

(15 November 2013 – to date)

HOUSING CONSUMERS PROTECTION MEASURES ACT 95 OF 1998

(Government Gazette 19418, dated 2 November 1998. Commencement date: 4 June 1999, unless otherwise indicated [Proc. No. R70. Gazette No. 20122])

RULES REGARDING NHBRC FEES

*Government Notice R1407 in Government Gazette 20658 dated 1 December 1999. Commencement date:
1 December 1999.*

As amended by:

Government Notice R1515 (Correction Notice) in Government Gazette 20736 dated 24 December 1999.

*Board Notice 227 of 2013 in Government Gazette 37014 dated 15 November 2013. Commencement date:
15 November 2013.*

The National Home Builders Registration Council has under section 7(1)(a)(iii) and (iv) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), made the Rules in the Schedule.

SCHEDULE

TABLE OF CONTENTS

1. Definitions
2. Calculation of enrolment fee
3. Calculation of late enrolment fee
4. Fees for copies of Council documentation
5. Fees and deposits for complaints, conciliation and arbitration services

1. Definitions

- (1) In these rules any word or expression to which a meaning has been assigned in the Act shall bear that meaning and unless the context otherwise indicates –

"enrolment fee" means the enrolment fee payable by home builders as contemplated in section 14(1)(a) of the Act;

"selling price" means, in the case of a deed of sale, the total selling or package price as determined by the deed of sale, including VAT, and in the case of a building contract, the contract price, including

VAT, as determined in the building contract, together with the price at which the serviced erf has been acquired;

"the Act" means the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998);

"VAT"

(Definition of "VAT" deleted by Rule 1(a) of Board Notice 227 of 2013 in Government Gazette 37014 dated 15 November 2013)

(2)

(Rule 1(2) deleted by Rule 2(a) of Board Notice 227 of 2013 in Government Gazette 37014 dated 15 November 2013)

2. Calculation of enrolment fee

- (1) The enrolment fee for homes to be enrolled under section 14(1) of the Act is one point three percent of the selling price of the home up to a maximum selling price of R500 000.
- (2) The enrolment fee for a home exceeding the selling price referred to in subrule (1) is one point three percent of R500 000 plus one percent of that portion of the selling price exceeding R500 000 but not exceeding R1 000 000.
- (3) The enrolment fee for a home with a selling price exceeding R1 000 000 but not exceeding R2 000 000 is the fee calculated in accordance with subrule (2) plus point seven five percent of that portion of the selling price exceeding R1 000 000.
- (4) The enrolment fee for a home with a selling price exceeding R2 000 000 is the fee calculated in accordance with subrule (3) plus point five percent of that portion of the selling price exceeding R2 000 000 up to R5 000 000, whereafter no additional amount is payable.
- (5) If a deed of sale does not exist at the time of enrolment for sectional title homes or homes built in speculation of sale –
 - (a) the enrolment fee must be determined with reference to the expected selling price;
 - (b) the home builder must submit marketing brochures reflecting selling prices or extracts from the feasibility studies reflecting details relating to selling prices, in order to enable the Council to compare proposed selling prices with actual selling prices.
- (6) Where under-declaration of the selling prices in respect of homes has occurred, the home builder must, on demand of the Council, pay the outstanding difference in enrolment fees.

- (7) Where the home builder is unable to provide the price at which the serviced erf has been acquired, the Council may determine a reasonable price for the purposes of determining an enrolment fee only.

3. Calculation of late enrolment fee

A late enrolment fee where a home is enrolled after the commencement of construction and in the circumstances prescribed by the Council in rule 14 of the Rules promulgated by Government Notice No. R. 1408 of 1 December 1999, is calculated on the basis of –

(Words preceding clause 3(a) corrected by Government Notice R1515 in Government Gazette 20736 dated 24 December 1999)

- (a) the number of homes to be enrolled late, calculated at R150 per unit;
- (b) the estimated cost of inspection of the homes to assess compliance with the NHBRC technical requirements, calculated at R250 per hour; and
- (c) the estimated travel costs associated with the inspection contemplated in paragraph (b) based on the rates as laid down by the Automobile Association of South Africa for the distance between the site and the closest Regional Office of the Council.

4. Fees for copies of Council documentation

The fees for obtaining copies of any document in terms of section 9(4) of the Act are –

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| (a) | Rules | R5; |
| (b) | Home Building Manual | R100; |
| (c) | Other Circulars | R2,50; and |
| (d) | Council Annual Report | R25. |

5. Fees and deposits for complaints, conciliation and arbitration services

- (1) The refundable conciliation deposit which is applicable to requests for conciliations in terms of complaints relating to sections 13(2)(a)(ii), 13(2)(b)(i), (iii) and sections 13(6) and (7) of the Act, is –
- (a) R100 in the case of a home enrolled with a selling price of R100 000 or less; and
 - (b) R300 in the case of a home enrolled with a selling price of above R100 000.

- (2) The conciliation fee which is applicable to requests for conciliation in terms of complaints relating to section 13(1), 13(2)(a)(i) and (iii) and 13(2)(b)(ii) of the Act or complaints referred to the Council by the home builder in terms of section 13(8), is –
 - (a) R100 in the case of a home enrolled with a selling price of R100 000 or less; and
 - (b) R300 in the case of a home enrolled with a selling price above R100 000.
- (3) The fees payable to an arbitrator in any dispute referred for arbitration in terms of the Act shall be R450 per hour plus reasonable disbursements.
- (4) The internal complaints deposit required by the Council in relation to receipt of a complaint contemplated in section 22(3) of the Act, is R500.