

BOARD NOTICE 86 OF 2017

The Engineering Council of South Africa

**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 16 of 2014 dated 21 February 2014**, 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 rules are to come into operation on the effective date.

SCHEDULE**1. Interpretation:**

- (1) **“Conditions for Renewal of Registration”**, in the context of section 22(2) of *the Act*, refers to those contained in these rules.
- (2) 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 indicates otherwise, and
 - (i) **“applicant”** refers to a person applying for registration, re-registration, recording or approval of CPD activities and/or credits;
 - (ii) **“approved CPD provider”** refers to a recognised *“voluntary association”* by *the Council* or an *“approved educational institution”* or any private educational institution approved by Council for purposes of offering appropriate learning in respect of category 1 CPD activities as contemplated in **Appendix A**;
 - (iii) **“approved educational institution”** refers to an educational institution which offers engineering programmes which have been granted accreditation by *the Council* in terms of section 13(b) of *the Act*;
 - (iv) **“competence”** refers to a cluster of related abilities, commitments, knowledge, skills and experience necessary to perform engineering work effectively;

- (v) **“continuing professional development”** also referred to in these rules as **“CPD”** refers to continuous education and training as contemplated in section 13(k) of the Act and also refers to the systematic maintenance improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and engineering duties through a person’s engineering career. It is the learning and development that takes place after completion of educational studies and by refers to of which registered persons maintain and develop competencies to continue to perform their role competently’
- (vi) **“CPD validator”** refers to a Recognised Voluntary Association, Approved Educational Institution or the Council (ECSA) which verifies CPD providers and/or validates CPD activities;
- (vii) **“credit”** is defined in notional hours where one (1) credit is equal to ten (10) hours of learning towards the defined outcomes;
- (viii) **“effective date”** refers to the date of the coming into effect of these rules;
- (ix) **“expiry date”** as contemplated in section 22(1) of *the Act*, refers to the date marking every cycle end date (or every fifth year) on which such a registered person has to renew his/her registration with the Engineering Council of South Africa;
- (x) **“non-engineering management role”** refers to a management role where no engineering-related decisions that are normally carried out by registered persons that practice engineering, are taken;
- (xi) **“Registered person”** refers to a person registered in terms of section 18(a) and 18(c) of *the Act*; viz. Professional Engineers, Professional Engineering Technologists, Professional Engineering Technicians and Professional Certificated Engineers. It is also applicable to those persons who are registered in the category of Registered Technicians, including Master Technicians and all specified categories.
- (xii) **“Recognised Voluntary Association”** refers to 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.
- (xiii) **“the Act”** refers to the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- (xiv) **“the Council”** for purposes of these rules refers to *the Council*, established in terms of section 2 of *the Act*, the *members* of which are approved in terms of section 4 of *the Act*, and which is the ultimate policy-making authority under *the Act*, and includes the executive committee thereof in so far as the executive committee is authorised to make the same decisions as the *Council*. For purposes of these rules, it also refers to 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;

