

GOVERNMENT PRINTING WORKS - BUSINESS RULES



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11981

Regulasiekoerant

Vol. 730

10

April
April

2026

No. 54468



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ISSN 1682-5845



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GOVERNMENT PRINTING WORKS - BUSINESS RULES

GOVERNMENT GAZETTE, 10 April 2026

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Government Notices • GoewermentskennisGewinGs

DEPARTMENT OF EMPLOYMENT AND LABOUR**NO. R. 7353****10 April 2026****OCCUPATIONAL HEALTH AND SAFETY ACT (ACT NO. 85 OF 1993)****DRAFT REGULATIONS CONCERNING THE CERTIFICATE OF COMPETENCY: 2026****INVITATION OF PUBLIC COMMENTS ON DRAFT REGULATIONS CONCERNING
THE CERTIFICATE OF COMPETENCY ,2026**

I, Nomakhosana Meth, Minister of Employment and Labour, hereby give notice that, I, intend in terms of section 43 (1) of the Occupational Health and Safety Act, (no. 85 of 1993) give an approval to receive public comment on the schedule of these Regulations.

The electronic copy of the draft Regulations Concerning the Certificate of Competency is available on the website at www.labour.gov.za.

Affected and interested parties or persons are invited to submit comments on the draft regulations in writing (Annexure 1) within 90 days from the date of the publication of this notice.

All representations and comments must be sent to the Director-General of the Department of Employment and Labour:

- By hand: The Department of Employment and Labour, Laboria House
215 Francis Baard Street, Pretoria CBD, 0001
- By post: The Director-General
The Department of Employment and Labour - Attention: Matlala
Sathekge/Mphakanyana Moloto
Private Bag X117, Pretoria, 0001
- By mail: DraftComments.GCC@LABOUR.gov.za

Proposed representations and comments format for DRAFT Regulations Concerning the Certificate of Competency as proposed.

1. Contact Details of the person or an organization submitting a comment:

Name and Surname				Phone Number			
Company Name				Email			
Mark with an X							
Government	Affected Party	Users	Interested Party	Local Authority	Manufacturer	Supplier	
Importer	Other		Indicate the sector:				

2. Representation or comment:

No.	Regulation	Sub regulation	Comment	Proposal	Motivation	Does this proposal affect other Regulation (s) If yes which one(s)	How ?
e.g.,							

DEPARTMENT OF EMPLOYMENT AND LABOUR**Government Notice. R xxx****xxxx 2026****OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)****Draft Regulations Concerning the Certificate of Competency: 2026**

The Minister of Employment and Labour, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), made the regulations contained in the Schedule.

SCHEDULE**1. Definitions**

In these regulations, “**the Act**” means Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and unless the context otherwise indicates any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and -

“**certificate of competency**” or “**certificate**” means a certificate of competency as a mechanical or an electrical engineer, as the case may be, issued in terms of regulation 2(1);

“**Commission of Examiners**” or “**Commission**” means the commission established in terms of regulation 5(1);

2. Issue of certificates

(1) Certificates of competency shall be issued by the chief inspector in accordance with the recommendations of the Commission of Examiners.

(2) A person to whom a certificate of competency has been issued in terms of subregulation (1) shall be deemed to be a certificated engineer as contemplated in regulation 1 of the General Machinery Regulations promulgated by Government Notice R. 6352 of 22 August 2025.

(3) Any person wishing to obtain a certificate of competency shall apply therefor to the Commission of Examiners.

(4) The Commission of Examiners shall not recommend the issuing of a certificate of competency unless the candidate has passed the qualifying examination based on knowledge of the design, assembly, erection, operation and maintenance of machinery, apparatus and installations, and of the Act and regulations promulgated thereunder.

(5) A certificate of competency as mechanical engineer shall be in the form of Annexure 1 and a certificate of competency as electrical engineer shall be in the form of Annexure 2.

(6) Any certificate issued in terms of subregulation (1) on which anyone other than the chief inspector has made any amendment or erasure shall be rendered null and void.

3. Suspension or cancellation of certificates

- (1) If the chief inspector at any time, by virtue of information submitted to him/her by anyone, and after investigation having afforded the holder of the certificate a reasonable opportunity to state their case, is of the opinion that the holder of a certificate of competency was guilty of gross negligence or misconduct in the execution of the duties of the holder of such certificate, the chief inspector may as he/she may deem fit- (a) suspend or cancel such certificate or (b) refer the matter to the Commission of Examiners for investigation and on the recommendation of the Commission suspend or cancel such certificate.
- (2) The chief inspector shall forthwith advise the holder of a certificate of competency of the chief inspector's decision in terms of subregulation (1).
- 3) A suspended or cancelled certificate shall be returned by the holder thereof to the chief inspector within one month of the date upon which the chief inspector advised the holder of the suspension or cancellation thereof.

4. Substitution of lost, damaged or destroyed certificates

- (1) If a certificate issued in terms of regulation 2(1) has been lost, damaged or destroyed, the person to whom the certificate had been issued may apply to the chief inspector for a duplicate certificate.
- (2) Every application in terms of subregulation (1) shall be accompanied by proof of payment of an amount determined by the chief inspector
- (3) After proof that a certificate has been lost, damaged or destroyed has been submitted, in the affidavit form, to the satisfaction of the chief inspector, a duplicate certificate shall be issued.
- (4) The chief inspector shall ensure that the words 'duplicate' appear on every duplicate certificate issued in terms of subregulation (3).

