

## MSUKALIGWA MUNICIPALITY

### BY LAW

### ELECTRICITY

In terms of Section 156 of the Constitution of the Republic of South Africa, Msukaligwa Municipality has adopted the Electricity by laws per resolution LM 1512/02/04

#### PART I

##### General

1. Definitions: In this by-law, unless inconsistent with the contexts-

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

**“Applicable standard specification”** means-

SABS 1607: Electromechanical watt-hour meters;  
SABS 1524: Parts 0, 1 & 2 - Electricity dispensing systems;  
SABS IEC 60211: Maximum demand indicators. Class 1.0;  
SABS IEC 60521: Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2); and  
SABS 0142: Code of practice for the wiring of premises;

**“Approved”** means approved in writing by the Engineer;

**“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”** means the occupier of any premises to which the Service Provider has agreed to supply or is actually supplying electricity, or, if there is no occupier, any person who has entered into a current agreement with the Service Provider for the supply of electricity to such premises, or, if there is no such person, the owner of the premises and for the purpose of the regulations, shall mean the user or lessor of the electrical installation;

**“consumer’s agreement”** means an agreement as referred to in section two item 4.

**“conventional 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;

**“engineer”** means the official in charge of the electricity undertaking of the Service Provider or any other person duly authorised to perform this duty on his behalf;

**“high voltage”** (hereinafter referred to as H.V.) means a voltage normally at 6 600; 11 000; 22 000; 33 000 and/or 132 000 volt;

**“low voltage”** (hereinafter referred to as L.V.) means a voltage normally not exceeding 1 000 V;

**“motor load, total connected”** means the sum total of the kW 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 manufacturer’s rating plate.

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

**“Municipality”** means the Msukaligwa Municipality, a local municipality established in terms of Section 12 of the Local Government Municipal Structures Act 117 of 1998.

**“NRS 047”** means the National Rationalised Specification for the Electricity Supply - Quality of Service;

**“occupier”** in relation to any premises means:-

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

**“owner”** in relation to immovable property means the person in whom is vested the legal title thereto; provided that:-

- (a) in the case of immovable property-
  - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
  - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined:-
  - (i) is dead or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
  - (ii) is absent from the Republic, or if his address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and
- (c) if the Service Provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property;

shall be deemed to be the owner thereof, to the exclusion of the person in whom is vested the legal title thereto;

**“point of consumption”** means 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 Service Provider or the electrical installation of the consumer, as specified by the Engineer; provided that it shall meter all of, and only, the consumer’s consumption of electricity;

**“point of supply”** means the point of supply as defined in the regulations;

**“premises”** means any land or any building or structure above or below ground and includes any vehicle, aircraft or vessel;

**“prepayment meter”** means a meter that can be programmed to allow the flow of the 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;

**“safety standard”** means the Code of Practice for the wiring of Premises SABS 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 protective device**” means a device installed on an electrical line to prevent damage to the supply system;

“**Service Provider**” means the official supplier of electricity within its license area of supply;

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

“**Supply Authority**” means the authority which supplies electricity to the Service Provider in bulk and for purposes of this by-law;

“**supply mains**” means an electric cable or overhead line forming that part of the Service Provider’s electrical distribution system to which the service is connected;

“**tariff**” means the Service Provider’s tariff of charges for the supply of electricity; and

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

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

2. **Other terms:** All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended (to be noted that the Electricity Act 41 of 1987 is replaced with the Electricity Regulation Act 4 of 2006 and will be applicable), or Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended, or the Municipal Systems Act No. 32 of 2000 as amended.
3. **Headings and titles:** the headings and titles in this by-law shall not affect the construction thereof.

## PART II

### GENERAL CONDITIONS OF SUPPLY

#### Supply by agreement

4. No person shall use or be entitled to use any electricity supply from the Service Provider unless or until such person shall have entered into an agreement in writing with the Service Provider for such supply and such

agreement together with the provisions of this by-law shall in all respects govern such supply.

(1) The charge payable for the supply shall be in accordance with the prescribed tariff.

(2) The Municipality may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his/her behalf.

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

### **Continuation of supply to new consumer**

5. (1) The Municipality may, upon the termination of any consumer agreement, enter into a new consumer agreement with any prospective consumer providing for the continuation of the supply.

