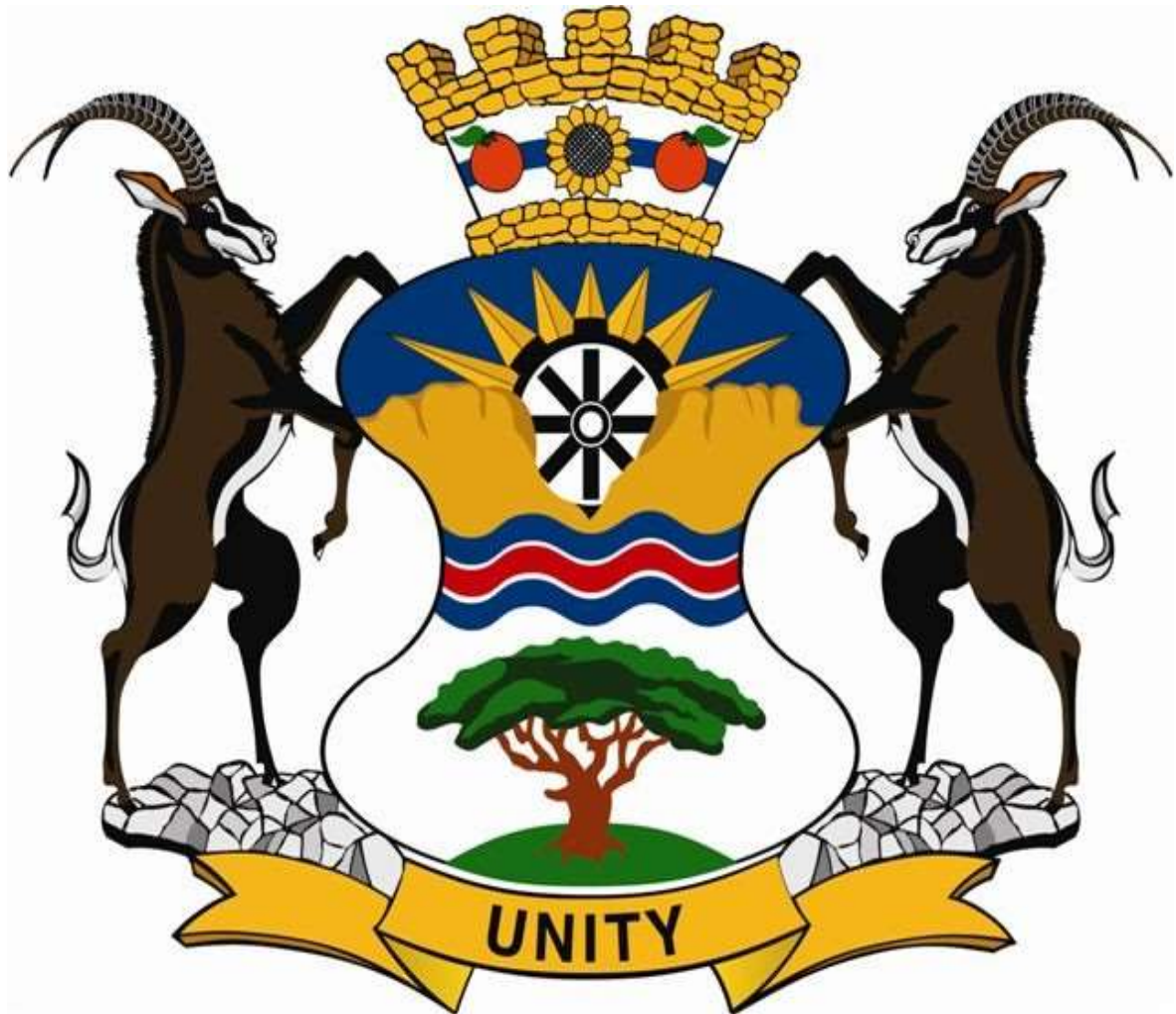


RUSTENBURG

LOCAL MUNICIPALITY



ELECTRICITY SUPPLY BY-LAW



THE MUNICIPAL MANAGER HEREBY PUBLISHES in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000, read with the Constitution of the Republic of South Africa Act, Act 108 of 1996, and the Rustenburg Local Municipality Electricity Supply By-Law which shall come into operation on the date of publication hereof in the Provincial Gazette.

P R E A M B L E

- (1) **THE RUSTENBURG LOCAL MUNICIPALITY** (hereinafter referred to as “the Municipality”) is a distributor and supplier of electricity to consumers within its area of jurisdiction in terms of the Electricity Regulation Act, Act 4 of 2006.

- (2) **BEING A DISTRIBUTOR AND PROVIDER OF ELECTRICITY SUPPLY SERVICES** the Municipality has a duty to all consumers and potential consumers in its municipal area to progressively ensure efficient, affordable, economical and sustainable access to electricity.

- (3) **THIS DUTY** is subject to the constraints, limitations and availability of the resources of the Municipality, to ensure that the interests and needs of present and future electricity consumers are safeguarded and met within the Municipality’s municipal area, the need to regulate access to electricity in an equitable way, the duty of consumers to pay reasonable charges, the duty to conserve electricity, the nature, topography, zoning and situation of the land to which such services are to be provided and the right of the Municipality to, limit, disconnect or terminate the provision of electricity in the event of a failure to comply with conditions set for the provisions of such .

- (4) **THE MUNICIPALITY** must pass by-laws which contain conditions for the provision of electricity and related matters.

- (5) **THE BY-LAW** deals with and sets out the conditions under which electricity provided to consumers, the standards of service, the technical conditions of provision, the determination and structure of tariffs, the payment and collection of money and the circumstances under which the provision of electricity may be limited, disconnected or terminated.

- (6) **THE CONTENTS OF THIS BY-LAW**, read with the Tariff By-Law and the Credit Control and Debt Collection By-Law of the Municipality, as well as the Tariff Policy and the Credit Control and Debt Collection Policy, will provide for the required policy guidelines to enable this by-law to also fulfil the function of a policy document of the Municipality, in as far as same is required in terms of Regulation 7 of the Municipal Budget and Reporting Regulations promulgated in terms of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (hereinafter referred to as the “MFMA”).

THE RUSTENBURG LOCAL MUNICIPALITY: ELECTRICITY SUPPLY BY-LAW

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CHAPTER 1
GENERAL

1. DEFINITIONS AND INTERPRETATION

- (1) In this by-law, except where the context otherwise indicates or it is expressly stipulated otherwise, the following words and expressions shall have the respective meanings assigned to them hereunder and words or expressions to which a meaning has been assigned in terms of the provisions of the Local Government: Municipal Systems Act, Act 32 of 2000, the Tariff Policy, Tariff Schedule and By-Law; the Credit Control and Debt Collection Policy and By-Law of the Municipality, will have a corresponding meaning assigned thereto in terms of such policies or by-laws.
- (2) (a) All references made to the male gender shall also include the female gender, and vice versa;
- (b) all references to singular shall also mean the plural;
- (c) all references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation

NO.	WORD/EXPRESSION	DEFINITION
“A”		
1.1	“accredited person”	Means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be, and registered person has the same meaning.
1.2	“applicable standard specification”	Means the standard specifications as listed in Schedule 1 attached to this by-law.

1.3	“authorised maximum demand”	Means the allocated or authorised maximum demand allowed for any particular premises determined by the Municipality on the basis of the size of the particular premises and its particular use zoning.
1.4	“availability charge”	As referred to and utilised in the Tariff Policy and Tariff By- Law of the Municipality and which is the charges and fees levied by the Municipality on the basis that the municipal service is available irrespective of whether the municipal service is consumed.
“B”		
1.5	“Basic Electricity Charges”	Means a Fixed Charge per month to cater for basic networks installed to any stand whether empty or developed as well as administration and maintenance costs, based on the zoning. Applicable tariff will only be determined based on the actual connection.
1.5	“business rate”	Means tariff for small businesses, governmental institutions or similar supplies in urban or rural areas with an NMD up to 100kVA and protected by such a Circuit Breaker.
1.6	“bulk rate”	Means tariff for businesses, governmental institutions or similar supplies in urban or rural areas with an NMD above 100kVA.
“C”		
1.7	“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 an accredited person.

<p>1.8</p>	<p>“consumer”</p>	<p>Means any person or entity consuming or receiving electricity and may include a customer or a tenant of a customer irrespective of whether such a person has concluded a service agreement with the Municipality, and may also include a person who illegally and unlawfully connected to the municipal services infrastructure or who illegally and unlawfully gained access to or usage of the municipal services and includes:</p> <p>(a) any person who occupies premises to whom and in respect of such premises “with consent from the land owner”, the Municipality:</p> <ul style="list-style-type: none"> (i) has agreed to provide electricity (ii) is actually providing electricity; (iii) has entered into a services agreement with the Municipality for the provision of electricity to or on any premises; <p>(b) the owner of any premises to which the Municipality is providing electricity;</p> <p>© any “end user” who receives electricity from the Municipality.</p>
<p>1.9</p>	<p>“Council”</p>	<p>Means the Municipal Council of the Municipality as referred to and constituted in terms of the provisions of section 157 of the Constitution.</p>
<p>1.10</p>	<p>“Credit Control and Debt Collection Policy” and “Credit Control and Debt Collection By-Law”</p>	<p>Means the Credit Control and Debt Collection Policy as adopted by the Municipality in terms of the provisions of section 96 of the Systems Act and the Credit Control and Debt Collection By-Law</p>

		Law of the Municipality adopted in terms of section 98 of the Systems Act.
1.11	“customer”	Means the owner of the premises or in exceptional circumstances a tenant, and includes a person or entity liable to the Municipality for the payment of tariffs, levies, fees and municipal consumption charges in terms of a service agreement concluded with the Municipality, and may include a Registered Indigent, as contemplated in terms of the provisions of the Indigent Policy of the Municipality.
“D”		
1.12	“day(s)”	Means a normal calendar day which includes Saturdays, Sundays and public holidays.
1.13	“deposit”	Means a security deposit covering 3 months’ consumption.
1.14	“distribution”	Means the conveyance of electricity through a distribution power system excluding trading, and “distribute” and “distributing” have corresponding meanings.
1.15	“distribution system”	Means the network infrastructure system operated by the Municipality that operates at or below 132kV.
1.16	“distributor”	Means a person (including any organ of state as defined in section 239 of the Constitution) who distributes electricity.
“E”		
1.17	“electrical contractor”	Means an electrical contractor as defined in the Regulations.

