

BOARD NOTICE 4 OF 2008**The Engineering Council of South Africa****Amendment to Rules: Continuing Professional Development and
Renewal of Registration**

The Engineering Council of South Africa has in terms of section 36(1) made amendments to the Rules published in Board Notice 131 dated 23 December 2005, in relation to continuing professional development as contemplated in section 13(k) of the Engineering Profession Act, 2000 (Act No 46 of 2000), and in relation to renewal of registration as contemplated in section 22(2) of that Act, as set out in Schedule hereto:

These amended rules come into operation with immediate effect.

SCHEDULE**PART A****1. Interpretation:**

- (1) **“Conditions for Renewal of Registration”**, in the context of section 22(2) of *the Act*, means those contained in these rules.
- (2) These rules are based on *the Council's* Policy on Continuing Professional Development, and should be interpreted in the context of that policy, in so far as the policy supports and augments the principles embodied in these rules.
- (3) In these rules, a word or expression to which a meaning has been assigned by the Engineering Profession Act, 2000 (Act No 46 of 2000) has the same meaning unless the context otherwise indicates, and
 - (i) **“accredited educational institution”** means an educational institution which offers engineering programmes and which have been granted accreditation by *the Council* in terms of section 13(b) of *the Act*;
 - (ii) **“approved CPD provider”** means a *voluntary association* and an *“accredited educational institution”* which are recognised by *the Council* for purposes of offering appropriate learning in respect of category 1 CPD activities as contemplated in rule 4(6) and Appendix A;
 - (iii) **“continuing professional development”** also referred to in these rules as **“CPD”** means continuing education and training as contemplated in section 13(k) of *the Act*, and also means the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout a person's engineering career”;
 - (iv) **“expiry date”** as contemplated in section 22(1) of *the Act*, means the date marking every fifth anniversary of the date on which such registered person has been registered by the Engineering Council of South Africa;

- (v) **“Policy on Continuing Professional Development”** means the most recent applicable version of *the Council’s* policy on continuing professional development, and **“the Policy”** has the same meaning;
- (vi) **“the Act”** means the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- (xii) **“the Council”** for purposes of these rules means the Council, established in terms of section 2 of *the Act*, whose members are appointed in terms of section 4 of *the Act*, and who is the ultimate policy making authority under *the Act*, and includes the executive committee of the Council in so far as the executive committee is authorised to make the same decisions as the Council;
- (viii) **“the council”** for purposes of these rules means a generic reference to any committee established by *the Council*, person or persons duly authorised by *the Council* to perform specified functions in terms of these rules;
- (ix) **“Voluntary Association”** means an association, institute, institution or society which is recognised by *the Council* as a *voluntary association* in terms of section 25(3) of the Engineering Profession Act, 2000, and **“recognised voluntary association”** has the same meaning.

2. Applicability of these Rules to Registered Persons

Professional Categories

- (1) These rules apply in respect of all persons registered in a professional category mentioned in section 18(1)(a) of *the Act*, as a professional engineer, a professional engineering technologist, a professional certificated engineer and a professional engineering technician.
- (2) These rules apply in respect of persons registered as engineering technicians in terms of section 14(1) of the Engineering Profession of South Africa Act, 1990 (Act No114 of 1990), including persons registered as engineering technicians (master) under a regulation promulgated in terms of section 30A(3)(d) of the Professional Engineers’ Act, 1968 (Act No 81 of 1968).

Specified Categories

- (3) Unless otherwise provided for by Notice by *the Council* in the Gazette, these rules apply in respect of all persons registered in a specified category established by *the Council* in terms of section 18(c) of *the Act*.

Registered Persons Resident Abroad

- (4) These rules apply in respect of registered persons who are practicing abroad, subject to the following conditions:
 - (a) Where a system of *continuing professional development* is being applied in any particular country, such requirements may be accepted by *the Council* for purposes of these rules, provided that documentary proof of compliance with such CPD requirements is submitted, which may be in the form of a certification by the relevant accrediting authority in the country concerned.
 - (b) In the absence of such proof of compliance referred to in sub-clause (a), or in the case where a formal CPD system is not in place in the country concerned, documentary proof of CPD activities undertaken abroad must be submitted to ECSA for evaluation against the requirements of these rules and *the Policy*.