(2) The consumer who is a party to the new consumer's agreement referred to in subsection (1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

### **Service of Notice**

6. (1) A document shall be deemed to have been served on a person by the Service Provider when it has been served in accordance with the provisions of the Municipal Systems Act, Act No. 32 of 2000.

(2) Any notice of the kind referred to in sections 7, 40 and 41 of this by-law shall be deemed to have been served on the Service Provider if-

- (a) it has been delivered to the Engineer personally;
- (b) it has been left at the offices of the Engineer with an official employed in the said offices; or
- (c) it has been received via pre-paid registered post by the Service Provider.

### **Compliance with notices**

7. 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.

### **Application for supply**

8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the head office of the Service Provider, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply is required in order to facilitate the work of the Service Provider.  
  
(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Engineer, who may specify any special conditions to be satisfied in such case.

### **Processing of requests for supply**

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

### **Arbitration**

10. If at any time any difference or question arises between the Service Provider and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party thereunder, such difference or question or matter or thing so subject to agreement or adjustment shall be referred to the National Electricity Regulator for a decision, failing which shall be determined by arbitration (in such manner as may be agreed upon, and failing such) in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965), as amended.

### **Way leaves**

11. (1) the Service Provider may refuse to lay or erect a service connection or supply mains above or below ground on any thoroughfare not vested in the Service Provider or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Service Provider written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land upon which any such thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection or supply mains thereon.  
  
(2) If such premises 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 or to supply mains in order that the supply 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 is required to be continued.

**Right of admittance to inspect and/or test**

12. (1) Authorised personnel may for any purpose connected with the carrying out of these by-laws at all reasonable time or at any time in any emergency and without previous notice enter upon any premises and make such examination and enquiry thereon as the Service Provider may deem necessary: Provided that upon entry on any premises such authorised personnel, if required, shall state the reason for such inspection, examination and enquiry and shall provide a letter or identification card which identifies them as authorised personnel.
- (2) Should such authorised personnel consider it necessary for the purpose of examination or inspection or of carrying out any other work in terms of these by-laws, he may at the expense of the consumer after having given 24 hours' notice, or without giving any notice if in his opinion immediate action is necessary, move any earth, concrete, brick, wood or metal work or any part of such premises.
- (3) The Service Provider shall not be liable to pay any compensation in respect of work carried out by authorised personnel in terms of sub-section (2); Provided that where any such inspection is made for the sole purpose of establishing a breach of these by-laws and no such breach is discovered. The Service Provider shall bear the expense connected with such inspection together with that restoring the premises to their former condition.

**Refusal or failure to give information**

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

**Refusal of admittance**

14. No person shall wilfully hinder, obstruct, interfere with or refuse admittance to the Engineer or any duly authorised official of the Service Provider in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

**Improper use**

15. Should reasonable grounds or prima facie evidence exist that any consumer is using electricity in such a manner that it interferes with the efficient supply to any other consumer, the Service Provider may, without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause of the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the

Engineer that the consumer did not use or deal with the electricity in an improper manner.

### **Electricity tariffs and fees**

16. Copies of charges and fees may be obtained at applicable sundry charges at the head offices of the Service Provider.

### **Availability charges**

17. (1) Availability charges as determined from time-to-time by the Service Provider and is payable to the Service Provider- by the owner of immovable property with or without improvements, which is not connected to the electricity distribution system of the Service Provider, if access to an electricity connection is available to such property.
- (2) The provisions of subsection (1) are not applicable to-
- (i) immovable property which belongs to the Service Provider; and
  - (ii) immovable property in respect of the Service Provider has granted written exemption or partial exemption of payment of the availability charges; Provided that the Service Provider may at any time withdraw any such exemption.

