

## PUBLIC NOTICE

### NOTICE OF REQUEST FOR PUBLIC COMMENTS ON THE AMENDMENT OF THE ELECTRICITY BY-LAWS FOR THE CITY OF JOHANNESBURG

The Council of the City of Johannesburg hereby gives notice that it intends to amend the Electricity by-laws. The public is invited to submit written comments on the proposed amendments of the By-Laws in terms of section 7(5) of the Rationalisation of Local Government Affairs Act 1998 and Section 12 of the Local Government Municipal Systems Act no 32 of 2000. The draft Electricity By-laws are amended and reviewed in order to be consistent with legislative requirements and to ensure effective implementation.

The current City of Johannesburg Electricity By laws were promulgated in 2000. In accordance with Section 11, 3(m) of the Municipal Systems Act 32 of 2000, the municipality in executing its executive mandate of provision of electricity is required to pass the by-law pertaining to this service. Chapter 7 Section 156 subsection 2 of the Constitution, states that "a municipality may take and administer by-laws for the effective administration of the matters which it has the right to administer."

The main objective of the electricity by-laws is therefore to strengthen electricity regulations within the municipality amidst rapid changes taking place in the electricity sector.

Customers as conventionally and previously governed as consumers are now prosumers of energy, i.e., they generate own electricity and use the grid as backup. This is known as the digitization and democratization of the network. These changes therefore require some regulatory framework to enable the City to control and manage customers in accordance with best practices available locally and abroad. Although the amendments cannot be claimed to have covered all eventualities possible but have however looked at the existing trends prevailing in and out of the city. Some of the unknown factors involve the following:

- Electricity grid codes that are still being developed.
- Licensing relationship between the prosumers and Council.
- Likely changes to the standard transfer codes (STS) for prepaid meters, including telecommunication between the meter and grid etc.

Copies of the Electricity By-laws may be obtained from the website: [www.joburg.org.za](http://www.joburg.org.za) and can be inspected at the City's Regional Offices during the business hours from 08:00 –15:00 on weekdays. The public has 30 days commenting period from the date of this advert, until close of business day on 26 September 2022

Comments to be submitted to the following email addresses: [khuthalamv@joburg.org.za](mailto:khuthalamv@joburg.org.za) and/or [velem@joburg.org.za](mailto:velem@joburg.org.za)

Issued on behalf of Councillor Lerato Ngobeni, Chairperson: Environment & Infrastructure Services Section 79 Committee

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CITY OF JOHANNESBURG  
METROPOLITAN MUNICIPALITY  
COUNCIL LEGISLATURE



a world class African city

**JOHANNESBURG METROPOLITAN MUNICIPALITY**

**AMENDMENTS TO STANDARDISED OF ELECTRICITY BY-LAWS –OF 2000**

It is hereby notified in terms of Section 101 of the Local Government Ordinance, 1939, that the Greater Johannesburg Metropolitan Council have adopted a uniform set of Electricity By-laws for the entire Metropolitan area served by Metropolitan Electricity. Areas serviced by Eskom are not subject to these By-laws but to that organisation's rules and provision of electricity supply.

The old Johannesburg Municipal Electricity By-laws used in the area supplied by the previous Johannesburg Electricity Department and the old Transvaal Provincial Electricity By-laws used throughout the remainder of the Greater Johannesburg area of supply, being the areas serviced by the Electricity Departments of the previous Randburg, Roodepoort, Ennerdale and Lenasia South East Councils, are hereby substituted by the following standardised Electricity By-laws:

NRS 047 service standard for applications, termination, billing, connections, reconnections, requirements that shall be applied over and above the provisions of this by law

NRS 048: Quality of supply standard that provides for limits of number of outages, type and magnitude, harmonics , total harmonics distortions , voltage dips and characteristics, surges and flicker. A requirement by NERSA

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**JOHANNESBURG METROPOLITAN MUNICIPALITY : ELECTRICITY BYLAWS**

**SECTION 1**

Definitions

"Act" means the Occupational Health and Safety Act 85 of 1993 and the Regulations promulgated thereunder;

"Account holder" Any person that has entered into a service agreement with Council

"Alternating current" The flow of electrical energy that follows a sine wave and changes direction at a fixed frequency (i.e. it 'alternates'). Most residential and commercial uses of electricity require alternating current.

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

"Approval" Shall be interpreted accordingly

"Backyard dwelling(s)" An informal structure(s) erected for residential purposes of premises in addition to existing dwelling unit

"Bi-directional Smart meter" A measuring device installed by Council to of energy send to By council the customer and that coin from customer to Council . A device that measures energy transfer from Council to customer and vice versa on a continual basis

"Batteries (Storage)" An accumulator of energy storage at the rated voltage and amperage for later use when energy is required

"Circuit breaker" A protection device that isolate network and equipment from faults occurring in the network

"Civil work permit/ Wayleaves" Permit issued by the relevant authority granting the applicant the right to do work within the road reserve

"Communal load" Energy used for benefit by the commune, such streetlights, halls, common areas of use, etc.

