



[Building Standards Act, No. 103 of 1977](#)
[National Building Regulations](#)
[Review Board Regulations](#)



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Po Box 160, Gillitts, 3603
email: info@arcdirectory.co.za

**NATIONAL BUILDING REGULATIONS AND
BUILDING STANDARDS ACT
NO. 103 OF 1977**

[ASSENTED TO 22 JUNE 1977]

[DATE OF COMMENCEMENT: 1 SEPTEMBER 1985]

(English text signed by the State President)

as amended by

Standards Act 30 of 1982,
National Building Regulations and Building Standards Amendment Act 36 of 1984,
National Building Regulations and Building Standards Amendment Act 62 of 1989,
National Building Regulations and Building Standards Amendment Act 49 of 1995, and
Mine Health and Safety Act 29 of 1996
Standards Act 8 of 2008

Regulations under this Act,
National Building Regulations 2008

BUILDING STANDARDS ACT

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BUILDING STANDARDS ACT

To provide for the promotion of uniformity in the law relating to the erection of buildings in the areas of jurisdiction of local authorities; for the prescribing of building standards; and for matters connected therewith.

1. Definitions -

In this Act, unless the context otherwise indicates-

'application'

means an application referred to in [section 4\(2\)](#);

'architect'

means an architect as defined in section 1 of the Architects' Act, 1970 (Act 35 of 1970);

'architectural area'

means the sum of the areas of the several floors of a building, including basements, mezzanine and intermediate floor tiers and penthouses of headroom height, measured from the exterior faces of the exterior walls;

[Definition of 'architectural area' inserted by s. 1 (a) of Act 62 of 1989.]

'Board'

means the Board as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008;

[Definition of 'Board' inserted by s. 36 of Act 8 of 2008.]

'building'

includes-

(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-

(i) the accommodation or convenience of human beings or animals;

(ii) the manufacture, processing, storage, display or sale of any goods;

[Sub-para (ii) substituted by s. 1 (b) of Act 62 of 1989.]

(iii) the rendering of any service;

(iv) the destruction or treatment of refuse or other waste materials;

(v) the cultivation or growing of any plant or crop;

(b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;

(c) any fuel pump or any tank used in connection therewith;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c);

(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

[Para. (e) added by s. 1 (c) of Act 62 of 1989.]

'building control officer'

means any person appointed or deemed to be appointed as building control officer by a local authority in terms of [section 5](#);

"bureau"

[Definition of 'bureau' deleted by s. 36 of Act 8 of 2008.]

'code of practice'

means code of practice as defined in section 1 of the Standards Act;

compulsory standard specification'

[Definition of 'compulsory standard specification' deleted by s. 1 (a) of Act 36 of 1984.]

'council'

[Definition of 'council' deleted by s. 36 of Act 8 of 2008.]

'directive'

means a directive made in terms of [section 17\(4\)](#);

'erection',

in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building; and

'erect'

shall have a corresponding meaning;

[Definition of 'erection' substituted by s. 1 (e) of Act 62 of 1989.]

'land surveyor'

means a land surveyor as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927);

'local authority'

means-

(a) any institution, council or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act 32 of 1961);

(b)

- (c) any statutory body designated by the Minister, after consultation with the Administrator of the province in question, by notice in the Gazette as a local authority for the purposes of this Act or any provision thereof;

[Definition of 'local authority' substituted by s. 1 (f) of Act 62 of 1989.]

'Minister'

means the Minister of Economic Affairs and Technology;

[Definition of 'Minister' substituted by s. 1 (b) of Act 36 of 1984 and by s. 1 (d) of Act 62 of 1989.]

'national building regulations'

means the national building regulations made in terms of [section 17](#);

'National Regulator'

means the National Regulator as defined in section 1 of the National Regulator and Compulsory Specifications Act, 2008;

[Definition of 'National Regulator' inserted by s. 36 of Act 8 of 2008.]

'owner',

in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question:

Provided that if-

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefor;
- (d) the local authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit,

[Para. (c) substituted by s. 1 (c) of Act 36 of 1984.]

shall be deemed to be the owner of such building or land;

'professional engineer'

[Definition of 'professional engineer' deleted by s. 1 (a) of Act 49 of 1995.]

'registered person'

means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering);

[Definition of 'registered person' inserted by s. 1 (b) of Act 49 of 1995.]

'regulations'

means the regulations made in terms of [section 20](#);

'review board'

means the review board referred to in [section 9](#);

'specification'

means a specification as defined in section 1 of the Standards Act;

[Definition of 'specification' inserted by s. 1 (d) of Act 36 of 1984.]

'standard method'

means a standard method as defined in section 1 of the Standards Act;

'Standards Act'

means the Standards Act, 1982 (Act 30 of 1982);

[Definition of 'Standards Act' substituted by s. 1 (e) of Act 36 of 1984.]

'statutory body'

means any board, fund, institution, company, corporation or other organization established or constituted by or under any law;

'structural system',

in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

[Definition of 'structural system' inserted by s. 1 (g) of Act 62 of 1989.]

'Territory'

[Definition of 'Territory' deleted by s. 1 (f) of Act 36 of 1984.]

'this Act'

includes the national building regulations made and directives issued in terms of it.

2 Application of Act

- (1) Subject to the provisions of any notice published in terms of [subsection \(2\)](#), the provisions of this Act shall apply in the area of jurisdiction of any local authority.
- (2) (a) The Minister may, on such conditions as he may think fit and after consultation with the council and the Administrator of the province in question, of his own accord or at the request of a local authority or any other person, by notice in the Gazette exempt the area of jurisdiction, or any part thereof, of any local authority from the application of this Act, or of any provision or provisions thereof which are mentioned in the notice.
[Para. (a) substituted by s. 2 (a) of Act 36 of 1984 and by s. 2 (a) of Act 62 of 1989.]
- (b) Different notices may in terms of paragraph (a) be published in respect of different local authorities or different categories of local authorities.
- (3) Subject to the provisions of [subsection \(4\)](#) this Act shall not bind the State.
- (4) In respect of any building to be erected by or on behalf of the State, such plans, specifications and certificate as may be prescribed by national building regulation, shall before the commencement of such erection be lodged with the local authority in question for its information and comment: Provided that the Minister may-
- (a) if he, with the concurrence of the Minister of Defence, the Minister of Law and Order and the Minister of Justice, is of the opinion that the erection or proposed erection of any building or class of buildings by or on behalf of the State is in the interest of or connected with the security of the Republic, exempt the State in relation to any such building or class of buildings;
[Para. (a) substituted by s. 2 (b) of Act 36 of 1984 and by s. 2 (b) of Act 62 of 1989.]
- (b) by virtue of economic considerations, necessity or expediency, exempt the State, either generally or in any particular case, after notice in writing to the local authority in question, from the provisions of this subsection.
- [NB: In terms of s. 36 (2) of the Legal Succession to the South African Transport Services Act 9 of 1989, the references to 'the State' in subsections (3) and (4) above are to be construed as having included the Company (Transnet Limited) and the Corporation (the South African Rail Commuter Corporation Limited) during the period 1 April 1990 to 1 April 1992.]
- (5) Subject to the provisions of [subsections \(7\)](#) and [\(8\)](#), the Minister may, on such conditions as he may think fit and with the concurrence of the Minister of Defence, exempt the owner of-
- (a) any place as defined in section 1 of the National Key Points Act, 1980 (Act 102 of 1980)-
- (i) that has been declared a National Key Point in terms of section 2 of the said Act; or
- (ii) in respect of which the Minister of Defence has certified that it will be declared a National Key Point under the said section 2 of that Act; or
- (b) any prohibited place as defined in section 1(1) of the Protection of Information Act, 1982 (Act 84 of 1982), after notice in writing to the local authority in question from the provisions of this Act.
[Sub-s. (5) added by s. 2 (c) of Act 62 of 1989.]
- (6) Subject to the provisions of [subsection \(7\)](#), the owner of any building which is or is to be erected on mining property and which is or is to be used exclusively for the operation of a mine or any works or machinery, as defined in the Mines and Works Act, 1956 (Act 27 of 1956), and which is in terms of section 2 of that Act subject to the supervision of the Chief Inspector as contemplated in the Mine Health and Safety Act, 1996, shall be exempted from the provisions of this Act.
[Sub-s. (6) added by s. 2 (c) of Act 62 of 1989 and amended by s. 99 of Act 29 of 1996.]

(7) An owner shall in respect of the erection or proposed erection of a building with regard to which an exemption contemplated in [subsection \(4\)](#), [\(5\)](#) or [\(6\)](#) applies, and in connection with-

(a) connections to electricity supply, water supply, sewer and stormwater drainage systems;

(b) provision on the relevant site for parking of more than 100 vehicles;

(c) service by the local authority's fire brigade in place of or in addition to any fire protection service provided by the owner, supply the local authority concerned with sufficient details to enable such local authority to -

(i) provide any connection, road traffic control and fire brigade service which may be required; or

(ii) give notice in writing to such owner that it cannot so provide any such service.

[Sub-s. (7) added by s. 2 (c) of Act 62 of 1989.]

(8) The owner of a National Key Point in respect of which an exemption contemplated in [subsection \(5\)](#) applies, shall, if the provisions of the National Key Points Act, 1980 (Act 102 of 1980), cease to apply in respect of him, forthwith submit to the local authority concerned such plans, specifications and certificates as may be prescribed by the national building regulations, and shall comply with such requirements of this Act as should in the opinion of that local authority be complied with to ensure the safety and health of the occupants of any relevant building.

[Sub-s. (8) added by s. 2 (c) of Act 62 of 1989.]

3 Duties of Draftsmen of Plans, Specifications, Documents and Diagrams

Any person who prepared any plan, specification, document or diagram submitted in terms of this Act shall affix his name and address and, in the case of an architect, land surveyor or registered person, also his profession and registration number, if any, to such plan, specification, document or diagram.

[S. 3 substituted by s. 2 of Act 49 of 1995.]

4 Approval by Local Authorities of Applications in Respect of Erection of Buildings

- (1) No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act.
- (2) Any application for approval referred to in [subsection \(1\)](#) shall be in writing on a form made available for that purpose by the local authority in question.
- (3) Any application referred to in [subsection \(2\)](#) shall-
 - (a) contain the name and address of the applicant and, if the applicant is not the owner of the land on which the building in question is to be erected, of the owner of such land;
 - (b) be accompanied by such plans, specifications, documents and information as may be required by or under this Act, and by such particulars as may be required by the local authority in question for the carrying out of the objects and purposes of this Act.
- (4) Any person erecting any building in contravention of the provisions of [subsection \(1\)](#) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he was engaged in so erecting such building.

5 Appointment of Building Control Officer by Local Authority

- (1) Subject to the provisions of [subsection \(3\)](#) a local authority shall appoint a person as building control officer in order to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under this Act.
- (2) Any person not having the qualifications prescribed by national building regulation in respect of a building control officer shall not without the approval in writing of the Minister be appointed as building control officer in terms of [subsection \(1\)](#).
- (3) [Subsection \(1\)](#) shall also be construed so as to enable-
 - (a) two or more than two local authorities to appoint, on such conditions as they may agree to, one person as building control officer for all such local authorities;
 - (b) a local authority from time to time to appoint a person temporarily as building control officer;
 - (c) a local authority, with the approval in writing of any other local authority and on such conditions as they may agree to, to make use of the services of any person appointed as building control officer by such other local authority.
- (4) Any person who-
 - (a) immediately before the date of commencement of this Act was employed by a local authority in order to perform as controlling officer any activities substantially the same as the activities referred to in [section 6\(1\)](#); and
 - (b) on such date is still so employed, shall be deemed to have been appointed in terms of this section as building control officer by such local authority.

6 Functions of Building Control Officers

- (1) A building control officer shall-
- (a) make recommendations to the local authority in question, regarding any plans, specifications, documents and information submitted to such local authority in accordance with [section 4\(3\)](#);
 - (b) ensure that any instruction given in terms of this Act by the local authority in question be carried out;
 - (c) inspect the erection of a building, and any activities or matters connected therewith, in respect of which approval referred to in [section 4\(1\)](#) was granted;
 - (d) report to the local authority in question, regarding non-compliance with any condition on which approval referred to in [section 4\(1\)](#) was granted.
- (2) When a fire protection plan is required in terms of this Act by the local authority, the building control officer concerned shall incorporate in his recommendations referred to in [subsection \(1\)\(a\)](#) a report of the person designated as the chief fire officer by such local authority, or of any other person to whom such duty has been assigned by such chief fire officer, and if such building control officer has also been designated as the chief fire officer concerned, he himself shall so report in such recommendations.
- [Sub-s. (2) substituted by s. 3 (a) of Act 62 of 1989.]
- (3)
- [Sub-s. (3) deleted by s. 3 (b) of Act 62 of 1989.]
- (4) This section shall not be construed so as to prohibit a local authority from granting or entrusting to a building control officer any powers, duties or activities not connected with this Act or to prohibit any building control officer, with the approval of a local authority, from delegating to an officer under his control any power, duty or function granted or entrusted to building control officers in terms of this Act.

7 Approval by Local Authorities in Respect of Erection of Buildings

(1) If a local authority, having considered a recommendation referred to in [section 6\(1\)\(a\)](#)-

(a) is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;
[Para. (a) substituted by s. 4 (a) of Act 62 of 1989.]

(b)

(i) is not so satisfied; or

(ii) is satisfied that the building to which the application in question relates-

(aa) is to be erected in such manner or will be of such nature or appearance that-

(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;

(bbb) it will probably or in fact be unsightly or objectionable;

(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;

(bb) will probably or in fact be dangerous to life or property,

such local authority shall refuse to grant its approval in respect thereof and give written reasons for such refusal:

[Para. (b) amended by s. 4 (b) of Act 62 of 1989.]

Provided that the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500 square metres, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500 square metres or larger, within a period of 60 days after receipt of the application.

[Sub-s. (1) amended by s. 4 (c) of Act 62 of 1989.]

(2)

[Sub-s. (2) deleted by s. 4 (d) of Act 62 of 1989.]

(3) When a local authority has granted its approval in accordance with [subsection \(1\)\(a\)](#) in respect of any application, such approval shall be endorsed on at least one of the copies of the plans, specifications and other documents in question returned to the applicant.

(4) Any approval granted by a local authority in accordance with [subsection \(1\)\(a\)](#) in respect of any application shall lapse after the expiry of a period of 12 months as from the date on which it was granted unless the erection of the building in question is commenced or proceeded with within the said period or unless such local authority extended the said period at the request in writing of the applicant concerned.

(5) Any application in respect of which a local authority refused in accordance with [subsection \(1\)\(b\)](#) to grant its approval, may, notwithstanding the provisions of [section 22](#), at no additional cost and subject to the provisions of subsection (1) be submitted anew to the local authority within a period not exceeding one year from the date of such refusal-

(a)

(i) if the plans, specifications and other documents have been amended in respect of any aspect thereof which gave cause for the refusal; and

- (ii) if the plans, specifications and other documents in their amended form do not substantially differ from the plans, specifications or other documents which were originally submitted; or
- (b) where an application is submitted under [section 18](#).
[Sub-s. (5) substituted by s. 4 (e) of Act 62 of 1989.]
- (6) The provisions of this section shall not be construed so as to prohibit a local authority, before granting or refusing its approval in accordance with [subsection \(1\)](#) in respect of an application, from granting at the written request of the applicant and on such conditions as the local authority may think fit, provisional authorization to an applicant to commence or proceed with the erection of a building to which such application relates.
[Sub-s. (6) substituted by s. 4 (f) of Act 62 of 1989.]
- (7)
 - (a) An application which is substantially the same as an application referred to in this Act and which before the date of commencement of this Act has been lodged with a local authority for its consideration and in respect of which such local authority on that date has not yet granted or refused its approval, shall be considered by such local authority as if this Act had not been passed.
 - (b) Approval granted by a local authority before the date of commencement of this Act in respect of an application substantially the same as an application referred to in this Act, shall be deemed to have been granted in terms of this section if the erection of the building in question has not been commenced with before the said date.

8 Power of Court in Respect of Approval by Local Authority

- (1) If a local authority fails to grant or refuse timeously its approval in accordance with [section 7](#) in respect of an application, a court may on the application of the applicant concerned make an order directing such local authority to perform its duties and exercise its powers in accordance with that section within the period stated in such order, or make such other order as it may deem just.
- (2) Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have the jurisdiction to make any order referred to in [subsection \(1\)](#).

9 Appeal Against Decision of Local Authority

(1) Any person who-

- (a) feels aggrieved by the refusal of a local authority to grant approval referred to in [section 7](#) in respect of the erection of a building;
- (b) feels aggrieved by any notice of prohibition referred to in [section 10](#); or
- (c) disputes the interpretation or application by a local authority of any national building regulation or any other building regulation or by-law,

may, within the period, in the manner and upon payment of the fees prescribed by regulation, appeal to a review board.

[Sub-s. (1) substituted by s. 5 of Act 62 of 1989.]

(2) The review board referred to in [subsection \(1\)](#) shall consist of-

- (a) a chairman designated by the Minister; and
- (b) two persons appointed for the purpose of any particular appeal by the said chairman from persons whose names are on a list compiled in the manner prescribed by regulation.

NOTE:

Refer to Concourt judgment Case CCT 186/17 for constitutionality of this section of the NBR&BS.
Judgment available at: [CCT 186/17](#)

10 Erection of Buildings in Certain Circumstances Subject to Prohibition or Conditions

(1) If any building or earthwork-

- (a) in the opinion of the local authority in question is being or is to be erected in such manner that it-
- (i) will not be in the interest of good health or hygiene;
 - (ii) will be unsightly or objectionable;
 - (iii) will probably or in fact be a nuisance to the occupiers of adjoining or neighbouring properties;
 - (iv) will probably or in fact derogate from the value of adjoining or neighbouring properties;
- (b) is being or is to be erected on a site which is subject to flooding or on a site which or any portion of which in the opinion of the local authority in question does not drain properly or is filled up or covered with refuse or material impregnated with matter liable to decomposition,

such local authority may by notice in writing, served by post or delivered, prohibit the person erecting such building or earthwork or causing such building or earthwork to be erected from commencing or proceeding with the erection thereof or from so commencing or proceeding except on such conditions as such local authority may determine from time to time.

- (2) Any person who fails to comply with any provision of a notice or condition referred to in [subsection \(1\)](#) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he so failed.

11 Erection of Buildings Subject to Time Limit

- (1) If for a period exceeding 3 months the erection of a building is not proceeded with, the local authority in question may by notice in writing, served by post or delivered, order the owner of such building to resume and to complete the erection of such building within the periods specified in such notice.
- (2) If the owner of a building on or to whom a notice referred to in [subsection \(1\)](#) was served or delivered, fails to resume or complete the erection of such building within the periods specified in such notice, the local authority in question may extend such periods from time to time if such owner satisfies it that such failure was due to circumstances beyond his control.
- (3) If the owner of a building on or to whom a notice referred to in [subsection \(1\)](#) was served or delivered, fails to resume or to complete the erection of such building within the periods specified in such notice or, when applicable, within such periods as extended in accordance with [subsection \(2\)](#), and the local authority in question is of the opinion that such building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties, such local authority may by notice in writing, served by post or delivered, order such owner to demolish such building, to remove the material of which such building consisted and any other material or rubbish from the site in question, and to otherwise clean up such site within the period specified in the lastmentioned notice.
- (4) If the owner of a building fails to comply with a notice served on or delivered to him in accordance with [subsection \(3\)](#) in respect of such building, the local authority in question may demolish such building, remove the material of which such building consisted and any other material or rubbish from the site in question and otherwise clean up such site, and may recover the costs thereof from such owner: Provided that such local authority may sell such material and may utilize the proceeds of such sale to defray the costs of such demolition, removal or clean-up and shall pay the balance, if any, of such proceeds to such owner.
- (5) Any approval granted by a local authority in accordance with [section 7\(1\)\(a\)](#) in respect of any application shall lapse as soon as a notice in terms of [subsection \(3\)](#) is served on or delivered to the owner of the building in question in respect of such building.

12 Demolition or Alteration of Certain Buildings

(1) If the local authority in question is of the opinion that-

- (a) any building is dilapidated or in a state of disrepair or shows signs thereof;
- (b) any building or the land on which a building was or is being or is to be erected or any earthwork is dangerous or is showing signs of becoming dangerous to life or property,

it may by notice in writing, served by post or delivered, order the owner of such building, land or earthwork, within the period specified in such notice to demolish such building or to alter or secure it in such manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous to life or property or to alter or secure such land or earthwork in such manner that it will no longer be dangerous or show signs of becoming dangerous to life or property: Provided that if such local authority is of the opinion that the condition of any building, land or earthwork is such that steps should forthwith be taken to protect life or property, it may take such steps without serving or delivering such notice on or to the owner of such building, land or earthwork and may recover the costs of such steps from such owner.

(2) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous to life or property, the owner of such building, land or earthwork shall forthwith notify the local authority in question thereof.

(3)

- (a) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous or is showing signs of becoming dangerous to life or property, the local authority, irrespective of whether it was notified in terms of [subsection \(2\)](#), may by notice in writing, served by post or delivered, order the owner of such building, land or earthwork to instruct at the cost of such owner an architect or a registered person to investigate such condition and to report to such local authority on the nature and extent of the steps to be taken, in the opinion of such architect or registered person, in order to render such building, land or earthwork safe.

[Para. (a) substituted by s. 3 (a) of Act 49 of 1995.]

