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DEPARTMENT OF ENERGY
NOTICE 369 OF 2018
NATIONAL ENERGY ACT, 2008


**PUBLISHED FOR PUBLIC COMMENT: DRAFT REGULATIONS FOR THE
MANDATORY DISPLAY AND SUBMISSION OF ENERGY PERFORMANCE
CERTIFICATES FOR BUILDINGS**

I, Jeff Radebe, Minister of Energy, in terms of section 19 of the National Energy Act, 2008 (Act No. 34 of 2008), hereby publish for public comment the draft Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings, to be made under section 19(1)(b) of the Act.

Interested persons and organisations are invited to submit within 60 days, written comments on the proposed Regulations for the attention of Xolile Mabusela in the Department of Energy, by-

- (a) Post to: Private Bag X 96, Pretoria, 0001;
- (b) Hand delivery to: Matimba House, 192 Visagie Street, Corner Visagie and Paul Kruger Streets; or
- (c) Email to Lebogang.nkhwashu@energy.gov.za .

Kindly provide the name, address, telephone number, fax number and e-mail address of the person or organisation submitting the comment. Please note that comments received after the closing date may not be considered.



JEFF RADEBE, MP
Minister of 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 103 of 1994), 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, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
- (c) a functionary or institution contemplated in the definition of 'organ of state', means the chairperson, head, chief executive officer, or equivalent officer, of that functionary or institution, or where such functionary is a natural person, to that natural person;

“energy performance” means net energy consumed in kilowatt hours per square metre per year (kWh/m²/a) to meet the different needs associated with the use of a building, which may include 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 SANS 1544 that indicates the energy performance of that building;

“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 Act;

“SANS 1544” means 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); and

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

Objects of the 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 display and submission of energy performance certificates by organs of state and owners of buildings.

Application of the Regulations

3. (1) The accounting officer of an organ of state, within two years of these Regulations coming into effect, must 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 2 years or longer, and has not been subject to a major renovation within the past 2 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 subregulation (1), within two years of these Regulations coming into effect, must 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 2 years or longer, and which has not been subject to a major renovation within the past 2 years of operation; and
- (c) has a total net floor area of over 2000 m².

Compulsory submission of information and data

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.

(2) An energy performance certificate shall be valid for a period not exceeding five (5) years from the date of issue.

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

Short title and commencement date

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