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## GOVERNMENT NOTICE

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### DEPARTMENT OF LABOUR

No. R. 440

15 April 2002

## OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT 85 OF 1993)

### NOTICE OF DRAFT AMENDMENT

#### ELECTRICAL INSTALLATION REGULATION

The Minister of Labour intends, in terms of section 43 of the Occupational Health and Safety Act, 1993 on the recommendation of the Advisory Council for Occupational Health and Safety to repeal the Electrical Installation Regulations, 1992 and supersede it by wording in accordance with the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director General of Labour, Private Bag X117, Pretoria, 0001 (for the attention of the Chief Inspector: Occupational Health and Safety), within 90 days of the date of publication of this notice.

#### SCHEDULE

#### REGULATION 1

#### DEFINITIONS

1. In these regulations,

**"accredited person"** means a person registered in terms of regulation 14 as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

**"Act, the"** means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and a word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

**"Annexure"** means an annexure to these regulations;

**"Approved inspection authority"** means a juristic body approved by the board in terms of regulation 7 to carry out inspections, tests and investigations of electrical installations in the categories for which they have been approved;

**"Board"** means the Electrical Safety Board for Installations under regulation 3;

**"certificate of compliance"** means a certificate with a serial number issued by the board and in the form prescribed by SABS 0142: code of practice for the wiring of premises, issued by an accredited person and verified by an approved inspection authority as the case may be under regulation 10 and or 11 in respect of an electrical installation or part thereof;

**"constitution of the board"** means the rules and procedures by which the functions of the board and those of any committees governed by the board are determined under regulation 5;

**"electrical contractor"** means any person who undertakes for gain or as a non-profit entity, to perform electrical installation work as a primary source of income, but excludes an employee of such first mentioned person who is registered with the board;

**"electrical installation"** means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including

- (1)(a) any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit;
- (b) the cable between the supplier's meter and point of control where this cable can be isolated by the user;
- (c) any fixed conductor with a point of consumption connected to a point of outlet;

but excluding-

- (2)(a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50V and where such electricity is not derived from a supplier;
- (c) any machinery which transmits electrical energy for telecommunication, television or radio signals;
- (d) an electrical installation on a vehicle, vessel, train, aircraft; or similar object where the voltage shall not exceed 50V and where such electricity is not derived from a supplier;

**"electrical tester for single phase"** means a person who has been registered as an electrical tester for single phase in terms of regulation 14 and subject to verification by an approved inspection authority, where applicable, may issue a certificate of compliance after having tested and inspected an electrical installation supplied by a single phase electricity supply, excluding a specialized electrical installation;

**"fixed"** means fastened or otherwise secured at a specific location, and that it would require the use of tools to be moved;

**"general control"** means control over electrical work that are been carried out under the instruction, guidance, and supervision of an accredited person;

**"installation electrician"** means a person registered as an installation electrician in terms of regulation 14 and subject to verification by an approved inspection authority, where applicable, may issue a certificate of compliance after having tested and inspected any electrical installation, excluding a specialized electrical installation;

**"installation work"** means the installation, extension, modification or repair of, or inspection, testing and verification as the case may be for the purpose of issuing a certificate of compliance for an electrical installation, after completion of such work, including the connection of all fixed electrical machinery at the supply terminals of such machinery, irrespective of whether the terminals are connected to a point of consumption by means of a plug;

**"master installation electrician"** means a person who has been registered as a master installation electrician in terms of regulation 14 and subject to verification by an approved inspection authority, where applicable, may issue a certificate of compliance after having tested and inspected any electrical installation, including in particular an electrical installation in a hazardous location as defined by SABS 0108;

**"National Database for Electrical Safety"** means an electronic database used for the capturing of all information deemed necessary to conduct the functions of the board;

**"point of consumption"** means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to any another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

**"point of control"** means the point at which the electrical installation on or in any premises can be switched off by a user or lessor from the electricity supplied from the point of supply;

**"point of outlet"** means any termination of an electrical installation which has been provided for connecting any electrical machinery without the use of tools;

**"point of supply"** means the point at which electricity is supplied to any premises by a supplier;

**"provincial director"** means: the provincial director as defined in regulation 1 of the General Administrative Regulations published under Government Notice No. R. 1449 of 6 September 1996;



**"reasonably safe"** means an electrical installation, that complies with the provisions of the Act, with the exclusion of Electrical Installation Regulation 8. (1);

**"SABS 086"** means the code of practice for the installation and maintenance of electrical equipment used in explosive atmospheres, SABS 086, published by the South African Bureau of Standards;

**"SABS 089"** means the code of practice for the petroleum industry, SABS 089, published by the South African Bureau of Standards;

**"SABS 0108"** means the code of practice for the classification of hazardous locations and the selection of electrical apparatus for use in such locations, SABS 0108, published by the South African Bureau of Standards;

