

# ANNEXURE A:

OUTLINE: DRAFT AMENDMENTS

PLANNING PROFESSION ACT, 2002 (PPA)

## PREAMBLE/LONG TITLE

SECTION NUMBER	EXISTING CONTENT IN PPA	RATIONALE FOR AMENDMENT/ ADDITION	PROPOSED NEW OR AMENDED WORDING	COMMENT/EXPLANATION`	SOURCE/DOCUMENT
1	Preamble/Long Title	To provide for the establishment of the South African Council for Planners as a juristic person; to provide for different categories of planners and the registration of planners; to authorise the identification of areas of work for planners; to recognise certain voluntary associations; to protect the public from unethical planning practices; to maintain a high standard of professional conduct and integrity; to establish disciplinary mechanisms and an Appeal Board; and to provide for incidental matter	To provide for the establishment, powers and functions of a single South African Council for Planners in order to regulate the affairs of the Planning Profession and to set acceptable norms and standards; to provide for control over the qualification, training and registration for and practising of planners registered under this Act; to regulate the professional conduct of registered planners so as to ensure accountable conduct and protection of public interest; and to provide for matters connected therewith	SACPLAN Proposal to simplify preamble to PPA and focus on regulation of whole "profession" and not only "planners"	SACPLAN



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## CHAPTER 1

### DEFINITIONS AND PLANNING PRINCIPLES

SECTION NUMBER	EXISTING CONTENT IN PPA	RATIONALE FOR AMENDMENT/ ADDITION	PROPOSED NEW OR AMENDED WORDING	COMMENT/EXPLANATION`	SOURCE/DOCUMENT
1	<b>Definitions</b>				
	<b>“Accreditation”</b> means the process of evaluation and recognition by the Council of Education Programmes offered by educational institutions relating to the planning profession;	Expand the realm of accreditation beyond educational institutions only. Short courses, programmes, CPD training offered by other bodies to be included	<b>“Accreditation”</b> means the process of evaluation and/or recognition by the Council of Education Programmes offered by educational institutions, voluntary associations, organizations, institutes and regulatory bodies relating to the planning profession;	Ad hoc accreditation of programmes and short courses necessary	SACPLAN proposal to accredit other programmes/courses
	<b>“Assessment”</b> means an admission procedure established by the Council to determine whether an applicant is competent to be registered as a registered person;	Broaden the definition to incorporate reference to competencies and standards, examinations and associated assessment procedures	<b>“Assessment”</b> means an admission procedure aligned with the competencies and standards evaluation system adopted by the Council to determine whether an applicant is competent to be registered as a registered person and may include a written or oral examination;	Necessary to align with competencies and standards and to tie in with prospect of examination	SACPLAN proposal to provide for examination
	Not in PPA	Incorporate expanded planning registration categories as per SACPLAN decision.	<b>“Categories of Registered Persons”</b> means the respective categories in which a person may be registered as provided for in Section 13 of the Act namely: (a) Candidate	Categories to be amplified to incorporate 3 year degree qualifications	SACPLAN via CHOPS i.r.o. 3 year planning degrees



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			Planner inclusive of the following sub-categories namely: (i) Candidate Planner (Technical Planner); (ii) Candidate Planner (Planner); (iii) Candidate Planner (Professional Planner); (b) Technical Planner; (c) Planner; (d) Professional Planner		
	Not defined in Section 1 of the Act but described in Section 13	Incorporate new registration categories in Section 1 under Definitions	<p><b>"Candidate Planner"</b> means a Candidate Planner referred to and registered in terms of Section 13 of the Act in either of the following sub-categories, namely:</p> <p>(i) <b>"Candidate Planner (Technical Planner)"</b> means a person registered in terms of Section 13 of the Act who has completed and obtained an accredited planning educational programme qualification at the National Qualification Framework Level 6; or</p> <p>(ii) <b>"Candidate Planner (Planner)"</b> means a person registered in terms of Section 13 of the Act who has completed</p>	The definitions contained in Section 13 of the PPA to be struck and moved to Section 1 (Definitions). This will simplify Section 13	Service Provider Proposal



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			<p>and obtained an accredited planning educational programme qualification at the National Qualification Framework Level 7; or</p> <p>(iii) <b>"Candidate Planner (Professional Planner)"</b> means a person registered in terms of Section 13 of the Act who has completed and obtained an accredited planning educational program qualification at the National Qualification Framework Level 8 or higher; and</p> <p>Is, in the Council's opinion a fit and proper person to engage in planning work under the control and supervision of a technical planner or planner or professional planner or such other person or institution as may be determined by the Council</p>		
	Not contained in definitions of the PPA in Section 1	Incorporate new registration categories in Section 1 under Definitions	(i) <b>"Technical Planner"</b> means a person who is registered in terms of Section 13 of the Act and has completed and obtained an accredited planning	The definitions contained in Section 13 of the PPA to be struck and moved to Section 1 (Definitions). This will simplify Section 13	Service Provider Proposal



