

Dit is belangrik dat agente in ag neem dat oordragprokureurs nie weet of daar in elke betrokke geval 'n elektriese heining teenwoordig is al dan nie. Dit is dus van kritiese belang dat u ons dus in kennis stel (verkieslik in die kontrak) van die situasie.

4. WEERLIGAFLEIER-SERTIFIKATE

Wanneer 'n weerligafleier ten opsigte van 'n eiendom geïnstalleer word, sal die installeerder 'n nakomingsertifikaat vir sodanige installasie uitreik. 'n Weerligafleier word normaalweg op eiendomme met grasdakke geïnstalleer. Die versekeringsmaatskappy (wat die gebou verseker) sal op sodanige sertifikaat aandrang vir versekeringsdoeleindes.

Alternatiewelik, kan die versekeringsmaatskappy daarop aandrang dat daar 'n chemiese "spreilaag" op die grasdak aangebring word. Daar sal ook in hierdie geval 'n sertifikaat uitgereik word. Wanneer 'n eiendom met 'n grasdak verkoop word, behoort die agent 'n klousule tot die kontrak te voeg wat die verkoper verplig om aan die koper 'n sertifikaat te voorsien, wat aanvaarbaar is vir die koper se versekeraar, voor datum van registrasie.

Hierdie sertifikaat bevestig dat die installasie aan die Suid-Afrikaanse Nasionale Standaard, SANS 10313, voldoen.

'n Weerligafleier-sertifikaat is geldig vir so lank as wat die versekeraar dit in die versekeringspolis spesifiseer, maar 'n jaarlikse inspeksie word aanbeveel. 'n Nuwe sertifikaat moet egter uitgereik word indien daar 'n wysiging / toevoeging tot die stelsel plaasvind.

ONS VERPLIGTING

Die verkoper kan self reëlings vir die uitreiking van die nakomingsertifikaat tref, indien hy nie reeds in besit daarvan is nie. Indien ons deur die verkoper versoek word om hom by te staan hiermee, word die aangehegte lys van diensverskaffers aan die verkoper gestuur, en moet hy op een van hulle besluit.

Wat weerligafleier-sertifikate betref, moet die verkoper self reëlings vir die uitreiking van die sertifikaat tref, indien hy nie reeds in besit is daarvan nie.

In die proses van uitvoering van die kontrak, nakoming van die wetlike vereistes en die uiteindelijke registrasie van die eiendom, is dit die verpligting van die oordragprokureur om te verseker dat die sertifikate uitgereik is. Ons kan die basiese inligting van die sertifikate nagaan, maar ons beskik nie oor indiepte kennis van die tegniese inligting vervat in die sertifikate nie. Indien die koper 'n navraag in verband met die inligting soos vervat in die sertifikaat het, sal hy die diensverskaffers moet kontak.

Ons lewer ook die sertifikaat aan die koper by ontvangs daarvan sodat die koper dit self voor registrasie kan nagaan.

WENKE AAN EIENDOMSAGENTE:

Ten einde ons, as oordragprokureurs, behulpsaam te wees, kan u ook die verkryging van die nodige nakomingsertifikaat opvolg. Ten einde enige vertraging in die oordragproses te vermy, moet die nodige sertifikate so vroeg as moontlik bekom word.

- Tiaan (M.C) vd Berg



This month's MCMonthly is dedicated to the various compliance certificates that might be required to transfer property.

Although we envisaged explaining the basic elements of these certificates, it is important to realise that they are all fundamentally flawed in a certain sense.

Generally purchasers assume that these certificates certify that all and sundry are in good working. The truth is however that the ambit of these certificates is limited to the question whether the particular installation is safe and in accordance with the relevant SABS code.

The unfortunate result hereof is that purchasers feel cheated if they realise that i.e. the defective stove or pool pump is not covered by the certificate.

Agents should in the light hereof revisit the compliance certificate clauses in their pro forma agreements.

Contact us if you need assistance herein.

- Tiaan (M.C) vd Berg

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The Newsletter with a difference

Obtaining the relevant compliance certificates during the transfer process.

It is statutorily and contractually required that we, as transferring attorneys, in certain circumstances, obtain compliance certificates and deliver them to certain persons or institutions.

The certificates differ in their nature, origin, scope and duration. The date on which the certificates should be handed over may also differ.

One or more of the following compliance certificates may be required when transferring a property:

1. Electrical certificates;
2. Gas certificates;
3. Electrical fence certificates;
4. Lightning conductor certificates;
5. Plumbing certificates (mainly in the Western Cape);
6. Beetle certificates (mainly in Kwazulu-Natal and the Western Cape).

