



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 426

CAPE TOWN, 1 DECEMBER 2000

No. 21818

KAAPSTAD, 1 DESEMBER 2000

#### THE PRESIDENCY

No. 1301.

1 December 2000

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 43 of 2000: Council for the Built Environment Act, 2000.

#### DIE PRESIDENSIE

No. 1301.

1 Desember 2000

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 43 van 2000: Wet op die Raad vir die Bou-omgewing, 2000.

*(English text signed by the President.)  
(Assented to 26 November 2000.)*

# ACT

**To provide for the establishment of a juristic person to be known as the Council for the Built Environment; to provide for the composition, functions, powers, assets, rights, duties and financing of such a council; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa as follows:—

## Definitions

1. In this Act, unless the context otherwise indicates—
  - (i) “built environment” means the field within which the registered persons practise; 5
  - (ii) “built environment professions” means the professions regulated by the professions’ Acts;
  - (iii) “council” means the Council for the Built Environment contemplated in section 2; 10
  - (iv) “councils for the professions” means the—
    - (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; 15
    - (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; 20
    - (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;
  - (v) “department” means the national department responsible for public works; 25
  - (vi) “Director-General” means the director-general of the national department responsible for public works;
  - (vii) “Minister” means the Minister responsible for public works;
  - (viii) “prescribed” means prescribed by regulation;
  - (ix) “professional” means a person who is registered as such in terms of any of the professions’ Acts; 30
  - (x) “professions’ Acts” means the—
    - (a) Architectural Profession Act, 2000;
    - (b) Project and Construction Management Professions Act, 2000;
    - (c) Engineering Profession Act, 2000; 35
    - (d) Landscape Architectural Profession Act, 2000;
    - (e) Property Valuers Profession Act, 2000; and
    - (f) Quantity Surveying Profession Act, 2000;
  - (xi) “registered person” means a person registered in terms of any of the professions’ Acts; 40

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 26 November 2000.)*

# WET

Om voorsiening te maak vir die instelling van 'n regspersoon wat bekend staan as die Raad vir die Bou-omgewing; om voorsiening te maak vir die samestelling, werkzaamhede, bevoegdhede, bates, regte, pligte en finansiering van so 'n raad; en om vir verbandhoudende aangeleenthede voorsiening te maak.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - (i) "betrokke Minister" enige Minister, buiten die Minister wat vir openbare werke verantwoordelik is, wie se portefeuille deur hierdie Wet geraak word;
  - (ii) "bou-omgewing" die vakgebied waarbinne die geregistreerde persone prakteer;
  - (iii) "bou-omgewingprofessies" die professies wat deur die professies se Wette gereguleer word;
  - (iv) "departement" die nasionale departement wat vir openbare werke verantwoordelik is;
  - (v) "Direkteur-generaal" die Direkteur-generaal van die nasionale departement wat vir openbare werke verantwoordelik is;
  - (vi) "geregistreerde persoon" 'n persoon wat ingevolge enige van die professies se Wette geregistreer is;
  - (vii) "hierdie Wet" ook die regulasies ingevolge hierdie Wet uitgevaardig;
  - (viii) "Minister" die Minister wat vir openbare werke verantwoordelik is;
  - (ix) "professies se Wette" die—
    - (a) Wet op die Argitektuurprofessie, 2000;
    - (b) Wet op die Projek- en Konstruksiebestuursprofessies, 2000;
    - (c) Wet op die Ingenieursweseprofessie, 2000;
    - (d) Wet op die Landskapsargitektuurprofessie, 2000;
    - (e) Wet op die Eiendomswaardeerdeursprofessie, 2000; en
    - (f) Wet op die Bourekenaarsprofessie, 2000;
  - (x) "professionele persoon" 'n persoon wat as sodanig ingevolge enige van die professies se Wette geregistreer is;
  - (xi) "raad" die Raad vir die Bou-omgewing in artikel 2 beoog;
  - (xii) "rade vir die professies" die—
    - (a) Suid-Afrikaanse Raad vir die Argitektuurprofessie, ingestel deur die Wet op die Argitektuurprofessie, 2000;
    - (b) Suid-Afrikaanse Raad vir die Projek- en Konstruksiebestuursprofessies, ingestel deur die Wet op die Projek- en Konstruksiebestuursprofessies, 2000;
    - (c) Suid-Afrikaanse Raad vir Ingenieurswese, ingestel deur die Wet op die Ingenieursweseprofessie, 2000;
    - (d) Suid-Afrikaanse Raad vir die Landskapsargitektuurprofessie, ingestel deur die Wet op die Landskapsargitektuurprofessie, 2000;
    - (e) Suid-Afrikaanse Raad vir die Eiendomswaardeerdeursprofessie, ingestel deur die Wet op die Eiendomswaardeerdeursprofessie, 2000; en

- (xii) "registrar" means a person appointed as registrar under section 15(1)(a);
- (xiii) "relevant Minister" means any Minister, except the Minister responsible for public works, whose portfolio is affected by this Act;
- (xiv) "this Act" includes the regulations; and
- (xv) "voluntary association for the built environment professions" means any voluntary association recognised as such by the councils for the professions in terms of any of the professions' Acts.

5

### **Establishment of Council for the Built Environment**

2. The Minister must, by notice in the *Gazette* and with effect from a date specified in such notice, establish a juristic person to be known as the Council for the Built Environment.

10

### **Objects of council**

3. The objects of the council are to—
- (a) promote and protect the interests of the public in the built environment;
  - (b) promote and maintain a sustainable built environment and natural environment;
  - (c) promote ongoing human resource development in the built environment;
  - (d) facilitate participation by the built environment professions in integrated development in the context of national goals;
  - (e) promote appropriate standards of health, safety and environmental protection within the built environment;
  - (f) promote sound governance of the built environment professions;
  - (g) promote liaison in the built environment in the field of training, both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
  - (h) serve as a forum where the representatives of the built environment professions may discuss the relevant—
    - (i) required qualifications;
    - (ii) standards of education;
    - (iii) training and competence;
    - (iv) promotion of professional status; and
    - (v) legislation impacting on the built environment; and
  - (i) ensure the uniform application of norms and guidelines set by the councils for the professions throughout the built environment.

25

30

35

### **Functions, powers and duties of council**

4. The council may—
- (a) advise government on any matter falling within the scope of the built environment, including resource utilisation, socio-economic development, public health and safety and the environment, and for this purpose carry out such investigations as it or the relevant Minister deems necessary;
  - (b) communicate to the Minister information on matters of public importance acquired by the council in the course of the performance of its functions under this Act;
  - (c) make recommendations to the Minister on the composition, functions, assets, rights, employees or financing of the council;
  - (d) advise the Minister with regard to the amendment of this Act, if necessary, in order to support the norms and values of the built environment professions;
  - (e) facilitate interministerial co-operation concerning issues relating to the built environment;

40

45

- (f) Suid-Afrikaanse Raad vir die Bourekenaarsprofessie, ingestel deur die Wet op die Bourekenaarsprofessie, 2000;
- (xiii) "registerateur" 'n persoon kragtens artikel 15(1)(a) as registerateur aangestel;
- (xiv) "voorgeskryf" by regulasie voorgeskryf; en
- 5 (xv) "vrywillige vereniging vir die bou-omgewingprofessies" enige vrywillige vereniging wat as sodanig deur die rade vir die professies ingevolge enige van die professies se Wette erken is.

