

MUSINA LOCAL MUNICIPALITY



DRAFT

**ELECTRICITY SUPPLY
BY-LAWS**

**MUSINA LOCAL MUNICIPALITY
ELECTRICITY SUPPLY BY-LAWS**

The Municipal Manager of Musina Local Municipality, in terms of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 read with section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the ELECTRICITY SUPPLY BY-LAWS as approved by Council and as set out hereunder:-

TABLE OF CONTENTS

CHAPTER 1: GENERAL

1. Definitions
2. Other terms
3. Headings and titles

CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

4. Provision of Electricity Services
5. Supply by agreement
6. Service of notice
7. Compliance with notices
8. Application for supply
9. Processing of requests for supply
10. Wayleaves
11. Statutory Servitude
12. Right of admittance to inspect, test and/or do maintenance work
13. Refusal or failure to give information
14. Refusal of admittance
15. Improper use
16. Electricity tariffs and fees
17. Deposits

18. Payment of charges
19. Interest on overdue accounts
20. Principles for the resale of electricity
21. Right to disconnect supply
22. Non-liability of the Municipality
23. Leakage of electricity
24. Failure of supply
25. Seals of the Municipality
26. Tampering with service connection or supply mains
27. Protection of Municipality's supply mains
28. Prevention of tampering with service connection or supply mains
29. Unauthorized connections
30. Unauthorized reconnections
31. Temporary disconnection and reconnection
32. Temporary supplies
33. Temporary work
34. Load reduction
35. Medium and low voltage switchgear and equipment
36. Substation accommodation
37. Wiring diagram and specification
38. Standby supply
39. Consumer's emergency standby supply equipment
40. Circular letters

CHAPTER 3: RESPONSIBILITIES OF CONSUMERS

41. Consumer to erect and maintain electrical installation
42. Fault in electrical installation
43. Discontinuance of use of supply
44. Change of occupier
45. Service apparatus

CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY

46. Service connection

47. Metering accommodation

CHAPTER 5: SYSTEMS OF SUPPLY

48. Load requirements

49. Load limitations

50. Interference with other persons' electrical equipment

51. Supplies to motors

52. Power factor

53. Protection

CHAPTER 6: MEASUREMENT OF ELECTRICITY

54. Metering

55. Accuracy of metering

56. Reading of credit meters

57. Prepayment metering

CHAPTER 7: ELECTRICAL CONTRACTORS

58. Electrical Contractors- Additional requirements to those of the Regulations

59. Responsibility of Electrical Contractors

CHAPTER 8: COST OF WORK

60. Cost of work

CHAPTER 9: PENALTIES

61. Penalties

62. Calculation Standards for Penalties

CHAPTER 10: REPEAL OF BY-LAWS

63. Repeal of By-laws

Schedule 1: By-laws repealed

Schedule 2: Applicable standard specification

CHAPTER 1

GENERAL

1. Definitions

1.1. In these By-Laws, unless indicated to the contrary or it is expressly stipulated otherwise, the following words and phrases shall have the meanings assigned to them, respectively: -

- (a) All references made to the male gender shall also include the female gender, and *vice versa*;
- (b) all references to singular shall also mean the plural;
- (c) all references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation;

1.2. "**accredited person**" shall mean a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

1.3. "**applicable standard specification**" means the standard specifications as listed in Schedule 2 attached to this by-law;

1.4. "**authorized official**" shall mean:

- (a). the manager responsible for electricity in terms of the supervision of electrical machinery as entrenched in the Occupational Health and Safety Act, 1993 (Act no. 85 of 1993);
- (b). any other person in the electricity department qualified in terms of high, medium and low voltage in terms of the Act and authorized in writing by the responsible manager of electricity;

1.5. "**certificate of compliance**" shall mean a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

- 1.6. **"consumer"** in relation to premises shall mean:
- (a) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
 - (b) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
 - (c) if there is no such person or occupier, the owner of the premises;
- 1.7. **"credit meter"** shall mean a meter where an account is issued subsequent to the consumption of electricity;
- 1.8. **"electrical contractor"** shall mean an electrical contractor as defined in the Regulations;
- 1.9. **"electrical installation"** shall mean an electrical installation as defined in the Regulations;
- 1.10. **"high voltage"** shall mean the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SANS 1019];
- 1.11. **"low voltage"** shall mean the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SANS 1019]
- 1.12. **"the law"** means any applicable law, proclamation, ordinance, Act of parliament or enactment having force of law;
- 1.13. **"medium voltage"** means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SANS 1019];

