

**BUILT ENVIRONMENT PROFESSIONS LAWS AMENDMENT  
BILL, 2017**

**[DRAFT FOR COMMENT]**

**GENERAL EXPLANATORY NOTE:**

- 5        [       ]        Words in bold type in square brackets indicate omissions from existing enactments.  
\_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactments.

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**BILL**

- 10        **To amend the Council for the Built Environment Act, 2000, so as to substitute the long title;  
to provide for the application of the Public Finance Management Act, 1999; to broaden the  
objects, functions, powers and duties of the Council; to address the application of the  
Competition Act, 1998 and the National Qualifications Act, 2008; to change the composition  
of the Council and its term of office; to provide for a permanent committee of the Council;**  
15        **to provide for the dissolution of the council; to provide for the determination of policy by  
the Minister; to amend the Architectural Profession Act, 2000, the Engineering Profession  
Act, 2000, the Landscape Architectural Profession Act, 2000, the Property Valuers  
Profession Act, 2000, the Property and Construction Management Professions Act, 2000 and  
the Quantity Surveying Professions Act, 2000, so as to change the composition and terms of  
20        office of the Councils; to address the application of the Competition Act, 1998 and the  
National Qualifications Act, 2008; to broaden the powers of the Councils; and to provide for  
matters connected therewith.**

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

- 25        **PART A: AMENDMENT OF COUNCIL FOR THE BUILT ENVIRONMENT ACT 43  
OF 2000**

**Substitution of long title of Act 43 of 2000**

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1. The long title of the Council for the Built Environment Act, 2000 (referred to in this Part as the principal Act) is substituted with the following long title:

5 **“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; to provide for the determination of policy on the built environment professions by the Minister; and to provide for matters connected therewith.”.**

#### **Amendment of section 1 of Act 43 of 2000**

2. Section 1 of the principal Act is amended by –

10 (a) the insertion before the definition of “council” of the following definition:

“(2)(a) “chief executive officer” means the chief executive officer appointed under section 15(1)(a);”; and

(b) the deletion of the definition of “**registrar**”.

#### **Amendment of section 2 of Act 43 of 2000**

- 15 3. Section 2 of the principal Act is amended by the insertion after the existing provision of the following subsection:

“(2) The council must be managed in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) applicable to public entities.”.

#### **Amendment of section 3 of Act 43 of 2000**

- 20 4. Section 3 of the principal Act is amended by the insertion after paragraph (f) of the following paragraphs:

“(fa) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) that is applicable to the built environment;

25 (fb) promote access to and advancement in the built environment professions by historically disadvantaged persons;”.

**Substitution of section 4 of Act 43 of 2000**

5. The following section is substituted for section 4 of the principal Act:

**“4. Functions, powers and duties of council**

The council may-

5 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;

10 (a) 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;

(b) make recommendations to the Minister on the composition, functions, assets, rights, employees or financing of the council;

(c) 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;

15 (d) facilitate interministerial co-operation concerning issues relating to the built environment;

(e) 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;

20 (f) comment, if necessary, on all proposed legislation impacting on health and safety in the built environment;

(g) direct communication from the Minister or the relevant Minister to the councils for the professions;

25 (h) 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;

(i) coordinate the establishment of mechanisms for professionals to gain international recognition;

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- (j) 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;
  - 5 (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]** the Competition Act, 1998 (Act No. 89 of 1998);
  - 10 (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;
  - 15
- (k) 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;
- 20
- (l) act as an appeal body with regard to matters referred to it in terms of **[the] this Act and any law** regulating the built environment professions;
- (m) **[in consultation with councils for the professions, obtain]** promote recognition for the councils for the professions as professional bodies **[responsible for the establishment of education and training standards]** and the registration of their professional designations in terms of the **[South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)]** National Qualifications Framework Act 67 of 2008 (Act No. 67 of 2008);
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- (n) ensure the consistent application of policy throughout the built environment by encouraging coordination between the councils for the professions;
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- (o) promote coordination between the Council on Higher Education established in terms of section 4 of the Higher Education Act, 1997 (Act No. 101 of 1997) and the councils for the professions in relation to the accreditation of higher education [institutions] programmes;
- 5 (p) liaise with the Competition Commission[, ] established in terms of section 19 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;
- 10 (q) liaise with any organisation responsible for the implementation of any sectoral transformation charter applicable to the built environment;
- (r) subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998), review fees published by the councils for the professions to ensure the consistent application of the principles regarding such fees;
- (s) charge –
- 15 (i) membership fees in the prescribed manner **[from]** to 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;
- 20 (t) institute and defend legal proceedings relating to the exercise or performance of the council's powers, functions and duties, including 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);
- 25 (v) request and receive reports from the councils for the professions on any matters relating to the built environment and the built environment professions;
- (w) receive and assimilate the annual reports of the councils for the professions and submit a summary to the Minister;