5. Commission of examiners

- (1) The chief inspector shall appoint a Commission of Examiners.
- (2) A member of the Commission of Examiners shall be appointed for the period laid down by the chief inspector on his/her appointment and a member whose term of office has expired may be reappointed.
- (3) The chief inspector may on reasonable grounds discharge any member of the Commission after following due process.
- (4) The functions of the Commission of Examiners are -
- (a) to evaluate a candidate's suitability for a certificate of competency as contemplated in regulation 2(4);
 - (b) to make recommendations to the chief inspector regarding the matters referred to in regulation 3(1);
 - (c) to set and moderate the examination papers contemplated in regulation 6
 - (d) to make recommendations to the chief inspector regarding the curricula referred to in subregulation (9) for the qualifying examinations; (e) to report to the chief inspector on its activities; and
 - (f) to perform the other functions which are prescribed.
- (5) The Commission of Examiners shall be constituted as follows:

- (a) Two officers from the department holding a certificate of competency as mechanical or electrical engineers designated by the chief inspector; (b) at least one person holding a certificate of competency as mechanical engineer or electrical engineer issued under the Mine Health and Safety Act 29 of 1996;
- (c) at least three persons holding certificates of competency as electrical engineers issued in terms of these regulations
- (d) at least three persons holding certificates of competency as mechanical engineers issued in terms of these regulations
- (e) at least one person holding a certificate of competency as mechanical or electrical engineer in terms of these regulations nominated by the Engineering Council of South Africa.
- (6) A meeting of the Commission of Examiners shall be held at a time and place fixed by the chief inspector.
- (7) A meeting of the Commission of Examiners shall take place under the chairpersonship of one of the members of the Commission appointed for that purpose by the chief inspector.
- (8)(a) A quorum of the Commission of Examiners shall consist of the chairperson and four members.
- (b) In the event of a difference of opinion arising in respect of any matter before the Commission, it shall be decided by a majority of votes of the members of the Commission present at such meeting: Provided that if there is a tie of votes, the chairperson has a casting as well as an ordinary vote.
- (9) An officer of the Department, designated by the chief inspector, shall serve as secretary to the Commission of Examiners and keep minutes of the proceedings of the Commission.
- (10) Directives for the guidance of the Commission of Examiners, rules regarding the acceptance for the qualifying examinations and the curricula for such examinations shall be drawn up and, if necessary, amended by the chief inspector and published on the Department of Employment and Labour's official communication platforms.
- (11) (a) A candidate may appeal to the chief inspector against any decision of the Commission of Examiners.
- (b) Any person who wishes to appeal to the chief inspector in terms of paragraph (a) shall lodge such appeal in writing with the chief inspector within 60 calendar days after the decision of the Commission of Examiners against which the appeal is being lodged.
- (c) In an appeal in terms of paragraph (a) the grounds of appeal shall be set out clearly and in full, together with any representations which the appellant wishes to lodge as to why the chief inspector should set aside or amend the decision of the Commission of Examiners.
- (d) The chief inspector shall after consultation with the Commission of Examiners confirm, set aside or amend the decision, or substitute for it such other decision as the Commission of Examiners, in the opinion of the chief inspector should have made.
- (e) The decision of the chief inspector in such an appeal is final.

6 Qualifying examination

(1) The qualifying examination will be administered by the Department of Higher Education and Training at dates set by that Department, and at venues mutually agreed upon with the Department of Employment and Labour.

(2) The rules for the conducting of qualifying examinations shall be determined by the Department of Higher Education and Training.

(3) The qualifying examination shall be conducted in respect of the following two subjects:

(a) Plant engineering; and

(b) the Act and regulations issued thereunder or deemed to have been issued thereunder:

(4) No person may lodge with the Department of Higher Education and Training an application to be examined in the qualifying subjects unless he/she has been accepted as a candidate by the Commission of Examiners.

(5) Any person who wishes to enter for the qualifying examination shall do so through the Department of Higher Education and Training to which the examination fees, as fixed by that Department from time to time, shall be paid.

(7) Acceptance as candidate

(1) A person who applies in terms of regulation 2(3) to be accepted as a candidate for the qualifying examination shall not be accepted as a candidate unless he/she has provided satisfactory proof to the Commission of Examiners-

(a) that he/she is at least 25 years of age; and

(b) that he/she has the required practical experience and academic requirement, as provided for in the rules drafted under regulation 5(10).

(2) Every application for acceptance as a candidate in terms of regulation 2. (3) shall be accompanied by proof of payment of the fee determined by the chief inspector.

8. Repeal of Regulation

The regulations published by Government Notice No. R.533 of 16 March 1990 as amended shall be repealed as soon as the new set of Regulations Concerning Certificate of Competency are promulgated.

9. Short title

These regulations shall be called the draft Regulations concerning the Certificate of Competency, 2026.

Annexure 1**REPUBLIC OF SOUTH AFRICA DEPARTMENT OF EMPLOYMENT AND LABOUR
MECHANICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Occupational Health and Safety Act, 1993, and the Regulations framed thereunder)

This is to certify that

.....

having passed the prescribed examinations and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations concerning certificate of competency 2(1) framed under the above Act, as a Certificated Engineer.

.....

Chief Inspector

Date 20xx.....

Annexure 2**REPUBLIC OF SOUTH AFRICA DEPARTMENT OF EMPLOYMENT AND LABOUR
ELECTRICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Issued in accordance with the provisions of the Machinery and Occupational Health and Safety Act, 1993, and the Regulations framed thereunder)

This is to certify that

.....
having passed the prescribed examinations and having been recommended by the Commission of Examiners, is qualified in accordance with the Regulations concerning certificate of competency 2(1) framed under the above Act, as a Certificated Engineer.

.....
Chief Inspector

Date20xx....