

## MODEL ELECTRICITY SUPPLY BY-LAWS

### (ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF ... )

The Municipality of Ba-Phalaborwa (“the municipality”) hereby publishes the Electricity Supply By-Laws set out below. They have been promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

### INDEX

CHAPTER 1: GENERAL .....	2
CHAPTER 2: GENERAL CONDITIONS OF SUPPLY .....	4
CHAPTER 3: SERVICE PROVIDERS .....	14
CHAPTER 4: RESPONSIBILITIES OF CONSUMERS .....	15
CHAPTER 5: SPECIFIC CONDITIONS OF SUPPLY .....	16
CHAPTER 6: SYSTEMS OF SUPPLY .....	18
CHAPTER 7: MEASUREMENT OF ELECTRICITY .....	19
CHAPTER 8: ELECTRICAL CONTRACTORS .....	22
CHAPTER 9: COST OF WORK .....	23
CHAPTER 10: ADMINISTRATIVE ENFORCEMENT PROVISIONS .....	23
Part I: Appointment of Authorised Officials .....	23
Part II: Powers of Authorised Officials .....	24
Part III: Administrative Penalties .....	25
CHAPTER 11: JUDICIAL ENFORCEMENT PROVISIONS .....	26
CHAPTER 12: GENERAL .....	27
CHAPTER 13: REPEAL OF BY-LAWS .....	28
SCHEDULE 1: BY-LAWS REPEALED .....	29
SCHEDULE 2: APPLICABLE STANDARD SPECIFICATION .....	30
SCHEDULE 3: ADMINISTRATIVE PENALTIES .....	31

---

## CHAPTER 1: GENERAL

### 1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and referred to in these by-laws as the Systems Act, shall bear the same meaning in these by-laws, and unless the context indicates otherwise—

“**accredited person**” means a person registered in terms of the 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 as listed in Schedule 2 attached to these by-laws;

“**authorised official**” means a person authorised by the municipality in terms of these by-laws to execute work, conduct an inspection and monitor and enforce compliance with these by-laws;

“**certificate of compliance**” means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“**consumer**” in relation to premises means—

- (a) any occupier of premises or any other person with whom the municipality has contracted to supply, or is actually supplying, electricity at those premises; or
- (b) if premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of electricity to those 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 an electrical contractor as defined in the Regulations;

“**electrical installation**” means an electrical installation as defined in the Regulations;

“**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 to 220 kV;

“**low voltage**” 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 1500 V);

“**medium voltage**” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV to 44 kV;

“**meter**” means a device which records the demand or 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 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”** includes, subject to the provisions of any other law, the municipal manager, but only if his inclusion is impliedly required or permitted by these by-laws and only in respect of the performance of any function, or the exercise of any duty, obligation or right in terms of these by-laws or any other law;

**“municipal manager”** means the municipal manager as defined in section 82(1)(a) of the Structures Act;

**“occupier”** includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises, or parts of premises, let to a lodger or any other person, includes the person receiving the rent payable by a lodger or any other person whether for himself or as an agent for any other person;

**“owner”** includes any person that has the title to any premises or land, or any person receiving the rent or profits for allowing the occupation or use of any land, premises or part of any premises who would receive such rent or profit if the land or premises were let or used whether he does so himself or for another;

**“point of consumption”** means a point of consumption as defined in the Regulations;

**“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 municipality or the electrical installation of the consumer, as specified by the municipality or any authorised official; 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 authorised official at which electricity is supplied to any premises by the municipality;

**“premises”** means any land, or any part of, 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;

**“Regulations”** means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended from time to time;

**“SANS Codes”** means the South African National Standards Codes or the South African Bureau of Standards Codes as defined in Regulation No 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act 29 of 1993) or as may be published in the future in terms of that act;

“**safety standard**” means the Code of Practice for the Wiring of Premises SANS 0142 incorporated in the Regulations;

“**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 delivery agreement**” means an agreement between the municipality and a service provider in terms of which the service provider is required to provide electricity services;

“**service provider**” means any person who has entered into a service delivery agreement with the municipality in terms of section 81(2) of the Systems Act;

“**service protective device**” means any fuse or circuit breaker installed for the purpose of protecting the municipality’s equipment from overloads or faults occurring on the installation or on the internal service connection;

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

“**supply mains**” means any part of the municipality’s electricity network;

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**tariff**” means the charge to users for the provision of electricity services or for any related charge, determined and promulgated by the municipality, or adjusted by a service provider, in terms of Tariff Policy by-laws adopted under section 75 of the Systems Act;

“**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; and

“**voltage**” means the root-mean-square value of electrical potential between two conductors.

## CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

### 2. The Provision of Electricity Services

(1) The municipality must take reasonable measures within its available resources progressively to ensure regular access by the local community to electricity services.

- (a) In planning for and setting service standards and levels of service for the provision of electricity services and in providing electricity services, the municipality may differentiate between geographical areas and categories of users within the local community but, in doing so, the municipality must comply with national legislation and in particular the requirements of section 73 of the Systems Act.

### 3. Exclusive Provision of Electricity Services

Save for Eskom Limited, providing electricity services under the Electricity Act 41 of 1987, only the municipality may supply or contract for the supply of electricity services within its jurisdiction.

#### **4. Supply by agreement**

(1) No person shall use or be entitled to use electricity supplied by the municipality or service provider unless or until he has entered into an electricity supply agreement in writing with the municipality or service provider for the provision of electricity services.

(2) The provisions of an agreement relating to the supply of electricity services (henceforth the "Electricity Supply Agreement") together with the provisions of these by-laws shall in all respects govern electricity supply.

(3) A person who uses an electricity supply without entering into an electricity supply agreement shall be liable for the cost of electricity used as stated in section 38 of these by-laws notwithstanding the fact that he has not entered into an agreement.

#### **5. Application for Supply**

(1) Application for the supply of electricity services shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, shall be stated in the form.

(2) An application made under subsection (1) shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

(3) An application for the supply of electricity services 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 municipality, which may specify any special conditions to be satisfied in such a case.

#### **6. Processing of Requests for Supply**

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

#### **7. Permission to Use Property**

(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 on any private property, unless and until the prospective consumer has obtained and deposited with the municipality written permission granted by the owner of the private property or by the person in whom is vested the legal title to the land or thoroughfare, as the case may be, authorising the laying or erection of the service connection on the property.

(2) If permission under subsection (1) is withdrawn at any time, or if the private property or thoroughfare changes, 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, as well as that of any removal of a connection 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.

## **8. Statutory Servitude**

(1) Subject to the provisions of subsection (3) and in order to provide, establish and maintain electricity services within its municipal area, the municipality may—

- (a) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, and close up and destroy electricity supply mains;
- (b) 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;
- (c) 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 neither owned by the municipality nor under the control or management of the municipality, it shall pay the owner of the street or property compensation in an amount agreed upon by the affected owner and the municipality or, in the absence of agreement, compensation determined either by arbitration or a court of competent jurisdiction.

(3) The municipality shall, before commencing any work other than repairs or maintenance, on or in connection with any electricity supply main on or under immovable property not owned by the municipality or not under the control or management of the municipality, give the owner or occupier of the property reasonable notice of the proposed work and the date on which it proposes to commence its work.

## **9. Improper Use**

(1) If the consumer uses electricity for any purpose, or deals with it 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 reasonable 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: Provided that the consumer has been given reasonable notice of the intention to disconnect, and the reasons for doing so, and an adequate opportunity to make representations as to why it should not be disconnected, unless in the opinion of the municipal manager it would be unsafe to do so in the circumstances.

(2) The fee 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 by the consumer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

## **10. Deposits**

(1) The municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to it.

(2) The amount of the deposit in respect of each electricity installation shall be determined

by the municipality, and each such deposit may be increased if the municipality considers the deposit held to be inadequate.

(3) Deposits paid under this section 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.

(4) On cessation of the supply of electricity, the amount of such a deposit, free of any interest, less any payments due to the municipality, shall be refunded to the consumer by the municipality.

## **11. Payment of Charges**

(1) The consumer is liable to pay for the provision of electricity services according to the tariff, a copy of which is obtainable free of charge from the municipality.