**"SABS 0142"** means the code of practice for the wiring of premises, SABS 0142, published by the South African Bureau of Standards;

**"specialised electrical installations"** means electrical installations in -

- (a) hazardous locations as contemplated in SABS 0108;
- (b) anaesthetizing and similar locations as contemplated in SABS 0142;
- (c) explosive atmospheres as contemplated in SABS 086; or
- (d) the petroleum industry as contemplated in SABS 089;

**"supplier"**, in relation to a particular electrical installation, means any local authority, statutory body or person who supplies or contracts or agrees to supply electricity to that electrical installation and is registered in terms of the electricity act;

**"supply terminals"**, in relation to machinery installed as a complete unit, means the terminals or connection clamps on such machinery where the external conductors supplying the machinery with electricity are terminated or connected.

**"TESS"** means the Trust for Electrical Safety Support as contemplated under the constitution of the board;

## REGULATION 2

### SCOPE OF APPLICATION

2.1 These regulations shall be applicable to users or lessors of electrical installations, approved inspections authorities, accredited persons, electrical contractors, suppliers, designers, and suppliers of materials and other electrical articles or part thereof whether temporary, permanent, in a stationary or mobile state.

2.2 Where there is a written undertaking by the lessee to ensure compliance and safety of the installation, the lessee shall be deemed to be the user of the installation.

2.3 These regulations make provision for the establishment of an electrical safety board for installations.

2.4 Subject to the provisions of section 22 of the Act, with the change of ownership the person that sells the premises on which such an electrical installation exist shall be deemed responsible to ensure that a valid certificate of compliance for the electrical installation is available to conclude the deed of sale.

2.5 All persons, such as estate agents, banks, insurance companies and the like, affected by the sale of a premises with an electrical installation shall ensure that a valid certificate of compliance is available before the conclusion of contractual agreements such as loans, insurance policies, sales, lease contracts or any other agreements associated with the sale or lease of such premises.

### REGULATION 3

#### ESTABLISHMENT OF THE BOARD

3.1 There is hereby established a juristic person to be known as the Electrical Safety Board for Installations.

3.2 Subject to these regulations and the constitution of the board, members shall be appointed by the Minister, from persons representing labour, business and government:

3.2.1 one shall be a person appointed to be chairperson

3.2.2 at least one shall be a person who is nominated for appointment by the Chief Inspector of the Occupational Health and Safety division; and

3.2.7 at least one shall be a person who is a public service officer, within the meaning of the Public Service Act 1997, subordinate to the Minister nominated for appointment by the person holding or acting, in the office of Minister.

### REGULATION 4

#### CORE FUNCTIONS OF THE BOARD

4.1 The board will be responsible for:

4.1.1 the registration of electricians;

4.1.2 approval of approved inspection authorities;

- 4.1.3 managing the National Database for Electrical Safety;
- 4.1.4 the board may endorse, suspend or cancel a registration or approval;
- 4.1.5 the board will determine the minimum qualification and/or expertise of candidates for registration or approval;
- 4.1.6 the board will deal with all complaints and appeals related to registrations and approvals;
- 4.1.7 the board shall be responsible for the system, which will generate certificates of compliance with authorised serial numbers;
- 4.1.8 the board may make recommendations with regard to amendment to the regulations or health and safety standards;
- 4.1.9 the board may register any person including a juristic person as an electrical contractor;
- 4.1.10 the board may make recommendations regarding appeals and;
- 4.1.11 make recommendations with regard to the day-to-day administration of the functions of the board as contained in the constitution.

#### REGULATION 5

##### CONSTITUTION OF THE BOARD

- 5.1 The board shall have a constitution approved by the Chief Inspector.
- 5.2 The constitution should comprise of the day to day functions, reference to a financial trust and the control thereof, the establishment of committees, tenure of office, vacation of office, meeting procedures, provision for acting members, remuneration, allowances and such other business deemed necessary for the effective functioning of the board.

#### REGULATION 6

##### RESPONSIBILITY FOR ELECTRICAL INSTALLATION

- 6. (1) The user or lessor of an electrical installations, as the case may be, shall be responsible for ensuring the safety, safe use and maintenance of the electrical installation he uses or leases and shall not tamper or allow any tampering on any installation where a certificate of compliance have been issued.



6. (2) The user or lessor of an electrical installation, as the case may be, shall be responsible for the safety of the conductors connecting the electrical installation to the point of supply in the case where the point of supply is not the point of control.

#### REGULATION 7

##### APPROVED INSPECTION AUTHORITIES

7. (1) The board may approve any organisation that has been accredited by the accreditation authority approved by the board.

7. (2) Application for approval of an organisation contemplated in sub-regulation (1), must be accompanied by a valid certificate issued by the accreditation authority approved by the board.

