

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

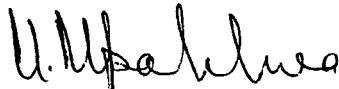
No. R. 574

30 May 2008

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

NATIONAL BUILDING REGULATIONS

I, Mandisi Mpahlwa, 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 Mpahlwa

Minister of Trade and Industry

SCHEDULE

Substitution of Regulation AZ.1

- 1 Regulation AZ1 of the Regulations is substituted for the following regulation:

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

Amendment of Regulation AZ.2

Regulation AZ2 of the Regulations is amended as follows:

- 2 Delete "suitable" in heading for definition for "acceptable", "adequate", "satisfactory" or "suitable" and in the text of the definition itself

- 3 Add the following new definition:

"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

- 4 Add the following new definition:

"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."

- 5 Add the following new definition:

Board of Agrément South Africa

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

- 6 Delete definition for "class"

- 7 Substitute "competent person" with the following:

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 .

- 8 Add the following new definition

"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.

- 9 Add the following new definition:

"deemed-to-satisfy provision" means non-mandatory requirement, the compliance with which ensures compliance with a functional regulation

- 10 Add the following new definition:

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

- (a) 60 m in areas underlain by limestone;
- (b) 60 m 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) 100 m in areas underlain by dolomite where de-watering has taken place or where the local authority has no jurisdiction or control over ground water levels.

- 11 Substitute "SANS 10177-2" for "SABS 0177 Part II" in definition for **"fire resistance"**

- 12 Add the following new definition:

"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

- 13 Add the following new definition:

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.

- 14 Delete definition for **"incremental house"**

- 15 Insert "waste water" before "or stormwater" at the end of the definition for "industrial effluent"

- 16 Add the following new definition:

"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.

- 17 Substitute "load" with the following:

"load" means the value of a force corresponding to an action.

- 18 Substitute (a) ix) in "**minor building work**" with the following:
(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 1,8 m in height at any point above ground level and does not retain soil;
- 19 Substitute "SANS 10177-5" for "SABS 0177-V" in definition for "**non-combustible**"
- 20 Delete definition for "**pail closet**"
- 21 Add the following new definition:
"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."
- 22 Delete definition for "**pit latrine**"
- 23 Add the following new definition:
"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
- 24 Add the following new definition:
"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;
- 25 Substitute "**rational design**" with the following:
"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
- 26 Delete definition for "**roof assembly**"
- 27 Delete definition for "**sanitary group**"
- 28 Substitute "WC" in the definition for "**storage tank**" with "toilet"
- 29 Delete "mezzanine floor" in definition for "**storey**"
- 30 Delete definition for "**street boundary**"
- 31 Add the following new definition:
"suitable" means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose
- 32 Add to the end of the definition for "**trained plumber**" the words "or has obtained a National Certificate in Construction Plumbing, National Qualification Framework level 3".

Substitution of Regulation AZ.3

- 33 Regulation AZ.3 of the Regulations is substituted with the following regulation:
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 I Part 2 Part 3. Part 4
10400	The application of the National Building Regulations

Addition of Regulation AZ.4

- 34 Add the following Regulation AZ.4

AZ.4 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 persons 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.

Amendment of Regulation A1

Regulation A1 of the Regulations is amended as follows:

35 Substitute sub-regulation A1(1) with the following:

- (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

36 Substitute sub-regulation A1(3) with the following:

- (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."

37 Delete sub-regulation A1(7)(c) and renumber sub-regulation A1(7)(d) as A1(7)(c)

Amendment of Regulation A2

Regulation A2 of the Regulations is amended as follows:

38 Substitute sub-regulation A2(1)(f)(iv) with the following:

- (iv) any certificate contemplated in these regulations, including any applicable Agrément Certificate;

39 Substitute sub-regulation A2(1)(f)(v) with the following:

- (v) particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400

40 Add sub-regulation A2(1)(g)

- (g) a declaration by a person registered in a professional category of registration in terms of the 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

- 41 Add sub-regulations **A2(2)**, **A2(3)** and **A2(4)** and renumber sub-regulations **A2(2)** and **A2(3)** as **A2(5)** and **A2(6)**
- (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.
- 42 Substitute sub-regulation **A(2)(6)** with:
- (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 subregulation, 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 subregulation shall be guilty of an offence and such notification is null and void.