(2) All accounts shall be due and payable when issued by the municipality 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 himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to his premises.

(4) Where an authorised official has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and is obstructed or prevented from effecting a disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of disconnecting the service.

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

## **12. Interest on Overdue Accounts**

The municipality 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 municipality from time to time.

## **13. Principles for the Resale of Electricity**

(1) Unless otherwise authorised by the municipality, no person shall sell or supply electricity, supplied to his premises under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.

(2) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.

(3) The tariff, rates and charges at which and the conditions of sale under which electricity is resold under subsection (2) shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality or a service provider.

(4) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity consumers.

#### **14. Right to Disconnect Supply**

(1) The municipality may give notice to any consumer that it intends to disconnect the supply of electricity if, in its opinion, there is an appreciable risk of harm or damage to any person or property.

(2) The notice referred to in subsection (1) shall be—

- (a) for 14 (fourteen) days;
- (b) shall inform the consumer of the nature of the risk;
- (c) shall call upon him, if he does not wish the discontinuation to take place, to give good and adequate reasons within that period why this should not happen.

(3) Where he has failed either to give good and adequate reasons or to remedy the cause of the risk, the municipality may disconnect the supply of electricity to such premises.

(4) Where any person, who is liable in law to pay for any supply of electricity, fails to pay for it, the municipality may give such a person notice calling on him to make such payment and the notice must –

- (a) be for 14 (fourteen) days;
- (b) inform him of the amount due and payable;
- (c) notify him that if he does not pay it, his electricity shall be disconnected unless he gives good and adequate reasons within that period why this should not happen.

(5) Where he has failed either to pay the due amount or to give good and adequate reasons as envisaged in subsection (4), the municipality may disconnect the supply of electricity to such premises.

(6) Where the municipality is of the opinion, on reasonable grounds, that risk of harm to person or property is immediate or immanent, the municipality may, subject to any other provision in these by-laws, disconnect the supply of electricity to any premises.

(7) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises by the municipality.

#### **15. Non-Liability of the Municipality**

(1) A person who applies to the municipality for the supply of electricity in terms of section 5 of these by-laws does so on the basis that, if his application is accepted by the municipality, it shall be agreed that the municipality 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.

(2) The provisions of subsection (1) must be included in the application form and must also be brought to the attention of the applicant by the municipality, where it is possible to do so, when the applicant lodges an application.

#### **16. 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.

#### **17. Failure of Supply**

(3) The municipality 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 municipality.

(4) 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 municipality shall have the right to charge the consumer the tariff as prescribed by the municipality 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 as aforesaid.

#### **18. Seals of the Municipality**

The meter, service protective devices and all apparatus belonging to the municipality shall be sealed or locked by an authorised official, and no other person shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with the seal or lock.

#### **19. 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 municipality.

(2) Where the municipality has good grounds for believing that a consumer has

contravened subsection (1), the municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer in circumstances where, in the opinion of the municipality, there are good grounds to believe that a failure to disconnect could constitute an appreciable risk of harm or damage to person or property, in which case the person shall be liable for all tariffs levied by the municipality for such disconnection; but if that risk is not immediate or imminent or appreciable, the provisions of subsections 14(1) to (3) shall apply with any necessary changes.

(3) Where a consumer or any person has contravened subsection (1) and the contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

## **20. Protection of Municipality's Supply Mains**

(1) No person shall, except with the consent of the municipality and subject to any conditions imposed by it—

- (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 a manner which interferes with or endangers 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;
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from; and
- (e) 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 opinion of the municipality will adequately prevent the tree from interfering with the conductors should the tree, or a branch of it, fall or be cut down; and 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 any other vegetation which has the same effect, in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

(2) The municipality 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 with these by-laws.

(3) The municipality 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.

---

## **21. 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.

## **22. 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.

## **23. Unauthorised Reconnections**

(1) No person other than a person specifically authorised thereto by the municipality 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 municipality.

(2) Where the supply of electricity that has previously been disconnected is found to have been reconnected—

- (a) 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;
- (b) the municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full; and
- (c) the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

## **24. Temporary Disconnection and Reconnection**

(1) The municipality 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 tariff prescribed for each such disconnection and subsequent reconnection.