2. Principles underlying CPD

- (1) *The Council* is responsible for regulating the practice of engineering in South Africa. This is in terms of the Engineering Professions Act No. 46 of 2000 (the Act). Section 13(k) of the Act empowers *the Council* to determine, in consultation with *voluntary associations* (as defined in the Act) and registered persons, requirements for continuing professional development and training. *The Council* is enjoined by Government in terms of the Act to serve and protect the safety and health of the public by establishing and maintaining minimum standards of practice, knowledge and skills of registered persons in the country as well as to establish and maintain standards of professional ethics amongst them.
- (2) Registered persons are required by the Rules of Conduct for registered persons to practice strictly within their area of competence, to maintain and enhance their competence. They therefore have the responsibility to keep abreast of developments and knowledge in their areas of expertise in order to maintain their competence. In addition to maintaining their own competence, they should strive to contribute to the advancement of the body of knowledge in which they practice and to the engineering profession in general.
- (3) The competencies needed to function effectively as a registered person (in all engineering categories): whether in business, education, professional practice, the public sector or any other environment, is to continue to evolve, change and expand their engineering knowledge. Registered persons in all categories face increased expectations to display professional knowledge and skills in this ever-changing environment. Therefore maintaining and continuously developing professional competence is critical to meet new engineering challenges.
- (4) Whilst the foundation and basis for registration with *the Council* is the engineering competency of the registered persons, it is equally important for registered persons to develop and maintain their non-engineering competencies (general skills), such as ethical behaviour, leadership and engineering allied management skills, as these competences are also regarded as relevant CPD activities.
- (5) Registered persons are expected to ensure that, in their conformance to *the Council's* CPD requirements, the CPD activities undertaken by them must be relevant and must contribute to the development and maintenance of specific professional competencies required by the registered person's current and possible future roles.
- (6) CPD compliance in *the Council* is linked to the renewal of registration. Section 22(1) of the Act imposes a duty on a registered person to apply for the renewal of his/her registration with *the Council* "at least three months prior to the prescribed expiry date of his/her registration". Subsection (2) of this section confers the power on *the Council* to determine conditions for renewal of registration.
- (7) The discretion provided for in Section 13k of the Act for *the Council* "to determine, after consultation with the recognised voluntary associations and registered persons, conditions relating to the nature and extent of continuing education and training", influence the *Council's* decision to use Continuing Professional Development (CPD) as a mechanism to determine renewal of registration. *The Council's* objective is to maintain a culture of CPD for the South African engineering profession.
- (8) The International Engineering Alliance (IEA) to which ECSA is a signatory; *visa viz* International Professional Engineers Agreement (IPEA), The International

Engineering Technologist Agreement (IETA) and The Agreement for International Engineering Technicians (AIET) as a requirement for the recognition of *the Council's* assessment process, inclusive of the International Professional Attributes, continued registration of individuals, and the maintenance of competence through a system of continuing professional development. South African internationally registered persons would therefore need to undertake CPD activities in order to maintain their international registration.

- (9) Whilst *the Council* is to monitor and enforce compliance by registered persons with the CPD requirements, it is also intent on ensuring that CPD activities are objectively viewed and assessed, accessible and affordable to registered persons. In addition, it is *the Council's* duty to ensure that the content of the engineering activities that the registered person attends for purposes of compliance with *the Council's* CPD requirements is of an acceptable high standard. In this regard, and in line with best practice, *the Council* is to play an active and leading role in the area of CPD administration.

3. Continuing Professional Development in context

- (1) CPD is based on the following three pillars:
- (a) Professional competence;
 - (b) Professional attitude; and
 - (c) Professional values and ethics
- (2) It is the duty of every registered person to strike a balance between the abovementioned three developmental pillars in complying with *the Council's* CPD requirements. In monitoring compliance with CPD, *the Council* shall specifically pay attention to the requisite balance in this regard.
- (3) It should be noted that CPD is not only limited to education, practical experience and training. It also extends to learning and development activities such as coaching and mentoring, networking, observation, feedback and reflection.

4. Application of these Rules to Registered Persons

- (1) These rules apply in respect of all persons registered in all categories of registration as embodied in section 18(a) and 18(c) of the Act. The rules also apply to recognised voluntary associations approved by *The Council*, Educational Institutions and other CPD providers (to an extent that they play a role in the Council's CPD requirements).
- (2) These rules also apply in respect of registered persons who are practicing abroad, subject to the following conditions:
- (a) ECSA registered persons who are registered with other build environment councils or equivalent bodies that are either signatories to the International Engineering Alliance (IEA) Agreements; or who are registered with statutory or related professional bodies with which *the Council* has concluded reciprocity agreements through Memoranda of Agreement (MoA) and Mutual Exemption Agreements (MEA's) shall upon a formal notification to ECSA, be recognised for the Council's CPD purposes.

