

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

# Provincial Gazette Provinsiale Koerant

Selling price • Verkoopprys: **R2.50**  
Other countries • Buitelands: **R3.25**

Vol. 25

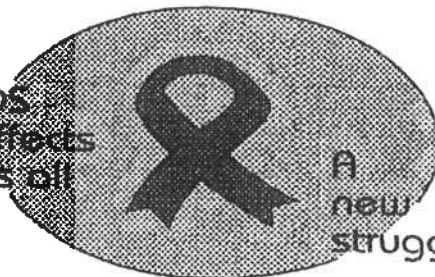
**PRETORIA**  
29 MAY 2019  
29 MEI 2019

**No. 168**

**PART 1 OF 3**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*

ISSN 1682-4525



9 771682 452005



00168

---

# **EMFULENI LOCAL MUNICIPALITY ELECTRICITY SUPPLY BYLAWS**

[COUNCIL RESOLUTION: (ITEM A 3875) DATED 28-March-2019]

1  
Emfuleni Local Municipality Electricity Supply By-laws

This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)

---

**PREAMBLE:**

**WHEREAS** Section 156(2) and (5) of the Constitution provides that a municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

**AND WHEREAS** Part B of Schedule 4 to the Constitution lists electricity and gas reticulation as a local government matter to the extent set out in in Section 155(6)(a) and (7);

**AND WHEREAS** the National Environmental Management Act, 1998 (Act 107 of 1998) gives effect to the constitutional right aimed at protecting the environment by providing environmental management principles that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment;

**AND WHEREAS** the National Electricity Act, 2008 (Act 34 of 2008) provides for diverse energy resources to be available in sustainable quantities and at affordable prices in support of economic growth and poverty alleviation, taking into account environmental management requirements and to provide for energy planning, increased generation and consumption of renewable energies, and adequate investment in appropriate upkeep and access to energy infrastructure;

**BE IT ENACTED** by the Council of Emfuleni Local Municipality, as follows:

**TABLE OF CONTENTS****CHAPTER 1: GENERAL**

- 1.1 *Definitions*
- 1.2 *Other terms*
- 1.3 *Interpretation of terminology used*

**CHAPTER 2: GENERAL CONDITIONS OF SUPPLY**

2. *General Pre-conditions*
3. *Supply by agreement*
4. *Service of notice*
5. *Compliance with notice*
6. *Application for supply*
7. *Dispute resolution/arbitration*
8. *Way leaves*
9. *Statutory servitudes*
10. *Right of admittance to inspect, test and/or do maintenance work*
11. *Refusal or failure to give information*
12. *Refusal of admittance*
13. *Improper use*
14. *Electricity tariffs and fees*
15. *Deposits*
16. *Payment of charges*
17. *Interest on overdue accounts*
18. *Resale of electricity*
19. *Right to disconnect electricity supply*
20. *Non-liability of the Municipality*
21. *Leakage of electricity*
22. *Failure of supply*
23. *Sealed apparatus*
24. *Tampering with service connection or supply mains*
25. *Protection of Municipality's supply mains*
26. *Prevention of tampering with service connection or supply mains*
27. *Unauthorised connections*
28. *Unauthorised reconnections*
29. *Temporary disconnection and reconnection*
30. *Temporary supply*
31. *Temporary work*
32. *Load reduction*
33. *Type of supply*
34. *Low voltage switchgear and equipment*
35. *Medium voltage switchgear and equipment*
36. *Installation diagram and specification*
37. *Standby supply*
38. *Consumer's emergency standby supply equipment*
39. *Surge diverters*
40. *Inspection and test*
41. *Position of cooking appliances*
42. *Permanently connected appliances*
43. *Circular letters*

**CHAPTER 3: RESPONSIBILITIES OF CONSUMER**

44. *Consumer to erect and maintain electrical installation*
45. *Fault in electrical installation*
46. *Discontinuance of use of supply*
47. *Change of consumer/occupier*
48. *Service apparatus*

#### **CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY**

49. *Service connection*
50. *Metering accommodation*

#### **CHAPTER 5: SYSTEMS OF SUPPLY**

51. *Load requirements*
52. *Load limitations*
53. *Interference with other person's electrical equipment*
54. *Power factor*

#### **CHAPTER 6: MEASUREMENT OF ELECTRICITY**

55. *Metering*
56. *Accuracy of metering*
57. *Reading of credit meters*
58. *Prepayment metering*

#### **CHAPTER 7: ELECTRICAL CONTRACTORS**

59. *Requirements in addition to the requirements of the regulations*
60. *Work done by electrical contractor*

#### **CHAPTER 8: DOMICILIUM**

61. *Domicilium*

#### **CHAPTER 9: OFFENCES AND PENALTIES**

62. *Offences*
63. *Penalties*

#### **CHAPTER 10: SHORT TITLE AND COMMENCEMENT**

64. *Short title and commencement*
65. *Repeal of bylaws*

**CHAPTER 1: DEFINITIONS****1. Definitions –**

(1) In these By-laws, unless inconsistent with the context: -

**“accounting officer”** means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 54A of the Local Government: Municipal Systems Act, (Act No. 32 of 2000), and includes any person –

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated a power, function or duty in respect of such delegated power, function or duty;

**“applicable standard specifications”** means the standard specifications as listed in schedule 1 attached to this By-law

**“approved”** means approved in writing by the Municipality and/ or Municipal Council;

**“Authorised Official”** means –

- (a) Electricity inspectors/ technicians;
- (b) an official of the Municipality who has been authorised to administer, implement and enforce the provisions of this by-law;
- (c) municipal by-law enforcement officers;
- (d) such assistants, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality to administer, implement and enforce the provisions of this by-law;
- (e) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (f) a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (g) a peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

**“billing period”** means the time between consecutive billing dates, nominally in months, but in practice defined as a number of days;

**“certificate of compliance”** means a certificate issued in terms of the Electrical Installation Regulations, 2009 in respect of an electrical installation or part of an electrical installation by a registered person;

**“Chief Financial Officer”** means a person designated in terms of section 80(2) (a) of the Local government: Municipal Finance Management Act (Act No. 56 of 2003);

