

LOCAL GOVERNMENT NOTICE
ENDUMENI MUNICIPALITY
BY-LAW RELATING TO ELECTRICITY SUPPLY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996, the By-law Relating to Electricity Supply.

Purpose of By-law

The purpose of this by-law is to adopt a framework for the supply of electricity to consumers within the municipal area, either by the municipality or in terms of service delivery agreements.

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**CHAPTER 1
INTERPRETATION**

1. Definitions

(1) In this by-law, unless inconsistent with the context -

"accredited person" means a person registered in terms of the Installation Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications generally accepted by electrical practitioners as standard in the electricity environment;

"certificate of compliance" means a certificate in the form prescribed in the Installation Regulations, issued by an accredited person in respect of an electrical installation or part of an electrical installation;

"consumer" in relation to premises means:

- (a) any occupier thereof or any other person with whom the service provider has contracted to supply or is actually supplying electricity or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the service provider for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

"credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"electrical contractor" means a person who undertakes to perform electrical installation work on

behalf of any other person, but excludes an employee of such first-mentioned person;

"electrical installation" means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding :

- (a) any machinery of the service provider related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50 V where such electricity is not derived from the main supply of the Service provider;
- (c) any machinery which transmits electrical energy in telecommunication, television or radio circuits;
- (d) an electrical installation on a vehicle, vessel, train or aircraft.

"electricity supply" means the supply of electricity by the service provider to a consumer by connecting the electrical installation to the point of supply;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV Un = 220kV in accordance with SANS 1019;

"indigent consumer" means the head of an indigent household-

- (a) who has applied to the service provider for the provision of electricity;
 - (b) who has made application for, and is accorded, indigent support in terms of the municipality's indigent support policy;
- and
- (c) who shall be regarded as the representative of all members of his or her household, including all dependents;

"indigent support policy" means the indigent support policy approved and adopted by the municipal council of the municipality;

"Installation Regulations" mean the Electrical Installation Regulations published in Government Gazette No R2920 of 23 October 1992;

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and the upper limit is generally accepted to be an actual voltage of 1000V (or a direct

current voltage of 1500 V) in accordance with SANS 1019;

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having the force of law;

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n = 44 \text{ kV}$ in accordance with SANS 1019;

"meter" means a device, owned by the service provider, which records the demand and the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an electrical installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"municipality" means the Endumeni Municipality, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality;

"NER" means the National Energy Regulator established in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

"NRS 047" means the national rationalised specification NRS 047-1:1999 - Electricity supply - Quality of service Part 1: Minimum standards, as amended from time to time;

"NRS 048" means the national rationalised specifications NRS 048-1:1996-Electricity supply Quality of supply Part 1, NRS 048-2:1996 – Electricity supply - Quality of supply Part 2, NRS 048-3:1998 - Electricity supply -Quality of supply Part 3, NRS 048-4:1999 - Electricity supply - Quality of supply Part 4, NRS 048 -5:1998 - Electricity supply - Quality of supply Part 5, as amended from time to time;

"NRS 057" means the national rationalised specification NRS 057-2.2000-Electricity metering Part 2: Minimum requirements, as amended from time to time;

"occupier" in relation to any premises means:

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether for his or her own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

"owner" in relation to premises means the person in whom is vested the legal title thereto: Provided that:

- (a) in the case of immovable property-
 - (i) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined –
 - (i) is deceased or insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his or her address is unknown to the service provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (c) if the service provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the service provider or the electrical installation of the consumer, as specified by any duly authorised official of the Service provider: Provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the service provider or any duly authorised official of the service provider at which electricity is supplied to any premises by the service provider;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"SANS 10142 -1" means the code of practice SANS 10142-1/SABS 0142-1:2003 - The wiring of premises Part 1: Low-voltage installations, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

"SANS 1019" means the specification SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"SANS 1507" means the specification SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1900/3 300 V), as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the service provider's equipment from overloads or faults occurring on the installation or on the internal service connection;

"service provider" means the municipality, its legal successors in title and its delegates, or in the event that the municipality has concluded a service delivery agreement with another person or institution which provides the right to such person or institution to supply electricity on behalf of the municipality, then it means that person or institution;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the service provider's electricity network;

"tariff" means the service provider's tariff of charges for the supply of electricity as determined from time to time by means of resolution;

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

"voltage" means the difference in electrical potential between any two conductors or between a conductor and the earth.

