

SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

BY-LAW ON ELECTRICITY SUPPLY

The Municipal Council of Senqu Local Municipality in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-law on Electricity Supply.

SCHEDULE

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CHAPTER 1

OBJECTIVES, DEFINITIONS AND APPLICABILITY OF BY-LAW

1 Objectives

The purpose of this By-Law is to determine –

- (a) the technical requirements for the provision of electricity, including the technical conditions of supply, connections and metering; installations, fittings and standardised designs and materials specifications, supply interruptions and changes in supply; and
- (b) conditions of supply and disconnection; and
- (c) matters incidental thereto.

2 Definitions

In this By-Law any word or expression to which a meaning has been assigned in the By-Law and the applicable standard specification, shall have the meaning so assigned to it and, unless the context otherwise indicates:

“alternative metering infrastructure” means an intelligent metering system or a smart meter which may be use as a pre-payment or credit meter;

"applicable standard specification" means the following standard specifications:

- (a) SANS 62052-11: Electricity Metering Equipment (A.C.) - General Requirements, Tests and Test Conditions - Part 11: Metering Equipment” and SANS 62053-11: Electricity Metering Equipment (A.C.) - Particular Requirements - Part 11: Electromechanical Meters For Active Energy (Classes 0,5, 1 And 2);
- (b) SANS 1524 -1 Electricity payment systems;
- (c) SABS IEC 60211 Maximum demand indicators, Class O;
- (d) SANS 1019 Standard voltages, currents and insulation levels for electricity supply;
- (e) SANS 10142-1 Code of practice for the wiring of premises;
- (f) NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service;
- (g) NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply, and
- (h) NRS 057 Electricity Metering: Minimum Requirements;

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by a registered person;

“compliance officer” means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;
- (d) appointment as a law enforcement officer or traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or
- (e) appointment by the Municipality as a compliance officer or an inspector;

"consumer" in relation to premises means the owner of the premises;

“Council” means the Senqu municipal council, a municipal council referred to in section 157(1) of the Constitution;

"credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"duly authorised official" means an employee of the Municipality authorised by it to implement and enforce the provisions of this By-law and includes a compliance officer;

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

"electrical installation" means an electrical installation as defined in the Regulations;

"Electricity Regulation Act" means the Electricity Regulation Act, 2006 (Act 4 of 2006);

"electricity services policy" means the electricity services policy approved by the Council;

"form" means a form approved by the Municipality for the purposes of this By-law;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n < 220\text{ kV}$. (SANS 1019);

"law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000 V [or a d.c. voltage of 1500 V], (SANS 1019);

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n < 44\text{ kV}$. (SANS 1019);

"meter" means a device which records the demand and the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"municipal area" means the area of jurisdiction of the Municipality;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"Municipality" means the Senqu Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated to such employee or duly authorised agent or any legal entity duly authorised or contracted by the Municipality to provide an electricity service within the jurisdiction of the Municipality;

"NERSA" means the National Energy Regulator of South Africa established under section 3 of the National Energy Regulator Act, 2004, Act 40 of 2004;

"NRS 047" means the national rationalised specification *NRS 047-1:1999 – Electricity supply – Quality of service Part 1: Minimum standards*;

"NRS 048" means the national rationalised specifications *NRS 048-1:1996 – Electricity supply – Quality of supply Part 1*, *NRS 048-2:1996 – Electricity supply – Quality of supply Part 2*, *NRS 048-3:1998 – Electricity supply – Quality of supply Part 3*, *NRS 048- 4:1999 – Electricity supply – Quality of supply Part 4*, *NRS 048-5:1998 – Electricity supply – Quality of supply Part 5*;

"NRS 057" means the national rationalised specification *NRS 057-2:2000 – Electricity metering Part 2: Minimum requirements*;

"occupier" in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof,

and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that-

- (a) in the case of immovable property-
 - (i) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner -
 - (i) is deceased or insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his or her address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised official of the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"registered person" means a registered person as defined in regulation 1 of the Regulations;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"retail wheeling" means the process of moving third party electricity from a point of generation across the distribution systems of the Municipality and selling it to a customer;

"safety standard" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

"SANS 10142-1" means the code of practice *SANS 10142-1/SABS 0142-1:2003 – The wiring of premises Part 1: Low-voltage installations*, as issued by Standards South Africa of the South African Bureau of Standards;

"SANS 1019" means the specification *SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply*, as issued by Standards South Africa of the South African Bureau of Standards;

