

CENTRAL KAROO DISTRICT MUNICIPALITY ELECTRICITY SUPPLY BY-LAWS

Definitions

1. In this by-law, unless indicated to the contrary in the context, the expression attached to the Electricity Act, 1987 (Act 41 of 1987), the Act on Occupational Health and Safety, 1993 (Act.85 of 1993) and the Local Government: Property Rates Act (Act of 2001) has the meaning attached thereto and means:

“purchase receipt”, the document issued by the council as confirmation that, subject to the provisions in this by-law, a specific number of units have been purchased at a specific tariff for a specific prepaid meter;

“control point”, the point on or inside the site where installation can be switched off by the consumer from the electricity supplied from the main supply;

“prepaid meter”. An instrument installed by the council at the point of supply or any other point on the council’s distribution system or the installation of a consumer by means of which the supply can be obtained by the consumer by feeding of information contained in the purchase docket;

“occupant”. Any person actually occupying the land or site, without regard to the right of occupation of such a person, and in the case of subdivided sites leased to boarders or lessees, the person entitled to the rental payable by such boarders or tenants is included;

“department”, the electro-technical services of the council;

“service tariff”, the list of tariffs for electrical services as determined by the council from time to time;

“owner”, in respect of fixed property, subject to the provisions of section 51 of the Act on Sectional Title, 1986 (Act 95 of 1986), and the Local Government: Property Rates Act (Act of 2001), the person registered in the registration office as the owner of that property, with the understanding that where the council is the owner of property leased, the tenant for the purposes of this by-law is regarded as the owner of such property. With the understanding further that if the owner of the property:

- (a) dies;
- (b) his estate is sequestrated;
- (c) his estate is ceded to the advantage of his debtors;
- (d) is under curatorship due to a court order;
- (e) is a liquidated company or placed under management;
- (f) a closed corporation or being placed under sequestration, or
- (g) an association which is sequestrated;

the executor, administrator, trustee, successor in title, curator, liquidator or legal manager concerned in accordance with the case is regarded as the owner of the taxable property in question;

“electrical installation”. any machine, in or on the property, used for the transmission of electricity from a control-point to the consumer-point wherever on the site, including any item forming part of such installation whether it is part of the electrical circuit or not, but excluding:

- (a) any machinery of the council in connection with the supply of electricity on the site;
- (b) any machinery used for the transmission of which the voltage may not exceed 50 V where such electricity is not obtained from the main supply of the council;
- (c) any machinery transmitting electrical energy in telecommunication, television or radio circuits, or
- (d) an electrical installation in a vehicle, vessel, train or aircraft;

“accredited person”, a person who, in terms of the Installation Regulations is registered as an electrical tester for single-phase, an installation electrician or a master installation electrician, according to the case;

“code of practice”. The code as approved by the chief inspector in accordance with the provisions of the applicable regulations proclaimed in terms of the Act on Occupational Health and Safety, 1993 (Act 85 of 1993);

“identity document”. the document referred to in the Act on Identification, 1997 (Act 68 of 1997);

“chief:electro-technical services”, the person authorized in terms of the Act on Occupational Health and Safety, 1993 (Act 85 of 1993) with the supervision over the council’s electricity department or any other person duly authorized to act on his behalf;

“inspector or authorized official”, the chief executive officer, chief: electro-technical services, chief financial officer, health officer or any person appointed by the council in respect of the application and execution of this by-law, or any person who is authorized by these officers in terms of delegation by the council to act on their behalf;

“installation regulations”, the Electrical Installation Regulation published by Government Notice No. R2920 of 23 October 1992;

“installation work” the installation-extension, alteration or repair of an electrical installation, including the connection of machinery at the supply terminals of any machinery;

“calendar month”. any month, irrespective of its number of days, commencing 12 o’clock midnight of the last day of the preceding month until 12 o’clock midnight of the last day of the month in question;

“meter”, an instrument installed by the council at the point of supply or any other point on the council’s distribution system or the electrical installation of the consumer for the purpose of measuring the consumption of electricity by the consumer;

“site”, any building, room, hut, shed, tent or any other construction work above, on or below ground level, together with the land on which it is situated and the adjoining land used in connection therewith or any land without buildings;

