



ECOSA

ENGINEERING COUNCIL OF SOUTH AFRICA




An Effective Regulator Assuring Engineering Excellence

Rules on Cancellation of Registration and Renewals

R-CRR-RULES-001

REVISION 0: 23 October 2024

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THE ENGINEERING COUNCIL OF SOUTH AFRICA

Rules enacted in terms of Section 36 of the Engineering Profession Act, 46 of 2000

The aforementioned Rules have been established by the Council through publication in the Gazette. The objective is to govern the powers and mandate of the Council regarding fees, renewal of registration, and cancellation of registration pertaining to Registered Persons.

These Rules must be read together with any other Rules enacted in terms of Section 36 of the Engineering Profession Act, 46 of 2000, ECSA Policies, ECSA Procedures, ECSA Standards and/or ECSA Guidelines, as amended. Where the ECSA Policies, Procedures, Standards and/or Guidelines, as amended, delegate powers of authority to any staff member exceeding the scope outlined in the Delegation of Authority Framework, the endorsement of this policy formalises and legitimises such delegation.

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1. REGISTRATION FEES

1.1 A prescribed Application and Registration Fee is payable for an application for registration in terms of a professional category¹, which is divided into:

- 1.1.1 Professional Engineer;
- 1.1.2 Professional Engineering Technologist;
- 1.1.3 Professional Certified Engineer;
- 1.1.4 Professional Engineering Technician.

1.2 A prescribed Application and Registration Fee is payable for an application for registration in terms of a candidate category², which is divided into:

- 1.2.1 Candidate Engineer;
- 1.2.2 Candidate Engineering Technologist;
- 1.2.3 Candidate Certified Engineer;
- 1.2.4 Candidate Engineering Technician.

1.3 A prescribed Application and Registration Fee is payable for an application for registration in terms of a specified category.³

1.4 Persons who are currently registered with the Engineering Council of South Africa (“ECSA”) and seek registration on the ECSA segments of international registers (Washington, Sydney and Dublin Accords⁴) are required to pay a prescribed Application and Registration Fee applicable to their application. In this instance, no additional Annual Fees are levied on persons registered on the ECSA segment of international registers, and no application for exemption from Annual Fees is required. However, such Registered Persons must adhere to the Renewal of Registration requirements with ECSA for their registration on an annual basis, as delineated below.

¹ Section 18(1)(a).


² Section 18(1)(b).

³ Section 18(1)(c).

⁴<https://www.ecsa.co.za/register/SitePages/International%20Recognition.aspx#:~:text=ECSA%20is%20a%20signatory%20to,of%20expected%20outcomes%20of%20programmes.>

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- 1.5 The prescribed Application and Registration Fee for an application for registration is a once-off, non-refundable fee payable per application, subject to these Rules, for any given category, regardless of the application outcome.
- 1.6 A person applying, in the prescribed manner to ECSA for registration in a category must complete the relevant application in the prescribed format. The application must include proof of payment for the prescribed Application and Registration Fee. A “completed application” refers to an application with all necessary information and supporting documents submitted, along with the full prescribed fee paid to the Council.
- 1.7 The requirements for an application to register in a particular category are detailed in the relevant policies applicable to each category of registration. These policies are available on the ECSA website or can be provided upon request.
- 1.8 The initial prescribed period of validity of the registration of a Registered Person commences on the date of registration up to and until the last day of March of the same year. Subsequently, the prescribed period of validity of the registration of a Registered Person is from the first day of April to the last day of March of the ensuing year or until such a time that the registration of the Registered Person is cancelled.
- 1.9 A Person Registered in a professional Category must submit to the council proof of having completed a minimum of twenty-five (25) Continuing Professional Development (“CPD”) credits over a five (5) year period. As regulated through the CPD Rules, proof of a minimum of three (3) of these credits must be submitted annually.
- 1.10 Any persons whose registration has been cancelled in terms the Act, must return their registration certificate to the chief executive officer within 30 days from the date on which they are directed by the chief executive officer in writing to do so as per the provision of section 23 of the Act. ECSA may deactivate validity of the digital registration certificate as per section 11(c) of the Act until such time when the registration has been renewed.

2. ANNUAL FEES

- 2.1 Persons registered in any of the categories of registration, are required to pay Annual Fees except otherwise stated herein. Annual Fees are invoiced on an annual cycle (12-month cycle).

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Invoices are raised and issued in or around March of each year. Any persons registered outside the prescribed billing cycle will be billed a pro-rated annual fee from the date of registration until the last day of the annual billing cycle.

