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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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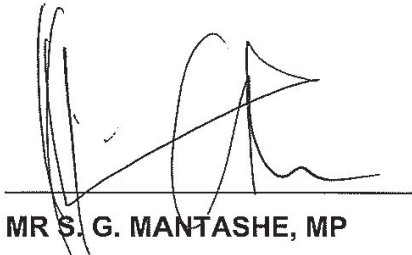
**DEPARTMENT OF MINERAL RESOURCES AND ENERGY**

**NOTICE 1937 OF 2023**

**NATIONAL ENERGY ACT, 2008 (ACT NO. 34 OF 2008)**

**AMENDMENT REGULATIONS FOR THE MANDATORY DISPLAY AND SUBMISSION  
OF ENERGY PERFORMANCE CERTIFICATES FOR BUILDINGS,  
2008**

The Minister of Mineral Resources and Energy has, in terms of section 19(1)(b) of the National Energy Act, 2008 (Act No. 34 of 2008), made the regulations as set out in the Schedule.



**MR S. G. MANTASHE, MP**

**MINISTER OF MINERAL RESOURCES AND ENERGY**

**DATE: 24/07/2023**

## SCHEDULE

### GENERAL EXPLANATORY NOTE

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

### Definitions

1. In these regulations, "the Regulations" means the Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings, 2019, published by Government Gazette No. 43972 Notice No. 700 of 8 December 2020, as amended by Government Notice No. 1461 of 25 November 2022.

### Amendment of Regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—
  - (a) the substitution for the definition of "accounting officer" of the following definition:  
**"accounting officer"** for—
    - (a) a national or provincial department means an accounting officer as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
    - (b) a municipality means an accounting officer as defined in section 1 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003); and
    - (c) a functionary or institution contemplated in the definition of 'organ of state', means the person designed as the accounting officer of the accounting authority under the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) the substitution for the definition of "accredited body" of the following definition:

"**accredited body**' means the body accredited by the South African National Accreditation System".

(c) the substitution for the definition of "energy performance certificate" of the following definition:

"**energy performance certificate**" means a certificate issued by an accredited body prior to 31 July 2024, and thereafter by a registered professional 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;"; and

(d) the insertion after the definition of "organ of state" of the following definition:

"**registered professional**' means an individual professional registered by the South African National Energy Development Institute;".

#### **Amendment of Regulation 4 of the Regulations**

3. The following regulation is hereby substituted for Regulation 4:

#### "4 **Compulsory registration and submission of energy performance certificate**

(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—

(a) register the type and size of a building in the National Building Energy Performance Register maintained by SANEDI, within 12 months of the promulgation of these regulations; and

- (b) 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.”.

**Short title and commencement**

4. These Regulations are called the Amendment Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings, 2023, and shall come into operation on a date proclaimed in the *Gazette*.