### **Instelling van Raad vir die Bou-omgewing**

2. Die Minister moet, by kennisgewing in die *Staatskoerant* en met ingang van 'n 10 datum in sodanige kennisgewing vermeld, 'n regspersoon instel wat bekend staan as die Raad vir die Bou-omgewing.

### **Doelstellings van raad**

3. Die doelstellings van die raad is om—
- 15 (a) die belang van die publiek in die bou-omgewing te bevorder en te beskerm;
- (b) 'n volhoubare bou omgewing en natuurlike omgewing te bevorder en te handhaaf;
- (c) duurlopende menslike hulpbronontwikkeling in die bou-omgewing te bevorder;
- 20 (d) deelname deur die bou-omgewingprofessies in geïntegreerde ontwikkeling binne die raamwerk van nasionale doelwitte, te faciliteer;
- (e) toepaslike standarde van gesondheid, veiligheid en beskerming van die omgewing binne die bou-omgewing te bevorder;
- (f) gesonde bestuur van die bou-omgewingprofessies te bevorder;
- 25 (g) skakeling in die bou-omgewing op die gebied van opleiding, beide in die Republiek en elders, te bevorder en die standarde van sodanige opleiding in die Republiek te bevorder;
- (h) te dien as 'n forum waar die bou-omgewingprofessies die tersaaklike—
- 30 (i) vereiste kwalifikasies;
- (ii) standarde van onderrig;
- (iii) opleiding en bekwaamheid;
- (iv) bevordering van professionele status; en
- (v) wetgewing wat die bou-omgewing raak, kan bespreek; en
- 35 (i) toe te sien dat norme en riglyne wat deur die rade vir die professies vasgestel word eenvormig in die bou-omgewing toegepas word.

### **Werksaamhede, bevoegdhede en pligte van raad**

4. Die raad kan—
- 40 (a) die regering adviseer oor enige aangeleentheid wat binne die trefwydte van die bou-omgewing ressorteer, met inbegrip van bronbenutting, sosio-ekonomiese ontwikkeling, openbare gesondheid en veiligheid en die omgewing, en vir hierdie doel die ondersoek doen wat die betrokke Minister nodig ag;
- (b) inligting oor aangeleenthede van openbare belang wat die raad in die loop van die verrigting van sy werksaamhede kragtens hierdie Wet bekom, aan die Minister oordra;
- 45 (c) aanbevelings aan die Minister doen oor die samestelling, werksaamhede, bates, regte, werknelers of finansiering van die raad;
- (d) die Minister adviseer met betrekking tot die wysiging van hierdie Wet, indien nodig, ten einde die norme en waardes van die bou-omgewingprofessies te ondersteun;
- 50 (e) interministeriële samewerking in verband met aangeleenthede rakende die bou-omgewing faciliteer;

- (f) provide advice and consultation on national policy that could impact on the built environment, human resource development in relation to the built environment professions, and the recognition of new professions;
- (g) comment, if necessary, on all proposed legislation impacting on health and safety in the built environment;
- (h) direct communication from the Minister or the relevant Minister to the councils for the professions;
- (i) advise the councils for the professions on matters of national importance where the needs of State, as communicated to the council through the relevant Minister, require joint and co-ordinated action by the built environment professions;
- (j) coordinate the establishment of mechanisms for professionals to gain international recognition;
- (k) ensure the consistent application of policy by the councils for the professions with regard to—
  - (i) accreditation;
  - (ii) the registration of different categories of registered persons;
  - (iii) key elements of competence testing of registered persons;
  - (iv) codes of conduct to be prescribed by the councils for the professions;
  - (v) the principles upon which the councils for the professions must base the determination of fees which registered persons are entitled to charge in terms of any of the professions' Acts, and in accordance with any legislation relating to the promotion of competition;
  - (vi) standards of health, safety and environmental protection within the built environment;
  - (vii) the recognition of voluntary associations for the built environment professions, by approving the framework for that recognition submitted by the councils for the professions, taking due cognisance of the characteristics of each built environment profession;
- (l) investigate or initiate investigations into matters pertaining to its functions and policies with regard to the built environment and, if necessary, recommend legislation in this regard;
- (m) act as an appeal body with regard to matters referred to it in terms of the law regulating the built environment professions;
- (n) in consultation with councils for the professions, obtain recognition for the councils for the professions as bodies responsible for the establishment of education and training standards in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- (o) ensure the consistent application of policy throughout the built environment by encouraging coordination between the councils for the professions;
- (p) promote coordination between the Council on Higher Education and the councils for the professions in relation to the accreditation of education institutions;
- (q) liaise with the Competition Commission, established in terms of the Competition Act, 1998 (Act No. 89 of 1998), on behalf of the councils for the professions regarding the identification of work for the built environment professions;
- (r) review fees published by the councils for the professions to ensure the consistent application of the principles regarding such fees;
- (s) charge—
  - (i) membership fees in the prescribed manner from the councils for the professions, calculated pro rata to the number of persons registered with that council;
  - (ii) fees payable for appeals in terms of section 21; and
  - (iii) any other fee it considers necessary.
- (t) institute legal proceedings to recover all outstanding membership fees payable under this Act;
- (u) consider proposals from the councils for the professions with regard to the determination of policy contemplated in paragraph (k);
- (v) receive and assimilate the annual reports of the councils for the professions and submit a summary to the Minister;