7. (3) The board may withdraw any approval of an approved inspection authority at any time, provided that such withdrawal may be taken on review.

#### REGULATION 8

##### DESIGN AND CONSTRUCTION

8. (1) No person shall authorise a design, install or permit or require the installation of an electrical installation, other than in accordance with a safety standard incorporated into these regulations under section 44 of the Act: Provided that items of an electrical installation not covered by such safety standard and the conductors between the point of supply and the point of control shall be installed in accordance with the by-laws or regulations of the supplier concerned.

8. (2) An accredited person shall exercise general control over all electrical installation work being carried out and no person shall allow such work without such control.

8. (3) No supplier shall restrict the application of a safety standard referred to in sub-regulation 8. (1) when an electrical installation is installed, except where the distribution system of the supplier may be adversely affected by the application thereof.

#### REGULATION 9

##### ELECTRICAL CONTRACTOR

9. (1) Any person, including a juristic person, who intends to do installation work as a form of income shall annually register with the board as an electrical contractor.

9. (2) The board shall register any person as an electrical contractor who complies with the provisions of the board.

9. (3) Any person, who for private purposes, undertakes to do electrical work is not required to register with the board: provided the work is certified and controlled by an accredited person.

#### REGULATION 10

#### CERTIFICATE OF COMPLIANCE

10. (1) A form constituting a certificate of compliance shall be obtainable from the board.

10. (2) Subject to the provisions of subregulation 10. (4), every user or lessor of an electrical installation, as the case may be, shall have a valid certificate of compliance in respect of every such installation: Provided that where any addition or alteration has been effected to an electrical installation for which a certificate of compliance was previously issued, the user or lessor of such an installation shall obtain either a certificate of compliance for such an addition or alteration or a new certificate of compliance for the whole installation: Provided further that such certificate can be transferable provided further that the certificate is verified by an approved inspection authority.

10. (3) Every user or lessor of an electrical installation, as the case may be, shall on request produce the certificate of compliance for that installation to an inspector, the supplier or an approved inspection authority.

10. (4) Sub-regulation 10. (2) shall not apply to electrical installations that existed prior to 23 October 1992: Provided that, if-

(a) any addition or alteration is effected to such an installation; or

(b) there is a change of ownership of the premises on which such an installation exists after 1 March 1994, the user or lessor of the, electrical installation as the case may be, shall obtain a certificate of compliance for the whole installation, where after the provisions of sub-regulation 10. (2) shall be applicable to such installation.

10. (5) A supplier may at any reasonable time inspect or test any electrical installation: Provided that the supplier shall not charge any fee for such inspection or test unless the inspection or test is carried out at the request of the user or lessor.

10. (6) A periodic inspection of electrical installations by approved inspection authorities shall be conducted in terms of a time schedule stipulated by the board.

10. (7) If after an inspector or an approved inspection authority has carried out an inspection or test he detects any fault or defect in any, electrical installation such inspector or approved inspection authority may require the user or lessor of that installation to obtain a new: certificate of compliance Provided that if such fault or defect in the opinion of the inspector or the approved inspection authority constitutes an immediate danger to persons, the inspector or the approved inspection authority shall forthwith take steps to have the supply to the circuit in which the fault or defect was

detected disconnected: Provided further that where the fault or defect is of such a nature that it may indicate negligence on the part of an accredited person, the inspector or the approved inspection authority, as the case may be, he shall forthwith report those circumstances to the board in a prescribed manner.

10. (8) The board shall keep a proper record of all certificates of compliance.

#### REGULATION 11

##### COMMENCEMENT AND PERMISSION TO CONNECT INSTALLATION WORK

11. (1) No person shall commence with installation work which would require a new electricity supply or an increase in electricity supply capacity unless the supplier has been notified thereof in the form of annexure 1: Provided that the supplier may waive this requirement in respect of such types of work as he may specify.

11. (2) No supplier shall connect or give permission for the connection of an electrical installation to the electricity supply unless a certificate of compliance for that installation has been produced to the supplier by the user of such electrical installation: Provided that this sub-regulation shall not apply in the case where the electricity supply was disconnected for non-payment of the electricity account, or where there has been a change of tenant but not of ownership.

11. (3) No person shall connect or permit the connection of any completed or partially completed electrical installation to the electricity supply unless it has been inspected and tested by an accredited person or verified by an approved inspection authority as the case may be and a certificate of compliance has been issued: Provided that the supplier may on request connect the supply to the installation for the purpose of testing and completion of the certificate of compliance by the appropriate person only.

11. (4) Where the supply to an installation is 25kVA or more an approved inspection authority shall be appointed to ensure compliance from commencement to commissioning of the installation and verify the compliance and safety thereof.

