



**THE SOUTH AFRICAN COUNCIL**  
for the  
**QUANTITY SURVEYING PROFESSION**

Established in terms of the Quantity Surveying Profession Act (Act 49 of 2000)

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**SOUTH AFRICAN COUNCIL FOR THE  
QUANTITY SURVEYING PROFESSION:**

**CODE OF PROFESSIONAL CONDUCT**

**PUBLISHED IN TERMS OF THE QUANTITY SURVEYING PROFESSION ACT  
(ACT NO 49 OF 2000)**

**Revised on the 20<sup>th</sup> of July 2020**

# THE SOUTH AFRICAN COUNCIL FOR THE QUANTITY SURVEYING PROFESSION

## CODE OF PROFESSIONAL CONDUCT

In terms of the requirements of Section 27 of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000), and Section 4 of the Rules of The Council, the South African Council for the Quantity Surveying Profession hereby makes known that it has determined the code of professional conduct as set out in the schedule hereunder.

### 1. OBJECTS

The objects of this code are to :

- 1.1. ensure that *registered persons* and quantity surveying practices uphold and promote the dignity, standing and reputation of the quantity surveying profession by maintaining high standards of professionalism, honesty and integrity.
- 1.2. set minimum guidelines for registered persons and quantity surveying practices on what constitutes improper conduct and professional incompetence.
- 1.3. set minimum guidelines for the assessment and continued recognition of voluntary associations contemplated by section 25 of the Act.

### 2. DEFINITIONS

In this code, unless the context indicates otherwise, any expression or word to which meaning has been assigned in the Quantity Surveying Profession Act 49 of 2000 shall bear the same meaning and: –

- 2.1. **‘Act’** means the Quantity Surveying Profession Act 49 of 2000 including any Regulation, Notice, Order or Rules issued or published in terms of the Act 49 of 2000;
- 2.2. **‘Candidate Quantity** means a person who is registered in terms of section 19(2)(b) of the

- Surveyor'** Act;
- 2.3. **'client/employer'** means an individual or organization that enters into an agreement with a registered person or practice for the provision of quantity surveying services;
- 2.4. **'code'** means this code of conduct which is issued in terms of the Act, with such amendments as the council may deem necessary from time to time;
- 2.5. **'complaint'** means any information or allegation regarding the improper conduct against a registered person or a quantity surveying practice;
- 2.6. **'council'** means the South African Council for the Quantity Surveying Profession established by section 2 of the Act;
- 2.7. **'day'** means a calendar day inclusive of weekends and public holidays. For the calculation of any period in terms of this code, the calculation shall be exclusive of the day when such period begins to run and inclusive of the last day for that period;
- 2.8. **'improper conduct/professional incompetence'** means any conduct which falls short of the standard expected of a registered person or a quantity surveying practice in terms of the Act, this code and the rules;
- 2.9. **'member of a closely allied profession'** means a person registered in terms of any of the following Acts:  
 Architectural Profession Act 44 of 2000;  
 Engineering Profession Act 46 of 2000;  
 Landscape Architectural Profession Act 45 of 2000;  
 Planning Profession Act 36 of 2002;  
 Project and Construction Management Professions Act 48 of 2000;  
 and  
 Property Valuers Profession Act 47 of 2000.
- 2.10. **multidisciplinary profession practice** means a practice consisting of individuals drawn from a range of professions and who are in good standing with their professional bodies, including members of closely allied professions as defined

herein.

