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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

**DEPARTMENT OF MINERAL RESOURCES AND ENERGY
NOTICE 700 OF 2020**

NATIONAL ENERGY ACT, 1998 (ACT NO. 34 OF 1998)

**REGULATIONS FOR THE MANDATORY DISPLAY AND SUBMISSION OF
ENERGY PERFORMANCE CERTIFICATES FOR BUILDINGS**

The Minister of Mineral Resources and Energy has, under section 19(1) (b) of the National Energy Act, 1998 (Act No. 34 of 2008), made the regulations set out in the schedule hereto.


13/01/2020
MR. S. G. MANTASHE, MP
MINISTER OF MINERAL RESOURCES AND ENERGY

SCHEDULE

Definitions

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

“accounting officer” for –

- (a) a national or provincial department mentioned in the first column of Schedule 1, 2 or 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), subject to the Public Finance Management Act, 1999 (Act No.1 of 1999), means the officer who is the incumbent of the post bearing the designation mentioned in the second column of the said Schedule 1, 2 or 3 opposite the name of the relevant national or provincial department;
- (b) a municipality, subject to the Municipal Finance Management Act, 2003 (Act No.56 of 2003), means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (c) a functionary or institution contemplated in the definition of 'organ of state', means the person designated as the accounting officer or the accounting authority under the Public Finance Management Act, 1999 (Act No.1 of 1999);

“accredited body” means the body accredited by the South African National Accreditation System or by a member of the recognition arrangements of the International Laboratory Accreditation Cooperation or the International Accreditation Forum;

“energy performance” means net energy consumed in kilowatt hours per square meter per year (kWh/m²/a) to meet the different needs associated with the use of a building, which may include, inter alia, heating, hot water heating, cooling, ventilation and lighting but excluding measured or assessed energy consumed by garages, car parks and storage areas as well as energy consumed by outdoor services;

“energy performance certificate” means a certificate issued by an accredited body in respect of a building in accordance with the South African National Standard SANS 1544: 2014 Energy performance certificates for buildings, published by the South African Bureau of Standards in terms of the Standards Act, 2008 (Act No. 8 of 2008) that indicates the energy performance of that building;

“major renovation” means any changes to a building or structural changes that require planning approval from a relevant local authority in terms of the National Building Regulations and Building Standards Act.

“National Building Regulations” means the National Building Regulations under the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), published by the Minister of Trade and Industry;

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

“SANEDI” means the South African National Energy Development Institute, established under section 7 of the National Energy Act, 2008 (Act No. 34 of 2008); and

“the Act” means the National Energy Act, 2008 (Act No. 34 of 2008).

Objects of Regulations

2. The objects of these Regulations are to-
 - (a) introduce mandatory requirements for the display of energy performance certificates in non-residential buildings; and
 - (b) provide for the submission of energy performance certificates by organs of state and owners of buildings.

Application of Regulations

3. (1) The accounting officer of an organ of state must, within two years of these

Regulations coming into effect, publically display an energy performance certificate at the entrance of a building that is owned, operated or occupied by that organ of state, provided that the building—

- (a) has a dominant occupancy classification in terms of Regulation A20 of the National Building Regulations as A1 (Entertainment and public assembly), A2 (Theatrical and indoor sport), A3 (Places of instruction), or G1 (Offices);
- (b) is in operation to meet a particular need associated with the use of the building for a period of two years or longer, and has not been subject to a major renovation within the past two years of operation; and
- (c) has a total net floor area of over 1000 m².

(2) The owner of a building, other than that owned, operated or occupied by an organ of state as contemplated in sub regulation (1), must within two years of these Regulations coming into effect, publically display an energy performance certificate at the entrance of that building; provided that the building—

- (a) has a dominant occupancy classification in terms of Regulation A20 of the National Building Regulations as A1 (Entertainment and public assembly), A2 (Theatrical and indoor sport), A3 (Places of instruction), or G1 (Offices);
- (b) is in operation to meet a particular need associated with the use of the building for a period of two years or longer, and which has not been subject to a major renovation within the past two years of operation; and
- (c) has a total net floor area of over 2000 m².