1.18	“electrical installation”	<p>Means an electrical installation as defined in the Regulations and is any machinery in or on any premises used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an electrical installation irrespective of whether or not it is part of the electrical circuit, but excluding-</p> <p>(a) any machinery of the supplier related to the supply of electricity on the premises;</p> <p>(b) any machinery which transmits electrical energy in communication control circuits, television or radio circuits;</p> <p>(c) an electrical installation on a vehicle, vessel, train or aircraft; and</p> <p>(d) Control circuits of 50V or less between different parts of machinery or system components, forming a unit, which are separately installed and derived from an independent source or an isolating transformer.</p>
1.19	“Electricity Act”	<p>Means the Electricity Act, Act 4 of 2006 and includes any regulation or rule made or issued in terms thereof.</p>
1.20	“emergency”	<p>Means any situation that poses a risk or potential risk to life, health, the environment or property or is declared an emergency under any law.</p>
1.21	“end user”	<p>Means a user of electricity or a service relating to the supply of electricity.</p>

1.22	“equipment”	Includes any electrical installation, building or other structure, pipe, pump, wire, cable, meter, engine, any apparatus, tools, device, connection system or network, service protection device, reticulation network or supply mains or any part of any of the a foregoing supplied or used in the supply, distribution or conveyance of electricity supply and electricity or the measurement of consumption of such services, or any other accessories to any of the aforementioned.
1.23	“ESKOM”	Means Eskom Holdings SOC Limited
1.24	“exceptional circumstances”	Means such circumstances which in the sole discretion of the Municipality constitutes an exception and depending on the context the discretion will be exercised by the Chief Financial Officer or the Director of Technical and Infrastructure Services.
1.25	“Fixed Charge”	Means a Basic Electricity Charges per month to cater for basic networks installed to any stand whether empty or developed as well as administration and maintenance costs, based on the zoning. Applicable tariff will only be determined based on the actual connection.
“G”		
1.25a	“generation”	Means the production of electricity by any means, and “generate” and “generating” have corresponding meanings.
“I”		

1.26	“installation work”	Means installation work as described in the Regulations and includes: (a) the installation, extension, modification or repair of an electrical installation; (b) the connection of machinery at the supply terminals of such machinery; (c) The inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance.
“H”		
1.27	“high voltage”	Means the set of nominal voltage that are used in power systems for bulk transmission of electricity in the range of 44kV < UN 220kV. [SANS 1019].
“L”		
1.28	“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 1000V (or a DC voltage of 1500 V) [SANS 1019].
1.29	“low voltage enclosure” and “enclosure for a special supply of low voltage”	Means any chamber compartment or other enclosure in which a transformer, switch gear or other electrical equipment is contained for operating low voltage.
“M”		
1.30	“medium voltage”	Means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV < UN 44 kV [SABS SANS 1019].
1.31	“medium voltage enclosure”	Means a chamber, compartment or other enclosure in which a transformer, switchgear or

		other electrical equipment is contained for operating at a minimum voltage.
1.32	“Megaflex”	Customers with a declared NMD greater than 1MVA enable to shift load
1.33	“measuring device”	Means any method, procedure, process or device, apparatus or installation that enables the supply of electricity provided, to be quantified or evaluated and includes a method, procedure or process whereby quantity is estimated or assumed.
1.34	“meter”	Means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters.
1.35	“metering equipment”	Means a meter or measuring device.
1.36	“meter cabinet”	Means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the Municipality and designed to operate at low voltage.
1.37	“motor rating”	Means the maximum continuous kW output of a motor as stated on the maker’s rating plate.
1.38	“Municipality”	Means the RUSTENBURG LOCAL MUNICIPALITY (also referred to as “Municipality”) a local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provisions of Chapter 7 of the Constitution and sections 12 and 14 of the Structures Act, with its main place of business and the offices of the Municipal Manager, as envisaged in terms of the provisions of section 115(3) of the Systems Act,

		<p>at: Missionary Mpheni House, CNR. NELSON MANDELA & BEYERS NAUDE STREET, RUSTENBURG, NORTH WEST PROVINCE, and may, depending on the context, include:</p> <p>(a) its successor in title; or</p> <p>(b) a functionary, employee or official exercising a delegated power or carrying out an instruction, in the event of any power being delegated as contemplated in terms of the provisions of section 59 of the Systems Act, or exercising any lawful act in the furtherance of the Municipality’s duties, functions and powers; or</p> <p>(c) an authorised service provider fulfilling a responsibility assigned to it by the Municipality through a service delivery agreement.</p>
<p>1.39</p>	<p>“Municipal Manager”</p>	<p>Means the Municipal Manager of the Municipality appointed in terms of the provisions of section 54A of the Systems Act and as referred to in the definition of “Accounting Officer” as defined in terms of the provisions of section 1 of the MFMA, and also referred to in section 60 of the MFMA, and includes a person acting as an Accounting Officer, or the person to whom the Accounting Officer has delegated his/her authority to act.</p>
<p>“N”</p>		
<p>1.40</p>	<p>“National Energy Regulator” or “Regulator”</p>	<p>Means the National Electricity Regulator established in terms of section 3 of the National Energy Regulator Act, Act 40 of 2004.</p>

1.41	“NMD Rules”	Means the notification of demand or changes to notified maximum demand (NMD), which forms part of Rustenburg Local Municipality’s tariff schedule of which in turn forms part of Rustenburg Local Municipality’s standard terms and conditions for the supply of electricity, as amended from time to time. These rules shall form part of all electricity supply agreements concluded by Rustenburg Local Municipality.
1.42	“NMD”	Means the Notified Maximum Demand – where a customer has multiple points of supply connected to a point of delivery (POD), the NMD will be the sum of the maximum demands for all the points of supply connected to the POD.
“O”		
1.43	“the Occupational Health and Safety Act”	means the Occupational Health and Safety Act, Act 85 of 1993 and depending on the context may include the Regulations promulgated in terms of the said Act.
1.44	“occupier”	Means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies the premises.
1.45	“official application form”	Means the application form for the provision of municipal services, including electricity, provided in Schedule 1 to the Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-Law of the Municipality.
1.46	“owner”	Means: <ul style="list-style-type: none"> (a) the person in whose name the property is registered; (b) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property

		<p>as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised or appointed representative;</p> <p>(c) in the case where the Municipality or service provider is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;</p> <p>(d) in the case of a lease agreement in excess of 30 years then the lessee;</p> <p>(e) in relation to:</p> <ul style="list-style-type: none"> (i) a piece of land delineated on a sectional title plan and which is registered in terms of the Sectional Title Act, Act 95 of 1986, without limiting it to the developer or body corporate of the common property; (ii) a section as defined in the Sectional Title Act 95 of 1986, the person in whose name that section is registered in terms of a “sectional title deed”, including the lawfully appointed representative or agent of such person; <p>(f) any legal entity including but not limited to:</p> <ul style="list-style-type: none"> (i) a company registered in terms of the Companies Act, Act 61 of 1973, a trust inter vivos, trust mortis causa, a close corporation registered in terms of the Close Corporation Act, Act 69 of 1984 and any voluntary organisation;
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		<p>(ii) any provincial or national government department, or local authority;</p> <p>(iii) any Council or management body established in terms of any legal framework applicable to the Republic of South Africa; and</p> <p>(iv) any embassy or other foreign entity in whose name the property is registered;</p> <p>(g) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and</p> <p>(h) In relation to property owned by or under the control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.</p>
“P”		
1.47	“penalty”	Means additional charges in the event of an NMD exceedance and in accordance with the NMD rules.
1.48	“person”	Means any natural or juristic person, local government body or like authority or an organ of state as defined in terms of section 239 of the Constitution, a company incorporated under any law, a body of persons whether incorporated or

		not, a statutory body, public utility body, voluntary association, club or trust.
1.49	“point of consumption”	Means a point of consumption as defined in the Regulations and includes any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose.
1.50	“point of control”	Means the point of control as defined in the regulations.
1.51	“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 provided that it shall meter all of, and only, the consumer’s consumption of electricity.
1.52	“point of supply”	Means the point determined by the Municipality at which electricity is supplied to any premises by the Municipality.
1.53	“premises”	Means any property or any building or structure above or below ground level and includes any vehicle, aircraft or vessel.
1.54	“property”	Means: (a) immovable property registered in the name of a person/owner including in the case of a

		<p>sectional title scheme, a sectional title unit registered in the name of any person/owner;</p> <p>(b) a right registered against immovable property in the name of a person excluding a mortgage bond registered against the property;</p> <p>(c) any piece of land, the external surface boundaries of which are delineated on:</p> <p>(i) a general plan or diagram registered in terms of the Land Survey Act, Act 9 of 1927 or in terms of the Deeds Registries Act, Act 47 of 1937 or;</p> <p>(ii) a sectional plan registered in terms of the Sectional Titles Act, Act 95 of 1986; which is situated within the area of the Municipality;</p> <p>(d) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or</p> <p>(e) Public service infrastructure.</p>
1.55	“prepayment meter”	<p>Means a meter or measuring device whereby payment for electricity supply services is first made elsewhere and credit is transferred to such meters by means of a token or coded number or credit card and such meter is programmed and dispenses electricity as it is consumed by the consumer at a predetermined rate or charge.</p>
1.56	“prepayment measuring system”	<p>Means a meter or measuring device and ancillary devices, approved by the Municipality designed to measure and allocate to a consumer the</p>

		quantity of electricity pre-purchased by the consumer.
1.57	“prescribed tariffs”	Means the tariffs prescribed and adopted by the Council of the Municipality in terms of the Tariff Policy and Tariff By-law and contained in the Tariff Schedule of the Municipality.
1.58	“public notice”	Means a notice published in terms of the provisions of section 21A read together with section 21 of the Systems Act.
“R”		
1.59	“registered person”	Means a person registered in terms of the Regulations as an electrical tester for single phase, installation electrician or a master installation electrician, as the case may be, and accredited person has the same meaning.
1.60	“Regulations”	Means Regulations promulgated in terms of the Occupational Health and Safety Act, Act 85 of 1993) known as the Occupational Health and Safety Act, 1993 Electrical Installation Regulations No R 242. Published in Government Gazette No. 3197 of 6th March 2009.
“S”		
1.61	“SABS”	Means the South Africa Bureau of Standards.
1.62	“safety standard”	Means the Code of Practice for the Wiring of Premises SABS SANS 10142 incorporated in the Regulations.
1.63	“SANS”	Means the national standard which has been sets out and issued by the SABS in terms of the provisions of the Standards Act, Act 29 of 1993.

1.64	“service(s) agreement”	Means the written agreement concluded between the Municipality and a customer for the provision of municipal services to premises once the Municipality has approved the customer’s official application form for the rendering of such services to the customer and which contains the terms and conditions upon which the Municipality will render such services to the customer.
1.65	“service connection”	Means equipment, a cable or conductor leading from the supply main to the point of supply of the electrical installation including any high voltage or other equipment connected to that cable or conductor, any meter or metering equipment, load management equipment, all high, medium and low voltage switchgear and cables, and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality.
1.66	“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.
1.67	“service provider”	Means the Municipality as well as any external entity that provides municipal services to the consumer on behalf of the Municipality, pursuant to a service delivery agreement entered into with Municipality in terms of section 80 of the Systems Act, and may also include any authorised agent of the Municipality.