- 2.11. **'practise/actively practise'** means to practise in one of the categories contemplated in section 18 of the Act, including but not limited to a person qualified in the quantity surveying profession employed by any sphere of government or educational institution;
- 2.12. **'principal officer/s'** means registered sole practitioner/s, member/s of, partner/s, shareholder/s and/ or other juristic person/s having control of the quantity surveying practice;
- 2.13. **'quantity surveying practice'** means the business of a registered professional quantity surveyor conducted within the quantity surveying profession either as a sole proprietorship, partnership, trust, company, close corporation or any other juristic person or the quantity surveying division of a multidisciplinary professional practice, and which shall be controlled by registered professional quantity surveyors in terms of number, shareholding, directorship and / voting power. Where the word 'practice' is used on its own in this code, it shall bear the same meaning;
- 2.14. **'registered persons'** means persons registered under of the categories referred to in section 18 of Act;
- 2.15. **'registered professional quantity surveyor'** means a registered professional quantity surveyor registered with the Council in terms of section 19(2) of the Act;
- 2.16. **'registrar'** shall mean the person appointed as a registrar in terms of section 8(1)(a) of the Act
- 2.17. **'rules'** means the rules made by Council from time to time and in force in terms of section 36 of the Act; and
- 2.18. **'voluntary association'** means the association contemplated in section 25 of the Act.

### **3. JURISDICTION AND APPLICATION**

3.1. This code: -

3.1.1. applies and is binding to all registered persons and quantity surveying practices.

3.1.2. shall be used as a source of reference in the assessment and recognition of voluntary associations in terms of section 25 of the Act; and

3.2. In the case of a conflict between: -

3.2.1. the Act and this code, the Act shall apply; and

3.2.2. this code and the code of conduct and/or rules of a voluntary association, this code shall apply.

### **4. ESTABLISHMENT OF A QUANTITY SURVEYING PRACTICE AND CARRYING ON OF BUSINESS**

4.1. A registered professional quantity surveyor who actively practices quantity surveying in any form shall obtain the prior written approval of the Council to do so and shall within 30 days of the establishment of a business inform the Council thereof in writing, giving full details of the address from which the practice is conducted, type of practice and names of partners, shareholders, directors, members or trustees.

4.2. The Council shall be informed of any changes in style or address, changes in the constitution of a practice and of its termination within 30 days of the relevant occurrence.

4.3. The Council may elect not to recognize a person or body of persons, within or outside of the Republic, for the purposes of registering with the Council as a registered professional quantity surveyor or a quantity surveying practice unless such person or body of persons have:

- 4.3.1. demonstrated their competence as measured against standards determined by the Council for the relevant category of registration;
- 4.3.2. passed any additional examinations that may be determined by the Council; and
- 4.3.3. have been issued with a certificate in terms of section 19 (2) of the Act;

unless the Council has entered into an agreement with such person or body of persons, within or outside of the Republic, with regards to recognition of any examination or qualification for the purposes of registering such person or body of persons with the Council or such bodies have concluded reciprocity agreements or mutual exemption agreements with the Council.

- 4.4. The use of impersonal names shall be submitted to the Registrar of the Council for approval.
- 4.5. A registered professional quantity surveyor shall notify the Council without delay if they become subject to any disqualification as contemplated in section 19(3) of the Act.
- 4.6. A registered professional quantity surveyor shall not, except with the permission of the Council and under such conditions as the Council may prescribe, enter into any professional relationship or association with any person who is not a registered professional quantity surveyor, or a member of a closely allied profession. Permission will not be grounded if, *inter alia*, the person:-
  - 4.6.1. is disqualified from registration under any provision of *the Act* or from membership of any closely allied profession;
  - 4.6.2. is qualified to register under any category provided for under the Act but has not done so.
- 4.7. A quantity surveying practice shall be controlled by registered professional quantity surveyors in terms of number, shareholding, directorship, and voting power.
- 4.8. A multidisciplinary professional practice shall be controlled by persons registered and in good standing with their respective Councils.

