

(1 December 1999 – 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])

NATIONAL HOME BUILDERS REGISTRATION COUNCIL RULES

*Government Notice R1408 in Government Gazette 20658 dated 1 December 1999. Commencement date:
1 December 1999.*

As amended by:

Government Notice R1516 (Correction Notice) in Government Gazette 20736 dated 24 December 1999.

The National Home Builders Registration Council has under section 7(1) 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. Procedures for Registration and expiration of registration
3. Enrolment Process
4. Competent persons
5. Methods of Payment of Enrolment Fees
6. Direct and full payment by bank guaranteed cheque or cash bank transfer
7. Payment by mortgage lender as first progress payment
8. Sectional title phased payment
9. Competent person certification of soil classification
10. Rational Design and Agrément certified systems
11. Non-Agrément certified building systems
12. Submission of enrolment documentation and payment to NHBRC
13. Issuing of enrolment certificates
14. Late enrolments
15. Non-declared Late Enrolments
16. Disciplinary measures for late enrolment
17. Notice of Non-Compliance
18. Responsibilities of housing consumer and home builder regarding complaints
19. Acceptance of complaint

Prepared by:

20. Processing complaints relating to section 13(2)(b)
21. Complaints relating to three month non-compliance period
22. Complaints relating to one year roof leak period
23. Complaints relating to five year major structural defects period
24. Contractual Disputes
25. Request for Conciliation
26. Investigation
27. Report
28. Requests for assistance from Fund
29. Referral of complaint to arbitration
30. Referral to internal complaints procedure, arbitration and Public Protector
31. Arbitration in terms of section 22(4)(ii) of Act
32. Access to documentation

LIST OF ANNEXURES

1. Definitions

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 indicates otherwise –

"Agrément certificate" means a certificate confirming the acceptability of a non standardised design and the conditions pertaining thereto issued by the Board of Agrément South Africa;

"Board of Agrément South Africa" means the body operating under the delegation of authority of the Minister of Public Works;

"conciliation deposit" means the refundable deposit prescribed by the Council in rule 5(1) of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "conciliation deposit" corrected by clause 1.1 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"conciliation fee" means the fee applicable to requests for conciliations prescribed by the Council in rule 5(2) of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "conciliation fee" corrected by clause 1.2 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"committee" means the disciplinary committee contemplated in section 5(1)(b) of the Act;

"council's registered address" means Fernridge Office Park, 5 Hunter Street, Ferndale, Randburg;

"day" excludes any day falling within the building industry recess period;

"enrolment fee" means the enrolment fee prescribed by the Council in rule 2 of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "enrolment fee" corrected by clause 1.3 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"fees of the arbitrator" means the fees of the arbitrator prescribed by the Council in rule 5(3) of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "fees of the arbitrator" corrected by clause 1.4 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"internal complaints deposit" means the deposit prescribed by the Council in rule 5(4) of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "internal complaints deposit" corrected by clause 1.5 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"inspectorate" means the inspectors appointed or contracted by the Council to assist home builders to comply with the NHBRC technical requirements;

"late enrolment fee" means the late enrolment fee prescribed by the Council in rule 3 of the Rules promulgated by Government Notice No. R. 1407 of 1 December 1999;

(Definition of "late enrolment fee" corrected by clause 1.6 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"Minister's Regulations" means the Regulations promulgated by Government Notice No. R. 1406 of 1 December 1999;

(Definition of "Minister's Regulations" corrected by clause 1.7 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

"notify" means to serve in accordance with section 24 of the Act;

"phased sectional title development" means a sectional title scheme undertaken in phases as contemplated in section 25 of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

"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" means Value Added Tax in terms of the Value Added Tax Act, 1991 (Act No. 89 of 1991).

2. Procedures for Registration and expiration of registration

- (1) A home builder wishing to apply for registration must make application to the Council at the Council's registered address by the completion and submission of an application for registration in the form of Annexure 1 and payment of the application fee prescribed by the Minister.
- (2) The Council shall issue a registration certificate in the form of Annexure 2 where the Council has determined that the home builder meets the requirements set out in section 10 of the Act and the terms and conditions set out in the Minister's Regulations promulgated by Government Notice No. R. 1406 of 1 December 1999.

(Clause 2(2) corrected by clause 2 of Government Notice R1516 in Government Gazette 20736 dated 24 December 1999)

- (3) The Council must cancel the registration of a home builder on the written request from the home builder.
- (4) If a home builder's registration is withdrawn, cancelled or not renewed, such home builder must –
 - (a) refrain from purporting that the home builder is a registered home builder;
 - (b) immediately return to the Council any registration or enrolment certificates or promotional material referring to the Council or implying a registration status awarded by the Council; and
 - (c) refrain from providing any enrolment certificate or any other material to a housing consumer or any other person on an enrolled home that has not been occupied without the express written consent of the Council.
- (5) Notwithstanding withdrawal of registration or failure to renew registration, a home builder must –
 - (a) continue to comply with these rules in respect of any homes constructed by the home builder;
 - (b) discharge any actual or contingent liability that the home builder has incurred to the housing consumer or to the Council;
 - (c) pay the Council any amount payable under these rules whether it fell due before or after the effective date of non-renewal or withdrawal.
- (6) Where a home builder wishes to cease conducting the business of a home builder, for whatever reason, the home builder may request the Council to assume the home builder's responsibilities in terms of section 13(2)(b)(i) on homes enrolled with the Council.

- (7) The home builder must inform the Council under the circumstances contemplated in subrule (6) of any complaints received by the home builder on homes constructed by it.
- (8) If the Council is prepared to assume the obligations contemplated in subrule (6), it will notify the home builder of the amount of any prescribed payment it requires to meet any potential claims for rectification.

3. Enrolment Process

A home builder must –

- (a) submit the home for enrolment to the Council 15 days prior to the commencement of construction and confirm that the home is available for inspection by the Council inspectorate throughout the construction process;
- (b) confirm that the necessary steps have been taken by the home builder as required in the Home Building Manual prior to the commencement of construction;
- (c) provide a soil classification confirmed by a competent person to ensure the correct foundation type is used in the construction of a home; and
- (d) where necessary, as required in the Home Building Manual, provide proof of the involvement of a competent person in foundation design, rational design, non-standardised construction or investigation of dolomitic or limestone conditions.

4. Competent persons

- (1) When requested by the Council, a competent person must complete a questionnaire in the form of Annexure 3 and provide proof of his or her registration in terms of the Engineering Professions of South Africa Act, 1990 (Act No. 114 of 1990), or in terms of section 11 of the Natural Scientific Professions Act, 1993 (Act No. 106 of 1993).
- (2) The amount required to be held by way of professional indemnity insurance by a competent person is an amount not less than R500 000.
- (3) The Council may require a competent person annually to provide it with details and proof of its indemnity insurance.

5. Methods of Payment of Enrolment Fees

- (1) Depending on the circumstances, payment of enrolment fees may be effected by –

- (a) payment of the full enrolment fee directly to the Council as set out in rule 6;
 - (b) with the agreement of the housing consumer and the financial institution, payment to the Council from monies owed to the home builder by the housing consumer as a first progress payment under the mortgage loan as set out in rule 7; or
 - (c) payment of the enrolment fee in stages by a home builder constructing a sectional title complex as set out in rule 8.
- (2) All payments in respect of enrolment fees must be made to:

The National Home Builders Registration Council
Account No. 4045581790
Absa Bank,
Braamfontein Branch,
Branch Code: 630605.

6. Direct and full payment by bank guaranteed cheque or cash bank transfer

- (1) A home builder must pay the enrolment fee in the full amount payable directly to the Council by way of a bank guaranteed cheque or cash bank transfer –
- (a) where the consideration for the acquisition or construction of the home is payable in cash without the registration of a mortgage loan;
 - (b) where homes are built in speculation of sale; or
 - (c) in the case of the late enrolment of a home in terms of rules 14 and 15.
- (2) Payment may also be made in the manner contemplated in subrule (1) in the case of sectional title homes, homes constructed in terms of a building contract, or by any other form of agreement.

7. Payment by mortgage lender as first progress payment

- (1) A home builder may, subject to subrule (4), make payment of the enrolment fee where the housing consumer authorises the mortgage lender to make payment to the Council from the proceeds of money owing to the home builder by the housing consumer in respect of the construction of the home.
- (2) Where the housing consumer has consented to a financial institution which has an agreement with the Council to effect such payment, the home builder must submit to the Council the documents contemplated in rule 12(1), together with the authorisation in the form of Annexure 4.

- (3) Payment in accordance with subrule (1) may only be used where a building contract has been concluded between the housing consumer and the home builder in respect of the construction of a home.
- (4) Payment in accordance with subrule (1) may not be made where the home is a sectional title unit or is constructed in speculation of sale or in the case of the late enrolment of a home.
- (5) The enrolment fee must be paid directly to the Council by the financial institution at the time of the financial institution advancing the first progress payment in respect of the mortgage loan or in a manner agreed between the Council and the financial institution.
- (6) The Council must, from time to time, publish the names of the financial institutions with agreements with the Council to facilitate payment as contemplated in this rule.

8. Sectional title phased payment

In the case of a sectional title development or a phased sectional title development, a home builder may make a direct and full payment in terms of rule 6 or make a phased payment of the enrolment fee by –

- (a) paying twenty percent of the enrolment fee of all homes comprising –
 - (i) a sectional title development; or
 - (ii) a phased sectional title development;upon submission of the enrolment form in the form of Annexure 5; and
- (b) a bank guarantee for the remaining 80 percent of the enrolment fee for the development or the phase to be submitted with the enrolment form in the form of Annexure 5, to be called upon by the Council –
 - (i) in the case of a sectional title development on the opening of the sectional title register or six months from the date of payment of the 20 percent of the enrolment fee whichever is the earlier; or
 - (ii) in the case of a phased sectional title development, upon registration of the sectional title plan of extension in terms of section 25(11) of the Sectional Titles Act, 1986 (Act No. 95 of 1986), or six months from the date of payment of the 20 percent of the enrolment fee, whichever is the earlier,

together with the payment of any outstanding balance relating to any difference between the actual and the expected selling prices arising from rule 12(4) on or before the relevant conditions set out in paragraph (b)(i) or (ii) have been met.