#### REGULATION 12

##### ISSUING OF A CERTIFICATE OF COMPLIANCE

12. (1) Subject to sub-regulation 10. (2) and 11. (4), only an accredited person may, after having satisfied himself by means of an inspection and test that an electrical installation complies with the provisions of regulation 8. (1) or, in the case of an electrical installation existing prior to 23 October 1992, that it is reasonably safe, issue a certificate of compliance.

12. (2) If at any time prior to issuing a certificate of compliance any fault or defect is detected in any part of the electrical installation or part thereof, the accredited person

shall refuse to issue such certificate: Provided that if such fault or defect in the opinion of the accredited person constitutes an immediate danger to persons in the case where electricity is already supplied, he shall forthwith take steps as provided for by the board to disconnect the supply to the circuit in which the fault or defect was detected.

12. (3). Subject to sub-regulation (2), any person who undertakes to do electrical installation work shall be responsible to ensure that a valid CoC is issued for that work after completion and if faults were detected, to perform corrective measures in order for a valid certificate of compliance to be issued.

### REGULATION 13

#### APPEALS

13. (1) Should a dispute arise over the interpretation of a safety standard referred to in regulation 8 between the user, the accredited person, approved inspection authority or the supplier as the case may be, the affected person may appeal against that interpretation to the board through the Provincial Office.

13. (2)(a) The person who appeals under sub-regulation (1) shall serve a notice of appeal as directed by the board, on both the Provincial Office and the person against whose interpretation he is appealing, by personally delivering the notice of appeal or sending it by registered post.

(b) The person against whose interpretation the dispute was declared through the notice of appeal shall, within 14 days of the date on which he received the notice of appeal, forward a notice and reasons for his interpretation to the Provincial Office.

(c) The Provincial Office shall on receipt thereof, forward the notice of appeal and the reasons of the person referred to in paragraph (b), to the board.

13. (3) The board shall, after having considered the grounds of the appeal and the cause of the dispute, confirm, set aside or vary the interpretation of the safety standard referred to in sub-regulation (1) or substitute, in consultation with the standards writing body, for such interpretation any other interpretation which, in their opinion, ought to have been given.

### REGULATION 14

#### APPLICATION FOR REGISTRATION AS AN ACCREDITED PERSON

14. (1)(a) Application for registration as an accredited person shall be made to the board in the prescribed form.

(b) The application shall be accompanied by a fee determined by the board.

14. (2) Any natural person who satisfies the board that he complies with the minimum prescribed criteria, shall at the discretion of the board be registered as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be, and the board shall furnish him with a certificate of registration subject to such conditions or restrictions as may be deemed necessary.

14. (3) An accredited person shall on request produce his certificate of registration to an inspector, approved inspection authority, the supplier or any other person to whom he intends to issue a certificate of compliance.

14. (4) If in the opinion of the board an accredited person who is the holder of a certificate of registration issued in terms of subregulation (2) or referred to in regulation 18. (2) has been guilty of gross negligence in the execution of his duties or has failed to comply with any provision of these regulations, the board may , suspend or cancel such certificate of registration.

14. (5) An accredited person shall inform the board of any changes affecting the registration within 14 days.

#### REGULATION 15

##### SUBSTITUTION OF LOST, DAMAGED OR DESTROYED CERTIFICATES OF REGISTRATION

15.(1)(a) If a certificate of registration issued in terms of regulation 14. (2) or referred to in regulation 18. (2) has been lost, damaged or destroyed, the accredited person to whom the certificate was issued may apply to the board for a duplicate certificate.

(b) The application shall be accompanied by a fee determined by the board.

15. (2) After proof that a certificate of registration has been lost, damaged or destroyed has been submitted to the satisfaction of the board, a substitution thereof shall be issued as a duplicate certificate on which the word "duplicate " appears.

#### REGULATION 16

##### FEES PAYABLE

16. All registration, inspection and any other related fees shall be determined by the board.



**REGULATION 17****OFFENCES AND PENALTIES**

17. Any person who contravenes or fails to comply with the provision of any of the regulations shall be guilty of an offence and be liable on conviction to a fine or to imprisonment for a period not exceeding six months, and, in the case of a continuous offence, to an additional fine not exceeding R200 for each day on which the offence continues or to additional imprisonment not exceeding one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

**REGULATION 18****REPEAL OF REGULATIONS AND SAVING**

18. (1) Subject to sub-regulation 18.(2), the Electrical Installation regulations, 1992, published under Government Notice R.2920 of 23 October 1992 are hereby repealed.

18. (2) A certificate of registration as installation electrician issued under regulation 13 (2) or regulation 9 of the Electrical Installation Regulations of 23 October 1992 of the regulations repealed by sub-regulation 18. (1) shall be deemed to be a certificate issued under regulation 14 of these regulations.

**REGULATION 19****SHORT TITLE.**

19. These regulations shall be called the Electrical Installation Regulations, 2002.

MS Mdladlana  
Minister of Labour

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