- 4.9. The quantity surveying division / section / department / unit of a multidisciplinary professional practice shall be under the fulltime supervision of a registered professional quantity surveyor.
- 4.10. Every quantity surveying practice must be under the continuous, direct and personal supervision of a registered professional quantity surveyor; provided that the registrar may give permission for such office to be supervised on an intermittent basis for such period of time and on such conditions as the registrar may determine, in his or her discretion, and provided that a registered professional quantity surveyor shall be present in such office for a least one full day per week during normal office hours and that the time of attendance is prominently displayed outside the office.
- 4.11. The Council may grant a quantity surveying practice time to find a replacement for a registered professional quantity surveyor who has resigned or who has left for some reason, or to allow time for the employment of staff where an office has to be established in an area because of the award of a project.
- 4.12. The Council may order the deregistration of any person who has been found guilty of breaching any provision of the Act, this code or the rules.
- 4.13. Letterheads of a quantity surveying practice shall always display the names of sole principals, partners, directors, trustees or close corporation members, as the case may be, together with their registration status using the prescribed abbreviations.
- 4.14. A quantity surveying practice must, when requested by a client to do so, provide the client in writing with all information pertaining to its juristic nature, style and composition, staffing levels and professional indemnity cover.
- 4.15. A quantity surveying practice must, in terms of their appointment for the provision of quantity surveying services, ensure that all quantity surveying work undertaken by the quantity surveying practice is under the control of a registered professional quantity surveyor and must provide full disclosure to the client of the level of supervision provided by the registered professional quantity surveyor.

## **5. PRINCIPLES GOVERNING THE CODE OF CONDUCT**

## General

- 5.1. Registered persons and quantity surveying practices are subject to the disciplinary supervision of the Council.
- 5.2. The Act, this code and the rules set out minimum standards of professional conduct and practice, and failure to comply therewith shall be taken into account in examining the conduct and/or competence of a registered person or a quantity surveying practice.
- 5.3. This code forms the basis of disciplinary proceedings and the Council will investigate any complaint of improper conduct or professional incompetence.
- 5.4. If a quantity surveying practice acts in breach of any provision of the Act, this code and/ or the rules, which would have constituted improper conduct if committed by a registered person or by a person acting on behalf of a registered professional quantity surveyor in the carrying out of their profession as natural persons in private practice, the Council shall proceed against the principal officers of the quantity surveying practice.
- 5.5. It is an overriding obligation under this code that, in carrying out their work, registered persons are expected: -
  - 5.5.1. to discharge their duties with care, skill, competency and diligence and in compliance with the laws, rules, regulations that apply to the quantity surveying profession and to act with fidelity, honesty, integrity and not engage in any act of dishonesty, corruption or bribery;
  - 5.5.2. to respect the interests of the public and honour the standing of the profession and not do anything that can bring the profession into disrepute;
  - 5.5.3. subject to clause 5.6.7.1 and 5.6.7.2 not to receive, either directly or indirectly, any gratuity, commission or other financial benefit arising directly or indirectly from the work in respect of which they are employed, unless such gratuity, commission or financial benefit has been authorized in writing by the employer or client concerned.



## Registered professional quantity surveyors and Quantity Surveying Practices

5.6. It is an overriding obligation under this code that, in carrying out professional work, a registered professional quantity surveyor or quantity surveying practice is expected:--

5.6.1. to ensure that any quantity surveying work approved or certified by them, has been reviewed or inspected to the extent necessary to confirm correctness of the approval or certification;

5.6.2. not to practise outside of the categories in which they are registered to practise in terms of section 18 of the Act;

5.6.3. to fully cooperate with any investigation or request for information or directive from the Council;

to maintain and retain records in hard or electronic copy of technical and contractual documents verifying services rendered for a period of 5 years, or for such period as stipulated by any law whichever is longer, after completion of a project and completion of the final account and make such documents available to relevant and responsible parties upon reasonable request;

5.6.4. to respect the intellectual property rights of others;

5.6.5. to provide work or services of a quality, scope, and to a level, which is commensurate with accepted standards and practices in the profession and must avoid any conflicts of interest or the potential for such conflicts of interest;

5.6.6. to ensure that where work is carried out by an employee or by anyone else acting under a registered professional quantity surveyor's direction or control, such registered professional quantity surveyor shall be responsible for ensuring that the person is competent to perform the task, and if necessary, is registered and is adequately supervised;

5.6.7. to disclose to their respective employers or clients, or prospective employers or clients, in writing: –

