

# OCCUPATIONAL HEALTH AND SAFETY ACT

Act 85 of 1993.

## ELECTRICAL INSTALLATION REGULATIONS

[Updated to 6 March 2009]

GoN R242, G. 31975 (c.i.o 1 May 2009 unless otherwise indicated).

The Minister of Labour has, under section 43 of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety and the Minister of Finance, made the regulations in the Schedule.

### ARRANGEMENT OF REGULATIONS

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#### 1. Definitions

In these Regulations, “**the Act**” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any word or expression to which a meaning has been assigned in the Act has such meaning and, unless the context otherwise indicates—

“**accreditation authority**” means the South African National Accreditation System (SANAS) established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act 19 of 2006);

**“certificate of compliance”** means—

- (a) a certificate with a unique number obtainable from the chief inspector, or a person appointed by the chief inspector, in the form of Annexure 1, and issued by a registered person in respect of an electrical installation or part of an electrical installation; or
- (b) a certificate of compliance issued under the Electrical Installation Regulations, 1992;

**“electrical contractor”** means a person who undertakes to perform electrical installation work on behalf of any other person, but excludes an employee of such first-mentioned person;

**“electrical installation”** means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an electrical installation irrespective of whether or not it is part of the electrical circuit, but excluding—

- (a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery which transmits electrical energy in communication, control circuits, television or radio circuits;
- (c) an electrical installation on a vehicle, vessel, train or aircraft; and
- (d) control circuits of 50 V or less between different parts of machinery or system components, forming a unit, that are separately installed and derived from an independent source or an isolating transformer;

**“Electrical Installation Regulations, 1992”** means the Electrical Installation Regulations, 1992, promulgated by Government Notice R.2920 of 23 October 1992;

**“electrical tester for single phase”** means a person who has been registered as an electrical tester for single phase in terms of regulation 11(2) for the verification and certification of the construction, testing and inspection of electrical installations supplied by a single-phase electricity supply at the point of control, excluding specialised electrical installations;

**“Engineering Profession Act, 2000”** means the Engineering Profession Act, 2000 (Act 46 of 2000);

**“general control”** in relation to electrical installation work that is being carried out, includes instruction, guidance and supervision in respect of that work;

**“General Machinery Regulations”** means the General Machinery Regulations, 1988, promulgated by Government Notice R.1521 of 5 August 1988;

**“installation electrician”** means a person who has been registered as an installation electrician in terms of regulation 11(2) for the verification and certification of the construction, testing and inspection of any electrical installation, excluding specialised electrical installations;

**“installation work”** means—

- (a) the installation, extension, modification or repair of an electrical installation;
- (b) the connection of machinery at the supply terminals of such machinery; or
- (c) the inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance;

**“master installation electrician”** means a person who has been registered as a master installation electrician in terms of regulation 11(2) for the verification and certification of the construction, testing and inspection of any electrical installation;

**“point of consumption”** means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

**“point of control”** means the point at which an electrical installation on or in any premises can be switched off by a user or lessor from the electricity supplied from the point of supply, or the point at which a particular part of an electrical installation on or in any premises can be switched off where different users occupy different portions of such premises;

**“point of outlet”** means any termination of an electrical installation which has been provided for connecting any electrical machinery without the use of tools;

**“point of supply”** means the point at which electricity is supplied to any premises by a supplier;

**“provincial director”** means the provincial director as defined in regulation 1 of the General Administrative Regulations promulgated by Government Notice R.929 of 25 June 2003;

**“registered person”** means a person registered in terms of—

- (a) regulation 11; or

- (b) regulation 9 of the Electrical Installation Regulations, 1992, as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

**“specialised electrical installations”** means electrical installations in—

- (a) explosive atmospheres as contemplated in SANS10086-1;
- (b) the petroleum industry as contemplated in SANS10089-2;
- (c) hazardous locations as contemplated in SANS10108; or
- (d) medical locations as contemplated in SANS10142-1,

published by Standards South Africa;

**“supplier”** in relation to a particular electrical installation, means any person who supplies or contracts or agrees to supply electricity to that electrical installation;

**“supply terminals”** in relation to machinery installed as a complete unit, means the terminals or connection clamps on such machinery where the external conductors supplying the machinery with electricity are terminated or connected.

