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SANS 10400-A:2022

Edition 4

SOUTH AFRICAN NATIONAL STANDARD

The application of the National Building Regulations

Part A: General principles and requirements

WARNING

This document references other documents normatively.

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SANS 10400-A:2022

Edition 4

Table of changes

Change No.	Date	Scope

Foreword

This South African standard was approved by National Committee SABS/TC 060, *Standards which address the national building regulations (NBRS)*, in accordance with procedures of the South African Bureau of Standards, in compliance with annex 3 of the WTO/TBT agreement.

This document was approved for publication in January 2022.

This document supersedes SANS 10400-A:2016 (edition 3.1).

Compliance with the requirements of this document will be deemed to be compliant with the requirements of part A of the National Building Regulations, issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

Compliance with this document cannot confer immunity from legal obligations.

SANS 10400 consists of the following parts, under the general title *The application of the National Building Regulations*:

Part A: General principles and requirements.

Part B: Structural design.

Part C: Dimensions.

Part D: Public safety.

Part F: Site operations.

Part G: Excavations.

Part H: Foundations.

Part J: Floors.

Part K: Walls.

Part L: Roofs.

Part M: Stairways.

Part N: Glazing.

Part O: Lighting and ventilation.

Part P: Drainage.

Foreword (*concluded*)

Part Q: Non-water-borne means of sanitary disposal.

Part R: Stormwater disposal.

Part S: Facilities for persons with disabilities.

Part T: Fire protection.

Part V: Space heating.

Part W: Fire installation.

Part X: Environmental sustainability

Part XA: Energy usage in buildings.

The masculine gender includes the feminine and neuter genders and vice versa, the singular includes the plural and vice versa and persons should include juristic persons.

Annexes A, B, C, and D form an integral part of this document. Annexes E and F are for information only.

Introduction

Development in the building industry is a continuous process. With the passage of time, new materials become available, design methods are refined, and innovative building systems are introduced. Political change also results in the development of new policies and approaches to various aspects of building and construction that might impact on regulatory requirements. It is therefore obvious that building regulations and the interpretation thereof cannot remain static if they are to accommodate such policy changes and allow for the early use of innovation in construction.

The constitutional commitment to ensure that everyone has access to adequate housing which is entrenched in section 26 of the Constitution of the Republic of South Africa, 1996, which provides the following:

- (1) *Everyone has the right to have access to adequate housing.*
- (2) *The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.*
- (3) *No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.*

Section 40 of the Constitution provides for the model of government contemplated in the constitution as follows:

- (1) *In the Republic, government is constituted as national, provincial, and local spheres of government which are distinctive, interdependent and interrelated.*
- (2) *All spheres of government must observe and adhere to the principles in this Chapter and must conduct their activities within the parameters that the Chapter provides.*

To reiterate the legislation, these spheres are distinct from one another and yet interdependent and interrelated. Each sphere granted autonomy to exercise its powers and perform its functions within the parameters of its defined space.

Introduction (*continued*)

The Building Industry, National Government, and Local Government have distinct interests in the National Building Regulations and Standards Act. In the context of local government, the Constitutional Court has stressed that the local government sphere given autonomy within its sphere, subject to the requirements of co-operative governance, and the limits imposed by the Constitution, on national and provincial legislation.

The Bill of Rights contained in the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), contains rights relating to the environment. Section 24 reads as follows:

Everyone has the right

- a. to an environment that is not harmful to their health or well-being; and*
- b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that*
 - i. prevent pollution and ecological degradation;*
 - ii. promote conservation; and*
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

The major non-tariff trade barriers that inhibit building and the construction trade are prescriptive or deemed-to-comply building codes and standards. To address this issue, the World Trade Organization (WTO) has included Clause 2.8 in the Agreement on Technical Barriers to Trade (WTO 1997), which states that "*Wherever appropriate, Members shall specify technical regulations based on product requirements in terms of performance rather than design or descriptive characteristics.*"

Cognizance of the constitutional imperatives and World Trade Organization requirements has been considered in the revision of SANS 10400-A.

The National Building Regulations do not purport, and were never intended, to be a handbook on good building practice. They set out, in the simplest and shortest way possible, requirements to ensure that buildings will be designed and built in such a way that persons can live and work in a healthy and safe environment. There are other aspects of a building that might affect only the comfort or convenience of people, but these are not controlled by the National Building Regulations. Market and economic considerations will obviously also limit the degree to which these matters can be considered in the design of a building. It is important, therefore, that entrepreneurs, designers and building owners should be aware that the mere fact that a building complies with the National Building Regulations does not necessarily indicate that it is a desirable building.

There are many aspects to be considered and the relative economic worth of each should be related to the final cost of the building. Professional designers are trained to take these matters into account and can be expected to do so without any obstructive and possibly inhibiting and inappropriate control by the Regulations. In the case where the designer of a building is not professionally qualified, there is a wealth of information on good building practice textbooks.

To understand and interpret the National Building Regulations correctly, it is important to understand the philosophy and intent behind the Regulations. One aim of the drafters of the Regulations was to keep the number of Regulations to a minimum. It was therefore decided that, as far as possible, the Regulations should be concerned only with the health and safety of persons in a building, that all technical aspects should be covered by functional regulations and that the Regulations should be written in such a way that they assist rather than impede the use of innovative building systems and designs. This philosophy was taken a step further in the current amendment of the interpretation of the regulations by introducing the concept of two different types of buildings to cater for different user needs and expectations.

Introduction (*concluded*)

A new category of buildings (category 1 buildings) has been introduced in certain classes of buildings that have a floor area not exceeding 80 m² to make buildings affordable to poorer communities. The revised SANS 10400-A allows choices to be made in the performance requirements of certain attributes for buildings falling within this category. Such buildings have comparable safety standards with buildings not so categorized, but may, depending upon the choices exercised in respect of attributes, have different resistances to rain penetration, deflection limits, maintenance requirements, lower levels of natural lighting, etc. It should, however, be stressed that choices exercised in respect of these buildings relate only to the performance of some of the attributes of such buildings. The nature of developments is determined by environmental and town planning processes which are independent of such choices. This should be kept in mind by any local authority when assessing a building in terms of these revised functional regulations.

In applying the National Building Regulations, it will be found that, in certain instances, there is an overlap with the requirements of regulations made in terms of other Acts. Some of these anomalies have been overcome by suitable amendments to other regulations, but there are some regulations made in terms of local town planning schemes that it might be desirable to retain. This refers to requirements for building lines and for materials which are permitted as exterior finishings for buildings. The requirements in the National Building Regulations are there for technical reasons, but what is technically acceptable might not necessarily be acceptable for other reasons.

This part of SANS 10400 sets out the different possible ways of demonstrating compliance with functional regulations, including a range of prescriptive provisions that are "deemed to satisfy" the requirements of the National Building Regulations.

Annex A is Form 1 as required by The National Building Regulations A2.

Annex B is Form 2 as required by The National Building Regulations A19.

Annex C is Form 3 as required by The National Building Regulations A19.

Annex D is Form 4 as required by The National Building Regulations A19.

Annex E discusses the risk-based approach to building inspections.

Annex F contains checklist for building plan examiner at a local authority.

SANS 10400-A:2022 Edition 4

Contents

	Page
Foreword	
Introduction	1
The National Building Regulations and Standards Act.....	6
The National Building Regulations	28
1 Scope	65
2 Normative references	66
3 Definitions	67
4 Requirements	67
4.1 General	67
4.2 Deemed-to-satisfy requirements	67
4.3 Category 1 buildings	68
4.4 Population.....	68
4.5 Copy of Certificate of Occupancy required for older buildings erected before the enactment of the National Building Regulations and Standards Act and the issue of Occupancy certificates for such buildings	69
4.6 The requirements for the use of forms 1 to 4	70
4.7 Appealing a decision of a Local Authority in terms of the National Building Regulations...	71
Annex A (normative) Form 1 referenced in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977)	72
Annex B (normative) Form 2 referenced in the National Building Regulations and Standards Act, 1977 (Act No.103 of 1977)	76
Annex C (normative) Form 3 referenced in the National Building Regulations and Standards Act, 1977 (Act No.103 of 1977).....	83
Annex D (normative) Form 4 referenced in the National Building Regulations and Standards Act, 1977 (Act No.103 of 1977).....	88
Annex E (informative) Risk-based approach to building inspections	89
Annex F (informative) Checklist for building plan examiner at a local authority	94
Bibliography	100

SANS 10400-A:2022

Edition 4

The following is a duplication of The National Building Regulations and Standards Act (Act 103 of 1977, as amended) for ease of reference. The Act does not form part of SANS 10400-A.

THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT (Act 103 of 1977, as amended)

as amended by

- Standards Act 30 of 1982,
- National Building Regulations and Building Standards Amendment Act 36 of 1984,
- National Building Regulations and Building Standards Amendment Act 62 of 1989,
- National Building Regulations and Building Standards Amendment Act 49 of 1995,
- Mine Health and Safety Act 29 of 1996

NOTE: The Standards Act of 1982 was repealed by the Standards Act 8 of 2008 and the National Regulator of Compulsory Regulations Act 5 of 2008

Regulations under this Act,

NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT

To provide for the promotion of uniformity in the law relating to the erection of buildings in the areas of jurisdiction of local authorities; for the prescribing of building standards; and for matters connected therewith.

1. Definitions -

In this Act, unless the context otherwise indicates-

'application'

means an application referred to in section 4(2);

'architect'

means an architect as defined in section 1 of the Architects' Act, 1970 (Act 35 of 1970);

NOTE: The Architects Act of 1970 was repealed by The Architectural Profession Act (Act 44 of 2000). The word architect is therefore replaced by any of the four professional categories of registrations as per The Architectural Profession Act

'architectural area'

means the sum of the areas of the several floors of a building, including basements, mezzanine and intermediate floor tiers and penthouses of headroom height, measured from the exterior faces of the exterior walls;

NOTE: Definition of 'architectural area' inserted by s. 1 (a) of Act 62 of 1989.

'building'

includes-

(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacture, processing, storage, display or sale of any goods;
- (iii) the rendering of any service;
- (iv) the destruction or treatment of refuse or other waste materials;
- (v) the cultivation or growing of any plant or crop;

NOTE: Sub-para (ii) substituted by s. 1 (b) of Act 62 of 1989.

SANS 10400-A:2022
Edition 4

- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

NOTE: Para. (e) added by s. 1 (c) of Act 62 of 1989.

'building control officer'

means any person appointed or deemed to be appointed as building control officer by a local authority in terms of section 5;

'bureau'

means the bureau as defined in section 1 of the Standards Act;

'code of practice'

means code of practice as defined in section 1 of the Standards Act;

'compulsory standard specification'

NOTE: Definition of 'compulsory standard specification' deleted by s. 1 (a) of Act 36 of 1984.

'council'

means the council as defined in section 1 of the Standards Act;

NOTE: Definition of council omitted in section 1 of the Standards Act (Act 8 of 2008)

'directive'

means a directive made in terms of section 17(4);

'erection',

in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building; and

'erect'

shall have a corresponding meaning;

NOTE: Definition of 'erection' substituted by s. 1 (e) of Act 62 of 1989.

'land surveyor'

means a land surveyor as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927);

NOTE: Land Surveyor now defined in The Geomatics Profession Act of 2013 (Act 19 of 2013)

'local authority'

means-

- (a) any institution, council or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act 32 of 1961);

SANS 10400-A:2022

Edition 4

(b)

(c) any statutory body designated by the Minister, after consultation with the Administrator of the province in question, by notice in the Gazette as a local authority for the purposes of this Act or any provision thereof;

NOTE 1 Definition of 'local authority' substituted by s. 1 (f) of Act 62 of 1989.

NOTE 2: Local Authorities now defined in Local Government: Municipal Structures Act (Act 117 of 1998)

'Minister'

means the Minister of Economic Affairs and Technology;

NOTE 1: Definition of 'Minister' substituted by s. 1 (b) of Act 36 of 1984 and by s. 1 (d) of Act 62 of 1989.

NOTE 2: Now means the Minister of Trade and Industry

'national building regulations'

means the national building regulations made in terms of section 17;

'owner',

in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question:

Provided that if-

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefor;
- (d) the local authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit,

shall be deemed to be the owner of such building or land;

NOTE 1: Para. (c) substituted by s. 1 (c) of Act 36 of 1984.

'professional engineer'

NOTE: Definition of 'professional engineer' deleted by s. 1 (a) of Act 49 of 1995.

'registered person'

means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering);

NOTE 1: Definition of 'registered person' inserted by s. 1 (b) of Act 49 of 1995.

NOTE 2: The Engineering Profession Act of South Africa, 1990 (Act 114 of 1990), was repealed and replaced by The Engineering Act of South Africa Act 45 of 2000

SANS 10400-A:2022
Edition 4

'regulations'

means the regulations made in terms of section 20;

'review board'

means the review board referred to in section 9;

NOTE: The Constitutional Court of South Africa, CCT Case No: 186/17, GD Case No: 58705/15, has declared that Section 9 of National Building Regulations and Building Standards Act, No. 103 of 1977, to the extent that it empowers the National Building Regulations Review Board to exercise appellate power over decisions of a municipality, is unconstitutional and therefore invalid.

'specification'

means a specification as defined in section 1 of the Standards Act;

NOTE: Definition of 'specification' inserted by s. 1 (d) of Act 36 of 1984.

'standard method'

means a standard method as defined in section 1 of the Standards Act;

NOTE: No such definition in The Standards Act 8 of 2008

'Standards Act'

means the Standards Act, 1982 (Act 30 of 1982);

NOTE 1: Definition of 'Standards Act' substituted by s. 1 (e) of Act 36 of 1984.

NOTE 2: Act 36 of 1984 repealed and replaced by The Standards Act 8 of 2000]

'statutory body'

means any board, fund, institution, company, corporation or other organization established or constituted by or under any law;

'structural system',

in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

NOTE: Definition of 'structural system' inserted by s. 1 (g) of Act 62 of 1989.

'Territory'

NOTE: Definition of 'Territory' deleted by s. 1 (f) of Act 36 of 1984.

'this Act'

includes the national building regulations made and directives issued in terms of it.

SANS 10400-A:2022

Edition 4

2 Application of Act

(1) Subject to the provisions of any notice published in terms of subsection (2), the provisions of this Act shall apply in the area of jurisdiction of any local authority.

(2) (a) The Minister may, on such conditions as he may think fit and after consultation with the council and the Administrator of the province in question, of his own accord or at the request of a local authority or any other person, by notice in the Gazette exempt the area of jurisdiction, or any part thereof, of any local authority from the application of this Act, or of any provision or provisions thereof which are mentioned in the notice.

[Para. (a) substituted by s. 2 (a) of Act 36 of 1984 and by s. 2 (a) of Act 62 of 1989.]

(b) Different notices may in terms of paragraph (a) be published in respect of different local authorities or different categories of local authorities.

(3) Subject to the provisions of subsection (4) this Act shall not bind the State.

(4) In respect of any building to be erected by or on behalf of the State, such plans, specifications and certificate as may be prescribed by national building regulation, shall before the commencement of such erection be lodged with the local authority in question for its information and comment: Provided that the Minister may-

(a) if he, with the concurrence of the Minister of Defense, the Minister of Law and Order and the Minister of Justice, is of the opinion that the erection or proposed erection of any building or class of buildings by or on behalf of the State is in the interest of or connected with the security of the Republic, exempt the State in relation to any such building or class of buildings;

NOTE: Para. (a) substituted by s. 2 (b) of Act 36 of 1984 and by s. 2 (b) of Act 62 of 1989.

(b) by virtue of economic considerations, necessity or expediency, exempt the State, either generally or in any particular case, after notice in writing to the local authority in question, from the provisions of this subsection.

NOTE: In terms of s. 36 (2) of the Legal Succession to the South African Transport Services Act 9 of 1989, the references to 'the State' in subsections (3) and (4) above are to be construed as having included the Company (Transnet Limited) and the Corporation (the South African Rail Commuter Corporation Limited) during the period 1 April 1990 to 1 April 1992.

(5) Subject to the provisions of subsections (7) and (8), the Minister may, on such conditions as he may think fit and with the concurrence of the Minister of Defense, exempt the owner of-

(a) any place as defined in section 1 of the National Key Points Act, 1980 (Act 102 of 1980)-

(i) that has been declared a National Key Point in terms of section 2 of the said Act; or

(ii) in respect of which the Minister of Defense has certified that it will be declared a National Key Point under the said section 2 of that Act; or

(b) any prohibited place as defined in section 1(1) of the Protection of Information Act, 1982 (Act 84 of 1982), after notice in writing to the local authority in question from the provisions of this Act.

NOTE: Sub-s. (5) added by s. 2 (c) of Act 62 of 1989.

(6) Subject to the provisions of subsection (7), the owner of any building which is or is to be erected on mining property and which is or is to be used exclusively for the operation of a mine or any works or machinery, as defined in the Mines and Works Act, 1956 (Act 27 of 1956), and which is in terms of section 2 of that Act subject to the supervision of the Chief Inspector as contemplated in the Mine Health and Safety Act, 1996, shall be exempted from the provisions of this Act.

NOTE: Sub-s. (6) added by s. 2 (c) of Act 62 of 1989 and amended by s. 99 of Act 29 of 1996.

SANS 10400-A:2022
Edition 4

(7) An owner shall in respect of the erection or proposed erection of a building with regard to which an exemption contemplated in subsection (4), (5) or (6) applies, and in connection with-

- (a) connections to electricity supply, water supply, sewer and stormwater drainage systems;
- (b) provision on the relevant site for parking of more than 100 vehicles;
- (c) service by the local authority's fire brigade in place of or in addition to any fire protection service provided by the owner, supply the local authority concerned with sufficient details to enable such local authority to -
 - (i) provide any connection, road traffic control and fire brigade service which may be required; or
 - (ii) give notice in writing to such owner that it cannot so provide any such service.

NOTE: Sub-s. (7) added by s. 2 (c) of Act 62 of 1989.

(8) The owner of a National Key Point in respect of which an exemption contemplated in subsection (5) applies, shall, if the provisions of the National Key Points Act, 1980 (Act 102 of 1980), cease to apply in respect of him, forthwith submit to the local authority concerned such plans, specifications and certificates as may be prescribed by the national building regulations, and shall comply with such requirements of this Act as should in the opinion of that local authority be complied with to ensure the safety and health of the occupants of any relevant building.

NOTE: Sub-s. (8) added by s. 2 (c) of Act 62 of 1989.

3 Duties of Draftsmen of Plans, Specifications, Documents and Diagrams

Any person who prepared any plan, specification, document or diagram submitted in terms of this Act shall affix his name and address and, in the case of an architect, land surveyor or registered person, also his profession and registration number, if any, to such plan, specification, document or diagram.

NOTE: S. 3 substituted by s. 2 of Act 49 of 1995.

4 Approval by Local Authorities of Applications in Respect of Erection of Buildings

(1) No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans, and specifications are to be drawn and submitted in terms of this Act.

(2) Any application for approval referred to in subsection (1) shall be in writing on a form made available for that purpose by the local authority in question.

(3) Any application referred to in subsection (2) shall-

- (a) contain the name and address of the applicant and, if the applicant is not the owner of the land on which the building in question is to be erected, of the owner of such land;
- (b) be accompanied by such plans, specifications, documents, and information as may be required by or under this Act, and by such particulars as may be required by the local authority in question for the carrying out of the objects and purposes of this Act.

(4) Any person erecting any building in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he was engaged in so erecting such building.

SANS 10400-A:2022

Edition 4

5 Appointment of Building Control Officer by Local Authority

(1) Subject to the provisions of subsection (3) a local authority shall appoint a person as building control officer in order to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under this Act.