1.68	“special supply at low voltage”	Means a supply of electricity exceeding 40 kVA at low voltage.
1.69	“standby supply”	Means an alternative electricity supply not normally used by the consumer.
1.70	“supply”	Means a supply of electricity from the supply mains of the Municipality and includes the trading and the generation, transmission or distribution of electricity.
1.71	“supply main”	Means any part of the Municipality’s electricity distribution network.
1.72	“Systems Act”	Means the Local Government: Municipal Systems Act, Act 32 of 2000, as amended from time to time.
“T”		
1.73	“tamper”	Means interference with, damage to, alteration of, by-passing of any connection to or removal of any equipment and includes the consumption of or use of any electricity supply services not in accordance with this policy.
1.74	“tariff”	Means the fees, charges or tariffs levied and approved by the Council in terms of section 75A of the Systems Act read with the Tariff Policy and Tariff By-Law.
1.75	“Tariff Policy”	Means the Tariff Policy of the Municipality as envisaged in terms of the provisions of section 74 of the Systems Act.
1.76	“Tariff Schedule”	Means the Tariff Schedule as referred to in the Tariff Policy and approved by Council.
1.77	“temporary supply”	Means an electricity supply required by a consumer for a period normally less than a year.

1.78	“this by-law”	Means the Electricity Supply By-Law of the Municipality, as set out herein.
1.79	“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 <i>vice versa</i> .
1.80	“TOU”	Means a tariff with energy charges that change during TOU periods and seasons.
1.81	“TOU periods”	Means time blocks based on the volume of electricity demand during high, mid and low demand periods and may differ per tariff. The TOU periods typically are peak, standard and off peak periods and differ during high and low demand seasons
1.82	“TOU customer”	Customers with a declared NMD which qualifies by being able to shift load as per the Eskom “Megaflex” tariff and therefore contributes to the limiting of the RLM monthly Electricity demand.
1.83	“trading”	Means the buying or selling of electricity as a commercial activity.
“V”		
1.84	“voltage”	Means the root-mean-square value of electrical potential between two conductors.

2. OTHER TERMS

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, the Occupational Health and Safety Act the Regulations, as amended from time to time.

3. HEADINGS AND TITLES

The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2**GENERAL CONDITIONS OF SUPPLY**

4. PROVISION OF ELECTRICITY

- (1) Only the Municipality shall supply, distribute or contract for the supply or distribution of electricity within the area of jurisdiction of the Municipality.

5. APPLICATION FOR SUPPLY OF ELECTRICITY

- (1) No person shall gain access to, consume, use or be supplied with electricity nor may any supply be given to an electrical installation, from the Municipality through the supply mains, equipment and distribution network of the Municipality unless such person has applied to the Municipality on the official application form prescribed for such services for a specific purpose, and such application has been approved by the Municipality, and a municipal services agreement has been concluded, as set out and provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions are to be read as if specifically incorporated herein. All new applications shall be accompanied by an original consent letter from the stand “owner”.
- (2) The Municipality shall not be obliged to provide electricity:
- (a) to areas or consumers outside the defined limits of the Municipality’s area of jurisdiction;
 - (b) where due to the nature of the topography, electricity cannot be provided economically and/or cost effectively;
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers; or
 - (d) Beyond the Municipality’s, resources, ability and capacity.

- (3) Electricity rendered to a consumer are governed by and subject to the provisions of this by-law, the Credit Control and Debt Collection Policy and By-Law, the Tariff Policy and Tariff By-Law and the conditions contained in the relevant municipal services agreement.
- (4) The official application form for the supply of electricity, as contemplated and referred to the Credit Control and Debt Collection Policy and By-Law, shall be obtained from the office of the Municipality and in instances where the consumer requires a specific minimum supply of electricity, the said consumer shall indicate the estimated load required, in kVA, of the installation, in the said form. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (5) 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, which may specify and special conditions to be satisfied in such case.

6. INSPECT THE ELECTRICAL INSTALLATION

The Municipality may, before granting any supply of electricity, inspect and test the electrical installation to which the application relates with a view to establishing that such installation is safe and proper and complies with this by-law and all other applicable legislation.

7. TARIFFS PAYABLE IF NO SERVICES AGREEMENT IS CONCLUDED

If any consumer gains access to, consumes, uses or is supplied with electricity without entering into a services agreement as contemplated in this by-law then such a

consumer shall be liable for all the tariffs in respect of the electricity as prescribed in terms of the Credit Control and Debt Collection Policy and By-Law; Tariff Policy, Tariff Schedule and Tariff By-Law of the Municipality and any other such costs and charges incurred by the Municipality in such circumstances. All processes to recover the aforesaid costs, fees, tariffs and charges shall be governed by this by-law and the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality shall be read as if specifically incorporated herein.

8. 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 and in accordance with the provisions of this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality which shall be read as if specifically incorporated herein.

CHAPTER 3
TARIFFS AND CHARGES

9. PRESCRIBED TARIFFS AND CHARGES FOR ELECTRICITY

- (1) All tariffs and charges payable in respect of electricity supplied and distributed by the Municipality or used, accessed or consumed in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs and/or fees and/or charges, on the specified date, shall be set by the Municipality by a resolution passed by the Council in accordance with:
- (a) Its tariff policy;
 - (b) The Credit Control and Debt Collection Policy and By-Law;
 - (c) Any by-laws in respect thereof; and
 - (d) in accordance with charges, tariffs and provisions approved by the National Energy Regulator in terms of the Electricity Regulation Act.
- (2) The Municipality will not discriminate between customers/consumers or classes of customers/ consumers regarding access, tariffs, charges and conditions of service except for objectively justifiable and identifiable differences approved by the National Energy Regulator.
- (3) The Municipality may prescribe or provide incentives for the continued improvement of the technical and economic efficiency for the supply and distribution of electricity.
- (4) The National Energy Regulator may, in prescribed circumstances, approve a deviation from the set of approved tariffs, charges and fees referred to in sub-section (1) above.

- (5) An availability charge, as determined from time to time by the Municipality is payable to the Municipality in respect of any premises, whether improved or not, irrespective of whether the premises is connected to the electricity distribution system or not, and solely based on the premise that the premises can connect to the electricity distribution system.
- (6) The provisions of sub-section (5) shall not apply to premises that belong to the Municipality and any premises in respect of which the Municipality has granted a written exemption or partial exemption from payment of the availability charges provided that the Municipality may at any time withdraw the exemption.
- (7) The Municipality shall determine from time to time a special tariff payable by developers or owners of property within the supply area of the Municipality where the authorised maximum demand of the land is exceeded. This tariff imposed by the Municipality is a “special tariff” as referred to in terms of the Tariff Policy and Tariff By-Law of the Municipality and covers the cost of extending the local distribution and reticulation network which costs are not recovered by the Municipality under the tariff for the supply of electricity.
- (8) The Municipality shall determine whether any application to change an existing Bulk or Business tariff to TOU tariff is valid. Validity will be based on a declared NMD and the ability to shift load as per the Eskom “Megaflex” tariff and “TOU periods”
- (9) The Municipality shall after the assessment and verification, phase in the applicable TOU tariff within 12 months from approval and will be applicable from the 1st of July in the year following approval.
- (10) The Municipality shall determine whether to change an existing Bulk to Business and vice versa. Validity will be based on whether the connection is 100kVA or less.

10. PAYMENT OF DEPOSIT

Every consumer must, upon making application for the provision of electricity and before electricity is provided by the Municipality, effect payment of the requisite deposit with the Municipality as set out in terms of the this by-law and the Credit Control and Debt Collection Policy and By-Law, as well as the Tariff Policy, Tariff Schedule and By-Law of the Municipality, which provisions shall be read as if specifically incorporated herein. The security deposit covering 3 months' consumption is applicable.

11. PAYMENT FOR ELECTRICITY PROVIDED

Electricity supplied by the Municipality in terms of this by law, to a consumer shall be paid for by the consumer as provided for in the Credit Control and Debt Collection Policy and By-Law at the prescribed tariff set out in the Tariff Policy, Tariff Schedule and Tariff By-Law of the Municipality. The provisions of the Credit Control and Debt Collection Policy and By-Law as well as the Tariff Policy and By-Law shall be read as if specifically incorporated herein.

12. STATEMENTS OF ACCOUNT

Statements of account and payment of such accounts relating to the supply of electricity shall be rendered to consumers in accordance with the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

13. ARREARS

If a consumer fails to pay the amount/s due and payable on or before the due date for payment, the unpaid amount shall be regarded as being in arrears. Interest may be

levied on all arrears at the rate prescribed by the Municipality from time to time. The arrears shall be dealt with as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein. In default of the payment of an account a security deposit covering 3 months' consumption will be updated and enforced on accounts which are in arrears.

14. AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

The Municipality may enter into an agreement for the payment of arrears in instalments as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

15. INTEREST ON OVERDUE ACCOUNTS

The Municipality may charge interest on accounts which are in arrears at an interest rate prescribed by the Municipality from time to time and as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality and may provide indigent support as set out in the Municipality's Indigent Policy, which provisions shall be read as if specifically incorporated herein.

16. QUERIES, COMPLAINTS OR DISPUTES

A consumer may lodge a query or complaint as provided for in the Credit Control and Debt Collection Policy and By-Law of the Municipality. A complaint or query so lodged shall be dealt with, processed and resolved in terms of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein. Any dispute arising out of the Electricity Regulation Act shall be settled by such means and on such terms as the National Energy Regulator may deem fit, as provided for in the provisions of section 42 of the Electricity Regulation Act.

17. APPEALS AGAINST FINDING OF MUNICIPALITY IN RESPECT OF QUERIES OR COMPLAINTS

A consumer may appeal in writing against a finding of the Municipality in respect of a query or complaint lodged in terms of this by-law. The appeal process shall be lodged, dealt with, processed and resolved in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

CHAPTER 4
SUPPLY AND METERING OF ELECTRICITY

PART 1
MEASUREMENT OF ELECTRICITY

18. METERING

- (1) The Municipality shall at the customer's cost, in the form of a direct charge or prescribed fee, or if and when the Municipality so decides at the Municipality's cost, provide, install and maintain appropriately rated metering equipment, installed at the point of delivery/metering, for measuring the electricity delivered to a premises. The metering device shall be provided and installed by the Municipality and shall at all times remain the property of the Municipality irrespective of the manner in which it is attached or installed in or on the premises
- (2) The meter or measuring device may be a conventional meter allowing an uncontrolled supply of electricity or a prepayment meter allowing for a controlled supply of electricity.
- (3) No alterations, repairs, additions, or electrical connections of any description shall be made prior to or on the point of supply unless specifically approved in writing by the Municipality.
- (4) Any meter or measuring device supplied to a consumer by the Municipality and its associated apparatus or equipment may be changed and maintained by the Municipality when deemed necessary by it.