- (b) In respect of persons registered with engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements or those bodies with which *the Council* has concluded reciprocity agreements or Mutual Exemption Agreements (MEA's), such persons may choose to comply either with *Council's* CPD rules requirements or that of the other councils or bodies.
- (c) Should registered persons choose to comply with the CPD policy/rules of other engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements, or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) or Mutual Exemption Agreements (MEA's), then such registered persons will be deemed to be compliant with the *Council* CPD rules requirements for the year/s in question. There will be no need to also comply with *the Council's* CPD requirements for that year or year/s.
- (d) Registered persons who elect this option should comply with the CPD policy/rules of the engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements, or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) or Mutual Exemption Agreements (MEA's), are required to inform *Council* on an annual basis in writing and declare compliance with the other engineering councils or equivalent bodies' CPD policy/rules.
- (e) Educational programs or courses completed under an International Engineering Alliance (IEA) Accord Signatory will be recognised for CPD purposes.
- (f) In the absence of full compliance by any registered person with rule 4(2)(c) of these Rules, the registered persons registered abroad shall be expected to fully comply with *the Council's* CPD rules.
- (g) In absence of such proof of compliance as referred to in rule 4(2)(f) or in the case where a formal CPD system is not in place in the country concerned, documentary proof of CPD activities undertaken abroad will have to be submitted to ECSA for evaluation against the requirements defined in these Rules.
- (h) Irrespective of living abroad or belonging to any of the other international bodies, organisations or associations recognised under any of the Agreements or Accords, the Application for Renewal of Registration at the end of the cycle remains compulsory for all registered persons.

5. Objectives and Benefits of the CPD System

- (1) *The Council's* CPD requirements are based on the continuous monitoring of conformance by registered persons with regards to the three pillars referred to in rule 3(1), in ensuring that its duty as in section 14 of the Act is carried out.
- (2) Registered persons have a duty to, in their compliance with *the Council's* CPD requirements ensure a balance between the three CPD development pillars stated in rule 3(1).
- (3) CPD is introduced for all registered persons in order to:

- (a) Protect the public and the environment against unethical engineering practices;
 - (b) Generate and strengthen public trust in the engineering profession;
 - (c) Ensure through the creation of a culture of CPD, that all registered persons maintain their competence throughout their period of registration;
 - (d) Develop a commitment (positive attitude) to lifelong learning to maintain and develop professional competence;
 - (e) Link satisfactory CPD to the requirements for renewal of registration;
 - (f) Take responsibility for undertaking relevant CPD activities to remain competent in their roles;
 - (g) Take responsibility for recording their CPD activities to demonstrate that they have undertaken relevant and appropriate learning activities; and
 - (h) Provide high quality service to clients, employers and other stakeholders.
- (4) The following are the benefits of the CPD system for registered persons:
- (a) The capacity of registered persons to develop their engineering and professional knowledge is enhanced and improved;
 - (b) Registered persons continuously fulfill their responsibilities and duties competently;
 - (c) Career prospects and career progression with current employers or future employers are enhanced; and
 - (d) Public trust in their ability to carry out their functions competently is enhanced.

6. The role of *the Council* in the Administration of CPD

- (1) In compliance with section 13(k) of *the Act*, the determination of CPD requirements is the responsibility of *the Council*.
- (2) With effect from the effective date *the Council* shall:
- (a) Unless specified otherwise, or by agreement with a recognised *voluntary association*, become the sole authority accrediting/validating and monitoring all Category 1 CPD providers and activities in terms of these rules, and may allocate appropriate credits for such activities; and
 - (b) Develop and publish on its website a list of all accredited CPD providers and validated activities acceptable for Category 1: Developmental Activities.

7. Role of Employers of Registered Persons

Employers are responsible for creating a suitable work environment, which supports and promotes the participation of registered person's in activities that maintain their competence. Employers also share a responsibility to maintain a work environment in which the continued development of registered persons is assured.

8. Exemptions from the CPD Rules

(1) Candidacy Categories

These rules do not apply in respect of persons registered in a candidate category contemplated in section 18(1)(b) of the Act.