(2) In the event of a necessity arising that requires the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation, and if the consumer is in no way responsible for bringing about this necessity, the municipality shall not be entitled to payment of the tariff referred to in subsection (1).

(3) Where there are circumstances which the municipality has good grounds to believe are exceptional, the municipality may temporarily disconnect the supply of electricity to any premises without notice for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose, but, where there are no such exceptional circumstances, the municipality must provide adequate notice to the user of the electricity before a temporary disconnection of electricity services may take place.

## **25. Temporary Supplies**

(1) A person who receives a temporary supply of electricity will receive it on the clear understanding that it shall be a condition of the giving of any temporary supply of electricity that, if such a supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality shall have the right, after giving reasonable written notice to the consumer, or, under circumstances which it has good grounds to consider exceptional without notice, to terminate the supply at any time and, the municipality shall not be liable for any loss or damage occasioned by the consumer by such a termination other than loss or damage caused by a wrongful intentional or negligent act or omission by the municipality.

(2) A person who receives a temporary supply shall be notified by the municipality, before or at the time when he receives it, of what is provided in subsection (1).

## **26. 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 special permission in writing of the municipality.

(2) Full information as to the reasons for and nature of temporary work shall accompany the application for permission, and the municipality may refuse the permission or may grant the permission upon terms and conditions as it may consider desirable and necessary.

## **27. 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 its electricity supply system, the municipality may without notice interrupt and, for a period as the municipality considers 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 municipality shall not be liable for any loss or damage directly or consequentially due to or arising from an interruption and discontinuance of the electricity supply envisaged in subsection (1).

(3) The municipality may install upon the premises of the consumer any apparatus or equipment necessary to give effect to the provisions of subsection (1), and any authorised official may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting or changing apparatus or equipment.

(4) The consumer or the owner, as the case may be, shall, when installing an electrically-operated water storage heater, provide any necessary accommodation and wiring.

## **28. High, 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 municipality, be paid for by the consumer.

(2) All equipment contemplated in subsection (1) shall be compatible with the

municipality's electrical performance standards.

(3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality.

(4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to the appointment.

(5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and any other equipment required by the municipality or any authorised official.

## **29. Substation Accommodation**

(1) The municipality may, on such conditions as it considers fit, require an 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 accommodation must 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 municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, the additional accommodation must be provided by the applicant at the cost of the municipality.

## **30. Wiring Diagram and Specification**

(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 if requested by the municipality be supplied to it in duplicate for approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and a set drawings which in the opinion of the municipality is adequate, for the plant to be installed by the consumer shall, if so required by the municipality be forwarded to it for approval before any material in connection therewith is ordered.

## **31. Standby Supply**

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 any terms and conditions laid down by the municipality.

### **32. Consumer's Emergency Standby Supply Equipment**

(1) No emergency standby equipment provided by a consumer in terms of the Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the municipality.

(2) Application for an approval in subsection (1) must be made in writing and must include a full specification of the equipment and a wiring diagram.

(3) 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 the equipment and the consumer must provide and install the required protective equipment.

(4) 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 the safe parallel operation, to the satisfaction of the municipality.

### **33. Circular Letters**

The municipality may from time to time issue Circulars detailing its requirements regarding matters not specifically covered in the Regulations or these by-laws but which are necessary for the safe, efficient operation and management of the provision of electricity services.

## **CHAPTER 3: SERVICE PROVIDERS**

### **34. Agreement and Assignment**

(1) The municipality may, subject to its responsibilities under section 81 of the Systems Act, discharge any of its obligations under section 2 of these by-laws by entering into a service delivery agreement with a service provider or service providers.

(2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any right or power enjoyed by the municipality under these by-laws whenever the assignment is required to enable the service provider to discharge an obligation under its service delivery agreement.

(3) If a municipality has entered into a service delivery agreement with a service provider, it must publish a notice in the Provincial Gazette for the province in which it is situated listing which rights and powers of the municipality under which provisions of these by-laws have been assigned to the service provider.

(4) Where the term "municipality" appears in a provision of these by-laws listed in the notice in subsection (3) it shall be read as "service provider" in that provision.

