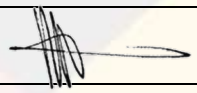
South African Council
for the Architectural Profession

51 Wessel Road, Right Wing,
Rivonia, Sandton, 2128

P.O. Box 1500, Rivonia, 2128

Tel: 011 475 5000 | **Fax:** 011 479 5100

Email: info@sacapsa.com
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Status:	Reviewed
Custodian:	Registrations & CPD
Reviewed	Registrar
Recommended by:	Registration Committee
Date recommended	02 March 2026
Approved by Council	27 March 2026
Signed by: President of Council	
Next Review Date:	**March 2028**

Council President: Mr C Nduku. **Council Vice President:** Ms L Shongwe.
Council Members: Mr R Vuzane CA (SA); Ms M Pepeta; Mr K Bingham; Dr J Mirembe; Mr V Phailane; Ms K Cupido; Ms S Bongela; Mr L Nematswerani; Mr D Basdew.
Registrar: Advocate T Fiduli

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1. Introduction

a) Whereas the South African Council for the Architectural Profession (SACAP) is a juristic person established in terms of Section 2 of the Architectural Profession Act, No. 44 of 2000 (the Act), and

b) Whereas Section 24 of the Act provides for appeals relating to registration decisions.

c) This Policy is intended to provide clear guidelines on the Appeals Process to be followed by Registered Persons in relation to such matters, ensuring that all appeals are handled in a fair, transparent, and consistent manner.

2. Definitions

In this policy, if reference is made to the male gender, it includes the female gender; a word or expression to which a meaning has been assigned by the Architectural Profession Act, 2000 (Act No. 44 of 2000)

The Act has the same meaning unless the context otherwise indicates; and

'Appellant' means a person who submitted an Appeal in terms of this policy;

'Category of Registration' refers to any of the categories specified in Section 21 of the Act;

'Committee' refers to a committee established by the Council in terms of section 17 of the Act.

'**Candidate**' refers to the period of practical training a registered Candidate must complete, in terms of the Practical Training Policy.

'Registered Person' means a person who is registered with SACAP in terms of the Act;

'registrar' means the person appointed as Registrar under section 8(1) (a) of the Act;

"**Special Consent**" is a mechanism for SACAP to grant an applicant permission to undertake work of a building type that is outside the applicant's category of registration, and it may only be granted to the applicant to carry out the building type on which the applicant has demonstrated competence.

"**Recognition of Prior Learning**" is a process through which formal, non-formal, and informal learning is measured against a set of criteria to demonstrate competence.

"Council" means the Council established in terms of Section 2 of the Act.

"PAJA" means Promotion of Just Administrative Act.

"Constitution" Act 108 of 1996.

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3. Policy objectives

a) Section 24 of the Architectural Profession Act 44 of 2000 grants any applicant the right to appeal decisions made by the Committee to the Council relating to registration or cancellation if such a decision did not comply with section 33 of the Constitution.

b) This Policy is therefore intended to provide a clear, fair, and transparent framework for the submission, consideration, and determination of such appeals. It sets out the procedures to be followed, the roles and responsibilities of the parties involved, and the timelines for the appeal process, ensuring that all appeals are handled consistently in accordance with the provisions of the Act.

4. Appeals in terms of section 24 of the Architectural Profession Act 44 of 2000

a) If an applicant is of the opinion that a Committee, in refusing to register them or in canceling their registration (*excluding cancellations in terms of Section 20(1)(a)(iii) or Section 32(3)(a)(iv)*), did not act in compliance with Section 33 of the Constitution, the applicant may, upon payment of the prescribed fees and within 30 days from the date on which the refusal or cancellation came to their knowledge, appeal to the Council against that decision.

b) Section 33 of the Constitution provides that everyone has the right to administrative action that is *lawful, reasonable, and procedurally fair*, and everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

c) The Promotion of Administrative Justice Act 3 of 2000 was enacted to give effect to Section 33 of the Constitution, which guarantees the right to administrative action that is lawful, reasonable, and procedurally fair. All administrative decisions, including those made by committees or the Council affecting registration, must be procedurally fair and lawful. Any person whose rights are adversely affected by administrative action is entitled to written reasons for the decision.

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5. Grounds of Appeal

a) An appeal may be lodged against any decision of the Committee relating to registration or the cancellation of registration, except where the cancellation falls under the excluded grounds. This includes, but is not limited to:

- ❖ Refusal of registration;
- ❖ Upgrade or renewal of registration; and
- ❖ Any conditions imposed on registration.

b) The appeal may be lodged if an applicant believes that a committee, in refusing to register, reregister, grant prior learning exemption or upgrade him or her, did not comply with Section 33 of the Constitution (*the right to lawful, reasonable, and procedurally fair administrative action, with written reasons*), the applicant may appeal to the Council on this ground.

c) Such an appeal must be submitted within 30 days of the date on which the refusal or cancellation came to the applicant's knowledge and upon payment of the prescribed fees.

6. Submission of Appeal

a) An appeal must be submitted within 30 days of the date on which the decision of the Committee came to the applicant's knowledge and upon payment of the prescribed fees.

b) The notice of the appeal to Council must include:

- ❖ Appellant's full name, registration number, and contact details.
- ❖ Decision being appealed.
- ❖ Detailed grounds of the appeal, including any alleged constitutional non-compliance.
- ❖ Supporting documentation or evidence.
- ❖ Outcome letter
- ❖ The specific relief or outcome sought.

7. Consideration of Appeal

a) Council must consider the appeal and provide reasons for its decision within 60 days from the day the appeal was received.

b) The Manager: Secretariat shall collate all necessary documents for the appeal. The Council must be provided with all relevant information or documentation to enable proper consideration of the appeal. Such documents shall include, but are not limited to:

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- ❖ Application for registration or Recognition of Prior Learning (RPL) documents;
- ❖ Assessment Panel reports;
- ❖ Assessment outcome letter (including reasons for the decision); and
- ❖ Registration outcome letter.

c) The Appellant or other relevant parties may be invited to appear before the Council in person or virtually for further clarification on the appeal.

8. Decision on Appeal

a) The Council shall issue a determination within 60 days of receipt of the notice of appeal as prescribed by section 24 (2) of the Act.

b) The decision shall be communicated to the Appellant in writing and include the outcome of the appeal and provide reasons for the decision.

9. Approval & Review of the Policy

a) This policy shall be recommended by the Registration & Recognition of Prior Learning Committee for approval by the Council.

b) It shall be reviewed every two years unless there are material changes to legislation that may warrant urgent review of the policy.

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