"Cogeneration " The generation of electricity using waste heat

. "Competent person" means an employee who is a competent person as defined in the Act;

"charge determined by the council" means the appropriate charge determined by the council or contained in any by-law made by the council, from time to time, in accordance with the provisions of section 80B of the Local Government Ordinance 17 of 1939;

"consumer" means any person who has entered into an agreement with the council for the supply of electricity;

"consumer's agreement" means an agreement as referred to in section 3;

"contractor" means an electrical contractor as defined in the Act;

"contract" a signed relationship between parties for a specific activity

"council" means a local government body as defined in the Local Government Transition Act 209 of 1993 and includes the executive committee of a council or any official in the service of a council acting by virtue of any power vested in a council in connection with these by-laws and delegated to such official by the council;

"Consumer" Any person who has entered into agreement with Council for the supply of electricity services and can also be the supplier of electricity and in the latter case is referred to as Presume

- (a) "Customer" in relation to premises means: a)Any occupier thereof or any other person(s) with whom the council has contracted to supply or generate or actually supplying or generating electricity there at;
- (b) If such premises are not occupied, any person(s)who has a valid existing agreement with the municipality for the supply or generation of electricity to such premises or
- (c) If there is no such person or occupier, , registered owner of the premises;
- (d) Holder of lease agreement to the said premises or property
- e) The executor or any person legally appointed person

"Electricity Meter" An instrument used to measure the consumption of electricity for the purposes of billing.

"Dedicated network" Section or portion of the utility grid that exclusively supplies a single customer

"Demand" means the power in kVA or kW of electricity measured over any period of thirty consecutive minutes;

"Demand meter" The power in KVA or Kw of electricity measured over any period of thirty minutes .

"Demand Response Contract" Contract entered into between the Council and a Pro-Sumer and/or IPP for the supply of / or reduction of electricity consumption as and when required by the Council to alleviate network constraints.

"Direct current" An electrical current flowing in one direction.

"Directly billed consumer" means a consumer, who is a tenant or occupier of a portion of any approved premises, who has entered into a consumer's agreement with the council and is separately metered and billed by the council;

"Electricity contractor" An electrical contractor as defined in the ERA.

"Energy" Kw/h (kilowatt hours) measured.

"Embedded Generation" Energy produced for own use by the customer whose surplus can be sold to the municipality or other customers

"Embedded generation/ IPP policy" A set of rules of how Council will regulate the relationship between Pro-sumers and IPP

"Electrical installation" means any electrical installation as described in the Act;

"Engineer" means the head of the council's electricity undertaking or an official duly authorised by the council;

" ERA" Electricity Regulation Act, Act No.4 of 2006.

"Extended service connection" The electrical circuit, equipment and control gear within a building between the service connection and the council's meter that registers the electricity consumption of a directly billed consumer .

"Generation" means production of electricity by any means " generate" and "generation" have corresponding meaning

" " Generating capacity" The maximum amount of electricity, measured in kilo-volt-ampere (kVA) (limited either by hardware, or by software settings) which can flow out of the generation equipment into the customer's alternating current wiring system. This is therefore the maximum alternating current power flow which can be generated.

" grid – tied SSEG) - SSEG that is connected to the utility's electricity grid either directly or through a customer's internal wiring is said to be "grid-tied". SSEG that is connected to the grid through a reverse power flow blocking relay is also considered to be grid-tied

"Fault" An abnormal electric current or voltage resulting in interruption in supply.

"Frequency" 50 Hertz.

"high voltage enclosure" means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage of or above 1000 and the expression "high voltage", shall be interpreted accordingly:

"Installed capacity" The maximum installed capacity requirements of a service connection as requested by the owner and agreed upon by the Engineer measured in KVA.

"Interest on overdue accounts" Charges levied over and above the owed amount of monies by the customers

"Independent Power Producer" Persons generating energy for own or retail purposes

"Inverter" A power device that converts direct current to alternating current at a voltage and frequency which enables the generator to be connected to the utility grid.

"Isolator" A device used to separate live portion of electrical network to that this is made dead

"Isolated" A section of an electrical network which is disconnected from all other possible sources of electrical potential is said to be isolated

"Irregular Supply" An large quantity of voltage greater than nominal that has potential to damage load equipment

"license" presumed authority to have been issued by the National Regulator of South Africa for the purpose of generating electricity of a give capacity in mVA or kVA"

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

"load profile" The variation of the customers rate of electricity consumption (or demand) over time.

" low voltage" Voltage levels up to and including 1kV. (1kV= 1000 volts)

"Maximum demand" The maximum apparent power measured in KVA over a period of 30 minutes

" Medium voltage" Voltage levels greater than 1kV up to and including 33kV.

"Medium voltage connection" A point of connection would be supplied at a voltage of 1000 V ac and below 33000V ac

"Medium voltage enclosure" A chamber, compartment or other enclosure in which a transformer(s), switchgear or other electrical equipment is contained for operating at a voltage of or above 1000V and the expression.

