



**SYLLABUS FOR THE PROFESSIONAL PRACTICE EXAMINATION**

**7 MARCH 2018**

**1. The Architectural Professional as practitioner:**

- 1.1. The Architectural Profession Act No 44 of 2000.
  - 1.1.1. General provisions of the Act.
  - 1.1.2. Categories of registration: Requirements for registration.
  - 1.1.3. Framework for the Professional Fees Guideline.
  - 1.1.4. Renewal of Registration (CPD Conditions).
  
- 1.2. Voluntary Associations, their form and function.
  
- 1.3. The Architectural Professional and their office.
  - 1.3.1. Forms of practice: sole practitioner, partnership, close corporation, company, multi-disciplinary – legal nature of each and the advantages and disadvantages of each.
  - 1.3.2. Statutory requirements for each form of practice i.e. Department of Labour, CIPC etc.
  - 1.3.3. The Architectural Professional and his employees – the legal nature of the employer/employee relationship.
  - 1.3.4. Statutory requirements regarding employees.
  - 1.3.5. Risks, responsibilities and liabilities arising from the conduct of a practice – insurances.
  - 1.3.6. Taxation – Income Tax, PAYE, VAT etc.
  
- 1.4. The Architectural Professional and their client.
  - 1.4.1. Professional Code of Conduct.
  - 1.4.2. The Architectural Professional as agent – the legal nature of agency.
  - 1.4.3. Recommended forms of architectural professional service agreements.
  - 1.4.4. Professional fees.
  - 1.4.5. Preparing and presenting accounts, invoices and statements.

- 1.5. The Architectural Profession and the professional team.
  - 1.5.1. The other members of the professional team – project manager, quantity surveyors, engineers, town planners, and other related professions – their respective functions and inter-professional relationships.
  - 1.5.2. Recommended forms of inter- and intra-professional agreements i.e. joint venture and collaborative agreements.

## **2. The architectural service to the client:**

- 2.1. Work stages in accordance with SACAP's Professional Fees guideline
- 2.2. Additional services
- 2.3. Performing work for deferred remuneration.
- 2.4. National Building Regulations, including but not limited to the SANS 10400 suite of standards legislative constraints on the design of a project: e.g. Title deed conditions, town planning, energy efficiency, green building council rating tools etc.
- 2.5. Construction Regulations 2014.
- 2.6. Securing statutory approval of design proposals – securing waivers of statutory requirements.
- 2.7. Preparing construction and tender documentation: drawings and specifications.
- 2.8. Procuring a building contractor to carry out the project.
- 2.9. Administering the building contract on behalf of the client.
- 2.10. Limits of responsibility of the Architectural Professional
- 2.11. Professional Indemnity.
- 2.12. Copyrights and Intellectual Property of the Architectural Professional's work.
- 2.13. Termination of the Architectural Professionals services.

## **3. Construction law and building contracts:**

- 3.1. General principles of the law of contract.
  - 3.1.1. Legal requirements of a Contract.
  - 3.1.2. Breach of contract and remedies.
- 3.2. Types of building contract and their advantages and disadvantages.
  - 3.2.1. Lump-sum (with quantities): Provisional and accurate bills.
  - 3.2.2. Lump-sum (without quantities).
  - 3.2.3. Schedule of rates.
  - 3.2.4. Cost-plus (different variables).
  - 3.2.5. Labour-only.
  - 3.2.6. Design-and-build (Turn-key).

- 3.3. The characteristics of a Building Contracts and related Sub-Contract and Direct Contract Agreements. The characteristics of a building contract as a contract for the letting and hiring of work.

The JBCC suite of documents

- **Principal Building Agreement**  
Edition 6.1 March 2014
- **Minor Works Agreement**  
Edition 5.1 March 2014
- **Nominated/Selected Subcontract Agreement**  
Edition 6.1 March 2014

Applicants will be required to have a detailed knowledge of the provisions of these agreements, including, but not limited to, the following aspects:

- 3.3.1. Risks, indemnities and insurances.
- 3.3.2. Securities by the contractor and the employer for due performance.
- 3.3.3. Contract instructions and variations to the scope of the works.
- 3.3.4. Nominated and selected subcontractors, domestic subcontractors and direct contractors.
- 3.3.5. Stages in bringing the works to completion.
- 3.3.6. Delays and the revision of the date for practical completion.
- 3.3.7. Adjustments to the contract value and the final account.
- 3.3.8. Interim and final certificates and payment.
- 3.3.9. Recovery of expense or loss.
- 3.3.10. Breach and Termination of Contract.
- 3.3.11. Dispute Resolution.

#### **4. Dispute Resolution:**

- 4.1. The private process – alternatives dispute resolution.
  - 4.1.1. Adjudication.
  - 4.1.2. Mediation and reconciliation.
  - 4.1.3. Arbitration.
- 4.2. The public process – litigation in the courts.