(2) Any person not having the qualifications prescribed by national building regulation in respect of a building control officer shall not without the approval in writing of the Minister be appointed as building control officer in terms of subsection (1).

(3) Subsection (1) shall also be construed so as to enable-

(a) two or more than two local authorities to appoint, on such conditions as they may agree to, one person as building control officer for all such local authorities;

(b) a local authority from time to time to appoint a person temporarily as building control officer;

(c) a local authority, with the approval in writing of any other local authority and on such conditions as they may agree to, to make use of the services of any person appointed as building control officer by such other local authority.

(4) Any person who-

(a) immediately before the date of commencement of this Act was employed by a local authority in order to perform as controlling officer any activities substantially the same as the activities referred to in section 6(1); and

(b) on such date is still so employed, shall be deemed to have been appointed in terms of this section as building control officer by such local authority.

6 Functions of Building Control Officers

(1) A building control officer shall-

(2)

(a) make recommendations to the local authority in question, regarding any plans, specifications, documents and information submitted to such local authority in accordance with section 4(3);

(b) ensure that any instruction given in terms of this Act by the local authority in question be carried out;

(c) inspect the erection of a building, and any activities or matters connected therewith, in respect of which approval referred to in section 4(1) was granted;

(d) report to the local authority in question, regarding non-compliance with any condition on which approval referred to in section 4(1) was granted.

(2) When a fire protection plan is required in terms of this Act by the local authority, the building control officer concerned shall incorporate in his recommendations referred to in subsection (1)(a) a report of the person designated as the chief fire officer by such local authority, or of any other person to whom such duty has been assigned by such chief fire officer, and if such building control officer has also been designated as the chief fire officer concerned, he himself shall so report in such recommendations.

NOTE: Sub-s. (2) substituted by s. 3 (a) of Act 62 of 1989.

(3)

SANS 10400-A:2022

Edition 4

(4) Any person erecting any building in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he was engaged in so erecting such building.

7 Approval by Local Authorities in Respect of Erection of Buildings

(1) If a local authority, having considered a recommendation referred to in section 6(1)(a)-

(a) is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;

NOTE: Para. (a) substituted by s. 4 (a) of Act 62 of 1989.

(b)

(i) is not so satisfied; or

(ii) is satisfied that the building to which the application in question relates-

(aa) is to be erected in such manner or will be of such nature or appearance that-

(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;

(bbb) it will probably or in fact be unsightly or objectionable;

(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;

(bb) will probably or in fact be dangerous to life or property,

such local authority shall refuse to grant its approval in respect thereof and give written reasons for such refusal:

Provided that the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500 square metres, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500 square metres or larger, within a period of 60 days after receipt of the application.

NOTE 1: Para. (b) amended by s. 4 (b) of Act 62 of 1989.

NOTE 2: Sub-s. (1) amended by s. 4 (c) of Act 62 of 1989.

(2)

NOTE: Sub-s. (2) deleted by s. 4 (d) of Act 62 of 1989.

(3) When a local authority has granted its approval in accordance with subsection (1)(a) in respect of any application, such approval shall be endorsed on at least one of the copies of the plans, specifications and other documents in question returned to the applicant.

(4) Any approval granted by a local authority in accordance with subsection (1)(a) in respect of any application shall lapse after the expiry of a period of 12 months as from the date on which it was granted unless the erection of the building in question is commenced or proceeded with within the said period or unless such local authority extended the said period at the request in writing of the applicant concerned.

(5) Any application in respect of which a local authority refused in accordance with subsection (1)(b) to grant its approval, may, notwithstanding the provisions of section 22, at no additional cost and subject to the provisions of subsection (1) be submitted anew to the local authority within a period not exceeding one year from the date of such refusal-

SANS 10400-A:2022

Edition 4

- (a)
 - (i) if the plans, specifications and other documents have been amended in respect of any aspect thereof which gave cause for the refusal; and
 - (ii) if the plans, specifications and other documents in their amended form do not substantially differ from the plans, specifications or other documents which were originally submitted; or
- (b) where an application is submitted under section 18.

NOTE: Sub-s. (5) substituted by s. 4 (e) of Act 62 of 1989.

(6) The provisions of this section shall not be construed so as to prohibit a local authority, before granting or refusing its approval in accordance with subsection (1) in respect of an application, from granting at the written request of the applicant and on such conditions as the local authority may think fit, provisional authorization to an applicant to commence or proceed with the erection of a building to which such application relates.

NOTE: Sub-s. (6) substituted by s. 4 (f) of Act 62 of 1989.

- (7)
 - (a) An application which is substantially the same as an application referred to in this Act and which before the date of commencement of this Act has been lodged with a local authority for its consideration and in respect of which such local authority on that date has not yet granted or refused its approval, shall be considered by such local authority as if this Act had not been passed.
 - (b) Approval granted by a local authority before the date of commencement of this Act in respect of an application substantially the same as an application referred to in this Act, shall be deemed to have been granted in terms of this section if the erection of the building in question has not been commenced with before the said date.

8 Power of Court in Respect of Approval by Local Authority

- (1) If a local authority fails to grant or refuse timeously its approval in accordance with section 7 in respect of an application, a court may on the application of the applicant concerned make an order directing such local authority to perform its duties and exercise its powers in accordance with that section within the period stated in such order, or make such other order as it may deem just.
- (2) Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have the jurisdiction to make any order referred to in subsection (1).

9 Appeal Against Decision of Local Authority

- (1) Any person who-
 - (a) feels aggrieved by the refusal of a local authority to grant approval referred to in section 7 in respect of the erection of a building;
 - (b) feels aggrieved by any notice of prohibition referred to in section 10; or
 - (c) disputes the interpretation or application by a local authority of any national building regulation or any other building regulation or by-law, may, within the period, in the manner and upon payment of the fees prescribed by regulation, appeal to a review board.

NOTE: Sub-s. (1) substituted by s. 5 of Act 62 of 1989.

SANS 10400-A:2022
Edition 4

(2) The review board referred to in subsection (1) shall consist of-

(a) a chairman designated by the Minister; and

(b) two persons appointed for the purpose of any particular appeal by the said chairman from persons whose names are on a list compiled in the manner prescribed by regulation.

NOTE: The Constitutional Court of South Africa, CCT Case No: 186/17, GD Case No: 58705/15, has declared that Section 9 of National Building Regulations and Building Standards Act, No. 103 of 1977, to the extent that it empowers the National Building Regulations Review Board to exercise appellate power over decisions of a municipality, is unconstitutional and therefore invalid.

10 Erection of Buildings in Certain Circumstances Subject to Prohibition or Conditions

(1) If any building or earthwork-

(a) in the opinion of the local authority in question is being or is to be erected in such manner that it-

(i) will not be in the interest of good health or hygiene;

(ii) will be unsightly or objectionable;

(iii) will probably or in fact be a nuisance to the occupiers of adjoining or neighbouring properties;

(iv) will probably or in fact derogate from the value of adjoining or neighbouring properties;

(b) is being or is to be erected on a site which is subject to flooding or on a site which or any portion of which in the opinion of the local authority in question does not drain properly or is filled up or covered with refuse or material impregnated with matter liable to decomposition,

such local authority may by notice in writing, served by post or delivered, prohibit the person erecting such building or earthwork or causing such building or earthwork to be erected from commencing or proceeding with the erection thereof or from so commencing or proceeding except on such conditions as such local authority may determine from time to time.

(2) Any person who fails to comply with any provision of a notice or condition referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he so failed.

11 Erection of Buildings Subject to Time Limit

(1) If for a period exceeding 3 months the erection of a building is not proceeded with, the local authority in question may by notice in writing, served by post or delivered, order the owner of such building to resume and to complete the erection of such building within the periods specified in such notice.

(2) If the owner of a building on or to whom a notice referred to in subsection (1) was served or delivered, fails to resume or complete the erection of such building within the periods specified in such notice, the local authority in question may extend such periods from time to time if such owner satisfies it that such failure was due to circumstances beyond his control.

(3) If the owner of a building on or to whom a notice referred to in subsection (1) was served or delivered, fails to resume or to complete the erection of such building within the periods specified in such notice or, when applicable, within such periods as extended in accordance with subsection (2), and the local authority in question is of the opinion that such building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties, such local authority may by notice in writing, served by post or delivered, order such owner to demolish such building, to remove the material of which such building consisted and any other material or rubbish from the site in question, and to otherwise clean up such site within the period specified in the last-mentioned notice

SANS 10400-A:2022

Edition 4

(4) If the owner of a building fails to comply with a notice served on or delivered to him in accordance with subsection (3) in respect of such building, the local authority in question may demolish such building, remove the material of which such building consisted and any other material or rubbish from the site in question and otherwise clean up such site, and may recover the costs thereof from such owner: Provided that such local authority may sell such material and may utilize the proceeds of such sale to defray the costs of such demolition, removal or clean-up and shall pay the balance, if any, of such proceeds to such owner.

(5) Any approval granted by a local authority in accordance with section 7(1)(a) in respect of any application shall lapse as soon as a notice in terms of subsection (3) is served on or delivered to the owner of the building in question in respect of such building.

12 Demolition or Alteration of Certain Buildings

(1) If the local authority in question is of the opinion that-

(a) any building is dilapidated or in a state of disrepair or shows signs thereof;

(b) any building or the land on which a building was or is being or is to be erected or any earthwork is dangerous or is showing signs of becoming dangerous to life or property,

it may by notice in writing, served by post or delivered, order the owner of such building, land or earthwork, within the period specified in such notice to demolish such building or to alter or secure it in such manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous to life or property or to alter or secure such land or earthwork in such manner that it will no longer be dangerous or show signs of becoming dangerous to life or property: Provided that if such local authority is of the opinion that the condition of any building, land or earthwork is such that steps should forthwith be taken to protect life or property, it may take such steps without serving or delivering such notice on or to the owner of such building, land or earthwork and may recover the costs of such steps from such owner.

(2) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous to life or property, the owner of such building, land or earthwork shall forthwith notify the local authority in question thereof.

(3)

(a) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous or is showing signs of becoming dangerous to life or property, the local authority, irrespective of whether it was notified in terms of subsection (2), may by notice in writing, served by post or delivered, order the owner of such building, land or earthwork to instruct at the cost of such owner an architect or a registered person to investigate such condition and to report to such local authority on the nature and extent of the steps to be taken, in the opinion of such architect or registered person, in order to render such building, land or earthwork safe.

NOTE: Para. (a) substituted by s. 3 (a) of Act 49 of 1995.

(b) The local authority in question may by notice in writing, served by post or delivered, order that any activities be stopped or prohibit the performance of any activities which may increase the danger or hinder or obstruct the architect or registered person referred to in paragraph (a) from properly carrying out the investigation referred to in that paragraph.

NOTE: Para. (b) substituted by s. 3 (a) of Act 49 of 1995.

SANS 10400-A:2022
Edition 4

- (c) If it is brought to the attention of a local authority or appears that an architect or registered person instructed in terms of paragraph (a) to perform certain duties is for any reason not competent to carry out the duties in question, the local authority may require such architect or registered person to submit evidence of his or her competence to carry out such duties.

NOTE: Para. (c) added by s. 3 (b) of Act 49 of 1995.

- (d) If the architect or registered person contemplated in paragraph (c) is unable to satisfy the local authority of his or her competence to carry out the duties in question, the local authority may order the owner of the building, land or earthwork in question to instruct another architect or registered person to carry out the duties.

NOTE: Para. (d) added by s. 3 (b) of Act 49 of 1995.

- (4) If the local authority in question deems it necessary for the safety of any person, it may by notice in writing, served by post or delivered-

(a) order the owner of any building to remove, within the period specified in such notice, all persons occupying or working or being for any other purpose in such building therefrom, and to take care that any person not authorized by such local authority does not enter such building;

(b) order any person occupying or working or being for any other purpose in any building, to vacate such building immediately or within a period specified in such notice.

(5) No person shall occupy or use or permit the occupation or use of any building in respect of which a notice was served or delivered in terms of this section or steps were taken by the local authority in question in terms of subsection (1), unless such local authority has granted permission in writing that such building may again be occupied or used.

(6) Any person who contravenes or fails to comply with any provision of this section or any notice issued thereunder, shall be guilty of an offence and, in the case of a contravention of the provisions of subsection (5), liable on conviction to a fine not exceeding R100 for each day on which he so contravened.

This subsection applies only to people who, after service upon them of an order of court for their eviction, continue to occupy the property concerned.

NOTE: Added proviso in terms of Constitutional Court order issued in "Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008)".

13 Exemption of Buildings from National Building Regulations and Authorization for Erection Thereof

(1) Any building control officer may in respect of the erection of a building defined in the national building regulations as a minor building work, in writing-

(a) exempt the owner of such building from the obligation to submit a plan in terms of this Act to the local authority in question for approval;

(b) grant authorization for the erection of such building in accordance with the conditions and directions specified in such authorization.

SANS 10400-A:2022

Edition 4

(2) Any authorization granted in terms of subsection (1)(b) shall lapse if after the expiry of a period of 6 months the erection of the building has not commenced, but the building control officer may from time to time extend such period at the written request of the owner of such building or any person having an interest therein if such building control officer is satisfied that there are sound reasons therefor.

NOTE: Sub-s. (2) substituted by s. 6 of Act 62 of 1989.

(3) If any building control officer refused to extend in terms of subsection (2) any period of 6 months referred to in that subsection, any person who feels aggrieved may in writing request the local authority in question to consider such refusal and thereupon such local authority may confirm such refusal or extend such period on such conditions as it may think fit.

14 Certificates of Occupancy in Respect of Buildings

(1) A local authority shall within 14 days after the owner of a building of which the erection has been completed, or any person having an interest therein, has requested it in writing to issue a certificate of occupancy in respect of such building-

(a) issue such certificate of occupancy if it is of the opinion that such building has been erected in accordance with the provisions of this Act and the conditions on which approval was granted in terms of section 7, and if certificates issued in terms of the provisions of subsection (2) and, where applicable, subsection (2A), in respect of such building have been submitted to it;

NOTE: Para. (a) substituted by s. 7 (a) of Act 62 of 1989.

(b) in writing notify such owner or person that it refuses to issue such certificate of occupancy if it is not so satisfied or if a certificate has not been so issued and submitted to it.

(1A) The local authority may, at the request of the owner of the building or any other person having an interest therein, grant permission in writing to use the building before the issue of the certificate of occupancy referred to in subsection (1), for such period and on such conditions as may be specified in such permission, which period and conditions may be extended or altered, as the case may be, by such local authority.

NOTE: Sub-s. (1A) inserted by s. 7 (b) of Act 62 of 1989.

(2) Any person licensed or authorized by a local authority to carry out the installation, alteration or repair of any electrical wiring connected or of which connection is desired with the electrical supply or distribution works of such local authority or any statutory body, shall, at the request of the owner of a building of which the erection has been completed or of any person having an interest therein or of the local authority, issue a certificate if he is satisfied that the electrical wiring and other electrical installations in such building are in accordance with the provisions of all applicable laws;

NOTE: Sub-s. (2) substituted by s. 4 (a) of Act 49 of 1995.

(2A) Upon completion of the erection or installation of-

(a) the structural system; or

(b) the fire protection system; or

(c) the fire installation system,

of any building the person appointed to design such system and to inspect the erection or installation, shall submit a certificate to the local authority indicating that such system has been designed and erected or installed in accordance with the application in respect of which approval was granted in terms of section 7.

NOTE: Sub-s. (2A) inserted by s. 7 (c) of Act 62 of 1989 and substituted by s. 4 (b) of Act 49 of 1995.

SANS 10400-A:2022
Edition 4

(3) Any person who for the purposes of subsection (1)-

- (a) submits a certificate contemplated in subsection (2) or (2A) which is substantially false or incorrect, knowing the same to be false or incorrect; or
- (b) in a fraudulent manner issues or obtains a certificate contemplated in subsection (2) or (2A), shall be guilty of an offence.

NOTE: Sub-s. (3) substituted by s. 4 (c) of Act 49 of 1995.

(4)

- (a) The owner of any building or, any person having an interest therein, erected or being erected with the approval of a local authority, who occupies or uses such building or permits the occupation or use of such building-
 - (i) unless a certificate of occupancy has been issued in terms of subsection (1)(a) in respect of such building;
 - (ii) except in so far as it is essential for the erection of such building;
 - (iii) during any period not being the period in respect of which such local authority has granted permission in writing for the occupation or use of such building or in contravention of any condition on which such permission has been granted; or,
 - (iv) otherwise than in such circumstances and on such conditions as may be prescribed by national building regulation, shall be guilty of an offence.

(b)

NOTE: Para. (b) deleted by s. 7 (d) of Act 62 of 1989.

(5) The Minister may, on such conditions and for such period as he may think fit, by notice in the Gazette suspend the application of this section in the area of jurisdiction of any local authority.

15 Entry by Building Control Officers and Certain Other Persons of Certain Buildings and Land

(1) Any building control officer or any other person authorized thereto by the local authority may enter any building or land at any reasonable time with a view to inspection in connection with the consideration of any application submitted in terms of section 4, or to determine whether the owner of the building or land complies with any provision of this Act or any condition imposed by the local authority in terms of this Act.

[Sub-s. (1) substituted by s. 8 of Act 62 of 1989.]

(2) Any person who hinders or obstructs any building control officer or person authorized by the local authority in question in the exercise of his powers in terms of subsection (1), shall be guilty of an offence.

(3) Any building control officer shall, at the request of any person affected by the execution of any of his powers, duties or activities in terms of this Act, produce his certificate of appointment issued to him in the form prescribed by national building regulation.

16 Report on Adequacy of Certain Measures and on Certain Building Projects

(1) The Minister, after consultation with the Administrator of a province in which the area of jurisdiction of a local authority is situated, may order such local authority to report to him on-

SANS 10400-A:2022

Edition 4

(a) the adequacy of measures in or in connection with buildings in its area of jurisdiction against fire, floods or other disasters and to make recommendations in order to remove any inadequacies in such measures;

(b) any particular building project which was or is being undertaken in its area of jurisdiction.

NOTE: Sub-s. (1) amended by s. 3 of Act 36 of 1984.

(2) If the Minister is satisfied that any local authority is unable to report as contemplated in subsection (1), he may order the bureau so to report.

(3) For the purposes of this section the local authority concerned or the bureau, as the case may be, shall have such powers, duties and functions as may be prescribed by regulation.