9. Competent person certification of soil classification

- (1) With every enrolment, a home builder must submit a soil classification for the plot, duly certified and signed by a competent person in the form of Section C Appendix B3 and Section D of either –
 - (a) the residential unit enrolment form in the form of Annexure 6; or
 - (b) the sectional title enrolment form in the form of Annexure 5,as the case may be.
- (2) The soil classification must be in the categories published by the Council in the Home Building Manual as applicable at the time of enrolment.
- (3) Where the home is a home other than a single storey masonry home constructed on soil classification C, H, R or S, as prescribed by the Council in the Home Building Manual, the home builder must ensure that a competent person also certifies and signs Appendix B1 of the relevant form.
- (4) Where the soil type is of a dolomitic or limestone nature and classified as D1, D2, D3 or D4, or the site falls within a geographical area of known dolomitic, limestone or other conditions as identified in the Home Building Manual, a home builder must comply with the Council's procedures for the technical investigation of such sites and their enrolment as prescribed in the Home Building Manual.
- (5) If, during the course of a development, it emerges that the original classification of the subsoil conditions of the site by the original soil tests or as originally assessed by the competent person requires revision, the home builder is required, as a condition of enrolment, to notify the Council immediately on the form for notification of change in site class in the form of Annexure 7.
- (6) The home builder must, under the circumstances contemplated in subrule (5), ensure that the design of foundations for a home constructed on such a site is amended to conform to the revised soil classification.

10. Rational Design and Agrément certified systems

- (1) For the enrolment of a home, additional information is required where a home –
 - (a) involves elements of rational design; or

- (b) is using Agrément certified non-standardised building components, elements or systems.
- (2) In the instances contemplated in subrule (1), the home builder must submit to the Council the respective forms –
- (a) for the appointment of a competent person in the form of Annexure 8 or in the case of a sectional title development by the completion of the relevant part of the sectional title enrolment form in the form of Annexure 5, duly completed and signed by a competent person specifying the scope of the proposed rational design; or
 - (b) the accreditation of a contractor offering Agrément certified non-standardised construction in the form of Annexure 9, with a copy of the relevant Agrément certificate for building systems.
- (3) Where the Council appoints a competent person registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out further investigations that competent person must be regarded as having been appointed for the purposes of legal proceedings.

11. Non-Agrément certified building systems

- (1) Home builders using non-standardised components, elements or systems that do not have an Agrément certificate must approach the Council for technical assessment of their system as an interim measure by completion of the building system registration form in the form of Annexure 10 and submission of the relevant documentation.
- (2) The Council must consider such application and may –
- (a) approve the system;
 - (b) approve the system with conditions;
 - (c) refer the application back to the home builder for further information to be supplied; or
 - (d) reject the application.
- (3) When requested by the Council, the home builder must submit Agrément certification within a specified period.
- (4) Where the Council appoints a competent person registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990), to carry out further investigations that competent person shall be deemed to have been appointed for the purposes of legal proceedings.

- (5) Once a system is approved by the Council, the home builder may submit an application for enrolment for homes to be constructed using the approved system.
- (6) An application for enrolment in terms of subrule (5) must include a form for certification by a competent person in respect of non-Agrément approved non-standardised construction in the form of Annexure 11.

12. Submission of enrolment documentation and payment to NHBRC

- (1) In the case of a home built with the registration of a mortgage bond, built for cash or built in speculation of sale, the home builder must submit –
 - (a) the residential unit enrolment form in the form of Annexure 6, duly completed by the home builder and the competent person in terms of rules 5 and 9;
 - (b) proof of the selling price;
 - (c) payment in the form required in terms of rule 5 or if a cash bank transfer is made, proof of payment in the form of the submission to the Council of the bank deposit slip; and
 - (d) any other competent person certificates required in terms of rules 9, 10 and 11 and duly completed and signed by the competent person.
- (2) In the case of a sectional title development or a phased sectional title development, the home builder must submit to the Council –
 - (a) the sectional title enrolment form in the form of Annexure 5;
 - (b) payment of the enrolment fee in the form required in terms of rule 6 or 8;
 - (c) proof of the estimated selling price in the form of the feasibility study for the development or phase of the development; and
 - (d) any other competent person certificates required in terms of rules 9, 10 and 11.
- (3) Upon receipt of the documents specified in subrule (2), and if they are found to be in order, the Council will issue a sectional title phased payment form in the form of Annexure 12 to the home builder as proof of having accepted the home in the records of the Council.
- (4) In the case of a sectional title development or a phased sectional title development, the home builder must comply with rule 8(b) and return the sectional title phased payment form with payment of the outstanding amount by bank guaranteed cheque, cash, or evidence of cash or bank guaranteed

cheque bank transfer declaring the difference between actual selling prices compared with expected selling prices and make payment of the difference.

13. Issuing of enrolment certificates

- (1) Where the Council has received enrolment documentation and where the application for enrolment is not complete, the Council may enter the application into the records of the Council but will record such an application as "pending".
- (2) The Council will notify the home builder in writing as soon as practically possible of the information required or the reasons for the application not being accepted.
- (3) If the relevant information is not received, the Council will maintain the application as "pending" on its records for a period of not less than three months.
- (4) If the home builder has failed to provide the information or failed to comply with enrolment procedures within the period contemplated in subrule (3), the Council may reject the application, and notify the home builder of the reasons for such rejection.
- (5) The Council prescribes the enrolment certificate in the form of Annexure 13, for the purposes of section 14(1)(c) of the Act.

14. Late enrolments

- (1) Where a home builder in contravention of section 14 of the Act submits an application for the enrolment of a home to the Council after construction has started, the Council must require the home builder to satisfy the Council that the construction undertaken at the time is in accordance with the NHBRC technical requirements so as to take prudent measures, contemplated in section 16(1) of the Act, to manage the risks pertaining to the fund.
- (2) In the case of late enrolment, the home builder must supply the Council with the following duly completed documents –
 - (a) an enrolment form in the form of Annexure 5 or 6 as the case may be;
 - (b) proof of the estimated selling price;
 - (c) payment of the enrolment fee by direct and full payment in terms of rule 6;
 - (d) certification by a competent person of:
 - (i) the soil classification in terms of rule 9;

- (ii) the design of foundations in terms of rule 9(3) and, where applicable, rule 9(4);
 - (iii) rational design in terms of rule 10(1)(a); and
 - (iv) satisfactory completion of structural work by submitting a duly completed and signed completion certificate by competent persons: satisfactory completion of structural work in the form of Annexure 14 from a competent person.
- (3) The home builder must, at the request of the Council, pay an additional prescribed late enrolment fee in an amount determined by the Council for a special inspection to be undertaken by the Council to enable the inspectorate to determine compliance with the NHBRC technical requirements, prior to the acceptance of enrolment.
- (4) Should any defects be detected during the course of inspection that may influence the structural integrity of the home or if it is established that there is substantial non-compliance with the NHBRC technical requirements, the Council must, prior to the acceptance of the enrolment, request rectification of such defects or such non-compliance to be undertaken as may be necessary at the home builder's cost and under the supervision of the competent person appointed by the home builder.
- (5) Where an inspector is unable to determine compliance with the NHBRC technical requirements, for whatever reason, the Council may require the home builder to appoint a competent person –
 - (a) to inspect the home; and
 - (b) to complete the competent person late enrolments report in the form of Annexure 15 to confirm compliance with the NHBRC technical requirements.
- (6) Any work that needs to be exposed to enable the competent person to respond to the questions raised in terms of subrule 5(b), must be undertaken by and at the cost of the home builder.
- (7) The Council may request any surety, guarantee, indemnity or other security considered reasonable by the Council to satisfy its obligations under section 16(1) of the Act.

15. Non-declared Late Enrolments

- (1) Where a home builder does not declare the fact that construction has commenced at the time of enrolment and late enrolment is detected by the Council, the Council, if it has reason to believe that such non-declaration was a deliberate attempt to avoid enrolment, or the inspection process, must require the home builder to appoint a competent person –

- (a) to inspect the home; and
 - (b) to complete the competent person late enrolments report in the form of Annexure 15 to confirm compliance with the NHBRC technical requirements.
- (2) Any work that needs to be exposed to enable the competent person to respond to questions raised in terms of rule 14(2)(d) must be undertaken by and at the cost of the home builder.
- (3) Rules 14(2) to (7) apply, with the necessary changes, to homes enrolled in terms of subrule (1) and specifically the Council must charge the late enrolment fee contemplated in rule 14(3).

16. Disciplinary measures for late enrolment

- (1) The Council may, subject to the provisions of section 11(1)(b) and section 11(3) of the Act, where a home builder makes itself guilty of consistent late enrolment, withdraw the registration or suspend the enrolments of the home builder.
- (2) If the Council determines that a late enrolment was an attempt to avoid enrolment or the inspection process, the Council may, after notice to the home builder, suspend further enrolments in terms of section 11(3) of the Act until any corrective work has been completed on late enrolment of homes not declared to the Council.
- (3) If the Council needs, in terms of section 14(4)(a) of the Act, to cancel a late enrolment not declared to the Council or reject a late enrolment declared to the Council due to non-compliance with the NHBRC technical requirements, the Council must –
- (a) seek to inform the housing consumer and the relevant financial institution or provincial housing development board, in terms of section 14(5) of the Act, of the cancellation and seek to notify the housing consumer of the options available to the housing consumer;
 - (b) institute disciplinary proceedings against the home builder in terms of section 11 of the Act; and
 - (c) consider the prosecution of a home builder in terms of section 21(1) of the Act.

17. Notice of Non-Compliance

- (1) In the event of any suspected non-compliance with any requirement of the Act, the Council shall give a home builder a notice of non-compliance in the form of Annexure 16, instructing the home builder to comply with the NHBRC technical requirements or any other requirement of the Act.
- (2) Within seven days of receiving a notice contemplated in subrule (1), the home builder must –

- (a) commence with the work or action specified, together with any additional work or action necessary in order to ensure the home complies with the NHBRC technical requirements or other requirements of the Act; or
 - (b) inform the Council in writing that the home builder disputes that the work or action is necessary for the reasons set out therein, and inform the Council whether it wishes the dispute to be dealt with through the Council's internal complaints procedures in terms of section 22(3) of the Act.
- (3) Where the Council appoints an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990), to carry out further investigations that engineer must be regarded as having been appointed for the purposes of legal proceedings.