### **35. Customer Charter**

Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and must—

- (a) accord with the provisions of these by-laws;
- (b) be accessible to the public;
- (c) establish the conditions of supplying the service; and
- (d) provide for the circumstances in which electricity services may be limited.

#### **CHAPTER 4: RESPONSIBILITIES OF CONSUMERS**

##### **36. Consumer to Erect and Maintain Electrical Installation**

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations to it 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 own expense and in accordance with these by-laws and the Regulations.

##### **37. Fault in Electrical Installation**

(1) If any fault develops in the electrical installation, which constitutes a hazard to any person or to livestock, or property, the consumer shall immediately disconnect the electricity supply and without delay give notice to the municipality which 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.

##### **38. Discontinuance of Use of Supply**

If a consumer wishes to discontinue using an electricity supply, he shall give at least two full working days' notice in writing of the intended discontinuance, failing which he shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after the notice has been given.

##### **39. Change of Occupier**

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

(2) If the person taking over occupation of the premises wishes to continue using the electricity supply, he shall make application in accordance with the provisions of section 5 of these by-laws, and if he fails to make application for electricity services within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he shall be liable to the municipality for the provision of electricity services from the date of occupation till the time when the supply is disconnected.

(3) Where premises are fitted with a pre-payment meter any person occupying the premises at that time shall be presumed to be a consumer, unless he satisfies the municipality that he did not use the electricity supplied to the premises, and if he fails to satisfy the municipality, he shall be liable for all tariffs owed to the municipality for that metering point as well as for any outstanding tariffs (whether accrued by him or not) until he ceases to occupy the

premises or until an application made by him in terms of section 5 has been accepted, whichever happens sooner.

#### **40. Service Apparatus**

(1) A consumer who applies for the supply of electricity services in terms of section 5 does so on the basis that if the application is granted, he shall be liable for all costs to the municipality 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 municipality or caused by an abnormality in the supply of electricity to the premises; and the municipality shall inform him that it agrees to supply it to him only on that basis.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used, are removed without its permission or damaged so as to render reconnection dangerous, the owner or occupier of the premises during such period shall bear the cost of overhauling or replacing the equipment or service apparatus.

(3) Where there is a common metering position, the liability detailed in subsection (2) shall devolve on the owner of the premises.

(4) The amount due in terms of subsection (2) shall be stated in a certificate from the municipality which shall be presumed, unless the contrary is proved, correctly to reflect the amount stated to be due.

### **CHAPTER 5: SPECIFIC CONDITIONS OF SUPPLY**

#### **41. Service Connection**

(1) The consumer shall bear the cost of the service connection.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the municipality, vests in the municipality; and the municipality is responsible for the maintenance of the service connection up to the point of supply.

(3) The municipality shall determine what work should be carried out in order to install a service connection to the consumer's premises.

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

(5) The consumer shall provide, fix and maintain on his premises those ducts, wireways, trenches, fastenings and clearance to overhead supply mains as are required by the municipality for the installation of the service connection.

(6) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm<sup>2</sup> (copper or copper equivalent), and all conductors must have the same cross-sectional area, unless otherwise

approved by an authorised official.

(7) Unless otherwise approved by the municipality, only one service connection shall be provided by the municipality to each registered erf.

(8) 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 or notarially tied.

(9) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.

(10) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an un-obscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.

(11) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables must be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.

#### **42. Metering Accommodation**

(1) The consumer must, if required by 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.

(2) The accommodation and protection referred to in subsection (1) must 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 can 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.

(3) Access to premises at all reasonable hours must be afforded to any authorised official for the inspection of prepayment meters.

(4) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided.

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

(6) 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 course of danger to life or property or in any way becomes unsuitable, the consumer must remove it to a new position, and the cost of such removal, which must be carried out with reasonable dispatch, must be borne by the consumer.

(7) The accommodation for the municipality's metering equipment and protective devices

may, if approved, include the consumer's main switch and main protective devices.

(8) No apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved by the municipality.

## CHAPTER 6: SYSTEMS OF SUPPLY

### 43. Load Requirements

Alternating current supplies shall be provided as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

### 44. 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 municipality.

(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 municipality.