3. Exemptions from these rules

Candidate Categories

- (1) For purposes of renewal of registration, these rules do not apply in respect of persons registered in a candidate category contemplated in section 18(b), or any candidate category pertaining to a specified category established by *the Council* in terms of section 18(c) but this exemption may not be construed as exempting registered candidates from the requirement to undertake *continuing professional development* in order to comply with the applicable requirements for registration in a professional category.

Retired Registered Persons

- (2) Subject to sub-rule 3(3), any retired registered person who no longer carries out any engineering work either in a consulting capacity or in a salaried position, is exempted from these rules: Provided that such retired registered person is listed on *the council's* register of retired persons.
- (3) Retired registered persons who are listed on *the council's* register of retired persons, and who carry out part-time engineering work within the limits defined by *the council* for purposes of listing as a retired person, are exempted from the requirement to accumulate five credit in Category 1 specified in sub-rule 4(6), but must accumulate at least 3 credits per annum: Provided that this exemption must not be construed as prohibiting a registered person from undertaking a Category 1 activity.
- (4) In the event that any retired registered person referred to in sub-rules 3(2) and (3) elects to return to active engineering practice, such person must apply to *the council* for re-admission to the active register and must submit proof that at least three CPD credits having been attained during the 12 months immediately preceding the application.
- (5)
 - (a) *The council* may, upon receipt of a fully motivated and substantiated application from any registered person, grant exemption from the requirements of these rules for such period within the five year cycle as *the council* may deem appropriate and reasonable.
 - (b) Each application will be considered on its own merits, but *the council* will regard the following reasons, although not exhaustive, as justification for submission of an application for such deferment:
 - (a) Debilitating physical or mental disability and chronic illness, and
 - (b) Non-existent opportunity to undertake CPD, or provision of CPD in a foreign country.

4. General CPD Requirements

Five Year Cycle

- (1) Subject to an initial phasing-in period referred to under transitional provisions in rule 13, the CPD system functions in cycles of five years.
- (2)
 - (a) The five-year cycle of each registered person commences on the anniversary of the date on which such registered person was registered by *the council*, which date appears on the person's certificate of registration issued by *the council*, and which date also constitutes the *expiry date*, as defined in these rules, when such person is required to apply for renewal of his or her registration. The date on which a person has been registered is also obtainable from ECSA's Website www.ecsa.co.za, under "Who is registered".
 - (b) Where a person is registered in more than one professional category, the date applicable to the category in which such person first registered will be recorded as the date on which such person's five-year cycle commences, and which date also constituted the *expiry date*, as defined in these rules.

Credits

- (3) During each cycle of five years every registered person must accumulate a minimum of 25 credits in order to qualify for renewal of his/her registration.
- (4) A registered person may not accumulate less than 3 credits per annum in at least two of the categories of activities referred to in sub-rule 4(6), read with Appendix A of these rules, and may accumulate additional credits each year up to a maximum number of credits as prescribed for each activity listed in column 3 of the table in sub-rule 4(6).
- (5) Additional credits which have been accumulated during any particular year may be carried over to subsequent years of the five year cycle, provided that no more than the maximum permissible credits for the particular activity may be carried over.

Categories of activities for CPD Credits

- (6) CPD credits must be obtained in at least two of the three categories listed below, which categories are more fully described in **Appendix A**, with at least 5 credit per five -year cycle from Category 1. The maximum permissible credits which may be accumulated annually in each category is indicated in column 3, below:

Categories	Activities	Maximum Credits pa	Hours
Category 1	Developmental Activities	4 credits	40 hours (10hrs/credit)
Category 2	Work-based Activities: <ul style="list-style-type: none"> • Engineering Work • Mentoring of candidate practitioners 	2 credits 1 credit	800 hours (400hrs/credit) 50 hours (50hrs/credit)
Category 3	Individual Activities <ul style="list-style-type: none"> • Membership of a recognised <i>voluntary association</i> • Other activities 	1 credit 3 credits	(not linked to hours) 30 hours (10hrs/credit)

5. Recording of CPD Activities

- (1) Unless exempted in terms of these rules, all registered persons must, with effect from 1 January 2006, record their CPD activities in the following manner:
 - (a) either manually on form ECPD1 and by posting it to ECSA, Private Bag X691, BRUMA, 2026, or
 - (b) electronically, in a password protected private domain for each registered person, via ECSA's website www.ecsa.co.za,

and registered persons may record individual CPD activities on a continuous basis as they occur during each annual cycle, provided that all CPD activities undertaken during each annual cycle must be recorded no later than 30 days after the completion of each annual cycle.

