



ENSURING THE EXPERTISE TO GROW SOUTH AFRICA

FRAMEWORK FOR DEVELOPMENT OF ECSA CODES OF PRACTICE

REVISION No. 2: 18 May 2022

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DEFINITIONS

The Act means the Engineering Profession Act, 66 of 2000.

Council means the Engineering Council of South Africa (ECSA) established under Section 2 of the Act.

Code means this code of practice document.

Code of Conduct means the Rules of Conduct published by Council.

Discipline-Specific Sub-Committee means a sub-committee of the Steering Committee responsible for code development in a particular Engineering Discipline.

Engineering Discipline means the body of knowledge that is applied in one of the following contexts: aeronautical, agricultural, chemical, civil, electrical, industrial, mechanical, metallurgical or mining.

Engineering Work means any Engineering Work normally carried out by Registered Persons in the practice of their profession.

RPSC means the Research Policy and Standards Committee appointed by Council.


Practice Area means the body of specialised knowledge applied within the context of a particular Engineering Discipline.

Registered Person means a person registered in any of the categories referred to in Section 18 of the Act.

All references in this document to the singular include the plural where applicable and vice versa.

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1. BACKGROUND

1.1 Legislative framework

The Engineering Profession Act, 66 of 2000 provides for the Engineering Council of South Africa (ECSA) to draw up a Code of Conduct for Registered Persons and to draw up a code of practice where necessary.

Section 27 of the Act states:

- (1) *The Council must, in consultation with the CBE, voluntary associations and registered persons, draw up a code of conduct for registered persons and may draw up a code of practice.*
- (2)(a) *The Council is responsible for administering the code of conduct and the code of practice and must ensure that the codes are available to all members of the public at all reasonable times.*
 - (b) *The Council must provide the CBE with copies of both codes.*
- (3) *All registered persons must comply with the code of conduct and the code of practice and failure to do so constitutes improper conduct.*


This Framework must be read in conjunction with the Road Map for Code Drafting. The composition of the various committees and groups is given in the Road Map document.

1.2 Historical background

In 2008, ECSA set up a Steering Committee to commence work on drafting codes of practice for the engineering profession. Two working groups were established to prepare draft codes for geotechnical engineering and structural engineering. By mid-2010, both draft codes had been prepared and circulated for comment. However, due to the overlap between the codes and the proposed Regulations, Council decided that publication of the codes should be held over until finalisation of the proposed Identification of Engineering Work Regulations.

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The structural code was subsequently published by the Joint Structural Division of the South African Institution of Civil Engineering (SAICE). Parts of the geotechnical code and at least one national standard, namely SANS 1936 (Development of Dolomite Land), have appeared in various SAICE Geotechnical Division documents.

2. GENERAL PRINCIPLES

- 2.1.1 The Council may, at its discretion and as the need arises, issue a single code of practice for the Engineering Profession and/or codes of practice for individual Engineering Disciplines or for Practice Areas within these disciplines.
- 2.1.2 The scope and application of each code will be clearly stated within the code.
- 2.1.3 The primary purpose of codes of practice is to promote competent performance of Engineering Work in accordance with the norms of the profession.
- 2.1.4 Codes of practice are intended for use by Registered Persons and the consumers of Engineering Work, such as clients and employers.
- 2.1.5 Compliance with a particular code of practice is compulsory for Registered Persons performing Engineering Work within the scope and application of that code.
- 2.1.6 Codes of practice may be developed where there is a need to:
- (a) protect public safety, health and interests
 - (b) protect the environment
 - (c) promote or improve the competent performance of Engineering Work.
- 2.1.7 A code of practice does not inhibit Registered Persons from developing new and innovative engineering solutions.
- 2.1.8 A code of practice is consistent with and supportive of the Code of Conduct.
- 2.1.9 A code of practice may expand on the competencies and the category of registration required for specific tasks.

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2.1.10 A code of practice will not be construed as part of or as a substitute for the identification of Engineering Work.

2.1.11 All codes of practice will be published as a Rule by means of a Board Notice in the Government Gazette. A similar process will be followed for the withdrawal or amendment of a code of practice.

2.1.12 Codes of practice are living documents that will be revised regularly in keeping with changes in professional practice.