- 1.14. "**meter**" shall mean a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;
- 1.15. "**motor load, total connected**" shall mean the sum total of the kW input ratings of all the individual motors connected to an installation;
- 1.16. "**motor rating**" shall mean the maximum continuous kW output of a motor as stated on the maker's rating plate;
- 1.17. "**motor starting current**" in relation to alternating current motors, means the root-mean-square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;
- 1.18. "**Municipality**" means Musina Local Municipality, a municipality established in terms of the law or any legal entity duly authorized by the Musina Local Municipality to provide an electricity service within the jurisdiction of the Musina Local Municipality;
- 1.19. "**occupier**" in relation to any premises, shall mean:
- (a) any person in actual occupation of such premises;
 - (b) any person legally entitled to occupy such premises;
 - (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
 - (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

1.20. "**owner**" in relation to premises shall mean the person in whom is vested the legal title thereto; provided that-

(a) in the case of immovable property-

- (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
- (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined-

- (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
- (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
- (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

1.21. "**person**" shall mean any person, whether natural or juristic, and includes but is not limited to any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

- 1.22. "**point of consumption**" shall mean a point of consumption as defined in the Regulations;
- 1.23. "**point of metering**" shall mean the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorized official of the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;
- 1.24. "**point of supply**" shall mean the point determined by the Municipality or any duly authorized official of the Municipality at which electricity is supplied to any premises by the Municipality;
- 1.25. "**premises**" shall mean any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;
- 1.26. "**pre-payment meter**" shall mean a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;
- 1.27. "**Regulations**" means Regulations made in terms of the Occupational Health and Safety Act 85 of 1993, as amended;
- 1.28. "**safety standard**" shall mean the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;
- 1.29. "**service connection**" shall mean all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;
- 1.30. "**service protective device**" shall mean any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from

overloads or faults occurring on the installation or on the internal service connection;

1.31. "**standby supply**" shall mean an alternative electricity supply not normally used by the consumer;

1.32. "**supply mains**" shall mean any part of the Municipality's electricity distribution network;

1.33. "**tariff**" shall mean the Municipality's tariff of charges for the supply of electricity and sundry fees, as approved by the Service Authority;

1.34. "**token**" shall mean the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*; and

1.35. "**voltage**" shall mean the root-mean-square value of electrical potential between two conductors.

2. **Other Terms**

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

3. **Headings and Titles**

The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4 **Provision of Electricity Services**

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality

5. Supply by Agreement

- 5.1. No person shall gain access to, consume, use, be entitled to use or be supplied with electricity nor may any supply be given to an electrical installation from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of these By-Laws and the Credit Control and Debt Collection By-Laws shall in all respects govern such supply.
- 5.2. Any person who uses an electricity supply without entering into an agreement referred to in 5.1., shall be guilty of an offence and shall be liable for costs of electricity used as stated in sections 56(2) and 61 of these By-Laws respectively.

6. Service of notices and documentation

- 6.1. The municipality may by written notice, instruct the owner or occupant of a premises, a consumer or any other person, who by action or omission, failed to comply with the provisions of these By-Laws or to fulfil any condition imposed by the provisions of the By-Laws to rectify his or her failure within a reasonable time specified in the notice.
- 6.2 Any notice or other document that is served on any person in terms of these By-Laws is regarded as having been served-
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic, with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is

obtained;

- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and/or his/her agent and/or his/her representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (f) in the event of a body corporate, when it has been delivered at the registered premises of the body corporate.

6.2. When any notice or other document must be authorized or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

6.3. Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

6.4 A notice, instruction, letter of demand, or other document issued by the Municipality in terms of these By-Laws, is deemed to be duly issued, when a duly delegated official of the Municipality has signed it.

6.5 A notice, instruction, letter of demand or other document shall for the purpose of authentication, be properly signed by a duly delegated official of the Municipality.

7. Compliance with Notices

Any person on whom a notice duly issued or given under these By-Laws is served shall, within the time specified in such notice, comply with the terms and conditions of such notice.