(2) In this by-law, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

(3) The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY OF ELECTRICITY

2. Electricity supply

- (1) Only the service provider shall supply or contract for the supply of electricity within the jurisdiction of the municipality.
- (2) The service provider will supply electricity subject to the conditions of the licence issued to it by the NER and will furthermore specifically adhere to the stipulations of : NRS 047, NRS 048, NRS 057, SANS 10142-1, SANS 1019 and SANS 1057.
- (3) If at any time any consumer wants to test the service delivery levels of the service provider, enquiries into the stipulations of the NRS and SANS documents may be directed to the NER.

3. **Supply by agreement, excluding prepaid meters**

- (1) No person shall use or be entitled to use electricity, unless or until such person have entered into an agreement in writing with the service provider for the supply of electricity, and such agreement together with the provisions of this by-law shall in all respects govern such supply: Provided that persons using prepayment electricity will not be required to complete the agreement stipulated in this section, but shall comply with the stipulations of section 23 of this by-law.
- (2) If a person uses electricity without entering into an agreement with the service provider then he or she shall be liable for the cost of electricity used.
- (3) If a consumer, including a consumer with a prepayment meter, tampers or interferes with the devices stipulated in section 44, then the electricity supply may be disconnected without prior notice on the terms referred to in the supply agreement.

4. **Application for supply**

- (1)
 - (a) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the offices of the service provider, and the estimated load, in KVA, of the installation, shall be stated therein.
 - (b) Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the service provider.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the service provider or any duly authorised official of the service provider, which may specify any special conditions to be satisfied in such case, subject further to the stipulations of section 15.

5. **Processing of requests for supply**

Applications for the supply of electricity will be processed and finalized as soon as possible and in any event within a reasonable time as stipulated in NRS 047.

6. **Wayleaves**

- (1) The service provider may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the service provider or on any private property, unless and until the prospective consumer has obtained and deposited, with the service provider, written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid,

- authorising the laying or erection of a service connection thereon.
- (2) If the permission referred to in sub-section (1) is withdrawn at anytime or if the property or land changes ownership and the new owner refuses to grant or uphold the permission, then the consumer to whose premises the supply is required to be continued must bear the cost of -
- (a) any alteration of the electricity service connection or supply mains that may become necessary in order that the supply may be continued; and
- (b) any removal of an electricity service connection or supply mains that may become necessary in order that the supply may be continued.
- (3) The municipality may remove any object or rectify any activity that may endanger the integrity of the distribution system of the municipality.

CHAPTER 3 RIGHTS AND OBLIGATIONS OF THE SERVICE PROVIDER

7. **Statutory servitude**

- (1) Subject to the provisions of subsection (3), the service provider may within the municipal area:
- (a) provide, establish and maintain electricity services;
- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
- (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the service provider;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) For the purposes of sub-section (1), earth, paving bricks, stone, iron work or woodwork or other surface covering on any portion of any premises may be removed for the purposes of upgrading,
inspection or maintenance work.
- (3) In executing any *bona fide* duties, the municipality must endeavour to restore the premises as far as possible to its previous level.
- (4) The service provider shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property, not owned by the service provider or under the control or management of the service

provider, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

8. **Right of admittance to inspect, test and do maintenance work**

- (1) The service provider shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of:
 - (a) doing anything authorised or required to be done by the service provider under this by-law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the service provider and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law; and
 - (e) enforcing compliance with the provisions of this by-law.
- (2) An employee of the service provider authorised thereto by the service provider may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property and for a purpose referred to in sub-section (1).
- (3) The service provider may gain access to or over any property without notice and may take whatever action as may, in its reasonable opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency, disaster or if there are reasonable grounds to suspect that the occupier of the premise may be acting in contravention of any provision of this by-law.

