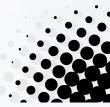


CHARL VAN DER MERWE ATTORNEYS

Attorney at law



CERTIFICATES OF COMPLIANCE IN PROPERTY TRANSACTIONS

Sale agreements can provide for up to five different types of compliance certificates to be obtained by the seller before a property transfer is registered. These may be required in both conventional and sectional title transactions.

Here follows a summary of the important aspects of each compliance certificate.

1. ELECTRICAL

- Certifies that the electrical installation on the property complies with the required safety standards.
- Governed by the Occupational Health and Safety
- Current certificates are valid if issued less than 2 years prior to transfer. However, if any modification was made to the installation after the certificate was issued, a new certificate must be obtained.
- Best for the inspection and remedial work to be carried out as soon as possible after the deal is concluded, and prior to the purchaser moving in.

2. ELECTRIC FENCE

- The certificate must be obtained on installation of an electric fence and if any change or amendment is made, a new certificate must be obtained.
- Certifies that the electric fence installation complies with the prescribed safety standards.
- Governed by the Occupational Health and Safety Act.
- An existing certificate may be transferred by the seller to the purchaser. A seller needs only obtain a new certificate if a change was made to the installation after the current certificate was issued.
- The requirement also applies to sales of sectional title units if there is an electrical fence system situated on common property.

3. GAS

- The certificate must be obtained on the installation of the gas appliance, and if any change or amendment is made, a new certificate must be obtained.
- Certifies that the gas installation on the property complies with the prescribed safety standards.
- Governed by the Occupational Health and Safety Act.
- A new certificate must be obtained every time there is a change of ownership.

4.WATER/PLUMBING

- Certifies that the water installation at the property is in line with municipal and building guidelines.
- Governed by the City of Cape Town Water By law. Only applicable to transfers within the municipal jurisdiction of the City of Cape Town.
- A new certificate must be obtained upon change of ownership.
- The seller is required to submit the certificate to the City of Cape Town municipality prior to transfer

5.BEETLE

- Usually valid for 3 to 6 months only.
- When there is a change of ownership this certification is often called for; it is not obligatory.
- Certifies that the accessible wood of permanent structures on the property is free from certain wooddestroying beetles.
- Not governed by any specific law, but a practice that has evolved over the years
- Parties can contract out of this; however, if parties agree that no certificate is necessary and the bank requires it for the purchaser's bond, then this is for the purchaser's expense.