

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

Vol. 409

PRETORIA, 30 JULY  
JULIE 1999

No. 20321

## GENERAL NOTICE

NOTICE 1624 OF 1999

### Department of Housing

#### **CALL FOR COMMENTS ON DRAFT REGULATIONS PUBLISHED UNDER THE HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998 (Act No. 95 of 1998)**

1. The following draft documents are published for information and comment in terms of section 27 of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998):
  - (a) Minister's Regulations
  - (b) Minister's Fees
  - (c) Council's Regulations
  - (d) Council's Fees
  - (e) Disciplinary Rules

2. All interested parties are invited to comment in writing on the draft regulations and to send their comments to:

The Director-General

Department of Housing

Private Bag X644

PRETORIA

0001

Attention: Mr R Thatcher (Tel. (012) 421 1629)

3. Comments may also be faxed to the Department on fax no. (012) 341 8512.
4. Comments must reach the Department not later than 31 August 1999.

**Minister's Regulations****DEPARTMENT OF HOUSING****HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998  
(ACT NO. 95 OF 1998)**

Under the powers vested in me by sections 1 and 7(2) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), I, SANKIE DOLLY MTHEMBI-MAHANYELE, Minister of Housing, hereby make the rules set out in the Schedule.

S D Mthemb-Mahanyele  
Minister of Housing

**SCHEDULE****1. Definitions**

In these rules, unless the context indicates otherwise, any word to which a meaning has been assigned in the Act has the meaning so assigned to it, and -

- (i) "Agrément certificate" means a certificate confirming the acceptability of a non standardised design and the conditions pertaining thereto issued by the Board of Agrément South Africa;
- (ii) "Associate" means an entity that exercises substantial ownership or management influence in respect of the home builder;
- (iii) "Board of Agrément South Africa" means a body operating under the delegation of authority of the Minister of Public Works;
- (iv) "Cement and Concrete Institute" means an association incorporated under section 21 of the Companies Act, 1973, (Act No. 61 of 1973) with the registration number of 05/11756/08;

- (v) "Council's registered address" means Fernridge Office Park, 5 Hunter Street, Ferndale, Randburg;
- (vi) "day" excludes any day falling within the building industry recess period;
- (vii) "notify" means to notify as contemplated in section 24 of the Act;
- (viii) "registration criteria" means the criteria set out in rule 14;
- (ix) "substantial ownership or management influence" includes the holding of shares or interests of not less than 20 percent of issued shares or total interest;
- (x) "the Act" means the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998);
- (xi) "these rules" means the rules published hereunder.

## 2. Definition of "home"

- (1) For purposes of the definition of "home" in section 1 of the Act, "home" excludes:
  - (a) boarding houses, hostels, institutional facilities such as hospitals, prisons, orphanages and other welfare accommodation, time share accommodation, hotels or any residential structure which is constructed with less than 75 percent of the floor area designed for residential purposes, as well as temporary residential structures such as prefabricated buildings, shacks or caravans;
  - (b) any home constructed as contemplated in the exclusion paragraphs (i) and (ii) of section 1(i) (Definitions) of the Housing Act, 1997 (Act No. 107 of 1997); and
  - (c) until the commencement of section 14(2) of the Act, a home which, except for any deposit payable, will be financed solely from the proceeds of a state housing subsidy.
- (2) For purposes of a claim in terms of section 17 of the Act, "home" -
  - (a) includes the private drainage system from the structure up to the municipal connection or the cess pit connection as well as any garage, permanent outbuilding designed for residential purposes, retaining wall necessary to ensure the structural integrity of the home, constructed or acquired under the agreement between the housing consumer and the home builder;



- (b) includes, in the case of a sectional title unit, the common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
  - (c) excludes any fence, pre-cast fencing, temporary structure, swimming pool, tennis court, lift, household appliance, stable or workshop.
- (3) For purposes of enrolment in terms of section 14(1) of the Act, "home" includes all homes with the exception of a home contemplated in section 14(2) of the Act, being homes which, except in respect of any deposit payable, will be financed solely from the proceeds of a state housing subsidy;

### 3. Definition of "business of a home builder"

For purposes of the definition of "business of a home builder" in section 1 of the Act, the following also constitutes the business of a home builder :

"The activity conducted by a legal entity of buying land and developing such land and constructing homes on such land and the subsequent sale of the legal entity owning the land rather than the home itself."

### 4. NHBRC technical requirements

A home builder must, in the construction of a home, ensure compliance with the requirements set out in rules 5 to 10 inclusive, being the requirements contemplated in section 7(2)(d) of the Act, relating to the design and construction of homes in respect of structural strength, serviceability, behaviour in fire, drainage and stormwater management.

### 5. NHBRC technical requirements in relation to structural strength and stability

- (1) A home and any structural element or component thereof must be designed and constructed to provide strength and stability for the lifetime of the structure in accordance with current accepted standards of good practice.
- (2) Foundations must be designed and constructed to transmit loads from super-structures to soil horizons safely and without causing excessive movement or distress in the elements which they support.
- (3) Foundations must be designed and constructed to resist differential displacement and to prevent the passage of moisture to the interior of the home.
- (4) Floors and stairways must be designed and constructed to carry their own dead loads in addition to any live loads which they are likely to be subjected, safely and without undue deformation and distress.

- (5) Walls must be designed and constructed to safely withstand any load to which they are likely to be subjected without impairing weather tightness and without undue deformation and distress.
- (6) Roofs and their components must be designed and constructed to safely resist any forces to which they are likely to be subjected and without the roof construction becoming detached from its respective supporting structure.

**6. NHBRC technical requirements in relation to serviceability**

- (1) Any home and any structural element or component thereof must be durable, resist water penetration and prevent condensation which may adversely affect fitness for habitation, and withstand any loads to which they are likely to be subjected without undue deflection, distortion or cracking over the lifetime of the structure.
- (2) Walls must be designed and constructed to resist the penetration of water into the interior of homes.
- (3) Roofs must be designed and constructed to resist rain penetration and to avoid the accumulation of rain water thereon.

**7. NHBRC technical requirements in relation to fire**

The combustibility and fire resistance characteristics of all floors, walls, roofs and the ceiling assembly must be appropriate to the location and use of such elements.

**8. NHBRC technical requirements relating to materials**

Materials used in the construction of homes must be sufficiently durable and of a suitable quality for the purpose for which they are to be used.

**9. NHBRC technical requirements in relation to drainage**

Drainage installations must be designed and constructed so that the installation is capable of carrying the hydraulic design load; of being easily maintained; and which does not result in leakage which may detrimentally affect the structural integrity of a home.

**10. NHBRC technical requirements in relation to stormwater disposal**

Suitable means, preferably of a fail-safe nature, must be provided for the control and disposal of stormwater in a manner which does not result in soil erosion or flooding which may detrimentally affect the structural integrity of the home.

**11. Satisfying the NHBRC technical requirements in relation to design**

The NHBRC technical requirements contemplated in rules 5 to 10 inclusive are deemed to have been met where a home builder has -

- (a) complied with the guidelines prescribed by the Council in terms of section 12(1)(b) of the Act in the Home Building Manual; or
- (b) obtained a rational design based on engineering principles in accordance with the relevant requirements prescribed by the Council in terms of section 12(2) of the Act; or
- (c) obtained Agrément certification in accordance with the relevant requirements prescribed by the Council in terms of section 12(2) of the Act.

**12. Satisfying the NHBRC technical requirements in relation to construction**

The NHBRC technical requirements in rules 5 to 10 inclusive are deemed to have been met where a home builder has -

- (a) complied with the guidelines prescribed by the Council in terms of section 12(1) of the Act; or
- (b) has achieved the construction standards and specifications referred to in the rational design prepared by a competent person in terms of section 12(2) of the Act; or
- (c) has complied with the relevant requirements for construction set out in the Agrément certificate.

**13. Compliance in relation to materials**

- (1) A home builder may be required by the Council to satisfy the Council that materials used or to be used by the home builder in the construction of a home comply with the requirements relating to materials and the guidelines in relation thereto prescribed by the Council in terms of section 12(1)(b) in the Home Building Manual, or the requirements specified by the competent person in terms of section 12(2) of the Act, or the relevant requirements set out in the Agrément certificate.
- (2) The tests which the Council may apply on materials are the relevant tests applied by the South African Bureau of Standards, as contemplated in the Standards Act, 1993 (Act No. 29 of 1993) or relevant industry based institutions, such as the Cement and Concrete Institute, or the Council for Scientific and Industrial Research, as contemplated in the Scientific Research Council Act, 1988 (Act No. 46 of 1988).

- (3) The Council may require a home builder, on demand, to make samples of materials and components available for testing.
- (4) If any material or component does not comply with the NHBRC technical requirements, the Council may, without derogating from the generality of the relevant provisions, exercise its powers relating to cancellation or suspension of enrolment under section 14(4) and/or regarding the recovery of costs relating to examination or tests under section 19(4) of the Act.
- (5) Any notice relating to the cancellation or suspension of the enrolment of a home as contemplated in section 14(4), or for the recovery of any costs of any examination or test in terms of section 19(4), must -
  - (a) state those aspects of such material or component thereof which do not comply with requirements;
  - (b) prohibit the home builder from using such material or component; and
  - (c) demand that the home builder remove and replace at the home builder's own cost any such materials or components that have been used or would have been used in the construction of the relevant home.

#### 14. Registration criteria

- (1) The criteria that the Council must apply in considering an application for registration are -
  - (a) the financial capacity of the home builder to carry on the specific business of the home builder;
  - (b) the construction and technical ability of the home builder and persons in its employ to build homes in accordance with the NHBRC technical requirements;
  - (c) the management capacity of the home builder in respect of the specific business of the home builder; and
  - (d) the reputation and standing of the home builder with its customers, suppliers and professionals and other bodies, such as local authorities and financial institutions.
- (2) The Council must consider an application with particular reference to the number of homes expected to be built by the home builder during the ensuing twelve months.

- (3) For purposes of evaluating an application, the Council may have regard to the information set out in the application form prescribed by the Council.

**15. Terms and conditions of registration**

- (1) Where the Council receives an application from a home builder, which in the opinion of the Council:
- (a) has limited capital, fixed assets or active trading history; or
  - (b) there is reason to doubt the ability of the home builder to meet its obligations to housing consumers and to the Council,

the Council may require personal suretyships, indemnities and/or guarantees as contemplated in section 10(5) of the Act from the home builder, the partners, directors, members, shareholders or trustees of the home builder or those of its associates.

- (2) Without detracting from the provisions of section 10(4) of the Act, the Council may require, as a precondition for registration -

- (a) the satisfactory rectification of previous construction related problems; or
- (b) the satisfactory resolution of financially related problems, such as the rescinding of court judgements.

- (3) Without detracting from the provisions of section 10(4) of the Act, the Council may, where a home builder has been registered provisionally -

- (a) limit the number of homes a home builder may enroll;
- (b) require the home builder to notify the inspectorate of key stages of construction determined by the Council in sufficient time to allow the Council to arrange for inspection at its discretion;
- (c) apply any other reasonable condition that the Council considers appropriate;

until the home builder is able to demonstrate its capacity to meet the obligations of a registered home builder.

- (4) Without detracting from the generality of subrule (1) and section 10(5) of the Act, the Council may require a home builder to provide it with security in -

- (a) the form of a guarantee executed by a financial institution acceptable to the Council;

- (b) the form of a guarantee, suretyship or indemnity to be approved by one or more of the members, partners, directors, shareholders, trustees or any other third party;
  - (c) any other specific form it may reasonably specify.
- (5) The Council may, where it receives an application from a home builder in respect of which there exists an associate, without detracting from the generality of rule 15(4), require security from such associate.
- (6) The Council may impose further or additional conditions at any time : Provided that the provisions of section 10(8), (9), (10), (11) and (12) of the Act, with the necessary changes required by the context, apply.
- (7) A registered home builder, without derogating from the provisions of the Act, must comply with the rules and circulars of the Council.
- (8) The registration of the home builder remains effective for one year.
- (9) A home builder must annually, prior to the renewal date, apply for the renewal of its registration.
- (10) The home builder must immediately notify the Council if the home builder -
  - (a) changes its address registered with the Council, its office premises or telephone or telefax numbers;
  - (b) ceases trading or resolves to do so;
  - (c) is a sole trader and any person acquires a financial interest in the home builder;
  - (d) is in partnership and there is a change in the composition of the partnership;
  - (e) is a company and there is a change in the board of directors or any person acquires more than ten percent of the issued shares of the company;
  - (f) is a close corporation and there is a change in the membership of the close corporation or the membership interest holding;
  - (g) is a trust and there is any change in the composition of the board of trustees or the ultimate beneficiary;



(h) is no longer in a position to meet its obligations under the Act.

- (11) A notification in terms of subrule (10) must include the full name, identity number and addresses of any person acquiring a financial interest as well as such other information as the Council may require.

**16. Minimum and maximum amounts payable from the Fund**

- (1) The maximum amount that may be expended by the Council under section 17(1) in respect of any home pursuant to a failure of a home builder to meet its obligations in terms of section 13(2)(b)(i) of the Act, is the selling price of the home as declared by the home builder at the time of the enrolment of the home, up to a maximum amount of R500 000.00.
- (2) The maximum amount that may be expended may include -
- (a) any professional fees incurred by the Council in investigation and determining a cost effective method of rectification;
  - (b) the necessary cost for rectification of any major structural defect and for making good any finishes necessarily damaged by the rectification process; and
  - (c) reasonable accommodation costs prescribed at maximum daily rates by the Council, where in the opinion of the Council, the housing consumer must leave the home for rectification to be carried out, up to a maximum of five percent of the selling price, or R25 000.00, whichever is the lesser.
- (3) No amount shall be paid out of the fund in relation to:
- (a) any limitation or exclusion in terms of rule 17;
  - (b) consequential or economic loss of any kind or description whatsoever, including damages and penalties for and losses due to delay, breach of contract, loss of rental income or default in mortgage loan repayments; and
  - (c) any costs, loss or liability for which compensation is covered under an insurance policy.
- (4) The Council may in exceptional circumstances, instead of having a defect rectified, make a payment to the housing consumer in full and final settlement of any claim.

- (5) Should the costs of rectification, as estimated by the Council, in any particular case be less than 5% of the selling price of the home or R4000.00 whichever is the lesser, the costs of such repairs is for the account of the housing consumer.
- (6) In the case of homes enrolled in terms of section 14(2), the minimum amount that may be expended by the Council is an amount determined by agreement between the Council and the Provincial Housing Development Board in terms of the agreement concluded in terms of section 5(4)(c) of the Act.

**17. Limitations, qualifications and exclusions from deemed warranty**

Without in any way extending the scope of liability of a home builder to anything beyond liability for major structural defects caused by non-compliance by the home builder with NHBRC technical requirements, the limitations and exclusions contemplated under section 13(2)(b)(i) in respect of which a home builder is not liable for loss, damage, destruction or threat of collapse are -

- (a) willful acts or willful omissions of the housing consumer or persons residing in the home;
- (b) fire, explosion, lightning or damage caused by a third party;
- (c) storm, flood, frost or earthquake or any other convulsion of nature;
- (d) structural alterations, repairs, modifications or alterations to the home as originally constructed and which affected the original structure of the home;
- (e) inadequate maintenance or abnormal use of the home or the imposition of any load greater than that for which the structure of the home was designed or the use of the home for any purpose other than that for which it was designed;
- (f) subsidence or landslip from any cause not related to non-compliance with the NHBRC technical requirements;
- (g) any change in colour, texture, opacity or staining or other aging process;
- (h) pressure waves caused by aircraft or other aerial devices travelling at sonic or supersonic speeds or the impact of aircraft or other aerial devices or articles dropped or falling therefrom;
- (i) destruction of or damage to the home or any loss of expense arising therefrom, or any liability of whatsoever nature related to ionising radiations or contamination by radio-activity from whatever cause or from nuclear weapons material;

- (j) war, invasion, act of foreign enemy, hostilities (whether declared or not), civil war, revolution, rebellion, insurrection or military or usurped power, strike, riot, civil commotion;
- (k) loss of damage to any finishes unless they must be repaired or replaced due to a major structural defect in the residential structure;
- (l) wear and tear, deterioration caused by neglect or damage occasioned by the failure of the housing consumer timeously to notify a home builder of any defects;
- (m) any costs, loss or liability for which compensation is provided by other legislation;
- (n) anything which is of a petty nature which any reasonable home owner or housing consumer could be expected to rectify him or herself;
- (o) misuse or abnormal use of private drainage system.

**18. Obligations of conveyancer to ensure payment**

For purposes of complying with the provisions of sections 18(1) and (2) of the Act, a conveyancer must accept an enrolment certificate issued in terms of section 14(3) of the Act as proof of payment of the prescribed enrolment fee.

