



BRAVOSCAN

INTERPRETATION AND GUIDANCE NOTES

CHAPTER 14: Competency Beyond Qualification: Why Every Registered Person Should Maintain a Professional Competency Portfolio

Sub-Title: This guidance note argues that every registered person should maintain a professional competency portfolio containing training certificates, attendance registers, course material, technical notes, standard numbers studied, legislative updates and course curricula.

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Introduction

The responsibilities imposed upon registered persons under the Electrical Installation Regulations ("EIR") extend far beyond the ability to perform electrical work correctly. Registration carries legal responsibilities that require technical competence, sound professional judgement and an ongoing understanding of the Occupational Health and Safety Act 85 of 1993 ("OHSA"), its regulations and the applicable standards governing electrical installations.

Competence is therefore not a qualification obtained once in a career. It is a continuing legal obligation.

This article argues that every registered person should maintain a professional competency portfolio containing training certificates, attendance registers, course material, technical notes, standard numbers studied, legislative updates and course curricula. Such a portfolio is considerably more than an administrative record. It provides contemporaneous evidence of competence and may become one of the most valuable pieces of evidence in criminal investigations, civil litigation, regulatory enquiries or disciplinary proceedings where a registered person's competency is questioned.

The importance of maintaining such records becomes particularly apparent when one considers Regulations 9¹ and 10² of the Electrical Installation Regulations together with the statutory definition of "reasonably practicable" contained in the Occupational Health and Safety Act³.

Competency is a Continuing Legal Requirement

The current Construction Regulations, 2014, define a *competent person*.⁴ as one who possesses the required knowledge, training, experience and qualifications appropriate to the work being performed and who is familiar with the Occupational Health and Safety Act and its applicable regulations.

The proposed Construction Regulations were published on 12 March 2025⁵ retain this approach. Although the proposed definition of a competent person⁶ removes the specific reference to qualifications registered under the National Qualifications Framework Act, it continues to require knowledge, training, experience and familiarity with the Act and the regulations. Knowledge of the Act and regulations remains, therefore, significant and material in evaluating competency.

¹ EIR 9(2) "only after having satisfied himself or herself by means of an inspection and test that—"

² EIR 10 (1): Should a dispute arise over the interpretation of a health and safety standard referred to in regulation 5(1) between a user, a registered person, an electrical contractor, an approved inspection authority for electrical installations or a supplier, as the case may be, an affected person may appeal against that interpretation to the chief inspector.

³ "reasonably practicable" means practicable having regard to—

- (a) the severity and scope of the hazard or risk concerned;
- (b) the state of knowledge reasonably available concerning that hazard or risk and of any means of removing or mitigating that hazard or risk;
- (c) the availability and suitability of means to remove or mitigate that hazard or risk; and
- (d) the cost of removing or mitigating that hazard or risk in relation to the benefits deriving therefrom;

⁴ "**competent person**" means a person who-

- (a) has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2000 (Act No.67 of 2000), those qualifications and that training must be regarded as the required qualifications and training; and
- (b) is familiar with the Act and with the applicable regulations made under the Act;

⁵ "**competent person**" means a person who – (a) has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications specific to that work or task; (b) is familiar with the Act and with the applicable regulations made under the Act;

⁶ See the contrasting definition.

The legal definition of competency is not confined to technical skill or years of practical experience. It expressly requires knowledge of the legislative framework governing the work.

A registered person who possesses exceptional practical ability but lacks knowledge of the statutory duties imposed by the OHSA and the Electrical Installation Regulations cannot properly claim complete professional competence.

Likewise, technical qualifications obtained many years ago cannot alone demonstrate current competency in an industry where technology, installation methods, legislation, standards and accepted engineering practices continue to evolve. Competence in terms of OHSA compliance, therefore, requires continual learning.

Reasonable Practicability Requires Ongoing Knowledge

Perhaps the most important legal concept underpinning competency is the definition of "reasonably practicable" contained in section 1 of the Occupational Health and Safety Act.