“council”, the Beaufort West Municipality and its delegates who, subject to the provisions of the Electricity Act, 1987 (Act 41 of 1987) who manage an undertaking for the supply of electricity in the area comprising and included in the municipal boundaries of the council;

“certificate of commitment”. A certificate in the form prescribed in the Installation Regulations, issued by an accredited person in respect of an electrical installation or portion thereof;

“municipal manager”, the person appointed to that position by the council or any other person acting in that position or authorized by the council to act on his behalf;

“chief financial officer”, the person appointed by the council in that position or any person acting in the position or authorized by the council to act on his behalf;

“supply”, the supply of electricity to a consumer through the connection of an electrical installation with the electrical supply of the council;

“supply point”, the point on the site where the electrical supply is connected to the electrical installation;

“supply terminals”, in relation to machinery installed as a complete unit, the terminals or connecting clamps to such machinery where the external circuits supplying the machinery with electricity terminate or are connected;

“exit point”, any terminal of an electrical installation supplied for the connection of any electrical machinery without the use of implements;

“consumer”, any person consuming electricity supplied by the council or, if there is no such person, the owner of the site, and for the application of this by-law it means the consumer or lessee of the electrical installation;

“consumer connection”, all wiring cables or other apparatus supplied by the council and installed between the main circuit and exit terminals of the meter or prepaid meter for the purposes of the supply of electricity to the consumer and, if a meter or prepaid meter is not installed on the site of the consumer, all the wiring, cables or other apparatus installed between the main circuit and the main fuse or circuit breaker;

“consumer agreement”, an agreement in the form determined by the council from time to time, which is to be completed and signed by the consumer, the owner of a site or a person acting on his behalf, before electricity is supplied to the installation in question (with the exception of an prepaid meter);

“consumer point”, any starting point or the supply terminals of machinery not connected with a starting point and which converts electrical energy in another form; with the understanding that, in the case of machinery installed for any specific purpose as a complete unit, the starting point is the supply terminals with which the machinery unit is equipped for that purpose;

“consumer tariff”, the list of approved tariffs for the consumption of electricity which the council is authorized to collect from consumers, as specified in the license issued by the National Electricity Regulator in terms of the provisions of the Electricity Act, 1987.

Application for and conditions of supply

- 2.(1) Application for a supply must be made to the chief: electro-technical services in a form prescribed by him.
- (2) Before any installation work is commenced the chief: electro-technical services could demand that an electrical contractor or permit holder furnishes him with a site-plan reflecting the relative positions of the main building, boundaries and adjoining streets, as well as a diagram and specifications reflecting in detail particulars of the proposed construction, alteration, extension or repairs and where such plan, diagram or specifications are required, the proposed work may not commence until the plan or specifications mentioned have been approved by the chief: electro-technical services.
- (3) Subject to the provisions of this by-law, the council will provide a supply within a reasonable time after submission of the application. Upon settlement of the charges in terms of the service tariff the chief: electro-technical services will provide the number of meters he considers necessary.
- (4) All apparatus, equipment and material up to the supply point, as described in section 19, remain the property of the council, irrespective of whether it is supplied by the council or the consumer.
- (5) The uninterrupted provision of a supply to the consumer is subject to the observance of the supply conditions contained in this by-law. The non-observance of the conditions is a contravention and the council can further discontinue the supply to such a consumer in terms of the provisions of section 11.

Consumer agreement and certificate of compliance

- 3.(1) No supply will be provided, unless:
 - (a) a certificate of compliance for the installation, issued by an accredited person, is submitted to the council. With the understanding that the provision is only applicable upon new installations, the extension/alteration to existing installations and the change in ownership of the property in question;
 - (b) (i) a consumer agreement, duly completed, has been submitted to the chief financial officer or his proxy. The intended consumer must give at least seven days written notice of his intention to conclude such agreement with the council and must produce his or her identity document at the time of signature.

The council can conclude a consumer agreement with the owner, the consumer or a person acting on his or her behalf by choice;

- (ii) only natural persons above the age of 21 years and/or who are of legal capacity may conclude an agreement with the council;
 - (iii) insolvent and other persons who are not of legal capacity may only conclude an agreement with the permission and assistance of his/her curator or legal guardian, provided such curator or guardian accepts to settle the full account in the event of default;
 - (iv) if the owner/consumer is not a natural person, an authority to conclude an agreement must be presented;
 - (v) an identity document must be submitted personally with the signing of the agreement;
 - (vi) it is not required from parties married in community of property that both should sign the agreement, but both parties are held liable separately and jointly for payment of the account; and
- (c) the required deposit in terms of Article 6 has been paid.

