

Vol. 478

Cape Town,
Kaapstad,

6 April 2005

No. 27458

THE PRESIDENCY

No. 340

6 April 2005

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 40 of 2004: National Energy Regulator Act, 2004.

IHHOVISI LIKAMONGAMELI

Ino. 340

6 April 2005

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelwa umphakathi:—

Ino. 40 ka-2004: Umthetho wokuLawuliwa kwezaMandla Kazwelonke, ka-2004.

(English text signed by the President.)
(Assented to 30 March 2005.)

ACT

To establish a single regulator to regulate the electricity, piped-gas and petroleum pipeline industries; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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SCHEDULE

UMTHETHO WOKULAWULWA
KWEZAMANDLA KAZWELONKE, KA-2004

Act No. 40, 2004

(English text signed by the President.)
(Assented to 30 March 2005.)

UMTHETHO

Ukumisa isigungu esisodwa sokuhambisa ngokomthetho ugesi, igesi esemapayipini kanye nezimboni zamapayipilayini kaphalafini wamalambu; kanye nokuhlinzeka izindaba eziphathelele nalokho.

I MISWA yiPhalamende laseRephabhuliki yaseNingizimu Afrika njengokulandelayo:—

OKUQUKETHWE

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ISHEDULI 30

CHAPTER I

DEFINITIONS AND OBJECT

Definitions

1. In this Act, unless the context indicates otherwise—
- “**administrative action**” bears the meaning ascribed to it in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); 5
- “**chief executive officer**” means the chief executive officer contemplated in section 5;
- “**Department**” means the Department of Minerals and Energy;
- “**Electricity Act**” means the Electricity Act, 1987 (Act No. 41 of 1987); 10
- “**Energy Regulator**” means the National Energy Regulator established by section 3;
- “**Gas Act**” means the Gas Act, 2001 (Act No. 48 of 2001);
- “**Gas Regulator Levies Act**” means the Gas Regulator Levies Act, 2002 (Act No. 75 of 2002); 15
- “**Minister**” means the Minister of Minerals and Energy;
- “**Petroleum Pipelines Act**” means the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

Object of Act

2. The object of this Act is to establish a National Energy Regulator for the regulation 20 of the electricity, piped-gas and petroleum pipelines industries.

CHAPTER II

NATIONAL ENERGY REGULATOR

Establishment of Energy Regulator

3. The National Energy Regulator is hereby established as a juristic person. 25

Functions of Energy Regulator

4. (1) The Energy Regulator must—
- (a) undertake the functions of the Gas Regulator as set out in section 4 of the Gas Act;
- (b) undertake the functions of the Petroleum Pipelines Regulatory Authority as 30 set out in section 4 of the Petroleum Pipelines Act; and
- (c) with effect from a date determined by the Minister by notice in the *Gazette*, undertake the functions of the National Electricity Regulator as set out in section 4 of the Electricity Act.
- (2) The date contemplated in subsection 1(c) must be after 31 May 2005. 35

Composition of Energy Regulator

5. (1) The Energy Regulator consists of four full-time and five part-time members appointed by the Minister.
- (2) The Minister must designate one of the part-time members as chairperson of the Energy Regulator and another part-time member as deputy chairperson. 40

ISAHLUKO I

IZINCAZELO KANYE NEZINHLOSO

Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi ibonisa ngenye indlela—
 - “**ukwenza kokuphatha**” kuqukethe incazelo elandelayo njengokubekwe 5
kuMthetho wokuThuthukisa ezokuLungisa zokuPhatha, ka-2000 (uMthetho we
No. 3 ka-2000);
 - “**umphathi omkhulu**” usho umphathi omkhulu omiswe ngokulandela isigaba-5;
 - “**uMnyango**” usho uMnyango wezokuMbiwa Phansi nezaMandla;
 - “**uMthetho kaGesi**” usho uMthetho kaGesi ka-1987 (uMthetho we No. 41 ka- 10
1987);
 - “**uMlawuli wezaMandla**” usho isigungu esiLawula ezaMandla kaZwelonke
emiswe yisigaba-3;
 - “**uMthetho weGesi**” usho uMthetho weGesi, ka 2001 (uMthetho we No. 48 ka 15
2001);
 - “**uMthetho wokuLawulwa kwamaLevi**” usho uMthetho wokuLawulwa
kwamaLevi, ka 2002 (uMthetho we No. 75 ka 2002);
 - “**uNgqongqoshe**” usho uNgqongqoshe wezokuMbiwa Phansi nezaMandla;
 - “**uMthetho wamaPayipilayini kaPhalafini wamaLambu**” usho uMthetho
wamaPayipilayini kaPhalafini wamaLambu , ka-2003 (uMthetho we No. 60 ka- 20
2003).

Izinhloso zoMthetho

2. Inhloso yalo Mthetho ukumisa isigungu esiLawula ezaMandla kaZwelonke sokuhambisa ngomthetho ugesi, igesi esemapayipini kanye nezimbongi zamapayipilayini kaphalafini wamalambu. 25

ISAHLUKO II

ISIGUNGU ESILAWULA EZAMANDLA KAZWELONKE

Ukumiswa kwesigungu esiLawula ezaMandla

3. Isigungu esiLawula ezaMandla kaZwelonke simiswe ngalokho njengomuntu osemthethweni. 30

Imisebenzi yesigungu esiLawula ezaMandla

4. (1) Isigungu esiLawula ezaMandla kumele—
 - (a) senze imisebenzi yesigungu esiLawula iGesi njengoba ichazwe esigabeni- 4 soMthetho weGesi;
 - (b) yenze imisebenzi yeziPhathimandla zesigungu esiLawula amaPayipilayini 35
kaPhalafini wamaLambu (Petroleum Pipelines Regulatory Authority)
njengoba ichaziwe esigabeni-4 soMthetho wamaPayipilayini kaPhalafini
wamaLambu; kanye
 - (c) ukusukela ngosuku oluzobe lubekwe nguNgqongqoshe ngesaziso *kwi-Gazethi*, yenze imisebenzi yeNkambiso yaMandla kaZwelonke njengoba 40
ichazwe esigabeni se-4 soMthetho kaGesi (Electricity Act).
- (2) Usuku olucatshangiwe kwisigatshana 1(c) kumele kube emuva kuka-31 Meyi ka-2005.