Amendment of Regulation A4

Regulation A4 of the Regulations is amended as follows:

- 43 Substitute "a professional engineer or other" with "an" in sub-regulation **A4(1)(b)**
- 44 Substitute "code of practice" with "standard" in Regulation **A4(1) (h), (i), (j) and (k)**
- 45 Substitute "forces" with "actions" in sub-regulation **A4(4)(d)** wherever it occurs
- 46 Substitute "grade" with "class" in sub-regulation **A4(5)(a)**
- 47 Substitute "SABS" with "SANS" in sub-regulation **A4(8)(a)**
- 48 Substitute "a professional engineer or other" with "an" in sub-regulation **A4(8)(b)**
- 49 Insert "Agrément " before certificate and delete "issued by the Agrément Board of South Africa" in sub-regulation **A4(9)(ii)**

Amendment of Regulation A5

Regulation A5 of the Regulations is amended as follows:

- 50 Substitute sub-regulation **A5(2)(b)** with the following:
 - (b) be drawn on any suitable material or be provided in a medium acceptable to the local authority;
- 51 Delete "paper " in sub-regulation **A5(3)**
- 52 Substitute "1:300" with "1:250" in sub-regulation **A(5)(5)(a)(i)**
- 53 Substitute sub-regulation **A5(5)(b)** with the following:
 - (b) The local authority may accept a scale not provided for in this sub-regulation.
- 54 Substitute sub-regulations **A8(6)** and **A8(7)** with the following:
 - (6) One copy of the plans and drawings contemplated in subregulation (2) shall, for the convenience of the local authority, identify in a suitable manner or colour the following as indicated below:

(a) Material	Colour (in plan or section)
(i) New masonry	Red
(ii) New concrete	Green
(iii) New iron or steel	Blue
(iv) New wood	Yellow
(v) New glass	Black
(vi) Existing materials (all materials)	Grey
(vii) All other new materials	To be clearly indicated in colours other than the above

(b)	Site plans	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

55 Renumber sub-regulations **A5(8)** and **A5(9)** as **A5(7)** and **A5(8)**

56 Substitute "2 mm" with "2,5mm" in sub-regulation **A5(8)**

Amendment of Regulation A7

Regulation **A7** of the Regulations is amended as follows:

57 Add the following sub-regulation **A7(1)(e)** and renumber sub-regulations **A7(1)(e)** to **A7(1)h** as **A7(1)f** to **A7(1)(i)**

(e) all details relating to the facilities provided for persons with disabilities

Amendment of Regulation A8

Regulation **A8** of the Regulations is amended as follows:

58 Add "Two way vent valve2WV" to list in sub-regulation **A8(5)**

59 Substitute "WC" in sub-regulation **A8(5)** with "toilet" wherever it occurs

Amendment of Regulation A9

Regulation **A9** of the Regulations is amended as follows:

60 Add "protection" before "fire" in sub-regulation **A9(1)**

Amendment of Regulation A10

Regulation **A10** of the Regulations is amended as follows:

61 Add the following symbols to the list in sub-regulation **A10**:

Escape doorED
Escape route.....ER
Feeder routeFR

Amendment of Regulation A11

Regulation A11 of the Regulations is amended as follows:

- 62 Delete " before granting approval in relation to an application" in sub-regulation A11(1)

Amendment of Regulation A13

Regulation A13 of the Regulations is amended as follows:

- 63 Substitute sub-regulation A13(1) with the following:
- (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 subregulation (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,

Amendment of Regulation A14

Regulation A14 of the Regulations is amended as follows:

- 64 Substitute regulations A14(1) to A14(4) with the following and renumber sub-regulation A14(5) as A14(2):
- (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.
 - (2) (b) The requirements of sub-regulation (1)(a) shall be deemed to be satisfied if such construction satisfies the requirements of SANS 10400.