18. Responsibilities of housing consumer and home builder regarding complaints

- (1) A housing consumer and a home builder must seek to resolve their differences in a reasonable manner prior to referring a complaint to the Council.
- (2) A housing consumer must, prior to submitting a complaint to the Council, notify the home builder in writing of his or her complaint, listing all the items requiring attention.
- (3) A housing consumer must keep a copy of the letter of complaint and proof of the date it was sent to the home builder.
- (4) A housing consumer must allow the home builder reasonable access to effect rectification.
- (5) A housing consumer must ensure that he or she has met his or her financial obligations to the home builder prior to reporting a complaint to the Council.
- (6) Within 21 days of receiving a complaint from a housing consumer relating to the three month non-compliance period or the five year structural defects period, the home builder must in writing –
 - (a) confirm whether the home builder denies or accepts liability for the complaint;
 - (b) confirm when any rectification work will commence and finish; and
 - (c) where necessary, request access to effect the rectification.
- (7) Within seven days of receiving a complaint from a housing consumer relating to a roof leak within the one year roof leak period, the home builder must in writing –
 - (a) confirm whether the home builder denies or accepts liability for the complaint;

- (b) confirm when any rectification work will commence and finish; and
 - (c) where necessary, request access to effect the rectification.
- (8) A home builder or a housing consumer, as the case may be, may refer a complaint to the Council –
- (a) in the case of any complaint, if the home builder does not respond within the specified period; or
 - (b) if the home builder fails to honour its obligations, or
 - (c) if there is a dispute which cannot be resolved between the home builder and the housing consumer regarding the extent of the home builder's liability to carry out rectification.

19. Acceptance of complaint

- (1) It is not necessary for a housing consumer to employ the services of an attorney or other professionals, including engineers, to lodge a complaint with the Council and costs incurred by the housing consumer for such services are not recoverable from the Council.
- (2) On receipt of a complaint the Council will carry out a preliminary assessment of the complaint based on the information provided by the housing consumer and may request further information from the housing consumer to assist it in considering the complaint.
- (3) A complaint must be lodged on a complaint form in the form of Annexure 17.
- (4) Where the housing consumer holds retention monies, the Council may request that such monies be deposited with the Council until such time as the recommendation of the Council is issued.
- (5) The Council may make it a condition of accepting a complaint that the housing consumer must honour any finding of the Council regarding retention monies.
- (6) The Council will accept a complaint from a home builder where the home builder has obtained the written consent of the housing consumer thereto and the home builder pays a conciliation fee.

20. Processing complaints relating to section 13(2)(b)

- (1) For the purposes of considering a complaint relating to the deemed warranty obligations in terms of section 13(2)(b) of the Act, the housing consumer must submit to the Council –
 - (a) proof of the original occupation date of the home;

- (b) proof of notification to the home builder within the applicable time periods set out in section 13(2)(b) of the Act; and
 - (c) a complete list of the items requiring attention notified to the home builder.
- (2) Where the Council is of the view that the complaint falls within the ambit of section 13(2)(b) of the Act, or where the Council is satisfied that the housing consumer has informed the home builder of his or her complaint, and the home builder has not responded as required in terms of rule 18, the Council must notify the home builder of –
- (a) the complaint;
 - (b) the relevant provisions of the Act; and
 - (c) the specified period within which the Council requires a response to the complaint,
- and request the home builder's assistance in resolving the matter.
- (3) If the Council determines that the complaint does not fall within the ambit of section 13(2)(b) of the Act, it will notify the housing consumer of its decision and its reasons in respect thereof in writing.

21. Complaints relating to three month non-compliance period

- (1) If the nature of the complaint relates to matters contemplated in section 13(2)(b)(ii) of the Act which have been notified within three months of occupation, the Council will seek to resolve the complaint telephonically and through correspondence with the home builder.
- (2) Should a home builder fail to respond within one month of notification from the Council, the Council may issue a request for conciliation in the form of Annexure 18 to the housing consumer, requesting confirmation of the details of the complaint and payment of the prescribed conciliation fee.

22. Complaints relating to one year roof leak period

- (1) If a housing consumer experiences a roof leak in the home within one year of occupation and the home builder has failed to respond to the complaint notified to it by the housing consumer, the Council will notify the home builder and seek an immediate response from the home builder.
- (2) Should the home builder fail to respond within seven days of notification in terms of subrule (1), the Council may issue a request for conciliation in the form of Annexure 18, requesting confirmation of the details of the complaint and may request payment of the prescribed refundable conciliation deposit by the housing consumer.

- (3) The conciliation deposit will be refunded once the complaint has been dealt with in terms of rules 25 to 31, unless the complaint is found by the Council to be frivolous.

23. Complaints relating to five year major structural defects period

- (1) Where a complaint from a housing consumer relates, in the opinion of the Council, to a possible major structural defect, the Council may seek the home builder's response but the Council may issue the housing consumer immediately with a request for conciliation in the form of Annexure 18, and may request the prescribed refundable conciliation deposit from the housing consumer.
- (2) The conciliation deposit will be refunded once the complaint has been dealt with in terms of Rules 25 to 31, unless the complaint is found by the Council to be frivolous.

24. Contractual Disputes

- (1) If a housing consumer refers a complaint to the Council relating to a matter contemplated in section 13(1), 13(2)(a) or 13(6) of the Act the Council may –
 - (a) accept the complaint in terms of rule 19;
 - (b) refer the parties to arbitration in accordance with the procedures set out in rule 29; or
 - (c) refuse to deal with such dispute in terms of paragraph (a) or (b) and refer the parties to their rights under section 13(2) of the Act for the matter to be resolved through normal court proceedings.
- (2) The council may request the housing consumer for reasonable proof to substantiate the complaint.
- (3) Where the Council is of the view that the complaint falls within the ambit of subrule (1), and the Council is satisfied that the housing consumer has, where possible, informed the home builder of his or her complaint, and the home builder has not responded within 21 days, the Council will notify the home builder of –
 - (a) the complaint;
 - (b) the relevant sections of the Act;
 - (c) the specified period within which the Council requires a response to the complaint,and request the home builder's assistance in resolving the matter.

- (4) Should the Council determine that the complaint does not fall within the ambit of subrule (1), it will notify the housing consumer of its decision and its reasons in respect thereof in writing.
- (5) Should the home builder fail to respond within 21 days of notification from the Council, the Council may issue a request for conciliation in the form of Annexure 18, requesting confirmation of the details of the complaint.
- (6) If the Council receives a complaint in terms of section 13(7) of the Act, it may accept the complaint in terms of this rule: Provided that –
 - (a) the home builder must respond to the Council within seven days; and
 - (b) the Council may, at its discretion, issue a request for conciliation immediately on receipt of such complaint.
- (7) The Council may request the prescribed –
 - (a) conciliation deposit for complaints in relation to section 13(2)(a)(ii) and section 13(6) and (7) of the Act; or
 - (b) conciliation fee for complaints relating to section 13(1) and 13(2)(a)(i) and (iii).
- (8) If the complaint accepted in terms of subrule (6) relates to section 13(7) of the Act and there are reasonable grounds for prosecution after investigation, the Council will consider taking legal action in terms of section 21 of the Act.

25. Request for Conciliation

- (1) Where the Council, after having received a signed copy of the Request for Conciliation from the housing consumer or the home builder in the form of Annexure 18 under the circumstances set out in rules 21, 22, 23 and 24 and the Council is of the view that it is necessary or desirable to carry out an on-site conciliation, the Council will propose three alternative dates and times for an on-site conciliation.
- (2) Should none of the dates suit the home builder, the conciliation inspection will proceed on a date convenient to the housing consumer.
- (3) The date and time will be notified by the Council to both parties.
- (4) Where the home builder is unable to attend, the home builder will be notified –
 - (a) of the date and time of the inspection;

- (b) that the home builder is entitled to have a representative attend the inspection;
- (c) that the home builder will be provided with a report of the inspection; and
- (d) that the home builder will be obliged to carry out any rectification recommended in the report within a specified period.

26. Investigation

- (1) The Council must on the date contemplated in rule 25(3), inspect the home and assess the complaint in terms of the Act.
- (2) Where further investigation is required to complete the report, the Council may request the home builder to do so within a specified period or the Council may carry out the investigations that may be necessary.
- (3) Where the Council appoints a competent person registered in terms of the Engineering Profession of South Africa Act, 1990 (No 114 of 1990) to carry out further investigations, that competent person must be regarded as having been appointed for the purposes of legal proceedings.

27. Report

- (1) Following the on-site conciliation and any further investigation undertaken, the Council will draw up a report –
 - (a) detailing the items that require rectification by the home builder to meet the home builder's obligations under the Act; and
 - (b) specifying the date by which such work must commence and be completed.
- (2) The contents of the report will be notified to both the housing consumer and the home builder, and the home builder must, subject to the provisions of section 22 of the Act, effect the rectification specified in the report.

28. Requests for assistance from Fund

- (1) Subject to the provisions of section 17 of the Act, the Council will pay for rectification only when –
 - (a) the report contemplated in rule 27 has been finalised and the contents notified; and

(b) a home builder or any person contemplated in section 10(5) of the Act have been required to meet their respective obligations and have failed to do so within the period determined by the Council; or

(c) the Council has confirmed that the home builder is no longer in existence.

(2) If the home builder disputes the findings and recommendations of the report contemplated in rule 27 and declares a dispute in terms of section 22(1) or (3) of the Act, the Council will proceed with the rectification of any major structural defect recommended in the said report, subject to the final determination of liability for the costs of rectification which shall be part of the dispute referred to in terms of section 22(1) or (3) of the Act.

29. Referral of complaint to arbitration

(1) The Council may, subject to subrules (2), (3), (4) and (5), submit any complaint received by it in terms of section 13 of the Act to arbitration.

(2) A housing consumer and a home builder may, for purposes of resolving any dispute in terms of section 13 of the Act, by written agreement between the parties refer the dispute to arbitration.

(3) The nature of the dispute to be resolved must be specified in an agreement between the parties that will constitute a submission to arbitration by a single arbitrator in terms of and subject to the Arbitration Act, 1965 (Act No. 42 of 1965).

(4) The parties may agree on an arbitrator or may request the Council to appoint an arbitrator.

(5) Should the parties fail to agree on an arbitrator, the Council will appoint the arbitrator.

(6) The fees of an arbitrator appointed by the Council will be in accordance with the tariffs determined by the Council from time to time.

(7) An arbitrator, in conducting the proceedings, must be guided by the intention to provide an effective, speedy and affordable mechanism to resolve disputes between home builders and housing consumers.

(8) An arbitrator may require the security that he or she may consider appropriate regarding the payment of costs, and may make any order as to the payment of costs as he or she may deem fit.

(9) The parties may, by agreement in writing, instruct the arbitrator to limit the proceedings to an investigation and an expert opinion by the arbitrator in respect of the item complained of, which opinion shall be binding on the parties: Provided that –

- (a) the parties agree in writing to be bound by such opinion; and
- (b) that procedure must only be followed where there is agreement in writing between the parties and the arbitrator regarding the arbitrator's technical competence, experience and expertise pertaining to the matter under dispute so as to express an expert opinion on the matter.