- (2) When recording CPD activities under sub-rule 5(1), any person who is registered in more than one professional category must inform *the council* which category of registration is the most appropriate to his or her area of practice, in which case *the council* evaluates the appropriateness of the CPD activities so recorded in the context of the registration category preferred by such registered person.

- (3) Every registered person must retain documentary evidence of all CPD activities undertaken during each five-year cycle, and be able to present such evidence when requested by *the council* to do so.

6. Auditing of recorded CPD activities

- (1) *The council* may conduct random audits as it deems necessary and practicable, but notionally as indicated from time to time in its *Policy*, of the CPD records of all registered persons who are required to undertake CPD in terms of these rules.
- (2) In the event that a registered person is selected for audit, such registered person must send, within four weeks of receiving notification to this effect, documentary evidence of his or her CPD activities, which may be in the form of certificates, a list of results, records of attendance or receipts of course payment.
- (3) If a *voluntary association* or an *accredited educational institution* provided a CPD activity, written verification from such recognised *voluntary association* or *accredited educational institution* will be recognised as sufficient evidence of attendance.
- (4) Where a CPD activity was provided by any other person or organisation who is not an *approved CPD provider*, approval of such CPD activity must be obtained from an appropriate recognised *voluntary association* and proof of attendance must be submitted.
- (5) *The council* must advise a registered person, within 30 days after completion of an audit, of the outcome of such audit.
- (6) If during an audit a registered person is assessed as having failed to meet the requirements, the record and verification documentation of such person must be referred to the relevant Registration Committee or Professional Advisory Committee for a decision regarding remedial steps, but such candidate will automatically be earmarked for re-audit during the next year.
- (7) In the event that a registered person is audited during the fifth year of a registered person's cycle, *the council* must consider the remedial steps in the context of the fact that such registered person is due to apply for renewal of his or her registration during that year.

7. Renewal of Registration

Application for Renewal and Assessment against requirements

- (1) In terms of section 22(1) of *the Act*, and subject to the transitional provisions contained in rule 12, a registered person must, at least three months prior to the prescribed *expiry date* of his or her registration, apply in the prescribed manner to *the council* for the renewal of his or her registration.
- (2) *The council* must at least five months prior to the relevant *expiry date* applicable to a registered person, who is required in terms of these rules to apply for renewal of his or her registration, notify him or her of his or her obligation to submit an application for renewal at least three months prior to the *expiry date*.
- (3) The application for renewal must be submitted in the format as determined by the council from time to time, copies of which are published on ECSA's website (www.ecsa.co.za).
- (4) Upon receipt of an application *the council* must consider the application and decide whether or not the requirements of these rules have been complied with.
- (5) *The council* may call for such documentary evidence from the applicant as it may deem necessary in order to validate the credits claimed by the applicant.

- (6) If *the council* is satisfied that the applicant has met the requirements of these rules, *the council* must record such decision in the applicable register maintained by *the council* and, within 30 days of making the decision, advise the applicant of such decision, and of the fact that his or her registration will, subject to these rules, remain valid for a further period of five years until the next *expiry date*.
- (7) If *the council* is convinced that the applicant has failed to comply with the requirements of these rules, the relevant provisions pertaining to non-compliance contained in rule 8 apply, and the applicant must be advised of the decision as well as of the implications flowing therefrom within 30 days from the date on which the decision was made.

8. Non-Compliance with these rules

At Annual Audit Stage

- (1) If during an annual audit referred to in rule 6, *the council* is of the opinion that a registered person has failed to comply with the requirements of these rules, *the council* may decide whether any remedial steps are necessary at that stage, if any, and inform such registered person of the deficiency, the remedial steps to take in order to comply with the requirements and the period within which to remedy the deficiency.
- (2) Unless a shorter period has been prescribed by *the council* in terms of sub-rule 8(1), any registered person who failed to comply with the requirements is automatically subject to re-audit during the following year.

