

# METSIMAHOLO LOCAL MUNICIPALITY

## ELECTRICITY BY-LAWS

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## 1. Definitions

(2) In these By-laws, unless inconsistent with the context:-

**“accredited person”** means a person registered in terms of the Regulations of the Act as a Electrical Tester for single phase, an Installation Electrician or a Master Installation Electrician, as the case may be;

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

**“certificate of compliance”** means a certificate issued in terms of the Regulations of the Act, in respect of an electrical installation or part of an electrical installation by an accredited person, hereafter know as a CoC;

**“consumer”** means a person to whom the Council has agreed to supply electricity or is actually supplying electricity, or if there is no such person, the owner of the premises;

**“consumer’s agreement”** means an agreement as referred to in Section 3;

**“contractor”** means an electrical contractor as defined in the Act and appointed by Council;

**“ Council” or “Municipal Council” or “Service Authority”** means the Metsimaholo Local Municipality, established in terms of Section 12(1) read together with Section 14(2) of the Local Government: Municipal Structure Act, (Act 177 of 1998) and promulgated under Notice No. 185 of 2000 in the *Free State Provincial Gazette* no 113 dated 28 September 2000;

**“electrical installation”** means electrical installation as described in the Regulations of the Act;

**“Engineer”** means the official being appointed, by the Council, in terms of the Occupational Health and Safety Act (Act 85 of 1993) and in charge of the electricity undertaking of the Council or any other person duly authorised to perform this duty on his behalf;

**“installation work”** means the installation or installing work as described in the Regulations;

**“low voltage enclosure”** and **“enclosure for a special supply at low voltage”** means a chamber, compartment or other enclosure in which a transformer, switch gear or other electrical equipment is contained for the operating of low voltage;

**“low voltage”** (hereinafter referred to as LV) means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an ac voltage of 1000 V, or a dc voltage of 1500 V as specified in SABS 1019;

**“medium voltage enclosure”** means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a medium voltage;

**“medium voltage”** (hereinafter referred to as MV) means the set of normal voltage levels that lie above low voltage and below high voltage in the range of above 1 kV and below or equal to 44 kV as specified in SABS 1019;

**“meter”** means a device for measuring and totalling the variable consumption of electrical energy;

**“meter-reading period”** means the period extending from one reading of a meter to the next;

**“multiplying factor”** means the factor with which a meter-reading should be multiplied, if applicable, in order to get the correct reading and will be calculated by taking the constant on the meter multiplied by the CT-ratio multiplied by the PT-ratio;

**“meter cabinet”** means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the Council and designed to operate at low voltage;

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

- (1) any person in occupation of a premises at any relevant time;
- (2) any person legally entitled to occupy the premises;
- (3) any person in control or management of a premises;

**“owner”** means and includes the registered owner of the land or premises, or his authorised agent, or any person receiving the rent or profits issuing therefrom, or who would receive such rents or profits, if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;

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

the person in whose name the premises is registered or the person's authorised agent; if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity:-

- a) if the premises is leased and the registration in the Deeds Office is a prerequisite for the validity of the lease, the lessee;
- b) a person receiving rent or profit issuing therefrom, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
- c) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

**“point of control”** means the point of control as defined in the Regulations;

**“point of consumption”** means a point of consumption as defined in the Regulations;

**“point of metering”** means the point at which the consumer's consumption or electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Council or the electrical installation of the consumer, as specified by the

Council, provided that it shall meter all of, and only, the consumer's consumption of electricity;

**“point of supply”** means point of supply as described in the Regulations;

**“premises”** means any stand or any other portion of land including any building or any other structure thereon, above or below the surface thereof and includes any aircraft, vehicle or vessel;

**“prepayment meter”** means a meter that can be programmed to allow the flow of prepurchased amounts of energy in an electrically circuit;

**“Regulations”** means regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

**“safety standard”** means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

**“service connection”** means the cable or conductor leading from the supply main to the point of supply of the electrical installation including any high voltage or other equipment connected to that cable or conductor, any meter, and any board, panel or other device to which the meter is fixed and all installation work apparatus associated with the said equipment, meter or other device installed by the Council;

**“service fuse” or “service circuit breaker”** means a device to control the electrical circuit belonging to the Council and forming part of the electrical circuit of the service connection;

**“skilled person”** means any person who in the opinion of the Council, is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to medium voltage, his experience and knowledge of electrical practice taken into consideration;

**“special supply at low voltage”** means a supply of electricity exceeding 40 kV A at low voltage;

**“supply”** means a supply of electricity from the supply main;

**“supply main”** means any cable or wire forming that part of the Council's electrical distribution system to which service connections may be connected;

**“tariff”** means the tariff, charges, fees or any other monies payable as determined by the Council in terms of Section 4 of the Systems Act (Act 32 of 2000);

**“the Act”** means the Occupational Health and Safety Act 85 of 1993 and the Regulations promulgated thereunder;

**“Town Treasurer”** means the head of the Financial Department of the Council or any duly authorised official in such undertaking;

**“other terms”** means all other terms used in these By-laws and shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act (Act 41 of 1987), as amended, or the Occupational Health and Safety Act (Act 85 of 1993), as amended, or the

Municipal System Act (Act 32 of 2000), as amended;

**“working days”** means the days that the Council is open for business and shall exclude weekends, public holidays and the period starting from the Christmas public holidays until the end of the New Year public holidays.