**SACAP/PPE0004**

**READING MATERIAL FOR THE PROFESSIONAL PRACTICE EXAMINATION  
7 MARCH 2018**

**PLEASE NOTE:** SACAP does not stock copies of the reading material. Kindly contact the suppliers directly to obtain the material.

**FINSEN E N: THE BUILDING CONTRACT  
A COMMENTARY ON THE JBCC AGREEMENT**

**THIS PUBLICATION CAN BE BOUGHT DIRECTLY FROM:**

**Juta Law**

<http://juta.co.za>

<http://juta.co.za/law/products/3429-building-contract-a-commentary-on-the-jbcc-agreements-the>

**Loot.co.za**

<http://www.loot.co.za>

<http://www.loot.co.za/product/e-finsen-the-building-contract/rmbx-208-g2a0>

**Van Schaik Bookstore**

<http://www.vanschaik.com>

<http://www.vanschaik.com/book/4e95e7f5cfdd5/>

**Reader's Warehouse**

<http://www.readerswarehouse.co.za>

<http://www.readerswarehouse.co.za/the-building-contract-9780702173103>



**PA RAMSDEN: McKENZIE'S LAW OF BUILDING AND ENGINEERING CONTRACTS  
AND ARBITRATION**

**THIS PUBLICATION CAN BE OBTAINED FROM:**

**Loot.co.za**

<http://www.loot.co.za>

<http://www.loot.co.za/product/p-ramsdem-mckenzie-s-law-of-building-and-engineering-c/vfrl-3055-g900>

**Juta and Company (Pty) Ltd**

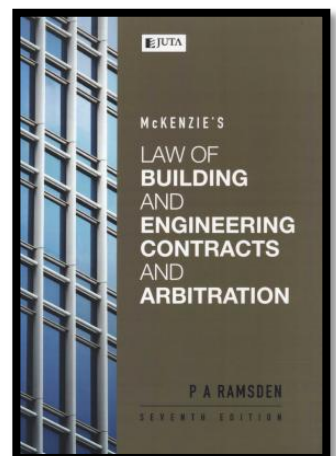
<http://jutalaw.co.za>

<http://juta.co.za/law/products/mckenzie-s-law-of-building-and-engineering-contracts-and-arbitration>

**Takealot**

<http://www.takealot.com>

<http://www.takealot.com/mckenzie-s-law-of-building-and-engineering-contracts-and/PLID35746597>



## SAIA PROFESSIONAL PRACTICE EXAMINATION STUDY AID

Current publication can be obtained from the South African Institute of Architects (SAIA) and/or their regional offices.

### Contact Details:

Tel: (011) 782 1315  
Website: [www.saia.org.za](http://www.saia.org.za)

## CONTRACT DOCUMENTATION

### 1. JBCC SUITE OF DOCUMENTS:

- **Principal Building Agreement**  
Edition 6.1 March 2014
- **Minor Works Agreement**  
Edition 5.1 March 2014
- **Nominated/Selected Subcontract Agreement**  
Edition 6.1 March 2014

A list of the stockists of these documents can be obtained from the JBCC's website at:

[http://jbcc.co.za/docs\\_stockists.php](http://jbcc.co.za/docs_stockists.php)

### 2. PROCSA Client/Consultant Professional Services Agreement

P3101AR PROCSA Combined – Architect  
P3101PA PROCSA Combined - Principal Agent

#### Contact Details:

Email: [info@procsa.co.za](mailto:info@procsa.co.za)  
Fax: (011) 233 6801  
Website: [www.procsa.co.za](http://www.procsa.co.za)

## LEGISLATIVE DOCUMENTATION

It is suggested that you visit the SACAP website ([www.sacapsa.com](http://www.sacapsa.com)) where the following documents can be found:

- Board Notice 154 of 2009 - The Professional Code of Conduct
- Board Notice 43 of 2017 - Conditions relating to Continuing Professional Development (CPD)
- Board Notice 121 of 2015 – Framework for the Professional Fees Guideline
- Board Notice 122 of 2015 – Annual Update of the Professional Fees Guideline

## PREPARATION COURSES

**PLEASE NOTE:** Preparation Courses/Workshops are not administered or presented by SACAP. Notices regarding the courses will however be placed on SACAP's website upon receipt of the information from the Organiser.

Kindly contact the following Voluntary Associations, or visit their websites, for details regarding preparation courses/workshops.

**SOUTH AFRICAN INSTITUTE OF ARCHITECTS (SAIA):**

<http://saia.org.za>

**SOUTH AFRICAN INSTITUTE OF ARCHITECTURAL TECHNOLOGISTS (SAIAT):**

[www.saiat.org.za](http://www.saiat.org.za)

In addition to the Preparation workshops presented by the Voluntary Associations, the Joint Building Contract Committee (JBCC) presents the following courses:

**JOINT BUILDING CONTRACT COMMITTEE (JBCC)**

[www.jbcc.co.za](http://www.jbcc.co.za)