

PROVINCIAL NOTICE 283 OF 2022**CITY OF MATLOSANA****AMENDMENT OF ELECTRICITY BY-LAWS IN ORDER TO PROVIDE FOR SMALL SCALE IMBEDDED GENERATION (SSEG) INSTALLATION**

Notice is hereby given in terms of the provisions of section 12(3) (b) of the Local Government Municipal Systems Act, 2000, as amended, that it is the intention of the City of Matlosana to amend the Electricity By-Laws in order to provide for Small Scale Imbedded Generation (SSEG) Installation.

Any person who wishes to comment on the Draft: amendment Electricity By-Laws for the City of Matlosana must submit it in writing with the undersigned within a period of thirty (30) days from the date of publication of this notice in the press.

Any person who cannot write may come during office hours, (7:45-13:00 and 13:45-16:30) where the Assistant Director: Administration, Mrs. J.v.Rensburg, in Room 130, First Floor, Civic Centre, Klerksdorp will assist to transcribe comments or representations.

The amended Electricity By-Laws for the City of Matlosana will become effective in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act, 2000, on the date of promulgation in the Provincial Gazette.

PO Box 99
Civic Centre
KLERKSDORP

TSR NKHUMISE
MUNICIPAL MANAGER

Notice 23/2022

Annexure "A"



CITY OF MATLOSANA
DIRECTORATE ELECTRICAL & MECHANICAL ENGINEERING SERVICES
ELECTRICITY BY-LAWS

The City of Matlosana municipality hereby, in terms of section 13 of the Municipal Systems Act, 2000, publishes the by-laws set forth hereinafter, which have been made by him in terms of Section 12 of the mentioned Act.

I N D E X

1. Definitions
2. Application for and Conditions of Supply
3. Consumer's Agreement
4. Termination of Consumer's Agreement
5. Continuation of Supply to New Consumer
6. Deposits
7. Accounts
8. Reading of meters
9. Testing accuracy of meter
10. Failure of meter to register correctly
11. Disconnection of supply
12. Unauthorised connection
13. Fraudulent use
14. Resale of electricity
15. Installation diagram and specifications
16. Inspection and tests
17. Liability of Council and Contractor
18. Service connections
19. Sealed apparatus
20. Tampering
21. Liability for damage to service connection
22. Type of supply
23. Meter cabinets
24. High-voltage electrical installations
25. Enclosures for supply equipment
26. Permanently connected appliances
27. Surge diverters
28. Position of cooking appliances
29. Provision of circuit breakers
30. Maintenance of installation
31. Control apparatus
32. Obstructing employees
33. Irregular supply
34. Owner's and consumer's liability
35. Notices

- 36. Offences and penalties
- 37. Repeal of by-laws

Definitions

- 1) In these by-laws, unless the context indicates otherwise –

“approved” in relation to any article or practice, means approved by the municipality or the engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being had to the recognized principles of electrical practice, and approval shall be interpreted accordingly;

“consumer” means any person who has entered into an agreement with the municipality for the supply to him of electricity; “consumer’s agreement” means an agreement as referred to in section 3;

“contractor” means an electrical contractor or a permit holder in terms of the Act;

“municipality” means a city council, town council, village council or health committee, established in terms of the Local Government Ordinance, 1939;

“electrical installation” means electrical installation as described in the Act;

“engineer” means the head of the municipal electricity undertaking or an official duly authorized by the municipality;

“high-voltage enclosures” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage above 1000 and the expression “high voltage” shall be interpreted accordingly;

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

“low voltage enclosures” and enclosure for a special supply at low voltage” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage at or below 1000 and the expression “low voltage” shall be interpreted accordingly;

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

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

“occupier” means any person in occupation of premises at any relevant time;

“owner” means and includes the registered owner of the land or premises, or his authorized agent, or any person receiving the rent or profits issuing there from, 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;

“point of consumption” means point of consumption as described in the Act;

“point of supply” means point of supply as described in the Act;

“premises” means any land and any building, erection or structure, above or below the surface of any land and includes any aircraft, vehicle or vessel;

“service connection” means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected

-1-

to that cable or conductor, any meter, and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the municipality;

“service fuse” or “service circuit breaker” means a fuse or service circuit breaker belonging to the municipality and forming part of the electrical circuit of the service connection;

“skilled person” means any person who in the opinion of the engineer is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage regard being had to his experience and knowledge of electrical practice;