## **2. Responsibility for electrical installations**

- (1) Subject to subregulation (3), the user or lessor of an electrical installation, as the case may be, shall be responsible for the safety, safe use and maintenance of the electrical installation he or she uses or leases.
- (2) The user or lessor of an electrical installation, as the case may be, shall be responsible for the safety of the conductors on his or her premises connecting the electrical installation to the point of supply in the case where the point of supply is not the point of control.
- (3) Where there is a written undertaking between a user or lessor and a lessee whereby the responsibility for an electrical installation has been transferred to the lessee, the lessee shall be responsible for that installation as if he or she were the user or lessor.

## **3. Approved inspection authorities for electrical installations**

- (1) The chief inspector may approve any person that has been accredited by the accreditation authority as an approved inspection authority for electrical installations.

- (2) An application to be an approved inspection authority shall be made to the chief inspector in the form of Annexure 2 together with—
  - (a) a certified copy of the accreditation certificate issued by the accreditation authority; and
  - (b) the fee prescribed by regulation 14.
- (3) An approved inspection authority for electrical installations shall inform the chief inspector of any change affecting its approval in terms of these Regulations within 14 days after such change.

#### **4. Functions of approved inspection authorities for electrical installations**

- (1) An approved inspection authority for electrical installations may enter premises and conduct an inspection, test or investigation only when—
  - (a) contracted by the chief inspector or provincial director for a specific electrical installation; or
  - (b) requested by the user or lessor of an electrical installation to do so.
- (2) An approved inspection authority for electrical installations may not operate as an electrical contractor.

#### **5. Design and construction**

- (1) No person may authorise, design, install or permit or require the installation of an electrical installation, other than in accordance with a health and safety standard incorporated into these Regulations under section 44 of the Act.
- (2) No person may use components within an electrical installation unless those components comply with the standards referred to in the relevant incorporated standard referred to in subregulation (1), and proof of compliance shall be identifiable on the components or certification shall be available from the manufacturer or supplier of the materials or components in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act 5 of 2008).
- (3) Items of an electrical installation not covered by an incorporated health and safety standard, and the conductors between the point of supply and the point of control, shall be installed in accordance with the by-laws or regulations of the supplier concerned.
- (4) A registered person shall exercise general control over all electrical installation work being carried out, and no person may allow such work without such control.
- (5) Where the voltage exceeds 1 kV, a person deemed competent in terms of paragraphs (b), (c) or (d) of the definition of a competent person in regulation 1 of the General Machinery Regulations, 1988, or a

person registered in a professional category in terms of the Engineering Profession Act, 2000, shall approve the design of that part of an electrical installation.

- (6) Where the intention is to supply five or more users from a new point of supply, the user shall appoint an approved inspection authority for electrical installations or a person deemed competent in terms of paragraph (b), (c) or (d) of the definition of a competent person in regulation 1 of the General Machinery Regulations, 1988, or a person registered in a professional category in terms of the Engineering Profession Act, 2000, who shall ensure the compliance contemplated in subregulation (1) from the commencement to the commissioning of the electrical installation.

[Commencement of reg 5(6): 1 April 2010.]

- (7) No supplier may restrict the application of a health and safety standard referred to in subregulation (1) when an electrical installation is installed, except where the distribution system of the supplier may be adversely affected by the application thereof.

## **6. Electrical contractor**

- (1) No person may do electrical installation work as an electrical contractor unless that person has been registered as an electrical contractor in terms of these Regulations.
- (2) Any person who does electrical installation work as an electrical contractor shall register annually in the form of Annexure 3 with the chief inspector or a person appointed by the chief inspector.
- (3) An application for registration as referred to in subregulation (2) shall be accompanied by the fee prescribed by regulation 14.
- (4) The chief inspector or a person appointed by the chief inspector shall register any person referred to in subregulation (1) as an electrical contractor and enter such registration into the national database: Provided that such person—
- (a) has a fixed address and a telephone; and
- (b) employs a registered person in a full-time capacity, or is himself or herself a registered person.

## **7. Certificate of compliance**

- (1) Subject to the provisions of subregulation (3), every user or lessor of an electrical installation, as the case may be, shall have a valid certificate of compliance for that installation in the form of Annexure 1, which shall be accompanied by a test report in the format approved by the chief inspector, in respect of every such electrical installation.

