

BOARD NOTICE 107 OF 1997

RULES OF CONDUCT FOR REGISTERED PERSONS: ENGINEERING PROFESSION OF SOUTH AFRICA ACT, 1990 (ACT NO. 114 OF 1990)

The Engineering Council of South Africa hereby, in terms of section 21(2) of the Engineering Profession of South Africa Act, (Act No. 114 of 1990), makes known that it has under section 21(1)(g) of that Act, made the rules in the Schedule.

SCHEDULE

Objects

1. The objects of this Schedule are to ensure that *registered persons* -
 - (a) apply their knowledge and skill in the interests of humanity and the environment;
 - (b) execute their work with integrity and sincerity and in accordance with generally accepted norms of professional conduct; and
 - (c) respect the interests of their fellow being and honour the standing of the profession.

Rules of Conduct

2. *Registered persons*, in fulfilling the objects contemplated in rule 1, -
 - (a) must have due regard to public safety, public health and the public interest generally;
 - (b) must discharge their duties to their respective employers or clients effectively and competently;
 - (c) must discharge their duties to their respective employers or clients with integrity, fidelity and honesty;
 - (d) must order their conduct so as to uphold the dignity, standing and reputation of the profession;
 - (e) may not undertake or offer to undertake *engineering work* of a nature for which their education, training and experience have not rendered them competent to perform;
 - (f) must provide work or services of a quality and scope, and to a level, which are commensurate with accepted standards and practices in the profession;
 - (g) must disclose to their respective employers or clients, or prospective employers or clients, in writing -
 - (a) any interest, whether financial or otherwise, which they may have in any company, firm, or organisation, or with any person, and which is related to the work for which they may be or have been employed; and
 - (b) particulars of any royalty or other benefit which accrues or may accrue to

them as a result of such work;

- (h) may not, subject to paragraph (g) receive, either directly or indirectly, any gratuity, commission or other financial benefit on any article or process used in or for the purpose of the work in respect of which they are employed, unless such gratuity, commission or other financial benefit has been authorised in writing by the employer or client concerned;
- (i) may not, whether practising their profession or otherwise, injure the professional reputation or business of any other *registered person*;
- (j) may not knowingly attempt to supplant another *registered person* in a particular engagement after the client has employed the other *registered person*;
- (k) may not advertise their professional services in a self-laudatory manner or in a manner that is derogatory to the dignity of the profession;
- (l) may not knowingly misrepresent, or knowingly permit misrepresentation of, their own academic or professional qualifications or those of any other person involved with *engineering work*, nor knowingly exaggerate their own degree of responsibility for any *engineering work* or that of any person involved in it;
- (m) may not review for a particular client the *engineering work* of another *registered person*, except -
 - (a) with the prior knowledge of the other *registered person*, who has been afforded a reasonable opportunity to submit his or her comments to the client on the findings of the review;
 - (b) after receipt of a notification in writing from the client that the engagement of the other *registered person* has been terminated; or
 - (c) where the review is intended for purposes of a court of law or other legal proceedings;
- (n) may not without satisfactory reasons destroy or dispose of, or knowingly allow any other person to destroy or dispose of, any calculations, drawings or contractual documents within a period of 10 years after completion of the project concerned;
- (o) may not place contracts or orders, or be the medium of payments, on their respective employer's or client's behalf without the written authority of the employer or client concerned;
- (p) may not issue any drawings, reports, specifications or documents in respect of *engineering work* prepared by them or by any other person under their direction or control, unless -
 - (a) such drawings, reports, specifications or documents bear the name of the organisation concerned; and
 - (b) all drawings or reports so issued are dated and signed by the *registered person* concerned or another appropriately qualified and authorised person;
- (q) may neither personally nor through any other person improperly seek to obtain *engineering work*, or by way of commission or otherwise, make or offer to make payment to a client or prospective client for obtaining such work;
- (r) must order their conduct in connection with *engineering work* outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the law of the country concerned: Provided that where there are recognised standards of professional conduct in a country outside the Republic, they must adhere to those standards;
- (s) must ensure that, while engaged as partners, directors or members of a private consulting practice operating under the style of a partnership, a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), or a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of

- 1984), and which performs *engineering work* of a nature generally performed in a consulting engineering practice, the control over the *engineering work* of the organisation is exercised, and the responsibility in respect of it is carried, by a *registered person* other than a person registered in terms of section 11(2)(b), 12(2)(b), 13(2)(b) or 14(3)(b) of *the Act*; and
- (t) must, when requested by the council to do so, in writing provide the council with all the information available to them which may enable the council to determine which *registered person* was responsible for any act which the council considers **prima facie** to be improper conduct.

Repeal of rules

3. The rules published in Board Notice 66 of 17 May 1991 are hereby repealed, subject to section 12(2) of the Interpretation Act, 1957 (Act No. 33 of 1957).

Definitions

4. In this Schedule any expression or word which has been defined in *the Act* has that meaning, and unless the context otherwise indicates -

“**engineering work**” means any engineering work normally carried out by *registered persons* in the practice of their profession;

“**registered persons**” means persons registered in terms of *the Act*; and

“**the Act**” means the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).

Short title

5. This Schedule is called the Rules of Conduct for the Engineering Profession, 1997.
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