"SANS 62052-11" means the specification *SANS 62052-11: Electricity Metering Equipment (A.C.) - General Requirements, Tests and Test Conditions - Part 11: Metering Equipment*, as issued by Standards South Africa of the South African Bureau of Standards;

"SANS 62053-11" means the specification *SANS 62053-11: Electricity Metering Equipment (A.C.) - Particular Requirements - Part 11: Electromechanical Meters For Active Energy (Classes 0,5, 1 And 2)*, as issued by Standards South Africa of the South African Bureau of Standards;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means any tariff, fee, charge or deposit determined for purposes of this By-law, by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017;

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

"voltage" means the root-mean-square value of electrical potential between two conductors.

3 Applicability of By-Law

This By-Law shall apply to the supply areas licensed by NERSA which are located within the municipal area.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4 Provision of electricity services

(1) The Municipality shall supply or contract for the supply of electricity to the supply areas licensed by NERSA which are located within the municipal area and the Electricity Supply By-Law shall be applicable in the event of the Municipality supplying or contracting to supply such electricity to the supply areas.

(2) If the Municipality contracts for the supply of electricity it shall do so in accordance with section 78 of the Municipal Systems Act.

(3) The Municipality may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act, to the customers of such electricity supplier.

5 Supply by agreement

(1) No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this By-Law shall in all respects govern such supply.

(2) If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used.

6 Service of notice

(1) Any notice or other document that is served on any person in terms of this By-Law is regarded as having been served-

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and 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.

(2) 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.

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

7 Compliance with notices

Any person on whom a notice duly issued or given under this By-Law is served shall, within the time specified in such notice, comply with its terms.

8 Application for supply

(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the applicable form, and the estimated load, in A and Kva, of the installation, as well as the number of phases required shall be stated therein.

(2) An application referred to in subsection (1) shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

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

(4) Any extension to existing reticulation systems or allied installation necessitated in delivering such supply, as determined by the Municipality, shall be to the cost of the applicant.

(5) An applicant for the supply of electricity shall submit the following documents together with the prescribed form:

- (a) if the applicant is a legal person, founding documentation in terms of applicable legislation together with the identification of the authorised representative of the legal person contemplated in paragraph (b);
- (b) if the applicant is a natural person, a temporary identity certificate, an identity document or identity card issued in terms of the Identification Act, 1997 (Act 68 of 1997) or a valid

- South African passport issued to a South African citizen or if the person is permanently resident in the Republic, an identity document issued by a foreign country; and
- (c) if the applicant is the owner of the property, a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required; or
 - (d) if the applicant is a lessee of the premises for which a supply of electricity is required, a valid lease agreement concluded between the lessor and lessee.

9 Processing of requests for supply

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

10 Wayleaves

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

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

11 Statutory servitude

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

- (a) 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 by paragraphs (a) to (c).

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

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

12 Right of admittance to inspect, test and undertake maintenance work

(1) The Municipality shall, through its employees, contractors and their assistants and advisers, have reasonable 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.

(2) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (1).

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

13 Refusal or failure to give information

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

(2) The Municipality shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the applicant who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Municipality.

14 Refusal of admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this By-Law or of any duty connected therewith or relating thereto.

15 Electricity tariffs

Copies of tariffs may be obtained free of charge at the offices of the Municipality.

16 Deposits

(1) Every consumer shall, in respect of each electricity installation prior to the commencement of the supply of electricity, pay a deposit as security for payment of any charges which are due or may become due to the Municipality.

(2) The amount of the deposit in respect of each electricity installation shall be determined by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017 and each such deposit may be increased if the Municipality deems the deposit held to be inadequate.

(3) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this By-Law.

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

(5) The Municipality may, in the event of illegal connections referred to in section 20(1)(b), increase the amount of the deposit required to an average of six month's supply cost, as determined by the Municipality.

17 Payment of charges

(1) The consumer shall be liable for all charges listed in the tariff for the electricity service as approved by the Municipality.

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

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

(4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he or she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.

(5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is reconnected.

(6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate in terms of section 118 of the Local Government: Municipal Systems Act then such owner will be liable for all charges due to the Municipality in respect of the said property, in order to obtain such certificate.

18 Interest on overdue accounts

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit and Debt Collection Policy and any related indigent support of the Municipality.

19 Resale of electricity

(1) A reseller shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under that Act.

(2) No person shall sell or supply electricity, supplied to his or her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place, unless such resale or supply is authorised by the Municipality.