Termination of consumer agreement

- 4.(1) Subject to the provisions of sections 11 and 12 a consumer agreement may be terminated by the consumer, his authorized representative or by the council by written notice, with the understanding that, should such notice have the effect that the agreement would be terminated on a Saturday, Sunday or public holiday, such termination will only come into force on the following day which is not a Saturday, Sunday or public holiday.
- (2) If an owner or consumer neglect to give notice in terms of the provisions of subsection (1), he remains responsible for the consumption until notice has been given accordingly.

Continuation of supply to new consumer

- 5.(1) Subject to the provision of section 3(1) and in order to provide for the continuation of supply, the council can, at the termination of any consumer agreement, conclude a new consumer agreement with any intending consumer providing for the continuation of the supply, subject to the by-laws, tariff schedules and conditions of any Acts contained in these by-laws as approved by the council from time to time.
- (2) On the date of termination of the previous agreement, a meter reading is done and thereafter the new consumer referred to in subsection (1) is responsible for payment of all consumption.

Deposits

- 6.(1) (a) Barring in the case of the Government of the Republic of South Africa (including the Western Cape Administration, the South African Postal Service, TELKOM and TRANSNET) or any other type of consumer approved by the council, every applicant requiring a supply must, before such a supply is provided, pay an amount to the council which, in the opinion of the chief financial officer, is equal to the cost of the probable maximum consumption of the applicant during any two or as many subsequent months as the council may determine.
 - (b) Notwithstanding the provisions of subsection 1(a) the chief financial officer can, as security for the payment of any amount the applicant may be indebted for the supply, instead of payment of an amount as deposit, accept a guarantee from an approved bank or other financial institution, for an amount calculated as determined in subsection 1(a) with the understanding that the total amount of such guarantee is not less than R5,000-00, no interest is payable by the council on any amount paid in cash as deposit.
- (2) The chief financial officer can at any time, if it is found that the deposit or guarantee for the application of subsection (1) is inadequate, claim from the consumer to increase the deposit or guarantee furnished to at the most the maximum consumption of four months, in which case the consumer must pay the amount to the council within thirty days from the claim and by default the council can disconnect the supply.
 - (3) Any amount paid by or on behalf of the consumer, when claimed, will be refundable within sixty days after termination of the consumer agreement, after deduction of any amount owing to the council by the consumer in respect of services supply.

- (4) (a) Subject to the provisions of subsection (3) any person claiming repayment of the deposit or part thereof must:
- (i) hand over the receipt issued for payment of the deposit;
or
 - (ii) should such a receipt not be available, sign a receipt prescribed by the council for repayment to him of such deposit or portion thereof and he must satisfy the chief financial officer that he is the person entitled thereto.
- (b) If a deposit or portion thereof has been refunded in terms of subsection (1) the council is absolved of any further responsibility there anent.
- (c) Notwithstanding any further provision of this by-law a deposit or portion thereof calculated in terms of section 6(3) is forfeited, if it is not claimed by the consumer within twelve months from the date of termination of the consumer agreement.
- (5) If a consumer applies to the council for a supply of higher capacity than that received and such application is approved, the chief financial officer can demand that the consumer pay a higher deposit or furnish a guarantee in terms of subsections (1) and (2), before such supply is granted.

Accounts

- 7.(1) The chief financial officer forwards such an account statement in respect of each meter reading period to each consumer reflecting the amount owing for the consumption calculated in terms of the consumer tariff, which amount is payable to the council before or on the date of payment on the account statement.
- (2) The chief financial officer can, during any meter reading period, forward a provisional account to the consumer in respect of a portion of such a period which must be equivalent to as close as is practically possible to a period of thirty days. The amount appearing in such an account statement is determined as provided in subsection (3)(a) and the chief financial officer must, as early as possible after the reading of the meter at the end of such a period, forward to the consumer the account statement based on the exact measured consumption during that period, taking into account any payment by him against the provisional account referred to.