“special supply at low voltage: means a supply of electricity exceeding 40 kVA 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 municipality’s electrical distribution system to which service connections may be connected;

“tariff” means the charge set out in the schedule hereto;

“the Act” means the Occupational Health and Safety Act, 85 of 1993;

“treasurer” means the Chief Finance Officer of the municipality or any other duly authorized official in his department;

Application for and Conditions of Supply

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

Consumer’s Agreement

- 3) (1) No supply shall be given to an electrical installation unless and until the owner or occupier of the premises or some person acting on his behalf has completed a consumer’s agreement in a form prescribed by the municipality.
- (2) The charge payable for the supply shall be in accordance with the tariff.
- (3) No person shall use a supply unless a consumer’s agreement as contemplated in subsection (1) has been concluded with the municipality: Provided that any consumer who was a consumer on the date of publication of these by-laws shall be deemed to conclude an agreement with the municipality in terms of subsection (1).
- (4) The municipality may decide whether a consumer’s agreement shall be concluded by it with the owner of the premises.
- (5) No person shall without first having obtained the engineer’s permission in writing, lead

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.

-2-

Termination of Consumer's Agreement

- 4) Subject to the provisions of sections 7(6) and 11, any consumer's agreement may be terminated by the consumer, his authorized representative, or by the municipality on giving 7 days' notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the next ensuing day which is not a Saturday, Sunday or public holiday.

Continuation of Supply to New Consumer

- 5) (1) The municipality may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of the supply.
- (2) The consumer who is a party to the new consumer's agreement referred to in subsection (1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

Deposits

- 6) (1) (a) Except in the case of the Government of the Republic of South Africa including the Provincial Administration or other class of consumer approved by the municipality, every applicant for a supply shall, before such supply is given, deposit with the municipality a sum of money on the cost of the cost of the maximum consumption of electricity which the applicant is in the treasurer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.
- (b) Notwithstanding the foregoing provisions of this section the treasurer may, in lieu of a deposit, accept from an applicant, a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the municipality, 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 one thousand rand.
- If an applicant furnishes a guarantee, 50% of the required amount shall be deposited in cash and 50% shall be supplied by means of an approved rand guarantee.
- (2) The municipality may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1) require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the municipality such additional

sum or furnish such additional guarantee as the municipality may require, failing which the municipality may discontinue the supply.

-3-

- (3) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the municipality.
 - (4) (a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either-
 - (i) surrender the receipt which was issued for payment of the deposit; or
 - (ii) if such receipt is not available, sign a receipt prescribed by the municipality for the refund to him of such deposit or part thereof, and satisfy the municipality that he is the person entitled to such refund.
 - (b) If a deposit has been refunded in accordance with paragraph (a), the municipality shall be absolved from any further liability in respect thereof.
 - (5) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within 1 year after either such agreement has been terminated or he has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the municipality.
 - (6) Notwithstanding the provisions of subsection (5), the municipality shall at anytime pay—
 - (a) to the person who paid the deposit on his satisfying the municipality of his identity and the amount; or
 - (b) to any other person who has satisfied the municipality that he is entitled to have the payment made to him, an amount equal to the forfeited deposit.
 - (7) If a consumer applies to the municipality for a supply of higher capacity than he is receiving, the Chief Finance Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.
7. (1) The engineer shall in respect of each scale of the tariff governing a supply, provided such number of meters as he deems necessary.
- (2) The municipality may during any meter reading period, render to the consumer a provisional account in respect of a part of such period (which part shall as nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (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 paid by him on a provisional account as aforesaid.
 - (3) An account may be rendered for fixed charges in terms of the tariffs as when they become due.
 - (4) The amount of a provisional account referred to in subsection (2) shall be determined by the municipality by reference to such previous consumption, on the same premises

as would in his opinion constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account provided that where

-4-

there has been no such previous consumption the municipality shall determine the amount of the said account by reference to such consumption on other similar premises which, in his opinion affords reasonable guidance.

- (5) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.
- (6) In the event of the municipality not being able to gain access to a meter for two (2) consecutive meter readings the municipality may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates.
- (7) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any other grounds other than inaccuracy of a meter, the municipality shall make such enquiries and tests as it thinks necessary and shall, if satisfied that the consumer has been wrongly charged, adjust his account accordingly or if not so satisfied, charge him if the municipality's actions are the result of a complaint by the consumer, in addition the cost to itself of making such enquiries and tests: Provided that no such adjustment shall be made in respect of a period in excess of 12 months prior to the date on which the wrong charge was observed or the municipality was notified of such wrong charge by the consumer.