**“consumer”** means a person to whom the Municipality has agreed to supply electricity to or is actually supplying electricity to, or if there is no such person, the owner of the premises;

**“consumer’s agreement”** means an agreement as referred to in chapter 2 paragraph 3(1);

**“electrical contractor”** means an electrical contractor as defined in the Electrical Installation Regulations, 2009;

**“Municipality”** Municipality means the Emfuleni Local Municipality or its successor-in-title; or the Municipal Manager of the Emfuleni Local Municipality in respect of the performance of any function or exercise of any right, duty, obligation or function in terms of these bylaws; or an authorized agent of the Emfuleni Local Municipality;

**“credit meter”** means a meter where an account is issued subsequent to the consumption of electricity

**“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 electrical installation irrespective of whether or not it is part of the electrical circuit, but excluding

- (a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery which transmits electrical energy in communication, control circuits, television or radio circuits;
- (c) an electrical installation on a vehicle, vessel, train or aircraft; and
- (d) control circuits of 50 V or less between different parts of machinery or system components, forming a unit, that are separately installed and derived from an independent source or an isolating transformer;

**“energy efficiency”** means economical and efficient production and utilization of an energy carrier or resource;

**“installation work”** means

- (a) the installation, extension, modification or repair of an electrical installation;
- (b) the connection of machinery at the supply terminals of such machinery; or
- (c) the inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance;

**“load factor”** means a factor that allows for the average period in which an appliance uses maximum load, derived by average load divided by the maximum demand.

**“low voltage enclosure”** and **“enclosure for a special supply at low voltage”** means a chamber compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at low voltage;

**“low voltage”** (hereinafter referred to as LV) means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an AC voltage of 1000V, or a DC voltage of 1500V as specified in SANS 1019 and 10142

**“maximum demand”** means the highest averaged demand registered in kVA or kW during any integrating period within a designated billing period. (The integrating

period is 30 minutes)

**"medium voltage enclosure"** means a chamber, compartment or other enclosure in which transformer switchgear or other electrical equipment is contained for operating at medium voltage

**"medium voltage"** (hereinafter referred to as MV) means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of above 1kV and below or equal to 44kV as specified in SANS 1019

**"meter"** means a device for measuring and totalling the variable consumption of electrical energy; and/or the demand and includes credit and prepayment meters

**"meter-reading period"** means the period extending from one reading of a meter to the next; which includes shorter time intervals such as 30 minute intervals (see billing period)

**"meter cabinet"** means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the Municipality and designed to operate at low voltage;

**"Municipal area"** means the area which falls within the municipal jurisdiction,

**"Municipal Council or Council"** means a municipal council referred to in section 157 (1) of the Constitution, 1996

**"occupier"** in relation to any premises means:-

- (a) Any person in occupation of a premises at any relevant time;
- (b) any person legally entitled to occupy the premises;
- (c) any person in control or management of a premises;

**"owner"** in relation to any premises means: -

- (a) The person in whose name the premises are registered or the person's authorised agent;
- (b) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity;
- (c) if the premises are leased and registration in the Deeds Office is a prerequisite for the validity of the lease, the lessee;
- (d) a person receiving rent or profit issuing therefrom, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
- (e) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

**"National Environmental Management Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**"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 control”** means the point at which a consumer can, on or in any premises, switch off the electrical installation from the electricity supplied from the point of supply, or the point at which a particular part of an electrical installation on or in any premises can be switched off where different users occupy different portions of such premises;

**“point of metering”** means the point at which the consumer's electricity consumption is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality, provided that it shall meter all of, and only, the consumer's consumption of electricity;

**“point of supply”** means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;

**“premises”** means any erf or any other portion of land including any building or any other structure thereon, above or below the surface thereof and includes any aircraft, vehicle 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;

**“registered person”** means a person registered in terms of the Electrical Installation Regulations, 2009 as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

**“regulations or Electrical Installations Regulations”** means the Electrical Installations Regulations, 2009, in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

**“renewable energy”** means energy generated from natural non-depleting resources including solar energy, wind energy, biomass energy, biological waste energy, geothermal energy and ocean and tidal energy; and

**“safety standard”** means the Code of Practice for the Wiring of Premises SANS10142-1 incorporated in the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended

**“service connection”** means the cable or conductor leading from the supply main to the point of supply of the electrical installation including any medium voltage or other equipment connected to that cable or conductor, any meter, and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality

**“service fuse” or “service circuit breaker”** means a fuse or service circuit breaker belonging to the Municipality and forming part of the electrical circuit of the service connection; installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection and to limit the electricity capacity to the premises

**“skilled person”** means any person who, in the opinion of the Municipality, is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to low and/or medium voltage, his experience and knowledge of electrical practice taken into consideration

**“special supply at low voltage”** means a supply of electricity exceeding 40 kVA at low voltage;

**“standby supply”** means an alternative electricity supply from Municipality not normally used by the consumer

**“supply”** means a supply of electricity from the supply main

**“supply main”** means any cable or wire forming that part of the Municipality's electrical distribution system to which service connections may be connected

**“tariff”** means the tariff, charges, fees or any other monies payable as determined by the Municipality in terms of the Municipal Systems Act (Act 32 of 2000)

**“working days”** means the days that the Municipality is open for business and shall exclude weekends, public holidays and the period starting from the Christmas public holidays until the end of the New Year public holidays

- (2) **“other terms”** all other terms used in these By-laws shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, Act 4 of 2006 as amended, or the Occupational Health and Safety Act (Act 85 of 1993), as amended, or the Municipal System Act (Act 32 of 2000), as amended or the Municipal Finance Management Act 56 of 2003 as amended.
- (3) **Interpretation of terminology used**
- a) All references made to the male gender shall also include the female gender, and vice versa;
  - b) All references to singular shall also mean the plural;
  - c) All references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation.

## CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

### 2. General Pre-conditions

- (1) The Municipality may expedite service connection and minimise costs to both the consumer and the Municipality if the consumer consults with the Municipality before the design phase of the installation has begun. The Municipality shall not be responsible for the cost of replacing any of the consumer's facilities that do not meet their requirements for service. Connection to the Municipality's electric system is not available prior to approval by the Municipality.
- (2) The Municipality's equipment, which includes meters, transformers and other equipment are sized and installed to meet the consumer's requirements at the time the service is initiated and is based on information supplied by the consumer. The consumer shall give notice to the Municipality of any substantial additional load that is to be connected to the electric system. The consumer shall not proceed to make these additions until after the Municipality confirms that it can either supply the increased load or the conditions under which the increased load can be made available. The Municipality shall not be liable for any damages incurred by the consumer connecting additional equipment without notice to the Municipality.

### 3. Supply by agreement

- (1) No person shall use or be entitled to use an electrical supply from the Municipality unless or until such person has entered into an agreement, in writing, with the Municipality for such supply, and such agreement together with the provisions of these By-laws shall in all respects govern such supply. If a person uses an electrical supply without entering into an agreement with the Municipality, the supply must be disconnected immediately and the owner/occupier of the premises shall be liable for the cost of electricity and any other costs incurred by the Municipality in such circumstances.
- (2) If, in respect of any premises, an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the registered owner of the premises and the consumer for the rendering of a connection is required at the time of application. Such agreement renders both the consumer and the registered owner jointly and severally liable for any debt incurred on the premises.
- (3) No person shall, without first having obtained the Municipality's permission in writing, lead electricity temporarily or permanently to any point of connection or place not forming part of the electrical installation for which a supply has been agreed upon or given.

### 4. Service of notice

- (1) Any notice or other document to be issued by the Municipality in terms of these By-laws shall be deemed to have been so issued if it is signed by an authorized official of the Municipality.
- (2) Where any notice or other document specified in these By-laws is to be served on any person, it shall be deemed to have been properly served if served personally on him or on any member of his household apparently over the age of 16 years at his place of residence or business in the Republic; or if sent by registered post to such person's last known place of residence or business as appearing in the records of the Chief Financial Officer or, if such person is a company, served on an officer of that company at its registered office or sent by registered post to such office or 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 described above; or 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.
- (3) 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.
- (4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Office of the Accounting Officer or a person in attendance at the Office of the Accounting Officer.

**5. Compliance with notice**

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.

**6. Application for supply**

(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the Electrical planning section or electrical inspector's offices of the Municipality and the electrical size of the installation must be stated therein. The application must be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

(2) An application for an electricity supply for a period of less than 3 months shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Municipality representative, who may specify any special conditions to be satisfied in such case:

(a) Subject to the provisions of subsection 6(2) hereof, where application is made for a temporary supply of electricity, the Municipality shall furnish the applicant with the estimated cost of the connection and disconnection plus the estimated electricity that may be consumed at the prescribed tariff rate. The applicant shall pay such estimated amount before the supply is given. The difference between the estimated cost and the actual cost must subsequently be recovered from the applicant.

(b) Temporary single phase supplies for periods not exceeding 14 days for fetes, religious gatherings, election lighting and similar purposes may be provided to premises situated immediately adjacent to suitable existing supply or service mains upon payment of the estimated cost as per subsection 6(2)(a).

(3) No person shall, without first having obtained the Municipality's permission in writing, lead electricity temporarily or permanently to any point of connection or place not forming part of the electrical installation for which a supply has been agreed upon or given.

(4) The Municipality may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of supply provided that such prospective consumer, if not the owner of the property, provides authorisation from the owner consenting to the continuation of supply to the new consumer.

(5) The owner/occupier shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement and prior to a meter reading taken on the date of commencement of the new agreement.

**7. Dispute resolution/arbitration**

Any dispute or difference that arises between the Municipality and consumer about the construction, meaning or effect of these by-laws or about the rights, obligations or liabilities of the parties under these by-laws shall be referred in writing to the Manager in the Electricity Department of Municipality for investigation and resolution thereafter. If no resolution is found, it shall be referred, in writing, to the Executive Director responsible for Electricity Department, who shall endeavour to settle the dispute and consider it finalised.

#### 8. Wayleaves

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality 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 exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

#### 9. Statutory Servitudes

- (1) Subject to the provisions of 9(3) the Municipality may within its 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 Municipality;
  - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it may pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The Municipality 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 Municipality or under the control or management of the Municipality, 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.

**10. Right of admittance to inspect, test and/or do maintenance work**

- (1) The Municipality may, at any reasonable time or in case of emergency, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these By-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.
- (2) Before any test or inspection in terms of this section is carried out the owner or the occupier shall be informed of the purpose thereof and if it is established that a breach of these By-laws has been committed, the Municipality shall, notwithstanding the provisions of subsection 10(3) not be liable to restore and make good in terms thereof.
- (3) The Municipality shall, save as is provided in subsection 10(2) restore and make good any disturbance damage to interference with the premises occasioned by any inspection or test made in terms of subsection 10(1).
- (4) While any electrical installation is in the course of construction, alteration, extension or repair the Municipality may inspect and test any part of the work as often as it deems necessary, and if any work which the Municipality requires to inspect or test has been covered up the Municipality may require the contractor or the owner of the premises at no cost to the Municipality, to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the Municipality.
- (5) Every reasonable facility to carry out tests and inspections shall be afforded to the Municipality by the electrical contractor, the owner or the occupier of the premises and the aforesaid facilities shall in the case of a contractor, include the provision of suitable ladders.
- (6) Any person in possession of a Certificate of Compliance in the form of Annexure 1 of the Electrical Installation Regulations, 2009 for a new electrical installation, shall give the Municipality at least three working days notice before the supply is to be switched on.
- (7) Should an electrical installation require a re-visit or a re-inspection, payment of a charge determined by the Municipality shall be paid by the owner, occupier and/or contractor.

**11. Refusal or failure to give information**

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

**12. Refusal of admittance**

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the Municipality in the performance of his duty under these

By-laws or of any duty connected therewith or relating thereto.

**13. Improper use**

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing 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, the Municipality may, with or without notice, depending on the urgency, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been remedied or removed. The tariff, as prescribed by the Municipality 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.