### **Deposits**

18. (1) The Service Provider 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 the Service Provider. Such deposit shall not be regarded as being in payment of party payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff. On cessation of the supply of electricity, the amount of such deposit, less any payments shall be refunded to the consumer interest free, on his/her request only.
- (2) The Municipality may at any time when the deposit or guarantee is found to be inadequate for the purpose of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the Municipality such additional sum or furnish such additional guarantee as the Municipality may require, failing which the Municipality may discontinue the supply.
- (3) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either-
- (i) surrender the receipt which was issued for payment of the deposit; or

- (ii) if such receipt is not available, sign a receipt prescribed by the Municipality for refund to him/her of such deposit or part thereof, and satisfy the Municipality that he is the person entitled to such refund.
- (iii) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Municipality shall be absolved from any further liability in respect thereof.
- (iv) The consumer agreement may contain a provision that upon termination of the agreement any sum deposited by the consumer and not claimed within one year shall be forfeited to the Municipality.

### **Payment of charges**

19. (1) The consumer shall be liable for all charges for all electricity supplied to his premises at the prescribed applicable sundry charge, a copy of which is obtainable from the Engineer.
- (2) All accounts shall be deemed to be payable when issued by the Service Provider and each account shall, on its face, reflect the due date and a warning indicating that the supply 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 the premises.
- (4) Where a duly authorised official of the Service Provider has visited the premises for the purpose of disconnecting the supply in terms of subsection (1) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such connection.
- (5) After disconnection for non-payment of an account or a contravention of any provision of this By-Law, the prescribed fees and any amounts due for electricity consumed shall be paid before reconnection is made.

### **Interest on overdue accounts**

20. (1) The Service Provider may charge interest on overdue account at a rate as determined by the Service Provider from time-to-time.
- (2) The date on which the payment of interest on arrear accounts will come into effect shall be the eighth day of the month if this day is a week day or the first week day after the eighth if the eighth falls on a weekend or a public holiday.

**Resale of electricity**

21. This section is repealed by the Electricity Regulation Act 4 of 2006.

**Right to disconnect supply**

22. The Service Provider shall have the right to disconnect the supply to any premises on 14 days notice, if the person liable to pay for such supply, fails to pay any charge due to the Service Provider in connection with any supply received from the Service Provider in respect of such premises, or, where any of the provisions of the consumer agreement are being contravened, provided that in the case of an emergency, the Service Provider shall always have the right to disconnect the supply without notice. After disconnection for non-payment of accounts or the contravention of the service agreement, the fee as prescribed by the Service Provider shall be paid before reconnection is effected.

**Non-liability of the Service Provider**

23. The Service Provider shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuance of the supply of electricity unless caused by negligence on the part of the Service Provider and/or the Supply Authority of the Service Provider.

**Leakage of electricity**

24. 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.

**Failure of supply**

25. The Service Provider does not undertake to attend to a failure of supply due to a fault in the electrical installation of the Consumer, except when such failure is due to the operation of service protective device of the Service Provider. When any failure of 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 Service Provider shall have the right to charge the consumer the fee as prescribed by the Service Provider for each restoration of the supply 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.

**Lines, meters and other apparatus are not fixtures**

26. Any lines, meters, fittings, works or apparatus belonging to the Service Provider and lawfully placed or installed in or upon any premises not in its

possession shall, whether or not fixed to any part of such premises, remain the property of an may be removed by the Service Provider, and shall not be subject to the landlord's hypothec for rent of such premises, and are not liable to be taken in execution under any process of law or any proceedings in insolvency or liquidation against the owner or occupier of such premises.

### **Seals, locks and meters of the Service Provider**

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

### **Tampering with service connection or supply mains**

28. (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or service connection or service protective device or supply mains or any other equipment of the Service Provider.
- (2) Where prima facie evidence of tampering exists, or where metering equipment has been damaged or by-passed, such damage, by-pass or tampering shall be presumed to have been caused by the consumer, unless the contrary is proved, and the Service Provider shall have the right to disconnect the supply immediately and without prior notice to the consumer. The consumer shall be liable for all cost of repair to the Service Provider's equipment so damaged in addition to the appropriate fees and charges levied by the Service Provider for such disconnection and the Service Provider shall have the right to reinstate the supply only during office hours, after the prescribed fees and charges have been paid by the consumer.
- (3) In cases where the tampering or by-passing has resulted in the metering recording less than the true consumption, the Service Provider shall have the right to recover from the consumer the full cost of his/her estimated consumption.
- (4) If the Engineer decides that it is necessary or desirable to take special precautions to prevent tampering with any portion of the supply mains, service connection or meter or to prevent the unauthorised consumption of electricity, he may either require the consumer to take the necessary precautions or pay the cost incurred where such action is taken by the engineer.