(3) The validity of the energy performance certificate, in sub regulation (1) must not exceed five years from the date of issue.

(4) Failure to publically display the energy performance certificate in terms of these Regulations is an offence in contravention of the Act.

Compulsory submission of energy performance certificate

4. (1) The accounting officer of an organ of state or the owner of a building other

than those owned, operated or occupied by an organ of state must submit a certified copy of the energy performance certificate to SANEDI in respect of every building contemplated in regulation 3 within three calendar months of the date of issue of the certificate.

(2) SANEDI must maintain a National Building Energy Performance Register, which must include the particulars of all valid building energy performance certificates.

Monitoring of energy performance certificates

5. (1) The monitoring of the display of energy performance certificates in terms of these Regulations may be carried out by the Department or a representative appointed by the Department.

(2) In the case of the Department appointing a representative to monitor the display of energy performance certificates in non-residential buildings, the Department must notify the organ of state or owners of buildings in writing.

Short title and commencement

6. These Regulations are called the Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings, 2019 and will come into effect upon publication in the *Gazette*.

UMNYANGO WEZAMANDLA

ISENZO SAMANDLA KAZWELONKE SEMITHETHO, KA-1998

(UMTHETHO NO. 34 KA-1998)

IZIMISO ZOKUPHOQELEKILE OKUZOBONSWA KWEZETHULO

ZOKWENZA ZAMANDLA ZOKWENZA ZEZAKHIWO

Umnyango zokumbiwa nezamandla uthe, ngaphansi kwesiqephu 19(1) (b) womthetho wamandla wezwelenko, ka1998 (Umthetho No.34 ka-2008), ubeka imilandelo wechazwe kulohlelo olulandelayo.

UHLELO

Izincazelo

1. Kulezi zinqubomgomo, igama noma izinkulumo lapho khona izincazelo zinikelwe emthethweni, kumele ibenezincazelo ezikezelwen ngaphandle kwalapho uma ingqikithi ikhombisa okunye futhi -

"Umphathi jikelele" we –

- (a) umnyango kazwelonke noma wesifundazwe obalulwe kukholamu lokuqala loHlelo 1, 2 noma 3 kuMthetho Wezemisebenzi Kahulumeni, ka-1994 (Isimemezelo Nombolo 103 ka-1994), ngokuya ngoMthetho Wokulawulwa Kwezezimali Zomphakathi, ka-1999 (Umthetho No.1 ka-1999), kusho isikhulu esingamele lesi sikhundla esinokuqokwa okukhulunywa ngakho kwikhholamu yesibili yoHlelo 1, 2 noma 3 olubhekene negama lomnyango kazwelonke noma wesifundazwe ofanele;
- (b) umasipala, ngokulawulwa nguMthetho wokuPhathwa kweziMali zikaMasipala, 2003 (umThetho No.56 ka-2003), kusho umphathi kamasipala oqokwe ngokwesigaba sika-82 soMthetho Wezinhlalo Zomasipala: Umthetho Wezinhlaka Zomasipala, ka-1998 (Umthetho No. 117 ka-1998);
- (c) umsebenzi noma isikhungo esihlongozwe encazelweni 'yehlango yombuso', kushiwo umuntu oqokwe njenge-accountant noma isiphathimandla sokubalwa kwezimali ngaphansi koMthetho wokulawulwa Kwezezimali Zomphakathi, ka-1999 (Umthetho No.1 ka-1999);

"Igatsha eligunyaziwe" kusho igatsha eligunyazwe yiSouth African National Accreditation System noma yilungu lokuhlelwa kokuhlonishwa kwe-International Laboratory Accreditation Cooperation noma i-International Accreditation Forum;

"Izinga lokusebenza kwamandla" kusho amandla asetshenziswa emahoreni angama-kilowati ngemitha skwele ngonyaka (kWh/m²/a) ukufeza izidingo ezahlukahlukene ezihambisana nokusetshenziswa kwesakhiwo, okungafaka phakathi kokunye, ukufudumeza, ukufudumeza kwamanzi, ukupholisa, umoya omncane kanye nokukhanya;