(2) Interpretation of terminology used:-

- (1) All references made to the male gender shall also include the female gender, and *vice versa*.
- (2) All reference to singular shall also mean the plural.
- (3) 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.
- (4) Where applicable the Council shall be represented by the Engineer being appointed

## **2. Application for and conditions of supply**

- 2.1) Application for a supply shall be made to and in a form prescribed by the Council.
- 2.2) The Council may, before granting a supply inspect the electrical installation to which an application relates with the view to establishing that such installation is safe and proper and complies with these By-laws or other applicable legislation.

## **3. Consumer's agreement**

- 3.1) No person shall use or be entitled to use an electrical supply from the Council unless or until such person has entered into an agreement in writing with the Council for such supply, and such agreement together with the provisions of these By-laws shall in all respects govern such supply. If a person uses an electrical supply without entering into an agreement he shall be liable for the cost of electricity and any other costs incurred by Council in such circumstances.
- 3.2) The charge payable for electricity used shall be in accordance with the applicable tariff as per the tariff schedule as determined by the Council.
- 3.3) No person shall use a electrical supply unless a consumer's agreement, as contemplated in Section 3.1 has been concluded with the Council: Provided that any consumer who was a consumer prior to the promulgation of these By-laws, shall be deemed to have concluded a consumer agreement with the Council in terms of Section 3.1
- 3.4) The Council may decide whether a consumer's agreement shall be concluded by Council with the owner of the premises or with the occupier of the premises, or with both, or with any other duly authorised person acting on their behalf.
- 3.5) No person shall, without first having obtained the Council or the Engineers permission in writing, supply electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

- 3.6) Should the consumer fail to pay the account referred to in Section 7(7), the electricity supply may be discontinued without notice.

#### **4. Termination of consumer's agreement**

- 4.1) Subject to the provisions of Sections 7(9) and Section 13, the consumer's agreement may be terminated by the consumer, his authorised representative, or by the Council giving 14 days (fourteen days) notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on Saturday, Sunday or public holiday, such termination shall only take effect on the following workday.
- 4.2) After a consumer's agreement has been terminated, any consumption recorded before another consumer's agreement is concluded in respect of the same premises, shall, until the contrary is proved, be deemed to have been consumed by the owner of the premises who shall be liable for payment of the charge as determined by the Council.

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

- 5.1) The Council may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer applying for the continuation of the supply.
- 5.2) The Council will, on the termination of the supply, take a final reading of the electricity meters
- 5.3) The consumer who is a part of the new consumer agreement referred to in Section 5(1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

#### **6. Deposits**

- 6.1) The Council reserves the right to require the consumer to deposit a sum of money as security in payment of any charge, which is due or may become due to the Council. Such deposit shall not be regarded as being payment or partly 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. The deposit amount shall be determined on the basis of the cost of the maximum consumption of electricity which the applicant, in the Town Treasure's opinion is likely to use during any two consecutive months.
- 6.2) Notwithstanding the forgoing provisions of this Section the Town Treasurer may, in lieu of a deposit, accept from the applicant, a guarantee for an amount calculated in accordance with Section 6(1) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity, Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least the amounts as determined from time to time by the Town Treasurer.
- 6.3) The Town Treasurer may at any time when the deposit or guarantee is found to be inadequate for the purposes of Section 6(1), require a consumer to increase the deposit made or to increase the guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the Council such additional sum or furnish such

additional guarantee as the Council may require, failing which the Council may discontinue the supply.

- 6.4) Any sum deposited by or on behalf of a consumer shall be refunded within 30 days (thirty days) after the termination of the consumer's agreement, after deducting any amount due by the consumer to the Council.
- 6.5) Subject to the provisions Section of 6(4), any person claiming a refund of a deposit or part thereof, shall either surrender the receipt which was issued for payment of the deposit; or if such receipt is not available, sign a receipt prescribed by the Council for the refund to him of such deposit or part thereof, and satisfy the Council that he is the person entitled to such refund by providing the Council with the necessary documents, if required, such as an avadavat and ID document.
- 6.6) If a deposit or part thereof has been refunded in accordance with Section 6(5), the Council shall be absolved from any further liability in respect thereof.
- 6.7) The consumer's agreement may contain a provision that any deposit paid by the consumer, shall be forfeited if it is not claimed within 1 year (twelve months) of either such agreement having been terminated or for any other reason, the consumer has ceased to receive a supply in terms of such agreement.
- 6.8) If a consumer applies to the Council for a supply of higher capacity, the Town Treasurer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of Section 6(2) before such supply is provided.
- 6.9) Where the electricity connection to a consumer is supplied by means of a prepaid meter no deposit for electricity will be applicable

## **7. Accounts**

- 7.1) The Council shall, in respect of each scale of the tariff governing a supply, provide the number of meters that it deems necessary. The consumer shall be liable for all charges for all electricity supplied to his premises at the prescribed tariff rates.
- 7.2) The Council may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period as provided for in Section 7(4) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum by him as settlement of the provisional account.
- 7.3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- 7.4) The amount of a provisional account referred to Section 7(2) shall be determined by the Council by reference to previous consumption, reflecting what would in Council's opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: If there has been no such previous consumption the Council shall determined the amount of the said account with the reference to the consumption on similar premises which, in Council's opinion affords reasonable guidance.

