

REPUBLIC OF SOUTH AFRICA

HOUSING CONSUMER PROTECTION 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. 44555
of 11 May 2021)*
(The English text is the official text of the Bill.)

(MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION)

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BILL

To provide for the protection of housing consumers; to provide for the continuance of the National Home Builders Registration Council as the National Home Building Regulatory Council; to provide for the registration of homebuilders; to provide for the enrolment of homes in order to be covered by the home warranty fund; to provide for the regulation of the conduct of homebuilders; to provide for the continuance of the home warranty fund; to provide for claims against the fund; to provide for the funds of the Council and for the management of those funds; to provide for procurement and contractual matters in relation to the building of a home; to provide for the enforcement of this Act; to repeal the Housing Consumers Protection Measures Act, 1998; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:

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CHAPTER I

INTERPRETATION

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- 1. In this Act, unless the context indicates otherwise—
- “**build**”, in relation to the structural integrity of a home, means the—
 - (a) establishment;
 - (b) installation;
 - (c) repair; 30
 - (d) renovation;
 - (e) alteration; or
 - (f) extension,
- of a home, and “**construction**” and “**construct**” have the same meaning;
- “**certification body**” means a legal person approved by the Council to provide certification services in respect of the design or compliance with the Home Building Manual through its certifier; 35
- “**certifier**” means an employee or agent of a certification body appointed by the homebuilder to issue certificates in relation to a design or compliance with the Home Building Manual, but excludes an inspector appointed in terms section 70; 40
- “**Chief Executive Officer**” means the Chief Executive Officer appointed in terms of section 15;
- “**Chief Financial Officer**” means the Chief Financial Officer appointed in terms of section 15;
- “**Companies Act**” means the Companies Act, 2008 (Act No. 71 of 2008); 45
- “**competent person**” means a person who—
 - (a) 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 aspect; and
 - (b) where applicable, is approved and appointed in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977); 50
- “**Council**” means the juristic person referred to in section 4, which comprises of the administration responsible for the management of the affairs and the execution of the operations of the Council, the implementation of the provisions of this Act, and which acts under the strategic direction of the Board; 55