(2) Registered Persons

The following registered persons are exempted from obtaining CPD credits but not from applying for the renewal of registration in terms of these rules:

- (a) Registered persons who have retired completely and no longer carry out any engineering work either in a consulting capacity or in a salaried position and who are listed on *The Councils* registers as “retired”;
 - (b) 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 (less than 300 hours per year), are exempted from the requirement to accumulate five credits in Category 1 specified in **Table B: Category Activities**, but must accumulate at least one (1) credit per year in of the categories;
 - (c) Registered persons who are seventy (70) years of age or more, who remain active in engineering and carry out more than the 300 hours per year of engineering work are exempted from the requirement to accumulate five credits in Category 1 specified in **Table B: Category Activities**, but must accumulate at least three (3) credits per year in any of the categories; and
 - (d) Registered persons who take extended leave from engineering work for whatever reason (including but not limited to: unemployment, illness or incapacitation).
- (3) Should an exempted registered person, listed in rule 2(a) above resume engineering work or related activities without *the Council* being formally notified, then such activities could amount to misconduct and such person shall be referred to *the Council’s* Investigation Committee for appropriate action.
 - (4) Exemption from the CPD rules in terms of these rules does not affect the registration status of a registered person. Every registered person’s duties and responsibilities shall persist notwithstanding the exemption. Registered persons to whom exemption is granted are required to re-apply for exemption of their registration status on an annual basis with *the Council*.
 - (5) The following grounds shall not be deemed adequate by *the Council* for partial or full exemption of the application of the CPD rules:
 - (a) Partial retirement by any registered person;
 - (b) Registered persons undertaking engineering work on a part-time basis exceeding three hundred (300) hours per year; and
 - (c) Practicing engineering abroad/outside South Africa.
 - (6) Should an exempted registered person resume engineering work or related activities after a significant period during which such activities were not performed,

the Council may require such a person to undertake additional relevant CPD activities or to provide a plan which sets out in detail how the registered person will update their knowledge and ensure that they can perform their responsibilities competently and with due care.

- (7) The above exemptions are not automatic. A formal application by a registered person to *Council*, accompanied by supporting documentation as well as a sworn statement/affidavit outlining the circumstances and reasons for their application, is required. *The Council* shall then communicate its decision to the registered person concerned.

9. The CPD Cycle and Measurement

- (1) Subject to an initial phasing-in period referred to under transitional provisions in rule 19, the CPD system shall function in a cycle of five (5) years.
- (2) The five-year cycle of each registered person commences on the anniversary of the date on which such registered person initially became registered with *the Council*, this date appears on the person's certificate of registration and this 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. In this regard refer to **Table A: CPD Cycle**. The date on which a person has been registered is also obtainable from *the Council's* website www.ecsa.co.za.

TABLE A: CPD CYCLE

A	B	C	D	E	F
Year of Registration			1969	1970	1971
	1972	1973	1974	1975	1976
	1977	1978	1979	1980	1981
	1982	1983	1984	1985	1986
	1987	1988	1989	1990	1991
	1992	1993	1994	1995	1996
	1997	1998	1999	2000	2001
	2002	2003	2004	2005	2006
	2007	2008	2009	2010	2011
	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	
Renewal of Registration Cycle	2017	2018	2019	2020	2021
	2022	2023	2024	2025	2026
	2027	2028	2029	2030	2031

- (3) During each five (5) year cycle every registered person must accumulate a minimum of twenty-five (25) credits in order to qualify for renewal of his/her registration.

- (4) CPD credits must be obtained in at least two of the three categories as listed, in **Table B: Category Activities**.

Category Activities of CPD categories are fully described in **Appendix A**. Registered persons required at least five (5) credits per five-year cycle from Category 1. The minimum permissible credits which may be accumulated over the five-year cycle are as depicted in **Table B: Category Activities**. These credits may not be carried over into the next cycle. A limit which may be achieved annually is indicated below in under credits of **Table B: Category Activities**.

- (5) Every registered person must ensure that the CPD activities that they embark upon are approved and validated. Non approved and non-validated CPD activities will result in these activities not being recorded by *the Council*.
- (6) A registered person may not accumulate less than three (3) credits per year in at least two of the categories of activities referred to in **Table B: Category Activities** read in conjunction with **Appendix A** of these rules.
- (7) Registered members applying for re-registration with *the Council* needs to provide proof that he/she complied with the CPD requirements and has obtained at least three (3) CPD credits in Category 1: Developmental Activities prior to becoming reregistered. Such CPD credits must have been obtained during the twelve (12) months preceding the application.