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

20 Right to disconnect supply

(1) The Municipality shall have the right to disconnect the supply of electricity to any premises –

- (a) if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he or she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-Law and the Regulations are being contravened, provided the Municipality has given the person seven days' notice to remedy his or her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of section 24 of this By-law, without notice;
- (b) in the case where an installation has been illegally reconnected on a consumer'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 at the cost of the consumer and ownership of the materials so removed shall vest in the Municipality;
- (c) in the event that a certificate of compliance is unavailable.

(2) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.

(3) If, after the removal of the electricity supply as contemplated in subsection (1)(b), the electrical service is re-instated, the applicant shall pay the cost of a new service connection together with a deposit determined by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017.

21 Non-liability of Municipality

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

(2) Damage to any machinery or appliances connected to the installation or the insurance thereof is at the cost of the consumer unless negligence by the Municipality is proven.

22 Leakage of electricity

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

23 Failure of supply

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

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

(3) The Municipality shall not undertake any rectification work on an electrical installation of the consumer and the consumer is responsible for maintaining such electrical installation.

24 Disconnection without notice

The Municipality reserves the right to disconnect without notice any individual installation, section or area supplied with electricity in the event of a fault or emergency in which event the municipality may not be held liable for any damages or losses which may occur in such an event.

25 Protection of Municipality's supply mains

(1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed -

- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;

- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from;
- (e) the owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
- (f) Should the owner fail to observe paragraph (e) the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

(2) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this By-Law:

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

26 Temporary disconnection and reconnection

(1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the tariff for each such disconnection and subsequent reconnection.

(2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.

(3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose and in all other instances adequate notice shall be given.

(4) Notwithstanding the provisions of subsection (1), the Municipality may inspect the service connection and/or require a certificate of compliance to be submitted to it before reconnecting the supply.

27 Temporary supply

It shall be a condition of the giving of any temporary supply of electricity, as defined in this By-Law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without

notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

28 Temporary work

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

29 Load reduction

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

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

(3) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1) and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

(4) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

(5) Energy saving light fittings shall be used in all new installations.

30 Medium and low voltage switchgear and equipment

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

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

(3) No person shall operate medium voltage switchgear without the written authority of the Municipality.

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

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

31 Substation accommodation

(1) The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

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

32 Wiring diagram and specification

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

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

33 Standby supply

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

34 Consumer's electricity generation equipment

(1) No electricity generation equipment provided by a consumer in terms of any legislation or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality.

(2) An application for approval contemplated in subsection [40.1] shall be made in writing on the prescribed form and shall include a full specification of the equipment and a wiring diagram.

(3) The electricity generation equipment contemplated in this section shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment.

(4) The position of the installed generating equipment shall not interfere with the supply mains and the generating equipment must be installed entirely on the consumer's premises.

(5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate of compliance for the work carried out.

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

(7) Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality.

(8) In the event of a general power failure on the Municipality's network protection equipment shall be installed by the consumer, subject to the Municipality's approval, so as to ensure that the consumer's installation is isolated from the Municipality's network until normal operating conditions are restored.

(9) The cost of any specialised metering equipment shall be for the consumer's account.

35 Circular letters

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

CHAPTER 3

RESPONSIBILITIES OF CONSUMERS

36 Consumer to erect and maintain electrical installation

Any electrical installation 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 installed by the consumer in accordance with the applicable codes and maintained and kept in good order by the consumer in compliance with the applicable standard specifications at his or her own expense.

37 Fault in electrical installation

(1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply.

(2) The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

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

38 Discontinuance or use of supply

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

39 Change of occupier

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

(2) The person taking over occupation of the premises desires to continue using the electricity supply, he or she shall make application in accordance with the provisions of section 5 of this By-Law, and if he or she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he or she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.

(3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this By-Law, he or she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

40 Service apparatus

(1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.

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

(3) Where there is a common metering position, the liability detailed in subsection [1] shall devolve on the owner of the premises.

(4) The amount due in terms of subsection [1] shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

41 Service connection

(1) The consumer shall bear the cost of the service connection, as approved by the Municipality in accordance with the Senqu Municipality: Tariff By-law 2017 and the Municipality may absolve the consumer of an indigent household from the payment of such cost.

(2) The categories of consumers determined by the Municipality in its electricity services policy may supply their own material for a services connection but such material must comply with the technical specifications determined for it by the Municipality.