**14. Electricity tariffs and fees**

- 1) The charge payable for electricity used shall be in accordance with the applicable tariff as per the tariff schedule as determined by the Municipal Council annually. Copies of the tariff schedule may be obtained at Municipality offices.
- 2) Where an incorrect tariff was applied by Municipality, the actual consumption values will be applied to the correct tariff values, for the period under consideration, provided that no such adjustment shall be made in respect of a period in excess of 36 months prior to the date on which the wrong charge was observed or the Municipality was notified of such wrong charge by the consumer.

**15. Deposits**

- (1) The Municipality reserves the right to require the consumer to deposit a sum of money or furnish a bank guarantee acceptable to Municipality's Finance Department as security in payment of any charges, which are due or may become due to the Municipality.
- (2) The amount of the deposit or bank guarantee in respect of each electricity installation shall be determined by the Municipality from time to time and maybe increased if necessary.
- (3) Such deposit shall not be regarded as being 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 these By-laws.
- (4) The deposit amount shall be determined on the basis of the cost of the maximum consumption of electricity which the applicant, in the Chief Financial Officer's opinion is likely to use during any two consecutive months.
- (5) Where the Municipality's electricity metering equipment has been tampered with or an installation has been illegally reconnected after having been legally disconnected by the Municipality or if a consumer applies to the Municipality for a supply of higher capacity the consumer shall be requested to increase the current deposit
- (6) Any sum deposited by or on behalf of a consumer, shall be refunded, free of

any interest, within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Municipality.

- (7) If a deposit or part thereof has been refunded in accordance with subsection 15(6) the Municipality shall be absolved from any further liability in respect thereof.
- (8) The consumer's agreement may contain a provision that any sum deposited by the consumer, shall be forfeited if it is not claimed within 1 year of either such agreement having been terminated or for any reason, the consumer has ceased to receive a supply in terms of such agreement.

#### 16. Payment of charges

- (1) The consumer shall be liable for all charges for all electricity supplied to his premises at the prescribed tariff.
- (2) All accounts are deemed payable on or before the due date reflected on the account and, on the consumer's failure to pay, the Municipality must notify the consumer and eventually disconnect the electricity supply to the premises of the consumer. The account as issued is considered the first notification of the amount payable.
- (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 himself that the account rendered is in accordance with the prescribed schedule of tariffs in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply in terms of subsection 19(1) and he is obstructed or prevented from effecting such disconnection the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account or contravention of any provision of these By-laws, the prescribed fees and any amounts due for electricity consumed shall be paid or suitable arrangements made in terms of the Municipality's respective By-laws or Policies, before reconnection is made.
- (6) If a person uses an electrical supply without entering into an agreement he/ the owners shall be liable for the cost of electricity and any other costs incurred by Municipality in such circumstances.
- (7) Notwithstanding the fact that the occupier has an agreement with the Municipality for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118 of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Municipality in respect of the said property, in order to obtain such certificate.

#### 17. Interest on overdue accounts

The Municipality shall charge interest on accounts which are not paid by the due date appearing on the account at an interest rate as approved by the Municipal Council



from time to time.

#### **18. Resale of electricity**

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity that is supplied to his premises under an agreement with the Municipality to any other person/s for use on any other premises, or permit such resale or supply to take place. If electricity is resold for use on the same premises, the resale is subject to the conditions laid down in the Electricity Regulation Act, Act 4 of 2006.
- (2) Where a person resells electricity supplied by the Municipality, such electricity shall, in respect of each purchaser, be metered through a sub-meter approved by the Municipality.
- (3) The Municipality shall not be held liable for any inaccuracy or other defect in any sub-meter whether or not the Municipality has approved such sub-meter or the installation thereof.
- (4) The charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the Municipality. With the understanding that the reseller may divide his total units purchased into his total account received from Municipality to arrive at a cent per kWh unit charge. The reseller can then use this c/unit charge to bill his customers.
- (5) The conditions of resale shall not be less favourable to the purchaser than the terms on which the Municipality supplies electricity. The reseller may however recover the administrative cost incurred in metering and billing, from the person so supplied with electricity, provided that at the request of such person, the reseller shall furnish such person with such information as may be necessary to enable him to determine whether the administration costs are fair and reasonable and every such purchaser shall be entitled to require the seller to furnish him with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him for electricity supplies are correct.

#### **19. Right to disconnect electricity supply**

- (1) The Municipality shall have the right, after giving notice to the occupier and/affected party, to disconnect the supply to any premises if:
  - (a) the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply which he may at any time have received from the Municipality in respect of such premises, or,
  - (b) where any of the provisions of these By-laws and/ or the Regulations are being contravened.
- (2) After such disconnection referred to in subsection 19(1), the charges as prescribed in the Tariff Schedule (where applicable) plus the fee as prescribed by the Municipality shall be paid in full before reconnection. Reconnection of services shall be completed within a reasonable period of time but not exceeding 48 hours of receipt of payment or instruction.
- (3) When conditions are found to exist in an electrical installation which in the

opinion of the Municipality constitutes a danger or potential danger to person or property or interferes with the supply to any other consumer, the Municipality may, without notice, disconnect that installation or any part thereof until such conditions have been remedied or removed.

- (4) When an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or where Municipality's equipment has been tampered with to prevent full registration of consumption by the meter, the electricity supply shall be physically removed from those premises and will only be reinstalled upon payment of the applicable fee plus related charges, as prescribed in the tariff schedule.

## 20. Non-liability of the Municipality

- (1) The Municipality shall not be liable for any loss or damage, direct or consequentially suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuation of the supply of electricity, unless caused by negligence on the part of the Municipality.
- (2) Neither the Municipality's approval of an electrical installation after making any inspection or test thereof nor the granting of permission by the Municipality to connect the installation to the supply shall be taken as constituting for any purpose, a guarantee by the Municipality that the work has been properly executed or that the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (3) The Municipality shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

## 21. 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.

## 22. Failure of supply

- (1) The Municipality does not undertake to attend to a failure of supply of electricity in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When a failure of electricity supply 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 Municipality shall have the right to: -
  - (a) charge the consumer the fee as prescribed by the Municipality for each restoration of the supply; and
  - (b) recover from the consumer the cost of making good or repairing any damage which may have been done to the service mains and meter by such fault or faulty operation as aforesaid.