- (b) The local authority in question may by notice in writing, served by post or delivered, order that any activities be stopped or prohibit the performance of any activities which may increase the danger or hinder or obstruct the architect or registered person referred to in paragraph (a) from properly carrying out the investigation referred to in that paragraph.

[Para. (b) substituted by s. 3 (a) of Act 49 of 1995.]

- (c) If it is brought to the attention of a local authority or appears that an architect or registered person instructed in terms of paragraph (a) to perform certain duties is for any reason not competent to carry out the duties in question, the local authority may require such architect or registered person to submit evidence of his or her competence to carry out such duties.

[Para. (c) added by s. 3 (b) of Act 49 of 1995.]

- (d) If the architect or registered person contemplated in paragraph (c) is unable to satisfy the local authority of his or her competence to carry out the duties in question, the local authority may order the owner of the building, land or earthwork in question to instruct another architect or registered person to carry out the duties.

[Para. (d) added by s. 3 (b) of Act 49 of 1995.]

(4) If the local authority in question deems it necessary for the safety of any person, it may by notice in writing, served by post or delivered-

- (a) order the owner of any building to remove, within the period specified in such notice, all persons occupying or working or being for any other purpose in such building therefrom, and to take care that any person not authorized by such local authority does not enter such building;

- (b) order any person occupying or working or being for any other purpose in any building, to vacate such building immediately or within a period specified in such notice.
- (5) No person shall occupy or use or permit the occupation or use of any building in respect of which a notice was served or delivered in terms of this section or steps were taken by the local authority in question in terms of [subsection \(1\)](#), unless such local authority has granted permission in writing that such building may again be occupied or used.
- (6) Any person who contravenes or fails to comply with any provision of this section or any notice issued thereunder, shall be guilty of an offence and, in the case of a contravention of the provisions of [subsection \(5\)](#), liable on conviction to a fine not exceeding R100 for each day on which he so contravened.

This subsection applies only to people who, after service upon them of an order of court for their eviction, continue to occupy the property concerned.

[Added provisio in terms of Constitutional Court order issued in "Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008)".]

13 Exemption of Buildings from National Building Regulations and Authorization for Erection Thereof

- (1) Any building control officer may in respect of the erection of a building defined in the national building regulations as a minor building work, in writing-
 - (a) exempt the owner of such building from the obligation to submit a plan in terms of this Act to the local authority in question for approval;
 - (b) grant authorization for the erection of such building in accordance with the conditions and directions specified in such authorization.
- (2) Any authorization granted in terms of [subsection \(1\)\(b\)](#) shall lapse if after the expiry of a period of 6 months the erection of the building has not commenced, but the building control officer may from time to time extend such period at the written request of the owner of such building or any person having an interest therein if such building control officer is satisfied that there are sound reasons therefor.

[Sub-s. (2) substituted by s. 6 of Act 62 of 1989.]
- (3) If any building control officer refused to extend in terms of [subsection \(2\)](#) any period of 6 months referred to in that subsection, any person who feels aggrieved may in writing request the local authority in question to consider such refusal and thereupon such local authority may confirm such refusal or extend such period on such conditions as it may think fit.

14 Certificates of Occupancy in Respect of Buildings

- (1) A local authority shall within 14 days after the owner of a building of which the erection has been completed, or any person having an interest therein, has requested it in writing to issue a certificate of occupancy in respect of such building-
- (a) issue such certificate of occupancy if it is of the opinion that such building has been erected in accordance with the provisions of this Act and the conditions on which approval was granted in terms of [section 7](#), and if certificates issued in terms of the provisions of [subsection \(2\)](#) and, where applicable, [subsection \(2A\)](#), in respect of such building have been submitted to it;
[Para. (a) substituted by s. 7 (a) of Act 62 of 1989.]
- (b) in writing notify such owner or person that it refuses to issue such certificate of occupancy if it is not so satisfied or if a certificate has not been so issued and submitted to it.
- (1A) The local authority may, at the request of the owner of the building or any other person having an interest therein, grant permission in writing to use the building before the issue of the certificate of occupancy referred to in [subsection \(1\)](#), for such period and on such conditions as may be specified in such permission, which period and conditions may be extended or altered, as the case may be, by such local authority.
[Sub-s. (1A) inserted by s. 7 (b) of Act 62 of 1989.]
- (2) Any person licensed or authorized by a local authority to carry out the installation, alteration or repair of any electrical wiring connected or of which connection is desired with the electrical supply or distribution works of such local authority or any statutory body, shall, at the request of the owner of a building of which the erection has been completed or of any person having an interest therein or of the local authority, issue a certificate if he is satisfied that the electrical wiring and other electrical installations in such building are in accordance with the provisions of all applicable laws;
[Sub-s. (2) substituted by s. 4 (a) of Act 49 of 1995.]
- (2A) Upon completion of the erection or installation of-
- (a) the structural system; or
- (b) the fire protection system; or
- (c) the fire installation system,
- of any building the person appointed to design such system and to inspect the erection or installation, shall submit a certificate to the local authority indicating that such system has been designed and erected or installed in accordance with the application in respect of which approval was granted in terms of [section 7](#).
[Sub-s. (2A) inserted by s. 7 (c) of Act 62 of 1989 and substituted by s. 4 (b) of Act 49 of 1995.]
- (3) Any person who for the purposes of [subsection \(1\)](#)-
- (a) submits a certificate contemplated in [subsection \(2\)](#) or [\(2A\)](#) which is substantially false or incorrect, knowing the same to be false or incorrect; or
- (b) in a fraudulent manner issues or obtains a certificate contemplated in [subsection \(2\)](#) or [\(2A\)](#),
- shall be guilty of an offence.
[Sub-s. (3) substituted by s. 4 (c) of Act 49 of 1995.]
- (4)
- (a) The owner of any building or, any person having an interest therein, erected or being erected with the approval of a local authority, who occupies or uses such building or permits the occupation or use of such building-

- (i) unless a certificate of occupancy has been issued in terms of [subsection \(1\)\(a\)](#) in respect of such building;
- (ii) except in so far as it is essential for the erection of such building;
- (iii) during any period not being the period in respect of which such local authority has granted permission in writing for the occupation or use of such building or in contravention of any condition on which such permission has been granted; or,
- (iv) otherwise than in such circumstances and on such conditions as may be prescribed by national building regulation, shall be guilty of an offence.

(b)

[Para. (b) deleted by s. 7 (d) of Act 62 of 1989.]

- (5) The Minister may, on such conditions and for such period as he may think fit, by notice in the Gazette suspend the application of this section in the area of jurisdiction of any local authority.

15 Entry by Building Control Officers and Certain Other Persons of Certain Buildings and Land

- (1) Any building control officer or any other person authorized thereto by the local authority may enter any building or land at any reasonable time with a view to inspection in connection with the consideration of any application submitted in terms of [section 4](#), or to determine whether the owner of the building or land complies with any provision of this Act or any condition imposed by the local authority in terms of this Act.

[Sub-s. (1) substituted by s. 8 of Act 62 of 1989.]

- (2) Any person who hinders or obstructs any building control officer or person authorized by the local authority in question in the exercise of his powers in terms of [subsection \(1\)](#), shall be guilty of an offence.
- (3) Any building control officer shall, at the request of any person affected by the execution of any of his powers, duties or activities in terms of this Act, produce his certificate of appointment issued to him in the form prescribed by national building regulation.

16 Report on Adequacy of Certain Measures and on Certain Building Projects

- (1) The Minister, after consultation with the Administrator of a province in which the area of jurisdiction of a local authority is situated, may order such local authority to report to him on-
 - (a) the adequacy of measures in or in connection with buildings in its area of jurisdiction against fire, floods or other disasters and to make recommendations in order to remove any inadequacies in such measures;
 - (b) any particular building project which was or is being undertaken in its area of jurisdiction.
[Sub-s. (1) amended by s. 3 of Act 36 of 1984.]
- (2) If the Minister is satisfied that any local authority is unable to report as contemplated in [subsection \(1\)](#), he may order the National Regulator so to report.
- (3) For the purposes of this section the local authority concerned or the National Regulator, as the case may be, shall have such powers, duties and functions as may be prescribed by regulation.

17 National Building Regulations and Directives

- (1) The Minister may after consultation with the council make regulations, to be known as national building regulations-
- (a) regarding the preparation, submission and approval of plans and specifications of buildings, including the approval of amendments or alterations to plans and specifications of buildings during the erection thereof;
 - (b) to provide for inspections and tests in respect of buildings, whether before or during the erection or after the completion of the erection thereof, including the powers of building control officers in that regard, and the steps to be taken in order to prevent any nuisance which may occur before, during or after the completion thereof;
 - (c) regarding the nature and preparation of sites on which buildings are to be erected;
 - (d) regarding the strength and stability of buildings;
 - (e) to provide for the requirements with which buildings shall comply in so far as precautionary measures against fires or other emergencies are concerned, including the resistance of buildings against the outbreak and spreading of fires, the protection of the occupants or users of buildings or other persons against fires, the aids or other installations to be in buildings for the combating or prevention of fires and for the vacating of such buildings in cases of fires or other emergencies;
 - (f) regarding the resistance of buildings against floods, moisture, the transmission of heat, sound or other injurious factors, and infestation by insects, vermin or other pests;
 - (g) regarding the durability and other desirable properties of buildings;
 - (h) regarding the provision of water and of sewerage and drainage services in respect of buildings, including the compulsory connection with the supply, distribution or sewerage disposal works in question of local authorities;
 - (i) regarding the ventilation and the provision for daylight in respect of buildings, including the provision of open spaces in connection therewith;
 - (j) regarding the heating and artificial lighting of buildings;
 - (k) regarding the supply and installing in respect of buildings of gas or electrical equipment, installations or service, including the supply and manner of installing of gas or electrical equipment for purposes of cooking or heating, or preventing, controlling or restricting the emission of smoke or other offensive fumes;
 - (l) to regulate, restrict or prohibit the use to which any building or categories of buildings may be put;
 - (m) to regulate, restrict or prohibit access to buildings, irrespective of whether erection thereof is completed, or the sites on which buildings were or are being erected;
 - (n) regarding the prevention of dangers or obstructions during or in connection with the erection of buildings, including the prevention of danger on adjoining or neighbouring premises, pavements, streets and other public places;
 - (o) to regulate, restrict or prohibit the erection of temporary buildings and the occupation or use thereof or access thereto;

- (p) regarding the protection of property, including public streets, places or open spaces, of local authorities or other persons during or in connection with the erection of buildings;
 - (q) to regulate, restrict or prohibit the performance of certain activities or categories of activities in or in connection with the erection of buildings by or under the supervision of other persons than persons having specified qualifications, experience or training;
 - (r) subject to the provisions of the Housing Act, 1966 (Act 4 of 1966), regarding the demolition of buildings and matters connected therewith;
 - (s) regarding the powers, duties and functions of local authorities if buildings were or are being erected or used in contravention of the provisions of this Act or any other law in force immediately before the date of commencement of this Act or of any approval or authority granted in terms of this Act or the said other law or if no such approval or authority was granted for the erection of such buildings;
 - (t) regarding the general safety, health and convenience of the public in so far as they relate to the erection of buildings;
 - (u) regarding the safety, health and convenience of occupiers or users of buildings or of persons otherwise present in buildings or having access thereto, and the compulsory installing or supplying of equipment, installations or services in connection therewith;
 - (v) regarding any other matter which in terms of this Act is required or permitted to be prescribed by national building regulations;
 - (w) regarding, generally, any other matter deemed necessary or expedient by the council with the concurrence of the Minister in order to achieve the objects of this Act.
- (2) Different national building regulations may in terms of [subsection \(1\)](#) be made in respect of different buildings or categories of buildings, uses of buildings, areas or categories of areas, local authorities or categories of local authorities, or portions or categories of portions of the areas of jurisdiction of local authorities.
- (3)
- (a) When a national building regulation is published in the Gazette, the Minister shall publish together with it a notice calling upon all interested persons to lodge any objections which they have against such building regulation in writing with the council within the period specified in such notice.
 - (b) A national building regulation referred to in paragraph (a) shall come into operation on a date fixed by the Minister by notice in the Gazette with regard to the period referred to in the said paragraph: Provided that the Minister, with the concurrence of the council, may in such notice alter such national building regulation in accordance with any objection lodged in respect thereof in terms of paragraph (a) without complying with the provisions of the said paragraph in respect of the national building regulation so altered.
- (4) If the Minister after consultation with the council is satisfied that any of or all the applicable national building regulations are inadequate or do not make any provision in respect of any particular building or buildings and that for sound reasons it shall not be expedient to amend such national building regulations or make any further national building regulations, as the case may be, the Minister may, having in writing notified the local authority in question, by notice in the Gazette or by notice sent by post or delivered-
- (a) exempt the owner of the land on which any such building is being or is to be erected from the provisions of such applicable national building regulations; and

- (b) allow such owner to erect such building or buildings or to proceed with or complete the erection thereof in accordance with the applicable national building regulations from which he was not so exempted, if any, and the directives specified in such notice: Provided that no such directive may relate to any matter not specified in [subsection \(1\)](#).
- (5)
- (a) Notwithstanding anything to the contrary contained in any law the Minister may, if he is of the opinion that it is necessary or expedient for the proper compliance with or operation of any of or all the national building regulations or directives that any servitude or restrictive condition or other provisions applicable in respect of any land by or under any law or registered in respect of any land in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or otherwise applicable in respect of land, be removed or amended, after consultation with the Administrator of the province in which such land is situated and after compliance with the procedure prescribed by regulation, by notice in the Gazette remove or, to such extent as he may indicate, amend such servitude, condition or provision.
[Para. (a) substituted by s. 4 (a) of Act 36 of 1984.]
- (b) On the publication of a notice referred to in paragraph (a) the Registrar of Deeds concerned shall in respect of the removal or amendment of the servitude, condition or provision in question, make suitable entries in the registers in his office, and when the title deed of any land to which such notice relates is for any purpose submitted to such Registrar he shall endorse such removal or amendment on such title deed.
- (6) Any provision occurring in a specification, standard specification, code of practice or standard method may be incorporated in a directive by mere reference, and in regard to such an incorporation the provisions of section 33 of the Standards Act shall mutatis mutandis apply as if it were an incorporation in a law.
[Sub-s. (6) substituted by s. 4 (b) of Act 36 of 1984.]
- (7) The national building regulations or any directive may provide that, without fully defining any particular materials or methods of erection, in so far as quality and standards are concerned the use or employment of any specified materials or methods of erection or compliance with any specified specification, standard specification, code of practice or standard method shall be deemed to comply with the quality and standard required by such national building regulations or directive.
[Sub-s. (7) substituted by s. 4 (c) of Act 36 of 1984.]
- (8) In the national building regulations provisions may be included which the Minister deems necessary to ensure, notwithstanding the provisions of any other applicable law or the issue of a certificate of occupancy in terms of [section 14](#), the essential maintenance or repair of any building or the efficient operation of any equipment or machinery installed therein.
[Sub-s. (8) added by s. 9 of Act 62 of 1989.]

18 Deviation and Exemption From National Building Regulations

- (1) A local authority may, at the request in writing of the owner of any building or any person having an interest therein, in respect of the erection of such building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings.
- (2) The council may, at the request in writing of the owner of any building or any person having an interest therein and after consultation with the local authority in question, in respect of the erection of such building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation relating to the strength and stability of buildings.

19 Prohibition on Use of Certain Methods or Materials

- (1) If the Minister, after consultation with the council and notwithstanding anything to the contrary contained in any law, is satisfied that any method or material used or to be used in the erection of any building will not be in the public interest or will be dangerous to life or property, the Minister may, having in writing notified the local authority in question, by notice in the Gazette or by notice sent by post or delivered, prohibit the owner of the land on which such building is being or is to be erected from using such method or material in such erection.
- (2) Any person who contravenes or fails to comply with the provisions of a notice referred to in [subsection \(1\)](#) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he so contravened or failed.

20 Regulations

- (1) The Minister may make regulations-
 - (a) regarding the procedure to be followed at the hearing of an appeal by a review board;
 - (b) regarding the powers, duties and functions of a review board, including the power to summon witnesses for the purposes of hearing an appeal and to administer an oath or to accept an affirmation from any witness;
 - (c) regarding the costs in connection with an appeal to a review board;
 - (d) to prescribe the further matters in respect of which an appeal may be lodged with a review board;
 - (e) in order, with the concurrence of the Minister of Finance, to prescribe the remuneration and travel and subsistence allowances payable to members, except members in the full-time employ of the State or the National Regulator, of a review board;
 - (f) regarding any other matter which in terms of this Act is required or permitted to be prescribed by regulation.
- (2) Any regulation made under this section may prescribe that any person who contravenes or fails to comply with such regulation shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 2 months.

21 Order in Respect of Erection and Demolition of Buildings

Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have jurisdiction, on the application of any local authority or the Minister, to make an order prohibiting any person from commencing or proceeding with the erection of any building or authorizing such local authority to demolish such building if such magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this Act or any approval or authorization granted thereunder.

22 Power of Local Authorities Relating to Rates, Taxes, Fees and Other Moneys

The provisions of this Act shall not derogate from any power conferred by or under any other law upon any local authority to levy, receive or charge any rates, taxes, fees or other moneys in respect of any building or land or to levy, receive or charge moneys in connection with the examination of plans, specifications or information or the performance of any other duties in terms of this Act.

23 Exemption from Liability

No approval, permission, report, certificate or act granted, issued or performed in terms of this Act by or on behalf of any local authority or the council in connection with a building or the design, erection, demolition or alteration thereof, shall have the effect that-

- (a) such local authority or the council be liable to any person for any loss, damage, injury or death resulting from or arising out of or in any way connected with the manner in which such building was designed, erected, demolished or altered or the material used in the erection of such building or the quality of workmanship in the erection, demolition or alteration of such building;
- (b) the owner of such building be exempted from the duty to take care and to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of this Act and any other applicable law;
- (c) any person be exempted from the provisions of any other law applicable in the area of jurisdiction of such local authority.

[S. 23 substituted by s. 10 of Act 62 of 1989.]

24 General Penalty Clause

Any person convicted of an offence under this Act in respect of which a fine or imprisonment is not expressly provided for, shall be liable to a fine not exceeding R4000 or to imprisonment for a period not exceeding 12 months.

[S. 24 substituted by s. 11 of Act 62 of 1989.]

25 Presumption

If in any prosecution for an offence in terms of this Act it is necessary, in order to establish the charge against the accused, to prove that he failed to comply with the requirements of this Act relating to standard or quality of materials, design or workmanship, an allegation in the charge sheet that such accused so failed, shall be sufficient proof thereof unless the contrary is proved.

26 Payment of Certain Moneys to Local Authorities

Notwithstanding anything to the contrary contained in any law all moneys recovered by way of fines or estreated bail in connection with any offence in terms of this Act, except an offence referred to in [section 20\(2\)](#), shall be paid to the local authority concerned.

27 Powers of Minister in Respect of Certain Local Authorities

- (1) If the Minister, after consultation with the council and the Administrator of the province in question, is satisfied that a local authority fails to apply any relevant provision of this Act properly in its area of jurisdiction, the Minister may by notice in writing, served by post or delivered, order such local authority to so apply such provision forthwith.

[Sub-s. (1) substituted by s. 5 (a) of Act 36 of 1984.]

- (2) If a local authority without reasonable cause fails to comply within a reasonable time with the provisions of any notice served on or delivered to it in terms of [subsection \(1\)](#), the Minister, after consultation with the council and the Administrator of the province in question, may by notice in the Gazette deprive such local authority of any power or exempt it from any duty conferred upon or entrusted to it by or in terms of this Act and confer such power or entrust such duty to any person, including such Administrator, mentioned in such notice, and thereupon such person shall for the purposes of such power or duty be deemed to be such local authority.

[Sub-s. (2) substituted by s. 5 (b) of Act 36 of 1984.]

- (3) Any notice published in the Gazette in terms of [subsection \(2\)](#) may be withdrawn in like manner.

28 Delegations of Powers

- (1) The Minister may on such conditions as he may think fit, in writing delegate any power conferred on him by or under this Act, other than a power referred to in [section 2\(2\)](#) or [\(4\)](#), [9\(2\)](#), [17](#), [19](#), [20](#), [27](#) or [29](#), to the Chief Executive Officer of the National Regulator, but the delegation of any such power shall not prevent the exercise thereof by the Minister himself.
[Sub-s. (1) substituted by s. 12 of Act 62 of 1989 and s. 36 of Act 8 of 2008.]
- (2) The Board may in writing delegate any power conferred upon it-
- (a) by or under this Act, other than a power referred to in [section 17](#) or [27](#), to the Chief Executive Officer of the National Regulator;
- (b) in terms of [section 18\(2\)](#), on such conditions as it generally or in any particular case may think fit, to any local authority or category of local authorities,
- but the delegation of any such power shall not prevent the exercise thereof by the Board itself.
[Sub-s. (2) substituted by s. 36 of Act 8 of 2008.]
- (3) The Chief Executive Officer of the National Regulator may in writing delegate any power delegated to him in terms of [subsection \(1\)](#) or [\(2\)](#) to any person in the employ of the National Regulator, but the delegation of any such power shall not prevent the exercise thereof by the Board himself.
[Sub-s. (3) substituted by s. 36 of Act 8 of 2008.]
- (4) Any local authority may in writing delegate any power conferred upon it by or under this Act, other than a power referred to in [section 5](#), to any committee appointed by it or to any person in its employ, but the delegation of any such power shall not prevent the exercise thereof by such local authority itself.

