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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

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

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

No. 648.

4 April 1984

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

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

Wet No. 36, 1984

WYSIGINGSWET OP NASIONALE BOUREGULASIES EN
BOUSTANDAARDE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977, ten einde die toepassing daarvan in die gebied Suidwes-Afrika te beëindig; en voorsiening te maak vir die inlywing deur verwysing van die bepalinge van spesifikasies, standaardspesifikasies, gebruikskodes en standaardmetodes in voorskrifte bedoel in artikel 17 (4); en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 103 van 1977.

1. Artikel 1 van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (c) van die omskrywing van "eienaar" deur die volgende paragraaf te vervang:

"(c) daardie persoon uit die Republiek **[met inbegrip van die Gebied]** afwesig is of indien dit onbekend is waar hy hom bevind, iemand wat as agent of andersins die bestuur, instandhouding of invordering van huurgelde of ander gelde ten opsigte van daardie gebou of grond onderneem of daarvoor verantwoordelik is;"

(b) deur die omskrywing van "Gebied" te skrap; 15

(c) deur na die omskrywing van "gebou" die volgende omskrywing in te voeg:
"'gebruikskode' 'n gebruikskode soos omskryf in artikel 1 van die Wet op Standaarde;";

(d) deur die omskrywing van "Minister" deur die volgende 20 omskrywing te vervang:

"'Minister' die Minister van [Ekonomiese Sake] Nywerheidsweese, Handel en Toerisme;";

(e) deur die omskrywing van "praktykreëls" te skrap;

(f) deur na die omskrywing van "regulasies" die volgende 25 omskrywings in te voeg:

"'spesifikasie' 'n spesifikasie soos omskryf in artikel 1 van die Wet op Standaarde;

'standaardmetode' 'n standaardmetode soos omskryf in artikel 1 van die Wet op Standaarde;"; 30

(g) deur die omskrywing van "verpligte standaardspesifikasie" te skrap; en

(h) deur die omskrywing van "Wet op Standaarde" deur die volgende omskrywing te vervang:

"'Wet op Standaarde' die Wet op Standaarde, [1962] 35 1982 (Wet No. [33] 30 van [1962] 1982)."

Wysiging van
artikel 2 van
Wet 103 van 1977.

2. Artikel 2 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

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—
 - (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;

25 “standard method” means a standard method as defined in section 1 of the Standards Act;”;
 - (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 1 of
Act 103 of 1977.

Amendment of
section 2 of
Act 103 of 1977.

Wet No. 36, 1984

WYSIGINGSWET OP NASIONALE BOUREGULASIES EN
BOUSTANDAARDE, 1984

“(a) Die Minister kan, op die voorwaardes wat hy goeuvind en na oorleg met die raad en die Administrateur van die betrokke provinsie [**of die Gebied, na gelang van die geval**], die regsgebied, of ’n gedeelte daarvan, van ’n plaaslike bestuur by kennisgewing in die *Staatskoerant* uitsluit van die toepassing van enige van of al die nasionale bouregulasies.”; en

(b) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) indien hy, met die instemming van die Eerste Minister, die Minister van Verdediging, die Minister van [**Polisie**] Wet en Orde en die Minister van [**Gevangenis**] Justisie, oortuig is dat die oprigting of voorgestelde oprigting van ’n gebou deur of ten behoeve van die Staat in belang is van of verband hou met die veiligheid van die Republiek, sodanige oprigting of voorgestelde oprigting;”.

Wysiging van
artikel 16 van
Wet 103 van 1977.

3. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan, na oorleg met die Administrateur van ’n provinsie [**met inbegrip van die Gebied**] waarin die regsgebied van ’n plaaslike bestuur geleë is, daardie plaaslike bestuur gelas om verslag aan hom te doen aangaande—”.

Wysiging van
artikel 17 van
Wet 103 van 1977.

4. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

“(a) Ondanks andersluidende wetsbepalings kan die Minister, indien hy van oordeel is dat dit vir die behoorlike nakoming of werking van enige van of al die nasionale bouregulasies of voorskrifte nodig of dienstig is dat ’n serwituut of beperkende voorwaarde of ander bepaling wat by of kragtens enige wet ten opsigte van grond van toepassing gemaak is of ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), ten opsigte van grond geregistreer is of andersins ten opsigte van grond van toepassing is, ophef of gewysig word, na oorleg met die Administrateur van die provinsie [**met inbegrip van die Gebied**] waarin daardie grond geleë is en nadat die prosedure nagekom is wat by regulasie voorgeskryf is, daardie serwituut, voorwaarde of bepaling by kennisgewing in die *Staatskoerant* ophef of, in die mate wat hy aandui, wysig.”;

(b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Enige bepaling wat voorkom in ’n spesifikasie, standaardspesifikasie, gebruikskode of standaardmetode kan deur blote verwysing in ’n voorskrif ingelyf word en die bepaling van artikel 33 van die Wet op Standaarde is *mutatis mutandis* ten opsigte van so ’n inlywing van toepassing asof dit ’n inlywing in ’n wet was.”; en

(c) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) In die nasionale bouregulasies of ’n voorskrif kan, sonder om bepaalde materiale of oprigtingsmetodes nader te omskryf, bepaal word dat wat gehalte en standaard betref, die gebruik of aanwending van enige vermeldde materiaal of boumetode of die nakoming van ’n vermeldde [**praktyske**] spesifikasie, standaardspesifikasie [**of verpligte standaardspesifikasie**], gebruikskode of standaardmetode geag word te voldoen aan die gehalte en standaard wat deur daardie nasionale bouregulasies of voorskrif vereis word.”.

NATIONAL BUILDING REGULATIONS AND BUILDING
STANDARDS AMENDMENT ACT, 1984

Act No. 36, 1984

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:

“(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.”.

15 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:

“(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

50 (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.”.

Wet No. 36, 1984

WYSIGINGSWET OP NASIONALE BOUREGULASIES EN
BOUSTANDAARDE, 1984

Wysiging van
artikel 27 van
Wet 103 van 1977.

5. Artikel 27 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien die Minister, na oorleg met die raad en die Administrateur van die betrokke provinsie **[of die Gebied, na gelang van die geval]**, oortuig is dat 'n plaaslike bestuur in gebreke bly om enige tersaaklike bepaling van hierdie Wet behoorlik in sy regsgebied toe te pas, kan die Minister daardie plaaslike bestuur by skriftelike kennisgewing, deur die pos bestel of oorhandig, gelas om sodanige bepaling onverwyld aldus toe te pas.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien 'n plaaslike bestuur sonder redelike oorsaak in gebreke bly om binne 'n redelike tyd te voldoen aan die bepalings van 'n kennisgewing wat ingevolge subartikel (1) aan hom bestel of oorhandig is, kan die Minister, na oorleg met die raad en die Administrateur van die betrokke provinsie **[of die Gebied, na gelang van die geval]**, by kennisgewing in die *Staatskoerant* daardie plaaslike bestuur enige bevoegdheid ontnem of van enige plig vrystel wat by of ingevolge hierdie Wet aan hom verleen of opgedra word en daardie bevoegdheid verleen of plig opdra aan iemand, met inbegrip van daardie Administrateur, wat in daardie kennisgewing vermeld word, en daarop word so iemand vir die doeleindes van sodanige bevoegdheid of plig geag daardie plaaslike bestuur te wees.”.

Herroeping van
artikel 33 van
Wet 103 van 1977.

6. Artikel 33 van die Hoofwet word hierby herroep.

30

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Nasionale Bouregulasies en Boustandaarde, 1984.

NATIONAL BUILDING REGULATIONS AND BUILDING
STANDARDS AMENDMENT ACT, 1984

Act No. 36, 1984

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 council 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.

Amendment of
Section 3 of
Act 103 of 1933

Section 3 of the principal Act hereby amended—
(a) by the substitution for subsection (1) of the following
sub-section:

(1) If the Minister, after consultation with the Council and the Administrator of the province in question for the Territory, as the case may be, is satisfied that a local authority fails to apply any 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; and

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

(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 for the Territory, as the case may be, may by notice in writing, deliver such local authority of any power or extent it from any duty conferred upon or entrusted to it by or in terms of this Act and confer such power or extent such duty to any person, including any administrator, nominated in such notice; and thereupon such person shall for the purposes of such power or duty be deemed to be such local authority.

Repeal of
Section 3 of
Act 103 of 1933

Section 3 of the principal Act hereby repealed.

7. This Act shall be called the National Building Regulations and Building Standards Amendment Act, 1934.