17 National Building Regulations and Directives

(1) The Minister may after consultation with the council make regulations, to be known as national building regulations-

(a) regarding the preparation, submission and approval of plans and specifications of buildings, including the approval of amendments or alterations to plans and specifications of buildings during the erection thereof;

(b) to provide for inspections and tests in respect of buildings, whether before or during the erection or after the completion of the erection thereof, including the powers of building control officers in that regard, and the steps to be taken in order to prevent any nuisance which may occur before, during or after the completion thereof;

(c) regarding the nature and preparation of sites on which buildings are to be erected;

(d) regarding the strength and stability of buildings;

(e) to provide for the requirements with which buildings shall comply in so far as precautionary measures against fires or other emergencies are concerned, including the resistance of buildings against the outbreak and spreading of fires, the protection of the occupants or users of buildings or other persons against fires, the aids or other installations to be in buildings for the combating or prevention of fires and for the vacating of such buildings in cases of fires or other emergencies;

(f) regarding the resistance of buildings against floods, moisture, the transmission of heat, sound or other injurious factors, and infestation by insects, vermin or other pests;

(g) regarding the durability and other desirable properties of buildings;

(h) regarding the provision of water and of sewerage and drainage services in respect of buildings, including the compulsory connection with the supply, distribution or sewerage disposal works in question of local authorities;

(i) regarding the ventilation and the provision for daylight in respect of buildings, including the provision of open spaces in connection therewith;

(j) regarding the heating and artificial lighting of buildings;

(k) regarding the supply and installing in respect of buildings of gas or electrical equipment, installations or service, including the supply and manner of installing of gas or electrical equipment for purposes of cooking or heating, or preventing, controlling or restricting the emission of smoke or other offensive fumes;

SANS 10400-A:2022
Edition 4

- (l) to regulate, restrict or prohibit the use to which any building or categories of buildings may be put;
 - (m) to regulate, restrict or prohibit access to buildings, irrespective of whether erection thereof is completed, or the sites on which buildings were or are being erected;
 - (n) regarding the prevention of dangers or obstructions during or in connection with the erection of buildings, including the prevention of danger on adjoining or neighbouring premises, pavements, streets and other public places;
 - (o) to regulate, restrict or prohibit the erection of temporary buildings and the occupation or use thereof or access thereto;
 - (p) regarding the protection of property, including public streets, places or open spaces, of local authorities or other persons during or in connection with the erection of buildings;
 - (q) to regulate, restrict or prohibit the performance of certain activities or categories of activities in or in connection with the erection of buildings by or under the supervision of other persons than persons having specified qualifications, experience or training;
 - (r) subject to the provisions of the Housing Act, 1966 (Act 4 of 1966), regarding the demolition of buildings and matters connected therewith;
 - (s) regarding the powers, duties and functions of local authorities if buildings were or are being erected or used in contravention of the provisions of this Act or any other law in force immediately before the date of commencement of this Act or of any approval or authority granted in terms of this Act or the said other law or if no such approval or authority was granted for the erection of such buildings;
 - (t) regarding the general safety, health and convenience of the public in so far as they relate to the erection of buildings;
 - (u) regarding the safety, health and convenience of occupiers or users of buildings or of persons otherwise present in buildings or having access thereto, and the compulsory installing or supplying of equipment, installations or services in connection therewith;
 - (v) regarding any other matter which in terms of this Act is required or permitted to be prescribed by national building regulations;
 - (w) regarding, generally, any other matter deemed necessary or expedient by the council with the concurrence of the Minister in order to achieve the objects of this Act.
- (2) Different national building regulations may in terms of subsection (1) be made in respect of different buildings or categories of buildings, uses of buildings, areas or categories of areas, local authorities or categories of local authorities, or portions or categories of portions of the areas of jurisdiction of local authorities.
- (3)
- (a) When a national building regulation is published in the Gazette, the Minister shall publish together with it a notice calling upon all interested persons to lodge any objections which they have against such building regulation in writing with the council within the period specified in such notice.

SANS 10400-A:2022

Edition 4

(b) A national building regulation referred to in paragraph (a) shall come into operation on a date fixed by the Minister by notice in the Gazette with regard to the period referred to in the said paragraph: Provided that the Minister, with the concurrence of the council, may in such notice alter such national building regulation in accordance with any objection lodged in respect thereof in terms of paragraph (a) without complying with the provisions of the said paragraph in respect of the national building regulation so altered.

(4) If the Minister after consultation with the council is satisfied that any of or all the applicable national building regulations are inadequate or do not make any provision in respect of any particular building or buildings and that for sound reasons it shall not be expedient to amend such national building regulations or make any further national building regulations, as the case may be, the Minister may, having in writing notified the local authority in question, by notice in the Gazette or by notice sent by post or delivered-

(a) exempt the owner of the land on which any such building is being or is to be erected from the provisions of such applicable national building regulations; and

(b) allow such owner to erect such building or buildings or to proceed with or complete the erection thereof in accordance with the applicable national building regulations from which he was not so exempted, if any, and the directives specified in such notice: Provided that no such directive may relate to any matter not specified in subsection (1).

(5)

(a) Notwithstanding anything to the contrary contained in any law the Minister may, if he is of the opinion that it is necessary or expedient for the proper compliance with or operation of any of or all the national building regulations or directives that any servitude or restrictive condition or other provisions applicable in respect of any land by or under any law or registered in respect of any land in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or otherwise applicable in respect of land, be removed or amended, after consultation with the Administrator of the province in which such land is situated and after compliance with the procedure prescribed by regulation, by notice in the Gazette remove or, to such extent as he may indicate, amend such servitude, condition or provision.

NOTE: Para. (a) substituted by s. 4 (a) of Act 36 of 1984.

(b) On the publication of a notice referred to in paragraph (a) the Registrar of Deeds concerned shall in respect of the removal or amendment of the servitude, condition or provision in question, make suitable entries in the registers in his office, and when the title deed of any land to which such notice relates is for any purpose submitted to such Registrar he shall endorse such removal or amendment on such title deed.

(6) Any provision occurring in a specification, standard specification, code of practice or standard method may be incorporated in a directive by mere reference, and in regard to such an incorporation the provisions of section 33 of the Standards Act shall mutatis mutandis apply as if it were an incorporation in a law.

NOTE: Sub-s. (6) substituted by s. 4 of (b) of Act 36 of 1984.

(7) The national building regulations or any directive may provide that, without fully defining any particular materials or methods of erection, in so far as quality and standards are concerned the use or employment of any specified materials or methods of erection or compliance with any specified specification, standard specification, code of practice or standard method shall be deemed to comply with the quality and standard required by such national building regulations or directive.

NOTE: Sub-s. (7) substituted by s. 4 (c) of Act 36 of 1984.

(8) In the national building regulations provisions may be included which the Minister deems necessary to ensure, notwithstanding the provisions of any other applicable law or the issue of a certificate of occupancy in terms of section 14, the essential maintenance or repair of any building or the efficient operation of any equipment or machinery installed therein.

SANS 10400-A:2022
Edition 4

18 Deviation and Exemption from National Building Regulations

(1) A local authority may, at the request in writing of the owner of any building or any person having an interest therein, in respect of the erection of such building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings.

(2) The council may, at the request in writing of the owner of any building or any person having an interest therein and after consultation with the local authority in question, in respect of the erection of such building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation relating to the strength and stability of buildings.

19 Prohibition on Use of Certain Methods or Materials

(1) If the Minister, after consultation with the council and notwithstanding anything to the contrary contained in any law, is satisfied that any method or material used or to be used in the erection of any building will not be in the public interest or will be dangerous to life or property, the Minister may, having in writing notified the local authority in question, by notice in the Gazette or by notice sent by post or delivered, prohibit the owner of the land on which such building is being or is to be erected from using such method or material in such erection.

(2) Any person who contravenes or fails to comply with the provisions of a notice referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he so contravened or failed.

20 Regulations

(1) The Minister may make regulations-

- (a) regarding the procedure to be followed at the hearing of an appeal by a review board;
- (b) regarding the powers, duties and functions of a review board, including the power to summon witnesses for the purposes of hearing an appeal and to administer an oath or to accept an affirmation from any witness;
- (c) regarding the costs in connection with an appeal to a review board;
- (d) to prescribe the further matters in respect of which an appeal may be lodged with a review board;
- (e) in order, with the concurrence of the Minister of Finance, to prescribe the remuneration and travel and subsistence allowances payable to members, except members in the full-time employ of the State or the bureau, of a review board;
- (f) regarding any other matter which in terms of this Act is required or permitted to be prescribed by regulation.

(2) Any regulation made under this section may prescribe that any person who contravenes or fails to comply with such regulation shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 2 months.

21 Order in Respect of Erection and Demolition of Buildings

Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have jurisdiction, on the application of any local authority or the Minister, to make an order prohibiting any person from commencing or proceeding with the erection of any building or authorizing such local authority to demolish such building if such magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this Act or any approval or authorization granted thereunder.

SANS 10400-A:2022

Edition 4

22 Power of Local Authorities Relating to Rates, Taxes, Fees and Other Moneys

The provisions of this Act shall not derogate from any power conferred by or under any other law upon any local authority to levy, receive or charge any rates, taxes, fees or other moneys in respect of any building or land or to levy, receive or charge moneys in connection with the examination of plans, specifications or information or the performance of any other duties in terms of this Act.

23 Exemption from Liability

No approval, permission, report, certificate or act granted, issued or performed in terms of this Act by or on behalf of any local authority or the council in connection with a building or the design, erection, demolition or alteration thereof, shall have the effect that-

- (a) such local authority or the council be liable to any person for any loss, damage, injury or death resulting from or arising out of or in any way connected with the manner in which such building was designed, erected, demolished or altered or the material used in the erection of such building or the quality of workmanship in the erection, demolition or alteration of such building;
- (b) the owner of such building be exempted from the duty to take care and to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of this Act and any other applicable law;
- (c) any person be exempted from the provisions of any other law applicable in the area of jurisdiction of such local authority.

NOTE: S. 23 substituted by s. 10 of Act 62 of 1989.

24 General Penalty Clause

Any person convicted of an offence under this Act in respect of which a fine or imprisonment is not expressly provided for, shall be liable to a fine not exceeding R4000 or to imprisonment for a period not exceeding 12 months.

NOTE: S. 24 substituted by s. 11 of Act 62 of 1989.

25 Presumption

If in any prosecution for an offence in terms of this Act it is necessary, in order to establish the charge against the accused, to prove that he failed to comply with the requirements of this Act relating to standard or quality of materials, design or workmanship, an allegation in the charge sheet that such accused so failed, shall be sufficient proof thereof unless the contrary is proved.

26 Payment of Certain Moneys to Local Authorities

Notwithstanding anything to the contrary contained in any law all moneys recovered by way of fines or entreated bail in connection with any offence in terms of this Act, except an offence referred to in section 20(2), shall be paid to the local authority concerned.

27 Powers of Minister in Respect of Certain Local Authorities

(1) If the Minister, after consultation with the council and the Administrator of the province in question, is satisfied that a local authority fails to apply any relevant provision of this Act properly in its area of jurisdiction, the Minister may by notice in writing, served by post or delivered, order such local authority to so apply such provision forthwith.

NOTE: Sub-s. (1) substituted by s. 5 (a) of Act 36 of 1984.

SANS 10400-A:2022
Edition 4

(2) If a local authority without reasonable cause fails to comply within a reasonable time with the provisions of any notice served on or delivered to it in terms of subsection (1), the Minister, after consultation with the council and the Administrator of the province in question, may by notice in the Gazette deprive such local authority of any power or exempt it from any duty conferred upon or entrusted to it by or in terms of this Act and confer such power or entrust such duty to any person, including such Administrator, mentioned in such notice, and thereupon such person shall for the purposes of such power or duty be deemed to be such local authority.

NOTE: Sub-s. (2) substituted by s. 5 (b) of Act 36 of 1984.

(3) Any notice published in the Gazette in terms of subsection (2) may be withdrawn in like manner.

28 Delegations of Powers

(1) The Minister may on such conditions as he may think fit, in writing delegate any power conferred on him by or under this Act, other than a power referred to in section 2(2) or (4), 9(2), 17, 19, 20, 27 or 29, to the director-general of the bureau, but the delegation of any such power shall not prevent the exercise thereof by the Minister himself.

NOTE: Sub-s. (1) substituted by s. 12 of Act 62 of 1989.

(2) The council may in writing delegate any power conferred upon it-

(a) by or under this Act, other than a power referred to in section 17 or 27, to the director-general of the bureau;

(b) in terms of section 18(2), on such conditions as it generally or in any particular case may think fit, to any local authority or category of local authorities,

but the delegation of any such power shall not prevent the exercise thereof by the council itself.

(3) The director-general of the bureau may in writing delegate any power delegated to him in terms of subsection (1) or (2) to any person in the employ of the bureau, but the delegation of any such power shall not prevent the exercise thereof by the director-general himself.

(4) Any local authority may in writing delegate any power conferred upon it by or under this Act, other than a power referred to in section 5, to any committee appointed by it or to any person in its employ, but the delegation of any such power shall not prevent the exercise thereof by such local authority itself.

29 Repeal of Laws

(1) Subject to the provisions of section 31 the provisions of any law applicable to any local authority are hereby repealed in so far as they confer a power to make building regulations or by-laws regarding any matter provided for in this Act: Provided that such provisions shall be deemed not to have been repealed in respect of-

(a) any such building regulation or by-law which has not been replaced by or which is not repugnant to any national building regulation;

(b) the area of jurisdiction, or any part thereof, of any local authority in so far as it has in terms of section 2(2) been exempted from the application of any national building regulation, irrespective of whether such area of jurisdiction or part was exempted after the commencement of such national building regulation.

(2) A local authority shall within six months after the coming into operation of the National Building Regulations and Building Standards Amendment Act, 1989, submit any building regulation or by-law referred to in paragraph (a) of subsection (1), and any standard building regulation referred to in the proviso to section 31, which is applied by the local authority by reason thereof that it is considered that the regulation or by-law, or standard building regulation, has not lapsed by virtue of subsection (1) or section 31, as the case may be, in consolidated form in both official texts to the Minister.

SANS 10400-A:2022

Edition 4

(3) The Minister shall consider a regulation or by-law, or standard building regulation, referred to in subsection (2), in consultation with the council and taking into consideration any submissions submitted thereon by the local authority in question, in order to determine whether in his opinion and in the opinion of the council it has been replaced by or is repugnant to any national building regulation, and shall forthwith make known in writing the decision to which he and the council came to the local authority.

NOTE: Sub-s. (3) added by s. 13 of Act 62 of 1989.

(4) With effect from the date of a written notification contemplated in subsection (3) of a decision that a relevant regulation or by-law, or standard building regulation, has been replaced by or is repugnant to any national building regulation, it shall-

(a) for the purposes of subsection (1)(a) be deemed that the law under which the relevant building regulation or by-law was made, has been repealed in respect of a regulation or by-law to which the said decision relates; and

(b) for the purposes of section 31 be deemed that section 14bis of the Standards Act, 1962 (Act 33 of 1962), under which the standard building regulation was framed and published, has been repealed in respect of a standard building regulation to which the said decision relates.

NOTE: Sub-s. (4) added by s. 13 of Act 62 of 1989.

(5) A local authority shall, in the case of a notification to it in terms of subsection (3) of a decision that a relevant regulation or by-law, or standard building regulation, has not been replaced by or is not repugnant to any national building regulation, make known the decision within a period of three months from the date of the decision by notice in the Official Gazette concerned, mentioning the full text of the regulation or by-law, or standard building regulation, concerned, in consolidated form and the law under which it was made or framed.

NOTE: Sub-s. (5) added by s. 13 of Act 62 of 1989.

(6) If a local authority fails to comply with a provision-

(a) of subsection (2) within the period of six months contemplated therein; or

(b) of subsection (5) within the period of three months contemplated therein, the provisions of paragraph (a) or (b), as the case may be, of subsection (4) shall with effect from the day immediately following on the last day of the period of six or three months mentioned in paragraphs (a) and (b), respectively, mutatis mutandis apply in respect of the relevant regulation or by-law, or standard building regulation.

NOTE: Sub-s. (6) added by s. 13 of Act 62 of 1989.

(7)

(a) The Minister may at any time, after written notice to the local authority concerned, and mutatis mutandis in accordance with the provisions of subsection (3), review any decision contemplated in subsection (5).

(b) The provisions of subsection (4) shall mutatis mutandis apply in respect of a decision on review contemplated in paragraph (a), that a regulation or by-law, or standard building regulation, concerned has been replaced by or is repugnant to a national building regulation.

NOTE: Sub-s. (7) added by s. 13 of Act 62 of 1989.

SANS 10400-A:2022
Edition 4

(8)

(a) A local authority which intends to make any regulation or by-law which relates to the erection of a building, shall prior to the promulgation thereof submit a draft of the regulation or by-law in writing and by registered post to the Minister for approval.

(b) A regulation or by-law referred to in paragraph (a) which is promulgated without the Minister previously having approved of it shall, notwithstanding the fact that the promulgation is effected in accordance with all other legal provisions relating to the making and promulgation of the regulation or by-law, be void.

NOTE: Sub-s. (8) added by s. 13 of Act 62 of 1989.

30

NOTE: S. 30 repealed by s. 40 (1) of Act 30 of 1982.

31 Repeal of Section 14bis of Act 33 of 1962, as inserted by section 4 of Act 72 of 1964

Section 14bis of the Standards Act is hereby repealed: Provided that that section shall be deemed not to have been repealed in respect of any standard building regulation which was framed and published in terms of that section and which has not been replaced by or is not repugnant to any national building regulation.

32

NOTE: S. 32 repealed by s. 40 (1) of Act 30 of 1982.

33

NOTE: S. 33 repealed by s. 6 of Act 36 of 1984.

34 Short Title and Commencement

This Act shall be called the National Building Regulations and Building Standards Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

SANS 10400-A:2022

Edition 4

The following is a duplication of Part AZ2 of The National Building Regulations as published in terms of The National Building Regulations and Standards Act (Act 103 of 1977, as amended) for ease of reference. The National Building Regulations does not form part of SANS 10400-A.