At Renewal Stage

- (3) If after consideration of an application for renewal of a person's registration referred to in rule 7, *the council* is convinced that the applicant has failed to comply with the requirements of these rules, *the council* must –
 - (a) record this fact in the applicable register;
 - (b) inform the non-compliant applicant of this fact and afford such applicant an opportunity to submit a written explanation why the requirements have not been met and to indicate how the applicant plans to remedy the deficiency.
- (4) If, after consideration of the applicant's response in terms of the sub-rule 8(3)(b), *the council* accepts the explanation and remedial measures proposed by the applicant, *the council* may grant an extension of time to enable the applicant to comply with the requirements.
- (5) If *the council* does not accept the explanation or the remedial measures proposed by the applicant, *the council* must determine which other remedial measures must be taken to comply with the requirements and also determine the period of extension to be granted in order for the applicant to meet the requirements.
- (6) The applicant must, within two weeks before the end of the period determined by *the Council* in terms of sub-rule 8(5), submit documentary evidence of compliance.
- (7) If *the council* is convinced that the applicant is still not compliant with the requirements, *the council* must refer the matter to the Central Registration Committee of *the Council* to consider whether or not renewal of such person's registration should be refused, and the Central Registration Committee must, before deciding on this matter provide an opportunity to the applicant, in person, to give reasons why renewal of his or her registration should not be refused.

Refusal to renew a person's registration

- (8) If the Central Registration Committee, after hearing the reasons offered by the applicant, is still convinced that the registered person's application for renewal must be refused, the Committee must confirm its refusal to renew such registration and within 30 days from the date on which such refusal is made inform the registered person of the decision, and, at the same time instruct the registered person to return the certificate of registration, originally issued to such person, to *the council* within 30 days from the date of such instruction.

Return of Registration Certificate

- (9) The provisions of section 23 of *the Act* apply *mutatis mutandis* in respect of a person whose registration has been cancelled as a result of the non-renewal of his or her registration in terms of these rules.

Refusal by Registered Person to comply with these rules

- (10) Any registered person who willfully refuses to undertake CPD activities or to comply with these rules is guilty of improper conduct, and the provisions of sections 27(3), 28, 29, 30, 31, 32, 33, and 34 of *the Act* apply *mutatis mutandis* in respect of such person.

9. Right of Appeal

- (1) The provisions of section 24(1), read with 24(3) of *the Act*, apply *mutatis mutandis* in respect of a person who is aggrieved by a decision of *the council* to refuse renewal of a person's registration.

Part B

10. Approval of providers of CPD activities

- (1) *Voluntary Associations* and *Accredited Educational Institutions* are hereby approved for purposes of offering Category 1 CPD activities, unless otherwise specified by *the council*, and published, on *the council's* website.
- (2) (a) *Voluntary Associations* are hereby approved for purposes of validating and monitoring of Category 1 CPD activities offered by providers who have not been approved in terms of these rules, and may allocate appropriate credits to such activities.
- (b) *Voluntary Associations* may charge an appropriate fee for purposes of recovering costs reasonably incurred for validating such activity.

11. Approval of CPD Activities

- (1) In approving a Category 1 CPD activity, a *voluntary association* must ensure that the following aspects are covered:
- (a) The activity should serve to maintain or enhance the knowledge, skills and competence of all those who participate in it.
- (b) The activity should meet an educational and developmental need and provide an effective learning experience for the participants.
- (c) The participants or group of participants must be specified (e.g. professional engineers, professional technologists, professional certificated engineers, professional technicians, registered technicians or a specified category, e.g. registered lift inspectors) and where appropriate, the discipline should also be specified.

- (d) The depth and breadth of the subject matter covered must be appropriate with sufficient time for discussion.
 - (e) The subject covered should provide a balanced view and should not be unduly promotional.
 - (e) The presenters should have proven practical and academic experience and be good communicators.
 - (f) Evaluation forms for obtaining feedback from participants on the activity must be provided for rating of the relevance, quality and effectiveness of the activity.
- (2)
- (a) Any provider who desires validation of a Category 1 CPD activity must apply to an appropriate *voluntary association* for approval of such activity, using Form ECPD2, which is published on *the Council's* website www.ecsa.co.za.
 - (b) Any registered person who intends to undertake a CPD activity offered by a provider other than a *voluntary association* or *accredited educational institution* should ascertain whether such activity is approved in terms of these rules in order to ensure that any credits attached to such activity are awarded by *the council*.
- (3) An approved CPD activity, which must be identified by a unique identification number, is valid for such period as specified by *the council* on its website from time to time.

Representations to the council

- (4) Any registered person or a non-approved provider may make representations to *the council* should they feel aggrieved by an assessment by a *voluntary association* of a CPD activity, either in terms of content or credit allocated, and such representation must be made no later than 30 days after an assessment has been made by such *voluntary association*.