(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 municipality.

### 45. 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 must 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 must, at his own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

### 46. Supplies to Motors

(1) Unless otherwise approved by the municipality the rating of a low voltage single-phase motor shall be limited to 2kW and the starting current shall not exceed 70A; and motors exceeding these limits shall be wound for three phases at low voltage or a higher voltage as may be required.

(2) 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 <sup>2</sup> , copper equivalent	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		mm <sup>2</sup>	A	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

(3) In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor; and the starting arrangement for medium voltage motors shall be subject to the approval of the municipality.

#### **47. 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 subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his own cost, install such corrective devices.

#### **48. Protection**

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over-current and single phasing, where applicable.

### **CHAPTER 7: MEASUREMENT OF ELECTRICITY**

#### **49. Metering**

(1) The municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain metering equipment rated by the municipality 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 municipality and read at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 51(3) of these by-laws, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariff levels, the consumption shall be metered separately for each rate.

(4) The municipality shall be entitled to meter the supply to 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 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.

#### **50. Accuracy of Metering**

(1) A meter shall be presumed, unless the contrary is proved, to be registering accurately if its error, when tested in the manner prescribed in subsection (6), is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The municipality shall have the right to test its metering equipment.

(3) If it is established by test or otherwise that the municipality's metering equipment is defective, the municipality shall—

(a) in the case of a credit meter, adjust the account rendered; or

(b) in the case of prepayment meters—

(i) render an account where the meter has been under-registering, or

(ii) issue a free token where the meter has been over-registering.

(4) The consumer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (3) and (7) shall be made and the aforesaid fee shall be refunded.

(5) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an independent testing authority, approved by the municipality, and the result of the test shall be final and binding on both parties.

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

(7) When an adjustment is made to the electricity consumption registered on a meter, the 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 municipality from consumption data in its possession; and where applicable, due allowance shall be made, where possible, for seasonal

---

or other variations which may affect the consumption of electricity.

(8) When an adjustment is made as contemplated in subsection (7) the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, but the application of this section shall not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove his claim in a court of competent jurisdiction.

(9) Where the actual load of a consumer differs from the initial estimated load provided for under section 5(1) to the extent that the municipality considers, on good grounds, that 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) Prior to the municipality making any upward adjustment to an account in terms of subsection (7), it must—

- (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- (b) in such notification provide sufficient particulars to enable the consumer to submit representations relating to what has been said in the notice, and
- (c) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit, why his account should not be adjusted as notified.

(11) Should the consumer fail to make any representations during the period referred to in subsection (10) the municipality shall be entitled to adjust the account as notified in subsection (10), but may do so only if it has—

- (a) considered any reasons provided by the consumer in terms of subsection (10) and must not make any adjustment unless satisfied that there are good grounds for doing so; and
- (b) if an authorized official decides, after having considered the representation made by the consumer that the representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (7), the municipality shall be entitled to adjust the account as notified in terms of subsection (10), subject to the consumer's right to appeal against the decision of the official in terms of section 62 of the Systems Act.

## **51. Reading of Credit Meters**

(1) Unless decided otherwise by the municipality, 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.

(2) The municipality shall not be obliged to effect any adjustments to the charges contemplated in subsection (1).

(3) If for any reason the credit meter cannot be read, the municipality may render an

estimated account based on rational principles taking into account factors including previous usage; and the electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

(4) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made by the municipality and the final account rendered accordingly.

(5) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee to the municipality.

(6) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts; and any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.

(7) The application of subsection (6) does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in any court of competent jurisdiction.

## **52. 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 the credit remaining in the meter shall be made to the consumer by the municipality.

(4) 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 or tokens.

(5) The municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

## **CHAPTER 8: ELECTRICAL CONTRACTORS**

### **53. Additional Requirements**

(1) Where an application for a new or increased supply of electricity has been made to the municipality, it 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 the municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.

(2) An application for a new or increased supply of electricity is done on the condition that

the person making the application accepts that the examination, test and inspection that may be carried out at the discretion of the municipality, in no way relieves the electrical contractor, accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation; and the 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, or with the most suitable materials for the purpose, or that it is in accordance with these by-laws or the safety standard, and the municipality shall not be held responsible for any defect or fault in such electrical installation.

