

**13.
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO. 103
OF 1977: APPOINTMENT OF A BUILDING CONTROL OFFICER**

4/3

S Muller

Director: Infrastructure and Planning

12 May 2020

(028) 313 8019

1. Executive Summary

The National Building Regulations and Building Standards Act (Act 203 of 1977) requires a local authority to appoint a building control officer to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under this Act.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure & Planning
Department: Building Control

3. Compliance with Strategic Priorities

Creation and maintenance of a safe and healthy environment
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

National Building Regulations and Building Standards Act 103 of 1977.

6. Background/Discussion/Evaluation/Conclusion

Background

The National Building Regulations and Building Standards Act (Act 203 of 1977), "the Act", requires a local authority to appoint a building control officer (BCO). The following three sections of the Act are applicable:

- **"Section 5: Appointment of Building Control Officer by Local Authority**

(1) Subject to the provisions of subsection (3) a local authority shall appoint a person as building control officer in order to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under this Act."

- **“Section 28: Delegations of Powers**

(4) Any local authority may in writing delegate any power conferred upon it by or under this Act, other than a power referred to in section 5, to any committee appointed by it or to any person in its employ, but the delegation of any such power shall not prevent the exercise thereof by such local authority itself.”

- **“A16 QUALIFICATIONS OF A BUILDING CONTROL OFFICER**

The minimum qualification of any building control officer appointed in terms of section 5 of the Act shall be of a standard equivalent to a senior certificate plus three years tertiary education, at an accredited educational institution, in one of the following building disciplines:

- (a) civil engineering;*
- (b) structural engineering;*
- (c) architecture;*
- (d) building management;*
- (e) building science;*
- (f) building surveying; or*
- (g) quantity surveying”*

Discussion

The Act requires a local authority to appoint a suitably qualified person as BCO. A local authority may not delegate the power to appoint a BCO.

The functions of a BCO are contained in Section 6 of the Act and reads as follows:

“Section 6: Functions of Building Control Officers

(1) A building control officer shall-

- (a) make recommendations to the local authority in question, regarding any plans, specifications, documents and information submitted to such local authority in accordance with section 4(3);*
- (b) ensure that any instruction given in terms of this Act by the local authority in question be carried out;*
- (c) inspect the erection of a building, and any activities or matters connected therewith, in respect of which approval referred to in section 4(1) was granted;*
- (d) report to the local authority in question, regarding non-compliance with any condition on which approval referred to in section 4(1) was granted.”*

Traditionally, the Manager of the Building Control Department was also appointed as the BCO. However, in February 2020, Council (in terms of Section 7 of the Act) appointed the Manager as the Authorised Official for the approval

and refusal of building plans. Since one of the duties the BCO is to make recommendations regarding building plans to the Authorised Official, these two functions cannot be performed by the same person. Therefore, Council has to appoint a different person as the BCO.

It is proposed that Mr JG Coetzee be appointed as the BCO. He is currently employed as the Principal Technician in the Building Control Department. He has a BSC degree in Building Management and 27 years' experience in the Building Control Department. Mr Coetzee has extensive knowledge of the Act and vast experience of the building industry in the Overstrand Area.

Conclusion

It is recommended that Mr JG Coetzee be appointed as the BCO for the Overstrand Municipality.

7. Financial Implications

None.

8. Staff Implications

If approved, Mr Coetzee's job description will be reviewed to include the functions of a BCO.

9. Comments from other Departments, Divisions and Administrations

None.

10. Annexures

Annexure A: Copy of qualification - JG Coetzee.

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 5 of the National Building Regulations and Building Standards Act (Act 203 of 1977), Mr JG Coetzee **be appointed** as the Building Control Officer for the Overstrand Municipal Area.

RESPONSIBLE OFFICIAL :

L COETZEE

TARGET DATE FOR IMPLEMENTATION :

1 JUNE 2020

ANNEXURE A

University
of
Port Elizabeth



Universiteit
van
Port Elizabeth

This is to certify that, the
requirements having been
satisfied, the degree of

Hiermee word verklaar dat,
nadat aan die vereistes
voldoen is, die graad

Baccalaureus Scientiae in Building Management
Baccalaureus Scientiae in Boubestuur

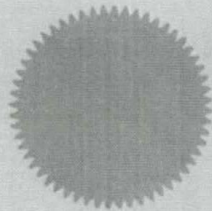
has been conferred upon

toegeken is aan

JOHANNES GERHARDUS COETZEE

Deuringkamp
Vice-Chancellor / Vice-Kanselier

Lauren
Registrar / Registrateur



385

4483 Port Elizabeth

Port Elizabeth
24 April 1992