THE NATIONAL BUILDING REGULATIONS - DEFINITIONS

AZ2 Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act, shall bear that meaning and, unless the context indicates otherwise –

“acceptable”, “adequate” or “satisfactory”

means acceptable, adequate, or satisfactory –

- (a) in the opinion of any local authority; or
- (b) in relation to any document issued by the council, in the opinion of the council;

“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;

“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;

“air duct”

means any pipe, tube, conduit or enclosed space used or to be used in any building for the transmission of air in an artificial ventilation system;

“applicant”

means any person who makes an application;

“application”

means an application contemplated in section 4 of the Act;

“approval”

means -

- (a) approval by any local authority, including approval contemplated in section 7(7)(b) of the Act; or
- (b) approval by the review board on appeal to the review board in terms of the Act;

“approved”

means -

- (a) approved by any local authority; or
- (b) approved by the review board on appeal to the review board in terms of the Act;

“artificial ventilation system”

means a system in which air is caused to circulate through a room by means of a mechanical apparatus which forces air into or extracts air from such room;

“branch discharge pipe”

means a horizontal discharge pipe conveying the discharge from one or more sanitary fixtures to a discharge stack;

“Board of Agrément South Africa”

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

"building envelope"

means the elements of a building that separate a habitable room from the exterior of a building or a garage or storage area;

"building line"

in relation to a site, means a line prescribed in any town planning scheme or any other law designating the boundaries of the area of the site outside of which the erection above ground of any building is prohibited;

"capacity"

of any storage tank means the volume of such tank between the operating level of the water contained in such tank and the invert of the outlet from the tank;

"carport"

means a building intended to provide shelter for a motor vehicle, caravan or boat and having a roof but having walls on not more than two sides;

"certified thermal calculation software"

means software certified by the Board of Agrément South Africa in terms of Agrément South Africa's Energy Software Protocols as being fit for thermal modelling or calculation purposes in terms of these regulations;

"chemical closet"

means a closet with a fixed pan, the excreta from which pass into a tank where they are acted upon by chemicals which sterilize and break them down;

"chimney"

means that part of a building which forms part of a flue, but does not include a flue pipe;

"cleaning eye"

means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning, and which remains permanently accessible after completion of the drainage installation;

"combustible"

means the opposite of non-combustible;

"common drain"

means that portion of a drain which conveys sewage other than or in addition to that sewage which emanates from the site through which such drain runs;

"communication pipe"

means any pipe in a water supply system to which any water installation is connected;

"competent person"

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;

"connecting sewer"

means a pipe vested in the local authority which connects a drain to a sewer;

"conservancy tank"

means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

"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;

"deemed-to-satisfy provision"

means non-mandatory requirement, the compliance with which ensures compliance with a functional regulation;

"discharge pipe"

means a pipe which conveys the discharge from a sanitary fixture to a drain, and includes a soil pipe, a waste pipe, a discharge stack, a branch discharge pipe or a fixture discharge pipe;

"discharge stack"

means any vertical discharge pipe which conveys the discharge from two or more sanitary fixtures and which is connected directly to a drain;

"dolomite land"

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

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

"drain"

means that part of any drainage installation outside a building and which is below ground level, but shall not include the following –

- (a) any discharge pipe;
- (b) that portion of a discharge stack which is below ground level;
- (c) the bend at the foot of a discharge stack;

"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;

"dwelling house"

means a single dwelling unit and any garage and other domestic outbuildings thereto, situated on its own site;

"dwelling unit"

means a unit containing one or more habitable rooms and provided with adequate sanitary and cooking facilities;

"emergency route"

means that part of an escape route which provides fire protection to the occupants of any building and which leads to an escape door;

"escape door"

means that door in an escape route which, at ground level, leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route"

means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"exit door"

means any door that is a component of an escape route from any room;

"fire installation"

means any water installation which conveys water solely for the purpose of fire-fighting;

"fire resistance"

means the shortest period for which a building element or component will comply with the requirements for stability, integrity and insulation when tested in accordance with SANS 10177-2;

"fixture discharge pipe"

means a discharge pipe which conveys the discharge from a single sanitary fixture;

"flammable"

means having a closed cup flash point lower than 90°C;

"floor area",

in relation to a building or a storey thereof, means the total area enclosed within its external walls, exclusive of the area occupied by any lift shaft;

"flue"

means a passage which conveys the discharge of a heat generating appliance to the external air;

"flue pipe"

means a pipe forming a flue but does not include a pipe built as a lining into a chimney;

"foundation"

means that part of a building which is in direct contact with and is intended to transmit loads to the ground;

"foundation wall"

means that portion of a wall between the foundation and the lowest floor above such foundation;

"french drain"

means a trench filled with suitable material which is used for the disposal of liquid effluent from a septic tank or waste water;

"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;

"garage"

means an enclosed area which is used or intended to be used for the parking, storing, servicing or repairing of motor vehicles;

"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;

"gully"

means a pipe fitting incorporating a trap into which waste water is discharged;

"habitable room"

means a room used or designed, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes;

"industrial effluent"

means any liquid whether or not containing matter in solution or suspension which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water, waste water or stormwater;

"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;

"inspection chamber"

means a chamber not deeper than 750mm and of such dimension that access may be obtained to a drain without requiring a person to enter into such chamber;

"inspection eye"

means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need not be provided;

"load"

means the value of a force corresponding to an action;

"manhole"

means a chamber of a depth greater than 750mm and of such dimension that allows entry of a person into such chamber for the purpose of providing access to a drain;

"minor building work"

as contemplated in section 13 of the Act means –

- (a) the erection of any –
 - (i) poultry house not exceeding 10m² in area;
 - (ii) aviary not exceeding 20m² in area;
 - (iii) solid fuel store not exceeding 10m² in area and 2m in height;
 - (iv) tool shed not exceeding 10m² in area;
 - (v) child's playhouse not exceeding 5m² in area;
 - (vi) cycle shed not exceeding 5m² in area;
 - (vii) greenhouse not exceeding 15m² in area;
 - (viii) open-sided car, caravan or boat shelter or a carport where such shelter or carport does not exceed 40m² in area;
 - (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 1,8m in height at any point above ground level and does not retain soil;
 - (x) any pergola;
 - (xi) private swimming pool;
 - (xii) change room, not exceeding 10m² in area, at a private swimming pool;

"minor building work" (continue)

- (b) the replacement of a roof or part thereof with the same or similar material;
- (c) the conversion of a door into a window or a window into a door without increasing the width of the opening;
- (d) the making of an opening in a wall which does not affect the structural safety of the building concerned;
- (e) the partitioning or the enlarging of any room by the erection or demolition of an internal wall if such erection or demolition does not affect the structural safety of the building concerned;
- (f) the erection of any solar water heater not exceeding 6m² in area on any roof or 12m² when erected other than on any roof; and
- (g) the erection of any other building where the nature of the erection is such that in the opinion of the building control officer it is not necessary for the applicant to submit, with his application, plans prepared in full conformity with these regulations;

"natural ventilation"

means the movement of air through a building due to natural causes;

"non-combustible"

means classified as non-combustible when tested in accordance with code of practice SANS 10177-5;

"occupancy"

means the particular use or the type of use to which a building or portion thereof is normally put or intended to be put;

"orientation"

means the direction a building envelope element faces, i.e. the direction of a vector perpendicular to and pointing away from the surface outside of the element.

"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;

"population"

means the population determined in accordance with regulation A21;

"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;

"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;

"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;

"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;

"reference building"

means a hypothetical building that is used to determine the maximum allowable heating load for the proposed building.

"rodding eye"

means an access opening in a drainage installation provided for the purposes of gaining full-bore access to the interior of a drain for internal cleaning, and which remains permanently accessible after completion of the installation, but does not include an inspection chamber or manhole;

"sanitary fixture"

means a receptacle to which water is permanently supplied, and from which waste water or soil water is discharged;

"sewage"

means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination, but does not include stormwater;

"sewer"

means a pipe or conduit which is the property of or is vested in the local authority and which is used or intended to be used for the conveyance of sewage;

"site"

means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"soil fixture"

means a sanitary fixture which receives and discharges soil water;

"soil pipe"

means a discharge pipe which conveys soil water;

"soil water"

means liquid containing excreta;

"sprinkler system"

means an approved system of piping and sprinkler heads connected to a water supply which when actuated by the effect of fire automatically releases water;

"stairway"

means any part of a building which provides a route of travel between different levels in such building and is formed by a single flight or by a combination of two or more flights and one or more intervening landings;

"storage tank"

means any tank, other than any tank used for storage of hot water or any cistern serving a toilet pan or a urinal, which forms part of a water installation and is used for the storage of water;

"storey"

means that part of a building which is situated between the top of any floor and the top of the floor next above it, or if there is no floor above it that portion between such floor and the ceiling above it (any open work floor, catwalk or gallery being taken to be part of the storey in which it is situated), and in relation to a building -

(a) the ground storey shall be taken as the storey in which there is situated an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these;

(b) a basement shall be taken to be any part of the building which is below the level of the ground storey;

(c) an upper storey shall be taken to be any storey of the building which is above the level of the ground storey; and

(d) the height expressed in storeys shall be taken to be that number of storeys which includes all storeys other than a basement;

"stormwater"

means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water or spring water;

"stormwater drain"

means a pipe, conduit or surface channel situated on a site, which is used to convey stormwater to a suitable point of discharge;

"stormwater sewer"

means a pipe, conduit or channel, owned by or vested in the local authority, which is used for the conveyance of stormwater;

"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;

"structural"

means relating to or forming part of any structural system;

"structural system",

in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

"structural wall"

means a wall forming part of any structural system;

"suitable"

means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose;

"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;

"the Act"

means the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977);

"trained plumber"

means any person who in the trade of plumbing has, in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiency or has obtained a National Certificate in Construction Plumbing, National Qualification Framework level 3;

"trap"

means a pipe fitting or a part of a sanitary fixture which is designed to retain a water seal;

"ventilating pipe"

means a pipe which leads to the open air at its highest point and which provides ventilation throughout a drainage installation for the purpose of preventing the destruction of water seals, but does not include a discharge pipe;

"waste pipe"

means a discharge pipe which conveys waste water only;

"waste water"

means used water not contaminated by soil water or industrial effluent and shall not include stormwater;

"water fitting"

means any component, other than a pipe, of any water installation, through which water passes or in which it is stored;

"water installation"

means an installation used or intended to be used for the conveyance or storage of water in any building or on any site on which such building is situated and includes any pipe or any water fitting other than any water meter vested in the local authority;

"water seal"

means the water in a trap which acts as a barrier against the flow of any foul air or gas;

"water supply system"

means any system of structures, aqueducts, pipes, valves, pumps, meters or other appurtenances relating thereto which are vested in the local authority and are used or intended to be used by it in connection with the supply of water;

"wind load"

means the force exerted by the action of wind;

The following is a duplication of Part A of The National Building Regulations as published in terms of The National Building Regulations and Standards Act (Act 103 of 1977, as amended) for ease of reference. The National Building Regulations does not form part of SANS 10400-A.

THE NATIONAL BUILDING REGULATIONS

PART A - ADMINISTRATION

A1 APPLICATION

- (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.
- (2) The plans and particulars in respect of any building to be erected by or on behalf of the State shall be accompanied by a certificate, signed by the head of the State Department concerned or an officer designated by him, setting out in full details as to the respect in which such erection will not comply with the requirements of these regulations.
- (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 professional 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.
- (4) No plans, particulars or approval shall be required for any repair which has become necessary as a result of ordinary wear and tear or which is undertaken in the normal course of maintenance or upkeep of any building: Provided that where such repair will affect the structural loading or is a repair of any part of the structural system the local authority may require drawings or specifications to be submitted.
- (5) An application shall be made to the building control office for authorization to erect any building defined as minor building work or to carry out any work falling within the ambit of such definition, and any such erection or work shall not be commenced before such authorization has been granted: Provided that such application and such authorization shall not be required for minor building work for which, in terms of the proviso to regulation A2(1), no plans are required.
- (6) Minor building work shall comply with any national building regulations specified as a condition of the authorization granted by the building control officer.
- (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, passage- ways, escape routes and fire fighting equipment.
- (c) Where any building contemplated in paragraph (a) is intended to be used for experimental, demonstration, testing or assessment purposes, the local authority -
 - (i) shall grant authorization for a period of time sufficient for the erection of such building and for the performance of any experiment, or for the demonstration, testing or assessment of such building; and
 - (ii) shall grant authorization for the erection of such building where testing or assessment of the completed building is the only way to ascertain whether such building complies with the requirements of these regulations.
- (8) Where an application is made to make an alteration or addition to any building, approval for the erection of which was granted before the date of commencement of the Act -
 - (a) such alteration shall comply with the requirements of the Act, but consequent changes to any other part of the building which would be necessary in order to make such other part comply with the requirements of the Act shall not be required unless in the opinion of the local authority such consequent changes are necessary to ensure the health or safety of persons using the building in the altered form;
 - (b) such addition shall comply with the requirements of the Act, but no changes to the original building shall be required unless the addition -
 - (i) will affect the structural strength or stability of the original building;
 - (ii) will render any existing escape route from the original building less effective; or
 - (iii) will affect the health of persons using the original building.
- (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

- (1) Any person intending to erect any building shall submit to the local authority the following plans and particulars, together with the application:
- (a) A site plan;
 - (b) layout drawings;
 - (c) a fire installation drawing;
 - (d) drainage installation drawing;
 - (e) particulars of any existing building which is to be demolished and details of the method of demolition to be used;
 - (f) such plans and particulars as may be required by the local authority in respect of –
 - (i) general structural arrangements, subject to any requirement contained in these regulations with regard to design of the structural system;
 - (ii) general arrangement of artificial ventilation;
 - (iii) a fire protection plan;
 - (iv) any certificate contemplated in these regulations, including any applicable Agrément Certificate;
 - (v) particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400.
 - (g) a declaration by a person registered in a professional category of registration in terms of 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;
- Provided that –
- (aa) such plans and particulars shall not be submitted where –
 - (i) as a result of any exemption contemplated in paragraph (a) or (b) of the proviso to section 2(4) of the Act, it is not necessary to do so;
 - (ii) an exemption has been granted by a building control officer in terms of section 13 of the Act; or
 - (iii) any minor building work is a building having an area of not more than 5 m² or is a pergola, wire fence or an open-sided fabric covered shelter for a car, caravan or boat;
 - (bb) in the case of any temporary building, only such plans and particulars as are contemplated in regulation A23 shall be submitted.
- (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 professional 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.

- (5) A certified copy of approved plans and particulars contemplated in sub-regulation (1) shall be available at the site where any building is being erected until a certificate of occupancy has been issued by the local authority.
- (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 sub-regulation, 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 sub-regulation shall be guilty of an offence and such notification is null and void.

A3 PRELIMINARY PLANS AND ENQUIRIES

- (1) Any person who intends to erect a building may, before submitting an application in accordance with the Act, request the local authority –
- (a) to examine any preliminary sketch plans of the building proposed to be erected and to furnish, in writing, its comments on such plans or on any particular features thereof specified by such person; or
 - (b) to furnish, in writing, its opinion as to whether any material or method or form of construction intended to be used in the erection of such building will comply with these regulations.
- (2) Where the local authority is unable to comply with any request contemplated in sub-regulation (1) it shall furnish, in writing, its reasons for its inability to do so.

A4 LOCAL AUTHORITY MAY REQUIRE ADDITIONAL DOCUMENTS AND INFORMATION

- (1) Where the local authority requires the applicant in terms of regulation A2(1)(f)(i) or (ii) to submit structural details or artificial ventilation details such applicant shall, to the extent required by the local authority -

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- (a) furnish the local authority with a structural arrangement drawing which shall show the position, level and size of every structural member;
 - (b) furnish the local authority with such structural drawings and artificial ventilation details as required in terms of sub-regulations (2), (3), (4), (5), (6), (7) and (8): Provided that where the structural system or artificial ventilation system, as the case may be, is designed by a an approved competent professional person –
 - (i) the local authority shall permit the applicant to omit from his application any or all of the details required in sub-regulations (2), (3), (4), (5), (6), (7) and (8) on condition that the required details shall be submitted to the local authority at least three days, exclusive of a Saturday, Sunday or public holiday, prior to the commencement of the erection of the structural system of the building or the artificial ventilation system, as the case may be; and
 - (ii) such details shall thereafter form part of the relevant application for approval;
 - (c) show on structural drawings the imposed floor loads which such building has been designed to withstand;
 - (d) furnish for inspection the calculations employed in the design of the building proposed to be erected;
 - (e) furnish adequate information regarding the subsoil of the site on which the building is proposed to be erected;
 - (f) show the fire resistance ratings of the various structural members of the building and, where special protection for such members is necessary, details relating to such protection;
 - (g) furnish information regarding structural materials to be used in the construction of the proposed building, including the grade, strength, classification, temper or treatment;
 - (h) if the design or part thereof has been carried out in accordance with any standard contemplated in these regulations, furnish the name and number of such standard;
 - (i) if the design or part thereof has been carried out in accordance with a document other than a standard contemplated in these regulations, furnish identification of such document together with the reasons for utilizing such document in preference to such standard;
 - (j) if the design or part thereof has not been carried out in accordance with any standard or document contemplated in paragraph (h) or (i), furnish the basis and method on which such design was prepared and any further evidence of the adequacy of such basis and method; and
 - (k) if the structural design or part thereof has been carried out in accordance with any standard, document or other method contemplated in paragraph (h), (i) or (j), furnish, in addition to the loads contemplated in paragraph (c), details of other loads which such building has been designed to withstand.
- (2) The documentation for the structural concrete used in a building shall, to the extent required by the local authority, show –
- (a) the reinforcement in each member;
 - (b) the various grades of concrete to be used;
 - (c) the type of reinforcement or pre-stressing tendon;
 - (d) the amount of concrete cover to be provided to the reinforcement;
 - (e) the details of all joints between members; and
 - (f) the details of anchorage of pre-stressing steel.

- (3) The documentation for structural steelwork shall, to the extent required by the local authority, show -
- (a) the grades of steel of all members;
 - (b) details of connections between members; and
 - (c) details of corrosion protection to be provided to the steel structure.
- (4) The documentation for structural timber shall, to the extent required by the local authority, show -
- (a) the grade and type of timber to be used in such construction;
 - (b) whether the sizes of timber members are nominal or finished sizes;
 - (c) the method of connection of all timber members and the connection of any timber members to a foundation or other parts of the building not constructed of timber;
 - (d) in the case of any roof construction, the details of the method of bracing to resist wind actions and other lateral actions, member spacing and sizes and details of connections;
 - (e) details of treatment applied or to be applied in terms of these regulations, to the structural timber members; and
 - (f) details of drainage for condensation or wind driven water from any cavity and the details of any ventilation openings provided to such cavity.
- (5) The documentation for structural masonry shall, to the extent required by the local authority, show
- (a) the class of mortar to be used, together with the strength of the masonry units;
 - (b) the details of all joints in masonry and between masonry and other members, including dimensions and materials from which bearing pads and load spreading devices are made; and
 - (c) details of all reinforcement, wall ties and anchors.
- (6) The documentation for foundations shall, to the extent required by the local authority, show -
- (a) the type and condition of the soil; and
 - (b) the design loads to be applied to the foundations, except where such foundation is constructed in accordance with any relevant empirical rule and such construction is deemed to satisfy these regulations.
- (7) The documentation for other structural materials shall, to the extent required by the local authority, show -
- (a) the overall size of every structural member together with its location;
 - (b) the grade of material of all members;
 - (c) the details of all connections between members;
 - (d) the details of the corrosion protection to be provided; and
 - (e) the details of reinforcement provided, including its strength and composition.

- (8)
- (a) Where the local authority requires any particulars with regard to the artificial ventilation of any building by a mechanical apparatus not being a room air conditioner contemplated in SANS 1125, or any portable electric fan, the following information shall, to the extent required by the local authority and subject to the requirement of paragraph (b), be submitted:
- (i) The location and size of any plant room;
- (ii) the location and size of principal air ducts, plenums, inlets and outlets;
- (iii) the proposed rates of air supply or extraction; and
- (iv) details of any water recirculation system, cooling tower and storage tank. (b) Any documentation contemplated in paragraph (a) shall be accompanied by a certificate signed by a an approved competent person in which he shall certify that any apparatus to be installed has been designed to provide a standard of ventilation which complies with these regulations.
- (9)
- (a) Where a local authority is not satisfied as to the adequacy or safety in use of any construction system, method, material, article or product which is proposed to be used in the erection of any building the local authority may require a test report or evaluation certificate in respect thereof.
- (b) On submission to such local authority of -
- (i) an applicable report issued by the council or the CSIR; or
- (ii) any current Agrément certificate,
- the adequacy or safety of such system, method, material, article or product covered by such report certificate shall be deemed to satisfy any relevant requirement for adequacy or safety prescribed in these regulations, to the extent and under the conditions set out in such report or certificate.
- (c) A report or certificate contemplated in paragraph (a), issued on or after the date of coming into operation of these regulations, shall contain the number of the regulation which prescribes such requirement.

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 -
- (a) be clear and legible;
- (b) be drawn on any suitable material or be provided in a medium acceptable to the local authority;
- (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.
- (3) Any application shall be accompanied by as many additional copies of every plan, drawing or diagram as required by the local authority.
- (4) Such plans, drawing, diagrams, and any copies thereof, shall be on sheets of the A series of sizes or multiples of A4.
- tails:
- 1:100, 1:50, 1:20, 1:10, 1:5, 1:2 or 1:1.

- (5) (a) Plans, drawings and diagrams shall be drawn to a suitable scale selected from one of the following scales:

- (i) Site plans:
1:1 000, 1:500, 1:250, 1:200 or 1:100.
- (ii) Plumbing installation drawings:
1:200, 1:100 or 1:50.
- (iii) Layout drawings:
1:100, 1:50 or 1:20: Provided that in the case of elevations 1:200 may be used.
- (v) Fire protection plans:
1:200, 1:100, 1:50 or 1:20.

- (iv) General structural arrangement drawings and structural drawings contemplated in sub-regulation (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 than the above.	To be clearly indicated in colours other than the above.

(b) SITE PLAN	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

- (7) The escape route drawn on any fire protection plan shall be coloured green and the direction of travel to a safe area shall be indicated by arrows drawn at short intervals along the plan route.
- (8) In all cases the scales employed shall be stated on the plans and drawings, and the letters and symbols used on such plans and drawings shall be not less than 2,5 mm in size in the case of upper case letters.

