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## GENERAL NOTICE

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### NOTICE 1355 OF 2008

#### **PLANNING PROFESSION ACT, 2002 (ACT NO 36 OF 2002)**

In terms of Section 30(2) of the Planning Profession Act, the South African Council of Planners proposes draft rules in the schedule to this notice.

Comments on the proposed Rules must be submitted in writing within 60 days from the date of publication of this notice to:

The Department of Land Affairs  
For Attention: Mr Rajesh Makan  
183 Jacob Mare Street  
Pretoria  
0001

Fax no: 012 321 6854  
Email: [rmakan@dla.gov.za](mailto:rmakan@dla.gov.za)  
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## SCHEDULE

### Interpretation

1(2) In these Rules any word or expression to which a meaning has been assigned in the Planning Profession Act, 2002, has that meaning and, unless the context otherwise indicates –

“**the Act**” means the Planning Profession Act, 2002 (Act No 36 of 2002); and

“**certified copy**” means certified by a commissioner of oaths appointed or recognized in terms of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), as a true and correct copy of the original of the document so certified;

(2) Whenever any number of days is prescribed in these rules for the doing of any act, it must be calculated to exclude the first day and include the last day, unless the last day falls on a Saturday, Sunday or public holiday, in which case the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday.

### Registration

2. (1) A person may apply to the Registrar for the inclusion of his or her name in the Register by completing an Application Form substantially in accordance with Form 1 containing the information described in subrule (2).

(2) An applicant contemplated in subrule (1) must provide the Registrar with at least the following documents and information:

- (a) his or her full name;
- (b) his or her identity number issued to such person in terms of the Identification Act, 1997 (Act No. 68 of 1997), proved by the submission of a certified copy of the page of his or her identification document bearing his or her photograph, citizenship, date of birth and identity number;
- (c) if the applicant is not a South African citizen, a certified copy of the appropriate document, issued in terms of the Immigration Act, 2002 (Act No. 13 of 2002), to prove the applicant’s right to work as a planner in South Africa;

- (d) his or her permanent contact details, including a physical and postal address and a telephone number;
- (e) a certified copy of the certificate or other document issued to him or her recording –
  - (i) the completion of the accredited planning educational programme at the level required by section 13(4)(a)(i), (b)(i) or (c)(i) of the Act for registration in the relevant category; or
  - (ii) the possession of the other qualifications as defined in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), and determined for the relevant category from time to time by the South African Qualifications Authority in terms of that Act and by the Council.
- (f) an affidavit in which the applicant attests under oath to the fact that he or she is not precluded from being registered by section 13(7)(a), (b), (c), (d), (e) or (f) of the Act;
- (g) in the case of a person applying to be registered as a candidate planner, at least two certificates signed not more than 21 days prior to the date of the application for such registration by two professional planners to the effect that the applicant is a fit and proper person to engage in planning work under the control and supervision of a technical or professional planner or such other person or institution as determined by the Council; and
- (h) in the case of a person applying to be registered as a technical planner or as a professional planner a certificate –
  - (i) signed by a professional planner to the effect that the applicant has undergone the practical training required by section 13(4)(b)(ii) or (c)(ii) of the Act; and
  - (ii) issued on behalf of the Council that the applicant has passed a competency assessment as required by section 13(4)(b)(iii) or (c)(iii) of the Act, for registration in the relevant category.
- (3) If the Registrar is of the opinion that any document or information –

- (a) provided by the applicant is for any reason defective or not adequate to enable the Council to approve the application;
- (b) in such form as the Registrar may stipulate, is reasonably or necessarily required by him or her in order to enable the Council to consider the application,

he or she may, within a period of 21 days of the receipt of the application, in writing addressed to the applicant at the address provided by him or her in accordance with paragraph (d) of subrule (2), require the applicant to rectify such document or information or to provide such additional documentation or information.

(4) If the Registrar does not require the applicant to rectify a document or information or to provide additional documentation or information within a period of 21 days of the receipt of the application, the application shall be deemed to be complete on the expiry of that period.

(5) If the Registrar, in terms of subrule (3), requires the applicant to rectify a document or information or to provide additional documentation or information and the applicant fails to comply with such requirement within the period of 21 days contemplated in that subrule or such extended period as the Registrar may allow on written application by the applicant, made prior to the expiry of such period of 21 days, then the Registrar may consider such application withdrawn.

(6) The Registrar must submit an application for registration to the Council for consideration in terms of section 13(4) of the Act within 21 days of the application being complete and the Council must approve or reject the application within 14 days of such submission.

(7) The Council may appoint a Registration Sub-Committee comprising of at least three members of the Council, one of who shall be designated as the chairperson of the Sub-Committee, to consider and approve or reject applications for registration under subrule (1).

(8) The Council may in writing under the hand of the chairperson of the Council, or any other member of the Council authorised by the Council, require any person who in its opinion may be able to give any material information needed for the purposes of

considering an application for registration to furnish it with such information within such period and in such form as it may specify.

