



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 15 December 2016

No. 6196

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General Notice

MUNICIPALITY OF SWAKOPMUND

No. 496

2016

AMENDMENT OF STANDARD BUILDING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Urban and Rural Development, the Town Council of Swakopmund has amended the regulations set out in the Schedule.

E. SHITANA
CHAIRPERSON
BY ORDER OF THE COUNCIL

Swakopmund, 10 October 2016

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates -

“Amendment Scheme” means the Swakopmund Town Planning Amendment Scheme;

“corrective action” means such correction measures necessary to meet the requirements of the provisions of regulation 26 of the Regulations, the Local Authorities Act, 1992 (Act No. 23 of 1992), the Swakopmund Town Planning Amendment Scheme, and the Electricity Supply Regulations under the Electricity Act, 2007 (Act No. 4 of 2007);

“Council” means the Local Authority Council of Swakopmund;

“electrical reticulation” means the setting up, construction, installation of, and continued use of electrical wires in a building;

“Local Authorities Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“Regulations” means the Regulations published under Government Notice No. R. 1830 of 23 October 1970 in terms of section 14b(1) of the Standards Act, 1962 (Act No. 33 of 1962); and

“rectify” means to rectify the non – compliance under the relevant provisions of the Local Authorities Act, 1992 (Act No. 23 of 1992), the Amendment Scheme, the Regulations and the Electricity Supply Regulations under the Electricity Act, 2007 (Act No. 4 of 2007).

Substitution of Regulation 2 of Chapter 2 of Regulations

2. Regulation 2 of Chapter 2 of the Regulations is amended by the substitution for regulation 2 of the following regulation:

“Responsibility

2. (1) The granting of approval by the Local Authority -
- (a) to erect a building or other structure;
 - (b) of any inspection made by the Local Authority prior to, or during, or after the erection of a building or other structure; or
 - (c) of anything lawfully done by such Local Authority or any employee thereof in the execution of its or his duties, the exercise of its or his or her powers under these regulations,
- shall not relieve the owner of such building or other structure or any other person concerned in the erection thereof of full responsibility for ensuring that such building or other structure is in accordance with these regulations and all other laws applicable thereto.
- (2) Subject to the provisions of sub regulation (1) the owner of a building or structure must, against payment of a tariff of N\$300, or such tariff as determined from time to time, apply in writing and obtain a Building Compliance Certificate from the Council before -
- (a) any transfer of an immovable property is effected and before a certificate is issued under section 78 of the Local Authorities Act;
 - (b) a development scheme is approved or registered, or a transfer of a sectional title deed for a sectional title unit is effected under the Sectional Titles Act, 2009 (Act No. 2 of 2009);

- (c) any name change, or any transfer of rights in such building, structure or immovable property in the Registrar of Deeds Office is effected under the Deeds Registries Act, 1937 (Act No. 47 of 1937) or under the Sectional Titles Act, 2009 (Act No. 2 of 2009); or
 - (d) a member share in a close corporation as defined in the Close Corporations Act, 1988 (Act No. 26 of 1988) or a majority shareholding in a company registered under the Companies Act, 2004 (Act No. 28 of 2004) is sold and endorsed in the office of the Ministry dealing with trade and industry.
- (3) Upon receipt of an application and payment of fees due under sub regulation (2), the authorized inspector must, within five working days, inspect or arrange to be inspected, the immovable property, and determine whether -
- (a) any building or structure erected was constructed and remains compliant with the provisions of the Local Authorities Act, the Swakopmund Town Planning Amendment Scheme and the Regulations;
 - (b) the use of the building or structure, or the land on which the structure or building is erected, complies with the provisions of the Local Authorities Act and the Amendment Scheme;
 - (c) the establishment, subdivision or consolidation conditions imposed in terms of the Amendment Scheme, if any, have been complied with and are still being complied with; and
 - (d) the construction, installation of, and continued use of the electrical reticulation on the property and within the structures on the property is in compliance with the requirements of the Electricity Supply Regulations in accordance with the Electricity Act, 2007 (Act No. 4 of 2007).
- (4) Upon completion of the inspection as contemplated in sub regulation (3):
- (a) if compliance is confirmed, the authorised inspector must issue a compliance certificate, which certificate has a validity period of 90 days from date of issue, or;
 - (b) if compliance is not confirmed, the inspector must instruct the owner of the building, structure or immovable property to rectify the non-compliance.
- (5) Any contraventions of the relevant provisions of the Local Authorities Act, the Amendment Scheme, the Regulations and the Electricity Supply Regulations in accordance with the Electricity Act, 2007 (Act No. 4 of 2007), identified during the inspection carried out in terms of sub regulation (3), must be indicated in writing by the authorized inspector to the owner of the property and the indication must place an obligation on the owner to undertake corrective action.
- (6) Each repeat inspection required to be carried out due to non compliance, deviations or contraventions identified during the inspection as per sub regulation (2) is subject to a renewal application for inspection and payment of the required tariff as identified in sub regulation (2).
- (7) Any person who contravenes sub regulation (2)(a), (b), (c) or (d) or fails to adhere to an instruction under sub regulation (4) commits an offence and is liable to a fine not exceeding N\$2000 or imprisonment for a period not exceeding six months.

(8) Any person convicted of an offence as contemplated under sub regulation (7) is not allowed to transfer ownership of the property until the fine has been paid and the non-compliance corrected.
