DYKES VAN HEERDEN
ATTORNEYS AND CONVEYANCERS

ELECTRICAL CERTIFICATES OF COMPLIANCE & SOLAR: FREQUENTLY ASKED QUESTIONS

In addition to our Newsflash dated March 2024, we wish to summarize answers to the most frequent questions regarding the statutory requirements for an Electrical Certificate of Compliance ("COC") and the transfer of immovable property especially those equipped with Solar Systems.

Firstly the 2009 Regulations to the Occupational Health and Safety Act No 85 of 1993 provides that a COC must be issued when a property is constructed or transferred. The COC must be issued by a Registered Person namely an Electrical Tester for Single Phase ("ET), an Installation Electrician ("IE) or a Master Installation Electrician ("MIE"). The information is contained on the Electrician's registration certificate or card.

Secondly, a Solar System may only be installed by an ET under the control of an IE or a ME with a valid wireman's license. A COC for a solar system can however be issued by an ET but only if he has completed a trade test and the required Unit Standards Inspection, Testing and Certificate for a single-phase domestic instillation.

A COC remains valid until the installations are altered in which case a new COC must be issued for such alterations. A COC can however only be transferred to a new owner of an immovable property for a period of two years from date of issue. A Solar System forms part of the electrical installations covered by a COC but only if specifically included thereon.

Each Local Council as well as Eskom has a mandatory registration procedure for residential properties equipped with Solar Panels tied to main electrical grid. The Registered Owner of such property must register a Small-Scale Embedded Generation Systems generating up to 50KW with such Local Council or Eskom whether it feeds excess electricity generated by such solar package back into the main electrical grid or not. The registered owner need not register with the relevant authority if the property is "off-the grid" and has no municipal or Eskom electrical connection that functions as backup electrical supply.

We must remember that although it is a statutory requirement that a COC is obtained when a property is transferred as described herein, the COC is not necessary to obtain any document required for lodgement of the registration of a transfer in the Deeds Office. It is however sometimes required by a Financial Institution as a condition for the registration of a Mortgage Bond in which event the Mortgage Bond will not be registered in the absence of such a COC.

We suggest that the following clause (or variation of the same) is included in your Offer to Purchase because of the abovementioned summary:

The Seller shall obtain at his cost the required Certificate of Compliance ("COC") as mentioned in Regulation 9 promulgated in terms of the Occupational Health and Safety Act No 85 of 1993. The COC shall be issued by a Registered Person. If a Solar System forms part of the electrical installations on the Property, it shall specifically be included in the COC which must be signed by an installation electrician or master installation electrician or an electric tester under the supervision of an installation electrician or master installation electrician. If the electrical installation is faulty, the Seller shall at his cost repair the electrical installation. The COC shall be delivered to the Purchaser within 15 days of the acceptance of the offer or fulfilment of the suspensive conditions (whichever is the later) and no alterations shall be affected after the issuing of the COC.

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