**23. Sealed apparatus**

Where any seal or lock has been placed by the Municipality on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Municipality, no person other than an employee of the Municipality, a contractor duly appointed by the Municipality, a person in the service of a contractor or a consumer authorised by the Municipality shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock.

**24. Tampering with service connection or supply mains**

- (1) No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any meter or service connection or service protection device or supply or any other equipment of the Municipality or illegally connect into the electricity wiring of any other consumer. Only an authorized employee of the Municipality may make any adjustment or repair thereto.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened subsection 24(1), the Municipality shall have the right to disconnect the supply of electricity immediately without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for the disconnection and, if as a result of the tampering by the consumer, it is necessary to make alterations to the metering system to prevent further tampering, the consumer shall be liable for the total cost of such alterations.
- (3) In cases where the tampering, interference or by-passing referred to in subsection 24(1) has resulted in the accuracy of the metering installation being compromised, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

**25. Protection of Municipality's supply mains**

- (1) Any electrical installation on any premises connected to the supply must be maintained in good working order and condition at all times by the owner or consumer to the satisfaction of the Municipality.
- (2) The Municipality may require a consumer who takes a multiphase supply, to distribute his electrical load as approved by the Municipality, over the supply phase and must install such devices in the relevant services connection as it may deem necessary to ensure that this requirement is complied with.
- (3) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed: -
  - a) Construct, erect or permit the erection 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 electrical distribution system;
  - b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;

- c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system;
- d) make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electrical distribution system there from;
- e) the owner 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 opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality 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;
- f) The cost of any work carried out by the Municipality as necessitated by a contravention of this By-law, shall be for the account of the person who acted in contravention of this By-law.

(4) The Municipality may: -

- a) subject to obtaining an Order of Court, where necessary, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this By-law;
- b) fill in and make good any ground excavated or removed in contravention of this By-law;
- c) repair and make good any damage done in contravention of these By-laws or resulting from a contravention of this By-law;
- d) remove anything damaging, obstructing or endangering or likely to damage, obstruct endanger or destroy any part of the electrical distribution system.

**26. Prevention of tampering with service connection or supply mains**

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality. The Municipality may replace the existing metering equipment with appropriate metering equipment.

**27. Unauthorised connections**

No person other than a person specifically authorised thereto by the Municipality 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. Such a connection is deemed to be an offence in terms of the provisions of the Electricity Regulation Act, Act 4 of 2006 as amended, and makes the perpetrator guilty of an offence and liable on conviction to a fine and/or imprisonment.

**28. Unauthorised reconnections**

- (1) No person, other than a person specifically authorised thereto by the Municipality in writing shall reconnector cause or permit to be reconnected to the supply mains or service connection or installations which has or have previously been disconnected from the supply mains by the Municipality.
- (2) Where the supply of electricity that was previously disconnected is found to have been reconnected illegally, the consumer using the supply of electricity or the owner of the premises 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. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. The owner of the premises or consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.
- (3) Where the electricity supply has been disconnected owing to unsafe conditions in the consumer's installation the supply may only be reconnected after the consumer has submitted a valid certificate of compliance to the Municipality.
- (4) Any contravention or failure to comply with the provision of this section, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved by the consumer, it shall be deemed that the contravention was due to an intentional act or omission of the person charged.

**29. Temporary disconnection and reconnection**

- (1) The Municipality shall, on application by a consumer, in a form prescribed by the Municipality, temporarily disconnect the electricity supply and shall reconnect it on payment of the fee prescribed in the tariff schedule.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the electricity supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee referred to hereinbefore.
- (3) The Municipality may, in the case of grave risk, without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.

**30. Temporary supply**

- (1) A temporary electricity supply is valid for a period specifically agreed on in writing with the Municipality but the period may not exceed 3 months.
- (2) If the Municipality finds that a temporary electricity supply to a consumer is interfering with the efficient and economical supply of electricity to other consumers, the Municipality has the right to terminate, with notice or, under exceptional circumstances, without notice, the temporary supply at any time and the Municipality shall not be liable for any loss or damage occasioned by

the consumer by such termination.

### **31. Temporary work**

- (1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with special permission in writing from the Municipality.
- (2) Full information about the reasons for and nature of the work for temporary supply purposes must accompany the application for the permission, and the Municipality may grant or refuse the permission subject to terms and conditions.
- (3) A Certificate of Compliance must be submitted by the consumer to the Municipality in such cases of temporary work.

### **32. Load reduction**

- (1) At times of peak load or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality 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. The Municipality 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.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection 32(1), and any duly authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding, the provisions of subsection 32(2), 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 Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection 32(2).
- (4) The Municipality may upon written request by a consumer, consent to any apparatus not being connected to a control relay, in which event the consumer shall, for the period during which such apparatus is not so connected, pay a monthly charge determined by the Municipality.
- (5) The Municipality may provide a set of electrical contacts which will close when the relay contemplated in subsection 32(1) is operative, and which will enable the consumer to operate load control apparatus and warning devices.

### **33. Type of supply**

The Municipality may in any particular case determine whether the supply shall be medium or low voltage and the type of such supply.

**34. Low voltage switchgear and equipment**

- (1) Before a low voltage supply is given, the applicant or owner shall, if required to do so by the Municipality, provide a cabinet of approved design and construction for the accommodation of the Municipality's service connection, at no expense to the Municipality and in a position approved by the Municipality.
- (2) The consumer shall provide approved accommodation in an approved position, the meter board, and adequate conductors for the Municipality's metering equipment, service apparatus, protective devices and load management relays. Such accommodation and protection shall be provided and maintained, to the satisfaction of the engineer, at the cost of the consumer or the owner, as the circumstances may demand and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters and at all times for purposes connected with the operation and maintenance of the service equipment. 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 Municipality'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 opinion of the Municipality, the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, at his cost within a reasonable time.
- (6) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective device. No apparatus other than that used in connection with the supply and use of electricity shall be installed or stored in such accommodation unless approved.