- (3) (a) The amount mentioned in the provisional account in subsection (2) is determined by the chief financial officer with reference to such previous consumption on the same or other similar site or sites which in his opinion would serve as a reasonable guide for the quantity of electricity consumed over the period covered by the previous account, with the understanding that, should it appear that the actual consumption is considerably higher or lower than the consumption on which the provisional account was based, the chief financial officer may at any time during the first twelve months of occupation, amend the amount appearing in the provisional account.
- (b) After expiry of the first twelve months of occupation the amount of the provisional account mentioned in subsection (2), is determined by the chief financial officer according to the average consumption of the previous four meter reading periods and the chief financial officer can, in order to provide for tariff increases or possible higher consumption during a specific period, make an addition of 50% at the most to the amount appearing in the provisional account.
- (4) When a consumer alleges that he received an incorrect account statement, due to the application of an incorrect tariff or for any other reason than a faulty meter, the council must execute an investigation and carry out tests as he considers necessary and, if he is convinced that the consumer received an incorrect account statement, remedy it accordingly. If he is not convinced, the consumer must compensate the council with the cost of the investigation and tests.

Metering

- 8.(1) The consumption during any meter reading period on any site is taken as the difference of the reading of the meter or meters thereon at the beginning and end of such period and, where maximum demand metering applies, the maximum demand also forms part of the meter reading.
- (2) The reading shown by the meter is the prima facie proof of the electrical energy consumed and from the maximum demand during the meter reading period an entry in the books of the council is prima facie proof that the meter reflected the readings confirmed as such by the entries placed on record.
- (3) The council can install a prepaid meter on a site at the request and at the cost of the consumer.

- (4) Units used by way of a prepaid meter, can be purchased from the council at points of sale established for that purpose.
- (5) After proof of payment at the point of sale has been established no refund of the amount presented for the purchase of units will be made.
- (6) A copy of proof of purchase can be issued to the consumer upon request.
- (7) In the event of the site upon which a prepaid meter has been installed changes ownership, no refund of the balance in the prepaid meter will be made.
- (8) The council accepts no responsibility for loss of units in a prepaid meter which due to pilfering may be lost, incorrect use of the prepaid meter or for whatever reason.

Testing of accuracy of meter

- 9.(1) (a) If the consumer or owner has any reason to believe that the meter does not register correctly, he can request the head: electricity in writing that such meter be tested. Such notice must be accompanied by the charges in terms of the service tariff and the head: electricity must test the meter as early as possible thereafter in terms of the code of practice determined by the chief: electro-technical services.
- (b) Notwithstanding the provisions of subsection (a) the chief: electro-technical services may, when he considers it necessary, similarly test the accuracy of any meter.
- (2) The finding of the chief: electro-technical services regarding the accuracy of a meter, after a test referred to in subsection (1) has been undertaken, is final and a meter is regarded as registering correctly if the test confirms that it does not over or under register by more than 2,5 percent over a period of 14 days.
- (3) The charges payable in accordance with subsection (1) must be refunded if the test confirms that the meter registers incorrectly.
- (4) The chief: electro-technical services must read the meter immediately before it is removed and the running meter reading period is stopped at the time of such reading.
- (5) If the chief: electro-technical services, after he has tested a meter, or due to any other good and adequate reason, is convinced that the meter is not correct or registering at all, as described in subsection (2), the council acts in accordance with the provision of section 10.

Inability of a meter to register correctly

- 10.(1) The reading indicated by a defective meter is ignored and the consumer:
- (a) is debited in respect of the running reading period with the same amount as he paid in respect of the corresponding period of the previous year, subject to updating necessary as a result of any changes to the installation or the tariff;
 - (b) is debited on the basics of his consumption during the three months preceding the last date the meter was found to have registered correctly if he did not occupy the site during the corresponding period mentioned in subsection (a);
 - (c) is furnished with a preliminary account statement as provided for in section 7, if he was not in occupation of the site during the whole period refer to in subsection (b), or
 - (d) is debited on the basis of his consumption during the first three months after the defective meter was repaired or by the reading of the memory of a prepaid meter as basis of the estimated settlement if the defect of the meter is due to a technical fault or failure of whatever nature.
- (2) If it is established that the meter registered incorrectly for a longer period than the reading period mentioned in subsection (1), the consumer can be debited with the amount determined in accordance with the subsection referred to or for a longer period, with the understanding that no amount may so be debited in respect of a period longer than one year preceding the date on which it was established that the meter registered incorrectly.
- (3) Any amount due by the consumer in terms of subsections (1) and (2), is paid by him within ten days after he has been informed by the council in writing to do so or the consumer is credited without delay, with any amount he was overcharged.