- 2.2 If Registered Persons do not settle the prescribed Annual Fee or a portion (pro-rata Annual Fee) thereof within 60 (sixty) days from it becoming due and payable, the Council will cancel their registration. Registered Persons are eligible for an “early-bird” discount if their Annual Fees are paid within 30 (thirty) days of the invoice being issued and sent.
- 2.3 Individuals who maintain good standing with other Built Environment Councils, as well as with ECSA, are eligible to pay a discounted Annual Fee to ECSA.

3. RENEWAL OF REGISTRATION

- 3.1 All Registered Persons are required to submit an application for the renewal of their registration to the Council, in the prescribed manner, at least three (3) months prior to the expiration of their current registration period. A “completed application” is defined as one that includes all required information and supporting documents.
- 3.2 The requirements for an application for renewal of registration are specified in the policies and/or application forms pertinent to each category of registration. These documents are available on the ECSA website or can be obtained upon request.
- 3.3 Failure to apply for renewal of registration within the prescribed period may result in the automatic cancellation of Registered Persons’ registration by the Council at the conclusion of their registration cycle.
- 3.4 As per section 4(i) of the ECSA Code of Conduct for Registered persons, it is the administrative responsibility of Registered Persons to notify the Council without delay of any changes in personal contact details on record, including but not limited to email address, physical/postal address and telephone/cell-phone number. The updating of personal details must be done through the ECSA professional engineering practitioner’s portal. Contact details are displayed in a redacted format on the digital registration certificate of the Registered Person and ECSA does not take responsibility for erroneous contact details which are the responsibility of the Registered Person to regularly update.

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4. RENEWAL OF REGISTRATION FOLLOWING CANCELLATION OF REGISTRATION


- 4.1 Should a Registered Person's registration be cancelled due to non-payment of the prescribed Annual Fee, failure to submit proof of the required CPD credits and/or failure to apply for Renewal of Registration as specified herein, or if the registration was cancelled at the request of the Registered Person, the individual may apply for Renewal of Registration through Reinstatement.
- 4.2 The individual must submit to the Council an application for the Renewal of Registration through Reinstatement in the prescribed manner, accompanied by the payment of the prescribed fee, within 60 (sixty) months of cancellation of registration. In such case, applicants will retain their original registration number.
- 4.3 Should an application for registration or a renewal of registration be refused or should cancellation occur as a consequence of a sanction imposed by a disciplinary tribunal, or if an application for renewal is refused, the individual must submit a new application for registration in accordance with the prescribed procedures. The original registration number of the person will be retained.
- 4.4 The application fee for Renewal of Registration through Reinstatement is a once-off, non-refundable fee payable per application, subject to these Rules, for any given category, regardless of the application outcome.
- 4.5 Renewal of Registration through Reinstatement for persons whose registration cancellation period exceeds 36 months but is within the 60-month allowable period as per clause 4.1, can be subjected to any additional re-evaluation based on relevant competency standards, practice requirements and proof of professional conduct. Upon successful demonstration of competence, Council will register the applicant in the appropriate category and retain the original ECSA registration number.

5. APPEAL FEE

If applicants are of the opinion that Council, in its refusal to register them or cancel their registration for a reason other than the applicants failing to pay the prescribed annual fee or a

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portion thereof, within 60 (sixty) days from it becoming due⁵ or if a Registered Person charged with improper conduct is found guilty of improper conduct (or if the Registered Person admits being guilty of the charges) and a Disciplinary Tribunal has cancelled the registration of the Registered Person⁶ but did not comply with Section 33 of the Constitution, such applicants may, on payment of the prescribed fees and within 30 (thirty) days from the date on which the refusal or cancellation came to their knowledge, appeal to the Council against that decision.⁷

6. EXEMPTIONS FROM PAYMENT OF FEES, CHARGES, OR A PORTION THEREOF

- 6.1 Unless expressly stipulated otherwise herein, no exemption will be deemed automatic. All exemptions, including those pertaining to the payment of fees, charges or portions thereof, including requests for exemptions to pay fees, charges or a portion thereof in instalments, are subject to the discretion of the Council. Exemptions may be granted or denied based on the merits of each case.
- 6.2 Exemptions may be granted for a specified period or may be subject to review and/or renewal periodically.
- 6.3 All information provided by applicants in support of an application for an exemption will be treated confidentially and in accordance with relevant privacy laws and regulations.
- 6.4 All responses granting exemptions to an application will be provided in written form, except where expressly stated otherwise. In cases where applications for exemptions are permissible, they are considered equivalent to written submissions. Retrospective applications for exemptions will categorically not be considered and refunds for annual fees already remitted will not be issued.
- 6.5 A person must apply for an exemption in the prescribed manner. The application must include proof of payment for the application of an exemption. A “completed application” refers to an


⁵ Section 20(1)(a)(iii).