Ukuhlanganyelwa kwesigungu esiLawula ezaMandla

5. (1) Isigungu esiLawula ezaMandla siqukethe amalungu amane asebenza 45
ngokugcwele kanye namahlanu asebenza okwesikhashana amiswe nguNgqongqoshe.
- (2) UNgqongqoshe kumele akhethe oyedwa wamalungu esikhashana njengomgcinisihlalo wesigungu esiLawula ezaMandla nelinye njengephini likamgcinisihlalo.

(3) The Minister must designate one of the full-time members as the Chief Executive Officer of the Energy Regulator.

(4) The Minister must designate one of the other three full-time members to be primarily responsible for electricity regulation, another for piped-gas regulation and another for petroleum pipeline regulation.

(5) If the chairperson is for any reason unable to perform his or her functions, the deputy chairperson must perform them until the Minister designates another chairperson.

(6) (a) A part-time member of the Energy Regulator holds office for a period of four years.

(b) A full-time member of the Energy Regulator holds office for a period of five years.

(c) The Minister may reappoint a member of the Energy Regulator.

(d) If a vacancy occurs on the Energy Regulator the Minister may fill the vacancy temporarily for a period of not more than 12 months by appointing a person without complying with section 6(7).

(7) Members of the Energy Regulator must be paid for their services such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance.

Disqualifications and requirements for membership of Energy Regulator

6. (1) No person may be appointed as or remain a member of the Energy Regulator if that person—

(a) is not a South African citizen or the holder of a permit as a permanent resident in the Republic;

(b) is an unrehabilitated insolvent;

(c) has, within a period of 10 years immediately before the date of the proposed appointment, been convicted of an offence involving dishonesty or served a sentence of imprisonment without the option of a fine for any other offence; or

(d) has, after appointment, been convicted of an offence involving dishonesty or been sentenced to imprisonment without the option of a fine for any other offence.

(2) The Minister must appoint, as members of the Energy Regulator, persons who—

(a) collectively have adequate legal, technical, business, economic or other experience relevant to the electricity, piped-gas and petroleum pipelines industries;

(b) are collectively broadly representative of South African society as a whole;

(c) are committed and available to fulfil their role as members of the Energy Regulator; and

(d) demonstrate impartiality and objectivity in such a manner that a fair balance between continuity and capacity building is achieved.

(3) Upon appointment—

(a) every full-time member must terminate any employment or consulting relationship he or she has with any person, firm, association or company engaged in the electricity, piped-gas and petroleum pipelines industries and may not take up any such employment or consulting arrangement during his or her period of membership of the Energy Regulator;

(b) every full-time and part-time member must disclose to the Minister and the Energy Regulator his or her pecuniary interest in any person, firm, association or company engaged in the electricity, piped-gas and petroleum pipeline industries; and

(3) UNgqongqoshe kumele amise oyedwa wamalungu oqashwe ngokugcwele njengoMphathi omkhulu wesigungu esiLawula ezaMandla.

(4) UNgqongqoshe kumele amise oyedwa wamanye amalungu amathathu aqashwe ngokugcwele ukuthi abe nesibopho esisemqoka sokulawula ugesi, omunye esokulawula igesi ekumapayipi kanti omunye abe nesokulawula uphalafini wamapayipilayini. 5

(5) Uma umgcinisihlalo ngesizathu esithile engakwazi ukwenza imisebenzi yakhe, iphini likamagcinisihlalo kumele lenze leyo misebenzi uNgqongqoshe aze amise omunye umgcinisihlalo.

(6)(a) Ilungu lesikhashana lesigungu esiLawula ezaMandla lihlala esikhundleni isikhathi esiyiminyaka emine. 10

(b) Ilungu eliqashwe ngokuphelele lesigungu esiLawula ezaMandla libamba isikhundla isikhathi esiyiminyaka emihlanu.

(c) UNgqongqoshe angaphinde aqashe amalungu njengamalungu esigungu esiLawula ezaMandla.

(d) Uma Kuvela isikhundla kwisigungu esiLawula ezaMandla uNgqongqoshe angagcwalisa isikhundla okwesikhashana isikhathi sezinyanga ezingekho ngaphezu kweshumi nambili (12) ngokumisa umuntu ngaphandle kokulandela isigaba 6(7). 15

(7) Amalungu esigungu esiLawula ezaMandla kumele akhokhelelwe ukusebenza kwawo amaholo kanye nezibonelelo ngendlela ezobekwa nguNgqongqoshe ngokuvumelana noNgqongqoshe weziMali. 20

Ukwaphucwa izimfanelo kanye nezidingo eziphathelene nokumiswa kwisigungu esiLawula ezaMandla

6. (1) Akekho umuntu ongamiswa noma agcine eyilungu lesigungu esiLawula ezaMandla uma loyo muntu—

(a) engeyena umhlali oyisakhamuzi saseNingizimu Afrika noma engeyena ophethe incwadi yemvume yokuhlala njengo mhlali waseRiphabhuliki yaseNingizimu Afrika; 25

(b) angabuyiselwanga kumalungelo okwazi ukukhokha izikweletu;

(c) oke esikhathini esiyiminyaka eyishumi-10 ngaphambi kokuphakanyiswa kokumiswa kwake wabekwa icala eliphathelene nokungathembeki noma wathunyelwa ejele ngaphandle kokhetho lokuhlululiswa nganoma yiliphi elinye icala; noma 30

(d) oke, emuva kokumiswa wabekwa icala eliphathelene nokungathembeki noma wathunyelwa ejele ngaphandle kokhetho lokuhlululiswa nganoma yiliphi elinye icala. 35

(2) UNgqongqoshe kumele aqashe, njengamalungu esigungu esiLawula ezaMandla, abantu—

(a) abanolwazi oluqoqela ndawonye olwanele lwezomthetho, ulwazi lomsebenzi, ezamabhizinisi, ezomnotho noma olunye ulwazi oluphathelene nogesi, igesi ekumapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu; 40

(b) abamela ngokuqoqelana ndawonye ububanzi bomphakathi waseNingizimu Afrika ngokuphelele;