"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;

"month" means, in relation to electricity tariffs, a continuous period of 30,4 days;

"Motor rating" The maximum continuous kW output of a motor as stated on the makers rating plate

"Motor Starting current" In relation to alternating current motors means the root mean square value of symmetrical current taken by a motor when energized at its rating voltage with starter in the starting position and rotor locked

"Municipality" The municipality of Johannesburg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998

"Net metering" Is measuring the difference between the electricity supplied by the municipality and the electricity generated by a customer over the applicable billing period

"notified demand" means the maximum demand assessment to the capacity requirements of a service connection as requested by the owner and agreed upon by the engineer; "occupier" means any person in occupation of premises at a relevant time;

- (a) "Occupier" any person in occupation of premises at a relevant time;
- (b) any person legally entitled to occupy such premises;
- (c) in case of such premises being subdivided and let to lodgers or various tenants , the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof and includes the agent of any such person when he or she is absent from the Republic of South Africa or his whereabouts are unknown;

"NERSA" means National Energy Regulator of South Africa

"off –grid" means generation not connected to or being transmitted or distributed through utility's network

"off-grid SSEG" SSEG that is physically separated and electrically isolated from and can never be connected to the utility electricity grid – either directly or through a customer's internal wiring – is said to be "off-grid". Consumer loads cannot be simultaneously connected to the utility grid and the SSEG installation, and export of energy onto the utility grid by the generator must not be possible. SSEG that is connected to the grid through a reverse power flow blocking relay is not considered to be off-grid.

"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 for his own account or as agent for any person entitled thereto or interested therein;

**"Passive standby UPS utilised as off-grid hybrid SSEG** "Applies to any UPS operation functioning according to the following principle:

- a. The normal mode of operation consists of supplying the load from the grid as primary power source.
- b. When the latter is outside stated limits, the load is supplied from the UPS inverter, operating in stored-energy mode.

"prepayment meters" means meters whereby payment for electricity is first made elsewhere and credit is transferred to such meters by means of a token or coded number or credit card, and such meter then dispense electricity as it is consumed by the consumer at a rate determined by the current tariff of charges;

"point of consumption" means a point of consumption as described in the Act;

"point of supply" means a point of supply as described in the Act;

"premises" means any land and any building, or structure, above or below the surface of any land,

" price" means charge for electricity

"Prosumers" A person that not only consumes electricity from the grid but also produces it for own use and then surplus of which could be sold or not sold to the same utility

"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 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 council;

"service fuse" or "service circuit breaker" means a fuse or service circuit breaker belonging to the council and forming part of the electrical circuit of the Service connection;

"SSEG" means small scale embedded generation with a capacity of of less than 1000kVA

"SSEG-Tariff"

"special supply at low voltage" means a supply of electricity exceeding that which is normally supplied in a given area;

"supply" means a supply of electricity from the supply main; it also means trading and generation , transmission or distribution of electricity

"supply main" means any cable or wire forming that part of the council's electricity distribution system to which service connections may be connected;

" **refit**" means renewable energy fit-in tariffs

"**Renewable Energy** " means energy generated from non -depleting resources, including from but not limited to, solar energy, wind energy, fuel cells, hydropower, and

" Reverse power flow blocking" a device which prevents power flowing from an embedded generator back onto the utility grid

" Wheeling" transportation of energy on utility's network for a third party

## SECTION 2

### Application for and Conditions of Supply

Application for supply shall be made to and in a form prescribed by the engineer.

## SECTION 3

### Consumer's Agreement

(1) No supply shall be given to an electrical installation unless and until the owner or occupier of the premises or any duly authorised person acting on their behalf has concluded a consumer's agreement in a form prescribed by the council. Notwithstanding the aforesaid, no consumer's agreement shall be invalid merely because such consumer's agreement has been concluded with some person other than the owner or occupier of the premises or their duly authorised representative.

(2) No person shall use a supply unless a consumer's agreement as contemplated in subsection (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 subsection (1).

(3) The council may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier, or both, of the premises or any duly authorised person acting on their behalf.

(4) 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 give.

(5) For the purpose of assessing the amount payable by a consumer in accordance with of the charge determined by the council, it shall be deemed that during every period of 24 hours between meter readings:

(1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the customer must immediately disconnect the electricity supply and without delay give notice thereof to the municipality and where possible, take steps to remedy the fault.

(2) A customer vacating any premises must –

- a. give the municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply. (are two working days- sufficient ?);
- b. If the person taking over occupation of the premises desires to continue using the electricity supply, he or she must apply in terms of this by-law,

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and if he or she fails to apply for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity may be disconnected.

- (3) The said person shall be liable for the electricity consumption from the date of occupation till such time as the supply is so disconnected;
  - (4) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be regarded to be the customer;
  - (5) Until such time as an application is made in terms of section 3, he or she shall be liable for consumption at that metering point as well as any outstanding amounts whether accrued by that person or not;
  - (6) The municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous customer's account is in arrears;
  - (7) In the event of change of ownership an accredited electrician shall issue a new certificate of compliance for the premises, unless the existing certificate was issued within the preceding 24-month period and no subsequent alteration of the electrical installation was effected.
    - (i) the same amount of electricity is consumed; and
    - (ii) the same maximum demand is recorded.
- 8 Only the municipality may supply or contract for the supply of bulk electricity within its jurisdictional area;
- 9) Municipality may permit the bulk supply or retail wheeling of electricity through its network by another supplier which is licensed` to supply electricity in terms of the Act;
- 10) Permission in terms of subsection (6) shall be governed by the service delivery agreement as required by Section 80 of the Municipal Systems Act 32/2000 and the Distribution Network Grid Code and or Provisions of NRS 097-2-3:2014;
- 11) The municipality may permit co – generation of electricity by its customers subject to –
- (a)** A generation agreement being entered into with the municipality;
  - (b)** Compliance with the relevant requirements of NRS 097-2-1-2016, ERA pertaining to the generation of electricity or any relevant statute that provides for generation requirements and safety thereof;
- 12) The surplus generation of electricity may be prohibited and municipality may determine conditions for such surplus generation pertaining to timing and quantity;
- 11) Municipality may purchase surplus generation in terms of its policies and compliance with relevant statutes;