1. ELECTRICITY CERTIFICATES

Regulation 6 of the Electrical Regulations (promulgated in terms of the Occupational Health and Safety Act, Act 85 of 1993) places a duty on the owner of an immovable property, where there is an electrical installation, to be in possession of a valid electrical certificate at all times. Whether or not a contract of sale contains a clause relating to an electricity certificate, we have a duty (as transferring attorneys) to obtain such a certificate and deliver it to the purchaser prior to the date of occupation / registration, whichever is the earlier. In addition to delivery of the certificate to the purchaser, some banks also require (where the purchaser intends to register a bond) that the certificate be delivered to them before the registration of the property can be dealt with.

This certificate confirms that the electrical installation satisfies the South African National Standards, SANS 10142, and that the installation is therefore safe. The certificate does not certify that the installation and / or all of the components are in working condition. The certificate does not certify that appliances such as stoves, garage doors, geezers, pool pumps and electric gates are in a working condition.

An electricity certificate is valid for a period of two years from date of issue, after which it expires. An electrical certificate also lapses when a change/addition to the electrical installation takes place, and a new certificate must be issued.

2. GAS CERTIFICATES

Regulation 17(3) of the Regulations relating to Pressure Equipment (promulgated in terms of the Occupational Health and Safety Act, Act 85 of 1993) places a duty on the owner of an immovable property, on which a gas installation exists, to be in possession of a valid gas certificate at all times.

Whether or not a contract of sale contains a clause in relation to a gas certificate, we have a duty (as transferring attorneys) to obtain such certificate and deliver it to the purchaser prior to the date of occupation / registration, whichever is the earlier. In addition to delivery of the certificate to the purchaser, some of the banks require (where the purchaser intends to register a bond) that the certificate be delivered to them before the registration of the property can be dealt with.

This certificate confirms that the gas installation satisfies the South African National Standards SANS 10087 - 1:2004.

A gas certificate is transferable and has no expiration date. A new certificate must be issued if there is an addition / alteration to the existing installation. It is common practice that a gas installation should be serviced every five years, after which a new certificate will be issued if necessary.

The agent must remember that the transferring attorney will not necessarily know if there is a gas installation or not. Therefore it is of great importance that the seller or agent notifies us (preferably in the contact) of the presence of a gas installation.

3. ELECTRICAL FENCE CERTIFICATES

Regulation 12 of the Electrical Machinery Regulations (promulgated in terms of the Occupational Health and Safety Act, Act 85 of 1993) places a duty on the owner of an immovable property which has an electric fence, to be in possession of a valid electrical fence certificate. This requirement does not apply in respect of a system that was installed before 1 October 2012, unless:

(a) there was an amendment/addition to such system after 1 October 2012; or

(b) the property on which such a system is installed is transferred to a new owner after 1 October 2012.

Whether or not a contract of sale contains a clause regarding an electrical fence certificate, we have a duty (as transferring attorneys) to obtain such a certificate and deliver it to the purchaser prior to the date of occupation / registration, whichever is the earlier. In addition to the delivery of the certificate to the purchaser, we

anticipate that some of the banks will require the certificate in the near future, to be delivered to them prior to proceeding with the registration of the property.

This certificate confirms that the electric fence satisfies the South African National Standards, SANS 60335-2-76.

An electrical fence certificate is transferrable and therefore has no maturity date. A new electrical fence certificate will have to be issued if there is a change / addition to the system.

In the case of electrical fence certificates in respect of sectional title properties, the body corporate is responsible for the issuing of the certificate, as the electric fence is only fitted on the boundary wall, which forms part of the common property.

The agent must remember that the transferring attorney will not necessarily know if there is a electrical fence or not. Therefore it is of great importance that the seller or estate agent notifies us (preferably in contact) of the presence thereof.

4. LIGHTNING CONDUCTOR CERTIFICATES

When a lightning conductor is installed on a property, the installer will issue a compliance certificate for such installation. A lightning conductor is normally installed on properties with thatched roofs.

The insurance company (who insures the building) will insist on the certificate for insurance purposes. Alternatively, the insurance company may insist that a chemical "spread sheet" be fitted on the thatched roof. There will also be a certificate issued in this case. Where a property with a thatch roof is sold, the estate agent should insert a clause that requires the seller to provide the purchaser with a lightning conductor certificate, acceptable to the purchaser's insurer, before date of registration.

This certificate confirms that the installation satisfies the South African National Standards, SANS 10313.

A lightning conductor certificate is valid for as long as specified by the insurer in the insurance policy, but an annual inspection is recommended. A new certificate must be issued if there is a change / addition to the system.