3. DRAFTING AND AMENDMENT

3.1 Drafting of codes

3.1.1 The Research Policy and Standards Committee (RPSC) will appoint a Code of Practice Steering Committee to oversee the process of developing the codes of practice, monitor progress and ensure compliance with the general principles.

3.1.2 ECSA will decide on the codes to be developed and will specify the scope and application of each code, coordinate code-writing activities, monitor progress, obtain approval, make amendments and publish through the Government Gazette.


3.1.3 Where more than one code is required within a specific Engineering Discipline, ECSA will, in consultation with relevant Voluntary Associations, coordinate the activities of the Working Groups in that discipline.

3.1.4 ECSA will, in consultation with relevant Voluntary Associations, set up a Working Group for each code of practice.

3.1.5 Where the scope and application of the code extends into the jurisdiction of other professions within the Council for the Built Environment or the South African Council for Natural Scientific Professions, such professions will be invited by ECSA or the relevant sub-committee to participate in the Working Group or be afforded an opportunity to submit comments.

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3.1.6 The Working Group will compile a Working Group draft of the code in accordance with the above principles.

3.1.7 The Working Group draft will be submitted to the Steering Committee for review and provision of comments in writing. A maximum period of six weeks will be allocated for such a review.

3.1.8 The Working Group will consider the comments received, amend the draft code as deemed necessary and provide a written response to each comment received.

3.1.9 If substantial amendments are made to the code, the Working Group draft will be re-submitted for further review according to item 3.1.8 above.

3.1.10 The draft code will be submitted to the RPSC as a committee draft. The RPSC may either refer the code back to the Steering Committee or Working Group for further amendment or recommend for broader consultation.

3.1.11 The draft ECSA Code will be posted on the ECSA website for public comment for a maximum period of 6 weeks.

3.1.12 ECSA will refer the comments received from the public to the Working Group for consideration, amendment of the code and provision of a written response to each comment received.

3.1.13 The Working Group will submit the amended code to ECSA or the Steering Committee with a response to each comment received.


3.1.14 ECSA or the Steering Committee will consider the Working Group's amendments and responses to the comments received. Provided there are no significant changes to the code or unresolved comments on substantive issues, the Steering Committee will recommend the final code to the RPSC for approval.

3.1.15 The RPSC will submit the Code to Council for ratification and publication by way of a Board Notice.

3.1.16 A copy of the code will be submitted to the Council for the Built Environment.

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3.2 Amendment or withdrawal of codes


- 3.2.1 ECSA will review all codes of practice every 4 years and re-affirm the code for continued use, recommend that the code be revised or recommend that the code be withdrawn.
- 3.2.2 Registered Persons, the Council for the Built Environment, associated professionals, Voluntary Associations or members of the public may forward written requests with the necessary motivation to ECSA for amendment or withdrawal of a code of practice. ECSA will consider the request and either reject the request or recommend that the code be revised or withdrawn.
- 3.2.3 Where withdrawal of a code is recommended, ECSA will forward the recommendation to Council for approval and publication by way of a Board Notice. The Council of the Built Environment will be informed of the withdrawal.
- 3.2.4 Where revision of the code is recommended, ECSA will, in consultation with the Voluntary Associations, establish a Working Group to make the necessary amendments.
- 3.2.5 If the amendments made by the Working Group are purely editorial in nature, the amended code will be returned to ECSA. The RPSC will approve and forward the amended code to Council for ratification and publication by way of a Board Notice.
- 3.2.6 If substantial changes are made, the re-drafting, review and approval of the code will follow the same procedure as used for the drafting of a new code.

3.3 New codes

- 3.3.1 Council or Registered Persons may submit a written proposal to ECSA with the necessary motivation for the drafting of a new code. ECSA will consider the proposal and either reject it or recommend that a new code be drafted.
- 3.3.2 If ECSA recommends drafting a new code, the procedures presented above for drafting codes will be followed.