- (5) If the Municipality installs a meter or measuring device in terms of this section, the customer shall:
- (a) Prepare and provide a place satisfactory to the Municipality in which to install it;
 - (b) Ensure that unrestricted access is available to it at all times;
 - (c) Comply with all the requirements and conditions of the Municipality for such installation and the provisions of this by-law;
 - (d) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (e) not use nor permit to be used on any electrical installation, equipment or system any fitting, machine or appliance which causes damage, or in the opinion of the Municipality, is likely to cause damage to a meter or measuring device.
- (6) No person other than the Municipality shall:
- (a) Disconnect a meter or measuring device and its associated apparatus from any electrical installation in respect of which they are installed;
 - (b) Break a seal which the Municipality has placed on a meter or measuring device; or
 - (c) In any other way interfere with a meter or measuring device and its associated apparatus or equipment.
- (7) If the Municipality considers that a meter or measuring device is for any reason unsuitable for its intended use it may install a new meter or measuring device of such size and capacity as it may deem necessary, and may recover from the customer concerned the prescribed fees and charges for the installation of the meter or measuring device.

- (8) Where the electricity supplied to a consumer is charged at different tariff rates, the consumption must be metered for each tariff. Adequate metering equipment must be installed to give effect hereto.
- (9) The provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality relating to metering shall be read as if specifically incorporated herein.

19. MEASURING THE QUANTITY OF ELECTRICITY SUPPLIED TO CONSUMERS

- (1) The Municipality shall measure at regular intervals as the Municipality may determine the quantity of electricity supplied through a conventional meter or measuring device.
- (2) Any and all provisions of the Credit Control and Debt Collection Policy and By-Law relating to metering of municipal service shall apply and be read as if specifically incorporated herein.

20. DEFECTIVE MEASUREMENT

- (1) The provisions of all statutory standards that apply to the accuracy of the metering of the supply of electricity shall be read as if specifically incorporated herein and more specifically regarding electricity meters, ammeter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in NRS 057 Part 3 – Electricity Metering: Minimum Requirements.

- (2) The provisions of the Credit Control and Debt Collection Policy and By-Law shall apply to defective metering and shall be read as if specifically incorporated herein.
- (3) If it is found that a meter / recorder installation is inaccurate it shall be deemed to have existed since the date the error or fault can be reasonable shown to have occurred, and the account(s) shall be adjusted accordingly as soon as practicable after the inaccuracy has been ascertained up to a maximum period of 3 years (36 months).

21. SPECIAL MEASUREMENT

- (1) If the Municipality wishes, for any purpose, to ascertain the quantity of electricity supplied to any premises and/ or to any consumer, it may by written notice advise the consumer concerned of its intention to install a meter or measuring device at such point in the electrical installation as it may specify.
- (2) The installation of a meter or measuring device referred to in sub-section (1) above, its removal, and the restoration of the installation work after such removal shall be carried out at the expense of the Municipality.

22. ADJUSTMENT OF QUANTITY OF ELECTRICITY SUPPLIED THROUGH DEFECTIVE METER OR MEASURING DEVICE

In determining whether a meter or measuring device is defective or if a meter or measuring device is found to be defective in terms of this by-law or the provisions of the Credit Control and Debt Collection Policy and By-Law, the Municipality may estimate the quantity of electricity supplied to the consumer concerned in accordance with the provisions of the Credit Control and Debt Collection Policy By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

23. PREPAYMENT METERING

- (1) When a consumer is supplied with electricity through a prepayment meter the consumer must comply with the requirements of the Municipality set out in this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality

- (2) When a consumer is supplied with electricity through a prepayment meter -
 - (a) 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;
 - (b) When a consumer vacates any premises where a prepayment meter is installed, no refund for any credit remaining in the meter shall be made to the consumer; and
 - (c) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or incorrect use or the abuse of, a prepayment meter and/or token.

- (3) The prepayment metering system shall comply with the all statutory and South African Bureau of Standards requirements.

24. 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.

PART 2**LIMITATION, DISCONNECTION AND TERMINATION OF THE SUPPLY OF
ELECTRICITY****25. LIMITATION, DISCONNECTION AND TERMINATION OF AGREEMENT
FOR THE PROVISION OF ELECTRICITY SUPPLY SERVICES AND
RESTRICTIONS**

The Municipality may limit, disconnect and/or terminate the supply of electricity in accordance with the this by-law and/or the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein.

**26. RECONNECTION AND RESTORATION OF THE SUPPLY OF
ELECTRICITY**

The Municipality shall reconnect and restore electricity in accordance with the provisions of this by-law and/ or the Credit Control and Debt Collection Policy and By-Law of the Municipality which shall be read as if specifically incorporated herein.

**27. REMOVAL OF AN ELECTRICITY CONNECTION, METER OR MEASURING
DEVICE**

The Municipality may remove an electricity connection, meter or measuring device provided by the Municipality to any premises in terms of the provisions of this by-law and/or the Credit Control and Debt Collection Policy and By-Law. The provisions of the Credit Control and Debt Collection Policy and By-Law shall be read as if specifically incorporated herein.

28. ELECTRICITY RESTRICTIONS

- (1) The Municipality may, whenever there is a scarcity or shortage of electricity available for access, use, consumption and distribution to consumers, restrict the access, use, consumption and distribution of electricity under its control or management as contemplated in section 83A of the Local Government Ordinance, or for the purposes of electricity conservation, by public notice:
- (a) Prohibit or restrict the use and consumption of electricity in the whole or part of its area of jurisdiction in general or for:
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose:
 - (i) limits on the quantity of electricity that may be consumed over a specified period;
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which electricity is used or consumed, or on the connection of such appliances to the electricity installation.
- (2) Whenever the Municipality acts in terms of sub-section (1) above, the Municipality must cause a notice of the resolution taken in terms of this by-law to be published in accordance with the provisions of section 21A read with section 21 of the Systems Act.
- (3) Notwithstanding the provisions of sub-sections (1) and (2) above, should an emergency arise in relation to the availability of electricity and immediate steps are necessary to avert or remedy any actual or potential consequences of such

emergency, the Municipality may take such steps without taking the resolution contemplated in the said aforesaid sub-paragraphs.

- (4) The Municipality may limit the application of the provisions of a notice contemplated by sub-sections (1) and (2) above, to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (5) The Municipality may:
- (a) take, or by written notice require a consumer at the consumer's own cost and expense to take, such measures, including the installation of a measurement devices and devices for restricting the flow of electricity as may in its opinion be necessary to ensure compliance with this by-law; or
 - (b) subject to such notice and for such period as it may consider fit, limit the supply of electricity to any premises in the event that a contravention of this by-law takes place on such premises or in the event of a failure to comply with the terms of a notice published in terms of sub-paragraph (1) above, and
 - (c) Where the supply of electricity has been discontinued, it shall only be restored when the prescribed tariffs for discontinuation and reconnecting the supply have been paid.
- (6) The provisions of this section shall also apply in respect of electricity supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary contained in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-paragraph (1) above.

29. IMPROPER USE OF ELECTRICITY AND DISCONNECTION

- (1) If the consumer uses electricity for any purpose, or deals with the electricity in any manner, which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, the Municipality may, in accordance with the provisions of the this by-law and/or the Credit Control and Debt Collection Policy and By-Law of the Municipality, disconnect the electricity supply. The provisions of the Credit Control and Debt Collection Policy and By-Law relating hereto shall be read as if specifically incorporated herein.
- (2) The Municipality may disconnect the electricity supply to any premises if there has been any overloading on or the illegal increase of supply or capacity of supply to the premises.
- (3) The reconnection or restoration of electricity to a consumer whose supply has been disconnected in terms of sub-section (1) above shall take place on compliance with the provisions of the Credit Control and Debt Collection Policy and By-Law which shall be read as if specifically incorporated herein.
- (4) The fee as prescribed by the Municipality for the disconnection and the reconnection shall be paid by the consumer before the electricity supply is restored in accordance with the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality and Tariff Policy and By-Law of the Municipality, which shall be read as is specifically incorporated herein, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner, or in contravention of sub-section (1) above.

- (5) If the consumer did not use or deal with the electricity in a proper, safe or lawful manner the Municipality may require that a new certificate of compliance be issued and submitted for the installation.

30. 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 fee as prescribed by the Municipality 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 inspect the service connection and/ or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (4) The provisions of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law shall apply to temporary connections and disconnections which provisions shall be read as if specifically incorporated herein.
- (5) Notice of a planned disconnection or interruption shall be given to the consumer by the Municipality in accordance with NRS 047-1:2005.

- (6) Disconnections contemplated in this section must be effected and handled by Municipality in accordance with Credit Control and Debt Collection Policy and By-Law.
- (7) Should the Municipality have to perform small tasks on the electricity distribution network, mains, cables or equipment of the Municipality for a period not exceeding 45 (forty five) minutes, the Municipality shall not be required to give prior notice of the interruption to the consumer except in cases of electricity supply to consumers with which the Municipality has a special arrangement or agreement.
- (8) Save where provided to the contrary in this by-law, notice of a planned disconnection of an electricity supply for the purpose of maintenance, repair or construction work shall be given to the consumer in accordance with NRS047-1:2005.

PART 3
SERVITUDES, WAYLEAVES, RIGHT OF ACCESS AND REFUSAL OF
ADMITTANCE

31. WAYLEAVES AND SERVITUDES ON PRIVATE PROPERTY

- (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.

32. STATUTORY SERVITUDE

- (1) Subject to the provisions of sub-section (3) below, the Municipality may within its municipal area:
- (a) Provide, establish and maintain electricity;
 - (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, though, over or under any street or premises and the ownership of any such main shall remain vested in the Municipality;
 - (d) Do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by sub-sections (a) to (c) above.
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, though, over or under any street or premises not owned by the Municipality or under the control of or management of the Municipality it shall determine the restrictions to be imposed on the use of the premises under a servitude agreement.
- (3) The Municipality shall pay to the owner of such street or premises compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined by court of law. The Municipality shall have the right to register servitude in its favour to protect its rights.
- (4) The Municipality shall, before commencing any work, other than repairs or maintenance on or in connection with any electricity supply main on premises not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such premises reasonable notice of the proposed work and the date on which it proposed to commence such work.
- (5) The Municipality may do all such things over, in or along roads or streets and associated infrastructure as may be necessary to carry out the provisions of this by-law or any other law.
- (6) The Municipality must undertake the activities in terms of this section subject to the right of supervision and in accordance with plans, routes and

specifications of the person in control of that street, except in cases of emergency or where the person concerned fails or refuses to co-operate with the Municipality.

- (7) The Municipality shall in exercising its rights in terms of this by-law-
- (a) Comply with all laws or by-laws that may be applicable;
 - (b) Complete its activities within a reasonable time; and
 - (c) Repair any damage caused or reimburse the person in control of that road or street for any damage caused.
- (8) For the purpose of this section street includes any square or enclosed public place.