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			<p>educational programme qualification at the National Qualification Framework Level 6;</p> <p>(ii) has undergone practical training of not less than two years as may be prescribed by the Council; and</p> <p>(iii) has passed a competency assessment, as may be determined by the Council</p>		
			<p>(i) <b>"Professional Planner"</b> means a person registered in terms of Section 13 of the Act and has completed and obtained an accredited planning educational programme qualification at the National Qualifications Framework Level 8 or higher;</p> <p>(ii) has undergone practical training of not less than two years or as may be prescribed by the Council;</p> <p>(iii) has passed a competency assessment as may be</p>		



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			determined by Council.		
			<p>(i) <b>"Planner"</b> means a person registered in terms of Section 13 of the Act and has completed and obtained an accredited planning educational programme qualification at the National Qualifications Framework Level 7 or higher;</p> <p>(ii) has undergone practical training of not less than two years or as may be prescribed by the Council;</p> <p>(iii) has passed a competency assessment as may be determined by Council.</p>		
	<b>"Registered Persons"</b> means persons registered as Candidate Planners, Technical Planners or Professional Planners in terms of Section 13(4);	Link reference to registered person to different categories of registration and define planner.	<b>"Registered person"</b> means a person registered as a Candidate, Technical Planner, Professional Planner or Planner in terms of Section 13 and means a person who exercises skills and competencies in initiating and managing change in the built and natural	Align with registration categories Singular (person) – A Registered Person can only be in a single category.	Service Provider Proposal



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			environment in order to further human development and environmental sustainability as contemplated in Section 2(a).		
	<b>"Planner"</b> means a person who exercises skills and competencies in initiating and managing change in the built and natural environment in order to further human development and environmental sustainability as contemplated in Section 2(a) and who is registered in one or more of the categories contemplated in Section 13(4)	Simplifying the reference to planning and planner	Remove from definitions – replaced by <b>"Registered Person"</b>	Simplifying reference to different categories and the definition of planner or planning.	SACPLAN proposal to add "planner" as a registration category
	<b>"Planning"</b> Not in existing PPA	Add definition of "planning" to align with planning principle and regulations	<b>"Planning"</b> means a professional discipline which is both an art and science involving the initiation, ordering and management of change using an ecosystem of disciplines including architecture, design, economics and geography in the built and natural environment across a spectrum of areas, ranging from urban to rural and in-between, delineated at different geographic scales including a region, subregion, city, town, village	New definition to be inserted	SACPLAN proposal to define "Planning"



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			or neighbourhood, in order to further human development and environmental sustainability at a particular time, specifically in the fields of- (i) the delimitation, regulation, management and evaluation of land uses; (ii) the organisation of service infrastructure, utilities, facilities, energy and housing for human settlements, and (iii) the co-ordination and integration of social, economic, cultural and physical sectors which comprise human settlements, through the synthesis and integration of information for the preparation of strategic, policy, statutory and other development plans within the South African development context.		
	<b>"Planning Profession"</b> means the persons registered in terms of Section 13(4) as Candidate Planners, Technical Planners or Professional Planners. "This Act" means the Planning	Simplify definitions by reference to Section 13.  Correct Typing error i.r.o. <u>2001</u>	<b>"b"</b> – means anyone who purports to practise as a Planner, undertaking planning profession work, as outlined in the regulations to the Act.	Simplify reference to different categories and the definition of planner or planning.  Correct typing error i.r.o <u>2002</u>	SACPLAN