29 Repeal of Laws

- (1) Subject to the provisions of [section 31](#) the provisions of any law applicable to any local authority are hereby repealed in so far as they confer a power to make building regulations or by-laws regarding any matter provided for in this Act: Provided that such provisions shall be deemed not to have been repealed in respect of-
- (a) any such building regulation or by-law which has not been replaced by or which is not repugnant to any national building regulation;
 - (b) the area of jurisdiction, or any part thereof, of any local authority in so far as it has in terms of [section 2\(2\)](#) been exempted from the application of any national building regulation, irrespective of whether such area of jurisdiction or part was exempted after the commencement of such national building regulation.
- (2) A local authority shall within six months after the coming into operation of the National Building Regulations and Building Standards Amendment Act, 1989, submit any building regulation or by-law referred to in paragraph (a) of [subsection \(1\)](#), and any standard building regulation referred to in the proviso to [section 31](#), which is applied by the local authority by reason thereof that it is considered that the regulation or by-law, or standard building regulation, has not lapsed by virtue of [subsection \(1\)](#) or [section 31](#), as the case may be, in consolidated form in both official texts to the Minister.
- [Sub-s. (2) added by s. 13 of Act 62 of 1989.]
- (3) The Minister shall consider a regulation or by-law, or standard building regulation, referred to in [subsection \(2\)](#), in consultation with the council and taking into consideration any submissions submitted thereon by the local authority in question, in order to determine whether in his opinion and in the opinion of the council it has been replaced by or is repugnant to any national building regulation, and shall forthwith make known in writing the decision to which he and the council came to the local authority.
- [Sub-s. (3) added by s. 13 of Act 62 of 1989.]
- (4) With effect from the date of a written notification contemplated in [subsection \(3\)](#) of a decision that a relevant regulation or by-law, or standard building regulation, has been replaced by or is repugnant to any national building regulation, it shall-
- (a) for the purposes of [subsection \(1\)\(a\)](#) be deemed that the law under which the relevant building regulation or by-law was made, has been repealed in respect of a regulation or by-law to which the said decision relates; and
 - (b) for the purposes of [section 31](#) be deemed that section 14bis of the Standards Act, 1962 (Act 33 of 1962), under which the standard building regulation was framed and published, has been repealed in respect of a standard building regulation to which the said decision relates.
- [Sub-s. (4) added by s. 13 of Act 62 of 1989.]
- (5) A local authority shall, in the case of a notification to it in terms of [subsection \(3\)](#) of a decision that a relevant regulation or by-law, or standard building regulation, has not been replaced by or is not repugnant to any national building regulation, make known the decision within a period of three months from the date of the decision by notice in the Official Gazette concerned, mentioning the full text of the regulation or by-law, or standard building regulation, concerned, in consolidated form and the law under which it was made or framed.
- [Sub-s. (5) added by s. 13 of Act 62 of 1989.]
- (6) If a local authority fails to comply with a provision-
- (a) of [subsection \(2\)](#) within the period of six months contemplated therein; or

- (b) of [subsection \(5\)](#) within the period of three months contemplated therein, the provisions of paragraph (a) or (b), as the case may be, of [subsection \(4\)](#) shall with effect from the day immediately following on the last day of the period of six or three months mentioned in paragraphs (a) and (b), respectively, mutatis mutandis apply in respect of the relevant regulation or by-law, or standard building regulation.

[Sub-s. (6) added by s. 13 of Act 62 of 1989.]

(7)

- (a) The Minister may at any time, after written notice to the local authority concerned, and mutatis mutandis in accordance with the provisions of [subsection \(3\)](#), review any decision contemplated in [subsection \(5\)](#).

- (b) The provisions of [subsection \(4\)](#) shall mutatis mutandis apply in respect of a decision on review contemplated in paragraph (a), that a regulation or by-law, or standard building regulation, concerned has been replaced by or is repugnant to a national building regulation.

[Sub-s. (7) added by s. 13 of Act 62 of 1989.]

(8)

- (a) A local authority which intends to make any regulation or by-law which relates to the erection of a building, shall prior to the promulgation thereof submit a draft of the regulation or by-law in writing and by registered post to the Minister for approval.

- (b) A regulation or by-law referred to in paragraph (a) which is promulgated without the Minister previously having approved of it shall, notwithstanding the fact that the promulgation is effected in accordance with all other legal provisions relating to the making and promulgation of the regulation or by-law, be void.

[Sub-s. (8) added by s. 13 of Act 62 of 1989.]

30

[S. 30 repealed by s. 40 (1) of Act 30 of 1982.]

31 Repeal of Section 14bis of Act 33 of 1962, as inserted by section 4 of Act 72 of 1964

Section 14bis of the Standards Act is hereby repealed: Provided that that section shall be deemed not to have been repealed in respect of any standard building regulation which was framed and published in terms of that section and which has not been replaced by or is not repugnant to any national building regulation.

32

[S. 32 repealed by s. 40 (1) of Act 30 of 1982.]

33

[S. 33 repealed by s. 6 of Act 36 of 1984.]

34 Short Title and Commencement

This Act shall be called the National Building Regulations and Building Standards Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

NATIONAL BUILDING REGULATIONS

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 2378

12 October 1990

**REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND
BUILDING STANDARDS ACT, 1977 (ACT No. 103 OF 1977).**

The Minister of Trade and Industry and Tourism has, after consultation with the council, under section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), made the regulations in the Schedule.

No. R. 432

8 March 1991

THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977

COMMENCEMENT OF THE NATIONAL BUILDING REGULATIONS

I, Kent Diederich Skelton Durr, Minister of Trade and Industry and Tourism, acting under section 17(3)(b) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), hereby fix 8 March 1991 as the date on which the National Building Regulations published under Government Notice No. R.2378 of 12 October 1990, and altered by me with the concurrence of the council as set out in Schedule hereto, shall come into operation.

KDS DURR

Minister of Trade and Industry and Tourism

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 574

30 May 2008

NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT 103 OF 1977)

NATIONAL BUILDING REGULATIONS

I, Mandisi Mphahwa, Minister of Trade and Industry, hereby under [section 17\(3\)](#) of the National Building Regulations and Building Standards Act (Act No. 103 of 1977), and on the recommendation of the Council of the South African Bureau of Standards, declare the regulations, as set out in the Schedule, to come into operation on the 1 October 2008.

M Mphahwa

Minister of Trade and Industry

No. R. 711

9 September 2011

THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977

**INTRODUCTION OF AMENDMENTS TO THE
NATIONAL BUILDING REGULATIONS TO
INTRODUCE REQUIREMENTS FOR ENERGY USAGE IN BUILDINGS**

I, Dr Rob Davies, Minister of Trade and Industry, hereby under section 17(1) of the National Building Regulations and Building Standards Act (Act 103 of 1977) and on the recommendation of the Board of the National Regulator of Compulsory Specifications, amend the National Building Regulations, as set out in the Schedule, with effect from the date two (2) months from publication of this notice.

Dr. R Davies MP

Minister of Trade and Industry

**SCHEDULE
NATIONAL BUILDING REGULATIONS**

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AZ1 Coming Into Operation

These amended regulations shall in terms of section 17(3) of the Act come into operation on 1 October 2008.

AZ2 Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act, shall bear that meaning and, unless the context indicates otherwise -

“acceptable”, “adequate” or “satisfactory”

means acceptable, adequate, or satisfactory –

- (a) in the opinion of any local authority; or
- (b) in relation to any document issued by the council, in the opinion of the council;

“action”

means an assembly of concentrated or distributed mechanical forces acting on a building or the cause of deformations imposed on the building or constrained in it;

“Agrément certificate”

means a certificate that confirms fitness-for-purpose of a non-standardised product, material or component or the acceptability of the related non-standardised design and the conditions pertaining thereto (or both) issued by the Board of Agrément South Africa;

“air duct”

means any pipe, tube, conduit or enclosed space used or to be used in any building for the transmission of air in an artificial ventilation system;

“applicant”

means any person who makes an application;

“application”

means an application contemplated in [section 4](#) of the Act;

“approval”

means -

- (a) approval by any local authority, including approval contemplated in [section 7\(7\)\(b\)](#) of the Act; or
- (b) approval by the review board on appeal to the review board in terms of the Act;

“approved”

means -

- (a) approved by any local authority; or
- (b) approved by the review board on appeal to the review board in terms of the Act;

“artificial ventilation system”

means a system in which air is caused to circulate through a room by means of a mechanical apparatus which forces air into or extracts air from such room;

“branch discharge pipe”

means a horizontal discharge pipe conveying the discharge from one or more sanitary fixtures to a discharge stack;

“Board of Agrément South Africa”

the body that operates under the delegation of authority of the Minister of Public Works;

"building envelope"

means the elements of a building that separate a habitable room from the exterior of a building or a garage or storage area;

"building line"

in relation to a site, means a line prescribed in any town planning scheme or any other law designating the boundaries of the area of the site outside of which the erection above ground of any building is prohibited;

"capacity"

of any storage tank means the volume of such tank between the operating level of the water contained in such tank and the invert of the outlet from the tank;

"carport"

means a building intended to provide shelter for a motor vehicle, caravan or boat and having a roof but having walls on not more than two sides;

"certified thermal calculation software"

means software certified by the Board of Agrément South Africa in terms of Agrément South Africa's Energy Software Protocols as being fit for thermal modelling or calculation purposes in terms of these regulations;

"chemical closet"

means a closet with a fixed pan, the excreta from which pass into a tank where they are acted upon by chemicals which sterilize and break them down;

"chimney"

means that part of a building which forms part of a flue, but does not include a flue pipe;

"cleaning eye"

means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning, and which remains permanently accessible after completion of the drainage installation;

"combustible"

means the opposite of non-combustible;

"common drain"

means that portion of a drain which conveys sewage other than or in addition to that sewage which emanates from the site through which such drain runs;

"communication pipe"

means any pipe in a water supply system to which any water installation is connected;

"competent person"

means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him in terms of these regulations;

"connecting sewer"

means a pipe vested in the local authority which connects a drain to a sewer;

"conservancy tank"

means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

"contaminated land"

means any land that, due to substances contained within or under it, is in a condition that presents an unacceptable risk to the health and safety of occupants of buildings constructed on such land;

"deemed-to-satisfy provision"

means non-mandatory requirement, the compliance with which ensures compliance with a functional regulation;

"discharge pipe"

means a pipe which conveys the discharge from a sanitary fixture to a drain, and includes a soil pipe, a waste pipe, a discharge stack, a branch discharge pipe or a fixture discharge pipe;

"discharge stack"

means any vertical discharge pipe which conveys the discharge from two or more sanitary fixtures and which is connected directly to a drain;

"dolomite land"

means land underlain by dolomite or limestone rock directly or at a shallow depth less than:

- (a) 60m in areas underlain by limestone;
- (b) 60m in areas underlain by dolomite where no de-watering has taken place and the local authority has jurisdiction, is monitoring and has control over the groundwater levels over the areas under consideration; or
- (c) 100m in areas underlain by dolomite where de-watering has taken place or where the local authority has no jurisdiction or control over groundwater levels.

"drain"

means that part of any drainage installation outside a building and which is below ground level, but shall not include the following –

- (a) any discharge pipe;
- (b) that portion of a discharge stack which is below ground level;
- (c) the bend at the foot of a discharge stack;

"drainage installation"

means any installation vested in the owner of a site and which is situated on such site and is intended for the reception, conveyance, storage or treatment of sewage, and may include sanitary fixtures, traps, discharge pipes, drains, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith;

"dwelling house"

means a single dwelling unit and any garage and other domestic outbuildings thereto, situated on its own site;

"dwelling unit"

means a unit containing one or more habitable rooms and provided with adequate sanitary and cooking facilities;

"emergency route"

means that part of an escape route which provides fire protection to the occupants of any building and which leads to an escape door;

"escape door"

means that door in an escape route which, at ground level, leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route"

means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"exit door"

means any door that is a component of an escape route from any room;

"fire installation"

means any water installation which conveys water solely for the purpose of fire-fighting;

"fire resistance"

means the shortest period for which a building element or component will comply with the requirements for stability, integrity and insulation when tested in accordance with SANS 10177-2;

"fixture discharge pipe"

means a discharge pipe which conveys the discharge from a single sanitary fixture;

"flammable"

means having a closed cup flash point lower than 90degC;

"floor area",

in relation to a building or a storey thereof, means the total area enclosed within its external walls, exclusive of the area occupied by any lift shaft;

"flue"

means a passage which conveys the discharge of a heat generating appliance to the external air;

"flue pipe"

means a pipe forming a flue but does not include a pipe built as a lining into a chimney;

"foundation"

means that part of a building which is in direct contact with and is intended to transmit loads to the ground;

"foundation wall"

means that portion of a wall between the foundation and the lowest floor above such foundation;

"french drain"

means a trench filled with suitable material which is used for the disposal of liquid effluent from a septic tank or waste water;

"functional regulation"

means a regulation that sets out in qualitative terms what is required of a building or building element or building component in respect of a particular characteristic without specifying the method of construction, dimensions or material to be used;

"garage"

means an enclosed area which is used or intended to be used for the parking, storing, servicing or repairing of motor vehicles;

"geotechnical site investigation"

the process of evaluating the geotechnical character of a site in the context of existing or proposed works or land usage, which may include one or more of the following:

- (a) evaluation of the geology and hydrogeology of the site;
- (b) examination of existing geotechnical information pertaining to the site;
- (c) excavating or boring in soil or rock and the systematic description of the soil and rock profiles;
- (d) determining the depth of any fill that might be present;
- (e) in-situ assessment of geotechnical properties of materials;
- (f) recovery of samples of soil or rock for examination, identification, recording, testing or display;
- (g) testing of soil or rock samples to quantify properties relevant to the purpose of the investigation;
- (h) evaluation of geotechnical properties of tested soils; and
- (i) reporting the results;

"gully"

means a pipe fitting incorporating a trap into which waste water is discharged;

"habitable room"

means a room used or designed, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes;

"industrial effluent"

means any liquid whether or not containing matter in solution or suspension which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water, waste water or stormwater;

"inspection"

means the general inspection by a competent person of a system or measure or installation of a building, or part thereof, at such intervals as might be necessary in accordance with accepted professional practice to enable such competent person to be satisfied that the design assumptions are valid, the design is being correctly interpreted and the work is being executed generally in accordance with the designs, appropriate construction techniques and good practice but shall exclude detailed supervision and day-to-day inspection;

"inspection chamber"

means a chamber not deeper than 750mm and of such dimension that access may be obtained to a drain without requiring a person to enter into such chamber;

"inspection eye"

means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need not be provided;

"load"

means the value of a force corresponding to an action;

"manhole"

means a chamber of a depth greater than 750mm and of such dimension that allows entry of a person into such chamber for the purpose of providing access to a drain;

"minor building work"

as contemplated in [section 13](#) of the Act means –

- (a) the erection of any –
 - (i) poultry house not exceeding 10m² in area;
 - (ii) aviary not exceeding 20m² in area;
 - (iii) solid fuel store not exceeding 10m² in area and 2m in height;
 - (iv) tool shed not exceeding 10m² in area;
 - (v) child's playhouse not exceeding 5m² in area;
 - (vi) cycle shed not exceeding 5m² in area;
 - (vii) greenhouse not exceeding 15m² in area;
 - (viii) open-sided car, caravan or boat shelter or a carport where such shelter or carport does not exceed 40m² in area;
 - (ix) any free-standing wall constructed of masonry, concrete, steel, aluminium or timber or any wire fence where such wall or fence does not exceed 1,8m in height at any point above ground level and does not retain soil;
 - (x) any pergola;
 - (xi) private swimming pool;
 - (xii) change room, not exceeding 10m² in area, at a private swimming pool;
- (b) the replacement of a roof or part thereof with the same or similar material;
- (c) the conversion of a door into a window or a window into a door without increasing the width of the opening;
- (d) the making of an opening in a wall which does not affect the structural safety of the building concerned;
- (e) the partitioning or the enlarging of any room by the erection or demolition of an internal wall if such erection or demolition does not affect the structural safety of the building concerned;
- (f) the erection of any solar water heater not exceeding 6m² in area on any roof or 12m² when erected other than on any roof; and
- (g) the erection of any other building where the nature of the erection is such that in the opinion of the building control officer it is not necessary for the applicant to submit, with his application, plans prepared in full conformity with these regulations;

"natural ventilation"

means the movement of air through a building due to natural causes;

"non-combustible"

means classified as non-combustible when tested in accordance with code of practice SANS 10177-5;

"occupancy"

means the particular use or the type of use to which a building or portion thereof is normally put or intended to be put;

"orientation"

means the direction a building envelope element faces, i.e. the direction of a vector perpendicular to and pointing away from the surface outside of the element.

"persons with disabilities"

means those persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers might hinder their full and effective participation in society on an equal basis with others;

"population"

means the population determined in accordance with [regulation A21](#);

"prescriptive regulation"

means a regulation which describes in some detail an operation to be performed, or the dimensions of a building, building element or building component and the materials and method of construction to be used in such building, building element or building component;

"public place"

means any square, park, recreation ground or open space which -

- (a) is vested in the local authority; or
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"rational assessment"

means assessment by a competent person of the adequacy of the performance of a solution in relation to requirements including, as necessary, a process of reasoning, calculation and consideration of accepted analytical principles, based on a combination of deductions from available information, research and data, appropriate testing and service experience;

"rational design"

means any design by a competent person involving a process of reasoning and calculation and which may include a design based on a standard or other suitable document;

"reference building"

means a hypothetical building that is used to determine the maximum allowable heating load for the proposed building.

"rodding eye"

means an access opening in a drainage installation provided for the purposes of gaining full-bore access to the interior of a drain for internal cleaning, and which remains permanently accessible after completion of the installation, but does not include an inspection chamber or manhole;

"sanitary fixture"

means a receptacle to which water is permanently supplied, and from which waste water or soil water is discharged;

"sewage"

means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination, but does not include stormwater;

"sewer"

means a pipe or conduit which is the property of or is vested in the local authority and which is used or intended to be used for the conveyance of sewage;

"site"

means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"soil fixture"

means a sanitary fixture which receives and discharges soil water;

"soil pipe"

means a discharge pipe which conveys soil water;

"soil water"

means liquid containing excreta;

"sprinkler system"

means an approved system of piping and sprinkler heads connected to a water supply which when actuated by the effect of fire automatically releases water;

"stairway"

means any part of a building which provides a route of travel between different levels in such building and is formed by a single flight or by a combination of two or more flights and one or more intervening landings;

"storage tank"

means any tank, other than any tank used for storage of hot water or any cistern serving a toilet pan or a urinal, which forms part of a water installation and is used for the storage of water;

"storey"

means that part of a building which is situated between the top of any floor and the top of the floor next above it, or if there is no floor above it that portion between such floor and the ceiling above it (any open work floor, catwalk or gallery being taken to be part of the storey in which it is situated), and in relation to a building -

- (a) the ground storey shall be taken as the storey in which there is situated an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these;
- (b) a basement shall be taken to be any part of the building which is below the level of the ground storey;
- (c) an upper storey shall be taken to be any storey of the building which is above the level of the ground storey; and
- (d) the height expressed in storeys shall be taken to be that number of storeys which includes all storeys other than a basement;

"stormwater"

means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water or spring water;

"stormwater drain"

means a pipe, conduit or surface channel situated on a site, which is used to convey stormwater to a suitable point of discharge;

"stormwater sewer"

means a pipe, conduit or channel, owned by or vested in the local authority, which is used for the conveyance of stormwater;

"street"

means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge which –

(a) is vested in the local authority; or

(b) the public has the right to use; or

(c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided or reserved for use by the public or the owners of erven in such township;

"structural"

means relating to or forming part of any structural system;

"structural system",

in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

"structural wall"

means a wall forming part of any structural system;

"suitable"

means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose;

"temporary building"

means any building that is so declared by the owner and that is being used or is to be used for a specified purpose for a specified limited period of time, but does not include a builder's shed;

"the Act"

means the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977);

"trained plumber"

means any person who in the trade of plumbing has, in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiency or has obtained a National Certificate in Construction Plumbing, National Qualification Framework level 3;

"trap"

means a pipe fitting or a part of a sanitary fixture which is designed to retain a water seal;

"ventilating pipe"

means a pipe which leads to the open air at its highest point and which provides ventilation throughout a drainage installation for the purpose of preventing the destruction of water seals, but does not include a discharge pipe;

"waste pipe"

means a discharge pipe which conveys waste water only;

"waste water"

means used water not contaminated by soil water or industrial effluent and shall not include stormwater;

"water fitting"

means any component, other than a pipe, of any water installation, through which water passes or in which it is stored;

"water installation"

means an installation used or intended to be used for the conveyance or storage of water in any building or on any site on which such building is situated and includes any pipe or any water fitting other than any water meter vested in the local authority;

"water seal"

means the water in a trap which acts as a barrier against the flow of any foul air or gas;

"water supply system"

means any system of structures, aqueducts, pipes, valves, pumps, meters or other appurtenances relating thereto which are vested in the local authority and are used or intended to be used by it in connection with the supply of water;

"wind load"

means the force exerted by the action of wind;

AZ3 Standards

Where in these regulations reference is made to a SANS number, such reference shall relate to the latest edition of the national standard having the number and title given in the following table:

1	2
SANS No.	Title
1125	Room air conditioners and heat pumps
10005	The preservative treatment of timber
10082	Timber frame buildings
10105	The use and control of fire fighting equipment
10124	The application of soil insecticides for the protection of buildings
10177	Fire testing of materials, components, and elements used in buildings Part 1 Part 2 Part 3 Part 4
10400	The application of the National Building Regulations

AZ4 Complying with the requirements of the National Building Regulations

- (1) The requirements of the National Building Regulations shall be complied with by:
 - (a) adhering to the requirements of all the prescriptive regulations; and
 - (b) satisfying all functional regulations by:
 - (i) adopting building solutions that comply with the requirements of the relevant part of SANS 10400; or
 - (ii) reliably demonstrating, or predicting with certainty, to the satisfaction of the appropriate local authority, that an adopted building solution has an equivalent or superior performance to a solution that complies with the requirements of the relevant part of SANS 10400.
- (2) A competent person who is registered in an appropriate category of registration in terms of the Architectural Professions Act, 2000 (Act No. 44 of 2000), the Engineering Profession Act, 2000 (Act No. 46 of 2000), the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003) or any other relevant Act and, in accordance with the requirements of [regulation A19](#), shall prepare and submit to the local authority a rational design or rational assessment where compliance with the requirements of [sub-regulation \(1\)](#) is to be satisfied in terms of [sub-regulation\(1\)\(b\)\(ii\)](#).
- (3) An approved competent person who satisfies the requirements of [sub-regulation \(1\)](#) in terms of [sub-regulation \(1\)\(b\)\(ii\)](#) in respect of a system, measure, facility, parameter or installations shall inspect and certify upon completion, in accordance with the requirements of [regulation A19](#), the construction, erection or installation thereof.