"Isitifiketi sezinga lokusebenza kwamandla" kushiwo isitifiketi esikhishwe yigatsha eliqinisekisiwe maqondana nesakhiwo ngokuya ngeSouth African National Standard SANS 1544: 2014 Izitifiketi zokusebenza kwamandla zezakhiwo, ezishicilelwe yiSouth African Bureau of Standards ngokoMthetho wamaZinga, ka-2008 (Umthetho No.8 ka-2008) okhombisa ukusebenza kwamandla kwalelo bhilidi;

"Ukulungiswa kabusha okukhulu" kusho noma yiziphi izinguquko ezakhiweni noma ezakhiweni eziguqukayo ezidinga ukuvunyelwa kokuhlela kusuka kwiziphathimandla zasemakhaya ezifanele ngokoMthetho wamaZinga oKwakha kaZwelonke kanye noMthetho wamaZinga oKwakha.

"Imithethonqubo Yezokwakha Kazwelonke" kushiwo iMithetho Kazwelonke Yezokwakha ngaphansi koMthetho Wezokwakha Kazwelonke kanye Namazinga Wokwakha ka-1977 (Umthetho No.103 ka-1977), okhishwe nguNgqongqoshe Wezohwebo Nezimboni;

"Uhlaka lombuso" lusho uhlaka lombuso njengoba luchazwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, ka-1996;

"ISANEDI" kusho iSouth African National Energy Development Institute, eyasungulwa ngaphansi kwesigaba 7 soMthetho Wezamandla Kazwelonke, ka-2008 (Umthetho No.34 ka-2008); futhi

"Umthetho" usho umthetho iNational Energy Act, ka-2008 (Umthetho No.34 ka-2008).

Izinjongo Zomthethonqubo

2. Izinhlalo zale Mithethonqubo kufanele-

(a) kwethula izidingo eziphoqelekile zokuboniswa kwezitifiketi zokusebenza kwamandla ezakhiweni ezingezona zokuhlala; futhi

(b) ahlinzeke ngokulethwa kwezitifiketi zokusebenzisa amandla kagesi yizinhlaka zombuso nabanikazi bezakhiwo.

Ukusetshenziswa umthethonqubo

3. (1) Umphathi jikelele wombuso wenhlangano yombuso kufanele, kungakapheli iminyaka emibili leMithetho iqale ukusebenza, akhombise esidlangalaleni isitifiketi sokusebenza kwamandla emnyango wesakhiwo okungesakhe, esisebenza noma esihlala kuleso sakhiwo sikahulumeni, inqobo uma kuyisakhiwo-

(a) unesigaba esivelele sokuhlala ngokweMigomo A20 yoMthetho Kazwelonke Wokwakha njengo-A1 (Ezokuzijabulisa kanye nomhlangano womphakathi), A2 (Theatrical and indoor Sport), A3 (Izindawo zokufundisa), noma i-G1 (zamaHhovisi);

(b) isebenza ekuhlangabezani nesidingo esithile esihambisana nokusetshenziswa kwesakhiwo isikhathi esiyiminyaka emibili noma ngaphezulu, futhi engakhonjelwe ekuvuseleleni okukhulu phakathi neminyaka emibili edlule yokusebenza; futhi .

(c) inendawo ephelele yaphansi yomgwaqo engaphezulu kwe-1000 m².

(2) Umnikazi wesakhiwo, ngaphandle kwaleyo ephethwe yigatsha lombuso njengoba kuhlangozwe kumthethonqubo (1), kumele kungakapheli iminyaka emibili le Mithetho iqale ukusebenza, abonise obala isitifiketi sokusebenza kwamandla emnyango waleso sikhathi isakhiwo; inqobo uma kuyisakhiwo-

(a) unesigaba esivelele sokuhlala ngokweMigomo A20 yoMthetho Kazwelonke Wokwakha njengo-A1 (Ezokuzijabulisa kanye nomhlangano womphakathi), A2 (Theatrical and indoor Sport), A3 (Izindawo zokufundisa), noma i-G1 (zamaHhovisi);

(b) isasebenza ekuhlangabezana nesidingo esithile esihlobene nokusetshenziswa kwesakhiwo isikhathi esiyiminyaka emibili noma ngaphezulu, futhi esingakhonjwanga ekuvuseleleni okukhulu eminyakeni emibili edlule yokusebenza; futhi

(c) inendawo ephelele yaphansi yomugqa engaphezu kuka-2000 m².

