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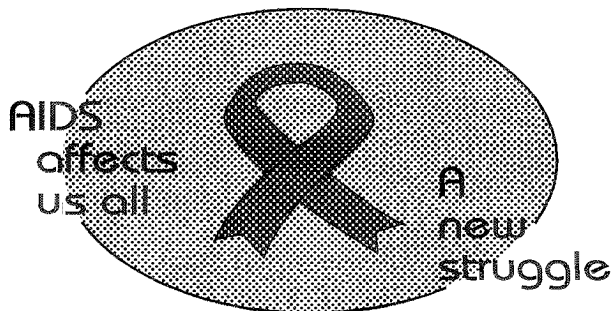
# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

**Vol. 19**

PRETORIA, 7 AUGUST  
AUGUSTUS 2013

**No. 227**

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DEPARTMENT OF HEALTH

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 1076

#### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

#### STANDARD ELECTRICITY SUPPLY BY-LAWS

NOTICE IN TERMS OF SECTIONS 11(3)(N), SECTION 13 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEM ACT, 2000 (ACT NO. 32 OF 2000) AND SECTION 162 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT, 1996

WHEREAS the City of Tshwane Metropolitan Municipality: Standard Electricity By-Laws was, in terms of Section 13 of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) and Section 162 of the Constitution of the Republic of South Africa Act, 1996, promulgated in the Extraordinary Provincial Gazette number 185, dated the 3<sup>rd</sup> July 2013, under Local Authority Notice 885;

AND WHEREAS upon perusal of the said promulgated By-Laws, the Municipality established that the said By-Laws contained material differences from the version of the By-Laws approved by the Municipal Council on the 25<sup>th</sup> April 2013;

NOW THEREFORE, notice is hereby given in terms of the ancillary powers granted to the Municipality, in terms of Sections 11(3)(n) of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000), that on publication of this notice, the aforesaid notice of promulgation of City of Tshwane Metropolitan Municipality: Standard Electricity By-Laws published in the Extraordinary Provincial Gazette number 185, dated the 3<sup>rd</sup> July 2013, under Local Authority Notice 885 shall be **withdrawn**.

NOTICE FURTHER that the Municipal Manager of the City of Tshwane Metropolitan Municipality hereby publishes, in terms of Section 13 of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) and Section 162 of the Constitution of the Republic of South Africa Act, 1996, the CITY OF TSHWANE METROPOLITAN MUNICIPALITY: STANDARD ELECTRICITY SUPPLY BY-LAWS, approved by the Council of the Municipality on the 25<sup>th</sup> April 2013, and the said By-Law will come into operation on the date of publication thereof.

NOTICE FURTHER that all by-laws relating to the regulation of the supply of electricity within the area of the City of Tshwane Metropolitan Municipality, including the areas of the former Metsweding District Municipality, Kungwini Local Municipality, and Nokeng tsa Taemane Local Municipality are hereby repealed and substituted by this By-law.

NOTICE FURTHER the the purpose of the By-laws is to provide for the general conditions for the local supply of electricity to consumers, and the system of supply of electricity; to provide for the responsibilities of the municipality in the provision of supply, and that of consumers in respect of the supply; the distribution of and trading in electricity within the municipality; and to provide for matters connected thereto.

The said By-Laws approved by the Council of the City of Tshwane Metropolitan Municipality on the 25<sup>th</sup> April 2013, are set out hereunder

The said By-laws and Policy will come into operation on date of promulgation hereof.

**JASON NGOBENI**  
**CITY MANAGER**

(Notice No 475 of 2013)  
7 August 2013

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**  
**STANDARD ELECTRICITY SUPPLY BY-LAWS**

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**PREAMBLE**

Whereas the constitution of the Republic of South Africa, 1996 mandates the City of Tshwane as a metropolitan municipality, to render the function of electricity distribution within its area of jurisdiction; AND WHEREAS the supply and distribution of the electricity must take place within a regulatory framework and in accordance with the Electricity Regulations Act, 2006 (Act 4 of 2006) and the regulations thereto, each as amended from time to time; AND WHEREAS these by-laws provide for the above and matters related thereto; AND WHEREAS it is envisaged that the supply of electricity supply by means of smart prepayment meters and a system of prepayment in advance for electricity supply services rendered by the Municipality or the service authority, as applicable; BE IT HEREBY ENACTED BY THE City of Tshwane Metropolitan Municipality as follows:

**CHAPTER 1: GENERAL****1. Definitions**

In these By-laws, unless inconsistent with the context –

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

**"approved"** means approved in writing by the engineer;

**"authorised maximum demand"** or **"AMD"** means the allocated (authorised) maximum demand permitted in respect of any particular premises determined by the engineer on the basis of the size of the particular premises and its particular use and zoning;

**"availability charge"**, as prescribed in the schedule of charges and fees, means a charge levied on the owner of a stand which in the opinion of the Municipality can be connected to the Municipality's supply mains but has not yet been connected;

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

**"consumer"** means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying electricity, or, if there is no occupier, the person who has entered into a current valid agreement with the Municipality for the supply of electricity to the premises, or, if such a person does not exist or cannot be traced or has absconded or for whatever reason is not able to pay, the owner of the premises;

**"consumer interface unit"** means an electronic device that receives and displays real time status information transmitted to it by a smart prepayment meter and which may include information relating to the consumption of electricity by a consumer as well as information relating to any remaining credit balance which may be available to such consumer and which may also serve as a communication device for the communication and dissemination of information by or relating to the municipality or any third party;

**"contractor"** means a person who has entered into an agreement with the Municipality in terms of which such a person provides services to the Municipality relating to the supply, reticulation and/or the distribution of electricity by the municipality or the service authority, including but not limited to , the installation, operation, maintenance and management of a prepayment meter system or a smart prepayment system and includes all employees, subcontractors, service providers, suppliers, agents and representatives of such contractor;

**"conventional meter"** means an electricity supply meter in respect of which an account is issued by or on behalf of the Municipality or the service authority, and which measures the consumption of electricity by the relevant consumer;

**"duly authorised official"** means an official of the Municipality who has been authorised in writing by the Municipal Manager of the Municipality or his or her delegate and who carries at all relevant times while executing official duties an identification card on his or her person issued by the Municipality, which card reflects his or her designation, or an employee, sub-contractor, service provider, supplier, agent or representative of the contractor who carries at all relevant times while executing official duties an identification card on his or her person issued by the municipality, which card reflects his or her designation;

**"electrical contractor"** means an electrical contractor as defined in the regulations;

**"electrical installation"** means an electrical installation as defined in the Electricity regulations;

**"electronic notice"** means a notice or other communication that is communicated electronically;

**"engineer"** means the official in charge of the electricity undertaking of the Municipality or any other person duly authorised to perform this duty on behalf of such official;

**"exercise"**, in relation to the rights of the owner of a premises, means to exercise the rights in respect of the supply of electricity to the property up to authorised maximum demand –

- (a) when building approval is applied for and obtained;
- (b) when an application for a connection is made and is approved; and
- (c) when ownership of the property is being transferred;

**"high voltage"** or **"HV"** means the set of nominal voltage levels which is used in power systems for the bulk transmission of electricity in the range of 44 kV <math>U\_n=220\text{ kV}</math> in accordance with SANS 1019;

**"low voltage"** or **"LV"** means the set of nominal voltage levels which is used for the distribution of electricity and the upper limit of which is generally accepted to be an ac voltage of 1 000 V (or a dc voltage of 1500 V) in accordance with SANS 1019;

**"medium voltage"** or **"MV"** means the set of nominal voltage levels which lies above low voltage and below high voltage in the range of 1 kV <math>U\_n=44\text{ kV}</math> in accordance with SANS 1019;

**"meter"** means a conventional meter, prepayment meter or smart prepayment meter, as applicable or as the context may require, that measures, registers and in the case of a smart prepayment meter, monitors the electricity consumption of a consumer;

**"metering equipment"** means a meter and all related cabling, equipment and infrastructure;

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

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

**"Municipality"** means the City of Tshwane Metropolitan Municipality, which for the purpose of these by-laws, is also the service authority, provided that to the extent that the service authority is an entity other than the City of Tshwane Metropolitan Municipality, all references to the "municipality" in these By-Laws shall be deemed to include a reference to such service authority, as may be applicable;

**"NERSA"** means the National Electricity Regulator of South Africa established in terms of the National Energy Regulator Act, 2004 (Act 40 of 2004);

**"notice"** means a notice issued by the Municipality or a contractor, on behalf of the municipality, to a consumer and which may take the form of a written notice or electronic notice;

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

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

**"NRS 049"** means the national rationalised specification *NRS 049 - Advanced metering infrastructure for residential and commercial customers*

**"NRS 057"** means the national rationalised specification *NRS 057-2:2000 – Electricity metering Part 2: Minimum requirements*, as amended from time to time;

**"occupier"**, in relation to any premises, means –

- (a) the person who actually occupies the premises;
- (b) the person who is legally entitled to occupy the premises;
- (c) in the case of the premises being subdivided and let to lodgers or tenants, the person who receives the rent payable by the lodgers or tenants, whether on his or her own account or as an agent for another person entitled to or interested in the rent; or
- (d) the person in charge of the premises or responsible for managing the premises, and includes the agent of the person when he or she is absent from the Republic of South Africa or when his or her whereabouts are unknown;