9. **Right to disconnect supply**

- (1) The service provider shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due in connection with any supply of electricity or where any of the provisions of this by-law or any supply agreement have been contravened.
- (2) The service provider shall not disconnect the aforesaid supply unless the person mentioned in sub-section (1) has been provided with written notice, affording him or her a period of 14 (fourteen) days within which to remedy his or her default, and the person has consequently failed to remedy such default.
- (3) If there is a reasonable possibility that injury or harm will be inflicted upon any person or

- property, or where the circumstances described in terms of section 44 exist, then the aforesaid supply may be disconnected without notice.
- (4) After disconnection has been effected, as contemplated in terms of the preceding subsections, a reconnection fee shall be paid, as prescribed by the service provider.
 - (5) In the case where an installation has been illegally reconnected on a consumer's premises, after having been previously legally disconnected by the service provider, or in the case where the service provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be terminated and the electrical installations may be physically removed from those premises.
 - (6) This section shall apply to prepayment meters where any of the provisions of this by-law are contravened, or where there is a reasonable possibility that injury or harm will be inflicted upon any person or property, to person or property, or as envisaged in terms of section 44 of this by-law.

10. **Leakage of electricity**

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation of the consumer.

11. **Failure of supply**

- (1) The service provider does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the service provider.
- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the service provider shall have the right to charge the consumer the fee as prescribed by the service provider, for each restoration of the supply of electricity, in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

12. **Seals of the service provider**

The meter, service protective devices and all apparatus belonging to the service provider shall be sealed or locked by a duly authorised official of the service provider, and no person, not being an official of the service provider duly authorised thereto, shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

13. Temporary disconnection and reconnection

- (1) The service provider shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the service provider for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the service provider to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is not responsible for bringing about this necessity, the service provider shall waive payment of the fee hereinbefore referred to.
- (3) The service provider may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises, without notice, for the purpose of effecting repairs or carrying out tests.
- (4) Notice of a planned disconnection or interruption must be given to the consumer by the municipality in accordance with NRS 047.
- (5) Disconnection contemplated in this section must be effected and handled by the municipality in accordance with NRS 047.
- (6) Should the municipality have to perform tasks in the distribution network for a period not exceeding 45 minutes, the municipality is not required to give a prior notice of the interruption to the consumer, except in the case of electricity supplied to consumers with special agreements with the municipality.

14. Temporary supplies

It shall be a condition of the provision of any temporary supply of electricity that if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the service provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time, and the service provider shall not be liable for any loss or damage suffered by the consumer through such termination.

15. Temporary work

- (1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the prior written approval of the service provider.
- (2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid approval, and the service provider may refuse such approval or may grant the same on such terms and conditions as it may desire.

16. Load reduction

- (1) At times of peak load, or an emergency, or when, in the reasonable opinion of the service provider, it is necessary for any reason to reduce the load on the electricity supply system of the service provider, it may without notice interrupt and, for such period as the service provider may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The service provider shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (3) The service provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the service provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting or changing such apparatus and equipment.
- (4) Notwithstanding the provisions of subsection (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the service provider may decide so as to permit the effective installation of the apparatus and equipment referred to in subsection (3).

17. Medium and low voltage switchgear and equipment

- (1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the service provider or any duly authorised official of the service provider, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the service provider and installed by or under the supervision of any duly authorised official of the service provider.
- (3) No person shall operate medium voltage switchgear without the written authority of the service provider.
- (4) All earthing and testing of high or medium voltage equipment linked to the service provider's network shall be conducted by or under the supervision of an employee of the service provider.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the service provider or any duly authorised official of the service provider.

18. Substation accommodation

- (1) The service provider may, on such conditions as it may deem fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The aforesaid accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (3) The service provider reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the service provider, such additional accommodation shall be provided by the applicant at the cost of the service provider.

19. **Circular letters**

The service provider may, from time to time, issue circulars detailing the requirements of the service provider regarding matters not specifically covered in this by-law, but which are necessary for the safe and efficient operation and management of the supply of electricity.

20. **Metering**

- (1) The service provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the service provider and read at the end of such period, except where the metering equipment is found to be defective, or the service provider invokes the provisions of section 22(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The service provider reserves the right to meter the supply to any premises, blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or

for individual units, or for groups of units.

