

Confusion surrounds Electric Fence System Compliance Certificates

According to the Electrical Machinery Regulations of 2011, as issued under the Occupational Health and Safety Act 85 of 1993, property sellers now need to obtain Electric Fence System Compliance Certificates, just like they need Electric and Plumbing Certificates and, in the coastal regions, Beetle Certificates.

Originally, properties affected were those on which an electric fence system was installed after 1 October, 2012, and those where any alteration or addition was effected after said date. Dykes van Heerden Attorneys indicate that a certificate also needs to be issued should a transfer of property with an electrical fence take place after 1 October, 2012. According to Smith Tabatha Buchanan Boyes this deadline was extended until 1 December, 2012, implying that contracts signed on that date or thereafter are affected.

Temporary licences

Johan Pretorius, national chairman of the South African Electric Fence Installers Association (SAEFIA) clarifies what seems to have caused some confusion: electric fence installers who qualified and applied were granted temporary licences authorising them to issue these COCs (Certificates of Compliance), but the deadline for registering for a permanent licence has been extended until September 2013. As such, fence installers can still apply for a temporary licence, but will need to study and attain the required qualifications to obtain a permanent licence by the September 2013 deadline.

In the interim there are, thus, fence installers who can issue home sellers with their COCs. Pretorius indicated that there are around 25 registered, certified persons in the Western Cape and numerous other scattered across the country who can issue these certificates. Sellers can contact the Department of Labour, which will be able to tell them which persons are registered in the various provinces. "Leapfrog has tried to contact the Department of Labour and has yet to have anyone answer the phone; we have also contacted the Western Cape Approved Electrical Inspection Authority which was also unable to produce a list," said Bruce Swain, MD of Leapfrog Property Group. "As such, I am at a loss as to how the average seller is supposed to find a registered fence installer who can issue COCs."

Are certificates transferable?

There have been numerous reports that Electric Fence System Compliance Certificates are transferable. Pretorius is adamant that they are not and that the COCs also expire after two years, so new owners will have to have the fence tested again before they re-sell, as is the case with the other Certificates of Compliance.

"It seems that the idea behind the law is good, as buyers will be better protected because sellers will be forced to ensure

that their electric fences (which add value to their properties) are up to standard. It does seem, though, that the law has moved faster than its implementers in this instance as installers are scrambling to register," said Swain. "However one could also play devil's advocate and ask whether these certificates are not just a moneymaking scheme for the Department of Labour and yet another expense that sellers need to incur in order to sell their properties."

According to the regulations, an electric fence is classified as "an electrified barrier consisting of one or more bare conductors erected against the trespass of persons or animals coupled with electrical machinery arranged so as to deliver a periodic non-lethal amount of electrical energy to an electric fence connected to it".

Criteria for electric fences

Livewire Electric Fencing lists the following criteria for electric fences as documented in SANS 60335-2-76:

- **Wall height:** Minimum wall height of private property to be secured - 1.8 metres.
- **Brackets:** Upright brackets may be used without any height restriction.
- **Angled brackets:** Brackets can be angled at no more than 45 degrees out and are to be installed on the inside of the boundary wall.
- **Neighbours:** It is not permissible to angle brackets into a neighbour's property without their knowledge or consent.
- **Hazard:** Electrified fences are to be installed and operated so that they cause no electrical hazard or entanglement to persons or animals.
- **Barbed wire or razor wire:** These shall not be electrified by an energiser.
- **Warning signs:** Electric fencing installed along a public road or pathway shall be securely identified with yellow warning signs (100x200cm) at intervals not exceeding 10 metres. All gates and access points to have warning signs.
- **Electrified gates:** To be capable of being opened/closed without the person receiving a shock.

The guidelines indicated above are just the tip of the iceberg when it comes to installing these fences, but offer clients a basic idea of what is expected. Should either buyers or sellers have queries or wish to report an installer, they can contact the Department of Labour.

"My suggestion to buyers and sellers would be to include a clause regarding electric fence systems in the purchasing contract, which can be modelled on the existing clauses for plumbing and electrical system compliance certificates," said Swain. "Buyers would be well advised to insist on such a clause should they see an electrical fence on the property in order to ensure that the fence is indeed up to standard before they purchase."

For more, visit: <https://www.bizcommunity.com>