(3) Before the municipality accepts notification in terms of subsection (1), it or he shall inform the applicant of the content of subsection (2).

#### **54. Damage by Electrical Contractors**

Where an electrical contractor, or any person accredited by the municipality, performs work on a consumer's premises, he does so on behalf of the consumer and under the control or supervision of the consumer, and the municipality shall neither be liable for the cost arising from the work done or in any way liable for any loss or damage which may be occasioned by fire or by an accident arising from the state of the wiring on the premises.

### **CHAPTER 9: COST OF WORK**

#### **55. Cost of Work**

(1) The municipality may repair and make good any damage to property done in contravention of these by-laws or resulting from a contravention of these by-laws, provided that in effecting any repairs it does so in a manner that conforms to the requirements of the Bill of Rights.

(2) The cost of any such work carried out by the municipality which was necessary due to the contravention of these by-laws by a consumer shall be born by the consumer and shall be reflected as a debit against his account.

### **CHAPTER 10: ADMINISTRATIVE ENFORCEMENT PROVISIONS**

#### **Part I: Appointment of Authorised Officials**

#### **56. Appointment of Authorised Officials**

(1) The municipality must appoint authorised officials vested with the power to exercise the powers of an authorised official under these by-laws and to discharge the municipality's right of access to premises in terms of section 101 of the Systems Act.

(2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act 51 of 1977) and has no powers of arrest in respect of any offence created in these by-laws.

(3) In appointing an authorised official, the municipality must have regard to—

- (a) a person’s technical understanding and experience of matters related to electricity services; and
- (b) any other factor that may be relevant to supervision and enforcement of these by-laws, whether technical or administrative.

(4) An authorised official may be an employee of the municipality or any service provider of the municipality.

(5) Upon appointment, authorised officials must be issued with a means of identification by the municipality which must state the name and function of the authorised official, and must include a photograph of the officer.

(6) An authorised official, acting within the powers vested in him by these by-laws, is required to present identification on demand by any member of the public.

## **Part II: Powers of Authorised Officials**

### **57. Right of Admittance to Inspect, Test or do Maintenance Work**

(1) An authorised official may, by notice in writing served on the owner or occupier of any property, require the owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to the authorised official for the purpose of—

- (a) doing anything authorised or required to be done by the municipality under these by-law or any other law;
- (b) inspecting and examining any service mains and anything connected with it;
- (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 municipality and making any necessary survey in this connection;
- (d) ascertaining whether there is or has been a contravention of the provisions of these by-law or any other law, and
- (e) enforcing compliance with the provisions of these by-laws or any other law,

(2) Notwithstanding subsection (1), an authorised official who has reasonable grounds to suspect that harm or damage to property may arise or has arisen as a result of the electricity supply to a premises, or in any way related with the provision of electricity services, the authorised official may, without notice, enter and search any affected premises and take any action necessary to prevent the harm or damage to property including disconnecting the system in terms of section 9.

(3) Any action under this section, including subsection (2), must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person’s dignity, freedom

and security, and personal privacy.

#### **58. Refusal or Failure to Give Information**

(1) In order to monitor or enforce compliance with these by-laws, an authorised official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require any person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which these by-laws relate and require that the disclosure be made on oath or affirmation.

(2) An authorised official may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(3) An authorised official must, on request by a person requested to give information, provide his identification as an authorised official.

(4) No person shall refuse or fail to give such information as may be reasonably and lawfully required of him by any authorised official or render any false information to any such official regarding any electrical installation work completed or contemplated.

#### **59. Refusal of Admittance**

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official in the performance of his duty under these by-laws or of any duty connected with or relating to these by-laws.

### **Part III: Administrative Penalties**

#### **60. Establishment of an Administrative Penalty System**

(1) The municipality may establish an administrative penalty system in terms of this chapter.

(2) A decision to establish an administrative penalty system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than 3 months from the date of its publication.

#### **61. Infringement Notices**

(1) If a municipality has established an administrative penalty system, an authorised official may issue an infringement notice to any person who commits an offence listed in Column A of Schedule 3.