AZ5 Repeal of Regulations

The National Building Regulations published under Government Notice no. R 1081 of 10 June 1988 as amended by Government Notice no. R 1726 of 26 August 1988 is repealed from the date of the coming into operation of these regulations.

PART A - ADMINISTRATION

A1 APPLICATION

- (1) The designing, planning and the supervision of the erection of any building or structure or the performance of any function in connection therewith in terms of these regulations is subject to the provisions of any law in terms of which the person undertaking such work or performing such function is required to be registered in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000), Engineering Profession Act, 2000 (Act No. 46 of 2000), Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or Professional and Technical Surveyors' Act. 1984 (Act No. 40 of 1984), or any other relevant Act.
- (2) The plans and particulars in respect of any building to be erected by or on behalf of the State shall be accompanied by a certificate, signed by the head of the State Department concerned or an officer designated by him, setting out in full details as to the respect in which such erection will not comply with the requirements of these regulations.
- (3)
 - (a) No person shall erect any building which is to be structurally supported by an existing building or extend an existing building unless an approved competent person has judged the existing building to be capable of carrying any additional load arising from such erection or extension and has, in writing, so informed the local authority.
 - (b) Such notification shall accompany the application for approval of the erection of the building in terms of [section 4](#) of the Act.
 - (c) For the purposes of this regulation "existing building" shall include a partly erected building.
 - (d) Any structural support provided by the existing building shall be deemed to be part of the structural system of the building to be erected.
 - (e) The local authority may require that the above notification be accompanied by a documented rational assessment of the adequacy of the structural support.
- (4) No plans, particulars or approval shall be required for any repair which has become necessary as a result of ordinary wear and tear or which is undertaken in the normal course of maintenance or upkeep of any building: Provided that where such repair will affect the structural loading or is a repair of any part of the structural system the local authority may require drawings or specifications to be submitted.
- (5) An application shall be made to the building control office for authorization to erect any building defined as minor building work or to carry out any work falling within the ambit of such definition, and any such erection or work shall not be commenced before such authorization has been granted: Provided that such application and such authorization shall not be required for minor building work for which, in terms of the proviso to [regulation A2\(1\)](#), no plans are required.
- (6) Minor building work shall comply with any national building regulations specified as a condition of the authorization granted by the building control officer.
- (7)
 - (a) Where in any application the owner of any building has declared such building to be a temporary building, the local authority shall, before granting provisional authorization in terms of [regulation A23](#), assess such building in relation to -
 - (i) the intended use and life of the building;
 - (ii) the area in which it is to be erected; and

- (iii) the availability of suitable materials from which it may be constructed.
- (b) Any stall or other similar building to be erected as part of an exhibition shall be deemed to be a temporary building: Provided that where such stall is to be erected inside any exhibition hall the owner of such hall shall not be required to submit to the local authority any details of such stall: Provided further that such owner shall submit to the local authority a layout plan of all stalls within such hall, showing the location of each individual stall and all aisles, passage-ways, escape routes and fire fighting equipment.
- (c) Where any building contemplated in paragraph (a) is intended to be used for experimental, demonstration, testing or assessment purposes, the local authority -
 - (i) shall grant authorization for a period of time sufficient for the erection of such building and for the performance of any experiment, or for the demonstration, testing or assessment of such building; and
 - (ii) shall grant authorization for the erection of such building where testing or assessment of the completed building is the only way to ascertain whether such building complies with the requirements of these regulations.
- (8) Where an application is made to make an alteration or addition to any building, approval for the erection of which was granted before the date of commencement of the Act -
 - (a) such alteration shall comply with the requirements of the Act, but consequent changes to any other part of the building which would be necessary in order to make such other part comply with the requirements of the Act shall not be required unless in the opinion of the local authority such consequent changes are necessary to ensure the health or safety of persons using the building in the altered form;
 - (b) such addition shall comply with the requirements of the Act, but no changes to the original building shall be required unless the addition -
 - (i) will affect the structural strength or stability of the original building;
 - (ii) will render any existing escape route from the original building less effective; or
 - (iii) will affect the health of persons using the original building.
- (9) Where in terms of these regulations an obligation is imposed or may be imposed on the owner of any building or land to do or refrain from doing any particular act or thing, and -
 - (a) such owner and some other person have lawfully agreed, in writing, that such other person shall accept such obligation on behalf of such owner; and
 - (b) such owner has, where required by the local authority, furnished the local authority with written proof of the fact contemplated in paragraph (a) and with the name and address of such other person,any reference in any such regulation to such owner shall be construed as a reference to such other person: Provided that such owner shall not be relieved of such obligation where such other person does not adhere to the agreement contemplated in paragraph (a).

A2 PLANS AND PARTICULARS TO BE FURNISHED

- (1) Any person intending to erect any building shall submit to the local authority the following plans and particulars, together with the application:
- (a) A site plan;
 - (b) layout drawings;
 - (c) a fire installation drawing;
 - (d) drainage installation drawing;
 - (e) particulars of any existing building which is to be demolished and details of the method of demolition to be used;
 - (f) such plans and particulars as may be required by the local authority in respect of –
 - (i) general structural arrangements, subject to any requirement contained in these regulations with regard to design of the structural system;
 - (ii) general arrangement of artificial ventilation;
 - (iii) a fire protection plan;
 - (iv) any certificate contemplated in these regulations, including any applicable Agrément Certificate;
 - (v) particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400.
 - (g) a declaration by a person registered in a professional category of registration in terms of one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No. 43 of 2000) in the relevant portion of Form 1 contained in SANS 10400-A as to how the applicable functional regulations shall be satisfied;

Provided that –

- (aa) such plans and particulars shall not be submitted where –
 - (i) as a result of any exemption contemplated in paragraph (a) or (b) of the proviso to [section 2\(4\)](#) of the Act, it is not necessary to do so;
 - (ii) an exemption has been granted by a building control officer in terms of [section 13](#) of the Act; or
 - (iii) any minor building work is a building having an area of not more than 5 m² or is a pergola, wire fence or an open-sided fabric covered shelter for a car, caravan or boat;
- (bb) in the case of any temporary building, only such plans and particulars as are contemplated in [regulation A23](#) shall be submitted.

- (2) The owner of a building shall appoint and retain the services of the person responsible for submitting the declaration required in [sub-regulation \(1\)\(g\)](#) and shall advise such person after such declaration has been submitted to the local authority of any changes made in the manner in which any functional regulation shall be satisfied or if the services of the competent person is for whatever reason terminated prior to the conclusion of his obligations in terms of these regulations, or the appointment of any other competent person. Such person shall within one month of being notified by the owner or becoming aware of any change submit an amended declaration to the local authority.
- (3) Where it is not possible for the person appointed by the owner of a building in [sub-regulation \(2\)](#) to fulfil his or her duties, the owner of such building shall appoint and retain another suitably qualified person to take over and perform the duties and responsibilities assigned to such person in [sub-regulation \(2\)](#).
- (4) The names of all approved competent persons shall be entered into the appropriate schedule of Form 1 contained in SANS 10400-A before local authority approval may be granted.
- (5) A certified copy of approved plans and particulars contemplated in [sub-regulation \(1\)](#) shall be available at the site where any building is being erected until a certificate of occupancy has been issued by the local authority.
- (6)
 - (a) Where design work for the proposed erection of any building was commenced before the date of coming into effect of any amendment to these regulations or within 6 months of the publication of an edition of any part of SANS 10400 or a by-law and an application in respect of such erection has not been made prior to such date, the owner of the building, or a person authorized by the owner, may notify the local authority that such design work was so commenced and has so progressed.
 - (b) Subject to the provisions of this sub-regulation, an application in respect of an erection which has been the subject of a notification contemplated in paragraph (a) shall if so requested by the owner be dealt with by the local authority in accordance with the provisions of the building regulations, by-laws or edition of SANS 10400 in force immediately before such date.
 - (c) Any notification contemplated in paragraph (a) shall -
 - (i) be submitted by registered post within 6 months of the coming into effect of any new regulation, by-law or publication of a new edition of any part of SANS 10400; and
 - (ii) contain the name and address of the owner, the address of the site of the building concerned, the date of commencement of such design work and a description of the proposed erection and its intended use.
 - (d) The local authority shall, in writing, inform the owner concerned of acceptance of such notification.
 - (e) The provisions of paragraph (b) shall not apply in respect of any application which is made to the local authority more than 12 months after the date that the local authority informs the owner that it is so satisfied: Provided that the local authority may extend such period if it thinks it reasonable or necessary.
 - (f) Any person who gives false or misleading information in a notification in terms of this sub-regulation shall be guilty of an offence and such notification is null and void.

A3 PRELIMINARY PLANS AND ENQUIRIES

- (1) Any person who intends to erect a building may, before submitting an application in accordance with the Act, request the local authority –
 - (a) to examine any preliminary sketch plans of the building proposed to be erected and to furnish, in writing, its comments on such plans or on any particular features thereof specified by such person; or
 - (b) to furnish, in writing, its opinion as to whether any material or method or form of construction intended to be used in the erection of such building will comply with these regulations.
- (2) Where the local authority is unable to comply with any request contemplated in [sub-regulation \(1\)](#) it shall furnish, in writing, its reasons for its inability to do so.

A4 LOCAL AUTHORITY MAY REQUIRE ADDITIONAL DOCUMENTS AND INFORMATION

- (1) Where the local authority requires the applicant in terms of [regulation A2\(1\)\(f\)\(i\)](#) or [\(ii\)](#) to submit structural details or artificial ventilation details such applicant shall, to the extent required by the local authority -
- (a) furnish the local authority with a structural arrangement drawing which shall show the position, level and size of every structural member;
 - (b) furnish the local authority with such structural drawings and artificial ventilation details as required in terms of [sub-regulations \(2\), \(3\), \(4\), \(5\), \(6\), \(7\)](#) and [\(8\)](#): Provided that where the structural system or artificial ventilation system, as the case may be, is designed by a an approved competent person –
 - (i) the local authority shall permit the applicant to omit from his application any or all of the details required in [sub-regulations \(2\), \(3\), \(4\), \(5\), \(6\), \(7\)](#) and [\(8\)](#) on condition that the required details shall be submitted to the local authority at least three days, exclusive of a Saturday, Sunday or public holiday, prior to the commencement of the erection of the structural system of the building or the artificial ventilation system, as the case may be; and
 - (ii) such details shall thereafter form part of the relevant application for approval;
 - (c) show on structural drawings the imposed floor loads which such building has been designed to withstand;
 - (d) furnish for inspection the calculations employed in the design of the building proposed to be erected;
 - (e) furnish adequate information regarding the subsoil of the site on which the building is proposed to be erected;
 - (f) show the fire resistance ratings of the various structural members of the building and, where special protection for such members is necessary, details relating to such protection;
 - (g) furnish information regarding structural materials to be used in the construction of the proposed building, including the grade, strength, classification, temper or treatment;
 - (h) if the design or part thereof has been carried out in accordance with any standard contemplated in these regulations, furnish the name and number of such standard;
 - (i) if the design or part thereof has been carried out in accordance with a document other than a standard contemplated in these regulations, furnish identification of such document together with the reasons for utilizing such document in preference to such standard;
 - (j) if the design or part thereof has not been carried out in accordance with any standard or document contemplated in paragraph (h) or (i), furnish the basis and method on which such design was prepared and any further evidence of the adequacy of such basis and method; and
 - (k) if the structural design or part thereof has been carried out in accordance with any standard, document or other method contemplated in paragraph (h), (i) or (j), furnish, in addition to the loads contemplated in paragraph (c), details of other loads which such building has been designed to withstand.
- (2) The documentation for the structural concrete used in a building shall, to the extent required by the local authority, show –
- (a) the reinforcement in each member;

- (b) the various grades of concrete to be used;
 - (c) the type of reinforcement or pre-stressing tendon;
 - (d) the amount of concrete cover to be provided to the reinforcement;
 - (e) the details of all joints between members; and
 - (f) the details of anchorage of pre-stressing steel.
- (3) The documentation for structural steelwork shall, to the extent required by the local authority, show -
- (a) the grades of steel of all members;
 - (b) details of connections between members; and
 - (c) details of corrosion protection to be provided to the steel structure.
- (4) The documentation for structural timber shall, to the extent required by the local authority, show -
- (a) the grade and type of timber to be used in such construction;
 - (b) whether the sizes of timber members are nominal or finished sizes;
 - (c) the method of connection of all timber members and the connection of any timber members to a foundation or other parts of the building not constructed of timber;
 - (d) in the case of any roof construction, the details of the method of bracing to resist wind actions and other lateral actions, member spacing and sizes and details of connections;
 - (e) details of treatment applied or to be applied in terms of these regulations, to the structural timber members; and
 - (f) details of drainage for condensation or wind driven water from any cavity and the details of any ventilation openings provided to such cavity.
- (5) The documentation for structural masonry shall, to the extent required by the local authority, show
- (a) the class of mortar to be used, together with the strength of the masonry units;
 - (b) the details of all joints in masonry and between masonry and other members, including dimensions and materials from which bearing pads and load spreading devices are made; and
 - (c) details of all reinforcement, wall ties and anchors.
- (6) The documentation for foundations shall, to the extent required by the local authority, show -
- (a) the type and condition of the soil; and
 - (b) the design loads to be applied to the foundations, except where such foundation is constructed in accordance with any relevant empirical rule and such construction is deemed to satisfy these regulations.
- (7) The documentation for other structural materials shall, to the extent required by the local authority, show -
- (a) the overall size of every structural member together with its location;
 - (b) the grade of material of all members;

- (c) the details of all connections between members;
 - (d) the details of the corrosion protection to be provided; and
 - (e) the details of reinforcement provided, including its strength and composition.
- (8)
- (a) Where the local authority requires any particulars with regard to the artificial ventilation of any building by a mechanical apparatus not being a room air conditioner contemplated in SANS 1125, or any portable electric fan, the following information shall, to the extent required by the local authority and subject to the requirement of paragraph (b), be submitted:
 - (i) The location and size of any plant room;
 - (ii) the location and size of principal air ducts, plenums, inlets and outlets;
 - (iii) the proposed rates of air supply or extraction; and
 - (iv) details of any water recirculation system, cooling tower and storage tank.
 - (b) Any documentation contemplated in paragraph (a) shall be accompanied by a certificate signed by a an approved competent person in which he shall certify that any apparatus to be installed has been designed to provide a standard of ventilation which complies with these regulations.
- (9)
- (a) Where a local authority is not satisfied as to the adequacy or safety in use of any construction system, method, material, article or product which is proposed to be used in the erection of any building the local authority may require a test report or evaluation certificate in respect thereof.
 - (b) On submission to such local authority of -
 - (i) an applicable report issued by the council or the CSIR; or
 - (ii) any current Agrément certificate,the adequacy or safety of such system, method, material, article or product covered by such report certificate shall be deemed to satisfy any relevant requirement for adequacy or safety prescribed in these regulations, to the extent and under the conditions set out in such report or certificate.
 - (c) A report or certificate contemplated in paragraph (a), issued on or after the date of coming into operation of these regulations, shall contain the number of the regulation which prescribes such requirement.

A5 APPLICATION FORMS AND MATERIALS, SCALES AND SIZES OF PLANS

- (1) Any application form shall be dated and signed in black ink by the owner.
- (2) Any application shall be accompanied by at least one set of plans, drawings and diagrams which shall -
 - (a) be clear and legible;
 - (b) be drawn on any suitable material or be provided in a medium acceptable to the local authority;
 - (c) contain the name of the owner of the site concerned; and
 - (d) be dated and signed in black ink by the owner; and every subsequent alteration shall be likewise dated and signed.
- (3) Any application shall be accompanied by as many additional copies of every plan, drawing or diagram as required by the local authority.
- (4) Such plans, drawing, diagrams, and any copies thereof, shall be on sheets of the A series of sizes or multiples of A4.
- (5) (a) Plans, drawings and diagrams shall be drawn to a suitable scale selected from one of the following scales:
 - (i) *Site plans*:
1:1 000, 1:500, 1:250, 1:200 or 1:100.
 - (ii) *Plumbing installation drawings*:
1:200, 1:100 or 1:50.
 - (iii) *Layout drawings*:
1:100, 1:50 or 1:20: Provided that in the case of elevations 1:200 may be used.
 - (iv) *General structural arrangement drawings and structural details*:
1:100, 1:50, 1:20, 1:10, 1:5, 1:2 or 1:1.
 - (v) *Fire protection plans*:
1:200, 1:100, 1:50 or 1:20.

(b) The local authority may accept a scale not provided for in this sub-regulation.
- (6) One copy of the plans and drawings contemplated in [sub-regulation \(2\)](#) shall, for the convenience of the local authority, identify in a suitable manner or colour the following as indicated below:
 - (a) MATERIAL

(i) New Masonry	COLOUR (in plan or section)
(ii) New concrete	Red
(iii) New iron or steel	Green
(iv) New wood	Blue
(v) New glass	Yellow
(vi) Existing materials (all materials)	Black
(vii) All other new materials	Grey

To be clearly indicated in colours other than the above.

- | | |
|--|-------------------------------|
| (b) SITE PLAN | COLOUR |
| (i) Proposed work | Red |
| (ii) Existing work | Not coloured |
| (iii) Work to be demolished | Drawn with black dotted lines |
| (c) DRAINAGE INSTALLATION CONTEMPLATED
in regulation A2(1)(d) | COLOUR |
| (i) Drains and soil pipes | Brown |
| (ii) Waste pipes | Green |
| (iii) Soil and combined vents | Red |
| (iv) Waste vents | Blue |
| (v) Pipes for the conveyance of industrial effluent | Orange |
| (vi) Existing drains | Black |
| (vii) Stormwater drains | Not coloured |
- (7) The escape route drawn on any fire protection plan shall be coloured green and the direction of travel to a safe area shall be indicated by arrows drawn at short intervals along the plan route.
- (8) In all cases the scales employed shall be stated on the plans and drawings, and the letters and symbols used on such plans and drawings shall be not less than 2,5mm in size in the case of upper case letters.

A6 SITE PLANS

Any site plan contemplated in [regulation A2\(1\)\(a\)](#) shall fully and clearly contain the following information, where applicable:

- (a)
 - (i) The dimensions of the site on which the building is to be erected;
 - (ii) the boundaries of such site;
 - (iii) the dimensioned position of any building line; and
 - (iv) the position and width of any servitude or right of way to which such site is subject;
- (b) the registered number or other designation of such site;
- (c) the direction of true north, and if required by the local authority, the natural ground contours at suitable vertical intervals or spot levels at each corner of such site;
- (d) the name of the street upon which such site abuts;
- (e) the location of -
 - (i) any municipal service and any connection point thereto; and
 - (ii) any drain, stormwater drain, or surface channel existing upon such site;
- (f) the location of -
 - (i) the proposed building;
 - (ii) any existing building; and
 - (iii) any building proposed to be demolished;
- (g)
 - (i) any existing and intended point of access from any public street; and
 - (ii) the location of any street tree, street furniture, apparatus or equipment relative to such access.

A7 LAYOUT DRAWING

Any layout drawing contemplated in [regulation A2\(1\)\(b\)](#) shall indicate the occupancy classification, and shall consist of as many plans, sections, elevations and such other details as may be necessary to show.

- (a) foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs and chimneys;
- (b) sanitary fixtures;
- (c) structural members required in terms of [regulation A4\(1\)\(a\)](#);
- (d) the intended use and horizontal and vertical dimensions of rooms or other spaces;
- (e) all details relating to the facilities provided for persons with disabilities;
- (f) where fixed seating is provided -
 - (i) the layout of all rows, seats and aisles;
 - (ii) the position of all exit doors; and
 - (iii) the total number of seats;
- (g) details of the position, dimensions and materials of damp-proofing;
- (h) the location, levels and size of any paved areas adjacent to the building;
- (i) where required by the local authority, contours of the site and the levels of any adjoining verge of any roadway, together with a section along the length of any vehicle driveway, which shall show the relative levels and gradients;
- (j) where required by the local authority, the levels of the floors relative to one another and to -
 - (i) the existing ground surface;
 - (ii) the proposed finished ground surface;
 - (iii) the surface of any public place or public street at the boundary of the site; and
 - (iv) all street levels supplied in terms of [regulation A12](#);
- (k) stormwater drainage on the site, where such drainage is required by the local authority;
- (l) details of any special provisions, required in terms of these regulations, for disabled persons;
- (m) where provided, the location, type and capacity of water heating installations; and
- (n) where provided, details of fenestration and insulation required to satisfy the energy usage requirements of [regulation XA](#).