Reading of meters

8. (1) The amount of 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.
- (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 municipal books shall be prima facie proof that the meter showed the reading which the entry purports to record.

Testing Accuracy of Meter

9. (1) If a consumer or owner has reason to believe that a meter is not registering correctly he may give written notice to the municipality that he requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of meters, and the municipality shall as soon as possible thereafter subject the meter to test.
- (2) The municipality's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out shall be final, and a meter shall be deemed to be registering correctly if it is shown by that test to be over or under registering by not more than an average of 5% when tested in accordance with the code of practice of the South African Bureau of Standards for the testing of electricity meters or in accordance with procedures laid down by the municipality.
- (3) The fee payable in terms of subsection (1) shall be refunded if the meter is shown by the test to be registering incorrectly.

- (4) The engineer shall or immediately before removing a meter for testing take a reading of that meter and the current meter reading period shall be determined at the time of such reading.

-5-

- (5) If after testing a meter the municipality is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over or under registered in respect of the period of three (3) months prior to the date of termination of the current meter reading period in terms of subsection (4) and an adjusted account so rendered shall be paid within 10 days of the date thereof.

Failure of Meter to Register Correctly

10. (1) When the municipality 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 he paid in respect of the corresponding period in the preceding year subject to adjustment necessitated by any alteration to the electrical installation of the tariff; or
- (b) If he was not in occupation of the premises during the corresponding period referred to in paragraph (a) shall be charged on the basis of his consumption during the three months preceding the last date on which the meter was found to be registering correctly; or
- (c) If he was not in occupation of the premises during the whole of the period referred to in paragraph (b) shall be charged on the basis of his consumption during the three months following the date from which the meter was again registering correctly.
- (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 subsection (1) the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of twelve (12) months prior to the date on which the meter was found to be registering incorrectly.

Disconnection of Supply

11. (1) When any charges due to the municipality for or in connection with electricity supplied are in arrears the municipality may at any time without notice disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff are fully paid.
- (2) When conditions are found to exist in an electrical installation which in the opinion of the municipality constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the municipality may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.

- (3) The municipality may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.

-6-

- (4) The engineer shall immediately before removing a meter for testing take a reading of that meter and the current meter reading period shall be determined at the time of such reading.
- (5) If after testing a meter the municipality is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over or under registered in respect of the period of three (3) months prior to the date of termination of the current meter reading period in terms of subsection (4) and an adjusted account so rendered shall be paid within ten (10) days of the date thereof.

Disconnection of Supply

11. (1) When any charges due to the municipality for or in connection with electricity supplied are in arrears the municipality may at any time without notice disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff, are fully paid.
- (2) When conditions are found to exist in an electrical installation which in the opinion of the municipality constitute a danger or potential danger to person or property or interfere with the supply to any other consumer the municipality may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.
- (3) The municipality may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (4) The municipality shall on application by a consumer in a form prescribed by the engineer disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.

Unauthorized Connection

12. (1) No person other than an employee of the municipality authorized thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation With the service connection or the supply main.
- (2) If the supply to any electrical installation is disconnected in terms of section 11(1) or (2) the consumer concerned shall take all reasonable steps within his power to ensure that such supply is not reconnected in contravention of subsection (1).
- (3) If such supply is nevertheless so reconnected after it has been disconnected by the municipality 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 Chief Financial Officer of such reconnection.

- (4) If the consumer contemplated in subsection (2) or (3) is not in occupation of the premises concerned then the occupier of those premises shall comply with the provisions of the mentioned subsections.

-8-

- (5) If any prosecution for a contravention of or failure to comply with subsection (2) or (3) or both or of any or both of those subsections read with subsection (4), any contravention or failure to comply whether intentional or negligent shall be sufficient to constitute an offence and unless the contrary is proven, it shall be deemed that—
- (a) reasonable steps contemplated in subsection (2) and (3) were not taken; and
- (b) such contravention or failure was due to an intentional act or omission of the person charged.