(c) abazimisele ukwenza nabanesikhathi sokubamba iqhaza njengamalungu esigungu esiLawula ezaMandla; kanye

(d) nababonisa ukungakhethi kanye nokwengamela; ngendlela ezokwenza ukuthi kube khona ukufinyeleleka kokulingana okufanele phakathi kokuqhubeka kanye nokwakha ukwazi. 45

(3) Emva kokuqashwa—

(a) wonke amalungu aqashwe ngokugcwele kumele amise noma yimuphi umsebenzi noma ukuxhumana okuthile anabo nanoma yimuphi umuntu, ifemu, inhlango esebenza ngogesi, igesi ekumapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu futhi akakwazi ukuthatha umsebenzi othile noma ukuhlela kokuxhumana ngesikhathi eqashwe yisigungu esiLawula ezaMandla; 50

(b) wonke amalungu aqashwe ngokugcwele noma okwesikhashana emva kokuqashwa azise UNgqongqoshe kanye nesigungu esiLawula ezaMandla ngentshisekelo ephathelene nemali yawo mayelana yinoma yimuphi umuntu, ifemu, inhlango noma inkampani esebenza ngogesi, igesi ekumapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu; kanye 55

(c) every full-time and part-time member must disclose to the Minister and the Energy Regulator if his or her spouse, life partner or child is in the employ of or acts as a consultant to, or has any relationship with, any person, firm, association or company engaged in the electricity, piped-gas and petroleum pipelines industries, or has any pecuniary interest in any such person, firm, association or company. 5

(4) A member may not at any time be present during the discussion of or the making of a decision on, or take part in, any matter before the Energy Regulator in which that member or his or her spouse, life partner, child or associate has a direct or indirect pecuniary interest. 10

(5) If a member acquires an interest contemplated in subsection (3)(b), such member must immediately in writing declare that fact to the Minister and the Energy Regulator.

(6) If the spouse, life partner or child of a member acquires an interest contemplated in subsection (3)(c), such member must immediately in writing declare that fact to the Minister and the Energy Regulator. 15

(7) Before appointing members to the Energy Regulator, the Minister must by notice in the *Gazette* call for nominations from members of the public.

(8) The notice published before the commencement of this Act calling for nominations for the first appointments to the Energy Regulator must be regarded as having been validly published in terms of subsection (7). 20

Vacation of office and termination of appointment of members of Energy Regulator

7. (1) A part-time or full-time member of the Energy Regulator must vacate his or her office if that member—

- (a) becomes of unsound mind; 25
- (b) has been absent from more than two consecutive meetings without leave of the chairperson for each absence;
- (c) resigns by written notification to the Minister;
- (d) materially fails to perform any duty imposed on him or her in terms of this Act, the Electricity Act, the Gas Act or the Petroleum Pipelines Act; or 30
- (e) becomes disqualified from being a member on any of the grounds referred to in section 6(1).

(2) The Minister may terminate the appointment of a member of the Energy Regulator if such member contravenes section 9.

Meetings of Energy Regulator 35

8. (1) (a) The Energy Regulator must meet at such times and places as may be determined by the chairperson.

(b) The chairperson must convene such meetings of the Energy Regulator as are necessary for the proper performance of its functions.

(2) The chairperson must, upon a written request of the chief executive officer or two other members, convene a special meeting to be held within two weeks after the date of receipt of such request. 40

(3) If the chairperson is absent from a meeting of the Energy Regulator the deputy chairperson must chair the meeting.

(4) If both the chairperson and the deputy chairperson are absent from a meeting the chairperson must designate another part-time member to chair that meeting. 45

(5) Unless other procedures are prescribed by the Energy Regulator, the chairperson of any meeting of the Energy Regulator must determine the procedures to be followed at such meeting.

(6) The quorum for any meeting of the Energy Regulator is a majority of its serving members or four members, whichever is the greater. 50

(7) (a) A decision of the majority of the members present at a meeting constitutes a decision of the Energy Regulator.

(c) wonke amalungu aqashwe ngokugcwele noma okwesikhashana kumele azise uNgqongqoshe kanye nesigungu esiLawula ezaMandla emuva kokuqashwa ukuthi abashade nabo noma abathandana nabo impilo yabo yonke noma ingane yabo iqashwe noma ibonisana nomuntu, ifemu, inhlangano esebenza ngogesi, igesi ekumapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu, noma unentshisekelo kumuntu noma kwenye yamafemu anjena, inhlangano noma inkampani. 5

(4) Ilungu akumele noma nangasiphi isikhathi libe khona ezingwoxweni zokuthatha isinqumo, noma libambe iqhaza kunoma yiyiphi indaba ngaphambi kwesigungu esiLawula ezaMandla lapho ilungu noma oshade nalo, othandana nalo impilo yakhe yonke noma osebenzisana nalo enentshisekelo yemali ebhekene ngqo noma engaqondile. 10

(5) Uma ilungu liba nentshisekelo njengokubekwe esigatsheni 3(b), leli lungu kumele ngokubhala lisheshe lazise lolu lwazi kuNgqongqoshe kanye nesigungu esiLawula ezaMandla.

(6) Uma oshade nalo, othandana nalo impilo yalo yonke noma ingane yelungu eba nentshisekelo ebekwe esigatshaneni 3(c), leli lungu kumele ngokubhala lisheshe lazise lolu lwazi kuNgqongqoshe kanye nesigungu esiLawula ezaMandla. 15

(7) Ngaphambi kokuqasha amalungu kwisigungu esiLawula ezaMandla, uNgqongqoshe kumele enze isaziso sesimemezelo sokubizwa kwamalungu omphakathi kwi-Gazethi. 20

(8) Isaziso esishicilelwe ngaphambi kokuqala kwalo Mthetho esibiza ukukhethwa kwabantu bokuqala abazoqashelwa kwisigungu esiLawula ezaMandla kumele sithathwe njengesishicilelwe ngokuqinisekisiwe ngokulandela isigatshana-(7). 25

Ukushiya ihhovisi kanye nokupheliswa kokuqashwa kwamalungu esigungu esiLawula ezaMandla

7. (1) Ilungu eliqashwe ngokuphelele noma okesikhashana lesigungu esiLawula ezaMandla kumele lishiye ihhovisi lalo uma lelo lungu—

- (a) liba nokungasebenzi kahle komqondo;
- (b) lingabanga khona izinsuku ezedlula ezimbili zomhlangano ngaphandle kwelivu yomgcinisihlalo ngokungabikhona ekuloveni ngakunye; 30
- (c) liyeka umsebenzi ngokubhala lazise uNgqongqoshe;
- (d) lephula isivumelwano sokwenza umsebenzi ngokulandela lo Mthetho noma uMthetho weGesi noma uMthetho wamaPayipilayini kaPhalafini wama-Lambu; noma
- (e) likhishwa ekubeni yilungu nganoma yisiphi sezizathu ezinikezwe esigabeni-6(1). 35

(2) UNgqongqoshe angamisa ukuqashwa kwelungu lesigungu esiLawula ezaMandla uma lelo lungu liziphatha ngendlela ephikisana nokulungiselelwa kwesigaba 9.

