

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 4006 OF 2026

PUBLICATION OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS AMENDMENT BILL, 2026, FOR PUBLIC COMMENTS

I, Mr Mpho Parks Tau, Minister of Trade, Industry and Competition, hereby publish the National Building Regulations and Building Standards Amendment Bill, 2026, for public comment and for public consultation.

Members of the public are invited to submit their written comments within 60 days from the date of publication of this Notice.

By making a submission, the commentator agrees that the name of the commentator and the submission may be made public by the Department of Trade, Industry and Competition and the submission will be disclosed if requested in terms of the Promotion of Access to Information Act, 2000.

Written comments may be submitted to:

- (a) **Postal address:** Private Bag X84
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0001
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Block A
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- (c) **E- mail:** nbrcomments@thedtic.gov.za

Comments must be addressed to the Director-General and marked for the attention of Ms Anna-Marie Lötter



Mr Parks Tau, MP

Minister of Trade, Industry and Competition

08/06/2026

REPUBLIC OF SOUTH AFRICA

**NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS
AMENDMENT BILL**

*(As introduced in the National Assembly (proposed section 76); explanatory
summary of Bill and prior notice of its introduction published in Government Gazette
No. of)
(The English text is the official text of the Bill)*

(MINISTER OF TRADE, INDUSTRY AND COMPETITION)

[B - 2026]

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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.

BILL

To amend the National Building Regulations and Building Standards Act, 1977, so as to amend certain definitions; to address provisions of the Act that appear not to be in line with the Constitution; to provide for an internal appeals mechanism that is within constitutional bounds; to provide for the establishment of a Coordinating Committee for the built environment; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 103 of 1977

1. Section 1 of the National Building Regulations and Building Standards Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of the numbering preceding the definitions;

- (b) by the substitution for the definitions of “architect” and “architectural area” of the following definitions, respectively:

" 'architect' means [an architect as defined in section 1 of the Architects' Act, 1970 (Act No. 35 of 1970)] a person registered in the architectural profession category in terms of section 18 of the Architectural Profession Act, 2000 (Act No. 44 of 2000);

'architectural area' means the sum of the areas of the several floors of a building, including basements, mezzanine and intermediate floor tiers and penthouses of headroom height, inclusive of all roofed areas, measured from [the exterior faces of] the exterior walls;"

- (c) by the substitution for the definition of “building” of the following definition:

" 'building' includes—

- (a) any structure, whether of a temporary or permanent nature, inclusive of minor works and irrespective of the materials used in the erection thereof, erected or used for or in connection with—
- (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage, display or sale of any goods;
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of refuse or other waste materials;
 - (v) the cultivation or growing of any plant or crop;
 - (vi) the advertisement of products and services; or
 - (vii) cellular phone transmission;

- (b) any wall, swimming bath, swimming pool, pergola, reservoir, water feature or bridge or any other structure connected therewith;
 - (c) any fuel pump or any tank used in connection therewith;
 - (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
 - (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of water supply, drainage, sewerage, storm water disposal, **[electricity]** energy supply or other similar service in respect of the building; or
 - (f) earthworks;"
- (d) by the insertion after the definition of "bureau" of the following definition:
- " 'certificate of occupancy' means a certificate issued by a local authority to an owner of a building in terms of section 16(1);"**
- (e) by the insertion after the definition of "code of practice" of the following definitions:
- " 'competent person' means a person who is qualified by virtue of his or her education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him or her in terms of that regulation;**
- 'competent registered professional' means a registered built environment professional rendered competent to deliver specific relevant professional services in accordance with the provisions of the**

relevant built environment Professions' Act as defined in section 1 of the Council for the Built Environment Act, 2000 (Act No. 43 of 2000);
'Coordinating Committee' means the Coordinating Committee for the built environment established in terms of section 9A;"

- (f) by the insertion after the definition of "erection" of the following definition:

" **'earthwork'** includes landfill sites, shafts, terraces for new developments or municipal services, excavations for pipes or other services, earthworks for road and dam works;"

- (g) by the substitution for the definition of "local authority" of the following definition:

" **'local authority'** means a municipality envisaged in section 155(1) of the Constitution;"

- (h) by the substitution for the definition of "Minister" of the following definition:

" **'Minister'** means the Minister **[of Economic Affairs and Technology]** responsible for trade, industry and competition;"