(9) If the Council requires information from any person in terms of subrule (8) it must notify the applicant of such information and must invite the applicant to comment thereon.

(10) The applicant must submit any comment on any information referred to him or her under subrule (9) to the Council within 14 days of the receipt of the invitation from the Council and if no comment is received from the applicant within such period, then the applicant shall be deemed not to intend to comment.

(11) If the Council rejects an application for registration, the Registrar must, within 21 days of the rejection notify the applicant of the rejection and the reasons therefor.

(12) If the Council approves an application for registration, it must transmit a formal resolution to the Registrar to that effect authorising him or her to enter the name of the applicant in the appropriate category in the Register.

(13) On receipt of a resolution contemplated in subrule (12) the Registrar must forthwith enter the name of the applicant in the appropriate category in the Register and assign a unique registration number to such entry and he or she shall deliver to the applicant a registration certificate substantially in the form prescribed in Form 2 to these Rules.

(14) The unique registration number assigned to any registered person under subrule (15) must not be issued to any other person at any time.

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### **Cancellation and Suspension of Registration**

3(1) The Registrar must, if a Disciplinary Tribunal imposes a sanction provided for in section 23(3)(a)(iii) or (iv) of the Act, record the suspension of the registration of the relevant registered person, or remove the name of the relevant registered planner, from the Register, as the case may be.

(2) If the decision of the Disciplinary Tribunal is taken on appeal, recording such sanction must only be made in the Register once all appeals have finally been disposed of

and if the final effect of the outcome thereof provides for the suspension or removal of the registration in the Register of the person concerned.

(3) A registered planner may, in writing addressed to the Council request the Council to remove his or her name from the Register, in which case the Registrar must delete such name from the Register.

(4) Immediately the Registrar becomes aware that a registered planner has died, he or she must remove the name of such registered planner from the Register.

(5) The Registrar must by written notice addressed to the last known address of the registered person whose name has been suspended or removed from the register in terms of subrules (1), (3) or (4) notify such person of such fact.

#### Fees

4(1) The Council must in each year prior to the commencement of its financial year prepare and adopt a budget for the next ensuing financial year, in which budget it must record its expected income from sources contemplated in section 12(1) of the Act and the estimated expenditure of both a capital nature and for operational purposes.

(2) The Council must adopt and implement a tariff policy to provide guidelines for the determination and collection of fees which the Council is authorized to raise and recover from any registered planner in terms of section 8(3) of the Act, as well as the process for the recovery of unpaid fees and the consequences thereof to the relevant registered person.

(3) The Council must adopt a policy referred to in subrule (2) within six months of the adoption of these rules and it must review and amend or adjust such policy at least on every fifth anniversary of the adoption of these rules.

(4) Prior to the adoption of a policy, or an amendment or adjustment of a policy, in terms of subrules (2) or (3), the Council must give every registered person then recorded in the Register at the time of such intended adoption written notice of such intention.

(5) The Council must, in such notice notify the registered persons of the place and time where such intended policy, or any amendment or adjustment thereof may be viewed, and it must invite such registered persons to comment thereon within a period of not less than 30 days of the date on which such notice is given.

(6) Any comment received by the Council from any registered person pursuant to the notice given in terms of subrule (4) must be taken into account by the Council prior to the adoption of a policy or the amendment or adjustment of a policy.

(7) Upon adoption of a policy or any amendment or adjustment thereof, it shall be binding on the Council and on every registered person.

(8) The cost of the operation and administration of the Council and implementing the Act by the Council are recoverable, in whole or in part, from the fees paid in terms of section 8(3) of the Act, subject however, to subrule 10(a).

(9) The Council may differentiate between different categories of registered persons in setting fees charged to such persons in terms of section 8(3) of the Act.

(10) In adopting a policy or any amendment or adjustment thereof as provided for in subrules (2) or (3), the Council shall -

(a) be bound by the principle that any fees set by the Council for any purpose provided for in section 8(3) of the Act must not unfairly prejudice any person eligible to be registered in any category provided for in section 13(1) of the Act from being so registered solely because of such persons inability to pay such fees, and

(b) determine the criteria which will govern the grant of any exemption referred to in section 8(3)(b) of the Act.

(11) The Council must, at the time a budget is prepared as required by subrule (1), and in accordance with the tariff policy determined in terms of subrule (2), determine all fees that it may set in terms of section 8(3) of the Act for the next ensuing financial year.

(12) The Council must give written notice to all registered persons of the amount of such fees within 30 days of the commencement date of the financial year to which such fees apply.

(13) Annual fees payable under section 8(3)(a) of the Act must be payable by each registered person to the Council within 30 days of the date of the notice referred to in subrule (12).



(14) The Council may give any registered planner who fails to pay the annual fee payable under section 8(3)(a) of the Act 14 days written notice to pay such annual fee and in such notice it must draw the registered planners attention to sections 13(2) and 14(1)(d) of the Act as well as of subrules (15) and (16).