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- (x) issue guidelines to the councils for the professions regarding any matter relating to the built environment and the built environment professions;
- (y) 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;
- 5 (z) 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;
- (aa) perform such functions as may be prescribed; and
- (bb) generally, do all such things as the council deems necessary or expedient to achieve the objectives of this Act.”.

#### 10 **Amendment of section 5 of Act 43 of 2000**

6. Section 5 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

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

- 15 (a) One **[representative from]** person in the employment of the department.
- (b) Not more than **[three]** two persons **[nominated, from the nominations contemplated in section 6 (2) (a) by]** in the employment of state departments within whose functional areas the professions are also practiced, **[taking due cognisance of provincial participation]** nominated by the relevant Ministers.
- 20 (c) **[Two representatives]** one person nominated by each council for the professions, which **[representatives]** person may be a member[s] of a council for the professions, a voluntary association for the built environment professions or any other person with appropriate expertise.
- 25 (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.”.

**Amendment of section 6 of Act 43 of 2000**

7. Section 6 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

“(5) The members of the council hold office for a period of **[four]** three years calculated from the date contemplated in subsection (4).”.

**Amendment of section 8 of Act 43 of 2000**

8. Section 8 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

“(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]** as soon as reasonably practicable following the date on which the vacancy occurred, appoint the person nominated by the council subject to section 5, to fill the vacancy for the unexpired portion of the period for which that member was appointed.”.

**Amendment of section 9 of Act 43 of 2000**

9. Section 9 of the principal Act is amended by:

- (a) the substitution for subsections (1) and (2) of the following subsections: and (5) with the following subsections:

“(1) The Minister must, **[in the prescribed manner]** from the members appointed by the Minister in terms of section 6, 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]** three years from the date of their appointment.”; and

- (b) the substitution for subsection (5) of the following subsection:

“(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.”.

**Amendment of section 10 of Act 43 of 2000**

10. Section 10 of the principal Act is amended by the substitution in subsection (3) of paragraph (b) with the following paragraph:

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

**Amendment of section 14 of Act 43 of 2000**

11. Section 14 of the principal Act is amended by:

(a) the substitution for subsection (2) of the following subsection:

“(2) The council must determine the composition and terms of reference of the committees.”; and

(b) the deletion of subsection (3).

**Insertion of new section 14A in Act 43 of 2000**

12. The following section is inserted in the principal Act after section 14:

**“14A. Permanent committee of council**

(1) The council must establish a professional council coordinating committee as a permanent committee of the council, consisting of the chairperson, deputy chairperson and one other member of each professional council and such other members as the council may determine.

(2) The professional council co-ordinating committee must:

(a) promote co-ordination between the councils for the professions on matters relating to the built environment;

(b) promote the consistent application of policy by the councils for the professions; and



- (c) perform such other functions as the council may determine.”.

**Amendment of sections 15 and 18 of Act 43 of 2000**

- 5       **13.** Sections 15 (including the heading) and 18 of the principal Act are amended by the deletion of “registrar” wherever it occurs and the substitution of “chief executive officer” in each case.

**Amendment of section 16 of Act 43 of 2000**

- 14.** Section 16 of the principal Act is amended by the substitution for the section of the following section:

**“16. Delegation of powers**

- 10       (1) The council may, subject to subsection (2), in writing and subject to such conditions as it may determine, delegate any power, duty or function conferred or imposed on it by this Act to –
- 15               (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, make rules or appoint committees.
- 20       (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 and may be withdrawn in writing by the council at any time.”.