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	Profession Act, 2002 (Act 36 of 2002)				
	Not included in Section 1 of the PPA (Definitions)	Provide for definition for Competency Assessment/ Examination	<b>"Competency Assessment"</b> means a prescribed assessment of the competency of a person applying to be registered in terms of Section 13 and may include a written summation of proven practical training experience and/or a written or oral examination conducted by the Council or any person or body appointed for such purpose.	Necessary to add this definition and to provide for the examination.	Service Provider Proposal and prompted by SACPLAN requirements
	<b>"General Proposal"</b> <i>Further definitions to be added/amended based on other amendments to different sections of the PPA. To be attended to upon conclusion of amendment/ amplifications of other PPA Sections.</i>				Service Provider Proposal
<b>2</b>	<b>Planning Profession Principles</b>				
	2(a) Planning and the planning profession are areas of expertise which involve the initiation and management of change in the built and natural environment across a spectrum of areas ranging from urban to rural and delineated at different geographical scales (region,	Definition of planning to be revisited and expanded to remain relevant to changed circumstances - also with reference to competencies and standards	2(a) Planning must pursue and serve the interests of the public to benefit the present and future generations. (b) The Council and the planning profession must legitimately: (i) strive to achieve the transformation of the profession to ensure its	Simplification of the principles to avoid difficulties of interpretation.  Amend sub-section numbers.  Definition of "planning" is now contained in Section 1.	SACPLAN requirement in response to Land Surveyors concerns and to align with amended definitions of "planning" and to amplify planning principles.



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	<p>sub-region, city, town, village, neighbourhood) in order to further human development and environmental sustainability, specifically in the fields of:</p> <p>(i) delimitation, regulation and management of land uses</p> <p>(ii) the organization of service infrastructure, utilities, facilities and housing for human settlements; and</p> <p>(iii) the co-organization of integration of social, economic and physical sectors which comprise human settlements</p> <p>through the synthesis and integration of information for the preparation of strategic policy, statutory and other development plans within the South African development context.</p> <p>(b) Planning must pursue and serve the interests of the public to benefit the present and future generations. The Council and the planning profession must –</p>		<p>legitimacy and effectiveness;</p> <p>(ii) strive to achieve high standards of quality and integrity in the profession;</p> <p>(iii) promote the profession and pursue improvements in the competence of planners through the development of skills, knowledge and behavioural standards within the profession; and</p> <p>(iv) promote socially and environmentally responsible planning which will ensure sustainable development.</p> <p>(c) To achieve good planning outcomes, a registered planner must consider the object of this Act and the following principles of good planning in developing planning strategies, plans and policies:</p> <p><b>(i) diversity and liveability principles, implying that:</b></p> <p>(1) planning and design should support diverse economic and social activities, including through promoting different yet compatible uses for buildings and other areas.</p> <p>(2) districts should be planned, designed and developed to support active</p>		



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	<p>(i) Strive to achieve the transformation of the profession to ensure its legitimacy and effectiveness;</p> <p>(ii) Strive to achieve high standards of quality and integrity in the profession;</p> <p>(iii) Promote the profession and pursue improvements in the competence of planners through the development of skills, knowledge and standards within the profession; and</p> <p>(iv) Promote environmentally responsible planning which will ensure sustainable development.</p>		<p>and healthy lifestyles and to cater for a diverse range of cultural and social activities.</p> <p>(3) development should be planned to support and enhance the quality of life and wellbeing of people.</p> <p><b>(ii) Cultural heritage conservation principles, implying that:</b></p> <p>(1) planning and design should promote the unique cultural heritage of people by acknowledging established heritage significance in design and placemaking.</p> <p>(2) development should respect local heritage and avoid direct impacts on heritage or, if a direct impact is unavoidable, ensure that the impact is justifiable and proportionate.</p> <p><b>(iii) High-quality design principles, implying that:</b></p> <p>(1) development should focus and design on reflection of a particular place and context, demonstrating a distinctive identity that responds to the existing character of its locality; and effectively integrating built form,</p>		



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			<p>infrastructure and public spaces; and</p> <p>(2) developments should be planned and designed to be well-connected and integrated with surrounding development in ways that facilitate the safe, secure and effective movement of people within and through them.</p> <p><b>(iv) Rural housing affordability principles, implying that:</b></p> <p>(1) planning strategies and development should support the delivery of reforms that improve housing access, affordability and choice; and</p> <p>(2) planning strategies should support a range of housing options for low income earning people.</p> <p><b>(v) Integrated delivery principles, implying that:</b></p> <p>(1) infrastructure, public spaces and facilities should be planned to meet future needs and be designed to be integrated with related development; and</p> <p>(2) built form should be durable, designed to be adaptive (including in relation to the reuse of</p>		



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			<p>buildings or parts of buildings) and compatible with surrounding public spaces.</p> <p><b>(vi) Investment facilitation principles</b>, implying that: planning and design should be undertaken with a view to strengthen the economic prosperity of the Republic of South Africa and contribute to diversification of the economy, economic security and growth.</p> <p><b>(vii) Long-term focus principles</b>, implying that:  (1) planning and design should be focused on long-term priorities, which are ecologically sound, and seek to promote equity between present and future generations; and  (2) there should be a corresponding response to emerging challenges and cumulative impacts identified by monitoring, benchmarking and evaluation programs.</p> <p><b>(viii) Natural environment conservation principles</b>, implying that: planning and design should promote healthy and</p>		