13) Application for supply or generation;

Processing of requests for supply or generation

14 ) Applications for the supply or generation of electricity will be processed and the supply made available within the periods stipulated in NRS 047-2 as amended;

- a) Application for the supply or generation of electricity must be made in writing by the prospective customer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, must be stated therein. Such application must be made as early as possible but not less than the time allowed by NRS 047-1, paragraph 4.2.3 before the supply of electricity is required in order to facilitate the work of the municipality;
- b) Applicants for the supply or generation of electricity must submit the following documents with their application—
  - i. an identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
  - ii. a valid lease agreement, in the case of a tenant, or, in the case of an owner, a title deed or other proof of ownership of the premises for which a supply or generation of electricity is required.
- c) An application for a new temporary supply of electricity shall be considered at the discretion of the municipality which may specify any special conditions to be satisfied in such case.

Way leaves

- a) The local authority may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality or on any private property, unless and until the prospective customer has obtained written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare, authorising the laying or erection of a service connection thereon;
- b) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be

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continued, and of any removal thereof, shall be borne by the customer to whose premises the supply of electricity is required to be continued;

- c) A way leave granted in terms of subsection (1) shall be binding on the owner of the property who granted the way leave and his or her successors in title for as long as the electricity connection is operative and may not be withdrawn without permission of the municipality.

#### Statutory Servitude

15) The municipality may within its municipal area:

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

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

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

## SECTION 4

### Tariff of charges

The charge determined by the council shall be payable for electricity consumption.

- 1) The customer shall be liable for all tariffs listed in the prescribed tariff for the electricity service as approved by the municipality in terms of its Tariff

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Policy and all amounts due in terms thereof shall be recovered in terms of the municipality's Credit Control and Debt Collection By-law.

- 2) Tariffs for purchase of surplus energy from customer's embedded generation shall be negotiated between the customer and the council notwithstanding the tariffs approval process by NERSA on behalf of the customer
- 3) Such tariffs charges shall be determined for a period and /or revisited on a yearly basis
- 4) Council with the use of bi-directional meters may acquire required units of energy from the customer and subtract units made to the customer
- 5) Off-grid energy solutions deployed by customers may be connected to the Council grid, only and only if the City has concluded a signed agreement with the customer on applicable tariffs for both parties to the contract and that bidirectional meters are installed to measure quantity energy flow direction
- 6) Time of use tariffs shall be applied by Council to enable reflective cost of energy at the time of consumption

## **SECTION 5**

### **Directly Billed Consumers**

- (1) All applications for direct billing shall be submitted to the engineer in the form prescribed by the engineer.
- (2) If he elects to have his tenants billed directly, the owner shall bear all costs of modifications to and/or upgrading and renewal of internal reticulation, wiring and control gear required within the building.
- (3) The owner shall enter into a consumer's agreement with the Council and ensure that all tenants in the building concerned shall enter into consumer's agreements with the council before the direct billing is introduced.
- (4) The cost of the metering equipment required for direct billing, the housings of such equipment in a low voltage enclosure or meter cabinet and the installation thereof shall be borne by the owner.
- (5) If council meters are installed in residential units, an additional supply circuit breaker for isolation purposes shall be provided by the owner in a secure, lockable, low voltage enclosure or meter cabinet, external to each residential unit.
- (6) Every residential unit or tenant's premises shall be electrically separate. Any interconnection between units or tenant's premises shall be removed and the wiring rectified by the owner to the satisfaction of the engineer before direct billing can be introduced.

(7) Separate meters for communal loads shall be installed and the owner shall be responsible for payment of all consumption registered on such meters.

(8) The owner shall provide a secure low voltage enclosure or meter cabinet for meters registering communal loads.

(9) The owner shall be responsible for all costs of alterations to provide meters to register communal loads.

(10) Communal loads for both domestic and non-domestic uses which cannot be separated shall be metered at the appropriate non-domestic charge as determined by the council from time to time

(11) The internal wiring of the building shall be inspected and assessed by the engineer who shall decide what upgrading will be necessary to ensure that a safe, reliable and secure electrical infrastructure exists.

(12) The owner shall be solely responsible for the electrical installation within the building. If for whatever reason this is rendered faulty or damaged or inoperative the owner shall advise the engineer thereof and forthwith repair or replace such installation.

(13) The owner shall ensure that access is made available to the engineer if required for inspection and testing of the extended service connection. The owner shall be liable to the council for the cost of carrying out any inspection or test if any defect occurs in the electrical installation.

## **SECTION 6**

### **Termination of Consumer's Agreement**

(1) Subject to the provisions of section 8 (6) and 13, any consumer's agreement may be terminated by the consumer, or any duly authorised representative of the consumer, or by the council on giving seven days, notice in writing, calculated from the date of delivery or receipt of such notice by or on behalf of the consumer: Provided that, if such notice purports to terminate a consumers agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the following day which is not a Saturday, Sunday or public holiday.

(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 charges as determined by the council.