33. RIGHT OF ACCESS AND ADMITTANCE TO INSPECT, TEST AND/OR DO MAINTENANCE WORK

- (1) In addition to and in amplification of the right of access or entry to property which the Municipality has in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law, the Municipality shall, through its employees, contractors and their assistants and advisers, have entry or access to or over any premises to which electricity is or has been supplied for the purpose of:
- (a) Doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) Maintenance to the distribution network or lines, meters, fittings, equipment, electrical installation works, service connections and apparatus installed on the premises;
 - (c) A general inspection to be done for maintenance, operational requirements or other purposes;
 - (d) Upgrading of the network;

- (e) Inspecting and examining any service mains and anything connected therewith;
 - (f) Inspecting lines, meters, fittings, equipment, electrical installation works and apparatus;
 - (g) Inquiring into and investigating any possible source of electricity supply or the suitability of premises for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (h) Ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law; and
 - (l) enforcing compliance with the provisions of this by-law or any other law including the Electricity Regulation Act.
- (2) The Municipality may, by notice in writing served on the owner or occupier of any premises, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such premises to a person and for a purpose referred to in sub-section (1) above, or make other suitable arrangements with the owner or occupier in order to give effect to a purpose referred to in sub-section (1) above.
- (3) The Municipality may gain access to or over any premises 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.
- (4) The Municipality shall, if possible, on access to the premises adhere to all reasonable security measures of the owner or occupier of the premises.

- (5) Any person authorised by the Municipality to gain access to the premises shall exhibit his authorisation at the request of any person materially affected by such access and activities of the Municipality.
- (6) The provisions of the Credit Control and Debt Collection Policy and By-Law relating to access by the Municipality for the purposes set out herein shall be read as if specifically incorporated herein.
- (7) For the purposes of giving effect to the provisions of this section the Municipality may remove any earth, paving bricks, stone ironwork or woodwork or other surface covering any portion of the premises for the purpose of upgrading, inspection or maintenance.
- (8) Any damage caused by such entry, inspection or removal shall be repaired and compensated for by the Municipality.

34. REFUSAL OF ADMITTANCE

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

PART 4**RESALE OF ELECTRICITY AND FAILURE OF SUPPLY****35. RESALE OF ELECTRICITY**

- (1) Resellers of electricity shall comply with the licensing and registration requirements set out in the Electricity Regulations Act and regulations issued under this act.
- (2) No person shall, unless with the prior written authorisation of the Municipality, sell or supply or distribute electricity, supplied to such persons premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.
- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter or a measuring device of a type, which has been approved by the South African Bureau of Standards and supplied, installed and programmed as approved by the Municipality and in accordance with the standards of the Municipality.
- (4) The tariff, rates fees and charges at which, and the conditions of sale under which, electricity is thus re-sold 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. The Municipality reserves the right to inspect and audit any account furnished by the reseller.
- (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.

- (6) Where the “owner” of an Article 21 company within a security complex or business/offices complex metered by a Bulk meter, who resells electricity, requests the Municipality to install Municipal prepaid or conventional meters for direct Municipal metering to individual buildings or consumers beyond the Municipal Bulk meter “point of supply” the following shall apply:
- (a) Administration, Maintenance and approved Basic Charges and Municipal tariffs, will be applicable for each meter via the Municipality.
 - (b) The private internal network beyond the Municipal Bulk meter “point of supply” will not be taken over nor be maintained by the Municipality.
 - (c) Where different buildings / consumers are to be metered, the “owner” shall use a private contractor to upgrade or to alter the private internal network to accommodate the individual metering.
 - (d) The installed private Electrical network between the RLM “point of supply” and the Municipal meters will at all times be maintained by the “owner”.
 - (e) The RLM Bulk meter will be utilized as a check meter for audit purpose of the consumption to the different Municipal meters and shall not be removed.
 - (f) The RLM will require access to attend to the Municipal meters only in the event of failure and the provisions of the Credit Control and Debt Collection Policy and the By-Law relating to access by the Municipality for the purposes set out herein shall be read as if specifically incorporated herein.

36. 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 fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

PART 5**SEALS OF THE MUNICIPALITY, TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS, PROTECTION OF THE MUNICIPALITY'S MAINS, UNAUTHORISED CONNECTIONS AND RECONNECTIONS, INTERFERENCE WITH ANOTHER CONSUMER'S ELECTRICAL CONNECTION****37. SEALS OF THE MUNICIPALITY**

The meter, measuring device, service protective devices, equipment and all apparatus belonging to the Municipality may at the instance of the Municipality be sealed or locked by the Municipality, and no person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

38. TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

- (1) No person shall in any manner and for any reason whatsoever tamper with, paint, interfere with, vandalise, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality or illegally connect into the municipal services of any other consumer.

- (2) Where a consumer and/or any person has contravened sub-section (1) above, the Municipality shall have the right to disconnect the supply of electricity in accordance with the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality which provisions shall be read as if specifically incorporated herein. The consumer and any such person shall be liable for all cost, fees, tariffs and charges levied by the Municipality for such disconnection.

- (3) Where a consumer and/or any person has contravened sub-section (1) above and such contravention has resulted in the meter or measuring device recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of the estimated consumption as set out in the provisions of the Credit Control and Debt Collection Policy and By-Law which provisions shall be read as if specifically incorporated herein.

- (4) If it is found that a meter installation is inaccurate (recording less than the true consumption) due to tampering or any other reason, it shall be deemed to have existed since the date the error or fault can be reasonable shown to have occurred, and the account(s) shall be adjusted accordingly as soon as practicable after the inaccuracy has been ascertained up to a maximum period of 3 years (36 months).

39. PROTECTION OF MUNICIPALITY'S SUPPLY MAINS

- (1) No person shall except with the prior written 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 and electricity distribution network and the requirements of the Occupational Health and Safety Act, Act 85 of 1993 and the National Building Regulations and Building Standards Act, Act 103 of 1977 must be observed in this regard;

- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains or electricity distribution network or dump anything onto, next to or under any part of the supply mains or electricity distribution network;
 - (c) Damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains or electricity distribution network;
 - (D) makes any unauthorised connection to any part of the supply mains or electricity distribution network or divert or cause to be diverted any electricity there from;
 - (e) abstract or branch off or divert any electrical current or cause any electrical current to be abstracted, branched off or diverted or consume or use the current that has been wrongfully or unlawfully abstracted, branched off or diverted;
 - (f) Install any paving over the Municipality's cables or equipment unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
 - (g) Do any excavations over the Municipality's electricity distribution network, mains, cables or equipment without the prior written permission of the Municipality; and
 - (h) do any excavation over the Municipality's electricity distribution network, mains, cables or equipment with excavating or other machines but excavations may be done by hand once prior written consent of the Municipality for the excavation has been given.
- (2) 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. Should the owner fail to observe this provision 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 premises for this purpose?

- (3) The Municipality may demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (4) 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, mains, cables or any equipment of the Municipality.
- (5) If the Municipality is required to take any action or undertake any work arising from a contravention of sub-sections (1) and (2) above and such action or work is necessary, the cost and expense of such action or work shall be for the account of the person who acted in contravention of this by-law.
- (6) The Municipality may implement any rights it has in terms of any other policy or by-law of the Municipality in respect of the protection of the electricity distribution network, mains, cables or equipment of the Municipality.
- (7) The Municipality may in respect of any premises:
 - (a) Fill in and make good any ground that has been excavated or removed in contravention of this by-law;
 - (b) Repair and make good any damage that has been done in contravention of this by-law;
 - (c) remove anything that is damaging, obstructing or endangering or that is likely to damage, obstruct, endanger or destroy any part of the electricity distribution network, mains, cables or equipment of the Municipality;

- (d) Provide an account for any work done in terms of this section. The supply of electricity may be disconnected in the event that payment of the account is not made in accordance with this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality.

40. PREVENTION OF TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

41. UNAUTHORISED CONNECTIONS

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.
- (2) No person shall without the prior written consent of the Municipality lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

42. UNAUTHORISED RECONNECTIONS

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been illegally reconnected, the consumer using the supply of electricity shall be liable for all cost, fees, tariffs and charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.
- (3) The Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer shall be responsible for all the costs associated with the reinstatement of such supply equipment.
- (4) The provisions of the Credit Control and Debt Collection Policy of the Municipality shall apply to such unauthorised reconnections which provisions shall be read as if specifically incorporated herein.
- (5) Only the Municipality or a person specifically authorised thereto by the Municipality in writing shall reconnect disconnected customers, which have complied either by means of an Arrangement / agreement or by means of payment of the amount in arrears within 24 hours after the signing of agreement or after proof of payment appears on the financial system.

43. INTERFERENCE WITH OTHER PERSONS' ELECTRICAL EQUIPMENT

- (1) No person shall operate electrical equipment having load characteristics that, singly or collectively, give rise to voltage variations, harmonic currents or

voltages, or unbalanced phase currents that 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 as described in NRS 048.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at the consumer's own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.
- (4) In order to assess the contribution, whether singly or collectively, of any consumer to the combined interference experienced at any point of common coupling the Municipality reserves the right to have monitoring equipment installed on any consumer's electrical installation.

PART 6

TEMPORARY SUPPLIES, TEMPORARY WORK, LOAD REDUCTION

44. TEMPORARY SUPPLIES

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. Application for a temporary electricity supply shall be made on the prescribed application form as per the Credit Control and Debt Collection Policy and By-Law.

45. 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. A certificate of compliance must be submitted by the consumer to the Municipality in such cases of temporary work.

46. 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. 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.

- (2) The Municipality may install upon the property or premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1) above, and 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.

- (3) Notwithstanding the provisions of sub-section (2) above, 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 sub-section (2) above.

CHAPTER 5

MUNICIPALITY SWITCHGEAR AND EQUIPMENT, SUBSTATION ACCOMMODATION, WIRING DIAGRAM AND SPECIFICATIONS, STANDBY SUPPLY AND CONSUMER ELECTRICITY GENERATING EQUIPMENT, TECHNICAL CIRCULARS

47. 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, be paid for the by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by the Municipality and installed by or under the supervision of the Municipality.
- (3) No person shall operate medium voltage switchgear without the prior 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 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.

- (6) All such equipment installed on the consumer's premises shall be compatible with the specifications prescribed by the Municipality from time to time.
- (7) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Municipality.
- (8) In the case of high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointment.

48. SUBSTATION ACCOMMODATION

- (1) The Municipality may, on such conditions as may be deemed fit by 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 high voltage cables and switchgear, 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 the Municipality requires additional accommodation, the applicant at the cost of the Municipality shall provide such additional accommodation.

- (3) The substation accommodation shall comply with specified requirements and dimensions determined by the Municipality and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.
- (4) The substation accommodation shall be situated on ground floor level 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.
- (5) Where in the opinion of the Municipality the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Municipality, and the cost of such removal, which shall be carried out within a reasonable period of time, shall be borne by the consumer.

49. 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. The design must be certified by a competent person contemplated in the regulations under the Occupational Health and Safety Act, Act 85 of 1993 and the wiring diagram of the circuits starting from the main switch and the design of the internal distribution network. In the case of a township development the design must comply with the specifications of the Municipality.
- (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 written approval before any material in connection therewith is ordered.