- (2) Subject to the provisions of subregulation (3), every user or lessor of an electrical installation, as the case may be, shall on request produce the certificate of compliance for that electrical installation to an inspector, a supplier or, subject to regulation 4(1), an approved inspection authority for electrical installations.
- (3) Subregulation (1) shall not apply to an electrical installation that existed prior to 23 October 1992, and where there was no change of ownership after 1 March 1994: Provided that, if any addition or alteration is effected to such an electrical installation, the user or lessor of the electrical installation, as the case may be, shall obtain a certificate of compliance for the whole electrical installation, whereafter the provisions of subregulation (1) shall be applicable to such electrical installation.
- (4) Where any addition or alteration has been effected to an electrical installation for which a certificate of compliance was previously issued, the user or lessor of such electrical installation shall obtain a certificate of compliance for at least the addition or alteration.
- (5) Subject to the provisions of section 10(4) of the Act, the user or lessor may not allow a change of ownership if the certificate of compliance is older than two years.
- (6) The relevant supplier may at any reasonable time inspect or test any electrical installation: Provided that the supplier shall not charge any fee for such an inspection or test unless the inspection or test is carried out at the request of the user or lessor.
- (7) If an inspector, an approved inspection authority for electrical installations or supplier has carried out an inspection or test and has detected any fault or defect in any electrical installation, that inspector, approved inspection authority for electrical installations or supplier may require the user or lessor of that electrical installation to obtain a new certificate of compliance: Provided that if such fault or defect in the opinion of the inspector, approved inspection authority for electrical installations or supplier constitutes an immediate danger to persons, that inspector, approved inspection authority for electrical installations or supplier shall forthwith take steps to have the supply to the circuit in which the fault or defect was detected, disconnected: Provided further that where such fault or defect is of such a nature that it may indicate negligence on the part of a registered person, the inspector, approved inspection authority for electrical installations or supplier shall forthwith report those circumstances in writing to the chief inspector.

## **8. Commencement and permission to connect installation work**

- (1) No person shall commence installation work which requires a new supply or an increase in electricity supply capacity unless the supplier has been notified thereof in the form of Annexure 4: Provided that the supplier may waive this requirement in respect of such types of work as it may specify.
- (2) No person shall connect or permit the connection of any completed or partially completed electrical installation to the electricity supply unless it has been inspected and tested by a registered person and

a certificate of compliance for that electrical installation has been issued: Provided that the supplier may on request connect the supply to the electrical installation for the purpose of testing and the completion of the certificate of compliance by a registered person: Provided further that this subregulation shall not apply in a case where the electricity was disconnected for the non-payment of the electricity account or where there has been a change of tenant but not of ownership.

## **9. Issuing of certificate of compliance**

- (1) No person other than a registered person may issue a certificate of compliance.
- (2) A registered person may issue a certificate of compliance accompanied by the required test report only after having satisfied himself or herself by means of an inspection and test that—
  - (a) a new electrical installation complies with the provisions of regulation 5(1) and was carried out under his or her general control; or
  - (b) an electrical installation which existed prior to the publication of the current edition of the health and safety standard incorporated into these Regulations in terms of regulation 5(1), complies with the general safety principles of such standard; or
  - (c) an electrical installation referred to in paragraph (b), to which extensions or alterations have been effected, that—
    - (i) the existing part of the electrical installation complies with the general safety principles of such standard and is reasonably safe, and
    - (ii) the extensions or alterations effected comply with the provisions of regulation 5(1) and were carried out under his or her general control.
- (3) If at any time prior to the issuing of a certificate of compliance any fault or defect is detected in any part of the electrical installation, the registered person shall refuse to issue such certificate until that fault or defect has been rectified: Provided that if such fault or defect in the opinion of the registered person constitutes an immediate danger to persons in a case where electricity is already supplied, he or she shall forthwith take steps to disconnect the supply to the circuit in which the fault or defect was detected and notify the chief inspector thereof.
- (4) Any person who undertakes to do electrical installation work shall ensure that a valid certificate of compliance is issued for that work.
- (5) No person may amend a certificate of compliance.

## **10. Disputes**

- (1) Should a dispute arise over the interpretation of a health and safety standard referred to in regulation 5(1) between a user, a registered person, an electrical contractor, an approved inspection authority for electrical installations or a supplier, as the case may be, an affected person may appeal against that interpretation to the chief inspector.
- (2) A person who refers a dispute referred to in subregulation (1) shall serve a notice of dispute, setting out fully the nature and grounds of the dispute, on both the chief inspector and the person whose interpretation he or she is disputing, by personally delivering the notice of dispute or sending it by registered post.
- (3) The person whose interpretation is disputed shall within 14 working days of the date on which he or she received the notice of dispute, forward a notice setting out the reasons for his or her interpretation to the chief inspector.
- (4) The chief inspector shall, after having considered the grounds and the cause of the dispute, confirm, set aside or vary the interpretation of the safety standard in question or substitute it for the interpretation, which in the opinion of the chief inspector, ought to have been given.

