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ELECTRICAL CERTIFICATES OF COMPLIANCE (COC)

BASICS REGARDING THE NEW REGULATIONS:

The issue of Certificates of Compliance (COC) is regulated by the Occupational Health & Safety Act, 1993 read with the Electrical Installations Regulations 2009 (as amended from time to time). It is no longer regulated by the Machinery and Occupational Safety Act No. 6 of 1983 and the Electrical Installations Regulations of 1992 as still stated in most offer to purchases.

The new regulations makes it clear that no *user* may sell property without a valid COC.

User: is defined to include an owner, mandatory and lessor. A mandatory is any person involved in the sale of property. This included an estate agent.

Sell: is defined and include - a for sale notice board, a lease and a donation.

Section 22: Subject to Sec. 10(4) where a safety standard is prescribed, no person shall sell or market an article, plant, machinery etc. unless it complies with the safety standard.

Legally no person is allowed to advertise their property as for sale without a valid COC. The estate agent needs to ensure that an owner has this COC when the property is put on the market.

No person is also allowed to donate a property (example: family transfers or 1/2 share transfers) without a valid COC.

Can the obligation be moved to a purchaser? Section 10(4): Confirms we may transfer the responsibility to another party to obtain the COC, PROVIDED that it is in writing.

REGULATIONS AND STANDARDS:

Regulations in terms of Electrical Installation Regulations 2009.

Standards in terms of SANS 10142-1

There are two sections in terms of standards:

1. Mandatory requirements - what needs to be done
2. Recommendations - what can be done. This is not legally enforceable but it impacts new installations.

WHO MAY ISSUE COC:

Only a registered person may issue a COC. Therefore the person must have a licence issued by the Department of Labour.

An unregistered person may work at the property, but only under supervision of a registered person.

The registered person needs to *personally* ensure the standard of the work done by the unregistered person before the registered person signs the COC.

USE (OWNER) RESPONSIBILITIES:

1. For every addition or alteration to the installation a user should obtain an additional COC.
Example: if a plug is moved or installed - new COC covering this.
2. No transfer of COC is permitted if the COC is older than 2 years.
3. Cannot transfer a COC if any alterations or additions were done at the property, except if there is an additional COC to confirm this to be compliant.

DISPUTES AND THE APPROVED INSPECTIONS AUTHORITY:

1. When a dispute arise regarding the validity of a COC the approved inspections authority as appointed from time to time by the Department of Labour must be called to inspect.
2. Person requesting the inspection will have to pay.
3. Should the certificate be declared not valid - the approved inspections authority will request that a new certificate is issued.
4. Should the defect be negligence on the part of the registered person, the inspector shall report the electrician to the Chief Inspector.

REQUIREMENTS TO BE ELECTRICAL CONTRACTOR:

- Must be registered with the Chief Inspector (Department of Labour) or person appointed by Chief Inspector.
- Must have:
 1. Fixed address and telephone number (must reflect on COC - no PO Box numbers allowed)
 2. He must employ a registered person full time or be a registered person himself.

INVALIDATION OF COC:

Any change / correction to the COC renders it invalid - must obtain a new COC.

A lost COC cannot be replaced - a new COC needs to be issued.

Invalid if the test report is headed "Certificate of Compliance"

WHAT DOES A VALID COC LOOK LIKE:

The COC must have:

1. The department of Labour Logo

2. Headed "Annexure 1" and must follow the format described in the Regulations.
3. Must head "Department of Labour".
4. Must have a unique number given by the contractor.
5. Must be attached to the test report

Last page of the test report must be signed by the registered person.

Certificate of Compliance (Annexure 1 – Electrical Installation Regulations 2009)

together with the test report as described in the SANS (South African National Standard) 10142-1