

MIDVAAL LOCAL MUNICIPALITY ELECTRICITY SUPPLY BY-LAW

PREAMBLE

WHEREAS Section 156(2) and (5) of the Constitution of the Republic of South Africa empowers a Municipality to make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

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

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

BE IT ENACTED in terms of Section 13 of the Local Government: Municipal Systems Act 32 of 2000 by the Midvaal Local Municipality as follows:

CHAPTER 1 GENERAL

1. Definitions - In this By-law, unless inconsistent with the context –

“accredited person” means a person registered in terms of the Occupational Health and Safety Act 85 of 1993 (as amended) 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 described in the Standards Act 29 of 1993 read with the Regulations to the Occupational Health and Safety Act;

“authorised person” means a suitably qualified person with the necessary training, that is deemed to be competent and authorised in writing by the relevant authority to perform specified functions;

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

“consumer” in relation to premises means any registered owner thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat;

“competent person” means a competent person as defined in regulation 1 of the General Machinery Regulations, 1988;

“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 Electrical Installation Regulations;

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

“Electrical Installation Regulations” means Electrical Installation Regulations made in terms of the Occupational Health and Safety Act 85 of 1993, as amended;

“embedded generation” means the generation of electricity by whatever means, that is or is intended to be connected to the supplier's electricity network in order to export electricity so generated into the network;

“emergency standby generator” means a generator that is intended to supply electricity to a consumers installation or parts thereof whilst isolated from the supplier's electricity distribution network;

“Engineer” means a competent official of the electrical department appointed by the Municipality;

“essential infrastructure” means any installation, structure, facility or system, whether publicly or privately owned, the loss or damage of, or the tampering with, which may interfere with the provision or distribution of a basic service to the public;

“high voltage” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SABS 1019];

“generator” means any device or machinery designed to generate electricity and includes mechanically driven alternators, renewable sourced electricity generation with inverter systems and stored energy systems with inverter systems. It will also refer to the entity operating a generation system;

“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 a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SABS 1019];

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

“medium voltage” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SABS 1019];

“meter” means a device which records the demand and / or the electrical energy consumed and includes credit, 'smart' 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;

"municipal area" means the area of jurisdiction of the Municipality;

"municipality" means the Midvaal Local Municipality, a municipality that has the executive authority to perform electrical distribution services in its area of jurisdiction, established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998, or any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this By-law assigned to it in terms of the Local Government: Municipal Systems Act 32 of 2000 or any other law, as the case may be, or any employee thereof acting in connection with this By-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee.

"NRS" means the National Rationalised Specification for the Electricity Supply compiled by the Electricity Supply Liaison Committee and issued by South African Bureau of Standards;

"occupier" in relation to any premises means –

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

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that –

- (1) in the case of immovable property –
 - (a) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or

- (b) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (2) if the owner as hereinbefore defined –
- (a) is deceased 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
 - (b) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (c) if the Municipality 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 on an electrical installation as defined in the Electrical Installation 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 duly authorised official of the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

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

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

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

"registered person" means a person registered in terms of Regulation 9 of the Electrical Installation Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"OHS Regulations" means Regulations made in terms of the Occupational Health and Safety Act 85 of 1993, as amended;

"SANS" means a standard which has been set and issued by the South African Bureau of Standards in terms of the provisions of the Standards Act 29 of 1993;

“safety standard” means the Code of Practice for the Wiring of Premises SABS 10142-1 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 any fuse, circuit breaker or relay installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

“SSEG” means Small Scale Embedded Generation with an embedded generator with a generation capacity of less than 1000 kW (1MW);

“standby supply” means an alternative electricity supply from the supplier, not normally used by the consumer;

“supply mains” means any part of the Municipality's electricity network;

“tariff” means the Municipality's tariff of charges for the supply of electricity in accordance with the published Electricity Tariffs;

“tamper” means the interference with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality, in order to cause damage, or to make unauthorized alterations. This includes the meaning ascribed thereto in terms of the Criminal Matters Amendment Act 18 of 2015;

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

“voltage” means the difference of electrical potential (root mean square in the case of AC) between any two live conductors or if there is only one conductor between that conductor and earth; and

“wheeling” means the process of transporting electric power from a point of generation across the distribution systems of the Council to a consumer.