8. Application for Supply

8.1. No person shall gain access to, consume, use or be supplied with electricity nor may any supply be given to an electrical installation, from the Municipality, unless such person has applied in writing to the Municipality on the official application form prescribed for such services for a specific purpose, and such application has been approved by the Municipality, and a municipal electricity agreement as set out in section 5 has been concluded.

8.2. Application as contemplated in sub-section 8.1. above shall be made in writing by the prospective consumer on the prescribed official application form obtainable at the office of the Municipality. In instances where the consumer requires a specific minimum supply of electricity, the said consumer shall indicate the estimated load required, in kVA, of the installation, in the said form. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

8.3. An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorized official of the Municipality, which may specify any special conditions to be satisfied in such case.

8.4. No permanent installation may be supplied with a temporary electricity supply without the written approval of the Municipality.

8.5. Only one electricity service connection shall be made available to a stand. Additional electricity service connections may be supplied at a discretion of the Municipality.

9. Processing of Requests for Supply

Applications for the supply of electricity will be processed and the supply made available by the Municipality in accordance with the standard operating procedures therefor, within the periods stipulated in NRS 047 and in accordance with the provisions of these By-Laws, or any revision or substitution thereof.

10. Wayleaves

10.1. The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission, granted by the owner, of the said private property or by any person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorizing the laying or erection of an electrical service connection thereon.

10.2. If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the costs of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued. A way leave granted in terms of subsection 10(1) of these By-Laws shall be binding on the owner or a person who is granted such way leave, and on all successors in title of the property concerned, for so long as the electricity connection is operable, and such way leave may not be withdrawn without the concurrence of the Municipality.

11. Statutory Servitude

11.1 Subject to the provisions of subsection (3) the Municipality may within its municipal area:

- (a) regulate, control, provide, establish and maintain electricity services;

- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and dismantle electricity supply systems;
- (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs 11(a) to (c).

11.2. If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.

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

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

12.1. The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-

- (a) doing anything authorized or required to be done by the Municipality under these By-Laws or any other law;
- (b) inspecting and examining any service mains and anything connected

therewith;

- (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
- (d) ascertaining whether there is or has been a contravention of the provisions of these By-Laws or any other law, and
- (e) enforcing compliance with the provisions of these By-Laws or any other law,

12.2. The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Municipality is authorized to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

12.3. The Municipality or its authorized official may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in 12.1 above, or make other suitable arrangements with the owner or occupier in order to give effect to a purpose referred to in 12.1 above.

12.4. The Municipality or its duly authorized official may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

13. Refusal or Failure to Give Information

No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorized official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

14. Refusal of Admittance

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the Municipality in the performance of his/her duty under these By-Laws or of any duty connected therewith or relating thereto.

15. Improper Use

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity Tariffs and Fees

Copies of charges and fees may be obtained free of charge at the offices of the Municipality or the Municipal website (www.musina.gov.za).

17. Deposits

17.1. The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality.

17.2. The amount of the deposit in respect of each electricity installation shall be

determined by the Municipality. Each such deposit may be increased if the Municipality deems the deposit held to be inadequate.

17.3. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in these By-Laws.

17.4. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. Payment of Charges

18.1 The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the offices of the Municipality or the Municipal website (www.musina.gov.za).

18.2. All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

18.3. An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

18.4. Where a duly authorized official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection 18.2 and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.

18.5. After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. Interest on Overdue Accounts

In the event that a consumer fails to pay the amount/s due and payable on or before the due date for payment, the unpaid amount shall be regarded as being in arrears. Interest may be levied on all arrears at the rate prescribed by the Municipality from time to time subject to the applicable laws.

20. Principles for the resale of electricity

20.1. Unless otherwise authorized by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. In the event that the electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality.

20.2. The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.

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

21. Right to Disconnect Supply

21.1. The Municipality shall have the right to disconnect the supply of electricity to any premises, after giving 14 (fourteen) working days' pre-termination notice to the consumer, of its intention to do so, under the following circumstances:

21.1.1. where the consumer and/or any person liable to pay for such supply fails to pay any amount due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises;

21.1.2. where any of the provisions of these By-Laws and/or the Regulations are being contravened, and such consumer and/or person has failed to remedy such default after notice has been given;

21.1.3. where, in the opinion of the Municipality, there is a case of grave risk to consumer and/or person or property, or any contravention as envisaged in terms of Section 26 of these By-Laws, the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer.