Imihlangano yesigungu esiLawula ezaMandla

8. (1) (a) Isigungu esiLawula ezaMandla kumele sihlangane ngezikhathi kanye nasendaweni ezobekwa ngumgcinisihlalo. 40

(b) Umgcinisihlalo kumele abize imihlangano enjena yesigungu esiLawula ezaMandla uma edingeka ukuze kwenzekwe imisebenzi yayo ngemfanelo.

(2) Umgcinisihlalo kumele, lapho ethola isicelo esibhalwe umphathi omkhulu noma amalungu amabili, abize umhlangano osipesheli ozobanjwa emavikini amabili emva kosuku lokuthola isicelo esinje. 45

(3) Uma umgcinisihlalo engekho emhlanganweni wesigungu esiLawula ezaMandla iphini lomgcinisihlalo kumele lihole umhlangano.

(4) Uma ngabe bobabili umgcinisihlalo kanye nephini lakhe bengekho emhlanganweni, umgcinisihlalo kumele akhethwe elinye ilungu lesikhashana ukuthi lihole loyo mhlango. 50

(5) Ngaphandle uma ezinye izinqubo zibekiwe, umgcinisihlalo wanoma yimuphi umhlangano wesigungu esiLawula ezaMandla kumele aphakamise izinqubo okumele zilandelwe emihlanganweni enjena.

(6) Ikhoramunyanoma yimuphi umhlangano wesigungu esiLawula ezaMandla inani elikhulu lamalungu asebenzayo noma amane noma yikuphi okukhulu phakathi kwaloku. 55

(7) (a) Isinqumo samalungu amaningi akhona emhlanganweni siqukethe isinqumo sesigungu esiLawula ezaMandla.

(b) In the event of an equality of votes on any matter the person chairing the meeting has a casting vote in addition to his or her deliberative vote.

(8) No decision taken by the Energy Regulator is invalid merely because of a vacancy on the Energy Regulator or because any person not entitled to sit as a member sat as such at the time when the decision was taken if the rest of the members present at the meeting and entitled to sit as members at the meeting constituted a quorum and the decision was taken by a majority of those members present and entitled to vote. 5

(9) (a) Any meeting of the Energy Regulator must be open to the public unless the quorate meeting passes a resolution to the effect that, for the part of the meeting concerned, the information to be discussed during that part of the meeting would create a record that would in turn oblige the Energy Regulator to refuse access to that information in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); 10

(b) If the Energy Regulator takes a decision in any other manner than at a formal meeting, such decision comes into effect after it has been reduced to writing and signed by a majority of the members and it must be submitted for noting at the first formal meeting of the Energy Regulator following the decision. 15

(c) The Energy Regulator must cause a record of all of its proceedings to be kept.

(10) (a) The Energy Regulator may establish subcommittees of its members to perform such functions of the Energy Regulator as it may determine, including conducting hearings and enquiries and sitting as a tribunal. 20

(b) The Energy Regulator must determine the composition of a subcommittee.

(c) The Energy Regulator may at any time dissolve or reconstitute a subcommittee.

(d) The Energy Regulator must designate a member of a subcommittee as chairperson of that subcommittee.

(e) This Act applies, with the changes required by the context, to a subcommittee established in terms of this section. 25

(f) The Energy Regulator is not absolved from the performance of any function entrusted to a subcommittee.

(11) The Energy Regulator must make rules concerning the manner in which notice of meetings to be held and the business to be conducted thereat is brought to the attention of the public. 30

Duties of members of Energy Regulator

9. Members of the Energy Regulator must—

(a) act in a justifiable and transparent manner whenever the exercise of their discretion is required; 35

(b) at all times act in the interests of the Energy Regulator and not in their own or sectoral interests;

(c) act independently of any undue influence or instruction;

(d) recuse themselves from and refrain from voting on or discussing any matter, pending before the Energy Regulator in which they have a direct or indirect pecuniary interest; 40

(e) act in a manner that is required and expected from the holder of a public office; and

(f) act in the public interest.

Decisions of Energy Regulator

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10. (1) Every decision of the Energy Regulator must be in writing and be—

(a) consistent with the Constitution and all applicable laws;

(b) in the public interest;

(c) within the powers of the Energy Regulator, as set out in this Act, the Electricity Act, the Gas Act and the Petroleum Pipelines Act; 50

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(b) Uma amavoti elingana nganoma yiluphi udaba umuntu ohola umhlangano unevoti lokwengeza ngaphezu kwevoti eliyilungelo lakhe.