A6 SITE PLANS

Any site plan contemplated in regulation A2(1)(a) shall fully and clearly contain the following information, where applicable:

- (a)
 - (i) The dimensions of the site on which the building is to be erected;
 - (ii) the boundaries of such site;
 - (iii) the dimensioned position of any building line; and
 - (iv) the position and width of any servitude or right of way to which such site is subject;
- (b) the registered number or other designation of such site;
- (c) the direction of true north, and if required by the local authority, the natural ground contours at suitable vertical intervals or spot levels at each corner of such site;
- (d) the name of the street upon which such site abuts;
- (e) the location of -
 - (i) any municipal service and any connection point thereto; and
 - (ii) any drain, stormwater drain, or surface channel existing upon such site;
- (f) the location of -
 - (i) the proposed building;
 - (ii) any existing building; and
 - (iii) any building proposed to be demolished;
- (g)
 - (i) any existing and intended point of access from any public street; and
 - (ii) the location of any street tree, street furniture, apparatus or equipment relative to such access.

A7 LAYOUT DRAWING

Any layout drawing contemplated in regulation A2(1)(b) shall indicate the occupancy classification, and shall consist of as many plans, sections, elevations and such other details as may be necessary to show.

- (a) foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs and chimneys;
- (b) sanitary fixtures;
- (c) structural members required in terms of regulation A4(1)(a);
- (d) the intended use and horizontal and vertical dimensions of rooms or other spaces;
- (e) all details relating to the facilities provided for persons with disabilities;
- (f) where fixed seating is provided -
 - (i) the layout of all rows, seats and aisles;
 - (ii) the position of all exit doors; and
 - (iii) the total number of seats;

- (g) details of the position, dimensions and materials of damp-proofing;
- (h) the location, levels and size of any paved areas adjacent to the building;
- (i) where required by the local authority, contours of the site and the levels of any adjoining verge of any roadway, together with a section along the length of any vehicle driveway, which shall show the relative levels and gradients;
- (j) where required by the local authority, the levels of the floors relative to one another and to -
 - (i) the existing ground surface;
 - (ii) the proposed finished ground surface;
 - (iii) the surface of any public place or public street at the boundary of the site; and
 - (iv) all street levels supplied in terms of regulation A12;
- (k) stormwater drainage on the site, where such drainage is required by the local authority;
- (l) details of any special provisions, required in terms of these regulations, for disabled persons;
- (m) where provided, the location, type and capacity of water heating installations; and
- (n) where provided, details of fenestration and insulation required to satisfy the energy usage requirements of regulation XA.

A8 PLUMBING INSTALLATION DRAWINGS AND PARTICULARS

- (1)
 - (a) The provisions of regulation A2(1)(c) and A2(1)(d) shall not be construed as preventing the details contemplated in sub-regulations (2), (3), (4) and (5) being clearly indicated on any layout drawing required in terms of regulation A2(1)(b).
 - (b) Where such details on more than one floor of any building are identical they may be indicated on the drawings of one such floor only: Provided that where such details are so indicated the drawings of other floors concerned shall be suitably annotated to indicate where such details may be found.
- (2) Any drawing of a fire installation as contemplated in regulation A2(1)(c) shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:
 - (a) The location and size of any existing or proposed communication pipe serving or intended to serve any building or site;
 - (b) the location of any pipe, the size of such pipe and the material of which it is manufactured;
 - (c) the location and capacity of any storage tank;
 - (d) the location of any overflow;
 - (e) the location of any pump; and
 - (f) the pressure for which the installation has been designed.
- (3) Any drawing of a drainage installation as contemplated in regulation A2(1)(d) shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:

- (a) The location, size and gradient of any drain and any connecting point to such drain, in relation to a datum established on the site and the level of the ground relative thereto;
 - (b) the location of any point of access to the interior of any drain;
 - (c) the location of any trapped gully;
 - (d) the location and details of any septic tank, conservancy tank, private sewage treatment plant or sewage pump;
 - (e) the location of any percolation test hole excavated on the site and of any french drain;
 - (f) the location and arrangement of any sanitary fixture served by the drainage installation;
 - (g) the location and size of any soil pipe, waste pipe and ventilating pipe or device;
 - (h) the location of all openings in the building such as chimneys, skylights, doors, windows, ventilation openings and air intakes which could permit the entry of foul air or gas into such building from any ventilating pipe or device; and
 - (i) the location of any well, borehole or watercourse on the site.
- (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 bylaws 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.
- (5) Where symbols are used to signify details on drainage installation drawings they shall be as indicated in the following list: Provided that where there may be a possibility of misunderstanding, the description shall be written in full:

Access opening	AO
Bath	B
Bidet	BT
Cast iron	CI
Cleaning eye	CE
Concrete	CONC
Copper	COP
Cover level	CL
Fibre cement	FC
Galvanized mild steel	GMS
Grease trap	GT
Ground level	GL
Gully	G
Inspection chamber	IC
Inspection eye	IE
Invert level	IL

SANS 10400-A:2022

Edition 4

Manhole	MH
Pitch-impregnated fibre	PF
Rainwater pipe	RWP
Reinforced concrete	RC
Rodding eye	RE
Shower	SW
Sink	S
Slop hopper	SH
Soil pipe	SP
Stainless steel	SS
Stormwater channel	SC
Stormwater pipe	SWP
Two Way Vent Valve	2WV
Unplasticized polyvinyl chloride	UPVC
Urinal	U
Vent or ventilating pipe	VP
Vitrified clay	VC
Wash-basin	WB
Wash-trough	WT
Waste pipe	WP
Toilet pan	WC

A9 FIRE PROTECTION PLAN

- (1) Where so required by the local authority, any application in respect of the erection of any building not being a dwelling house, shall be accompanied by a protection fire plan which shall clearly show any fire protection measures provided in terms of these regulations.
- (2) The provisions of sub-regulation (1) shall not be construed as preventing details of such fire protection measures being clearly indicated on a layout drawing required in terms of regulation A2(1)(b).

A10 SYMBOLS ON FIRE PROTECTION PLANS

- (1) Where symbols are used to signify details on fire protection plans they shall be as indicated in the following list: Provided that where the possibility of a misunderstanding exists, the description shall be written in full:

Escape door	ED
Escape route	ER
Feeder route	FR
Fire extinguisher	FE
Fire hydrant	FH
Foam inlet	FI
Fire main	FM
Fire pump connection	FPC
Fire stopping	FS
Heat detectors	HD
Hose reel	HR
Rising main	RM
Reflux valve	RV
Smoke detectors	SD
Sprinkler system	SS
Smoke extractor	SX
Valve	V

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.
- (2) Where such owner fails to engage a professional land surveyor as contemplated in sub-regulation (1) the local authority may engage a professional land surveyor to establish and point out the location of such pegs or beacons, and the local authority 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 sub-regulation (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.
 - (b) The local authority shall, where in its opinion it is practicable for it so to do and within 21 days after receipt of a request contemplated in paragraph (a), supply the required levels.
 - (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

- (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 sub-regulation (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.

- (2) The local authority may test or cause to be tested any material or component used or to be used in the erection of any building in order to determine whether such material or component complies with the requirements of these regulations, and any officer of such local authority duly authorized for that purpose may, at any time after consultation with the person erecting such building, remove from the building site concerned so much of such material or component as is reasonably necessary to serve as a sample for the purpose of such test: Provided that the authorized officer may not exercise his powers in such a way that work of such erection is stopped when such material or component is being so removed and tested.
- (3) If any material or component tested in terms of sub-regulation (2) does not comply with these regulations the local authority may serve a notice on such person, stating the respects in which such material or component does not comply and prohibiting such person from making further use of such material or component for the purpose for which it was or is to be used in the erection of such building.
- (4) Except in the case where in such notice the local authority permits the use of such material or component in the erection of such building for some different purpose permitted in terms of these regulations, such person shall forthwith on receipt of such notice remove such material or component from such building or building site or from both, as the case may be.
- (5) If any material or component contemplated in sub-regulation (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.
- (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.

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.
- (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:
 - (a) the structural safety performance (behaviour of buildings under all actions that can be reasonably expected to occur);

- (b) the measures taken to resist the penetration of rainwater and the passage of moisture into the interior of a building.
- (3) The local authority may serve a notice on such owner or person requiring him to comply with sub-regulation (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.
- (5) Any owner or person who contravenes the requirements of sub-regulation (1) or (2) or fails to comply with any notice served in terms of sub-regulation (3) or (4) shall be guilty of an offence.

A16 QUALIFICATIONS OF A BUILDING CONTROL OFFICER

The minimum qualification of any building control officer appointed in terms of section 5 of the Act shall be of a standard equivalent to a senior certificate plus three years tertiary education, at an accredited educational institution, in one of the following building disciplines:

- (a) civil engineering;
- (b) structural engineering;
- (c) architecture;
- (d) building management;
- (e) building science;
- (f) building surveying; or
- (g) quantity surveying

A17 CERTIFICATE OF IDENTITY OF A BUILDING CONTROL OFFICER

- (1) Any building control officer or any officer contemplated in section 6(4) of the Act shall, when so requested, produce his certificate of identity, which shall contain the following information.
 - (a) The number of the Act in terms of which the certificate is issued;
 - (b) the name of the local authority in question;
 - (c) the name of the officer;
 - (d) the signature of the officer;
 - (e) the signature of the municipal manager of the local authority concerned;
 - (f) the date of issue; and
 - (g) a photograph of the officer.
- (2) Sub-regulation (1) shall be deemed to be satisfied where the certificate is in accordance with that provided in SANS 10400-A.

- (3) The certificate contemplated in sub-regulation (1) shall be valid only during the period that the officer so identified occupies the post of building control officer or during the period for which any power of a building control officer is delegated to him, as the case may be, and it may at any time be withdrawn by the local authority.
- (4) Any person who produces a certificate of identity which has not been lawfully issued to him or which has been lawfully withdrawn, shall be guilty of an offence.

A18 CONTROL OF PLUMBERS AND PLUMBING WORK

- (1) No person shall perform the trade of plumbing as contemplated in Government Notice No. R. 1875 of 31 August 1979 unless he is a trained plumber or works under the adequate control of a trained plumber) or approved competent professional person.
- (2) Where any person who is not a trained plumber has been practising the trade of plumbing and was required in terms of any local authority by-law to register with it before so practising in its area of jurisdiction, he may, if he is so registered, continue to practise in such area or the area of any other local authority if such registration is acceptable to such other local authority.
- (3) No local authority shall, for the purposes of these regulations, register any person to practise the trade of plumbing after the coming into operation of the Act.
- (4) Any person not being a trained plumber or not being a person contemplated in sub-regulation (2), who practices the trade of plumbing shall be guilty of an offence.
- (5) Any trained plumber who causes or permits any person who is not a trained plumber or is not a person contemplated in sub-regulation (2), to practise the trade of plumbing without adequately controlling the work done by such person, shall be guilty of an offence.
- (6) to assume responsibility for the system in its entirety and where parts of the system are to be undertaken by other competent professional persons, the approved competent professional 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 professional persons, provided that such exclusion shall not preclude the approved competent professional person from taking any action which he or she considers necessary in terms of sub-regulation (8)(b).

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

(1) Wherein 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), A1(3), A23(4), G1(3), O4, P2(2), Q3, R(3), T1(2), W 4, XA3(b) 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 maybe 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 fulfill 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 counter-signed by the approved competent person.
 - (iv) Each designer of apart 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 appellant 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.
 - (c) Where regulation XA is satisfied by a competent person in accordance with the requirements of SANS 10400 Part XA, the competent person who is responsible for such determination shall on completion of the construction and commissioning of the building submit to the local authority a fully completed Form 4 as contained in SANS 10400-A.
- (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.

A20 CLASSIFICATION AND DESIGNATION OF OCCUPANCIES

- (1) The occupancy of any building shall be classified and designated according to the appropriate occupancy class given in column 1 of Table 1 and such classification shall reflect the primary function of such building: Provided that, in any building divided into two or more areas not having the same primary function, the occupancy of each such area shall be separately classified.
- (2) Notwithstanding the requirements of sub-regulation (1), any area in any building which is used for any purpose ancillary to that of any occupancy classification contemplated in sub-regulation (1) shall, subject to adequate facilities and safety measures being provided, not be classified as a separate occupancy.
- (3) Any room or space used for the storage or processing of flammable liquids shall not be deemed to be a J1 occupancy as herein defined if –
- (a) such liquid is stored in the fuel tank of any engine, motor vehicle, boat or lawnmower;
 - (b) the quantity of liquid to be stored or handled in such room does not exceed 40 litres; or
 - (c) the quantity contemplated in paragraph (b) exceeds 40 litres but does not exceed 200 litres and the closed cup flash point of such liquid is above 40°C.

TABLE 1 — OCCUPANCY OR BUILDING CLASSIFICATION

1	2
Class of occupancy of building	Occupancy
A1	Entertainment and public assembly Occupancy where persons gather to eat, drink, dance or participate in other recreation.
A2	Theatrical and indoor sport Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performances.
A3	Places of instruction Occupancy where school children, students or other persons assemble for the purpose of tuition or learning.
A4	Worship Occupancy where persons assemble for the purpose of worshipping.
A5	Outdoor sport Occupancy where persons view outdoor sport events.
B1	High risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
B2	Moderate risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
B3	Low risk commercial service Occupancy where a non-industrial process is carried out and where neither the material handled nor the process carried out falls into the high or moderate risk category.
C1	Exhibition hall Occupancy where goods are displayed primarily for viewing by the public.
C2	Museum Occupancy comprising a museum, art gallery or library.
D1	High risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
D2	Moderate risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
D3	Low risk industrial Occupancy comprising usually unattended mechanical or electrical services necessary for the running of a building.
D4	Plant room Occupancy comprising usually unattended mechanical or electrical services necessary for the running of a building.

TABLE 1 — OCCUPANCY OR BUILDING CLASSIFICATION (cont)

1	2
Class of occupancy of building	Occupancy
E1	Place of detention Occupancy where people are detained for punitive or corrective reasons or because of their mental condition.
E2	Hospital Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bed-ridden.
E3	Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for
E4	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.
F1	Large shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 m ² .
F2	Small shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area does not exceed 250 m ² .
F3	Wholesaler's store Occupancy where goods are displayed and stored and where only a limited selected group of persons is present at any one time.
G1	Offices Occupancy comprising offices, banks, consulting rooms and other similar usage.
H1	Hotel Occupancy where persons rent furnished rooms, not being dwelling units.
H2	Dormitory Occupancy where groups of people are accommodated in one room
H3	Domestic residence Occupancy consisting of two or more dwelling units on a single site.
H4	Dwelling house Occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuilding, if any.
H5	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

TABLE 1 — OCCUPANCY OR BUILDING CLASSIFICATION (cont)

1	2
Class of occupancy of building	Occupancy
J1	High risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.
J2	Moderate risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.
J3	Low risk storage Occupancy where the material stored does not fall into the high or moderate risk category.
J4	Parking garage Occupancy used for storing or parking of more than 10 motor vehicles.

A21 POPULATION

- (1) The population of any room or storey or portion thereof shall be taken as the actual population of such room, storey or portion thereof where such population is known or, where such population is not known, the population shall be calculated from the criteria given in Table 2.
- (2) In the case of any occupancy classified as F1, where the total floor area is more than 500 m², that portion of the floor area that is in excess of 500 m² shall, for the purposes of calculation of the population be reduced by an amount of 20%.

TABLE 2 — DESIGN POPULATION

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

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.
 - (b) Such notice shall in the case of the erection of a building be given at least four days, exclusive of a Saturday, Sunday or public holiday, and in the case of the demolition of a building, at least 10 days, exclusive of a Saturday, Sunday or public holiday, before such work commences.
- (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;
 - (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.
- (3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local 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 sub-regulation (2).
- (4) Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence.

A23 TEMPORARY BUILDINGS

- (1) On receipt of any application to erect a building which the applicant has declared to be a temporary building, the local authority may, subject to the provisions of sub-regulations (2), (3) and (4), grant provisional authorization to the applicant to proceed with the erection of such building in accordance with any conditions or directions specified in such authorization.
- (2) Before granting such authorisation the local authority may require the submission of -
 - (a) a statement of the period for which authorization is required;
 - (b) a site plan;
 - (c) layout drawings in sufficient detail to enable the local authority to determine the general size, form, materials of construction and use of the proposed building; and

- (d) the building will be completed.
- (3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local 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 sub-regulation (2).
- (4) Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence.

A23 TEMPORARY BUILDINGS

- (1) On receipt of any application to erect a building which the applicant has declared to be a temporary building, the local authority may, subject to the provisions of sub-regulations (2), (3) and (4), grant provisional authorization to the applicant to proceed with the erection of such building in accordance with any conditions or directions specified in such authorization.
- (2) Before granting such authorisation the local authority may require the submission of -
 - (a) a statement of the period for which authorization is required;
 - (b) a site plan;
 - (c) layout drawings in sufficient detail to enable the local authority to determine the general size, form, materials of construction and use of the proposed building; and
 - (d) any structural detail required by the local authority to determine the structural safety of the proposed building.
- (3) The local authority shall grant the authorization contemplated in sub-regulation (1) for a limited period, to be determined with regard to the period specified by the applicant.
- (4) The local authority may at the request of the owner grant approval for one or more extensions of the period contemplated in sub-regulation (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.
- (5) The owner of such building may, not later than the last day of the period contemplated in sub-regulation (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 sub-regulation (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 sub-regulation (5).
- (7) If any plans and details contemplated in sub-regulation (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.

- (2) Where the council finds that the proposed building complies with all the relevant requirements of these regulations it shall report accordingly, and any application for approval to erect such building, where accompanied by such report shall be deemed to satisfy the requirements of the Act: Provided that such report shall clearly identify any plans, specifications or other documents which have been examined by the council.

A25 GENERAL ENFORCEMENT

- (1) No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plans of such building, or for a purpose which causes a change in the class of occupancy as contemplated in these regulations, whether such plans were approved in terms of the Act or in terms of any law in force at any time before the date of commencement of the Act, unless such building is suitable, having regard to the requirements of these regulations, for such first-mentioned purpose or for such changed class of occupancy.
- (2) Any person who contravenes a provision of sub-regulation (1) shall be guilty of an offence, and the local authority may serve a notice on such person calling upon him forthwith to cease such contravention.
- (3) Where the erection of any building was completed before the date of commencement of the Act and such erection was in contravention of the provisions of any law in force before such date, the local authority may take any action it may have been competent to take in terms of such law.
- (4) Where any building was being erected before the date of commencement of the Act in contravention of the provisions of any law in force before such date and the erection of such building is continued on or after such date in contravention of such provisions or of the provisions of the Act, the person who continues so to erect such building shall be guilty of an offence.
- (5) Any person who, having obtained approval in terms of the Act for the erection of any building, deviates to any material degree from any plan, drawing or particulars approved by the local authority shall, except where such deviation has been approved, be guilty of an offence.
- (6) The local authority may serve a notice on any person contemplated in section 4(4) of the Act or sub-regulation (4) or (5), ordering such person forthwith to stop the erection of the building concerned or to comply with such approval, as the case may be: Provided that where any deviation is found to be necessary during the course of construction of such building, the local authority may authorize the work to continue but shall require that an amended plan, drawing or particulars to cover such deviation is submitted and approved before a certificate of occupancy is issued.
- (7) Whether or not a notice contemplated in sub-regulation (6) has been served, the local authority may serve a notice on the owner of any building contemplated in sub-regulation (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 sub-regulation (7), the owner satisfies the local authority that he has complied with the requirements contained in these regulations, the notice contemplated in sub-regulation (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 sub-regulation (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.
- (11) Any person who fails to comply with any notice contemplated in this regulation shall be guilty of an offence.