⁶ Section 32(3)(a)(iv).

⁷ Section 24.

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application with all necessary information and supporting documents submitted, along with the full prescribed fee paid to the Council.

- 6.6 The application fee, which must accompany the Application for Exemptions from Payment of Fees, Charges or a portion thereof, is a one-off, non-refundable fee payable per application, subject to these Rules, for any given category, regardless of the application outcome.
- 6.7 An application for exemption will be decided upon within 2 (two) months from the Council's confirmation of receipt of the application for an exemption. It is the Registered Person's responsibility to ensure timely submission of the application. No indulgence will be granted to persons seeking exemption due to late submission of the application.
- 6.8 The types of exemptions that may be applied for are as follows:
- 6.8.1 Registered Persons who hold dual registration in multiple categories (professional and/or specified category): a person who is registered in more than one category of registration is exempt from annual fees for the second and subsequent registrations. The primary category is the category attracting the highest fee or the person's category of first registration. No application for exemption is required.
- 6.8.2 Exemptions based on a means test: persons may apply for exemptions based on a means test, which assesses their financial circumstances. This means test evaluates factors such as income, assets and financial commitments to determine eligibility for exemption. The purpose of this exemption is to provide financial relief to applicants facing financial hardship.
- 6.8.3 Registered Persons who avail themselves of any of the aforementioned exemptions from annual fees maintain their registration status, the entitlement to utilise their registration title and the privilege to practice within their areas of engineering competence.

7. CONCESSIONS

ECSA Registered Persons who hold dual registration with recognised Voluntary Associations may receive a partial concession on ECSA annual fees, provided they maintain active and good standing status within these recognised Voluntary Associations.

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8. CANCELLATION

- 8.1 Despite compliance with the requirements of Registration, Renewal of Registration, the Council may cancel the registration of Registered Persons if they become disqualified from registration as contemplated in Section 19(3) of the Act. In this scenario, the Council will consider whether to cancel the registration of a Registered Person in these circumstances on a case-by-case basis.⁸
- 8.2 Despite compliance with the requirements of Registration or Renewal of Registration, the Council may cancel the registration of Registered Persons if they become disqualified from registration as contemplated in Section 19(3) of the Act. In this scenario, the Council will consider whether to cancel the registration of a Registered Person in these circumstances on a case-by-case basis.⁹
- 8.3 The Council may cancel the registration of Registered Persons if they have erroneously been registered or have been registered based on information subsequently proved to be false.¹⁰
- 8.4 The Council may cancel the registration of Registered Persons if they fail to pay the prescribed Annual Fee or portion thereof, within 60 (sixty) calendar days from it becoming due.¹¹
- 8.5 The Council must provide the Registered Person with a notice of cancellation.
- 8.6 If persons who are registered as a candidate qualify to be registered as a professional¹², the Council must cancel their registration as a candidate.
- 8.7 The Council must at the written request of any Registered Person cancel their registration, but where an investigation into alleged improper conduct by that person is in progress or is to be held, the registration may not be cancelled until the investigation has been concluded.

⁸ Section 20(1)(a)(i).

⁹ Section 20(1)(a)(i).


¹⁰ Section 20(1)(a)(ii).

¹¹ Section 20(1)(a)(iii).

¹² In terms of Section 19(2)(a).