**"owner"**, in relation to immovable property, means the person registered in the office of the Registrar of Deeds as the owner of such immovable property and includes –

- (a) in the case of leased immovable property –
  - (i) the lessee if the immovable property, whether or not the lease is registered in the office of the Registrar of Deeds; or
  - (ii) the occupier if the immovable property is beneficially occupied under a servitude or right analogous to a servitude;
- (b) in the case of –
  - (i) a deceased owner, an owner has been placed under curatorship or an insolvent owner who has, has been sequestered, placed under curatorship by order of court or is a or is a company being wound up (whether provisionally or finally) or is undergoing business rescue, the person in whom the administration of the property is vested as executor, administrator, trustee, assignee, curator, liquidator or business rescue practitioner, as the case may be;
  - (ii) an owner who is absent from the Republic of South Africa or whose address is unknown to the Municipality, the person who as agent or otherwise receives or is entitled to receive the rent in respect of the property; and
- (c) if the Municipality is unable to determine who the owner is, the person who is the beneficial user of the property, which person is deemed to be the owner to the exclusion of the person in whom is vested the legal title to the property;

**"person"** includes any natural person, firm, company, corporation, association (whether incorporated or not), trust, close corporation, the national, provincial, or local spheres of government of the Republic of South Africa, any Government body, state owned enterprise or organ of state, or any other governmental entity or body, (whether or not having separate legal personality), and any other entity which is considered to be a legal entity under the laws of the Republic of South Africa or the country in which such an entity has been formed;

**"point of metering"** means the meter where the consumer's consumption of electricity is metered which may comprise or be located at or in proximity to the point of supply or at any other point on the electricity distribution system of the Municipality, or the electrical installation of the consumer, as specified by the engineer, provided that at that meter all of, and only, the consumer's consumption of electricity is metered;

**"point of supply"** means the point determined by the engineer at which electricity is supplied to any premises by the Municipality, and includes –

- (a) an underground domestic connection at the erf boundary of a premises or at the joint in the supply cable in the immediate vicinity of the erf boundary of a premises;
- (b) an overhead domestic connection at the terminals in the box on the roof or wall of the premises where the aerial conductors from the Municipality's network, are terminated;
- (c) in the case of a maximum demand consumer, at the outgoing terminals of the Municipality's isolating switch;
- (d) in the case of an 11kV consumer, at the outgoing terminals of the Municipality's 11kV isolating circuit breaker; and
- (e) any other point as agreed upon in writing between the engineer and the consumer;

**"premises"** means any immovable property or any building or structure above or below ground and includes any vehicle, aircraft, vessel or any other movable structure;

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

**"prepayment meter system"** means all prepayment meter installed, operated, maintained and beneficially owned by or on behalf of the CoT or a contractor, together with all associated metering equipment and infrastructure including all vending, telemetry and communication equipment and infrastructure and all related software and hardware;

**"quota charge"** means a charge, as prescribed in the schedule of charges and fees, payable to cover the cost of extending the local distribution and reticulation network, which charge the Municipality does not recover from the tariff for the supply of electricity;

**"registered owner"** means the person in whose name the immovable property comprising or relating to a premises is registered in the office of the Registrar of Deeds;

**"regulations"** means the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the Electricity Regulations Act, 2006 (Act 4 of 2006);

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

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

**"SANS 1507"** means the specification *SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300/5 V)*, as issued by the South African Bureau of Standards and as amended from time to time;

**"safety standard"** means a health and safety standard as defined in the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and includes SANS 10142-1;

**"schedule of charges and fees"** means the schedule of tariffs, charges and fees payable to the Municipality for the supply of electricity, which charges and fees are from time to time determined by the Municipality and, where applicable, approved by the NERSA, and are published by notice in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and set out in a schedule to such notice;

**"service authority"** means the municipal authority that regulates the provision of an electricity service by a municipality;

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

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



**"specification"** means the applicable standard or specification accepted in the electricity supply industry and includes the applicable specifications of the National Regulator for Compulsory Specifications and any national standards issued by the South African Bureau Of Standards (SABS), and includes any applicable national rationalised specification (NRS);

**"smart meter"** means a supply meter which, in addition to measuring and monitoring electricity consumed by a consumer, is capable of receiving, recording, capturing and storing data and which is able to communicate remotely with other electricity equipment and infrastructure, including the consumer interface unit, *inter alia*, for purposes of supplying or suspending or discontinuing the supply of electricity to a premises and which supports time of use tariffs;

**"smart prepayment meter"** means a smart meter which is operated in prepayment mode such that, following a payment in advance by a consumer for electricity, it is able to monitor and facilitate the supply of a quantity of electricity equal to the amount credited to the consumer by virtue of such payment in advance;

**"smart prepayment meter system"** means all smart prepayment meters installed, operated, maintained and beneficially owned by or on behalf of the CoT or a contractor, together with all associated metering equipment and infrastructure, including all consumer interface units, vending, telemetry and communications equipment and infrastructure and all related software and hardware;

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

**"supply mains"** means any part of the Municipality's electricity supply, distribution and reticulation network;

**"tariff"** means the Municipality's tariff for the supply of electricity;

**"temporary supply"** means a supply of electricity for a period not exceeding 3 months or such determined by the head of electricity department of the municipality;

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

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

## 2. Other terms

All other terms used in these By-laws have, unless the context indicates otherwise, the meanings assigned to them in the Electricity Regulations Act, 2006 (Act 4 of 2006), the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as well as any regulations made in terms of these Acts.

## 3. Headings and titles

The headings and titles in these By-Laws do not affect the interpretation of these By-laws.

## CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

### 4. Supply by agreement

- (1) No person may use and no person is entitled to use an electricity supply (new or existing) or consume electricity from the Municipality unless or until such a person has:
  - (a) entered into an agreement in writing with the Municipality for the supply and consumption of electricity, and the agreement, together with the provisions of these By-laws, in all respects governs the supply and consumption of electricity to and by the relevant person with whom the municipality concludes such agreement; and
  - (b) in respect of the supply of electricity which is metered by means of prepayment meter system or smart prepayment meter system, the person concerned has effected a prepayment prior to such supply and consumption.

- (2) If a person uses an electricity supply or consumes any electricity without entering into an agreement with the Municipality and/or in the case of supply of electricity which is metered by means of prepayment meter system or smart prepayment meter system, the non-payment by such a person of the electricity used or consumed prior to such use or consumption, the municipality shall be entitled to disconnect, suspend or otherwise interrupt the supply, and the person shall be liable for the cost of electricity used or consumed, as provided for in section 18 of these By-laws and in addition may become liable for penalties and/or be guilty of an offence, as provided for in these by laws.
- (3) If in respect of any premises, an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the owner of the premises and the consumer for the rendering of a connection is required beforehand. The agreement reached binds both the consumer and the owner of the premises.
- (4) with effect from the date of application of these By-laws, the supply, distribution and reticulation of electricity by the municipality to all consumers shall be on a smart prepayment basis as metered and paid for by means of smart prepayment meter system; provided that the supply, distribution and reticulation of electricity by the municipality shall continue by means of existing conventional meters and one or more existing prepayment meter systems but shall be replaced with smart prepayment meters over a period of time as determined by the Municipality or agreed by the Municipality with a contractor.

#### **5. Serving of notice**

- (1) A written notice is deemed to have been served on a person by the Municipality when it has been served in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). Such written notice must be authorised by means of the signature of the engineer or an official appointed or nominated by him or her.
- (2) Where smart prepayment meters are installed on or in relation to a premises, the Municipality or a contractor may in addition or as an alternative to a written notice, notify the relevant consumer by means of an electronic notice which is transmitted electronically by means of and displayed on the consumer interface unit installed at the relevant premises including but not limited to any notification in respect of the amount of electricity purchased by the consumer; the amount of electricity consumed by the consumer and extent of any remaining or utilised electricity credits as well as the depletion of the electricity so purchased.
- (3) A notice or application referred to in sections 7, 44 and 45 of these By-laws is deemed to have been served on or submitted to the Municipality, as the case may be, if –
  - (a) the notice or application is in writing and has been delivered to the engineer in person;
  - (b) the notice or application is in writing and has been left at the offices of the engineer with an official employed in the offices of the engineer;
  - (c) the notice or application is in writing and has been received by post by the municipality.

#### **6. Compliance with notices**

Any person to whom a written notice is issued or given under these By-laws must, within the time specified in the notice, comply with the terms of the notice.

#### **7. Application for supply**

- (1) Any application for a new electricity supply shall constitute an application for the supply and metering of electricity on a prepayment basis, provided that if and when a smart prepayment meter system is established by the municipality or by a contractor or is subsequently acquired by the municipality from a contractor and subject to the phased annual implementation of a smart prepayment meter system, any application for a new electricity supply shall constitute an application for the supply of electricity on a prepayment basis and by means of such smart prepayment meter system.