**35. Medium voltage switch gear and equipment**

- (1) All the apparatus used in connection with a medium voltage electrical installation shall be of an approved design and construction.
- (2) Before any work is commenced in connection with a new medium voltage electrical installation or for the extension of an existing medium voltage installation, a site plan and a drawing showing in detail, to the Municipality's satisfaction, the particulars and layout of all proposed electrical apparatus together with full technical information concerning the apparatus, shall be submitted to the Municipality. No work shall be commenced until the proposed installation or extension has been approved.
- (3) No person other than an authorized skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with medium voltage apparatus.

- (4) Notwithstanding any approval previously given, the Municipality may at any reasonable time and in case of emergency at all times, inspect any mediumvoltage apparatus and subject it to such test as may be deemed necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Municipality's satisfaction.
- (5) The owner or the consumer shall be liable to the Municipality for the cost of carrying out any of the tests referred to in subsection 35(4) if any defect in the medium voltage or low voltage electrical installation is revealed thereby.
- (6) Notwithstanding anything contained in this section, no medium voltage apparatus, which has been newly installed, altered or extended, shall be connected to the supply without the permission, in writing, of the Municipality, which permission shall not be given unless the requirements of this section have been complied with.

**36. Installation diagram and specification**

The Municipality may require a contractor to submit, for approval, a wiring diagram and specifications covering a proposed construction or, alteration, extension or repair to any electrical installation. Where the Municipality requires such a diagram and specification the proposed work shall not be commenced until they have been submitted and approved.

**37. Standby supply**

- (1) No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.
- (2) Tariff charges related to the provision and maintenance of standby supplies will be levied.

**38. Consumer's emergency standby supply equipment**

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality'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 Municipality.

**39. Surge diverters**



Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Municipality.

**40. Inspection and test**

- 1) The Municipality may, before final switch-on of a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these By-laws or other applicable legislation. A copy of the Certificate of Compliance shall be delivered to the Municipality's designated representative.
- 2) Any person in possession of a Certificate of Compliance in the prescribed form for a new electrical installation, shall give the Municipality at least three working days notice before the supply is to be switched on.

**41. Position of cooking appliances**

No heating or cooking appliance shall be installed, placed or used below any meter belonging to the Municipality.

**42. Permanently connected appliances**

Appliances permanently connected to an electrical installation shall be approved by the Municipality.

**43. Circular letters**

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

**CHAPTER 3: RESPONSIBILITIES OF CONSUMER**

**44. Consumer to erect and maintain electrical installation**

- (1) Where required by the Municipality, an owner shall, at no expense to the Municipality, provide and maintain an approved enclosure for accommodating the Municipality's and consumer's supply equipment in a position determined by the Municipality.
- (2) No person shall enter the enclosure accommodating the Municipality's supply equipment or touch or interfere with any apparatus therein, unless authorized to do so by the Municipality.
- (3) Every electrical enclosure shall be kept locked by the consumer and a key shall, if required by the Municipality, be deposited with Municipality or provision shall be made for the fitting of an independent lock by the Municipality who shall be entitled to access to the enclosure at all times.
- (4) The consumer or owner of the premises shall at all times provide and

maintain safe and convenient access to an electrical enclosure and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Municipality and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.

- (5) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to an electrical enclosure. Such access is to be direct to that part of the enclosure into which the supply is led, the lock of which is controlled by the consumer or the owner of the premises.
- (6) The Municipality may use any enclosure for supply equipment in connection with a supply to a consumer on premises other than those on which that enclosure is situated.

#### **45. Fault in electrical installation**

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall, without delay, give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) The Municipality 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.

#### **46. Discontinuance of use of supply**

In the event of a consumer desiring to discontinue using the electricity supply, such consumer shall give at least 14 days' notice in writing of such intention to the Municipality. Should the consumer fail to notify the Municipality of his intention to discontinue to use the electricity supply, he shall remain liable for all payments due in terms of the tariff schedule for the supply of electricity until the expiration of 14 days after such notice has been given.

#### **47. Change of consumer/occupier**

- (1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, who is leaving, must give the Municipality at least 14 days' notice in writing of his intention to discontinue using the electricity supply, failing which he remains liable for the electricity consumed until the supply is disconnected or a new agreement is entered into.
- (2) If the new occupier of the premises wishes to continue to use the electricity supply, such prospective consumer must apply in writing in accordance with section 6 of these By-laws and if the prospective consumer fails to make application for an electricity supply immediately after taking occupation of the premises, the electricity supply shall be disconnected and the occupier/owner shall be liable for the electricity consumed from the date of occupation until such time as the supply is disconnected.
- (3) Where premises are fitted with a prepayment meter and change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply for an electricity supply in terms of section 6 of these By-laws, the occupier/owner is liable for all charges and fees owed to the Municipality for that point of metering, as well as any outstanding charges and fees which accrued to that point of metering, until such time as an application

for supply is received by the Municipality.

- (4) Subject to subsections 47(1), (2) and (3), the registered owner of a property remains liable for any electricity consumed on the premises without a valid agreement being concluded.

#### 48. Service apparatus

- (1) The owner of the premises or the consumer shall be liable for all costs arising from damages 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 Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If any damage occurs to the cable or any part of a service connection the consumer shall inform the Municipality as soon as he becomes aware of that fact and the Municipality or a person authorized by Municipality shall repair the damage. If the damage was caused by the consumer, he will be liable for the cost.
- (3) Where there is a common metering position on the premises for more than one consumer, the liability referred to in subsection 48(1) devolves on the owners of the premises jointly and severally.
- (4) A certificate from the Municipality reflecting the amount due is deemed prima facie evidence of the amount due in terms of subsection 48(1).

### CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY

#### 49. Service connection

- (1) The owner of the premises concerned or person acting on his behalf shall make application for the installation or reinstatement of a service connection in a form prescribed by the Municipality.
- (2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Municipality shall be paid to the Municipality before supply is authorized.
- (3) Every part of the service connection shall remain the property of the Municipality.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed, the Municipality may, at its absolute discretion, refuse to supply electricity to that installation until all sums due to the Municipality by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner shall be entitled to require more than one service connection for a supply, to any premises, even if it comprises or occupies more than one stand. The Municipality may however, subject to such conditions as it deems fit to impose upon the owner, provide more than one service connection to a premises and where more than one service connection is so provided it shall be unlawful to interconnect them.