5

10

15

20

25

30

35

40

45

50

55

60

- (f) advies verskaf en oorleg pleeg oor nasionale beleid wat op die bou-omgewing, menslike hulprbronontwikkeling in verband met die bou-omgewingprofessiones en die erkenning van nuwe professies kan inwerk;
- 5 (g) kommentaar lewer, indien nodig, oor alle voorgestelde wetgewing wat inwerk op gesondheid en veiligheid in die bou-omgewing;
- (h) kommunikasie van die Minister of die betrokke Minister na die rade vir die professies toe kanaliseer;
- 10 (i) die rade vir die professies adviseer oor aangeleenthede van nasionale belang waar die behoeftes van die Staat, soos aan die raad oorgedra deur die betrokke Minister, gesamentlike en gekoördineerde optrede van die bou-omgewingprofessiones vereis;
- (j) die instelling van meganismes vir professionele persone om internasionale erkenning te kry, koördineer;
- 15 (k) toesien dat die rade vir die professies beleid konsekwent toepas met betrekking tot—
- (i) akkreditering;
  - (ii) die registrasie van verskillende kategorieë geregistreerde persone;
  - (iii) sleutelelemente van bekwaamheidstoetsing vir geregistreerde persone;
  - (iv) gedragskodes wat deur die rade vir die professies voorgeskryf moet word;
- 20 (v) die beginsels waarop die rade vir die professies die bepaling van gelde moet baseer wat geregistreerde persone ingevolge enige van die professies se Wette en ooreenkomsdig enige wetgewing wat verband hou met die bevordering van kompetisie geregtig is om te hef;
- 25 (vi) standaarde van gesondheid, veiligheid en omgewingsbeskerming binne die bou-omgewing;
- (vii) die erkenning van vrywillige verenigings vir die bou-omgewingprofessiones, deur die raamwerk vir daardie erkenning wat deur die rade vir die professies voorgelê word, goed te keur,
- 30 met behoorlike inagneming van die kenmerkende eienskappe van elke bou-omgewingprofession;
- (l) ondersoek instel na of ondersoeke aanvoor na sake wat betrekking het op sy werksaamhede en beleidsrigtings met betrekking tot die bou-omgewing en, indien nodig, wetgewing in hierdie verband aanbeveel;
- 35 (m) as 'n appèlligaam optree met betrekking tot sake na hom verwys ingevolge die wetgewing wat die bou-omgewing reguleer;
- (n) in oorleg met die rade vir die professies, erkenning vir genoemde rade verkry as liggame wat verantwoordelik is vir die instelling van onderrig- en opleidingstandaarde ingevolge die Wet op die Suid-Afrikaanse Kwalifikasie-overheid, 1995 (Wet No. 58 van 1995);
- 40 (o) toesien dat beleid konsekwent in die bou-omgewing toegepas word deur koördinering tussen die rade vir die professies aan te moedig;
- (p) koördinering tussen die Raad vir Hoër Onderwys en die rade vir die professies bevorder met betrekking tot die akkreditering van opvoedkundige instellings;
- 45 (q) met die Mededingingskommissie, wat ingevolge die Wet op Mededinging, 1998 (Wet No. 89 van 1998), ingestel is, namens die rade vir die professies skakel met betrekking tot die identifisering van werk vir die bou-omgewingprofessiones;
- 50 (r) gelde wat deur die rade vir die professies gepubliseer is, hersien ten einde toe te sien dat die beginsels met betrekking tot sodanige fooie konsekwent toegepas word;
- (s)
- (i) lidmaatskapgelde van die rade vir die professies op die voorgeskrewe manier hef, wat pro rata tot die getal persone wat by daardie raad geregistreer is, bereken is;
  - (ii) gelde betaalbaar vir appelle ingevolge artikel 21 hef; en
  - (iii) enige ander gelde hef wat dit nodig ag;
- 55 (t) regstappe doen om alle uitstaande lidmaatskapgelde wat kragtens hierdie Wet betaalbaar is, te verhaal;
- 60 (u) voorstelle oorweeg van die rade vir die professies met betrekking tot die bepaling van beleid in paragraaf (k) beoog;
- (v) jaarverslae van die rade vir die professies ontvang en verwerk en 'n opsomming aan die Minister voorlê;

- (w) purchase, hire or otherwise acquire or dispose of property, borrow money on the security of the assets of the council or accept and administer any trust or donation;
- (x) subject to this Act, approve standing orders for the regulation of its proceedings and of all other matters relating to the management, powers and duties of the council;
- (y) perform such functions as may be prescribed; and
- (z) generally, do all such things as the council deems necessary or expedient to achieve the objectives of this Act.

**Composition of council**

10

**5.** (1) The Minister must appoint the members of the council.

(2) The council consists of the following members, taking into account, among other things, the principles of transparency and representivity:

- (a) One representative from the department.
  - (b) Not more than three persons nominated, from the nominations contemplated in section 6(2)(a) by state departments within whose functional areas the professions are also practised, taking due cognisance of provincial participation.
  - (c) Two representatives nominated by each council for the professions, which representatives may be members of a council for the professions, a voluntary association for the built environment professions or any other person with appropriate expertise.
  - (d) Not more than four persons nominated, from the nominations contemplated in section 6(2)(b) by the public through an open process of public participation.
- (3) (a) If a profession which is involved and active in the built environment establishes a council in terms of legislation similar to the professions' Acts, that council may make a request to the Minister to be represented on the council.
- (b) On receipt of a request contemplated in paragraph (a), the Minister may appoint representatives to the council in accordance with this section for the remainder of the term of office of the council.

15

20

25

30

**Appointment of members of council**

**6.** (1) For the purposes of the first term of office of the council—

- (a) the councils for the professions must, within 30 days from the date of the publication of the notice of establishment of the council in the *Gazette*, submit in writing to the Director-General the names of the persons nominated by them for purposes of section 5(2)(c);
- (b) the Minister must, for the purposes of section 5(2)(d), on the date of publication of the notice of establishment of the council in the *Gazette*, invite nominations for representatives from the general public;
- (c) the invitation referred to in paragraph (b), must be published in the *Gazette* and in any newspaper generally circulated throughout the Republic.

35

40

(2) For purposes of subsequent terms of office of the council—

- (a) when nominations in terms of section 5(2)(a), (b) or (c) become necessary, the council must invite the department, state departments referred to in section 5(2)(b) and councils for the professions, respectively, to nominate within the period specified, persons who qualify for nomination in terms of section 5(2)(a), (b), or (c), respectively;
- (b) when nominations in terms of section 5(2)(d) become necessary, the council must invite the public by notice in the *Gazette* and any newspaper generally circulated throughout the Republic, to nominate persons for appointment to the council within the period specified in the notice from the date of the notice;
- (c) the period referred to in the invitation and the notice must be at least 60 days;
- (d) on receipt of any nomination the council must, within 30 days from the expiry date specified in the invitation and the notice, submit its recommendations to the Minister.

45

50

55

- (w) eiendom koop, huur of andersins bekom of vervreem, geld leen teen die sekerheid van die bates van die raad, of enige trust of skenking aanvaar en administreer;
- 5 (x) behoudens hierdie Wet 'n reglement van orde vir die regulering van sy verrigtinge en vir alle ander aangeleenthede met betrekking tot die bestuur, bevoegdhede en pligte van die raad goedkeur;
- (y) die werkzaamhede wat voorgeskryf word, verrig;
- (z) in die algemeen, al die dinge doen wat die raad nodig of raadsaam ag ten einde die oogmerke van hierdie Wet te bereik.

## 10 Samestelling van raad

5. (1) Die Minister stel die lede van die raad aan.
- (2) Die raad bestaan uit die volgende lede, met inagneming van, onder andere, die beginsels van openheid en verteenwoordiging:
- 15 (a) Een verteenwoordiger van die departement.
- (b) Nie meer as drie persone nie, uit die nominasies in artikel 6(2)(a) beoog, wat deur staatsdepartemente binne wie se funksionele gebiede die professies ook beoefen word, met behoorlike inagneming van provinsiale deelname, genomineer is.
- 20 (c) Twee verteenwoordigers wat deur elke raad vir die professies genomineer is, welke verteenwoordigers lede van 'n raad vir die professies, lede van 'n vrywillige vereniging vir die bou-omgewingprofessies of enige ander persoon met toepaslike kundigheid kan wees.
- (d) Nie meer as vier lede van die publiek nie, uit die nominasies in artikel 6(2)(b) beoog, wat deur 'n oop proses van openbare deelname genomineer is.
- 25 (3) (a) Indien 'n professie wat betrokke en aktief is in die bou-omgewing 'n raad instel ingevolge wetgewing wat soortgelyk is aan die professies se Wette, kan daardie raad die Minister versoek om in die raad verteenwoordig te word.
- (b) By ontvangs van 'n versoek in paragraaf (a) beoog, kan die Minister in ooreenstemming met hierdie artikel verteenwoordigers in die raad aanstel vir die
- 30 oorblywende deel van die ampstermy van die raad.