(15) If the registered planner fails to comply with a Notice served on him under subrule (16), then the Council may resolve to suspend the registration of such registered planner in terms of section 13 of the Act until such annual fees are paid, and it must give such registered planner written notice of such suspension.

(17) If a registered planner who has been served with a Notice of Suspension in terms of subrule (15) fails to pay the annual fees which gave rise to such suspension within 6 months of the date of the receipt by such registered planner of such Notice of Suspension, then the Council may by resolution, after giving such registered planner not less than 14 days notice of its intention to consider such resolution, by resolution resolve to cancel the registration of such registered planner and it must thereupon provide the relevant planner with a written record of such resolution and specify the date upon which such resolution must take effect, which date must not be less than 21 days after such written record is delivered to the relevant planner.

(18) Any registered planner to whom a notice under subrules (15) or (16) is served, may, during the time period provided in those sections, make written or oral representations to the Council and the Council must take such representations into account when making its decisions under subrules (15) or (16).

(19) The Council may, whenever written or oral representations are made to it under subrule (17) adjust the time limits referred to in these rules in order to fairly and reasonably accommodate the proper adjudication of the issue of the payment of the fees due.

### **Reservation of Work**

5(1) The areas of work defined in Schedule A to these rules shall be areas of work reserved for registered planners in terms of section 16 (2) of the Act.

(2) The areas of work defined in Schedule B to these rules shall be areas of work to which section 16(4) of the Act apply and which may be carried on by registered persons and persons registered under the legislation identified in the said Schedule.

(3) The Council may from time to time amend or augment Schedules A or B, provided that it must first comply with section 16(1) of the Act.

(4) The Council must publicize the contents of Schedules A and B on any website of the Council and by such other media as may reasonably bring the contents and the purpose of the schedules to the attention of the public.

(5) The Council may take such steps as it considers necessary, including approaching any Court of competent jurisdiction, to enforce compliance with section 16 of the Act read with subrules (1) to (4).

### **Recognition of Voluntary Associations**

6(1) Any voluntary association which has as its main object the promotion and protection of the interests of the planning profession, and which applies its profit, if any, in promoting its said main object, may apply in writing to the Council for recognition as contemplated in section 17(1) of the Act in accordance with this Rule 6.

(2) An application to recognize a voluntary association must be submitted to the Registrar and must contain documentary proof to the satisfaction of the Council -

- (a) that the main object of the voluntary association complies with the requirements of section 17(1) of the Act,
- (b) that the voluntary association has a membership of not less than 50 active, bona fide members engaged in the planning profession, and
- (c) that the management and decision making structures of the voluntary association are democratic, participative and membership driven.

(3) The Council may assist a person to prepare an application for the recognition of a voluntary association.

(4) The Council may —

- (a) require a person who has submitted a proposal in terms of subrule (1) to provide the Council with additional information to that required by subrule (2), and
- (b) at any time instruct the Registrar to conduct an investigation regarding —

- (i) the establishment and conduct of the voluntary association; or
- (ii) a proposal submitted in terms of subrule (1),

in order to satisfy itself that the criteria for recognition contained in section 17(1) of the Act are at all times present.

(5) The Council may, after receiving a proposal referred to in subrule (1) by resolution of the Council recognize a voluntary association.

(6) Upon recognition of the voluntary association, the Council must authorize the Registrar to allocate a unique identification number to such voluntary association and to issue a certificate of recognition to the voluntary association in accordance with section 17(3) of the Act, which certificate must be substantially in the form set out in Form 3 to these Rules.

(7) The recognition of a voluntary association -

- (a) shall lapse on the fifth annual anniversary of the issue of a certificate of recognition to the voluntary association,
- (b) subject to subrule (8), may be withdrawn by the Council if at any time the Council is of the opinion that the criteria for the recognition of such voluntary association which induced the Council to recognise the voluntary association are no longer present.

(8) If the Council is of the opinion that the criteria for the recognition of such voluntary association which induced the Council to recognise the voluntary association are no longer present entitling the voluntary association to recognition in terms of section 17(1) of the Act then it may give written notice to the voluntary association of the opinion and the grounds therefore and invite the voluntary association to submit reasons to the Council why the Council should not withdraw the recognition.

(9) The Council may, and it must if requested to do so by the voluntary association to whom the notice contemplated in subrule (8) is addressed, convene a special meeting of the Council, or a sub-Committee of the Council specially appointed for that purpose, to hear oral representations by or on behalf of the voluntary association on the question of the withdrawal of recognition.

(10) The Council must take into account the written or oral representations received by it before making a final decision on whether to withdraw recognition or not.

(11) If the Council resolves to withdraw recognition of a voluntary association such recognition must be deemed to have lapsed and section 17(6) of the Act must be complied with by the Registrar.

(12) A voluntary association may abandon recognition by the Council by surrendering its certificate of registration to the Registrar.

### **Disciplinary Matters**

7(1) The Council must compile and maintain a roster of persons eligible to serve on any Disciplinary Tribunal as provided for in section 21(2) of the Act, consisting of not less than seven such persons in each Province.