- (6) In cases where more than one consumer on the same premises is provided with electricity from a single point by means of equipment belonging to the owner of the premises, the Municipality will not be responsible for any defects in the electricity supply whatsoever, that are caused by defects in the equipment of the owner of the premises.
- (7) The applicant for a service connection shall, before work on his installation is commenced, furnish the Municipality with such indemnity as it may specify.
- (8) The Municipality may, notwithstanding any indemnity given in terms of subsection 49(7) refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.
- (9) Where the actual load of a consumer differs from the initial estimated load provided for in subsection 6(1) to the extent that the Municipality 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.
- (10) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

#### 50. Metering accommodation

- (1) The owner of the property/consumer, as the case maybe, shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, 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 but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment must be provided by the consumer for the equipment.
- (3) The consumer or, in the case of a common meter position, the owner of the premises must provide and maintain adequate electric lighting in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should this lighting not be maintained, the Municipality must maintain it at the cost of the consumer or owner, as the case maybe.
- (4) If, in the opinion of the Municipality, the meter, service connection, service protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or is being tampered with or becomes in any way unsuitable, the owner or consumer(s), as the case maybe, shall remove it to a new position, and the cost of such removal shall be borne by the consumer/owner.

- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main service protective devices. No apparatus other than that used in connection with the supply and use of electricity may be installed or stored in the accommodation unless approved in writing by the Municipality.

## CHAPTER 5: SYSTEMS OF SUPPLY

### 51. Load requirements

Alternating current supplies must be given as prescribed by the Electricity Regulation Act, Act 4 of 2006 as amended, and in the absence of a quality of supply agreement, as set out in applicable standard specification.

### 52. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standards, does not exceed 18.5 kVA before diversity, the electrical installation must be arranged for a two-wire plus earth single-phase supply, unless otherwise approved by the Municipality.
- (2) Where a three-phase four-wire plus earth supply of electricity is provided, the load shall be balanced approximately over the three phases, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (3) No current-consuming appliance, may be connected to the electrical installation without the prior approval of the Municipality.

### 53. Interference with other person's 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 current that fall outside the applicable standards specification.
- (2) The assessment of interference with other consumer's electrical equipment must be carried out by means of a measurement taken at the point of common coupling as described in the applicable standards specification.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

### 54. Power factor

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with 54(1) it is necessary to install power factor correction devices, such corrective devices shall be connected to the individual terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his own cost, install such corrective devices.

**CHAPTER 6: MEASUREMENT OF ELECTRICITY****55. Metering**

- (1) (a) The Municipality 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 recording the electricity supplied. The choice of meter type and class shall be the prerogative of the Municipality.
  - (b) Dependent on the availability of advanced metering infrastructure and smart meters, the Municipality shall have the discretion to pilot or implement this new type of technology.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period must be determined by the reading of the appropriate meter or meters that are supplied and installed by the Municipality and read at the beginning and end of the period. If a meter cannot be read or if metering is found to be defective, the consumption must be estimated.
- (3) Where the electricity used by a consumer is charged at different tariffs, the consumption must be metered for each tariff. Adequate metering equipment must be installed on application by and for the account of the consumer.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings as a whole, or for individual units, or for group of units.
- (5) No alterations, repairs or additions or electrical connections of any description may be made on the supply side of the meter by the consumer.

**56. Accuracy of metering**

- (1) A meter must be presumed conclusively to be registering accurately if its measurement error, when tested in the manner prescribed in subsection 56(8), is found to be within the limits of measurement error as provided for in the applicable standard specifications.
- (2) If a consumer or owner has reason to believe that a meter is not registering correctly, the consumer or owner may request the Municipality in writing to have the meter tested. Such request must be accompanied by the fee prescribed in the schedule of tariffs for the testing of the meter, and the Municipality shall as soon as possible thereafter test the meter. The fee shall be refunded if the meter is shown by the test to be registering incorrectly.
- (3) The Municipality shall, immediately before removing a meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.
- (4) The Municipality's finding as to the accuracy of a meter after the test referred to in subsection 56(2) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in the applicable standard specifications.
- (5) If after testing a meter, the Municipality is satisfied that the meter is not registering correctly, it shall render to the consumer a statement of account

adjusted in accordance with subsection 56(6).

- (6) The Municipality shall have the right to test its metering equipment. If it is established by a test or otherwise that such metering equipment is defective, the Municipality shall –

- (i) in the case of a creditmeter, adjust the account rendered,
- (ii) in the case of prepayment meters,
  - (a) render an account where the meter has been under-registering, or
  - (b) issue a free token where the meter has been over-registering;

in accordance with subsection 56(9).

- (7) In case of a dispute, the consumer shall have the right to request the Municipality to have the metering equipment under dispute tested at his own cost by an independent tester, accredited by the South African Accreditation Services and the result of such test shall be final and binding on both parties.

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

- (9) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection 56(2) or subsection 56(6), the adjustment must be based either on the percentage error of the meter as determined by the test referred to in 56(8) or on a calculation by the Municipality from consumption data in the Municipality's possession. Where applicable and where possible, due allowance must be made for seasonal or other variations that may affect the consumption of electricity.

- (10) If any omission, calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 36 months preceding the date on which the error in the accounts was discovered, shall be free of interest up to date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period under review.

- (11) (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection 57(9), the Municipality must:

- (i) notify the consumer in writing of the monetary value of the adjustments to be made and the reasons for the adjustment;
- (ii) in the notice, provide sufficient particulars to enable the consumer to submit representations on the adjustment; and
- (iii) in the notice, call on the consumer to provide the Municipality with reasons, if any, in writing why the consumer's account should not be adjusted as notified, and these reasons must be submitted to the Municipality within 7 days or within a longer period that the Municipality may permit.

