

# Liquefied Petroleum Gas Safety Association

## of Southern Africa

### Certificate of Conformity and change of ownership.

Certificate of Conformity for gas installations and the requirements upon change of ownership of a property where there is an existing LPGas installation.

#### **1. Pressure Equipment Regulations**

The Pressure Equipment Regulation (PER) covers certain legal requirements for gas installations including who may carry out such work, and the issue of Certificates of Conformity (CoC). This is covered in Clause 17 and its sub clauses. The following extracts are relevant to the question of the CoC requirements upon change of ownership and the question of the removal of an existing gas installation should it no longer comply or should it be decided it is no longer to be used.

#### **17 (1) No Person shall –**

b) install or remove an appliance, pressure equipment or system for gas in any manner other than in accordance with the relevant safety standard incorporated into these regulations under section 44 of the Act;

c) install or remove a gas appliance or a gas system unless such a person is an authorized person;  
17 (3)

An Authorised Person or an approved inspection authority shall issue a certificate of conformity after completion of a gas installation, modification, alteration, or change of ownership in the form of Annexure A

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#### **2. Interpretation of the relevant clauses in the PER**

What is not stated in the PER is;

a) which person, body or organization is responsible for securing the CoC upon change of ownership, e.g. the previous owner, new owner, estate agent, home loan provider, transferring attorney, or

b) to which body the CoC is to be presented as proof that it has been obtained.

The following Guidance notes address the above issues

### **3. Guidance notes**

In order to provide guidance to the various stake holders that have a role or a statutory requirement in the process of providing, securing, vetting or confirming the existence of a CoC upon change of ownership of a fixed property, the following guidelines have been prepared:

3.1 Where a gas installation exists on a property being sold, it is the responsibility of the seller to obtain the CoC. That would apply whether the seller is an individual, a group of individuals, a company or a bank (e.g. in the case where a bank has taken over a property following a default on bond repayments by the owner)

The seller should take copies of this document and provide one to the Estate Agent, and one to the purchaser – and possibly keep one for him/herself.

3.2 The role of banks or home loan providers in the matter where a bond is granted over the property is such that the supplier of the finance will have a lien on the property and therefore virtually becomes a co-owner. That organization must therefore be provided with a copy of the CoC. (see 3.7, 3.8 & 3.9 below.)

As the seller of the property has no relationship with the home loan provider, or vice versa, the estate agent as the primary intermediary between the parties has a clear obligation to ensure that all relevant parties are provided with a copy of the CoC. (see 3.7, 3.8 & 3.9 below.)

3.3 Whilst the current regulations are silent on the matter, following the example of the current electrical regulation requirements; it is suggested that where the seller has a CoC for the gas installation at the property being sold, and that CoC is not more than two years old, then a new CoC need not be obtained unless the gas installation has changed since the CoC was issued.

3.4 Many houses are sold that have been in the sellers hands for several years and it could be that the required CoC has been lost or perhaps was never issued. In such cases it will be the seller's responsibility to call in a registered gas installer to check that the installation complies with the requirements of SANS 10087-1 and to then issue a new CoC. This will be at the cost of the seller.

3.5 In the event that an existing installation does not comply, corrective work would need to be carried out before the sale can proceed. This will be at the cost of the seller.

3.6 In the event that the purchaser declares that he or she does not want the gas installation then by agreement between the parties it is in order for the seller to call in a registered gas installer to remove the gas installation.

Should this route be agreed upon, the decommissioning will be deemed to have been acceptably carried out if the gas cages, cylinders, pigtails, manifolds and appliances are removed from the premises and any surface mounted pipe work is removed. In the case of any remaining buried or embedded pipe work this should be permanently capped at each end.

Note: Only a Registered Gas Installer may remove or decommission a gas installation. (see 17(1) above).

3.7 The estate agent, as the person handling the sale and the single person that deals with the various players, should take copies of the CoC and pass these over to the transferring attorney

3.8 The original CoC is to be passed over to the purchaser upon completion of transfer.

3.9 The transferring attorney will pass a copy of the CoC to the home loan provider in the event that the transaction involves a bond application.

3.10 It is a part of the transfer process that the transferring attorney advises the deeds office that all relevant documentation has been provided.

3.11 It is recommended that the standard 'Offer to Purchase' document, used by estate agents, be amended to include a reference to the Gas Certificate of Conformance where a gas installation is present in the property in question. This will ensure that the seller and buyer are made aware of the need to obtain the required CoC.

***This document is issued as a guideline only. For further clarity, contact the Department of Labour.***