21.2. After disconnection for non-payment of accounts or the improper or unsafe use of electricity and/or any contravention of any provision of these By-Laws, the prescribed fees and any amounts due for electricity consumed shall be paid to the Municipality before reconnection is made.

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

22. Non-liability of the Municipality

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

23. Leakage of Electricity

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation of the consumer.

24. Failure of Supply

24.1. The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality.

24.2. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

25. Seals of the Municipality

25.1. The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorized official of the Municipality, and no person other than an official of the Municipality duly authorized thereto shall in any manner and/or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

25.2. Should any person contravene sub-section 25.1, he/she shall be guilty on an offence, as contemplated in section 61 of these By-Laws.

26. Tampering with Service Connection or Supply Mains

26.1. No person shall in any manner and/or for any reason whatsoever, tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.

26.2. Where *prima facie* evidence exists of a consumer and/or any person having contravened sub-section 26.1, the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer and/or such person. The consumer and/or person shall be guilty of an offence as contemplated in section 61 of these By-Laws and/or be held liable for all fees and charges levied by the Municipality for such disconnection.

26.3. Where a consumer and/or any person has contravened sub-section 26.1 and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption, including a tempering/bridging fine as contemplated in section 61 of these By-Laws.

27. Protection of Municipality's Supply Mains

27.1. No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed by the Municipality: -

- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electricity supply mains;
- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;

- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from; and

27.2. The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision, the Municipality shall have the right, after prior written notification to the owner or occupier, 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 provision and shall be entitled to enter the property for this purpose.

27.3. The Municipality may subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with these By-Laws.

27.4. The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of Tampering with Service Connection or Supply Mains

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the electricity supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

29. Unauthorized Connections

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

30. Unauthorized Reconnections

30.1.No person other than a person specifically authorized thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the electricity supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.

30.2.Where the supply of electricity to a premises that has previously been disconnected is found to have been reconnected without authorization, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard, including penalty fees as contemplated in section 61.

30.3.Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary Disconnection and Reconnection

31.1.The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.

31.2.In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing

about this necessity, the Municipality shall waive payment of the fee referred to in sub-section 31.1.

31.3. The Municipality shall, with an adequate notice to the consumer, or under exceptional circumstances, without notice, temporarily disconnect the supply of electricity to any premises, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose.

32. Temporary Supplies

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

33. Temporary Work

33.1. Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality.

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

34. Load Reduction

34.1. At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

34.2. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

34.3. The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section 34.1, and any duly authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

34.4. Notwithstanding the provisions of sub-section 34.3, the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section 34.3.

35. Medium and Low Voltage Switchgear and Equipment

35.1. In the event where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorized official of the Municipality, be paid for by the consumer.

35.2. In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorized official of the Municipality and installed by or under the supervision of any duly authorized official of the Municipality.

35.3. No person shall operate medium voltage switchgear without the written authority of the Municipality.

35.4. All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an

employee of the Municipality.

35.5. In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorized official of the Municipality.

35.6. When a generator of any kind is installed on a customer's premises, he/she shall ensure that the necessary safety isolation equipment as required by the municipal safety standards is installed to prevent any back feed of electricity after the municipal electricity supply has been isolated.

36. Substation Accommodation

36.1. The Municipality may, on such conditions as may be deemed fit require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing:

36.1.1. medium voltage cables and switchgear;

36.1.2. transformers;

36.1.3. low voltage cables and switchgear; and

36.1.4. other equipment necessary for the supply of electricity requested by the applicant.

36.2. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

36.3. The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

37. Wiring Diagram and Specification

37.1. When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.

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

38. Standby Supply

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

39. Consumer's Emergency Standby Supply Equipment

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

39.2. Application for such approval, as set out in sub-section 39.1, shall be made in writing and shall include full specification of the equipment and a wiring diagram.

39.3. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment, and for obtaining a Certificate of

Compliance issued in terms of the Regulations for the work carried out.

39.4. Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

40. Circular Letters

The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or these By-Laws but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

41. Consumer to Erect and Maintain Electrical Installation

Any electrical installation connected or to be connected to the supply mains, and any additions or amendments thereto, which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his/her own expense and in accordance with these By-Law and the Regulations.