- 7.5) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.
- 7.6) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any grounds other than the inaccuracy of the meter, the Council shall make such enquiries and tests as it deems necessary and shall, if satisfied that the consumer has been wrongly charged, adjust the account accordingly: Provided that no such adjustment shall be made in respect of a period in excess of 36 months (thirty six months) prior to the date on which the wrong charge was observed or the Council was notified of such a wrong charge by the consumer. Any costs incurred by Council as a direct result of a consumer complaint that in Council's opinion proved to be without grounds, shall be charged to the consumer.
- 7.7) All accounts shall be deemed to be payable when issued by the Council and each account shall, reflect the due date and a warning indicating that the supply may be disconnected without notice should the charges in respect of such remain unpaid after the due date. The warning shall be deemed to be the notice served on the consumer of such disconnection.
- 7.8) An error or omission in any account or failure to render an account, on the part of the Council, shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises. The onus shall be on the consumer to satisfy himself that the account was not rendered.
- 7.9) Where a duly authorised official of the Council has visited the premises for the purpose of disconnecting the supply in terms of Section 7(7) and he is obstructed or prevented from effecting such disconnection the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- 7.10) After disconnection for non-payment or for a contravention of any provision of these By-laws, the prescribed fees and any amounts due for electricity consumed shall be paid before a re-connection is made.
- 7.11) The Council may charge interest on overdue accounts at a rate of interest which is one percent higher than the rate of interest payable by the Council to its bank for an overdraft.
- 7.12) The date on which the payment of interest on arrear account will come into effect shall be the day after the due date of the account.
- 7.13) The meter reading period shall be as close to 30 days (thirty days) as possible within the bounds of practical considerations.

## **8. Reading of meters**

- 8.1) The account for electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading. A multiplication factor will be applied to the reading where applicable.
- 8.2) The reading shown by a meter shall be *prima facie* proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Council's



records shall be *prima facie* proof that the meter showed the reading which the entry purports in the record.

- 8.3) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the Council at a time other than the date set aside by the Council for that purpose, a charge determined by the Council shall be payable by such consumer for such reading.
- 8.4) If for any reason, whatsoever, a meter cannot be read, the Council may render an estimated account base on readings. The energy consumption shall be adjusted in a subsequent account in accordance with the actual energy consumption.
- 8.5) When a consumer vacates a property and a final reading cannot be taken or is not possible, an estimation of the consumption will be made and the final account rendered accordingly.
- 8.6) 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 account. Any such correction shall only apply in respect of an account for a period of 36 months (thirty months) preceding the date on which the error in the account was discovered, shall be free of interest up to date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period.
- 8.7) In the event of the Council not being able to gain access to a meter for two consecutive meter readings periods the Council may forthwith discontinue the supply of electricity with respect to the premises to which that meter relates.

## **9. Prepayment metering**

- 9.1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the progress by which the prepayment meter token is produced.
- 9.2) Copies of previously issued tokens for the transfer of credit to the prepayment meter-may be issued at the request of the consumer.
- 9.3) When a consumer vacates any premises where a prepayment meter is installed, no refund of credit remaining or left on the meter shall be made to such a consumer.
- 9.4) The Council may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.
- 9.5) The Council may take a percentage of the money tendered for the purchase of electricity as part of the outstanding account.
- 9.6) The percentage taken shall be determined by the Council from time to time.
- 9.7) When a consumer vacates the premises where a prepaid meter has been installed the consumer may not remove the meter or request the Council to refund the consumer for the prepaid meter.
- 9.8) The prepaid meter remains the property of the Council.
- 9.9) Prepaid meters shall be installed by the Council at the cost of the consumer unless otherwise

determined by Council.

## **10. Testing of meter**

- 10.1) If a consumer or owner has reason to believe that a meter is not registering correctly, the consumer or owner may request the Council, in writing, to have the meter tested. Such request must be accompanied by the prescribed fee in the tariff for the testing of meter, and the Council shall as soon as possible thereafter test the meter. The fee to be refunded if the meter is shown by the test to be registering incorrectly.
- 10.2) The Engineer's finding as to the accuracy of a meter after the test referred to in Section 10(1) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfy the requirements prescribed in MRS 057 Part 2: Electricity Metering: Minimum Requirements.
- 10.3) The Engineer shall within a reasonable time, immediately before removing a meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.
- 10.4) If after testing a meter, the Council is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with Section 11.
- 10.5) The Council shall have the right to test its metering equipment. If it is established by a test or otherwise that such metering equipment is defective, the Council shall - in the case of a conventional meter, adjust the account rendered in accordance with Section 11 or 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 Section 11.
- 10.6) In case of a dispute, the consumer shall have the right to request the Council, in writing, to have the metering equipment under dispute tested at his own cost by an independent tester, accredited by the South African Accreditation Services and the result of such test shall be final and binding on both parties.
- 10.7) If the test on a meter indicates an error, being + or - , the cost for testing shall be refunded, by the Council to the consumer.

