PRESIDENT'S OFFICE

No. 1513.
4 October 1995

NO. 49 OF 1995: NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS AMENDMENT ACT, 1995.

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

GENERAL EXPLANATORY NOTE:

** ** Words between asterisks indicate omissions from existing enactments.

<< >> Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the National Building Regulations and Building Standards Act, 1977, so as to delete a definition and to insert one; and to empower a local authority to accept the appointment of certain persons registered in terms of the Engineering Profession of South Africa Act, 1990, to carry out certain work; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 103 of 1977, as amended by section 1 of Act 36 of 1984 and section 1 of Act 62 of 1989

1. Section 1 of the National Building Regulations and Building Standards Act, 1977 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the deletion of the definition of "professional engineer"; and

(b) by the insertion after the definition of "owner", of the following definition:

" '<<registered person' means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering)>>;".

Substitution of section 3 of Act 103 of 1977

2. The following section is hereby substituted for section 3 of the principal Act:

"Duties of draftsmen of plans, specifications, documents and diagrams

3. 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 **professional engineer required under any law to be registered as such** <<registered person,>> also his profession and registration number, if any, to such plan, specification, document or diagram.".

Amendment of section 12 of Act 103 of 1977

3. Section 12 of the principal Act is hereby amended-

(a) by the substitution in subsection (3) for paragraphs (a) and (b) of the following paragraphs, respectively:

"(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 **, in the opinion of the local authority in question,** it is dangerous or is showing signs of becoming dangerous to life or property, **such** <<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 **professional engineer** <<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 **professional engineer** <<registered person,>> in order to render such building, land or earthwork safe.

(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 **in its opinion** may increase the danger or hinder or obstruct the architect or **professional engineer** <<registered person>> referred to in paragraph (a) from properly carrying out the investigation referred to in that paragraph."; and

(b) by the addition of the following paragraphs:

" <<(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.

(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>>.".

Amendment of section 14 of Act 103 of 1977, as amended by section 7 of Act 62 of 1989

4. Section 14 of the principal Act is hereby amended-

(a) by the substitution for subsection (2) of the following subsection:

"(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;"; and

(b) by the substitution for subsection (2A) of the following subsection:

"<<(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>>.".

(c) by the substitution for subsection (3) of the following subsection:

"(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.".

Short title

5. This Act shall be called the National Building Regulations and Building Standards Amendment Act, 1995.