**Minister's Fees****DEPARTMENT OF HOUSING****HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998  
(ACT NO.95 OF 1998)**

Under the powers vested in me by section 7(2) of the Housing Consumer Protection Measures Act, 1998 (Act No. 95 of 1998), I SANKIE DOLLY MTHEMBI-MAHANYELE, Minister of Housing, hereby determine the fees payable by home builders to the Council as follows :

- (a) an initial application fee upon application being made for registration, in the amount of R750.00 including value added tax;
- (b) an initial registration fee in the amount of R600.00 including value added tax; and
- (c) an annual renewal fee in the amount of R600.00 including value added tax.

**S D Mthemb-Mahanyele**  
**Minister of Housing**

**Council's Regulations****DEPARTMENT OF HOUSING****HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998  
(ACT NO. 95 OF 1998)**

The National Home Builders Registration Council has by virtue of the powers vested in it in terms of section 7(1) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998) made the rules set out in the Schedule below.

Mr M M Mohohlo  
Chairperson

**SCHEDULE****1. Definitions**

In these rules, unless the context indicates otherwise, any word to which a meaning has been assigned in the Act shall have the meaning so assigned to it, and

- (i) "agrément certificate" means a certificate confirming the acceptability of a non standardised design and the conditions pertaining thereto issued by the Board of Agrément South Africa;
- (ii) "Board of Agrément South Africa" means the body operating under the delegation of authority of the Minister of Public Works;
- (iii) "conciliation deposit" means the refundable deposit, applicable to requests for conciliations in terms of complaints relating to sections 13(2)(b)(i) and (iii) of the Act and prescribed by the Council under GN.... of .... 1999;

- (iv) "conciliation fee" means the fee applicable to requests for conciliations in terms of complaints relating to section 13(2)(b)(ii) of the Act and prescribed by the Council under GN.... of .... 1999;
- (v) "contractual dispute fee" means the fee applicable to requests for dispute resolution in respect of contractual disputes in terms of section 13(1) and section 13(2)(a)(iii)(bb) of the Act and prescribed by the Council under GN... of 1999;
- (vi) "committee" means the disciplinary committee contemplated in section 5(1)(b) of the Act;
- (vii) "council's registered address" means Fernridge Office Park, 5 Hunter Street, Ferndale, Randburg;
- (viii) "day" excludes any day falling within the building industry recess period;
- (ix) "enrolment fee" means the enrolment fee prescribed by the Council under GN.... of ..... 1999;
- (x) "fees of the arbitrator" means the fees of the arbitrator in terms of any dispute recommended by the Council for arbitration in terms of section 7(1)(a)(vi) of the Act and prescribed by the Council under GN... of 1999;
- (xi) "internal complaints deposit" means the deposit prescribed by the Council in relation to receipt of a complaint in terms of section 22(3) of the Act and prescribed by the Council under GN.... of ..... 1999;
- (xii) "inspectorate" means the inspectors appointed or contracted by the Council to assist home builders to comply with the NHBRC technical requirements;
- (xiii) "late enrolment fee" means the late enrolment fee prescribed by the Council under GN.... of ..... 1999;
- (xiv) "Minister's rules" means the rules published by the Minister under GN..... of ..... 1999;
- (xv) "notify" means to notify in accordance with section 24 of the Act;
- (xvi) "registration criteria" mean the registration criteria prescribed by the Minister in the Minister's rules;
- (xvii) "selling price" means, in the case of a deed of sale, the total selling or package price as determined by the deed of sale, including VAT, and in the case of a building contract, the contract price, including VAT, as determined in the



building contract, together with the price at which the serviced erf has been acquired;

(xviii) "the Act" means the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998).

(xix) "these rules" mean the rules published hereunder;

## 2. Registration procedure

- (1) A home builder wishing to apply for registration must make application to the Council at the Council's registered address by the completion and submission of "Application for Registration – AR003" in the form of Annexure 1 and payment of the application fee prescribed by the Minister.
- (2) The Council may require additional information from the home builder or any other person and may conduct such investigations, as it may consider necessary to assess the application.
- (3) The Council must consider an application submitted to it in terms of the registration criteria.
- (4) The Council may, in order to assess an application, contract the services of a rating agency, inspection agency or other person to assess applications for registration, and to provide information in respect of credit ratings, court judgements, supplier and other references or to undertake a technical assessment of the home builder.
- (5) The Council, or any persons contracted by it, must treat any financial information provided by an applicant as part of his application to the Council with the strictest confidence.
- (6) The Council may undertake, within its discretion, a technical assessment of the home builder by means of -
  - (a) a technical interview to determine the ability of a home builder to meet and to comply with the guidelines set out in the Home Building Manual;
  - (b) undertaking site visits or inspections to examine homes or other forms of construction already completed or under construction by the home builder.
- (7) The Council, without detracting from the provisions of the Act, may -
  - (a) grant registration;
  - (b) grant registration subject to conditions;
  - (c) grant provisional registration;

- (d) postpone consideration of the application pending further inquiries or further investigation;
  - (e) reject the application.
- (8) If the Council decides -
- (a) to make the home builder's registration subject to conditions; or
  - (b) to amend, add to or cancel the conditions to which a home builder's registration is already subject,
- the Council must notify the home builder accordingly.
- (9) A decision notified in terms of subrule (8) takes effect -
- (a) on receipt of written acceptance of any conditions from the home builder; or
  - (b) 30 days after it has been notified to the home builder, unless the home builder exercises its rights under section 10(9) of the Act, to make written representations to the Council.
- (10) A home builder may apply for review of its provisional registration or an increase of the number of homes that it may enroll as determined by the Council.
- (11) The Council must treat an application for an increase in enrolments with urgency and must deliver its decision within 14 days of receipt of such application.
- (12) The home builder must provide reasonable assistance and access to the Council to facilitate an investigation for purposes of subrule (10).
- (13) Where the Council has determined that a home builder meets the registration criteria, the Council must issue a registration certificate in the form of Annexure 2 to a home builder where it has received at its registered address -
- (a) written acceptance of any conditions;
  - (b) any suretyships, indemnities or guarantees requested, duly signed and completed; and
  - (c) payment in respect of the registration fee.

### 3. Renewal of Registration

- (1) The Council must notify a home builder of the home builder's obligation to renew the home builder's registration as contemplated in rule 15(9) of the Minister's rules one month prior to its expiration.

- (2) The Council must thereafter, if necessary, issue two further notices to serve to remind the home builder of the need to renew and must maintain the registration of the home builder for a period of three months from the date of expiry before recording the home builder's status as "Not Renewed".
- (3) From the date of expiration of a home builder's annual registration, the Council may suspend enrolments in terms of section 11(3) of the Act until such time as the home builder has renewed its registration.
- (4) The notice requiring renewal may request the home builder to confirm the accuracy of the data maintained by the Council on the database referred to in section 9 of the Act and in relation to homes enrolled with the Council in the previous year or other years.
- (5) The Council must, subject to the provisions of section 11 of the Act, complete its review within one month of receipt of the annual renewal fee and, where appropriate, issue a new registration certificate to the home builder.
- (6) The Council may in respect of the failure of the home builder to renew its registration, withdraw the registration of the home builder after instituting disciplinary proceedings in terms of section 11 of the Act.
- (7) The failure to renew registration or the withdrawal of registration pursuant to section 11 of the Act does not affect the obligations of the home builder at the time in respect of housing consumers or in respect of the Council.

#### **4. Review of Registration**

- (1) The Council may at any time of its own accord, or on information received, or at the request of the home builder, review the home builder's registration having regard to the home builder's performance as a home builder during the period of registration and any charges in the ownership of the home builder.
- (2) The Council may, when acting in terms of subrule (1) take account of any complaints received from housing consumers, any notices of non-compliance received by the home builder from the inspectorate, the enrolment history of the home builder and any other relevant matter.
- (3) The Council may, pursuant to the re-evaluation contemplated in subrule (1), decide to change the registration status of the home builder or the conditions attached to such registration after having notified the home builder of its decision and the reasons for any decision, where such decision may affect the home builder.
- (4) The provisions of section 10(8), (9), (10), (11) and (12) of the Act apply, with the necessary changes required by the context, to any decision in terms of subrule (3).

#### **5. Cancellation of registration**

- (1) The Council must cancel the registration of a home builder on written request from the home builder.

- (2) If a home builder's registration is withdrawn, cancelled or not renewed, such home builder must -
  - (a) refrain from purporting that the home builder is a registered home builder;
  - (b) immediately return to the Council any registration or enrolment certificates or promotional material referring to the Council or implying a registration status awarded by the Council; and
  - (c) refrain from providing any enrolment certificate or any other material to a housing consumer or any other person on an enrolled home that has not been occupied prior to the expiration date of his annual registration without the express written consent of the Council.
- (3) Notwithstanding withdrawal of registration or failure to renew registration, a home builder must -
  - (a) continue to comply with these rules in respect of any homes constructed by the home builder;
  - (b) discharge any actual or contingent liability that the home builder has incurred to the housing consumer or to the Council;
  - (c) pay the Council any amount payable under these rules whether it fell due before or after the effective date of non-renewal or withdrawal.
- (4) Where a home builder wishes to cease conducting the business of a home builder, for whatever reason, the home builder may request the Council to assume the home builder's responsibilities in terms of section 13(2)(b)(i) on homes enrolled with the Council.
- (5) The home builder must inform the Council under the circumstances contemplated in subrule (4) of any complaints received by the home builder on homes constructed by it.
- (6) If the Council is prepared to assume the obligations contemplated in subrule (4), it will notify the home builder of the amount of any prescribed payment it requires to meet any potential claims for rectification.
- (7) Without derogating from the provisions of section 11 of the Act, the Council must withdraw the registration of a home builder once an application has been made to a competent Court for the provisional liquidation or sequestration of a home builder.
- (8) The granting of an order by any competent court for the provisional liquidation or sequestration of a home builder has the effect of an automatic withdrawal of the home builder's registration.

## 6. Re-registration

- (1) If a home builder has previously been registered with the Council and wishes to re-register, the home builder may make application to the Council for registration and the provisions of section 10 of the Act and rule 2 apply with the necessary changes required by the context.
- (2) The Council must, in the circumstances contemplated in subrule (1), consider the home builder's registration against the registration criteria having regard to the previous registration history of the home builder.

## 7. Objectives of the Enrolment Process in terms of Section 14(1) of the Act

- (1) The objective of the enrolment procedures contemplated in section 14(1) of the Act are to -
  - (a) ensure the home builder pays the enrolment fee in an appropriate manner that will enable the home builder to prove payment;
  - (b) reduce the risk of structural failure by requiring the home builder to meet good practice with the necessary involvement of competent persons prior to the commencement of construction; and
  - (c) allow inspection before construction work commences on site.
- (2) In order to reduce the risk of structural failure in a home, the home builder must -
  - (a) submit the home for enrolment to the Council 15 days prior to the commencement of construction and confirm that the home is available for inspection by the Council inspectorate throughout the construction process;
  - (b) confirm that the necessary steps have been taken by the home builder as required in the Home Building Manual prior to the commencement of construction;
  - (c) provide a soil classification confirmed by a competent person to ensure the correct foundation type is used in the construction of a home; and
  - (d) where necessary, as required in the Home Building Manual, provide proof of the involvement of a competent person in foundation design, rational design, non-standardised construction or investigation of dolomitic or limestone conditions.

## 8. Competent persons

- (1) To keep a record of competent persons in terms of section 5(5)(d) of the Act, the Council may require competent persons to complete "Competent Person Questionnaire - CP001" in the form of Annexure 3 and to provide proof of their registration in terms of

the Engineering Professions of South Africa Act, 1990 (Act No. 114 of 1990) or a person registered in terms of section 11 of the Natural Scientific Professions Act, 1993 (Act No. 106 of 1993).

- (2) The amount required to be held by way of professional indemnity insurance by a competent person is an amount not less than R500 000.00.
- (3) The Council may require a competent person annually to provide it with details and proof of its indemnity insurance.

**9. Methods of Payment of Enrolment Fees**

- (1) Depending on the circumstances, payment of enrolment fees may be effected in one of three methods, namely -
  - (a) the home builder may pay the full enrolment fee directly to the Council as set out in rule 10;
  - (b) the home builder, with the agreement of the housing consumer and the financial institution, may pay the Council from monies owed to the home builder by the housing consumer as a first progress payment under the mortgage loan as set out in rule 11; or
  - (c) the home builder constructing a sectional title complex may pay the enrolment fee in two stages as set out in rule 12.

- (2) All payments in respect of enrolment fees must be made to:

The National Home Builders Registration Council  
Account No. 4045581790  
Absa Bank,  
Braamfontein Branch,  
Branch Code: 630605.

**10. Direct and full payment by Bank guaranteed cheque or cash bank transfer.**

- (1) The home builder must pay the enrolment fee in the full amount payable directly to the Council by way of bank guaranteed cheque or cash bank transfer where:
  - (a) the consideration for the acquisition or construction of the home is payable in cash without the registration of a mortgage loan; or
  - (b) where homes are built in speculation of sale; or



(c) in the case of the late enrolment of a home in terms of rules 18 and 19 below.

(2) Payment may also be made in the manner contemplated in subrule (1) in the case of sectional title homes, homes constructed in terms of a building contract, or by any other form of agreement.

**11. Payment by mortgage lender as a first progress payment**

(1) The home builder may make payment of the enrolment fee where the housing consumer authorises the mortgage lender to make payment to the Council from the proceeds of money owing to the home builder by the housing consumer in respect of the construction of the home.

(2) Where the housing consumer has consented to a financial institution which has an agreement with the Council to effect such payment, the home builder must submit to the Council the documents contemplated in rule 16(1), together with the "Authorisation for Contractor's Payment – PA003" in the form of Annexure 4.

(3) Payment in accordance with subrule (1) may only be used where a building contract has been concluded between the housing consumer and the home builder in respect of the construction of a home.

(4) Payment in accordance with subrule (1) may not be made where the home is a sectional title unit or is constructed in speculation of sale or in the case of the late enrolment of a home.

(5) The enrolment fee must be paid directly to the Council by the financial institution at the time of the financial institution advancing the first progress payment in respect of the mortgage loan or in a manner agreed between NHBRC and the financial institution.

(6) The Council must, from time to time, publish the names of the financial institutions with agreements with the Council to facilitate payment as contemplated in this rule.

**12. Sectional title phased payment**

In the case of a sectional title development, a home builder may make a direct and full payment in terms of rule 10 of these rules or make a phased payment of the enrolment fee, as follows -

(a) 20 percent of the enrolment fee of all homes comprising a sectional title development upon submission of the "Sectional Title Enrolment Form – ST003" in the form of Annexure 5;

(b) a bank guarantee for the remaining 80% of the enrolment fee to be submitted with the "Sectional Title Enrolment Form – ST003" and to be called upon by the Council on the opening of the sectional title register or six months from the date of payment of the 20% of the enrolment fee whichever is the earlier; and

- (c) resolution of any outstanding balance arising from rule 16(4) of these rules on or before the sectional title register is opened.

**13. Competent person certification of soil classification**

- (1) With every enrolment, the home builder must submit a soil classification for the plot duly certified and signed by a competent person in the form of Section C Appendix B3 and Section D of either:
  - (a) the "Residential Unit Enrolment Form – EF003" in the form of Annexure 6; or
  - (b) the "Sectional Title Enrolment Form – ST003" in the form of Annexure 5, as the case may be.
- (2) The soil classification must be in the categories published by the Council in the Home Building Manual as applicable at the time of enrolment.
- (3) Where the home is other than a single storey masonry home constructed on soil classification C, H, R or S, as prescribed by the Council in the Home Building Manual, the home builder must ensure a competent person also certifies and signs Section C Appendix B2 of the form referred to in subrule (1)(a) or (b) as the case may be.
- (4) Where the soil type is of a dolomitic or limestone nature (i.e. D1, D2, D3 or D4), or the site falls within a geographical area of known dolomitic, limestone or other conditions as identified in the Home Building Manual, the home builder must comply with the Council's procedures for the technical investigation of such sites and their enrolment as prescribed in the Home Building Manual.
- (5) If, during the course of a development, it emerges that the original classification of the subsoil conditions of the site by the original soil tests or as originally assessed by the competent person requires revision, the home builder is required, as a condition of enrolment, to notify the Council immediately using a form "Notification of Change in Site Class: Design of Foundations and Associated Structures on Problem Soils – Appendix A1" in the form of Annexure 7.
- (6) The home builder must, under the circumstances contemplated in subrule (5), ensure that the design of foundations for a home constructed on such a site is amended to conform to the revised soil classification.