TABLE B: CATEGORY ACTIVITIES

Categories	Activities	Credits
Category 1	Developmental Activities	Minimum of five (5) credits per five-year cycle
Category 2	Work-based Activities	
	Engineering work	Maximum two (2) credits per year (300 notional hours/1 credit)
	Mentoring of candidate engineering practitioners	Maximum one (1) credit per year (50 notional hours)
Category 3	Individual Activities	
	Membership of a recognised Voluntary Association	Maximum one (1) credit per year
	Other Activities	Credits as listed on ANNEXURE A

10. Recording of CPD Activities for Registered Persons

- (1) Unless exempted by *the Council* in terms of these rules, registered persons are responsible for documenting the relevant professional development activities which they have undertaken. This is in addition to each registered person's

responsibility for planning and undertaking activities that maintain and develop their professional competence.

- (2) Registered persons are required to demonstrate participation in a relevant CPD activity by keeping record of their CPD activities in the following manner:
 - (a) Either manually on form ECPD1 by emailing it to *the Council*; or
 - (b) Electronically, by refers of the web portal via *the Council's* website www.ecsa.co.za.
- (3) Registered persons may record individual CPD activities on a continuous basis as they occur during each year, provided that all CPD activities undertaken during each year must be recorded no later than thirty (30) days after the completion of that year, except for the final year of his/her five-year cycle, then the CPD points should be recorded at least thirty (30) Days prior to the expiry date.
- (4) 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*. Examples of such supporting documentation are:
 - (a) Certificates of attendance/Attendance registers;
 - (b) Program as received at the activity;
 - (c) Short synopsis written by the applicant him/herself;
 - (d) Minutes of meetings;
 - (e) Examination results;
 - (f) Published papers;
 - (g) Independent assessments of a learning activity performed; and
 - (h) Confirmation letter from the institution in regard to the NQF level activity attended.

11. Auditing of recorded CPD activities

- (1) *The Council* shall undertake a monitoring process to ensure –
 - (a) that CPD undertaken is relevant and appropriate to the current and future role of the registered person;
 - (b) that records and supporting documentation such as certificates, a list of results and records of attendance are verified;
 - (c) all international activities have gone through an evaluation process.
- (2) In order to assess whether registered persons meet the requirements of these rules, *the Council* will conduct random audits. Such audits will be in the form of a cycle of all CPD records belonging registered persons in the different categories at *the Council's* own discretion.
- (3) The onus rests on the registered persons to/be provide evidence to demonstrate that competence was developed and/or maintained.
- (4) In the event that a registered person selected to be audited, such registered person must send, within four (4) weeks of receiving notification, all relevant information that ECSA may seek for purposes of the audit.
- (5) If a Recognised *Voluntary Association* or an *Approved Educational Institution* provided a CPD activity, written verification from such recognised *voluntary association* or *approved educational institution* will be recognised as sufficient evidence of attendance.

- (6) 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 *the provider* and proof of attendance certificate must be submitted. In this regard rule 9(4) will apply.
- (7) The *Council* must advise a registered person of the outcome of such audit within thirty (30) days after completion of an audit.
- (8) If a registered person is assessed as having failed to meet the requirements (during an audit), *the Council* shall take the necessary steps as may be deemed necessary and appropriate to deal with the matter.

12. Application for Renewal and Assessment against CPD requirements

- (1) In terms of Section 22(1) of *the Act*, and subject to the transitional provisions contained in rule 19, a registered person must apply in the prescribed manner to *the Council* for the renewal of his or her registration at least three (3) months prior to the prescribed *expiry date* of his or her registration,
- (2) *The Council* shall notify a registered person at least five (5) months prior to the relevant expire date as a registered person is required in terms of these rules to apply for his/her registration at least 3 (months) prior to the expiry date.
- (3) The application for renewal must be submitted in the format as determined by *the Council* Copies of which are published on *the Council'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 it 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 this decision in the applicable register maintained by *the Council* and, within thirty (30) days of making the decision, advise the applicant of the outcome, and that his/her registration will, subject to these rules, remain valid for a further period of five years until the next *expiry date*, subject to continued compliance by the registered person.
- (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 12 shall apply, and the applicant will be advised of the decision as well as of the implications resulting therefrom, within thirty (30) days from the date on which that decision was made.