Disconnection of supply

- 11.(1) The council has the authority to disconnect the supply to a consumer under the following conditions:
- (a) if the consumer neglects to pay the amount due for consumption on or before the date referred to in the account statement;
 - (b) in the event of an illegal connection or re-connection of an installation at the consumer connection or the electrical supply;
 - (c) in the event of the improper use of electricity which hampers the effective supply of electricity to another consumer or is intended to do so;
 - (d) in the event of the resale of electricity for the use on another site;
 - (e) in the event of the unauthorized removal or separation of a seal or lock placed on any meter, service fuse, service contract breaker or any similar apparatus provided by the council;
 - (f) in the event of the unauthorized interference or tampering with or damage to a consumer connection or any portion thereof, or
 - (g) in the case of a transgression of any other supply condition.
- (2) The amount due, as well as the charges payable for the connection and re-connection of the supply, in accordance the service tariff, is payable before the supply will be restored.
- (3) The council can disconnect the supply of any installation temporarily without notice for the purpose of undertaking repairs or inspection or to carry out tests or for any other purpose in connection with its distribution network or any other works.

Removal of consumer connection for the purpose of demolition or alteration to buildings

- 12.(1) Anyone wishing to have an existing consumer connection removed must advise the chief: electro-technical services by completion of the prescribed form obtainable at the department. Charges payable for the removal of such connection are according to the service tariff.
- (2) Where a cable consumer connection is removed according to subsection (1) and a cable consumer connection for a new altered building is required, it is regarded as a new cable connection.

- (3) The council must, at the request of a consumer in the form prescribed by the chief: electro-technical services, disconnect the supply and re-connect it after payment of the charges in accordance with the service tariff.

Unauthorized connection

13. No one, except an employee authorized by the council, may connect or re-connect any installation at the consumer or the distribution network, or attempt to do so.

Illegal usage

- 14.(1) Supply for which a levy is determined by the council from time to time and which is measured through a meter or set of meters, may not be used for any purpose for which a higher levy has been determined.
- (2) Without the approval of the council, no electricity supplied by the council may be used unless it flows through the meter coupled to the installation.

Resale of electricity

15. No one sells or supplies electricity supplied by the council on a specific site for use on another site than in respect of which such supply is authorized, or allow that such sale or delivery takes place and where such electricity is resold for use on the same site:
 - (1) such electricity, in respect of each purchaser, must be measured through a sub-meter of the kind approved by the South African Bureau of Standard as well as such requirements determined by the chief: electro-technical services from time to time. Sub-metering equipment must be housed in accommodation separate from accommodation provided for the measuring equipment of the council;
 - (2) the council is not responsible for any inaccuracy or other defect in any sub-meter, whether or not the council approved such sub-meter or it's installation;
 - (3) the tariffs and conditions of resale of electricity resold as such may not be of less advantage to the purchaser than that which would have been payable and applicable should the purchaser have been supplied with electricity by the council direct, or
 - (4) each such purchaser is entitled to claim that the seller furnishes him with all such accounts, documents and other information which might be necessary to enable him to establish whether the accounts received by him are correct.

Inspection and tests

- 16.(1) The chief: electro-technical services can at any reasonable time, or in cases of emergency at all times, or upon request of the owner or the consumer, enter any site to inspect or test any portion of the consumer connection or installation thereon, including for the purpose of establishing whether any transgression of this by-law or other applicable legislation has been committed or is taking place. The prescribed charges according to the service tariff are payable if the inspection or testing was undertaken at the request of the owner or consumer. The owner or consumer must, when requested thereto, remove any animal, soil, bricks, stone, woodwork or other article obstructing or covering any portion of the consumer connection or electrical installation, without cost to the council to enable the inspection or test.
- (2) Any work or repairs to be carried out on instruction of the chief: electro-technical services after conclusion of the inspection or test, must in all respects conform to the Installation Regulation without cost to the council.