## Aanstelling van lede van raad

6. (1) Vir die doeleinnes van die eerste ampstermy van die raad—
- (a) moet die rade vir die professies en binne 30 dae vanaf die datum van die publikasie van die kennisgewing van instelling van die raad in die *Staatskoerant*, die Direkteur-generaal skriftelik van die name van die persone wat deur hulle genomineer is vir die doel van artikel 5(2)(c), in kennis stel;
- 35 (b) die Minister moet vir die doeleinnes van artikel 5(2)(d), op die datum van publikasie van die kennisgewing van die instelling van die raad in die *Staatskoerant*, nominasies vir verteenwoordigers van die algemene publiek versoek;
- (c) die versoek in paragraaf (b) bedoel, moet in die *Staatskoerant* en in enige koerant wat algemeen deur die hele Republiek versprei word, gepubliseer word.
- (2) Vir die doeleinnes van die daaropvolgende ampstermyne van die raad—
- 40 (a) moet die raad, wanneer nominasies ingevolge artikel 5(2)(a), (b) of (c) nodig word, onderskeidelik die departement, staatsdepartemente in artikel 5(2)(b) bedoel en rade vir die professies uitnooi om persone wat ingevolge onderskeidelik artikel 5(2)(a), (b) of (c) vir nominasie kwalifiseer binne die tydperk vermeld, te nomineer;
- 45 (b) moet die raad, wanneer nominasies ingevolge artikel 5(2)(d) nodig word, die publiek by kennisgewing in die *Staatskoerant* en enige koerant wat algemeen in die hele Republiek versprei word uitnooi om binne die tydperk wat in die kennisgewing vermeld word persone te nomineer vir aanstelling in die raad;
- 50 (c) moet die tydperk in die uitnodiging en kennisgewing bedoel minstens 60 dae wees;
- (d) moet die raad, indien dit enige nominasie ontvang, binne 30 dae vanaf die verstrykdatum in die uitnodiging of kennisgewing vermeld sy aanbevelings aan die Minister voorlê.

## Act No. 43, 2000 COUNCIL FOR THE BUILT ENVIRONMENT ACT, 2000

(3) (a) If no nominations are submitted as contemplated in subsection (1) or (2), or if a council for the profession or referred to in subsection (1) fails to submit the names of nominated persons to the Director-General under subsection (1), the Director-General must immediately inform the Minister of such failure in writing.

(b) In the case of failure as contemplated in paragraph (a), the Minister must appoint the required number of persons who qualify to be appointed in terms of this Act, as members of the council. 5

(4) The Minister must, as soon as possible after the appointment of the members of the council, publish the names of the members of the council and the date of commencement of their period of office in the *Gazette*. 10

(5) The members of the council hold office for a period of four years calculated from the date contemplated in subsection (4). 10

**Removal from office**

7. The Minister may remove a member of the council from office on account of misconduct or inability to perform his or her duties efficiently after due inquiry. 15

**Disqualification, vacation of office and filling of vacancies**

8. (1) A person may not be appointed as a member of the council if that person—  
 (a) is not a South African citizen and ordinarily resident in the Republic;  
 (b) is an unrehabilitated insolvent;  
 (c) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both. 20  
 (d) subject to subsection (3), has been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both. 25  
 (e) has, as a result of improper conduct, been removed from an office of trust;  
 (f) has in terms of this Act been found guilty by the council of improper conduct; or  
 (g) in the case of persons referred to in section 5(2)(c) is not a registered person. 30
- (2) A member of the council must vacate his or her office if he or she—  
 (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the council;  
 (b) resigns by written notice addressed to the registrar;  
 (c) is declared by the High Court to be of unsound mind or mentally disordered or 35 is detained under the Mental Health Act, 1973 (Act No. 18 of 1973);  
 (d) has, without leave of the council, been absent from more than two consecutive meetings of the council;  
 (e) is appointed in terms of section 5(2)(c) and ceases to be associated with the council or voluntary association for the built environment profession that 40 nominated him or her;  
 (f) is appointed in terms of section 5(2)(b) and ceases to be employed by the State;  
 (g) ceases to be permanently resident in the Republic; or  
 (h) is removed from office in terms of section 7. 45
- (3) For the purposes of subsection (1)(d), the Minister must take cognisance of the prevailing circumstances in a foreign country relating to a conviction.  
 (4) If a member of the council dies or vacates his or her office before the expiration of his or her term of office, the Minister must, within 60 days from the date on which the vacancy occurred, appoint the person nominated by the council subject to section 5, to 50 fill the vacancy for the unexpired portion of the period for which that member was appointed.

(3) (a) Indien geen nominasies soos beoog in subartikel (1) of (2) voorgelê word nie, of indien 'n raad vir die professie of bedoel in subartikel (1), versuim om die name van die genomineerde persone kragtens subartikel (1) aan die Direkteur-generaal voor te lê, moet die Direkteur-generaal onmiddellik die Minister skriftelik oor sodanige versuim 5 inlig.

(b) In die geval van 'n versuim soos beoog in paragraaf (a), moet die Minister die vereiste getal persone wat kwalifiseer om ingevolge hierdie Wet aangestel te word, as lede van die raad aanstel.

(4) Die Minister moet so gou moontlik na die aanstelling van die lede van die raad 10 die name van die lede van die raad en die datum van inwerkingtreding van hulle ampstermy in die *Staatskoerant* publiseer.

(5) Die lede van die raad beklee die amp vir 'n tydperk van vier jaar wat vanaf die datum in subartikel (4) beoog, bereken word.

### **Ontheffing van amp**

15 7. Die Minister kan, na behoorlike ondersoek, 'n lid van die raad van sy of haar amp onthef op grond van wangedrag of onvermoë om sy of haar pligte doeltreffend uit te voer.

### **Diskwalifikasie, ontruiming van amp en vul van vakatures**

8. (1) 'n Persoon mag nie as 'n lid van die raad aangestel word nie indien daardie 20 persoon—

- (a) nie 'n Suid-Afrikaanse burger en gewoonlik in die Republiek woonagtig is nie;
- (b) 'n ongerehabiliteerde insolvent is;
- (c) in die Republiek aan 'n misdryf skuldig bevind is, behalwe 'n misdryf wat met politieke oogmerke gepleeg is voor 27 April 1994, en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete, of in die geval van bedrog, tot 'n boete of gevangenisstraf of beide;
- (d) onderhewig aan subartikel (3), in die buitenland aan 'n misdryf skuldig bevind is en gevonnis is tot gevangenisstraf sonder die keuse van 'n boete, of in die geval van bedrog, tot 'n boete of gevangenisstraf of beide;
- (e) as gevolg van onbehoorlike gedrag uit 'n vertrouensamp verwyder is;
- (f) ingevolge hierdie Wet deur die raad aan onbehoorlike gedrag skuldig bevind is; of
- (g) in die geval van persone in artikel 5(2)(c) en (d) bedoel, nie 'n geregistreerde persoon is nie.