The application of the national building regulations

Part A:

General principles and requirements

1 Scope

1.1 This part of SANS 10400 establishes general requirements for satisfying the National Building Regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and requirements that are deemed to satisfy the following parts of such Regulations:

National Building Regulations Regulation – Part B: *Structural design*.

National Building Regulations Regulation – Part C: *Dimensions*.

National Building Regulations Regulation – Part D: *Public safety*.

National Building Regulations Regulation – Part F: *Site operations*.

National Building Regulations Regulation – Part G: *Excavations*.

National Building Regulations Regulation – Part H: *Foundations*.

National Building Regulations Regulation – Part J: *Floors*.

National Building Regulations Regulation – Part K: *Walls*.

National Building Regulations Regulation – Part L: *Roofs*.

National Building Regulations Regulation – Part M: *Stairways*.

National Building Regulations Regulation – Part N: *Glazing*.

National Building Regulations Regulation – Part O: *Lighting and ventilation*.

National Building Regulations Regulation – Part P: *Drainage*.

National Building Regulations Regulation – Part Q: *Non-water-borne means of sanitary disposal*.

National Building Regulations Regulation – Part R: *Stormwater disposal*.

National Building Regulations Regulation – Part S: *Facilities for persons with disabilities*.

National Building Regulations Regulation – Part T: *Fire protection*.

National Building Regulations Regulation – Part V: *Space heating*.

National Building Regulations Regulation – Part W: *Fire installation*.

National Building Regulations Regulation – Part XA: *Energy usage in buildings*.

1.2 This part of SANS 10400 is intended to enable

- a) designers to design buildings that comply with the requirements of the National Building Regulations,
- b) contractors to construct buildings and their subsystems using conventional materials and construction techniques in accordance with practices which are deemed to satisfy such regulations, and
- c) local authorities to establish compliance with the Regulations in a uniform and consistent manner.

2 Normative references

The following referenced documents, in whole or in part, are normatively referenced in this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies. Information on currently valid national and international standards can be obtained from the South African Bureau of Standards.

SANS 10400-B, *The application of the National Building Regulations – Part B: Structural design.*

SANS 10400-C, *The application of the National Building Regulations – Part C: Dimensions.*

SANS 10400-D, *The application of the National Building Regulations – Part D: Public safety.*

SANS 10400-F, *The application of the National Building Regulations – Part F: Site operations.*

SANS 10400-G, *The application of the National Building Regulations – Part G: Excavations.*

SANS 10400-H, *The application of the National Building Regulations – Part H: Foundations.*

SANS 10400-J, *The application of the National Building Regulations – Part J: Floors.*

SANS 10400-K, *The application of the National Building Regulations – Part K: Walls.*

SANS 10400-L, *The application of the National Building Regulations – Part L: Roofs.*

SANS 10400-M, *The application of the National Building Regulations – Part M: Stairways.*

SANS 10400-N, *The application of the National Building Regulations – Part N: Glazing.*

SANS 10400-O, *The application of the National Building Regulations – Part O: Lighting and ventilation.*

SANS 10400-P, *The application of the National Building Regulations – Part P: Drainage.*

SANS 10400-Q, *The application of the National Building Regulations – Part Q: Non-water-borne means of sanitary disposal.*

SANS 10400-R, *The application of the National Building Regulations – Part R: Stormwater disposal.*

SANS 10400-S, *The application of the National Building Regulations – Part S: Facilities for persons with disabilities.*

SANS 10400-T, *The application of the National Building Regulations – Part T: Fire protection.*

SANS 10400-V, *The application of the National Building Regulations – Part V: Space heating.*

SANS 10400-W, *The application of the National Building Regulations – Part W: Fire installation.*

SANS 10400-XA, *The application of the National Building Regulations – Part XA: Energy usage in buildings.*

3 Definitions

For the purposes of this document, the definitions as per National Building Regulations AZ2 (reproduced in the front of this document), shall apply.

4 Requirements

4.1 General

4.1.1 The requirements of the National Building Regulations shall be complied with by applying the requirements of Regulation AZ4(1).

4.1.2 Regulation AZ4(2) requires a competent person to prepare a rational design or rational assessment if required.

4.2 Deemed-to-satisfy requirements

4.2.1 The functional regulations contained in the National Building Regulations listed in table 1 shall be deemed to be satisfied where the requirements of the corresponding part(s) of SANS 10400 are complied with.

4.2.2 The requirements contained in the parts of SANS 10400 listed in table 1 provide performance requirements (i.e. the qualitative performance criteria which enable the functional requirements to be complied with for a nominated level) and the verification method by which it may be confirmed that the nominated performance is achieved (see B.6 and figure B.2).

These requirements presume that if the owner adopts one or more of the following methods, the functional regulations will be satisfied:

- a) by adherence to prescriptive requirements (deemed-to-satisfy);
- b) by the appointment of a competent person to prepare a rational design or rational assessment in accordance with a prescribed framework; or
- c) by erecting a building or part thereof in terms of an Agrément certificate.

Table 1 — Location of deemed-to-satisfy requirements for the different parts of the National Building Regulations

1		2
Part of National Building Regulations		Location of deemed-to-satisfy requirements
B:	Structural Design	SANS 10400-B, <i>Structural design</i>
C:	Dimensions	SANS 10400-C, <i>Dimensions</i>
D:	Public Safety	SANS 10400-D, <i>Public safety</i>
F:	Site Operations	SANS 10400-F, <i>Site operations</i>
G:	Excavations	SANS 10400-G, <i>Excavations</i>
H:	Foundations	SANS 10400-H, <i>Foundations</i>
J:	Floors	SANS 10400-J, <i>Floors</i>

Table 1 — Location of deemed-to-satisfy requirements for the different parts of the National Building Regulations (concluded)

K:	Walls	SANS10400-K, Walls
L:	Roofs	SANS10400-L, Roofs
M:	Stairways	SANS10400-M, Stairways
N:	Glazing	SANS10400-N, Glazing
O:	Lighting and Ventilation	SANS10400-O, Lighting and ventilation
P:	Drainage	SANS10400- P, Drainage
Q:	Non-water-borne Means of Sanitary Disposal	SANS10400-Q, Non-water-borne means of sanitary disposal
R:	Stormwater Disposal	SANS10400-R, Stormwater disposal
S:	Facilities for Persons with Disabilities	SANS10400-S, Facilities for persons with disabilities.
T:	Fire Protection	SANS10400-T, Fire protection
V:	Space Heating	SANS10400-V, Space heating
W:	Fire Installation	SANS10400-W, Fire installation
XA	Energy Usage in Buildings	SANS10400-XA, Energy usage in buildings

4.3 Category 1 buildings

4.3.1 Plans prepared in respect of category 1 buildings shall be annotated with the wording "Category 1 building" immediately above the title block, followed by the part, in brackets, of the functional regulations satisfied in respect of such a class of building, for example, Category 1 building (structural design and fire protection).

4.3.2 The following parts of SANS 10400 make reference to category 1 buildings:

- a) SANS 10400 – *Part B: Structural design*;
- b) SANS 10400 – *Part C: Dimensions*;
- c) SANS 10400 – *Part K: Walls*;
- d) SANS 10400 – *Part O: Lighting and ventilation*;
- e) SANS 10400 – *Part T: Fire protection*; and
- f) SANS 10400 – *Part XA: Energy usage in buildings*.

4.3.3 Buildings satisfying the criteria of a category 1 building can only be so assessed if the annotation required in 4.3.1 appears on the plans submitted. If no annotation is present, the buildings shall be assessed using the requirements for buildings that are not classified as category 1 buildings.

4.4 Population

NOTE 1 The National Building Regulations Act states as its main purpose the provision of uniformity in law relating to the design of buildings. Regulation A21 requires that the population of a building shall be taken as the actual population of a building or a portion of a building or, where the population is not known, the population shall be taken as the population depicted as the population as provided for in the table 2 of Regulation A21.

NOTE 2 The population of a building is crucial regarding the criteria used by designers to calculate several aspects. The population depicted in the table are used to determine, inter alia, loads for structural design, number and width of escape routes, artificial ventilation etc.

NOTE 3 To ensure uniformity in calculations where the total population is not known, designers are required by the Regulation to calculate the population by utilising the figures in the table. If the known population is less than those depicted in the table, the use of such figures, if they are lower in the table, may lead to the under-design of several factors in a building.

NOTE 4 The inference drawn from Regulation A21 is that, in calculations where the known population is less than those depicted in the table, the population as depicted in the table shall be used instead of the known population. In doing so, the building will then satisfy in all aspects for the remainder of its working life compliance with the National Building Regulation, even if the building acquires a new owner with a population that differs from that originally used in calculation. The promotion of uniformity in the law relating to the erection of a building, as stated in the National Building Regulations Act, will then be complied with.

4.4.1 The population of a building for calculation purposes shall be the population as stated in Regulation A21, or if the population is known, the known population. Where the known population is greater than that depicted in the Regulation (see table 2), the population as stated in table 2 of Regulation A21 shall be used.

4.4.2 Where calculations are performed using the known population of a building, the population figure used shall be stated in the title block of drawings prepared.

4.5 Copy of Certificate of Occupancy required for older buildings erected before the enactment of The National Building Regulations and Standards Act and the issue of Occupancy Certificates for such buildings

NOTE The occupancy certificate process (Section 14 of the National Building Regulations Act) deals with an ongoing development process which starts with the approval of the building plan, the required building inspections during construction as it progresses up to completion of the building and the issuing of the occupancy certificate once the building is completed in accordance with the building plans approval granted in terms of Section 7 of the National Building Regulations Act. See annex E for information on the risk-based approach to building inspections.

4.5.1 Buildings already erected shall be categorised as follows:

a) buildings which were erected prior the effective date of the Act, which was 1 September 1985: (Gazette 9608 of 1 March 1985)

b) buildings for which building plans were approved after the effective date of the Act, but prior the effective date of recent amendments to the legislative framework.

4.5.2 Occupancy certificates shall be issued in terms of section 14 of the Act, and can only be issued in relation to building plans which were approved in terms of Section 7 of the Act.

NOTE 1 All buildings erected prior the effective date were therefore not approved in terms of Section 7 of the National Building Regulations Act but in terms of legislation applicable before the effective date of the National Building Regulations Act. Occupancy certificates in terms of section 7 of the National Building Regulations Act cannot be issued under the current legislation as the legislation is not retrospectively enforceable.

NOTE 2 There is no legal requirement for an owner to obtain an occupancy certificate for buildings erected prior the effective date, but any additions and alterations done to such building will after the effective date require an occupancy certificate to be issued in relation to an approval obtained.

NOTE 3 Local Authorities may issue at their discretion letters where such certification is required by owners for buildings erected prior to the effective date.

4.5.3 Buildings erected after the effective date and approved in terms of Section 7 of the National Building Regulations Act had to comply with the National Building Regulations and the related series of standards applicable at the date of approval. Such buildings shall therefore deemed to be compliant with the requirements of the National Building Regulations Act.

Amendments to the National Building Regulations or the related series of standards after the date of approval of a building application are not retrospectively enforceable.

4.6 The requirements for the use of forms 1 to 4

4.6.1 Form 1

4.6.1.1 Form 1 (as specified in accordance with annex A) is a declaration made in terms of Regulation A2(1)(g) by a person registered in a professional category of registration in terms of one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No. 43 of 2000), and read together with the Architectural Professions Act (Act 40 of 2000), implies that it is the registered architectural professional employed by the owner.

4.6.1.2 The completed declaration sets out how the applicable functional regulations of The National Building Regulations are satisfied by, inter alia

- a) complying with the specific requirements of a relevant SANS 10400 standard,
- b) rational design or assessment (or both) by a competent person registered in terms of Regulation A19, and
- c) the use of an Agrément Certificate.

4.6.1.3 The owner shall report any changes made after obtaining an approval, but prior to the actual construction thereof, to the professional responsible for the declaration, as such changes shall require approval to be obtained from the local authority. The corresponding declaration as per Form 1 shall be amended.

4.6.2 Form 2

4.6.2.1 A registered person appointed as the approved competent person by the owner in terms of Regulation A19 shall apply to the local authority, using Form 2 (as specified in accordance with annex B), to be accepted as the approved competent person

4.6.2.2 Based on the data provided in Form 2 and supporting documents, the Local Authority is required to accept or decline to accept the appointed competent person based on the provisions of Regulation A19.

4.6.2.3 The local authority shall accept or decline such application in writing to the competent person via Section 4 of Form 2.

NOTE The Local Authority does not approve the competencies of the appointed competent person but merely accept that, based on the information supplied in Form 2, the person satisfies the required definition of a competent person as provided for in the relevant part of SANS 10400.

4.6.3 Form 3

On the request from the person accepted as the competent person via Form 2, a person who satisfies the requirements of a competent person but only accepts responsibility for the design of a component of a system for which accepted approved competent person (Form 2) accepts responsibility for, shall complete Form 3 (as specified in accordance with annex C and return it to the accepted approved competent person.

NOTE In terms Regulation A19(8), Form 3 is not required to be submitted to a local authority.

4.6.4 Form 4

4.6.4.1 Form 4 (as specified in accordance with annex D) is submitted to the local authority by the person accepted in terms of the application made in terms of Form 2 as the approved competent person, certifying that the installation, erection, or construction of the building system for which responsibility was taken for,

- a) has been approved in terms of section 7 of the Act, and

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- b) the accepted approved competent person takes full responsibility for such installation, erection or construction.

4.6.4.2 A Form 4 shall only be submitted to a local authority by a person who was accepted as the approved competent person in terms of an application made via Form 2.

4.6.5 Additional Forms

4.6.5.1 Form F.1 contains a checklist that may be used by building owners and professionals to confirm that the relevant information necessary for a local authority to consider an application in accordance with the National Building Regulations is provided (see annex F) .

4.6.5.2 Form F.2 contains a checklist that may be used by a local authority to confirm that the relevant information to consider an application in accordance with the National Building Regulations is provided has been submitted by the building owner (see annex F).

4.7 Appealing a decision of a local authority in terms of the National Building Regulations

An owner of a building, or anyone affected by the approval or the refusal of a building plan, shall make use of the appeal process available at the local authority or request the courts to set aside the decision of the local authority.

NOTE 1 On 7 June 2018, the Constitutional Court handed down a judgment in which it confirmed an order of the High Court of South Africa, Gauteng Local Division, Johannesburg (High Court) declaring Section 9 of the National Building Regulations and Building Standards Act 103 of 1977 (the Act) unconstitutional and invalid.

The said Constitutional Court ruling means the ability for a property owner to appeal the refusal of a building application by a Local Authority to the Review Board is no longer available. An appeal against the interpretation of a building regulation or acceptance of a competent person's appointment by a Local Authority to the Review Board is no longer available.

NOTE 2 Appeal in terms of Section 62 of the Municipal Systems Act (Act 32 of 2000):

- a) Sections 62(1) and 62(3) of the Municipal Systems Act however provides an appeal mechanism for a party aggrieved by a decision of a local authority but does not extend to third parties who contend that their rights or legitimate expectations have been adversely affected by the decision.
- b) An appeal through section 62 of the Municipal Systems Act does not apply to cases of objectors to the approval of a building application, whose objection is ordinarily raised against the execution of the plans and not the approval itself.
- c) It is only the aggrieved applicant, who has failed to secure the approval sought through an application, who is afforded the right of appeal under Section 62 of the Municipal Systems Act. Such appeal being lodged within a period of 21 days of becoming aware of the adverse decision.

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

Annex A

(normative)

Form 1 referenced in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

FORM 1 DECLARATION BY PERSON RESPONSIBLE FOR PREPARING AN APPLICATION FOR APPROVAL OF THE ERECTION OF THE BUILDING IN TERMS OF SECTION 4 OF THE ACT <i>(To be completed and submitted for all applications prepared in accordance with the provisions of Regulation A2)</i>
To: (Name of Local Authority) Erf/Holding/Portion No.: Township/Agricultural holding/Farm name: Street address: Building classification / Occupancy (Regulation A20): Nature of project: <i>(Insert proposed new building(s), or building alteration, building addition, re-erection of building, refurbishment of building or structural repair to existing building, as relevant.)</i>
SECTION 1: DECLARATION BY OWNER Name of owner / s Cell. No. E-mail: I ☐ / We ☐ hereby confirm that: <i>(Name of person registered in a professional category of registration in terms of one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No. 43 of 2000))</i> Category of registration: <i>(Insert Professional Architect/Professional Senior Architectural Technologist/Professional Architectural Technologist/Professional Architectural Draughtsperson or as approved by SACAP)</i> Professional Registration Number:

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

has been appointed to declare in terms of Regulation A2(1)(g) how the applicable functional regulations are to be satisfied, and I ☐ / we ☐ understand and accept that the onus is on me ☐ / us ☐ to:

i) inform the above-named professional when the work is due to start on site, and if any ... changes are made as to how the functional regulations are to be satisfied, or any changes in the appointment of competent persons are made before the completion of the building; and

extend the above appointment to meet the requirements of Regulations A19(8) and A19(9) where applicable.

Signature of owner (s) Date:

SECTION 2: DECLARATION BY APPOINTED PROFESSIONAL PERSON

I, (Name of professional)

.....

Cell. No.:

E-mail:

of

(Name of practice, partnership, association, company or incorporated body)

accept the appointment made in section 1 and declare, to the best of my knowledge, that the functional regulations are to be satisfied as set out in Section 3, with the assistance of the competent persons, if any, named in Section 3, and undertake to update this schedule whenever a change in approach to satisfying these Regulations arises.

Signature of professional:

Registration Council:

Category of registration:

(Insert Professional Architect/Professional Senior Architectural Technologist/Professional Architectural Technologist/Professional Architectural Draughtsperson, etc.)

Professional Registration Number:

SANS 10400-A:2022

Edition 4

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

SECTION 3						
DECLARATION ON HOW THE FUNCTIONAL BUILDING REGULATIONS						
IS TO BE SATISFIED IN TERMS OF REGULATION AZ4						
Please select the relevant option(s). More than 1 option can be selected.						
REGULATION B: STRUCTURAL DESIGN						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION C: DIMENSIONS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION D: PUBLIC SAFETY						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION F: SITE OPERATIONS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION G: EXCAVATIONS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION H: FOUNDATIONS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION J: FLOORS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION K: WALLS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION L: ROOFS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☒	Agrément Certification
REGULATION M: STAIRWAYS						
Applicable		☐	Not Applicable		☐	
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification

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Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

REGULATION N: GLAZING						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION O: LIGHTING AND VENTILATION						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION P: DRAINAGE						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION Q: NON-WATERBORNE MEANS OF SANITARY DISPOSAL						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION R: STORWATER DISPOSAL						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION S: FACILITIES FOR PERSONS WITH DISABILITIES						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION T: FIRE PROTECTION						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION V: SPACE HEATING						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION W: FIRE INSTALLATION						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Rational Design by Competent Person	☐	Rational Assessment by Competent Person	☐	Agrément Certification
REGULATION XA: ENERGY USAGE IN BUILDINGS						
Applicable			☐	Not Applicable		☐
Deemed-to-satisfy Requirements	☐	Deemed-to-satisfy Requirements	☐	Deemed-to-satisfy Requirements	☐	Deemed-to-satisfy Requirements

NOTE 1 Regulation A2 requires the owner to appoint a registered person to declare in Form 1 how the applicable functional regulations of the National Building Regulations should be satisfied.

NOTE 2 The Architectural Profession Act (Act 44 of 2000) makes it an offence for anybody not registered with The South African Council for the Architectural Profession to practice architecture – therefore the declaration contained in Form 1 (and the preparation of building plans for submissions for approval to a local authority can only be made by a person registered in a professional category as per the Architectural Professions Act.