OUR OBLIGATION

The seller can make his own arrangements for the issuing of the certificate if he is not already in possession thereof. If we are requested by the seller to assist in this regard, the attached list of service providers will be sent to the seller and he must select one of them. In the case of lightning conductor certificates, the seller must make his own arrangements for the issuing of the certificate, if he is not already in possession of it.

In executing the deed of sale, complying with legislation and seeing to the registration of the property, it is the duty of the transferring attorney to ensure that the certificates are issued. We are able to check basic information like accreditation of the service provider, but do not have in depth knowledge of the technical content of the certificates. Should the purchaser have a query with regard to the technical content, the service provider should be contacted.

We deliver the certificate to the purchaser upon receipt thereof to enable the purchaser to inspect it before registration.

TIPS FOR ESTATE AGENTS:

To assist us as transferring attorneys, you can also follow up the issuing of the necessary compliance certificates. To avoid any delays in the transfer process, the necessary certificates must be obtained as early as possible. - *Tiaan (M.C) vd Berg*

Service Providers

Electrical Certificates

• HDT ELECTRICAL

Contact Person: Hendrik du Toit
Contact no: 0824153282
E-mail: hendrikd@vodamail.co.za

• BREET ELECTRICAL

Contact Person: Jan Breet
Contact no: 0791105570
E-mail: breetelectrical@gmail.com

• WA PRETORIUS ELECTRICAL

Contact Person:
Willem Pretorius / Matilda Pretorius
Contact no: 0824410105 / (012) 6616642
E-mail: matildad@telkomsa.net

LIBRO ELCTRICAL

Contact person: Hans Liebenberg
Contact no: 0824612597
E-mail: libro@lantic.net

Electrical Fence Certificate

• JHL ELECTRICAL

Contact person: Johan Jacobs
Contact no: 0824454320 / (012) 6541221

Gas Certificates

• NEGOTIA GAS INSTALLATIONS

Contact person: Nico De Winnaar
Contact no: 0824543961 / (012) 6644738
E-mail: ndw@lantic.net

Die verkryging van die relevante nakomingsertifikate tydens die oordragproses.

Daar word statutêr en kontraktueel van ons as oordragprokureurs vereis om in sekere gevalle nakomingsertifikate te bekom en aan sekere persone of instansies te lewer.

Die sertifikate verskil in hul aard, oorsprong, trefwydte en geldigheidsduur. Die datum waarop die sertifikate oorhandig moet word kan ook verskil.

Een of meer van die volgende nakomingsertifikate kan by die oordrag van 'n eiendom ter sprake wees:

1. Elektrisiteitsertifikate;
2. Gassertifikate;
3. Elektriese omheiningcertifikate;
4. Weerligafleier-certifikate;
5. Loodgietersertifikate (hoofsaaklik in die Wes-Kaap);
6. Kewersertifikate (hoofsaaklike in Kwazulu-Natal en die Wes-Kaap).

1. ELEKTRISITEITSERTIFIKATE

Regulasie 6 van die Elektriese Regulasies (gepromulgeer in terme van die Wet op Beroepsgesondheid en -veiligheid, Wet 85 van 1993), plaas 'n verpligting op die eienaar van 'n onroerende eiendom, waarop daar 'n elektriese installasie voorkom, om ten alle tye in besit van 'n geldige elektrisiteitsertifikate te wees. Ongeag of 'n koopkontrak 'n klousule met betrekking tot 'n elektrisiteitsertifikate bevat, moet ons (as oordragprokureurs) dus sodanige sertifikate bekom en aan die koper lewer voor datum van okkupasie / registrasie, welke ook al die vroegste is. Behalwe dat ons sodanige sertifikate aan die koper moet oorhandig, vereis sommige van die banke (waar die koper van voorneme is om 'n verband te laat registreer) dat die sertifikate aan hul gelewer moet word alvorens daar met die registrasie van die eiendom voortgegaan mag word.

Hierdie sertifikate bevestig dat die elektriese installasie aan die Suid-Afrikaanse Nasionale Standaard, SANS 10142, voldoen, en dat die installasie dus veilig is. Die sertifikate sertifiseer nie dat die installasie en / of al die komponente daarvan in 'n werkende toestand is nie. Die sertifikate sertifiseer ook nie dat appaarte soos stowe, motorhuisdeure, waterverwarmingstoestelle, swembadpomppe en elektriese hekke in 'n werkende toestand is nie.

'n Elektrisiteitsertifikate is geldig vir 'n tydperk van 2 jaar vanaf datum van uitreiking daarvan, waarna dit verval. 'n Elektrisiteitsertifikate verval ook sodra daar 'n wysiging / toevoeging tot die elektriese installasie plaasvind, en moet 'n nuwe sertifikate uitgereik word.