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- 8.8 Despite cancellation of the registration of a Registered Person, that person remains liable for any fee, arrears or penalty imposed by the Council for the period of registration.
- 8.9 The Council may cancel the registration of Registered Persons if they have failed to apply in the prescribed format for Renewal of Registration as specified herein.
- 8.10 The Council may cancel the registration of Registered Persons if they have applied in the prescribed format for Renewal of Registration as specified herein and such application was unsuccessful.
- 8.11 Despite the cancellation of the registration of Registered Persons in terms hereof, such persons remain liable for any fee, arrears or penalty imposed by the Council for the period that they were registered.
- 8.12 If an appeal is lodged against a refusal to register a person or to cancel a person's registration (for reasons other than failure to pay annual fees as described herein or due to a disciplinary tribunal imposing a sanction of cancellation), the registration of that person may not be cancelled until the appeal has been finalised.
- 8.13 Any person who was registered and whose registration was cancelled is liable for any action taken by that person while still registered.
- 8.14 Persons registered in the category of a candidate for more than six (6) years will be subject to automatic cancellation at the end of the 6-year period. Should Registered Persons in a Category of Candidate wish to maintain candidacy Registration Status, they must, at least three (3) months prior to the prescribed expiry date of their registration, apply in the prescribed manner to the Council for the renewal of their registration. The application must consist of an updated status report of their path to registration, including clear identification of gaps, proposed timeliness and strategy for registration in a professional Category. Council must consider the application and communicate the outcome in writing, stating the validity of the renewal.

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9. GENERAL PROVISIONS

- 9.1 The provisions contained herein do not speak to any matter in relation to or interpretation of ECSA Professional Fees Guidelines.¹³
- 9.2 The processing of any application mentioned in this context will commence only upon receipt of the full application fee, a completed application form and compliance with any other prescribed conditions relevant to the specific application.
- 9.3 If payment of an amount due and payable to the Council is not received, the Registered Person is deemed to be in default of payment and is liable for prescribed interest as per the Prescribed Rate of Interest Act, 55 of 1975, as amended, on arrears in addition to the outstanding amount.
- 9.4 Persons who are not ordinarily resident in the Republic of South Africa for a year or more should inform the Finance Business Unit of their contact details and billing address outside the Republic of South Africa. Registered persons must notify Council of the billing address by the first day of December the preceding year to qualify for VAT exemption.
- 9.5 Should a third party undertake the payment of the annual fee on behalf of a Registered Person, it is incumbent upon the Registered Person to ensure that all obligations towards the Council are fulfilled. This includes settlement of any expenses, penalties, fees, application fees, charges or other amounts due and payable to the Council.
- 9.6 Each Registered Person is obliged to pay to the Council any additional fees or charges deemed necessary in terms of the Engineering Profession Act, 46 of 2000, aside from those specifically outlined in these Rules. These fees are to be paid at times and in amounts determined by the Council.
- 9.7 The Council for the Built Environment (“the CBE”) is in terms of Section 4(s)(i) of the Council for Built Environment Act, 43 of 2000, empowered to charge membership fees in the prescribed manner from ECSA (and the other councils for the built environment professions) calculated pro rata to the number of persons registered with ECSA. Despite any exemption from annual

¹³ <https://www.ecsa.co.za/regulation/SitePages/Guideline%20Fees.aspx>.

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fee payment granted by ECSA, a Registered Person is required to pay any fee levied by ECSA on behalf of the CBE.

- 9.8 Failure by a Registered Person to settle any due and payable fee, expenses, fines, penalties or amount will prompt the issuance of a communication in writing alerting them to this matter. If the outstanding fee payable fee, expenses, fines, penalties or amount, is not paid within fourteen (14) calendar days from the date of dispatch of this written notification, or within any extended period granted by the Council, proceedings for its recovery may be initiated against the Registered Person. However, this does not preclude the enforcement of other consequences, such as cancellation of registration, which will proceed in accordance with these Rules regardless of payment status.
- 9.9 If a credit balance is attributable to the Registered Person's account, any actual, potential or alleged interest is not due and payable to the Registered Person.
- 9.10 Despite the cancellation of the registration of Registered Persons in terms of this Policy, such persons remain liable for any expenses, fees, arrears or penalty imposed by the Council for the period that they were registered.

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Revision 0 Draft A	30 Aug 2024	The working group submitted draft Rules on Cancellation of Registration and Renewals	Working Group
Rev. 0 Draft B	18 Sept 2024	Document reviewed with WG and RI BU	RI BU and WG
Rev. 0 Draft C	01 Oct 2024	The document sent to Registration BU for inputs and comments	Registration BU
Rev. 0 Draft D	11 Oct 2024	Reviewed and checked	Executive: RSIR
Rev. 0	23 Oct 2024	Approval	RPSC
Rev. 0	14 Nov 2024	Approval	Council

Rules for:

Rules on Cancellation of Registration and Renewals

Revision 0 dated 23 October 2024 and consisting of 13 pages reviewed for adequacy by the Business Unit Manager and is approved by the Executive: Regulatory Services & International Relations (**ERSIR**).



Business Unit Manager

2 December 2024

Date



Executive: **RSIR**

2024/12/02

Date

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