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			<p>resilient ecosystems and support the operation of environmental laws applied within the Republic of South Africa.</p> <p><b>(ix) Sustainability and resilience principles,</b> implying that: Planning and design should be developed to be sustainable and resilient, with an integrated focus on adapting to the effects of climate change.</p>		



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## CHAPTER 2

### SOUTH AFRICAN COUNCIL FOR PLANNERS

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<b>4</b>	<b>Constitution Of Council</b>				
<b>4(1)(c)</b>	"(c) Two planners in the employ of the municipal sphere of government, one of whom shall be from a municipality which is mainly rural in character and the other from a municipality which is mainly urban in character"	Provide for different categories of municipalities and representation on SACPLAN Council.	(c) Two Professional Planners in the employ of two different categories of municipality;	Professional Planners from municipalities require to be represented on SACPLAN Council (different categories of municipality need to be represented)	SACPLAN requirement given practical challenges to replace council members
<b>6</b>	Not in existing PPA	As per Education and Training Committee – PPA should provide for an Executive Committee	(3) The Council must establish an Executive Committee which must – (a) consists of – (i) the chairperson of Council, (ii) the deputy chairperson of the Council; and (iii) the alternate chairperson of Council and members of the executive committee shall hold office for so long as they are members of the Council, unless a member is removed from the executive committee by the Council. (b) be responsible, subject to the provisions of section 8 of the Act,	Exco to be specifically identified as per example Education and Training Committee	SACPLAN



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			for the day-to-day functioning and administration of the Council in between meetings of the Council.		
	(3) The Council must establish an Education and Training Committee which must – (a) serve solely as a committee on educational and training matters; and (b) advise or assist the Council as the Council may determine on- (i) matters contemplated in section (4); (ii) the methods and procedures for the assessment and registration in the various categories of registered persons; and (iv) All educational, training, skills development and related matters	Renumbering required	Renumber to (4) (a) (b) (c)	Renumbering required	SACPLAN
	(4) The provisions of Section 10 apply, with the necessary changes, in respect of a committee of the Council.		Renumber as (5)		SACPLAN
	Not in existing PPA	Add further sub-section to address procedures/ functions	(6) The Council may determine procedures and functions of committees in its rules and delegate to any committee some of its powers as it may deem expedient but shall not	Procedures/functions to be addressed in rules	SACPLAN



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			be divested of any power so delegated.		
<b>8</b>	<b>Powers And Duties Of Council</b>				
<b>8(1)(a)</b>	In the exercise of its powers and the performance of its duties, the Council – (1) with regard to administrative matters – (a) Must, with the concurrence of the Minister and the Minister of Finance, appoint, remunerate and determine conditions of service of the Registrar and such other persons employed by the Council as the Council considers necessary for the performance of its functions and determine their functions;	Section to be redrafted to ensure Minister makes such appointments and other determinations in accordance with prescripts of National Treasury and the DPSA	8(1)(a) Must, with the concurrence of the Minister appoint, remunerate and determine conditions of service of the Registrar and such other persons employed by the Council, as the Council considers necessary for the performance of its functions and determine their functions in accordance with the prescripts of the National Treasury and the Department of Public Service and Administration;	No longer required to make reference to the Minister of Finance. Normal public servants' salary scales and Regulations will be applicable to SACPLAN Staff.	DALRRD proposal: Technical adjustments
<b>8(4)(k)</b>	Not in current PPA	Provide for instances where Council is of opinion that evaluation/examination process has been compromised/tainted.	8(4)(k) must recognize or withdraw the recognition of any competency assessment contemplated in Section 13.	Authorise Council to deal appropriately with compromised or tainted examinations or competency assessments.	SACPLAN requirement
<b>8(4)(j)</b>	"Must facilitate the provision of continuing education and training"	Expand to include provision for Continued Professional Development (CPD)	8(4)(j) "must facilitate the provision of continuing education and training and the Council may, for such purpose, develop	Authorise Council to provide guidelines for CPD	SACPLAN requirement



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			guidelines for continuing professional development and procedures for the planning profession.		

