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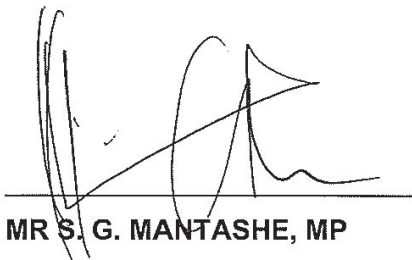
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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*.

KITSISO YA PUSO

LEFAPHA LA DITLHAGISO TSA DIMINERALE LE ENEJI**Nmr. R****2023*****NATIONAL ENERGY ACT, 2008 (MOLAO 34 WA 2008)*****MELAWANATAOLOTLHABOLOLO MABAPI LE PONTSHO LE THOMELO E E
PATELESEGANG YA DITIFIKEITI TSA TIRAGATSO YA ENEJI TSA MEAGO,
2008**

Tona ya Ditlhagiso tsa Diminerale le Eneji o, go ya ka karolo 19(1)(b) ya *National Energy Act, 2008* (Molao 34 wa 2008), dirile melawanataolo jaaka e tlhagisitswe mo Šejuleng.

RRE S. G. MANTASHE, MP**TONA YA DITLHAGISO TSA DIMINERALE LE ENEJI****LETLHA:**

ŠEJULE

NTLHATLHALOSO YA KAKARETSO

[] Mafoko a a kwetsweng ka bontsho jo bo gateletsweng mo masakaneng a sekwere a bontsha tse di tlogetsweng go tswa mo melaong e e leng teng.

_____ Mafoko a a thaletsweng ka mola o o kopaneng a bontsha tse di tsentsweng mo melaong e e leng teng.

Ditlhaloso

1. Mo melawanataolong eno, "Melawanataolo" e kaya Melawanataolo ya Pontsho e e Laetsweng le Thomelo ya Ditifikeiti tsa Tiragatso ya Eneji tsa Meago, 2019, e e phasaladitsweng ka Lokwalodikgang la Puso Nmr. 43972 Kitsiso Nmr. 700 ya di 8 Sedimonthole 2020, jaaka e tihabolotswe ka Kitsiso ya Puso Nmr. 1461 ya di 25 Ngwanatsele 2022.

Tihabololo ya Molawanataolo 1 wa Melawanataolo

2. Molawanataolo 1 wa Melawanataolo o tihabololwa ka—
 - (a) kemisetso ya tlhaloso ya "motlhankedi yo o rwalang maikarabelo" ka tlhaloso e e latelang:

"motlhankedi yo o rwalang maikarabelo" wa—

(a) lefapha la bosetšhaba kgotsa porofense o kaya motlhankedi yo o rwalang maikarabelo jaaka a tlhalositswe mo karolong 1 ya *Public Finance Management Act, 1999* (Molao 1 wa 1999);

- (b) masepala o kaya motlhankedi yo o rwalang maikarabelo jaaka a tihalositswe mo karolong 1 ya *Municipal Finance Management Act, 2003* (Molao 56 wa 2003); le
- (c) motlhankedi kgotsa setheo se se umakilweng mo tihalosong ya 'setheo sa puso', o kaya motho yo o thapilweng jaaka motlhankedi yo o rwalang maikarabelo wa bothati jwa palotlotlo ka fa tlase ga *Public Finance Management Act, 1999* (Molao 1 wa 1999);”;
- (b) kemisetso ya tihaloso ya "mokgatlho o o letleletsweng semmuso" ka tihaloso e e latelang:
- “mokgatlho o o letleletsweng semmuso’** o kaya mokgatlho o letleletsweng ke Thulaganyo ya Tetelelosemmuso ya Bosetšhaba ya Aforika Borwa”.
- (c) kemisetso ya tihaloso ya “setifikeiti sa tiragatso ya eneji” ka tihaloso e e latelang:
- “setifikeiti sa tiragatso ya eneji”** se kaya setifikeiti se se rebotsweng ke mokgatlho o o letleletsweng semmuso pele ga di 31 Mopitlwe 2024, le morago ga moo ke moitseanape yo o kwadisitsweng mabapi le moago go tsamaelana le Maemo a Bosetšhaba a Aforika Borwa SANS 1544: 2014 Ditifikeiti tsa Tiragatso tsa Eneji mabapi le meago, ao a phasaladitsweng ke Biro ya Maemo ya Aforika Borwa go latela *Standards Act, 2008* (Molao 8 wa 2008) se se tihagisang tiragatso ya eneji ya moago oo.”; le
- (d) go tsenngwa morago ga tihaloso ya “setheo sa puso” ga tihaloso e e latelang:
- “moitseanape yo o kwadisitsweng’** o kaya moitseanape ka esi yo o kwadisitsweng ke Setheo sa Tlhabololo sa Eneji sa Bosetšhaba sa Aforika Borwa.”