- (b) The Municipality must consider any reasons provided by the consumer in terms of subsection 56(11) (a) (iii) and must, if satisfied that a valid case exists, adjust the account accordingly.
  - (c) Should the consumer fail to make any representations during the prescribed period or should the Municipality not be satisfied that a case exists for the variation of the account, the Municipality is entitled to adjust the account as notified in terms of subsection 57(11)(a)(i).
  - (d) If a duly authorized official of the Municipality 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 subsection 57 (9), the Municipality shall be entitled to adjust the account as notified in terms of subsection 57 (11) (a) (i) subject to the consumer's right to appeal the decision of the Municipality representative in terms of the Municipal Systems Act, Act 32 of 2000.
- (12) When the Municipality is satisfied that a prepayment meter has ceased to register correctly, the prepayment meter must be replaced immediately and any credits still registered in favour of the consumer on the faulty meter must be carried over to the new prepayment meter.

#### 57. Reading of credit meters

- (1) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Municipality's records shall be prima facie proof that the meter showed the reading which the entry purports to record.
- (2) For the purpose of recording the consumption of electricity, the reading of meters may be done electronically or manually depending on the type of installation.
- (3) Meters read electronically (automatic meter reading) shall be read at specified intervals (30 minutes) for a whole month depending on the number of days in the specific month.
- (4) The meter reading shown by an automatic meter reading meter is monthly based and not accumulative. Therefore, for recording purposes for an automatic meter reading meter the account for electricity supplied to any premises during any meter reading period shall be taken as follows: the consumption for the specific calendar month shall be added to the last reading shown on the account and such total shall be subtracted from the last recorded reading in the account to provide a consumption for accounting purposes; where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.
- (5) In the case of manual meter reading the account for electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading. A multiplication factor will be applied to the reading where applicable.
- (6) Unless otherwise prescribed, credit meters must be read at fixed cycles of



approximately one month, and the fixed or minimum charges due in terms of the tariff must be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to the charges. The minimum number of meter readings per annum must be in accordance with the applicable standards specification.

- (7) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the Municipality at a time other than the date set aside by the Municipality for that purpose, a charge determined by the Municipality shall be payable by such consumer for such reading.
- (8) If for any reason a meter cannot be read, the Municipality may render an estimated account. The energy consumption shall be adjusted in a subsequent account in accordance with the actual energy consumption.
- (9) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (10) No person may influence or try to influence or interfere with the metering process.

#### 58. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (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 credit remaining in the meter shall be made to the consumer.
- (4) The Municipality may, at its discretion, appoint vendors for the sale of electricity for prepayment meters and shall not guarantee the continued operation of any vendor.
- (5) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (6) Where a consumer is indebted to the Municipality for electricity consumed or for charges previously raised against the consumer, the Municipality may deduct a percentage approved by the Municipality from the amount tendered to set off against the amount owing.
- (7) Prepayment meters shall be installed for approved indigent applicants in terms of the Municipality's Indigent Support Policy.

### CHAPTER 7: ELECTRICAL CONTRACTORS

#### 59. Requirements in addition to the requirements of the Regulations

- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official may at his discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which 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 Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation subject to the submission of a certificate of compliance for that part of the installation.
- (2) The examination, inspection and testing referred to in subsection 63 (1) that maybe carried out at the discretion of the Municipality in no way relieves the electrical contractor or accredited person or the user or occupier, from his liability for any defect in the installation. Such examination, test and inspection shall not be taken, under any circumstance, (even though the electrical installation has been connected to the supply mains), to indicate or guarantee in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that the electrical installation is in accordance with these By-laws or the safety standard, and the Municipality shall not be held liable for any defect or fault in such electrical installation.

#### 60. Work done by electrical contractor

The Municipality shall not be held responsible for the work done by the electrical contractor/ registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

### CHAPTER 8: DOMICILIUM

61. The street, building or flat address of the point of supply is deemed to be the domicilium citandi et executandi of the consumer for the purpose of the serving of any documents in accordance with section 115 of the Municipal Systems Act, 2000 (Act 32 of 2000).

### CHAPTER 9: OFFENCES AND PENALTIES

#### 62. Offences

- (1) Any person who –
- (a) obstructs or hinders the Municipal officials or agents in exercising the powers or performance of functions or duties as outlined in these by-laws; or
  - (b) fails to comply with the terms of a notice served upon him or her in terms of these by-laws,
- shall be guilty of an offence.

#### 63. Penalties

- (1) Any person who commits an offence in terms of section 62 or who

contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and shall upon conviction thereof be liable for a fine not exceeding the amount of R60 000,00 or 3 years imprisonment.

(2) In the event of a continuing offence shall be guilty of a separate offence and liable to a further fine for every day or part of a day during which the offence continues.

## **CHAPTER 10: SHORT TITLE AND COMMENCEMENT AND REPEAL OF BY-LAWS**

### **64. Short title and commencement**

These by-laws are called Emfuleni Local Municipality: Electricity Supply By-laws and take effect on the date of publication in the provincial gazette.

### **65. Repeal of by-laws**

Any by-law relating to Electricity within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of these by-laws.

**Schedule 1**

"Applicable standard specification" means

<b>STANDARD NUMBER</b>	<b>STANDARD DESCRIPTION</b>
<b>SANS 1019</b>	<b>Standard voltages, currents and insulation levels for electricity supply</b>
<b>SANS 1607</b>	<b>Electromechanical watt-hour meters</b>
<b>SANS 1524</b>	<b>Parts 0, 1 &amp; 2 – Electricity dispensing systems</b>
<b>SANS IEC 60211</b>	<b>Maximum demand indicators. Class 1.0</b>
<b>SANS IEC 60521</b>	<b>Alternating current electromechanical watt-hour meter (Classes 0.5, 1 &amp; 2)</b>
<b>SANS 10142-1</b>	<b>Code of practice for the wiring of premises</b>
<b>NRS 047</b>	<b>National Rationalised Specification for the Electricity Supply – Quality of Service</b>
<b>NRS 048</b>	<b>National Rationalised Specification for the Electricity Supply – Quality of Supply</b>
<b>NRS 057</b>	<b>Electricity Metering Minimum Requirements</b>