- (2) An application for a new electricity supply or for the increase in the capacity of an existing electricity supply must be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the size (load) of the consumer's proposed electrical installation must be stated in the application. The application must be made as early as possible before the electricity supply is required in order to facilitate the work of the Municipality.
- (3) Subject to section 7.1 above, an application for a new electricity supply for a period of less than one year shall be regarded as an application for a temporary electricity supply and must be considered at the discretion of the engineer, who may specify special conditions that are to be met. The applicable tariff for a temporary electricity supply as determined by the municipality is payable.
- (4) No permanent installation may be supplied with a temporary electricity supply without the written approval of the engineer.
- (5) If there is a change of ownership and the owner wishes to continue using the existing permanent electricity supply, the owner must apply to the Finance Department of the Municipality on the prescribed form(s) determined by the Chief Financial Officer of the Municipality from time to time.
- (6) Only one electricity service connection shall be made available to a premises. Additional electricity service connections may be supplied at the discretion of the engineer. On approval of a second consumer right on a premises, an application for an additional electricity service connection must be submitted by the applicant. When an approved second consumer unit is erected, a separate electricity service connection shall be taken from the Municipality for the applicant's account.
- (7) Application for the supply of electricity to rental properties, shall be subject to the installation and operation of a smart prepayment meter and related metering equipment shall be installed when opening electricity accounts.
- (8) Subject to 7.1 above, all applicants from flats/townhouses/clusters and controlled access areas shall be metered by means of prepayment meters.
- (9) All existing consumers who are currently being metered through conventional meters as well as prepayment meters, as at the date on which these By-laws become effective and operative, will be converted to smart prepayment meters on a phased basis.

#### **8. Processing of requests for supply**

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

#### **9. Arbitration**

If at any time any difference or dispute arises between the Municipality and the consumer about the construction, meaning or effect of these By-laws or about the rights, obligations or liabilities of the consumer or Municipality under the By-laws, the difference or dispute must be referred to the NERSA for a decision, failing which the difference or dispute must be settled by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965).

#### **10. Wayleaves and servitudes**

- (1) The Municipality may refuse to install an electricity service connection or supply mains above or below the ground on any private property or on land on which a thoroughfare exists that does not vest in the Municipality, unless and until the prospective consumer has furnished the Municipality with written permission from the owner of the private property or from the person in whom is vested the legal title to the land on which the thoroughfare exists, as the case may be, which permission must authorise the laying or erection of an electricity service connection or supply mains on the private property or land.

- (2) If the permission referred to in subsection (1) is withdrawn at any time or if the property or land changes ownership and the new owner refuses to grant or uphold the permission, the consumer to whose premises the supply is required to be continued must bear the cost of –
- any alteration to an electricity service connection or supply mains that may become necessary in order that the supply may be continued; and
- any removal of an electricity service connection or supply mains that may become necessary in order that the supply may be continued.
- (3) The Municipality may remove any object or rectify any activity that may endanger the integrity of the distribution system contemplated in section 27 of these By-laws.
- (4) The Municipality may enforce the requirements for wayleaves and servitudes as determined by the engineer.

#### **11. Right of access to property**

- (1) The engineer, any duly authorised official of the Municipality or a contractor may at any reasonable time or, in an emergency, at any time enter any premises when –
- (a) there are reasonable grounds for supposing that these By-laws have been or are being contravened;
- (b) conventional meters and prepayment meters are to be removed from the premises and smart prepayment meters are to be installed on the premises;
- (c) maintenance, repair, replacement, upgrading or refurbishment is to be undertaken on the distribution network or on any meter or metering equipment installed on the premises;
- (d) a general inspection is to be done for maintenance, operational or other purposes; and
- (e) the distribution network is to be upgraded.
- (2) For the purposes of undertaking activities set out in subsection (1) any earth, paving bricks, stone, masonry, glass, ironwork or woodwork or other surface covering on any portion of the premises may be removed.
- (3) In executing any bona fide duties, the municipality or the contractor, as applicable, shall endeavor to restore the premises referred to in subsection (1) to a reasonable level should no contravention of these By-laws be discovered.
- (4) The municipality shall take steps to ensure that all existing conventional meters and all existing prepayment metres, as at the date of these by-laws, are replaced with smart prepayment meters over a period of time and on a phased basis as determined by the municipality in consultation with its contractors, and at no costs to consumers, occupiers and registered owners of premises and other immovable properties. All to consumers, occupiers and registered owners of premises and other immovable properties shall provide all reasonable cooperation to the municipality and to its contractors, including the granting of reasonable and uninterrupted access, in undertaking and giving effect to such replacement and as well as in relation to all related activities required to be undertaken by the Municipality and/or its contractors including the granting of reasonable access to premises for purposes of enabling the disconnection and removal or modification and upgrading of existing conventional meters and prepayment meters and related metering equipment, as applicable, and the installation, inspection, repair, maintenance, removal, replacement, upgrading, connection of smart prepayment meters, consumer interface units and related metering equipment.

#### **12. Refusal or failure to give information**

No person may -

- (1) refuse or fail to give information that may reasonably be required of him or her by the engineer or a duly authorised official of the Municipality; or
- (2) give any false information to the engineer or a duly authorised official of the municipality about any electrical installation work that is completed or is being undertaken or is contemplated.

**13. Refusal of admittance**

No person may wilfully hinder, obstruct, interfere with or refuse admittance to the engineer, a duly authorized official of the Municipality or a contractor, in performance of their rights and duties under these By-laws or in the performance of any contractual or other duty connected with or relating to that right or duty.

**14. Improper use**

If the engineer has reasonable grounds to believe that the consumer uses the electricity for a purpose or deals with the electricity in a way that 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 the premises and/or to any other consumer, the Municipality may, without notice, disconnect and/or suspend the supply of electricity to the consumer, notwithstanding that such consumer may have electricity credit available. Such supply must be restored by the Municipality or the contractor acting on the instruction of the Municipality, as soon as the cause for the disconnection and/or suspension has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection and/or suspension and activation must 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 or unsafe manner. If substantiated proof exists that the consumer did use or deal with the electricity in an improper or unsafe manner, it may be required that a new certificate of compliance for the installation be submitted.

**15. Electricity tariffs and fees**

Copies of the prevailing schedule of tariffs, charges and fees may be obtained at the offices of the Municipality during office hours at the prescribed fee.

**16. General charges****(1) Availability charges**

(a) Availability charges as determined from time to time by the Municipality are payable to the Municipality by the owner of immovable property with or without improvements if the property is not connected to the electricity distribution system of the Municipality and if access to an electricity connection is available to the property.

(b) The provisions of subsection (1)(a) are not applicable to –

(i) immovable property that belongs to the Municipality; and

(ii) immovable property in respect of which the Municipality has granted written exemption or partial exemption from payment of the availability charges, provided that the Municipality may at any time withdraw the exemption.

**(2) Quota charges**

Quota charges, the rate of which is determined from time to time by the Municipality, are payable by developers or owners of land within the licence supply area of the Municipality when the AMD of the land is exceeded. These charges are used to cover the cost of extending the local distribution and reticulation network, which the Municipality does not recover from the tariff for the supply of electricity.

**17. Deposits**

The Municipality reserves the right to require that a consumer, in respect of which electricity is metered by means of a conventional meter, shall deposit a sum of money or submit a bank guarantee acceptable to the Municipality's Finance Department as security in payment of any tariffs, fees and charges that are due or may become due by the consumer to the Municipality in respect of the supply of electricity. The deposit must not be regarded as payment or part-payment for any accounts due for the supply of electricity or for the purpose of obtaining a discount provided for in the electricity tariff referred to in these By-laws. On cessation of the supply of electricity and/or the replacement of a conventional meter with a smart prepayment meter, the amount of the deposit, free of interest, less any payments due to the Municipality, must be refunded to the consumer or credited to the consumer's account and associated electricity credits granted. The amount of the deposit or bank guarantee is determined by the Municipality from time to time and may be increased if necessary.