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

Annex B
 (normative)

Form 2 referenced in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

FORM 2 APPLICATION FOR ACCEPTANCE AS AN APPROVED COMPETENT PERSON IN TERMS OF REGULATION A19 <i>(To be completed and submitted for appointments in terms of Regulation A19)</i>
To: (Name of Local Authority) Erf/Holding/Portion No.: Township/Agricultural holding/Farm name: Street address: Building classification / Occupancy (Regulation A20): Nature of project: (Insert proposed new building(s), or building alteration, building addition, re-erection of building, refurbishment of building or structural repair to existing building, as relevant.)
SECTION 1: DECLARATION BY OWNER Name of owner / s: Address: Cell. No.: E-mail: I ☐ / We ☐ hereby confirm that: (Name of person registered in a professional category of registration in terms of one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No. 43 of 2000)) Name of Registered Person: Category of registration: Professional Registration Number: in terms of Regulation A19(1) as the competent person for the work, duties and responsibilities set out herein, and I ☐ / we ☐ understand and accept that the onus is on me ☐ / us ☐ to: a) inform the above-named professional when the work is due to start on site, notify the local authority in writing should the appointment be terminated before the work for which this person was appointed is completed, and to make another appointment in terms of Regulation A19(2); extend the above appointment to meet the requirements of Regulations A19(7) and A19(8) where applicable. Signature of owner (s) Date:

Erf No: _____
Township: _____
Owner: _____
Date: _____

SECTION 2: DECLARATION BY APPOINTED COMPETENT PERSON

I, (Name of professional)

Address:

.....

Cell. No.:

E-mail:

of

(Name of practice, partnership, association, company or incorporated body) accept the appointment made in section 1 and undertake and accept full responsibility for

- a) The rational design /rational assessment /geotechnical investigation in respect of the above project and in accordance with the *rational design/rational assessment/geotechnical investigation requirements of the National Building Regulations for the applicable work described herein, and, where relevant, for the inspection, in respect of work contemplated in section 3 of this Form, and accept that the provisions of Regulations A19(6), (7) and (8), and, where applicable, Regulation A14 shall apply to the duties and responsibilities of any appointment;
- b) providing the local authority with such drawings, details and particulars as are and may be required by the National Building Regulations;
- c) notifying the local authority in writing should
 - i) it appear that any work is being carried out in a manner which might endanger the strength, stability or serviceability of the building or any adjoining building, structure or property; and
 - ii) my appointment be terminated before the work for which I was appointed is complete;
- d) submitting to the local authority in terms of section 14(2A) of the National Building Regulations and Building Standards Act, Form 4 on completion of the relevant work, where required, and
- e) maintaining contact with the owner of the project as to when my services may be required

and declare that –

i) I am competent to undertake the rational design ☐ /rational assessment ☐ /geotechnical investigation ☐ and any associated inspection work in relation to the applicable work(s) contemplated in section 3 of this Form and in support of my declaration of competence submit that (tick appropriate option)

ii) ☐ I satisfy the relevant definition for competent person contained SANS10400 in all respects in . relation to the works contemplated; or

iii) ☐ I have the necessary qualifications, experience and contextual knowledge to undertake such work as set out in the attached declaration;

SANS 10400-A:2022

Edition 4

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

I shall satisfy Regulation AZ4 by (tick appropriate option)

☐ complying with all the relevant requirements of SANS 10400; or

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 relevant requirements of SANS 10400.

I am ☐ /am not ☐ an employee of the owner and have ☐ /do not have ☐ professional indemnity cover;

my professional registration is current and is not suspended or terminated and is appropriate in relation to the services required; and

all the information given is, to the best of my knowledge and belief, true and correct.

(Attach declaration setting out qualifications, experience and contextual knowledge, proof of PI Insurance etc relating to the work contemplated)

Signature of professional Date

Registration Council

Category of registration:

(Insert Professional Engineer/Professional Engineering Technologist/Professional Architect/Professional Senior Architectural Technologist/Professional Architectural Technologist, etc.)

SECTION 3: DESCRIPTION OF APPLICABLE WORK

3.1 REGULATION B: STRUCTURAL DESIGN

Competent Person (Structures)

Signature of Competent Person:

Signature of Owner.....

Competent Person (Civil Engineering)

Signature of Competent Person:

Signature of Owner.....

Competent Person (Dolomite Land)

Signature of Competent Person:

Signature of Owner:.....

3.2 REGULATION C: DIMENSIONS

Competent Person.....

Signature of Competent Person:

Signature of Owner:.....

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

3.3 REGULATION D: PUBLIC SAFETY

Competent Person (Structures)
 Signature of Competent Person:
 Signature of Owner:.....

3.4 REGULATION G: EXCAVATIONS

Competent Person (Structures):.....
 Signature of Competent Person:
 Signature of Owner:.....

Competent Person (Engineering Geology)
 Signature of Competent Person:
 Signature of Owner:.....

3.5 REGULATION H: FOUNDATIONS

Competent Person (Geotechnical)
 Signature of Competent Person:
 Signature of Owner:.....

Competent Person (Structures)
 Signature of a competent person:
 Signature of Owner:.....

Competent Person (Civil Engineering)
 Signature of Competent Person:
 Signature of Owner:.....

3.6 REGULATION J: FLOORS

Competent Person (Structures)
 Signature of Competent Person:
 Signature of Owner:.....

Competent Person (Civil Engineering)
 Signature of Competent Person:
 Signature of Owner:.....

3.7 REGULATION K: WALLS

Competent Person (Structures)
 Signature of Competent Person:
 Signature of Owner:.....

SANS 10400-A:2022

Edition 4

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

3.8 REGULATION L: ROOFS

Competent Person (Built Environment)
 Signature of Competent Person
 Signature of Owner:

Competent Person (Structures).....
 Signature of Competent Person
 Signature of Owner:

3.9 REGULATION M: STAIRWAYS

Competent Person (Structures)
 Signature of Competent Person:
 Signature of Owner:

3.10 REGULATION N: GLAZING

Competent Person (Structures).....
 Signature of Competent Person
 Signature of Owner:

Competent Person (Glazing).....
 Signature of Competent Person
 Signature of the Owner:

3.11 REGULATION O: LIGHTING AND VENTILATION REQUIREMENT

Competent Person (Mechanical Engineering)
 Signature of Competent Person
 Signature of Owner

3.12 REGULATION P: DRAINAGE

Competent Person (Sanitation)
 Signature of Competent Person
 Signature of the Owner

3.13 REGULATION Q - NON-WATER-BORNE MEANS OF SANITARY DISPOSAL

Competent Person (Sanitation)
 Signature of Competent Person
 Signature of the Owner

Erf No: _____
Township: _____
Owner: _____
Date: _____

3.14 REGULATION R: STORMWATER DISPOSAL

Competent Person (Civil Engineering)
Signature of Competent Person
Signature of Owner:

Competent Person (Built Environment)
Signature of Competent Person
Signature of Owner:

3.15 REGULATION S: FACILITIES FOR PERSONS WITH DISABILITIES

Competent Person (Environmental Access).....
Signature of Competent Person
Signature of owner:

3.16 REGULATION T: FIRE PROTECTION

Competent Person (Fire Engineering).....
Signature of Competent Person
Signature of Owner:

3.17 REGULATION V: SPACE HEATING

Competent Person (Fire Engineering).....
Signature of Competent Person
Signature of Owner:

3.18 REGULATION W: FIRE INSTALLATION

Competent Person (Fire Engineering).....
Signature of Competent Person:
Signature of Owner:

Competent Person (Wet Services)
Signature of Competent Person
Signature of Owner:

3.19 REGULATION XA: ENERGY USAGE IN BUILDINGS

Competent Person:
Signature of Competent Person:
Signature of Owner:

(Attach documentation setting out qualifications, experience and contextual knowledge, PI Insurance, etc relating to the work appointed for)

SANS 10400-A:2022

Edition 4

Erf No: _____
Township: _____
Owner: _____
Date: _____

SECTION 4: ACCEPTANCE OF APPOINTED COMPETENT PERSON BY A LOCAL AUTHORITY

(To be completed and returned to the Approved Competent Person)

Based on the information and undertakings provided, the competent person is

- ☐ accepted as an approved competent person
- ☐ not accepted as an approved competent person for the following reasons:
- 1) ☐ incorrect or incomplete information has been provided (Regulation A19(9)(c)(i));
 - 2) ☐ is not in possession of the required professional indemnity insurance cover (Regulation A19(9)(c)(ii));
 - 3) ☐ is not professionally registered with a relevant statutory council (Regulation A19(9)(c)(iii));
 - 4) ☐ is inadequately qualified or has insufficient experience or contextual knowledge to make the required determinations (Regulation A19(9)(c)(iv));
 - 5) ☐ is under investigation by a relevant disciplinary tribunal (Regulation A19(9)(c)(v)).

For and on behalf of the Local Authority: (Name of official)

Signature:

Date:

NOTE1 Regulation A19 requires the owner to appoint a competent person responsible for design, inspection and assessment duties where in terms of The National Building Regulations a rational design or assessment (or both) is required in terms of Regulations AZ4(1)(b)(ii), A1(3), A23(4), G1(3), O4, P2(2), Q3, R3, T1(2), W4 and XA3 in respect of a system, measure, facility or parameter.

NOTE 2 The owner of the building shall subject to the provisions of sub-regulations A19(4) and A19(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 maybe required.

NOTE 3 Where it is not possible for such person to fulfil the duties as contemplated in sub-regulation A19(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.

SANS 10400-A:2022
Edition 4

Erf No: _____
Township: _____
Owner: _____
Date: _____

Annex C
(normative)

Form 3 referenced in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

FORM 3 DECLARATION BY A COMPETENT PERSON APPOINTED TO DESIGN A COMPONENT OR AN ELEMENT OF A SYSTEM (THIRD PARTY CERTIFICATION)
This form is to be completed: by those persons who are not appointed in terms of Form 2; and before the commencement of any construction or installation activities. (This form shall be submitted to the approved competent person, i.e. the person who assumes overall responsibility for the system). To:.....(<i>competent person accepted in terms of form 2</i>) Name of a competent person: Erf/Holding/Portion No.: Township/Agricultural holding/Farm name Street Address Nature of project:..... (<i>Insert proposed new building(s), or building alteration, building addition, re-erection of building, and refurbishment of building or structural repair to existing building, as relevant.</i>)
SECTION 1: DECLARATION BY APPOINTED COMPETENT PERSON I..... (<i>competent person</i>) Of..... (<i>company and Address</i>) undertake and accept full responsibility for the rational design ☐ /rational assessment ☐ in respect of: a) in accordance with the rational design ☐ /rational assessment requirements ☐ of the National Building Regulations, and for the inspection, where relevant; b) will provide the accepted Approved Competent Person (Form 2) with such drawings, details and particulars as are and may be required for such person to discharge his obligations in terms of the National Building Regulations;

SANS 10400-A:2022

Edition 4

Erf No: _____

Township: _____

Owner: _____

Date: _____

- c) will notify the approved competent person in writing should –
- i) it appear that any work is being carried out in a manner which might endanger the strength, stability or serviceability of the building or any adjoining building, structure or property; and
 - ii) my appointment be terminated before the work for which I was appointed is complete;
- d) will inform the Approved Competent Person when the work is due to start on site and when the work is completed; and
- e) will complete and submit section 3 to the approved competent person, where the work relates to the structural fire protection or fire installation system and when requested to do so on completion of the relevant work for which I am responsible, where relevant.
- f) and declare that –
- i) I am competent to undertake the rational design ☐ /rational assessment ☐ and any associated inspection work in relation to the applicable work(s) contemplated in this form and in support of my declaration of competence submit that (tick appropriate option):
 - ii) ☐ I satisfy the relevant definition for competent person contained in SANS10400 in all respects in relation to the works contemplated; or
 - iii) ☐ I have the necessary qualifications, experience and contextual knowledge to undertake such work as set out in the attached declaration
- g) I shall satisfy Regulation AZ4 by (tick appropriate option):
- i) ☐ complying with all the relevant requirements of SANS10400; 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 relevant requirements of SANS10400;
- h) I am ☐ /am not ☐ an employee of the owner and have ☐ /do not have ☐ professional indemnity cover.
- i) My professional registration is current and is not suspended or terminated and is appropriate in relation to the services required.
- j) All the information given is, to the best of my knowledge and belief, true and correct.

Signature of Professional:

Registration Council:

Category of registration:

Professional Engineer, Professional Engineering Technologist, Professional Architect/Professional Senior Architectural Technologist/Professional Architectural Technologist, etc.)

SANS 10400-A:2022

Edition 4

Erf No: _____
Township: _____
Owner: _____
Date: _____

SECTION 2: CRITICAL DESIGN INFORMATION

(Competent person to complete section or attach information to this form)

1) Design assumptions and criteria:

.....
.....
.....
.....

2) Specifications for materials:

.....
.....
.....
.....

3) Drawings prepared to communicate design to constructor or installer:

.....
.....
.....
.....

4) Nature and extent of inspections during construction:

.....
.....
.....
.....

5) Features requiring special attention:

.....
.....
.....
.....

SANS 10400-A:2022

Edition 4

Erf No: _____
 Township: _____
 Owner: _____
 Date: _____

SECTION 3: CERTIFICATE OF COMPLETION OF THE STRUCTURAL, FIRE PROTECTION OR FIRE INSTALLATION SYSTEM, ENERGY USAGE AND OTHERS (IF SO REQUIRED)

I, (competent person)
 Of
 (company and address)
 hereby certify that for the above project, the portion of:

- ☐ the structural system
- ☐ the fire protection system
- ☐ the fire installation system
- ☐ energy usage
- ☐ Other (specify).....

for which I have taken responsibility has, to the best of my knowledge, been designed and constructed ☐ /erected ☐ /installed ☐ in accordance with the application in respect of which approval was granted in terms of section 7 of the Act and that it comply with the requirements of the National Building Regulations.

Signature of Professional: Date:

Registration Council:

Category of Registration:
 (Insert Professional Engineer, Professional Engineering Technologist, Professional Architect/Professional Senior Architectural Technologist/Professional Architectural Technologist, etc.)

NOTE 1 Regulation A19(8) of the National Building Regulations states that where approved competent person in terms of Form 2 is required in terms of sub-regulation A19(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 A19(8)(b).

NOTE 2 For the purpose of satisfying themselves of the adequacy of any design or designs contemplated in sub-regulation A19(8)(a) and of their compatibility with any system, measure or installation in its entirety, the approved competent person may at any time after their appointment, require the designer or designers of the different elements of the system referred to in sub-regulation A19(8)(a) to complete Form 3 contained in SANS 10400-A as they may deem necessary, and return it timeously, or in any event before building construction

SANS 10400-A:2022

Edition 4

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.

NOTE 3 The person appointed as the approved competent person in terms of Form 2, 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.

NOTE 4 Copies of designs, plans and specifications accepted by the approved competent person should be submitted if so required to the local authority counter-signed by the approved competent person.

NOTE 5 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.

SANS 10400-A:2022
Edition 4

Annex D
(normative)

Form 4 referenced in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

FORM 4 CERTIFICATE OF COMPLETION OF SECTION 14(2A) OF THE ACT (To be completed upon the completion of the construction, erection or installation of the structural system, the fire protection system, fire installation system or energy usage or any other as required by the Local Authority. No alterations or qualifications are permitted.) I, (Name of professional) Address: Cell. No.: E-mail: of (Name of practice, partnership, association, company or incorporated body) certified that for the following project: Erf/Holding/Portion No:..... Township/Agricultural holding/Farm name:..... Street Address:..... Application / Approval / Case No:..... Nature of project:..... (Insert proposed new building(s), or building alteration, building addition, re-erection of building, and refurbishment of building or structural repair to existing building, as relevant.) ☐ the structural system ☐ the fire protection system ☐ the fire installation system ☐ energy usage ☐ Other (specify) for which I have taken responsibility in Form 2 has, to the best of my knowledge, been designed and constructed ☐ /erected ☐ /installed ☐ in accordance with the application in respect of which approval was granted in terms of section 7 of the Act and that it satisfies the requirements of the National Building Regulations. Signature of Professional:..... Date:..... Registration Council: Category of Registration: Date:.....
--

Annex E

(informative)

Risk-based approach to building inspections

E.1 Construction accounts for a large share of GDP in most economies. Governments often use construction to stimulate economic activity because of its benefits for people across socioeconomic strata.

Ensuring safety in construction is not easy. A single structural failure can cause an entire building to collapse, often leading to injuries and deaths. Furthermore, the monetary costs incurred by governments or private sector to replace the buildings or fix the damages can be substantial.

These incidents do not imply that these countries do not officially require inspections. Local Authorities are supposed to conduct excavation and foundation inspections before conducting a final inspection. But such inspection requirements do not do enough to guarantee public safety. Inspections during the construction of buildings are crucial but assessing potential risks might be even more important. For example, several factors should be considered when building a power plant, such as the pollution it is expected to emit, which will affect how thoroughly it needs to be inspected.

Accordingly, there has been growing consensus in the construction industry on the need for supervisory bodies to consider the potential risks imposed by a building, rather than applying the same inspections standards to all buildings. Many economies are adopting innovative approaches to construction controls, with the focus shifting from random, systematic, and untargeted inspections to more targeted, selective, and risk-based inspections.

Both developed and developing economies have implemented risk-based inspections, which consider the varying risks for different types of buildings. Since 2005, several economies have incorporated elements of risk-based inspection systems. Germany adopted a system like Australia's that makes private inspectors / professionals responsible for ensuring buildings' safety and thus responsible for conducting the required inspections based on the type of building.

Over the past decades other governments have also worked with the private sector to develop risk-based inspections, resulting in new laws and regulations that make safety a central focus of the construction industry while maintaining efficiency. Risk-based inspections, as opposed to random, untargeted inspections, allow governments to allocate resources where they are most needed without compromising worker and public safety.

But their effectiveness depends on several factors, including strong oversight, proper enforcement of legislation, sufficient resources, and technical expertise. Economies require inspectors to inspect buildings to ensure that builders comply with legal requirements for worker safety (construction inspections), structural integrity (building inspections) and fire safety.

There can be too few inspections or too many; neither approach benefits the construction industry or the public interest. In some economies obtaining a construction permit requires dozens of procedures. It can take more than a year to comply with these, and they can cost several times annual income per capita. Moreover, the process is often little more than a way to extract rents and so is associated with corruption. Countries such as France, New Zealand and the United Kingdom have created permit procedures that strike a much better balance, ensuring high levels of public safety while not burdening the private sector with excessive red tape.

Professionals in such economies are designing simpler structures that are generally subject to less requirements and inspections due to their lower risks.

SANS 10400-A:2022

Edition 4

E.2 Unannounced or unscheduled inspections are known as random inspections. They can occur at any time and any stage of a construction project. There can be as many inspections as the building inspector deems necessary.

Though random inspections can reveal more instances of noncompliance with building regulations than do phased inspections, they also create more opportunities for graft. To require a lot of inspections might not be necessary for smaller buildings that do not pose serious environmental or hazardous risks. Still, having no inspections is a safety risk.

Phased inspections occur during specific phases of construction. They occur regardless of a building's size, location, or use. The South African Building Regulations calls for at least phased inspections, namely when

- a) any fire installation will be connected to any communication pipe,
- b) trenches or excavations will be ready for inspection prior to the placing of concrete for any foundation,
- c) any drainage installation will be ready for inspection and testing and when, and
- d) the building will be completed.

A phased inspection strategy demands that authorities have enough resources to inspect every building at each required phase. An insufficient number of inspectors can lead to missed, hurried or incomplete inspections.