(3) If the material referred to in subsection (2) does not comply with the technical specifications determined for it by the Municipality, the Municipality may notify the consumer thereof and request the consumer to remove such material at his or her own cost.

(4) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.

(5) The agreement between the consumer and the Municipality must reflect the Municipality's duty to maintain up to the point of supply.

(6) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.

(7) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality.

(8) Where 60A 3Ø is exceeded, the consumer is required to upgrade to a transformer of the appropriate size at his or her own cost.

(9) Any network upgrading or new construction will be for the cost of the consumer.

(10) A consumer may use his or her own contractor in the event of network upgrading or new construction but the contractor must be competent and construction plans will be submitted to the Municipality electrical department for approval prior to commencement of the upgrade or construction.

(11) The consumer shall provide, fix and maintain on his or her premises such ducts, wireways, trenches and fastenings as may be required by the Municipality for the installation of the service connection.

(12) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.

(13) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.

(14) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.

(15) In the case of blocks of buildings occupied by a number of individual occupants, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual occupant in the blocks of buildings.

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

(17) The Municipality will not connect any installation unless a certificate of compliance is received.

42 Metering accommodation

(1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.

(2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

(3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

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

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

(6) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new "position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

(7) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.

(8) No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5

SYSTEMS OF SUPPLY

43 Load requirements

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

44 Load limitations

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

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

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

45 Interference with other person's electrical equipment

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

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

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

46 Supplies to motors

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality the rating of motors shall be limited as follows:

(a) Limited size for low voltage motors:

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

(b) Maximum starting and accelerating currents of three-phase alternating current motors:

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

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

		kW	kW	kW
16	72 95 115 135 165 200	6 7,5 9 10 13 16 18	13,5 18	23 30 36,5
25 35 50 70 95 120 150	230 260	20	22 25 31 38 46 52	45 55 67 77 87

(c) Consumers supplied at medium voltage:

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

47 Power factor

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

(2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his or her own cost, install such corrective devices.

48 Protection

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

CHAPTER 6

MEASUREMENT OF ELECTRICITY

49 Metering

(1) The Municipality shall, at the consumer's cost, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Any meter that is installed by the Municipality after the date of commencement of this By-Law must -

- (a) be of the type determined by the Municipality or alternative metering infrastructure of a class 1 nature;
- (b) be surge protected;
- (c) mounted in such a manner that it is non-accessible to non-authorised personnel; and
- (d) if it is installed at ground level, be appropriately locked.

(3) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is

found to be defective, or the Municipality invokes the provisions of section 50(2) of this By-Law, in which case the consumption for the period shall be estimated.

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

(5) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

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

50 Accuracy of metering

(1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

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

- (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepayment meters,
 - (i) render an account where the meter has been under-registering, or
 - (ii) issue a free token where the meter has been over-registering;
- in accordance with the provisions of subsection (6).

(3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

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

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate.

(8) The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(9) Where the actual load of a consumer differs from the initial estimated load to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(10) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall –

- (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- (b) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
- (c) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.

(11) Should the consumer fail to make any representations during the period referred to in subsection (10) the Municipality shall be entitled to adjust the account as notified in subsection (10)(a).

(12) The Municipality shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.

(13) If a duly authorised official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 10(a), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act.

51 Reading of credit meters

(1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly.

(2) The Municipality shall not be obliged to effect any adjustments to such charges.

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

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

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

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

52 Prepayment metering

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

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

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

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

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

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

53 Alternative metering infrastructure

The Municipality shall, from the date of commencement of this By-Law, in a phased manner and within its financial means, install alternative metering infrastructure to ensure the remote reading and disconnection of a consumer.

CHAPTER 7

ELECTRICAL CONTRACTORS

54 Requirements in addition to requirements in Regulations

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

(2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised official of the Municipality in no way relieves the electrical contractor or registered person or the user or lessor, as the case may be, from his or her responsibility for any defect in the installation.

(3) Such examination, test and inspection referred to in subsection (2) shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most

suitable materials for the purpose or that it is in accordance with this By-Law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

55 Responsibility of Municipality

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

CHAPTER 8

COST OF WORK

56 Repair of damage and recovery of cost

(1) The Municipality may repair and make good any damage done in contravention of this By-Law or resulting from a contravention of this By-Law.

(2) The cost of any such work carried out by the Municipality which was necessary due to the contravention of this By-Law, shall be to the account of the person who acted in contravention of this bylaw.