**18. Payment of charges**

- (1) The consumer is liable for all electricity supplied, whether metered or unmetered, to his or her premises, including electricity supplied on a prepayment basis, at the prescribed tariff, a copy of which is obtainable from the Municipality during normal office hours at the prescribed fee.
- (2) The Municipality must render an account to the consumer on a regular basis in respect of electricity which is metered by means of a conventional meter (excluding consumers with unmetered electricity supply in accordance with an agreement with the Municipality). The municipality must provide on the account all information (meter readings, dates, etc) on which the account is based.
- (3) All accounts envisaged in sub-section (2) are deemed payable on the due date reflected on the account and, on the consumer's failure to pay, the Municipality must notify the consumer and eventually disconnect the electricity supply to the premises of the consumer. The account as issued is considered the first notification of the amount payable.
- (4) As regards the accounts envisaged in sub-section 2, an error or omission on any account from the Municipality or failure by the Municipality to render an account does not relieve the consumer of the obligation to pay the amount due for electricity supplied to and consumed at the premises. The onus is on the consumer to ensure that the account rendered is in accordance with the prescribed tariff, charges and fees for and in respect of the electricity supplied to the premises.
- (5) As regards the accounts envisaged in sub-section 2, and where a duly authorised official or contractor has visited the premises to disconnect or audit the supply of electricity for the purposes of subsections (1), (2) and (3), the official or contractor must not be obstructed or prevented from effecting the disconnection or audit. The prescribed fee must be paid by the consumer for each visit necessary for the purpose of the disconnection or audit.
- (6) After a consumer's electricity supply has been disconnected owing to non-payment of an account envisaged in sub-section (2) or owing to a contravention of any provision of these Bylaws or any other related by-laws, the consumer must pay the prescribed fees and any amounts due before a reconnection can be made. Similarly in respect of consumers whose consumption and payment of electricity is effected by means of prepayment meter system or smart prepayment meter system, where such consumers accounts are suspended or terminated or the supply of electricity is curtailed or reduced in terms of section 21 and such suspension, termination, curtailment or reduction ceases and or the account is reactivated, the consumer shall pay the prescribed fee before such suspension, curtailment or reduction is terminated or such reactivation is given effect to.
- (7) If a person uses electricity without entering into an agreement with the Municipality, he or she shall liable for the cost of the electricity used. This cost must be determined according to the appropriate tariff and the consumption since the last account in accordance with the latest agreement applicable to the premises or otherwise as determined by the engineer.

**19. Interest on overdue accounts**

The Municipality may charge interest on overdue electricity accounts at a rate determined from time to time by the Municipality.

**20. Resale of electricity**

- (1) Unless otherwise authorised by the Engineer and subject to prior compliance with the Electricity Regulation Act, 2006 (Act No 4 of 2006), no person may sell or supply electricity that is supplied to the premises (whether under an agreement with the municipality or otherwise), to any other person or persons for use on any other premises, or permit or allow such resale or supply of electricity to take place.
- (2) Subject to sub-section (1), the reseller of electricity must render a monthly account for electricity consumed, which account must reflect the start and end reading and any applicable charges according to the approved tariffs of the Municipality, provided that:
  - (a) Only approved tariffs are reflected on the account; and
  - (b) each individual consumer is metered and billed separately.

- (3) With effect from the end of the calendar month following the calendar month in which the installation of a smart prepayment meter at the premises of a reseller of electricity is completed, the supply of electricity to such reseller of electricity will be on a pre-paid basis.

**21. Right to disconnect and suspend supply and the purchase of electricity on a prepayment basis**

- (1) The Municipality and the contractor acting on the instruction of the Municipality, shall have the right, after giving notice, to disconnect, suspend, curtail or reduce the electricity supply to any premises and/or suspend, curtail, reduce, or halt the purchase of electricity by a consumer on a prepayment basis if –
- (a) the consumer or another person liable for payment for the supply of electricity to the premises and/or for payment for any other municipal services in respect of the premises, fails to pay any charge due to the Municipality in respect of any electricity supplied and/or any other municipal service provided by the Municipality in respect of the premises, has failed to effect payment timeously to the Municipality; or
  - (b) any of the provisions of these By-laws and/or the regulations are being contravened
  - (c) The consumer, occupier or registered owner refuses to grant a duly authorised official of the Municipality or a contractor, access to the premises for the purpose of inspecting, testing, maintaining, repairing, replacing, upgrading, disconnecting or removing a conventional meter or prepayment meter, or installing, inspecting, testing, maintaining, repairing, replacing, upgrading, disconnecting or removing a smart prepayment meter and/or a consumer interface unit; and/or
  - (d) the owner refuses the engineer, a duly authorised official of the municipality or a contractor, access to the meter, consumer interface unit or related metering equipment or infrastructure.
- (2) The Municipality has the right to disconnect, suspend, curtail or reduce the electricity supply to any premises, if there has been deliberate overloading on or the illegal increase of supply or capacity of supply to the premises. The Municipality must give notice to the consumer of its intention to disconnect, suspend, curtail or reduce provided that in the case of a grave risk, the Municipality may disconnect or suspend supply without giving notice. After a consumer's electricity supply has been disconnected or suspended for non-payment of arrear electricity or other municipal accounts or for the improper or unsafe use of electricity or for any other contravention of these By-laws or related reason, the fee prescribed by the Municipality for reconnection and/or reactivation of the account, must be paid by the consumer.

**22. Exclusion of liability**

The Municipality and its contractors shall not be liable for any loss or damage, direct or consequential, suffered or sustained by the consumer as a result of or arising from:

- (1) the installation, commissioning, testing, removal, repair, maintenance, replacement or upgrading of metering equipment and/or cabling and other equipment and infrastructure forming part of a prepayment meter system, a smart prepayment meter system and/or the Municipality's electricity supply, distribution and reticulation network; and/or
  - (2) the cessation, interruption, suspension or discontinuance of the supply of electricity;
- unless the loss or damage is caused by the gross negligence or wilful misconduct on the part of the Municipality or the relevant contractor, as applicable.

**23. Electricity wasted or lost**

Under no circumstance is any rebate allowed on the account of a consumer for electricity supplied and metered in respect of electricity wasted owing to a fault or an inappropriate use of electricity in the electrical installation of the consumer.

**24. Failure of supply**

The Municipality does not undertake to attend to a failure of supply owing to a fault in the electrical installation of the consumer, except when the failure is due to the operation of the service protective device of the Municipality. When a failure of supply is found to be due to a fault in the electrical installation of the consumer, or to the faulty operation of an apparatus used in connection with the electrical installation, the Municipality has the right to –

- (1) charge the consumer the fee prescribed by the Municipality for each restoration of the supply; and
- (2) recover from the consumer the cost of making good or repairing any damage which may have been done to the service mains and metering equipment by the fault or faulty operation.

**25. Seals and locks of the Municipality**

The meter and other metering equipment, service protective devices, protective boxes and cases, and all related electricity supply and metering assets, equipment and infrastructure belonging to the Municipality or a contractor, which are installed, affixed to or otherwise located upon the premises must be sealed or locked by a duly authorised official of the Municipality or a contractor, and no person (including the consumer, occupier or registered owner of the premises) other than an official of the Municipality or a representative of the contractor, in each case, who is duly authorised to do so, may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with the seals or locks. Only duly authorised officials and representatives may be in possession of security lock keys, and any unauthorised person found in possession of the keys shall be guilty of an offence under these By-laws.

**26. Tampering and other offences in respect of service connection, metering equipment or supply mains**

- (1) No consumer, owner, occupier or registered owner of any premises or immovable property or any other person may in any manner or for any reason whatsoever bypass the meter and/or a related metering equipment of the Municipality or of a contractor on or relating to any premises, or otherwise tamper or interfere with, remove, redirect, disturb, alter, vandalise or steal any meter or other metering equipment, or any service connection, service protective device, protective box or case, the supply of mains or any other electricity supply or metering assets, equipment and/or infrastructure forming part of the Municipality's electricity supply, distribution and reticulation network and/or any prepayment meter system, smart prepayment meter system, whether owned or operated by the Municipality or a contractor and whether or not it is located or installed on, or affixed to any premises or is located or installed elsewhere in relation to any premises. Such tampering, interference, removal, redirection, by-passing vandalism and theft shall constitute an offence in terms of these By-laws
- (2) Where prima facie evidence of tampering, interference or by-passing referred to in subsection (1) exists, the Municipality has the right to disconnect the supply of electricity immediately without prior notice to the consumer. The consumer is liable for all fees and charges levied by the Municipality for the disconnection and subsequent reconnection in accordance with the approved tariffs.
- (3) In cases where the tampering, interference or by-passing referred to in subsection (1) has resulted in the accuracy of the meter being compromised, the Municipality has the right to rectify the consumer's account to include circuit breaker, connection and quota charges.

**27. Protection of electricity distribution system**

- (1) No person may, except with the written consent of the engineer and subject to the conditions that may be imposed –
  - (a) construct, erect or permit the erection of any building, structure or other object, or plant trees or vegetation, over or in a position or in a manner that interferes with or endangers the electricity distribution system, and all clearances as prescribed in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), must be observed;