- (5) No alterations, repairs or additions of electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the service provider or any duly authorised official of the service provider.

21. Accuracy of metering

(1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The service provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, then the service provider shall –

- (a) in the case of a credit meter, adjust the account rendered; and
 (b) in the case of prepayment meters, render an account where the meter has been under-registering, or issue a free token where the meter has been over-registering, in accordance with the provisions of subsection (6).

(3) The consumer shall be entitled to have the metering equipment tested by the service provider on payment of the prescribed fee, **subject to the provisions of subsection (10)**. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, then an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) (a) In case of a dispute the service provider shall have the right, at the consumer's cost **but subject to the provisions of subsection (10)**, to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

(b) If the metering equipment is found not to comply with the system accuracy requirements, then the aforesaid fee shall be refunded.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) (a) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter, as determined by the test referred to in subsection (5), or upon a calculation by the service provider from consumption data in its possession.

(b) Where applicable, due allowance shall be made for seasonal or other variations which

may affect the consumption of electricity.

(7) (a) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of 3 (three) years preceding the date on which the metering equipment was found to be inaccurate.

(b) The application of this section does not bar a consumer from claiming back overpayment for any longer period, up to a maximum of three years, where the consumer is able to prove the claim in the normal legal manner.

(8) Where the actual load of a consumer differs from the initial estimated load, provided for under section 4(1), to the extent that the service provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) (a) Prior to the service provider making any upward adjustment to an account in terms of sub-section (6), the service provider shall –

(i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;

(ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and

(iii) call upon the consumer, in such notice, to provide it with reasons in writing, if any, within 21 (twenty one) days or such longer period as the service provider may permit why the account should not be adjusted as notified.

(b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii), the service provider shall be entitled to adjust the account as notified in sub-section 9(a)(i).

(c) The service provider shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.

(d) If a duly authorized official of the service provider decides, after having considered the representations made by the consumer, that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), then the service provider shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

(10) In the case of an indigent person, the costs associated with the testing of metering equipment shall be borne by the municipality, subject to application of the municipality's indigent support policy.

22. **Reading of credit meters**

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The service provider shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, then the service provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimate of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, then this may be obtained upon payment of the prescribed fee.
- (5) (a) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, then the error shall be corrected in subsequent accounts.
 (b) Any such correction shall only apply in respect of accounts for a period of three years, preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.
 (c) The application of this section does not prevent a consumer from claiming back overpayment for a period of up to three years where the consumer is able to prove the claim in the normal legal manner.

23. **Prepayment metering**

- (1) Persons wishing to have a prepayment meter installed on their property shall apply for such an installation, in writing, on the prescribed form obtainable at the office of the service provider.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the service provider.
- (4) The service provider shall not be liable for the reinstatement of credit that has been lost due to tampering with, the incorrect use of, or the abuse of a prepayment meter.
- (5) Where a consumer is indebted to the service provider for electricity consumed or to the service provider for any other service supplied or for any charges previously raised with any service rendered, the service provider may deduct a percentage from the amount tendered to offset the amount owing to the service provider.
- (6) The service provider may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the

continued operation of any vendor.

(7) If a person uses prepayment electricity supply without completing the prescribed forms, then he or she shall still be liable for the cost of electricity used.

(8) (a) Where prepayment meters are installed by the service provider with grants received from the National Government, no application forms shall be completed as referred to in subsection (1).

(b) It shall be deemed that the consumer applied for a prepayment meter and the by-law shall apply, *mutatis mutandis*, to circumstances where the prepayment meters were installed by the service provider with funds received as grants.

24. **Electrical contractors**

(1) Where an application for a new or increased supply of electricity has been made to the service provider, any duly authorised official of the service provider may at his or her discretion accept notification of the completion of any part of an electrical installation.

(2) The circuit arrangements must permit the electrical installation to be divided up into well - defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the service provider, be inspected, tested and connected to the supply mains as though it were a complete installation.

(3) The examination, test and inspection carried out at the discretion of the service provider, or any duly authorised official of the service provider, in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from responsibility for any defect in the installation.