## CHAPTER 3 REGISTRATION

SECTION NUMBER	EXISTING CONTENT	RATIONALE FOR AMENDMENT/ ADDITION	PROPOSED NEW OR AMENDED WORDING	COMMENT/EXPLANATION	SOURCE/DOCUMENT
<b>13</b>	<b>REGISTRATION OF PERSONS</b>				
<b>13(1)</b>	(1) The categories of registered persons are – (a) ..... (b) ..... (c) .....	Remove as categories are defined in Section 1 (Definitions)	Remove 13(1)(a), (b) and (c)	Simplify structuring of Section 13 viz a viz definitions and with reference to Regulations (Reservation of Work)	Service Provider Proposal
<b>13(2)</b>	"A person may not practice in or perform any work .... as may be required"	Remove from Section 13. Replace in Regulations as part of Identification of Planning Work	Remove from Section 13	Simplify PPA and capture in Regulations	Service Provider Proposal
<b>13(3)</b>	"Any person who wishes to be registered, must apply in the manner prescribed by the Council."	Renummer subsections under Section 13 because of deletion of (1) and (2)	(1) Any person who wishes to be registered in any category of registered person must apply in a manner prescribed by the Council.	Flesh out section wording to make reference to categories of registration	Service Provider Proposal: Technical adjustment



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13(4)	The Council must consider an application for registration and must register the applicant in the relevant category, and issue to him or her registration certificate in the prescribed form. If the Council is satisfied that the applicant -	Simplify section and align with definitions in respect of categories of registration	(2) The Council must consider an application for registration and must register the person in the relevant registration category and issue to such person a registration certificate in the prescribed form, if the Council is satisfied that such person has met the requirements stipulated in the defined categories of registration, and has passed a competency assessment determined by the Council.	Necessary, to align registration system with defined categories of registration.	SACPLAN requirement stemming from amplified registration categories
13(5), (6) and (7)	Unchanged as per current PPA, save for renumbering	Renumber subsections	Renumber subsections 13(5), (6), and (7) to read "(3), (4) and (5)". Content to remain unchanged	Renumbering because of deleted subsections under Section 13.	Technical result of renumbering
New Section (6)	Not in current Act	Make reference to recognition of prior learning	(6) For the purposes of this section, reference to prior learning means learning which occurred prior to a person being admitted to an accredited planning	Registration of persons to be amplified by recognition of prior learning and to authorise SACPLAN accordingly.	SACPLAN requirement on RPL



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			programme or as a prerequisite for registration. Prior learning may be either academic or experiential, to the satisfaction of the Council.		
<b>14</b>	<b>CANCELLATION OF REGISTRATION</b>				
<b>14(1)(a)</b>	"(1)(a) becomes disqualified on any ground referred to in Section 13(7);"	Align renumbered subsections where necessary due to changes to Section 13 and subsections. Content to remain unchanged save to amend cross referencing to section 13 and subsections.	(1)(a) becomes disqualified on any ground referred to in Section 13(5)	Renumbering to follow amendments/deletions in prior sections	Technical adjustment of Section Numbers
<b>14(5)</b>	(5) A person who was previously registered in terms of section 13(4) and -	Renumber because of changes to Section 13. Content to remain unchanged.	(5) A person who was previously registered in terms of Section 13(3)	Renumbering to follow amendments/deletions in prior sections	Technical renumbering
<b>14(6)</b>	Not in current Act	Link Section 14 (Cancellation of Registration) to Section 23(3)(iv) read with Section 23(4) and (5) and (6) (Proceedings after hearing)	14(6) the Council must, upon being notified by a Disciplinary Tribunal in terms of Section 23(4) that a registered person has been found guilty of improper conduct resulting in his or her registration having to be cancelled, give effect thereto by cancelling such registration and	Link cancellation of registration to outcome of disciplinary hearing upon a guilty verdict resulting in the cancellation of registration	Service Provider Proposal: Technical amendment to align sections



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			publishing the outcome in its annual report, or any other manner the Council may deem fit.		
<b>15</b>	<b>Return of Registration Certificate</b>				
	15.(1) Any person whose registration has been cancelled must return his or her certificate to the Registrar within 30 days from the date upon which he or she is directed by the Registrar in writing to do so. (2) If the person referred to in subsection (1) cannot return a certificate as required, he or she must provide written reasons on Affidavit to the Registrar's satisfaction for the inability to return the certificate.	Section to be considered for removal: New e-certificate system negates requirement to provide for "return" of certificate	Strike whole Section 15	See rationale	SACPLAN