Amendment of Regulation A15

Regulation A15 of the Regulations is amended as follows:

- 65 Substitute title of Regulation A15 and sub-regulations A15(1) and A15(2) with the following:

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:
- i) the structural safety performance (behaviour of buildings under all actions that can be reasonably expected to occur);
 - ii) the measures taken to resist the penetration of rain water and the passage of moisture into the interior of a building

66 Substitute "equipment or installation" with "building, equipment, installation or facility" in sub-regulation A15(4)

Amendment of Regulation A16

Regulation A16 of the Regulations is amended as follows:

67 Substitute "as evaluated by the Human Sciences Research Council" with "at an accredited educational institution" in Regulation A16

Amendment of Regulation A17

Regulation A17 of the Regulations is amended as follows:

68 Substitute "Town Clerk or Secretary" with "municipal manager" in sub-regulation A17(1)(e)

69 Substitute subregulation A17(2) with the following:

- (2) Sub-regulation (1) shall be deemed to be satisfied where the certificate is in accordance with that provided in SANS 10400-A.

Substitution of Regulation A19

Regulation A19 of the Regulations is substituted with the following Regulation:

70 Substitute Regulation A19 with the following:

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

- (1) Where in 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 Z.4(1)(b)(ii), A(1)(3), A23(4), G1(3), O4, P2(2), Q(3), R(3), T1(2) or W4 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 may be 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 fulfil 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 countersigned by the approved competent person.
- (iv) Each designer of a part 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 appellants 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.
- (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

Amendment of Regulation A20

Regulation A20 of the Regulations is amended as follows:

71 Add the following definitions to Table 1:

E4	<p>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.</p>
H5	<p>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.</p>

Amendment of Regulation A21

Regulation A21 of the Regulations is amended as follows:

72 Substitute Table 2 with the following table:

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

Amendment of Regulation A22

Regulation A22 of the Regulations is amended as follows:

73 Add "(d) the building will be completed" to sub-regulation A22(2)

Amendment of Regulation A23

Regulation A23 of the Regulations is amended as follows:

74 Substitute "a professional engineer or other" with "an" in sub-regulation A23(4)

Amendment of Regulation B1

Regulation B1 of the Regulations is amended as follows:

75 Add "under all actions which can reasonably be expected to occur" after "durability" in sub-regulation B1(1)

76 Substitute "part B of Section 3 of SABS 0400" with "SANS 10400-B" in sub-regulation B3(3)

Amendment of Regulation C

Regulation C of the Regulations is amended as follows:

77 Substitute "part C of Section 3 of SABS 0400" with "SANS 10400-C" in sub-regulation C1(3)

Amendment of Regulation D

Regulation D of the Regulations is amended as follows:

78 Substitute "part D of Section 3 of SABS 0400" with "SANS 10400-D" in sub-regulation D5

Amendment of Regulation F

Regulation F of the Regulations is amended as follows:

79 Substitute Regulation F3 with the following:

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.

80 Add "seasonally waterlogged" after "waterlogged" in sub-regulation F4(2)

81 Substitute "SABS 0124" with "SANS 10124" in sub-regulation F5 wherever it occurs

82 Substitute Regulation F5 with the following:

- (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 subregulation (1) shall be deemed to be satisfied where the means of termite protection complies with SANS 10400-F.

- 83 Substitute the title of Regulation F6 with the following:

CONTROL OF UNREASONABLE LEVELS OF DUST AND NOISE

- 84 Substitute sub-regulation F6(2)(a) and F6(2)(b) with the following and renumber F6(2)(c) as F6(2)(b):

- (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 (i)

- 85 Substitute "part F of Section 3 of SABS 0400" with "SANS 10400-F" in sub-regulation F11(3)

Amendment of Regulation G

Regulation G of the Regulations is amended as follows:

- 86 Add " or an approved competent person" before "in such authorisation in sub-regulation G1(3)(b).

- 87 Substitute "part G of Section 3 of SABS 0400" with "SANS 10400-G" in sub-regulation G2

Amendment of Regulation H

Regulation H of the Regulations is amended as follows:

- 88 Substitute sub-regulation H1(1) with the following:

- (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.