Tlhabololo ya Molawanataolo 4 wa Melawanataolo

3. Molawanataolo o o latelang o tsenngwa mo boemong jwa Molawanataolo 4:

“4 Kwadiso le thomelo e e pateletsegang ya ditifikeiti tsa tiragatso tsa eneji(1)

Motlhankedi yo o rwalang maikarabelo wa setheo sa puso kgotsa mong wa moago o o seng mo tsholong, tsamaisong, kgotsa mo tirisong ya setheo sa puso o tshwanetse go–

(a) kwadisa mofuta le bogolo jwa moago mo Rejisetareng ya Tiragatso ya Eneji ya Meago ya Bosetšhaba e e tlamelwang ke SANEDI, mo dikgweding di le 12 tsa kgoeletso ya melawanataolo eno; le

(b) romelela SANEDI khopi e e kanetsweng ya setifikeiti sa tiragatso ya eneji mabapi le moago mongwe le mongwe o o umakilweng mo molawanataolong 3 mo dikgweding di le tharo tsa letlha la go rebolwa ga setifikeiti.

(2) SANEDI e tshwanetse go tshola Rejisetara ya Tiragatso ya Eneji ya Meago ya Bosetšhaba, eo e tshwanetseng go akaretsa dintlha tsa ditifikeiti tsotlhe tse di nepagetseng tsa tiragatso tsa eneji tsa meago.”

Setlhogo se se khutshwane le tshimololo

4. Melawanataolo eno e bidiwa Melawanataolo ya Tlhabololo mabapi le Pontsho le Thomelo e e Patelesegang ya Ditifikeiti tsa Tiragatso ya Eneji tsa Meago, 2023, e bile e tla tsennngwa mo tirisong ka letlha le le goleditsweng mo Lokwalodikgannyeng la Puso.

ISAZISO SIKAHULUMENI

UMNYANGO WEZEZIMBIWA NAMANDLA**Inombolo R****2023****UMTHETHO KAZWELONKE WAMANDLA WEZI-2008 (UMTHETHO 34 WEZI-2008)****IMITHETHO ECHIBIYELAYO YOKUKHOMBISA OKUYIMPOQO NOKUTHUNYELWA
KWEZITIFIKETI ZOKUSEBENZA KWAMANDLA EZAKHIWO, YEZI-2008**

UNgqongqoshe Wezezimbiwa Namandla, ngokwesigaba se-19(1)(b) soMthetho Kazwelonke Wamandla, wezi-2008 (uMthetho 34 wezi-2008), wenze imithethonqubo njengoba ibekwe kwiSheduli.

UMNU. S.G. MANTASHE, MP**UNGQONGQOSHE WEZEZIMBIWA NAMANDLA****USUKU:**

ISHEDULI

INCAZELO EFINGQIWE EJWAYELEKILE

[_____] Amagama abhalwe ngokugqamile akubakaki abayizikwele amele okukhishiwe emthethweni osebenzayo.

_____ Amagama adwetshelwe ngomugqa amele okufakiwe emthethweni osebenzayo.

Izincazelo

1. Kule mithethonqubo, "iMithethonqubo" isho Imithethonqubo Yokukhombisa Okuyimpoqo Nokuthunyelwa Kwezitifikethi Zokusebenza Kwamandla Ezakhiwo, yezi-2019, eshicilelwe yiGazethi kaHulumeni yezi-43972 Isaziso 700 sangomhlaka 8 kuZibandlela 2020, njengoba ichitshiyelwe Isaziso sikaHulumeni se-1461 sangomhlaka 25 kuLwezi 2022.