13. Non-Compliance with these rules

13.1 At Audit Stage

- 1) If *the Council* is of the opinion that a registered person has failed to comply with the requirements of rule 10 of these rules, *the Council* may decide if any remedial steps are necessary at that stage and inform such registered person of the

deficiency and the remedial steps to be taken in order to comply with the requirements of these to remedy the deficiency.

- 2) Unless a shorter period has been prescribed by *the Council*, any registered person who failed to comply with the requirements is automatically subject to a re-audit during the following year.
- 3) If an applicant is still not compliant with the requirements, then:
 - the matter must be referred to the Central Registration Committee of *the Council* to consider whether or not renewal of such person's registration should be refused and ensure that due processes were followed prior to a decision being made on whether such a person's registration should be renewed or not.

13.2 At Renewal Stage

- (a) If after consideration of an application for renewal of a person's registration referred to in rule 13, *the Council* is convinced that the applicant has failed to comply with the requirements of these rules, *the Council* must –
 - record this fact in the applicable register; and
 - 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.
- (b) If, after consideration of the applicant's response in terms of rule 13.2(a), 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;
- (c) 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;
- (d) The applicant must, within two weeks before the end of the period determined by *the Council* in terms of rule 13.2(c), submit documentary evidence of compliance; and
- (e) If *the Council* is convinced that the applicant is still not compliant with the requirements, then:
 - It 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
 - It must ensure that due processes are followed prior to a decision being made on whether a person's registration should be renewed or refused.

14. Refusal to renew a person's registration

If the Central Registration Committee is convinced that the registered person's application for renewal must be refused, the Committee must confirm its refusal to renew such registration/s and within thirty (30) days from the date on which such refusal is made, formally inform the registered person of the decision, and at the same time instruct the registered person to return the certificate/s of registration, originally issued to such person, to *the Council* within thirty (30) days from the date of such instruction.

15. Return of Registration Certificate

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

16. Refusal by Registered Person to comply with these rules

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.

17. 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/s.
- (2) Any registered person or a non-approved CPD provider may make representations to *the Council* should they feel aggrieved by an assessment/validation by any CPD Validator of a CPD activity, either in terms of content or credit allocated, and such representation must be made no later than thirty (30) days after an assessment has been made by *the Council*.

18. Verification of CPD Providers

- (1) All CPD providers will have to make application and go through a formal verification process to obtain approval for the purpose of offering Category 1 CPD activities.
- (2) In verifying a CPD provider, the CPD validator must ensure that the following criteria have been met:
 - (a) The CPD provider submits a company profile.
 - (b) The CPD provider submits a valid company registration certificate or equivalent.
 - (c) The CPD provider submits a valid SARS tax clearance certificate.

- (3) The Council shall publish on their website the list of approved CPD providers.

19. Validation of CPD Activities

- (1) Any provider who desires validation of a Category 1 CPD activity must apply to approved CPD Validator for validation of such activity, using Form ECPD2, which is published on the Council's website www.ecsa.co.za.
- (2) In validating a Category 1 CPD activity, the CPD Validator must ensure that the following aspects are covered:
- (a) The accessibility of the activity to registered people (the location of its offering);
 - (b) The costing of the activity;
 - (c) The relevance of the activity;
 - (d) The extent to which the activity is to serve to maintain or enhance the knowledge, skills and competence of all those who participate in it;
 - (e) The extent to which the activity meets an educational and developmental need to provide an effective learning experience for the participants;
 - (f) The participant 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;
 - (g) The depth and breadth of the subject matter covered must be appropriate allowing sufficient time for discussion;
 - (h) The subject covered should provide a balanced view and should not be unduly promotional;
 - (i) The presenters should have proven practical and/or academic experience and be good communicators; and
 - (j) Post-activity evaluation forms (for obtaining feedback from participants on the activity) must be provided for rating of the relevance, quality and effectiveness of the activity.
- (3) The provider of these courses, conferences or seminars. would therefore have to approach the approved CPD validator for such validation or approval of the activity that they wish to present and will be charged a fee for such validation or approval.
- (4) 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.