A8 PLUMBING INSTALLATION DRAWINGS AND PARTICULARS

- (1)
 - (a) The provisions of [regulation A2\(1\)\(c\)](#) and [A2\(1\)\(d\)](#) shall not be construed as preventing the details contemplated in [sub-regulations \(2\), \(3\), \(4\) and \(5\)](#) being clearly indicated on any layout drawing required in terms of [regulation A2\(1\)\(b\)](#).
 - (b) Where such details on more than one floor of any building are identical they may be indicated on the drawings of one such floor only: Provided that where such details are so indicated the drawings of other floors concerned shall be suitably annotated to indicate where such details may be found.
- (2) Any drawing of a fire installation as contemplated in [regulation A2\(1\)\(c\)](#) shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:
 - (a) The location and size of any existing or proposed communication pipe serving or intended to serve any building or site;
 - (b) the location of any pipe, the size of such pipe and the material of which it is manufactured;
 - (c) the location and capacity of any storage tank;
 - (d) the location of any overflow;
 - (e) the location of any pump; and
 - (f) the pressure for which the installation has been designed.
- (3) Any drawing of a drainage installation as contemplated in [regulation A2\(1\)\(d\)](#) shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:
 - (a) The location, size and gradient of any drain and any connecting point to such drain, in relation to a datum established on the site and the level of the ground relative thereto;
 - (b) the location of any point of access to the interior of any drain;
 - (c) the location of any trapped gully;
 - (d) the location and details of any septic tank, conservancy tank, private sewage treatment plant or sewage pump;
 - (e) the location of any percolation test hole excavated on the site and of any french drain;
 - (f) the location and arrangement of any sanitary fixture served by the drainage installation;
 - (g) the location and size of any soil pipe, waste pipe and ventilating pipe or device;
 - (h) the location of all openings in the building such as chimneys, skylights, doors, windows, ventilation openings and air intakes which could permit the entry of foul air or gas into such building from any ventilating pipe or device; and
 - (i) the location of any well, borehole or watercourse on the site.
- (4) The local authority may require the owner to submit -
 - (a) drainage design calculations which shall clearly indicate the basis for such design;

- (b) an estimate of the composition and quantity of any industrial effluent proposed to be discharged into any sewer; and
 - (c) where approval has been given in terms of the local authority's industrial effluent bylaws or regulations for the discharge into a sewer of industrial effluent from the site, plans and particulars of any drainage works and installations required by the local authority in terms of its conditions of approval for such discharge.
- (5) Where symbols are used to signify details on drainage installation drawings they shall be as indicated in the following list: Provided that where there may be a possibility of misunderstanding, the description shall be written in full:

Access opening	AO
Bath	B
Bidet	BT
Cast iron	CI
Cleaning eye	CE
Concrete	CONC
Copper	COP
Cover level	CL
Fibre cement	FC
Galvanized mild steel	GMS
Grease trap	GT
Ground level	GL
Gully	G
Inspection chamber	IC
Inspection eye	IE
Invert level	IL
Manhole	MH
Pitch-impregnated fibre	PF
Rainwater pipe	RWP
Reinforced concrete	RC
Rodding eye	RE
Shower	SW
Sink	S
Slop hopper	SH
Soil pipe	SP
Stainless steel	SS
Stormwater channel	SC
Stormwater pipe	SWP
Two Way Vent Valve	2WV
Unplasticized polyvinyl chloride	UPVC
Urinal	U
Vent or ventilating pipe	VP
Vitrified clay	VC
Wash-basin	WB
Wash-trough	WT
Waste pipe	WP
Toilet pan	WC

A9 FIRE PROTECTION PLAN

- (1) Where so required by the local authority, any application in respect of the erection of any building not being a dwelling house, shall be accompanied by a protection fire plan which shall clearly show any fire protection measures provided in terms of these regulations.
- (2) The provisions of [sub-regulation \(1\)](#) shall not be construed as preventing details of such fire protection measures being clearly indicated on a layout drawing required in terms of [regulation A2\(1\)\(b\)](#).

A10 SYMBOLS ON FIRE PROTECTION PLANS

- (1) Where symbols are used to signify details on fire protection plans they shall be as indicated in the following list: Provided that where the possibility of a misunderstanding exists, the description shall be written in full:

Escape door	ED
Escape route	ER
Feeder route	FR
Fire extinguisher	FE
Fire hydrant	FH
Foam inlet	FI
Fire main	FM
Fire pump connection	FPC
Fire stopping	FS
Heat detectors	HD
Hose reel	HR
Rising main	RM
Reflux valve	RV
Smoke detectors	SD
Sprinkler system	SS
Smoke extractor	SX
Valve	V

A11 POINTING OUT OF BOUNDARY BEACONS

- (1) Where, in the opinion of the local authority, the location of any boundary of a site has not been accurately determined such local authority may, require the owner, at his own cost, to engage a professional land surveyor and to submit to the local authority a certificate, in an approved form and signed by such professional land surveyor -
 - (a) identifying the boundary pegs or beacons of such site; and
 - (b) stating the name of the nearest cross street and the approximate distance of the nearest boundary of the site from such street.
- (2) Where such owner fails to engage a professional land surveyor as contemplated in [sub-regulation \(1\)](#) the local authority may engage a professional land surveyor to establish and point out the location of such pegs or beacons, and the local authority may recover the costs of such establishing and pointing out from such owner.

A12 STREET LEVELS

- (1) Where any building is to be erected on a site abutting a constructed street the owner of such building shall, subject to the requirements of [sub-regulation \(3\)](#), erect such building in accordance with the levels of such street.
- (2)
 - (a) Where any portion of any street abutting the site on which any building is to be erected has not been constructed the owner of such building shall request, in writing, from the local authority the levels at which such portion of the street is intended to be constructed.
 - (b) The local authority shall, where in its opinion it is practicable for it so to do and within 21 days after receipt of a request contemplated in paragraph (a), supply the required levels.
 - (c) If the local authority is unable to comply with the provisions of paragraph (b) it shall notify such owner, in writing, to that effect.
- (3) Where any street has been constructed, but in the opinion of the local authority is likely to be reconstructed at levels different from its existing levels, the local authority shall give notice of such fact to such owner, and in such notice it shall, if possible, supply the levels at which such portion of such street will be reconstructed.

A13 BUILDING MATERIALS AND TESTS

- (1)
 - (a) Material used in the erection of a building shall be suitable for the purpose for which it is to be used.
 - (b) All timber used in the erection of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10005 and shall bear the product certification mark of a body certified by the South African National Accreditation Systems.
 - (c) The requirements of [sub-regulation \(1\)\(a\)](#) shall be deemed to be satisfied if such material complies with and is incorporated into buildings in accordance with the requirements of SANS 10400.
- (2) The local authority may test or cause to be tested any material or component used or to be used in the erection of any building in order to determine whether such material or component complies with the requirements of these regulations, and any officer of such local authority duly authorized for that purpose may, at any time after consultation with the person erecting such building, remove from the building site concerned so much of such material or component as is reasonably necessary to serve as a sample for the purpose of such test: Provided that the authorized officer may not exercise his powers in such a way that work of such erection is stopped when such material or component is being so removed and tested.
- (3) If any material or component tested in terms of [sub-regulation \(2\)](#) does not comply with these regulations the local authority may serve a notice on such person, stating the respects in which such material or component does not comply and prohibiting such person from making further use of such material or component for the purpose for which it was or is to be used in the erection of such building.
- (4) Except in the case where in such notice the local authority permits the use of such material or component in the erection of such building for some different purpose permitted in terms of these regulations, such person shall forthwith on receipt of such notice remove such material or component from such building or building site or from both, as the case may be.
- (5) If any material or component contemplated in [sub-regulation \(2\)](#) is tested and has failed to comply with these regulations the local authority may recover the cost of such test from the owner of the building concerned.
- (6) Where the owner of any building desires to use for a particular purpose any material or component which is not permitted or prescribed by these regulations to be used for that purpose, and he satisfies the local authority that such material or component is at least as suitable for that purpose as the material or component permitted or prescribed to be used by these regulations, then the local authority shall permit the use of such material or component for the purpose concerned.

A14 CONSTRUCTION

- (1)
 - (a) The construction of any building or element shall be such that the building or element as constructed does not compromise the design intent of any design solution that satisfies the requirements of a functional regulation.
 - (b) The requirements of [sub-regulation \(1\)\(a\)](#) shall be deemed to be satisfied if such construction satisfies the requirements of SANS 10400.
- (2) Precautions shall be taken during all stages of construction of any building to ensure that the structural system is not damaged or distorted during the course of erection of such building.

A15 MAINTENANCE AND OPERATION

- (1)
 - (a) The owner of any building shall ensure that any mechanical equipment, facility or any service installation provided in or in connection with such building, pursuant to these regulations or pursuant to any building by-law which was in operation prior to the coming into operation of the Act, shall be maintained in a safe and functional condition.
 - (b) Such owner or any person appointed by such owner to be in control of such building shall ensure that where such equipment, facility or installation is designed to be kept operating during the times of normal occupancy of the building, it is kept operating in such a manner as to attain any standard of performance prescribed in these regulations or in any by-law for such equipment or installation.
- (2) The owner of any building shall ensure that pursuant to these regulations or pursuant to any building by-law that was in operation prior to the coming into operation of the Act, the following is maintained in accordance with the requirements of the relevant functional regulations contained in Regulations B, H, J, K and L:
 - (a) the structural safety performance (behaviour of buildings under all actions that can be reasonably expected to occur);
 - (b) the measures taken to resist the penetration of rain water and the passage of moisture into the interior of a building.
- (3) The local authority may serve a notice on such owner or person requiring him to comply with [sub-regulation \(1\)](#) or [\(2\)](#) within the time specified in such notice.
- (4) The local authority may, by notice, in writing to the owner, order the evacuation of such building where the state of such building, equipment, installation or facility will cause conditions which in the opinion of the local authority may be detrimental to the safety or health of the occupiers or users of such building.
- (5) Any owner or person who contravenes the requirements of [sub-regulation \(1\)](#) or [\(2\)](#) or fails to comply with any notice served in terms of [sub-regulation \(3\)](#) or [\(4\)](#) shall be guilty of an offence.

A16 QUALIFICATIONS OF A BUILDING CONTROL OFFICER

The minimum qualification of any building control officer appointed in terms of [section 5](#) of the Act shall be of a standard equivalent to a senior certificate plus three years tertiary education, at an accredited educational institution, in one of the following building disciplines:

- (a) civil engineering;
- (b) structural engineering;
- (c) architecture;
- (d) building management;
- (e) building science;
- (f) building surveying; or
- (g) quantity surveying

A17 CERTIFICATE OF IDENTITY OF A BUILDING CONTROL OFFICER

- (1) Any building control officer or any officer contemplated in [section 6\(4\)](#) of the Act shall, when so requested, produce his certificate of identity, which shall contain the following information.
 - (a) The number of the Act in terms of which the certificate is issued;
 - (b) the name of the local authority in question;
 - (c) the name of the officer;
 - (d) the signature of the officer;
 - (e) the signature of the municipal manager of the local authority concerned;
 - (f) the date of issue; and
 - (g) a photograph of the officer.
- (2) [Sub-regulation \(1\)](#) shall be deemed to be satisfied where the certificate is in accordance with that provided in SANS 10400-A
- (3) The certificate contemplated in [sub-regulation \(1\)](#) shall be valid only during the period that the officer so identified occupies the post of building control officer or during the period for which any power of a building control officer is delegated to him, as the case may be, and it may at any time be withdrawn by the local authority.
- (4) Any person who produces a certificate of identity which has not been lawfully issued to him or which has been lawfully withdrawn, shall be guilty of an offence.

A18 CONTROL OF PLUMBERS AND PLUMBING WORK

- (1) No person shall perform the trade of plumbing as contemplated in Government Notice No. R. 1875 of 31 August 1979 unless he is a trained plumber or works under the adequate control of a trained plumber or approved competent person.
- (2) Where any person who is not a trained plumber has been practising the trade of plumbing and was required in terms of any local authority by-law to register with it before so practising in its area of jurisdiction, he may, if he is so registered, continue to practise in such area or the area of any other local authority if such registration is acceptable to such other local authority.
- (3) No local authority shall, for the purposes of these regulations, register any person to practise the trade of plumbing after the coming into operation of the Act.
- (4) Any person not being a trained plumber or not being a person contemplated in [sub-regulation \(2\)](#), who practices the trade of plumbing shall be guilty of an offence.
- (5) Any trained plumber who causes or permits any person who is not a trained plumber or is not a person contemplated in [sub-regulation \(2\)](#), to practise the trade of plumbing without adequately controlling the work done by such person, shall be guilty of an offence.

A19 APPOINTMENT OF PERSONS RESPONSIBLE FOR DESIGN, INSPECTION AND ASSESSMENT DUTIES

(1) Wherein terms of these regulations and in respect of the erection of any building:

(a) a rational design or rational assessment, is required in terms of:

(i) [Regulations Z4\(1\)\(b\)\(ii\), A1\(3\), A23\(4\), G1\(3\), O4, P2\(2\), Q3, R\(3\), T1\(2\), W4, XA3\(b\)](#) in respect of a system, measure, facility, parameter, or installation, as relevant, or

(ii) a part of SANS 10400; or

(b) a geotechnical investigation is required in terms of [regulation F3](#).

the owner of the building shall subject to the provisions of [sub-regulations \(4\)](#) and [\(5\)](#) appoint and retain one or more approved competent persons to undertake responsibility for the work associated with such regulations including any inspections and certifications that maybe required.

(2) Where it is not possible for such person to fulfil his or her duties as contemplated in [sub-regulation \(1\)](#), the owner of such building shall appoint and retain another approved competent person to take over and fulfill such duties and responsibilities both in respect of the work already designed or erected or installed and in respect of the balance of such work still to be undertaken to complete the project.

(3) The local authority may exempt from the requirements of this regulation any building classified in these regulations as minor building work or foundations to an addition or extension to a single storey building where the applicant has satisfied himself that the existing foundations are in accordance with the rules contained in SANS 10400-H and any local damage (including cracking) and deformation in the existing building are within tolerable limits.

(4) The owner of any building who is required by these regulations to appoint an approved competent person shall state in the terms of the appointment for the competent person that such person undertake all duties and responsibilities required by these regulations. Such persons shall declare his or her acceptance of such responsibilities in the relevant portion of Form 2 contained in SANS 10400-A.

(5) Notwithstanding the provisions of [sub-regulation \(1\)](#) or [\(2\)](#), a person may be appointed to undertake the relevant responsibilities and duties in respect of more than one of the systems, measures, facilities, parameters or installations provided for in [sub-regulation \(1\)](#) if the local authority accepts in terms of these regulations that he or she is competent to do so.

(6)

(a) Where any building to be extended, the local authority may on receipt of the application for such extension and before granting approval require that the approved competent persons who have accepted responsibility for such work to timeously prepare and submit rational assessments as to the adequacy of the existing systems and installations in combination with the contemplated extensions to comply with the relevant requirements of these regulations for the whole building including the extensions.

(b) If the local authority is satisfied that any such rational assessment meets the requirement of these regulations and in particular of [sub-regulation 6\(a\)](#) it shall accept such assessment which shall be deemed to be part of the application submitted.

(c) If the local authority is not so satisfied it may after first consulting with the competent person who has submitted such assessment and subject to appeal to the Review Board decline to accept the assessment for reasons which it shall furnish in writing to such competent person and require him or her to submit a revised assessment to the satisfaction of the local authority.

- (7) Where in a building any element of the structural, fire protection, artificial ventilation, stormwater disposal or non-water borne sanitary disposal, fire installation or drainage installation system as provided for in [sub-regulation \(1\)](#) is or is required to be the subject of a rational design or rational assessment, the person appointed as an approved competent person shall assume responsibility for satisfying the functional regulation relating to that particular system in its entirety.
- (8)
- (a) Where an approved competent person is required in terms of [sub-regulation \(7\)](#) to assume responsibility for the system in its entirety and where parts of the system are to be undertaken by other competent persons, the approved competent person shall assume overall responsibility for the design of such system and shall ensure that:
- (i) the component designs are generally in accordance with the approved application and in accordance with the requirements of these regulations.
 - (ii) the component designs will achieve the necessary co-ordination and interaction of the different elements so as to achieve the objectives of the systems.
 - (iii) in the case of the structural system, the interaction of the various component elements will be such that the structural adequacy of all the parts of the building and the overall stability of the building is assured,
- but in all cases excluding responsibility for the detailed design of elements carried out by the other competent persons, provided that such exclusion shall not preclude the approved competent person from taking any action which he or she considers necessary in terms of [sub-regulation \(8\)\(b\)](#).
- (b)
- (i) For the purpose of satisfying him or herself of the adequacy of any design or designs contemplated in [sub-regulation \(8\)\(a\)](#) and of their compatibility with any system, measure or installation in its entirety, the approved competent person may at any time after his or her appointment, require the designer or designers of the different elements of the system referred to in [sub-regulation \(8\)\(a\)](#) to complete Form 3 contained in SANS 10400-A as he or she may deem necessary, and return it timeously, or in any event before building construction or installation proceeds. Each such designer shall, when called upon so to do, provide the information and documents concerned in respect of the work he or she has designed.
 - (ii) The person appointed as approved competent person may further require, after consultation with the designer concerned, modifications to the relevant designs, plans and specifications, if in his or her opinion they do not comply with the provisions of these regulations.
 - (iii) Copies of designs, plans and specifications accepted by the approved competent person shall be submitted if so required to the local authority counter-signed by the approved competent person.
 - (iv) Each designer of apart of a system shall on completion of the erection or installation thereof, if called upon to do so by the approved competent person, complete and submit the section of Form 3 relating to inspection contained in SANS 10400-A.
- (c) The provisions of [sub-regulation \(8\)\(a\)](#) and [\(b\)](#) for designs shall also apply in the case of any applicable rational assessments.
- (9)
- (a) Any person appointed by the owner in terms of [sub-regulations \(1\)](#) or [\(2\)](#), shall apply to the local authority for acceptance as an approved competent person and shall:

- (i) make application, and
 - (ii) declare his or her competence to undertake the relevant duties in the manner prescribed in the Regulations
- on Form 2 contained in SANS 10400-A and shall complete all applicable sections of such form.
- (b) The owner shall also complete the applicable section of Form 2 contained in SANS 10400-A
 - (c) The local authority may, subject to appeal to the Review Board, decline to accept the appointment of any person who:
 - (i) in completing any portion of Form 2 provides incorrect or incomplete information which in the opinion of the local authority is material to the determination of such applicant's competence;
 - (ii) is not an employee of the owner of the building and is not in possession of professional indemnity insurance cover;
 - (iii) is not professionally registered in terms of the Engineering Professions Act, 2000 (Act No. 46 of 2000), the Architectural Professions Act (Act No. 44 of 2000) or the National Scientific Professions Act, 2003 (Act No. 27 of 2003);
 - (iv) is in the opinion of the local authority inadequately qualified or has insufficient experience or contextual knowledge to make the determinations that are required in terms of these regulations, provided however that any person that satisfies the relevant definition for a competent person provided in a part of SANS 10400 in relation to the duties contemplated in this sub-regulation, is deemed to satisfy this sub-regulation; and
 - (v) is under investigation by a disciplinary tribunal of the Engineering Council of South Africa, the South African Council for the Architectural Profession or the South African Council for Natural Scientific Professions and the chief executive officer of such a Council has expressed an opinion in writing that the applications made by such persons should not be approved in the public interest.
- (10)
- (a) Where in respect of any building the local authority, after consideration of:
 - (i) the details of registration in respect of category, date and discipline in which the applicant is registered, qualifications, experience, training and contextual knowledge provided in terms of this regulation by any person seeking acceptance of his or her appointment as a competent person, and
 - (ii) the declaration of competence provided by such person in terms of [sub-regulation \(9\)](#),considers that such person does not possess the degree of competence necessary to undertake the relevant duties, it may decline to accept the appointment of such person, who may appeal to the Review Board.
 - (b) If the appeal is upheld, the local authority shall accept the appointment of the appellant as a person competent to undertake such duties or any part thereof in respect of such building as the Review Board may decide.
- (11) Where the local authority is satisfied with an application in respect of the matters specified in [sub-regulations \(10\)\(a\)\(i\)](#) and [\(ii\)](#) it shall indicate acceptance of the application in the manner specified in Form 2 as contained in SANS 10400-A.

(12)

- (a) On completion of the structural, fire protection or fire installation system for which an approved competent person has been appointed in terms of [sub-regulations \(1\) or \(2\)](#), such competent person shall complete and submit to the local authority a fully completed Form 4 as contained in SANS 10400-A in respect of each such system for which such person has accepted responsibility in terms of [section 14\(2A\)](#) of the Act 103.
- (b) The local authority may require from the owner that an approved competent person submit a copy of the certification of the specific work, other than the structural, fire protection or fire installation, for which he has been appointed on completion of the building.
- (c) Where [regulation XA](#) is satisfied by a competent person in accordance with the requirements of SANS 10400 Part XA, the competent person who is responsible for such determination shall on completion of the construction and commissioning of the building submit to the local authority a fully completed Form 4 as contained in SANS 10400-A.