42. Fault in Electrical Installation

42.1. If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

42.2. The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

43. Discontinuance of Use of Supply

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least 2 (two) full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of 2 (two) full working days after such notice-has been given.

44. Change of Occupier

44.1. A consumer vacating any premises shall give the Municipality not less than 2 (two) full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he/she shall remain liable for such supply.

44.2. If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of sections 5 and 8 of these By-Laws, and failure to make application for an electricity supply within 10 (ten) working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.

44.3. Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 8 of these By-Laws, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

45. Service Apparatus

45.1 The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an act of God or an act or omission of an employee or agent of the Municipality or caused by an

abnormality in the supply of electricity to the premises.

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

45.3. Where there is a common metering position, the liability detailed in sub-section 45.1 shall devolve on the owner of the premises.

45.4. The amount due in terms of sub-section 45.1 shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

46. Service Connection

46.1. The consumer shall bear the costs of the service connection, as approved by the Municipality.

46.2. Notwithstanding the fact that the consumer bears the costs of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.

46.3. The work to be carried out by the Municipality at the costs of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorized official of the Municipality.

- 46.4. A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- 46.5. The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead electricity supply mains as may be required by the Municipality for the installation of the service connection.
- 46.6. The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm^2 (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorized official of the Municipality.
- 46.7. Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarial tied.
- 46.8. Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- 46.9. Within the meter box, the service conductor or cable, as the case may be shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- 46.10. In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks

of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

47. Metering Accommodation

47.1. The consumer shall, if required by the Municipality or any duly authorized official of the Municipality, provide –

47.1.1. accommodation in an approved position;

47.1.2. the meter board; and

47.1.3. adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.

47.2. The accommodation and protection referred to in sub-section 47.1 shall be provided and maintained, to the satisfaction of the Municipality, at the costs of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

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

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

47.5. Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the

cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

47.6. The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved

CHAPTER 5

SYSTEMS OF SUPPLY

48. Load Requirements

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

49. Load Limitations

49.1. Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA before diversity, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorized official of the Municipality.

49.2. Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three-phase but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorized official of the Municipality.

49.3. No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

50. Interference with Other Person's Electrical Equipment

50.1. No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

50.2. The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling as prescribed in NRS 048.

50.3. Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. Supplies to Motors

51.1. Unless otherwise approved in writing by the Municipality or any duly authorized official of the Municipality the rating of motors shall be limited as follows:

51.1.1. Limited size for low voltage motors-

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

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

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

| Insulated service cable, size in mm ² , copper equivalent mm ² | Maximum permissible starting current A | Maximum motor rating in kW | | |
|--|--|---------------------------------------|--------------------------------------|---------------------------------------|
| | | Direct on line (6x full-load current) | Star/Delta (2,5 x full-load current) | Other means (1,5 x full-load current) |
| | | 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 |

51.1.3. Consumers supplied at medium voltage-

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

52. Power Factor

52.1. If required by the Municipality, the power factor of any load shall be maintained within the limits 0, 85 lagging and 0, 9 leading.

52.2. Where, for the purpose of complying with sub-section 52.1, it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

52.3. The consumer shall, at his/her own cost, install such corrective devices.

53. Protection

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

CHAPTER 6

MEASUREMENT OF ELECTRICITY

54. Metering

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

54.2. Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 56(2) of these By-Laws, in which case the consumption for the period shall be estimated.

54.3. Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

54.4. The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole,

or for individual units, or for groups of units.

54.5. No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorized official of the Municipality.

55. Accuracy of Metering

55.1. A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section 55.5 hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

55.2. The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall-

- (i) in the case of a credit meter, adjust the account rendered;
- (ii) in the case of prepayment meters:

- (a) render an account where the meter has been under-registering; or
- (b) issue a free token where the meter has been over-registering, in accordance with the provisions of sub-section 55.6.

55.3. The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections 55.2 and 55.6 shall be made and the aforesaid fee shall be refunded.

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

parties.