(8) Asikho isinqumo esithathwe yisigungu esiLawula ezaMandla esingekho emthethweni ngenxa yokuba khona kwesikhala kwisigungu esiLawula ezaMandla noma ngoba omunye umuntu onelungelo lokuhlala njengelungu wahlala njengelungu ngesikhathi isinqumo sithathwa uma ngabe wonke amanye amalungu ayekhona emhlanganweni futhi anelungelo lokuhlala njengamalungu emhlanganweni ayenza ikhoramu futhi nesinqumo sithethwe wubuningi bamalungu akhona futhi anelungelo lokuvota. 5

(9) (a) Noma yimuphi umhlangano wesigungu esiLawula ezaMandla kumele uvumele umphakathi ukuba ube khona kulomhlangano ngaphandle uma ulwazi oluzobhungwa luzokwenza irekhodi elizobopha isigungu esiLawula ezaMandla ukuba sinqabele ukuvunyelwa kolwazi emphakathini ngoko Mthetho wokuThuthukisa ukuVunyelwa koLwazi, 2000 (uMthetho 2 ka 2000). 10

(b) Uma isigungu esiLawula ezaMandla sithatha sisingqumo nganoma yisiphi indlela ngaphandle kwasemhlanganweni osemthethweni, lesi sinqumo sisebenza ngaleso sikhathi kodwa kumelwe sibhalwe, sisayinwe ngamalungu amaningi bese sethulwa ukuze sibhalwe phansi emhlanganweni wokuqala osemthethweni wesigungu esiLawula ezaMandla ukulandela isinqumo. 15

(c) Isigungu esiLawula ezaMandla kumele sibe nesizathu sokugcina amarekhodi ako konke okwenziwayo kwaso. 20

(10) (a) Isigungu esiLawula ezaMandla singamisa amakomiti angaphansi amalungu aso ukuthi enze imisebenzi enje yesigungu esiLawula ezaMandla njengoba kutholakala, kufakwa nokulalela amacala kanye nemibuzo kanye nokuhlala kwamabandla.

(b) Isigungu esiLawula ezaMandla kumele sithole okuqukethwe yikomiti elingaphansi. 25

(c) Isigungu esiLawula ezaMandla singakwazi nganoma yisiphi isikhathi ukuphelisa noma ukwakha kabusha ikomiti elingaphansi.

(d) Isigungu esiLawula ezaMandla kumele sikhethe ilungu lekomiti elingaphansi njengo mgcinisihlalo wekomiti elingaphansi. 30

(e) LoMthetho uyasebenza, kanye nezinguquko ezidingwa yingqikithi, kwikomiti elingaphansi elimiswe ngokulandela lesi sigaba.

(f) Isigungu esiLawula ezaMandla asiyekwa ekwenzeni kwanoma yimuphi umsebenzi obekwe emahlombe ekomiti elingaphansi.

(11) Isigungu esiLawula ezaMandla kumele senze imithetho ngokuphathelene nendlela izaziso zemihlangano ezobanjwa kanye namabhizinisi okumele enziwe azokwaziswa ngayo emphakathini. 35

Imisebenzi yamalungu esigungu esiLawula ezaMandla

9. Amalungu esigungu esiLawula ezaMandla kumele—

(a) enze kuvumeleke futhi kubonakale uma ukusetshenziswa kwemibono yawo idingeka; 40

(b) ngaso sonke isikhathi abonise ukuzwelana nesigungu esiLawula ezaMandla hhayi okwawo noma okwesigaba esithile;

(c) enze ngokuzimela okungathelelwa ukwenza noma ukuyalwa okungadingeki;

(d) angazisondezi noma ahoxe ekuvoteni noma ekuxoxeni noma yiyiphi indaba emile ngaphambi kwesigungu esiLawula ezaMandla abanozwela oluqondile nolungaqondile kuyo; 45

(e) enze ngendlela edingekayo nokulindelwe kubaphathi bezikhundla zehhovisi lomphakathi; kanye

(f) nokwenza ngokubonelela nozwelo lomphakathi. 50

Izinqumo zesigungu esiLawula ezaMandla

10. (1) Noma yisiphi isinqumo sesigungu esiLawula ezaMandla kumele sibhalwe futhi sibe—

(a) ngesingaguquki esihambisana noMthethosisekelo kanye neminye imithetho; 55

(b) ekuzweleni komphakathi;

(c) emandleni esigungu esiLawula ezaMandla, njengoba kubekiwe kulo Mthetho, uMthetho kaGesi, uMthetho weGesi; kanye noMthetho WamaPayipilayini kaPhalafini wamaLambu;

- (d) taken within a procedurally fair process in which affected persons have the opportunity to submit their views and present relevant facts and evidence to the Energy Regulator;
- (e) based on reasons, facts and evidence that must be summarised and recorded; and
- (f) explained clearly as to its factual and legal basis and the reasons therefor.
- (2) Any decision of the Energy Regulator and the reasons therefor must be available to the public except information that is protected in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (3) Any person may institute proceedings in the High Court for the judicial review of an administrative action by the Energy Regulator in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (4) (a) Any person affected by a decision of the Energy Regulator sitting as a tribunal may appeal to the High Court against such decision.
- (b) The procedure applicable to an appeal from a decision of a magistrate's court in a civil matter applies, with the changes required by the context, to an appeal contemplated in paragraph (a).

Personnel of Energy Regulator

11. (1) Subject to the directions of the Energy Regulator, the chief executive officer is also responsible for—
- (a) the day-to-day management of the affairs of the Energy Regulator;
- (b) the appointment of other employees and contracting with persons to assist the Energy Regulator in the performance of its functions; and
- (c) administrative control over the employees of the Energy Regulator.
- (2) The Energy Regulator must, on the recommendation of the Chief Executive Officer, from time to time determine the personnel and other resources to be made available to the full-time members contemplated in section 5(4).
- (3) The employees of the Energy Regulator must be paid such remuneration, allowances, subsidies and other benefits as the Energy Regulator may determine with the approval of the Minister and the Minister of Finance.
- (4) Despite subsection (1)(b), the Minister may, where he or she determines a need exists, instruct the Energy Regulator to make use of persons employed by or contracted to the Department or another licensing or regulatory authority falling under the Minister's jurisdiction.
- (5) Section 9 applies to every member of the personnel of the Energy Regulator, with the changes required by the context.

Funds of Energy Regulator

12. (1) For the purpose of regulation of the piped-gas and petroleum pipelines industries, the funds of the Energy Regulator consist of—
- (a) money appropriated by Parliament;
- (b) levies imposed by or under separate legislation;
- (c) charges for dispute resolution and other services rendered in terms of this Act; and
- (d) licence fees.
- (2) For the purpose of regulation of the electricity industry, the funds of the Energy Regulator consist of—
- (a) money appropriated by Parliament;
- (b) funds collected under section 5B of the Electricity Act; and
- (c) levies imposed by or under separate legislation.