- (b) excavate, open up or remove the ground above, next to or under any part of the electricity distribution system (including all related electricity assets, equipment and infrastructure) or any prepayment metering system or smart prepayment metering system or dump anything onto, next to or under any part of such electricity supply, distribution and reticulation system and/or any such prepayment metering system and/or smart prepayment meter system;
  - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger, destroy or effect the removal of any part of the Municipality's electricity supply, distribution and reticulation system or of any prepayment metering system and/or smart prepayment meter system;
  - (d) abstract, branch off or divert any electric current or cause any electric current to be abstracted, branched off or diverted, or consume or use the current that has been wrongfully or unlawfully abstracted, branched off or diverted;
  - (e) install any paving over the Municipality's cables or any prepayment metering system and/or smart prepayment meter system, unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
  - (f) do any excavations over the Municipality's cables or any prepayment metering system and/or smart prepayment meter system without a permit issued by the engineer and, where applicable, the consent of any contractor that owns and operate any such prepayment metering system and/or smart prepayment meter system; and
  - (g) do any excavations over the Municipality's cables or any prepayment metering system and/or smart prepayment meter system with excavating or related machines, but excavations may be done by hand once permission for the excavations has been obtained from the engineer.
- (2) The owner must limit the height of trees or vegetation or the length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the engineer adequately prevents the tree or vegetation from interfering with the conductors should the tree or branches or vegetation move owing to wind or fall or be cut down. Should the owner fail to observe this provision the Municipality has, in accordance with the Municipality's requirements for way-leaves and servitudes, the right, after prior written notification and within the prescribed period, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this subsection and is entitled to enter the property for that purpose.
- (3) If work is carried out by the Municipality or a contractor in terms of subsections (1) and (2) and such work is necessary owing to the contravention of these By-laws, the cost of the work is for the account of the person who acted in contravention of these By-laws.
- (4) The Municipality reserves the right to implement any policy in the form of additional by-laws regarding the rights of the Municipality in respect of the protection of the electricity distribution system.
- (5) The engineer may or may authorise a contractor to, in respect of any premises
- (a) demolish, alter or otherwise deal with any building, structure or other object that has been constructed, erected or laid in contravention of these By-laws;
  - (b) fill in and make good any ground that has been excavated or removed in contravention of these By-laws;
  - (c) repair and make good any damage that has been done in contravention of these By-laws or that has resulted from a contravention of these By-laws;
  - (d) remove anything that is damaging, obstructing or endangering or that is likely to damage, obstruct, endanger or destroy any part of the electricity distribution system and/or any prepayment metering system and/or smart prepayment meter system; and
  - (e) provide an account for any work done in terms of this section, and the supply of electricity may be disconnected and/or suspended, reduced or curtailed if the consumer's electricity account and/or other amounts owed to the Municipality are not paid on time and up to date.

- (6) All paving over the Municipality's cables and/or over the cabling or other infrastructure of any prepayment metering system and/or smart prepayment meter system must be easy to remove. The Municipality reserves the right, in its favour or in favour of the contractors, to excavate any cable route for any purpose whatsoever and, although the Municipality or its contractors must restore the surface reasonably to its former condition, the Municipality and its contractors shall not be liable for any damage to the paving in a street reserve or servitude.

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

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, any prepayment metering system and/or smart prepayment meter system, the consumer must either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality. The engineer or contractor may replace the existing metering equipment with appropriate metering equipment.

**29. Unauthorised connections**

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 installation to the supply mains or service connection, prepayment metering system or a smart prepayment meter system. Such a connection is deemed to be an offence in terms of these By-laws.

**30. Unauthorised reconnections**

- (1) No person other than a person whom the Municipality specifically authorises in writing to do so may reconnect, attempt to reconnect or cause or permit the reconnection of the supply mains or service connection of an electrical installation that has been disconnected by the Municipality.
- (2) Where an electricity supply that was previously disconnected is found to have been reconnected illegally, the consumer using the supply is liable for all charges for electricity consumed between the date of disconnection and the date on which the supply was found to be reconnected and for any other charges levied in this regard. Such a reconnection of the electricity supply is deemed to be an offence in terms of these By-laws.
- (3) Where the electricity supply to any premises has been disconnected owing to unsafe conditions in the consumer or owner's electrical installation, the supply may only be reconnected after the consumer has submitted a legal and valid certificate of compliance to the Municipality.

**31. Disconnection (temporary and permanent) and reconnection**

- (1) The engineer or where applicable the contractor, acting in instruction from the Municipality must, at the written request of the consumer whose consumption of electricity is metered by means of a conventional meter, temporarily disconnect and subsequently reconnect the supply of electricity to the consumer's electrical installation and/or where electricity is purchased by the consumer by means of a prepayment meter system or smart prepayment meter system, temporarily suspend and subsequently reactivate, the supply of electricity to the consumer's electrical installation on payment by the consumer of the fee determined by the Municipality for each disconnection and subsequent reconnection and/or each suspension and reactivation, as applicable.
- (2) An electricity supply is disconnected or, if applicable, suspended at the written request of the person with whom the Municipality has an agreement for the supply or connection. If it becomes necessary for the engineer or contractor to effect a temporary disconnection or suspension and a subsequent reconnection or reactivation of the supply to a consumer's electrical installation, and if the consumer is in no way responsible for bringing about this necessity, the engineer must waive payment of the fee referred to in subsection (1).
- (3) The engineer or a contractor acting on the instruction of the Municipality may, under exceptional circumstances only, temporarily disconnect or, where applicable, suspend the electricity supply to any premises without notice to the consumer, for the purpose of effecting an installation, replacement, removal, maintenance, repairs or carrying out tests or inspections or for any other legitimate purpose. In all other instances adequate notice must be given to the consumer.

- (4) Notice of a planned disconnection, suspension or interruption must be given to the consumer by the Municipality in accordance with NRS 047.
- (5) Disconnections or suspension contemplated in this section must be effected and handled by the Municipality in accordance with NRS 047.
- (6) Should the Municipality or a contractor be required to perform small tasks on the distribution network for a period not exceeding 45 minutes, the Municipality is not required to give prior notice of the interruption to the consumer, except in the case of electricity supply to consumers with special agreements with the Municipality.

### **32. Planned maintenance and disconnection of supply**

Notice of the planned disconnection or suspension of an electricity supply for the purpose of installation, replacement, removal, maintenance, repair, carrying out tests or inspections, or construction work must be given to the consumer by the Municipality in accordance with NRS 047.

### **33. Temporary supply**

- (1) A temporary electricity supply is usually valid for three months or for a period specifically agreed on in writing with the Municipality, but the period of any temporary electricity supply may not exceed one year.
- (2) If the Municipality finds that a temporary electricity supply to a consumer is interfering with the efficient and economical supply of electricity to other consumers, the engineer has the right to terminate, with notice or, under exceptional circumstances, without notice, the temporary supply at any time.
- (3) Application for a temporary electricity supply must be made in the same way as for a permanent electricity supply in accordance with section 7.

### **34. Temporary work**

Electrical installations requiring a temporary electricity supply must not be connected direct or indirect to the supply mains, except with the special permission in writing of the engineer. Full information about the reasons for and nature of the work for temporary supply purposes must accompany the application for the permission, and the engineer may refuse the permission or grant the permission on the terms and conditions that may be necessary. A certificate of compliance must be submitted by the consumer to the Municipality in such cases of temporary work.

### **35. Load reduction**

- (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 Municipality, the engineer may, without notice, interrupt and, for a period that the engineer may deem necessary, discontinue or curtail the electricity supply to a consumer's electrically operated thermal storage water heater or to a specific appliance or supply to the premises in its entirety, notwithstanding that the consumer may have electricity credits available. The Municipality, the engineer and the contractors are not liable for any loss, expenditure or damage, whether direct or consequential, owing to or arising from the interruption, suspension and/or discontinuance of the electricity supply.
- (2) The Municipality may install on the premises of the consumer all necessary equipment and infrastructure in order to give effect to the provisions of subsection (1), and the engineer or any duly authorised official may at any reasonable time enter the premises for the purpose of installing, inspecting, testing, adjusting, maintaining, repairing and/or replacing such equipment and infrastructure.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, must, when installing an electrically operated water storage heater, provide the necessary accommodation and wiring that the engineer may require in order to facilitate the installation of the equipment and infrastructure referred to in subsection (2), at a later stage.

**36. MV and LV switchgear and equipment**

- (1) Where an electricity supply is given at either MV or LV, the supply and installation of the switchgear, cables and equipment forming part of the service connection must, unless otherwise approved, be paid for by the consumer.
- (2) In the case of an MV supply, all the equipment must be approved by the engineer and be installed by or under the supervision of the engineer.
- (3) No person may operate MV switchgear at the points of supply without the written authorisation of the engineer.
- (4) All MV switchgear operations at the points of supply or interconnecting the points of supply must be approved by the engineer, and all earthing and testing of MV equipment linked to the Municipality's network must be conducted by or under the supervision of the engineer.
- (5) In the case of an LV supply, the consumer must provide and install an approved LV main switch and/or any other equipment required by the engineer.

**37. Transformer substation accommodation**

- (1) The engineer may, on such conditions as he or she sees fit, require the owner of premises to provide and maintain approved accommodation which must consist of a separate room or rooms to be used exclusively for the purpose of housing MV cables and switchgear, transformers, LV cables and switchgear and other equipment necessary for the supply (including the metering of such supply) requested by the applicant who is applying for electricity supply to the premises and/or for the supply to and metering of other consumers.
- (2) The accommodation referred to in subsection (1) must be situated at a point to which free and unrestricted access can be had at all times for purposes connected with the operation and maintenance of the equipment.
- (3) The Municipality reserves the right to supply its own networks from its own equipment installed in the accommodation referred to in subsection (1), and if additional accommodation is required by the Municipality, the additional accommodation must be provided by the applicant at the cost of the Municipality.

**38. Supply feeder diagram specification**

When more than one electrical installation or electricity supply from a common main is required for any building or group of buildings, the design must be certified by a competent person contemplated in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and the wiring diagram of the circuits starting from the main switch and the design of the internal distribution network must, on request, be submitted to the engineer in duplicate for approval before the work commences. In the case of township development, the design must comply with the specifications of the engineer.