Part C

12. Transitional Provisions

- (1) Unless exempted, all registered persons must commence with CPD activities from 1 January 2006 and record such activities as required by these rules.
- (2) The persons who were registered in the year listed in Column B of Table A must apply for renewal of registration within three months prior to their particular *expiry date* in 2007 (row 9), and must have accumulated at least five CPD points during 2006 (row 10).
- (3) For purposes of further illustration, persons who were registered in the year listed in Column C of Table A must apply for renewal of registration within three months prior to their particular *expiry date* in 2008, and must have accumulated at least 10 CPD points during 2006 and 2007.

Table A

	A	B	C	D	E	F
1	Year of first Registration			1969	1970	1971
2		1972	1973	1974	1975	1976
3		1977	1978	1979	1980	1981
4		1982	1983	1984	1985	1986
5		1987	1988	1989	1990	1991
6		1992	1993	1994	1995	1996
7		1997	1998	1999	2000	2001
8		2002	2003	2004	2005	2006
9	First Renewal of Registration	2007	2008	2009	2010	2011
10	Number of credits required for First Renewal of Registration	5	10	15	20	25
11	Second Renewal of Registration	2012	2013	2014	2015	2016

- (4) Following the same principle as in sub-rules 12(2) and (3), the persons registered during the years listed in columns D, E and F, must apply for renewal of their registration in the years indicated (in the respective column) in row 9, and must have accumulated the required CPD points indicated (in the respective column) in row 10.
- (5) In introducing this policy, each registered person will be provided with 2 CPD credits in Category 1. Additional credits in Category 1 earned in the phase in period may be carried over to the first five year cycle.



APPENDIX A

CATEGORIES OF CPD ACTIVITIES

Category 1: Developmental Activities:

Attendance of structured educational/developmental meetings will be credited with one credit per 10 hours of attendance. A full day activity will be regarded as being for 10 hours and a half-day activity will be regarded as 5 hours and hence a half a credit. A maximum of 4 credits (40 hours) may be accumulated annually under this category:

- Conferences
- Congresses
- Large group workshops
- Lectures
- Seminars
- Refresher courses
- Colloquiums

Category 2: Work-based Activities:

Since registered persons also improve their knowledge and competence by performing their day-to-day engineering responsibilities, a weighting of one credit for every 400 hours per year for engineering related work (including management) is awarded for this category. A maximum of two credits for 800 hours per year may be earned in respect of this activity.

In addition, the mentoring of candidate persons in the workplace will be recognised as CPD with a maximum of 1 credit for 50 hours of mentoring per year. In-house skills training sessions organised by an employer/engineering company and career guidance for candidates may also be presented under this sub-category.

Category 3: Individual Activities

Membership of an ECSA recognised *voluntary association* (engineering society/institution or institute) will result in a maximum of 1 credit per annum.

Other activities include and will be credited as follows:

- Part-time lecturing to undergraduate and postgraduate students: one credit for every 10 hours of lecturing.
- Supervision of students undertaking postgraduate studies: 2 credits per year.
- Oral examinations of final year and postgraduate students: 1 credit for every 10 hours of active involvement.
- Evaluation of M dissertations and PhD theses by external examiners: 2 credits per year.
- Publication of research in peer reviewed journals: a single author: 2 credits per publication. Where paper has a number of authors: 1 credit per publication per author.
- Publication of technical articles: 1 credit per article published.
- Papers presented at conferences or congresses / poster presentations: 1 credit each
- Participation in statutory, professional, institutional, technical or non-technical committees or task groups: one credit for every 10 hours of active participation.
- Evaluation of educational programmes at Universities and Universities of Technology (Technikons) for accreditation purposes: 1 credit for every 10 hours of active involvement.

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- Evaluation of educational qualifications for ECSA's Qualifications Examination Committee: 1 credit for every 10 hours of active involvement.
 - Evaluation of competence and applications for registration for ECSA's Registration Committees and Professional Advisory Committees: 1 credit for every 10 hours of active involvement.
 - Evaluation of final year students by external examiners: 1 credit per year.
 - Relevant additional qualifications (these are exceptional allocations): A completed postgraduate qualification: 5 credits.
 - self-study which includes, but is not restricted to studying of journals or electronic or computerised material, one credit for every 10 hours of study. All activities under this item must be verified.

A maximum of 3 credits (30 hours) may be accumulated under this portion of this category, with the exception stated above for postgraduate studies.