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- (d) sithathwe ngenqubo efanele engakhethi lapha abantu abathelekile banethuba lokufaka imibono yabo nokwethula amaphuzu afanele kanye nobufakazi ngezindleko zabo kwisigungu esiLawula ezaMandla;
- (e) sesekwe emaphuzwini kanye nobufakazi okumele bufingqwe kurekhodwe nezinqumo ngokubhala; kanye 5
- (f) nangokuchaza kucace ngokweseka ngezomthetho kanye namaphuzu kanye nezizathu zaloko.

(2) Noma yisiphi isinqumo sesigungu esiLawula ezaMandla kanye nezizathu zaso kumele zivezelwe umphakathi ngaphandle kolwazi oluvikelekile ngokulandela uMthetho wokuThuthukisa ukuVunyelwa koLwazi ka-2000 (uMthetho weNo.2 ka-2000). 10

(3) Noma yimuphi umuntu angafaka isikhalazo eNkantolo ePhakeme ukuze kubuyekwe isenzo sokuphatha sesigungu esiLawula ezaMandla ngokulandela uMthetho wokuThuthukisa wezokuLungisa zokuPhatha, ka-2000(uMthetho weNo.-3 ka-2000). 15

(4) (a) Noma yimuphi umuntu othelelwa kabuhlungwana yizinqumo zesigungu esiLawula ezaMandla njengebandla angaletha lezi zinqumo ukuba zibukezwe eNkantolo ePhakeme.

(b) Inqubo efanelekile ekulwiseni isinqumo esivela enkantolo kamantshi ngendaba ebhekene nezakhamuzi, nezinguquko ezidingwa yingqikithi, kukuphikiswa kwecala esigabeni (a). 20

Abasebenzi besigungu esiLawula ezaMandla

11. (1) Ngokulandela izinkomba zesigungu esiLawula ezaMandla, umphathi omkhulu wesigungu esiLawula ezaMandla unesibopho—

- (a) zokuphatha okwenzeka usuku nosuku nezindaba zesigungu esiLawula ezaMandla; 25
- (b) zokuqasha abasebenzi noma angene kukontileka nanoma yimuphi umuntu ukusiza isigungu esiLawula ezaMandla ekwenzeni imisebenzi yaso; kanye
- (c) nokuphatha kokuhola ngaphezu kwabasebenzi abaqashwe yisigungu esiLawula ezaMandla. 30

(2) Isigungu esiLawula ezaMandla kumele ngesiphakamiso ngesikhathi nesikhathi sinqume abasebenzi kanye neminye imithombo ezokwenziwa ukuthi ibe khona kumalungu abaqashwa aqashwe ngokugcwele njengoba kucatshangiwe kusigaba 5(4).

(3) Abaqashwa besigungu esiLawula ezaMandla bakhokhelwe iholo, nesibonelelo, ukuxhaswa kanye nezinye izinzuzo ezizobekwa yisigungu esiLawula ezaMandla ngokuvunywa nguNgqongqoshe kanye noNgqongqoshe weziMali. 35

(4) Ngokungaphikisani nesigaba (1)(b), uNgqongqoshe lapho ebona kunesidingo khona simise noma sisebenzise abantu abaqashiwe noma abakwinkontileka kuMnyango kwezinye iziphathimandla ezinelayisense noma ezihambisa ngomthetho eziwela ngaphansi kwamandla esikhundla kaNgqongqoshe. 40

(5) Isigaba-9 sisho noma yiliphi ilungu labasebenzi besigungu esiLawula ezaMandla, elinezinguquko ezidingwa yingqikithi.

Izimali zesigungu esiLawula ezaMandla

12. (1) Ngezinhlolo zegesi yamapayipi kanye nemithetho yamapayipilayini kaphalafini wamalambu, izimali zesigungu esiLawula ezaMandla ziqukethe— 45

- (a) izimali ezifanekiswe yiPhalamende;
- (b) amalevi afakelwa wumthetho noma ngaphansi komthetho owehlukile;
- (c) inkokhelo yokuqeda izingxabano kanye nezinsizakalo ezinikezwayo ngaphansi kwalo Mthetho; kanye
- (d) nezinkokhelo zamalayisense. 50

(2) Ngenhloso yokuhambisa ngokusemthethweni ugesi, izimali zesigungu esiLawula ezaMandla ziqukethe—

- (a) izimali ezifanekiswe yiPhalamende;
- (b) izimali eziqokelwe ngaphansi kwesigaba -5B soMthetho kaGes; kanye
- (c) namalevi afakelwa wumthetho noma ngaphansi komthetho owehlukile. 55

Accounting by Energy Regulator

- 13.** (1) The Energy Regulator must perform its functions in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (2) The Energy Regulator must keep separate accounts for the electricity, piped-gas and petroleum pipelines regulatory functions. 5
- (3) (a) The costs of the Energy Regulator must be shared between the electricity, piped-gas and petroleum pipeline regulatory functions in proportion to the costs incurred by the Energy Regulator in respect of each of those regulatory functions.
- (b) Money appropriated by Parliament must be allocated to the separate accounts for the electricity, piped-gas and petroleum pipeline regulatory functions in proportion to the costs incurred by the Energy Regulator in respect of each of those functions unless Parliament determines otherwise. 10
- (c) Money received by the Energy Regulator other than money appropriated by Parliament must be paid into the account that is kept in terms of subsection (2) for the industry from which such money was received, and must be used for the sole benefit of that industry. 15
- (4) The Energy Regulator must open one or more accounts in its name with one or more financial institutions and deposit therein all money received from the sources contemplated in section 12.
- (5) The financial records of the Energy Regulator must be audited by the Auditor-General. 20
- (6) The financial year of the Energy Regulator starts on 1 April of one year and ends on 31 March of the following year.

Reporting by Energy Regulator

- 14.** The annual report required of public entities in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), may include any matter that the Energy Regulator deems necessary but must, in respect of electricity, piped-gas and petroleum pipeline matters, include information on— 25
- (a) licences granted, amended or withdrawn;
- (b) regulations made and directives issued by the Minister; 30
- (c) the envisaged strategies of the Energy Regulator;
- (d) the existing position and envisaged commercial developments with respect to the electricity, piped-gas and petroleum pipeline industries;
- (e) the position regarding health, safety and environmental matters;
- (f) access to network infrastructure; and 35
- (g) tariffs or tariff structures set or approved.

