

# Electrical Certificate of Compliance - New Regulations

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“ELECTRICAL CERTIFICATE OF COMPLIANCE” NEW REGULATIONS On 1st May 2009 new regulations came into effect with respect to the issuing and validity of an Electrical Certificate of Compliance.

There are a number of clauses under the The Occupational Health and Safety Act No 85 of 1993, which is administered by the Department of Labour, (initially for workplace safety but extended to residential dwellings), which are now in force and which have an impact on the use and transfer of houses, dwellings and other buildings.

The Old Regulations stated that:- A Certificate was valid indefinitely or until additions or alterations were made to the electrical installation on a premises.

The Electrical Contracting Board was the registering and enforcement body/mechanism.

That a Certificate was required to transfer property, which evolved as a clause in contracts to protect both parties.

The New Regulations state that:-

No installation work which requires a new supply may commence without notifying the electricity supplier on a prescribed form (unless this is waived by the supplier) and no new installation may be connected to the supply without a Certificate of Compliance.

The user, lessor or owner of an installation must be in possession of a valid Certificate of Compliance (being not more than two years from the date of issue), which must be produced when selling an installation or transfer (change of ownership) may not take place.

Every user of an installation (except for installations that have not been altered or added to since 23rd October 1992 and have not changed ownership since 1st March 1994) is obliged to have a valid Certificate of Compliance and must produce it on request to an authorised inspector of the supplier of electricity.

The user or lessor is responsible for the safety, safe use and maintenance of the electrical installation (usually the owner). Under the new regulations, a tenant may choose to take on such responsibility by written agreement with the lessor.

Under Section 10(4) of the Act, a buyer in the transfer process, may undertake, in writing, to comply and obtain a Certificate of Compliance. This changes the onus of the Act from the seller to the buyer.

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