Installation and wiring to conform to legislation

17. Every installation, the wiring thereof and any addition thereto or alteration thereof must conform to the Installation Regulations. The supply can be discontinued without any notice if the installation does not conform to the Installation Regulations.

Accountability of the Council

18. The council accepts no liability for any damage or loss arising from or connected to the installing of an installation or any alteration or addition thereto or which results from the condition of an installation.

Point of supply

19. The point of supply is determined by the chief: electro-technical services and must, except where he desires or approves otherwise, be as follows:
 - (a) in the case of an underground distribution system situated at the distribution or meter box on a sidewalk or site, from where a supply will be provided to the site of the consumer;

- (b) in the case of an overhead distribution system, at the connecting terminal of the council's supply cable or on the consumer's meter board upon which the meter equipment is installed, or on such other meter board which, according to the judgement of the chief: electro-technical services, must be placed on the boundary of the site of the consumer or at a point on the site as agreed upon;
- (c) in the case of a large quantity supply at the connecting terminals of the Council's connection harness supplying the site of the consumer, and
- (d) in the case of a prepaid meter:
 - (i) if the supply is provided through an underground cable at the output terminal of the circuit breaker at the distribution or meter box on the sidewalk of erf boundary, or
 - (ii) if the supply is through an overhead distribution system, at the output terminal of the main circuit breaker at the pole.

Consumer connection

- 20.(1) The owner of the property in question must, in the form as prescribed by the chief: electro-technical services, apply for the installation or re-installation of a consumer connection.
- (2) A consumer connection is installed at the cost of the consumer and the cost thereof must be paid to the council before the supply is authorized.
- (3) Each portion of the consumer connection remains the property of the council.
- (4) Notwithstanding the fact that the consumer connection at an approved installation may already have been completed, the council can and will refuse to supply electricity to that installation until the charges due to the council by the same consumer in respect of that or any other consumer connection, on the same site or not, have been paid.
- (5) In the case of underground consumer connections the council can require from the consumer to supply and install at own cost approved separate pipes or channels from the meter point in the building up to the boundary.
- (6) The council can, subject to any conditions he may impose, provide more than one consumer connection on the same site provided the increased consumer connections are not interconnected.

- (7) The applicant for a consumer must, before the work is commenced, furnish the council with such exemption as may be specified by the council and the chief: electro-technical services can refuse to provide a consumer connection until he is convinced that no one is entitled to object against such installation.
- (8) (a) Where different tariffs apply in respect of the supply of electricity to the same site, separate circuits are provided and measured and where this is not done, the highest tariff applies.
- (b) The supply of electricity for communal use on a site in respect of terraces, passages, steps, bathrooms, toilets and other similar usage, takes place by way of a separate circuit and meter.

Restriction in size of meters

21.(1) Where the council's low voltage supply system exists out of three phase four wire alternating current, motors up to and with 2.2kW can be wound for voltages as prescribed in the Electricity Act, 1987. All larger low voltage motors must be wound for three phase at 380 volt.

(2) Invert current of motors:

- (a) To and with 2.2 kW; 7 times the design circuit on full load.
Above 2.2 kW up to and including 7.5 kW; 4 times the design circuit on full load
Above 7.5 kW up to with 15 kW; 3 times the design circuit on full load
Above 15 kW; twice the design circuit on full load.
- (b) Unless determined otherwise by the chief: electro-technical services in the case of motors with a capacity exceeding 5.5 kW 400/231V three phase, the invert current must be limited tot 1.25 the normal full load circuit.
- (c) All electrical protection equipment for multi phase motors must be of such a design that it can be effectively avoided that single phase working takes place.
- (d) The invert current of high voltage motors is determined by the chief: electro-technical services according to circumstances. Unless otherwise determined by the chief: electro-technical services the total invert current of three phase 400/231 V motors must be limited to 1.5 times the full load of the transformer feeding the motors.

- (e) The invert current referred to in subsections (a), (b) and (d) serves only as a guide for the maximum invert current admissible for any motor to be connected to the supply system of the council and is not binding on the council.
- (f) The council can at any time demand from the consumer that he takes approved steps to reduce the invert current of any motor or motors in an installation if he regards it as essential, from the point of view of other consumers, or due to excessive taxing on the high voltage conductors or due to invert frequency.