Fraudulent Use

13. (1) A supply for which a charge is laid down in the tariff and which is measured by a meter or set of meters shall not be used for any purpose for which a higher charge is laid down.
- (2) Unless the municipality has granted permission in writing no electricity supplied by it shall be used unless it has first passed through the meter connected to the electrical installation.

Resale of Electricity

14. Where a person resells electricity supplied by the municipality—
- (a) such electricity shall in respect of each purchaser be metered through a sub-meter which and the installation of which has been approved by the municipality.
- (b) the municipality shall not be held liable for any inaccuracy or other defects in any sub-meter whether or not the municipality has approved such sub-meter or the installation thereof,
- (c) the charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the municipality; and
- (d) the conditions of resale shall not be less favourable to the purchaser than the terms on which the municipality itself supplies electricity and every such purchaser shall be entitled to require the seller to furnish him with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him for electricity supplied are correct.
- (e) Such a person shall submit an application to be registered as an electricity reseller to the municipality

Installation Diagram and Specifications

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

-9-

Inspection and Tests

16. (1) The engineer may, at any reasonable time or in case of emergency at any time 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.
- (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 municipality shall notwithstanding the provisions of subsection (3) not be liable to restore and make good in terms thereof.
- (3) The municipality shall save as is provided in subsection (2) restore and make good any disturbance of, damage to, or interference with, the premises occasioned by any inspection or test made in terms of subsection (1).
- (4) While any electrical installation 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 engineer requires to inspect or test has been covered up the engineer may require the contractor or the owner of the premises at no cost to the municipality to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary shall likewise be carried out at no costs to the municipality.
- (5) Every reasonable facility to carry out tests and inspections shall be afforded to the engineer by the contractor, the owner and the occupier of the premises and the aforesaid facilities shall in the case of a contractor include the provision of suitable ladders.
- (6) Where the cables or conduits of an electrical installation are laid underground the trenches containing them shall be left open until the work has been inspected and approved.
- (7) Any contractor shall give the engineer at least 3 working days' notice in a form prescribed in the Act that he requires the engineer to carry out an inspection or test of any electrical installation.
- (8) (a) After receipt of notice in terms of subsection (7) the engineer shall forthwith make such inspection and test.
- (b) Should an electrical installation require re-testing according to regulation C177 (4) of the Act, such a re-test is subject to the payment of a charge laid down in the tariff.

Liability of Municipality and Contractor

17. (1) Neither the engineer'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 any guarantee by the municipality that the work has been properly executed or that the materials

-10-

used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.

- (2) The municipality shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

Service Connections

18. (1) The owner of the premises concerned shall make application for the installation or re-instatement of a service connection in a form prescribed by the engineer.
- (2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the municipality shall be paid to the municipality before supply is authorized.
- (3) Every part of the service connection shall remain the property of the municipality.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed the municipality may in its absolute discretion refuse to supply electricity to that installation until all sums due to the municipality by the same consumer in respect of that or any other service connection, whether or not on the same premises have been paid.

Sealed Apparatus

19. Where any seal or lock has been placed by the municipality 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 municipality no person other than an authorized employee of the municipality shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock.

Tampering

20. No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorized employee of the municipality may make any adjustment or repair thereto. Any person or consumer found to have tampered with shall be issued with a fine to an amount approved by council and the connection shall be restored upon payment of the imposed fine

Liability for Damage to Service Connection

21. (1) The owner of the premises or the consumer shall be liable to make good to the municipality any damage that may occur to the service connection or any part thereof or to any other municipal apparatus on the premises unless such owner or consumer can prove negligence on the part of the municipality.

- (2) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the municipality as soon as he becomes aware of that fact and the municipality or a person authorized by him shall repair the damage.

-11-

Type of Supply

22. The municipality may in any particular case determine whether the supply shall be high or low voltage and the type of such supply.

Meter Cabinets

23. Before a low voltage supply is given the applicant or owner shall install a meter cabinet if required to do so by the municipality at no expense to the municipality and in a position approved by the municipality, provide a cabinet of approved design and construction for the accommodation of the municipal service connection.

