



PRACTICE ADVISORY – 30 JUNE 2016

SACAP CODE OF CONDUCT:

Preamble:

... Registered persons and architectural practices are subject to the disciplinary supervision of the SACAP. It is an overriding obligation under the rules that in carrying out professional work, a registered person is expected to act competently and with integrity.

It is therefore expected that a registered person shall refrain from conduct, which would in the opinion of the SACAP be detrimental to the esteem, dignity and/or professionalism of the architectural profession, or would tend to bring the architectural profession into disrepute'¹

All persons registered with the South African Council for the Architectural Profession are expected to adhere to their code of conduct. This document² is available on the SACAP website.

There are a number of these rules that can create great difficulty for the registered person, even one who is practicing conscientiously and ethically:

Rule 2: This requires that a registered person does not stray from his level of expertise.

It is not clear how this is to be determined and enforced without the guidance of a promulgated 'identity of works' and seems to be left to the discretion of the registered person. The current Identity of Works matrix has been withdrawn at the instruction of the Competition Commission.

Practice letterheads, title blocks and letters confirming appointments have become a particular and reoccurring problem:

Rule 4.1: This rule is very prescriptive, and requires that any appointment is confirmed in writing, and MUST include the following information:

- scope of works;
- the services offered;
- allocation and limitation of responsibilities;
- fees payable;
- budget for the project;
- provisions for termination of the agreement;
- details of professional indemnity insurance; and
- provision for dispute resolution.

¹ Extract from the SACAP webpage

² Board Notice 154 of 2009, link <http://www.sacapsa.com/?page=code>



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(The South African Institute of Architects)

Rule 5.10: This rule on letterheads is, as in the case with Rule 4.1, prescriptive, and requires the following information on the letterhead:

- name and type of practice;
- the names, category and registration numbers of the principals;
- the professional designation and qualifications of all principals who are not registered with the Council;
- physical and postal address, telephone, fax and email; and
- CIPRO and VAT registration numbers if applicable

These requirements are similar to that of the Companies and Intellectual Properties Commission (CIPC), and should not be strange to the practices that are juristic persons.

While it would appear to be simple to adhere to these edicts, a quick reading of the published decisions of disciplinary tribunals show that these rules are the most often not complied with.

From experience at recent disciplinary proceedings, it became clear that SACAP had, on their own volition, included breaches of Rule 4.1 and Rule 5.10 on the charge sheet *even when it did not form part of the complaint*, and there is no real defence one may offer in the light of the prescriptive wording.

We have been informed that the Regulator is reviewing the Code of Conduct, but we do not have a timeframe for this, so until such time we recommend that all our members conform strictly to these requirements. Under adverse conditions and facing an aggressive tribunal, one might find oneself unjustly deregistered and unable to practice.

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