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 41 of 1987 read with the Electricity Regulation Act 4 of 2006 as amended, and the Occupational Health and Safety Act 85 of 1993, as amended.
3. **Headings and titles** – The headings and titles in this By-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4. Provision of Electricity Services –

- (1) Subject to subsection (2) below, only the Municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.
- (2) The Municipality may permit the bulk supply or retail wheeling of electricity through its electrical grid by another electricity supplier which is licensed to supply electricity in terms of the Electricity Regulation Act.
- (3) The Municipality may permit the connection of an embedded generation system to its electrical grid in accordance with the requirements of this By-law and subject to:
 - 3.1 Compliance with the relevant requirements of the Municipality pertaining to the generation of electricity and the safety thereof contained in any guideline or policy issued by the Municipality in respect thereof.
 - 3.2 Registration with the Municipality of all fixed electrical installations where electricity is generated and compliance with the Municipality's safety and quality requirements contained in any guideline or policy issued by the Municipality in respect thereof.
- (4) No person may generate electricity by way of a fixed electrical installation and feed into the municipal electricity distribution network unless an agreement has been concluded with the Municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

5. Supply by Agreement –

- (1) No electricity supply will be given to any electrical installation on any premises unless the owner or occupier of the premises has entered into an agreement with the Municipality for such supply.
- (2) No person may use or is entitled to use an electricity supply from the Municipality unless or until such person has entered into an agreement with the Municipality for such supply.
- (3) The agreement referred to in sub-sections (1) and (2) together with the provisions of this By-law, relevant acts and policies govern the supply of electricity to any premises.
- (4) A person who uses an electricity supply without having entered into an agreement with the Municipality is liable for the fees, costs and interest of the electricity used.
- (5) The consumer is liable for the payment of all fees and monies in respect of the supply of electricity, until the agreement has been terminated in accordance with this By-law.

6. Service of Notice –

- (1) Any notice or other document that is served on any person in terms of this By-law is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); and
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier, or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

7. 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.

8. Application for supply –

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality (Engineering Offices) or via email upon request thereof, and the estimated load, in kVA, of the installation, shall be stated therein. Such an application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) An application for an electricity supply for a period of less than 1 (one) year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorised official of

the Municipality, which may specify any special conditions to be satisfied in such case.

- (3) Applicants for the supply of electricity shall submit the following documents with their application:
 - (a) A copy of the identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.
 - (b) in the case of an owner, a deed of sale or other proof of ownership of the premises for which a supply of electricity is required.
 - (c) in the case of a business, the certificate of incorporation shall be required.
 - (4) At the time of making the application, the applicant shall disclose whether he or she has been residing or carrying on business at the premises in respect of which the application has been made.
 - (5) In the event of it coming to the attention of the Municipality that the applicant has been residing or carrying on business at the premises before the date of application and that at the time of the application an amount owing to the Municipality for electricity supplied to the premises is more than 1 (one) month in arrears, the Municipality shall have the right to refuse to supply electricity to the premises until such arrears have been paid in full or until arrangements have been in terms of the Municipality's policies made to pay such arrears.
 - (6) Applications for the supply of electricity may be subject to a credit clearance check as far as debt to a Municipality is concerned.
 - (7) Applications state that it is the responsibility of the applicant to inform the Municipality when they are ready for the connection before commencement of any work. Any connection must be completed within one (1) year after date of payment. Should the applicant not complete the connection within one (1) year, additional costs will be applicable before commencement of the connection. The extra costs of connection will be calculated by a member of the Municipality taking into consideration inflation, material, and labour costs.
9. **Processing of requests for supply** – Applications for the supply of electricity will be processed after payment is made and the supply will be made available within the periods stipulated in NRS 047.
10. **Way leaves** –
- (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 shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon. A written agreement shall be

entered into by and between the owner of such land and the Municipality for the registration of a servitude over such land.

- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.
- (3) Where the Municipality enlists the services of a contractor, a way leave will not be regarded valid if the contractor does not have in his/her possession, an official attendance register signed by the relevant Municipal Departments to the effect that all services which have been allocated have been rendered.
- (4) The Municipality reserves the right to charge the contractor for any damage to the network that occurs during the completion of the contractor's duties even if he/she is in possession of a legal way leave.
- (5) Should the person/contractor be found not in possession of a legal way leave, the Municipality reserves the right to charge an additional fee in conjunction with repair costs in line with the applicable prescribed tariffs.

11. Statutory Servitude –

- (1) Subject to the provisions of subsection (2) the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice in terms of the prescripts of NRS 047 of the proposed work and the date on which it proposes to commence such work except in case of an emergency.

12. Right of admittance to inspect, test and / or do maintenance work –

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

13. Refusal or failure to give information – No person shall refuse and/or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated. Any contravention of this section shall result in prosecution as per chapter 9 (Penalties).

14. Refusal of admittance – No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this By-law or of any duty connected therewith or relating thereto. Any contravention of this section shall result in prosecution as per chapter 9 (Penalties).

15. Improper use –

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity

supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

- (2) The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner. Contravention will result in prosecution as per Chapter 9 (Penalties).
- 16. Electricity tariffs and fees –** Copies of charges and fees payable may be obtained free of charge at the offices of the Municipality or on the official website.
- 17. Deposits –** 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 the Municipality. 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 deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the Electricity Tariff referred to in this By-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.
- 18. Payment of charges –**
- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality.
 - (2) All accounts shall be deemed to be 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/herself 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 Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) 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 disconnection.
 - (5) After disconnection for non-payment of an account, the prescribed fees, and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. 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.

20. Resale of electricity –

- (1) Unless authorised by the Municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the Municipality, to any other person or persons for use on any other premises or permit or allow such resale or supply to take place.
- (2) If electricity is resold for use on the same premises, the provisions of the Electricity Regulation Act, No 4 of 2006 shall apply, as specified in Schedule 2 to the Electricity Regulation Act, No 4 of 2006.
- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter 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 Service Provider.
- (4) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold 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 Service Provider.
- (5) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.

21. Right to disconnect supply –

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-law, policies and any applicable law are being contravened, provided the Municipality has given the person 7 (seven) days notice to remedy his / her default and the person has failed to remedy such default after notice has been given.
- (2) In the case of a grave risk to persons or property, or as envisaged in terms of Section 26 of this By-law, the disconnection of the electricity supply shall be without notice.
- (3) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (4) 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. The Municipality reserves the right to move the point of supply at the customer and/or owner's expense. Contravention will result in prosecution as per Chapter 9 (Penalties).

- 22. Non-liability of the Municipality** – 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, unless caused by negligence on the part of the Municipality. Furthermore, with the increase in vandalism, residents are encouraged to install a surge arrestor, and relay protection for over current/under current, reverse phase relay protection and phase angle relay protection. The Municipality will not be held liable for any surges resulting from vandalism.
- 23. 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.
- 24. Failure of supply** – 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. 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 fee 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.
- 25. Seals of the Municipality** – The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and no person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks. Contravention will result in prosecution as per Chapter 9 (Penalties).
- 26. 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 *prima facie* evidence exists of a consumer and/or any person having contravened subsection (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
 - (3) Where a consumer and/or any person has contravened subsection (1) and such 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. Contravention will result in prosecution as per Chapter 9 (Penalties).

27. Protection of Municipality's supply mains –

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (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 branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut down or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose. The owner of the premises shall be liable for payment of all costs incurred.
 - (f) Should any tree or plant be protected by any environmental law, the onus of removal, relocation, as well as the costs will be on the owner should the tree or plant be inside his property line. Should the tree or plant be on municipal property, the matter will be referred to Midvaal Local Municipality's Parks Department for relocation.
- (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 this By-law.
- (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.