(2) The Council must ensure that each person who is included in the roster compiled under subrule (1) is, in its opinion, sufficiently familiar with the Act and of these Rules and has the skill and experience required to carry out the function imposed on them by section 22 of the Act.

(3) The Council must, within 30 days of the date on which it resolves to appoint a Disciplinary Tribunal in terms of section 21(1) of the Act -

(a) in accordance section 21(2) of the Act, designate the persons whose names are included on the roster compiled in terms of Rule 7.1 who must be members of the Disciplinary Tribunal appointed to hear such disciplinary hearing;

(b) by written notice signed by the Registrar and delivered to the applicable registered person personally or sent to him or her by registered post, notify him or her of:

(i) the particulars of the charge of improper conduct to be adjudicated on by the Disciplinary Tribunal as originally determined in terms of section 20(2) of the Act,

(ii) the names of the members of the Disciplinary Tribunal appointed to hear the charge brought against him or her,

(iii) the time, date and place at which the disciplinary hearing will take place, and

(iv) sections 21, 22, 23 and 27 of the Act.

(4) Any subpoena issued by the Disciplinary Tribunal in terms of section 22(1)(a) of the Act must be substantially in the form set out in Form 4 to these Rules.

(5) The proceedings of the Disciplinary Tribunal must be conducted by the chairperson appointed in terms of section 21(3) of the Act.

(6) If at any sitting of the Disciplinary Tribunal on a particular charge, the chairperson is absent from such sitting, then those members of the Disciplinary Tribunal present must elect a chairperson from amongst them to conduct the proceedings at that sitting, provided that a quorum of members designated in terms of subrule (7) is present.

(7) A quorum for any sitting of the Disciplinary Tribunal must be the presence of the minimum number of members provided for in section 21(2) of the Act.

(8) If at any sitting of the Disciplinary Tribunal a quorum of members is not present within 30 minutes of the time designated for the commencement of such sitting, then the chairperson of the Disciplinary Tribunal at such sitting may adjourn the sitting to a subsequent date not later than 21 days after such sitting.

(9) If during any particular hearing of a charge the number of members of the Disciplinary Tribunal hearing such charge is reduced to less than the required quorum provided for in subrule (7) due to the death, resignation, illness or withdrawal of any member, then the Council may appoint another member to such Disciplinary Tribunal from amongst the persons whose names are included on the roster compiled in terms of subrule (1).

(10) Such hearing shall not be required to commence de nova unless the registered person in respect of whom the hearing is being held is unfairly prejudiced in the conduct of his or her defence of the charge brought against him or her and is able to objectively demonstrate such prejudice.

(11) The Registrar must ensure that the proceedings of every formal hearing of any Disciplinary Tribunal is recorded in such form as will cause a permanent record of such

proceedings to be kept and he or she must ensure that such recording is kept at the headquarters of the Council for at least five years after the close of the hearing to which they relate.

(12) Any person with a lawful interest in the proceedings of any hearing of the Disciplinary Tribunal may, on payment of a reasonable fee, be entitled to listen to and make a copy of the record kept in terms of subrule (11), including, without limitation, a member of any Disciplinary Tribunal appointed to the Tribunal under the circumstances contemplated in subrule (9) when so appointed, the registered person who is the subject of the charge being heard by the Tribunal and any person authorized by him or her.

(13) A Disciplinary Tribunal may appoint a practicing attorney or a practicing advocate to lead evidence at any hearing of the Disciplinary Tribunal, to examine or cross examine any witness and generally to assist the Disciplinary Tribunal in ensuring a fair and unbiased hearing of the charge before it.

(14) A registered person summoned to appear before a Disciplinary Tribunal may be represented in all proceedings before such Disciplinary Tribunal by an attorney or advocate of his or her choice.

(15) A Disciplinary Tribunal must conduct all proceedings required of it in a just and equitable manner so as to ensure a fair and unbiased hearing.

(16) The Registrar must record the fact that a registered planner has been charged with improper conduct and the decision of the Council made in terms of section 20(4) of the Act or of the Disciplinary Tribunal made in terms of section 23(1) of the Act and any sanction imposed on such registered planner by the Council or the Disciplinary Tribunal as the case may be.

### **Appeals**

8(1) Any person referred to in section 27(1) of the Act entitled to lodge an appeal to the Appeals Board established by section 24(1) of the Act (in this Rule referred to as the Appellant) must do so in substantial compliance with the Rules hereinafter set out.

(2) The Appellant must, prior to the expiry of the period indicated in section 27(2) of the Act, lodge with the Registrar not less than six copies of a Notice of Intention to Appeal substantially in the form set out in Form 5 to these Rules.

(3) The Appellant must pay to the Registrar the fee prescribed by the Council for the lodging of an appeal as required by section 27(2) of the Act and no Appeal shall be deemed to have been lodged until such fee is paid, despite delivery of the Notice of Intention to Appeal in terms of subrule (2).