CHAPTER 6

STANDBY SUPPLY AND ELECTRICITY GENERATION EQUIPMENT

50. 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.

51. CONSUMER'S EMERGENCY STANDBY SUPPLY EQUIPMENT/ ELECTRICITY GENERATION EQUIPMENT

- (1) No emergency standby or generation equipment provided by a consumer in terms of any regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality.
- (2) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The electricity generation equipment or standby equipment 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 consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.

- (5) Where by special agreement with the Municipality, the consumer's electricity generation or standby generating 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.

52. TECHNICAL STANDARDS /CIRCULAR LETTERS

The Municipality may from time to time issue Technical Standard 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 7

RESPONSIBILITIES OF CONSUMERS

53. CONSUMER TO ERECT AND MAINTAIN ELECTRICAL INSTALLATION

- (1) 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 provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.
- (2) The consumer shall be responsible for the safety, safe use and maintenance of the electrical installation such consumers uses or consumes.
- (3) The consumer in respect of an electrical installation shall be responsible for the safety of the conductors on the premises connecting the electrical installation to the point of supply in the case where the point of supply is not the point of control.
- (4) No person may authorise, design, install or permit or require the installation of an electrical installation other than in terms of the health and safety standards incorporated in to the Regulations under section 44 of the Occupational Health and Safety Act, Act 85 of 1993.
- (5) No person may use components within an electrical installation unless those components comply with the standards referred to in sub-section (4) above, and proof of compliance shall be identifiable on the components or certification shall be available from the manufacturer or supplier of the materials or

components in terms of the National Regulator for Compulsory Specifications Act, Act 5 of 2008.

- (6) Items of an electrical installation not covered by the health and safety standards, and the conductors between the point of supply and the point of control shall be installed in accordance with this by-law.
- (7) A registered person shall exercise general control over all electrical installation work being carried out and no person may allow such work without such control.
- (8) Where the voltage exceeds 1kVA, a person deemed competent in terms of regulation 1 of the General Machinery Regulations 1988 promulgated in terms of Government Notice No, R 1521 of 5th August 1988, or a person registered in professional category in terms of the Engineering Profession Act, Act 46 of 2000 shall approve the design of that part of the electrical installation.
- (9) The Municipality may not restrict the application of a health and safety standard referred to herein or in the Regulations when an electrical installation is installed except where the distribution system of the Municipality may be adversely affected by the application thereof.

54. CERTIFICATE OF COMPLIANCE

- (1) Subject to the provisions of the Regulations every consumer or user of an electrical installation shall have a valid certificate of compliance for that installation in the prescribed form which shall be accompanied by the prescribed test report, in respect of every electrical installation.

- (2) Every consumer or user of an electricity installation shall on request by the Municipality produce the certificate of compliance for that electrical installation.
- (3) Subject to the provisions of the Regulations, where any addition or alteration has been effected to an electrical installation for which a certificate of compliance was previously issued, the consumer or user of such electrical installation shall obtain a certificate of compliance for at least the addition or alteration, including electrified security fencing or similar installations.

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

56. TERMINATION OF USE OF ELECTRICITY SUPPLY

- (1) In the event of a consumer desiring to terminate the services agreement and discontinue using the electricity supply, the consumer shall give notice of and act in terms of the provisions of the Credit Control and Debt Collection Policy and By-Law of the Municipality, which provisions shall be read as if specifically incorporated.
- (2) A consumer vacating any premises and failing to give notice of the consumer's intention to discontinue using the electricity supply shall, in terms of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-

Law of the Municipality, remain liable for all cost, charges, fees and tariffs relating to such supply and any other costs and charges in terms of this by-law.

57. CHANGE OF CONSUMER

- (1) In the case of a change of occupier at any premises supplied with electricity in terms of this by-law, the consumer including a consumer bound by a prepayment agreement who is vacating the premises must give the Municipality at least 5 (five) days' notice in writing of the intention to discontinue using the electricity supply, failing which such consumer shall remain liable in terms of this by-law for the supply of electricity until the supply is disconnected or a new services agreement is entered into.
- (2) If the new occupier or consumer of the premises wishes to continue using the electricity supply such consumer must prior to occupation of the premises make written application in accordance with the provisions of this by-law and the Credit Control and Debt Collection Policy and By-Law which provisions shall be read as if specifically incorporated herein.
- (3) Where premises are fitted with prepayment 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 this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality such person occupying the premises shall be liable for all cost, tariffs, 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.
- (4) Subject to the provisions of sub-sections (1), (2) and (3) above, the owner of the premises remains liable for any electricity consumed on the premises.

- (5) A clearance certificate in terms of section 118 of the Systems Act shall not be issued and an electrical connection shall not be effected unless and until a certified copy of the certificate of compliance is submitted by the new consumer to the Municipality. Should it at any stage be found that a supply was given without a certificate of compliance being furnished in accordance with this by-law the Municipality shall be entitled to terminate the supply of electricity at any time and without prior notice.

58. SERVICE EQUIPMENT

- (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 equipment 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 electricity distribution network, metering equipment or measuring device, cables, 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 any such part or portion of the supply mains, the electricity distribution network, metering equipment or measuring device, cables, equipment or any other service apparatus, of the Municipality.
- (3) Where there is a common metering position, the liability detailed in sub-section (1) above, shall devolve on the owner of the premises.

- (4) The amount in terms of subsection (1) shall be evidenced by a certificate from the Municipality, which shall be final and binding.
- (5) The applicant applying for a temporary connection shall be responsible for the Municipality's service equipment in terms of sub-section (1) above.

59. SUPPLY NOT IN LINE WITH CONSENT USE

In supplying electricity to a consumer or premises, the Municipality does not consent or acknowledge the purpose for or the use of the electricity, neither that the consumer, by obtaining electricity from the Municipality, has obtained the right to contravene any law, and the consumer shall not have the right to raise a defence of consent against the Municipality, if charged, penalised or summonsed for contravening the law.

CHAPTER 8

SPECIFIC CONDITIONS OF SUPPLY

60. SERVICE CONNECTION

- (1) All consumers whose electrical installations comprise in the whole or in part, circuits exceeding 1000 V ac or 1500 V dc shall comply with the requirements of SANS 10142-2 where applicable.
- (2) The consumer shall bear the cost, fees, charges and tariffs of the service connection, as approved by the Municipality and as reflected in the Municipality's Tariff Policy, Tariff By-Law and Tariff Schedule...
- (3) Notwithstanding the fact that the consumer bears the cost, fees, charges and tariffs of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (4) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (5) The work to be carried out by the Municipality at the cost and expense of the consumer for a service connection to the consumer's premises shall be determined by the Municipality.

- (6) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless the Municipality specifically requires an overhead service connection.
- (7) If the Municipality so requires an overhead service connection must be replaced by an underground cable connection at the cost and expense of the consumer if:
- (a) Re-roofing is taking place;
 - (b) The connection is being upgraded; or
 - (c) The connection has to be moved for extension of alterations to a building.
- (8) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (9) The conductor used for the service connection must be a two or four core 600/1000 V Cu stranded conductor cable PVC; PVC: SWA steel armoured cable in accordance with SANS 1507. The cable size must be determined in accordance with SANS 10142-1.
- (10) The conductor used for the services connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 16mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the Municipality.
- (11) Unless otherwise approved in writing, 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.

- (12) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (13) Within the meter box, 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.
- (14) In the case of service connections to multiple consumers on a premises, blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.
- (15) In the case of service connections as provided in sub-section (14) above to multiple consumers on premises, the Municipality must provide a bulk supply and bulk metering point on the boundary of the premises or in a substation building and the owner or consumer, as the case may be, is responsible for the operation, maintenance of the network from the bulk metering point onwards and the resale of electricity under these circumstances shall be governed by the Electricity Regulation Act and this by-law. The consumer shall, if so required by the Municipality provide accommodation for the load reduction equipment as required in this by-law to the satisfaction of the Municipality. The Municipality may install prepaid/ conventional meters when requested by the owner as referred to in Clause 35 (6)
- (16) Notwithstanding that the service connection to an approved electrical installation may have already been completed, the Municipality may at its absolute discretion, refuse to supply electricity to that installation until all costs, charges, fees and tariffs and any other amounts due to the Municipality, by the

same consumer in respect of that or any other service connection, whether or not on the same premises, has been paid.

- (17) In cases where more than one consumer on the same property or premises is provided with electricity from a single point by means of equipment belonging to the owner of the property or premises, the Municipality will not be responsible for any defects in the electricity supply whatsoever, that are caused by defects in the equipment of the owner of the property or premises.
- (18) The applicant for a service connection shall before work on the installation is commenced furnish the Municipality with any indemnity that the Municipality may specify or require.
- (19) The Municipality may, notwithstanding any indemnity given in terms of subsection (18) above, refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.
- (20) If any damage occurs to the cable or any part of a service connection, the consumer shall inform the Municipality as soon as the consumer becomes aware of that fact and the Municipality shall repair the damage. If the damage was caused by the consumer, the consumer shall be liable for the cost.
- (21) The point at which overhead service connections are terminated shall be determined by the Municipality.

61. METERING ACCOMMODATION OR ENCLOSURES

- (1) The consumer shall, if required by the Municipality, provide accommodation in an approved position, for 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.
- (3) In the case of conventional meters, metering accommodation and/ or meter cabinet shall be provided at a point, to be determined by the Municipality, to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and measuring devices, but at all times for purposes connected with the operation and maintenance of the service equipment.
- (4) Prepayment metering accommodation and/ or meter cabinet shall be provided at a point, as determined by the Municipality, to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and measuring devices, but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (5) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (6) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lightning in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should the lightning not be maintained the Municipality may maintain it at the cost of the consumer or owner, as the case may be.
- (7) 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 source of danger to life or property, or is being

tampered with, or in any way becomes unsuitable, the owner or consumer shall at the instance of the Municipality:

- (a) 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 owner or consumer;
 - (b) repair the meter, service connection, service protective devices or main distribution board to the original condition.
- (8) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (9) 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.
- (10) No person shall enter the enclosure accommodating the Municipality's supply equipment or touch or interfere with any apparatus therein, unless authorised to do so by the Municipality.
- (11) Every low voltage enclosure associated with a medium voltage enclosure and every enclosure for a that low voltage or any other enclosure specified by the Municipality, shall be kept locked by the owner or consumer and a key shall, if required by the Municipality be deposited with the Municipality or provision shall be made for the fitting of an independent lock by the Municipality who shall be entitled to access to the accommodation or enclosure at all times.
- (12) The consumer or owner of premises shall at all times provide for and maintain safe and convenient access to a medium voltage enclosure and such enclosure shall at all times be kept clean and tidy by the owner or consumer

to the satisfaction of the Municipality and shall be used for no purpose save the accommodation of equipment and apparatus associated with the supply. Such access is to be direct to that part of the enclosure into which the medium voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or owner of the premises.