28. 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.

29. Unauthorised connections –

- (1) No person other than a person whom the Municipality specifically authorises in writing to do so may directly or indirectly connect, attempt to connect or cause or permit the connection of a new electrical installation or part of a new electrical installation to the supply mains or service connection.
- (2) In the case where an electrical installation has been illegally connected on a customer's premises in contravention of this By-law, any policy or guideline issued by the Municipality and/or relevant legislation, the Municipality may disconnect the connection of the electrical installation to the municipal distribution network. The Municipality shall be entitled to move the connection point to the boundary and the consumer and/or owner will be liable for all costs incidental thereto.
- (3) The Municipality must give a person referred to in subsection (2) and any person residing in the premises notice of —
 - (a) the intention to disconnect the electrical installation of such person;
 - (b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
 - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (4) For circumstances other than those listed in sub-section (5), where any of the provisions of this By-law or any other applicable law and policy are contravened, the Municipality shall give the person concerned 14 (fourteen) days notice to remedy his or her default prior to disconnection.
- (5) The Municipality may disconnect the supply of electricity to any premises or the connection of any electrical installation without notice under the following circumstances;
 - (a) where there is a case of grave risk to any person or property; or
 - (b) for reasons of community safety or the safety of emergency personnel; and
 - (c) in the case of theft or tampering.
- (6) After the disconnection contemplated in subsection (2), the fee as prescribed by the Municipality for such disconnection, or the reconnection of the service shall be paid by the person concerned.

- (7) In the case where an installation has been illegally reconnected on a customer'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 and any contravention will result in prosecution as per Chapter 9 (Penalties).

30. 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. Contravention will result in prosecution as per Chapter 9 (Penalties).
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. 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 fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to affect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

- 32. Temporary supplies –** It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work – 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. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

34. Load reduction –

- (1) The Municipality reserves the right to move the point of supply at the customer and/or owner's expense. At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2). All new connections must install a ripple controller before power can be supplied. The functionality of the ripple controller will be the customer/owner's responsibility. In the event that the ripple controller is not responsive, the Municipality should be alerted immediately.
- (4) If the ripple relay receiver is tampered with or bypassed, penalties will be imposed as per the Municipality's Credit Control Policy.

35. Medium and low voltage switchgear and equipment –

- (1) In cases where a supply of electricity is given at either 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 or any duly authorised official of the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the Municipality and installed by or under the supervision of any duly authorised official of the Municipality.

- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an authorised official of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

36. Substation accommodation – The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

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, such additional accommodation shall be provided by the applicant (relevant Section Head) at the cost of the Municipality. The customer/ property owner must give the Municipality's Council permission to register a servitude.

37. 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 on request be supplied to the Municipality 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 drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

38. Standby supply –

- (1) Standby supply of electricity for any premises having a separate source of electricity supply may only be supplied with the written consent of the Municipality.
- (2) Upon interruption of the electricity supply the Municipality may supply standby electricity in any manner as necessary.

39. Consumer's emergency standby supply equipment –

- (1) No emergency standby equipment provided by a consumer in terms of any Electrical Installation Regulations or for his own operational requirements, including embedded generation and SSEG installations, shall be connected to any installation without the prior written approval of the Municipality.
- (2) Application for such approval shall be made in writing using forms that the municipality will provide on request and shall 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 such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (4) Whereby 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 synchronising and protective and metering equipment required for such safe parallel operation and possible export of electrical energy, to the satisfaction of the municipality and in accordance with any applicable standards and guidelines.
- (5) All renewable energy generation installations and embedded generation shall comply with the relevant municipal policies in this regard.

40. Norms, Standards and Guideline –

- (1) The Municipality may from time to time issue Technical Standards detailing the requirements of the Municipality regarding matters not specifically covered in this by-law but which are necessary for the safe, efficient operation and management of the electrical generation equipment.
- (2) The Municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.
- (3) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different types of premises.