CHAPTER III

GENERAL PROVISIONS

Repeal of laws

- 15.** The laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column of the Schedule. 40

Transitional provisions

- 16.** (1) As from the date of commencement of this Act—
- (a) the person who immediately before the commencement of this Act held the office of chief executive officer of the National Electricity Regulator is deemed to be the chief executive officer of the Energy Regulator; 45

Ezama-Akhawundi ngesigungu esiLawula ezaMandla

13. (1) Isigungu esiLawula ezaMandla kumele senze imisebenzi yaso ngokulandela uMthetho wokuPhatha iziMali zoMphakathi, ka-1999 (uMthetho weNo. 1 ka-1999).

(2) Isigungu esiLawula ezaMandla kumele sigcine ama-akhawundi ahlukile emisebenzi yokuhambisa ngomthetho ugesi, igezi yamapayipi kanye namapayipilayini kaphalafini wamalambu; 5

(3) (a) Izindleko zesigungu esiLawula ezaMandla kumele zihlukaniselwane ngaphakathi kwemisebenzi kagesi, ugesi wamapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu ngokulinganayo kuzindleko ezithwelwe yisigungu esiLawula ezaMandla ngokuphathelele nokunye nokunye kwale misebenzi yolawulo. 10

(b) Imali efanelekiswe yiPhalamende kumele inikezwe kuma-akhawundi ahlukile ogesi, igezi yamapayipi kanye nemisebenzi yolawulo yamapayipilayini kaphalafini wamalambu ngezingxenywe zalezo zindleko ezifunyenwe yisigungu esiLawula ezaMandla ngokuphathelele ngamunye ngamunye waleyo misebenzi ngaphandle kokuthi iphalamende lithole ngenye indlela. 15

(c) Imali etholwe yisigungu esiLawula ezaMandla ngaphandle kwemali elinganiswe yiPhalamende kumele ifakwe kwi-akhawundi egcinwa ngokulandela isigatshana -(2) semboni lapho imali enjena yatholakala, futhi kumele isetshenziselwe kuphela izinzuzo zaleyo mboni. 20

(4) Isigungu esiLawula ezaMandla kumele sivule i-akhawundi eyoodwa noma amaningi ngegama layo esikhungwini sezimali esisodwa noma eziningi ezaziwayo bese ifaka kuyo yonke imali etholakele kwimithombo ecatshtwangwe kwisigaba-12.

(5) Amarekhodi ezezimali zesigungu esiLawula ezaMandla kumele acwaningwe nguMchwani Zimali Jikelele. 25

(6) Unyaka wezimali wezesigungu esiLawula ezaMandla uqala ngomhlaka-1 Apreli wonyaka owodwa uphelele ngomhlaka-31 kuMashi wonyaka olandelayo.

Ukubika ngesigungu esiLawula ezaMandla

14. Umbiko wonyaka wobunye bomphakathi odingekayo ngokulandela uMthetho wokuPhatha iziMali zoMphakathi, ka-1999 (uMthetho weNo. 1 ka-1999), kumele ngokulandela izindaba zogesi, negesi yamapayipi kanye namapayipilayini kaphalafini wamalambu zihambisane nolwazi ngokulandelayo— 30

(a) amalayisense anikeziwe, aguqulwa noma ahoxiswa;

(b) imithetho eyenziwe kanye nemiyalo enikezwe nguNgqongqoshe;

(c) izinqubo ezicatshangwayo zesigungu esiLawula ezaMandla; 35

(d) izikhundla ezikhona kanye nokuthuthukiswa kwezohwebo okucatshangwayo ngokuphathelele nogesi, igezi wamapayipi kanye nezimboni zamapayipilayini kaphalafini wamalambu;

(e) isimo ngokuphathelele nempilo nokuphepha ezimbonini;

(f) ukufinyelela kumphambo wengqalasisinda; kanye 40

(g) namatherifu noma izakhiwo zamatherifu ezibekiwe noma ezivunyiwe.

ISAHLUKO III**UKULUNGISELA JIKELELE****Ukuchithwa kwemithetho**

15. Imithetho ephathekayo kwiSheduli iyachithwa noma iguqulwe ngendlela okuboniswe ngayo kwikholomu yesithathu yeSheduli. 45

Imibandela yoguquko

16. (1) Ukusuka ngosuku lokuqalisa kwalo Mthetho—

(a) umuntu othe ngokushesha ngaphambi kokuqalisa kwalo Mthetho ebe ephethe isikhundla soMphathi oMkhulu wesigungu esiLawula ezaMandla sikaZwelonke uzothathwa njengoMphathi oMkhulu wesigungu esiLawula ezaMandla; 50

- (b) the persons who constituted the other personnel of the National Electricity Regulator immediately before the commencement of this Act are deemed to be the personnel of the Energy Regulator;
- (c) the assets of the National Electricity Regulator vest in the Energy Regulator and the Energy Regulator takes over the liabilities of the National Electricity Regulator. 5

(2) Decisions of the National Electricity Regulator in force immediately before the date contemplated in section 4(1)(c) remain in force until amended, replaced or repealed by the Energy Regulator.

Short title and commencement

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17. This Act is called the National Energy Regulator Act, 2004, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

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- (b) abanye abantu abayingxenywe yabasebenzi besigungu esiLawula ezaMandla kaZwelonke ngokushesha ngaphambi kokuqalisa kwalo Mthetho bathathwa njengabasebenzi besigungu esiLawula ezaMandla;
- (c) Izimpahla zesigungu esiLawula ezaMandla kaZwelonke zibekwa kwisigungu esiLawula ezaMandla bese isigungu esiLawula ezaMandla sithatha amacala emali esigungu esiLawula ezaMandla kaZwelonke. 5
- (2) Izingqubo zesigungu esiLawula ezaMandla okumele zisebenza ngokushesha ngaphambi kosuku olucatshangiwe esigabeni 4(1)(c) zihlala zisebenza zize zichitshiyelwe, kubekwe ezinye endaweni yazo noma zichithwe yisigungu esiLawula ezaMandla. 10

Isihloko esifushane nokuqalisa

17. Lo Mthetho ubizwa uMthetho wokuLawulwa kwezaMandla Kazwelonke, ka-2004, futhi uqala ukusebenza ngosuku oluzobekwa nguMongameli ngokuthi awazise ngaphakathi kwe-*Gazethi*.