- (i) by the substitution for the definition of "National Regulator" of the following definition:

" **'National Regulator'** means the National Regulator as defined in section 1 of the National Regulator **[and] for** Compulsory Specifications Act, 2008 (Act No. 5 of 2008);"

- (j) by the substitution in the definition of "owner" for the words preceding the proviso of the following words:

" **'owner'**, in relation to a building or land, means—

- (a) the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
 - (b) in the case of a trust, the trustees of that trust;
 - (c) where the interior of a sectional title unit is in question, the registered owner of a sectional title unit;
 - (d) where the common property of a sectional title scheme is in question, the trustees of a body corporate;
 - (e) where the common property of a sectional title scheme is in question and there are no elected trustees of a body corporate, the administrator of the body corporate of the sectional title scheme;
 - (f) where the owner of a building has been declared by any court to be incapable of managing his or her own affairs or a prodigal, the curator;
 - (g) where the owner of the building is a juristic person or a trust and has been liquidated, the liquidator;
 - (h) where a close corporation was deregistered and continuing liability as contemplated in section 26 of the Close Corporation Act, (Act No. 69 of 1984), read with section 83(2) and (3) of the Companies Act, 2008 (Act No. 71 of 2008), applies, the former members of such close corporation; and
 - (i) where the owner of the building has been placed under business rescue, the business rescue practitioner:";
- (k) by the substitution for paragraph (a) of the proviso to the definition of "owner" of the following paragraph:

- "(a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Care Act, **[1973 (Act No. 18 of 1973)] 2002 (Act No. 17 of 2002)**, or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;";
- (l) by the substitution for paragraph (c) of the proviso to the definition of "owner" of the following paragraph:
- "(c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefor;";
- (m) by the deletion of the definition of "review board";
- (n) by the insertion after the definition of "review board" of the following definitions:

" 'registered person' means a person defined in section 1 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering);

'registered professional' means a person—

- (a) registered in terms of section 18 of the Architectural Profession Act, 2000 (Act No. 44 of 2000), as a professional architect or professorial senior architectural technologist; or**

(b) defined in section 1 of the Engineering Profession of South Africa Act, 2000 (Act No. 46 of 2000);"

- (o) by the substitution for the definition of "Standards Act" of the following definition:

" 'Standards Act' means the Standards Act, [1982 (Act No. 30 of 1982)] 2008 (Act No. 8 of 2008);"

- (p) by the insertion after the definition of "statutory body" of the following definition:

" 'structure' means anything constructed or built of different interrelated parts with a fixed location on the ground or onto a building;"

- (q) by the insertion after the definition of "structural system" of the following definition:

" 'temporary building' means any building that is so declared by the owner and that is being used or is to be used for a specified purpose for a specified limited period of time, but does not include a builder's shed;" and

- (r) by the insertion after the definition of "this Act" of the following definition:

" 'universal access' means the removal of any barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens and residents."

Substitution of section 2 of Act 103 of 1977

2. The following section is hereby substituted for section 2 of the principal Act:

"Application of Act

2. (1) This Act applies to all the territory of the Republic of South Africa as contemplated in section 21 of the Municipal Demarcation Act, 1998 (Act No. 27 of 1998).

(2) This Act binds the State.

(3) All buildings erected on the surface, whether utilised as mining facilities or not, including those erected on land primarily occupied by industrial and mining plants, are subject to this Act.

(4) Any building which is, or is to be, erected below ground on mining property and which is or is to be used exclusively for the operation of a mine or any works or machinery, as defined in the Mines and Works Act, 1956 (Act No. 27 of 1956), and which is, in terms of section 2 of that Act, subject to the supervision of the Chief Inspector as contemplated in the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), is exempt from the provisions of this Act."