High Voltage Electrical Installation

24. (1) All the apparatus used in connection with a high voltage electrical installation shall be of approved design and construction.
- (2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation a site plan and a drawing showing in detail to the municipality satisfaction the particulars and lay information concerning the apparatus shall be submitted to the municipality and no work as aforesaid shall be commenced until the proposed installation or extension has been approved.
- (3) No person other than a skilled person shall undertake the installation repair, alteration Extension, examination or operation of or touch or do anything in connection with high voltage apparatus.
- (4) Notwithstanding any approval previously given by him the municipality may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such tests as he may deem necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the municipal satisfaction.
- (5) The owner or the consumer shall be liable to the municipality for the cost of carrying out any of the tests referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.
- (6) Notwithstanding anything contained in section 25 no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the municipality which permission shall not be given unless and until every requirement of this section has been complied with.

Enclosures for Supply Equipment

25. (1) Where required by the municipality an owner shall at no expense to the municipality provide and maintain an approved enclosure for accommodating the municipal and consumer's supply equipment in a position determined by the municipality.

- (2) No person shall enter the enclosure accommodating the municipal supply equipment or touch or interfere with any apparatus therein, unless authorized thereto by the municipality.

-12-

- (3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall if required by the municipality be deposited with him or provision made for the fitting of an independent lock by the municipality who shall be entitled to access to the enclosure at all times.
- (4) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the municipality and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- (5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.
- (6) The municipality may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

Permanently Connected Appliances

26. Appliances permanently connected to an electrical installation shall be approved.

Surge Diverters

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

Position of Cooking Appliances

28. No heating or cooking appliance shall be installed, placed or used below any meter elonging to the municipality.

Provision of Circuit Breakers

29. When required by the municipality the owner shall supply and install or more approved supply circuit breakers in a smaller and position determined by the municipality.

Maintenance of Installation

30. (1) Any electrical installation on any premise connected with the supply shall at all times be maintained by the owner or consumer in good working order and condition to the satisfaction of the municipality.

- (2) The municipality may require a consumer who takes a multiphase supply to distribute his electrical load as approved by the municipality over the supply phases and may install such devices in the relevant service connection as he may deem necessary to ensure that this requirement is complied with.

-13-

Control Apparatus

31. The municipality shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load for such length of time as it may deem necessary.

Obstructing Employees

32. No person shall willfully—
- (a) hinder, obstruct, or interfere with any employee of the municipality in the performance of any duty relating to these by-laws; or
 - (b) refuse to give such information as the municipality may reasonably require; or
 - (c) give to the municipality any information which to his knowledge is false or misleading.

Irregular Supply

33. The municipality shall not be liable for the consequences to the consumer or any other person of any stoppage, failure, variation or surge other deficiency of electricity from whatsoever cause.

Owner's and Consumers Liability

34. (1) The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation, except as determined in subsection (2) or other requirement imposed upon them in the alternative by these by-laws.
- (2) The liability for compliance with any financial obligation in respect of the use of electricity rests with the consumer only.

Notices

35. (1) Any notice or other document to be issued by the municipality in terms of these by-laws shall be deemed to have been so issued if it is signed by an authorized official of the municipality.
- (2) Where any notice or other document is required by these by-laws to be served on any person it shall be deemed to have been properly served 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 Chief Financial Officer 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.

CONNECTION OF SMALL SCALE EMBEDDED GENERATION TO A MUNICIPAL DISTRIBUTION SYSTEM: ELECTRICITY SUPPLY BY-LAW

36. The purpose of the by-law is to effectively regulate the connection of embedded generation systems to the municipal distribution system.

DEFINITIONS

For purposes of this by-law, the following definitions shall apply (and cognate expressions shall have similar meanings) —

embedded generation systems	electrical power generation units connected directly to the distribution system or connected to the distribution system on the customer side of the meter
ERA	Electricity Regulation Act, No 4 of 2006
municipality	a municipality that has executive authority to perform electrical reticulation services in its area of jurisdiction
NERSA	the National Energy Regulator of South Africa
reticulation	The trading or distribution of electricity and includes services associated therewith
SSEG	power generation of less than 1000kVA (1MVA)

Provision of electricity services

1. Subject to subsection 2 below, only the Municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.
2. The Municipality may permit the bulk supply or retail wheeling of electricity through its electrical grid by another electricity supplier which is licensed to supply electricity in terms of the Electricity Regulation Act.
3. The Municipality may permit the connection of an embedded generation system to its electrical grid in accordance with the requirements of this by-law and subject to:
 - 3.1 Compliance with the relevant requirements of the Municipality pertaining to the generation of electricity and the safety thereof contained in any guideline or policy issued by the Municipality in respect thereof.
4. Registration with the Municipality of all fixed electrical installations where electricity is generated and compliance with the Municipality's safety and quality requirements contained in any guideline or policy issued by the Municipality in respect thereof.