- b) The municipality has the right to disconnect the supply of electricity to any premises—**

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- a) without notice where—
- i. there is grave risk to person or property if the supply is not disconnected; or
  - ii. there is evidence of tampering as contemplated in section 23; or
  - iii. with reasonable written notice where a customer fails to pay any amounts due to the municipality in connection with electricity supply; or
  - iv. any provision of this by-law or Customer Credit Control Policy has been contravened and the customer has failed to remedy the default after proper notice has been given;
  - v. access to inspect metering equipment has been denied; or
  - vi. In the case of a contravention of section 15(1) of this by-law, the municipality has the right to limit the supply of electricity to the premises from which electricity is supplied or sold from which electricity is supplied or sold.
- b) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the municipality shall be paid for re-connection of such supply.

4(i) In the case where an installation has been illegally re-connected on a customer's premises after having been 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 municipality may remove the electricity supply from those premises.

(ii) Customer shall have to reapply for electricity in terms of the provisions of Section 2 of this By law.

#### Non-liability of the municipality

The municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a customer as a result of or arising from the cessation, interruption or any other abnormality or force majeure of the supply of electricity, unless caused by negligence on the part of the municipality. Abnormality of supply often results in abnormally high voltages that results in the damage of equipment of customers

#### (1) Leakage of electricity

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

#### (2) Failure of supply

- a) The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the customer, except when such failure is due to the operation of the service protective device or any other devices of the municipality, except when such failure is due to the operation of the service protective device or any other devices of the municipality;
  - b) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the customer or to the faulty operation of apparatus used in connection therewith, the municipality may charge the customer the tariff as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation of apparatus used in connection therewith, the municipality may charge the customer the tariff as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.
- (3) Seals of the municipality
- a) The meter, load control devices or service protective devices and all apparatus belonging to the municipality shall be sealed or locked by an authorised official of the municipality, and no unauthorised person may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks or protective structures;
  - b) An authorised official of the municipality, and no unauthorised person may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks;
  - c) The municipality may charge the fees determined in its Tariff Policy should a seal be broken or removed by a customer.

## **SECTION 7**

### **Continuation of Supply to New Consumer**

- (1) The council may, upon termination of any consumer's agreement, conclude with any prospective consumer a new consumer's agreement providing for the continuation of the supply.
- (2) The new consumer referred to in subsection (1) shall be liable to pay for all electricity consumed in or at the relevant premises from the termination of the preceding consumer's agreement.

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**SECTION 8****Deposits**

(1) (a) Except in the case of the Government of the Republic of South Africa or any other class of consumer approved by the council, every applicant for electricity supply shall, before such supply is provided, deposit with the council a sum of money determined on the basis of the cost of the maximum consumption of electricity which the applicant is in the council's opinion likely to use during any two consecutive months:

(1) (b) Notwithstanding the provisions of subsection (1) (a), the council may, in lieu of a deposit, accept from any applicant a guarantee for an amount calculated in accordance with subsection (1) (a) and in the form prescribed by the council, as security for the payment of any amount which 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 exceeds such minimum amount as the council may from time to time determine.

(2) The council 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, in which event the consumer shall within thirty days thereafter 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.

(3) Any sum deposited by or on behalf of a consumer shall, upon being claimed, be refunded within thirty days of the termination of the relevant consumer's agreement, after deducting therefrom any amount due by the consumer to the council.

(4) (a) Subject to the provisions of subsection (3), any person claiming refund of a deposit or any part thereof, shall either-

- (i) surrender the receipt which was issued upon payment of the deposit; or
- (ii) if such receipt is not available, sign a receipt prescribed by the council for the refund of such deposit or part thereof, and satisfy the council that he is the person entitled to such refund.

(4) (b) If a deposit or part thereof has been refunded in accordance with subsection (4) (a), the council shall be absolved from any further liability in respect thereof.

(5) A consumer's agreement may provide that any sum deposited by the consumer, a refund of which is not claimed within one year after such agreement has been cancelled or receipt of supply in terms thereof has ceased or been terminated for any reason whatsoever, shall upon the expiration of such period be forfeited to the council.

(6) Notwithstanding the provisions of subsection (5), the council shall be obliged to at any time thereafter pay-

(a) to the person who paid the deposit on his satisfying the council of his identity and the amount; or

(b) to any other person who has satisfied the council 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 engineer for a supply of higher capacity than he is receiving, the council 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 provided. The municipality shall, in terms of its Tariff Policy, determine the amount of the deposit in respect of each electricity installation annually.

9) The customer shall in his/her application for supply provide the Engineer, with motor ratings and motor starting current to enable the engineer determine the voltage at which to connect the customer

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**SECTION 9****Accounts**

(1) The engineer shall in respect of each supply provide such number of matters as he deems necessary.

(2) The council may, during any meter reading period, enter to the consumers a provisional account in respect of any part of such period (which part shall as close as practically possible be a period of thirty days and the amount of which 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 as and when they come due.

(4) The amount of a provisional account referred to in subsection (2) shall be determined by the council by reference to such previous consumption on the same premises as would in its opinion constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the council shall determine the amount of the said account by reference to such consumption on other similar premises which, in its 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 council not being able to gain access to a meter for two consecutive meter readings, the council may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates and commence recovery of any amounts due by the consumer.