## CHAPTER 5

### PROFESSIONAL CONDUCT

SECTION NUMBER	EXISTING CONTENT	RATIONALE FOR AMENDMENT/ ADDITION	PROPOSED NEW OR AMENDED WORDING	COMMENT/EXPLANATION	SOURCE/DOCUMENT
<b>18</b>	<b>CODE OF CONDUCT</b>				
<b>18(3)</b>	In addition to what is contained in the Code of Conduct, a registered person is required – (a) to do nothing calculated to unjustly or unfairly ..... –	Subsection 18(3) duplicates the Code of Conduct adopted by SACPLAN as incorporated into official Rules. Remove from PPA and ensure alignment with adopted Rules or expand Rules	Delete the whole of Section 18(3)(a) up to and including (k)	Simplify PPA by moving aspects of Code of Conduct to Rules and/or Regulations	DALRRD and Service Provider proposal to simplify

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	(b) .... (c) .... (d) .... (e) .... (f) .... (g) .... (h) .... (i) .... (j) .... (k) to respect the rights of every person and not violate any right of another person protected by the Constitution of the Republic of South Africa, 1996 Act 108 of 1996)	to cover aspects in Section 18(3) not yet covered			
<b>18(4)</b>	(4) a registered person is guilty of improper conduct if he or she -	Subsection to be renumbered because of deletion/omission of subsection (3)	(3) A registered person is guilty of improper conduct if he or she -	Renumbering required to respond to omission of subsection 18(3)	Technical Renumbering
<b>18(4)(d)</b>	Not yet in current Act	Add reference to Rules and Code of Conduct and renumber subsections due to removal of subsection (3)	New subsection 18(3)(f) "fails to comply with or adhere to any adopted Rule of Council, including the Code of Conduct and any Regulation"	Expand the subsection (as renumbered) to make reference to the Rules and Regulations and a registered person being guilty of improper conduct by failing to comply or adhere to same.	Service Provider suggestion to link to Rules
<b>19</b>	<b>Investigation Of Charge Of Improper Conduct</b>				
<b>19(1)</b>	(1) the Council must appoint one or more investigating officers as it deems fit to	Obligation to appoint Investigating Officer to be made discretionary (may). Certain charges of improper conduct are	"(1) The Council or a committee or a person delegated for such purpose, may appoint	Flexibility required to permit discretion to appoint investigating officers if	Service Provider proposal to add discretionary power – not mandatory



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	investigate any charge of improper conduct	found to be without foundation (no <i>prima facie</i> evidence or frivolous allegation(s)) at the outset. Not necessary to incur costs of appointing investigating officers in all instances	one or more investigating officers as it deems fit, to investigate a charge of improper conduct".	charge/accusation is baseless	
19(2)	(2) When - (a) a complaint, charge or allegation of improper conduct has been brought against a registered person; or (b) the Council has reasonable grounds to suspect that a registered person is guilty of improper conduct, (c) the Council must, as soon as is reasonably possible, refer the matter for investigation	Obligation to refer matter for investigation should be amended to be of a discretionary nature. Investigations are not always required.	(2) When - (a) a complaint, charge or allegation of improper conduct has been brought against a registered person; or (b) the Council has reasonable grounds to suspect that a registered person may be guilty of improper conduct; (c) the Council shall, as soon as is reasonably possible, refer the matter to the delegated committee or person for evaluation. The delegated committee or person shall evaluate the complaint, charge or allegation and determine whether it should be referred for further	Flexibility required to permit discretion to investigate (or not). Logistical and expenditure considerations may prove that not all matters require further investigation.	Service Provider proposal to add discretionary power – not mandatory



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			investigation or summarily be dismissed as a result of a lack of evidence.		
<b>19(3)</b>	At the request of the Council, the Investigating Officer must – (a) investigate the matter; and (b) obtain evidence to determine whether or not, in its opinion, the person concerned should be charged or not and, if so, recommend to the Council what the contents of the charge in question should be.	Provide for delegated committee or person to act for Council in regard to appointment of Investigating Officers.	“(3) upon being appointed by the delegated Committee or person as contemplated in Section 19(1), the Investigating Officer must – (a) investigate the matter; and (b) obtain evidence to determine whether or not, in its opinion, the person concerned should be charged or not, and if so, recommend to the Council what the content of the charge in question should be.”	Amendments required to provide for delegated committee or person to act for Council and to provide for appointment of Investigating Officers by delegated committee or person.	Service Provider Proposal: Remove burden from Council and pass on to committee
<b>19(5)</b>	An Investigating Officer must, after the conclusion of the investigation, submit a report making its recommendations to the Council regarding any matter referred to it in terms of this Section”	Amendment required to provide for Investigating Officer to report to delegated committee or person (as opposed to Council).	“(5) The Investigating Officer must, after the conclusion of the investigation, submit a report making its recommendations to the delegated committee or person regarding any matter	Provision to be made for delegated committee or person to act for Council in engaging with Investigating Officer.	Service Provider Proposal: Remove burden from Council and pass on to committee



