

Natural vs juristic persons - who is required to register under Engineering Profession Act?

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In a [12 March 2024 judgment](#) of the full bench of the North-West Division of the High Court in Mahikeng, Aecom SA* successfully contested a significant position regarding the interpretation of certain portions of the Engineering Profession Act, 46 of 2000.



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The case spotlighted the interpretation of who is required to register under the Act, addressing a special plea raised by the respondents that erroneously demanded Aecom SA, be cited as an engineering firm in the pleadings.

Registered person

The crux of the appeal revolved around the legal interpretation of a 'registered person' under the Engineering Profession Act. The Act delineates specific categories of individuals who must register to practice engineering in South Africa.

Importantly, the Act's framework is designed to assess and recognise the qualifications of natural persons, not corporations or firms. This distinction became the focal point of the appeal, with the Court examining the legislative intent behind the registration requirements set forth in Sections 18 and 19 of the Act.

After a thorough review, the Court concluded that the Act's language and provisions target natural persons—those capable of achieving the required professional qualifications and titles. This interpretation clarifies that firms, as juristic persons, fall outside the scope of the Act's registration mandate.

The ruling underscores a crucial legal clarification, ensuring that engineering firms like Aecom SA and its representatives and employees who are qualified as engineers are correctly cited in relation to professional registration laws.

Legal interpretation

The Court's decision to uphold the appeal marks a significant victory for Aecom SA and sets a precedent for how the Engineering Profession Act is applied to engineering firms versus individual engineers. By firmly establishing that the Act's registration requirements apply solely to natural persons, the Court rectified a critical misapplication and interpretation of the Act.

This ruling not only vindicates Aecom SA's legal stance but also provides much-needed clarity for the engineering sector in South Africa. It reaffirms the legislative framework's intention and safeguards the legal interpretation of professional registration within the engineering community. The judgment is a testament to the importance of precise legal interpretation and its implications for both individuals and firms operating within regulated professions.

* Barnard Incorporated Attorneys represented Aecom SA (Pty) Ltd in this case

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