(2) The infringement notice must—

- (a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served;
- (b) state the particulars of the infringement;
- (c) specify the amount of the penalty payable in respect of that infringement designated in Column B of Schedule 3;

- (d) specify the place where the penalty may be paid; and
- (e) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he or she may—
  - (i) pay the penalty; or
  - (ii) inform the municipality in writing at an address set out in the notice that he or she elects to be tried in court on a charge of having committed an offence in terms of Chapter 11 of these by-laws.

(3) If it appears to the authorised official that an alleged offence cannot be adequately punished by the payment of the administrative penalty then the authorised official may refrain from accepting the administrative penalty and may take proceedings against the alleged offender in an appropriate Court in terms of Chapter 11 of these by-laws.

## **62. Trial**

If a person who elects to be tried in court in terms of subsection 61(2)(e)(ii) notifies the municipality of his election, the authorised official must within 10 calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act 51 of 1977), in order to secure the attendance and prosecution of the accused, in which event the infringement notice must be cancelled.

## **63. Withdrawal of Infringement Notice**

(1) Within one year after the infringement notice has been issued an authorised official may, whether or not the penalty has been paid, withdraw an infringement notice on the basis that new information has been received by the municipality or on any other good cause, by—

- (a) sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn; and
- (b) providing reasons to the municipal manager for the withdrawal of the infringement notice.

(2) Where an infringement notice is withdrawn after the penalty has been paid, the amount shall be refunded.

## **64. Infringement Notice Not an Admission**

Payment of a penalty shall not be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

# **CHAPTER 11: JUDICIAL ENFORCEMENT PROVISIONS**

## **65. Offences**

- (1) Subject to subsection (2), any person who—
  - (a) contravenes or fails to comply with any provisions of these by-laws, other than a provision relating to payment for electricity services;

- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or
- (d) who obstructs or hinders any authorised representative or employee of the municipality in the execution of his duties under these by-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R50 or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

(3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

## CHAPTER 12: GENERAL

### 66. Service of Documents and Process

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of electricity services, the address of the owner of the premises to which electricity services are provided is the place where service of documents and process shall be made.

### 67. Service of Notices

(1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may regarded as having duly been served—

- (a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
- (b) 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 either personally or in the manner provided by paragraphs (a), (c) or (d); or
- (c) if that person's address and the identity or the address of his 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; or
- (d) subject to section 66, if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing it to the addressee's

last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(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 municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

(4) Any legal process is effectively and sufficiently serviced on the service provider when it is delivered to the managing director or a person in attendance at the managing director's office.

#### **68. 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.

### **CHAPTER 13: REPEAL OF BY-LAWS**

#### **69. Repeal of By-Laws**

The by-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1: Provided that the repeal of such by-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those by-laws.

#### **70. Date of Commencement**

These by-laws commence on the date of publication in the Provincial Gazette.

---

**SCHEDULE 1: BY-LAWS REPEALED**

TITLE OF BY-LAW	EXTENT OF REPEAL
[To be inserted]	

---

**SCHEDULE 2: APPLICABLE STANDARD SPECIFICATION**

“applicable standard specification” means—

SANS 1019 Standard voltages, currents and insulation levels for electricity supply;

SANS 1607 Electromechanical watt-hour meters;

SANS 1524 Parts 0,1 & 2 – Electricity dispensing systems;

SANS IEC 60211 Maximum demand indicators, Class1.0;

SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2);

SANS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply – Quality of Service;

NRS 048 National Rationalised Specification for the Electricity Supply – Quality of Supply; and

NRS 057 Electricity Metering: Minimum Requirements.

**SCHEDULE 3: ADMINISTRATIVE PENALTIES**

COLUMN A: OFFENCE SECTION	COLUMN B: ADMINISTRATIVE PENALTY
Section 4(1)	R ...
Section 13	R ...
Section 18	R ...
Section 19(1)	R ...
Section 20(1)	R ...
Section 21	R ...
Section 22	R ...
Section 23	R ...
Section 28(3)	R ...
Section 32(1)	R ...
Section 45(1)	R ...
Section 68	R ...