval to build projects of an architectural nature by Local Authorities must be accompanied by an **Architectural Compliance Certificate** duly completed and signed by the architectural **professional** taking responsibility for the **architectural work** as commissioned. The **professional** shall keep a copy of the signed and stamped certificate on record.
- 2.5 Should any dispute arise from the interpretation of the definitions or the schedules, the South African Council for the Architectural Profession shall adjudicate and its decision shall be final and binding on the registered person.

2.6 A **professional** who intends to undertake **specialised services** as defined and identified in Schedule 2, the list of which is neither exclusive nor comprehensive, must have the relevant competency to undertake such work and be registered with the relevant statutory body where applicable.

### 3. EXEMPTIONS

Notwithstanding the provisions of Schedule 1 which identifies architectural work for various categories of persons registered with SACAP, persons registered by the following professional councils may, in the course of their profession, perform functions which their education, training, experience and contextual knowledge have specifically rendered them competent to do:

- (a) Engineering Council of South Africa in terms of the Engineering Profession Act, No. 46 of 2000;
- (b) South African Council for the Landscape Architectural Profession in terms of the Landscape Architectural Profession Act, No. 45 of 2000;
- (c) South African Council for the Property Valuers Profession in terms of the Property Valuers Profession Act, No. 47 of 2000;
- (d) South African Council for the Quantity Surveying Profession in terms of the Quantity Surveying Profession Act, No.40 of 2000;
- (e) South African Council for the Project and Constructional Management Profession in terms of the Project and Construction Management Act No. 48 of 2000.
- (f) The South African Council for Planners in terms of the Planning Profession Act, No. 36 of 2002;
- (g) South African Council for Natural Scientific Professions in terms of the National Scientific Professions Act, No 27 of 2003;
- (h) South African Council for Professional and Technical Surveyors in terms of the Professional and Technical Surveyors' Act, No 40 of 1984.

3.1 The above also applies in respect of:

- a person who is registered as a Candidate in terms of the above Acts: Provided that such work is performed in the service of or by

order of and under the direction, control, supervision of or in association with a person who is registered as a **professional** and entitled to perform the work identified, and who must assume responsibility for any work so performed;

- **Interior Architectural Designers** in respect of the submission to local authorities of drawings and documentation related to the interior design of buildings;
- Minor building work referred to in Section 13 of the National Building Regulations and Building Standards Act No 103 of 1977 and as defined in the National Building Regulations;
- The following types of buildings and structures:
  - (a) Public services – Lighthouses, hangars, heliports, electricity, generating and distribution works, water towers, pumping stations, bridges, sewage and water purification works, and storage sheds;
  - (b) Transport – Goods stations, lineside buildings, signal boxes, workshops, repair shops, bus, engine and carriage sheds, underground parking garages;
  - (c) Industries – Engineering works, warehouses, storage sheds, buildings directly required for mining operations, factory buildings in proclaimed or approved industrial areas and in other areas reserved under any law primarily for specific or general industrial purposes and purposes incidental thereto but excluding in all instances detached and semi-detached factory offices and welfare;
  - (d) Recreation – Swimming pools;
  - (e) Scientific buildings – Observatories and meteorological, geophysical and seismographical stations;

- (f) Agricultural buildings – Fodder and implement sheds, repair workshops for agricultural plant and equipment.

#### 4. EXPLANATORY NOTES

4.1 **SACAP** is charged with the protection of the public interest through its requirement that all **architectural work** which affects the human and natural **environments**, is only carried out by registered **professionals** who are properly qualified, competent, ethical and who must comply with the **Act** and the **Code of Conduct**.

4.2 The reservation of work regulations based on 500 square meters building area, was a mechanism that bore no correlation to actual competencies. It also made no distinction between different categories of architectural practitioners, as it only recognized *professional* architects. As such the regulations did not properly protect the public interest as persons could do work *under 500 square metres* for which they were not qualified. The new Identification of Work regulations, in terms of the Architectural Profession Act No 44 of 2000, recognise the difference between the qualifications and competencies of an expanded group of architectural practitioners thus affording better protection to the public and the **environment**.

The Identification of *Work Policy, and its associated schedules* will be constantly monitored by **SACAP** in order to ensure relevance to the industry.

4.3 The new Registration Framework put in place by **SACAP** allows a **professional** to progress from Professional Draughtsperson through to Professional Architect given compliance with the educational, competence and experience requirements. The Identification of Work system should therefore not be seen as a limitation, but rather as a motivation for the registered person to develop his career.

4.4 With the new regulations the responsibility resides directly with **professionals** to comply with the requirements of SACAP and they do not undertake commissions for which they are not qualified, or for which they are not specifically exempted by

**SACAP.** *The SACAP Code of Conduct Rule No.2 sets out the registered professionals' obligations as follows:*

**RULE 2: TECHNICAL COMPETENCE AND PROFESSIONAL WORK**

2.1 *A person who is registered in any category referred to in section 18 of the Act, may not undertake **architectural work** unless such work is demarcated for the relevant category of registration in accordance with the Identification of Work Policy:*

- *provided that a person registered in any particular category may perform the work demarcated in any lower category;*
- *provided that a person who is registered in the category of candidate, must perform such work in the service of, under the direction, control, continual supervision of or in association with a registered person entitled to perform demarcated work and who must assume responsibility for any work so performed.*
- *provided that where work is not specified in the schedules, SACAP should be consulted.*

Non-compliance with this requirement will constitute a **professional** in breach of the **SACAP Code of Conduct**, and under censure with the possibility of a fine or removal from the register.

Should the consequence of such non-compliance by the **professional** be to endanger human life or have detrimental environmental effects, the **professional** would be open to prosecution under the law.

4.5 In order to determine whether a commission falls within the scope of work identified for a particular category of **professional**, the definitions and schedules are to be consulted in the first instance.

4.6 Schedule 1 provides a demarcation of work, which may be carried out by each registration category.

The description of the building or group of buildings has been determined on the basis of the Classification of Buildings as contained in the National Building Regulations and Building Standards Act No 103 of 1977 as amended.

The site sensitivity can generally be established from the land use, nature conservation or **heritage** legislation contained in the National Heritage Resources Act No 25 of 1999, the National Environmental Management Act No 107 of 1998, the Local Government Municipal Systems Act No 32 of 2000 and other relevant legislation.

- 4.7 Should clarification be required as to whether commission falls within the scope of the work demarcated for a category of registration, SACAP is to be contacted for a determination. Failure to do so will be dealt with in terms of 4.4 above.
- 4.8 **Special Consent** as detailed in Schedule 3 provides a mechanism for **SACAP** to grant permission for a **professional** to do a type of project that is allocated in Schedule 1, Demarcation of Work Matrix in a higher category than he/she is registered in.