## **11. Failure of meter to register correctly**

- 11.1) When the Council is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer:-
  - a) shall be charged in respect of the current meter reading period the same amount as the consumer paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by an alteration to the electrical installation of the tariff; or
  - b) if the consumer was not in occupation of the premises during the corresponding period referred to in Section 11(1)(a), shall be charges on the basis of the consumers consumption during the 3 months preceding the date on which the meter was found to be registering correctly; or

- c) if the consumer was not in occupation of the premises during the whole of the period referred to in Section 11(1)(b), the consumer shall be charged on the basis of the consumption during the 3 months following the date from which the meter was again registering correctly.

11.2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in Section 11(1)(a), the consumer may similarly be charged for the corresponding meter reading periods, provided that no amount shall be so charged with respect to a period in excess of 36 months (thirty) prior to the date on which the meter was found to be registering incorrectly.

## **12. Disconnection of supply**

12.1) The Council shall have the right to disconnect the supply to any premises if the person liable to pay for such supply fails to pay any charge due to the Council in connection with any supply which he may at any time have received from the Council in respect of such premises, or, where any of the provisions of these By-laws and/or the Regulations are being contravened, after notice has been given to the occupier. After such disconnection, the fee as prescribed by the Council shall be paid before reconnecting.

12.2) When conditions are found to exist in an electrical installation which in the opinion of the Engineer constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the Council may without notice, disconnect that installation or any part thereof until such conditions have been remedied or removed.

12.3) The Council may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or test or for any other purpose related to its supply main or other works.

12.4) The Council shall, on application by a consumer, in a form prescribed by the Council, disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.

12.5) When an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Council, or where Council's equipment has been tampered with to prevent full registration of consumption by the meter, the electricity supply shall be physically removed from those premises and will only be reinstalled upon payment of the applicable fee, as prescribed in the tariff of charges.

12.6) The Council shall not be liable for any losses or damage, direct or consequentially suffered or sustained by a consumer as a result of or arising from the cessation, variation, interruption or discontinuation of the supply of electricity, unless caused by negligence on part of the Council.

## **13. Unauthorised connection**

13.1) No person shall personally, nor shall they permit anyone else to connect or reconnect or attempt to reconnect the service connection or supply mains except an employee of the Council, a contractor, or a person in the service of a contractor or consumer, authorised to do so by the Council.

13.2) If the supply to any electrical installation is disconnected the consumer concerned shall take

all reasonable steps within his power to ensure that such supply is not reconnected in contravention of Section 13(1).

- 13.3) If such is nevertheless so reconnected after it has been disconnected by the Council the consumer concerned shall forthwith take all reasonable steps within his power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the Council of such a re-connection.
- 13.4) If the consumer contemplated in Section 13(2) or Section 13(3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subsections.
- 13.5) Any contravention or failure to comply with the provision of this Section, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved by the consumer, it shall be deemed that the contravention was due to an intentional act or omission of person charged.
- 13.6) Where a supply that has previously been disconnected is found to have been reconnected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply is found to be reconnected and any other charges raised in this regard.

#### **14. Resale of electricity**

- 14.1) Where a person resells electricity supplied by the Council, such electricity shall, in respect of each purchaser, be metered through a sub-meter approved by the Council.
- 14.2) The Council shall not be liable for any inaccuracy or other defect in any sub-meter whether or not the Council has approved such sub-meter or the installation thereof;
- 14.3) The charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the Council. With the understanding that the reseller may divide his total units purchased into his total account received from Council to arrive at a cent per kWh unit charge. The reseller can then use this c/unit charge to bill his customers.
- 14.4) The conditions of resale shall not be less favourable to the purchaser than the terms on which the Council supplies electricity. The reseller may however recover the administrative cost incurred in metering and billing, from the person so supplied with electricity, provided that at the request of such person, the reseller shall furnish such person with such information as may be necessary to enable him to determine whether the administration costs are fair and reasonable and every such purchaser shall be entitled to require the seller to furnish him with all such accounts, documents and other information as may necessary to enable the purchaser to ascertain whether the accounts rendered to him for electricity supplied are correct.

#### **15. Installation diagram and specifications**

- 15.1) The Council may require a contractor to submit for approval a wiring diagram and specifications covering the proposed construction of, or alteration and extension or repair to any electrical installation. Where the Council requires such a diagram and specification the proposed work shall not be commenced until they have been submitted and approved.

15.2) The Engineer of the Council may request that such diagrams and specification be signed by a Professional Engineer.

15.3) When applicable such diagrams and specifications must comply with SABS 0142-B

## **16. Inspection and tests**

16.1) The Council may, at any reasonable time or in case of emergency enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these By-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.