**39. Standby supply**

No consumer is entitled to a standby supply from the Municipality for any premises, except with the written consent of the engineer and subject to the terms and conditions laid down by the engineer.

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

No emergency standby supply equipment provided by a consumer in terms of any regulations or for the consumer's own operational requirements may be connected to an installation without the prior written approval of the engineer. Application for approval must be made in writing and must include a full specification of the equipment and a wiring diagram. Changeover interlocking, making it impossible to parallel the standby supply with that of the Municipality, is a non-negotiable requirement.

**41. Installation circulars**

- (1) 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 Municipality regarding matters that are not specifically covered in the regulations or in these By-laws, but that are necessary for the safe and efficient operation and management of the supply of electricity.

- (2) Notwithstanding the provisions of subsection (1), the onus for obtaining the latest information remains on the contractors, consultants and architects.

### CHAPTER 3: RESPONSIBILITIES OF CONSUMERS

#### 42. Consumer to erect and maintain electrical installation

An electrical installation connected to or to be connected to the supply mains, and any additions or alterations to an electrical installation that may be made from time to time must be provided, erected, maintained and kept in good order by the consumer at the consumer's own expense and in accordance with these By-laws and the regulations. The consumer must provide the Municipality with a copy of the required certificate of compliance for the installation in question before the connection and/or alteration is energised.

#### 43. Fault in electrical installation

The engineer may require the consumer to reimburse the Municipality for expenses incurred in respect of a fault in the electrical installation of the consumer.

#### 44. Discontinuance of use of supply

(1) If a consumer wishes to discontinue using the electricity supply, including electricity supply on a prepaid basis, the consumer must give the Municipality at least two full working days' notice in writing of the intended discontinuance, and:

- (a) the consumer remains liable for all payments due in accordance with the tariff applicable for the supply of electricity until the notice period has expired; or
- (b) where the supply of electricity is on a prepayment basis, the consumer is not entitled to be reimbursed for electricity credits which have not been used.

(2) An application for the discontinuation of a supply must only be accepted from the person or the authorised representative of the person with whom the Municipality entered into an agreement for the supply in question.

#### 45. Change of consumer

(1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, who is leaving must give the Municipality not less than two full working days' notice in writing, of his or her intention to discontinue using the electricity supply, failing which he or she remains liable for the supply until the supply is disconnected or suspended by the Municipality or a contractor or a new agreement is entered into;

(2) If the new occupier or consumer at the premises wishes to continue using the electricity supply, he or she must apply in accordance with the provisions of section 4 of these By-laws.

(3) Where the premises are fitted with a prepayment meter or a smart prepayment meter and a change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply for an electricity supply in terms of section 4 of these By-laws, he or she is liable for all charges and fees owed to the municipality for that point of metering, as well as any outstanding charges and fees, whether accrued by that consumer or not, until such time as an application for supply is received by the municipality.

(4) Subject to subsection (1), (2), and (3), the registered owner of premises remains liable for any electricity consumed on the premises.

(5) a clearance certificate in terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), shall not be issued and a connection must not be effected if a certified copy of the certificate of compliance is not submitted by the new owner or occupier, as the case may be. Should it at any stage be found that a supply was given without a certificate of compliance being furnished; the Municipality is entitled to terminate the supply at any time and without prior notice to the occupier, owner or consumer, as the case may be.

**46. Service apparatus**

- (1) The consumer is liable to the Municipality and/or the contractor, as applicable, for all costs arising from damage to or loss of any metering equipment, meter, service protective device, service connection or other apparatus on the premises, unless the damage or loss is shown to have been occasioned by an act of God, an act or omission of an employee or agent of the Municipality or a contractor, or an abnormality in the supply of electricity to the premises;
- (2) If the service mains, meter and related metering equipment or any other electricity assets, equipment, apparatus or infrastructure, being the property of the Municipality or of a contractor and having been previously used, is, during a period in which an installation is disconnected from the supply mains, removed without the permission of the Municipality or the relevant contractor or has been damaged in a way that renders the reconnection dangerous, the owner or occupier of the premises, as the case may be, must during that period bear the cost of overhauling and/or replacing the mains, meter and related metering equipment or other electricity assets, equipment, apparatus or infrastructure, as applicable.
- (3) Where there is a common metering position on the premises for more than one consumer, the owners of the premises shall be jointly and severally liable in respect of subsection (1).
- (4) A certificate from the engineer reflecting the amount due is deemed prima facie evidence of the amount due in terms of subsection (1)

**CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY****47. Service connection**

- (1) The consumer must bear the cost of a service connection as determined by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection that has been laid or erected by the Municipality vests in the Municipality, and the Municipality is responsible for the maintenance of the service connection up to the point of supply, including the meter. The consumer is not entitled to any compensation from the Municipality or the contractor in respect of the service connection.
- (3) The extent and nature of work to be carried out by the Municipality for a service connection to the consumer's premises, at the cost of the consumer, must be determined by the Municipality.
- (4) A service connection must be laid underground, irrespective of whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the engineer.
- (5) If the engineer so requires, an overhead service connection must be replaced by an underground cable connection at the expense of the consumer if –
  - (a) re-roofing is taking place;
  - (b) the connection is being upgraded; or
  - (c) the connection has to be moved for extensions or alterations to a building.
- (6) The conductor used for the service connection must be a three- or four-core steel-wire armoured (SWA) PVC cable with two 1mm (fine strand) communication cores placed in the interstice of the cores (not in the armouring) in accordance with SANS 1507. The cable size must be determined in accordance with SANS 10142-1.
- (7) The conductor used for the service connection must have a cross-sectional area of not less than 10mm<sup>2</sup> and must be of copper or copper equivalent, and all conductors must have the same cross-sectional area, unless otherwise approved in writing by the engineer.
- (8) Unless otherwise approved in writing by the engineer, the Municipality must only provide one service connection to each erf.
- (9) Any covers of a wire-way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the Municipality.

- (10) The service conductor or cable within the meter box must terminate in an unobscured position, and any conductors must remain visible throughout their length.
- (11) In the case of service connections to multiple consumers on premises the Municipality must provide a bulk supply and bulk metering point on the boundary of the premises or in a substation building provided by the owner of the premises, and the owner or consumer(s), as the case may be, are responsible for the operation and maintenance of the network from that point onwards, and the owner or consumer(s) are regarded as a person who resells electricity supplied to him or her by an undertaker in terms of the Electricity Act, 1987 (Act 41 of 1987). The cost of the connection must be borne by the owner or consumer(s), as the case may be.
- (12) The consumer must, if so required, provide accommodation for the Municipality's load reduction equipment in accordance with section 35(3) of these By-laws and maintain the accommodation to the satisfaction of the engineer.

#### **48. Metering accommodation**

- (1)
  - (a) In the case of urban domestic consumers, the Municipality must provide and install accommodation for conventional meters and prepayment meters in an approved position, including the meter board and adequate conductors for the metering equipment, service apparatus and service protective devices, unless otherwise decided upon by the engineer. Such accommodation and protection must be maintained by the Municipality. Where existing conventional meters or prepayment meters are installed in accommodation provided by the consumer, the consumer is responsible for the maintenance of the accommodation.
  - (b) In relation to all consumers, the Municipality or the relevant contractor shall provide and install accommodation for smart prepayment meters in an approved position and which may include protective meter boxes if deemed necessary, a meter board, a consumer interface unit and adequate conductors for the metering equipment, service apparatus and service protective devices, unless otherwise agreed by the contractor with the engineer. Such accommodation and protection shall be maintained by the Municipality or the relevant contractor, as applicable. Where smart prepayment meters and/or consumer interface units are installed in accommodation provided by the consumer, the consumer shall be responsible for the maintenance of such accommodation.
  - (c) in case of rural areas, the Municipality must provide a prescribed meter box for the account of the consumer or applicant.
  - (d) In the case of maximum demand consumers, the consumer must provide accommodation. Such accommodation and protection must be provided, installed and maintained to the satisfaction of the engineer at the cost of the consumer or the owner, as the circumstances may demand, and must be situated, in the case of conventional meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters but at all times for purposes associated with the operation and maintenance of the service equipment.
  - (d) In the case of HV, MV and 11kV consumers, metering accommodation must be provided and installed as mutually agreed upon in writing between the engineer and the consumer.
  - (e) Prepayment meters must be installed and maintained at the consumer's cost as determined in the Municipality's tariff, provided that the Municipality will not accept any request by a consumer for a prepayment meter from [DATE TO BE INSERTED] onwards
- (2) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment must be provided by the consumer for the equipment.
- (3) The consumer or, in the case of a common meter position, the owner of the premises must provide and maintain adequate electric lighting in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should this lighting not be maintained, the Municipality must maintain it at the cost of the consumer or owner, as the case may be.