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			referred to it in terms of this section."		
<b>20</b>	<b>Steps After Investigation</b>				
<b>20(1)</b>	The Council must, after considering the investigation Report, charge the registered person with improper conduct if the Council is convinced that sufficient grounds exist for such a charge to be made against such a registered person.	Provide for a delegated committee or person to act for Council in dealing with further disciplinary procedures and engagement with registered person charged with misconduct. Current wording does not provide for complaint, charge or allegation to be dismissed based on recommendation by Investigating Officer.	"The delegated committee or person must, after considering the investigation report, and upon accepting the recommendation of the Investigating Officer to such effect either dismiss the complaint, charge or allegation of improper conduct or charge the registered person with improper conduct if the delegated committee or person is convinced that sufficient grounds exist for such a charge to be made against such a registered person."	Provision to be made to allow delegated committee or person to act for Council and, upon the receipt of report from Investigating Officer, either dismiss charges or lay charges.	Service Provider Proposal to shorten process where relevant.
<b>20(2)</b>	The Council must, by hand or registered mail, deliver to a registered person who is charged with misconduct, a charge sheet setting out the details and nature of the charge, together with a copy of the Investigation Report.	Provide for a delegated committee or person to act for Council and to make use of e-mail notification (as opposed to registered mail)	The delegated committee or person must, by hand or electronic mail transmission, deliver to a registered person who is charged with misconduct, a charge sheet setting out the details and nature of the charge, together with a	Provision to be made to allow delegated committee or person to act for Council and, upon the receipt of report from Investigating Officer, either dismiss charges or lay charges.	Service Provider Proposal – Add e-mail option and delegation



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			copy of the Investigation Report.		
<b>20(3), (4) and (5);</b>  <b>and</b> <b>21 (the whole)</b> <b>and</b> <b>22 (the whole)</b>  <b>and</b> <b>23 (the whole)</b>	The Council must inform the registered person charged – (a) that he or she must, in writing, admit or deny the charge; (b) .... (c) ...	Provide for removing further practical steps in disciplinary process to new Rules, to be adopted SACPLAN and to be of practical effect to the remaining provisions of Section 20, 21, 22, 23. Rules more easily amended/adapted/amplified when compared to amending Act or Regulations.	Draft Rules to be adopted by SACPLAN	As per example of legal profession, disciplinary matters are dealt with in Rules as opposed to in legislation or Regulations. Such Rules (practice rules) are often the subject of further amendments or amplifications as and when the need arises. This remains under SACPLAN control and may be adapted to suit changing circumstances.	DALRRD and Service Provider Proposal to simplify PPA and add flexibility
<b>21</b>	(1) The Council must appoint a disciplinary tribunal to hear a charge of improper conduct if a person charged – (a) denies the charge; or (b) admits the charge and the sanctions contemplated in subparagraphs (iii) and (iv) of section 23(3)(a) may be imposed in respect of such charge.	Make provision for appointment of a standing Disciplinary Tribunal to replace <i>ad hoc</i> provision in §21(1)	“(1) The Council must appoint a <u>standing</u> disciplinary tribunal to hear all charges of improper conduct if a person so charges –  (a) .... (b) .....”	Standing tribunal to be provided for	SACPLAN
	(3) The members of the disciplinary tribunal must among themselves elect a chairperson to chair proceedings	SACPLAN to appoint chairperson of standing disciplinary tribunal	“(3) The Council must appoint the chairperson of the standing disciplinary tribunal to chair proceedings.”	Council to appoint Chairperson	SACPLAN