55.5. Meters shall be tested in the manner as provided for in the applicable standard specifications.

55.6. When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section 55.2 or 55.3., such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section 55.5 or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

55.7. When an adjustment is made as contemplated in sub-section 55.6, the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

55.8. Where the actual load of a consumer differs from the initial estimated load provided for under section 8.2 to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

55.9. (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section 55.6, the Municipality shall-

- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and

- (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 55.9(a) (iii) the Municipality shall be entitled to adjust the account as contemplated in sub-section 55.9(a) (i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of sub-section 55.9(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section 55.6, the Municipality shall be entitled to adjust the account as notified in terms of sub-section 55.9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act No 32 of 2000.

56. Reading of Credit Meters

56.1. Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.

56.2. If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

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

56.4. If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

56.5. If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

57. Prepayment Metering

57.1. No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

57.2. Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

57.3. When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.

57.4. The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

57.5. Where a consumer is indebted to the Municipality for electricity consumed or

to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.

57.6. The Municipality may, at its own discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

57.7. Vendors selling credit for prepayment meters may not place an additional service charge over and above the tendered amount. If a vendor is found guilty, the service will be revoked and will no longer be allowed to sell credit for prepayment meters.

CHAPTER 7 ELECTRICAL CONTRACTORS

58. Electrical Contractors – Additional Requirements to Those of the Regulations

58.1. In addition to the requirements of the Regulations the following requirements shall apply:

58.1.1. Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorized official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorized official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.

58.1.2. The examination, test and inspection that may be carried out at the

discretion of the Municipality or any duly authorized official of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

59. Responsibility of Electrical Contractors

The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8 COST OF WORK

60. Cost of Work

The Municipality may repair and make good any damage done in contravention of these By-Laws or resulting from a contravention of these By-Laws. The cost of any such work carried out by the Municipality which was necessary due to the contravention of these By-Laws, shall be to the account of the person who acted in contravention of these By-Laws.

CHAPTER 9 PENALTIES

61. Penalties

61.1. Any person who contravenes any of the provisions of these By-Laws and in particular sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30, shall be guilty of an offence.

61.2. The owner of the property will be liable for the payment of the fine, if the tenant vacates the premises before the payment of the fine is complete.

61.3. Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.

61.4. Any person convicted of an offence under these By-Laws for which no penalty is expressly provided; shall be liable to pay a fine not exceeding Ten [10] Thousand Rand (R10 000.00) or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

61.5. Every person committing a breach of the provisions of these By-Laws shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

62. Calculation Standards for Penalties

62.1. Any person found contravening these By-Laws is liable to a fine which is available on the tariff list. The municipality may also recover any consumption charges lost over the period of a bypassed or tampered meter.

62.2. An average is to be taken from existing records where possible and in the following order, 1 year, 6 months or 3 months, always using the highest number of months available.

62.3. If consumption records are over 2 (two) years old, well below average, erratic or not available an average applicable to the type of building (residential, flats or business) may be used.

62.4. Once the average is calculated, the total amount of months from when the tamper or bridge occurred is multiplied with the average.

62.5. Any purchases made on pre-paid meters can be deducted from the total of the fine.

62.6. The formula is as follow:

(Average purchase per month x total months bridged) + tamper/bridging tariff – total purchased = Penalties

62.7. Electricity services may not be restored until the penalties are paid in full.

CHAPTER 10 REPEAL OF BY-LAWS

63. Repeal of By-laws

The By-Laws specified in the first paragraph of Schedule 1 are hereby repealed to the extent set out in the second paragraph of Schedule 1.

SCHEDULE 1: BY-LAWS REPEALED

The provisions of any By-Laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in these By-Laws, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal

Structures Act, Act 117 of 1998.

These By-Laws shall be known as the *Musina Local Municipality Electricity Supply By-Laws* and will come into operation on publication in the *Provincial Gazette*.

SCHEDULE 2: APPLICABLE STANDARD SPECIFICATION

Means: -

- SANS 1019 Standard voltages, currents and insulation levels for electricity supply SANS 1607 Electromechanical watt-hour meters;
- SANS 1524 Parts 0,1 & 2 - Electricity dispensing systems;
- SANS IEC 60211 Maximum demand indicators;
- Class1.0, SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2);
- SANS 10142 Part 1 and 2 Code of practice for the wiring of premises;
- SANS 10198 Handling and Installation of electric power cables of rating not exceeding 33kV;
- NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service;
- NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply;
- NRS 057 Electricity Metering: Minimum Requirements;