30. Referral to internal complaints procedure, arbitration and Public Protector

- (1) A housing consumer or a home builder wishing to have a decision or action of the staff of the Council or its agents reviewed in terms of the Council's internal complaint procedure must notify the Council in this regard within 30 days of receiving notice of the relevant decision or action.
- (2) The notice referred to in subrule (1), must –
 - (a) set out all the relevant details of the disputed action or decision; and
 - (b) indicate the basis on which the decision or action is disputed.
- (3) When notifying the Council, the housing consumer or the home builder must lodge a prescribed internal complaints deposit with the Council.
- (4) The housing consumer or the home builder may request that the decision or the action be reviewed by either –
 - (a) the chief executive officer of the Council; or
 - (b) the committee,depending on the nature of the matter.
- (5) Where a complaint is referred to the committee, the committee may request security for the cost of any such review.
- (6) Where the matter is reviewed by the chief executive officer, he or she must review the decision or action within 30 days of receipt of the request for a review.
- (7) Following the review contemplated in subrule (6), the chief executive officer must confirm, vary or reverse the decision or action, or where the matter falls within the scope of the activities of the committee, refer the matter to the committee.
- (8) Where the complaint is found to be valid, the internal complaints deposit shall be repaid to the housing consumer or the home builder, as the case may be.

- (9) The housing consumer and the home builder, or both, as the case may be, must be notified of the chief executive officer's decision.
- (10) The committee must consider any complaint as soon as practically possible and no later than three months from receipt thereof by the Council.
- (11) The committee may determine its own procedures for the purposes of considering a complaint.
- (12) The committee may confirm, vary or reverse the decision or action of the Council's staff or its agents without the complainant thereby having any recourse to the Council.
- (13) The committee may condone a failure to comply with the period of 30 days referred to in subrule (1) where it is satisfied that there are sound and substantial reasons for the failure.
- (14) The committee may make any order concerning the deposit and any other direct costs relating to the investigation, including those of the Council, in considering the matter.
- (15) Should a housing consumer or home builder be dissatisfied with the decision of the committee, the complainant may pursue his or her rights in terms of section 22(4) of the Act, within thirty 30 days of receipt of the committee's decision.
- (16) If the aggrieved person fails to exercise its rights in terms of section 22(4), within 30 days, the decision of the committee, subject to section 22(1) of the Act, is final.

31. Arbitration in terms of section 22(4)(ii) of Act

- (1) Any dispute regarding a discretion exercised by the Council must be determined with reference to the rules of administrative justice.
- (2) The Council and a housing consumer or home builder may for purposes of resolving a dispute in terms of section 22(4)(ii) refer the dispute to arbitration.
- (3) The nature of the dispute to be resolved must be specified in an agreement between the parties that will constitute a submission to arbitration by a single arbitrator in terms of and subject to the Arbitration Act, 1965 (Act No. 42 of 1965).

Annexure 19

Offices of Council

RANDBURG

DURBAN

CAPE TOWN

Prepared by:

Fernridge Office Park	98 Davenport Road	Unit No. 7
5 Hunter Street	Glenwood	Sunbird Office Park
Ferndale	Durban	Pasita Street
Randburg	4007	Tyger Valley
2194		Bellville
		7530

PORT ELIZABETH

40 Pickering Street
Newton Park
Port Elizabeth
6045

BLOEMFONTEIN

Unit 12 Brandwag Park
Cnr. McHardy/Melville Ave
Randwag
Bloemfontein
9301

NELSPRUIT

4 Jones Street
Nelspruit ext.
1201

RUSTENBURG

104 Leyd Street
Rustenburg
0299

- (4) Should the parties fail to agree on an arbitrator, the Director General: Department of Housing must appoint the arbitrator.
- (5) The arbitrator may require the security from the home builder or housing consumer that he or she may consider appropriate regarding the payment of costs and may make any order as to the payment of costs as he or she may deem fit.
- (6) An arbitration in terms of this rule shall be held in Randburg or any other place that may be agreed to between the parties.

32. Access to documentation

Any person may have access to rules pertaining to the Council, the Home Building Manual or any circular issued by the Council at the offices of the Council between 8h30 and 16h00, at the offices of the Council set out in Annexure 19.

LIST OF ANNEXURES

Annexure 1	"Application for Registration - AR003"
Annexure 2	"Registration Certificate - BR002"
Annexure 3	"Competent Person Questionnaire – CP001"
Annexure 4	"Authorisation for Contractor's Payment - PA003"
Annexure 5	"Sectional Title Enrolment Form - ST003"
Annexure 6	"Residential Unit Enrolment Form - EF003"
Annexure 7	"Notification of Change in Site Class: Design of Foundations and Associated Structures - Appendix A1"
Annexure 8	"Appointment of Competent Person: Rational Design - Appendix B1"
Annexure 9	"Accreditation of Contractor Offering Agrément Certified Non-Standardised Construction - Appendix C1"
Annexure 10	"Building System Registration Form – BS001"
Annexure 11	"Certificate by Competent Person in respect of Non-Agrément Approved Non-Standardised Construction - Appendix D2"
Annexure 12	"Sectional Title Phased Payment Form – ST001"
Annexure 13	"Residential Unit Enrolment Certificate - EC003"
Annexure 14	"Completion Certificate by Competent Person: Satisfactory Completion of Structural Work - Appendix D1"
Annexure 15	"Competent Person Late Enrolment Report"
Annexure 16	"Notice of Non-Compliance"
Annexure 17	"Complaint Form"
Annexure 18	"Request for Conciliation"
Annexure 19	"Offices of Council"

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 461
Randburg 2125

Tel: (011) 348-5700
Fax: (011) 788-2902
Web: www.nhbrc.org

Annexure 1

NATIONAL HOME BUILDERS
NHBRC
REGISTRATION COUNCIL

APPLICATION FOR REGISTRATION - AR003 (v1)

Note: The time taken to process the application is dependent on the thorough completion of this form. Please observe the following basic principles. Write in black pen. Print one letter per box. Take the time to complete all sections of the document and attach relevant documentation where necessary.

For office use only App No:

SECTION A: COMPANY DETAILS

Company Name

Trading Name

Postal Address

Postal Code

Physical Address

Town

Region

☐ Eastern Cape ☐ Free State ☐ Gauteng ☐ KwaZulu-Natal ☐ Mpumalanga ☐ Northern Cape ☐ Northern Province ☐ N/West Province ☐ Western Cape

Telephone Number

Fax Number

Cell Number

Year Started Trading

Number of Houses built during last three years

Number of Employees

Year	Number	Year	Number	Year	Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Company Registration Number

VAT Registration Number

Please attach copies of all the relevant registration documentation

Bargaining Council Registration Number

Type of Company

- ☐ Close Corporation
☐ Partnership
☐ Sole Trader
☐ Trust
☐ PTY
☐ PLC

Main Business Area

- ☐ Home Building Developer
☐ Home Building Contractor
☐ Alterations & Additions
☐ Estate Agent
☐ General Contractor
☐ Subsidy Housing
☐ Other

How many do you want to build this year?

- ☐ 0-5 ☐ 51-75
☐ 6-10 ☐ 76-100
☐ 11-15 ☐ 101-250
☐ 16-20 ☐ 250-500
☐ 21-30 ☐ 501-1000
☐ 31-50 ☐ 1001 or more

Type of Building Done

- ☐ Single Storey
☐ Double Storey
☐ More than two Storeys
☐ Apartment Blocks
☐ Conventional Masonry
☐ Timber Framed (SABS 082)
☐ Rational Design
☐ Agrément Certified

Any Company using a building system (non-traditional construction) must please request a Form BS001. This document is to be completed by the company and handed in together with the AR003 application form.

SECTION B: DIRECTOR DETAILS

Please complete the following details for all Company Directors. Copies of the relevant ID book must accompany this application form.

Managing Director									
Title	Initials	Surname	Shareholding	ID Number					
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>					
Qualifications <input type="text"/>									
Experience <input type="text"/>									

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Title	Initials	Surname	Shareholding	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Qualifications <input type="text"/>				
Experience <input type="text"/>				

Should there be more than 7 directors, please copy this page and add the relevant directors.

Do any of the Directors have ownership links to registered NHBRC members or applicant NHBRC members? ☐ Yes ☐ No

If, yes, please give details

Company	Director's ID Number	Relationship

Have you or your Directors or senior management ever had a management position or stakeholding in a business which had its registration application rejected or de-registered by the Council? If, yes, please provide the following information and attach a separate schedule giving full details.

☐ Yes ☐ No

Company	Director's/ Senior Manager's ID Number	Position

Company	Director's/ Senior Manager's ID Number	Position

Company	Director's/ Senior Manager's ID Number	Position

SECTION C: COURT ACTIONS/ LEGAL IMPLICATIONS

Have any of the Directors, shareholders, members, trustees or senior management of the applicant been involved in any company partnership or business which has been placed under Judicial Management or Liquidation? If, yes, please provide the following information and attach a separate schedule giving full details.

☐ Yes ☐ No

Company	Director's/ Senior Manager's ID Number	Position

Have any of the directors, shareholders, members, trustees or senior management of the applicant been involved in any company partnership or business which has had its/their fidelity fund certificates withdrawn by the Estate Agent's Board? If, yes, please provide the following information and attach a separate schedule giving full details.

☐ Yes ☐ No

Company	Director's/ Senior Manager's ID Number	Position

Is any legal action instituted against you presently pending as the result of alleged construction defects? If yes, please attach a schedule giving details.

☐ Yes ☐ No

Have any cases of legal action instituted against the applicant been settled out of court/ decided in court in the two years prior to the date of application? If yes, please attach a schedule giving details.

☐ Yes ☐ No

If at any point, a complaint is made against your company and investigation reveals that the above is inaccurate, this may lead to you being de-registered.

SECTION D1: BANK REFERENCE

Your bank will be approached to provide a credit rating. A cheque account is essential for this purpose rather than a savings account. A letter from your bank outlining the scope of your general banking facilities may speed up this application process.

Bank	Branch	Clearing Number
<input type="text"/>	<input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>
Account Number	<input type="checkbox"/> Cheque <input type="checkbox"/> Savings <input type="checkbox"/> Transmission	Account Number <input type="checkbox"/> Cheque <input type="checkbox"/> Savings <input type="checkbox"/> Transmission
<input type="text"/>	<input type="text"/>	<input type="text"/>
Name of Manager	Telephone Number	Fax Number
<input type="text"/>	(<input type="text"/>) - <input type="text"/>	(<input type="text"/>) - <input type="text"/>

SECTION D2: CLIENT REFERENCES

Give the names of THREE people for whom you have completed building work (preferably new homes if you have built any). These people may be asked for their views on your quality of work. For speedy processing a working hours contact telephone number is most helpful.