The Act requires consideration of:

- the severity and scope of the hazard;
- the *state of knowledge reasonably available* concerning the hazard;
- the availability and suitability of measures to eliminate or mitigate the hazard; and
- the cost of implementing those measures in relation to the benefits achieved.

Of particular importance is the phrase: "*the state of knowledge reasonably available*." This wording imposes an objective legal standard.⁷

The enquiry is not simply whether the electrician personally knew something, but whether the relevant knowledge was reasonably available to a competent registered person at the time the work was performed. This distinction is fundamental.

⁷ An **objective standard** in law refers to a benchmark or criterion used to evaluate conduct, circumstances, or states of mind based on what a hypothetical "[reasonable person](#)" would do, perceive, or understand, rather than relying on a specific individual's personal beliefs, intentions, or subjective state of mind. It focuses on external, observable facts and generally accepted norms, aiming for impartiality and predictability in legal judgments. (<https://definitions.lsd.law/objective-standard>)

Knowledge evolves. Technical guidance changes. Standards are amended. Regulations are revised. Safety alerts are published. Manufacturers issue updated installation requirements.

Competent registered persons are expected to remain informed of these developments.

The Labour Court recently confirmed this objective approach in *Truworths Limited v Chief Inspector*. The Court held that there is no universal standard of reasonable practicability and that every case must be assessed according to its own facts by balancing the seriousness of the risk against the available knowledge, suitable preventative measures and the proportionality of those measures.

Importantly, the Court rejected the notion that inspectors may simply substitute their own preferred method of compliance. The enquiry remains whether the measures adopted were reasonably practicable in light of the knowledge reasonably available at the relevant time.

This has an important consequence for registered persons.

Years after an incident, an electrician may be required to prove not merely what work was performed, but what knowledge existed when decisions were made. A professional competency portfolio, therefore, becomes more than an administrative convenience. It becomes evidence and testimony of compliance and competence.

Competency Must Be Capable of Proof

Following an electrical incident, investigators, insurers and courts often ask similar rudimentary questions:

- What qualifications did the registered person possess?
- What recent training had been completed?
- Which standards had been studied?
- Was the individual aware of legislative amendments?
- Did the registered person receive specialist instruction relating to the work undertaken?

Without documentary evidence, these questions frequently rely upon recollection many years after the event. A competency portfolio changes that entirely in that:

- Training certificates demonstrate attendance.
- Course curricula establish precisely what subjects were taught.

- Training manuals identify the state of technical knowledge available at that time.
- Legislative updates demonstrate continuing legal education.
- Continuing Professional Development records establish ongoing competency.

Collectively, these documents create contemporaneous evidence demonstrating that the registered person took reasonable steps to remain competent throughout his or her professional career.

Such evidence may prove invaluable during criminal investigations, disciplinary proceedings, civil litigation or insurance disputes, especially where negligence is assessed.

Standards Are Not the Only Source of Knowledge

Many electricians assume that compliance with SANS standards alone satisfies their legal obligations. The Occupational Health and Safety Act adopts a considerably broader approach.

The Act defines "standard"⁸ to include not only specifications and standards recognised under the Standards Act but also any specification, code or directive issued by organisations inside or outside the Republic whose purpose is standardisation.

This definition recognises that technical knowledge is not confined to formal standards.

- Manufacturers' instructions.
- Industry codes.
- Professional guidance documents.
- International standards.
- Technical bulletins.
- Safety notices.

Each may contribute to the body of knowledge that becomes "reasonably available."

⁸ Section 1 of OHSA: "**standard**" means any provision occurring—

(a) in a specification, compulsory specification, code of practice or standard method as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993); or

(b) in any specification, code or any other directive having standardisation as its aim and issued by an institution or organisation inside or outside the Republic which, whether generally or with respect to any particular article or matter and whether internationally or in any particular country or territory, seeks to promote standardisation;

Accordingly, competent registered persons should continually expand their knowledge beyond the minimum statutory requirements.