### **Protection of electrical distribution system**

- 29 (1) No person shall, except with the consent of the engineer and subject to such conditions as may be imposed-

- (a) construct, erect or lay any building or structure or other object over 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 electricity there from;
  - (e) the cost of any such work carried out by the Service Provider which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.
- (2) The Engineer may-
- (a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law;
  - (b) fill in and make good any ground excavated or removed in contravention with this by-law;
  - (c) repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law; and
  - (d) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

### **Prevention of tampering with service connection or supply mains**

30. If the Engineer 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 meter, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Service Provider.

### **Unauthorised connections**

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

### **Unauthorised re-connections**

32. (1) No person other than a person specifically authorised thereto by the Service Provider in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.
- (2) Where the supply that has previously been disconnected and found to be re-connected the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date of the supply was found to be re-connected and any other charges raised in this regard.
- (3) The effected consumer shall immediately report any illegal re-connections of that consumer's supply, to the Service Provider.

### **Temporary disconnection and re-connection**

33. (1) The Engineer shall, at the request of the consumer, temporarily disconnect and reconnect the supply to the consumer's electrical installation upon payment of the fee as prescribed by the Service Provider for reach such disconnection and subsequent re-connection.
- (2) In the event of the necessity arising from the Engineer to effect a temporary disconnection and reconnection of the supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Engineer shall waive payment of the fee hereinbefore referred to.
- (3) the Engineer may only under exceptional circumstances temporarily disconnect the supply to any premises without notice, for the purpose affecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

### **Temporary supplies**

34. (1) Temporary supplies of electricity shall only be valid for three months after which the consumer needs to re-apply for extension of time.
- (2) It shall be a condition of the giving of any temporary supply, as defined in this by-law, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Engineer shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, neither the Service Provider nor the Engineer shall be liable for any loss or damage occasioned by the consumer by such termination.

### **Temporary work**

35. Electrical installations requiring a temporary supply shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Engineer. Full information as to the reasons for the nature of

such temporary work shall accompany the application for the aforesaid permission, and the Engineer may refuse such permission or may grant the same upon such terms and conditions as may to him appear desirable and necessary.

### **Load reduction**

36. (1) At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Service Provider, the Engineer may without notice interrupt and, for such period as the Engineer 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. Neither the Service Provider, nor the Engineer shall 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 Service Provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1) and the Engineer or any duly authorised official of the State Provider 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 sub-section (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 Engineer may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).

### **H.V. Switchgear and equipment**

37. (1) In cases where a supply is given at H.V. the supply and installation of the metering equipment, switchgear, cables and equipment forming part of the service connection up to the meter installation shall, unless otherwise approved, be paid for by the consumer and will remain the property of the consumer which needs to repair and maintain the installation in good order.
- (2) No person shall operate H.V. switchgear at the points of supply without the written approval of the Engineer.
- (3) H.V. equipment linked to the Service Provider's network shall be approved in writing by the Engineer and conducted by or under the supervision of the Engineer.

### **L.V. Switchgear and equipment**

38. (1) In cases where a supply is given at L.V., the supply and installation of the switchgear, cables and equipment forming part of the service connection up to the meter installation shall, unless otherwise approved, be paid for by the

consumer, will be transferred to the Service Provider who will become the sole owner of the equipment who needs to repair and maintain it in good order.

(2) In case of the L.V. supply, all such equipment shall be approved by the Engineer in writing and installed by or under the supervision of the Engineer.

(3) In the case of an L.V. supply, the consumer shall provide and install an approved L.V. main switch and/or any other equipment required by the Engineer.

#### **Transformer substation accommodation**

39. (1) The Engineer may, on such conditions as may be deemed fit, require the owner to provide and maintain approved 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, M.V. cables and switchgear, transformers, L.V. cable and switchgear and other equipment necessary for the supply requested by the applicant.

(2) The Service Provider reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation shall be provided by the applicant at the cost of the consumer.

#### **Wiring diagram and specifications**

40. (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 on request be supplied to the Engineer 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 H.V. or from one of the substations of the Service Provider through mains separate from the general reticulation system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Engineer for his written approval before any material in connection therewith is ordered.