(4) If an appeal is successful, the Appeal Board may order the Council to refund the fee paid by an Appellant in terms of subrule (3) in whole or in part to the Appellant as the Board may deem to be just and equitable in the circumstances.

(5) Each Notice of Intention to Appeal delivered in terms of these Rules must be accompanied by the Appellants Grounds of Appeal wherein he or she must set out the decision, sentence or Rule appealed against and the grounds upon which he or she appeals against such decision, sentence or Rule.

(6) The Registrar must -

- (a) allocate a unique reference number to each Appeal lodged with him or her and such reference number must be cited on all documents and notices pertaining to the Appeal, and
- (b) keep all documents and notices pertaining to each Appeal in a file dedicated to such appeal which must be available for inspection by any interested or affected person.

(7) The Registrar must, in the case of an appeal contemplated in -

- (a) section 27(1)(a), and within 7 days of the receipt thereof, provide a copy of the Notice of Intention to Appeal and the Grounds of Appeal on every member of the Disciplinary Tribunal that delivered the decision or sentence appealed against,
- (b) section 27(1)(b) or (c), and within 7 days of the receipt thereof, provide a copy of the Notice of Intention to Appeal and the Grounds of Appeal to the chairperson of the Council.

(8) The Disciplinary Tribunal referred to in subrule (7)(a), or the Council, as the case may be, may, within 21 days of the receipt of the Notice of Intention to Appeal and Grounds of Appeal in terms of subrule (7)(a), lodge with the Registrar and deliver to the Appellant at the address stated by him or her in his or her Notice of Intention to Appeal a

Statement of Rebuttal which statement shall constitute the answer of the Disciplinary Tribunal or the Council to the appeal.

(9) If the Disciplinary Tribunal or the Council as the case may be fails to lodge and deliver a Statement of Rebuttal under subrule (8) within the period referred to therein or such extended period as the Registrar may, after consultation with the Appellant and the chairperson of the Appeal Board, agree to, then the Disciplinary Tribunal or the Council, as the case may be, shall be barred from lodging such Statement of Rebuttal.

(10) In the case of an appeal under section 27(1)(b) or (c) of the Act, the Council must, in its Statement of Rebuttal, set out in full the decision taken or the Rule adopted, as the case may be, and provide an explanation of the reasons why such decision was taken or Rule adopted, as the case may be, supported by minutes of the meetings at which such decision was taken or the Rule were adopted.

(11) The Disciplinary Tribunal or the Council, as the case may be, must, attach to its Statement of Rebuttal a form containing its address and contact details where the Appellant may deliver documents and notice required to be served on the such bodies.

(12) The Appellant may, within 14 days of the receipt by him or her of the Statement of Rebuttal, lodge with the Registrar and deliver to the Disciplinary Tribunal or the Council, as the case may be, a Replying Statement, being his or her response to the Statement of Rebuttal.

(13) No new matter shall be referred to in such Replying Statement that has not been raised or referred to in the Notice of Appeal and Grounds of Appeal or in the Statement of Rebuttal.

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(14) The Appeal Board may, on the written application of the Appellant or the Disciplinary Tribunal or the Council as the case may be, and on notice to all other parties concerned with an appeal, grant interim relief that, in its opinion, is reasonable and necessary in the circumstances.

(15) The Appellant must, in the case of an appeal under section 27(1)(a) of the Act, within 21 days of noting an appeal at his or her expense cause copies of the record contemplated in Rule 7(11) to be prepared for the Appeal Board and the Disciplinary



Tribunal or the Council as the case may be and must forthwith deliver such record to such parties.

- (16) On receipt of the Replying Statement contemplated in subrule (12) -
- (a) the Registrar must, in consultation with the office holders of the Appeal Board referred to in section 24(3), read with section 25(6) of the Act, set a date for the hearing of the appeal and designate a venue for such hearing, and
- (b) the parties to the appeal must notify the Registrar and in each other in writing of -
- (i) the witnesses they intend calling at the hearing of the appeal,
- (ii) the evidence that such witnesses will address in summary form,
- (iii) any documents they intend producing and relying on at the hearing of the appeal.

(17) Any party may require the other party to submit copies of any documents disclosed in terms of subrule (16)(b)(iii) and the party receiving such request must forthwith deliver such documents to the party requesting them, failing which such documents may not be produced and used at the hearing of the appeal.

(18) No witness may be heard by the Appeal Board unless his or her name has been recorded in a notice referred to in subrule (16)(b)(i), and no document must be produced or be relied on in any appeal unless it has been included in a notice given in terms of subrule (16)(b)(iii).

(19) The Registrar must give the Appellant and the Disciplinary Tribunal or Council, as the case may be, written notice of the date, time and venue of the hearing.

(20) Any party appearing before the Appeal Board may be represented by an attorney or advocate of his or her choice.

(21) Despite anything to the contrary in this Rule 8, the appropriate office holders of the Appeal Board referred to in section 24(3) of the Act may:

- (a) on the application of either the Appellant or the Disciplinary Tribunal or Council, as the case may be, direct that a matter is one of urgency in which case such office

holder may, in consultation with the parties, determine such procedures, including time limits, as will facilitate the urgent disposal of the appeal, and

(b) on good cause shown, condone the failure of any party to an appeal to comply with any Rule or any directions given hereunder, if he or she is of the opinion that such condonation will not prejudice any person.