CHAPTER 9

PLANNING

57 Electricity master plan

(1) The Municipality shall develop an electricity master plan to address the socio-economic, technical, financial, institutional and environmental matters as they pertain to the electricity supply in the municipal area.

(2) The electricity master plan must be developed as part of the Municipality's integrated development plan in accordance with the Municipal Systems Act.

(3) The electricity master plan must -

- (a) set explicit electrification targets;
- (b) plan for the expansion of the electricity network;
- (c) provide for the ongoing rehabilitation of the network;
- (d) show how the investments in expansion and rehabilitation will be funded;
- (e) identify who will take responsibility for the identified investments and who will operate the network; and
- (f) provide for reporting on progress in the implementation of the electricity supply plan in terms of a set of key performance indicators.

58 Electrical maintenance guide plan

(1) The Municipality shall develop an electrical maintenance guide plan to provide maintenance guidelines for electricity infrastructure.

(2) The electrical maintenance guide plan must, amongst others, provide for guidelines and recommendations regarding –

- (a) auto reclose switches;
- (b) conductors;
- (c) insulators;
- (d) poles;
- (e) cross arms;
- (f) swan necks;
- (g) stays or guys;
- (h) vibration dampers;
- (i) air break switches;
- (j) sectionalisers;
- (k) transformers;
- (l) line accessibility;
- (m) connections;
- (n) tower or mast structural steel;
- (o) earthing.

(3) The guidelines and recommendations referred to in subsection (2) must provide for the intervals for the various maintenance inspections to be carried out on sub-transmission and distribution overhead lines and underground cable networks.

CHAPTER 10

OFFENCES AND PENALTIES

59 Appointment of compliance officer

(1) The Municipality may appoint or designate a person or employee to serve as a compliance officer for purposes of compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

60 Powers and functions of a compliance officer

(1) A compliance officer may, subject to subsection (2) and (3), at any reasonable time, and without prior notice, enter any land property, building or premises for purposes of ensuring compliance with this By-law.

(2) An inspection of a private dwelling may only be carried out by a compliance officer at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, or with a warrant issued in terms of the Criminal Procedure Act, 1977.

(3) The compliance officer is not required to give any notice to enter land or a building, other than a private dwelling, and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if:

- (a) he or she believes on reasonable grounds that a warrant would be issued to him or her on application; and
- (b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.

(4) A compliance officer shall show proof of his or her written appointment or identification card contemplated in section 59(3) when required to do so by any person affected by the exercising of a power or show proof that he or she is a law enforcement officer.

(5) A compliance officer may not investigate a matter in which he or she has a direct or indirect personal interest.

(6) In ascertaining compliance with this By-law, a compliance officer may:

- (a) be accompanied by an interpreter, a police officer or any other person who may be able to assist with the inspection;
- (b) question any person who is or was on that property, who in the opinion of the compliance officer, may be able to furnish information on a matter to which this By-law relates;
- (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute:
 - (i) an offence in terms of this By-law; or
 - (ii) a breach of an approval or a term or condition of such approval
- (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of investigating any matter in connection with this By-law;
- (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
- (f) require a person to produce or to deliver to a place specified by him or her, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
- (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample;
- (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this By-law, provided that the

user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;

- (j) direct any person to appear before him or her at such time and place as may be determined by him or her and question such person either alone or in the presence of any other person on any matter to which this By-law relates; and
- (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purposes of his or her investigation.

(7) When a compliance officer removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she shall issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(8) Where a compliance officer enters any land in terms of subsection (1), a person who controls or manages the land shall at all times provide such facilities as are reasonably required by the compliance officer to enable him or her to perform his or her functions effectively and safely under this By-law.

(9) A compliance officer who enters and searches any property or private dwelling under this section, shall conduct such search with strict regard for decency and order and with regard for each person's right to dignity, freedom, security and privacy.

61 Offences and penalties

(1) A person shall be guilty of an offence if such person

- (a) fails to comply with a decision taken or condition imposed by the Municipality in terms of this By-law.
- (b) wilfully and with intent provides false or misleading information in connection with an application contemplated in this By-law;
- (c) unlawfully prevents a compliance officer entry to his or her premises or causes or permits any other person to prevent entry;
- (d) obstructs or hinders a compliance officer in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the compliance officer;
- (e) refuses or fails to provide to a compliance officer such information as is required to allow a compliance officer to perform a function in terms of this By-law;
- (f) furnishes false or misleading information to an official of the Municipality when called upon to furnish information;
- (g) impersonates a compliance officer;
- (h) contravenes or fails to comply with any provision of this By-law; or
- (i) supplies particulars, information or answers in an application or on knowing it to be false, incorrect or misleading.