(2) 'n Lid van die raad moet sy of haar amp ontruim indien hy of sy—

- (a) ingevolge subartikel (1) onbevoeg raak om as lid van die raad aangestel te word;
- (b) deur skriftelike kennisgewing aan die registrator gerig, bedank;
- (c) deur die Hoë Hof as geestelik onbevoeg of geestesversteurd verklaar word of kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), aangehou word;
- (d) sonder verlof van die raad afwesig was vir meer as twee opeenvolgende vergaderings van die raad;
- (e) ingevolge artikel 5(2)(c) of (d) aangestel is en nie meer verbonde is aan die raad of vrywillige vereniging vir die bou-omgewingprofessie wat hom of haar nomineer het nie;
- (f) ingevolge artikel 5(2)(b) aangestel is en nie meer in diens van die Staat is nie;
- (g) nie meer gewoonlik in die Republiek woonagtig is nie; of
- (h) van sy of haar amp onthef word ingevolge artikel 7.

(3) Die Minister moet, vir die doeleindes van subartikel (1)(d), die heersende omstandighede in daardie land wat betrekking het op 'n skuldigbevinding, in ag neem.

(4) Indien 'n lid van die raad sterf of sy of haar amp ontruim voor die verstryking van sy of haar ampstermy, moet die Minister, binne 60 dae vanaf die datum waarop 55 die vakature ontstaan het, die persoon wat deur die raad onderhewig aan artikel 5 genomineer is, aanstel om die vakature te vul vir die onverstreke tydperk waarvoor daardie lid aangestel is.

### **Chairperson and deputy chairperson**

**9.** (1) The Minister must, in the prescribed manner, appoint a chairperson and a deputy chairperson for every newly constituted council.

(2) The chairperson and deputy chairperson hold office for the period of four years from the date of their appointment. 5

(3) The deputy chairperson must, if the chairperson is for any reason unable to act as chairperson, perform all the functions of the chairperson and may exercise all the powers of the chairperson.

(4) (a) If both the chairperson and the deputy chairperson are for any reason unable to preside at a council meeting, the members present must elect one of the members to preside at that meeting. 10

(b) The person elected may, during that meeting, perform all the functions and exercise all the powers of the chairperson.

(5) If the office of the chairperson or the deputy chairperson becomes vacant, the Minister must, in the prescribed manner, appoint one of the members as chairperson or deputy chairperson, as the case may be, and the member so appointed holds office for the unexpired portion of the period for which his or her predecessor was appointed. 15

(6) A chairperson or deputy chairperson may vacate office as such, and such vacation does not terminate his or her membership of the council.

### **Meetings of council**

20

**10.** (1) (a) The Minister must, within 30 days from the date of the appointment of the council, determine the time and place of the first meeting of the council.

(b) The council must determine the time and place of any future meeting.

(2) The council must hold at least two meetings in a year, but may hold more meetings if necessary. 25

(3) (a) The chairperson may at any time convene a special meeting of the council, to be held on a date and at a place as determined by him or her.

(b) The chairperson must, on written request by the Minister or a written request signed by at least six members, convene a special meeting.

(c) A special meeting contemplated in paragraph (b) must be held within 30 days from the date of receipt of the request, on a date and at a place determined by the chairperson. 30

(d) The written request contemplated in paragraph (b) must clearly state the purpose for which the meeting is to be convened.

(4) Subject to the approval of the council, any person who is not a member of the council may attend or take part, but may not vote, in a meeting of the council. 35

### **Quorum and decisions**

**11.** (1) The majority of the members of the council constitute a quorum at any meeting of the council.

(2) (a) A decision of the majority of the members of the council present at any meeting constitutes a decision of the council. 40

(b) In the event of an equality of votes the chairperson has a casting vote in addition to his or her deliberative vote.

(3) If the requisite majority of the members who are entitled to sit as members at a meeting of the council, make a decision or authorise an act at that meeting, the decision made or act performed under that authorization, is valid despite the fact that at that meeting a member who had become disqualified in terms of section 8(2) but had not vacated his or her office, sat as a member. 45

### **Executive committee**

**12.** (1) (a) The council must have an executive committee consisting of the chairperson of the council and not more than three other members elected by the council. 50

(b) The council may appoint alternate members to the executive committee.

(2) A majority of the total number of members of an executive committee constitutes a quorum.

### **Voorsitter en ondervoorsitter**

**9.** (1) Die Minister moet, op die voorgeskrewe manier, vir elke nuut saamgestelde raad 'n voorsitter en ondervoorsitter aanstel.

(2) Die voorsitter en die ondervoorsitter beklee die amp vir 'n tydperk van vier jaar 5 vanaf die datum van hulle aanstelling.

(3) Indien die voorsitter om enige rede nie as voorsitter kan optree nie, moet die ondervoorsitter al die werksaamhede van die voorsitter verrig en kan hy of sy al die bevoegdhede van die voorsitter uitoefen.

(4) (a) Indien beide die voorsitter en die ondervoorsitter om enige rede nie in staat 10 is om voor te sit tydens 'n raadsvergadering nie, moet die lede wat teenwoordig is een van die lede verkies om tydens daardie vergadering voor te sit.

(b) Die verkose persoon kan gedurende daardie vergadering al die werksaamhede van die voorsitter verrig en die bevoegdhede van die voorsitter uitoefen.

(5) Indien daar 'n vakature ontstaan in die amp van die voorsitter of ondervoorsitter, 15 moet die Minister, op die voorgeskrewe manier, een van die lede as voorsitter of ondervoorsitter aanstel, na gelang van die geval, en die lid wat aldus aangestel is, beklee die amp vir die onverstreke gedeelte van die tydperk waarvoor sy of haar voorganger aangestel is.

(6) 'n Voorsitter of ondervoorsitter kan sy of haar amp as sodanig ontruim, en 20 sodanige ontruiming beëindig nie sy of haar lidmaatskap van die raad nie.

### **Vergaderings van raad**

**10.** (1) (a) Die Minister moet, binne 30 dae vanaf die datum van die aanstelling van die raad, die tyd en plek van sy eerste vergadering bepaal.

(b) Die raad moet die tyd en plek van enige toekomstige vergadering bepaal.

(2) Die raad moet minstens twee vergaderings per jaar hou maar kan enige verdere vergaderings hou, indien nodig.

(3) (a) Die voorsitter kan te eniger tyd 'n buitengewone vergadering van die raad belê, wat gehou word op 'n tyd en plek wat hy of sy kan bepaal.

(b) Die voorsitter moet, op skriftelike versoek deur die Minister of 'n skriftelike 30 versoek onderteken deur minstens ses lede, 'n buitengewone vergadering belê.