(22) An application for condonation made in terms of subrule (21)(b) must be:

(a) lodged with the Registrar and all other parties to the appeal, and be

(b) accompanied by a statement wherein the grounds in support of the application are set forth.

(23) In granting an application for condonation, the office holders of the Appeal Board referred to in section 24(3) considering the application may give such directions as he or she may deem necessary in the circumstances.

(24) An Appellant may at any time before an appeal is finally disposed of, by notice in writing to the Registrar and to the Disciplinary Tribunal or Council, as the case may be, withdraw an appeal, provided that he or she must, in such event, pay the wasted costs of the Disciplinary Tribunal or Council, as the case may be.

(25) The failure of an Appellant to attend a hearing of an appeal without good cause shall be deemed to constitute the withdrawal of the appeal and an undertaking to pay the wasted costs of the Disciplinary Tribunal or Council, as the case may be.

(26) The Registrar must ensure that the proceedings of every hearing of any Appeal Board is recorded in such form as will cause a permanent record of such proceedings to be kept and he or she must ensure that such recording is kept at the headquarters of the Council for at least five years after the close of the hearing to which they relate.

(27) Any person with a lawful interest in the proceedings of any hearing of an appeal may, on payment of a reasonable fee, be entitled to listen to and make a copy of the record kept in terms of subrule (26).

(28) An award of costs made in terms of section 27(3)(c) of the Act must be determined in accordance with a tariff of costs adopted by the Council for that purpose and must be taxed by the Registrar to ensure compliance with such tariff.

(29) Until a tariff is adopted by the Council in terms of subrule (28), the High Court tariff must be applied, duly adapted for the purposes of 27(3)(c) of the Act.

(30) Any tariff adopted by the Council in terms of subrule (28) must fairly compensate a party to an appeal for the cost incurred by him or her in participating in the appeal.

**FORM 1 - APPLICATION FOR REGISTRATION BY INDIVIDUAL**

APPLICANT'S SURNAME :

FIRST NAMES:

APPLICATION: DATE OF RECEIPT

Applicant's Postal Address

Postal Code:

Applicants Physical Address

Code:

Address nominated for correspondence etc

Postal

Residential

Citizenship

Applicant's South African Identity No: (See Note 2 & 3 below)

Email address

Telephone

Fax

Cellphone

APPLICATION FOR REGISTRATION AS : ( x )

Professional

Technical

Candidate

**OUTSTANDING REQUIREMENTS TO BE MET BY APPLICANT:**


**IN-TRAINING HISTORY**

(IF APPLICABLE)

Registered

Date:

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Never Registered

Reg. No.

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**FEEES RECEIVED**

In-training waiver

Application

 R

Annual

 R

**FEEES**

**OUTSTANDING**

In-training waiver

Application

 R

Annual

 R

**DECLARATION CERTIFIED:**

YES

NO

**QUALIFICATION / S**

Where obtained

Years

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**QUALIFICATIONS IN ORDER:**

YES

NO

CERTIFIED COPIES OF ALL CERTIFICATES PROVIDED? YES  NO

FORM C3a /  
SCHEDULE OF PROFESSIONAL IN-TRAINING EXPERIENCE PROVIDED? YES  NO  N/A

APPLICANT TO FOLLOW "RECOGNITION OF PRIOR LEARNING" (RPL) PROCEDURE

VERIFIED BY REGISTERED SUPERVISOR/S? YES  NO

CHAIRPERSON'S RECOMMENDATION :  
Register   
Do not register

ACCEPTED BY	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	DATE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
COMMITTEE?																			

## NOTES:

You must attach the following documents to this application:

- 1.1.1 A certified copy of the page of your identification document bearing your photograph, citizenship, date of birth and identity number,
- 1.1.2 If you are not a South African citizen, a certified copy of the appropriate document, issued in terms of the Immigration Act, 2002 (Act No 13 of 2002), to prove your right to carry on practice as a planner in South Africa,
- 1.1.3 Certified copies of all or any certificates or other documents issued to you recording your right to be registered in a category of registered planners referred to in section 13(1) of the Act in compliance with the provisions of section 13(4)(a)(i), 13(4)(b)(i) or 13(4)(c)(i) as the case may be,
- 1.1.4 An affidavit in which you attest under oath to the fact that you are not precluded from being registered in terms of the Act and these Rules by the provisions of section 13(7)(a), (b), (c), (d), (e) or (f) of the Act,
- 1.1.5 If you are applying to be registered as a candidate planner, at least two certificates signed not more than 21 days prior to the date of the application for such registration by two professional planners registered in accordance with the provisions of the Act and of the rules of the South African Council for Planners to the effect that you are a fit and proper person to engage in planning work under the control and supervision of a technical or professional planner,
- 1.1.6 If you are applying to be registered as a technical planner or as a professional planner: a certificate signed by a professional planner to the effect that you have completed the practical training referred to in sections 13(4)(b)(ii) or 13(4)(c)(ii), as the case may be, and a certificate issued on behalf of the Council that you have passed a competency assessment as contemplated in sections 13(4)(b)(iii) or 13(4)(c)(iii), as the case may be.