- (4) If, in the opinion of the engineer, the meter, service connection, service protective devices or main distribution board or the consumer interface unit is no longer readily accessible or becomes a source of danger to life or property or is being tampered with or becomes in any way unsuitable, the owner or consumer(s), as the case may be, must be notified by the Municipality of one of the following actions which must be taken:
- (a) The Municipality and/or the contractor shall be entitled to move or to procure the move of the meter, service connection, service protective devices, main distribution board or consumer interface unit to a new position, and the municipality shall be entitled to recover the costs of such move where it is caused or occasioned by an act or omission of the owner or consumer(s), as applicable.
  - (b) The Municipality or the contractor shall be entitled to repair the meter, service connection, service protective devices or main distribution board or the consumer interface unit to the original condition at the costs of the owner or consumer(s), as the case may be.
  - (c) In the case of a single consumer on the premises, a supply and metering point must be supplied by the Municipality on the boundary of the premises.
  - (d) In the case of multiple consumers on the premises, a bulk supply and bulk metering point must be supplied by the Municipality or in the case of smart prepayment system, by the contractor on the boundary of the premises or in a substation building provided by the owner of the premises, and the owner or consumers, as the case may be, are responsible for the operation and maintenance of the network from that point onwards, and the owner or consumers are regarded as a person who resells electricity supplied to him or her by an undertaker in terms of the Electricity Regulations Act, 2006 (Act 4 of 2006).
- (5) Should the registered owner or consumer(s), as the case may be, not proceed with the action contemplated in subsection (4)(a) or (b) within 14 (fourteen) days of notification or complete the action within a reasonable time, the Municipality must take the action contemplated in subsection (4)(c) or (d).
- (6) The registered owner or the consumer(s), or the consumer(s) with the owner's consent, may request the Municipality to proceed with the action contemplated in subsection (4)(c) or (d) if the owner or consumer(s), as the case may be, are unable to take the action contemplated in subsection (4)(a) or (b).
- (7) The cost of the action contemplated in subsection (4) must be borne by the registered owner or consumer(s), as the case may be.
- (8) The accommodation for the Municipality's metering equipment and service protective devices may, if approved, include the consumer's main switch and main service protective devices. No apparatus other than that used in connection with the supply and use of electricity may be installed or stored in the accommodation unless approved in writing by the engineer.

## CHAPTER 5: SYSTEMS OF SUPPLY

### 49. Quality of supply

Alternating current supplies must be supplied as prescribed by the Electricity Regulations Act, 2006 (Act 4 of 2006), and, in the absence of a quality of supply agreement, must be supplies as set out in NRS 048.

### 50. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA before diversity, the electrical installation must be arranged for a two-wire plus earth single-phase supply, unless otherwise approved by the engineer.
- (2) Where the estimated load, calculated in terms of the safety standard, exceed 15 kVA before diversity, the electrical installation must be arranged for a four-wire plus earth three-phase supply, unless otherwise approved by the engineer.
- (3) Where a three-phase four-wire plus earth supply is provided, the load must be balanced approximately over the three phases, but the maximum out-of-balance load must not exceed 30 per cent, unless otherwise approved by the engineer.



- (4) No current-consuming appliance, inherently single phase in character, with a rating that exceeds 15 kVA may be connected to an electrical installation without the prior approval of the engineer.

**51. Interference with other consumers**

- (1) No consumer shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents that fall outside the standards determined by NRS 048.
- (2) The assessment of interference with other consumers must be carried out by means of a measurement taken at the point of common coupling as described in NRS 048.

**52. Supplies to motors**

The following limitations are given as a guide for the purposes of compliance with section 50:

- (1) Limited size for LV motors

The rating of an LV single-phase motor must be limited to a starting current not exceeding the capacity of the consumer's service connection. All motors exceeding these limits must be wound for three phases at low voltage or at such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors

The permissible starting current of three-phase LV motors must 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 (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 electrical installation supplied at medium voltage the starting current of an LV motor must be limited to 1.5 times the rated full-load current of the transformer supplying the motor.

**53. Power factor**

- (1) The power factor must under all load conditions not be leading, unless otherwise agreed to by the engineer.
- (2) If the engineer so requires, the power factor of any load may not be less than 0,85 lagging, if it's less than 0,85 lagging for more than 2 months the municipality will impose penalties, and may in addition, suspend or terminate supply.
- (3) If, for the purpose of complying with subsection (1), it is necessary to install power factor correction devices, the correction devices must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

**54. Protection**

Electrical protection devices for motors must be of a design that effectively prevents sustained overcurrent and single phasing, where applicable, in accordance with SANS 10142-1.27

**CHAPTER 6: MEASUREMENT OF ELECTRICITY****55. Metering and Related Assets, Equipment and Infrastructure**

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install, maintain and operate appropriately rated conventional meters or prepayment meters at the point of metering for purposes of measuring the electricity consumed by each such consumer. The conventional meters and prepayment meters shall remain the property of the Municipality.
- (2) Except in the case of prepayment meters or smart prepayment meters, as applicable, the electricity used by a consumer during a metering period must be determined by the reading of the appropriate conventional meter or meters that are supplied and installed by the Municipality and read at the beginning and end of the period. If a conventional meter cannot be read or if metering equipment is found to be defective, the consumption must be estimated.
- (3) Where the electricity used by a consumer is charged at different tariffs, the consumption must be metered for each tariff. Adequate metering equipment must be installed on application by and for the account of the consumer; provided that the consumer shall not be required to effect payment in respect of the installation of a smart prepayment meter and related metering equipment.
- (4) The engineer reserves the right to meter the supply to blocks of shops and flats, tenement houses, sectional title townhouse complexes, estates and other similar buildings and developments for the buildings, units, flats and other dwellings comprising or located within such buildings, tenement houses, sectional title townhouse complexes or estates as a whole, or for individual units, or for groups of units. In such instances and where the Municipality so elects, the consumer for supply, metering and payment purposes may be the body corporate, home owners association, property management agents or other governing entity, established in respect of such blocks of shops and flats, tenement houses, sectional title townhouse complexes, estates and other similar buildings and developments.
- (5) all electricity assets, equipment and infrastructure comprising or forming part of the Municipality's electricity supply, distribution and reticulation network and all conventional meters, prepayment meter systems and smart prepayment meter systems, whether wholly or partially owned by the Municipality and/or its contractors, shall not accede to or otherwise form part of or become incorporated in the premises or any other immovable property on which they are located or upon which they are installed, affixed and/or operated and shall not become the property of the consumer, owner, occupier or the registered owner of such premises of immovable property and shall, at all times, remain the property of the Municipality or the relevant contractor, as applicable.
- (6) No consumer, owner, occupier or the registered owner of any premises or immovable property shall encumber, sell, let, swap substitute or otherwise dispose of or alienate any electricity assets, equipment and infrastructure comprising or forming part of the Municipality's electricity supply, distribution and reticulation network and/or any conventional meters, prepayment meters, smart prepayment meters, consumer interface units and/or any related metering systems which are installed, affixed, located and/or operated, upon such premises or immovable property.
- (7) No alterations or additions or electrical connections of any description may be made on the supply side of the meter by the consumer, occupier or the registered owner of any premises or immovable property.

**56. Accuracy of metering**

- (1) A meter shall be presumed conclusively to be registering accurately if its error, when tested in the manner prescribed in subsection (5), is found to be within the limits of error laid down in NRS 057. If any of the seals of the meter are found to be broken, the meter shall be deemed to have been tampered with.
- (2) The Municipality and its contractors have the right to test all meters and metering equipment. If it is established by a test or otherwise that the metering equipment is defective and thus registering or measuring the consumption of electricity incorrectly, the Municipality must, in accordance with the provisions of subsection (6) –

- (a) in the case of a conventional meter, adjust the account rendered and remove an amount if the meter has been under-registering or measuring or reflect a credit on the account if the meter have been over-registering or measuring; or
- (b) in the case of a prepayment meter or smart prepayment meter, adjust the account of the consumer and recover an amount if the meter has been under-registering or measuring or reflect the appropriate quantity of electricity credits to such meter if the meter has been over registering or measuring.
- (3) The consumer is entitled to request that the meter and related metering equipment, which is sealed according to the Municipality's standards, be tested by the Municipality, a duly authorised official or a contractor, as applicable, on payment of the prescribed fee to the Municipality. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057, an adjustment in accordance with the provisions of subsections (2) and (6) must be made and the fee must be refunded.
- (4) in the event of a dispute in respect of the accuracy of the meter, the consumer is entitled, at his or her own cost to have the meter and related metering equipment in dispute tested by an independent testing authority or entity accredited by the South African National Accreditation System ("SANAS") or its successor body, and approved by the Municipality and the result of the test is final and binding on both parties. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057, an adjustment in accordance with the provisions of subsection (2) and (6) must be made and the costs of the independent testing must be refunded.
- (5) Meters must be tested in the manner prescribed by NRS 057.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), the adjustment must be based either on the percentage error of the meter as determined by the test referred to in subsection (5) or on a calculation by the engineer from consumption data in his or her possession. Where applicable and where possible, due allowance must be made for seasonal or other variations that may affect the consumption of electricity.
- (7) When an adjustment contemplated in subsection (6) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the meter and the metering equipment was found to be inaccurate.
- (8) Where the actual load of a consumer differs from the initially required load provided for under section 7(1) to the extent that the Municipality deems it necessary to alter or replace the meter and/or the metering equipment to match the load, the cost of the alteration or replacement and other costs incurred in correcting the supply must be borne by the consumer. In such instance and where the meter in question is owned by a contractor the Municipality shall recover payment from the consumer and shall and effect a corresponding payment to the relevant contractor.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the engineer must –
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons for the adjustment;
  - (ii) in the notice, provide sufficient particulars to enable the consumer to submit representations on the adjustment; and
  - (iii) in the notice, call on the consumer to provide the engineer with reasons, if any, in writing why the consumer's account should not be adjusted as notified, and these reasons must be submitted to the engineer within twenty - one days or within a longer period that the engineer may permit.
- (b) The engineer must consider any reasons provided by the consumer in terms of subsection (9)(a) and must, if satisfied that a valid case exists, adjust the account accordingly.
- (c) Should the consumer fail to make any representations during the prescribed period or should the 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).