**14. Rational Design and Agrément certified systems**

- (1) For enrolment of a home, additional information is required where a home -
  - (a) involves elements of rational design; or

- (b) is using Agrément certified non-standardised building components, elements or systems.
- (2) In these instances, the home builder must submit to the Council the respective forms -
  - (a) "Appointment of Competent Person: Rational Structural Design – Appendix B1" in the form of Annexure 8 or in the case of a sectional title development by the completion of Section C Appendix B1 of the "Sectional Title Enrolment Form – ST003" in the form of Annexure 5 duly completed and signed by a competent person specifying the scope of the proposed rational design; or
  - (b) "Accreditation of Contractor Offering Agrément Certified Non-Standardised Construction – Appendix C1" in the form of Annexure 9, with a copy of the relevant Agrément certificate for building systems.
- (3) Where the Council appoints an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out further investigations that engineer shall be deemed to have been appointed for the purposes of legal proceedings.

**15. Non- Agrément certified building systems**

- (1) Home builders using non-standardised components, elements or systems that do not have an Agrément certificate must approach the Council for technical assessment of their system as an interim measure by completion of "Building System Registration Form – BS001" in the form of Annexure 10 and submission of the relevant documentation.
- (2) The Council must consider such application and may -
  - (a) approve the system;
  - (b) approve the system with conditions;
  - (c) refer the application back to the home builder for further information to be supplied; or
  - (d) reject the application.
- (3) The Council may, in the circumstances set out in subrule (1) and subrule (2), require Agrément certification within a specified period.
- (4) Council may request any surety, guarantee, indemnity or other security considered reasonable by the Council to satisfy its obligations under section 16 (1) of the Act.
- (5) Where the Council appoints an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out further

investigations that engineer shall be deemed to have been appointed for the purposes of legal proceedings.

- (6) Once a system is approved by the Council the home builder may submit an application for enrolment for homes to be constructed using the approved system.
- (7) An application for enrolment in terms of subrule (6) must include a form "Certification by Competent Person in respect of Non-Agrément Approved Non-Standardised Construction – Appendix D2" in the form of Annexure 11.

**16. Submission of enrolment documentation and payment to NHBRC**

- (1) In the case of a home built with the registration of a mortgage bond, built for cash or built in speculation of sale, the home builder must submit:
  - (a) the "Residential Unit Enrolment Form –EF003" in the form of Annexure 6 duly completed by the home builder and the competent person in terms of rule 9 and rule 13 of these rules;
  - (b) proof of selling price (e.g. copies of the building contract and the deed of sale of the land);
  - (c) payment in the form required in terms of rule 9 of these rules or if a cash bank transfer is made, proof of payment in the form of the submission to the Council of the bank deposit slip;
  - (d) any other competent person certificates required in terms of rules 13, 14 and 15 of these rules and duly completed and signed by the competent person.
- (2) In the case of a sectional title development, the home builder must submit to the Council:
  - (a) "Sectional Title Enrolment Form - ST003" in the form of Annexure 5;
  - (b) payment of the enrolment fee in the form required in terms of rule 10 or 12;
  - (c) proof of estimated selling price in the form of the feasibility study for the development; and
  - (d) any other competent person certificates required in terms of rules 13, 14 and 15 of these rules.
- (3) The Council must, upon receipt of the documents specified in subrule (2) and if they are found to be in order, issue a "Sectional Title Phased Payment Form – ST001" in the form of Annexure 12 to the home builder as proof of having accepted the home in the records of the Council.

- (4) Prior to the opening of the sectional title register, the home builder must return the "Sectional Title Phased Payment Form – ST001", with payment of the outstanding amount by bank guaranteed cheque, cash, or evidence of cash or bank guaranteed cheque bank transfer declaring the difference between actual selling prices compared with expected selling prices and make payment of the difference.

**17. Issuing of enrolment certificates**

- (1) Where the home builder submits the prescribed documents, information and fees to the Council in terms of rule 16 above, the Council must enter the home into the records of the Council.
- (2) The Council must review such documents, information and fees.
- (3) Where the Council believes the home builder has complied with section 14(1) of the Act and rule 16(1) of these rules, the Council must accept the submission and issue an enrolment certificate in the form of Annexure 13 in terms of section 14(1)(c) of the Act.
- (4) Where the Council believes the home builder has complied with section 14(1) of the Act and rules 16(2), (3) and (4) of these rules, the Council must issue enrolment certificates for such sectional title units in terms of section 14(1)(c) of the Act.
- (5) Where the Council has received enrolment documentation and where the application for enrolment is not complete, the Council may enter the application into the records of the Council but must record such an application as "pending".
- (6) The Council must notify the home builder in writing as soon as practically possible of the information required or the reasons for the application not being accepted.
- (7) If the relevant information is not received, the Council must maintain the application as "pending" on its records for a period of not less than three months.
- (8) If the home builder has failed to provide the information or failed to comply with enrolment procedures within the period contemplated in subrule (7), the Council may reject the application, and notify the home builder of the reasons for such rejection.

**18. Late enrolments**

- (1) Where a home builder in contravention of section 14 of the Act submits an application for the enrolment of a home to the Council after construction has started, the Council must require the home builder to satisfy the Council that the construction undertaken at the time is in accordance with the NHBRC technical requirements so as to take prudent measures, contemplated in section 16(1) of the Act, to manage the risks pertaining to the fund.
- (2) In the case of late enrolment, the home builder must supply the Council with the following duly completed documents :

- (a) an enrolment form in the form of Annexure 5 or 6 as the case may be;
  - (b) proof of the estimated selling price;
  - (c) payment of the enrolment fee by direct and full payment in terms of rule 10 of these rules;
  - (d) certification by a competent person of:
    - (i) the soil classification in terms of rule 13;
    - (ii) the design of foundations in terms of rule 13(3) and, where applicable, rule 13(4);
    - (iii) rational design in terms of rule 14(1)(a); and
    - (iv) satisfactory completion of structural work by submitting a duly completed and signed "Completion Certificate by Competent Persons: Satisfactory Completion of Structural Work -Appendix D1" in the form of Annexure 14 from a competent person.
- (3) The home builder must, at the request of the Council, pay an additional prescribed late enrolment fee in an amount determined by the Council for a special inspection to be undertaken by the Council to enable the inspectorate to determine compliance with the NHBRC technical requirements, prior to the acceptance of enrolment.
- (4) Should any defects be detected during the course of inspection that may influence the structural integrity of the home or if it is established that there is substantial non-compliance with the NHBRC technical requirements, the Council must, prior to the acceptance of the enrolment, request rectification of such defects or such non-compliance to be undertaken as may be necessary at the home builder's cost and under the supervision of the competent person appointed by the home builder.
- (5) Where an inspector is unable to determine compliance with the NHBRC technical requirements, for whatever reason, the Council may require the home builder to appoint a competent person -
- (a) to inspect the home; and
  - (b) to complete a questionnaire "Competent Person Late Enrolments Report" in the form of Annexure 15 to confirm compliance with the NHBRC technical requirements.
- (6) Any work that needs to be exposed to enable the competent person to respond to the questions raised in terms of subrule 5(b), must be undertaken by and at the cost of the home builder.



- (7) The Council may request any surety, guarantee, indemnity or other security considered reasonable by the Council to satisfy its obligations under section 16 (1) of the Act.
- (8) Where a home has been constructed with a building system classified as non-standard in terms of section 12(2) of the Act, rule 14(1)(b) and rule 15 of these rules and the Home Building Manual, the late enrolment of such home must not be accepted by the Council.

#### 19. Non-declared Late Enrolments

- (1) Where a home builder does not declare the fact that construction has commenced at the time of enrolment and late enrolment is detected by the Council, the Council, if it has reason to believe that such non-declaration was a deliberate attempt to avoid enrolment, or the inspection process, must require the home builder to appoint a competent person
  - (a) to inspect the home; and
  - (b) to complete a questionnaire "Competent Person Late Enrolments Report" in the form of Annexure 15 to confirm compliance with the NHBRC technical requirements.
- (2) Any work that needs to be exposed to enable the competent person to respond to questions raised in terms of rule 18(2)(d) must be undertaken by and at the cost of the home builder.
- (3) Rules 18(2) to (8) inclusive of these rules apply with the necessary changes to homes enrolled in terms of rule 19(1) and specifically the Council must charge the late enrolment fee contemplated in rule 18(3).

#### 20. Disciplinary measures for late enrolment

- (1) The Council may, without derogating from the generality of and subject to the provisions of section 11(1)(b) and section 11(3) of the Act, where a home builder makes itself guilty of consistent late enrolment, withdraw the registration or suspend the enrolments of the home builder.
- (2) If the Council determines that a late enrolment was an attempt to avoid enrolment or the inspection process, the Council may, after notice to the home builder, suspend further enrolments in terms of section 11(3) of the Act until any corrective work has been completed on late enrolment of homes not declared to the Council.
- (3) If the Council needs, in terms of section 14(4)(a) of the Act, to cancel a late enrolment not declared to the Council or reject a late enrolment declared to the Council due to non-compliance with the NHBRC technical requirements, the Council must -
  - (a) seek to inform the housing consumer and the relevant financial institution or provincial housing development board, in terms of section 14(5) of the Act of

the cancellation and seek to notify the housing consumer of the options available to the housing consumer;

- (b) institute disciplinary proceedings against the home builder in terms of section 11 of the Act; and
- (c) consider the prosecution of a home builder in terms of section 21(1) of the Act.

## **21. Notice of Non-Compliance**

- (1) The Council may give a home builder a "Notice of Non-Compliance" in the form of Annexure 16 instructing the home builder to comply with the NHBRC technical requirements or any other requirement of the Act.
- (2) A notice contemplated in subrule (1) must specify the nature of the non-compliance and the time within which the specified work must be completed or a particular action needs to be taken by the home builder.
- (3) Within seven days of receiving a notice contemplated in subrule (1), the home builder must –
  - (a) commence with the work or action specified together with any additional work or action necessary in order to ensure the home complies with the NHBRC technical requirements or other requirements of the Act; or
  - (b) inform the Council in writing that the home builder disputes that the work or action is necessary for the reasons set out therein; and
  - (c) inform the Council that it wishes the dispute to be dealt with through the Council's internal complaints procedures in terms of section 22(3) of the Act.
- (4) Where the Council appoints an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out further investigations in terms of section 19(3) that engineer shall be deemed to have been appointed for the purposes of legal proceedings.

## **22. Aim of NHBRC complaints procedures**

The NHBRC complaints procedures serves -

- (a) to protect housing consumers by ensuring that home builders meet their obligations under section 13 of the Act;
- (b) to assess applications from housing consumers for assistance from the fund in terms of section 17 of the Act;

- (c) to detect contraventions of the Act requiring intervention in terms of section 20 or prosecution in terms of section 21 of the Act; and
- (d) to initiate disciplinary proceedings against home builders where the complaint relates to a matter which constitutes the subject matter of disciplinary proceedings.

**23. Responsibilities of the housing consumer and the home builder regarding complaints**

- (1) The housing consumer and the home builder must seek to resolve their differences in a reasonable manner prior to referring a complaint to the Council.
- (2) The housing consumer must, prior to submitting a complaint to the Council, notify the home builder in writing of his or her complaint, listing all the items requiring attention.
- (3) The housing consumer must keep a copy of the letter of complaint and proof of the date it was sent to the home builder.
- (4) The housing consumer must allow the home builder reasonable access to effect rectification.
- (5) The housing consumer must ensure that he or she has met his or her financial obligations to the home builder prior to reporting a complaint to the Council.
- (6) Within 21 days of receiving a complaint from the housing consumer relating to the three month non-compliance period or the five year structural defects period, the home builder must in writing -
  - (a) confirm whether the home builder denies or accepts liability for the complaint;
  - (b) confirm when any rectification work will commence and finish; and
  - (c) where necessary, request access to effect the rectification.
- (7) Within seven days of receiving a complaint from a housing consumer relating to a roof leak within the one year roof leak period, the home builder must in writing -
  - (a) confirm whether the home builder denies or accepts liability for the complaint;
  - (b) confirm when any rectification work will commence and finish; and
  - (c) where necessary, request access to effect the rectification.
- (8) The home builder or the housing consumer, as the case may be, may refer a complaint to the Council -
  - (a) in the case of any complaint, if the home builder does not respond within the specified period; or
  - (b) if the home builder fails to honour its obligations, or

- (c) if there is a dispute which cannot be resolved between the home builder and the housing consumer regarding the extent of the home builder's liability to carry out rectification.

**24. Acceptance of a complaint**

- (1) The Council must accept a complaint from a housing consumer where the complaint falls within the ambit of sections 13, 17, or 21 of the Act or the Code of Conduct contemplated in section 7(1)(a)(ix) of the Act.
- (2) It is not necessary for a housing consumer to employ the services of an attorney or other professionals, including engineers, to lodge a complaint with the Council and costs incurred by the housing consumer for such services are not recoverable from the Council.
- (3) On receipt of the complaint the Council must carry out a preliminary assessment of the complaint based on the information provided by the housing consumer and may request further information from the housing consumer to assist it in considering the complaint.
- (4) A complaint must be lodged in the form of a "Complaint Form" in the form of Annexure 17.
- (5) Where the housing consumer holds retention monies, the Council may request that such monies be deposited with NHBRC until such time as the recommendation of the Council is issued.
- (6) The Council may make it a condition of accepting a complaint that the housing consumer must honour any finding of the Council regarding retention monies.

**25. Processing complaints relating to section 13(2)(b)**

- (1) For purposes of considering a complaint relating to the deemed warranty obligations in terms of section 13(2)(b) of the Act, the housing consumer must submit to the Council -
  - (a) proof of the original occupation date of the home;
  - (b) proof of notification to the home builder within the applicable time periods set out in section 13(2)(b) of the Act; and
  - (c) a complete list of the items requiring attention notified to the home builder.
- (2) Where the Council is of the view that the complaint falls within the ambit of section 13(2)(b) of the Act, or where the Council is satisfied that the housing consumer has

informed the home builder of his or her complaint, and the home builder has not responded as required in terms of rule 23, the Council must notify the home builder of -

- (a) the complaint;
- (b) the relevant provisions of the Act;
- (c) the specified period within which the Council requires a response to the complaint;

and request the home builder's assistance in resolving the matter.

- (3) Should the Council determine that the complaint does not fall within the ambit of section 13(2)(b) of the Act, it must notify the housing consumer of its decision and its reasons in respect thereof in writing.

**26. Complaints relating to the three month non-compliance period**

- (1) If the nature of the complaint relates to matters contemplated in section 13(2)(b)(ii) of the Act which have been notified within three months of occupation, the Council will seek to resolve the complaint telephonically and through correspondence with the home builder.
- (2) Should the home builder fail to respond within one month of notification from the Council, the Council may issue a "Request for Conciliation" in the form of Annexure 18 to the housing consumer requesting confirmation of the details of the complaint and payment of the prescribed conciliation fee.

**27. Complaints relating to the one year roof leak period**

- (1) If the housing consumer experiences a roof leak in the home within one year of occupation and the home builder has failed to respond to the complaint notified to it by the housing consumer, the Council must notify the home builder and seek an immediate response from the home builder.
- (2) Should the home builder fail to respond within seven days of notification in terms of subrule (1), the Council may issue a "Request for Conciliation" in the form of Annexure 18 requesting confirmation of the details of the complaint and may request payment of a prescribed refundable conciliation deposit by the housing consumer.
- (3) The conciliation deposit must be refunded once the complaint has been dealt with in terms of rules 30 to 36, unless the complaint is found by the Council to be frivolous.

**28. Complaints relating to the five year major structural defects period**

- (1) Where a complaint from a housing consumer relates, in the opinion of the Council, to a possible major structural defect, the Council may seek the home builder's response but

the Council may issue the housing consumer immediately with a "Request for Conciliation" in the form of Annexure 18 and may request a prescribed refundable conciliation deposit from the housing consumer.

- (2) The conciliation deposit must be refunded once the complaint has been dealt with in terms of Rules 30 to 36, unless the complaint is found by the Council to be frivolous.

## 29. Contractual Disputes

If a housing consumer or a home builder refers a dispute to the Council relating to a matter contemplated in section 13(1) or section 13(2)(a)(iii)(bb) of the Act, including any dispute in respect of financial obligations, the Council may -

- (a) undertake to provide a ruling on the matter on the basis that the Council's ruling is binding on both parties, which service must be provided at the prescribed contractual disputes fee;
- (b) refer the parties to arbitration in accordance with the procedures set out in rule 34; or
- (c) refuse to deal with such dispute in terms of subparagraph (a) or (b) and refer the parties to their rights under section 13(2) of the Act for the matter to be resolved through normal court process.

## 30. Request for Conciliation

- (1) Where the Council, after having received a signed copy of the Request for Conciliation form from the housing consumer or the home builder in the form of Annexure 15 under the circumstances set out in rules 26, 27, 28 and 29 and the Council is of the view that it is necessary or desirable to carry out an on-site conciliation, the Council must propose three alternative dates and times for an on-site conciliation.
- (2) Should none of the dates suit the home builder, the conciliation inspection must proceed on a date convenient to the housing consumer.
- (3) The date and time must be notified by the Council to both parties.
- (4) Where the home builder is unable to attend, the home builder must be notified -
  - (a) of the date and time of the inspection;
  - (b) that the home builder is entitled to have a representative attend the inspection;
  - (c) that the home builder will be provided with a report of the inspection; and
  - (d) that the home builder will be obliged to carry out any rectification recommended in the report within a specified period.