(7) When it appears that a consumer has not been charged or incorrectly charged for electricity due to the application of an incorrect charge or on any other grounds other than inaccuracy of a meter, the council shall conduct such investigations, enquiries and tests as it deems necessary and shall, if satisfied that the consumer should have been charged or has been incorrectly charged, adjust the account according: Provided that no such adjustment shall be made in respect of a period in excess of 6 months Prior to the date on which the incorrect charge was observed or the council was notified of such incorrect charge by the consumer. Where such consumer is found to have been correctly charged, the consumer shall be charged the cost of conducting such investigations, enquiries and tests.

## INTEREST ON OVERDUE ACCOUNTS

The municipality may charge interest on arrear accounts in terms of its Credit Control—and Debt Collection Policy.

### SECTION 10

#### Reading of Meters

(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 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 council's books or an entry in the council's computer system shall be prima facie proof that the meter showed the reading which the entry purports to record.

(3) If, at the request of a consumer, the meter is read by an authorised employee of the council at any 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.

### SECTION 11

#### Prepayment Metering

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

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

(3) The supply authority shall not be liable for the instalment of credit in a prepayment meter lost due to tampering with or the incorrect use or abuse of prepayment meters and/or tokens.

(4) Where a consumer is indebted to the supply authority for electricity consumed or for charges previously raised against the consumer, the supply authority may deduct a percentage approved by the council from the amount tendered to onset the amount owing.

(5) The supply authority may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

### SECTION 12

#### Testing Accuracy of Meters

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(1) If a consumer or owner has reason to believe that a meter is not registering correctly, he may give written notice to the council that he requires the meter to be tested, such notice to be accompanied by the charge determined by the council for the testing of meters, where after the engineer shall as soon as reasonably possible subject the meter to testing.

(2) The engineer'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 such test to be over- or under-registering by not more than an average of five percent 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 engineer.

(3) The charge payable in terms of subsection (1) shall be refunded if the meter is shown by the test to be registered incorrectly.

(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 terminated at the time of such reading.

(5) If, after testing a meter, the engineer is satisfied that it is over or under registering, the council 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, the length of which shall be determined by the council, prior to the date of termination of the current meter reading period in terms of subsection (4).

## **SECTION 13**

### **FAILURE OF METER TO REGISTER CORRECTLY**

(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 has paid in respect of the corresponding period in the preceding year subject to the adjustment necessitated by any alteration to the electrical installation or the charge determined by the council; or

(b) if the consumer 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 the consumer 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 has been registering incorrectly for a longer period than the meter reading period referred to in sub clause (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

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respect of a period in excess of 38 months prior to the date on which the meter was found to be registering incorrectly.

3a) Bi directional meters shall be used to measure energy sold and that purchased by Council from the Independent Power Users or embedded generators.

- a) where such meters are installed Council shall have assess and so shall the IPP or embedded generator per agreement of the parties in agreement
- b) the management of the meters shall be the responsibility of Council or that of the IPP or embedded generators based on the terms of service level agreement between the parties

#### Wheeling of Power

- a) Wheeling of power by an IPP or embedded generator for the use of one customer or the other or by Council shall be allowed on the Council's network only and only if there supplier has entered into the agreement with Council
- b) Wheeling levy determined through policy of Council shall be imposed for transportation of power on the Council owned network, such levy shall be determine from time to time using criteria to be determined by Council
- c) No supply from any party can and shall not be connected to councils' owned network without prior agreement signed with the registered Council engineer.
- d) Any breach of the above Clause is a punishable offence by this and other applicable Regulations of the electricity industry.

### **SECTION 14**

#### **DISCONNECTION OF SUPPLY**

(1) When any charges due to the council for or in connection with electricity supplied are in arrear, the council 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 charge determined by the council are fully paid.

(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 interface with the supply to any other consumer, the engineer 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 engineer may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or conducting tests or for any other purposes related to its supply main or other works.

(4) The council shall, on application by a consumer in a form prescribed by the engineer, disconnect the supply and shall reconnect it on payment of the charge determined by the council.

## **SECTION 15**

### **UNAUTHORISED CONNECTION**

(1) No person other than an employee of the council authorised thereto shall without written permission from the engineer connect or reconnect or attempt to connect or reconnect any electrical installation to the service connection or the supply main.

(2) If the supply to any electrical installation is disconnected in terms of section 13(1) or (2), the consumer and owner of concerned shall take all reasonable steps within their 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 council, the consumer and owner concerned shall forthwith take all reasonable steps within their power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the engineer of such reconnection.

(4) If the consumer and owner contemplated in subsections (2) or (3) are not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the above-mentioned subsections.

(5) If any prosecution for a contravention of or failure to comply with subsections (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 negligently, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that-

(a) Reasonable steps as contemplated in subsections (2) and (3) were not taken; and

(b) such contravention or failure was due to an intentional act or omission of the person charged.

## **SECTION 16**

### **FRAUDULENT USE**

(1) A supply for which there is a charge determined by the council and which is measured by a meter or set of meters shall not be used for any purposes for which a higher charge is applicable.