(c) 'n Buitengewone vergadering in paragraaf (b) beoog, moet binne 30 dae vanaf die datum van ontvangs van die versoek gehou word, op 'n datum en plek wat die voorsitter bepaal.

(d) Die skriftelike versoek in paragraaf (b) beoog, moet die doel waarvoor die 35 vergadering belê word, duidelik stel.

(4) Enige persoon wat nie 'n lid van die raad is nie, kan, behoudens die goedkeuring van die raad, 'n vergadering van die raad bywoon of daaraan deelneem, maar nie stem nie.

### **Kworum en besluite**

**40 11.** (1) Die meerderheid van die lede van die raad vorm 'n kworum by enige vergadering van die raad.

(2) (a) 'n Besluit van die meerderheid van die lede van die raad wat by enige vergadering teenwoordig is, maak 'n besluit van die raad uit.

(b) In die geval van 'n staking van stemme het die voorsitter 'n beslissende stem 45 bykomend tot sy of haar beraadslagende stem.

(3) Indien die vereiste meerderheid van lede wat geregtig is om as lede sitting te neem tydens 'n vergadering van die raad, 'n besluit neem of 'n handeling magtig tydens daardie vergadering, is die besluit geneem of 'n handeling verrig kragtens daardie magtiging, geldig, ten spye van die feit dat 'n lid wat ingevolge artikel 8(2) as lid 50 gediskwalifiseer was maar wat nie sy of haar amp ontruim het nie, tydens daardie vergadering as lid sitting geneem het.

### **Uitvoerende komitee**

**55 12.** (1) (a) Die raad het 'n uitvoerende komitee wat uit die voorsitter van die raad en nie meer as drie ander lede wat deur die raad verkies is, bestaan nie.

(b) Die raad kan plaasvervangende lede in die uitvoerende komitee aanstel.

(2) 'n Meerderheid van die totale getal lede van 'n uitvoerende komitee maak 'n kworum uit.

- (3) (a) A member—  
     (i) serves on the executive committee for a period of one year;  
     (ii) may be re-elected; and  
     (iii) remains in office until his or her successor is elected.
- (b) Upon expiry of the term of office of any member of the executive committee, the vacancy must be filled by the council at its next ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairperson of the council within 21 days from the date of that ordinary meeting. 5
- (c) A vacancy on the executive committee occurs if a member resigns as a member of the executive committee, or if he or she ceases to be a member of the council as contemplated in section 8. 10
- (d) (i) If a vacancy occurs in the executive committee the vacancy must be filled by the council at its next ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairperson of the council within 21 days from the date of that ordinary meeting. 15
- (ii) The member elected serves for the unexpired portion of the term of office of his or her predecessor.
- (4) The executive committee must hold a meeting as and when necessary, but at least four times per year.
- (5) A special meeting of the executive committee—  
     (a) may, at any time, be convened by the chairperson; and  
     (b) must be convened by the chairperson if he or she is requested thereto in writing by a majority of the members of the executive committee. 20

### **Powers of executive committee**

13. The executive committee has the power to—  
     (a) ensure that the resolutions of the council are carried out;  
     (b) consider any matter delegated to it by the council in terms of any law, and to advise the council in connection therewith;  
     (c) prepare estimates of revenue and expenditure of the council;  
     (d) control the expenditure of moneys voted by the council in its approved estimates and all other moneys or funds made available by the council; 30  
     (e) exercise or perform any power, duty or function delegated to it by the council under section 16; and  
     (f) report at every ordinary meeting of the council on the activities of the committee. 35

### **Committees of council**

14. (1) The council—  
     (a) may establish any committee to—  
         (i) assist it in the performance of its functions; or  
         (ii) investigate and make recommendations on matters relating to any of its functions; 40  
     (b) must designate a chairperson for any such committee, and determine the quorum for meetings.  
     (2) The council must determine the terms of reference of the committees.  
     (3) Section 10 applies with the necessary changes in respect of a committee of the council. 45

### **Appointment of registrar and staff**

15. (1) The council—  
     (a) must appoint a registrar; and  
     (b) may employ such staff as it may deem necessary for the carrying out of its functions, 50

## (3) (a) 'n Lid—

- (i) dien in die uitvoerende komitee vir 'n tydperk van een jaar;
- (ii) kan herverkies word; en
- (iii) bly in sy of haar amp aan totdat sy of haar opvolger aangewys is.

5 (b) By verstryking van die ampstermy van 'n lid van die uitvoerende komitee word die vakature deur die raad op sy volgende gewone vergadering gevul of by onstentenis daarvan, op 'n spesiale vergadering wat die voorsitter van die raad vir dié doel binne 21 dae vanaf die datum van daardie gewone vergadering belê.

10 (c) 'n Vakature in die uitvoerende komitee ontstaan indien 'n lid as lid van die uitvoerende komitee bedank, of indien hy of sy ophou om lid van die raad te wees soos beoog in artikel 8.

15 (d) (i) Indien 'n vakature in die uitvoerende komitee ontstaan, moet die vakature deur die raad op sy volgende gewone vergadering gevul word of, by onstentenis daarvan, op 'n spesiale vergadering wat die voorsitter van die raad vir dié doel binne 21 dae vanaf die datum van daardie gewone vergadering belê.

(ii) Die lid wat verkies word, dien vir die onverstreke gedeelte van die ampstermy van sy of haar voorganger.

(4) Die uitvoerende komitee vergader soos en wanneer nodig, maar minstens vier keer per jaar.

20 (5) 'n Spesiale vergadering van die uitvoerende komitee—

- (a) kan te eniger tyd deur die voorsitter belê word; en
- (b) moet deur die voorsitter of voorsitster belê word indien hy of sy skriftelik deur 'n meerderheid van die lede van die uitvoerende komitee däärtoe versoek word.

**25 Bevoegdhede van uitvoerende komitee**

## 13. Die uitvoerende komitee het die bevoegdheid om—

- (a) toe te sien dat die besluite van die raad uitgevoer word;
- (b) 'n aangeleenthed wat deur die raad aan die uitvoerende komitee gedelegeer word ingevolge enige wetgewing, te oorweeg en die raad daaromtrént te adviseer;
- (c) begrotings van die raad se inkomste en uitgawes op te stel;
- (d) die besteding van alle gelde deur die raad in sy goedgekeurde begroting bestem en alle ander gelde of fondse wat deur die raad beskikbaar gestel is, te beheer;
- (e) enige bevoegdheid, plig of werksaamheid deur die raad kragtens artikel 16 aan hom gedelegeer, uit te oefen of te verrig; en
- (f) by elke gewone vergadering van die raad oor die werksaamhede van die komitee verslag te doen.

**Komitees van raad**

40 14. (1) Die raad—

- (a) kan enige komitee aanstel om—
  - (i) hom in die verrigting van sy werksaamhede by te staan; of
  - (ii) ondersoek in te stel na en aanbevelings te doen oor sake wat verband hou met enige van sy werksaamhede;
- (b) moet 'n voorsitter vir so 'n komitee aanwys, en die kworum vir vergaderings bepaal.

(2) Die raad bepaal die opdrag van die komitees.

(3) Artikel 10 is, met die nodige wysigings, van toepassing met betrekking tot 'n komitee van die raad.