Title	Initials	Surname	Day Telephone Number	Evening Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>	(<input type="text"/>) - <input type="text"/>
Physical Address			Town	
<input type="text"/>			<input type="text"/>	
Postal Address			Town	Code
<input type="text"/>			<input type="text"/>	<input type="text"/>
Date Completed		Price of Contract		
<input type="text"/> - <input type="text"/> - <input type="text"/>		R <input type="text"/> - <input type="text"/>		

Title	Initials	Surname	Day Telephone Number	Evening Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>	(<input type="text"/>) - <input type="text"/>
Physical Address			Town	
<input type="text"/>			<input type="text"/>	
Postal Address			Town	Code
<input type="text"/>			<input type="text"/>	<input type="text"/>
Date Completed		Price of Contract		
<input type="text"/> - <input type="text"/> - <input type="text"/>		R <input type="text"/> - <input type="text"/>		

Title	Initials	Surname	Day Telephone Number	Evening Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>	(<input type="text"/>) - <input type="text"/>
Physical Address			Town	
<input type="text"/>			<input type="text"/>	
Postal Address			Town	Code
<input type="text"/>			<input type="text"/>	<input type="text"/>
Date Completed		Price of Contract		
<input type="text"/> - <input type="text"/> - <input type="text"/>		R <input type="text"/> - <input type="text"/>		

SECTION D3: SUPPLIER REFERENCES

Give the names of **THREE** suppliers that you use on a regular basis, who can comment on your credit worthiness and the quantities of your material purchases. If you purchase cash only, please attach copies of three recent invoices.

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>
Company	<input type="text"/>		Fax Number
<input type="text"/>	<input type="text"/>		(<input type="text"/>) - <input type="text"/>
Physical Address	Town		
<input type="text"/>	<input type="text"/>		
Postal Address	Town	Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>
Company	<input type="text"/>		Fax Number
<input type="text"/>	<input type="text"/>		(<input type="text"/>) - <input type="text"/>
Physical Address	Town		
<input type="text"/>	<input type="text"/>		
Postal Address	Town	Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>
Company	<input type="text"/>		Fax Number
<input type="text"/>	<input type="text"/>		(<input type="text"/>) - <input type="text"/>
Physical Address	Town		
<input type="text"/>	<input type="text"/>		
Postal Address	Town	Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

SECTION D4: PROFESSIONAL REFERENCES

Give the names of **TWO** professionals you use on a regular basis, who can comment on your reputation and quality of your work.

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>
Company	<input type="text"/>		Fax Number
<input type="text"/>	<input type="text"/>		(<input type="text"/>) - <input type="text"/>
Physical Address	Town		
<input type="text"/>	<input type="text"/>		
Postal Address	Town	Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Title	Initials	Surname	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) - <input type="text"/>
Company	<input type="text"/>		Fax Number
<input type="text"/>	<input type="text"/>		(<input type="text"/>) - <input type="text"/>
Physical Address	Town		
<input type="text"/>	<input type="text"/>		
Postal Address	Town	Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

An example of a professional reference would be a building inspector, an architect, a quantity surveyor or TLC Inspector

SECTION E: TECHNICAL MANAGEMENT OR CONTROL

All registered members must maintain adequate levels of technical control to monitor and maintain construction quality. These persons may be approached to explain the technical management control systems in your company. This applies to development companies as well as to contracting companies.

The Person responsible for Construction Quality in Your Company				ID No.
Title	Initials	Surname	Position	
Telephone Number		Fax Number	Cell Number	
() - ()		() - ()		
Qualifications				
Experience				
Has this person received a copy of the Home Building Manual? <input type="radio"/> Yes <input type="radio"/> No				
On Registration your company will be obliged to meet these requirements. Please ensure he has this document and takes appropriate action in sufficient time.				

The Engineering Firms you Normally use for Engineers Foundation Design and Certificates.			
Foundation design is an important component of NHBRC's Home Building Manual (see Part 1, Section 3) and Dwelling Enrolment Procedures. Please provide the relevant engineers' details.			
Title	Initials	Surname	Telephone Number
			() - ()
Company			Fax Number
			() - ()
Physical Address		Town	
Postal Address	Town	Code	
Title	Initials	Surname	Telephone Number
			() - ()
Company			Fax Number
			() - ()
Physical Address		Town	
Postal Address	Town	Code	

The Contractors you normally use if you are a Developer			
Title	Initials	Surname	Telephone Number
			() - ()
Company			Fax Number
			() - ()
Postal Address		Town	Code
Title	Initials	Surname	Telephone Number
			() - ()
Company			Fax Number
			() - ()
Postal Address		Town	Code

Please provide on a separate schedule an explanation of how you monitor the construction quality of your contractors.

SECTION F: AFTER SALES CUSTOMER SERVICE/ NHBRC CONTACT

All registered members are obliged to meet their obligations to housing consumers and the Council in terms of the Housing Consumer Protection Measures Act.

The Person responsible for After Sales Customer Service in Your Company				ID No.
Title	Initials	Surname	Position	
Telephone Number		Fax Number	Cell Number	
() -		() -		
Qualifications				
Experience				

The Person who will be the main NHBRC contact?				ID No.
Title	Initials	Surname	Position	
Telephone Number		Fax Number	Cell Number	
() -		() -		
Qualifications				
Experience				

SECTION G: PAYMENT DETAILS

To process your application, a payment of R750 must be received. If it is not received, your application will not be processed. This application fee is non-refundable. You may wish to pay the annual registration fee (an additional R600-00) at the same time. This will assist in speeding up the process once your application is approved. If your application is rejected, this annual registration fee will be refunded.

Payment may be made either by cash, cheque or direct deposit into the NHBRC's account. Please attach either the payment or proof of the direct deposit to this Application form.

Bank: ABSA, Braamfontein branch, Johannesburg
Account Number: 4044649331 Branch Number: 63060502

SECTION H: DECLARATION

I, the undersigned, being duly authorised to sign this application, hereby certify that the information provided in this document is accurate and complete as at the date of application.

I, on behalf of the applicant, understand that it is an offence in terms of Section 21 of the Housing Consumer Protection Measures Act to knowingly withhold information or to furnish information that I know to be false or misleading required in terms of this Act. I also know that on conviction of such an offence, I, or the directors, trustees, managing members or officers of the applicant home builder may be subject to a fine not exceeding R25 000 or to imprisonment not exceeding one year on each charge.

I understand that the applicant home builder must comply with the terms of the Housing Consumer Protection Measures Act and any subsequent Regulations issued in terms of this Act.

I hereby authorise the Council to make such enquiries as necessary to verify the information contained on this form.

I attach my application fee.

Signature of Authorised Representative of Applicant
Position

Please Print Name
Date Completed
d d m m y y y y

SECTION I: FINANCIAL

The NHBRC requires some financial details of your company in order to assess your day to day business operations.

What was your turnover during the previous three years?

Year1	Year2	Year3	Expected Turnover for Current Year
<input type="text"/>	<input type="text"/>	<input type="text"/>	R <input type="text"/> , <input type="text"/> , <input type="text"/>
R <input type="text"/> , <input type="text"/> , <input type="text"/>	R <input type="text"/> , <input type="text"/> , <input type="text"/>	R <input type="text"/> , <input type="text"/> , <input type="text"/>	

Trading Profit or loss in the last three years:

Year1	Year2	Year3
<input type="text"/>	<input type="text"/>	<input type="text"/>
R <input type="text"/> , <input type="text"/> , <input type="text"/>	R <input type="text"/> , <input type="text"/> , <input type="text"/>	R <input type="text"/> , <input type="text"/> , <input type="text"/>
<input type="checkbox"/> Profit <input type="checkbox"/> Loss	<input type="checkbox"/> Profit <input type="checkbox"/> Loss	<input type="checkbox"/> Profit <input type="checkbox"/> Loss

Please attach a one page schedule detailing your current fixed assets and liabilities. If available, the previous three years' financial statements and/ or your business plan should also be attached to the application form.

SECTION J: GUARANTEES

Is your Company a Subsidiary? ☐ Yes ☐ No

All subsidiaries require a Parental Company Guarantee. The Parental Company Guarantee is a letter signed by an authorised official of the Parent company, agreeing to take responsibility for any warranty obligations of the subsidiary should that subsidiary company default. This letter, on the parent company letterhead, must accompany your application.

Parental Company Name	Contact Person (Title & Name)
<input type="text"/>	<input type="text"/>
Parental Company Registration Number	Telephone Number
<input type="text"/>	(<input type="text"/>) - <input type="text"/>
	Fax Number
	(<input type="text"/>) - <input type="text"/>
Registered Address	Town
<input type="text"/>	<input type="text"/>
	Code
	<input type="text"/>

SECTION K: TRADE ASSOCIATIONS

Name of Trade Association

Member's Initials

Member's Surname

Membership Number

DOCUMENTS ATTACHED

Have you attached all necessary documents to this application? Please tick each box where necessary.

Copy of ID documents of all Directors?	<input type="checkbox"/>	Copy of Registrar of Companies registration documents?	<input type="checkbox"/>
Copy of VAT registration certificate?	<input type="checkbox"/>	Copy of Industrial Council Registration Certificate?	<input type="checkbox"/>
Any schedules requested by the NHBRC?	<input type="checkbox"/>	Copies of invoices if you purchase cash only from suppliers?	<input type="checkbox"/>
Financial Statements/ Business Plan?	<input type="checkbox"/>	Parental Guarantee?	<input type="checkbox"/>
Copy of cancelled cheque?	<input type="checkbox"/>		

FOR NHBRC OFFICE USE ONLY

Application Fee <input type="radio"/> Cheque Received	<input type="radio"/> Cash Received	<input type="radio"/> Deposit Slip Received
Membership Fee <input type="radio"/> Cheque Received	<input type="radio"/> Cash Received	<input type="radio"/> Deposit Slip Received
Home Building Manual <input type="radio"/> Cheque Received	<input type="radio"/> Cash Received	<input type="radio"/> Deposit Slip Received
Receipt of Documents <input type="radio"/> Regional Office	<input type="radio"/> Post	<input type="radio"/> Central Office
	<input type="radio"/> Courier	



CERTIFICATE

This is to certify that

NHBRC™ Registration Number:

Has been admitted as a HOME BUILDER to the Register of the

NATIONAL HOME BUILDERS REGISTRATION COUNCIL™

Registered Home Builders are required to comply with their obligations to housing consumers and the NHBRC™ under the terms of the Housing Consumers Protection Measures Act, 1998.

This Certificate is valid for a period of one year.

Date Issued:

Expiry Date:

Managing Director

BR002

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 481
Randburg 2125

Tel: (011) 348-5700
Fax: (011) 789-2902

Annexure 3



COMPETENT PERSON QUESTIONNAIRE - CP001^(v1)

Please complete this form by writing in black pen, one letter per block.