(13) Where any person provides any information or certificate required in terms of this regulation or which he or she knows to be incomplete or false, such person shall be guilty of an offence.

A20 CLASSIFICATION AND DESIGNATION OF OCCUPANCIES

- (1) The occupancy of any building shall be classified and designated according to the appropriate occupancy class given in column 1 of [Table 1](#) and such classification shall reflect the primary function of such building: Provided that, in any building divided into two or more areas not having the same primary function, the occupancy of each such area shall be separately classified.
- (2) Notwithstanding the requirements of [sub-regulation \(1\)](#), any area in any building which is used for any purpose ancillary to that of any occupancy classification contemplated in [sub-regulation \(1\)](#) shall, subject to adequate facilities and safety measures being provided, not be classified as a separate occupancy.
- (3) Any room or space used for the storage or processing of flammable liquids shall not be deemed to be a [J1](#) occupancy as herein defined if -
 - (a) such liquid is stored in the fuel tank of any engine, motor vehicle, boat or lawnmower;
 - (b) the quantity of liquid to be stored or handled in such room does not exceed 40 litres; or
 - (c) the quantity contemplated in paragraph (b) exceeds 40 litres but does not exceed 200 litres and the closed cup flash point of such liquid is above 40°C.

TABLE 1 - OCCUPANCY OR BUILDING CLASSIFICATION

1	2
Class of occupancy of building	Occupancy
A1	Entertainment and public assembly Occupancy where persons gather to eat, drink, dance or participate in other recreation.
A2	Theatrical and indoor sport Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performances.
A3	Places of instruction Occupancy where school children, students or other persons assemble for the purpose of tuition or learning.
A4	Worship Occupancy where persons assemble for the purpose of worshipping.
A5	Outdoor sport Occupancy where persons view outdoor sport events.
B1	High risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
B2	Moderate risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
B3	Low risk commercial service Occupancy where a non-industrial process is carried out and where neither the material handled nor the process carried out falls into the high or moderate risk category.
C1	Exhibition hall Occupancy where goods are displayed primarily for viewing by the public.
C2	Museum Occupancy comprising a museum, art gallery or library.
D1	High risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
D2	Moderate risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
D3	Low risk industrial Occupancy comprising usually unattended mechanical or electrical services necessary for the running of a building.
D4	Plant room Occupancy comprising usually unattended mechanical or electrical services necessary for the running of a building.

1	2
Class of occupancy of building	Occupancy
E1	Place of detention Occupancy where people are detained for punitive or corrective reasons or because of their mental condition.
E2	Hospital Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bed-ridden.
E3	Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for
E4	Health care Occupancy which is a common place of long term or transient living for a number of unrelated persons consisting of a single unit on its own site who, due to varying degrees of incapacity, are provided with personal care services or are undergoing medical treatment.
F1	Large shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 m ² .
F2	Small shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area does not exceed 250 m ² .
F3	Wholesaler's store Occupancy where goods are displayed and stored and where only a limited selected group of persons is present at any one time.
G1	Offices Occupancy comprising offices, banks, consulting rooms and other similar usage.
H1	Hotel Occupancy where persons rent furnished rooms, not being dwelling units.
H2	Dormitory Occupancy where groups of people are accommodated in one room
H3	Domestic residence Occupancy consisting of two or more dwelling units on a single site.
H4	Dwelling house Occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuilding, if any.
H5	Hospitality Occupancy where unrelated persons rent furnished rooms on a transient basis within a dwelling house or domestic residence with sleeping accommodation for not more than 16 persons within a dwelling unit

1	2
Class of occupancy of building	Occupancy
J1	High risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
J2	Moderate risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
J3	Low risk storage Occupancy where the material stored does not fall into the high or moderate risk category.
J4	Parking garage Occupancy used for storing or parking of more than 10 motor vehicles.

A21 POPULATION

- (1) The population of any room or storey or portion thereof shall be taken as the actual population of such room, storey or portion thereof where such population is known or, where such population is not known, the population shall be calculated from the criteria given in [Table 2](#).
- (2) In the case of any occupancy classified as [F1](#), where the total floor area is more than 500 m², that portion of the floor area that is in excess of 500 m² shall, for the purposes of calculation of the population be reduced by an amount of 20%.

TABLE 2 - DESIGN POPULATION

1	2
Class of occupancy of room or storey or portion thereof	Population
A1 , A2 , A4 , A5	Number of fixed seats or 1 person per m ² if there are no fixed seats
E1 , E3 , H1 , H3 , H4	2 persons per bedroom
E4	16 persons provided that the total number of persons per room is not more than 4
H5	16 persons per dwelling unit provided that the total number of persons per room is not more than 4
G1	1 person per 15 m ²
J1 , J2 , J3 , J4	1 person per 50 m ²
C1 , E2 , F1 , F2	1 person per 10 m ²
B1 , B2 , B3 , D1 , D2 , D3	1 person per 15 m ²
C2 , F3	1 person per 20 m ²
A3 , H2	1 person per 5 m ²

A22 NOTICE OF INTENTION TO COMMENCE ERECTION OR DEMOLITION OF A BUILDING, AND NOTICES OF INSPECTION

- (1)
- (a) No work in connection with the erection or demolition of any building shall be commenced on the site unless notice, in the form required by the local authority, has been given to such local authority by the owner of such building, stating the date on which such erection or demolition will commence.
 - (b) Such notice shall in the case of the erection of a building be given at least four days, exclusive of a Saturday, Sunday or public holiday, and in the case of the demolition of a building, at least 10 days, exclusive of a Saturday, Sunday or public holiday, before such work commences.
- (2) Notice in the form required by the local authority shall be given by the owner to such local authority of a date which shall be at least two working days from the date of receipt by it of such notice on which, as the case may be -
- (a) any fire installation will be connected to any communication pipe;
 - (b) trenches or excavations will be ready for inspection prior to the placing of concrete for any foundation; or
 - (c) any drainage installation will be ready for inspection and testing.
 - (d) the building will be completed.
- (3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local authority, and such owner shall not backfill or enclose a drainage installation until such installation has been inspected, tested and approved by the local authority: Provided that this requirement shall not apply if such inspection and testing has not been carried out by the end of the working day which has the first date mentioned in [sub-regulation \(2\)](#).
- (4) Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence.

A23 TEMPORARY BUILDINGS

- (1) On receipt of any application to erect a building which the applicant has declared to be a temporary building, the local authority may, subject to the provisions of [sub-regulations \(2\), \(3\) and \(4\)](#), grant provisional authorization to the applicant to proceed with the erection of such building in accordance with any conditions or directions specified in such authorization.
- (2) Before granting such authorisation the local authority may require the submission of -
 - (a) a statement of the period for which authorization is required;
 - (b) a site plan;
 - (c) layout drawings in sufficient detail to enable the local authority to determine the general size, form, materials of construction and use of the proposed building; and
 - (d) any structural detail required by the local authority to determine the structural safety of the proposed building.
- (3) The local authority shall grant the authorization contemplated in [sub-regulation \(1\)](#) for a limited period, to be determined with regard to the period specified by the applicant.
- (4) The local authority may at the request of the owner grant approval for one or more extensions of the period contemplated in [sub-regulation \(3\)](#): Provided that where it is intended that the public should have access to such building each such request shall be accompanied by a certificate signed by an approved competent person, indicating that the condition of the structural system is satisfactory.
- (5) The owner of such building may, not later than the last day of the period contemplated in [sub-regulation \(3\)](#), submit to the local authority such additional plans and details as required by the local authority in order to consider an application in terms of [section 4](#) of the Act.
- (6) Where such local authority has granted approval in respect of an application contemplated in [sub-regulation \(5\)](#) the owner shall submit to the local authority an affidavit stating that any part of such building erected in terms of the provisional authorization has been erected in accordance with the plans and details contemplated in [sub-regulation \(5\)](#).
- (7) If any plans and details contemplated in [sub-regulation \(5\)](#) have not been submitted to such local authority or if such local authority has refused to grant approval in respect thereof, the owner shall forthwith remove or demolish such building.

A24 STANDARDIZATION OF INTERPRETATION

- (1) Where so requested, in writing, by any local authority, the owner of any building or any person with an interest in such building, the council may examine the plans, specifications or other documents which accompanied or which are intended to accompany any application to the local authority in question, perform any tests that it considers necessary and inspect the site on which such building is to be erected, and issue a report in connection therewith.

- (2) Where the council finds that the proposed building complies with all the relevant requirements of these regulations it shall report accordingly, and any application for approval to erect such building, where accompanied by such report shall be deemed to satisfy the requirements of the Act: Provided that such report shall clearly identify any plans, specifications or other documents which have been examined by the council.

A25 GENERAL ENFORCEMENT

- (1) No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plans of such building, or for a purpose which causes a change in the class of occupancy as contemplated in these regulations, whether such plans were approved in terms of the Act or in terms of any law in force at any time before the date of commencement of the Act, unless such building is suitable, having regard to the requirements of these regulations, for such first-mentioned purpose or for such changed class of occupancy.
- (2) Any person who contravenes a provision of [sub-regulation \(1\)](#) shall be guilty of an offence, and the local authority may serve a notice on such person calling upon him forthwith to cease such contravention.
- (3) Where the erection of any building was completed before the date of commencement of the Act and such erection was in contravention of the provisions of any law in force before such date, the local authority may take any action it may have been competent to take in terms of such law.
- (4) Where any building was being erected before the date of commencement of the Act in contravention of the provisions of any law in force before such date and the erection of such building is continued on or after such date in contravention of such provisions or of the provisions of the Act, the person who continues so to erect such building shall be guilty of an offence.
- (5) Any person who, having obtained approval in terms of the Act for the erection of any building, deviates to any material degree from any plan, drawing or particulars approved by the local authority shall, except where such deviation has been approved, be guilty of an offence.
- (6) The local authority may serve a notice on any person contemplated in [section 4\(4\)](#) of the Act or [sub-regulation \(4\)](#) or [\(5\)](#), ordering such person forthwith to stop the erection of the building concerned or to comply with such approval, as the case may be: Provided that where any deviation is found to be necessary during the course of construction of such building, the local authority may authorize the work to continue but shall require that an amended plan, drawing or particulars to cover such deviation is submitted and approved before a certificate of occupancy is issued.
- (7) Whether or not a notice contemplated in [sub-regulation \(6\)](#) has been served, the local authority may serve a notice on the owner of any building contemplated in [sub-regulation \(4\)](#) or [\(5\)](#), ordering such owner to rectify or demolish the building in question by a date specified in such notice.
- (8) If, before the date specified for the rectification or demolition contemplated in [sub-regulation \(7\)](#), the owner satisfies the local authority that he has complied with the requirements contained in these regulations, the notice contemplated in [sub-regulation \(7\)](#) shall be deemed to have been withdrawn.
- (9) Where any building is being or has been erected and any contravention of these regulations other than those relating to matters referred to in [sub-regulation \(4\)](#) or [\(5\)](#) has been committed, the local authority shall serve a notice on the owner of such building and in such notice shall specify a date by which such owner shall have complied with the regulations, cite the regulations contravened and specify the steps to be taken in order to comply with such regulations.
- (10) Where any building, excluding a temporary building, is being or has been erected without the prior approval contemplated in [section 4\(1\)](#) of the Act, the local authority shall serve a notice on the owner of such building, calling upon him to obtain the approval, in writing, as required by the Act, by a date specified in such notice.
- (11) Any person who fails to comply with any notice contemplated in this regulation shall be guilty of an offence.

PART B - STRUCTURAL DESIGN

B1 DESIGN REQUIREMENT

- (1) Any building and any structural element or component thereof shall be designed to provide strength, stability, serviceability and durability under all actions which can reasonably be expected to occur in accordance with accepted principles of structural design, and so that it will not impair the integrity of any other building or property.
- (2) Any such building shall be so designed that in the event of accidental overloading the structural system will not suffer disastrous or progressive collapse which is disproportionate to the original cause.
- (3) The requirements of [sub-regulations \(1\)](#) and [\(2\)](#) shall be deemed to be satisfied where such building is designed in accordance with SANS 10400-B.

PART C - DIMENSIONS

C1 ROOMS AND BUILDINGS

- (1) Any room or space shall have dimensions that will ensure that such room or space is fit for the purpose for which it is intended.
- (2) The floor area of any dwelling unit shall not be less than that necessary to provide one habitable room and a separate room containing toilet facilities.
- (3) The requirements of [sub-regulations \(1\)](#) and [\(2\)](#) shall be deemed to be satisfied where the area and plan dimensions of any room or space, the room heights and, in the case of any dwelling house, the floor area comply with SANS 10400-C.

PART D - PUBLIC SAFETY

D1 CHANGE IN LEVEL

The protection of the edge of any balcony, bridge, flat roof of similar place shall be designed to prevent any person from falling from such balcony, bridge, flat roof or similar place.

D2 PEDESTRIAN ENTRANCES TO PARKING AREAS IN BUILDINGS

Where any pedestrian entrance is provided to a vehicle parking area in any building, such entrance shall be so positioned, marked or protected that no pedestrian can unintentionally walk into the path of any moving vehicle: Provided that this requirement shall not apply in respect of any building classified as [H4](#) in terms of [regulation A20](#).

D3 RAMPS

Any ramp or driveway shall be so designed that it is safe when used and is fit for the purpose for which it is intended.

D4 SWIMMING POOLS AND SWIMMING BATHS

- (1) The owner of any site which contains a swimming pool shall ensure that access to such swimming pool is controlled.
- (2) Any owner who fails to comply with the requirement of [sub-regulation 1](#) shall be guilty of an offence.

D5 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulations D1](#), [D3](#) and [D4](#) shall be deemed to be satisfied where change in level, the design of ramps and driveways, or access to swimming pools, as the case may be, complies with SANS 10400-D.

PART E - DEMOLITION WORK

E1 DEMOLITION OF ANY BUILDING

- (1) No owner of any site shall demolish or cause or permit to be demolished any building without the prior written permission of the local authority.
- (2) The local authority may, in granting such permission, impose any condition or requirements contemplated in [sub-regulations F1\(4\)](#) and [\(5\)](#) and [regulation F2](#) for the safety, health and convenience of the public, and for the safety of any other building or installation which in its opinion may be affected by such demolition.
- (3) No person shall at any time during the course of or after the demolition of a building leave it in a condition dangerous to the public or any adjoining property.
- (4) Where a condition contemplated in [sub-regulation \(3\)](#) arises the local authority may serve a notice on such person requiring him to make the site safe, and if he fails so to do, the local authority may itself carry out the necessary work and recover the cost thereof from such person.

E2 SAFEGUARDING OF BASEMENTS

Where any building is demolished to the level of the ground and such building contained a basement, the owner of such building shall provide or cause to be provided safe lateral support to the sides of such basement.

E3 PROHIBITION OF DANGEROUS METHODS

The local authority may prohibit the use of any method to be applied in the demolition of any building where in its opinion such method will create or cause to be created any danger to any person or other building or property, and where it so prohibits it shall, on the request of the owner of such building, give its reasons, in writing, for such prohibition.

E4 GENERAL PENALTY

Any person who contravenes any requirement of the regulations of this Part or fails to comply with any notice, condition or order issued thereunder, shall be guilty of an offence.

PART F - SITE OPERATIONS

F1 PROTECTION OF THE PUBLIC

- (1) In cases where danger or serious inconvenience to the public may ensue from the demolition or erection of a building on any site, the local authority may require that the owner of such site, before such work is commenced, shall erect a fence, hoarding or barricade to prevent the public from entering such site and to protect them from the activities on such site.
- (2) Such fence, hoarding or barricade shall for as long as is necessary be retained and maintained by such owner in a safe condition, and any access to such site, and the means thereof, shall be subject to approval.
- (3) No part of such fence, hoarding or barricade shall be removed without the permission, in writing, of the local authority until the work has been completed.
- (4) Any person undertaking any work of erection or demolition on any site shall confine all operations in connection with such work within the boundaries of such site and shall not encroach upon or over any street or public place abutting such site, except with the prior written approval of the local authority, and subject to the conditions contained in such approval with regard to the safety and convenience of persons using such street or public place.
- (5) The local authority may, before or during the erection or demolition of any building, impose any reasonable conditions in addition to the conditions and requirements contemplated in this regulation, for the purpose of safeguarding the interests of the general public, and every condition so imposed shall be observed by the owner.
- (6) Any owner who contravenes or causes or permits any other person to contravene a requirement of this regulation or fails to comply with any notice served on him by the local authority ordering compliance with this regulation, or contravenes any condition contained in any approval, shall be guilty of an offence.

F2 DAMAGE TO LOCAL AUTHORITY'S PROPERTY

- (1) Where any work connected with the demolition or erection of any building may, in the opinion of the local authority, cause or have any detrimental effect on the strength, standard, safety, quality or position of any property belonging to or vested in such local authority, the local authority may require the owner of such building to pay to the local authority such deposit or give such security, as it may require to cover the costs of the repair of any damage which may be caused by such work.
- (2) In the event of damage to the local authority's property being so caused the local authority may appropriate the amount of the deposit or security contemplated in [sub-regulation \(1\)](#) towards the costs of repairing such damage: Provided that if the amount of the deposit or security exceeds such costs, the balance shall be refunded to the owner: Provided further that if such costs exceed the amount of the deposit or security, such owner shall be liable to the local authority for the deficit.
- (3) Where any deposit contemplated in [sub-regulation \(1\)](#) has not been lodged with the local authority, the owner of such building shall pay the cost of such repair to the local authority on demand, failing which the local authority may recover such cost from the owner in a court of competent jurisdiction.

F3 GEOTECHNICAL SITE AND ENVIRONMENTAL CONDITIONS

- (1) Where the local authority has reason to believe that a site upon which a building is to be erected:
 - (a) is situated on contaminated land;

- (b) is situated on potentially unstable land to the extent, insofar as risk can reasonably be foreseen, that ground movements caused by land-slip, slope stability or subsidence may impair the stability of the building or part thereof or pose a threat to the safety of occupants; or
- (c) is underlain by subsoils which have the potential to cause foundation movements caused by swelling, consolidation, shrinkage or settlements and as a result may impair the stability of the building or part thereof;

it shall on receipt of an application for the erection of the building inform the applicant accordingly.

- (2) On receipt of any such notification or where the applicant is aware of such conditions or they are evident, such applicant shall appoint an approved competent person to undertake an appropriate geotechnical site investigation.
- (3) Such approved competent person shall, as appropriate, determine in accordance with accepted principles, methods and technical considerations, as relevant:
 - (a) whether or not the erection of a building on the site under [\(1\)\(a\)](#) or [\(1\)\(b\)](#) above should be permitted, and if so under what conditions, providing full details of the measures which need to be effected to fulfil such conditions and
 - (b) the magnitude of any potential total and differential movements to which the building or part thereof may be subjected to,and shall report to the owner and the local authority such findings.
- (4) Geotechnical investigations conducted in accordance with the requirements of SANS 10400-B in the case of dolomite lands and SANS 10400-H in the case of foundations for buildings shall in terms of [F3\(2\)](#) be deemed to be appropriate investigations.
- (5) The measures contemplated in [sub-regulations \(3\)\(a\)](#) and [\(b\)](#) shall be applied in the erection of the building and the site works

F4 PREPARATION OF SITE

- (1) Before any foundation is laid the area to be covered by any building shall be properly cleared of vegetable matter, tree stumps, timber and other cellulose material, debris or refuse and any material contaminated with faecal matter.
- (2) Where any site upon which any building is to be erected is waterlogged, seasonally waterlogged or saturated, or where any building is to be so situated that water will drain naturally towards it, drainage shall be provided to direct such water away from such site or building to a stormwater drain or to dispose of it in some other safe approved manner.

F5 SOIL POISONING

Where so required by the local authority, the soil in all areas within the site as defined in code of practice SANS 10124 shall be treated in accordance with the recommendations of SANS 10124.

- (1) Buildings shall, where so required by the local authority or in areas of high termite infestation, be protected from subterranean termite activity.
- (2) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the means of termite protection complies with SANS 10400-F.

F6 CONTROL OF UNREASONABLE LEVELS OF DUST AND NOISE

- (1) The owner of any land on which excavation work is in progress or on which any building is being erected or demolished shall take precautions in the working area and on surrounding roads and footways to limit to a reasonable level the amount of dust arising from the work or surroundings thereof.
- (2)
 - (a) No person shall during the course of any building, demolition or excavation work use any machine, machinery, engine, apparatus, tool or contrivance, which in the opinion of the local authority may unreasonably disturb or interfere with the amenity of the neighbourhood:
 - (i) on a public holiday or Sunday
 - (ii) before 06:00 or after 17:00 on any Saturday; and
 - (iii) before 06:00 or after 18:00 on any day other than those days contemplated in subparagraphs (i) and (ii)
 - (b) The prohibition in paragraph (a) shall not apply in any circumstances in which the use of such machine, machinery, engine, apparatus, tool or contrivance -
 - (i) is urgently necessary in order to preserve the life, safety or health of any person;
 - (ii) is urgently necessary to preserve property;
 - (iii) has been authorized by the local authority; or
 - (iv) is necessary for the execution of work being carried out on behalf of any public authority.
- (3) Any owner or person who contravenes a provision of this regulation shall be guilty of an offence.