Maintaining copies of such material within a competency portfolio provides further evidence that reasonable steps were taken to remain informed of developing industry practice and of the state of knowledge of the registered person at the time.

Competence Includes Legal Knowledge

The statutory definition of competency expressly requires familiarity with the Occupational Health and Safety Act and the applicable regulations. This is often overlooked.⁹

Electrical work is governed by a comprehensive legal framework regulating inspections, certification, supervision, responsibilities of registered persons and relationships between contractors and users. A technically perfect installation does not necessarily satisfy the law if statutory duties have been neglected or not complied with.¹⁰

Accordingly, legal knowledge should form part of every registered person's continuing professional development.

Attendance at legislative seminars, regulatory workshops and legal update sessions should be retained within the competency portfolio alongside technical training records.

Consumer Protection and Civil Liability

Professional competency has consequences extending beyond occupational health and safety legislation.

Where the Consumer Protection Act applies, section 55(2)¹¹ grants consumers the right to receive goods that are suitable for their intended purpose, free from defects, durable and compliant with applicable standards.

⁹ See definition of competent person as set out above.

¹⁰ Monare and Another v MEC: Department of Economic Development, Environment, Conservation and Tourism, North West and Others (2026-049446) [2026] ZANWHC 114 (14 April 2026) - <https://www.saflii.org/za/cases/ZANWHC/2026/114.html>

¹¹ Section 55(2) of the CPA: Except to the extent contemplated in subsection (6), every consumer has a right to receive goods that—

Electrical installations supplied within the scope of the Act may therefore become subject to these statutory quality requirements.

Section 61 further establishes strict liability for damage caused by unsafe goods.¹²

Importantly, section 61(4)(a) provides a defence where the unsafe characteristic is wholly attributable to compliance with a public regulation.¹³

This illustrates why a competent understanding of legislation becomes practically important.

A registered person who understands the applicable legal framework is better positioned to demonstrate that decisions were made in accordance with statutory requirements where such a defence becomes available.

It should, however, be recognised that the Consumer Protection Act does not apply universally. Contractors should understand the Act's jurisdictional limits because, in many commercial transactions, common-law contractual principles continue to regulate liability.

Competent Training Providers Are Equally Important

Professional competence depends largely upon the quality of training received.

Training providers, therefore, carry significant responsibility.

Where a registered person purchases professional education, there is a compelling argument that the registered person is entitled to receive training that is current,

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- (a) are reasonably suitable for the purposes for which they are generally intended;
 - (b) are of good quality, in good working order and free of any defects;
 - (c) will be useable and durable for a reasonable period of time, having regard to the use to which they would normally be put and to all the surrounding circumstances of their supply; and
 - (d) comply with any applicable standards set under the Standards Act, 1993 (Act 29 of 1993), or any other public regulation.

¹² Section 61(1) of the CPA: *Except to the extent contemplated in subsection (4), the producer or importer, distributor or retailer of any goods is liable for any harm, as described in subsection (5), caused wholly or partly as a consequence of—*

- (a) *supplying any unsafe goods;*
 - (b) *a product failure, defect or hazard in any goods; or*
 - (c) *inadequate instructions or warnings provided to the consumer pertaining to any hazard arising from or associated with the use of any goods,*
- irrespective of whether the harm resulted from any negligence on the part of the producer, importer, distributor or retailer, as the case may be.*

¹³ Section 61(4)(a) of the CPA: Liability of a particular person in terms of this section does not arise if—

- (a) the unsafe product characteristic, failure, defect or hazard that results in harm is wholly attributable to compliance with any public regulation;

accurate and professionally delivered.¹⁴ Since the certificate of registration is issued to the individual in his or her personal capacity, there is a persuasive case that registered persons should enjoy protections similar to consumers when acquiring specialised training.