(4) Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently, with the most suitable materials for the purpose, or that it is in accordance with this by-law or the safety standard, and the service provider shall not be held responsible for any defect or fault in such electrical installation.

(5) (a) The service provider shall not be held responsible for any work done by an electrical contractor or a credited person on the consumer's premises.

(b) The service provider shall further not be in any way responsible for any loss or damage which may arise from an act or omission in respect of the work done on a consumer's premises by an electrical contractor or a credited person.

25. **Cost for repair of damages**

(1) The service provider may repair and make good any damage done in contravention of

this by-law or resulting from a contravention of this by-law.

(2) The cost of any such work, carried out by the service provider, which was necessary due to the contravention of this by-law, shall be for the account of the person who acted in contravention of this by-law.

26. Non-liability of the service provider

(1) The service provider shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the service provider.

(2) The service provider accepts no responsibility for any damages or loss originating from or in connection with the installation of an electrical installation or any alteration or addition thereto, or which originates from the condition of the electrical installation.

**CHAPTER 4
RIGHTS AND OBLIGATIONS OF THE CONSUMER**

27. Improper use of electricity

(1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the service provider, on reasonable grounds, believes interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, then the service provider may, with or without notice, disconnect the electricity supply, but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The fee as prescribed by the service provider for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

28. Wiring diagrams and specifications

(1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall be supplied to the service provider, in duplicate, for approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises from which the current is transformed from high voltage, or from one of the substations of the service provider through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, be forwarded to the

service provider for approval before any material in connection therewith is ordered.

29. Standby supply

No person shall be entitled to a standby supply of electricity from the service provider for any premises having a separate source of electricity supply, except with the written consent of the service provider and subject to such terms and conditions laid down by the service provider.

30. Consumer's emergency standby supply equipment

(1) (a) No emergency standby equipment provided by a consumer for his/her own operational requirements, shall be connected to any electrical installation without the prior written approval of the service provider.

(b) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.

(c) The standby equipment shall be so designed and installed that it is impossible for the service provider's supply mains to be energized by means of a back-feed from such equipment.

(d) The consumer shall be responsible for providing and installing all such protective equipment.

(2) Where, by special agreement with the service provider, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the service provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the service provider.

31. Consumer to erect and maintain electrical installation

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his or her own expense and in accordance with this by-law.

32. Fault in electrical installation

(1) If any fault develops in the electrical installation, which constitutes a hazard or danger to persons, livestock or property, then the consumer shall immediately disconnect the electricity supply.

(2) The consumer shall, without delay, give notice thereof to the service provider and shall immediately take steps to remedy the fault.

(3) The service provider may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

33. **Discontinuance of the use of electricity supply**

In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least 2 (two) full working days' notice in writing of such intended discontinuance to the service provider, failing which he or she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of 2 (two) full working days after such notice has been given.

34. **Change of occupier**

(1) A consumer vacating any premises shall give the service provider not less than 2 (two) full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.

(2) (a) If the person taking over occupation of the premises desires to continue using the electricity supply, then he or she shall make application in accordance with the provisions of this by-law.

(b) Failure to make application for an electricity supply within 14 (fourteen) working days of taking occupation of the premises can lead to the supply of electricity being disconnected, and the occupier shall be liable to the service provider for the electricity supply from the date of occupation until such time as the supply is so disconnected.

(3) (a) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer.

(b) Until such time as an application is made by this person for a supply of electricity, in terms of this by-law, he or she shall be liable for all charges and fees owed to the service provider for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

35. **Service apparatus**

(1) The consumer shall be liable for all costs to the service provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God, or an act or omission of an employee of the service provider, or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an electrical installation from the supply mains, property of the service provider, such as the service main, metering equipment or any other service apparatus, that had been removed without permission or that was damaged so as to render reconnection dangerous, then the owner or occupier of the premises, during the specified period, shall bear the cost of overhauling or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in

sub-section (1) shall devolve on the owner of the premises.

(4) The amount due in terms of subsection (1) shall be proved by a certificate from the service provider, which shall be final and binding.

36. **Service connection**

(1) The consumer shall bear the cost of the service connection, as approved by the service provider.