16.2) Before any test or inspection in terms of this Section is carried out the owner or the occupier shall be informed of the purpose thereof and if it is established that a breach of these By-laws has been committed, the Council shall, notwithstanding the provisions of Section 16(3), not be liable to restore and make good in terms thereof.

16.3) The Council shall, in terms of Section 16(2), not be liable to restore and make good any disturbance damage to interference with the premises occasioned by any inspection or test made in terms of Section 16(1).

16.4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he deems necessary, and if any work which the Council requires to inspect or test has been covered up the Council may require the contractor or the owner of premises at no cost to the Council to uncover that work, to expose any joints or wires and to remove any fittings, trapdoors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the Council.

16.5) Every reasonable facility to carry out tests and inspections shall be afforded to the Council by the electrical contractor, the owner or the occupier of the premises and the aforesaid shall in the case of an contractor include the provision of suitable ladders.

16.6) Any person in possession of a Certificate of Compliance for a new electrical installation, shall give the Council at least three working days notice before the supply is to be switched on provided the electrical connection has been completed.

16.7) Before any electricity will be supplied to a new installation the consumer must be in possession of a Certificate of Compliance for the installation.

16.8) No Certificate of Compliance for a new installation shall be issued by an accredited person without an official of the Council being present.

## **17. Liability of Council and contractor**

17.1) Neither the Council's approval of an electrical installation after making any inspection or test thereof nor the granting by him of permission to connect the installation to the supply shall be taken as constituting for any purpose as a guarantee by the Council that the work has been properly executed or that the materials used in it are sound or suitable for the purpose or any

warranty whatsoever so as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.

- 17.2) The Council shall not be under any liability in respect of any installation or other work or for any loss of damage caused by fire or other accident arising wholly or partly from the condition of any electrical installation being legal, illegal or un-authorised.

## **18. Service connections**

- 18.1) The owner of the premises concerned or person acting on his behalf shall make application for the installation or reinstatement of a service connection in the form prescribed by the Engineer or in writing to the Engineer.
- 18.2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Engineer shall be paid to the Council before the supply is authorised.
- 18.3) Every part of the service connection shall remain the property of the Council.
- 18.4) Notwithstanding that the service connection to an approved electrical installation may already have been completed the Council may in its absolute discretion refuse to supply electricity to that installation until all sums of money due to the Council by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- 18.5) No owner shall be entitled to require more than one service connection for the supply of electricity to any premises. The Council may, however, subject to such conditions as it deems fit to impose upon the owner, provide more than one service connection to a premises and where more than one service connection is so provided it shall be illegal to interconnect them.
- 18.6) In cases where more than one consumer, on the same premises, is provided with electricity from a single point by means of equipment belonging to the owner of the premises, the Council will not be responsible for any defects in the electricity supply whatsoever, that are caused by defects in the equipment of the owner of the premises.
- 18.7) The applicant for a service connection shall, before work on his installation is commenced, furnish the Council with such indemnity as it may specify.
- 18.8) The Council may, notwithstanding any indemnity given in terms of Section 18(7) refuse to install a service connection until it is satisfied that no person is entitled to object to such installation and if in the opinion of the Engineer it is not save to carry out the work.

## **19. Sealed apparatus**

- 19.1) Where any seal or lock has been placed by the Council on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Council, no person other than an employee of the Council, a contractor, a person in the service of a contractor or a consumer authorised by the Engineer shall for any reason whatsoever remove, break, deface or otherwise interfere with such seal or lock.
- 19.2) Any person breaking, tampering or removing a seal or lock placed by the Council shall be liable in terms of Section 36.

## **20. Tampering**

- 20.1) No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any meter or service connection or service protection device or supply or any other equipment of the Council. Only an authorised employee of the Council may make any adjustment or repair thereto and the person responsible for the tampering shall be liable in terms of Section 36.
- 20.2) When as a result of illegal tampering by a consumer, it is necessary to make alterations to the metering system to prevent further tampering, the consumer shall be liable for the total cost of such alterations.

## **21. Liability for damage to service connection**

- 21.1) The owner of the premises or the consumer shall be liable to make good to the Council any damage that may occur to the service connection or any part thereof or to any other Council apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Council.
- 21.2) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the Council as soon as he becomes aware of that fact and the Council or a person authorised by Council shall repair the damage. If the damage was caused by the consumer, he will be liable for the cost.

## **22. Type of supply**

The Council may in any particular case determine whether the supply shall be a medium or low voltage supply and the type of such supply.

## **23. Low voltage connection**

- 23.1) Before a low voltage supply is given, the applicant or owner shall, if required to do so by the Engineer provide a cabinet of approved design and construction for the accommodation of the Council's service connection, at no expense to the Council and in a position approved by the Engineer.
- 23.2) The consumer shall provide approved accommodation in an approved position, the meter board, adequate conductors for the Council's metering equipment, service apparatus, protection devices and provision for load management relays. Such accommodation and protection shall be provided and maintained, to the satisfaction of the engineer, at the cost of consumer or the owner, as the circumstances may demand and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access is possible at all reasonable hours for the reading of meters and at all times for purpose related to the operation and maintenance of the service equipment. Access at all reasonable hours shall be provided for the inspection of prepayment meters.
- 23.3) Where sub-metering equipment is installed, accommodation separate from the Council's metering equipment shall be provided.
- 23.4) 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.

