

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 648.

4 April 1984

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4 April 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

■ No. 36 van 1984: Wysigingswet op Nasionale Bouregulasies en Boustandaarde, 1984.

No. 36 of 1984: National Building Regulations and Building Standards Amendment Act, 1984.

NATIONAL BUILDING REGULATIONS AND BUILDING
STANDARDS AMENDMENT ACT, 1984

Act No. 36, 1984

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the National Building Regulations and Building Standards Act, 1977, so as to terminate the application thereof in the territory of South West Africa; and to provide for the incorporation by reference of the provisions of specifications, standard specifications, codes of practice and standard methods in directives contemplated in section 17 (4); and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 20 March 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the National Building Regulations and Building Standards Act, 1977 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 103 of 1977.

- (a) by the deletion of the definition of “compulsory standard specification”;
- (b) by the substitution for the definition of “Minister” of the following definition:
- 10 “Minister” means the Minister of **[Economic Affairs] Industries, Commerce and Tourism**;
- (c) by the substitution for paragraph (c) of the definition of “owner” of the following paragraph:
- 15 “(c) such person is absent from the Republic **[including the Territory]** 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;”;
- 20 (d) by the insertion after the definition of “review board” of the following definitions:
- “specification” means a specification as defined in section 1 of the Standards Act;
- “standard method” means a standard method as defined in section 1 of the Standards Act;”;
- 25 (e) by the substitution for the definition of “Standards Act” of the following definition:
- “Standards Act” means the Standards Act, **[1962] 1982** (Act No. **[33] 30** of **[1962] 1982**);”;
- 30 (f) by the deletion of the definition of “Territory”;
- (g) by the insertion in the Afrikaans text after the definition of “gebou” of the following definition:
- “gebruikskode” ’n gebruikskode soos omskryf in artikel 1 van die Wet op Standaarde;; and
- 35 (h) by the deletion in the Afrikaans text of the definition of “praktykreëls”.

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 2 of Act 103 of 1977.

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- 5 “(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 [or the Territory, as the case may be], by notice in the *Gazette* exempt the area of jurisdiction, or any part thereof, of any local authority from the application of any of or all the national building regulations.”; and
- 10 (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- 15 “(a) if he, with the concurrence of the Prime Minister, the Minister of Defence, the Minister of [Police] Law and Order and the Minister of [Prisons] Justice, is satisfied that the erection or proposed erection of any building by or on behalf of the State is in the interest of or connected with the security of the Republic, exempt such erection or proposed erection.”

20 3. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 16 of Act 103 of 1977.

- “(1) The Minister, after consultation with the Administrator of a province [including the Territory] in which the area of jurisdiction of a local authority is situated, may order such local authority to report to him on—”.

25 4. Section 17 of the principal Act is hereby amended—

Amendment of section 17 of Act 103 of 1977.

- (a) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

30 “(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 provision 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 No. 47 of 1937), or otherwise applicable in respect of land, be removed or amended, after consultation with the Administrator of the province [including the Territory] 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.”;

- 45 (b) by the substitution for subsection (6) of the following subsection:

50 “(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.”; and

- (c) by the substitution for subsection (7) of the following subsection:

55 “(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 [standard specification or compulsory standard specification] or standard method shall be deemed to comply with the quality and standard required by such national building regulations or directive.”.

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5. Section 27 of the principal Act is hereby amended—

Amendment of
section 27 of
Act 103 of 1977.(a) by the substitution for subsection (1) of the following
subsection:

5 “(1) If the Minister, after consultation with the coun-
cil and the Administrator of the province in question
[or the Territory, as the case may be], is satisfied that a
local authority fails to apply any relevant provision of
this Act properly in its area of jurisdiction, the Minister
10 may by notice in writing, served by post or delivered,
order such local authority to so apply such provision
forthwith.”; and

(b) by the substitution for subsection (2) of the following
subsection:

15 “(2) If a local authority without reasonable cause
fails to comply within a reasonable time with the pro-
visions 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
20 in question [or the Territory, as the case may be], 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, includ-
25 ing 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.”.

6. Section 33 of the principal Act is hereby repealed.

Repeal of
section 33 of
Act 103 of 1977.7. This Act shall be called the National Building Regulations
and Building Standards Amendment Act, 1984.

Short title.