**50 Aanstelling van registrator en personeel**

## 15. (1) Die raad—

- (a) moet 'n registrator aanstel; en
- (b) kan die personeel aanstel wat dit nodig ag vir die verrigting van die raad se werksaamhede,

on such conditions, including the payment of remuneration and allowances, as it may determine, and may dismiss any person so appointed.

(2) The registrar must enter into a performance agreement, as prescribed, with the council on acceptance of his or her appointment.

(3) The registrar must perform, in addition to such functions as may otherwise be assigned to him or her by or under this Act, such functions as may from time to time be assigned to him or her by the council. 5

### **Delegation of powers**

**16.** (1) The council may, subject to subsection (2), delegate any power, duty or function conferred or imposed on it by this Act to— 10

- (a) a committee established under section 14;
- (b) the executive committee elected under section 12;
- (c) the chairperson of the council or any member of the council; or
- (d) any officer of the council.

(2) The council may not delegate the power to appropriate funds or appoint 15 committees.

(3) The council may amend, ratify or repeal any decision made in relation to any power, duty or function delegated by the council in terms of subsection (1).

(4) Any delegation under subsection (1) does not prohibit the exercise of the power or the performance of the duty or function in question by the council. 20

### **Financing of council**

**17.** (1) The funds of the council consist of any money received in terms of this Act, and all other monies accrued to the council from any other legal source, including—

- (a) membership fees payable by the councils for the professions to the council;
- (b) donations, contributions or grants received from any person, institute or 25 government; and
- (c) interest on investments.

(2) The council must use its funds to defray expenses in connection with the performance of its functions and generally to pursue the objects of the council.

(3) The council—

- (a) (i) may invest any unspent portion of the funds of the council at the end of a financial year; and
- (ii) must carry over any surplus to the next financial year and such surplus may be used to defray expenses incurred by the council during that financial year;
- (b) must, during each financial year, submit an estimated income and expenditure statement of the council for the following financial year to the councils for the professions for comment.

(4) The Minister may, with the concurrence of the Minister of Finance—

- (a) advance or grant to the council money, from the money appropriated by 40 Parliament, to enable the council to carry out its functions; and
- (b) determine the conditions to, and repayment of, the advance.

(5) The council must apply due care and diligence when investing such money or incurring any expenditure from the funds of the council.

### **Accounting and accountability**

45

**18.** (1) The registrar is the accounting officer of the council and must—

- (a) cause proper records to be kept of all transactions, assets and liabilities of the council; and
- (b) as soon as possible after the end of each financial year, cause to be prepared a—

50

op die voorwaardes, met inbegrip van die betaling van vergoeding en toelaes, wat die raad bepaal, en kan enige persoon aldus aangestel, ontslaan.

(2) Die registrator moet, by aanvaarding van sy of haar aanstelling, 'n prestasieoorenkoms, soos voorgeskryf, met die raad sluit.

5. (3) Die registrator moet, bykomend tot die werksaamhede wat andersins by of kragtens hierdie Wet aan hom of haar opgedra word, die werksaamhede wat van tyd tot tyd deur die raad aan hom of haar opgedra word, verrig.

#### **Delegering van bevoegdhede**

16. (1) Die raad kan, behoudens subartikel (2), enige bevoegheid, plig of werksaamheid wat by hierdie Wet aan hom verleen of opgedra is, deleer aan—

- (a) 'n komitee wat kragtens artikel 14 aangestel is;
- (b) die uitvoerende komitee wat kragtens artikel 12 verkies is;
- (c) die voorsitter of enige lid van die raad; of
- (d) enige beampete van die raad.

15. (2) Die raad mag nie die bevoegheid om fondse toe te wys of komitees aan te stel, deleer nie.

(3) Die raad kan enige besluit wat geneem is wat verband hou met enige bevoegheid, plig of werksaamheid wat deur die raad ingevolge subartikel (1) gedelegeer is, wysig, bekratig of herroep.

20. (4) Enige delegering kragtens subartikel (1) verbied nie die uitoefening van die betrokke bevoegheid of die verrigting van die betrokke plig of werksaamheid deur die raad nie.

#### **Finansiering van raad**

17. (1) Die gelde van die raad bestaan uit enige geld ontvang ingevolge hierdie Wet, en al die ander gelde wat die raad toekom uit enige ander regsgeldige bron, met inbegrip van—

- (a) lidmaatskapgelde wat deur die rade vir die professies aan die raad betaalbaar is;
- (b) skenkings, bydraes en toekenning wat van enige persoon, instelling of regering ontvang word; en
- (c) rente op beleggings.

(2) Die raad moet sy fondse aanwend om die koste in verband met die verrigting van sy werksaamhede te delg en in die algemeen om die oogmerke van die raad na te streef.

(3) Die raad—

35. (a) (i) kan enige onbestede gedeelte van die fondse van die raad aan die einde van 'n boekjaar belê; en
- (ii) moet enige surplus oordra na die volgende boekjaar en sodanige surplus kan aangewend word om die uitgawes wat deur die raad in daardie boekjaar aangegaan word, te delg;

40. (b) moet gedurende elke boekjaar aan die rade vir die professies 'n staat van die raad se begrote inkomste en uitgawes vir die volgende boekjaar, vir kommentaar voorlê.

(4) Die Minister kan, met die instemming van die Minister van Finansies—

45. (a) uit gelde wat die Parlement bewillig, die bedrae wat hy of sy nodig ag om die raad in staat te stel om sy werksaamhede te verrig, aan die raad voorskot of toeken; en
- (b) die voorwaardes vir en terugbetaling van die voorskot neerlê.

(5) Die raad moet, wanneer dit sodanige gelde belê of enige uitgawes uit die fondse van die raad aangaan, die nodige sorg en noulettendheid aan die dag lê.

#### **50 Rekenings en rekenpligtigheid**

18. (1) Die registrator is die rekenpligtige beampete van die raad en moet—

- (a) toesien dat behoorlik boek gehou word van alle transaksies, bates en laste van die raad; en
- (b) so gou as moontlik na die afsluiting van elke boekjaar—

- (i) statement of the income and expenditure of the council for that financial year; and
  - (ii) balance sheet of its assets and liabilities as at the end of that financial year.
- (2) The records, statement and balance sheet referred to in subsection (1) must be audited by an independent auditor appointed by the council. 5
- (3) The financial year of the council is the period from 1 April in any year to 31 March of the following year.

