


**RE-REGISTRATION FEES AND
PENALTIES TO BE IMPOSED BY COUNCIL IN ACCORDANCE WITH SECTION 20 (4)
OF THE ARCHITECTURAL PROFESSION ACT, 20000
(ACT NO 44 OF 2000)**

Status:	Final
Custodian:	Senior Manager: Finance
Reviewed:	Registrar
Recommended by:	Audit and Risk Committee
Date recommended	03 June 2022
Approved:	Council of SACAP
Signed by: President of Council	Mr Charles Nduku
Signature & date signed:	
Next Review Date:	September 2024

PREAMBLE:

WHEREAS Section 22 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) provides that every citizen has the right to freedom of trade, occupation or profession freely, the practice of trade, occupation or profession may be regulated by law;

WHEREAS the South African Council for the Architectural Profession (“SACAP”) is committed to accountability and promotion of high professional standards in the architectural profession;

WHEREAS Section 22 (3) of the Act stipulates that subject to section 19, the Council must, on application, register a person who was previously registered and whose registration was cancelled in terms of Section 20 of (1) (a)-(iii) of the Act, if he or she has paid:

- (a) the prescribed fee;
- (b) any arrear annual fee or portion thereof;
- (c) any expense incurred by Council in connection with the recovery of any arrears;
- and
- (d) any penalty imposed on him or her by the Council

NOW THEREFORE, the policy determines re-registration fees and penalty applicable to professionals who fail to pay the prescribed annual fee or portion thereof as per the invoice from SACAP, within 60 days from date issued or within such further periods as Council may allow.

1. DEFINITIONS

In this document, unless contrary to the context, 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.

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

"**Categories of Registration**" means the categories of registration set out in Section 18 (1) of the **Act**;

"**Code of Professional Conduct**" means the Rules of Professional Conduct drawn in terms of Section 27(1) of the **Act**";

"**Registered person**" means a person registered under one of the categories referred to in Section 18 of the Act;

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

2. POLICY GOALS AND OBJECTIVES

2.1 The policy introduces penalties for registered persons whose registration is cancelled in terms of Section 20 of (1) (a) (iii) of the Act due to failure to pay prescribed annual fees.

2.2 The policy serves as a deterrence for registered persons who fail to pay prescribed annual fees when they become due and payable. Failure to pay prescribed annual fee will result in cancellation of registration of the registered person from the register.

2.3 When a registered person's registration is cancelled due to failure to pay the prescribed annual fee, he or she will be liable for re-registration fees and penalty as determined by this policy on request to be reregistered

3. RE-REGISTRATION FEES AND PENALTY:

3.1 If a registered person whose registration was cancelled due to failure to pay his/her prescribed annual fees, and he or she applies for re-registration he/she shall, notwithstanding the requirements of section 22(3), be liable to pay:

3.1.1 the applicable annual fee at the time of application

3.1.2 the administration fee;

3.1.3 any outstanding professional misconduct invoice(s); and

3.1.4 a penalty fee of an additional 25% of the annual fee payable at the time of application.

3.2 The re-registration amount for a registered person re-registering in the year of suspension shall equal to the annual fee at the time of application and the applicable administration fee. The administration fee for a registered person, who was suspended due to outstanding pro-rata invoice, shall be limited to the pro-rata invoice amount upon re-registration if the application for re-registration is received in the same year they were suspended.

3.3 The registered person shall attend continuing professional development courses as prescribed by Council from a recognised Voluntary Association.

4. POLICY ENFORCEMENT

4.1 Any transgression of this policy shall be handled in accordance with the SACAP disciplinary procedures and/or other relevant labour laws.

4.2 SACAP shall ensure that all its employees are made aware of the contents of this policy by the relevant department.

5. APPROVAL AND REVIEW OF THE POLICY

5.1 This Policy Manual shall be recommended by the Audit and Risk Committee for approval by the Council.

5.2 It shall be reviewed every two years or when required by Council.

Recommended for approval and adoption by the Council on _____

SIGNATURE: _____ DATE: _____

REGISTRAR

SOUTH AFRICAN COUNCIL FOR ARCHITECTURAL PROFESSIONS