

Statutory Instrument No. 46 of 1981

**BUILDING CONTROL ACT
(Cap. 65:03)**

BUILDING CONTROL (GRADE II DWELLING HOUSES) REGULATIONS, 1981

(Published on 22nd May, 1981)

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IN EXERCISE of the powers conferred on the Minister of Works and Communications by section 4 of the Building Control Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Building Control (Grade II Dwelling Houses) Regulations, 1981, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint. Citation and commencement

2. In these Regulation, unless the context otherwise requires, — Inter-pretation
“building inspector” means a person appointed as such by a local authority or by the Government;

“Building Regulations Board” means the Board established under section 3 of the Act;

“dangerous building” means a building not fit for occupation or which is a danger to the safety of the occupier or owner or the public by reason of its structural instability, insanitary condition or verminous state;

	<p>“dwelling house” means a building used, constructed, adapted or designed to be used in whole or in part for human habitation;</p> <p>“erect a dwelling house” means the construction of a new dwelling house or the re-erection of an existing dwelling house or any addition thereto or alteration thereof or the conversion of any building or other structure to a dwelling house;</p> <p>“habitable room” means a room used or intended to be used for living, eating or sleeping;</p> <p>“local authority” means an authority appointed by the Minister to be responsible in any are for the administration of these Regulations;</p> <p>“plans” means a drawing, section or specification deposited with a local authority;</p> <p>“plot” means the parcel of land which belongs or will belong exclusively to the dwelling house and its outbuildings;</p> <p>“plot holder” means the person to whom the plot has been allocated by a local authority;</p> <p>“potable water” means water which is suitable for human consumption.</p>
Application	<p>3. These Regulations shall apply to low-cost or self-help dwelling houses –</p> <p>(a) in a township, within an area designated for the purpose by a local authority; or</p> <p>(b) under the control of a local authority or the Botswana Housing Corporation.</p>
Title to land	<p>4. Approval under these Regulations of an application for a permit under regulation 5 shall not convey a title to the land or in any way affect ownership.</p>
Notice of intention to erect a dwelling house	<p>5. (1) Any person who intends to erect a dwelling house to which these Regulations apply shall, in writing to the local authority concerned, –</p> <p>(a) give notice thereof;</p> <p>(b) apply for a permit to erect a dwelling house; and</p> <p>(c) submit such plans or other particulars of the proposed erection and the materials to be used therefor as the local authority may require.</p> <p>(2) Any person who erects or commences to erect or causes to be erected a dwelling house in contravention of these Regulations shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or in default of payment to a term of imprisonment not exceeding three months.</p>
Submission of plans, etc.	<p>6. Any document required to be submitted under these Regulations to a local authority shall be as follows –</p> <p>(a) a plan, section, specification or drawing which shall be –</p> <p>(i) on suitable and durable material and be executed or reproduced in a clean and intelligible manner; and</p> <p>(ii) to a scale of not less than 1:100, the scale to be indicated on each one, and the north point shall be given on all block plans;</p> <p>(b) a floor plan shall be in sufficient detail to enable the local authority to determine whether or not the proposed dwelling house will comply with these Regulations, such details to include –</p> <p>(i) the dimensions of the foundations, walls, floors, windows, roofs and the various other parts of the building;</p> <p>(ii) the intended use of each room; and</p>

(iii) the position of any water closet or privy, septic tank or wall in connexion with the proposed building.

7. (1) A local authority shall, within six weeks of the receipt of an application under regulation 5, approve, defer or reject the application. Issue of permit

(2) Where a local authority is satisfied that the provisions of these Regulations will be complied with, a permit shall be issued.

8. Where, after perusal of an application for a permit submitted under regulation 5, a local authority is satisfied that the proposed work would contravene or fail to meet the requirements of these Regulations, it shall reject the application and shall be given written reasons therefor. Rejection of application for permit

9. (1) A building inspector or an authorized representative of a local authority shall have the power to inspect, during normal working hours, a dwelling house in the course of erection and on its completion. Inspection of dwelling houses

(2) Any person who hinders or prevents any person referred to in subregulation (1) in the performance of his duties under these Regulations shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P200 or in default of payment to a term of imprisonment not exceeding six months.