(2) (a) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the service provider, shall vest in it and the service provider shall be responsible for the maintenance of such service connection up to the point of supply.

(b) The consumer shall not be entitled to any compensation from the service provider in respect of such service connection.

(3) The work to be carried out by the service provider, at the cost of the consumer, for a service connection to the consumer's premises shall be determined by the service provider or any duly authorised official of the service provider.

(4) A service connection shall be laid underground, irrespective of whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the service provider.

(5) The consumer shall provide, fix and maintain on his or premises such ducts, wire ways, trenches, fastenings and clearances to overhead supply mains as may be required by the service provider for the installation of the service connection.

(6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the service provider.

(7) (a) Unless otherwise approved, the service provider shall only provide one service connection to each registered erf.

(b) In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available, provided the erven are consolidated.

(8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the service provider.

(9) The service conductor or cable, as the case may be shall terminate within the meter box : Provided that any the conductors shall be visible throughout their length when cover plates, if present, are removed.

(10) (a) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings.

(b) Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

37. **Metering accommodation**

(1) The consumer shall, if required by the service provider or any duly authorised official of the service provider, provide accommodation in an approved position for the meter board and adequate conductors for the service provider's metering equipment, service apparatus and protective devices.

(2) (a) Such accommodation and protection shall be provided and maintained, to the satisfaction of the service provider, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and for purposes connected with the operation and maintenance of the service equipment.

(b) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

(3) Where sub-metering equipment is installed, accommodation separate from the service provider's metering equipment shall be provided.

(4) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

(5) Where, in the reasonable opinion of the service provider, the position of the meter, service connection or protective devices is no longer readily accessible or becomes a danger to person or property or in any way becomes unsuitable, the service provider shall remove it to a new position, and the cost of such removal shall be borne by the consumer.

(6) (a) The accommodation for the service provider's metering equipment shall only include its own equipment.

(b) No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation.

38. **Load requirements**

Alternating current supplies shall be provided and, in the absence of a quality of supply agreement, it shall be as set out in applicable standard specification.

39. **Load limitations**

(1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15

KVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the service provider or any duly authorised official of the service provider.

(2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the service provider or any duly authorised official of the service provider.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA, shall be connected to the electrical installation without the prior approval of the service provider.

40. **Supplies to motors**

Unless otherwise approved by the service provider or any duly authorised official of the service provider, the rating of motors shall be limited as follows:

(a) in respect of limited size for low voltage motors -

(i) the rating of a low voltage single -phase motor shall be limited to 2kW, alternatively the starting current shall not exceed 70A and all motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required; and

(b) in respect of maximum starting and accelerating currents of three-phase alternating current motors -

(i) the starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current kW	Star/Delta (2,5 x full-load current) kW	Other means (1,5 x full-load current) kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5

50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

42. Power factor

- (1) If required by the service provider, then the power factor of any load shall be maintained within the limits of 0,85 lagging and 0,9975 leading.
- (2) (a) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, the consumer wishing to install such devices must first obtain written permission from the service provider by applying for permission on the prescribed forms.
- (b) Such corrective devices shall, subject to sub - section (3), be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The power factor corrective devices must consist of and contain the necessary filters, as required by the service provider.
- (4) The service provider will, at the cost of the consumer, install such corrective devices.
- (5) The service provider may regulate load control by means of a high frequency.

43. Protection

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable, in accordance with SANS 10142-1/

**CHAPTER 5
PROHIBITED CONDUCT**

44. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the service provider.
- (2) (a) Where prima facie evidence exists of a consumer or any person having contravened subsection (1), the service provider shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer.
- (b) The person shall be liable for all fees and charges levied by the service provider for such disconnection.
- (3) In cases where the time frame, interference or bypassing, referred to in subsection (1) has resulted in the accuracy of the metering installation having been compromised, the

municipality has the right to recover from the consumer the full cost of the estimated consumption.

45. Protection of service provider's supply mains

(1) No person shall, except with the consent of the service provider and subject to such conditions as may be imposed:

(a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;

(b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; and

(d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.

(2) (a) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines, or provide a means of protection which, in the reasonable opinion of the service provider, will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.