(3) Ukuba semthethweni kwesitifiketi sokusebenza kwamandla, kumthethonqubo akumele kudlule iminyaka emihlanu kusukela ngosuku lokukhishwa.

(4) Ukwehluleka ukubonisa esidlangalaleni isitifiketi sokusebenza kwamandla ngokuya ngale Mithethonqubo kuyicala lokwephula uMthetho.

Ukulethwa okuphoqelekile kwesitifiketi sezinga lokusebenza kwamandla

4. (1) Umphathi jikelele wesigungu sikahulumeni noma umnikazi wesakhiwo esingesiso esaso, esisebenza noma esihlala isigungu sikahulumeni kufanele alethe ikhophi eliqinisekisiwe lesitifiketi sokusebenza kwamandla kwaSANEDI maqondana nayo yonke impahla ehlongozwe kumthethonqubo 3 ngaphakathi kwemithathu izinyanga zekhalenda kosuku okukhishwe ngalo isitifiketi.

(2) AbakwaSANEDI kumele balondoloze irejista yokusebenza kwezamandla ezokwakha kuzwelonke, okumele ifake imininingwane yazo zonke izitifiketi ezisebenzayo zokwakha amandla.

Ukuqashwa kwezitifiketi zokusebenza kwamandla

5. (1) Ukuqashwa kokukhonjiswa kwezitifiketi zokusebenza kwamandla ngokwale

Mithethonqubo kungenziwa nguMnyango noma ummeleli oqokwe nguMnyango.

(2) Esimeni lapho uMnyango uqoka omele ukuthi aqaphele ukukhishwa kwezitifiketi zokwenza amandla ezakhiweni ezingezona zokuhlala, uMnyango kufanele wazise uhlaka lukahulumeni noma lwabanikazi bezakhiwo ngokubhala.

Isihloko esifushane nokuqala

6. Le Mithethonqubo ibizwa ngokuthi yiMigomo yokuboniswa okusemthethweni kanye nokumikisa Izitifiketi Zokwenza Amandla Okwakha, ka-2019 futhi izoqala ukusebenza ekushicilelweni kwiGazethi.

LEFAPHA LA MATLA

MATLA A NAGA, MOLAO Wa-1998 (Molao Wa Bo.34 Wa-1998)

MELAO YA PONTSHO E TLHAGISIWANG LE GO ROMELWA GA MAATLA A TIRAGATSO YA SETIFOKEITI SA DIKAGO

Tonakgolo ya metlholi e matla le monontshane e nale tlatsa karolo 91(1)(b) ya ketso ya matla a naga, a karolo, wa-1998 (Molao Wa Bo.34 wa-2008) e diragaditse melao e e beilweng ka tatetlano ya hereto.

TATELANO

Ditlhaloso

1. Mo melaong ee, lefoko le lengwe kgotsa maikutloa a bontshang moelelo o e leng gore o abetswe mo karolong, o tshwanetse go nna le moelelo o abetsweng kana motheo o bontshang ka mantswa a mangwe le-
“dikantoro tsa boikarabelo” bakeng sa-