**Amendment of section 17 of Act 43 of 2000**

15. Section 17 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

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

- 5 (a) advance or grant to the council money, from the money appropriated by Parliament, to enable the council to carry out its functions; **[and]**
- (b) determine the conditions to, and repayment of, the advance~~].~~; and
- (c) determine the remuneration and allowances payable to members of the council and any committee of the council who are not in the full-time employment of the State.”.
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**Amendment of section 19 of Act 43 of 2000**

16. Section 19 of the principal Act is amended by the deletion of subsection (3).

**Insertion of new sections 19A and 19B in Act 43 of 2000**

17. The following sections are inserted in the principal Act after section 19:

15 **“19A. Minister may investigate and dissolve council**

- (1) The Minister may cause the council to be investigated if the Minister reasonably believes that there are irregularities with regard to the performance of the council’s functions or non-compliance with the requirements of this Act or the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- 20 (2) The council, its members and its staff must co-operate with any investigation in terms of subsection (1).
- (3) The Minister may, after consulting the council, dissolve the council if it is unable to perform its functions or fails to comply with the requirements of this Act or the Public Finance Management Act, 1999 (Act No. 1 of 1999).

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- (4) The powers, functions and duties of the council vest in the Minister until new members of the council are appointed in terms of section 6 read with the necessary changes.

**19B. Minister may determine policy**

- 5 (1) The Minister may, after consulting the council and the professional councils, determine policy on any matter relating to the built environment professions.
- (2) The Minister must publish any policy determined under subsection (1) in the *Gazette*.
- (3) The council and the professional councils must take into account any policy determined by the Minister in exercising their powers and performing their functions  
10 in terms of this Act and any of the professions' Acts.'.

**Amendment of section 20 of Act 43 of 2000**

18. Section 20 of the principal Act is amended by the insertion after subsection (2) of the following subsection:

15 “(3) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**Amendment of section 21 of Act 43 of 2000**

19. Section 21 of the principal Act is amended by the substitution for subsections (4) and (5) of the following subsections:

20 “(4) The appeal committee must conduct the appeal in accordance with **[section 33 of the Constitution]** rules determined for this purpose by the council after consulting the Minister.

- (5) The appeal committee must decide an appeal **[within 60 days from]** as soon as reasonably practicable after the date on which the appeal was lodged, and inform the appellant and the council concerned accordingly.”.

**Substitution of section 22 of Act 43 of 2000**

20. The following section is substituted for section 22 of the principal Act:

**“22. Regulations**

The Minister may, after consultation with the council, make regulations with regard to –

- 5 (a) any matter that is required or permitted to be prescribed in terms of this Act; [**any other matter for the better execution of this Act; or**]
- (b) the charging of membership fees for the councils for the professions;
- (c) any other functions of the council;
- (d) the appointment of the chairperson and deputy chairperson of the council;
- 10 (e) the performance agreement of the chief executive officer;
- (f) any power granted or duty imposed by this Act[.]; or
- (g) any other matter that it is necessary or expedient to prescribe in order to achieve the purposes of this Act.”.

15 **PART B: AMENDMENT OF ARCHITECTURAL PROFESSION ACT 44 OF 2000**

**Amendment of section 5 of Act 44 of 2000**

21. Section 5 of the Architectural Profession Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

- 20 “(1) The term of office for members of the council is [**four**] three years, but members may continue in office until the succeeding council is duly constituted.”.

**Amendment of section 13 of Act 44 of 2000**

22. Section 13 of the principal Act is amended by:

- (a) the substitution for paragraph (d) of the following paragraph:

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“(d) in consultation with the CBE, [consult] liaise with the South African Qualifications Authority established by the [**South African Qualifications Authority Act, 1995 (Act 58 of 1995)**] National Qualifications Framework Act, 2008 (Act 67 of 2008) [ , or any body established by it and the **voluntary associations to determine competency standards for the purpose of registration**] regarding recognition as professional bodies and registration of its professional designations.”; and

(b) the deletion of subparagraph (f).

#### **Amendment of section 14 of Act 44 of 2000**

10 **23.** Section 14 of the principal Act is amended by:

(a) the insertion before the existing provision of the subsection designation “(1)”; and

(b) the insertion of the following subsection:

“(2) The council must, in exercising its powers under this Act:

15 (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the architectural profession;

(b) promote access to and advancement in the architectural profession by historically disadvantaged persons;

20 (c) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and

(d) comply with any applicable guideline issued by the CBE in terms of section 4 of the Council for the Built Environment Act, 2000 (Act 43 of 2000).”.