- 5.6.7.1. any interest, whether financial or otherwise, which they may have in any company, firm, or organization, or with any person, which is related to the work for which they have been or may be employed; and
- 5.6.7.2. particulars of any royalty or other benefit which accrues or may accrue to them as a result of such work; and
- 5.6.7.3. the status of their professional indemnity insurance cover, upon request;
- 5.6.8. to ensure that there is suitable professional indemnity insurance to protect clients or employers prior to performing any work for such client or employer, and reveal to the prospective client or employer the appropriate amount of professional indemnity insurance on request;
- 5.6.9. to obtain the client's or employer's written authorisation before proceeding with any work that they are employed to do, on behalf of the client or employer;
- 5.6.10. to comply at all times with the stipulations of the contract for a particular work, and maintain complete fairness, transparency, strict independence and impartiality in respect of the work;
- 5.6.11. not to rely on critical information supplied by the client or employer, without appropriate qualification or confirmation of such information from reliable independent sources;
- 5.6.12. to accept responsibility for the work done under their supervision including work done by candidate quantity surveyors, and where work is done in partnership / joint venture / collaboration with other registered persons or quantity surveying practices as defined herein, accept joint responsibility for such work;
- 5.6.13. to regularly engage in continuing professional development activities in order to keep up to date with developments in the practice of quantity surveying and to enhance and maintain their professional expertise and competence;
- 5.6.14. to strive to provide opportunities for professional development and advancement of candidate quantity surveyors in their employ or under their supervision;

- 5.6.15. at all times to adhere to the principle of sound corporate governance and “zero tolerance” to fraud or corruption;
- 5.6.16. to respect the interest and professional reputation of any other registered person or quantity surveying practice;
- 5.6.17. not to undertake or offer to undertake professional work for which their education, training and experience have not rendered them competent to perform and shall not misrepresent their professional qualifications or experience;
- 5.6.18. to notify the Council immediately: -
  - 5.6.18.1. if they become medically unfit to be or to remain a registered person;
  - 5.6.18.2. if they become physically unable to carry out their duties according to the required standards of the profession, or have been declared by a competent authority or court to be mentally ill or are convicted of a criminal offence, or declared insolvent, provisionally or finally sequestrated or the quantity surveying practice is liquidated;
  - 5.6.18.3. if another registered person provides a client or employer with a misleading opinion, analysis or conclusion about work; and
  - 5.6.18.4. about any other information which comes to their knowledge and which a registered person acting with due care, fidelity and integrity would bring to the attention of the Council.

### **Candidate Quantity Surveyors**

- 5.7. In addition to the above, Candidate Quantity Surveyors: -
  - 5.7.1. shall not practice for their own account;
  - 5.7.2. shall not practice in partnership, as a director of a company, as a member of a close corporation or trustee of a trust or as a shareholder or director of a quantity

surveying practice; performing quantity surveying work except with the prior written approval of the Council and subject to any condition which the Council may impose; and

- 5.7.3. and shall not perform any quantity surveying work other than under the direct and continuous supervision of a registered professional quantity surveyor, except under such circumstances as the Council may approve in writing.

## **6. DISCIPLINARY PROCEDURES**

6.1. In the event of a complaint, the disciplinary procedures set out in the Act are to be followed as follows:

- 6.1.1. Section 28 Investigation of a charge of improper conduct;
- 6.1.2. Section 29 Charge of improper conduct;
- 6.1.3. Section 30 Appointment of disciplinary tribunal;
- 6.1.4. Section 31 Disciplinary hearing;
- 6.1.5. Section 32 Proceedings after hearing; and
- 6.1.6. Section 33 Appeal against decision of disciplinary tribunal.

## **7. REPEAL OF PREVIOUS RULES**

The regulations pertaining to Code of Professional Conduct and Improper Conduct published under Notice No. R 208 dated 4 February 1983 are hereby repealed, subject to section 12 (2) of the Interpretation Act 33 of 1957.

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