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COMPLIANCE CERTIFICATES REQUIRED FOR THE TRANSFER OF IMMOVABLE PROPERTY:

In order to transfer immovable property in South Africa a number of certificates are required. Below we will have a look at each certificate in turn, identifying under what authority they are issued, and briefly what each entails.

Please note that the periods of validity are as prescribed by the relevant regulations in terms of which the certificates are issued. Regard must be had to what is stated in the Sale Agreement as the terms contained therein may be more onerous for the Seller (for example most Sale Agreements will specifically require that any certificate be issued no earlier than date of sale).

A second point to note is that whilst it is normally standard procedure that the Seller is obliged to provide the necessary certificate (and is liable for the costs of any remedial work that may be necessary for the certificate to be issued), there is nothing preventing the parties from agreeing between themselves that the Purchaser be liable for the costs of obtaining the certificates.

1. ELECTRICAL COMPLIANCE CERTIFICATE:

- **APPLICABLE LEGISLATION:** The electrical compliance certificate is issued in terms of the Electrical Installations Regulations to the Occupational Health and Safety Act 85 of 1993.
- **ISSUED BY:** An electrical compliance certificate must be issued by an electrician who is registered with the Department of Labour.
- **PURPOSE OF CERTIFICATE:** An electrical compliance certificate verifies that all electrical work and installations on the property are safe and comply with the requirements of the Electrical Installation Regulations as well as the South African National Standards.
- **PERIOD OF VALIDITY:** An electrical compliance certificate is valid for a period of 2 years from the date on which it is issued.
- **CAN IT BE WAIVED:** A valid electrical compliance certificate is required by law and a property cannot be transferred without such certificate.
- **DERELICT PROPERTY:** Where a property is dilapidated and being purchased for demolition and future development an electrician can disconnect the electrical connection and issue a certificate to the effect that there is no electrical installation at the property.

2. ELECTRICAL FENCE CERTIFICATE:

- **APPLICABLE LEGISLATION:** The electrical fence certificate is issued in terms of the Electrical Machinery Regulations to the Occupational Health & Safety Act 85 of 1993.
- **ISSUED BY:** An electrical fence compliance certificate must be issued by a qualified contractor registered with the South African Electrical Fence Installers Association.
- **PURPOSE OF CERTIFICATE:** An electrical fence certificate confirms that an electric fence installation complies with the required safety standard.
- **PERIOD OF VALIDITY:** An electrical fence certificate does not have a set period of validity and an existing certificate may be transferred by a Seller to a Purchaser. If however an electrical fence has undergone any additions or alterations then a new certificate needs to be issued.
- **CAN IT BE WAIVED:** A valid electrical compliance certificate is required by law and a property cannot be transferred without such certificate.

- **SECTIONAL TITLE SCHEMES:** In a Sectional Title Scheme an individual certificate is not required but the Body Corporate should have a valid certificate for electric fences located on common property.

3. **GAS COMPLIANCE CERTIFICATE:**

- **APPLICABLE LEGISLATION:** The gas compliance certificate is issued in terms of the Pressure Equipment Regulations to the Occupational Health and Safety Act 85 of 1993.
- **ISSUED BY:** A gas compliance certificate must be issued by an authorised person who is registered with the Liquefied Petroleum Gas Safety Association of Southern Africa.
- **PURPOSE OF CERTIFICATE:** According to the required safety standards, for gas components to pass inspection they must be correctly positioned in relation to electrical points, and outside cylinders must be the required distance from doors, drains, windows and electrical appliances.
- **PERIOD OF VALIDITY:** A gas compliance certificate does not have a set period of validity and an existing certificate may be transferred by a Seller to a Purchaser. If however an owner has done amendments or alterations to a gas installation, a new compliance certificate will need to be issued prior to registration of transfer.
- **CAN IT BE WAIVED:** A valid gas compliance certificate is required by law and property cannot be transferred without such certificate.

4. **ENTOMOLOGIST CERTIFICATE:**

- **APPLICABLE LEGISLATION:** Whilst an entomologist certificate is not required by law, it has become standard practice to include a clause in an Agreement of Sale that the Seller provides a Purchaser with such certificate prior to registration of transfer (especially in KwaZulu-Natal).
- **ISSUED BY:** An entomologist certificate is issued by an entomologist registered with the South African Pest Control Association.
- **PURPOSE OF CERTIFICATE:** An entomologist certificate confirms that the property has been inspected for any visible signs of wood destroying insects, and is deemed to be free from such insects.
- **PERIOD OF VALIDITY:** As an entomologist certificate is not required by law, there is no standard period for validity and regard should therefore be had to the terms of the Agreement of Sale.
- **CAN IT BE WAIVED:** As the requirement for an entomologist certificate is merely a standard practice and not law, this requirement can be waived by the parties to the sale agreement.

5. **WATER INSTALLATION CERTIFICATE** *(note that this is a place-specific requirement and only applies to property situated in Cape Town):*

- **APPLICABLE LEGISLATION:** The water installation certificate is governed by the City of Cape Town Metropolitan Municipality Water By-Law.
- **ISSUED BY:** The water installation certificate is issued by an accredited plumber.
- **PURPOSE OF CERTIFICATE:** The water installation certificate confirms that there are no defect in water systems, the water meter registers and that there is no discharge of stormwater.
- **PERIOD OF VALIDITY:** The certificate needs to be issued as at date of registration of transfer.
- **CAN IT BE WAIVED:** As this is a requirement of the Municipality it cannot be waived.