**Amendment of section 16 of Act 44 of 2000**

24. Section 16 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

5 “(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the architectural profession.”.

**Amendment of section 26 of Act 44 of 2000**

25. Section 26 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

10 “(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**Amendment of section 34 of Act 44 of 2000**

26. Section 34 of the principal Act is amended by:

(a) the substitution for subsection (2) of the following subsection:

15 “(2) The council [**must**] may annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the *Gazette*.”; and

(b) the insertion after subsection (5) of the following subsection:

“(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**PART C: AMENDMENT OF ENGINEERING PROFESSION ACT 46 OF 2000**

**Amendment of section 3 of Act 46 of 2000**

27. Section 3 of the Engineering Profession Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

5 “(1) The council consists of the following members, appointed by the Minister, taking into account, among other things, the principles of transparency and representivity -

(a) **[thirty]** ten registered persons, excluding candidates, of whom at least **[20]** 7 must actively practise in the engineering profession –

(i) who must be nominated by the voluntary associations, registered persons and prescribed nominating bodies;

10 (ii) who must represent the categories of registered persons contemplated in section 18, in the prescribed manner;

(iii) who must represent the different disciplines of the engineering profession in the prescribed manner;

(b) **[ten]** three persons, of whom **[at least]** –

15 (i) **[six]** two must be professionals, in the service of the State nominated by any sphere of government; and

(ii) one must be nominated by the department; and

(c) **[ten]** five members of the public nominated through an open process of public nomination.”.

20 **Amendment of section 5 of Act 46 of 2000**

28. Section 5 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The term of office for members of the council is **[four]** three years, but members may continue in office until the succeeding council is duly constituted.”.

**Amendment of section 13 of Act 46 of 2000**

29. Section 13 of the principal Act is amended by:

(a) the substitution for paragraph (d) of the following subsection:

5 “(d) in consultation with the CBE, [consult] liaise with the South African Qualifications Authority established by the [South African Qualifications Authority Act, 1995 (Act 58 of 1995)] National Qualifications Framework Act, 2008 (Act 67 of 2008) [, or any body established by it and the voluntary associations to determine competency standards for the purpose of registration] regarding recognition as professional bodies and registration  
10 of its professional designations.”; and

(b) the deletion of subparagraph (f).

**Amendment of section 14 of Act 46 of 2000**

30. Section 14 of the principal Act is amended by:

15 (a) the insertion before the existing provision of the subsection designation “(1)”;  
and

(b) the insertion of the following subsection:

“(2) The council must, in exercising its powers under this Act:

20 (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the engineering profession;

(b) promote access to and advancement in the engineering profession by historically disadvantaged persons;



- (c) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and
- (d) comply with any applicable guideline issued by the CBE in terms of section 4 of the Council for the Built Environment Act, 2000 (Act 43 of 2000)."

#### **Amendment of section 16 of Act 46 of 2000**

31. Section 16 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the engineering profession.”.

#### **Amendment of section 26 of Act 46 of 2000**

32. Section 26 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

“(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

#### **Amendment of section 34 of Act 46 of 2000**

33. Section 34 of the principal Act is amended by:

- (a) the substitution for subsection (2) of the following subsection:

“(2) The council **[must]** may annually, after consultation with the voluntary associations, representatives of service providers and clients in the public and private sector, determine guidelines professional fees and publish those fees in the *Gazette*.”; and

- (b) the insertion after subsection (5) of the following subsection:

“(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**PART D: AMENDMENT OF LANDSCAPE ARCHITECTURAL PROFESSION ACT 45 OF 2000**

5 **Amendment of section 5 of Act 45 of 2000**

34. Section 5 of the Landscape Architectural Profession Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

10 “(1) The term of office for members of the council is **[four]** three years, but members may continue in office until the succeeding council is duly constituted.”.