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

41. Consumer to erect and maintain electrical installation –

- (1) Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and constructed and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Electrical Installation Regulations and the requirements of the Electricity Regulation Act.
- (2) Should any item forming part of an installation not be covered by an incorporated safety standard, approval for the use of such an item shall be referred to an Authorised Inspection Authority (AIA) as defined in the Electrical Installation Regulations. The Municipality will not undertake this responsibility.
- (3) The Municipality may require the consumer to reimburse it for any expense arising from a fault in the installation.
- (4) Where it is found that a meter, service connection, service protective devices or supply mains have been damaged through no failure due to the operation of the service protective devices, the consumer shall be liable for all charges incurred by the municipality in removing, overhauling or replacing if irreparably damaged, and reinstalling the meter.
- (5) Should the damage have resulted in the metering recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his or her estimated consumption from the date it can accurately be determined the meter was damaged.

42. Fault in electrical installation –

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

43. Discontinuance of use of supply – In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least 21 (twenty-one) working days notice in writing of such intended discontinuance to the Municipality, failing which he or she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of 21 (twenty-one) working days after such notice has been given.

44. Change of consumer and/or owner –

- (1) A consumer vacating any premises shall give the Municipality not less than 21 (twenty-one) working days notice in writing of his/her intention to discontinue using the electricity supply, failing which he/she shall remain liable for such supply.
- (2) If the person taking over the account of the consumer and/or owner of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of section 5 of this By-law, and if he/she fails to make application for an electricity supply within 10 (ten) working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected. The owner of the property will be held liable for all outstanding fees and the Municipality reserves the right to disconnect even if the premises is occupied by a tenant.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer.
- (4) Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

45. Service apparatus –

- (1) The Municipality shall, at the customer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) The consumer 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.
- (3) 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, 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 such equipment.
- (4) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.

- (5) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

46. Service connection –

- (1) All consumers whose electrical installations comprise in the whole or in part, circuits exceeding 1 000 V rms or 1 500 V dc shall comply with the requirements of SANS 10142-2 where applicable.
- (2) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (3) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality 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 Municipality in respect of such service connection.
- (4) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (5) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.
- (6) 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 Municipality.
- (7) The consumer shall provide, fix and / or maintain on his premises such ducts, wire ways, trenches and fastenings as may be required by the Municipality for the installation of the service connection.
- (8) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² for low-cost houses and 16 mm² for standard connections (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality.
- (9) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. 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.

- (10) No electrical installation shall be permitted to extend from one erf to another without the prior written consent of the Municipality.
- (11) Should more than one meter be required on one erf, the metering point must be moved to a boundary box at the cost of the owner, failing which the second meter will not be approved.
- (12) 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.
- (13) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (14) 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. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1.5 m) throughout their length.
- (15) The municipality shall not be responsible for any reinstatement to the consumer's property as a result of any work done by it in connection with the external service.
- (16) The point at which overhead service connections are terminated shall be determined by the municipality.

47. Metering accommodation –

- (1) The consumer and/or the owner of the property shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.
- (2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- (3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (4) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.

- (5) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (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 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.
- (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 shall be installed or stored in such accommodation unless approved.
- (9) Where the metering equipment and service apparatus are to be fixed upon any portion of a partition wall, the consumer shall, if required by the municipality, at his own expense, satisfactorily reinforce that portion of such wall.
- (10) All meter rooms shall be secured by means of an approved padlock or night latch.
- (11) If a consumer defaults on any of the requirements contained in this section, the municipality shall give the consumer written notice of the matter requiring attention and also stipulate a fixed time period within which the consumer shall meet the requirements.
- (12) Should the consumer fail to comply with the stipulated requirements within the stated time period, the municipality shall have the right to disconnect the supply or to take other appropriate action and the consumer shall bear the cost of this action.

CHAPTER 5

SYSTEMS OF SUPPLY

48. Load requirements – Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

49. 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 or any duly authorised official of 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 or any duly authorised official of 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.