#### **Standby supply**

41. No person shall be entitled to a standby supply from the Service Provider for any premises having a separate source of electricity supply except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Engineer.

#### **Consumer's emergency standby supply equipment**

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

#### **Installation circular letters**

43. The Engineer may from time-to-time issue installation Circulars to all contractors and/or consulting engineers and/or architects detailing the requirements of the Service Provider 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.

#### **Liability for damage to service connection or Municipality equipment**

44. (1) The owner of the premises or the consumer shall be liable to make good to the Municipality any damage that may occur to the service connection or any part thereof or to any other Municipality apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Municipality.
- (2) If any damage occur to the cable or any other part of a service connection the consumer shall inform the Municipality as soon as he becomes aware of the fact and the Municipality or a person authorised by him shall repair the damage.

### **PART III**

#### **RESPONSIBILITIES OF CONSUMERS**

##### **Consumer to erect and maintain electrical installation**

45. Any high voltage electrical installation connected or to be connected to the supply mains, and any additions or amendments thereto which may be made from time-to-time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the regulations and be made accessible to the Service Provider for inspection on his request.

##### **Fault in electrical installation**

46. (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 Service Provider and shall immediately take steps to remedy the fault.
- (2) The Engineer may require the consumer to reimburse the Service Provider for any expense incurred in connection with a fault in the electrical installation.

**Discontinuance of use of supply**

47. In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days notice in writing of such intended discontinuance to the Service Provider, 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 such notice has been given.

**Change of occupier**

48. (1) In the case of a change of occupier, the consumer who is leaving shall give the Service Provider not less than two full working days notice in writing as it's intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.

(2) If the new occupier desires to continue using the electricity supply, he shall make application in accordance with the provisions of section 4 of this by-law. If the new occupier fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply shall be disconnected, and the new occupier shall be liable to the Service Provider for the electricity supply from the date of occupation till such time as the supply is so disconnected.

(3) When premises are fitted with pre-payment meters the consumer occupying the premises at that time shall be deemed to be the consumer (as defined). Should this consumer fail to make application for an electricity supply (in terms of section 4) he will be liable for all charges and fees owed to the Service Provider for that metering point as well as all outstanding charges and fees whether accrued by that consumer or not, until such time as an application for supply is received by the Service Provider.

**Service apparatus**

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

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

(3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.

(4) A certificate by the Engineer reflecting the amount due in terms of subsection (1) shall be prima facie evidence of the information therein contained.

#### **PART IV**

#### **SPECIFIC CONDITIONS OF SUPPLY**

##### **Service connection**

50. (1) The consumer shall bear the cost of the service connection, as determined by the Service Provider.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Service Provider, shall vest in the Service Provider, the Service Provider shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Service Provider nor the Service Provider in respect of such service connection.

(3) The work to be carried out by the Service Provider at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Engineer.

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

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

(6) The conductor used for the service connection shall have a cross-sectional area of not less than 16mm<sup>2</sup> and shall be of copper or copper equivalent, and all conductors shall have the same cross-sectional area, unless otherwise approved by the Engineer.

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

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

(9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an uninsured position and the conductors shall remain visible throughout their length.

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

### **Metering accommodation**

51. (1) The consumer shall provide approved accommodation in an approved position, the meter board and adequate conductors for the Service Provider's metering equipment, service apparatus and protective devices. 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 at a point to which free and unrestricted access can be made 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.

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

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

(4) Where in the opinion of the Engineer the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a cause of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

(5) The accommodation for the Service Provider's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. 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.

## **PART V**

### **SYSTEM OF SUPPLY**

**Load requirements**

52. Alternating current supplies shall be given as prescribed by the Electricity Act.

**Load limitation**

53. (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15kVA, the electrical installation shall be arranged for a two-wire single-phase supply, unless otherwise approved by the Engineer.
- (2) Where a three-phase four-wire supply 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 Engineer.
- (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 Engineer.

**Limited size for L.V. motors**

54. Unless otherwise approved by the Engineer, the rating of an L.V. single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phase at low voltage or such higher voltage as may be required.