F7 CUTTING INTO, LAYING OPEN AND DEMOLISHING CERTAIN WORK

- (1) Where the local authority on reasonable grounds, believes that any work carried out in connection with the erection of any building is not in accordance with the provisions of these regulations or any approval or authority granted thereunder, such local authority may, in order to establish whether such work is in accordance with such provision, approval or authority, by notice in writing, order the owner of such building -
 - (a) to supply satisfactory proof that such work is in accordance with such provision, approval or authority; or
 - (b) to cause such work to be cut into, laid open or demolished to the extent required by the local authority; or
 - (c) to cause a test of such work to be carried out within such time and to such extent and by such person as it specified in such notice.
- (2)
 - (a) Where such local authority orders the owner to cause a test to be carried out as contemplated in [sub-regulation \(1\)\(c\)](#), a written report in regard to such test shall be submitted by the owner to the local authority, which report shall be signed by the person who carried out the test and which shall contain details in regard to the testing apparatus, methods and materials used in the test, the conditions under which such test was carried out and the results obtained during the test and at the conclusion thereof.

- (b) Where as a result of a report contemplated in paragraph (a) the local authority is not satisfied that the work concerned is in compliance with the requirements referred to in [sub-regulation \(1\)](#), the local authority may, by notice served on the owner, order the owner to take such steps as it deems necessary, and within such period as is stated in such notice, to ensure that there is such compliance, or the local authority may in such notice order the owner to cause such work to be cut into, laid open or demolished as contemplated in [sub-regulation \(1\)\(b\)](#).
- (3)
- (a) Any owner having been ordered to cause any work to be cut into, laid open, demolished or tested in terms of this regulation shall not continue with such work or with any other work affected thereby unless the local authority has authorized him, in writing, to continue.
- (b) Where the local authority is satisfied that work on the affected part of the building may proceed, it shall forthwith give authorization to so proceed.
- (4) Where such cutting into, laying open, demolishing or testing reveals that a contravention of the requirements of these regulations, or of any approval or authority granted by the local authority, has taken place, or if the necessity for such cutting into, laying open, demolishing or testing is attributable wholly or partly to any contravention of the proviso to [sub-regulation A4\(1\)\(b\)](#) or the requirements of regulation [A22](#) or [A25](#), the cost of such work and any making good subsequent thereto shall be borne by the owner, and in any other case by such local authority.
- (5) Any owner who contravenes any provision of this regulation or who fails to comply with any notice served on him in terms thereof, shall be guilty of an offence.

F8 WASTE MATERIAL ON SITE

- (1) Where in the opinion of the local authority, excessive rubble, rubbish, other debris or combustible waste material is allowed to accumulate on a site before or during building operations, it may, by written notice, order the owner of such site to have such rubble, rubbish, other debris or combustible waste material removed within the period specified in such notice.
- (2) Any owner who fails to comply with such notice shall be guilty of an offence and the local authority may remove the said rubble, rubbish, other debris or combustible waste material from such site and may recover the costs of such removal from the owner.

F9 CLEANING OF SITE

- (1) Any owner or person erecting or demolishing any building shall remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public street or public place affected by such material or matter during or after the completion of such erection or demolition, failing which the local authority may, by written notice, order the owner of such building to have such surplus material and matter removed within a period specified in such notice.
- (2) Any owner or person who fails to comply with a provision of [sub-regulation \(1\)](#) or a notice served on him in terms thereof, shall be guilty of an offence.

F10 BUILDER'S SHEDS

- (1) Any owner or person carrying out or performing work in connection with the erection or the demolition of any building, may erect on the site of such work such temporary builder's sheds as may be necessary.
- (2) The construction and location of such sheds shall be to the satisfaction of the local authority and such sheds shall be maintained in good order.

- (3) Subject to the provisions of [sub-regulation \(6\)](#) such sheds shall only be used for a purpose connected with the carrying out or the performance of the work referred to in [sub-regulation \(1\)](#).
- (4) Where such sheds are not constructed, located or maintained in terms of this regulation, the local authority may serve a notice on such owner or person to move, reconstruct or repair or improve the condition of such sheds within a time specified in such notice, or if use thereof is being made other than that permitted in terms of this regulation, to cease such unpermitted use.
- (5) On completion or cessation of the work referred to in [sub-regulation \(1\)](#) or where such sheds are no longer necessary for the purpose for which they were erected, they shall be removed from the site by the owner.
- (6) Security personnel employed in connection with a building which is being or which is to be erected or demolished may be accommodated in builder's sheds, subject to such requirements and conditions as may be necessary for the safeguarding of public health and the health of such personnel and for avoiding nuisance or inconvenience to persons in the vicinity of such building.
- (7) Any owner or person who fails to comply with any provision of this regulation or any notice served on him in terms thereof, shall be guilty of an offence.

F11 SANITARY FACILITIES

- (1) No owner or person shall commence or continue the erection or demolition of any building unless approved sanitary facilities for all personnel employed on or in connection with such work have been provided or are available on the site or, with the permission of the local authority, at some other place. Provided that where such facilities have not been so provided the local authority may order the cessation of such work until the required facilities have been provided, and, should such order not be complied with, the local authority may install such facilities and recover the costs of such installation from the owner of the site.
- (2) Any owner or person who contravenes any provision of this regulation, or fails to comply with an order served on him in terms thereof, shall be guilty of an offence.
- (3) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the provision of sanitary facilities complies with SANS 10400-F.

PART G - EXCAVATIONS

G1 GENERAL STABILITY REQUIREMENT

- (1) Where any excavation related to a building is carried out or is to be carried out on any site and such excavation may impair the safety or stability of any property or service, the owner of such site shall take adequate precautionary measures to ensure that the safety and stability of such property or service is maintained.
- (2) While any such excavation remains open, and during the placing of any foundation within it, such excavation shall be maintained in a safe condition by the owner or person carrying out such excavation.
- (3) Where the safety or stability of any property or service is likely to be impaired by such excavation, or where the depth, at any point, of such excavation is likely to be more than 3m, the owner of the site shall -
 - (a) obtain the prior written authorization of the local authority for such excavation; and
 - (b) take the precautionary measures specified by the local authority or an approved competent person in such authorization.
- (4) The owner of any site shall, at least seven days prior to the commencement of any excavation contemplated in [sub-regulation \(1\)](#), notify the local authority in writing of his intention to excavate.
- (5) Any owner or person who fails to comply with any requirement of this regulation, shall be guilty of an offence.

G2 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulation G1\(1\)](#) shall be deemed to be satisfied where the excavation complies with SANS 10400-G.

PART H - FOUNDATIONS

H1 GENERAL REQUIREMENT

- (1) The foundation of any building shall be designed and constructed to safely transmit all the actions which can reasonably be expected to occur from such building to the ground and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of a building or the functioning of any element of a building or equipment within a building
- (2) The requirement of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the design and construction of such foundation complies with SANS 10400-H.

PART J - FLOORS

J1 GENERAL REQUIREMENT

- (1) Any floor of any building shall -
 - (a) be designed and constructed to safely support its own weight and any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of the building or the functioning of equipment supported by such floor; and
 - (b) have a fire resistance appropriate to its use and where required, be non-combustible.
- (2) The floor of any laundry, kitchen, shower-room, bathroom or room containing a toilet pan or urinal shall be water-resistant.
- (3) Any suspended timber floor in a building shall be provided with adequate under-floor ventilation.
- (4) Where any concrete floor slab is supported on ground or filling, such floor shall be so constructed that any moisture present in such ground or filling is prevented from penetrating such concrete floor slab.
- (5) The requirements of [sub-regulations \(1\), \(2\), \(3\) and \(4\)](#) shall be deemed to be satisfied where the design and construction of any floor complies with SANS 10400-J: Provided that where the local authority deems it necessary in order to satisfy the requirements of [sub-regulation \(4\)](#), such local authority may require that the entire area within the foundation walls of any building be covered by a suitable damp-proof membrane, and in the case of the floor of a basement or semi-basement where the highest known level of the extreme watertable is higher than the floor level of the basement to such an extent that uplift of the floor might occur, the local authority may require that adequate sub-soil drains under the floor be provided together with means of removing the water so drained.

PART K - WALLS

K1 STRUCTURAL STRENGTH AND STABILITY

Any wall shall be designed and constructed to safely sustain any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise the opening and closing of doors and windows or the weather tightness of the wall and in the case of any structural wall, be capable of safely transferring such actions to the foundations supporting such wall.

K2 WATER PENETRATION

- (1) Any wall shall be so constructed that it will adequately resist the penetration of water into any part of the building where it would be detrimental to the health of occupants or to the durability of such building.
- (2) Where a building includes a basement or semi-basement, the local authority may, if it considers that conditions on the site on which the building is to be erected necessitate integrated designs for the penetration of water into such basement or semi-basement applicable to all construction elements or components thereof, require the submission of such designs for approval. Construction shall be in accordance with the requirements of the approved design.

K3 ROOF FIXING

Where any roof truss, rafter or beam is supported by any wall provision shall be made to fix such truss, rafter or beam to such wall in a secure manner that will ensure that any actions to which the roof may normally be subjected will be transmitted to such wall.

K4 BEHAVIOUR IN FIRE

Any wall shall have combustibility and fire resistance characteristics appropriate to the location and use of such wall.

K5 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulations K1](#), [K2](#), [K3](#) and [K4](#) shall be deemed to be satisfied where the structural strength and stability of any wall, the prevention of water penetration into or through such wall, the fixing of any roof to such wall and the behaviour in a fire of such wall, as the case may be, comply with SANS 10400-K.

PART L - ROOFS

L1 GENERAL REQUIREMENT

The roof of any building shall be so designed and constructed that it -

- (a) safely sustains any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
- (b) is adequately anchored against wind uplift;
- (c) is durable and does not allow the penetration of rainwater or any other surface water to its interior;
- (d) does not allow the accumulation of any water upon its surface; and
- (e) as part of a roof and ceiling assembly, provides adequate height in any room immediately below such assembly.

L2 FIRE RESISTANCE AND COMBUSTIBILITY

The fire resistance of any roof or roof and ceiling assembly complete with light fittings or any other component which penetrates the ceiling, shall be appropriate to its use and where necessary such roof or roof and ceiling assembly shall be non-combustible.

L3 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulations L1](#) and [L2](#) shall be deemed to be satisfied where any roof or roof and ceiling assembly, as the case may be, complies with SANS 10400-L.

PART M - STAIRWAYS

M1 GENERAL REQUIREMENT

Any stairway, including any wall, screen, railing or balustrade to such stairway, shall:

- (a) be capable of safely sustaining any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
- (b) permit safe movement of persons from floor to floor;and
- (c) have dimensions appropriate to its use.

M2 FIRE REQUIREMENT

A stairway contemplated in [regulation M1](#) shall comply with the relevant requirements in [Part T](#) of these regulations.

M3 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulations M1](#) and [M2](#) shall be deemed to be satisfied where the design of any stairway complies with SANS 10400-M.

PART N - GLAZING

N1 TYPE AND FIXING OF GLAZING

- (1) Any material used in the glazing of any building shall be of a secure and durable type and shall be fixed in an manner and position that will ensure that it will -
 - (a) safely sustain any wind actions which can reasonably be expected;
 - (b) not allow penetration of water to the interior of the building; and
 - (c) be apparent, in the case of clear glazing, to any person approaching such glazing.
- (2) Glass, plastics and organic coated glass shall be selected in order to provide, in the case of human impact, a degree of safety appropriate in relation to -
 - (a) the position of the glazed area; and
 - (b) the number and likely behaviour pattern of persons expected to be in close proximity to such glazed area.
- (3) The requirements of [sub-regulations \(1\)](#) and [\(2\)](#) shall be deemed to be satisfied where the glazing material is selected, fixed and marked in accordance with SANS 10400-N.

PART O - LIGHTING AND VENTILATION

O1 LIGHTING AND VENTILATION REQUIREMENT

- (1) Any habitable room, bathroom, shower-room and room containing a toilet pan or urinal, or any room which is a parking garage shall be provided with a means of lighting and ventilation which will enable such room to be used, without detriment to health or safety or causing any nuisance, for the purpose for which it is designed.
- (2) The requirement of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the lighting and ventilation are in accordance with SANS 10400-O.
- (3)
 - (a) Notwithstanding the provision of any openings for natural light in accordance with [sub-regulation \(2\)](#) any room contemplated in [sub-regulation \(1\)](#) or any corridor, lobby or staircase serving such room shall be provided with a means of artificial lighting -
 - (i) for periods when natural lighting is inadequate; or
 - (ii) where the size or shape of any such room, or the glazing material used in any such opening, will not permit sufficient natural light effectively to illuminate all parts of such room.
 - (b) Notwithstanding the provision of openings for natural ventilation in accordance with [sub-regulation \(2\)](#) any room subject to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), shall in terms of the said Act be provided with artificial ventilation as prescribed by such Act; and any room contemplated in [sub-regulation \(1\)](#) which is -
 - (i) a room which, due to conditions of high temperature, may be dangerous to safety or health;
 - (ii) a room where there will be dust, gas, vapour or volatile matter and hazardous biological agents which might be dangerous to safety or health; or
 - (iii) used for any purpose for which natural ventilation is not suitable,shall be provided with a means of artificial ventilation.

O2 SPECIAL PROVISION OF NATURAL LIGHTING

Any habitable room in any dwelling house or dwelling unit, or any bedroom in any building used for residential or institutional occupancy shall, notwithstanding the provision of artificial lighting, be provided with at least one opening for natural light in accordance with [sub-regulation O1\(1\)](#).

O3 APPROVAL OF ARTIFICIAL VENTILATION SYSTEMS

No person shall without the prior written approval of the local authority install any artificial ventilation system in any building: provided that this prohibition shall not apply in the case of room air conditioners or other individual appliances installed for comfort.

O4 DESIGN OF ARTIFICIAL VENTILATION SYSTEMS

Any rational design of an artificial ventilation system shall be carried out by or under the supervision of an approved competent person who shall certify in accordance with the requirements of [regulation A19](#) that the system has been designed to comply with [regulation O1](#).

O5 ARTIFICIAL VENTILATION PLANT

- (1) Any plant forming part of an artificial ventilation system shall be so designed, located and protected that -
 - (a) any condensate from such plant cannot be the cause of danger or nuisance to the public;
 - (b) inspection and servicing can be undertaken; and
 - (c) unauthorized persons cannot tamper with such plant.
- (2) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the design, location and protection of such plant comply with SANS 10400-O.

O6 TESTING OF ARTIFICIAL VENTILATION SYSTEMS

- (1) The owner shall at acceptable intervals of time submit to the local authority test reports indicating that any artificial ventilation system installed in terms of these regulations is operating in the designed manner,
- (2) Records and log books shall be kept of the commissioning information, operational management, monitoring and maintenance and repair of all ventilation plant, including individual ventilation fans.
- (3) Where specialist ventilation plants are provided as part of the protection measures against hazardous substances, and for the protection of occupants and to ensure safe procedures, such as in hospital theatres, such plant shall be inspected and validated at least every 12 months by an independent competent person.

O7 FIRE REQUIREMENTS

In addition to the requirements of this Part, lighting and ventilation shall be provided to comply with [Part T](#) of these regulations.

PART P - DRAINAGE

P1 COMPULSORY DRAINAGE OF BUILDINGS

- (1)
 - (a) Where in respect of any building a suitable means of disposal of water-borne sewage is available the owner of such building shall provide a drainage installation.
 - (b) Where there is no such means of disposal, sewage shall be disposed of in accordance with [Part Q](#) of these regulations.
- (2)
 - (a) Where a sewer is or becomes available for the drainage of such building the owner of such building shall, at his own cost, lay, alter or extend any drain serving such building to terminate at a location and level as prescribed by the local authority for the connection to such sewer.
 - (b) In the case of any existing building the local authority shall serve a notice, in writing, upon the owner stating the period within which the connection contemplated in paragraph (a) shall be made.
- (3) Where a connecting sewer has been provided to any site the owner of such site shall cause all sewage discharged from any building on such site to be conveyed by a drain to such connecting sewer.
- (4) Where the owner of such building fails to lay, alter or extend any drain in terms of [sub-regulation \(2\)](#) the local authority may lay, alter or extend such drain and recover the costs thereof from the owner: Provided that the local authority shall, before carrying out such work give not less than 14 days notice to such owner of its intention to carry out such work.
- (5) Any owner who fails to comply with any requirement of [sub-regulation \(1\)](#) or [\(2\)](#), shall be guilty of an offence.

P2 DESIGN OF DRAINAGE INSTALLATIONS

- (1) Any drainage installation in any building shall be so designed and constructed that -
 - (a) an adequate number of sanitary fixtures is provided in relation to the population and class of occupancy of such building;
 - (b) such installation is capable of carrying the design hydraulic load;
 - (c) such installation is capable of discharging into any common drain, connecting sewer or sewer provided to accept such discharge;
 - (d) all components and materials used in such installation are watertight;
 - (e) no nuisance or danger to health will be caused as a result of the operation of any such installation;
 - (f) any drain in such system is of such strength, having regard to the manner in which it is bedded or supported, that it is capable of sustaining the actions to which it may normally be subjected and that it is, where necessary, protected against any drainage;
 - (g) all sanitary fixtures are so located that they are easily accessible to those persons they are intended to serve;
 - (h) any necessary inspection, cleaning and maintenance required, may be performed through the means of access provided.

- (2) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where such installation complies with SANS 10400-P: Provided that where a local authority is of the opinion that the size or complexity of the drainage installation in any building renders it essential for such installation to be the subject of an approved rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such building of its reasons for the necessity for such design and may require such owner to submit for approval plans and particulars of a complete drainage installation based on such design.

P3 CONTROL OF OBJECTIONABLE DISCHARGE

- (1) No person shall cause or permit sewage discharged from any sanitary fixture to enter
- (a) any stormwater drain, stormwater sewer or excavated or constructed watercourse;
 - (b) subject to the National Water Act, 1998 (Act No. 36 of 1998), any river, stream or natural watercourse whether ordinarily dry or otherwise; or
 - (c) any street or other site.
- (2) No person shall cause or permit stormwater to enter any drainage installation on any site.
- (3) The local authority may by notice in writing order the owner of any site to execute, at his own cost, any precautionary measures required by the local authority to prevent such entry contemplated in [sub-regulation \(1\)](#) or [\(2\)](#), as the case may be.
- (4) No person shall, without the written permission of the local authority, discharge or cause the discharge of any water from a swimming pool, fountain or reservoir, either directly or indirectly, onto any public street or public place, or onto any site other than onto the site upon which such swimming pool, fountain or reservoir is situated.
- (5) Any person who contravenes or permits the contravention of any requirement of this regulation or fails to comply with a notice served on him in terms of [sub-regulation \(3\)](#), shall be guilty of an offence.

P4 INDUSTRIAL EFFLUENT

- (1)
- (a) Where any person has obtained approval to discharge into any drain any liquid or solid matter, other than soil water or waste water, and where any additional drainage and other installations including storage, pre-treatment and metering installations are required by the local authority as a condition of such approval, such person shall submit any plans and other details of such installations required by the local authority.
 - (b) The installations contemplated in paragraph (a) shall be constructed in accordance with the relevant requirements of these regulations and shall be maintained in good working order.
- (2) Any person who constructs an installation contemplated in [sub-regulation \(1\)](#) other than in accordance with such approval, shall be guilty of an offence.

P5 DISCONNECTIONS

- (1) Where any soil fixture is permanently disconnected from any soil pipe, or where any soil pipe is permanently disconnected from any drain, the owner shall seal the opening to such pipe or drain in such a manner that such disconnection will not be a danger to health.
- (2) Where any drain is permanently disconnected any remaining part shall be sealed by the owner of such drain.

- (3) When any drainage installation is disconnected from a connecting sewer the local authority shall be notified, in writing, by the owner thereof within 30 days from the date of such disconnection.
- (4) Any person who contravenes any requirement of this regulation, shall be guilty of an offence.

P6 UNAUTHORIZED DRAINAGE WORK

- (1) Unless authorized by the local authority -
 - (a) no person shall in any manner interfere with any sewer or connecting sewer;
 - (b) no person shall break into or interfere with any part of a drainage installation other than for the purpose of repair and maintenance.
- (2) Any person who carries out or permits the carrying of any unauthorized work contemplated in this regulation, shall be guilty of an offence.

P7 INSPECTION AND TESTING OF DRAINAGE INSTALLATIONS

- (1) Any drain, discharge pipe or ventilating pipe shall be so installed as to be capable of withstanding the test pressures contemplated in rule PP26 or PP27, as the case may be, contained in SANS 10400-P and such tests shall be carried out in the presence of the building control officer of, or other officer duly authorized by, the local authority.
- (2) Any equipment, material or labour required for any inspection or any testing contemplated in [Part P](#) of these regulations shall be made available by the person installing such pipe or drain.
- (3) No person shall put into use any drainage installation before such installation has been inspected, tested and passed by the local authority as complying with these regulations.
- (4) Any person who contravenes the requirement of [sub-regulation \(3\)](#), shall be guilty of an offence.

PART Q - NON-WATER-BORNE MEANS OF SANITARY DISPOSAL

Q1 MEANS OF DISPOSAL

Where water-borne sewage disposal is not available other means of sewage disposal shall be permitted by the local authority: Provided that:

- (a) it stores, conveys, processes and disposes of human body wastes and wastewater in such away that the pathogens, pollutants and contaminants associated therewith do not compromise the health and safety of the original user or others; and
- (b) in the case of chemical or toilet a satisfactory means is available for the removal and disposal of sewage from such closets;

Q2 PERMISSION

No person shall construct any pit toilet without the permission of the local authority.