50. Interference with other persons' electrical equipment –

- (1) The Municipality reserves the right to move the point of supply at the consumer and/or owner's expense. No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.
- (4) In order to assess the contribution, whether singly or collectively, of any consumer to the combined interference experienced at any point of common coupling, the Municipality reserves the right to have monitoring equipment installed on any consumer's electrical installation.

51. Supplies to motors and other devices –

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

- (1) Limited size for low voltage motors – The rating of a low voltage 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 phases at low voltage or such higher voltage as may be required.
- (2) Maximum starting and accelerating currents of three-phase alternating current motors – The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent	Maximum permissible starting current	Maximum motor rating in kW

mm ²	A	Direct on line (6 x full-load current)	Star/Delta (2.5 x full-load current)	Other means (1.5 x full-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

(3) Consumers supplied at medium voltage –

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. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

52. 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 / her own cost, install such corrective devices.

53. Protection – Electrical protective devices for motors and other devices shall be of such a design as effectively to prevent sustained overcurrent and single and reverse phasing, where applicable.

**CHAPTER 6
MEASUREMENT OF ELECTRICITY**

54. Metering –

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed tariff, provide, install, and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the 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 58(2) of this By-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenant-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 or any duly authorised official of the Municipality.

55. Accuracy of metering –

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall –
 - (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepayment meters –
 - (i) render an account where the meter has been under-registering, or
 - (ii) issue free token where the meter has been over-registering, in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the 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 (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 approved independent testing authority, and the result of such test shall be final and binding on both parties.

- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (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 Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of 36 (thirty-six) months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9)
 - (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality 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 it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.
 - (b) Should the consumer fail to make any representations during the period referred to in subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in subsection 9(a)(i).
 - (c) The Municipality 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 therefor, adjust the account appropriately.
 - (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 9(a)(i).

subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act.

56. Reading of meters –

- (1) Unless otherwise prescribed, 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 Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an 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 3 years preceding the date on which the error in the accounts was discovered and shall be based on the actual tariffs applicable during the period. This also applies to a consumer claiming back overpayment where the consumer can prove the claim in the normal legal process.

57. 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 and / or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him / her in connection with any service rendered, the Municipality may deduct a percentage from the

amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.

- (6) 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.
- (7) Notwithstanding any payments made by the consumer for the supply and installation of the prepayment meter, ownership of the prepayment meter shall remain vested in the Municipality and shall not be removed from the premises where installed, when this premise is vacated.

CHAPTER 7

ELECTRICAL CONTRACTORS

58. In addition to the requirements of the Electricity Installation Regulations the following provisions shall also apply:

- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation. After complete installation council requires a red line drawing that includes a single line diagram.
- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised official 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. 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 Municipality shall not be held responsible for any defect or fault in such electrical installation. No installation will be energised permanently unless council has received a certificate of compliance from the contractor.

59. The Municipality shall not be held 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.

CHAPTER 8 COST OF WORK

60. The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality 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.

CHAPTER 9 NON-COMPLIANCE, OFFENCES, PENALTIES AND OTHER CHARGES

61. Any person who contravenes any of the provisions of this By-Law shall be guilty of an offence.

- (1) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he / she has been convicted of such offence shall be guilty of a continuing offence.
- (2) Any person convicted of an offence under this By-Law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (3) Every person committing a breach of the provisions of this By-Law shall be liable to compensate the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.
- (4) Council reserves the right to prosecute as per the promulgated Act No. 18 of 2015: Criminal Matters Amendment Act, 2015.
- (5) **Meter Tampering:** - any customer/consumer to be discovered to have tempered/by-passed an electrical conventional/prepaid meter, they will be subject to the following penalties or fines.
 - (a) Single phase 25A prepaid meter for indigents customers.
 - (i) R 14 955.58. temper/penalty fee for recovery of lost units (3 780 kWh).
 - (ii) R5 706.28 administration fee.
 - (b) Single phase 60A conventional/prepaid meter for domestic customers.
 - (i) R36 597.59 temper/penalty fee for recovery of lost units (9 000 kWh)