**FORM 2. – CERTIFICATE OF REGISTRATION**

**South African Council for Planners**

registration no .....

**This is to certify that**

.....

**is a ..... Planner as contemplated in Section 13(1)(a), (b) or (c)  
of the Planning Profession Act, 2002 (Act No 36 of 2002) and the Rules made in terms of  
Section 30(2) of the Act.**

.....

**CHAIRPERSON**

.....

**REGISTRAR**

**Place .....**

**Date .....**



**FORM 3. – CERTIFICATE OF RECOGNITION**

**South African Council for planners**

Certificate of recognition no .....

**This is to certify that**

.....

**a voluntary association as defined in the Planning Profession Act, 2002 (Act No 36 of 2002) and is recognised as such in terms of section 17(1) of the said Act and the Rules made in terms of Section 30(2) of the Act.**

**The validity of this certificate expires on the .... day of ..... 20 ...**

.....

**CHAIRPERSON**

.....

**REGISTRAR**

**Place .....**

**Date .....**

FORM 4. - SUBPOENA

PLANNING PROFESSION ACT, 2002 (ACT NO 36 OF 2002)

(the Act)

SUBPOENA

[Issued and served in terms of Section 22(2) of the Act]

NOTE: This subpoena must be issued and signed in duplicate. The original signed copy must be delivered personally to the person named herein or be sent to him or her by registered post. The duplicate signed copy bearing the Certificate of Service at foot thereof, duly signed by the person serving this subpoena, must be returned to the Chairperson of the Disciplinary Tribunal.

To:

-----  
(Full name of Person to be Served with this Subpoena)

Identity Number/Date of Birth/Passport Number  
(if known)

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Of:

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Code:

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KINDLY Take Notice that you are required to appear before the Disciplinary Tribunal, constituted in terms of section 21 of the Act, in the matter of a DISCIPLINARY HEARING to hear a charge of improper conduct brought against:

-----  
(Full name of Person Charged with Improper Conduct in terms of section 20 of the  
Act)

on the date and time and at the place set out below, and on any date and time to which such Tribunal may adjourn the hearing, and to remain in attendance until excused by the Disciplinary Tribunal, in order to give evidence and to produce the books, documents or objects specified below.

**YOUR ATTENTION IS DRAWN TO SECTION 22 OF THE ACT AND IN PARTICULAR to SUBSECTIONS (5)(a) to (f) which provide:**

- (5)(a) A witness who has been subpoenaed may not—*
  - (i) without sufficient cause, fail to attend the hearing at the time and place specified in the subpoena;*
  - (ii) refuse to be sworn or to be affirmed as a witness;*
  - (iii) without sufficient cause, fail to answer fully and satisfactorily to the best of his or her knowledge to all questions lawfully put to him or her; or*
  - (iv) fail to produce any book, document or object in his or her possession or custody or under his or her control which he or she is required to produce.*
- (b) A witness who has been subpoenaed must remain in attendance until excused by the chairperson of the disciplinary tribunal from further attendance.*
- (c) A witness who has been subpoenaed may request that the names of the members of the disciplinary tribunal be made available to him or her.*
- (d) The law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce a book, document or object in a civil trial before a court of law must, with the necessary changes, apply in relation to the examination of, or the production of any book, document or object to the disciplinary tribunal by, any person called in terms of this section as a witness.*
- (e) A witness may not, after having been sworn or having been affirmed as a witness, give a false statement on any matter, knowing that answer or statement to be false.*
- (f) No person may unlawfully prevent another person from complying with a subpoena or from giving evidence or producing a book, document or object which he or she, in terms of this section, is required to give or produce.*

Date of Hearing:

Time of Hearing:

Place of Hearing:

Books, documents to or  
objects to be produced  
at the hearing:

Should you require further information in this matter or directions to the place of the hearing, please contact the Secretary of the South African Council for Planners at ..... Street, ..... Tel: ..... Fax No ..... Email address ..... Cell No .....

Reference No:

.....

Signed by \_\_\_\_\_ in his/her capacity as chairperson / member of the Disciplinary Tribunal at

\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATE OF SERVICE:** I, \_\_\_\_\_ in my capacity as

do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ I served a signed copy of this subpoena on \_\_\_\_\_ person named above by the \_\_\_\_\_ service thereof on him or her personally / or by registered post addressed to the above address, and I attach a copy of the Registered Post slip in proof thereof. (Delete the inapplicable)

\_\_\_\_\_

**FORM 5. – NOTICE OF APPEAL**

**SOUTH AFRICAN COUNCIL FOR PLANNERS**

In the matter of an Appeal to the Appeals Board established by section 24(1) of the Planning Profession Act,  
2002 (Act No 36 of 2002).