#### **11. Application for registration as a registered person**

- (1) An application for registration as a registered person shall be made to the chief inspector in the form of Annexure 5 together with the registration fee prescribed by regulation 14.
- (2) Any natural person who satisfies the chief inspector that he or she—
  - (a) has sufficient knowledge of the rules applicable to electrical installations in the category for which the application is being made; and
  - (b) has appropriate practical experience in respect of the electrical installation, verification and certification of the construction, testing and inspection of the type of electrical installation for which application is being made,

shall be registered as an electrical tester for single phase, an installation electrician, or a master installation electrician, as the case may be.

- (3) The chief inspector shall furnish a registered person with the appropriate certificate of registration and enter such registration into the national database.
- (4) A registered person shall on request produce his or her certificate of registration to an inspector, an approved inspection authority for electrical installations, a supplier or any person to whom he or she intends to issue a certificate of compliance.

- (5) A registered person shall inform the chief inspector of any changes affecting his or her registration within 14 days after such change.

## **12. Withdrawal of registration and approval**

- (1) Subject to the provisions of subregulation (2), the chief inspector may withdraw an approval issued to an approved inspection authority, a registration issued to an electrical contractor or a certificate of registration issued to a registered person if such person—
- (a) no longer complies with any of the conditions referred to in regulation 3(2)(a), 6(4) or 11(2), respectively; or
  - (b) is convicted of an offence referred to in regulation 15.
- (2) The chief inspector may not withdraw a registration or an approval unless he or she has—
- (a) informed the holder of such registration or approval of the intended withdrawal thereof and of the grounds upon which it is based; and
  - (b) afforded such holder a reasonable opportunity to state his or her case and, if the holder is a person contemplated in subregulation (1)(a), afforded such holder an opportunity to comply with those conditions within the period specified by the chief inspector.
- (3) The chief inspector shall, in writing, inform the person concerned of the reasons for his or her decision.
- (4) Any person adversely affected by a decision of the chief inspector may, in writing, appeal to the Director-General against such decision.
- (5) An appeal referred to in subregulation (4) shall—
- (a) be lodged within 60 days from the date on which the decision was made known; and
  - (b) set out the grounds of appeal.
- (6) After considering the grounds of appeal and the chief inspector's reasons for his or her decision, the Director-General shall as soon as practicable confirm, set aside or amend the decision.

## **13. Substitution of lost, damaged or destroyed certificate**

- (1) If any registration certificate issued in terms of these Regulations to an electrical contractor or a registered person is lost, damaged or destroyed, the person to whom the certificate was issued may

apply to the chief inspector for a duplicate certificate in the form of Annexure 6, together with the relevant registration fee prescribed by regulation 14.

- (2) After proof that a certificate referred to in subregulation (1) has been lost, damaged or destroyed has been submitted to the satisfaction of the chief inspector, the chief inspector shall issue a duplicate thereof on which the word “duplicate” shall appear.

#### **14. Fees payable**

The fees payable in respect of an application in terms of regulation 3(2), 6(3) and 11(1) or a duplicate certificate of registration in terms of regulation 13(1) shall be R120,00 and shall be payable in the form of uncanceled revenue stamps affixed to the application form when payable to the chief inspector.

#### **15. Offences and penalties**

Any person who contravenes or fails to comply with any of the provisions of regulations 3(3), 4, 5, 6(1), 7, 8, 9, 11 (4) and 11(5) shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a maximum period of 12 months and, in the case of a continuous offence, to an additional fine of R200.00 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.

#### **16. Repeal of regulations**

The Electrical Installation Regulations, 1992, promulgated by Government Notice R.2920 of 23 October 1992, as amended by Government Notice R.962 of 20 May 1994, are hereby repealed.

#### **17. Short title**

These Regulations shall be called the Electrical Installation Regulations, 2009.

### **ANNEXURES**

Annexure 1	CERTIFICATE OF COMPLIANCE
Annexure 2	APPLICATION FOR APPROVAL AS APPROVED INSPECTION AUTHORITY FOR ELECTRICAL INSTALLATIONS
Annexure 3	APPLICATION FOR REGISTRATION AS ELECTRICAL CONTRACTOR
Annexure 4	NOTICE OF COMMENCEMENT OF INSTALLATION WORK
Annexure 5	APPLICATION FOR REGISTRATION AS REGISTERED PERSON
Annexure 6	APPLICATION FOR DUPLICATE CERTIFICATE ISSUED IN TERMS OF THE ELECTRICAL INSTALLATION REGULATIONS, 2009

*(Please note that a copy of the Annexures will be provided upon request. Kindly refer to our website for our contact details.)*