- (ii) R5 706.28 administration fee.
 - (c) Single phase 60A conventional/prepaid meter for business customers.
 - (i) R78 301.89 penalty/temper fee for recovery of lost units (18 000 kWh).
 - (ii) R5 706.28 administration fee.
 - (d) Three phase 60A conventional/Prepaid meter for domestic customers.
 - (i) R111 225.23 penalty/temper fee for recovery of lost units (27 000 kWh).
 - (ii) R5 706.28 administration fee.
 - (e) Three phase 60A conventional/prepaid meter for business customers.
 - (i) R234 905.67 temper/penalty fee for recovery of lost units (54 000 kWh).
 - (ii) R68 483.42 administration fee
 - (f) Three phase CT conventional/programmable meters for business, industries, bulk customers.
 - (i) Actual cost of a new connection.
 - (ii) R68 483.42 Administration Levy (Illegal connection/tempering with credit/demand meter)
 - (iii) Calculation of lost revenue based on actual consumption after normalizing the connection
- (6) **Illegal Connection:** - any customer/consumer to be discovered to have connected to the grid illegal, they will be subject to the following penalties or fines.
- (a) Actual cost of a new connection (single/three phase) as per the connection size.
 - (b) Administration fee as per the connection size.
 - (c) Single/Three phase temper fine will be applicable depending on the type of the connection.
- (7) **Penalty fee** – any consumer or a customer to be discovered to have Illegally connected their neighbor.

- (a) Single phase or three phase temper fine will be applicable depending on the type of the connection.
 - (8) **false call/reporting** - Any call that have been logged and when an officer attended to it discovered that there is nothing wrong with the supply or the power is off from the customers side.
 - (9) Office hours :450.00
 - (10) After hours :650.00
- 62.** Any person without legal right (the onus of proof of which shall be upon him to prove the contrary) who abstracts, branches off or diverts or causes to be abstracted, branches off or diverted any electric current, or consumes or uses any such current which has been wrongfully or unlawfully abstracted, branched off or diverted knowing it to have been wrongfully or unlawfully abstracted, branched off or diverted or who allows same shall be guilty of an offence of tampering with the municipality's electrical network and a tampering fee (per offence) and, as prescribed in this By-Law may be imposed on the illegal user, or occupier of the premises which wrongfully and unlawfully abstracted, branched off or diverted electric current or who has allowed same.
- 63. Connection of electrical generation equipment –**
- (1) No person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the Municipality's supply mains or service connection except with written approval of the Municipality.
 - (2) No alternate electrical generation equipment provided by a customer for his own operational requirements or for the generation of electricity may be connected to any installations without the prior written consent of the Municipality.
 - (3) Application for such consent in terms of subsections (1) and (2) above must be made in writing and must include a full specification of the electrical generation equipment and a wiring diagram, as may be further detailed in any guideline or policy issued by the Municipality in respect thereof.
 - (4) The electrical generation equipment must be so designed and installed that it is impossible for the Municipality's supply mains to be energised by means of a back feed from such electrical generation equipment when the Municipality's supply has been de-energised.
 - (5) The customer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate of compliance issued in terms of the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - (6) The Municipality shall not be held responsible for any work done by the electrical contractor/registered person on a customer'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 or the connection of the electrical generation equipment.

- (7) Where the customer's alternate electrical generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment, to the satisfaction of the Municipality.
- (8) Before making any alteration or addition to any electrical generation equipment installed within the area of the supply that requires an increase in electricity supply capacity, or an alteration to the service, the customer shall give notice of his intentions in accordance with the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- (9) Any electrical generation equipment connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the customer at his own expense and in accordance with this By-law and the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)

64. Short title and commencement

This By-law is the Electricity By-law and takes effect on the date of its promulgation.



Mr. Delight Mukwevho
Acting Executive Director: Engineering Services

Date: 08/05/2025