Initials	Surname	Id No.
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company		
<input type="text"/>		
Postal Address		
<input type="text"/>		
Town	Code	
<input type="text"/>	<input type="text"/>	
Region		
<input type="radio"/> Eastern Cape	<input type="radio"/> Free State	<input type="radio"/> Gauteng
<input type="radio"/> KwaZulu-Natal	<input type="radio"/> Mpumalanga	<input type="radio"/> Northern Cape
<input type="radio"/> Northern Province	<input type="radio"/> N/West Province	<input type="radio"/> Western Cape
Telephone No	Fax No	Cell No
(<input type="text"/>) <input type="text"/>	(<input type="text"/>) <input type="text"/>	<input type="text"/>
Year Started	Qualifications	Type of Engineer (eg. Civil, Pr Tech, Geologist, etc.)
<input type="text"/>	<input type="text"/>	<input type="text"/>
To which Institutions do You Belong?		Membership No
<input type="text"/>		<input type="text"/>
ECSA Reg Number	Nat. Sci. Prof. Reg. Number	
<input type="text"/> / <input type="text"/>	<input type="text"/>	
y y		

Insurance Details - Please note that you will be required to update this information with the NHBR annually.

Name of Insurer

Insurance Certificate Number

Insurance Amount

 R -

Insurance Start Date

 - -

Insurance End Date

 - -

Signature

Date

 - -
 d d m m y y y y

Central Office:
Block E, Fernside Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 461
Randburg 2125

Tel: (011) 348-5700
Fax: (011) 789-2902
Web: www.nhbrc.org

Annexure 4

NATIONAL HOME BUILDERS
NHBRC
REGISTRATION COUNCIL

AUTHORISATION FOR CONTRACTOR'S PAYMENT - PA003 (v1)

Title	Initials	Surname
I WE		
the borrower/s and purchaser/s of	Unit	Stand
Township	Ext	
Region (Colour in one only)		
<input type="radio"/> Eastern Cape	<input type="radio"/> Free State	<input type="radio"/> Gauteng
<input type="radio"/> KwaZulu-Natal	<input type="radio"/> Mpumalanga	<input type="radio"/> Northern Cape
<input type="radio"/> Northern Province	<input type="radio"/> N/West Province	<input type="radio"/> Western Cape
UNDERSTAND THAT:		
Contact Person		
a) Registration Number	Company Name	
R		
Telephone	-	Fax

has undertaken to enrol the above home with the NHBRC in terms of Section 14(1) of the Housing Consumer Protection Measures Act.

THEREFORE:	Name of Bank	Branch	Branch Code
I/We hereby authorise			
Bond Account Number	Selling Price	1.3% Fee	
	R	R	

to make a payment of 1.3% of the selling price, this being the registered home Builder's enrolment fee, directly to the NHBRC at United Bank, Braamfontein branch, account number 4045581790. The enrolment fee has been calculated in terms of the fees prescribed by the NHBRC under GN ... of ... 1999.

I / WE ACCEPT:

- Selling price is defined as: i) in the case of a deed of sale, the total selling price or purchase price as determined by the deed of sale including VAT; ii) 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. Proof of selling price must be attached. This can be: i) building contract and deed of sale of serviced erf or ii) deed of sale;
- that such amount will be paid to the NHBRC at the time the first progress payment is processed;
- that should I/we believe that I/we have a claim in respect of a major structural defect in relation to my/our residential unit, such claim will be against the Home Builder. However, I/we understand that should the registered Home Builder fail to comply with its warranty obligations in terms of Section 13(2)(b)(i) the Housing Consumers Protection Measures Act, I/we may approach the NHBRC and make a claim in terms of Section 17(1) of the abovementioned Act.

Signed at	on	d d	m m	y y y y
Signature of Home Builder	Signature of Borrower/s	Work Telephone Number		
		()		
		()		

SECTIONAL TITLE ENROLMENT FORM - ST003 ^(M1)

Please complete all blocks individually. Write in black pen. Please submit 15 days prior to construction start.

SECTION A: HOME BUILDER DETAILS

Registration Number	Company Name	Signature
R <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/>
		Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>

SECTION B: PROPERTY DETAILS

Development Name										Stand Number										Estimated Start Date					
																					/		/		
Phase										Township Name										Occupation Date					
																					/		/		
										E	x	t									/		/		

SECTION C: BANK GUARANTEE

[illegible]

SECTION D: COMPETENT PERSON DETAILS (Please read reverse of page before signing)

Bank												
Branch												
Branch Number			-			-						
Bar Code Label Appendix B3												
<p>Competent Person Name (Print Name)</p> <p>Signature</p> <p>Date Competent Person Signed</p>												
<div style="display: flex; justify-content: space-between;"> d d m m y y y y / / </div>												

Estimated Guarantee Amount									
R					-				

Competent Person Name (Print Name)	<input type="text"/>												
Signature	<input type="text"/>												
Date Competent Person Signed	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Competent Person Name (Print Name)	<input type="text"/>												
Signature	<input type="text"/>												
Date Competent Person Signed	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Property Details

Unit	Est. Selling Price	Est. Enrolment	1	2	3	4	Appendix B3	Appendix B1
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Unit	Est. Selling Price	Est. Enrolment	1	2	3	4
------	--------------------	----------------	---	---	---	---

Prepared by:

Unit

Est. Selling Price

Est. Enrolment

1 2 3 4

Appendix B3

Appendix B1

[illegible]

(Totals to be completed on this page)

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Ferndale 2194
PO Box 461
Randburg 2125
Tel: (011) 348-5700
Fax: (011) 789-2902
Web: www.nhbrc.org

Annexure 6



RESIDENTIAL UNIT ENROLMENT FORM - EF003_(v1)

Please complete all blocks individually. Write in black pen. Please submit 15 days prior to construction start.

Part 1: Sections A and B - to be completed by the Home Builder

SECTION A: HOME BUILDER DETAILS

Registration Number Company Name

SECTION B: PROPERTY DETAILS

Unit No. (Cluster Development Only) Stand

Township Name Ext

Selling Price Enrolment Fee Estimated Start Date

Please colour in one item per box below.

Region
☐ Eastern Cape ☐ Northern Cape
☐ Free State ☐ Northern Province
☐ Gauteng ☐ NWest Province
☐ KwaZulu-Natal ☐ Western Cape
☐ Mpumalanga

Enrolment Method
☐ Speculative - Cash Payment
☐ Plot and Plan - PA003
☐ Cluster Development - Cash Payment
☐ Cluster Development - PA003

Estimated Completion Date

Estimated Occupation Date

Home Builder Representative (Print Name)

Signature Date

Storeys Type System Subsidy
No Storeys: (how many storeys does the building have?) 1 - Single; 2 - Double; 3 - 3 or More
Type: (what type of building is being erected?) A - Detached; B - Semi-detached; C - Terraced; D - Apartments
System: (what type of building method) Z - Traditional Masonry; Y - Timber Framed; X - Building System; W - Other
Subsidy Type: (what kind of subsidy) S - Capital Housing Subsidy with Mortgage Bond; N - Capital Housing Subsidy with Mortgage; M - No Capital Housing Subsidy

Part 2: Sections C and D - to be completed by the Competent Person

SECTION C: APPENDIX DETAILS

Tick the applicable soil class and/or Dolomite soil class. See reverse of this page for instructions on Dolomite soil classes.

Appendix B3 (Appointment of Competent Person: Soil Classification of Site)

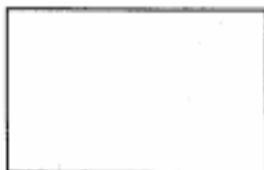
☐ C ☐ H ☐ R ☐ S ☐ C1 ☐ C2 ☐ C3 ☐ H1 ☐ H2 ☐ H3 ☐ S1 ☐ S2 ☐ P
☐ D1 ☐ D2 ☐ D3 ☐ D4

SECTION D: COMPETENT PERSON DETAILS

Competent Person Note:

Please read the notes on reverse of this document thoroughly. By appending the bar code label to this document you are accepting all the conditions mentioned.

Bar Code



Competent Person Name (Print Name)

Signature

Date Competent Person Signed

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 481
Randburg 2125

Tel: (011) 348-5700
Fax: (011) 789-2902
Web: www.nhbrc.org

Annexure 8



APPENDIX B1 - (Appointment of Competent Person: Rational Design) (v1)

Please complete all blocks individually. Write in black pen.

SECTION A: HOME BUILDER DETAILS

Registration Number	Company Name
R <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>

SECTION B: PROPERTY DETAILS

Unit	Stand
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Township	
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Ext <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Region (Please tick one item only)	
<input type="radio"/> Free State <input type="radio"/> Gauteng <input type="radio"/> K2-Natal <input type="radio"/> Mpumalanga <input type="radio"/> N' Cape <input type="radio"/> NWest Province <input type="radio"/> W/ Cape <input type="radio"/> E/ Cape <input type="radio"/> N/ Province	

SECTION C: APPENDIX DETAILS

- | | | | | |
|---------------------------|---------------------------|----------------------------|----------------------------|--------------------------|
| <input type="radio"/> RD1 | <input type="radio"/> RD5 | <input type="radio"/> RD9 | <input type="radio"/> RD13 | <input type="radio"/> F6 |
| <input type="radio"/> RD2 | <input type="radio"/> RD6 | <input type="radio"/> RD10 | <input type="radio"/> F3 | <input type="radio"/> F7 |
| <input type="radio"/> RD3 | <input type="radio"/> RD7 | <input type="radio"/> RD11 | <input type="radio"/> F4 | <input type="radio"/> F8 |
| <input type="radio"/> RD4 | <input type="radio"/> RD8 | <input type="radio"/> RD12 | <input type="radio"/> F5 | |

Please see reverse of this sheet for a full explanation of each rational design. You may select more than one item.

SECTION D: CONDITIONS & COMPETENT PERSON DETAILS

- The competent person mentioned below has been appointed by the Home Builder and undertakes to accept responsibility for providing the Home Builder and the NHBR's Inspectorate with such drawings, details and particulars as may be required in terms of its requirements as set out in the Home Building Manual. In so far as such drawings, details and particulars may refer to work of a structural nature, such person has further undertaken to inform the NHBR's Inspectorate if it appears that any structural work is being carried out in a manner which may endanger the structural integrity of the building or any adjoining building or structure.
- Should the above appointment be terminated before construction of the work is completed, the Home Builder and the Competent Person undertake to inform the NHBR accordingly and, where necessary, the Home Builder undertakes to make a new appointment.
- The abovementioned competent person also undertakes to comply with the Building Standards Act 103 of 1977 (as amended), and specifically the completion of the Form referred to in Regulation A19 for the local Authority.

