

Compliance certificates in property transactions

When selling a property, certain compliance certificates may be required to confirm that specified installations meet applicable safety, building, and/or municipal requirements. Sale agreements may make provision for the various types of compliance certificates to be obtained by the seller (or the purchaser, if otherwise agreed) before the transfer of the

property is registered. These certificates may be required in both conventional and sectional title transactions.

The following summary outlines the key requirements for the most common certificates required by law – or contract – in South African property transactions.



Electrical

- This certificate certifies that the electrical installation on the property complies with the required safety standards.
- It is governed by the Occupational Health and Safety Act.
- If any addition or alteration has been made to the electrical installation after a certificate was issued, a certificate of compliance must be obtained for at least the addition or alteration.
- Under the law, a change of ownership may not be allowed if the certificate is older than two years.



Solar

- This certifies that the solar power system, which forms part of the electrical installation installed on the property, complies with the applicable safety requirements.
- It is governed by the Occupational Health and Safety Act.
- The solar installation must comply with the applicable electrical installation requirements and be covered by the required electrical compliance certificate.



Electric fence

- This certificate must be obtained upon the installation of an electric fence.
- It certifies that the installation complies with the prescribed safety standards.
- It is governed by the Occupational Health and Safety Act.
- Certificates are transferable.
- For an electric fence system that existed before the relevant Regulations came into force, a certificate is required if an addition or alteration is made to the system or there is a change of ownership of the property after 1st October 2012.



Gas

- This certificate must be obtained after completion of the installation of a gas appliance on the premises.
- It certifies that the installation complies with the prescribed safety standards.
- It is governed by the Occupational Health and Safety Act.
- Any modification or alteration to the gas installation must be certified in accordance with the applicable requirements.
- A new certificate must be obtained each time ownership of the property changes.



Water installation

- This certificate certifies that the water installation at the property is in line with municipal and building requirements.
- It is governed by the City of Cape Town's Water By-law and is only applicable to transfers within the municipal jurisdiction of the City of Cape Town.
- The seller must, before transfer of the property, submit a certificate from an accredited plumber certifying that the water installation conforms to the National Building Regulations and the City's Water By-law.
- A new certificate must be obtained each time there is a change of ownership.



Beetle

- This certificate certifies that the accessible wood of permanent structures on the property is free from certain wood-destroying beetles.
- There is no law obligating the parties to obtain this certificate. However, it is frequently included in sale agreements involving older properties and properties in coastal areas, including in the Western Cape, Eastern Cape, and KwaZulu-Natal.
- If the parties agree that no certificate is necessary, but the bank requires it in respect of the purchaser's bond, then the certificate will be for the purchaser's expense.
- Depending on the terms of the sale agreement, this certificate is usually valid for 3 to 6 months only.

Let us connect you.

STBB offers access to a dynamic team of attorneys, conveyancers and notaries, who are specialists in numerous fields of the law.

Cape Town

8th Floor, 5 St Georges Mall,
Cape Town
021 406 9100

Blouberg

24 Blaauwberg Road,
Table View
021 521 4000

Claremont

2nd Floor, Buchanan's Chambers,
Cnr Warwick Street & Pearce Road,
Claremont
021 673 4700

Helderberg

1st Floor, Titanium House,
19 Gardner Williams Avenue,
Paardevelei, Somerset West
021 850 6400

Noordhoek

4 Carlton Close,
Sunnydale, Noordhoek
021 784 1580

Tyger Valley

5 High Street, Rosenpark,
Tyger Valley
021 943 3800

Hermanus

Unit 3-4, 7 Village Lane,
Hemel and Aarde Village,
Hermanus
028 753 0033

Fourways

Ground Floor, Block A, The Pivot,
Montecasino Boulevard,
Fourways
010 001 2632

Bedfordview

105 Boeing Road East,
Bedfordview
011 453 0577

Sandton

112, 4th Street, Parkmore,
Sandton
011 219 6200

Centurion

F&S House,
c/o John Vorster Drive
& Lenchen Avenue North,
Centurion
012 001 1546

Durban

Unit 3, 1st Floor,
21 Richefond Circle,
Ridgeside Office Park,
Umhlanga Ridge
031 583 8060

East London

1st Floor, Block B,
Chesswood Office Park,
8 Winkley Street, Berea,
East London
043 721 1234

Disclaimer: The information provided does not constitute legal or other professional advice. We accept no responsibility for loss or damage which may arise from reliance on information contained herein.