10. (1) A person erecting a new dwelling house shall give written notice to the local authority when the house is completed and no person shall occupy or cause to be occupied or use any part thereof until such house has been inspected by a building inspector or an authorized representative of the local authority for compliance with these Regulations and a permit to occupy issued. Permit to occupy

(2) Subject to a dwelling house being in compliance with these Regulations, a permit to occupy shall be issued by a local authority within seven days of the receipt of notice of completion of work.

(3) Where a dwelling house is in contravention of any provision of these Regulations a permit to occupy shall be withheld until such time as the work complies therewith.

(4) Any person who occupies or causes to be occupied a new dwelling house or any part thereof prior to a permit being issued under subregulation (2) shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or in default of payment to a term of imprisonment not exceeding three months:

Provided that where the local authority is satisfied that it is not unreasonable to occupy a portion of a dwelling house before the completion of the whole of such house it may authorize the issue of a permit for the occupation of such portion only.

11. (1) Where in the opinion of a local authority any dwelling house or part thereof is in such a condition as to be dangerous, the local authority shall by notice in writing require the plot holder or the occupier to take such measures as it deems necessary to render the building safe and fit for habitation. Dangerous buildings

(2) Where a plot holder or occupier on whom a notice has been served under subregulation (1) fails within the time specified in such notice to comply with the requirements thereof, or where the plot holder or occupier cannot be found; the local authority may undertake such work as it deems necessary to render the building safe.

(3) Any expense incurred by a local authority in carrying out any work necessary under this regulation shall be recoverable from the plot holder or the occupier.

(4) It shall be an implied term of every lease between a plot holder and a local authority or the Botswana Housing Corporation that, on failure by the plot holder or occupier to comply, within the time specified therein, with a notice served on him under subregulation (1), the local authority or the Botswana Housing Corporation, as the case may be, may forthwith terminate the lease.

Structural
stability

12. The construction of a dwelling house to which these Regulations apply shall be as follows –

- (a) the foundations shall be adequate to support the loads transmitted to them and shall, unless otherwise determined by the local authority, be of concrete composed of six parts clean, hard, non-friable aggregate of an approved grading, three parts clean, sharp sand and one part cement, and be of a width, thickness and depth as determined or approved by the local authority;
- (b) foundation walls shall be built with solid bricks or blocks approved by the local authority;
- (c) every floor shall be a minimum of 150 mm above ground level and have a smooth, durable finish which shall allow for regular cleaning, without deterioration to the floor;
- (d) every wall shall –
 - (i) have a damp proof course, approved by the local authority, not higher than the upper surface of the floor; and
 - (ii) be built in a durable material, be of adequate strength to carry or withstand without deflection or distortion the loads placed upon it and be of a finish such as will prevent the penetration of moisture or the harbouring of insects;
- (e) a roof shall be supported on an adequate frame of durable material, approved by the local authority, and be laid, fixed and tied into the walls so as to be completely rigid and weatherproof; and
- (f) doors and windows shall have rigid frames and be securely fixed in the walls.

Demolition
of
buildings
and structures

13. (1) Demolition operations shall be carried out under the immediate supervision of a responsible person adequately experienced in the operations concerned.

(2) Immediately prior to and during demolition operations –

- (a) no electric cable or apparatus which may be liable to be a source of danger, other than a cable or apparatus used for the operation, shall remain electrically charged; and
- (b) precautions shall, where necessary, be taken by adequate shoring or otherwise to prevent the accidental collapse of any part of a building or any adjoining building.

(3) Every place where demolition operations are in progress shall be fenced so as to prevent the approach of any unauthorized person or the risk of injury to such person.

Standards of
accom-
modation

14. (1) Every plot shall be provided with an access of an unrestricted width of not less than 2,75 m.