- 89 Substitute "part H of Section 3 of SABS 0400" with "SANS 10400-H" in sub-regulation H1(2)

Amendment of Regulation J

Regulation J of the Regulations is amended as follows:

- 90 Substitute sub-regulation J1(1)(a) with the following:

- (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

- 91 Substitute "WC" in sub-regulation J1(2) with "toilet"

92 Substitute sub-regulation J(5) with the following:

- (5) The requirements of subregulations (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 subregulation (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.

Amendment of Regulation K

Regulation K of the Regulations is amended as follows:

93 Substitute sub-regulation K1 with the following:

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.

94 Substitute sub-regulation K2 with the following:

- (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.

95 Substitute "forces" with "actions" in sub-regulation K3

96 Substitute "part K of Section 3 of SABS 0400" with "SANS 10400-K" in sub-regulation K5

Amendment of Regulation L

Regulation L of the Regulations is amended as follows:

97 Substitute sub-regulation L1 with the following:

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.

98 Substitute "part L of Section 3 of SABS 0400" with "SANS 10400-L" in sub-regulation L3

Amendment of Regulation M

Regulation M of the Regulations is amended as follows:

99 Substitute M1 with the following:

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.

100 Substitute "part M of Section 3 of SABS 0400" with "SANS 10400-M" in sub-regulation M3

Amendment of Regulation N

Regulation N of the Regulations is amended as follows:

101 Substitute sub-regulation N1(1)(a) with the following:

"a) safely sustain any wind actions which can reasonably be expected"

102 Substitute sub-regulation N1(3) with the following:

Replace "part N of Section 3 of SABS 0400" with "SANS 10400-N"

Amendment of Regulation O

Regulation O of the Regulations is amended as follows:

103 Substitute "WC" with "toilet" in sub-regulation O1(1)

104 Substitute sub-regulation O1(2) and O1(3) with the following:

- (2) The requirement of subregulation (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 subregulation (2) any room contemplated in subregulation (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 subregulation (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 subregulation (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.

105 Substitute sub-regulation O4 with the following:

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.

106 Substitute "part O of Section 3 of SABS 0400" with "SANS 10400-O" in sub-regulation O5(2)

107 Substitute sub-regulation O6 with the following

- (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.

Amendment of Regulation P

Regulation P of the Regulations is amended as follows:

108 Substitute "loads and forces" with "actions" in sub-regulation P2(1)(f)

109 Substitute sub-regulation **P2(2)** with the following:

- (2) The requirements of subregulation (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.

110 Substitute sub-regulation **P3(1)(b)** with the following:

- (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

111 Substitute "part P of Section 3 of SABS 0400" with "SANS 10400-P" in sub-regulation **P7(1)**

Amendment of Regulation Q

Regulation **Q** of the Regulations is amended as follows:

112 Substitute sub-regulation **Q1** with the following:

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 a way 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;

113 Substitute "latrine" with "toilet" in sub-regulation **Q2**

114 Substitute sub-regulation **Q3(3)(a)** with the following:

- (3) (a) The requirements of subregulation (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

Amendment of Regulation R

Regulation R of the Regulations is amended as follows:

115 Substitute sub-regulation R1(3) with the following:

- (3) The requirements of subregulation (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.

Substitution of Regulation S

116 Regulation S of the Regulations is substituted with the following Regulation:

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 subregulation (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.

Amendment of Regulation T

Regulation T of the Regulations is amended as follows:

117 Replace T(1)(a) with the following:

- (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;

118 Substitute sub-regulation T1(2) with the following:

- (2) The requirements of subregulation (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 subregulation (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.

(3)

119 Substitute sub-regulation T2(1)(a) with the following:

- (1) Any owner of any building who fails to -
 - (a) provide sufficient fire extinguishers to satisfy the requirements of subregulation 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

Amendment of Regulation V

Regulation V of the Regulations is amended as follows:

120 Substitute "part V of Section 3 of SABS 0400" with "SANS 10400-V" in sub-regulation V1(2)

Amendment of Regulation W

Regulation **W** of the Regulations is amended as follows:

- 121 Substitute " Any approved fire installation" with "All approved fire installations" in sub-regulation **W1**.
- 122 Substitute "pumping connection" with "and suitable connection" in sub-regulation **W3(a)**
- 123 Substitute Regulation **W4** with the following:

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.