For all home owners

If you're not selling your property, new property legislation usually passes unnoticed. You know that when the time comes, your conveyancing attorney will be up to speed on the latest requirements.

But the "geyser law" matters to us all. As from 29 December 2017, every geyser which has been installed, repaired, maintained or replaced after this date needs a compliance certificate from a registered plumber.

The reason this matters is simple: if you don't have a compliance certificate, and your geyser bursts, your insurance company is entitled to repudiate your claim. This law1 was passed in December 2017 and, as it's new legislation, we've requested clarity on certain details. But right now, we advise that if your geyser was installed, repaired, replaced or maintained in 2018 (or later), then you need a compliance certificate.

When it comes to buying and selling property, the new law does not specifically state that a seller has to provide a compliance but if one is not ceded by a seller to the buyer (if same was obtained due to work being undertaken to the installation in 2018) then there should at least be a warranty that a seller has not tampered with the installation from January 2018 should be arranged.

If you don't have a valid geyser compliance certificate in place and your geyser was worked on in 2018 or later, and something goes wrong, your insurance claim may be rejected.

If you're buying or selling property, we recommend one of two options to deal with the legislation, that you can negotiate as part of the terms of your sale agreement.

- Firstly, we can include a condition in the sale agreement that notifies the buyer of the law, and requires the buyer to take responsibility for obtaining a geyser compliance certificate with a clause whereby a Seller warrants that the installation has not been tampered with since January 2018; OR
- Alternatively, we can include a condition that makes it the seller's responsibility to provide the purchaser with a compliance certificate.

If you have any queries on this, or other property legislation, please don't hesitate to contact me.

1 The "geyser law" (SANS 10254 edition 4.1) was gazetted on 29 December 2017. In terms of the Standards Act 30 of 1982 and Act 8 of 2008, South African National Standards (SANS) are laws gazetted to standardise building requirements.