Amendment of section 7 of Act 103 of 1977, as amended by section 4 of Act 62 of 1989

3. Section 7 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1)(b)(ii) for items (aa) and (bb) of the following items, respectively:

"(aa) is to be erected in such manner or will be of such nature or appearance that [—

(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;

(bbb) it will probably or in fact be unsightly or objectionable;

(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties] it will contravene any provision of this Act or a regulation made in terms thereof;

(bb) will probably or in fact be dangerous to life **[or]**, property, health or the safety of the occupants of the building or detrimental to the environment,";

(b) by the substitution for subsection (5) of the following subsection:

"(5) Any application in respect of which a local authority refused in accordance with subsection (1)(b) to grant its approval, may, notwithstanding the provisions of section 22, at no additional cost and subject to the provisions of subsection (1) be submitted anew to the local authority within a period not exceeding one year from the date of such refusal—

(a) **[(i)]** if the plans, specifications and other documents have been amended in respect of any aspect thereof which gave cause for the refusal; and

[(ii)] (b) if the plans, specifications and other documents in their amended form do not substantially differ from the plans, specifications or other documents which were originally submitted~~;~~ **or**

(b) where an application is submitted under section 18].";

(c) by the substitution for subsection (6) of the following subsection:

"(6) The provisions of this section shall not be construed so as to prohibit a local authority, before granting or refusing its approval in accordance with subsection (1) in respect of an application, from granting at the written request of the applicant and on such conditions as the local authority may think **[fit]** fair and equitable, and on condition that no health and safety design non-compliance exists, provisional authorisation to an applicant to commence or proceed with the erection of a building to which such application relates."; and

(d) by the deletion of subsection (7).

Substitution of section 9 of Act 103 of 1977

4. The following section is hereby substituted for section 9 of the principal Act:

"Appeal against decision of local authority

9. (1) Any person who—

(a) feels aggrieved by the refusal of a local authority to grant approval referred to in section 7 in respect of the erection of a building;

(b) feels aggrieved by any notice of prohibition referred to in section 10; or

(c) disputes the interpretation or application by a local authority of any national building regulation or any other building regulation or by-law,

may, within 21 days of the notification of the decision of the local authority contemplated in paragraph (a), (b) or (c), in the manner and upon payment of the fees prescribed by the relevant local authority's Council, appeal to the executive authority of the relevant local authority as the appeal authority contemplated in section 51 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)."

Insertion of section 9A in Act 103 of 1977

5. The following section is hereby inserted in the principal Act after section 9:

“Coordinating Committee for built environment

9A. (1) There is a Coordinating Committee for the built environment which must consist of not less than 10 and not more than 20 members appointed by the Minister comprising of—

(a) a senior official, at the level of at least director, from the Department of Trade, Industry and Competition who must be the chairperson of the Committee;

- (b) representatives from organs of state that have a mandate related to the built environment;
- (c) a representative of the National Regulator and a representative of the South African Bureau of Standards;
- (d) five representatives of professional bodies within the built environment;
and
- (e) a representative of organised local government.

(2) Whenever it is necessary to appoint the persons contemplated in subsection (1)(d), the Minister must—

- (a) through advertisements in the media circulating nationally, inviting nominations from professional bodies within the built environment;
- (b) set up a panel which must shortlist and interview candidates and recommend suitable candidates for appointment.

(3) The Department of Trade, Industry and Competition must provide administrative support and other resources, including financial resources from monies appropriated by Parliament for that purpose, for the effective functioning of the Coordinating Committee.

(4) The Coordinating Committee must—

- (a) advise the Minister on matters of national building regulations in terms of section 17 or in connection with the application of the provisions of this Act;
- (b) advise the Minister on any matter relating to national building regulations including technical advice on the formulation and publication of building regulations;

- (c) conduct investigations regarding compliance with this Act and report to the Minister;
- (d) consider and advise the Minister on any amendments to other legislation related to the built environment that impact on this Act;
- (e) promote education and training in the built environment;
- (f) ensure capacity building for building control officers; and
- (g) disseminate information regarding this Act.

(5) The Coordinating Committee must perform the functions assigned or referred to it by the Minister.

(6) The Minister may by notice in the *Gazette* assign specific functions of the Coordinating Committee to the National Regulator.

(7) The Coordinating Committee may with the approval of the Minister establish one or more technical committees to advise the Committee on specific matters relating to national building regulations.

(8) The Minister must, after consulting the Coordinating Committee, by notice in the *Gazette* publish the terms of reference and rules of procedure for the Coordinating Committee.

(9) The Coordinating Committee must meet at least every three months.

(10) The members of the Coordinating Committee shall be appointed for a period not exceeding three years and may be reappointed for a further period of three years.

(11) The conditions of appointment of members of the Coordinating Committee who are not in the employ of an organ of state must be determined by the Minister.

(12) The conditions of appointment contemplated in subsection (11) may include remuneration and allowances payable by the Department of Trade, Industry and Competition to the members of the Coordinating Committee as determined by the Minister after consultation with the Minister of Finance."