### Reporting

- 19.** (1) The council must— 10
- (a) furnish the Minister with such information and particulars as he or she may from time to time require in connection with the affairs and financial position of the council; and
  - (b) annually, within six months from the end of the financial year, submit to the Minister a report with regard to the functions, affairs and financial position of 15 the council in respect of that financial year.
- (2) Without derogating from the generality of subsection (1)(b), the annual report referred to in that subsection must include—
- (a) an audited balance sheet and statement of income and expenditure, including any notes and documents containing the relevant information;
  - (b) particulars of any donations, contributions or grants received under section 17(1)(b);
  - (c) the report on the audit referred to in section 18(2);
  - (d) a report regarding the execution of the functions of the council;
  - (e) a report regarding the envisaged strategies of the council; and
  - (f) such other information as the Minister may from time to time determine. 25
- (3) The Minister may cause the council to be investigated if he or she suspects that there are any irregularities with regard to the functions of the council.
- (4) The Minister must table the annual report referred to in this section and a summary of the reports referred to in section 4(v) in Parliament within 14 days after the receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its following ordinary session. 30

### Identification of work

- 20.** (1) The council must, after receipt of the recommendations of the councils for the professions submitted to it in terms of the professions' Acts, and before liaising with the Competition Commission in terms of section 4(q)— 35
- (a) determine policy with regard to the identification of work for the different categories of registered persons;
  - (b) consult with any person, body or industry that may be affected by the identification of work in terms of this section. 40
- (2) The council must, after consultation with the Competition Commission, and in consultation with the councils for the professions, identify the scope of work for every category of registered persons.

### Appeal

- 21.** (1) Any person who is aggrieved by a decision of any of the councils for the professions may upon payment of the prescribed fee and, within 30 days from that person becoming aware of such decision, in writing appeal to the council, and the council must consider and decide the appeal. 45
- (2) The appellant must submit a copy of the appeal against a decision of a council for the profession and any documents or records supporting such appeal, to that council for the profession and furnish proof of such submission for the information of the council. 50

- (i) 'n staat van die raad se inkomste en uitgawes van daardie boekjaar; en  
(ii) 'n balansstaat van sy bates en laste soos aan die einde van daardie boekjaar,  
laat opstel.
- 5 (2) Die boeke, staat en balansstaat in subartikel (1) bedoel moet deur 'n onafhanklike ouditeur wat deur die raad aangestel word, geouditeer word.  
(3) Die boekjaar van die raad is die tydperk van 1 April in enige jaar tot 31 Maart van die volgende jaar.

### Verslagdoening

- 10 19. (1) Die raad moet—  
(a) die Minister van sodanige inligting en besonderhede voorsien as wat hy of sy van tyd tot tyd in verband met die sake en finansiële stand van die raad vereis; en  
(b) jaarliks, binne ses maande na die afsluiting van die boekjaar, aan die Minister 'n verslag in verband met die werksaamhede, sake en finansiële stand van die raad met betrekking tot daardie boekjaar, voorlê.  
(2) Sonder om afbreuk te doen aan die algemeenheid van subartikel (1)(b), moet die jaarverslag in daardie subartikel bedoel—  
(a) 'n geouditeerde balansstaat en staat van inkomste en uitgawes, insluitende enige notas en dokumente wat die relevante inligting bevat;  
(b) besonderhede van enige skenkings, bydraes of toekenning wat kragtens artikel 17(1)(b) ontvang is;  
(c) die verslag op die oudit in artikel 18(2) bedoel;  
(d) 'n verslag met betrekking tot die verrigting van die werksaamhede van die raad;  
(e) 'n verslag met betrekking tot die beoogde strategieë van die raad; en  
(f) die ander inligting wat die Minister van tyd tot tyd bepaal, insluit.  
(3) Die Minister kan, indien hy of sy vermoed dat daar enige onreëlmatighede in verband met die werksaamhede van die raad is, sorg dat die raad ondersoek word.  
30 (4) Die Minister moet die jaarverslag in hierdie artikel bedoel en 'n opsomming van die verslae in artikel 4(v) bedoel binne 14 dae na ontvangs daarvan in die Parlement ter tafel lê indien die Parlement dan in gewone sitting is of, indien die Parlement nie in gewone sitting is nie, binne 14 dae na die aanvang van sy volgende gewone sitting.

### Identifisering van werk

- 35 20. (1) Die raad moet, na ontvangs van die aanbevelings van die rade vir die professies wat ingevolge die professies se Wette voorgelê word, en voordat dit met die Mededingingskommissie ingevolge artikel 4(q) skakel—  
(a) beleid formuleer in verband met die identifisering van werk vir die verskillende kategorieë geregistreerde persone;  
40 (b) met enige persoon, liggaam of industrie wat deur die identifisering van werk ingevolge hierdie artikel geraak kan word, oorleg pleeg.  
(2) Die raad moet, na oorlegpleging met die Mededingingskommissie en in oorleg met die rade vir die professies, die omvang van werk identifiseer vir elke kategorie geregistreerde persone.

### Appèl

21. (1) Enige persoon wat gegrief is deur 'n besluit van enige van die rade vir die professies kan by betaling van die voorgeskrewe gelde en binne 30 dae vandat daardie persoon bewus word van sodanige besluit, skriftelik na die raad appelleer, en die raad moet die appèl oorweeg en daaroor beslis.  
50 (2) Die appellant moet 'n afskrif van die appèl teen 'n besluit van 'n raad vir die professie en enige dokumente of stukke wat sodanige appèl ondersteun, aan daardie raad vir die professie voorlê en bewys van sodanige voorlegging lewer ter inligting van die raad.

**Act No. 43, 2000 COUNCIL FOR THE BUILT ENVIRONMENT ACT, 2000**

- (3) The council must appoint an appeal committee consisting of—  
(a) a professional who has appropriate experience;  
(b) a person qualified in law and who has appropriate experience; and  
(c) a person who specialises in the professional field concerning the appeal.
- (4) The appeal committee must conduct the appeal in accordance with section 33 of 5 the Constitution.
- (5) The appeal committee must decide an appeal within 60 days from the date on which the appeal was lodged, and inform the appellant and the council concerned accordingly.

**Regulations** 10

**22.** The Minister may, after consultation with the council, make regulations with regard to—

- (i) any matter that is required or permitted to be prescribed in terms of this Act;  
(ii) any other matter for the better execution of this Act; or  
(iii) any power granted or duty imposed by this Act. 15

**Short title**

**23.** This Act is called the Council for the Built Environment Act, 2000, and commences on a date fixed by the President by proclamation in the *Gazette*.

- (3) Die raad moet 'n appèlkomitee aanstel wat bestaan uit—  
(a) 'n professionele persoon wat toepaslike ondervinding het;  
(b) 'n persoon wat in die regte gekwalifiseer is en wat toepaslike ondervinding het; en  
5 (c) 'n persoon wat spesialiseer op die professionele gebied rakende die appèl.  
(4) Die appèlkomitee moet die appèl in ooreenstemming met artikel 33 van die Grondwet behartig.  
(5) Die appèlkomitee moet die appèl binne 60 dae vanaf die datum waarop dit aangeteken is, beslis, en die appellant en die betrokke raad dienooreenkomsdig inlig.

## 10 Regulasies

22. Die Minister kan, na oorleg met die raad, regulasies uitvaardig in verband met—  
(a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;  
(b) enige ander aangeleentheid wat die uitvoering van hierdie Wet verbeter; of  
15 (c) enige bevoegdheid of plig by hierdie Wet opgedra of opgelê.

## Kort titel

23. Hierdie Wet heet die Wet op die Raad vir die Bou-omgewing, 2000, en tree in werking op 'n datum deur die President deur proklamasie in die *Staatskoerant* bepaal.