**31. The Investigation**

- (1) The Council must on the date contemplated in rule 30(3), inspect the home and assess the complaint in terms of the Act.
- (2) Where further investigation is required to complete the report, the Council may request the home builder to do so within a specified period or the Council may carry out such investigations as may be necessary.
- (3) Where the Council appoints an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out such further investigations that engineer shall be deemed to have been appointed for the purposes of legal proceedings.

**32. The Report**

- (1) Following the on-site conciliation and any further investigation undertaken, the Council must draw up a report –
  - (a) detailing the items that require rectification by the home builder to meet the home builder's obligations under the Act; and
  - (b) specifying the date by which such work must commence and be completed.
- (2) The contents of the report must be notified to both the housing consumer and the home builder, and the home builder must, subject to the provisions of section 22 of the Act, effect the rectification specified in the report.

**33. Requests for assistance from the Fund**

- (1) Subject to the provisions of section 17 of the Act, the Council may pay for rectification only when –
  - (a) the report referred to in rule 32 has been finalised and the contents notified; and
  - (b) a home builder or any person contemplated in section 10(5) of the Act have been required to meet their respective obligations and have failed to do so within the period determined by the Council; or
  - (c) the Council has confirmed that the home builder is no longer in existence.
- (2) If the home builder disputes the findings and recommendations of the report referred to in rule 32 and refers a dispute in terms of section 22(1) or (3) of the Act, the Council must proceed with the rectification of any major structural defect recommended in the said report, subject to final determination of liability for the costs of rectification which shall be part of the dispute referred to in terms of section 22(1) or (3) of the Act.

**34. Referral of a complaint to arbitration**

- (1) The Council may, subject to subrule (2) to (5), submit any complaint in terms of section 13 of the Act received by it to arbitration.
- (2) The housing consumer and the home builder may, for purposes of resolving any dispute in terms of section 13 of the Act by written agreement between the parties refer the dispute to arbitration.
- (3) The nature of the dispute to be resolved must be specified in an agreement between the parties that shall constitute a submission to arbitration by a single arbitrator in terms of and subject to the Arbitration Act, 1965 (Act No. 42 of 1965).
- (4) The parties may agree on an arbitrator or may request the Council to appoint an arbitrator.
- (5) Should the parties fail to agree on an arbitrator, the Council must appoint the arbitrator.
- (6) The fees of an arbitrator appointed by the Council must be in accordance with the tariffs determined by the Council from time to time.
- (7) The arbitrator, in conducting the proceedings, must be guided by the intention to provide an effective, speedy and affordable mechanism to resolve disputes between home builders and housing consumers.
- (8) The arbitrator may require such security as he or she may consider appropriate regarding the payment of costs, and may make such an order as to the payment of costs as he or she may deem fit.
- (9) The parties may, by agreement in writing, instruct the arbitrator to limit the proceedings to an investigation and an expert opinion by the arbitrator in respect of the item complained of which opinion shall be binding on the parties: Provided that -
  - (a) the parties agree in writing to be bound by such opinion; and
  - (b) such procedure must only be followed where there is agreement in writing between the parties and the arbitrator regarding the arbitrator's technical competence, experience and expertise pertaining to the matter under dispute so as to express an expert opinion on the matter.

**35. Referral to the Internal Complaints Procedure, Arbitration and the Public Protector**

- (1) A housing consumer or a home builder wishing to have a decision or action of the staff of the Council or its agents reviewed in terms of the Council's internal complaint procedure must notify the Council in this regard within 30 days of receiving notice of the relevant decision or action.

- (2) The notice referred to in subrule (1), must -
  - (a) set out all the relevant details of the disputed action or decision; and
  - (b) indicate the basis on which the decision or action is disputed.
- (3) When notifying the Council, the housing consumer or the home builder must pay a prescribed internal complaints deposit with the Council.
- (4) The housing consumer or the home builder may request that the decision or the action be reviewed by either -
  - (a) the chief executive officer of the Council; or
  - (b) the committee,depending on the nature of the matter.
- (5) Where a complaint is referred to the committee, the committee may request security for the cost of any such review.
- (6) Where the matter is reviewed by the chief executive officer, he or she must review the decision or action within 30 days of receipt of the request for a review.
- (7) Following such review, the chief executive officer must confirm, vary or reverse the decision or action, or where the matter falls within the scope of the activities of the committee, refer the matter to the committee.
- (8) Where the complaint is valid, the internal complaints deposit shall be repaid to the housing consumer or the home builder, as the case may be.
- (9) The housing consumer and the home builder, or both, as the case may be, must be notified of the chief executive officer's decision.
- (10) The committee must consider any complaint as soon as practically possible and no later than three months from receipt thereof by the Council.
- (11) The committee may determine its own procedures for purposes of considering a complaint.
- (12) The committee may confirm, vary or reverse the decision or action of the Council's staff or its agents.
- (13) The committee may condone a failure to comply with the period of 30 days referred to in subrule (1) where it is satisfied that there are sound and substantial reasons for the failure.
- (14) The committee may make any order concerning the deposit and any other direct costs relating to the investigation, including those of the Council, in considering the matter.

- (15) Should a housing consumer or home builder be dissatisfied with the decision of the committee, the complainant may pursue his or her rights in terms of section 22(4) of the Act, within thirty 30 days of receipt of the committee's decision.
- (16) If the aggrieved person fails to exercise its rights in terms of section 22(4), within 30 days, the decision of the committee, subject to section 22(1) of the Act, is final.

**36. Arbitration in terms of section 22(4)(ii) of the Act**

- (1) Any dispute regarding a discretion exercised by the Council must be determined with reference to the rules of administrative justice.
- (2) The Council and a housing consumer or home builder may for purposes of resolving a dispute in terms of section 22(4)(ii) refer the dispute to arbitration.
- (3) The nature of the dispute to be resolved must be specified in an agreement between the parties that shall constitute a submission to arbitration by a single arbitrator in terms of and subject to the Arbitration Act, 1965 (Act No. 42 of 1965).
- (4) Should the parties fail to agree on an arbitrator, the Director General : Department of Housing must appoint the arbitrator.
- (5) The arbitrator may require such security from the home builder or housing consumer as he or she may consider appropriate regarding the payment of costs and may make such an order as to the payment of costs as he or she may deem fit.
- (6) An arbitration in terms of this rule shall be held in Randburg or such other place as may be agreed to between the parties.

**37. Availability of chief executive officer**

Anything required to be done by the chief executive officer may in his or her absence be done by a person nominated by the chief executive officer for that purpose: Provided that where for any reason this was not possible such functions may be exercised by the chairperson of the Council.

**38. Access to documentation**

Any person may have access to rules pertaining to the Council, the Home Building Manual or any circular issued by the Council at the offices of the Council between 8h00 and 16h30, at the following offices of the Council :

**RANDBURG**

Fernridge Office Park  
5 Hunter Street  
Ferndale  
Randburg  
2194

**DURBAN**

98 Davenport Road  
Glenwood  
Durban  
4007

**CAPE TOWN**

Unit No. 7  
Sunbird Office  
Park  
Pasita Street  
Tyger Valley  
Bellville  
7530

**PORT ELIZABETH**

40 Pickering Street  
Newton Park  
Port Elizabeth  
6045

**BLOEMFONTEIN**

Unit 12 Brandwag Park  
Cnr. McHardy/Melville Ave  
Randwag  
Bloemfontein  
9301

**NELSPRUIT**

4 Jones Street  
NELSPRUIT EXT.  
1201

**RUSTENBURG**

104 Leyd Street  
RUSTENBURG  
0299

**LIST OF ANNEXURES**

Annexure 1	"Application for Registration – AR003"
Annexure 2	"Registration Certificate – BR002"
Annexure 3	"Competent Person Questionnaire – CP001"
Annexure 4	"Authorisation for Contractor's Payment – PA003"
Annexure 5	"Sectional Title Enrolment Form – ST003"
Annexure 6	"Residential Unit Enrolment Form – EF003"
Annexure 7	"Notification of Change in Site Class: Design of Foundations and Associated Structures – Appendix A1"
Annexure 8	"Appointment of Competent Person: Rational Design – Appendix B1"
Annexure 9	"Accreditation of Contractor Offering Agrément Certified Non-Standardised Construction – Appendix C1"
Annexure 10	"Building System Registration Form – BS001"
Annexure 11	"Certificate by Competent Person in respect of Non-Agrément Approved Non-Standardised Construction – Appendix D2"
Annexure 12	"Sectional Title Phased Payment Form - ST001"
Annexure 13	"Residential Unit Enrolment Certificate – EC003"
Annexure 14	"Completion Certificate by Competent Person: Satisfactory Completion of Structural Work – Appendix D1"
Annexure 15	"Competent Person Late Enrolment Report"
Annexure 16	"Notice of Non-Compliance"
Annexure 17	"Complaint Form"
Annexure 18	"Request for Conciliation"



## ANNEXURE 1

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125

Tel: (011) 866-3636  
Fax: (011) 789-2902  
Web: www.nhbrc.org

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

## APPLICATION FOR REGISTRATION - AR003

Note: The time taken to process the application is dependent on the thorough completion of this form. Please observe the following basic principles. Write in black pen. Print one letter per box. Take the time to complete all sections of the document and attach relevant documentation where necessary.

App No:

### SECTION A: COMPANY DETAILS

Name

Trading Name

Postal Address

Physical Address

Postal Code

Town

Region

☐ Eastern Cape ☐ Free State ☐ Gauteng ☐ KwaZulu-Natal ☐ Mpumalanga ☐ Northern Cape ☐ Northern Province ☐ N/West Province ☐ Western Cape

Telephone Number

Fax Number

Cell Number

( ) - ( ) -

Year Started Trading

Number of Houses built during last three years

Number of Employees

Year	Number	Year	Number	Year	Number

Company Registration Number

VAT Registration Number

Industrial Council Registration Number

Please attach copies of all the relevant registration documentation

#### Type of Company

- ☐ Pty  
☐ PLC  
☐ Close Corporation  
☐ Partnership  
☐ Sole Trader  
☐ Trust

#### Main Business Area

- ☐ Home Building Developer  
☐ Home Building Contractor  
☐ Alterations & Additions  
☐ Estate Agent  
☐ General Contractor  
☐ Subsidy Housing  
☐ Other

#### How many do you want to build this year?

- |                                |                                       |
|--------------------------------|---------------------------------------|
| <input type="checkbox"/> 0-5   | <input type="checkbox"/> 51-75        |
| <input type="checkbox"/> 6-10  | <input type="checkbox"/> 76-100       |
| <input type="checkbox"/> 11-15 | <input type="checkbox"/> 101-250      |
| <input type="checkbox"/> 16-20 | <input type="checkbox"/> 250-500      |
| <input type="checkbox"/> 21-30 | <input type="checkbox"/> 501-1000     |
| <input type="checkbox"/> 31-50 | <input type="checkbox"/> 1001 or more |

#### Type of Building Done

- ☐ Single Storey  
☐ Double Storey  
☐ More than two Storeys  
☐ Apartment Blocks  
☐ Conventional Masonry  
☐ Timber Framed (SABS 082)  
☐ Rational Design  
☐ Agreement Certified

Any Company using a building system (non-traditional construction) must please request a Form BS001. This document is to be completed by the company and handed in together with the AR003 application form.

Draft



**SECTION B: DIRECTOR DETAILS**

Please complete the following details for all Company Directors. Copies of the relevant ID books must accompany this application form.

Managing Director					
Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Title	Initials	Surname	Shareholding	ID Number	
Qualifications					
Experience					

Should there be more than 7 directors, please copy this page and add the relevant directors.

Draft

Page 3

o any of the Directors have ownership links or Management Influence to registered NHBRC members or applicant NHBRC members? ☐ Yes ☐ No  
If, yes, please give details

Company	Director's ID Number	Relationship

Have you or your Directors or senior management ever had a management position or stakeholding in a business which had its registration application rejected or withdrawn by the Council? If, yes, please provide the following information and attach a separate schedule giving full details. ☐ Yes ☐ No

Company	Director's ID Number	Position

Company	Director's ID Number	Position

Company	Director's ID Number	Position

### SECTION C: COURT ACTIONS/LEGAL IMPLICATIONS

Have any of the directors, shareholders, members, trustees or senior management of the applicant been involved in any company partnership or business which has been placed under Judicial Management or Liquidation? If, yes, please provide the following information and attach a separate schedule giving full details. ☐ Yes ☐ No

Company	Director's ID Number	Position

Have any of the directors, shareholders, members, trustees or senior management of the applicant been involved in any company partnership or business which has had its fidelity fund certificates withdrawn by the Estate Agent's Board? If, yes, please provide the following information and attach a separate schedule giving full details. ☐ Yes ☐ No

Company	Director's ID Number	Position

Is any legal action instituted against you presently pending as the result of alleged construction defects? If yes, please attach a schedule giving details. ☐ Yes ☐ No

Have any cases of legal action been instituted against the applicant been settled out of court decided in court in the two years prior to the date of application? If yes, please attach a schedule giving details. ☐ Yes ☐ No

Draft

**SECTION D1: BANK REFERENCE**

**Your bank will be approached to provide a credit rating. A cheque account is essential for this purpose rather than a savings account. A letter from your bank outlining the scope of your general banking facilities may speed up this application process.**

[illegible]

## SECTION D2: CLIENT REFERENCES

Give the names of THREE people for whom you have completed building work (preferably new homes if you have built any). These people may be asked for their views on your quality of work. For speedy processing a working hours contact telephone number is most helpful.

Title	Initials	Surname	Day Telephone Number	Evening Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Physical Address			Town	
<input type="text"/>			<input type="text"/>	
Postal Address			Town	Code
<input type="text"/>			<input type="text"/>	<input type="text"/>
Date Completed	Price of Contract			
<input type="text"/>	<input type="text"/>		<input type="text"/>	

<b>Title</b>	<b>Initials</b>	<b>Surname</b>	<b>Day Telephone Number</b>	<b>Evening Telephone Number</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/>
<b>Physical Address</b>			<b>Town</b>	
<input type="text"/>			<input type="text"/>	
<b>Postal Address</b>			<b>Town</b>	<b>Code</b>
<input type="text"/>			<input type="text"/>	<input type="text"/>
<b>Date Completed</b>	<b>Price of Contract</b>			
<input type="text"/> - <input type="text"/> - <input type="text"/>	R <input type="text"/> - <input type="text"/>			

Title	Initials	Surname	Day Telephone Number	Evening Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/>
Physical Address			Town	
<input type="text"/>			<input type="text"/>	
Postal Address			Town	Code
<input type="text"/>			<input type="text"/>	<input type="text"/>
Date Completed	Price of Contract			
<input type="text"/> - <input type="text"/> - <input type="text"/>	R <input type="text"/> - <input type="text"/>			



Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	( <input type="text"/> ) - <input type="text"/>
Company			Fax Number
<input type="text"/>			( <input type="text"/> ) - <input type="text"/>
Physical Address			Town
<input type="text"/>			<input type="text"/>
Postal Address			Code
<input type="text"/>			<input type="text"/>

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	( <input type="text"/> ) - <input type="text"/>
Company			Fax Number
<input type="text"/>			( <input type="text"/> ) - <input type="text"/>
Physical Address			Town
<input type="text"/>			<input type="text"/>
Postal Address			Code
<input type="text"/>			<input type="text"/>

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	( <input type="text"/> ) - <input type="text"/>
Company			Fax Number
<input type="text"/>			( <input type="text"/> ) - <input type="text"/>
Physical Address			Town
<input type="text"/>			<input type="text"/>
Postal Address			Code
<input type="text"/>			<input type="text"/>

## SECTION D4: PROFESSIONAL REFERENCES

Title	Initials	Surname	Telephone Number ( ) -
			Fax Number ( ) -
Company			
Physical Address		Town	
Postal Address	Town		Code

**Draft**



**SECTION E: TECHNICAL MANAGEMENT OR CONTROL**

All registered members must maintain adequate levels of technical control to monitor and maintain construction quality. These persons may be approached to explain the technical management control systems in your company. This applies to development companies as well as to contracting companies.

**The Person responsible for Construction Quality in Your Company**

ID No.

Title Initials Surname Position

Telephone Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Qualifications

Experience

Has this person received a copy of the Home Building Manual and the NHERC Technical Requirements? ☐ Yes ☐ No

On Registration your company will be obliged to meet these requirements. Please ensure he has done this and takes appropriate action in sufficient time.

**The Engineering Firms you Normally use for Engineers Foundation Design and Certificates**

Foundation design is an important component of the Home Building Manual (see Part 1, Section 2) and Drilling Relevant Procedures. Please provide the relevant engineer's details.