Risk-based inspections have become more popular recently, resolving some of the issues from random and phased inspections. Though many risk-based inspection-systems include a minimum number of phased inspections for all buildings, they typically give priority to buildings with high risks, such as environmental ones, and optimize the process. Some countries have defined key stages of inspections for all buildings, plus additional inspections based on the building's risk level (see table A.1).

Table E.1 — Example of range of building inspections

1	2
Phased inspections required for all buildings	Inspections based on risk assessment
Commencement of works Excavation of foundation Superstructure, structural frame or components First fix (pre-plaster) In-situ test, such as for drains, electrical Intermediate inspections when required Pre-occupation issue of a completion certificate	In addition to key stage inspections, high-risk sites should undergo extra inspections. The assessment is adjusted accordingly during construction

Hence risk-based inspections focus on what to inspect and when. Risk-based inspections are conducted to ensure a building's structural safety, fire safety, worker safety and public safety but in a more efficient manner. Riskier buildings face more inspections. Having fewer inspections for less risky buildings lowers costs without compromising safety, increasing flexibility, and enabling inspectors to move away from random and phased inspections.

In addition to defining the inspections that should take place for different types of buildings, risk-based inspections systems have involved a growing shift in risk, responsibility, and liability from public bodies to architectural and engineering professionals. Private practitioners tend to have the skills, expertise,

and experience to function without controls or with limited controls. They are also held liable for the safety of buildings and are subject to independent oversight by the professional councils.

E.3 Efforts to develop risk-based inspections should consider several elements, including the E.3.1, E.3.2 and E.3.3

E.3.1 Classifying and assessing buildings

Building classifications and assessments are important for determining the frequency and scope of inspections. Not all buildings face the same risks. Risk evaluation requires a holistic approach, and understanding the risks associated with different types of buildings is essential for successful risk-based inspections. Building classification is just as important when determining the necessary levels of review for the building plans prior to construction, for construction of the building itself and for assessment of the building after construction to ensure its compliance with safety standards .

E.3.2 Identifying who will conduct inspections

Risk-based inspections rely on professional inspectors who are responsible for ensuring that buildings are constructed according to safety standards. If violations occur, inspectors shall hold insurance to cover the loss of any structural damages. Accordingly, only experts regulated by the state or a legal body should perform inspections.

E.3.3 Identifying the responsibilities of those authorities

Inspectors' mandates should be clearly defined. In addition, a formal enforcement mechanism should be in place to ensure compliance with regulations and administer penalties for violations, as well as a conflict resolution mechanism in cases of disagreement between inspectors and developers.

E.4 Different economies have taken different approaches to risk-based inspections. Some have introduced three classes of construction so not every building requires a building permit, as had been the case:

E.4.1 First class

These projects are projects for small expansions or other small construction works exempt from building permits and planning and zoning reviews.

E.4.2 Second class

These projects are projects for construction works up to 20 m² that do not require building permits and technical reviews. But these projects are subject to planning reviews, and signatures should be obtained from neighbours to ensure they have no objections to the project.

E.4.3 Third class

These projects require building permits. This class can be divided further to allow for a structural review as the only requirement in some cases. Though notifications to the relevant local authority are required once certain stages of construction are completed, inspections are the exception rather than the rule in these cases.

E.5 Some countries that have been using risk-based inspections for a long time have comprehensive classifications of building categories and risks based on size and use. Their systems have proved quite successful over the years.

SANS 10400-A:2022

Edition 4

Economies seeking to adopt risk-based inspections can face several challenges. First, economies with weak legal institutions will find it nearly impossible to implement such a complex system. It requires passing legislation that, among other things, clearly stipulates categorization of buildings, identifies qualification and licensing requirements for private practitioners, calls for strong oversight mechanisms and calls for the establishment of professions that are well-equipped and trained to ensure the safety standards of buildings.

Having clear zoning and land regulations is also key. In some economies implementing risk-based inspections has been a challenge because authorities do not know if the building that will be constructed is in a high-risk zone (such as a zone prone to flooding or seismic activity, has natural reserves, is a historical heritage site).

Second, enforcement of the legal framework is essential to ensuring its successful implementation. The relevant professions should be independent enough to enforce the law and exercise their right to conduct any needed oversight. For example, they should establish mechanisms whereby clients can submit complaints about their dissatisfaction with an inspection, then investigate the case and take disciplinary actions against the professional if the case is confirmed.

Corruption can be reduced as well in these cases; without the proper enforcement mechanisms, it becomes easier to engage in paying bribes to the professionals / inspectors. Economies with successful risk-based inspections have strong legal institutions and solid enforcement mechanisms. Establishing a conflict resolution mechanism can also be challenging. It entails establishing a system where entities adversely affected by permitting authorities' decisions can appeal them. Like the enforcement mechanisms, conflict resolution mechanisms can only be successful if there is technical competence, procedural safeguards, and transparent processes.

Another main challenge is securing adequate resources. Developing a sound risk management system to implement risk-based inspections requires investing time and money. Risk-based inspections involve identifying and assessing the risks of every building. Such efforts are time-consuming and require staff with technical expertise. Sufficient financial resources should be allocated to training. To allocate these resources wisely, agencies should be run by individuals who are technically competent and can act independently. Still, economies can start with smaller steps that do not require extensive resources.

Finally, economies implementing risk-based inspections should develop liability and insurance systems. Doing so helps hold building inspectors and enforcement agencies accountable and deters them from delaying the issuance of permits.

E.6 Implementing risk-based inspections can present enormous challenges, but the benefits are greater. Indicators of construction quality as measured by the percentage of buildings for which insurance claims are filed and related repair costs relative to the cost of the building - have also improved.

Introducing risk-based inspections is challenging. Among the many prerequisites are sound legislation, accurate categorization of buildings and effective agencies with sufficient resources, well-trained workers, and legal mandates to conduct inspections. Economies that have successfully implemented such systems have seen more efficient inspections of their construction industries without compromising the safety of workers, the public or buildings.

NOTE Text in C.1 to C.6 is adopted from a case study by Marie Lily Delion and Joyce Ibrahim, called "What role should risk-based inspections play in construction?"

E.7 Risk-based Inspection classification in South Africa

Table E.2 provides classifications for risk-based inspections based on the classification of buildings in NBR Regulation A20.

SANS 10400-A:2022
Edition 4

Table E.2 — Inspection Risk by Building Type

1		2		
A20 Classification		Inspection risk factor		
		Single storey less than 500 m ²	2 – 3 stories and / or less than 1 000 m ²	Greater than 3 stories and / or 1 000 m ²
A1	Entertainment and public assembly	Low	Medium	High
A2	Theatrical and indoor sport	Medium	Medium	High
A3	Places of instruction	Low	Medium	High
A4	Worship	Low	Medium	High
A5	Outdoor sport	Low	Medium	High
B1	High risk commercial service	Medium	High	High
B2	Medium risk commercial service	Medium	Medium	High
B3	Low risk commercial service	Low	Medium	High
C1	Exhibition hall	Low	Medium	High
C2	Museum	Low	Medium	High
D1	High risk industrial	Medium	High	High
D2	Medium risk industrial	Medium	Medium	High
D3	Low risk industrial	Low	Medium	High
D4	Plant room	Medium	Medium	High
E1	Place of detention	Medium	Medium	High
E2	Hospital	Medium	High	High
E3	Other residential (institutional)	Medium	Medium	High
E4	Health care	Low	Medium	High
F1	Large shop	Low	Medium	High
F2	Small shop	Low	N/A	N/A
F3	Wholesaler's store	Medium	Medium	High
G1	Offices	Low	Medium	High
H1	Hotel	Low	Medium	Medium
H2	Dormitory	Low	Medium	High
H3	Domestic residence	Low	Medium	High
H4	Dwelling house	Low	Medium	Medium
H5	Hospitality	Low	Medium	Medium
J1	High risk storage	Medium	High	High
J2	Medium risk storage	Medium	Medium	High
J3	Low risk storage	Low	Medium	High
J4	Parking garage	Low	Medium	Medium

SANS 10400-A:2022
Edition 4

Annex F
(informative)

Checklist for building plan examiner at a local authority

The following checklists can be used to confirm that the relevant information necessary for the local authority to consider an application submitted to it in accordance with Section 4 of the National Building Regulations and Standards Act is provided (as applicable).

Completion of the checklist is non-mandatory.

Form F.1 — Checklist for use by Owner / Designer before the submission of plans to a local authority

DESCRIPTION		YES	NOT APPLICABLE
1	Details of owner on plans	☐	☐
2	Details of professionals (architectural professional, engineering professional etc.) on plans	☐	☐
3	Municipal submission forms completed and signed	☐	☐
4	Copy of Title Deed	☐	☐
5	Zoning Certificate	☐	☐
6	Copy of approved SG Diagram	☐	☐
7	Building Line Relaxation approval letter	☐	☐
8	Schedule of area (FAR, Coverage, Height etc.) shown on drawings	☐	☐
9	Is Heritage approval for changes / demolition required?	☐	☐
10	SANS 10400-A Form 1 Declaration completed and signed by all parties	☐	☐
11	SANS 10400-A Form 2 Application(s) completed and signed by all parties	☐	☐
12	Proof of registration of Architectural Professional (Privy Seal)	☐	☐
13	Documents / Plans to be submitted as per NBR Regulation A:		
a	Site Plan	☐	☐
b	Layout Plan	☐	☐
c	Elevations	☐	☐
d	Sections	☐	☐
e	Fire installation drawing(s)	☐	☐
f	Drainage installation drawing showing existing and proposed sewer, drains and connecting drains	☐	☐
g	Particulars of existing building(s) to be demolished including details of demolition method	☐	☐
h	General structural arrangements	☐	☐
i	Artificial ventilation	☐	☐
j	Fire protection plan	☐	☐
k	Testing / Agrément certificates	☐	☐

SANS 10400-A:2022
Edition 4

Form F.1 — Checklist for use by Owner / Designer before the submission of plans to a local authority (continued)

DESCRIPTION		YES	NOT APPLICABLE
14	Additional documentation as required by local authority as per NBR Regulation A4:	☐	☐
a	Structural arrangement drawings	☐	☐
b	Artificial ventilation drawings	☐	☐
15	Documentation / Details as required by NBR Regulation A5:		
a	Hardcopies of drawings on sheets of the A series	☐	☐
b	Electronic copies of drawing in PDF format	☐	☐
c	Scales indicated on drawing as per NBR Regulation A5(5)(a) or otherwise approved by local authority	☐	☐
d	Hardcopy of plans in colour as required by NBR Regulation A5(6)	☐	☐
e	Electronic copy of plans in colour as required by NBR Regulation A5(6)	☐	☐
f	Letters are not less than 2.5mm in size in the case of upper-case letters	☐	☐
16	Site plans as per NBR Regulation A6:		
a	Dimensions of site indicated	☐	☐
b	Boundaries of site indicated	☐	☐
c	Dimensioned position of building line(s)	☐	☐
d	Position and dimension of any servitude on site	☐	☐
e	Erf number or other designation of site	☐	☐
f	True north	☐	☐
g	Natural ground contours or spot levels at each corner of the site (as required by local authority)	☐	☐
h	Street name(s)	☐	☐
i	Municipal services and connection thereto	☐	☐
j	Location of proposed building	☐	☐
k	Location of existing building(s), if any	☐	☐
l	Location of building(s) to be demolished	☐	☐
m	Existing / Intended point of access from any public street	☐	☐
n	Location of street furniture, tree etc. relative to access to site	☐	☐
17	Layout drawings as per NBR Regulation A7:		
a	Foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs, and chimneys.	☐	☐
b	Sanitary fixtures	☐	☐
c	Structural members as required in terms of Regulation A4(1)(a)	☐	☐
d	Room names	☐	☐
e	Vertical and horizontal dimensions	☐	☐
f	Details related to facilities for persons with disabilities	☐	☐
g	Details of fixed seating	☐	☐
h	Details of the position, dimensions, and materials of damp-proofing	☐	☐

SANS 10400-A:2022

Edition 4

Form F.1 — Checklist for use by Owner / Designer before the submission of plans to a local authority *(concluded)*

DESCRIPTION		YES	NOT APPLICABLE
18	i The location, levels, and size of any paved areas adjacent to the building	☐	☐
	j Levels of floors, existing ground service and streets if required by local authority	☐	☐
	k Stormwater drainage details if required on site	☐	☐
	l Location, type, and capacity of warm water heating installations	☐	☐
	m Details of fenestration	☐	☐
	n Details of thermal insulation	☐	☐
	Plumbing installation drawings as per NBR Regulation A8:		
	a The location and size of any existing or proposed communication pipe serving or intended to serve any building or site	☐	☐
	b The location of any pipe, the size of such pipe and the material of which it is manufactured	☐	☐
	c Location and capacity of any storage tank	☐	☐
	d Location of any overflow	☐	☐
	e Location of any pump	☐	☐
	f Pressure for which the installation has been designed	☐	☐
	g The location, size and gradient of any drain and any connecting point to such drain, in relation to a datum established on the site and the level of the ground relative thereto	☐	☐
	h The location of any point of access to the interior of any drain;	☐	☐
	i The location of any trapped gully	☐	☐
	j The location and details of any septic tank, conservancy tank, private sewage treatment plant or sewage pump	☐	☐
19	k The location of any percolation test hole excavated on the site and of any french drain	☐	☐
	l The location and arrangement of any sanitary fixture served by the drainage installation	☐	☐
	m The location and size of any soil pipe, waste pipe and ventilating pipe or device	☐	☐
	n The location of all openings in the building such as chimneys, skylights, doors, windows, ventilation openings and air intakes which could permit the entry of foul air or gas into such building from any ventilating pipe or device	☐	☐
	o The location of any well, borehole or watercourse on the site	☐	☐
	p Correct use of abbreviations as per NBR Regulation A8(5)	☐	☐
	Correct use of symbols on Fire protection plans as per NBR Regulation A1	☐	☐

SANS 10400-A:2022
Edition 4

Form F.2 — Checklist for use by plans examiner at a local authority

DESCRIPTION		YES	NOT APPLICABLE
1	Requirements of Title Deed complied with	☐	☐
2	Local authority submission forms completed	☐	☐
3	Declaration in Form 1 completed	☐	☐
4	Application via Form 2 for rational designs completed	☐	☐
5	Heritage approval obtained	☐	☐
6	Zoning requirements complied with	☐	☐
7	Building lines adhered to or relaxation obtained	☐	☐
8	Schedule of area (FAR, Coverage, Height etc.) shown on drawings and correct	☐	☐
9	Approved SG Diagram attached	☐	☐
10	All documents / plans as per NBR Regulation A submitted:		
a	Site Plan	☐	☐
b	Layout Plan	☐	☐
c	Elevations	☐	☐
d	Sections	☐	☐
e	Fire installation drawing(s)	☐	☐
f	Drainage installation drawing showing existing and proposed sewer, drains and connecting drains	☐	☐
g	Particulars of existing building(s) to be demolished including details of demolition method	☐	☐
k	General structural arrangements	☐	☐
l	Artificial ventilation	☐	☐
m	Fire protection plan	☐	☐
n	Testing / Agrément certificates	☐	☐
11	Requirements for site plan adhered to:		
a	Dimensions of site indicated and as per SG	☐	☐
b	Boundaries of site indicated	☐	☐
c	Dimensioned position of building line(s)	☐	☐
d	Position and dimension of any servitude on site	☐	☐
e	Erf number or other designation of site	☐	☐
f	True north	☐	☐
g	Natural ground contours or spot levels at each corner of the site (as required by local authority)	☐	☐
h	Street name(s)	☐	☐
k	Municipal services and connection thereto	☐	☐
l	Location of proposed building	☐	☐
m	Location of existing building(s) if any	☐	☐
n	Location of building(s) to be demolished	☐	☐
o	Existing / Intended point of access from any public street	☐	☐
p	Location of street furniture, tree etc. relative to access to site	☐	☐

SANS 10400-A:2022

Edition 4

Form F.2 — Checklist for use by plans examiner at a local authority (continued)

DESCRIPTION		YES	NOT APPLICABLE
12	Additional documentation as required by local authority as per NBR Regulation A4 submitted		
a	Structural arrangement drawings	☐	☐
b	Artificial ventilation drawings	☐	☐
13	Documentation / Details as required by NBR Regulation A5 submitted		
a	Hardcopies of drawings on sheets of the A series	☐	☐
b	Electronic copies of drawing in PDF format	☐	☐
c	Scales indicated on drawing as per NBR Regulation A5(5)(a) or otherwise approved by local authority	☐	☐
d	Hardcopy of plans in colour as required by NBR Regulation A5(6)	☐	☐
e	Electronic copy of plans in colour as required by NBR Regulation A5(6)	☐	☐
f	Letters are not less than 2.5mm in size in the case of upper-case letters	☐	☐
14	Site plans as per NBR Regulation A6:	☐	☐
a	Dimensions of site indicated	☐	☐
b	Boundaries of site indicated	☐	☐
c	Dimensioned position of building line(s)	☐	☐
d	Position and dimension of any servitude on site	☐	☐
e	Erf number or other designation of site	☐	☐
f	True north	☐	☐
g	Natural ground contours or spot levels at each corner of the site (as required by local authority)	☐	☐
h	Street name(s)	☐	☐
i	Municipal services and connection thereto	☐	☐
j	Location of proposed building	☐	☐
k	Location of existing building(s), if any	☐	☐
l	Location of building(s) to be demolished	☐	☐
m	Existing / Intended point of access from any public street	☐	☐
n	Location of street furniture, tree etc. relative to access to site	☐	☐
15	Layout drawings as per NBR Regulation A7:		
a	Foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs and chimneys	☐	☐
b	Sanitary fixtures	☐	☐
c	Structural members as required in terms of Regulation A4(1)(a)	☐	☐
d	Room names	☐	☐

SANS 10400-A:2022
Edition 4

Form F.2 — Checklist for use by plans examiner at a local authority (*concluded*)

DESCRIPTION		YES	NOT APPLICABLE
e	Vertical and horizontal dimensions	☐	☐
f	Details related to facilities for persons with disabilities	☐	☐
g	Details of fixed seating	☐	☐
h	Details of the position, dimensions, and materials of damp-proofing	☐	☐
i	The location, levels, and size of any paved areas adjacent to the building	☐	☐
j	The location and details of any septic tank, conservancy tank, private sewage treatment plant or sewage pump	☐	☐
k	The location of any percolation test hole excavated on the site and of any French drain	☐	☐
l	The location and arrangement of any sanitary fixture served by the drainage installation	☐	☐
m	The location and size of any soil pipe, waste pipe and ventilating pipe or device	☐	☐
n	The location of all openings in the building such as chimneys, skylights, doors, windows, ventilation openings and air intakes which could permit the entry of foul air or gas into such building from any ventilating pipe or device	☐	☐
o	The location of any well, borehole or watercourse on the site	☐	☐
p	Correct use of abbreviations as per NBR Regulation A8(5)	☐	☐
17	Correct use of symbols on Fire protection plans as per NBR Regulation A10	☐	☐

SANS 10400-A:2022

Edition 4

Bibliography

Standards

ISO 6240, *Performance standards in building – Contents and presentation.*

ISO 6241, *Performance standards in building – Principles for their preparation and factors to be considered.*

SANS 9000/ISO 9000, *Quality management systems - Fundamentals and vocabulary*

SANS 10252-1, *Water supply and drainage for buildings – Part 1: Water supply installations for buildings.*

SANS 10254, *The installation, maintenance, replacement and repair of fixed electric storage water heating systems.*

Other publications

Marie Lily Delion and Joyce Ibrahim, *“What role should risk-based inspections play in construction.”*
