

November 2012

## **ELECTRIC FENCE SYSTEM CERTIFICATES OF COMPLIANCE**

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This circular is intended to bring to your attention the latest developments in terms of the Occupational Health and Safety Act, Act No. 85 of 1993, as applicable to the change of ownership of immovable property.

Regulation 12 of the Electrical Machinery Regulations imposes an obligation on the user of an electric fence system to have an electric fence system certificate of compliance.

The requirement to have an electric fence system certificate does not apply to a system in existence prior to 1 October 2012. However, as with an electrical compliance certificate, it will be required where an addition or alteration is effected to the system or there is a change of ownership of the premises on which the system exists if the change of ownership takes place after 1 October 2012.

The electric fence system certificate is separate from an electrical compliance certificate and therefore an added requirement if the property has an electric fence system.

It will be necessary to include an appropriate clause in sale agreements concluded after 1 October 2012 if there is an electric fence system on the property.

A transfer registered after 1 October 2012 will trigger the obligation to provide a certificate. It will be necessary to arrange for the issue of an electric fence system certificate if there exists an electric fence system on a property that is currently in the process of being transferred.

The certificate is transferable. Once it has been issued, there is no need to obtain a new one upon a change of ownership.

Carol McDonald  
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### **FURTHER ADVICE**

Should you require advice or assistance in drafting an appropriate clause for inclusion in a sale agreement, or have any queries, please contact Roger Green (031 536 8521 [rgreen@coxyeats.co.za](mailto:rgreen@coxyeats.co.za)), Robin Westley (031 5368522 [rwestley@coxyeats.co.za](mailto:rwestley@coxyeats.co.za)) or Carol McDonald (031 – 536 8529 [cmcdonald@coxyeats.co.za](mailto:cmcdonald@coxyeats.co.za)).