Competent Person Note:

Please read the above conditions thoroughly. By appending the bar code label to this document you are accepting all the conditions mentioned.

Bar Code	Competent Person Name
<input type="text"/>	<input type="text"/>
	Signature
	<input type="text"/>
	Date Competent Person Signed <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	d d m m y y y y
	Home Builder Representative
	<input type="text"/>
	Signature
	<input type="text"/>
	Date Home Builder Signed <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	d d m m y y y y

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 481
Randburg 2125

Tel: (011) 348-6700
Fax: (011) 789-2902
Web: www.nhbrc.org

Annexure 9



APPENDIX C1 - (Accreditation of Contractor offering Agreement Certified Non-Standardised Construction) (v1)

Please complete all blocks individually. Write in black pen.

SECTION A: HOME BUILDER/ LICENSEE DETAILS

Registration Number

R

Company Name

SECTION B: PROPERTY DETAILS

Unit

Stand

Township

Region (Please tick one item only)

☐ Free State ☐ Gauteng ☐ KZ-Natal ☐ Mpumalanga ☐ N/ Cape ☐ N/West Province ☐ W/ Cape * ☐ E/ Cape ☐ N/ Province

SECTION C: CERTIFICATE DETAILS

Title of Certificate Covering Construction to be Used

Certificate Number

Valid Until Year/Month

Name of Certificate Holder

Indicate what is covered by the certificate (Please colour as appropriate)

☐ Foundations/ Substructure ☐ Superstructure ☐ Roof Structure

In cases where foundations/ substructure and/or roof structure are not covered by the certificate an Appendix B1 will be required if these elements involve a rational design

SECTION D: DECLARATION BY CERTIFICATE HOLDER

I/We

confirm that I/we am/are

- a) the registered holder of the above certificate, or
b) a licensee, registered with Agreement South Africa as authorised to manufacture/ install or construct the subject of the certificate (proof of registration attached).

I/we hereby undertake to comply with all the requirements of the abovementioned certificate and confirm that the certificate contains no limitations which would invalidate the use of the subject thereof for the construction described above.

A copy of the relevant Agreement Certificate must accompany this form.

Home Builder
Representative

Signature

Date Home Builder Signed

d d / m m / y y y y

Central Office:
Block E, Fernridge Office Park
5 Hunter Street
Cnr Hendrik Verwoerd
Fernside 2194
PO Box 481
Randburg 2125

Tel: (011) 348-5700
Fax: (011) 789-2902
Web: www.nhbrc.org

Annexure 10



BUILDING SYSTEM REGISTRATION FORM - BS001 (v1)

This form is to be completed by any builder who is constructing houses in any manner other than standard traditional masonry construction

For office use only App No:

SECTION A: HOME BUILDER DETAILS

Name

Trading Name

Postal Address

Physical Address

Postal Code

Town

Region

☐ Eastern Cape ☐ Free State ☐ Gauteng ☐ KwaZulu-Natal ☐ Mpumalanga ☐ Northern Cape ☐ Northern Province ☐ NWest Province ☐ Western Cape

Telephone Number () -

Fax Number () -

SECTION B: BUILDING SYSTEM

Please choose the type of building system used and then answer all questions pertaining to the building type specified. Please attach copies of all relevant documentation.

Building System

☐ Timber Framed (SABS 032)

Are you a TFBA Member? ☐ Yes

☐ No

TFBA Membership No

First Month and Year of TFBA Membership

 /

m m y y y y

☐ Rational Design

Please choose the Rational Design Type

☐ RD1 ☐ RD2 ☐ RD3 ☐ RD4 ☐ RD5 ☐ RD6 ☐ RD7

Refer to reverse side for Rational Design table

☐ Agreement Certified

Agreement Certified System Name

Agreement Certificate Number

Home Builder
Representative

Signature

Date Home Builder Signed

 / /

d d m m y y y y

Fernridge Office Park, 5 Hoexter Street
Corner of Hendrik Verwoerd Drive
Ferndale, Randburg 2194

PO Box 461, Randburg 2125

Docex 96, Randburg

Telephone (011) 348-5700 / (011) 886-3636

Facsimile (011) 789-2902

Reg. No. 950664708

Annexure 12



ST001 SECTIONAL TITLE PHASED PAYMENT Enrolment Order No:

HOME BUILDERS DETAILS

Date Issued : 08 November 1999

Company Name:

NHBRC Registration Number:

Contact Person:

Telephone No:

Fax No:

PAYMENT DETAILS

Unit No	Erf No	Township	Region	Est. Selling Price	Enrolment Fee	Payment Received
PLEASE COMPLETE THE GREY AREAS OF THE FORM.				Rev. Selling Price	Rev. Enrolment Fee	Amount Outstanding

--	--	--

TOTAL paid inc VAT:

TOTAL outstanding Balance:

--

It is essential that you recalculate the Dwelling Enrolment Fee now that the estimated selling prices will be more accurately known. Proof of selling price must be included with this form. This should be Deeds of Sales for units sold, and promotional literature from the Developer, or similar type or material, for the units unsold. Please complete the incomplete grey areas of the form.

On receipt of the final outstanding payment, the NHBRC will issue an Enrolment Certificate. This will be required by the Bond Attorney to register the bond, and to release any payment. Please ensure that the final payment is received by NHBRC in sufficient time not to delay your draws.



CONDITIONS

1. The NHBRC has the right under the Rules to increase the fee payable if:
 - a) The estimated selling price proves to be incorrect and/or
 - b) The construction work does not commence within 12 months or is not completed within 2 years from the date of this application
2. The NHBRC reserves the right not to refund fees

SIGNATURE OF HOME BUILDER: _____

DATE: _____

The National Home Builders Registration Council (Incorporated under Section 21, not for profit)
 100 Westville (Chairman), J.A. de Klerk (Vice Chairman), P. Kibbey (Managing Director), J.L. Bantshi (AO), P.A. Bosh, V.R. Bosh* (AO), C.C. Cuthbert (AO), J.M. Durrant*, G.M. Geyser,
 S.D. Madge, M.D. Ngwenyane, A.M. Leron, S.D. Leron, M.M. Mavima (AO), E. Mkhabela, M.S. Mkhabela, T.T. Mphahlele (AO), M.T. Mphahlele, P.T. Mphahlele (AO), P.L. Mphahlele (AO),
 M. Mphahlele-Phipps, L.J. Mphahlele (AO), D. Pheko, G.T. Pheko, S.D. Pheko, S.R. Pringle, L.M. Roodenrys (AO), C.D. Ross, C.J. Schuchardt, T.D. Seake, D.R. Tefikhele, M.A. Tshali, B.I. Wessels (AO)
 *Reserve

NHBRG NATIONAL HOME BUILDERS REGISTRATION COUNCIL	RESIDENTIAL UNIT ENROLMENT CERTIFICATE
	
EC003	
<p>This Enrolment Certificate is issued by the NHBRG™ in terms of section 14(1)(c) of the Housing Consumers Protection Measures Act, 1998.</p> <p>The enrolment of a home entitles the housing consumer and his/her successors' in title to apply to the NHBRG™ Fund for assistance to rectify a major structural defect in certain circumstances as laid down in section 17 of the Act.</p> <p>Please refer to the back of this Enrolment Certificate for advice on housing consumer rights in terms of the Act.</p>	
	
Managing Director	

ADVICE TO THE HOUSING CONSUMER

Your Registered Home Builder

The obligations of a registered home builder are:

- To enter into a written agreement with the housing consumer;
- To ensure the home is constructed in a workmanlike manner, is fit for habitation and is constructed in accordance with the NHBRC Technical Requirements and the terms, plans and specifications of the written agreement;
- To enrol the home with NHBRC prior to the commencement of construction;
- To rectify non-compliance with the terms, plans and specifications or any deficiency related to design, workmanship or materials notified by the housing consumer within three months of the occupation date;
- To repair roof leaks attributable to workmanship, design or materials occurring and notified by the housing consumer within twelve months of the occupation date;
- To rectify major structural defects notified by the housing consumer within five years of the date of occupation caused by non-compliance with the NHBRC Technical Requirements.

A home builder may not demand or receive a deposit from a housing consumer for the construction or sale of a home unless a written agreement has been entered into. A home builder may receive no other consideration unless the home has been enrolled with the NHBRC.

If your home builder fails to repair a major structural defect reported to him within five years of the occupation date, you have a right to seek assistance from the NHBRC Fund for rectification of this defect.

Your obligations

The housing consumer should ensure:

- a copy of the written agreement is kept;
- the contractual and financial obligations to the home builder are met;
- a record and proof of all payments made to the home builder is kept; and
- complaints to the home builder are made in writing, dated and copies must be kept.

Cancellation or Suspension of this Enrolment Certificate

The enrolment of this home cannot be cancelled after the occupation date. During construction and prior to the occupation date the enrolment:

- (a) shall be automatically cancelled:
 - (i) on the granting of an order by a court for the provisional liquidation or the sequestration of the home builder; or
 - (ii) on the withdrawal or suspension of the home builder's registration with NHBRC;
- (b) may be cancelled or suspended prior to the occupation date:
 - (i) if the NHBRC is not satisfied that the home has been constructed in accordance with the NHBRC Technical Requirements; or
 - (ii) if the home builder who enrolled the home fails to complete the home and another home builder continues to construct the home, the second home builder must contact the NHBRC to clarify his obligations to the housing consumer in terms of the Act.

On cancellation or suspension of an enrolment, the NHBRC shall seek to inform the housing consumer, his or her mortgage lender or conveyancer of the options available to him or her. The NHBRC may reinstate the enrolment of such a home within its discretion. If the enrolment is not reinstated the NHBRC shall repay the home builder or any person entitled thereto the enrolment fee less the reasonable costs incurred by the NHBRC.

If you have a complaint

A housing consumer or a home builder may refer a complaint to the NHBRC relating to the home builder's obligations. The Council shall investigate such complaints in terms of its prescribed procedures.

For more information, contact NHBRC on (011) 348-5700 or (011) 886-3636

Tel: (011) 348-5700
Fax: (011) 789-2902
www.nhbr.org

NATIONAL HOME BUILDERS
NHBRC
REGISTRATION COUNCIL

(Completion Certificate by Competent Person: Satisfactory Completion of Structural Work) (vi)

SECTION A: HOME BUILDER DETAILS

SECTION B: PROPERTY DETAILS

Region? (Please tick one item only)

SECTION C: APPENDIX DETAILS

Please see reverse of this sheet for a full explanation of each rational design. You may select more than one item.