- (13) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a medium voltage enclosure.
- (14) The Municipality may use any enclosure for supply equipment in connection with a supply to a consumer on property or premises other than those on which that enclosure is situated.
- (15) Where the metering equipment and service apparatus are to be fixed upon any portion of a partition wall, the owner or consumer shall, if required by the Municipality at the cost and expense of the owner or consumer satisfactorily reinforce that portion of the wall.
- (16) All meter rooms shall be secured by means of an approved padlock or night latch.
- (17) Should any owner or consumer breach the provisions of this section the Municipality shall give the owner or consumer notice thereof and require such breach to be rectified within a specified period of time stated in the compliance notice.

62. METERING CABINETS

- (1) Before a low voltage supply is provided, the owner or consumer shall, if required to do so by the Municipality and at the cost and expense of the owner or consumer at such position and in such manner and upon such conditions as the Municipality may require, provide a meter cabinet of a design approved by the Municipality and construction for the accommodation of the Municipality's service connection and equipment,

- (2) The owner or consumer shall maintain such cabinet at the cost and expense of the owner or consumer to the satisfaction of the Municipality.

CHAPTER 9

SYSTEMS OF SUPPLY

63. NOMINAL SUPPLY VOLTAGE

The nominal supply voltage at which supply is given shall be determined by the Municipality as necessitated by technical considerations to ensure the efficient operation of the supply mains.

64. LOAD REQUIREMENTS

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, Act 4 of 2006, and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

65. 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.
- (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.

- (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.
- (4) Where, in respect of electricity, the actual load of a consumer differs from the initial estimated load provided for 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.

66. SUPPLIES TO MOTORS

Unless otherwise approved in writing by the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors:

The rating of a low voltage single phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

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

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 (6x full-load current)	Star/Delta (2x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rate full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the written approval of the Municipality.

67. 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 sub-section (1) above, 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/her own cost, install such corrective devices.

68. PROTECTION

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable and be in accordance with SANS 10142-1.

69. SURGE DIVERTERS

Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined and upon such conditions as imposed by the Municipality.

CHAPTER 10

ELECTRICAL CONTRACTORS

70. ELECTRICAL CONTRACTOR'S RESPONSIBILITIES

In addition to the requirements set out in the Regulations the following requirements shall apply:

- (1) No person may do electrical installation work as an electrical contractor unless that person has been registered as an electrical contractor in terms of the Regulations.
- (2) Any person registered as an electrical contractor who undertakes to do electrical installation work shall ensure that a valid certificate of compliance is issued for that work.
- (3) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipality may at its 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 the Municipality, be inspected, tested and connected to be supply mains as though it were a complete installation, subject to the submission by the owner, consumer or the applicant, as the case may be, of a certificate of compliance for that part of the installation.
- (4) The examination test and inspection referred to in sub-section (3) above, may be carried out at the discretion of the Municipality and shall not in any way relieve the electrical contractor or accredited person, the consumer or user or

occupier, as the case may be, from his responsibility or liability for any defect in the installation.

- (5) Such examination, test and inspection 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.

71. NON LIABILITY OF MUNICIPALITY FOR WORK DONE BY ELECTRICAL CONTRACTORS

The Municipality shall not be liable for:

- (1) The work done by the electrical contractor or accredited person on a consumer's premises.
- (2) Any loss or damage which may be occasioned by fire or an accident arising from the state of the wiring or an act of an electrical contractor or accredited person on the premises.

CHAPTER 11

COST OF WORK AND MAINTENANCE

72. REPAIR OF DAMAGE

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. 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 by-law.

73. MAINTENANCE OF INSTALLATION

- (1) Any electrical installation on any premises, including electrified security fencing or similar installations, connected to the supply, must be maintained in good working order and condition at all times by the consumer to the satisfaction of the Municipality. An updated COC may be requested, indicating the status of all installations, at any given time should the Municipality so requires.
- (2) The Municipality may require a consumer who takes a multiphase supply, to distribute his electrical load as approved by the Municipality over the supply phase and must install such devices in the relevant services connection as it may deem necessary to ensure that this requirement is complied with.
- (3) No consumer shall operate electrical equipment having load characteristics or having unbalanced phase currents, which fall outside the standards determined by the Municipality.

- (4) No person shall, except with the prior written consent of the Municipality and subject to such conditions as may be imposed:
- (a) construct, erect or permit the erection of any building structure or other object or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution and supply system, supply mains, service connection or any equipment or apparatus used in the supply of electricity;
 - (b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
 - (c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
 - (d) make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electrical distribution system and supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity;
 - (e) The owner or consumer shall limit the height of the trees or length of projecting branches in the vicinity 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 branches fall down. Should the owner or consumer fail to observe this provision the Municipality shall have the right and after prior written notification, or at any time in the event of 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;
 - (f) The cost of any work carried out by the Municipality as necessitated by a contravention of this by-law shall be for the account of the person who acted in contravention of this section.

- (5) The Municipality may:
- (a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this section;
 - (b) Fill in and make well any ground or excavated or removed in contravention of this section;
 - (c) Repair and make good any damage done in contravention of these by-laws or resulting from a contravention of this section;
 - (d) Remove anything damaging or obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity.

74. ELECTRICITY INFRASTRUCTURE AND FIXTURES OF THE MUNICIPALITY

- (1) Any asset belonging to the Municipality that is lawfully constructed, erected, used, placed, installed or affixed to any land or premises not belonging to the Municipality remains the property of the Municipality notwithstanding that such asset may be of a fixed or permanent nature and will not accede to the property to which it is affixed or erected thereon. .
- (2) An asset referred to in sub-section (1) above belonging to the Municipality:
- (a) may not be attached or taken in execution under any process of law, or be the subject of any insolvency or liquidation proceedings instituted against the owner of the land or the occupier or landlord in respect of such premises concerned;
 - (b) May not be subject to a landlord's hypothec for rent; and
 - (c) May only be validly disposed of or otherwise dealt with in terms of a written agreement with the Municipality.

CHAPTER 12**ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS****75. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW**

The Municipality shall enforce compliance with this by-law.

76. POWERS OF THE MUNICIPALITY IN TERMS OF THIS BY-LAW

- (1) Where the Municipality executes any work or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the this by-law:
- (a) Access any premises and/or execute work on and/or inspect any premises;
 - (b) Question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) Question a person whom the Municipality believes may have information relevant to the work or inspection;
 - (d) Inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
 - (e) Copy any document referred to in sub-section (d) above, or if necessary remove the document in order to copy it;
 - (f) Monitor and take readings or make measurements;
 - (g) Take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
 - (h) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;

- (l) remove or rectify any unlawful connection or works.

77. CONDITIONS IMPOSED BY THE MUNICIPALITY IN TERMS OF THIS BY-LAW

Where any condition(s) imposed by the Municipality in terms of this by-law, for any reason do not or no longer achieve the purpose intended by the Municipality, the Municipality may, on 14 (fourteen) days' notice and after considering any representations of the consumer, amend or amplify such conditions and on the expiry of the 14 (fourteen) day period such new condition(s) shall apply.

78. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

79. AN EMPLOYEE OR OFFICIAL OF THE MUNICIPALITY MAY BE ACCOMPANIED

During the execution of any work or an inspection an authorised employee or official of the Municipality may be accompanied by a member of the South African Police Services or by any other person reasonably required to assist in executing the work or conducting any inspection.

80. NOTICES

- (1) Any notice given by the Municipality in terms of this by-law shall be 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 place of business or employment with a person apparently over the age of 16 (sixteen) years;
 - (c) When it has been posted by pre-paid registered or certified mail to that person's last known residential address or business address and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) When it has been served on that person's agent or representative in any of the manners provided for in this by-law;
 - (e) When it has been posted in a conspicuous place on the premises to which the notice relates;
 - (f) When it has been faxed to that persons fax number and a confirmation of the successful sending of the fax is obtained;
 - (g) When it has been emailed to that persons email address and a confirmation of the successful sending of the email is obtained.
- (2) In the case where compliance with a notice is required within a specified number of days, such period shall be deemed to commence on the date of service of the notice
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to address that person by name.
- (4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

- (5) any person on whom a notice is served shall, comply with its terms or when a time is specified, comply with the terms of the notice within the specified time.

81. COMPLIANCE NOTICE

- (1) Where the Municipality becomes aware that any provision of this by-law has not been complied with, the Municipality may issue a compliance notice to the owner, consumer, occupier or the person apparently in control of the premises or property.
- (2) The Municipality may, by written notice, order an owner, consumer, occupier or any other person who fails, by act or omission, to comply with the provisions of this by-law or with any condition imposed hereunder, to remedy such breach within a period specified in the notice, which period shall must be reasonable taking into account the objective of the notice.
- (3) Where the Municipality is satisfied that the owner, consumer, occupier or the person apparently in control of the premises or property, has complied with and satisfied the terms of a compliance notice, the Municipality may issue a written confirmation to that effect.
- (4) A compliance notice remains in force until the Municipality has issued the foresaid written confirmation.
- (5) A compliance notice must set out the following:
- (a) Details of the provisions of the by-law or any other law which has not been complied with;
 - (b) Details of the nature and extent of the non- compliance;
 - (c) Specify any steps that are required to be taken in order to comply with the notice;

- (d) Specify the period within which the owner, consumer, occupier or other person must take the steps specified to rectify such failure and the period within which those steps must be taken;
 - (e) Any penalty that may be imposed in terms of this by-law in the event of non-compliance with these steps;
 - (f) Any other relevant information;
 - (g) give the owner, consumer, occupier or other person a reasonable opportunity to make representations and state his/her case, in writing, to the Municipality within a specified period, unless the owner, consumer, occupier or other person was given such an opportunity before the notice was issued; and
 - (h) Indicate that the Municipality:
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer, occupier or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (6) In the event of an emergency the Municipality may without prior notice undertake the work required and recover the costs from such person.
- (7) 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.

82. REPORTING OF NON COMPLIANCE

The Municipality shall have a consumer service to which any non-compliance in terms of the Act or Regulations to the Act can be reported.

83. RECOVERY OF COSTS, FEES, CHARGES AND EXPENSES

The Municipality is entitled to recover from a consumer, owner, occupier or any other person any and all costs or expenditure incurred by the Municipality in terms of or in the execution of this by-law, in as far as it relates to the electrical installation of that consumer, owner or occupier, which may include but are not limited to any prescribed fees, expenses incurred in any exploratory investigation, costs of remedial action, survey plan, specification, schedule or quantities compilation, supervision, administration or authorisation charges, including the costs of ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs including environmental costs involved in the disturbing and making good of any part of any street, ground or any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity.