(2) Any person convicted of an offence in terms of this By-law, shall be liable upon conviction to a fine or imprisonment or to both such fine and imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment, or to both such fine and imprisonment, in respect of each day on which he or she so continues with that conduct.

(4) Every person committing a breach of the provisions of this By-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach

62 Prosecution of corporate body and partnership

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of this By-law if such offence was committed by:

- (a) a corporate body established in terms of any law; or
- (b) a partnership; and

such person failed to take reasonable steps to prevent the offence.

CHAPTER 11

GENERAL MATTERS

63 Electrical safety policy

(1) The Municipality shall develop an electrical safety policy which shall be applicable to all employees working on and around electrical components that are part of municipal facilities.

(2) The purpose of the electrical safety policy is to establish and implement an electrical safety programme to prevent electrical shock or other injuries resulting from direct or indirect electrical contact to employees working on or near energised or de-energised parts.

(3) The electrical safety policy must provide, amongst others, for –

- (a) the responsibilities of a safety officer, manager or supervisor, employee and a contractor's technical representative;
- (b) hazard identification and control;
- (c) safety related electrical requirements for special events;
- (d) training requirements; and
- (e) reporting.

64 Alternative energy generation and energy efficiency

The Municipality shall consider any application for alternative energy generation within the national policy and legislative framework for alternative energy generation and energy efficiency.

65 Prohibition on erecting structure near high voltage power lines

No person shall erect a building or any other structure underneath or within six metres on either side of a high voltage power line.

66 Estimation of consumption

(1) The Municipality may estimate the quantity of electricity provided in respect of a period or periods within the interval between successive measurements which may not be more than 90 days apart, and may render an account to a consumer for the services so estimated, which estimate shall, for the purposes of this By-Law, be regarded as an accurate measurement until the contrary is proved.

(2) For purposes of assessing the quantity of electricity supplied to a consumer during any period and measured by a measuring device installed by the Municipality over a specific period, for the purposes of this By-Law it will be deemed that-

- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the measuring device was accurate during such period; and
- (c) the entries in the records of the Municipality were correctly made.

(3) If electricity is supplied to, or taken by, a consumer without its passing through a measuring device, or where tampering or interference with such measuring device has taken place, the estimate by the Municipality of the quantity of such electricity shall be deemed to be correct.

(4) Where electricity supplied by the Municipality to any premises is in any way taken by the consumer without such electricity passing through any measuring device provided by the Municipality, the Municipality may-for the purpose of rendering an account, make an estimate, in accordance with subsection (5), of the quantity of electricity supplied to the consumer during the period that electricity is so taken by the consumer.

(5) For the purposes of subsection (4), an estimate of the quantity of electricity supplied to a consumer shall be based on either -

- (a) the average monthly consumption of electricity on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified; or
- (b) the period preceding the date referred to in subsection (2) but not exceeding 36 months, or both paragraphs (a) and (b).

(6) Nothing in this By-Law may be construed as imposing on the Municipality an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Municipality may estimate the quantity of electricity supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 90 days apart, and render an account to a consumer for the quantity of electricity so estimated.

(7) The Municipality shall, on receipt from the consumer of written notice of not less than seven days and subject to payment of the applicable tariff, measure the quantity of electricity supplied to such consumer at a time or on a day other than that upon which it would normally be measured.

(8) Where electricity supply services are provided through a communal electricity services work, the amount due and payable by consumers gaining access to electricity supply services through that communal electricity services work, will be based on the estimated average consumption of electricity

supplied to that electricity services work, and the decision of the Municipality in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.

(9) Failure by the Municipality to comply with the periods of 90 and 180 days referred to above will not disentitle the Municipality from recovering any monies due to it by a consumer.

67 Domicile

The street, building or flat address of the point of supply is deemed to be the *domicilium citandi et executandi* of the consumer for the purpose of the serving of any documents in accordance with section 115 of the Local Government: Municipal Systems Act.

68 Repeal of by-laws

The Senqu Electricity Supply By-Law published by Notice No 205 in the Provincial Gazette No 1405 dated 9 December 2005 is hereby repealed.

69 Short title and commencement

This By-law shall be known as the Senqu Municipality: Electricity Supply By-law, 2017 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.