- 23.5) Where in the opinion of the Engineer, the positions of the meter, service connection, protective devices or main distribution boards is no longer readily accessible or becomes a source of danger to life or property or in any way becomes unsuitable, the consumer shall remove, with the assistance of a competent person, it to a new position, at his cost, within a reasonable time.
- 23.6) The accommodation for the Council's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective device. No apparatus other than that used in connection with the supply and the use of electricity shall be installed or stored in such accommodation unless approved.

## **24. Medium voltage electrical installation**

- 24.1) All the apparatus used in connection with a medium voltage electrical installation shall be of approved design and construction.
- 24.2) Before any work is commenced in connection with a new medium voltage electrical installation or for the extension of an existing medium voltage installation a written application with a site plan and a drawing showing in detail, to the Engineers satisfaction, the particulars and layout of all proposed electrical apparatus together with full technical information concerning the apparatus, shall be submitted to the Council. No work shall be commenced until the proposed installation or extension has been approved by the Engineer.
- 24.3) No person other than an authorised skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with medium voltage apparatus.
- 24.4) Notwithstanding any approval previously given, the Council may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such test as may be deemed necessary and may, if such apparatus is to be found defective, disconnect the supply to the premises until the defect has been rectified to the Council's satisfaction.
- 24.5) The owner or the consumer shall be liable to the Council for the cost of carrying out any of the test referred to in Section 24(4) if any defect in the medium voltage or low voltage electrical installation is revealed thereby.
- 24.6) Notwithstanding anything contained in this Section 24, no medium voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission, in writing, of the Engineer, which permission shall not be given unless the requirements of this Section 24 has been complied with.

## **25. Enclosures for supply equipment**

- 25.1) Where required by the Engineer, an owner shall, at no expense to the Council, provide and maintain an approved enclosure, according to the Engineer's specification, for accommodating the Council and consumer's supply equipment in a position determined by the Engineer.



- 25.2) No person shall enter the enclosure accommodating the Council's supply equipment or touch or interfere with any apparatus therein, unless authorised to do so by the Engineer.
- 25.3) Every low voltage enclosure associated with a medium voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a duplicated key shall, if required by the Council, be handed to the Council or provision shall be made for the fitting of an independent lock by the Council who shall be entitled to access to the enclosure at all times.
- 25.4) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a low voltage enclosure and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Council and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- 25.5) The consumer or owner of a premises shall at all times provide and maintain safe and convenient access to a medium voltage enclosure. Such access is to be directly to that part of the enclosure into which the medium voltage is supplied and not through the low voltage enclosure or through any door or gate of which the lock is controlled by the consumer or the owner of the premises.
- 25.6) The Council may use any enclosure for supply equipment on a premises in connection with a supply to a consumer, to supply other consumers than those on which that enclosure is situated.

## **26. Permanently connected appliances**

Appliances permanently connected to an electrical installation shall be approved by the Engineer.

## **27. Surge diverters**

Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Engineer.

## **28. Positions of cooking appliances**

No heating or cooking appliances shall be installed, placed or used below or near any meter or apparatus belonging to the Council.

## **29. Maintenance of installation**

- 29.1) Any electrical installation on any premises connected to the supply of the Council must be maintained in good working order and condition at all times by the owner or consumer to the satisfaction of the Engineer.
- 29.2) The Engineer may request a consumer who take a three phase supply, to distribute his electrical load, as approved by the Engineer, over the supply phases and shall install such devices in the relevant service connection as it may deem necessary to ensure that this requirement is complied with.
- 29.3) No consumer shall operate electrical equipment having load characteristics or having unbalances phase currents, which fair outside the standards determined by the Engineer.

- 29.4) The assessment of interference with other consumers shall be carried out by means of measurements taken at the point of common coupling.
- 29.5) If required by the Engineer, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- 29.6) Where, for the purpose of complying with Section 29(5) it is necessary to install power factor correction devices such corrective devices shall be connected to the individual terminals unless the correction of the power factor is automatically controlled.
- 29.7) No person shall, except with the consent of the Council and subject to such conditions as may be imposed:-
- a construct, erect or permit the erection of any building structure or other object, or plant, trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distributing system;
  - b excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;
  - c damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system;
  - d make any opening in any part of the electrical distribution system or obstruct or divert or caused to be obstructed or diverted any electrical distribution system there from;
  - e the owner shall limit the height of trees or length of projection branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Council 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 Council shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the tree or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;
  - f the cost of any work carried out by the Council as necessitated by a contravention of this By-laws, shall be for the account of the person who acted in contravention of Section 29.
- 29.8) The Council may:-
- a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of Section 29;
  - b) fill in and make good any ground excavated or removed in contravention of Section 29;
  - c) repair and make good any damage done in contravention of these By-laws or resulting from a contravention of Section 29;
  - d) remove anything damaging, obstructing or endangering or likely to damage, obstruct endanger or destroy any part of the electrical distribution system.