**Amendment of section 13 of Act 45 of 2000**

35. Section 13 of the principal Act is amended by:

(a) the substitution for paragraph (d) of the following subsection:

15 “(d) in consultation with the CBE, [consult] liaise with the South African Qualifications Authority established by the **[South African Qualifications Authority Act, 1995 (Act 58 of 1995)]** National Qualifications Framework Act, 2008 (Act 67 of 2008) **[, or any body established by it and the voluntary associations to determine competency standards for the purpose of registration]** regarding recognition as professional bodies and registration of its professional designations.”; and

(b) the deletion of subparagraph (f).

**Amendment of section 14 of Act 45 of 2000**

36. Section 14 of the principal Act is amended by:

- (a) the insertion before the existing provision of the subsection designation “(1)”;  
and

the insertion of the following subsection:

5 “(2) The council must, in exercising its powers under this Act:

- (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the landscape architectural profession;
- (b) promote access to and advancement in the landscape architectural profession by historically disadvantaged persons;
- (c) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and
- (d) comply with any applicable guideline issued by the CBE in terms of section 4  
15 of the Council for the Built Environment Act, 2000 (Act 43 of 2000).”.

#### **Amendment of section 16 of Act 45 of 2000**

37. Section 16 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

20 “(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the landscape architectural profession.”.

#### **Amendment of section 26 of Act 45 of 2000**

38. Section 26 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

“(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

#### **Amendment of section 34 of Act 45 of 2000**

**39.** Section 34 of the principal Act is amended by:

5 (a) the substitution for subsection (2) of the following subsection:

“(2) The council [**must**] may annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the *Gazette*.”; and

(b) the insertion after subsection (5) of the following subsection:

10 “(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

#### **PART E: AMENDMENT OF PROPERTY VALUERS PROFESSION ACT 47 OF 2000**

##### **Amendment of section 5 of Act 47 of 2000**

**40.** Section 5 of the Property Valuers Profession Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

15 “(1) The term of office for members of the council is [**four**] three years, but members may continue in office until the succeeding council is duly constituted.”.

##### **Amendment of section 13 of Act 47 of 2000**

**41.** Section 13 of the principal Act is amended by:

(a) the substitution for paragraph (d) of the following subsection:

20 “(d) in consultation with the CBE, [**consult**] liaise with the South African Qualifications Authority established by the [**South African Qualifications Authority Act, 1995 (Act 58 of 1995)**] National Qualifications Framework

Act, 2008 (Act 67 of 2008) [, or any body established by it and the voluntary associations to determine competency standards for the purpose of registration] regarding recognition as professional bodies and registration of its professional designations.”; and

- 5 (b) the deletion of subparagraph (f).

**Amendment of section 15 of Act 47 of 2000**

42. Section 15 of the principal Act is amended by:

- (a) the insertion before the existing provision of the subsection designation “(1)”;  
and

- 10 (b) the insertion of the following subsection:

“(2) The council must, in exercising its powers under this Act:

- (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the property valuers profession;

- 15 (c) promote access to and advancement in the property valuers profession by historically disadvantaged persons;

- (d) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and

- 20 (e) comply with any applicable guideline issued by the CBE in terms of section 4 of the Council for the Built Environment Act, 2000 (Act 43 of 2000).”.

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**Amendment of section 17 of Act 47 of 2000**

43. Section 17 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the property valuers profession.”.

**Amendment of section 27 of Act 47 of 2000**

44. Section 27 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

“(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**Amendment of section 35 of Act 47 of 2000**

45. Section 35 of the principal Act is amended by:

the substitution for subsection (2) of the following subsection:

“(2) The council [**must**] may annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the *Gazette*.”; and

(a) the insertion after subsection (5) of the following subsection:

“(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**PART F: AMENDMENT OF PROPERTY AND CONSTRUCTION MANAGEMENT PROFESSIONS ACT 48 OF 2000**

**Amendment of section 5 of Act 48 of 2000**

46. Section 5 of the Property and Construction Management Professions Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

5 “(1) The term of office for members of the council is **[four]** ~~three~~ years, but members may continue in office until the succeeding council is duly constituted.”.