Ukuchitshiyelwa koMthethonqubo woku-1 weMithethonqubo

2. Umthethonqubo woku-1 weMithethonqubo ngalokhu uchitshiyelwa-

(a) ukufaka esikhundleni sencazelo "yomhlelimabhuku ezimali" le ncazelo elandelayo:

“ umhlelimabhuku ezimali’ -

(a) womnyango kazwelonke noma wesifundazwe kusho umhlelimabhuku ezimali njengoba kuchazwe esigabeni soku-1 soMthetho Wokuphathwa Kwezimali Zikahulumeni, we-1999 (uMthetho 1 we-1999);

(b) kamasipala kushiwo umhlelimabhuku ezimali njengoba kuchazwe esigabeni soku-1 soMthetho Wokuphathwa Kwezimali Zomasipala, wezi-2003 (uMthetho 56 wezi-2003);

futhi

- (c) womsebenzi noma isikhungo okukhulunywe ngaso encazelweni 'yegatsha lombuso', kushiwo umuntu owenziwe njengomhlelimabhuku ezimali ngaphansi koMthetho Wokuphathwa Kwezimali Zikahulumeni, we-1999 (uMthetho 1 we-1999); ”;
- (b) ukufaka esikhundleni sencazelo “yomhlelimabhuku ezimali” le ncazelo elandelayo:
“**umgwamanda ogunyaziwe**’ usho umgwamanda ogunyazwe Uhlelo Lokugunyaza LwaseNingizimu Afrika”.
- (c) ukufaka esikhundleni sencazelo “yesitifiketi sokusebenza kwamandla” le ncazelo elandelayo:
“ **isitifiketi sokusebenza kwamandla** ” sichaza isitifiketi esikhishwe umgwamanda ogunyaziwe ngaphambi komhla zingama-31 kuNdasa wezi-2024, futhi ngemva kwalokho uchwepheshe obhalisiwe maqondana nesakhiwo ngokuhambisana Namazinga Kazwelonke aseNingizimu Afrika i-SANS 1544: yezi-2014 Izitifiketi Zokusebenza Kwamandla Esakhiwo, ezishicilelwe uMthetho Wesikhungo Sokuqinisekisa Amazinga saseNingizimu, wezi-2008 (uMthetho 8 wezi-2008) okhombisa ukusebenza kwamandla kwaleso sakhiwo;” futhi
- (d) ukufakwa ngemva kwencazelo “yegatsha lombuso” le ncazelo elandelayo:
“**uchwepheshe obhalisiwe**’ kusho uchwepheshe oyedwa obhaliswe yi-South African National Energy Development Institute;”.

Ukuchitshiyelwa koMthethonqubo wesi-4 weMithethonqubo

3. Ngakho-ke umthethonqubo olandelayo ufakwe esikhundleni soMthethonqubo wesi-4:

“ **4 Ukubhalisa okuphokelekile kanye nokulethwa kwesitifiketi sokusebenza kwamandla** (1) Umhlelimabhuku ezimali wohlaka lukahulumeni noma umnikazi

wesakhiwo ngaphandle kwalezo eziphethwe, ezisetshenziswa uhlaka lukahulumeni kufanele—

(a) abhalise uhlobo nosayizi wesakhiwo kwiRejista Kazwelonke Yokusebenza Kwamandla Esakhiwo egcinwe yi-SANEDI, zingakapheli izinyanga eziyi-12 zokumenyezela kwale mithethonqubo; futhi

(b) alethe ikhophi eqinisekisiwe yesitifiketi sokusebenza kwamandla kwa-SANEDI maqondana nesakhiwo ngasinye okukhulunywe ngaso kumthethonqubo wesi-3 zingakapheli izinyanga ezintathu zekhalenda kusukela ngosuku okukhishwe ngalo isitifiketi.

(2) I-SANEDI kufanele igcine Irejista Kazwelonke Yokusebenza Kwamandla Esakhiwo, okumele ifake imininingwane yazo zonke izitifiketi ezisebenzayo zokusebenza kwamandla esakhiwo. ”.

Isihloko esifushane kanye nokuqala ukusebenza komthetho

4. Le Mithethonqubo ibizwa ngokuthi Imithethonqubo Echitshiyelwe Yokukhombisa Okuyimpoqo Nokuthunyelwa Kwezitifikethi Zokusebenza Kwamandla Ezakhiwo, yezi-2023, futhi izoqala ukusebenza ngosuku olushiwo kwiGazethi.

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