Title Initials Surname Telephone Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Company Fax Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Physical Address Town

Postal Address Town Code

Title Initials Surname Telephone Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Company Fax Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Physical Address Town

Postal Address Town Code

**The Contractors you normally use if you are a Developer**

Title Initials Surname Telephone Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Company Fax Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Postal Address Town Code

Title Initials Surname Telephone Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Company Fax Number ( ) - ( ) - ( ) - ( ) - ( ) - ( )

Postal Address Town Code

Draft

Please provide on a separate schedule an explanation of how you monitor the construction quality of your contractors.





**SECTION F: AFTER SALES CUSTOMER SERVICE/NHBRC CONTACTD**

*All registered home builders are obliged to meet their obligations to housing consumers and the Council of NHBRC in the Housing Consumer Protection Measures Act.*

The Person responsible for After Sales Customer Service in Your Company				ID No.
Title	Initials	Surname	Position	
Telephone Number		Fax Number	Cell Number	
( ) - ( )		( ) - ( )		
Qualifications				
Experience				

The Person who will be the main NHBRC contact?				ID No.
Title	Initials	Surname	Position	
Telephone Number		Fax Number	Cell Number	
( ) - ( )		( ) - ( )		
Qualifications				
Experience				

**SECTION G: PAYMENT DETAILS**

To process your application, a payment of R750 must be received. If it is not received, your application will not be processed. This application fee is non-refundable. You may wish to pay the annual registration fee (an additional R550-00) at the same time. This will assist in speeding up the process once your application is approved. If your application is rejected, this annual membership will be refunded.

Payment may be made either by cash, cheque or direct deposit into the NHBRC's account. Please attach either the payment or proof of the direct deposit to this Application form.

Bank: United, Braamfontein branch, Johannesburg      Account Number: 4044849331      Branch Number: 63060502

**SECTION H: DECLARATION**

I, the undersigned, being duly authorised to sign this application, hereby certify that the information provided in this document is accurate and complete as at the date of application.

I, on behalf of the applicant, understand that it is an offence in terms of Section 21 of the Housing Consumer Protection Measures Act to knowingly withhold information or to furnish information that I know to be false or misleading and required in terms of this Act. I also know that on conviction of such an offence, I or the directors, trustees, managing members or officers of the applicant home builder may be subject to a fine not exceeding R25 000 or to imprisonment for a period not exceeding one year on each charge.

I understand that the applicant home builder must comply with the terms of the Housing Consumer Protection Measures Act and any subsequent Regulations issued in terms of this Act.

I hereby authorise the Council to make such enquiries as necessary to verify the information contained on this form.

I attach my application fee.

Signature of Authorised Representative of Applicant

Position

Please Print Name

Date Completed    D D    M M    Y Y Y Y

Draft



**The NHBRC requires some financial details of your company in order to assess your day to day business operations.**

What was your turnover during the previous three years?

Year1      Year2      Year3

R , , , ,

Expected Turnover for Current Year  
R , , , ,

Trading Profit or loss in the last three years:

Year1      Year2      Year3

R , , , ,      R , , , ,      R , , , ,

☐ Profit    ☐ Loss                  ☐ Profit    ☐ Loss                  ☐ Profit    ☐ Loss

Please attach a one page schedule detailing your current fixed assets and liabilities. If available, the previous three years financial statements and/ or your business plan should also be attached to the application form.

Is your Company a Subsidiary? ☐ Yes ☐ No

All subsidiaries require a Parental Company Guarantee. The Parental Company Guarantee is a letter signed by an authorised official of the Parent company, agreeing to take responsibility for any obligations of the subsidiary to housing consumers or the Council in terms of the Act, should that subsidiary company default. This letter, on the parent company letterhead must accompany your application.

Parental Company Name \_\_\_\_\_

Parental Company Registration Number \_\_\_\_\_ Telephone Number (\_\_\_\_\_) - \_\_\_\_\_ Fax Number (\_\_\_\_\_) - \_\_\_\_\_

Registered Address \_\_\_\_\_ Town \_\_\_\_\_ Code \_\_\_\_\_

## Name of Trade Association

Members Initials					Members Surname					Membership Number				

Have you attached all necessary documents to this application? Please tick each box where necessary.

Copy of ID documents of all Directors?	<input type="checkbox"/>	Copy of Registrar of Companies registration documents?	<input type="checkbox"/>
Copy of VAT registration certificate?	<input type="checkbox"/>	Copy of Industrial Council Registration Certificate?	<input type="checkbox"/>
Any schedules requested by the NHBRG?	<input type="checkbox"/>	Copies of invoices if you purchase cash only from suppliers?	<input type="checkbox"/>
Financial Statements/ Business Plan?	<input type="checkbox"/>	Parental Guarantee?	<input type="checkbox"/>
Copy of cancelled cheque?	<input type="checkbox"/>		

Application Fee   ☐ Cheque Received   ☐ Cash Received   ☐ Deposit Slip Received  
Registration Fee   ☐ Cheque Received   ☐ Cash Received   ☐ Deposit Slip Received  
Receipt of Documents   ☐ Regional Office   ☐ Post   ☐ Central Office   ☐ Courier

**73**

ANNEXURE 2



# CERTIFICATE

This is to certify that

NHBCR Registration Number:

Has been admitted as a HOME BUILDER to the Register of the

NATIONAL HOME BUILDERS REGISTRATION COUNCIL

Registered home builders are required to comply with their obligations to housing consumers and the NHBCR under the terms of the Housing Consumers Protection Measures Act, 1998.

This certificate is valid for a period of one year.

Date issued:

Expiry Date:

Chief Executive Officer

BR002

## ANNEXURE 3

**Central Office:**  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 481  
Randburg 2125

**Tel: (011) 886-3636**  
**Fax: (011) 789-2902**

**NATIONAL HOME BUILDERS  
NHBC  
REGISTRATION COUNCIL**

**COMPETENT PERSON QUESTIONNAIRE - CP001**

**Please complete this form by writing in black pen, one letter per block.**

Title	Initials	First Name	Surname

[illegible]

Postal Address	

Town	Code

Region

Eastern Cape   Free State   Gauteng   KwaZulu-Natal   Mpumalanga   Northern Cape   Northern Province   N/West Province   Western Cape

Telephone No 

--	--	--	--	--	--	--	--

 Fax No 

--	--	--	--	--	--	--	--

 Cell No 

--	--	--	--	--	--	--	--

Year Started	Qualifications

[illegible]

**Insurance Details - Please note that you will be required to update this information with the NHBRC annually.**

[illegible]

Insurance Certificate Number										Insurance Amount						
														-		

Insurance Start Date		Insurance End Date	

**Signature**

Date 

--	--

 - 

--	--

 - 

--	--	--	--

**Draft**



## ANNEXURE 4

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 451  
Randburg 2125

Tel: (011) 898-3636  
Fax: (011) 789-2902

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

## AUTHORISATION FOR CONTRACTOR'S PAYMENT - PA003

I/WE ☐ Title ☐ Initials ☐ Surname ☐

the borrower/s and purchaser/s of Unit ☐ Stand ☐

Township ☐ Extension ☐

Region (Colour in one only)

☐ Eastern Cape ☐ Free State ☐ Gauteng ☐ KwaZulu-Natal ☐ Mpumalanga ☐ Northern Cape ☐ Northern Province ☐ N/West Province ☐ Western Cape

## UNDERSTAND THAT:

a) Registration Number ☐ Contact Person ☐

R ☐ Company Name ☐

Telephone ☐ Fax ☐

has undertaken to enrol the above home with the NHBRC in terms of Section 14(1) of the Housing Consumer Protection Measures Act.

THEREFORE: Name of Bank ☐ Branch ☐ Branch Code ☐

I/We hereby authorise ☐

Bond Account Number ☐ Selling Price ☐ Fee ☐

R ☐ R ☐

to make a payment of the registered Home Builders enrolment fee, directly to the NHBRC at United Bank, Braamfontein branch, account number 4044649331. The enrolment fee has been calculated in terms of the fees prescribed by the NHBRC under GN ... of ... 1999.

## I/WE ACCEPT:

- a) Selling price is defined as: i) in the case of a deed of sale, the total selling price or purchase price as determined by the deed of sale including VAT; ii) in the case of a building contract, the contract price (including VAT) as determined in the building contract, together with the price at which the serviced erf has been acquired. Proof of selling price must be attached. This can be: i) building contract and deed of sale of serviced erf or ii) deed of sale.
- b) that such amount will be paid to the NHBRC at the time the first progress payment is processed;
- c) that should I/we believe that I/we have a claim in respect of a major structural defect in relation to my/our residential unit, such claim will lie against and be made against the Home Builder. However, I/we understand that should the registered Home Builder fail to comply with its warranty obligations in terms Section 13(2)(b)(i) of the Housing Consumer Protection Measures Act, I/we may approach the NHBRC and make a claim in terms of Section 17(i) of the abovementioned Act.

Signed at ☐ on ☐ / ☐ / ☐

d d m m y y y y

Signature of Home Builder

☐

Signature of Borrower/s

☐
☐

Draft



## ANNEXURE 5

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125

Tel: (011) 865-3536  
Fax: (011) 789-2902  
Web: www.nhbrc.org

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

**SECTIONAL TITLE ENROLMENT FORM - ST003**

Please complete all blocks individually. Write in black pen.

**Part 1: Sections A and B - to be completed by the Home Builder**

**SECTION A: HOME BUILDER DETAILS**

Registration Number Company Name

R

**SECTION B: PROPERTY DETAILS**

Township Name

Ext

Region

- ☐ Eastern Cape ☐ Northern Cape  
☐ Free State ☐ Northern Province  
☐ Gauteng ☐ N/West Province  
☐ KwaZulu-Natal ☐ Western Cape  
☐ Mpumalanga

Stand Number

Estimated Start Date

Estimated Completion Date

Occupation Date

/   /

/   /

/   /

Home Builder Representative

(Print Name)

Signature

Date

/   /

**Part 2: Sections C and D - to be completed by the Competent Person**

**SECTION C: APPENDIX DETAILS**

Tick the applicable soil class and/or Dolomite or Limestone soil class. See reverse of this page for instructions on Dolomite or Limestone soil classes.

**Appendix B3 (Appointment of Competent Person: Soil Classification of Site)** Tick the applicable soil class

- ☐ C ☐ H ☐ R ☐ S ☐ C1 ☐ C2 ☐ C3 ☐ H1 ☐ H2 ☐ H3 ☐ S1 ☐ S2 ☐ P  
☐ D1 ☐ D2 ☐ D3 ☐ D4

**Appendix B2 (Appointment of Competent Person: Design of Foundations for Masonry Structures)**

Storeys Type System

No Storeys:

(how many storeys does the building have) 1 - Single; 2 - Double; 3 - 3 or More

Type:

(what type of building is being erected) A - Detached; B - Semi-detached; C - Terraced; D - Apartments

System:

(what type of building method) Z - Traditional Masonry; Y - Timber Framed; X - Building System; W - Other

**Appendix B1 (Appointment of Competent Person: Rational Structural Design)**

- ☐ RD1 ☐ RD3 ☐ RD4 ☐ RD5 ☐ RD6 ☐ RD8 ☐ RD9 ☐ RD10 ☐ RD11 ☐ RD12 ☐ F3 ☐ F4 ☐ F5 ☐ F6 ☐ F7 ☐ F8

Please see reverse of this sheet for full explanation of each rational design. You may select more than one item.

**SECTION D: COMPETENT PERSON DETAILS**

**Competent Person Note:**

Please read the notes on reverse of this document thoroughly. By appending the bar code stamp / sticker to this document you are accepting all the conditions mentioned.

Bar Code Label



Competent Person Name

(Print Name)

Signature

Date Competent Person Signed

/   /

6534227706



**Payment Methods as prescribed by the Council under GN ... of ... 1999**

1. Cash Payment: Direct and full payment of enrolment fee (bank guaranteed cheque or evidence of cash bank transfer must be attached; cheque bank transfer will not be accepted).
2. 20%/80% Phased Payment: Payment of 20% of the enrolment fee (bank guaranteed cheque or evidence of cash bank transfer must be attached; cheque bank transfer will not be accepted) 15 working days prior to the start of construction. Balance of payment of enrolment fee to be made on or before opening of Sectional Title Register.

**Appendix B3**

The abovementioned competent person has been appointed by the Home Builder to undertake a geotechnical investigation, to classify individual sites in accordance with the site class designations as set out in Table 2.1 of the SAICE/I.Struct.E. Code of Practice for Foundations and Superstructures for Single Storey Residential Buildings of Masonry Construction and to prepare relevant reports in accordance with Section 2 of the aforementioned Code of Practice.

Dolomite Classes: Dolomite Classes are designated D1 to D4. Each class of dolomite should be accompanied by a further soil class listed above the dolomite classes.. Please select one Dolomite Class and one Standard Soil Class.

**Appendix B2**

1. The abovementioned competent person has been appointed by the Home Builder to undertake the design of foundations and to specify any related precautionary measures or building procedures for the abovementioned unit numbers and the monitoring of this work during the course of construction. The above-named person has accepted the appointment and has undertaken to accept responsibility for providing the Home Builder and the NHBRC's Inspectorate with such drawings, details and particulars as it may require in terms of its requirements. Furthermore, such person undertakes to design and to ensure that all work is in accordance with that described in the SAICE/I.Struct.E. Code of Practice for Foundations and Superstructures for Single Storey Residential Buildings of Masonry Construction. Insofar as such drawings, details and particulars may refer to work of a structural nature, such person has further undertaken to inform the NHBRC's Inspectorate if it appears that any structural work is being carried out in a manner which may endanger the structural integrity of the building or any adjoining building or structure.
2. Should the above appointment be terminated before construction of the building is completed, the Home Builder and Competent Person undertake to inform the NHBRC accordingly and, where necessary, the Home Builder undertakes to make a new appointment.
3. The abovementioned competent person also undertakes to comply with the Building Standards Act of 1977 (as amended), and specifically the completion of the Form referred to in regulation A19 for the local Authority.

**Appendix B1**

<b>RD1</b>	Rational Design in respect of masonry walls, reinforced concrete roofs & floor slabs, retaining walls, beams & columns; reinforced masonry retaining walls, beams & columns; isolated timber or steel beams & columns; timber frames; timber trusses and steel roof trusses.
<b>RD3</b>	Design in respect of non-standardised construction systems or elements, which do not have an Agrément Board Certificate.
<b>RD4</b>	Nail-plated timber roof trusses.
<b>RD5</b>	Timber buildings.
<b>RD6</b>	Design in respect of non-standardised drainage construction, which does not have an Agrément Board Certificate.
<b>RD8</b>	Stormwater and Drainage installation in interconnected complexes.
<b>RD9</b>	Fire
<b>RD10</b>	Glazing
<b>RD11</b>	Basements/ semi-basements
<b>RD12</b>	Design of septic tanks below permanent or perched water tables; design of unlined VIP toilets.
<b>F3</b>	Placement of fills
<b>F4</b>	Assess risk associated with areas underlain by dolomites and limestones
<b>F5</b>	Mandatory precautions on sites underlain by dolomites/ limestones on fully serviced sites.
<b>F6</b>	Removal of trees within building perimeter
<b>F7</b>	Drainage in waterlogged areas
<b>F8</b>	Departures from the provisions of Part 3 (Construction Standards)

Development Name

Development Name												Full or Phased Payment <input type="radio"/> Full Payment <input type="radio"/> Phased Payment <input type="radio"/>		
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[illegible]

(Totals to be completed on Page 6)

3079227707









(Totals to be completed on this page)



## ANNEXURE 6

[illegible]

1. **Speculative – Cash Payment:** Direct and full payment of enrolment fee (bank guaranteed cheque or evidence of cash bank transfer must be attached; cheque bank transfer will not be accepted). To be followed for residential units built for cash. May also be chosen instead of other methods.
2. **Plot & Plan – PA003:** Payment by Mortgage Lender at first progress payment (copy of completed Authorisation for Contractors Payment (PA003) must be attached. To be followed when a financial institution makes progress payments on a building contract.
3. **Cluster Development – Cash Payment:** Direct and full payment of enrolment fee (bank guaranteed cheque or evidence of cash bank transfer must be attached; cheque bank transfer will not be accepted). To be followed for residential units built for cash.
4. **Cluster Development – PA003:** Payment by Mortgage Lender at first progress payment (copy of completed Authorisation for Contractors Payment (PA003) must be attached. To be followed when a financial institution makes progress payments on a building contract.

The aforementioned competent person has been appointed by the Home Builder to undertake a geotechnical investigation, to classify individual sites in accordance with the site class designations as set out in Table 2.1 of the SAICE/Struct.E. Code of Practice for Foundations and Superstructures for Single Storey Residential Buildings of Masonry Construction and to prepare relevant reports in accordance with Section 2 of the aforementioned Code of Practice.