Q3 CONSTRUCTION, SITING AND ACCESS

- (1) Any such other means of sewage disposal shall be so constructed, sited and provided with access that the health and convenience of persons using such means shall not be adversely affected.
- (2) The number of sanitary receptacles shall be adequate for the population of the building served by such receptacles.
- (3)
 - (a) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the design and construction, siting of, and access to such other means of sewage disposal complies with SANS 10400-Q; Provided however that where a local authority is of the opinion that the nature of the means of sanitary disposal is such that it is essential for such installation to be the subject of an approved rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such building of its reasons for the necessity for such design and may require such owner to submit for approval plans and particulars of a complete installation based on such design.
 - (b) The requirements contained in [sub-regulation \(2\)](#) shall be deemed to be satisfied where the number of receptacles is in accordance with the requirements for the provision of sanitary fixtures contained in [regulation F11](#) or [P2](#), as the case may be.

PART R - STORMWATER DISPOSAL

R1 STORMWATER DISPOSAL REQUIREMENT

- (1) The owner of any site shall provide suitable means for the control and disposal of accumulated stormwater which may run off from any earthworks, building or paving.
- (2) Such means of stormwater disposal may be in addition to or in combination with any drainage works required in terms of [regulation F4\(2\)](#).
- (3) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where such means of stormwater disposal is provided in accordance with SANS 10400-R: Provided that where a local authority is of the opinion that the conditions on any site render it essential for stormwater disposal to be the subject of an acceptable rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete stormwater control and disposal installation for such site and for any building erected thereon, based on such design.

R2 SAVING

- (1) These regulations shall not be construed as requiring the installation in any building of any roof gutter or downpipe where other suitable means has been provided to ensure the disposal or dispersal away from such building of rainwater from the roof of such building.
- (2) The regulations in this Part shall not apply to any site used exclusively for the erection of any dwelling house or any building appurtenant thereto: Provided that where, due to special site features, the discharge of stormwater from such site may cause significant damage, the local authority may require compliance with [regulation R1](#).

PART S - FACILITIES FOR PERSONS WITH DISABILITIES

S1 APPLICATION

- (1) Facilities that accommodate persons with disabilities shall be provided in any building except the following:
 - (a) any building of which the whole of the ground storey comprises one or more occupancies classified in terms of [regulation A20](#) as [B1](#), [B2](#), [D4](#), [H4](#), [J1](#) or [J2](#);
 - (b) any building classified as [H1](#) in terms of [regulation A20](#) where such building has less than 25 bedrooms and it can be reasonably proven that it is not possible to include wheelchair access in certain aspects of the design; and
 - (c) any storey above ground floor level of a building classified as [H3](#) in terms of [regulation A20](#) and not provided with a lift.

S2 FACILITIES TO BE PROVIDED

- (1) In any building contemplated in [regulation S1](#) requiring facilities for persons with disabilities:
 - (a) persons with disabilities shall be able to safely enter the building, use all the facilities subject to the provisions of [sub-regulation \(3\)](#) within it and leave it;
 - (b) there shall be a means of access suitable for use by persons with disabilities, from the main and ancillary approaches of the building to the ground storey; via the main entrance, and any secondary entrance;
 - (c) there shall be a means of egress suitable for use by persons with disabilities from any point in a building to a place of safety in the event of an emergency;
 - (d) any lift installation that is provided shall be capable of serving the needs of persons with disabilities who are likely to be using the building; and
 - (e) any commonly used path of travel shall be free of obstacles which limit, restrict or endanger the travel of persons with disabilities, or which prevent persons with disabilities from accessing the facilities provided in the building and the presence of such obstruction shall be made evident in a suitable manner to persons with impaired vision; and
 - (f) a suitable means of access shall be provided to any auditorium or hall situated in any building and such auditorium or hall shall, in relation to its seating capacity, be provided with sufficient open space to accommodate a reasonable number of people who use wheelchairs or other assistive devices.
- (2) Where parking for more than 50 motor vehicles is provided in or in connection with any building having a means of access contemplated in [sub-regulation \(1\)](#), adequate parking space shall be provided for the parking of motor vehicles used by persons with disabilities and a suitable means of access shall be provided from the parking area, whether such parking area be inside or outside such building, to the ground storey of such building
- (3) Where, in terms of [regulation P1](#), toilet facilities are required and the building is one requiring facilities for persons with disabilities in terms of [regulation S1](#), an adequate number of such facilities shall be suitable for use by persons with disabilities: Provided that toilet facilities shall not be required in any such building classified as [H3](#) in terms of [regulation A20](#).

S3 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulation S2](#) shall be deemed to be satisfied where:

- (a) the facilities provided are in accordance with SANS 10400-S;
- (b) the egress from the building in the event of fire is in accordance with SANS 10400-T.

PART T - FIRE PROTECTION

T1 GENERAL REQUIREMENT

- (1) Any building shall be so designed, constructed and equipped that in case of fire -
 - (a) the protection of occupants or users, including persons with disabilities, therein is ensured and that provision is made for the safe evacuation of such occupants or users;
 - (b) the spread and intensity of such fire within such building and the spread of fire to any other building will be minimized;
 - (c) sufficient stability will be retained to ensure that such building will not endanger any other building: Provided that in the case of any multi-storey building no major failure of the structural system shall occur;
 - (d) the generation and spread of smoke will be minimized or controlled to the greatest extent reasonably practicable; and
 - (e) adequate means of access, and equipment for detecting, fighting, controlling and extinguishing such fire, is provided.
- (2) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the design, construction and equipment of any building complies with SANS 10400-T: Provided that where any local authority is of the opinion that such compliance would not comply with all the requirements of [sub-regulation \(1\)](#), such local authority shall, in writing, notify the owner of the building of its reasons for its opinion and may require the owner to submit for approval a rational design prepared by an approved competent person.

T2 OFFENCES

- (1) Any owner of any building who fails to -
 - (a) provide sufficient fire extinguishers to satisfy the requirements of [sub-regulation T1\(1\)\(e\)](#), or who installs fire extinguishers that do not comply with the relevant South African national standard, or who fails to ensure that such fire extinguishers are installed, maintained and serviced in accordance with SANS 10105; or
 - (b) maintain any other provision made to satisfy the requirements of [sub-regulation T1\(1\)\(e\)](#), shall be guilty of an offence.
- (2) Any person who causes or permits any escape route to be rendered less effective or to be obstructed in any way which may hinder or prevent the escape of any person from a building in the case of fire or any other emergency shall be guilty of an offence.

PART U - REFUSE DISPOSAL

U1 PROVISION OF STORAGE AREAS

Any building, excluding a dwelling house, in which refuse is or will be generated shall be provided with an adequate storage area for refuse containers.

U2 ACCESS TO STORAGE AREAS

The location of any area contemplated in [regulation U1](#) shall be such that access thereto from any street for the purpose of removing the refuse, is to the satisfaction of the local authority.

U3 REFUSE CHUTES

Where any refuse container receives refuse from any chute such chute shall be designed and erected so as to be safe in operation.

PART V - SPACE HEATING

V1 DESIGN, CONSTRUCTION AND INSTALLATION

- (1) Any system of space heating in any building shall be so designed, constructed and installed as to operate safely and any flue, flue pipe or chimney used in such system shall be so designed as to safely remove any smoke or noxious gases produced by such system.
- (2) The requirements of [sub-regulation \(1\)](#) shall be deemed to be satisfied where the design and construction of any flue pipe, chimney, hearth or fireplace complies with SANS 10400-V.

PART W - FIRE INSTALLATION

W1 FIRE INSTALLATIONS

All approved fire installations shall be connected to a communication pipe supplied by the local authority: Provided that such local authority may, subject to any conditions it may consider necessary, allow such fire installation to be connected to -

- (a) any approved alternative source of supply; or
- (b) any source of non-potable water where such water is not to be used for domestic or any other purpose which, in the opinion of such local authority, might give rise to a health hazard.

W2 SUPPLY OF WATER

Water shall not be taken from a supply system for use in any fire installation, unless -

- (a) an application has been made to the local authority for the supply of such water and such application has been granted; and
- (b) the use of such water and such fire installation complies with any conditions imposed by the local authority.

W3 DESIGN OF FIRE INSTALLATIONS

In any fire installation -

- (a) adequate and suitable connection and means of measuring water pressure shall be provided;
- (b) so many isolating valves shall be provided to control the flow of water to the installation, and to such points within the installation, as the local authority may require; and
- (c) the quantity, pressure and rate of flow of water shall be adequate for the supply of any hose reel, hydrant or sprinkler system connected thereto.

W4 DEEMED-TO-SATISFY REQUIREMENTS

The requirements of [regulation W3](#) shall be deemed to be satisfied where any fire installation complies with SANS 10400-W: Provided that where a local authority is of the opinion that it essential for the fire installation to be the subject of an acceptable rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete fire installation, based on such design.

PART X - ENVIRONMENTAL SUSTAINABILITY

XA ENERGY USAGE IN BUILDINGS

XA1 In order to contribute to the reduction of greenhouse gases buildings, and extensions to buildings in respect of which plans and specifications are to be drawn and submitted in terms of the Act, having [A1](#), [A2](#), [A3](#), [A4](#), [C1](#), [C2](#), [E1](#), [E2](#), [E3](#), [E4](#), [F1](#), [F2](#), [F3](#), [G1](#), [H1](#), [H2](#), [H3](#), [H4](#) and [H5](#) occupancies or building classifications in accordance with [regulation A20](#), excluding garage and storage areas contained within such occupancies, shall be designed and constructed so that they

- (a) are capable of using energy efficiently while fulfilling user needs in relation to vertical transport, if any, thermal comfort, lighting and hot water; or
- (b) have a building envelope and services which facilitate the efficient use of energy appropriate to their function and use, internal environment and geographical location.

Equipment and plant required for conducting the business of the occupant shall be excluded from these requirements.

XA2 At least 50% (volume fraction) of the annual average hot water heating requirement shall be provided by means other than electrical resistance heating including but not limited to solar heating, heat pumps, heat recovery from other systems or processes and renewable combustible fuel.

XA3 The requirements of [sub-regulation XA1](#) shall be deemed to be satisfied when such building is designed and constructed in accordance with the following requirements:

- (a) has an orientation, shading, services and building envelope in accordance with SANS 10400 Part XA; or
- (b) is the subject of a rational design by a competent person, which demonstrates that the energy usage of such building is equivalent to or better than that which would have been achieved by compliance with the requirements of SANS 10400 XA, or
- (c) has a theoretical energy usage performance, determined using certified thermal calculation software, less than or equal to that of a reference building in accordance with SANS 10400 Part XA.

REVIEW BOARD REGULATIONS

DEPARTMENT OF TRADE AND INDUSTRY

Government Notice 2074

13 September 1985

REGULATIONS UNDER SECTION 20 READ WITH SECTION 9.

I, Kent Diederich Skelton Durr, Deputy Minister of Finance and of Trade and Industry, acting on behalf of the Minister of Trade and Industry, have, in terms of [section 20](#) read with [section 9](#) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), promulgated the regulations set out in the Schedule.

**SCHEDULE
REVIEW BOARD REGULATIONS**

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Regulation 1.

In these regulations any word to which a meaning has been assigned in the Act shall bear that meaning and unless the context otherwise indicates -

“appellant”

means a person who has lodged a notice of appeal to the board in terms of these regulations;

“board”

means the review board contemplated in [section 9](#) of the Act;

“chairman”

means a chairman designated by the Minister in terms of [section 9\(2\)\(a\)](#) of the Act;

“Director-General”

means the Director-General of the bureau;

“member”

means a person appointed by the chairman in terms of [section 9\(2\)\(b\)](#) of the Act;

“party”

means a party to any appeal to the board;

“the Act”

means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

Regulation 2.

A body referred to in [Annexure A](#) to these regulations may nominate not more than six persons whose names may be included in the list compiled for purposes of appointment on the board.

Regulation 3.

A body referred to in [regulation 2](#) may within a period not exceeding 30 days from the date on which it is invited by notice in writing by the Director-General so to do, submit to him the names of such nominees, and shall in respect of every such nominated person state -

- (a) his full name, address and occupation;
- (b) his qualifications and experience; and
- (c) any other information indicating why such person is considered to be suitable for inclusion in the list.

Regulation 4.

Every nomination referred to in [regulation 3](#) shall include the nominee's written consent for his name to be included in the said list.

Regulation 5.

A list compiled in terms of these regulations shall be valid for a period of three years from the date the Director-General shall have compiled such a list: Provided that if on the date of expiration of such list the board has not disposed of any appeal being dealt with by it on the date of such expiry, the members of the board shall continue to serve on the board until such appeal has been finalised.

Regulation 6.

The Director-General may in his discretion accept any or all of the names so submitted and he may, if in his opinion any particular branch of the building industry will not adequately be represented, include the names of persons not nominated in terms of this regulation.

Regulation 7.

The Director-General shall keep such list in his office where it shall be open for inspection at all reasonable times.

Regulation 8.

The Director-General may in his discretion, from time to time, add to or delete from such list the name of any person, should circumstances so necessitate this.

Regulation 9.

- (1) Any person desirous of appealing to the board in terms of the Act may -
 - (a) lodge with the Director-General for transmission to the chairman a notice of appeal in writing in which he shall set out the grounds on which such appeal is based; and
 - (b) simultaneously lodge a copy of such notice of appeal with the local authority in question.
- (2)
 - (a) Any appeal shall be accompanied by such plans, specifications and documents as will enable the board effectively to deal with the appeal and the board may call for and the appellant shall submit any additional information it may require.
 - (b) Copies of such plans, specifications and documents shall similarly be delivered to the local authority in question.
 - (c) The local authority in question shall furthermore be furnished with a copy of any additional information obtained by the board in accordance with this subsection.
- (3) Any such notice of appeal lodged with the Director-General shall be accompanied by a fee of R100 which amount shall accrue to the council.
- (4) The board shall not be constituted unless the fee referred to in [subregulation \(3\)](#) has been paid.

Regulation 10.

- (1) Upon receipt of the notification referred to in [regulation 9\(1\)\(b\)](#) the local authority shall within 21 days of the date of such notification forward the reasons for its decision to the Director-General and if it should have any comments on any additional information obtained by the board in terms of [regulation 9\(2\)\(a\)](#), such comments shall be forwarded to the board within a period of 14 days from the date on which such additional information was furnished to it by the board.
- (2) The board may on good cause shown extend the period referred to in [subregulation \(1\)](#) for an additional period not exceeding 30 days.

Regulation 11.

- (1) Notwithstanding anything to the contrary contained in these regulations, the board shall be entitled in its discretion either -
 - (a) without formal hearing, to give a decision based on the documents submitted to the board in accordance with [regulations 9](#) and [10](#), or

- (b) owing to the nature or complexity of the appeal, to cause the matter to be set down for hearing on a date and at a time and place to be indicated by the chairman and the chairman shall at least 14 days before the date of such hearing serve a notice by registered post upon each of the members and the parties informing them of such date, time and place.
- (2) (a) The board may, if it considers the attendance of any person as a witness necessary for the purpose of hearing an appeal, summon such person by causing a notice, substantially in the form set out in [Annexure B](#) to these regulations, to be served by registered post on such person.
 - (b) Any person on whom a notice has been served in terms of these regulations who fails to attend in terms of such notice or who, having so attended, absents himself from the hearing without having been excused by the board, shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding two months.
- (3) Neither the chairman nor any member shall participate in any proceedings of the board or in any way influence or try to influence the decision of the board in any matter being dealt with or required to be dealt with by the board if the chairman or member has any direct or indirect pecuniary or personal interest in any such matter.

Regulation 12.

- (1) Subject to the provisions of these regulations the rules of the law of evidence shall not apply in respect of the proceedings before the board, and the board may ascertain any relevant fact and regulate its own procedure in such manner as it may deem fit.
- (2) The parties and their duly authorised representatives shall be entitled to appear at the hearing of an appeal, to call and examine witnesses, to produce plans, specifications or other papers relevant to the appeal and to examine any such plan, specification or paper.
- (3) The provisions of [subsection \(2\)](#) shall not affect the board's power to decide that sufficient evidence has been adduced on which a decision can be arrived at, and to order that no further evidence shall be adduced.
- (4) The board may require any witness whether before giving evidence or during the course of his evidence to take an oath or make an affirmation and such oath or affirmation shall be administered by the chairman.
- (5) The board may conduct an inspection in loco, which may include an inspection of the way or manner in which any building material is manufactured or processed on any premises, if the use or application of such building material is or becomes a matter in issue in the appeal.
- (6) In the event of an appeal not being proceeded with by an appellant on the day appointed by the board for the hearing thereof, the appeal may be struck off the roll, but may be reinstated if the appellant on subsequent application satisfies the board that his failure to proceed with the appeal was due to circumstances beyond his control.
- (7) If any review proceedings have been commenced by the board and the chairman or other member shall for any reason be unable or disqualified to participate in such proceedings to their final conclusion, the proceedings shall be quashed and shall be commenced de novo before a board constituted in terms of the Act.

Regulation 13.

- (1) The decisions of the board shall be taken by majority vote.
- (2) Any proceedings before the board may be adjourned by the chairman to such date, time and place as he may deem fit.
- (3) The board may at any time prior to its final decision in its discretion order any proceedings to be

re-opened for the purpose of hearing or considering further evidence or arguments which, as may be directed by the board, may be either oral or written.

- (4) The board may -
- (a) dismiss the appeal and confirm the refusal or any conditional approval of the local authority; or
 - (b) uphold the appeal in whole or in part, and
 - (c) order the local authority to pay a successful appellant an amount equivalent to the amount paid by the appellant in terms of [regulation 9\(3\)](#), or any part of such amount.

Regulation 14.

Any person summoned by the board in terms of [regulation 11\(2\)](#) shall be entitled to witness fees, paid by the council, in accordance with the tariff of allowances prescribed in terms of section 51bis of the Magistrates' Courts Act, 1944 (Act 32 of 1944), payable to a witness in civil proceedings before a magistrate's court.

Regulation 15.

Subject to the provisions of [regulation 13\(4\)\(c\)](#) each party shall be liable for his own costs in regard to any appeal to the board.

Regulation 16.

- (1) The chairman shall keep or cause to be kept minutes of the proceedings of the board, as well as a record of any evidence given before the board, and such minutes and record, the relevant notice of appeal, any document which the board has considered and the written reasons of the board, shall constitute the record of the proceedings of the board.
- (2) Such minutes and record shall be forwarded to and kept in safe custody by the Director-General and such records shall be open for inspection by any person against payment of a search fee of R20 for each record so inspected.

Regulation 17.

Any power or duty conferred or imposed on the Director-General by these regulations may be delegated or assigned to any member of the staff of the council and the Director-General shall not thereby be divested or relieved of any such power or duty by reason of such delegation or assignment.

Regulation 18.

- (1) Any member of the board who is not in the full-time service of the State or the bureau, shall receive the remuneration and travel and subsistence allowance according to the rules for the financial and General Administration of Commissions and Departmental Committees of Enquiry as determined by the Treasury from time to time.
- (2) Any such remuneration and allowances shall be paid by the council.

Regulation 19.

Any person who -

- (a) obstructs, hinders or interferes with any proceedings of the board;
- (b) discloses, except when required to do so by a court of law, any information or evidence relating to any matter dealt with by the board which he reasonably should have known would be likely to defeat the purpose of the decision of such board;

(c) knowingly makes a false statement in connection with any provisions of these regulations;

(d) fails to comply with any order or instruction given by the board in terms of these regulations,

shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding two months.

ANNEXURE A

Building Industries Federation of South Africa.
Institute of South African Architects.
South African Institution of Civil Engineers.
South African Institute of Municipal Engineers.
South African Institute of Drainage and Building Inspectors.
South African Institute of Mechanical Engineers.
South African Institute of Quantity Surveyors.
Association of Building Societies of South Africa.
South African Association of Consulting Engineers.
The Association of Municipal Electricity Undertakings of South Africa.
The South African Institute of Town and Regional Planners.
South African Institution of Electrical Engineers.
South African Property Owners Association.
South African Institute of Steel Construction.
South African Institution of Chemical Engineers.
Portland Cement Institute of South Africa.
Fire Protection Association of South Africa.
Lumbermillers Association of South Africa.
The Department of Public Works and Land Affairs.
The National Housing Commission.
The Department of Health and Welfare.
The South African Transport Services.
The Department of Environmental Affairs.
South African Institute of Building Designers.
National Association of House Builders.
South African Institute of Building.

ANNEXURE B

NOTICE IN TERMS OF REGULATION 11(2) OF THE REGULATIONS MADE UNDER SECTION 20 OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 (ACT 103 OF 1977), TO APPEAR BEFORE THE REVIEW BOARD

You are hereby summoned to appear at the hearing of the appeal by against the refusal/conditional approval by the local authority of the application referred to in [section 6\(3\)](#) or [7](#) of the above-mentioned Act in respect of the erection of a building on Erf/Stand/Lot No situated within the said local authority's area of jurisdiction.

You are required to bring with you and to produce to the review board the following:

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.....

The appeal will be heard at on the 20..... at or as soon thereafter as may be possible.

Given under my hand at Pretoria this day of 20

.....

Chairman: Review Board

Note:

You will be rendered liable to a fine not exceeding R200 or to imprisonment not exceeding two months if you fail to -

- (a) appear on the date and at the time and place specified in this notice;
- (b) produce any book, document or object if required to do so in terms of this notice; or
- (c) remain in attendance until the end of the proceedings or until you are excused by the chairman of the review board.