- (2) Unless the engineer has granted permission in writing, no electricity supplied by the council shall be used unless it has first passed through a council approved meter connected to the electricity installation.
- (3) If a customer uses electricity for any purpose or deals with electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other customer, the municipality may, with or without notice, disconnect the electricity supply provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed and the relevant fees have been paid;
- (4) The fee as prescribed by the municipality for the disconnection and reconnection must be paid by the customer before the electricity supply is restored, unless it can be shown that the customer did not use or deal with the electricity in an improper or unsafe manner.  
Refusal or failure to give information
- 5) No person may refuse or fail to give such information as may be reasonably required of him or her by any authorised official of the municipality or render any false information to any such official regarding any electrical installation work completed or contemplated;
- 6) The municipality shall not, subject to the provisions of any other law, or its Customer Care Policy, make any information available concerning the supply or account details for any premises to any third party without the written permission of the customer who signed the supply agreement for the supply to the premises or generation there from concerned except to the owner of a property upon written permission of the customer who signed the supply agreement for the supply to the premises or generation there from concerned except to the owner of a property upon written request to the municipality.

## **SECTION 17**

### **RESALE OF ELECTRICITY**

Where a person resells electricity supplied by the council-

- (a) Such electricity shall, in respect of each purchaser, be metered through a sub-meter, such sub-meter shall have been submitted to the engineer for approval prior to installation.
- (b) The council shall not be held liable for any inaccuracy or other defect to any sub-meter;
- (c) The charge made by such seller shall not exceed the charge determined by the council which the council itself supplies electricity and every such purchaser shall be entitled to require the seller to furnish such accounts, documents and other

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information as may be necessary to enable the purchaser to ascertain whether the accounts rendered for electricity supplied are correct.

- 1) Unless authorised by the municipality, 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) A reseller must comply with the licensing and registration requirements set out in the ERA;
- 3) If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub meter of a type, which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality;
- 4) The tariff at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality;
- 5) Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers;
- 6) The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.
- 7) Where an agreement has been entered between the municipality and the customer with grid tied installation, a bi directional meter will be installed for dual flow of energy between the parties and the applicable tariffs and charges

## **SECTION 18**

### **INSTALLATION DIAGRAM AND SPECIFICATIONS**

1. The council may require a contractor to submit for approval a writing diagram and specifications covering any proposed construction of and/or alteration, extension or repair to any electrical installation and, where the council requires such a diagram and specifications, the proposed work shall not be commenced until they have submitted an approved by the engineer.

#### **2 Post installation**

Certificate of competency in terms of the applicable statutes shall be given to owner of the premises satisfying that the installation is without flaws and shall serve the purpose for which is intended

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**SECTION 19****Inspection and Tests**

(1) The engineer may at any reasonable time or in cases 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 to ascertain whether a breach of these by-laws or any other applicable legislation or law 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 material obstructing or covering any part of the electrical installation.

(2) 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.

3) Where 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.

(4) Should an electrical installation require a revisit or a re-inspection, payment of a charge determined by the council shall be paid by the owner, occupier and/or contractor concerned.

Right of admittance to inspect, test or do maintenance work

- 5) The municipality has access to or over any property for the purposes of—
- a) doing anything authorised or required to be done by the municipality under this by-law or any other law;
  - b) inspecting and examining any service mains and anything connected therewith;
  - c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and making any necessary survey in connection therewith;
  - d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
  - e) enforcing compliance with the provisions of this by-law or any other law.
- 6) The municipality shall pay compensation, as agreed upon, to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1);

- 7) Subsection (2) does not apply where the municipality is authorised to execute work at the cost of such person or some other person;
- 8) In the absence of agreement compensation may be determined by arbitration or a court of law;
- 9) An employee of the municipality may, by notice in writing require such owner or occupier to provide access to such property for a purpose referred to in subsection (1);
- 10) In case of emergency the municipality may enter any premises or property without notice and may take whatever action is necessary or desirable to protect life or property;
- 11) A person representing the municipality, who wishes to enter private property must, on request, provide his or her identification.

## **SECTION 20**

### Liability of Council and Contractor

(1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by the engineer of permission to connect the installation to the supply shall be taken as constituting for any purpose any guarantee by the council that the work has been properly executed or that the materials used are sound or suitable for 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 council 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.

## **SECTION 21**

### Service Connections

(1) The owner of the premises concerned shall make application for the installation or reinstatement 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 charge as determined by the engineer shall be paid to the council before supply is authorised.

(3) Every part of the service connection shall remain the property of the council.

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(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 amounts 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.

(5) No owner shall be entitled to require more than one service connection for a supply to any premises even if it comprises or occupies more than one stand. The engineer may, however, subject to such conditions as he thinks fit to impose upon the owner, provide more than one service connection to premises and, where more than one service connection is so provided, they shall not be interconnected in any manner whatsoever.

(6) The applicant for a service connection shall, before work on the installation is commenced, furnish the council with such indemnity as it may specify.

(7) The engineer may, notwithstanding any indemnity given in terms of subsection (6), refuse to install a service connection until he is satisfied that no person is entitled to object to such installation.

(8) Owners of buildings may apply for their and their tenants' conversion to directly billed consumers in terms of section 4 of these bylaws.

## **SECTION 22**

### Sealed Apparatus

Where any seal or lock has been placed by the engineer 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 authorised employee of the council shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock.

## **SECTION 23**

### Tampering

No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorised employee or duly authorised agent of the council may make any adjustment or repair thereto.

## **SECTION 24**

### Liability for Damage to Service Connection

(1) Unless such owner or consumer can prove negligence on the part of the council, 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.