## Appendix B2

1. The abovementioned competent person has been appointed by the Home Builder to undertake the design of foundations, the associated structures, building procedures and precautionary measures for the abovementioned unit numbers and the inspection of this work during the course of construction in order to check compliance with the approved design. The above-named person has accepted the appointment and has undertaken to accept responsibility for providing Home Builder and the with such drawings, details and particulars as it may require in terms of its requirements. Furthermore, such person undertakes to design and to ensure that all work is in accordance with that described in the SAICE/Struct.E. Code of Practice for Foundations and Superstructures for Single Storey Residential Buildings of Masonry Construction, insofar as such drawings, details and particulars may refer to work of a structural nature, such person has further undertaken to inform the NHBRC's Inspectorate if it appears that any structural work is being carried out in a manner which may endanger the structural integrity of the building or any adjoining building or structure.
2. Should the above appointment be terminated before construction of the building is completed, the Home Builder and Competent Person undertake to inform the NHBRC accordingly and, where necessary, the Home Builder undertakes to make a new appointment.
3. The abovementioned competent person also undertakes to comply with the National Building Regulations Act, and specifically the completion of the Form A18.

<p><b>General Information</b></p> <p>Project No. _____</p> <p>Contract No. _____</p> <p>Contract Date _____</p> <p>Contract Value _____</p> <p>Contract Type _____</p> <p>Contract Status _____</p> <p>Contract Location _____</p> <p>Contract Description _____</p>	<p><b>NEW BRICK</b></p> <p>NEW BRICK CONSTRUCTION</p>
<h2 style="margin: 0;">RESIDENTIAL UNIT ENROLLMENT FORM - EF003</h2>	
<p>Please complete all blocks individually. Write in block pen.</p>	
<p><b>Part 1: Sections A and B - to be completed by the Home Builder</b></p>	
<p><b>SECTION A: HOME BUILDER DETAILS</b></p> <p>Registration Number: _____ Company Name: _____</p>	
<p><b>SECTION B: PROPERTY BUILDER DETAILS</b></p> <p>Address: _____ City: _____ State: _____ Zip: _____</p> <p>Property Name: _____</p> <p>Building Code: _____</p> <p>Property Address: _____</p> <p>Property Name: _____</p>	
<p><b>SECTION C: COMPETENCE PERSON DETAILS</b></p> <p>Competence Person Name: _____ Title: _____</p> <p>Competence Person Address: _____ City: _____ State: _____ Zip: _____</p>	
<p><b>SECTION D: COMPETENCE PERSON DETAILS</b></p> <p>Competence Person Name: _____ Title: _____</p> <p>Competence Person Address: _____ City: _____ State: _____ Zip: _____</p>	

Use the example on the left as a guide when completing the new EF003 document.

## ANNEXURE 7

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125

Tel: (011) 888-3636  
Fax: (011) 788-2902



## APPENDIX A1 - (Notification of change in Site Class: Design of Foundations and Associated Structures)

Please complete all blocks individually. Write in black pen.

### SECTION A: HOME BUILDERS DETAILS

Registration Number

R

Company Name

### SECTION B: PROPERTY DETAILS

Unit

Erf



Township

Extension



Region (Please tick one item only)

☐ Free State ☐ Gauteng ☐ KZ-Natal ☐ Mpumalanga ☐ N/Cape ☐ NW/Vest Province ☐ W/Cape ☐ E/Cape ☐ N/Province

### SECTION C: SOIL CLASS CHANGES

Previous Soil Class

Revised Soil Class

### SECTION D: CONDITIONS & COMPETENT PERSON DETAILS

The competent person mentioned below has been appointed by the Home Builder and has, in terms of and in accordance with Section 2 of the SAICE/Struct.E. Code of Practice for Foundations and Superstructures for Single Storey Residential Buildings of Masonry Construction, reclassified the above-mentioned site.

A separate report may be required to accompany this notification.

#### Competent Person Note:

Please read the above conditions thoroughly. By appending the bar code stamp/sticker to this document you are accepting all the conditions mentioned.

Bar Code

Competent Person Name

Signature

Date Competent Person Signed

 /  / 

Home Builder  
Representative

Signature

Date Home Builder Signed

 /  / 

14875



**Central Office:**  
The Randall Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 481  
Randburg 2125

Tel: (011) 886-3636  
Fax: (011) 789-2902  
Web: [www.nihrc.org](http://www.nihrc.org)

**NATIONAL HOME BUILDERS  
NHBC  
REGISTRATION COUNCIL**

## APPENDIX B1 - (Appointment of Competent Person: Rational Design)

**Please complete all blocks individually. Write in black pen.**

## SECTION A: HOME BUILDER DETAILS

Registration Number

R					
---	--	--	--	--	--

**Company Name**

**SECTION B: PROPERTY DETAILS**

Unit

**Stand**[illegible][illegible]

**Township**

[illegible]

Ext						
-----	--	--	--	--	--	--

Region (Please tick one item only)

Region (Please tick one nationality)  
☐ Free State ☐ Gauteng ☐ KZ-Natal ☐ Mpumalanga ☐ N/ Cape ☐ NWest Province ☐ W/ Cape ☐ E/ Cape ☐ N/ Province

## SECTION C: APPENDIX DETAILS

<input type="radio"/> RD1	<input type="radio"/> RD6	<input type="radio"/> RD11	<input type="radio"/> F5
<input type="radio"/> RD3	<input type="radio"/> RD8	<input type="radio"/> RD12	<input type="radio"/> F6
<input type="radio"/> RD4	<input type="radio"/> RD9	<input type="radio"/> F3	<input type="radio"/> F7
<input type="radio"/> RD5	<input type="radio"/> RD10	<input type="radio"/> F4	<input type="radio"/> F8

Please see reverse of this sheet for a full explanation of each rational design. You may select more than one item.

**SECTION D: COMPETENT PERSON DETAILS**

1. The competent person mentioned below has been appointed by the Home Builder and undertakes to accept responsibility for providing the Home Builder and the NHBRC's Inspectorate with such drawings, details and particulars as it may require in terms of its requirements as set out in the Home Building Manual. In so far as such drawings, details and particulars may refer to work of a structural nature, such person has further undertaken to inform the NHBRC's Inspectorate if it appears that any structural work is being carried out in a manner which may endanger the structural integrity of the building or any adjoining building or structure.
2. Should the above appointment be terminated before construction of the work is completed, the Home Builder and the Competent Person undertake to inform the NHBRC accordingly and, where necessary, the Home Builder undertakes to make a new appointment.
3. The abovementioned competent person also undertakes to comply with the Building Standards Act 103 of 1977 (as amended), and specifically the completion of the Form referred to in Regulation A19 for the local Authority.

**Complainant Person Note:**




**Competent Person Note:**  
Please read the above conditions thoroughly. By appending the bar code stamp/ sticker to this document you are accepting all the conditions mentioned.

**Competent Person Name**

**Signature**

**Bar Code**

**Date Competent Person Signed**

 /  / 

**Home Builder  
Representative**

**Signature**

Date Home Builder Signed \_\_\_\_\_

 /  / 

1A5520863B

**Explanation of Rational Design** (Refer to Part 1, Section 3, Table 1 and 2)

- RD1** Rational Design in respect of masonry walls, reinforced concrete roofs & floor slabs, retaining walls, beams & columns; reinforced masonry retaining walls, beams & columns; isolated timber or steel beams & columns; timber frames; timber trusses and steel roof trusses.
- RD3** Design in respect of non-standardised construction systems or elements, which do not have an Agrément Board Certificate.
- RD4** Nail-plated timber roof trusses.
- RD5** Timber buildings.
- RD6** Design in respect of non-standardised drainage construction, which does not have an Agrément Board Certificate.
- RD8** Stormwater and Drainage installation in interconnected complexes.
- RD9** Fire
- RD10** Glazing
- RD11** Basements/ semi-basements
- RD12** Design of septic tanks below permanent or perched water tables; design of unlined VIP toilets.
- F3** Placement of fills
- F4** Assess risk associated with areas underlain by dolomites and limestones
- F5** Mandatory precautions on sites underlain by dolomites/ limestones on fully serviced sites.
- F6** Removal of trees within building perimeter
- F7** Drainage in waterlogged areas
- F8** Departures from the provisions of Part 3 (Construction Standards)

## ANNEXURE 9

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2126

Tel: (011) 896-3634  
Fax: (011) 789-2802

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

**APPENDIX C1** - (Accreditation of Contractor offering Agreement Certified Non-Standardised Construction)

Please complete all blocks individually. Write in black pen.

**SECTION A: HOME BUILDER DETAILS**

Registration Number

R

Company Name

**SECTION B: PROPERTY DETAILS**

Unit

Erf

Township

Extension

Region (Please tick one item only)

☐ Free State ☐ Gauteng ☐ K2-Natal ☐ Mpumalanga ☐ N/ Cape ☐ N/ West Province ☐ W/ Cape ☐ E/ Cape ☐ N/ Province

**SECTION C: CERTIFICATE DETAILS**

Title of Certificate Covering Construction to be Used

Certificate Number

Valid Until Month/Year

Name of Certificate Holder

**SECTION D: DECLARATION BY CERTIFICATE HOLDER/LICENSEE**

I/We

confirm that I/we am/are

- a) the registered holder of the above certificate, or  
b) a licensee, registered with Agreement South Africa as authorised to manufacture/ install or construct the subject of the certificate (proof of registration attached).

I/we hereby undertake to comply with all the requirements of the above mentioned certificate and confirm that the certificate contains no limitations which would invalidate the use of the subject thereof for the construction described above.  
A copy of the relevant Agreement Certificate must accompany this form.

**SECTION E: COMPETENT PERSON DETAILS**

**Competent Person Note:**

Please read the above conditions thoroughly. By appending the bar code stamp/ sticker to this document you are accepting all the conditions mentioned.

Bar Code

Competent Person Name

Signature

Date Competent Person Signed

Home Builder Representative

Signature

Date Home Builder Signed

35288





## ANNEXURE 10

**Central Office:**  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125

**Tel: (011) 886-3638**  
**Fax: (011) 789-2902**

**NATIONAL HOME BUILDERS  
NHBC  
REGISTRATION COUNCIL**

# BUILDING SYSTEM REGISTRATION FORM - BS001

**This form is to be completed by any builder who is constructing houses in any manner other than standard traditional masonry construction**

## SECTION A: HOME BUILDER DETAILS

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

[illegible]**Postal Address**[illegible]

Postal Code

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Telephone Number \_\_\_\_\_

$$(\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}) - \boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}\boxed{\phantom{0}}$$

Fax Number

$$(\begin{array}{|c|c|c|c|c|c|} \hline & & & & & \\ \hline \end{array}) - \begin{array}{|c|c|c|c|c|c|} \hline & & & & & \\ \hline \end{array}$$

## SECTION B: BUILDING SYSTEM

Please choose the type of building system used and then answer all questions pertaining to the building type specified. Please attach copies of all relevant documentation.

### Building System

☐ Timber Framed (SABS 082)

Are you a TFBA Member? ☐ Yes

☐ No**TFBA Membership No**

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

### First Year of TFBA Membership

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

☐ Rational Design

Please choose the Rational Design Type

☐ 1    ☐ 2    ☐ 3    ☐ 4

**Argument Certified System Name**

[illegible]

**Agreement Certificate Number**

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

☐ Agreement Certified**Home Builder Representative**

**Signature**

\_\_\_\_\_

---

### Date Home Builder Signed

|  |  |   |  |  |   |  |  |  |  |
|--|--|---|--|--|---|--|--|--|--|
|  |  | / |  |  | / |  |  |  |  |
|--|--|---|--|--|---|--|--|--|--|

**Draft**



## ANNEXURE 11

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2126

Tel: (011) 686-3636  
Fax: (011) 789-2902

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

## APPENDIX D2 - (Certificate by Competent Person in respect of Non-Agreement Approved Non-Standardised Construction)

Please complete all blocks individually. Write in black pen.

### SECTION A: HOME BUILDER DETAILS

Registration Number

R

Company Name

### SECTION B: PROPERTY DETAILS

Unit

Erf



Township

Extension



Region (Please tick one item only)

☐ Free State ☐ Gauteng ☐ KZ-Natal ☐ Mpumalanga ☐ N/ Cape ☐ N/ West Province ☐ W/ Cape ☐ E/ Cape ☐ N/ Province

Type of System

### SECTION C: DECLARATION & COMPETENT PERSON DETAILS

I, being the Competent Person appointed by the above mentioned Home Builder in accordance with the Certificate of Appointment of Competent Person: Rational Structural Design (Appendix B.B1), certify that the non-standardised element(s) of the residential and similar associated structures on the above stand(s):

a) Comply with the generic approval granted to the Home Builder in NHBRC Approval Certificate No.  dated  /  /  for the abovementioned system, and I undertake to ensure that the work hereby will be installed or constructed in accordance with the SPECIFICATIONS and information as provided and approved; (Initial if appropriate)

or  
b) Fall(s) outside of the scope of the general approval and are subject to an individual submission which is hereto attached. (Initial if appropriate)

I also undertake to supply the NHBRC with a duly completed Completion Certificate by Competent Person (Appendix D1)

#### Competent Person Note:

Please read the above conditions thoroughly. By appending the bar code stamp/sticker to this document you are accepting all the conditions mentioned.

Bar Code

Competent Person Name

Signature



Date Competent Person Signed

 /  / 

Home Builder Representative

Signature



Date Home Builder Signed

 /  / 

Draft



## ANNEXURE 12

The Randhill Building  
2nd Floor  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125  
Tel (011) 886-3636  
Fax (011) 789-2902



**ST001**  
**SECTIONAL TITLE PHASED PAYMENT**

Enrolment Order No:

## HOME BUILDER DETAILS

Date Issued:

Company Name:

Contact Person:

Telephone No:

NHBR Registration Number:

Fax No:

## PAYMENT DETAILS

| Unit No                                    | Erf No | Township | Region | Est. Selling Price | Enrolment Fee      | Payment Received   |
|--|--------|----------|--------|--------------------|--------------------|--------------------|
| PLEASE COMPLETE THE GREY AREAS OF THE FORM |        |          |        | Rev. Selling Price | Rev. Enrolment Fee | Amount Outstanding |

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

TOTAL paid inc VAT:

TOTAL Outstanding Balance

It is essential that you recalculate the Dwelling Enrolment Fee now that the estimated selling prices will be more accurately known. Proof of selling price must be included with this form. This should be Deeds of Sales for units sold, and promotional literature from the Developer, or similar type or material, for the units unsold. Please complete the incomplete grey areas of the form.

On receipt of the final outstanding payment, the NHBR will issue an Enrolment Certificate. This will be required by the Bond Attorney to register the bond, and to release any payment. Please ensure that the final payment is received by NHBR in sufficient time not to delay your draws.

## CONDITIONS

- The NHBR has the right under the Rules to increase the fee payable if:
  - The estimated selling price proves to be incorrect and/or
  - The construction work does not commence within 12 months or is not completed within 2 years from the date of this application
- The NHBR reserves the right not to refund fees

SIGNATURE OF HOME BUILDER: \_\_\_\_\_

DATE: \_\_\_\_\_

ANNEXURE 13



# RESIDENTIAL UNIT ENROLMENT CERTIFICATE

This Enrolment Certificate is issued by the NHBCR in terms of section 14(1)(c) of the Housing Consumers Protection Measures Act, 1998.

The enrolment of a home entitles the housing consumer and their successors' in title to apply to the NHBCR Fund for assistance to rectify a major structural defect in certain circumstances as laid down in section 17 of the Act.

Please refer to the back of this Enrolment Certificate for advice on housing consumer rights in terms of the Act.

\_\_\_\_\_  
Managing Director

EC003

ADVICE TO THE HOUSING CONSUMER

**Your Registered Home Builder**

The obligations of a registered home builder are:

- To enter into a written agreement with the housing consumer;
- To ensure the home is constructed in a workmanlike manner, is fit for habitation and is constructed in accordance with the NHBRC Technical Requirements and the terms, plans and specifications of the written agreement;
- To enrol the home with NHBRC prior to the commencement of construction;
- To rectify non-compliance with the terms, plans and specifications or any deficiency related to design, workmanship or materials notified by the housing consumer within three months of the occupation date;
- To repair roof leaks attributable to workmanship, design or materials occurring and notified by the housing consumer within twelve months of the occupation date;
- To rectify major structural defects notified by the housing consumer within five years of the date of occupation caused by non-compliance with the NHBRC Technical Requirements.

A home builder may not demand or receive a deposit from a housing consumer for the construction or sale of a home unless a written agreement has been entered into. A home builder may receive no other consideration unless the home has been enrolled with the NHBRC.

If your home builder fails to repair a major structural defect reported to him within five years of the occupation date, you have a right to seek assistance from the NHBRC Fund for rectification of this defect.

**Your obligations**

The housing consumer should ensure:

- a copy of the written agreement is kept;
- the contractual and financial obligations to the home builder are met;
- a record and proof of all payments made to the home builder is kept; and
- complaints to the home builder are made in writing, dated and a copy is kept.