- (a) naga kgotsa porofense e bontsha ga maemo a ntlha a tatelano 1,2 kgotsa 3 go ya karolong ya tshebeletsong ya sechaba, wa-1994 (phatlhalatso Wa Bo,103 wa-1994). Setlhogo sa ditshetele tsa sechaba sa tsamaiso ya karolo, wa-1999 (Molao Wa Bo.1 wa-1999). e raya gore motlhankela o sa kgoneng tsamaiso ya poso bogapi jo bo bontshitsweng mo karolong ya bobedi e builweng mo tatelano 1,2 kgotsa 3 moganetsi wa leina le le maleba la lefapha la naga kgotsa porofense;
- (b) masepala, kgotsa setlhogo sa boemedi jwa ditshetele tsa masepala Molao, wa-2003 (Molao Wa Bo.56 wa-2003). e ra gore moemedi wa masepala o tlhopilweng mo boemong jwa karolo 82 jwa goromente ya mogae:sebopego sa masepala Molao,wa-1998 (Molao Wa Bo.117 wa-1998);
- (c) tirelo kgotsa setheo se se kgetilweng go tlhalosa ga “mokgatlo wa mmuso,e raya gore motho o kgetilweng jaaka mokantoro wa tsa boikarabelo kgotsa boikarabelo ba tsa bolaodi tlase ga phatlhalatsa ya tsa boemedi ba tsa ditshetele Molao, wa-1999 (Molao Wa Bo.1 wa-1999)

“mmele o netefaditsweng” e ra gore mmele o netefaditsweng ke naga ya satafrika tsamaiso ya tumalano kgotso go ya ka motho o amogelang dithulaganyo tsa dichaba laboratory ya kamogelo ya tirisano kgotsa dichaba tsa kamogelo ya seboka;

“matla a tiragatso” e raya gore matla a feditsweng in kilowatt hours per square meter per year (kWh/m2/a) go kopanya pharologanyo ya ditlhokego tse di kopantsweng le tiriso ya kago e akaretsang,inter alia,go fisa,metsi a fisang,phodiso,go foka mowa le mabone mare e sa tsenye lekanya kgotsa matla a lekantsweng a feditsweng ke di garage,bodulo jwa dikoloi le mo go ro bewang dilo tse di sa direng ga mmogo le matla a dirisitsweng ko ntleng ga tiriso;

“matla a tiragatso a setifokeite” e raga gore setifikeiti se se ntshitsweng ke mmele o netefaditsweng mo tlotlegong ya kago ka thulaganyo le kgoro ya Afrika Borwa ya Molao ya tsa go lekana SANS 1544:2014 matla a tiragatso a setifikeiti sa dikago,e gatisitswe ke South African Bureau of Standards in terms of the Standard Act, wa-2008 (Molao Wa Bo.8 wa-2008) e bontshang matla a tiragatso ya kago;

“ntlafatso e kgolo” e raya gore diphetogo tsa kago kgotsa diphetogo tsa mokgabo tse di batlang go rulaganyiwa ga kamogelo gotswa go motho o maleba wa legae o laolang boemong jwa naga ya dikago ya melawana le dikago Standard Act.

“melawana ya dikago tsa naga” e raya gore melawana ya dikago tsa naga e ka motlase ga melawana ya dikago tsa naga le dikago Standard Act, wa-1977 (Molao Wa Bo.103 wa-1977) e gatisitswe ke letona la kgwebo le indastori.

“mokgatlo wa mmuso”e raya gore mokgatlo wa naga o tshalositsweng mo karolo 239 ya molaotheo waRephaboliki ya Aforika Borwa, wa-1996;

“SANEDI” e raya gore setheo sa ditlhabologo tsa naga ya matla ya satafrika, ethegilwe tlase ga karolo7 ya matla a naga Molao, wa-2008 (Molao Wa Bo.34 wa-2008); le

“ketso” e raya gore naga ya matla Molao, wa-2008 (Molao Wa Bo.34 wa-2008).

Melawana ya Dintso

2. Melawana wa dintso tse ke go –

- (a) kitsiso ya tlamego go ditlhokagalo go bontsha matla a tiragatso a setifekeiti mo sebakeng sa bodulo sa dikago; le
- (b) go neela matla a tiragatso a setifekeiti boemo jwa mokgatlo wa mmuso le bangwe ba dikago.