2. GASSERTIFIKATE

Regulasie 17(3) van die Regulasies met betrekking tot Druktoerusting (gepromulgeer in terme van die Wet op Beroepsgesondheid en -veiligheid, Wet 85 van 1993), plaas 'n verpligting op die eienaar van 'n onroerende eiendom, waarop daar 'n gasinstallasie voorkom, om ten alle tye in besit van 'n geldige gassertifikate te wees. Ongeag of 'n koopkontrak 'n klousule met betrekking tot 'n gassertifikate bevat, moet ons (as Oordragprokureurs) dus sodanige sertifikate bekom en aan die koper lewer voor datum van okkupasie / registrasie, welke ook al die vroegste is. Behalwe dat ons sodanige sertifikate aan die koper moet oorhandig, vereis sommige van die banke (waar die koper

van voorneme is om 'n verband te laat registreer) dat die sertifikate aan hul gelewer moet word alvorens daar met die registrasie van die eiendom voortgegaan mag word.

Hierdie sertifikate bevestig dat die gasinstallasie aan die Suid-Afrikaanse Nasionale Standaard, SANS 10087 – 1:2004, voldoen, en dat dit derhalwe veilig is en daar geen lekkasies voorkom nie.

'n Gassertifikate is oordraagbaar en het dus geen vervaldatum nie. 'n Nuwe sertifikate moet egter uitgereik word indien daar 'n toevoeging / wysiging tot die bestaande installasie is.

Dit is algemene praktyk dat 'n gasinstallasie elke 5 jaar gediens moet word, waarna daar 'n nuwe sertifikate uitgereik sal word indien nodig.

Dit is belangrik dat agente in ag neem dat oordragprokureurs nie weet of daar in elke betrokke geval 'n gasinstallasie teenwoordig is al dan nie. Dit is dus van kritiese belang dat u ons dus in kennis stel (verkieslik in die kontrak) van die situasie.

3. ELEKTRIESE OMHEININGSERTIFIKATE

Regulasie 12 van die Elektriese Masjinerie Regulasies (gepromulgeer in terme van die Wet op Beroepsgesondheid en -veiligheid, Wet 85 van 1993), plaas 'n verpligting op die eienaar van 'n onroerende eiendom, waarop daar 'n elektriese omheining is, om in besit van 'n geldige elektrisiteitsertifikate te wees. Hierdie vereiste geld nie ten opsigte van 'n stelsel wat voor 1 Oktober 2012 geïnstalleer is nie, tensy:

(a) daar na 1 Oktober 2012 'n wysiging / toevoeging tot sodanige stelsel was; of

(b) die eiendom waarop sodanige stelsel aangebring is na 1 Oktober 2012 oorgevoer word aan 'n nuwe eienaar.

Ongeag of 'n koopkontrak 'n klousule met betrekking tot 'n elektriese omheiningcertifikate bevat, moet ons (as oordragprokureurs) dus sodanige sertifikate bekom en aan die koper lewer voor datum van okkupasie / registrasie, welke ook al die vroegste is. Behalwe dat ons sodanige sertifikate aan die koper moet oorhandig, sal dit waarskynlik in die toekoms 'n vereiste van sommige van die banke (waar die koper van voorneme is om 'n verband te laat registreer) word dat die sertifikate aan hul gelewer moet word alvorens daar met die registrasie van die eiendom voortgegaan mag word.

Hierdie sertifikate bevestig dat die elektriese omheining aan die Suid-Afrikaanse Nasionale Standaard, SANS 60335-2-76, voldoen. 'n Elektriese omheiningcertifikate is oordraagbaar en het dus geen vervaldatum nie. 'n Nuwe elektriese omheiningcertifikate moet egter uitgereik word indien daar 'n wysiging / toevoeging tot die stelsel plaasvind.

In die geval van elektriese omheiningcertifikate ten opsigte van deeltiteieidomme, sal die Beheerliggaam vir die uitreiking van die sertifikate aanspreeklik wees, aangesien die elektriese omheining slegs op die grensmuur aangebring word, wat deel van die gemeenskaplike eiendom vorm.

MCademy

The following training will be presented in August & September:

BONDS:

Thursday 29 August: 09h00 – 10h00: Afrikaans 11h00 – 12h00: English	Thursday 12 September: 09h00 – 10h00: English 11h00 – 12h00: Afrikaans
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Wednesday 18 September: All in English
09h00 – 10h00: 10 Deadly sins
11h00 – 12h00: Capital Gains Tax

Please book your seat at:
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