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	Not in PPA	Link term of office of Standing Disciplinary Tribunal to Council term.	"(4) the term of office of members of the Standing Disciplinary Tribunal shall accord with the term described in Section 4(5)"	Link to term of Council	SACPLAN
22	(1) the Registrar must perform the administrative functions necessary to support the functioning of a disciplinary tribunal	Add reference to "prosecutor" to align with rules and aligning with provision of standing tribunal	"(1) the Registrar must perform the administrative functions necessary to support the functioning of <u>the standing disciplinary tribunal and the investigating officer contemplated in Section 19(1) shall perform the task of prosecutor during the hearing</u> "	Prosecutor in Rules to be provided for in PPA	SACPLAN
27(1)(a), (b) and (c)	Not in PPA	Widen the spectrum of matters which may become the subject of an appeal to be heard by the Appeal. given involvement by a complainant in the disciplinary process, not only the registered person which may be found guilty should be offered an opportunity of appeal. An aggrieved person (also the complainant) may have cause to appeal against a finding by the Disciplinary Tribunal in regard to a sentence imposed on a guilty verdict, or a finding of not guilty or a procedural error	"27(1) An Appeal may be lodged with the Appeal Board by – (a) a registered person found guilty of improper conduct who is aggrieved by a finding of the Disciplinary Tribunal or the sentence imposed, or both; (b) a complainant having participated as a party to a Disciplinary Hearing conducted by the Disciplinary Tribunal	The practice of SACPLAN to involve a Complainant during Disciplinary proceedings should allow a Complainant to appeal if aggrieved by the finding of the Disciplinary Tribunal.	Service Provider Proposal. Appeal options to be amplified



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		committed by the Disciplinary Tribunal or similar.	who is aggrieved by a finding of the Disciplinary Tribunal or the sentence imposed."		
<b>27(3)</b>	Not in current PPA	To provide for cross appeal by other parties to Disciplinary proceeding and Hearing	"27(3) The Appeal Board shall, upon receipt of the Appeal and within 14 days from the date of such receipt inform any other party on record as a participant during the Hearing conducted by the Disciplinary Tribunal, to join the appeal process."	Practice to involve Complainant triggers requirement to amplify appeal option	Service Provider Proposal. Appeal options to be amplified
<b>27(4)</b>	Not in PPA	"The notice to join the Appeal by any such party must be lodged in the manner prescribed and upon payment of the fees prescribed by Council within 30 days after being informed by the Appeal Board."		Provision should be made to involve Complainants also as potential appellants if aggrieved by decisions of Disciplinary Tribunal.	Service Provider/ DALRRD
<b>27(3)</b>	Retain unchanged but renumber sections	Renumber to accommodate new subsections.	(5) The Appeal Board may – (a) ... (b) ... (c) (Retain unchanged wording)		Service Provider Proposal. Technical renumbering
<b>34(2)</b>	The Council may delegate to any of its powers in terms of this Act, excluding the power to make Rules, to a Committee,	The appointment of a Disciplinary Tribunal may include persons other than Committee Members, officials or members of Council. It	"34(2) The Council may delegate any of its powers in terms of this Act, excluding the	Necessary to widen ambit of delegation to capacitate Committee structures (specifically in	Service Provider Proposal. Widen options of delegation



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	an official or a member of the Council.	often occurs that Tribunal Members are assembled from the likes of: <ul style="list-style-type: none"> <li>a legal representative (practicing attorney or advocate),</li> <li>registered persons (not necessarily Members of Council)</li> </ul> Delegation powers may have to be amplified to provide for such circumstances	power to make Rules, to a Committee, an official, a member of Council or a registered professional planner of good standing. "	Disciplinary Tribunal matters).	
<b>36</b>	<b>Transitional Provisions</b>				
<b>36(2), (3), (4), (5), (6) and (7)</b>	Section 36 makes reference to the then South African Council for Town and Regional Planners established by Section 2 of the Town and Regional Planners Act, 1984 (Act 19 of 1984)	No longer necessary to refer to Act 19 of 1984. Section 36 may therefore be removed without affecting the functioning of SACPLAN.	Delete Section 36 in its entirety.	Reference to Town and Regional Planners Act 19 of 1984 no longer required.	Technical Requirement
<b>37</b>	<b>Repeal Of Laws</b>				
<b>37</b>	The Town and Regional Planners Act, 1984, is hereby repealed.	No longer necessary to refer to 1984 act and it being repealed.	Section 37: Delete in its entirety.	1984 Act has been repealed and an amendment to the PPA no longer needs to refer to it.	Technical Requirement
<b>38</b>	<b>Act binding on State</b>				
<b>38</b>	The Act binds the State.	Renumbering required as a result of deletion.	Renumber as Section 34.	Renumbering as required as a result of deletion of certain sections.	Technical Renumbering



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39	<b>Short Title and Commencement</b>				
	This Act is called the Planning Profession Act, 2002, and comes into operation on a date fixed by the President by proclamation in the Gazette.	Renumbering and rewording required given amendments of Act and deletion of certain sections.	"This Act is called the Planning Profession Act, 2002 (as amended), and comes into operation on a date fixed by the President by proclamation in the Gazette."	Renumbering required because of deletions and amendment to PPA.	Technical renumbering

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