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

## **SECTION 25**

### Type of Supply

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

- a) Type of Supply
- b) Supply of electricity may be acquired from Independent Power Producers, Pro-sumers and or embedded generators by Council, in terms of agreements entered between parties and regulations permitting
- c) Such supply shall be metered in accordance with the prescripts of Regulations and applicable standards in the Industry.
- d) Where supply is generated through direct current machines associated rectifying plants, protection and control equipment shall be installed in accordance with the prescripts of Electricity Regulations and Health and Occupational Safety Act 85

## **SECTION 26**

### Meter Cabinets

(1) Before a low voltage supply is provided, the applicant or owner shall, if required to do so by the engineer, at no expense to the council and in a position approved by the engineer provide a cabinet of approved design and construction for the accommodation of the council's service connection.

(2) Such cabinet shall at his own expense be maintained by the applicant or owner to the satisfaction of the engineer.

## **SECTION 27**

### High Voltage Electrical Installations

(1) All the apparatus used in connection with a high voltage electrical installation shall be of a design and construction approved by the engineer.

(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 engineer's satisfaction, the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the council and no work as aforesaid shall be commenced until the proposed installation or extension has been approved by the engineer.

(3) No person other than a competent person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything to or in connection with high voltage apparatus.

(4) Notwithstanding any approval previously given by him, the engineer may at any reasonable time and in cases 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 is found to be defective, disconnect the supply to the premises until the defect has been rectified to the engineer's satisfaction.

(5) The owner or the consumer shall be liable to the council 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 this section, 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 engineer, which permission shall not be given unless and until every require men of this section has been compiled with.

## **SECTION 28**

### **Enclosures for Supply Equipment**

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

(2) No person shall enter the enclosure accommodating the council's supply equipment or touch or interfere with any apparatus therein, unless authorised thereto by the engineer.

(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 engineer, be deposited with him or provision made for the fitting of an independent lock by the engineer 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 engineer and shall be used for no purpose other than 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 council 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.

## **SECTION 29**

### Surge Diverters

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

## **SECTION 30**

### Position of Cooking Appliances

No heating or cooking appliance shall be installed, placed or used below any meter belonging to the council.

## **SECTION 31**

### Provision of Circuit Breakers

(1) When required by the engineer, the owner or consumer shall supply and install one or more approved main circuit breakers in a manner and position prescribed by the engineer.

(2) (a) The engineer may at any time require the circuit breaker contemplated in subsection (1) to be tested by the council.

(b) The first such test shall be conducted free of charge.

(c) If such circuit breakers fails to pass such test, a charge determined by the council shall be payable for each subsequent test.

## **SECTION 32**

### Control Apparatus

(1) The engineer 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 he may deem necessary.

(2) The engineer may upon written request by a consumer consent 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 council in respect of the kVA loading of such apparatus.

(3) The engineer may provide a set of electrical contacts which will close when the relay contemplated in subsection (1) is operative and which will enable the consumer to operate load control apparatus and warning devices.

**SECTION 33**

Obstructing Employees

No person shall wilfully-

- (1) hinder, obstruct or interfere with any employee of the council in the performance of any duty relating to these by-laws; or
- (2) refuse to give such information as the council may reasonably require; or
- (3) give to the council any information which to his knowledge is False or misleading.

**SECTION 34**

Irregular Supply

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

**SECTION 35**

Complaints of 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 of any failure of supply and the cause thereof is found to be on the consumer's electrical installation, a charge determined by the council shall be payable by such consumer for each such attendance.

**SECTION 36**

Owner's and Consumer's Liability

The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation or other requirement imposed upon them by these by-laws.

**SECTION 37**

Notices

(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 if it is signed by an authorised official of the council.

(2) Where any notice or other document is in terms of these by-laws required to be served on any person, it shall be deemed to have been properly delivered if served on him personally or on any member of his household apparently over the age of 18 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 council 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,

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unless the contrary is proved, be deemed to have been received by the addressee on the fifth (5th) working day after the day on which it was mailed per pre-paid registered post.

Service of notice

- a) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—
  - b) when it has been delivered to that person personally;
  - c) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
  - d) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
  - e) in the event that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or;
  - f) in the event that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- 3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person;
- 4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

Compliance with notices

- 5) Any person on whom a notice duly issued or given under this by-law is served must within the time specified in such notice, comply with its terms.

**SECTION 38**

Offences and Penalties

(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 be liable for a fine not

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exceeding the fine stated in the tariff book of the Council or, in default of payment, to imprisonment for a period not exceeding six months.

(2) The occupier, or if there is no occupier, 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 it was committed by some other person over whose acts he had no control.

(3) Any person who contravenes the provisions of section 15 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 council 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.

4) Council may reward any person(s) reporting vandalism to Council's equipment leading to the arrest of any such person(s) . The reward type and from shall be determined by Council

## **SECTION 39**

### **Generation**

#### 1. Licensing

Independent Power Producers wishing to generate above 1 Mw capacity shall require a generating licence

- a Privately installed generation ( SSEG and or IPP ) of any form shall not be connected to Council's / utility owned network without permission
- b All installations related to energy installed by private persons shall be reported to Council officials on an official form prescribed by the engineer.
- c Council shall levy a charge for specific level of capacity of embedded generation or any other form of generation by private parties, at its own discretion.

## **SECTION 40**

### Repeal of By-Laws

These by-laws will from the date of their promulgation replace all previously enacted by-laws in force within the area of jurisdiction of the Johannesburg Metropolitan Municipality

Dr. Ndivhoniswani . Lukhwareni , City Manager