Kopo ya Melawana

3. (1) Mokantoro wa boikarabelo jwa mokgatlo wa mmuso o tshwanelwa ke gore mo ngwageng tse pedi tsa melawana e tlang ga di simolola, phatlhalatsa e supa ga matla a tiragatso a setifikeiti ko botsenong jwa kago ya mongwe ya yona, e dirang le e dirisiwang go ya ka mokgatlo wa mmuso, e fanweng ka dikago-

- (a) e na le modiri o busang ditlhomamiso boemong jwa melawang A20 ya dikago tsa naga jaaka A1 (boitumediso le phatlalatsa ya kopano) A2: (Theatrical le metshameko e mogare) A3 (Madulo a di taelo), G1 (Dikantaro)
- (b) e mo tiragatsong ya go kopaneng go le gantsi e tlhoka kopano le tiriso ya kago ya sebaka sa dingwaga di le pedi kgotsa go feta mmele ebile ga e se e nne setlhogo go ntlafatso e kgolo mo dingwageng tse pedi tsa tiragatso, le

(b) e na le selekano sa net floor area of over 1000 m².

(2) Mmuso wa kago, gona le bane ba e busa, badiri le ba dirisi ba mokgatlo wa naga jaaka ba kgalilwe ke melawana ya tsamaiso (1) batshwanelwa ke gore mo di nageng tse pedi tsa melawana e tlang ya kamego, phatlalatsa e supa ga matla a setifikeiti sa matseno a kago, e nelane ga kago-

(a) e na le Modiri o busang ditlhomamiso boemong jwa melawana A20 ya dikago tsa naga tsa melawana jaaka (boitumediso le phatlalatsa ya kopano), A2 (Theatrical le metshameko e mogare), A3 (Bodulo jwa ditaello) kgotsa G1 (Dikantoro)

(b) e mo tiragatsong ya go kopana gantsi go le gantsi e tlhoka kopano le tiriso ya kago ya sebaka sa dingwaga di le pedi kgotsa go feta mmele ebile ga e se e nne setlhogo go ntlafatso e kgolo mo dingwageng tse pedi tsa tiragatso; le

(c) e na le selekano sa net floor area of over 2000 m².

(3) Netefatso ya matla a setifikeiti, mo melawaneng e e mo magareng (1) ga e a tshwanela go feta dingwaga di le tlhano gotswa mo letlheng le le netsweng.

(4) O tlhotsweng phatlalatsa go bontsha matla a tiragatso ya setifikeiti boemong jwa melawana ke kotlo go katlhano ya karolo.

Dilo tsotlhe tse di nelwang go matla a tiragatso ya setifikeiti

4.(1) Motlhankela wa boikarabelo jwa mokgatlo wa mmuso kgotsa Mmusi wa kago gona le bane ba e busa badirisi ba mokgatlo wa mmuso aba tshwanelwa ke go fana ka pampiri ya sesupo e netefaditsweng ya matla a tiragatso ya setifikeiti go SANEDI mo tlhompong ya kago e kgalilweng mo melawaneng e meraro mo kgwedding tse tharo tsa letlha le le ntshitsweng la setifikeiti.

(2) SANEDI o tshwanelwa ke go boloka naga ya kago ya matla a tiragatso a kwadisitsweng, e etla akaretsang bontsi jwa tsotlhe tse di dirang mo kagong ya matla a tiragatso a setifikeiti.

Tlhokomelo ya matla a tiragatso a setifikeiti

5. (1) Tlhokomelo e supang matla a disetifikeite boemong jwa melawana ditla tsewa ke ba lefapha kgotsa moemedi o tshwanelwa ke ba lefapha.

(2) Mo kang e ya lefapha go tlhopa moemedi go tsamaisa tshupo ya matla a setifikeiti mo sebakeng sa bodulo sa dikago, lefapha le tshwanetse go itsise mokgatlo wa mmuso wa dikago mo go kwadilweng.

Kakaretso khutswane ya tshimologo

6. Malawana ena e bediwa melawana e tshwanelang tshupo le tlhagiso ya matla a tiragatso ya setifikeiti dikago, wa-2019 e tla tla mo kamegong go fitlhelela phatlalatso mo go Lekwalodikgang la puso.

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