Amendment of section 12 of Act 103 of 1977, as amended by section 6 of Act 62 of 1980 and section 3 of Act 49 of 1995

6. Section 12 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words following paragraph (b) of the following words:

"it may, after obtaining a court order, by notice in writing, served by registered post, electronic mail or delivered, order the owner of such building, land or earthwork, within the period specified in such notice to demolish such building or to alter or secure it in such manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous to life or property or to alter or secure such land or earthwork in such manner that it will no longer be dangerous or show signs of becoming dangerous to life or property or: Provided that if such local authority is of the opinion that the condition of any building, land or earthwork is such that steps should forthwith be taken to protect life or property or the environment, it may take such steps without serving or delivering

such notice on or to the owner of such building, land or earthwork and may recover the costs of such steps from such owner.";

(b) by the substitution for subsections (2), (3) and (4) of the following subsections, respectively:

"(2) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous to life or property or the environment, the owner of such building, land or earthwork shall forthwith notify the local authority in question thereof.

(3) (a) If the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous or is showing signs of becoming dangerous to life or property or the environment, the local authority, irrespective of whether it was notified in terms of subsection (2), may by notice in writing, served by registered post, electronic mail or delivered, order the owner of such building, land or earthwork to instruct at the cost of such owner an architect or a registered **[person]** professional to investigate such condition and to report to such local authority on the nature and extent of the steps to be taken, in the opinion of such architect or registered **[person]** professional, in order to render such building, land or earthwork safe.

(b) The local authority in question may by notice in writing, served by registered post, electronic mail or delivered, order that any activities be stopped or prohibit the performance of any activities which may increase the danger or hinder or obstruct the

architect or **[person] professional** referred to in paragraph (a) from properly carrying out the investigation referred to in that paragraph.

(c) If it is brought to the attention of a local authority or appears that an architect or registered **[person] professional** instructed in terms of paragraph (a) to perform certain duties is for any reason not competent to carry out the duties in question, the local authority may require such architect or registered **[person] professional** to submit evidence of his or her competence to carry out such duties.

(d) If the architect or registered **[person] professional** contemplated in paragraph (c) is unable to satisfy the local authority of his or her competence to carry out the duties in question, the local authority may order the owner of the building, land or earthwork in question to instruct another architect or registered **[person] professional** to carry out the duties.

(4) If the local authority in question deems it necessary for the safety of any person, it may, after obtaining a court order, by notice in writing, served by registered post, electronic mail or delivered—

(a) order the owner of any building to remove, within the period specified in such notice, all persons occupying or working or being for any other purpose in such building therefrom, and to take care that any person not authorized by such local authority does not enter such building;

- (b) order any person occupying or working or being for any other purpose in any building, to vacate such building immediately or within a period specified in such notice."; and
- (c) by the substitution for subsection (6) of the following subsection:
- "(6) Any person who contravenes or fails to comply with any provision of this section or any notice issued thereunder, shall be guilty of an offence and, in the case of a contravention of the provisions of subsection (5), liable on conviction to a fine **[not exceeding R100 for each day on which he so contravened]** or imprisonment for a period not exceeding one year.".

Amendment of section 17 of Act 103 of 1977, as amended by section 4 of Act 36 of 1984 and section 9 of Act 62 of 1989

7. Section 17 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "The Minister may after consultation with **[the council]** the Coordinating Committee make regulations, to be known as national building regulations—".
- (b) by the substitution in subsection (1) for paragraphs (r) and (s) of the following paragraphs respectively:
- “(r) subject to the provisions of the Housing Act, **[1966 (Act 4 of 1966)]** 1997 (Act No. 107 of 1997), regarding the demolition of buildings and matters connected therewith;

- (s) regarding the powers, duties and functions of local authorities if buildings were or are being erected or used in contravention of the provisions of this Act **[or any other law in force immediately before the date of commencement of this Act or of any approval or authority granted in terms of this Act or the said other law or if no such approval or authority was granted for the erection of such buildings];**”;
- (c) by the substitution in subsection (1) for paragraph (w) of the following paragraph:
- “(w) regarding[, **generally,**] any other matter **[deemed]** which it is necessary or expedient [by the council with the concurrence of the Minister] to prescribe in order to achieve the objects of this Act[.].”.
- (d) by the addition in subsection (1) of the following paragraphs:
- “(x) regarding the sustainability of the building design and construction in terms of building systems, materials source and selection, construction methods, resource use efficiency, waste management and disposal, and both indoor and outdoor environmental quality;
- (y) regarding the obligation of the registered and unregistered professionals in as far as their compliance with the Act is concerned;
- (z) regarding the application of the building regulation in accordance with simplicity and complexity of buildings; and

