

Annexure A- REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT No. 103 OF 1977) Extract: OWNER

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

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9 November 2011.

EXTRACT: OWNER

"**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;

"**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;

"**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;

"**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;

PART A ADMINISTRATION

A1 APPLICATION

- (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, passageways, escape routes and fire fighting equipment.
- (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

- (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.

(Regulation A2(2) added by regulation 41 of GNR 574 of 2008)

- (3) Where it is not possible for the person appointed by the owner of a building in subregulation (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).

(Regulation A2(3) added by regulation 41 of GNR 574 of 2008)

- (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 -
 - (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.

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 -
- (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.

A8 PLUMBING INSTALLATION DRAWINGS AND PARTICULARS

- (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 by-laws 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.

(Regulation A8(5) renumbered to A8(4) by regulation 10(c) of GNR 432 of 1991)

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.

(Regulation A11(1) amended by regulation 62 of GNR 574 of 2008)

- (2) Where such owner fails to engage a professional land surveyor as contemplated in subregulation (1) the local authority may engage a

**Annexure A- REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT No. 103 OF 1977) Extract: OWNER**

professional land surveyor to establish and point out the location of such pegs or beacons, and the local authority [sic] 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 subregulation (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.
(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

- (5) If any material or component contemplated in subregulation (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.
(Regulation A14(1) substituted for A14(1) to A14(4) by regulation 64 of GNR 574 of 2008)
- (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.
(Regulation A14(5) renumbered to A14(2) by regulation 64 of GNR 574 of 2008)

A15 MAINTENANCE AND OPERATION

(Heading substituted by regulation 65 of GNR 574 of 2008)

- (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.
(Regulation A15(1) substituted by regulation 65 of GNR 574 of 2008)
- (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.
(Regulation A15(2) substituted by regulation 65 of GNR 574 of 2008)
- (3) The local authority may serve a notice on such owner or person requiring him to comply with subregulation (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.
(Regulation A15(4) substituted by regulation 66 of GNR 574 of 2008)
- (5) Any owner or person who contravenes the requirements of subregulation (1) or (2) or fails to comply with any notice served in terms of subregulation (3) or (4) shall be guilty of an offence.

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 Z4(1)(b)(ii), A(1)(3), A23(4), G1(3), O4, P2(2), Q(3), R(3), T1(2), W4 or XA3(b) in respect of a system, measure, facility, parameter, or installation, as relevant, or
(Regulation A19(1)(a)(i) amended by regulation 2 of GNR 711 of 2011)
 - (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 subregulation (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.
- (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.
- (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:
 - (ii) is not an employee of the owner of the building and is not in possession of professional indemnity insurance cover;
- (12) (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.

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.
- (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;
(Regulation A22(2)(a) amended by regulation 17(b) of GNR 432 of 1991)
 - (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.
(Regulation A22(2)(d) added by regulation 73 of GNR 574 of 2008)
- (3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local

Annexure A- REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT No. 103 OF 1977) Extract: OWNER

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 subregulation (2).

(Regulation A22(3) amended by regulation 17(c) of GNR 432 of 1991)

- (4) Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence.

A23 TEMPORARY BUILDINGS

- (4) The local authority may at the request of the owner grant approval for one or more extensions of the period contemplated in subregulation (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.

(Regulation A23(4) amended by regulation 74 of GNR 574 of 2008)

- (5) The owner of such building may, not later than the last day of the period contemplated in subregulation (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 subregulation (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 subregulation (5).
- (7) If any plans and details contemplated in subregulation (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.

A25 GENERAL ENFORCEMENT

- (7) Whether or not a notice contemplated in subregulation (6) has been served, the local authority may serve a notice on the owner of any building contemplated in subregulation (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 subregulation (7), the owner satisfies the local authority that he has complied with the requirements contained in these regulations, the notice contemplated in subregulation (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 subregulation (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.

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 subregulation (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.

(Regulation D5 amended by regulation 78 of GNR 574 of 2008)

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.

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.

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.
- (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 subregulation (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 subregulation (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

- (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,

Annexure A- REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT No. 103 OF 1977) Extract: OWNER

and shall report to the owner and the local authority such findings.

F6 CONTROL OF UNREASONABLE LEVELS OF DUST AND NOISE

(Heading substituted by regulation 83 of GNR 574 of 2008)

- (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.
- (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 subregulation (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 subregulation (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 subregulation (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 subregulation 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 *[sic]* 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 subregulation (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.
- (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 subregulation (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 of *[sic]* 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.
(Regulation F11(1) amended by regulation 21 of GNR 432 of 1991)
- (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.

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 3 m, 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.
(Regulation G1(3)(b) amended by regulation 86 of GNR 574 of 2008)
- (4) The owner of any site shall, at least seven days prior to the commencement of any excavation contemplated in subregulation (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.

G6 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

Annexure A- REGULATIONS UNDER THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT No. 103 OF 1977) Extract: OWNER

installed in terms of these regulations is operating in the designed manner.

PART P DRAINAGE

(Heading amended by regulation 24 of GNR 432 of 1991)

P1 COMPULSORY DRAINAGE OF BUILDINGS

- (1) (a) Where in respect of any building a suitable means of disposal of waterborne sewage is available the owner of such building shall provide a drainage installation.
- (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.
(Regulation P1(3) amended by regulation 25 of GNR 432 of 1991)
- (4) Where the owner of such building fails to lay, alter or extend any drain in terms of subregulation (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 subregulation (1) or (2), shall be guilty of an offence.

P2 DESIGN OF DRAINAGE INSTALLATIONS

- (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.
(Regulation P2(2) substituted by regulation 109 of GNR 574 of 2008)

P3 CONTROL OF OBJECTIONABLE DISCHARGE

- (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 subregulation (1) or (2), as the case may be.
(Regulation P3(3) substituted by regulation 26(b) of GNR 432 of 1991)

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.

PART Q NON-WATER-BORNE MEANS OF SANITARY DISPOSAL

Q3 CONSTRUCTION, SITING AND ACCESS

- (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
(Regulation Q3(3)(a) substituted by regulation 114 of GNR 574 of 2008)

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 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.
(Regulation R1(3) substituted by regulation 115 of GNR 574 of 2008)

PART T FIRE PROTECTION

T1 GENERAL REQUIREMENT

- (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.
(Regulation T1(2) substituted by regulation 118 of GNR 574 of 2008)

T2 OFFENCES

- (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
(Regulation T2(1)(a) substituted by regulation 119 of GNR 574 of 2008)
 - (b) maintain any other provision made to satisfy the requirements of subregulation T1(1)(e), shall be guilty of an offence.