**Amendment of section 13 of Act 48 of 2000**

47. Section 13 of the principal Act is amended by:

(a) the substitution for paragraph (d) of the following subsection:

10 “(d) in consultation with the CBE, [consult] liaise with the South African Qualifications Authority established by the **[South African Qualifications Authority Act, 1995 (Act 58 of 1995)]** National Qualifications Framework Act, 2008 (Act 67 of 2008) **[, or any body established by it and the voluntary associations to determine competency standards for the purpose**

15 **of registration]** regarding recognition as professional bodies and registration of its professional designations.”; and

(b) the deletion of subparagraph (f).

**Amendment of section 14 of Act 48 of 2000**

48. Section 14 of the principal Act is amended by:

20 (a) the insertion before the existing provision of the subsection designation “(1)”; and

(b) the insertion of the following subsection:

“(2) The council must, in exercising its powers under this Act:

- (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the property and construction management profession;
- 5 (b) promote access to and advancement in the property and construction management profession by historically disadvantaged persons;
- (c) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and
- 10 (d) comply with any applicable guideline issued by the CBE in terms of section 4 of the Council for the Built Environment Act, 2000 (Act 43 of 2000)."

#### **Amendment of section 16 of Act 48 of 2000**

**49.** Section 16 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

- 15 “(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the property and construction management profession.”

#### **Amendment of section 26 of Act 48 of 2000**

20 **50.** Section 26 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

- “(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”



**Amendment of section 34 of Act 48 of 2000**

51. Section 34 of the principal Act is amended by:

(a) the substitution for subsection (2) of the following subsection:

“(2) The council **[must]** may annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the *Gazette*.”; and

(b) the insertion after subsection (5) of the following subsection:

“(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**PART G: AMENDMENT OF QUANTITY SURVEYING PROFESSION ACT 49 OF 2000****Amendment of section 5 of Act 49 of 2000**

52. Section 5 of the Quantity Surveying Profession Act, 2000 (referred to in this Part as the principal Act) is amended by the substitution for subsection (1) of the following subsection:

“(1) The term of office for members of the council is **[four]** three years, but members may continue in office until the succeeding council is duly constituted.”.

**Amendment of section 13 of Act 49 of 2000**

53. Section 13 of the principal Act is amended by:

(a) the substitution for paragraph (d) of the following subsection:

“(d) in consultation with the CBE, [consult] liaise with the South African Qualifications Authority established by the **[South African Qualifications Authority Act, 1995 (Act 58 of 1995)]** National Qualifications Framework Act, 2008 (Act 67 of 2008) **[, or any body established by it and the**

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**voluntary associations to determine competency standards for the purpose of registration] regarding recognition as professional bodies and registration of its professional designations.”; and**

- (b) the deletion of subparagraph (f).

5 **Amendment of section 14 of Act 49 of 2000**

54. Section 14 of the principal Act is amended by:

- (a) the insertion before the existing provision of the subsection designation “(1)”; and
- (b) the insertion of the following subsection:

10 “(2) The council must, in exercising its powers under this Act:

- (a) promote the implementation of any sectoral transformation charter contemplated by the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) that is applicable to the quantity surveying profession;
- (b) promote access to and advancement in the quantity surveying profession by historically disadvantaged persons;
- (c) take into account any applicable policy determined by the Minister in terms of section 19B of the Council for the Built Environment Act, 2000 (Act 43 of 2000); and
- (d) comply with any applicable guideline issued by the CBE in terms of section 4 of the Council for the Built Environment Act, 2000 (Act 43 of 2000).”.

20 **Amendment of section 16 of Act 49 of 2000**

55. Section 16 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) The council must, on request by the CBE, provide the CBE with any information or report regarding any matter related to a registered person, the built environment or the engineering profession.”.

**Amendment of section 26 of Act 49 of 2000**

56. Section 26 of the principal Act is amended by the insertion after subsection (4) of the following subsection:

“(5) Any identification of work in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**Amendment of section 34 of Act 49 of 2000**

57. Section 34 of the principal Act is amended by:

(a) the substitution for subsection (2) of the following subsection:

“(2) The council **[must]** may annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the *Gazette*.”; and

(b) the insertion after subsection (5) of the following subsection:

“(6) Any determination of guideline professional fees in terms of this Act is subject to the provisions of the Competition Act, 1998 (Act No. 89 of 1998).”.

**58. Short title and commencement date**

This Act is called the Built Environment Professions Laws Amendment Act, 2017, and commences on a date fixed by the President by proclamation in the *Gazette*.