Sealed apparatus

- 22. Where any seal or lock is placed by the council on any meter, service fuse, service current breaker or any other similar apparatus, whether owned by the council or not, no one may for any reason what so ever remove such seal of lock, break, harm or otherwise tamper therewith, except an authorized employee of the council.

Tampering

- 23. No one may in any way for any reason what so ever paint, disfigure, pilfer with or concern himself with any consumer connection and only an authorized official of the council can undertake any adjustment or repairs thereof.

Accountability

- 24.(1) The owner of a site or the consumer is accountable for compensation to the council for any damage to the consumer connection or any portion thereof as to any other apparatus of the council on the site, unless such damage is due to the neglect on the part of the council.
- (2) If the cable or any other portion of the consumer connection is damaged, the consumer, as soon as he becomes aware thereof, advises the chief: electro-technical services and the chief: electro-technical services or a person authorized by him must repair the damage.

Type of supply

- 25.(1) The following supply systems exist on the distribution network of the council:
 - (a) Single phase alternating current, 231 voltage 50 Hz.
 - (b) Three phase alternating current, 400 voltage 50 Hz.
 - (c) High voltage supply at declared voltage.

- (2) The chief: electro-technical services decides in any special case whether supply in terms of subsections (1)(b) or (c) above will take place and his decision is based on the following:
- (a) whether such supply is available in the area in question;
 - (b) whether a future change in the supply in the area in question is expected; or
 - (c) where the connected supply on a site is more than 50 kV.A and exceeds the capacity low voltage distribution network of the council, the chief: electro-technical services can demand from the consumer that he takes his power supply from the high voltage main (which is normally transformed to a supply of 400/231 volt) or by means of the equipment of the council (the cost of which is borne by the consumer) or by means of the equipment of the consumer.
- (3) In his decision whether a consumer should be compelled to take his supply from the high voltage supply, the chief: electro-technical services must also take into account economic or technical considerations resulting from existing or possible future taxes and operating circumstances of the network in question, as well as any other applicable factors, including those resulting from existing or probable future nature of the taxes of the consumer.

Accommodation of service

- 26.(1) When it is demanded by the council, the consumer provides at own cost a meter-room or substation of approved design for exclusive use by the council on an approved position on the site of the consumer.
- (2) Where a substation is erected on the site of the consumer in accordance with subsection (1), the council reserves the right to supply electricity from the equipment installed also to other consumer.
- (3) To enable the council to erect, lay or install equipment across or on the property of a consumer in connection with electricity supply for the consumer on another property and to other consumers, the consumer must allow the council an indefinite period of right or rights of way along a route to be agreed upon and which is as direct as possible.
- (4) If the consumer is not the owner of the property, he must obtain such rights of way free of charge in favour of the council.

- (5) If the consumer requests the council to provide any alteration to the council's overhead lines, cables or other equipment or to transfer or remove any of its equipment, the consumer must pay the cost of such alteration, transfer or removal to the council in advance.

Maintenance of installation

- 27.(1) The owner of the site must at all times and to the satisfaction of the chief: electro-technical services maintain in good condition and working order any installation on such site connected to the supply, in accordance with the safety regulations as prescribed in the Act on Occupational Health and Safety, 1993 (Act 85 of 1993).

Control apparatus, load reduction and interruption of supply

- 28.(1) The council may install a control relay system to any water heater, area heater of the storage type, to any other apparatus and at any time disconnect the apparatus in question for as long as it is deemed necessary.
- (2) At the times of peak load or in cases of emergency or when according to the view of the chief: electro-technical services there is adequate reason or may be desirable to reduce the load on the supply system, the council may, without notice, interrupt the supply for a period as the chief: electro-technical services may consider necessary.
- (3) The council will not be responsible for any loss or damage, direct or indirect, which occurs as a result of an interruption in the supply.

Obstruction of employees

29. No one may -
 - (1) trouble, hamper or worry an inspector or authorized official of the council in the execution of his duties in accordance with this by-law;
 - (2) refuse to furnish such information as the council may reasonably require;
 - (3) furnish the council with any information which, to the best of his knowledge, is false or misleading; or
 - (4) prevent or obstruct an inspector or authorized official of the council in any way what so ever in obtaining free and unobstructed access to a meter during normal working hours to obtain the necessary meter readings.