### **30. Control apparatus**

- 30.1) At times of peak load or in an emergency, or when, in the opinion of the Engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Council, the Engineer may without notice interrupt and, for such period as the Engineer may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Council 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.
- 30.2) The Council may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of Section 30(1), and the Engineer or any duly authorised official of the Council may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- 30.3) Notwithstanding, the provisions of Section 30(2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Engineer may decide to facilitate the later installation of the apparatus and equipment referred to in Section 30(2).
- 30.4) The Engineer may upon written request by a consumers request to any apparatus not being connected to a control relay, in which event the consumer shall, for the period during which such apparatus is not so connected, pay a monthly charge determined by the Engineer.
- 30.5) The Engineer may provide a set of electrical contacts which will close when the relay contemplated in Section 30(1) is operative, and which will enable the consumer to operate his own load control apparatus and warning devices.
- 30.6) Any person other than an authorised person tampering, removing, disconnecting or destroying the control apparatus in Section 30(1) will be held liable and charged in terms of Section 36.

### **31. Obstructing employees**

- 31.1) No person shall refuse to give or fail to give such information as may reasonably be required of by a duly authorised official of the Council or render any false information to any such official regarding any electrical installation work completed or contemplated.
- 31.2) No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Council in the performance of his duty under these By-laws or of any duty connected therewith or relating thereto.

### **32. Irregular supply**

The Council shall not be liable for the consequences to the consumer or any other person of stoppage, failure, variation, surge or any other deficiency of electricity from whatsoever cause, provided that compliance with the Electricity Act is maintained.

### **33. Complaints to failure of supply**

If an authorised employee of the Council is called to a consumer's premises by any consumer to attend to a complaint concerning any failure of supply and the cause thereof is found to be due to the consumers electrical installation, a charge determined by the Council shall be payable by the consumer for such attendance.

#### **34. Owner's and consumers liability**

- 34.1) The owner and the consumer shall be jointly and separately liable for compliance with any financial obligation, except as provided in Section 34(2), or other requirement imposed upon them by these By-laws.
- 34.2) The liability for compliance with any financial obligation in respect of the consumption of electricity, shall be the sole responsibility of the consumer.

#### **35. Notices**

- 35.1) Any notice or other document to be issued by the Council in terms of these By-laws shall be deemed to have been so issued as if it is signed by an authorised official of the Council.
- 35.2) Where any notice or other document specified in these By-laws is to be served on any person, it shall be deemed to have been properly served as if served personally on him or on any member of his household apparently over the age of 16 years at his place of residence or if sent by registered post to such person's last known place of residence or business as appearing in the records of the treasurer or, if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office. If sent by registered post it shall, unless the contrary is proved, be deemed to have been received by the addressee on the seventh (7th) working day after the day on which it was posted per pre-paid registered post.

#### **36. Offences and penalties**

- 36.1) Any person contravening or failing to comply with any provision of these By-laws shall be guilty of an offence and shall upon conviction thereof be liable to a fine of not less than R 1000 (thousand rand) but not exceeding R 10 000 (ten thousand rand) or in default of payment to imprisonment for a period not exceeding 12 months (twelve).
- 36.2) The occupier or, if there is no occupier, the owner of any premises supplied with electricity where a breach of these By-laws has occurred, shall be deemed to be guilty of that breach unless he proves that he did not know and could not by the exercise of reasonable diligence have known that it was being or was likely to be committed and that it was committed by some other person over whose acts he had no control.
- 36.3) Any person who contravenes the provisions of Section 13 and who is as a consequence thereof, not charged for electricity which has been consumed or is charged for such electricity at a rate lower than which he should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of that Section, be liable to pay to the Council the sum which would have been paid had the said offence not been committed.

Such sum shall be calculated in terms of the highest charge which have been made according to the tariff applicable from the date when the contravention first took place.

- 36.4) Any fines being paid by any consumer for the contravention of any Section of these By-laws shall be paid over to the Council.

### 37. Electricity tariffs

#### 37.1) Definition

For the purpose of the electricity tariffs the following meanings are attached to the words:-

**“cost”** the cost of all material, meters, transport and labour plus an administrative levy of 10%, which amount will not exceed a maximum of R 6 000. Such cost will be certified by the Engineer and the certificate issued thus will be accepted as *prima facie*;

**“maximum demand”**, when metered in kilo-volt ampere the maximum load in kVA that has been registered during any period of 30 successive minutes (thirty minutes) during the meter reading period. If electricity is supplied at more than one point in terms of the same agreement, the maximum demand will be the simultaneous maximum demand at the various supply points;

**“meter reading period”**, the period which stretches from one reading to the next reading which period would be approximately 30 days (thirty days);

**“designed load”**, the load provided for in the original planning of the electrical distribution system of the township concerned or the individual stand, if applicable, and which is indicated on the plans which are in the offices of the Engineer and which are available on request.