- (10) In addition to subsection 2, when the Municipality is satisfied that a prepayment meter or a smart prepayment meter has ceased to register and measure correctly, the prepayment meter or smart prepayment meter, as applicable, must be replaced immediately and any electricity credits still registered in favour of the consumer on the faulty meter must be carried over to the new prepayment meter or smart prepayment meter, as applicable.

**57. Reading of conventional meters**

- (1) Unless otherwise prescribed, conventional meters must be read at fixed cycles of approximately one month, and the fixed or minimum charges due in terms of the tariff must be assessed accordingly. The Municipality is not obliged to effect any adjustments to the charges. The minimum number of meter readings per annum must be in accordance with NRS 047.
- (2) If for any reason the conventional meter cannot be read, the Municipality may render an estimated account. The energy consumption must be adjusted in a subsequent account according to the energy consumption actually used.
- (3) When a consumer vacates a premises and a final meter reading is not available, the Municipality must make an estimation of the consumption and render the final account accordingly.
- (4) If a special reading of the meter is desired by a consumer, the consumer may obtain the reading from the Municipality on payment of the prescribed fee.
- (5) If any calculation, reading or metering error is discovered in respect of any account rendered to a consumer, the Municipality must correct the error in subsequent accounts. In respect of any such corrected accounts –
- (a) the correction must apply only to accounts for a period of three years preceding the date on which the error in the accounts was discovered;
  - (b) the amount of the corrected accounts must be free of interest up to the date on which the correction is found to be necessary; and
  - (c) the amount of the corrected accounts must be based on the actual tariffs applicable during the period in question.
- (6) No person may influence or try to influence or interfere with the metering process.

**58. Pre-payment metering - Prepayment meters and Smart Prepayment meters**

- (1) No refund of the amount tendered for the purchase of electricity credit may be given to the consumer at the point of sale after initiation of the process by which the prepayment meter token is produced or electricity credit has recorded and reflected on the smart prepayment meter, as applicable.
- (2) Copies of previously issued tokens, in respect of prepayment meters, or receipts, in respect of smart prepayment meters, for the transfer of electricity credit to the prepayment meter or smart prepayment meter, as applicable, may be issued to the consumer at his or her request.
- (3) When a consumer vacates any premises where a prepayment meter or smart prepayment meter is installed, no refund for electricity credit remaining in respect of such meter may be made to the consumer.
- (4) The Municipality is not liable for the reinstatement of electricity credit in respect of prepayment meter or smart prepayment meter that has been lost as a result of tempering, incorrect use or abuse of the prepayment meter or smart prepayment meter, as applicable, and/or identity card.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or for any other services supplied by the Municipality (including assessment rates) or for any charges previously raised against the consumer in connection with any service rendered, the Municipality may either:
- (a) in respect of amounts invoiced following the supply to and consumption by a consumer of electricity, deduct a percentage from the amount tendered by such consumer to offset the amount owing to the Municipality, be it in respect of arrear amounts relating to the supply and consumption of electricity and or other municipal services and/or assessment rates;

- (b) in respect of the prepayment meter system or smart prepayment meter system, suspend, restrict, curtail or reduce the quantity of electricity which may be purchased, in the form of credits, by such consumer or prevent or limit any further supply of electricity to such consumer; be it in terms of these By-laws, the agreement for the supply of electricity contemplated in section 4 and/or the Municipality's Credit Control and Debt Collection Policy and associated by-laws of the Municipality.
- (6) The Municipality may, at its discretion, appoint contractors and/or vendors to undertake the sale of electricity on a prepayment basis and/or to monitor the supply to and consumption by consumers of electricity sold on prepayment basis, be it by means of prepayment meter systems and/or smart prepayment meter systems, although in such instances the Municipality shall not guarantee the continued operation of any contractor or vendor appointed by it.
- (7) Should a consumer making use of a prepayment meter or smart prepayment meter fail to purchase electricity credit for a continuous period of six months, the Municipality shall be entitled to discontinue the supply of electricity forthwith to the consumer and remove the service connection to the premises, including all metering equipment.
- (8) The owner of any premises or the consumer making use of a prepaid electricity on the premises may not erect any structures or allow any vegetation on the premises within a safe distance of the meter and metering equipment, which distance is determined by the Municipality from time to time.

#### **59. Calculation of estimated account**

- (1) Where a meter is found to have ceased registering or measuring correctly, the Municipality must repair or replace the meter as soon as possible or where such meter is owned and operated by a contractor procure that the relevant contractor does so.
- (2) Where a meter has been replaced or repaired in accordance with subsection (1), the Municipality must estimate the quantity of electricity that is to be paid for by the consumer, unless it can be proved to the satisfaction of the engineer that a lesser or greater quantity of electricity has been consumed. The Municipality's estimate must be for the period from the date of the last reading of the meter prior to the meter's repair or replacement and must be based on the following:
- (a) The average monthly consumption of electricity on the premises served by the meter during the three months prior to the last registration;
- (b) the consumption of electricity on the premises for the corresponding months of the previous year; or
- (c) the average monthly consumption on the premises served by the meter over a period of three successive months after the repair or replacement of the meter.

### **CHAPTER 7: ELECTRICAL CONTRACTORS AND ACCREDITED PERSONS**

#### **60. Requirements additional to the requirements of the regulations**

- (1) Where an application for a new electrical connection or increased supply of electricity has been made to the Municipality, the engineer may at his or her discretion accept notification of the completion of any part of the electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions. Any part of the electrical installation may, at the discretion of the engineer, be inspected, tested and connected to the supply mains by or on behalf of the Municipality, as though that part of the electrical installation were a complete installation, subject to the submission by the owner, consumer or applicant, as the case may be, of a certificate of compliance from a duly qualified electrical contractor or accredited person for that part of the electrical installation.

- (2) The inspection and testing referred to in subsection (1) may be carried out at the discretion of the Municipality and shall not in any way relieve the consumer or its appointed electrical contractor or accredited person, as the case may be, from his or her liability for any defect in the electrical installation or a the relevant portion thereof. The inspection and testing by or on behalf of the Municipality in terms of subsection (1) shall not be taken in any circumstance, even where the electrical installation has been connected to the supply mains, to indicate or guarantee in any way that the electrical installation has been carried out in accordance with the regulations and other applicable laws, correctly or efficiently with the most suitable materials, or that the electrical installation is in accordance with these By-laws or the safety standard, and the Municipality shall not be liable for any defect or fault in the electrical installation.
- (3) The Municipality shall not be liable for –
- (a) the work done or an act performed by any contractor or any electrical contractor or accredited person appointed by the Municipality, on a consumer's premises; and
  - (b) any loss, expenditure or damage which may be occasioned by fire or by an accident arising from the state of the wiring on the premises.

## CHAPTER 8: LEGAL MATTERS

### 61. Domicilium

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

### 62. Penalties and Offences

- (1) Any person who contravenes any of the provisions of these By-laws (including but not limited to any consumer who fails or refuses to grant access to the Municipality and/or its contractors to its premises for purposes of enabling the Municipality and/or its contractors to undertake any installation, inspection, repairs, maintenance, removal, replacement, upgrading, connection or disconnection envisaged in these By-laws, and any person who tempers with, by-passes, redirects, disturb, alters, interferes with, vandalises, steals or purports or attempts to encumber, sell, let, swap or otherwise dispose or alienate any metering equipment, cabling and/or other assets, equipment or infrastructure forming part of a prepayment meter system, a smart prepayment meter system and/or part of the Municipality's electricity supply, distribution and reticulation network) they shall be guilty of an offence and, if found guilty by a court of law, may be sentenced to a fine not exceeding an amount stipulated in the prevailing schedule of charges and fees determined and published by the Municipality from time to time.
- (2) Any person who contravenes any of the provisions of these By-laws is liable to compensate the Municipality and/or the contractor, as the case may be, for the loss, expenditure and/or damage suffered or sustained by the Municipality and/or its contractor, as applicable, in consequence of the contravention.

### 63. Applicability

These By-laws are applicable to the supply, distribution and reticulation of electricity by the Municipality within the supply area of the Municipality as defined and licensed by the NERSA, irrespective of whether or not the locus of consumption falls within the judicial boundaries of the Municipality.

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