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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****DEPARTMENT OF MINERAL RESOURCES AND ENERGY****NOTICE 1460 OF 2022****NATIONAL ENERGY ACT, 2008 (ACT NO. 34 OF 2008)****AMENDMENT REGULATIONS FOR THE MANDATORY DISPLAY AND SUBMISSION  
OF ENERGY PERFORMANCE CERTIFICATES FOR BUILDINGS**

I, Mr. Samson Gwede Mantashe, the Minister of Mineral Resources and Energy, in terms of section 19(1)(b), read with section 19(2)(a) of the National Energy Act, 2008 (Act No. 34 of 2008), hereby publish the amendment Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings published under Government Notice No. 700 in Government Gazette 43972 of 8 December 2020, for public comment.

Interested persons are invited to submit, within 30 days of the date of publication of this Notice, any written comments or representations on the proposed Amendment Regulations to the Director General of the Department of Mineral Resources and Energy, for the attention of Mr Xolile Mabusela by:

- (a) Post to: Department of Mineral Resources and Energy, Private Bag X 59, Pretoria, 0001.
- (b) Hand to: Trevenna Campus, 71 Meintjies street, Cnr Meintjies and Francis Baard Streets, Pretoria, 0001; or
- (c) Email to: Xolile.Mabusela@dmre.gov.za.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.



**MR S. G. MANTASHE, MP**  
**MINISTER OF MINERAL RESOURCES AND ENERGY**

**DATE:** 17/11/2022

## 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.

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### 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.

### 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 [**mentioned in the first column of Schedule 1, 2 or 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), means the officer who is the incumbent of the post bearing the designation mentioned in the second column of the said Schedule 1, 2 or 3 opposite the name of the relevant 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 [**subject to the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)]** means an accounting officer as defined in section 1 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

- (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);"; and
- (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 [**or by a member of the recognition arrangements of the International Laboratory Accreditation Cooperation or the International Accreditation Forum**];".

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

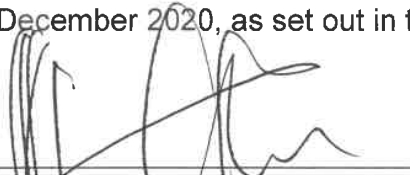
3. The following regulation is hereby substituted for Regulation 4:

#### **"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 and its energy performance to the National Building Energy Performance Register maintained by SANEDI within 12 months of the promulgation of these regulations;
- (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."

**DEPARTMENT OF MINERAL RESOURCES AND ENERGY****NOTICE 1461 OF 2022****NATIONAL ENERGY ACT, 2008 (ACT NO. 34 OF 2008)****AMENDMENT REGULATIONS FOR THE MANDATORY DISPLAY AND SUBMISSION  
OF ENERGY PERFORMANCE CERTIFICATES FOR BUILDINGS**

I, Mr. Samson Gwede Mantashe, the Minister of Mineral Resources and Energy, in terms of section 19(1)(b) of the National Energy Act, 2008 (Act No. 34 of 2008), hereby amend the Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings published under Government Notice No. 700 in Government Gazette 43972 of 8 December 2020, as set out in the Schedule.



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**MR S. G. MANTASHE, MP****MINISTER OF MINERAL RESOURCES AND ENERGY****DATE:** 17/11/2022

## 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.

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### 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.

### Amendment of Regulation 3 of the Regulations

2. Regulation 3 of the Regulations is hereby amended by the substitution for sub-regulations 1 and 2 of the following sub-regulations:

“(1) The accounting officer of an organ of state must, **[within two years of these Regulations coming into effect]** by 7 December 2025, publicly display an energy performance certificate at the entrance of a building that is owned, operated or occupied by that organ of state, provided that the building–

- (a) has a dominant occupancy classification in terms of regulation A20 of the National Building Regulations as A1 (Entertainment and public assembly), A2 (Theatrical and indoor sport), A3 (Places of instruction), or G1 (Offices);
- (b) is in operation to meet a particular need associated with the use of the building for a period of two years or longer, and has not been subject to a major renovation within the past two years of operation; and
- (c) has a total net floor area of over 1000m<sup>2</sup>.

(2) The owner of a building, other than that owned, operated or occupied by an organ of state as contemplated in sub-regulation (1), must **[within two years of these Regulations coming into effect]** by 7 December 2025, publicly display an energy performance certificate at the entrance of that building[;], provided that the building–



- (a) has a dominant occupancy classification in terms of regulation A20 of the National Building Regulations as A1 (Entertainment and public assembly), A2 (Theatrical and indoor sport), A3 (Places of instruction), or G1 (Offices);
- (b) is in operation to meet a particular need associated with the use of the building for a period of two years or longer, and which has not been subject to a major renovation within the past two years of operation; and
- (c) has a total net floor area of over 2000m<sup>2</sup>.”.

**Short title**

3. These Regulations are called the Amendment Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings, 2022.









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