(c) Should the owner fail to observe this provision the service provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

(3) The service provider may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this by-law.

(4) The service provider may, in the case of an emergency or disaster, remove anything damaging, obstructing or endangering, or likely to damage, obstruct, endanger or destroy, any part of the electrical distribution system.

46. Unauthorised connections

No person, other than a person specifically authorised thereto by the service provider in writing, shall directly or indirectly connect, attempt to connect or cause or permit to be connected, any electrical installation or part thereof to the supply mains or service connection.

47. Unauthorised reconnections

(1) No person, other than a person specifically authorised thereto by the service provider in

writing, shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection, any electrical installation or installations which has or have been disconnected by the service provider.

(2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.

(3) (a) The service provider reserves the right to remove part or all of the supply equipment until such time as payment has been received in full.

(b) In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

(4) This section is also applicable to persons using prepayment electricity.

48. Interference with other persons' electrical equipment

(1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(3) Should it be established that undue interference is in fact occurring, the consumer shall, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

49. Refusal or failure to give information

No person shall refuse or fail to give such information, as may be reasonably required of him or her by any duly authorised official of the service provider, or render any false information to any such official regarding any electrical installation work completed or contemplated.

50. Refusal of admittance

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the service provider in the performance of his or her duty under this by-law or of any duty connected therewith or relating thereto.

CHAPTER 6 PAYMENTS AND FEES

51. Electricity tariffs and fees

Copies of and information in respect of charges and fees may be obtained at the offices of the service provider.

52. Deposits

(1) (a) The service provider may require the consumer to deposit a sum of money or to provide an approved bank guarantee as security in payment of any charges which are due or may become due to the service provider.

(b) The amount of the deposit in respect of each electrical installation shall be determined by the service provider, and each such deposit may be increased if the service provider deems the deposit held to be inadequate.

(2) (a) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.

(b) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the service provider, shall be refunded to the consumer.

53. Payment of charges

(1) (a) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the service provider.

(b) A copy of the prescribed tariff is obtainable from the service provider.

(2) All accounts shall be deemed to be payable when issued by the service provider and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy him- or herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(4) (a) No person may obstruct, hinder or interfere with a duly authorised official or authorized agent of the service provider during the official or agent's visits to the premises to disconnect the supply of electricity in terms of subsection (2).

(b) Apart from contravening this subsection, the person so obstructing, hindering or interfering shall be liable to pay the prescribed fees for each visit necessary for the purpose of such disconnection.

(5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

54. Interest on overdue accounts

The service provider may charge interest on accounts, which are not paid by the due date appearing on the account, at an interest rate as approved by the service provider from time to time.

**CHAPTER 7
MISCELLANEOUS**

55. Service of notice

(1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served:

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the service provider when it is delivered to the municipal manager or a person duly in attendance at the municipal manager's office.

56. Compliance with notices

Any person, on whom a notice duly issued or given under this by-law is served, shall, within the time specified in such notice, comply with its terms.

57. Resale of electricity

Unless otherwise authorised by the service provider, no person shall sell or supply electricity, supplied to his or her premises under an agreement

with the service provider, to any other person or persons for use on any other premises, or permit such resale or supply to take place.

58. Offences and penalties

(1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall, upon conviction by a court, be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years, or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

(2) Any expense incurred by the municipality, as a result of a contravention of this by-law or in the doing of anything which a person was directed to do under this by-law and which he or she failed to do, may be recovered by the municipality from the person who committed the contravention or who failed to do such thing.

(3) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence, or after he or she has been convicted of such offence, shall be guilty of a continuing offence.

(4) Any person who, after conviction in terms of this by-law, persists in the conduct or neglect which caused the offence, shall be guilty of a continuing offence and liable to a fine of at least R200.00 per day for each ensuing day that the contravention persists.

59. Repeal

Any by-law relating to the supply of electricity that was previously adopted by the municipality shall be repealed from the date of promulgation of this by-law.

60. Short title and commencement

This by-law is called the By-law relating to Electricity Supply, 2007 and shall come into operation on a date determined by the municipality by proclamation in the Provincial Gazette.