Generation of energy

30.(1) No one may, without the written consent of the chief: electro-technical services, in any way what so ever, generate energy on a site, whether for personal use or use by others.

(2) If the approval intended in subsection (1) above is obtained, energy so generated may under no circumstances be connected to an installation connected to the supply of the council, except by way of an approved change over switch.

Adequate protection

31.(1) Each consumer must ensure that his installation includes adequate protection equipment to avoid damage:

- (a) of the installation referred to due to disturbances in the system of the council, and
- (b) of the council's system due to faults in the installation mentioned.

(2) The consumer must not under any circumstances accept that any safety appliance supplied by the council is suitable or intended to protect the installation or apparatus of the consumer

Irregular supply

32.(1) Subject to the provision of section 26 of the Electricity Act, 1987, the council is not responsible for the consequences for the consumer or any other person of any breakdown, variation, serge or lack of electricity, unless it can be attributed to the negligence of the council.

(2) If an interruption of the supply can cause damage to equipment or business of the consumer, he must take the necessary precaution to protect himself against such possible damage.

Notices

33. Any notice or other document issued by the Council in accordance with this by-law is regarded as so issued if signed by the chief: electro-technical services, chief financial officer or municipal manager or by

such other official to, who may have been authorized by any of them, to act on their behalf.

Serving of document

34. Any directive, notice or document, in accordance with this by-law handed or forwarded to a person can be given or forwarded by delivering the original thereof in one of the following ways:
- (1) handing it to such person personally or to his duly authorized agent;
 - (2) forwarding such instruction, notice or document by prepaid certified or registered mail to his last known residential address, business address or post office box number;
 - (3) handing thereof to a person apparently over the age of sixteen years on the property occupied by the person on whom the service must be executed;
 - (4) if no such person can be found, by placing the instruction, notice or document on a conspicuous place on the property;
 - (5) if the person chose a domicilium citandi et executandi, by delivering the item to such address on one of the above-mentioned ways; or
 - (6) any directive, notice or document delivered to an owner or occupant of a property in accordance with this by-law can be addressed to the "owner" or "occupant" of the property in question without the name or any description of the owner or occupant.

Infringement and penalties

- 35.(1) Anyone transgressing any of the provisions of this by-law or neglects to give affect thereto is guilty of an offence and, if found guilty in court, is subject to a fine and/or imprisonment.
- (2) It is considered that the occupant or, if there is no occupant, then the owner of any site supplied with electricity and on which a transgression in terms of this by-law has been committed, is guilty of that transgression unless he proves that he was not aware and could not have known by execution of reasonable devotion, that the

transgression was taking place and it was committed by a person over whom he had no control.

- (3) Everyone transgressing the provisions of section 14 and who was consequently not debited for electricity consumed or debited for such electricity at a tariff lower than that which he should have been debited, is irrespective of any punishment imposed in terms of this by-law, responsible for paying to the council the amount which would have been payable if such transgression was not committed and such amount is calculated at the highest levy for which the tariff provides, with effect from the date on which the transgression originally occurred.
- (4) In accordance with the judgement for costs by a competent court, the cost involved by the council to recover or in an attempt to recover, any amount which any person is indebted to the Council in terms of these regulations, can be recovered from such person.

Surcharge

36. A surcharge, as approved by the council, shall be added to each account not paid at the offices of council on or before the 15th day of each month following the month in respect of which the account was rendered, or the first day on which the offices of council is open if the 15th falls on a Saturday, Sunday or public holiday; with the understanding that a portion of a month for the application of this stipulation be regarded as a month.

Arbitration

37. If at any time any difference of question arises between the supply authority and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party there under, such difference or question or matter or thing so subject to agreement or adjustment shall be determined by arbitration in such manner as may be agreed upon, and failing such in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965), as amended.

Faulty pre-paid meter

38. Where a computer program dealing with pre-paid electricity gets faulty and the pre-paid meter has to be passed the cost of the units that is used free of charge will be recovered from the user in such manner as decided by the Chief Financial Officer of the Council.