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To: The Registrar  
  
South African Council for Planners  
  
[Address]

Please take notice that I ..... a Registered Planner  
Registration No ..... hereby lodge an appeal under:

- a. section 27(1)(a) of the Act
- b. section 27(1)(b) of the Act  tick appropriate box
- c. section 27(1)(c) of the Act

I nominate as my address for the purposes of the appeal the following physical address:

.....

and I agree and accept that any notice, document or pleading may be served on me by email, fax or personal  
delivery at any one of the following:

- By email to .....
- By fax at number .....
- By personal delivery to the address stated above.

I attach a copy of the Grounds of Appeal.

Dated at ..... on this ..... day of ..... 200 ...

.....

Appellant

**SCHEDULE A**

**DESCRIPTION OF WORK RESERVED FOR PLANNERS**

**SCHEDULE B**

**DESCRIPTION OF WORK RESERVED FOR PLANNERS AND OTHER PERSONS AS  
INDICATED**

## SCHEDULE A

**DESCRIPTION OF WORK RESERVED FOR PLANNERS**

[Section 16(2) read with section 16(3) and (5) of Planning Profession Act No 36 of 2002]

Category Reference	AREA OF WORK RESERVED
<b>A.1</b>	<b>STRATEGIC PLANNING AND CO-ORDINATION OF NATIONAL SPATIAL PLANS AND SPATIAL FRAMEWORKS</b>
A.1.1	Human settlements, which include housing and urbanisation
A.1.2	National spatial frameworks
<b>A.2</b>	<b>STRATEGIC PLANNING AND CO-ORDINATION OF REGIONAL SPATIAL PLANS AND SPATIAL FRAMEWORKS</b>
A.2.1	Preparing regional spatial frameworks
<b>A.3</b>	<b>STRATEGIC PLANNING AND CO-ORDINATION OF SUB-REGIONAL SPATIAL PLANS AND SPATIAL FRAMEWORKS</b>
A.3.1	Preparing sub-regional spatial plans and spatial frameworks
<b>A.4</b>	<b>STRATEGIC PLANNING AND CO-ORDINATION OF SPATIAL PLANS AND SPATIAL FRAMEWORKS AT MUNICIPAL LEVEL, INCLUDING CATEGORY A, B AND C MUNICIPALITIES</b>
A.4.1	Preparation of spatial development frameworks
A.4.2	Physical planning of a single municipal area
A.4.3	Physical planning of functionally interrelated areas
A.4.4	Arrangement of land uses
A.4.5	Intensity of land uses
<b>A.5</b>	<b>STRATEGIC PLANNING AND CO-ORDINATION OF LOCAL SPATIAL PLANS AND SPATIAL FRAMEWORKS</b>
A.5.1	Land use and spatial arrangement of local activities
<b>A.6</b>	<b>PLANNING SURVEYS, ANALYSES AND/OR POLICY FORMULATION</b>
A.6.1	Land use planning and policy formulation
<b>A.7</b>	<b>LAYOUT-, TOWNSHIP- AND LAND DEVELOPMENT PLANS</b>
A.7.1	Preparation of layout-, township- and development plans
A.7.2	Proposed layouts for land uses
A.7.3	Land development applications for projects which are not in accordance with approved plans and policies
A.7.4	Redevelopment or urban renewal schemes
<b>A.8</b>	<b>DEVELOPMENT EVALUATION</b>
A.8.1	Evaluation of spatial implications of development proposals
<b>A.9</b>	<b>PLANNING ADMINISTRATION AND IMPLEMENTATION</b>
<b>A.10</b>	<b>HOUSING</b>
A.10.1	Integrated planning of housing and ancillary land uses
<b>A.11</b>	<b>LAND USE MANAGEMENT</b>
A.11.1	Formulation and amendment of land use management systems and policies
A.11.2	Defining and demarcating of specified use zones including amendments



## SCHEDULE B

## DESCRIPTION OF WORK RESERVED FOR PLANNERS AND OTHER PERSONS AS INDICATED

[Section 16(3) read with section 16(5) of Planning Profession Act No 36 of 2002]

Category Reference	AREA OF WORK RESERVED	PERSONS REGISTERED UNDER FOLLOWING LEGSIALTION MAY CARRY OUT AREA OF WORK DESCRIBED IN LEFT ADJACENT COLUMN
B.1	Upgrading of existing settlements	
B.2	Design of urban development	
B.3	Investigation of the physical form of buildings and the space between buildings	
B.4	Planning of access roads	
B.5	Investigation of the technical implications of services and infrastructure	
B.6	Solving questions relating to feasibility, design standards and site valuation	
B.7	Considering land use relationships between buildings	
B.8	Preparation of site development plans	
B.9	Preparation of targeted business plans, budgets and programmes for development	
B.10	Leading a multi-disciplinary team to guide a development project	
B.11	Formulation of planning legislation, regulations or any other statutory instruments	