(za) regarding universal access, taking into account the following factors:

- (i) inherent human dignity and individual autonomy of persons with disabilities;
- (ii) non-discrimination of persons with disabilities;
- (iii) the full and effective participation, and inclusion, in society of persons with disabilities;
- (iv) the acceptance of persons with disabilities as part of human diversity and humanity;
- (v) equalisation of opportunities for persons with disabilities;
- (vi) accessibility to persons with disabilities;
- (vii) the need to promote equity between women and men; and
- (viii) the progressive capacitation of children with disabilities and in respect of their rights to preservation of identity."

(e) by the deletion of subsection (2);

(f) by the substitution for subsection (3) of the following subsection:

"(3) (a) When a national building regulation is published in the *Gazette*, the Minister shall publish together with it a notice calling upon all interested persons to lodge any objections which they have against such building regulation in writing with **[the council]** the Department of Trade, Industry and Competition within the period specified in such notice.

(b) A national building regulation referred to in paragraph (a) shall come into operation on a date fixed by the Minister by notice in the *Gazette* with regard to the period referred to in the said

paragraph: Provided that the Minister [**with the concurrence of the Board,**] may in such notice alter such national building regulation in accordance with any objection lodged in respect thereof in terms of paragraph (a) without complying with the provisions of the said paragraph in respect of the national building regulation so altered.”.

(g) by the deletion of subsections (4) and (5); and

(h) by the substitution for subsection (6) of the following subsection:

“(6) Any provision occurring in a specification, standard specification, code of practice or standard method may be incorporated in a directive by mere reference, and in regard to such an incorporation the provisions of **[section 33]** the Standards Act shall **[mutatis mutandis]**, with the changes required by the context, apply as if it were an incorporation in a law.”.

Repeal of section 20 of Act 103 of 1977

8. Section 20 of the principal Act is hereby repealed.

Substitution of section 24 of Act 103 of 1977

9. The following section is hereby substituted for section 24 of the principal Act:

"General penalty clause

24. Any person convicted of an offence under this Act in respect of which a fine or imprisonment is not expressly provided for, shall be liable to a fine **[not exceeding R4000]** or to imprisonment for a period not exceeding **[12 months]** two years."

Repeal of section 25 of Act 103 of 1977

10. Section 25 of the principal Act is hereby repealed.

Repeal of section 27 of Act 103 of 1977

11. Section 27 of the principal Act is hereby repealed.

Amendment of section 28 of Act 103 of 1977, as substituted by section 12 of Act 62 of 1989 and section 36 of Act 8 of 2008

12. Section 28 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister may on such conditions as he or she may think fit, in writing delegate any power conferred on him or her by or under this Act, other than a power referred to in section 2 (2) or (4), **[9 (2),]** 17, 19**[, 20, 27]** or 29 to the Chief Executive Officer of the National Regulator, but the delegation of any such power shall not prevent the exercise thereof by the Minister himself or herself."; and

(b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) by or under this Act, other than a power referred to in section 17
[or 27], to the Chief Executive Officer of the National
Regulator;".

Amendment of section 29 of Act 103 of 1977

13. Section 29 of the principal Act is hereby amended by the deletion of subsection (8).

Substitution of section 34 of Act 103 of 1977

14. The following section is hereby substituted for section 34 of the principal Act:

"Short title and commencement

34. This Act shall be called the National Building **[Regulations and Building Standards]** Act, 1977, and shall come into operation on a date fixed by the **[State]** President by proclamation in the *Gazette*."

Amendment of citation of laws referring to Act 103 of 1977

15. Any reference to the "National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)", contained in any law in force immediately prior to the commencement of this Act, must be construed as a reference to the "National Building Act, 1977 (Act No. 103 of 1977)".

Short title and commencement

16. This Act is called the National Building Regulations and Building Standards Amendment Act, 2026, and comes into operation on a date fixed by the President by Proclamation in the *Gazette*.