**Cancellation or Suspension of this Enrolment Certificate**

The enrolment of this home cannot be cancelled after the occupation date. During construction and prior to the occupation date the enrolment:

- (a) shall be automatically cancelled:
  - (i) on the granting of an order by a court for the provisional liquidation or the sequestration of the home builder; or
  - (ii) on the withdrawal or suspension of the home builder's registration with NHBRC;
- (b) may be cancelled or suspended prior to the occupation date:
  - (i) if the NHBRC is not satisfied that the home has been constructed in accordance with the NHBRC Technical Requirements; or
  - (ii) if the home builder who enrolled the home fails to complete the home and another home builder continues to construct the home. The second home builder must contact the NHBRC to clarify of their obligations to the housing consumer in terms of the Act.

On cancellation or suspension of an enrolment, the NHBRC shall seek to inform the housing consumer, his or her mortgage lender or conveyancer of the options available to him or her. The NHBRC may reinstate the enrolment of such a home within its discretion. If the enrolment is not reinstated, the NHBRC shall repay the home builder or any person entitled thereto the enrolment fee less the reasonable costs incurred by the NHBRC.

**If you have a complaint**

A housing consumer or a home builder may refer a complaint to the NHBRC relating to the home builder's obligations. The Council shall investigate such complaints in terms of its prescribed procedures.

For more information, contact NHBRC on (011) 886 3636.

## ANNEXURE 14

Central Office:  
The Randhill Building  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 1  
Randburg 2125

Tel: (011) 886-3636  
Fax: (011) 789-2902

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

**APPENDIX D1**

(Completion Certificate by Competent Person: Satisfactory Completion of Structural Work)

Please complete all blocks individually. Write in black pen.

**SECTION A: HOME BUILDER DETAILS**

Registration Number

Company Name

R

**SECTION B: PROPERTY DETAILS**

Unit

Erf

Township

Extension

Region (Please tick one item only)

☐ Free State ☐ Gauteng ☐ KZ-Natal ☐ Mpumalanga ☐ N/ Cape ☐ N/West Province ☐ W/ Cape ☐ E/ Cape ☐ N/ Province

**SECTION C: APPENDIX DETAILS**

Standards and Guidelines

☐ Yes ☐ No

Please indicate if foundation solution is within the empirical rules.

☐ RD1☐ RD5☐ RD10

Please see reverse of this sheet for full explanation of each rational design. You may select more than one item.

☐ RD2☐ RD6☐ RD11☐ RD3☐ RD8☐ RD12☐ RD4☐ RD9**SECTION D: DECLARATION CONDITIONS & COMPETENT PERSON DETAILS**

I, being the Competent Person appointed by the above mentioned Home Builder, in accordance with the Certificate of Appointment of Competent Person: Design for Foundations for Masonry Structures (Appendix B.B2) and/or Appointment of Competent Person: Rational Design (Appendix B.B1) (delete as appropriate) hereby certify that I have inspected the work during the course of construction and have found the work to be in accordance with my design and/or requirements.

This certificate is not required for nail-plated roof trusses that have been erected in accordance with the design-by rules laid down in Part 3, Section 5 of the NHBRC Standards and Guidelines, or that the truss manufacturer holds a certificate of competence issued by the Institute for Timber Construction (ITC) and that have been designed using computer software (or other procedures) developed by a registered professional engineer.

**Competent Person Note:**

Please read the above conditions thoroughly. By appending the bar code stamp/ sticker to this document you are accepting all the conditions mentioned.

Bar Code

Competent Person Name

Signature

Date Competent Person Signed

d d / m m / y y y y

Home Builder Representative

Signature

Date Home Builder Signed

d d / m m / y y y y

36955





## ANNEXURE 15

**COMPETENT PERSON LATE ENROLMENT REPORT**

NAME OF COMPETENT PERSON :

QUALIFICATIONS : INSTITUTIONAL MEMBERSHIP :

COMPANY NAME :

ADDRESS :

TEL NO. :

FAX NO. :

CELL NO. :

**PI INSURER DETAILS :**

INSURER :

SUM INSURED :

INS. CERT. NO. :

**DECLARATION:**

I being the Competent Person appointed by

of

has studied the NHBRC Standards and Guidelines and

can confirm: (by completing the Questionnaire)

1. Structural integrity of items observed and checked as per this report.
2. Fitness for purpose of material used by the contractor.
3. That based on the above, I have completed NHBRC Appendices B3; B2; B1 (where applicable) and D1.

SIGNATURE OF COMPETENT PERSON :

DATE :

**DETAILS OF PROPERTY**

UNIT NUMBER :

ERF NUMBER :

TOWNSHIP :

REGION :

TYPE OF CONSTRUCTION (CONVENTIONAL / AGREEMENT / RATIONAL) :

TYPE OF FOUNDATION :

NOTE ANY RATIONAL DESIGN COMPONENTS :

NAME OF REGISTERED HOME BUILDER :

NAME OF HOME OWNER :

FINANCIAL INSTITUTION NAME :

### QUESTIONNAIRE TO CONFIRM STRUCTURAL INTEGRITY

| 1. SITE AND SURROUNDING AREA: |   | YES | NO |
|-------------------------------|---|-----|----|
| 1.1                           | Has the site preparation been carried out to a standard that will satisfy the Home Building Manual and that will ensure no water ingress into residential structure/s?          |     |    |
| 1.2                           | Has storm water management been carried out to effect quick and spontaneous run off of storm water, without causing any ponding against or next to any residential structure/s? |     |    |
| 1.3                           | Are you satisfied with the site soil classification indicated on the completed appendix B3 form as provided to the NHBRC?   |     |    |
| 1.4                           | Has insitu material been used for filling?  |     |    |
| 1.5                           | Do you accept the material used as suitable for filling?  |     |    |
| 1.6                           | Are you satisfied that the private drainage on site has been laid to the Home Building Manual?  |     |    |

| 2. SUBSTRUCTURE: |  | YES | NO |
|------------------|--|-----|----|
| 2.1              | Are you satisfied with the foundation solution applied and is the solution in accordance with the Home Building Manual?                                      |     |    |
| 2.2              | Are you satisfied that the foundation material and workmanship are of an acceptable standard to structurally withstand the applied loads?                    |     |    |
| 2.3              | Has the backfilling and recompaction of the foundation trenches been done to a standard acceptable to the NHBRC?   |     |    |
| 2.4              | Does the underslab filling exceed 400 mm at the lowest point of building work on site? (B1 and D1 forms have to be completed where the fill exceeds 400 mm.) |     |    |
| 2.5              | In the cases of a reinforced raft foundation or "slab-on-the-ground" can you confirm that the damp-proof membrane  |     |    |

| 3. SUPERSTRUCTURE: |  | YES | NO |
|--------------------|--|-----|----|
| 3.1                | Can you confirm acceptance of the installation detail of the DPC (as per Home Building Manual) below internal and external walls and window sills?                     |     |    |
| 3.2                | Can you confirm your acceptance of the structural design on the wall panels including position and sizes of openings in these wall panels as per Home Building Manual? |     |    |
| 3.3                | Is the quality of the construction elements used in the superstructure (plaster/ mortar/ bricks/ etc.) acceptable and in accordance with the Home Building Manual?     |     |    |
| 3.4                | Can you confirm your approval of the installation of brickforce and wall ties incorporated in the superstructure, as per Home Building Manual?                         |     |    |
| 3.5                | Can you confirm your acceptance on the positioning and workmanship employed in creating movement and control joints, as per Home Building Manual?                      |     |    |
| 3.6                | Can you confirm that the roof anchors installed are in accordance with the Home Building Manual?   |     |    |
| 3.7                | Can you confirm that the general quality of workmanship applied is visually satisfactory and that no reason for structural distress can be observed?                   |     |    |

| 4. ROOF STRUCTURE: |  | YES | NO |
|--------------------|--|-----|----|
| 4.1                | Can you confirm your acceptance of the structural design of the roof structure, as per Home Building Manual?   |     |    |
| 4.2                | Can you confirm your acceptance of the fixing detail of the roof anchors?  |     |    |
| 4.3                | Can you confirm your satisfaction with the materials (timber size, grading, etc.) used in the roof structure, and as can be observed in the Home Building Manual?  |     |    |
| 4.4                | Can you confirm that the erection and bracing details are to a standard that will ensure structural integrity, and is in compliance with the Home Building Manual? |     |    |
| 4.5                | Can you confirm that the roof covering has been installed in accordance with the roof covering manufacturer's recommendations?                                     |     |    |
| 4.6                | Can you confirm that the roof is visually satisfactory and that no reason for roof leaks can be observed?  |     |    |

#### GENERAL NOTICE:

The NHBRC reserves the right, to at any time, call for calculations and related information that the Competent Person has applied in completing this questionnaire and, thereby, certify structural integrity.

## ANNEXURE 16



The Randhill Building, 2<sup>nd</sup> Floor  
104 Bordeaux Drive, Bordeaux, Randburg 2126  
Docex 96, Randburg 2196

P O Box 461, Randburg 2125  
Tel (011) 886 3636, Fax (011) 789 2902

# NOTICE OF NON-COMPLIANCE

NO.

Home Builder's company name

NHBRC registration no.

Unit (s)

## Stand

Township

Ext.

Province

Enrolment Certificate no. (where available)

## Non-Compliance Report

**Date by which compliance must be achieved**

### Information to Home Builder

1. This Notice of Non-Compliance is issued in accordance with section 14(4) of the Housing Consumers Protection Measures Act.
2. The home builder must inform NHBRC in writing that he has rectified the notice of non-compliance as soon as possible and no later than the date by which compliance has been requested in the above notice.
3. NHBRC reserve the right to inspect rectification work or any other matter.
4. Should this notice not be complied with or the home builder has failed to notify NHBRC of his compliance in writing within thirty days, NHBRC may take disciplinary action including the possible suspension of enrolments or the deregistration of the home builder in terms of section 11 of the Act.
5. In extreme situations, NHBRC reserves the right to suspend enrolments in terms of section 11(3) of the Act.
6. The NHBRC may suspend or cancel in terms of section 14(4) of the Act, any enrolment on this home or homes should this Notice of Non-Compliance not be complied with.
7. The NHBRC reserves the right to inform the home owner and/or mortgage lending institution should the home builder fail to comply with this Notice or fail to inform NHBRC of his compliance in writing on or before the date stated above.

NHBCRC inspector's signature

Print name

Tel No.

Cell No.

Home Builder's representative on site's signature/

Print name

### Capacity

ID No.

Date &amp; Time

***By signing, the Home Builder's representative is accepting the Notice on behalf of the Home Building Company mentioned above.***

## ANNEXURE 17

The Randhill Building  
2nd Floor  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 481  
Randburg 2125  
Tel (011) 886-3836  
Fax (011) 788-2902



## COMPLAINT FORM

Date: \_\_\_\_\_ Contact: \_\_\_\_\_

## HOME BUILDER DETAILS

1. Title: \_\_\_\_\_ 2. Initials: \_\_\_\_\_ 3. Surname: \_\_\_\_\_  
4. Postal Address: \_\_\_\_\_ Code: \_\_\_\_\_  
5. Daytime Tel. No.: \_\_\_\_\_ 6. Evening Tel. No.: \_\_\_\_\_  
7. Fax No.: \_\_\_\_\_ 8. Occupation: \_\_\_\_\_

Person acting on behalf of the housing consumer:

1. Name: \_\_\_\_\_ 2. Company: \_\_\_\_\_  
3. Tel: \_\_\_\_\_ 4. Fax: \_\_\_\_\_  
5. Postal Address: \_\_\_\_\_ Code: \_\_\_\_\_  
6. Capacity in which you are representing the Home Owner: \_\_\_\_\_

## FINANCIAL INSTITUTION DETAILS

1. Name of Bank: \_\_\_\_\_ 2. Branch: \_\_\_\_\_  
3. Bond Account No.: \_\_\_\_\_ 4. Contact Person: \_\_\_\_\_  
5. Tel. No.: \_\_\_\_\_ 6. Fax No.: \_\_\_\_\_

## PROPERTY AND ADDRESS DETAILS

1. Unit No: \_\_\_\_\_ 2. Erf No.: \_\_\_\_\_  
3. Street No. & Name: \_\_\_\_\_ 4. Township: \_\_\_\_\_  
5. Extension: \_\_\_\_\_ 6. Region: \_\_\_\_\_  
7. NHBRC Enrolment Cert. No.: \_\_\_\_\_ (where known)  
8. Are you the first owner: Yes ☐ No ☐  
9. Occupation date of 1st Owner: \_\_\_\_\_  
10. Type of Property: \_\_\_\_\_  
(e.g. single storey, detached, etc)

## NHBRC HOME BUILDER DETAILS

1. Name: \_\_\_\_\_ 2. NHBRC Registration No.: \_\_\_\_\_  
3. Postal Address: \_\_\_\_\_ 4. Tel. No.: \_\_\_\_\_  
5. Fax No.: \_\_\_\_\_ 6. Contact Person: \_\_\_\_\_



## ANNEXURE 18

The Randhill Building  
2nd Floor  
104 Bordeaux Drive  
Bordeaux  
Randburg 2194  
PO Box 461  
Randburg 2125  
Tel (011) 886-3636  
Fax (011) 789-2902

NATIONAL HOME BUILDERS  
**NHBRC**  
REGISTRATION COUNCIL

**REQUEST FOR CONCILIATION**

- Please print in block capitals
- Please complete all applicable sections
- Please attach copies of all correspondence with your builder to this form
- Please attach payment of the requested deposit or fee
- A copy of this form will be sent to the registered contractor

**Complaint No.:**

Use this number in all correspondence

**Issue Date :****Issued By :****HOME OWNER DETAILS**

1. Title:
2. Initials:
3. Surname:
4. Occupation:
5. Postal Address: , Code:
6. Daytime Tel. No.:
7. Evening Tel. No.:
8. Fax No.:

If you are not the home owner but are acting on his behalf, please provide your details below:

Name:  
Company:  
Tel:  
Fax:  
Postal Address:  
Code:  
Capacity in which you are representing the Home Owner:

**NHBRC HOME BUILDER DETAILS**

1. Company Name:
2. NHBRC Registration No.:
3. Postal Address: , Code:
4. Tel No.:
5. Fax No.:
6. Contact Person:
7. Status:
8. Date of Status:

**BUILDER INSOLVENT OR IN SUSPECTED FINANCIAL DIFFICULTY**

If you know or believe the builder is insolvent or in financial difficulty, please give brief details including where applicable, name and address of the Receiver/ Liquidator and any newspaper clippings or other evidence suggesting financial difficulties.

**DETAILS**


---



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**DECLARATION**

Enclosed please find the requested fee of

Bank deposits to United, Braamfontein branch, Current Account No. 4044649331

I/we have given written notice of the damage or dispute to the contractor: Yes \_\_\_\_\_ No \_\_\_\_\_

I/we have given the contractor the opportunity to rectify: Yes \_\_\_\_\_ No \_\_\_\_\_

I/we hereby declare that the details given on this form are true and correct to the best of my knowledge.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NHBRC OFFICE USE ONLY**

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Investigation: Approved Y/N \_\_\_\_\_ Approved By (Initials) \_\_\_\_\_ Date: \_\_\_\_\_

RC001 Rev. 07/97

**Council's fees****DEPARTMENT OF HOUSING****HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998  
(ACT NO. 95 OF 1998)**

Under the powers vested in the Council in terms of section 7(1)(a)(iii) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), the Council hereby determines the fees and deposits payable to the Council as set out in the schedule:

Mr M M Mohohlo  
Chairperson

**SCHEDULE****1. Definitions**

- (1) In these rules, unless the context indicates otherwise, any word to which a meaning has been assigned in the Act shall have the meaning so assigned to it, and
  - (i) "conciliation deposit" means the refundable deposit, applicable to requests for conciliations in terms of complaints relating to sections 13(2)(b)(i) and (iii) of the Act;
  - (ii) "conciliation fee" means the fee applicable to requests for conciliations in terms of complaints relating to section 13(2)(b)(ii) of the Act;
  - (iii) "contractual dispute fee" means the fee applicable to requests for dispute resolution in respect of contractual disputes in terms of section 13(1) and section 13(2)(a)(iii)(bb) of the Act;
  - (iv) "enrolment fee" means the enrolment fee payable by home builders in terms of section 14(1)(a) of the Act;
  - (v) "fees of the arbitrator" means the fees of the arbitrator in terms of any dispute recommended by the Council for arbitration in terms of section 7(1)(vi) of the Act;
  - (vi) "internal complaints deposit" means the deposit required by the Council in relation to receipt of a complaint in terms of section 22(3) of the Act;
  - (vii) "late enrolment fee" means the fee where a home is enrolled by a

home builder after the commencement of construction and in the circumstances prescribed by the Council under GN.... of .... 1999;

- (viii) "selling price" means, in the case of a deed of sale, the total selling or package price as determined by the deed of sale, including VAT, and in the case of a building contract, the contract price, including VAT, as determined in the building contract, together with the price at which the serviced erf has been acquired;
- (ix) "the Act" means the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998).