**Maximum starting and accelerating currents of three-phase alternating current motors**

55. Unless otherwise required by the Engineer, the starting current of three-phase L.V. 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 Mm <sup>2</sup>	Maximum permissible starting current A	Suggested maximum motor rating in kW		
		Direct on line (6Xfull load current)	Star/Delta (2,5Xfull load current)	Other means (1,5Xfull load current)
		KW	KW	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

### Consumers supplied at low voltage

56. In an installation supplied at low voltage, unless otherwise required by the Engineer, the starting current of an L.V. motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for M.V. motors shall be subject to the approval of the Engineer.

### Power factor

57. (1) If required by the Engineer, 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.

### Protection

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

### Declared voltage

59. (1) The following will be the declared voltage
- 230 V;
  - 400 V;
  - 6 600 V;
  - 11 000 V;
  - 22 000 V;
  - 33 000 V;
  - 132 000 V.

- (2) A voltage deviation of +10% or -10% is applicable.

## **PART VI**

### **MEASUREMENT OF ELECTRICITY**

#### **Measurement of Electricity**

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

#### **Accuracy of metering**

61. (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as laid down in the applicable standard specification.
- (2) The Service Provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Service provider shall-
- (i) in the case of a conventional meter, 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;
  - (iii) in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Service Provider on payment of the prescribed fee. If the metering equipment is found to be defective, resulting in the meter not accurately

measuring the quantity of electricity consumed, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) 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 Provider and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner prescribed by the applicable standard specification.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Engineer from consumption data in his possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may effect the consumption of electricity.

(7) Any adjustment contemplated in subsection (6) shall be made in respect of a period not exceeding three years preceding the date on which the metering equipment was found to be inaccurate.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 7(1) to the extent that the Service Provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) Prior to the Service Provider making any upward adjustment to an account in terms of subsection (6), the Engineer shall-

- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
- (iii) call upon the consumer in such notice to provide him with reasons in writing, if any, within 21 days or such longer period as the Engineer may permit why his account should be adjusted as notified.
- (iv) The Engineer shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (v) Should the consumer fail to make any representations during the said period or should the Engineer not be satisfied that a case exists for the variation of the account, the Municipality shall be entitled to adjust the account as notified in terms of subsection (9)(a)(i).

**Reading of conventional meters**

62. (1) Unless otherwise prescribed, conventional meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Service Provider shall not be obliged to effect any adjustment to such charges.
- (2) If for any reason the conventional meter cannot be read, the Service Provider may render an estimated account, which shall be adjusted in a subsequent account in accordance with the electricity actually read.
- (3) When a consumer vacates a property and a final reading is not possible, and estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) 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. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, shall be free of interest up to the date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period.

**Prepayment metering**

63. (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.
- (4) The Service Provider 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.
- (5) Where a consumer is indebted to the Service Provider for electricity consumed or for any other service supplied by the Service Provider (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Service provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Provider, as set out in the section 4 of the agreement for the supply of electricity.

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

## **PART VII**

### **ELECTRICAL CONTRACTORS**

#### **Electrical Contractors**

64. In addition to the requirements of the regulations the following requirements shall apply:

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

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

(3) The Service Provider shall not be responsible for the work done by the electrical contractor/accredited 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.

## **PART VIII**

### **PENALTIES**

#### **Penalties**

65. (1) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R1000.00 or, in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R100.00 for every day during the continuance of such offence after a written notice from the Municipality has been issued, or, in default of payment, to imprisonment for a period not exceeding 30 days,

and for a second or subsequent offence liable on conviction to a fine not exceeding R5 000 or, in default of payment, to imprisonment for a period not exceeding six months.

(2) Every person committing a breach of the provisions of this by-law shall be liable to recompensate the Service Provider as the case may be for any loss or damage suffered or sustained by it in consequence of such breach.

(3) The occupier, as defined in section 1, shall be guilty of a contravention under section 25 unless he proves the contrary on a balance of probabilities.

#### **Magistrate's Court Jurisdiction**

66. The Magistrate's Court shall have jurisdiction in all matters pertaining to this by-law.

#### **Repeal of by-laws**

67. The Standard Electricity by-laws previously published for areas within the jurisdiction of Msukaligwa, are repealed entirely.

#### **Commencement date**

68. This by-law takes effect on the date of publication thereof by proclamation in the Provincial Gazette.