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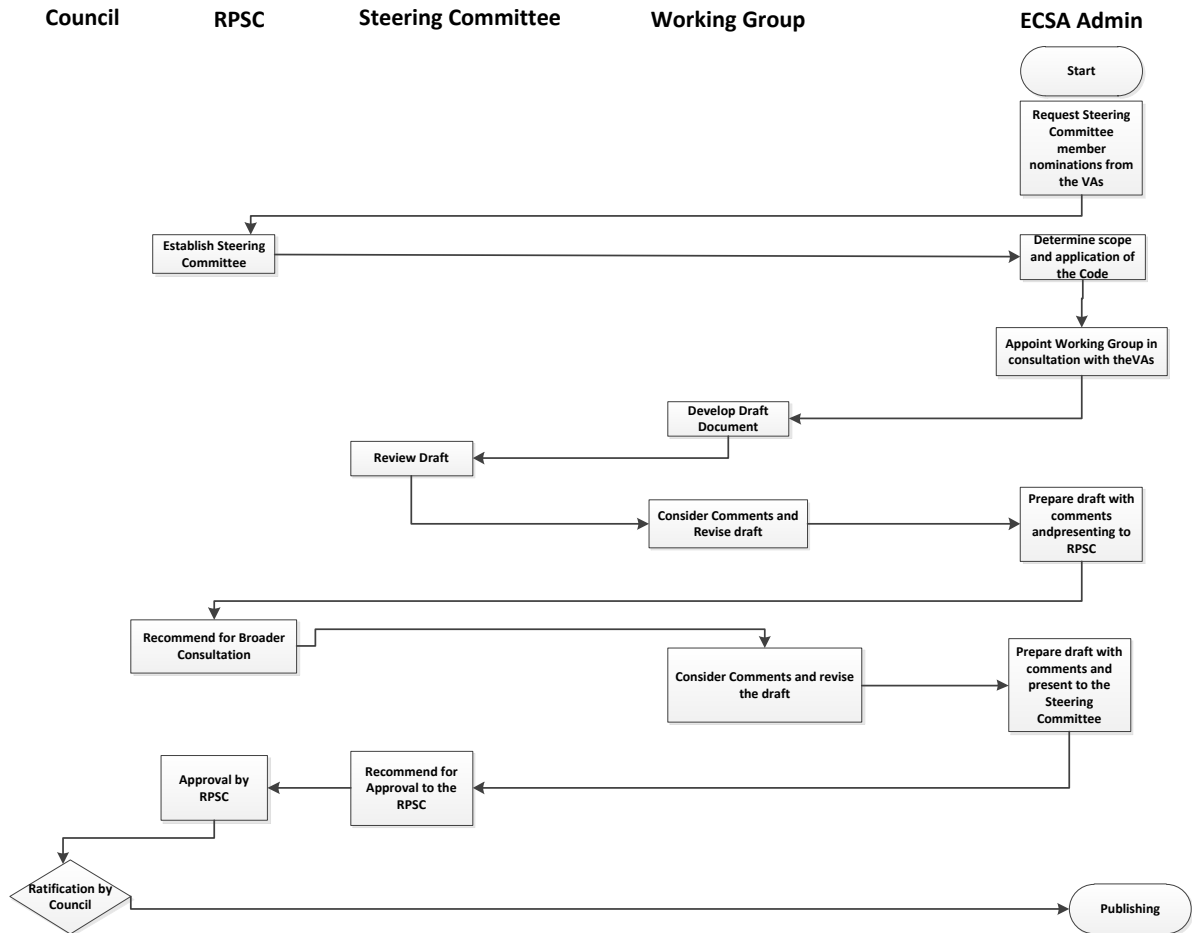



Figure 1: Code Drafting Flow Chart

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REVISION HISTORY

Revision number	Revision date	Revision details	Approved by
Draft A	2 October 2018	Initial draft.	Peter Day
Draft B	9 October 2018	Revised draft.	Peter Day and Edmund Nxumalo
Draft C	15 January 2019	Reviewed by the Working Group	Edmund Nxumalo
Revision 1	29 January 2019	Approval	RPSC
Revision 2 Draft A	13 April 2022	Reviewed Figure 1 to clarify the roles of ECSA and the Steering Committee to reflect the current practice.	RDDR BU
Revision 2 Draft B	29 April 2022	Recommendation for approval by the RPSC.	Acting Executive RPS
Revision 2	18 May 2022	Approval.	RPSC

The Framework for:

Development of ECSA Codes of Practice

Revision 2 dated 18 May 2022 and consisting of 10 pages was reviewed for adequacy by the Business Unit Assistant Manager and is approved by the Acting Executive: Research, Policy and Standards (**aERPS**).


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Business Unit Assistant Manager

..... 25 May 2022

Date


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Executive: RPS

..... 25 May 2022

Date

This definitive version of the policy is available on our website.

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