- (2) Any fee specified in terms of these rules includes Value Added Tax.

## **2. Calculation of the Enrolment Fee in terms of section 14(1) of the Act**

- (1) The enrolment fee is a fee payable by the home builder in respect of a home to be recorded against the registration number of the home builder.
- (2) Enrolment fees paid by home builders shall be taken into account in the development of differentiated enrolment fees as required under section 5(4)(i) of the Act.
- (3) The enrolment fee for homes to be enrolled under section 14(1) of the Act is one point three per cent of the selling price of the home up to a maximum selling price of R500 000.00.
- (4) The fee payable in respect of a home exceeding the selling price set out in subrule (3) is one point three per cent of R500 000.00 plus one per cent of that portion of the selling price exceeding R500 000.00 but not exceeding R1 000 000.00.
- (5) The fee for homes with a selling price exceeding R1 000 000.00 but not exceeding R2 000 000.00 is the fee calculated in subrule (4) plus point seven five per cent of that portion of the selling price exceeding R1 000 000.00.
- (6) The fee for homes with a selling price exceeding R2 000 000.00 is the fee calculated in subrule (5) plus point five per cent of that portion of the selling price exceeding R2 000 000.00 up to R5 000 000.00, whereafter no additional amount is payable.
- (7) In view of the fact that a deed of sale is unlikely to exist at the time of enrolment for sectional title homes or homes built in speculation of sale, the selling price must be determined with reference to the expected selling price.
- (8) In order to prevent the under declaration of selling prices of homes by home builders, the Council requires submission of marketing brochures reflecting selling prices or extracts from the feasibility studies reflecting details relating to selling prices, which the Council may from time to time compare with actual selling prices.

- (9) Where under-declaration of the selling prices in respect of homes has occurred, the home builder must, on demand therefor by the Council, pay the outstanding difference in enrolment fees.

**3. Calculation of the Late Enrolment Fee**

The Council must calculate the late enrolment fee payable on the basis of -

- (a) the number of homes to be enrolled late calculated at R150.00 per unit;
- (b) the estimated cost of inspection of the homes to assess compliance with the NHBRC technical requirements calculated at R250.00 per hour;
- (c) the estimated travel costs associated with such inspection based on the rates as laid down by the Automobile Association for the distance between the site and the closest Regional Office of the Council.

**4. Fees for copies of Council documentation**

The fees for obtaining copies of any document in terms of section 9(4) of the Act are :

- |                           |         |
|---------------------------|---------|
| (a) Rules                 | R5.00   |
| (b) Home Building Manual  | R100.00 |
| (c) Other Circulars       | R2.50   |
| (d) Council Annual Report | R25.00. |

**5. Fees and deposits relating to complaints, conciliation and arbitration services**

(1) The conciliation deposit shall be:

- (a) R100.00 in the case of a home enrolled with a selling price of R100,000.00 or less; and
- (b) R300.00 in the case of a home enrolled with a selling price of above R100,000.00.

(2) The conciliation fee shall be:

- (a) R100.00 in the case of a home enrolled with a selling price of R100,000.00 or less; and
- (b) R300.00 in the case of a home enrolled with a selling price above R100,000.00.

**(3) The contractual dispute fee shall be:**

- (a) R200.00 in the case of a home enrolled with a selling price of R100,000.00 or less; and**
- (b) R500.00 in the case of a home enrolled with a selling price above R100,000.00.**

**(4) The fee of the arbitrator shall be R450 per hour.**

**(5) The internal complaints deposit shall be R500.00.**



**Disciplinary Rules****DEPARTMENT OF HOUSING****HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998  
(ACT NO. 95 OF 1998)**

Under the powers vested in me by sections 1 and 7(2) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), I, SANKIE DOLLY MTHEMBI-MAHANYELE, Minister of Housing, hereby make the disciplinary rules set out in the Schedule below.

S D Mthemb-Mahanyele  
Minister of Housing

**SCHEDULE****DISCIPLINARY RULES****1. Definitions**

In these Regulations, unless the context indicates otherwise, any word to which a meaning has been assigned in the Act shall have the meaning so assigned to it, and

- (i) "chairperson" means the chairperson of the disciplinary committee contemplated in section 5(2)(a) of the Act;
- (ii) "committee" means a disciplinary committee contemplated in section 5(1)(b) of the Act;

- (iii) "day" excludes any day falling within the building industry recess period;
- (iv) "prosecutor" means a person appointed or contracted by the Council for purposes of presenting a matter before the committee;
- (v) "the Act" means the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998).

## **2. Disciplinary committee**

- (1) The Council must appoint a disciplinary committee as contemplated in section 5(1)(b) of the Act, consisting of at least three persons.
- (2) The Council may from time to time remove or substitute members of the committee.
- (3) Subject to subrule (4), the constitution of the committee must remain unaltered for purposes of any proceedings in respect of any particular home builder in terms of section 11(1) of the Act.
- (4) Should a vacancy occur on the committee, after the committee has commenced with proceedings, the proceedings may continue before the remaining members of the committee: Provided that it shall not be less than two members.
- (5) If only two members are present at a meeting, the decision must be unanimous in order to bring out a decision adversely affecting the home builder.
- (6) No decision taken by the committee or act performed by it hereunder is invalid merely by reason of a vacancy on the committee.
- (7) The committee must meet from time to time and at such places as it may be necessary for it to fulfil its duties.
- (8) The quorum of the committee is two members, which must include the chairperson contemplated in section 5(2)(a) of the Act.
- (9) The proceedings before the committee must be recorded.
- (10) Any decision of the committee is a decision of the Council and is, subject to section 22(2) of the Act, final.
- (11) The decision of the majority of the members of the committee, subject to subrule (5), constitutes the decision of the committee.
- (12) Subject to subrule (5), in the event of an equality of votes, the chairperson has a casting vote in addition to his or her deliberative vote.

### 3. Preliminary proceedings

- (1) In the event that the Council has received information that a home builder may be guilty of anything contemplated in paragraphs (a) to (e) of section 11(1) of the Act, the Council must investigate the matter.
- (2) The Council must investigate such charges in terms of its complaints procedures prescribed in terms of section 7(1)(vi) and (vii) of the Act.
- (3) Following such investigations, should the Council be of the view that there has been a contravention contemplated in section 11(1) of the Act that requires disciplinary action, the Council must notify the home builder in terms of section 24 of the Act -
  - (a) that the matter has been referred to the committee;
  - (b) of the charge against the home builder, with reference to the relevant provision allegedly contravened as contemplated in section 11(1) of the Act;
  - (c) of the implications for the home builder should the home builder be found guilty;
  - (d) of the home builder's right, within 30 days as from notification, to make representations to the committee in the form of a sworn affidavit setting forth its position, or any comments on the charges, but that the home builder is not obliged to do so and that any such affidavit or comments may be used as evidence at the enquiry;
  - (e) of the home builder's right to be represented by or accompanied by an adviser;
  - (f) that should the home builder wish to plead guilty to the charge, the home builder may furnish the committee within 30 days with an affidavit setting forth any mitigating circumstances;

and must provide the home builder with a copy of these rules and any affidavits contemplated in subrule (4).

- (4) The Council must have affidavits prepared setting out the facts pertaining to the charge and details of the nature and results of any investigation undertaken by the Council and forward a copy of the notice in terms of subrule (3) and such affidavits to the committee, who, subject to any comments contemplated in the affidavit submitted in terms of subrule (3)(d) may determine that -

- (a) the charge does not disclose a contravention contemplated in section 11(1)(a) to (e) of the Act; or
  - (b) based on the facts set out in the affidavit, there is no reasonable prospect of proving the charge against the home builder; or
  - (c) the matter is of a petty nature and does not require disciplinary sanction; or
  - (d) that the charge is competent and that an inquiry should be held.
- (5) The Council may at any time before a decision in subrule (4) has been taken withdraw a charge and notify the home builder and the affected housing consumer accordingly, and may re-open the matter thereafter should new evidence become available which may justify such an action.
- (6) In the event of the committee concluding as contemplated in subrule (4)(a), (b) or (c), the committee must acquit the home builder and the Council must notify the home builder and any affected consumer accordingly.
- (7) Should the home builder in its comments, referred to in subrule (3)(d), admit that the home builder performed or failed to perform any act as charged and the committee is satisfied that such act or omission constitutes a contravention contemplated in section 11(1) of the Act, the committee must after considering the contents of the affidavits contemplated in subrules (3) and (4), determine the penalty to be imposed and must notify the home builder and any affected housing consumer –
- (a) that it finds the home builder guilty of the charge; and
  - (b) of the penalty it has imposed on the home builder.
- (8) In the event of a home builder pleading not guilty and the charge not being disposed of in terms of subrule (4), the Council must summon the home builder to appear before the committee at a time and place specified in the summons for the purpose of an inquiry.

#### **4. Summons**

- (1) A summons referred to in rule 3(8), must be –
- (a) as nearly as possible in the form specified in Annexure 1;
  - (b) signed by the chief executive officer;
  - (c) served on the home builder in terms of section 24 of the Act.

- (2) If the home builder, after the summons referred to in rule 3(8) has been served on it but before the commencement of the inquiry, notifies the committee in writing that the home builder wishes to plead guilty to the charge as set out in such summons and the committee is satisfied that the charge against the home builder should be disposed of without the holding of an inquiry, the committee must, time permitting, notify the home builder, and the affected housing consumer and any person on whom a summons has been served in terms of rule 7, that the inquiry will no longer be held, and thereupon rule 3(7) applies with the necessary changes required by the context in respect of such charge.

## 5. The Hearing

- (1) At the commencement of an inquiry the prosecutor must read the charge to the home builder and must ask the home builder to plead guilty or not guilty thereto.
- (2) If the home builder refuses or fails to plead to the charge at the inquiry, it must be recorded that the home builder pleaded not guilty, and thereupon the inquiry must be proceeded with as if the home builder had in fact pleaded not guilty to the charge.
- (3) A home builder may be assisted by an adviser, including a legal adviser, at an inquiry at the home builder's cost.
- (4) Subject to the provisions of these rules, evidence at an inquiry must be given orally or be tendered by way of sworn affidavits: Provided that no affidavit must be admitted in evidence if the committee is satisfied that there are sufficient grounds why it should not be admitted.
- (5) Unless an affidavit has been made available to a party before the hearing to consider such affidavit, the affected party may object to the acceptance thereof without having an opportunity to consider the affidavit.
- (6) The chairperson of the committee must administer an oath to or accept an affirmation from any person giving evidence.
- (7) Whenever the home builder has pleaded guilty to a charge –
  - (a) if the committee is satisfied that the home builder is guilty of a contravention contemplated in section 11(1) of the Act, and the committee is satisfied that the charge can be disposed of without hearing evidence, then the committee may find the home builder guilty of the charge without hearing evidence;

- (b) the committee may, and at the instance of the home builder must, hear or accept further evidence in connection with the charge, irrespective of whether or not the committee is satisfied that the home builder is guilty of the charge.
- (8) If the home builder has pleaded not guilty to the charge or the committee has decided to hear or accept further evidence in connection with the charge in terms of subrule (7), the committee must give the prosecutor the opportunity of adducing evidence in support of the charge.
- (9) After the prosecutor has adduced evidence in support of the charge in terms of subrule (7), the committee must give the home builder the opportunity to adduce evidence in its defence against the charge.
- (10) Witnesses may be cross-examined by the parties and may also be examined by the committee.
- (11) After all the evidence in connection with a charge has been adduced or if the committee has decided in terms of subrule (7), not to hear any further evidence in connection with the charge, the prosecutor and the home builder may address the committee and the committee may allow the parties to reply to issues raised.
- (12) The committee must thereafter consider the evidence submitted at the inquiry, in order to come to a decision whether the home builder should be convicted on the charge.
- (13) The committee must inform the home builder and the affected housing consumer of its decision.
- (14) A committee may at any time, for sufficient cause, adjourn the inquiry to a date determined by it.

## 6. The penalty

- (1) If the committee has in terms of rule 5(12) convicted the home builder of the charge, it must give –
  - (a) the prosecutor the opportunity of proving whether the home builder has previously been convicted by the committee; and
  - (b) the home builder the opportunity of adducing evidence in mitigation and the home builder and the prosecutor the opportunity of addressing it in connection with the penalty which the committee should impose upon the home builder.



- (2) A certificate signed by the chief executive officer and purporting to be an extract from the minutes of the proceedings of the committee stating the particulars of the charge brought against the home builder, the conviction of the home builder, and the penalty imposed upon the home builder by the committee is, upon its mere production by the prosecutor to the committee, sufficient proof that the home builder had previously been convicted until the home builder proves that it had not been so convicted.
- (3) After the provisions of subrule (2) have been complied with, the committee must, subject to rule 5 (14), impose a penalty and inform the home builder and an affected housing consumer accordingly.
- (4) The penalties that may be imposed are –
  - (a) a warning;
  - (b) a fine not exceeding R25 000.00; or
  - (c) withdrawal of registration.
- (5) If the home builder has taken the decision of the committee under review in terms of section 22(1) of the Act, or noted an appeal in terms of section 22(2) of the Act where the penalty imposed is the withdrawal of registration, the Council must, upon the matter being resolved finally, publish a notice in the *Gazette* stating the conviction of the home builder and the charge convicted of, as well as the specific section of the Act or the relevant provision in pursuance of which the home builder was convicted as well as the penalty imposed upon the home builder.
- (6) Where a fine has been imposed, the committee may order that a portion of the fine, but not exceeding 80 percent of such fine, be applied, subject to finalisation as contemplated in subrule (5) towards payment of compensation to any affected housing consumer who suffered pecuniary loss as a result of the home builder's contravention of the Act.
- (7) Any fine imposed by the committee must be paid within 30 days of notification to the home builder failing which the registration of the home builder is automatically suspended.
- (8) Should the fine not be paid within sixty days, the Council may act in terms of section 11(1)(c) of the Act.

- (9) Any person directly affected by the decision of the committee may within 30 days of notification of the decision request the committee in writing to furnish him or her with written reasons for a decision of the committee.
- (10) A request in terms of subrule (9) must be accompanied by a fee of R50.00 including V.A.T.
- (11) Any person affected by the decision of the committee may request a copy of the record of proceedings of the committee.
- (12) A person requesting a copy of the proceedings must contribute to the cost of production of the record in an amount reasonably determined by the Council.

## **7. Witnesses and attendances**

- (1) A committee may of its own accord or at the instance of the home builder or the prosecutor summon any person to be present at an inquiry in order to give evidence and to produce at such inquiry any book or other document which such person has in his or her possession or custody or under his or her control or which is suspected or believed to be in his or her possession or custody or under his or her control and which has a bearing on the charge which is a subject matter of such inquiry: Provided that the committee may require security for the cost of attendance of any particular witness.
- (2) Subject to a decision of the committee, the Council may pay a witness summoned and present at an inquiry, such fees as the Council may from time to time determine generally, or in any particular case.
- (3) The committee may disallow such payment contemplated in subrule (2) or any portion thereof, if in the opinion of the committee, such witness' s evidence or presence at the inquiry was unsatisfactory.
- (4) No person --
  - (a) having been duly summoned to be present at an inquiry, may without lawful excuse fail so to appear;
  - (b) having been called as a witness at an inquiry, may without lawful excuse refuse to be sworn or to make an affirmation or to produce any book or other document or to answer any question which he or she may be required to produce or answer.
- (5) Where a person fails to comply with subrule (4), he or she is guilty of an offence in terms of section 27(1) of the Act and liable on conviction to a fine not exceeding R25,000.00 or to imprisonment for a period not exceeding one year.

## **8. Representation**

A home builder must be represented in disciplinary proceedings by the chairperson, managing director, chief executive officer, managing member of the home builder or such other person as may be specified by the Council in any particular case in the notice contemplated in rule 3(3) or the summons in rule 3(8).

**Annexure 1****Housing Consumer Protection Measures Act, 1998  
(Act 95 of 1998)**

*Form of summons referred to in regulations 3(8) and 4(1) and prescribed in terms of  
Section 27(1) of the Act.*

To .....

You are hereby summoned to appear on.....19.....at.....h .....  
at ..... before a  
disciplinary committee of the National Home Builders Registration Council for the purposes of  
an inquiry into improper conduct by you and to produce the following books and documents  
at the said time and place .....

The charge against you which will be inquired into at the said time and place and of which you  
have already been notified in writing by the board on .....  
is the following .....

If you fail, without lawful excuse, to be present at the time and place stated above, you will be  
guilty of an offence in terms of regulation 7(5) of Regulation No. .... of 1999 and liable on  
conviction to a fine not exceeding R25,000 or up to one year's imprisonment.

Signed at .....on ..... 19 .....

.....  
Chief Executive  
National Home Builders Registration Council

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General Notice

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DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAAKE EN TOERISME

