



FINAL PUBLIC NOTICE FOR LAW ENFORCEMENT IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 (ACT 103 OF 1977), AS AMENDED

#SubmitYourBuildingPlansForApproval #ApplyForAnOccupancyCertificate #ComplyWithTheNationalBuildingRegulations

In terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 Of 1977), as amended, the construction or erection of any building in a Municipal area is subject to a prior approval of building plans by a relevant Municipality and any construction or erection of such buildings without necessary municipal approvals constitute a criminal offence which is punishable with a fine in terms of Section 4(4) of the Act.

The Municipality hereby give all property owners and developers within its boundaries a **7 days' notice (20 August 2025 to 28 August 2025)** to come forth to ensure compliance in terms of Regulation A25 as explained below:

Regulation A25: General Enforcement

- (1) No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plans of such building, or for a purpose which causes a change in the class of occupancy as contemplated in these regulations, whether such plans were approved in terms of the Act or in terms of any law in force at any time before the date of commencement of the Act, unless such building is suitable, having regard to the requirements of these regulations, for such first-mentioned purpose or for such changed class of occupancy.
- (2) Any person who contravenes a provision of sub-regulation (1) shall be guilty of an offence, and the local authority may serve a notice on such person calling upon him to cease such contravention forthwith.
- (3) Where the erection of any building was completed before the date of commencement of the Act and such erection was in contravention of the provisions of any law in force before such date, the local authority may take any action it may have been competent to take in terms of such law.
- (4) Where any building was being erected before the date of commencement of the Act in contravention of the provisions of any law in force before such date, and the erection of such building is continued on or after such date in contravention of such provisions or of the provisions of the Act, the person who continues so to erect such building shall be guilty of an offence.
- (5) Any person who, having obtained approval in terms of the Act for the erection of any building, deviates to any material degree from any plan, drawing or particulars approved by the local authority shall, except where such deviation has been approved, be guilty of an offence.
- (6) The local authority may serve a notice on any person contemplated in section 4(4) of the Act or sub-regulation (4) or (5), ordering such person forthwith to stop the erection of the building concerned or to comply with such approval, as the case may be; provided that where any deviation is found to be necessary during the course of construction of such building, the local authority may authorise the work to continue but shall require that an amended plan, drawing or particulars to cover such deviation is submitted and approved before a certificate of occupancy is issued.
- (7) Whether or not a notice contemplated in sub-regulation (6) has been served, the local authority may serve a notice on the owner of any building contemplated in sub-regulation (4) or (5), ordering such owner to rectify or demolish the building in question by a date specified in such notice. Page 7 of 11
- (8) If, before the date specified for the rectification or demolition contemplated in sub-regulation (7), the owner satisfies the local authority that he has complied with the requirements contained in these regulations, the notice contemplated in sub-regulation (7) shall be deemed to have been withdrawn.
- (9) Where any building is being or has been erected and any contravention of these regulations other than those relating to matters referred to in sub-regulation (4) or (5) has been committed, the local authority shall serve a notice on the owner of such building and in such notice shall specify a date by which such owner shall have complied with the regulations, cite the regulations contravened, and specify the steps to be taken in order to comply with such regulations.
- (10) Where any building, excluding a temporary building, is being or has been erected without the prior approval contemplated in section 4(1) of the Act, the local authority shall serve a notice on the owner of such building, calling upon him to obtain the approval, in writing, as required by the Act, by a date specified in such notice.
- (11) Any person who fails to comply with any notice contemplated in this regulation shall be guilty of an offence.

Failure to comply with the Act will in terms of Section 24 of the Act, result with an immediate fine of R4 000,00 or to imprisonment for a period not exceeding 12 months.

The Municipality reserves the right to cease its services to such contravening property owners until compliance with Act is adhered to.

NB# This notice includes temporary structures as per notice 45/2023 occupied without obtaining necessary approval from the Municipality

For more information and enquiries contact the Municipality's building control office strictly via email on buildingplans@mogalakwena.gov.za or visit at office 116 New building (1st floor), 54 Relief Street, Mokopane