SECTION D: DECLARATION/ CONDITIONS & COMPETENT PERSON DETAILS

Competent Person Note:

Please read the above conditions thoroughly. By appending the bar code label to this document you are accepting all the conditions mentioned.

Signature

Date Home Builder Signed:

 /

 /

COMPETENT PERSON LATE ENROLMENT REPORT

Annexure 15

08 November 1999

NAME OF COMPETENT PERSON :

QUALIFICATIONS : INSTITUTIONAL MEMBERSHIP :

COMPANY NAME :

ADDRESS :

TEL NO. :

FAX NO. :

CELL NO. :

PI INSURER DETAILS :

INSURER :

SUM INSURED :

INS. CERT. NO. :

DECLARATION:

I being the Competent Person appointed by

of

has studied the NHBRC Standards and Guidelines and

can confirm: (by completing the Questionnaire)

1. Structural integrity of items observed and checked as per this report.
2. Fitness for purpose of material used by the contractor.
3. That based on the above, I have completed NHBRC Appendices B3; B2; B1 (where applicable) and D1.

SIGNATURE OF COMPETENT PERSON :

DATE :

--	--

DETAILS OF PROPERTY

UNIT NUMBER :

ERF NUMBER :

TOWNSHIP :

REGION :

TYPE OF CONSTRUCTION (CONVENTIONAL / AGREEMENT / RATIONAL) :

TYPE OF FOUNDATION :

NOTE ANY RATIONAL DESIGN COMPONENTS :

NAME OF REGISTERED HOME BUILDER :

NAME OF HOME OWNER :

FINANCIAL INSTITUTION NAME :

QUESTIONNAIRE TO CONFIRM STRUCTURAL INTEGRITY

1. SITE AND SURROUNDING AREA:		YES	NO
1.1	Has the site preparation been carried out to a standard that will satisfy the Home Building Manual and that will ensure no water ingress into residential structure/s?		
1.2	Has storm water management been carried out to effect quick and spontaneous run off of storm water, without causing any ponding against or next to any residential structure/s?		
1.3	Are you satisfied with the site soil classification indicated on the completed appendix B3 form as provided to the NHBRC?		
1.4	Has insitu material been used for filling?		
1.5	Do you accept the material used as suitable for filling?		
1.6	Are you satisfied that the private drainage on site has been laid according to the Home Building Manual?		

2. SUBSTRUCTURE:		YES	NO
2.1	Are you satisfied with the foundation solution applied and is the solution in accordance with the Home Building Manual?		
2.2	Are you satisfied that the foundation material and workmanship are of an acceptable standard to structurally withstand the applied loads?		
2.3	Has the backfilling and recompaction of the foundation trenches been done to a standard acceptable to the NHBRC?		
2.4	Does the underlab filling exceed 400 mm at the lowest point of building work on site? (B1 and D1 forms have to be completed where the fill exceeds 400 mm.)		
2.5	In the cases of a reinforced raft foundation or "slab-on-the-ground" can you confirm that the damp-proof membrane has been correctly installed and is functional?		

3. SUPERSTRUCTURE:		YES	NO
3.1	Can you confirm acceptance of the installation detail of the DPC (as per Home Building Manual) below internal and external walls and window sills?		
3.2	Can you confirm your acceptance of the structural design on the wall panels including position and sizes of openings in these wall panels as per Home Building Manual?		
3.3	Is the quality of the construction elements used in the superstructure (plaster/ mortar/ bricks/ etc.) acceptable and in accordance with the Home Building Manual?		
3.4	Can you confirm your approval of the installation of brickwork and wall ties incorporated in the superstructure, as per Home Building Manual?		
3.5	Can you confirm your acceptance on the positioning and workmanship employed in creating movement and control joints, as per Home Building Manual?		
3.6	Can you confirm that the roof anchors installed are in accordance with the Home Building Manual?		
3.7	Can you confirm that the general quality of workmanship applied is visually satisfactory and that no reason for structural distress can be observed?		

4. ROOF STRUCTURE:		YES	NO
4.1	Can you confirm your acceptance of the structural design of the roof structure, as per Home Building Manual?		
4.2	Can you confirm your acceptance of the fixing detail of the roof anchors?		
4.3	Can you confirm your satisfaction with the materials (timber size, grading, etc.) used in the roof structure, and as can be observed in the Home Building Manual?		
4.4	Can you confirm that the erection and bracing details are to a standard that will ensure structural integrity, and is in compliance with the Home Building Manual?		
4.5	Can you confirm that the roof covering has been installed in accordance with the roof covering manufacturer's recommendations?		
4.6	Can you confirm that the roof is visually satisfactory and that no reason for roof leaks can be observed?		

GENERAL NOTICE:

The NHBRC reserves the right, to at any time, call for calculations and related information that the Competent Person has applied in completing this questionnaire and, thereby, certify structural integrity.

Femridge Office Park, 5 Hunter Street
Corner of Hendrik Verwoerd Drive
Fermdale, Randburg 2194

PO Box 461, Randburg 2125

Docks 96, Randburg

Telephone (011) 348-5700 / (011) 886-3636

Facsimile (011) 789-2902

Reg. No. 150664708

Annexure 17



COMPLAINT FORM

Date: _____ Contact: _____

HOME OWNER DETAILS

1. Title: _____ 2. Initials: _____ 3. Surname: _____
4. Postal Address: _____ Code: _____
5. Daytime Tel. No.: _____ 6. Evening Tel. No.: _____
7. Fax No.: _____ 8. Occupation: _____

Person acting on behalf of the housing consumer:

1. Name: _____ 2. Company: _____
3. Tel: _____ 4. Fax: _____
5. Postal Address: _____ Code: _____
6. Capacity in which you are representing the Home Owner: _____

FINANCIAL INSTITUTION DETAILS

1. Name of Bank: _____ 2. Branch: _____
3. Bond Account No.: _____ 4. Contact Person: _____
5. Tel. No.: _____ 6. Fax No.: _____

PROPERTY AND ADDRESS DETAILS

1. Unit No.: _____ 2. Erf No.: _____
3. Street No. & Name: _____ 4. Township: _____
5. Extension: _____ 6. Region: _____
7. NHBR Enrolment Cert. No.: _____ (where known)
8. Are you the first owner: Yes ☐ No ☐
9. Occupation date of 1st Owner: _____
10. Type of Property: _____ (e.g. single storey, detached, etc)

NHBR HOME BUILDER DETAILS

1. Name: _____ 2. NHBR Registration No.: _____
3. Postal Address: _____ 4. Tel. No.: _____
5. Fax No.: _____ 6. Contact Person: _____

DETAILS OF DISPUTE OR CLAIM**1. Type of Complaint:**

- ☐ 3 month non-compliance period ☐ 1 year roof leak period
☐ 5 year structural defect period ☐ Deposit theft
☐ Contractual Dispute
☐ Other (Please specify: _____)

2. Please list the defects briefly, do not simply refer to other correspondence alone.

Item No.	Precise Description of Dispute or Defect (Please number each item)	Date when Damage First Seen	Please give Dates Defect(s) Notified to Builder in Writing

3. Are any retention monies held from the contract sum?Yes ☐ No ☐

If yes, how much?

R **4. Has the builder responded to the complaint?**Yes ☐ No ☐

What has he done to resolve the problem? Please describe: _____

Is the builder Insolvent or in suspected financial difficulty?

Yes ☐ No ☐

If yes, please give details: _____

Declaration

I/ we hereby declare that the details given on this form are true and correct to the best of my/our knowledge.

I/we have given written notice of the damage or the dispute to the home builder Yes ☐ No ☐

I/we have given the home builder the opportunity to rectify

Yes ☐ No ☐

Date: _____

Signature: _____

Housing Consumers Name: _____

DETAILS OF DISPUTE OR CLAIM Cont'd

2. Please list the defects briefly, do not simply refer to other correspondence alone.

[illegible]

Prepared by:

Femridge Office Park, 5 Hunter Street
 Corner of Hendrik Verwoerd Drive
 Randburg, Sandburg 2194

PO Box 461, Sandburg 2125

Docex 96, Sandburg

Telephone (011) 348-5700 / (011) 886-3636

Facsimile (011) 719-2902

Reg. No. 930864706

Annexure 18



REQUEST FOR CONCILIATION

- Please print in block capitals
- Please complete all applicable sections
- Please attach copies of all correspondence with your builder to this form
- Please attach payment of the requested deposit or fee
- A copy of this form will be sent to the registered contractor

Complaint No.:

Use this number in all correspondence

Issue Date :

Issued By :

HOME OWNER DETAILS

1. Title:
2. Initials:
3. Surname:
4. Occupation:
5. Postal Address: , Code:
6. Daytime Tel. No.:
7. Evening Tel. No.:
8. Fax No.:

If you are not the home owner but are acting on his behalf, please provide your details below:

Name:

Company:

Tel:

Fax:

Postal Address:

Code:

Capacity in which you are representing the Home Owner:

NHBRC HOME BUILDER DETAILS

1. Company Name:
2. NHBRC Registration No.:
3. Postal Address: , Code:
4. Tel. No.:
5. Fax No.:
6. Contact Person:
7. Status:
8. Date of Status:

BUILDER INSOLVENT OR IN SUSPECTED FINANCIAL DIFFICULTY

If you know or believe the builder is insolvent or in financial difficulty, please give brief details including where applicable, name and address of the Receiver/ Liquidator and any newspaper clippings or other evidence suggesting financial difficulties.

DETAILS

DECLARATION

Enclosed please find the requested fee of

Bank deposits to United, Braamfontein branch, Current Account No. 4044649331

I/we have given written notice of the damage or dispute to the contractor: Yes _____ No _____

I/we have given the contractor the opportunity to rectify: Yes _____ No _____

I/we hereby declare that the details given on this form are true and correct to the best of my knowledge.

Name: _____ Signature: _____ Date: _____

NHBRC OFFICE USE ONLY

Received by: _____ Signature _____ Date _____

Investigation: Approved Y/N _____ Approved By (Initials) _____ Date _____

Annexure 19

Offices of Council

RANDBURG

Fernridge Office Park
5 Hunter Street
Ferndale
Randburg
2194

DURBAN

98 Davenport Road
Glenwood
Durban
4007

CAPE TOWN

Unit No. 7
Sunbird Office
Park
Pasita Street
Tyger Valley
Bellville
7530

PORT ELIZABETH

40 Pickering Street
Newton Park
Port Elizabeth
6045

BLOEMFONTEIN

Unit 12 Brandwag Park
Cnr. McHardy/Melville Ave
Randwag
Bloemfontein
9301

NELSPRUIT

4 Jones Street
NELSPRUIT EXT.
1201

RUSTENBURG

104 Leyd Street
RUSTENBURG
0299

—oOo—