

Dykes, van Heerden

NEWSFLASH



DYKES VAN HEERDEN GROUP OF COMPANIES
professionals striving for excellence

July 2023

GAS COMPLIANCE CERTIFICATES

The South African Qualification and Certification Committee (SAQCC) has been mandated by the Department of Employment and Labour to register gas practitioners. SAQCC issued a notice on 24 February 2023 confirming that as from **1 April 2023** any gas certificate of compliance issued “by paper” will not be considered valid.

There is an erroneous belief amongst some practitioners that a so-called 5-page hard-copy gas compliance certificate is required by SAQCC from 1 May 2022. Upon contacting SAQCC, SAQCC confirmed that the 5-page gas compliance certificate is the digital certificate the notice of 24 February 2023 refers to. Accordingly, there is no 5-page hard-copy gas compliance certificate requirement. The only accepted gas compliance certificate, as from 1 April 2023, is the digital 5-page gas compliance certificate and no hard-copy certificate is acceptable.

Who and when does one require a gas compliance certificate:

In terms of the above Regulations a “user” is obligated to obtain a compliance certificate on the change of ownership (i.e., when an immovable property is transferred from a seller to a purchaser). The SAQCC however cautions that should damage occur resulting from the gas installation, a home owner’s insurer may elect not to pay a claim by alleging the gas installation was defective. To avoid the repudiation of an insurer’s claim, according to SAQCC, an owner should have a gas compliance certificate issued when the gas installation is done and have the same updated when any changes are made to the gas installation.

For which types of appliances does one require a gas compliance certificate:

Regulation 6 of the Pressure Equipment Regulations of 2009 issued in terms of the Health and Safety Act 85 of 1993 provides that: *“The user shall ... ensure that a gas system has a valid certificate issued by an authorised person.”* The Regulations go on to define “gas system” as an *“assembly of tubes, pipes or similar ducts, fittings and valves for the reticulation, circulation and conveyance of a gas, excluding a*

pressure vessel or transportable gas container connected to a system.”

The SAQCC’s website confirms that a gas certificate of compliance is indeed required for all gas fire places, - installed braais, - stoves and - ovens.

Does one require a cage over the cage installation:

The answer seems to be no – as a cage is not required for a so-called “*domestic*” installation, although the owner is required to ensure the gas cylinders are placed in such a manner to ensure it is secured and not at risk of falling over. It would therefore seem that a cage is only required if the public will have access to gas cylinders.

This newsflash has been prepared for information purposes only and does not constitute legal advice, or a legal opinion, the practical application of the provisions of this newsflash will vary depending on the facts of each case.

<p>DYKES VAN HEERDEN INC & DYKES VAN HEERDEN (GAUTENG) INC Johannesburg Tel: (011) 279 5000 info@dvh.za.net www.dvh.law.za</p>	<p><i>Attorneys, Conveyancers, Notaries and Administrators of Deceased Estates</i></p> <p><i>We specialize in:</i></p> <p><i>• Transfers • Bonds • Developments • Estates</i></p>	<p>DYKES VAN HEERDEN (CAPE) INC Cape Town 0861 110 210 capetown@dvhs.law.za www.dvh.law.za</p>
<p>DYKES VAN HEERDEN (KZN) INC Kwazulu-Natal Office Tel: (031) 101 3081 Kloof Office Tel: 031 101 3081 Pietermaritzburg Office Tel: 033 101 0191 lisa@kzndvh.za.net / thomas@kzndvh.za.net www.dvh.law.za</p>		<p>DYKES VAN HEERDEN SLABBERT HOPKINS (Cape Town) 0861 110 210 capetown@dvhs.law.za www.dvh.law.za</p>