### 38. Electricity consumption

#### 38.1) Classification of consumers

The tariff applicable to a consumer is determined by the Engineer based on information by the prospective consumer and no new connections or alterations to existing connections will be provided unless the necessary information has been supplied.

No application by a consumer for the change of the tariff applicable to him will be considered within a period of twelve months from the date on which the tariff was made applicable to him at his request.

#### 38.2) Tariff 1

- c/kWh - Applicable to all dwellings, houses, flats and buildings used exclusively for dwelling or domestic purposes.

#### 38.3) Tariff 2

- c/kWh - All schools, churches, hostels and welfare institutions.

#### 38.4) Tariff 3

- c/kWh - All businesses, offices and consumers which are not classified under Tariff 1 or Tariff 2 and where the connection is smaller than 70 kVA.

#### 38.5) Tariff 4

All consumers of which the connection is bigger than 70 kVA is levied according to the kVA measured and energy measured in c/kWh.

#### 38.6) The minimum levy in 38.5 payable is:-

38.6.1) an energy levy in c/kWh;

38.6.2) a levy in R/kVA for maximum demand consumption which was measured during any 30 minute meter reading period of a month;

38.6.3) a minimum levy of 50 kVA per month will be payable irrespective of whether or not electricity was used.

#### 38.7) Tariff 5

Departmental use - c/kWh - All municipal buildings, workshops, pump stations etc.

#### 38.8) Tariff 6

Street lights - c/kWh.

#### 38.9) Tariff 7

All consumers of which the consumption is bigger than 70 kVA and are already measured on tariff 4 may apply to be measured on the off-peak tariff subject to certain conditions and no levy will be applicable in respect of the maximum requirement during the off-peak period of the Council.

### 39. Conditions

39.1) Meters and control equipment which are required as a result of the application in 38.9 will be installed by the Council at the cost of the consumer. The times regarded as off-peak will be agreed upon between the Engineer and the consumer and the hours will never be less favorable than those determined by Eskom for the Council's peak period.

#### 39.2) The following fees are payable:-

An energy charge as described in 38.6.1 and demand charge as described in 38.6.2 but with a maximum charge of 34 c/kWh. If the total of the demand and the energy charge is divided by the total kWh provided during the month is less than 34 c/kWh then the consumer will pay the charge of 34 c/kWh.

### 40. General

The following fees in respect of new connections and changes to existing connections are payable:-

#### 40.1) New connections

Single phase to a maximum of 13,8 kVA (60 amps single phase) which includes the installation of prepaid meters and three phase to a maximum of 41,5 kVA (60 amps/phase).

“Subject to the design load of the stand not being exceeded the cost for all types of connections in the township or area concerned will be the estimated cost as determined from time to time by the Engineer.”

#### 40.2) Changes

Where changes to existing connections including the installation of prepaid meters and temporary connections:

“At the estimated cost as determined by the Engineer.”

#### 40.3) Three phase above 41,5 kVA up to the designed load of the stand

“Estimated cost for the new connection or changes to the existing connection as determined by the Engineer provided that in respect of new connections the minimum amount as determined in 40.1 will be payable.”

#### 40.4) Bigger than the designed load

“Such a connection will necessitate the reinforcement of the network and a contribution towards the reinforcement of the network is payable apart from the cost mentioned in 40.2 or 40.3 provided that such contribution is determined by the Engineer by multiplying the average cost per kVA to equip a substation with the kVA with which the connection exceeds the designed load.”

#### 40.5) Method of payment

Subject to the reservations as determined later all fees are payable in cash prior to the commencement of any connection.

#### 40.6) Reservations

As an incentive to the consumer the Council can decide to claim the connection fees as follows:-

40.6.1) In the case of a connection bigger than 500 kVA in accordance with 40.4 portions of the cost can be charged as a monthly extension charge on the monthly account of the consumer.

40.6.2) The cost will be divided into returnable and non-returnable portions.

40.6.3) The non-returnable portion is payable in cash and consists of certain materials, labour and transport.

40.6.4) The returnable portion can be indicated as an extension charge on the monthly account of the consumer over a period of fifteen years at an interest rate as determined by the Council subject to the fact that it can be reduced by R1,00/kVA which is metered by the consumer monthly.

- 40.6.5) The amount mentioned in 40.6.4 may not be more than the extension which is placed on the account of the consumer irrespective whether or not electricity has been used.
- 40.6.6) At the change of the identity of the consumer without the connection being changed the same extension charge in respect of the in completed period will be payable.
- 40.6.7) The cost of the improvement of the network as determined by the Engineer is payable in cash.

#### **41. Temporary single phase connections**

Temporary single phase connections where the main supply line or network is available:-

“At the estimated cost as determined by the Engineer.”

#### **42. Reinforcement of the network**

Where a stand in an approved township is subdivided or a second dwelling is erected on the stand the following fee is payable:-

“A contribution to the reinforcement of the network calculated on the designed load of the new subdivided stand or property. The amount payable is determined by the Engineer by multiplying the average cost per kVA to equip a substation with the kVA with which the connection for the new stand is exceeding the designed load.”