SCHEDULE

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 41 of 1987	Electricity Act, 1987	<p>1. The repeal, with effect from the date contemplated in section 4(1)(c) of the National Energy Regulator Act, 2004, of sections 2, 2A, 5, 5A, 5C, 5D and 21.</p> <p>2. The amendment, with effect from the date contemplated in item 1 by the substitution for the definition of "regulator" of the following definition:</p> <p>“ ‘regulator’ means the National Energy Regulator established by section 3 of the National Energy Regulator Act, 2004;”.</p>
Act No. 48 of 2001	Gas Act, 2001	<p>1. The repeal of sections 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.</p> <p>2. The amendment of section 1 by the substitution for the definitions of "Gas Regulator" and "distribution" of the following definitions, respectively:</p> <p>“‘Gas Regulator’ means the National Energy Regulator established by section 3 of the National Energy Regulator Act, 2004;</p> <p>‘distribution’ means the distribution of bulk gas supplies and the transportation thereof by pipelines with a general operating pressure of more than 2 bar gauge and less than 15 bar gauge or by pipelines with such other operating pressure as the [Gas Operator] National Energy Regulator may permit according to criteria prescribed by regulation to points of ultimate consumption or to reticulation systems, or to both points of ultimate consumption and to reticulation systems, and any other activity incidental thereto, and 'distribute' and 'distributing' have corresponding meanings;”.</p>
Act No. 75 of 2002	Gas Regulator Levies Act, 2002	<p>The amendment of section 1 by the substitution for the definition of "Gas Regulator" of the following definition:</p> <p>“ ‘Gas Regulator’ means the National Energy Regulator established by section 3 of the National Energy Regulator Act, 2004;”.</p>

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ISHEDULI

INo. kanye nonyaka woMthetho	Isihloko esifushane	Ubukhulu bokuchithwa noma izichibiyelo	
UMthetho We No 41 ka 1987	uMthetho kaGesi, 1987	<p>1. Ukuchithwa, ukusuka ngosuku olucatshangiwe esigabeni-4(1)(c) soMthetho wokuLawulwa kwezaMandla Kazwelonke, ka-2004 wesigaba-2, 2A, 5, 5A, 5C, 5D kanye no-21.</p> <p>2. Ukuchibiyelwa ukusuka ngosuku olucatshangiwe kumqondo 1 ngokubeka endaweni yencazelo “ulawulo” incazelo elandelayo:</p> <p>“<u>‘umlawuli’ usho isigungu esiLawula ezaMandla esmiswe yisigaba 3 soMthetho wokuLawulwa kwezaMandla Kazwelonke</u>”.</p>	5 10 15
UMthetho We No 48 ka 2001	uMthetho weGesi, 2001	<p>1. Izigaba- 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, kanye no- 14 zichithiwe.</p> <p>2. Isigaba-1 sichitshiyelwe ngokubeka endaweni yencazelo “ukuLawulwa kweGesi” incazelo elandelayo:</p> <p>“<u>‘ukuLawulwa kweGesi’ kusho isigungu sokuLawulwa kwezaMandla njengoba simiswe yisigaba sesi-3 soMthetho wokuLawulwa kwezaMandla Kazwelonke</u>” ka-2004;</p> <p>“<u>‘ukwabela’ kusho ukwabela kokunikezwa kwegesi okuningi kanye nokuthuthwa kwayo ngamapayipilayini ngamandla okuwusebenzisa ajwaycekile angaphezu kwegeji yamabha angu-2 nangaphansi kwamageji amabha angu-15 noma ngamapayipilayini anokusebenza kwamandla omfutho</u>[<u>Osebenzisa Igesi</u>] njengoba kuzawuvunywa <u>yisigungu esiLawula ezaMandla Kazwelonke</u> ngezici ezibekwe ngumthetho kumaphuzu okusetshenziswa kokugcina noma izinhlelo zokuqoqa noma zombili izimpawu zokusetshenziswa kokugcina kanye futhi nakuzinhlelo zokuqoqa kanye nanoma yimuphi omunye umsebenzi oyisehlakalo sayo, kanye nokuthi izinhlelo zokuqoqa, kanye nanoma yimuphi umsebenzi ohambisana nako, futhi “ukwabela” kanye “nokwabelana” zinczincazelo ezihambisanayo”.</p>	20 25 30 35 40 45 50
UMthetho We No 75 ka 2002	uMthetho wamaLevi okuLawulwa kweGesi, ka-2002	<p>Isigaba-1 siguqulwe ngokubeka endaweni yencazelo “ukuLawulwa kweGesi” ngencazelo elandelayo:</p> <p>“<u>‘ukuLawulwa kweGesi’ kusho isigungu esiLawula ezaMandla njengoba kumiswe yisigaba-3 soMthetho wokuLawulwa kwezaMandla Kazwelonke ka-2004</u>”.</p>	55 60

Act No. 40, 2004

NATIONAL ENERGY REGULATOR ACT, 2004

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 60 of 2003	Petroleum Pipelines Act, 2003	1. The repeal of sections 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14. 2. The amendment of section 1 by the substitution for the definition of "Authority" of the following definition: " 'Authority' means the <u>National Energy Regulator established by section 3 of the National Energy Regulator Act, 2004;</u> ".

UMTHETHO WOKULAWULWA
KWEZAMANDLA KAZWELONKE, KA-2004

Act No. 40, 2004

INo. kanye nonyaka woMthetho	Isihloko esifushane	Ubukhulu bokuchithwa noma izichibiyelo
UMthetho we No 60 ka 2003	uMthetho wamaPayipilayini kaPhalafini wamaLambu, ka- 2003	<p>1. Izigaba -3, 5, 6, 7, 8, 9, 10, 11, 12, 13, kanye no- 14 zichithiwe.</p> <p>2. Isigaba-1 siguqulwe ngokubeka endaweni yencazelo "Iziphathimandla" ngencazelo elandelayo:</p> <p><u>"Isiphathimandla' sisho ukuLawulwa kwezaMandla njengoba kumiswe yisigaba-3 soMthetho ka-2004"</u>.</p>