(2) A dwelling house shall be provided with the following minimum accommodation –

- (a) one habitable room; and
 (b) a toilet of a type determined or approved by the local authority, which may be housed in separate structures.
- (3) A habitable room shall, –
 (a) where one such room is provided, have an area of not less than 8 m², or, where more than one room is provided, 7,5 m², and the shortest horizontal dimension between opposite walls shall be not less than 2 m; and
 (b) calculated over its entire area, be not less than 2,5 m from the floor to the underside of the roof or ceiling, and no part thereof shall be less than 2,2 m from the floor to the underside of the roof or ceiling.
15. (1) Where a place for cooking is provided it shall have a satisfactory outlet for smoke and fumes and be lighted and ventilated in accordance with regulation 18. Place for cooking
- (2) Where a sink is provided, the disposal of waste water therefrom shall be as determined or approved by the local authority.
16. Where a food store is provided it shall be ventiated to the external air by an opening fitted with a fly-proof cover constructed so as not to impede the free flow of air, and the walls of the store shall have a smooth, internal finish to facilitate cleaning. Food store
17. (1) Where a bathroom or other ablution facility is provided, the disposal of waste water therefrom shall be as determined or approved by the local authority. Bathroom and toilets
- (2) A bathroom, ablution place or toilet shall not open into a habitable room or a room used for the preparation of food.
18. (1) Every habitable room, place for cooking or roofed bathroom shall be provided with – Light and ventilation
- (a) sufficient windows opening to the external air so as to provide a clear lighting area equal to at least one-fifteenth of the floor area of such room, of which an area of at least one-thirtieth of the floor area shall be capable of being opened; and
 (b) cross ventilation by means of openings which shall give direct access to the external air unobstructed except by gauze wire and the aggregate area of such opening shall be not less than one-hundredth of the floor area of such room, place for cooking or roofed bathroom.
- (2) Every habitable roon with no direct access to the open air through a door shall be provided with an openable window or shutter the area and shape of which shall allow the passage of an adult person.
19. A dwelling house shall be provided with or have access to an adequate supply of potable water. Water supply
20. Surface water drainage shall be provided to the satisfaction of the local authority. Surface drainage
21. Where required and as determined by a local authority a plot holder shall provide fencing to his plot. Fencing
22. Where electrical power is provided to a dwelling house these Regulations shall be deemed to be satisfied if the design and installation of the system complies with the Electricity (Supply) Regulations, 1977. Electrical installation
S.I. 66 of 1977
23. (1) Where a plot holder or occupier carries out any work or causes or permits any work to be carried out without a permit or in any other contravention of any provision of these Regulations and receives a notice Plot holder or occupier to comply with notice

in writing from the local authority concerned requiring him to demolish such work or to carry out or make any alteration necessary in order to comply with the provisions of these Regulations, he shall within such time as is specified in the notice comply with the requirements therein stated.

(2) Any person who contravenes any provision of subregulation (1) shall be guilty of an offence and liable to the penalties prescribed by regulation 24.

Penalties

24. Any person who contravenes any provision of these Regulations shall be guilty of an offence and on conviction thereof, and where a penalty is not provided, shall be liable to a fine not exceeding P100 or in default of payment to a term of imprisonment not exceeding three months, and, in the case of the offence continuing, to a further fine not exceeding P10 for each day the offence is continued.

Appeals

25. Any person aggrieved by a decision under these Regulations may, within sixty days of such decision, appeal against a decision of –

- (a) a local authority, to the Building Regulations Board on a matter within its jurisdiction; or
- (b) the Building Regulations Board, to the High Court on a matter of law.

Revocation
of L.N. No.
18 of 1965

26. The Building Control (Gaborone Grade II Dwelling Houses) Regulations, 1965, are hereby revoked.

MADE this 8th day of May, 1981.

C.W. BLACKBEARD,
Minister of Works and Communications.

L2/7/24 II