Approval for Connection

Connection of electrical generation equipment

1. No person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the Municipality's supply mains or service connection except with written permission of the [Director].
2. No alternate electrical generation equipment provided by a customer for his own operational requirements or for the generation of electricity may be connected to any installations without the prior written consent of the Municipality.
3. Application for such consent in terms of subsections (1) and (2) above must be made in writing and must include a full specification of the electrical generation equipment and a wiring diagram, as may be further detailed in any guideline or policy issued by the Municipality in respect thereof.

4. *The electrical generation equipment must be so designed and installed that it is impossible for the Municipality's supply mains to be energised by means of a back feed from such electrical generation equipment when the Municipality's supply has been de-energised.*
5. *The customer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate of compliance issued in terms of the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).*
6. *The Municipality shall not be held responsible for any work done by the electrical contractor/registered person on a customer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises or the connection of the electrical generation equipment.*
7. *Where the customer's alternate electrical generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment, to the satisfaction of the [Director].*
8. *Before making any alteration or addition to any electrical generation equipment installed within the area of the supply that requires an increase in electricity supply capacity, or an alteration to the service, the customer shall give notice of his intentions in accordance with the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).*
9. *Any electrical generation equipment connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the customer at his own expense and in accordance with this by-law and the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).*

Wheeling of electricity

1. *No person may generate electricity by way of a fixed electrical installation and feed into the municipal electricity distribution network unless an agreement has been concluded with the Municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.*

Resale of Electricity

1. *Unless authorised by the [Director], no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the Municipality, to any other person or persons for use on any other premises or permit or allow such resale or supply to take place.*
2. *If electricity is resold for use on the same premises, the provisions of the Electricity Regulation Act, No 4 of 2006 shall apply, as specified in Schedule 2 to the Electricity Regulation Act, No 4 of 2006.*
3. *If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Service Provider.*
4. *The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Service Provider.*
5. *Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.*

Standby Supply

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

Metering

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

2. *The metering shall be a bi-directional meter measuring both import and export electricity*

Norms, standards and guidelines

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

Unauthorised connections

1. *No person other than a person whom the Municipality specifically authorises in writing to do so may directly or indirectly connect, attempt to connect or cause or permit the connection of a new electrical installation or part of a new electrical installation to the supply mains or service connection.*
2. *In the case where an electrical installation has been illegally connected on a customer's premises in contravention of this by-law, any policy or guideline issued by the Municipality and/or the Regulations, the Municipality may disconnect the connection of the electrical installation to the municipal distribution network.*
3. *The Municipality must give a person referred to in subsection (3) and any person residing in the premises notice of —*
 - a) *the intention to disconnect the electrical installation of such person;*
 - b) *a reasonable opportunity for such person to make representations in respect of the intended disconnection; and*
 - c) *all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.*
4. *For circumstances other than listed in sub-section (5), where any of the provisions of this by-law or the Regulations are being contravened, the Municipality shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.*
5. *The Municipality may disconnect the supply of electricity to any premises or the connection of any electrical installation without notice under the following circumstances;*
 - a) *where there is a case of grave risk to any person or property; or*
 - b) *for reasons of community safety or the safety of emergency personnel.*
6. *After the disconnection contemplated in subsection (1), the fee as prescribed by the Municipality for such disconnection or the reconnection of the service shall be paid by the person concerned.*
7. *In the case where an installation has been illegally reconnected on a customer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.*

Offences and Penalties

37. (1) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and shall on conviction thereof be liable to a fine as approved by Council resolution CC137 of 2013 or in default of payment to imprisonment for a period not exceeding 12 months.

-15-

- (2) The owner of any premises supplied with electricity on which a breach of these by-laws is committed 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 was committed by some other person over whose acts he has no control.

- (3) Any person who contravenes the provisions of section 13 and who is in consequence not charged for electricity which has been consumed or is charged for such electricity at a rate lower than that at which he should properly have been charged shall notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the municipality the sum which would have been paid to it had the said offence not been committed and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.

Repeal of By-laws

38. The Standard Electricity By-laws, published under Government Notice 399, dated 5 December 2003 as amended, are hereby repealed.