Training providers should also recognise their own statutory responsibilities.

Section 9 of the Occupational Health and Safety Act prohibits employers from conducting their undertakings in a manner that exposes persons to health and safety risks.¹⁵

Providing inaccurate, outdated or technically deficient safety training may ultimately expose workers and members of the public to foreseeable harm.

In addition, common-law remedies may arise where a training provider negligently presents incorrect information, breaches contractual obligations or misrepresents the quality or relevance of its training.¹⁶

For these reasons, skills development providers should maintain appropriate registration and be able to demonstrate that their training material remains current and legally accurate.

Competency Exists on a Sliding Scale

Competence is not a uniform standard. From BRAVOSCAN's perspective, there is a substantial difference between the expected competency of a single-phase tester and that of a Master Installation Electrician.

The greater the qualification, training and experience possessed by a registered person, the higher the standard of care expected by the law.¹⁷

¹⁴ As the registered person signs a COC in his personal capacity, such training and development can be deemed to be for a natural person and as such the Consumer Protection Act becomes applicable to such services even in a commercial context.

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¹⁶ **McCann v Goodall Group Operations (Pty) Ltd** 1995 (2) SA 718 (C) illuminates on instances when a duty to disclose exists:[4]

“(c) A negligent misrepresentation by way of an omission may occur in the form of a non disclosure where there is a legal duty on the defendant to disclose some or other material fact to the plaintiff and he fails to do so.

(d) Silence or inaction as such cannot constitute a misrepresentation of any kind unless there is a duty to speak or act as aforesaid.

¹⁷ *Afrox Healthcare Ltd v. CCMA & Others* [2012] 7 BLLR 649 (LAC); [2012] JOL 208 779 (LAC)-Our courts have shown to be less tolerant of employees who possess or claim to possess special skills and who, because of their position and experience – qualification – can be expected to be aware of the performance standard set by the employer.

Negligence has always been assessed objectively against the standard reasonably expected of similarly qualified professionals.¹⁸

Accordingly, advanced qualifications carry corresponding responsibilities.

The more specialised the practitioner, the greater the expectation that he or she remains informed of developing legislation, technical standards and industry practice.¹⁹

A professional competency portfolio becomes increasingly valuable as qualifications and responsibilities increase because it demonstrates the continual maintenance of that higher standard of professional knowledge.

Conclusion

The legal framework governing electrical installations demands considerably more than technical proficiency. Competency requires continuing education, familiarity with legislation, awareness of evolving technical knowledge and the ability to demonstrate that reasonable steps have been taken to remain professionally competent.

The phrase "*the state of knowledge reasonably available*" within the definition of reasonable practicability is particularly significant. It creates an objective benchmark against which the conduct of registered persons may later be assessed.

A professional competency portfolio directly addresses this requirement by preserving contemporaneous evidence of the knowledge, training and information available to the registered person throughout his or her career.

Ultimately, competency is not merely about possessing knowledge. It is equally about being able to prove, years later, that the knowledge was acquired, maintained and applied in accordance with the legal obligations imposed by the Occupational Health and Safety Act, the Electrical Installation Regulations and the broader framework governing electrical safety.

¹⁸ Where the degree of professional skill is required, is on a very high level and potential consequences of the smallest departure of that high standard are so serious, then one failure to perform in accordance with those standards is enough to justify dismissal. (See: *Somyo v. Ross Poultry Breeders (Pty) Ltd*, [1997] 7 BLLR 862 (LAC).

¹⁹ The nursing profession in South Africa – Are nurses adequately informed about the law and their legal responsibilities when administering health care? <https://journals.co.za/doi/pdf/10.10520/EJC-1070c28ca1>

Maintaining a comprehensive competency portfolio should therefore not be viewed as an administrative exercise. It is a practical risk management tool, an important safeguard against regulatory and civil liability, and one of the strongest forms of evidence available to demonstrate professional competence when it matters most.