20. Amendment of the rules

If *the Council* at any stage decides to amend these rules, the *Council* must-

- (a) Inform all Recognised *Voluntary Associations, approved educational institutions* and *registered persons* of its decision, and provide them with the proposed amendments;
- (b) Call for comments on the amendments from the Recognised *Voluntary Associations, approved educational institutions and registered persons*; and
- (c) Prescribe such amendments in terms of section 36 of the Act.

21. Transitional Provisions

- (1) These rules are to come into effect on the effective date.
- (2) It is not anticipated that the amendment of these rules shall have any effect on the current renewal periods in respect of registered persons.
- (3) Voluntary Associations, Educational Institutions and CPD providers shall have a period as stated in signed agreements between the Council and themselves to be compliant with rule 6 of these rules.
- (4) The Council may at its discretion and on application by the affected Voluntary Association, Educational Institution or CPD provider referred to in rule 20(3), extend the period stated in the signed agreement by an additional period not exceeding six(6) months, if the Council is satisfied that the Voluntary Association, Educational Institution or CPD provider has taken appropriate steps to comply with the signed agreement and these rules, but has nevertheless not succeeded to comply in the allocated timeframes.
- (5) If a Voluntary Association, Educational Institution or CPD provider fails or refuses to comply with the signed agreement and these rules within the allocated timeframe allowed, then the Council shall take steps it deems appropriate from the date when the Council resolves that a Voluntary Association, Educational Institution or CPD provider ceased to comply with the requirements.

APPENDIX A

CATEGORIES OF CPD ACTIVITIES

Category 1: Developmental Activities

Attendance of structured educational/developmental meetings will be credited with one (1) credit per ten (10) notional hours. A full day activity is regarded as being ten (10) notional hours and a half-day activity is regarded as five (5) notional hours, hence half a credit. A minimum of five (5) credits (50 notional hours) must be accumulated over a five-year cycle and may be undertaken in any period within the five (5) year cycle. Additional credits earned in a five-year cycle are not transferrable to the following cycle.

- Conferences
- Congresses
- Large group workshops
- Lectures
- Seminars
- Refresher courses
- Colloquiums
- E-learning
- Relevant additional completed accredited qualifications at benchmark level or above = (five (5) credits).
- Relevant additional qualification (these are exceptional qualifications). A completed post graduate qualification = (five (5) credits).

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 (1) credit for every 300 notional hours per year for engineering related work (including management) is awarded in this category. A maximum of two (2) credits for 600 notional 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 a CPD activity with a maximum of one (1) credit for 50 notional hours of mentoring per year. In-house skills training sessions organised by employer/engineering company as well as career guidance for candidates may also be presented under this sub-category.

Category 3: Individual Activities

Membership of an ECSA recognised *Voluntary Association* will result in a maximum of one (1) credit per year.

Other activities include and will be credited as follows:

- Part-time lecturing to undergraduate and postgraduate students: one (1) credit for every 10 notional hours of lecturing.
- Supervision of students undertaking postgraduate studies: two (2) credits per year.
- Supervision of oral examinations of final year and postgraduate students: one (1) credit for every 10 notional hours of active involvement.
- Evaluation of M dissertations and PhD theses by external examiners: two (2) credits per year.
- Evaluation of final year engineering student's by external examiners: one (1) credit per year.
- Publication of research papers in peer reviewed journals: a single author: two (2) credits per publication. Where paper has a number of authors: one (1) credit per publication per author.
- Publication of technical articles: one (1) credit per article published.
- Papers presented at conferences or congresses/poster presentations: one (1) credit each.
- Participation in statutory, professional, institutional, engineering or non-engineering committees or task groups: one credit for every 10 notional hours of active participation.
- Evaluation of educational programmes at Universities and Universities of Technology for accreditation purposes: one (1) credit for every 10 notional hours of active involvement. Evaluation of educational qualifications for ECSA's Committee: one (1) credit for every 10 notional hours of active involvement.
- Evaluation of competence and applications for registration for ECSA's Committees: one (1) credit for every 10 notional hours of active involvement.
- Self-study which includes, but is not restricted to studying of journals or electronic or computerized material, one credit for every 10 national hours of study. All activities under this item must be verified.