84. LEGAL COMPLIANCE WARRANTY

Notwithstanding any provision to the contrary, any customer by making application in terms of this by-law and the Credit Control and Debt Collection Policy and By-Law of the Municipality for electricity warrants that the customer shall:

- (a) in all activities of the customer, the application and use of the electricity, processes and operations, comply with all relevant laws, Regulations and standards governing the environment, health and safety;
- (b) Take all reasonable measures to prevent wastage, pollution or environmental degradation from occurring, continuing or recurring;
- (c) insofar as such harm to the environment is authorised by law, or cannot be reasonably avoided or stopped, minimise and rectify such pollution or degradation of the environment; and
- (d) Bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

85. RESPONSIBILITY FOR COMPLIANCE WITH THIS BY-LAW

- (1) Save where the context of any provision of this by-law or any other law indicates the contrary, the owner or occupier of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with this by-law in respect of matters relating to the use of any installation.

86. NON LIABILITY OF THE MUNICIPALITY

- (1) Save where otherwise provided in terms of any other law neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the provision, cessation, limitation, disconnection or termination, interruption, functioning, malfunctioning, leaks or any other abnormality of or in the supply and distribution of electricity, or any act or omission done by the Municipality or any employee, official, person, body, organisation or corporation acting on behalf of the Municipality.
- (2) Save where otherwise provided in terms of any other law there shall be no claim of whatsoever nature against the Municipality as a result of any costs or consequences of complying with any condition imposed by the Municipality or in complying with this by-law or as a result of the Municipality exercising any right or duty or enforcing any provision of this by-law.

- (3) Neither the Municipality's approval of an electrical installation after making any inspection or test thereof nor the granting by it of permission to connect the installation to the supply shall be taken as constituting for any purpose a guarantee by the Municipality that the work has been properly executed or that materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (4) The Municipality shall not be liable in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

87. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all consumers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of consumers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

88. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute prime facie proof of the authenticity, existence and contents of the document.

89. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute prima facie evidence of the contents of the certificate

90. PROVISION OF INFORMATION

- (1) A consumer, owner, occupier or person within the area of supply of the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.
- (2) No person shall refuse or fail to give such information as may be reasonably required of such person 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.
- (3) The Municipality shall not make available concerning the supply of electricity or account details for any premises or property to any third party without the express written permission from the consumer who signed the services agreement for the supply of electricity to the premises or property concerned, except to the owner of a property, upon written request to the Municipality.

91. FALSE STATEMENTS OF INFORMATION

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law.

92. DOMICILIUM

The street address, building or flat address of the point of supply of electricity is deemed to be the *domicilium citandi et executandi* of the consumer for the purposes of serving any documents or notices in accordance with this by-law and the provisions of section 115 of the Systems Act

93. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently use, tamper with or interfere with any part of the electrical distribution system, supply system, supply mains, service connection or any equipment or apparatus used in the distribution and supply of electricity, of the Municipality;
 - (b) Tamper with any equipment of the Municipality or break any seal on a meter or measuring device;
 - (c) Contravene or fail to comply with any provision of this by-law;
 - (d) Contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (e) Contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law;
 - (f) Fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (g) Fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (h) Fail to comply with the terms of a notice served upon him/her in terms of this by-law;

- (l) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (j) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law, except:
 - (i) To a person who requires that information in order to perform a function or exercise a power in terms of this by-law;
 - (ii) If the disclosure is ordered by a court of law; or
 - (iii) If the disclosure is in compliance with the provisions of any law;
 - (k) Fail to comply with any lawful instruction given in terms of this by-law; or
 - (l) Obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services for investigation with a view to possible prosecution.
- (3) Any person who continues to commit an offence after notice has been served on such person to cease committing such offence or after such person has been convicted of such offence shall be guilty of a continuing offence.
- (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.

94. PENALTY

A person who contravenes or fail to comply with a provision of this by-law or commit an offence as set out in this by-law shall be liable on conviction to a fine of not less than R3 000.00 (three thousand rand), or in default of payment to imprisonment for a period not exceeding 6 (six) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment, or in the case of any continued offence to a further fine of not less than R6 000.00 (six thousand rand), or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such an offence

95. AVAILABILITY OF BY-LAW

- (1) A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.
- (2) The Municipality shall take all required legal steps to inform customers of the content of this by-law.

96. EXEMPTIONS

- (1) The Municipality may in writing exempt any person from complying with a provision of this by-law, subject to any conditions it may impose, if it is of the opinion that the application of the operation of that provision would be unreasonable in the circumstances, provided that the Municipality may not grant exemption from any section or provision of this by-law that may result in:

- (a) The wastage or excessive consumption of electricity;
 - (b) The evasion or avoidance of electricity services restrictions and load reduction;
 - (c) Significant negative effects on public health, safety or the environment;
 - (d) Non-payment for electricity services;
 - (e) A danger or a hazard to any person or thing;
 - (f) Non-compliance with any other act or law.
- (2) The Municipality may at any time after given written notice of at least 30 (thirty) days withdraw any exemption granted in terms of sub-section (1) above, and may require the owner or consumer as the case may be, to comply with the relevant sections and provisions of this by-law within a period stated in the notice of withdrawal: Provided that the Municipality may withdraw such an exemption without such notice if, in the opinion of the Municipality, there is any condition present in terms of sub-section (1)(a) to (f) above.

97. TRANSITIONAL ARRANGEMENTS

- (1) Electrical Installation work or any service connection or any other electrical work authorised by the Municipality prior to the commencement of this by-law or such electrical installation work or service connection or any other electrical work authorised by the Municipality, in progress on that date, shall be deemed to have been authorised in terms of this by-law: and the Municipality may for a period of 90 (ninety) days after the commencement of this by-law authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of this by-law.
- (2) Any reference in this by-law to a charge, fee, cost or tariff determined by the Council shall be deemed to be a reference to a charge, fee, cost or tariff determined by the Council under the by- law repealed by this by-law, until the

effective date of the charges, fees, costs or tariffs that may be determined by the Council in terms of this by-law, or By-Laws relating to Credit Control and Debt Collection and/or the Tariff By-Law.

- (3) Any approval, consent or exemption granted under the by-law repealed in terms of this by-law shall subject to the provisions of this by-law, remain valid.
- (4) The Municipality may if its opinion any electrical Installation work or any service connection or any other electrical work authorised by the Municipality prior to the commencement of this by-law no longer complies with the provisions of this by-law or any other law, is dangerous, so defective or in a condition that could cause waste or undue consumption of electricity, pollution to the environment or a health hazard or any other matter of concern to the Municipality, the Municipality may by notice require the consumer to comply with the provisions of this by-law.

98. THE PROVISIONS OF THE CREDIT CONTROL AND DEBT COLLECTION POLICY AND BY-LAW AND THE TARIFF POLICY AND BY-LAW

The contents of this by-law shall be interpreted and given effect with reference to the provisions of the Credit Control and Debt Collection Policy and By-Law and the Tariff Policy and By-Law of the Municipality as the context may require or in as far as the provisions of the aforementioned policies and by-laws are applicable to the interpretation, implementation and the giving of effect to the contents of this by-law.

CHAPTER 13

99. REPEAL

This by-law repeals any by-law or portion of a by-law which deals with and regulates electricity supply services of the Municipality including the Electricity Supply By-Law promulgated in terms of Extraordinary Government Gazette No 5992 under Local Authority Notice No 32 of 19 February 2004

SCHEDULE 1

“Applicable standard specification” means:

SABS SANS 1019	Standard voltages, currents and insulation levels for electricity supply;
SABS SANS 1607-	Electromechanical watt-hour meters;
SABS SANS 1524-1	Electricity payment systems;
SABS SANS IEC 60211	Maximum demand indicators, Class1.0;
SABS SANS IEC 60521	Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2)
SABS SANS 10142-I	Code of Practice for the wiring of premises;
NRS 047	National Rationalised Specification for the Electricity Supply – Quality of Service;
NRS 048	National Rationalised Specification for the Electricity Supply – Quality of Supply; and
NRS 057	Electricity Metering – Minimum Requirements.



RUSTENBURG NMD RULES

NOTIFICATION OF DEMAND OR CHANGES TO NOTIFIED MAXIMUM DEMAND (NMD) RULES

INDEX OF RULES

1. NOTIFIED MAXIMUM DEMAND

- 1.1. Initial selection of notified maximum demand (NMD)
- 1.2. Notification of demand for customers with own generation, active load control and power factor correction equipment

2. UTILISED CAPACITY (UC) APPLICABLE TO NETWORK ACCESS CHARGE (NAC)

- 2.1. The network access charge (NAC) will be based on the utilised capacity. The utilised capacity is determined as the higher of the following:

3. ALTERING THE NMD

- 3.1. Customer requests an increase in NMD
- 3.2. Temporary increase in NMD agreed to in advance
- 3.3. Reduction in NMD
- 3.4. Changes following exceedance of NMD

4. EXEMPTION FOR INCREASES IN UTILISED CAPACITY OR CHARGEABLE DEMAND

- 4.1. Applications for exemptions
- 4.2. Exemptions for demand overshoots attributable to Municipality and *force majeure*
- 4.3. Exemptions for demand overshoots attributable to demand side management (DSM) strategies or demand market participation (DMP) products
- 4.4. Refusal for the granting of demand exemption/temporary increase in demand

5. TERMS AND CONDITIONS OF CONTACTS

6. DEFINITIONS

These rules form part of Rustenburg Local Municipality's tariff schedule of which in turn forms part of Rustenburg Local Municipality's standard terms and conditions for the supply of electricity, as amended from time to time.

1. Notified maximum demand

1.1. Initial selection of notified maximum demand (NMD)

- 1.1.1. The *NMD* will be the maximum capacity in kVA, as measured over a 30-minute integrating period, per point of delivery/premise (*POD*) that the customer will contract for RLM to make available during all time periods. This is the maximum capacity that will then be made available for the customer's use under system normal conditions. The capacity so notified excludes any additional capacity that the customer may be permitted to use in terms of 1.1.5 below.
- 1.1.2. The *NMD* is the capacity reserved by the customer to provide for the maximum demand requirements in all time periods. The *NMD* should not, however, be exceeded unless agreed to by Rustenburg Local Municipality.
- 1.1.3. An excess network access charge will be levied for exceeding the *NMD* once the *actual maximum demand* is greater than the *NMD*, after allowing for two exceedances that are within a 5% deadband, over a rolling 12 months. To avoid the excess network access charges, a request should be submitted to Rustenburg Local Municipality to have the *NMD* increased. However, it is important to note that, Rustenburg Local Municipality cannot and does not guarantee the security of supply and therefore an increase in *NMD* is subject to capacity availability. Refer to Clause 2 and Clause 3 for the terms and conditions associated with exceedance of the *NMD*.
- 1.1.4. Where a customer has multiple points of supply connected to a point of delivery (*POD*), the *NMD* will be the sum of the maximum demands for all of the points of supply connected to the *POD*.

1.2. Notification of demand for customers with own generation, active load control and power factor correction equipment

- 1.2.1. Customers with their own generation, active load control and power factor correction equipment should cater, within their *NMD*, for the load increase arising from any credible contingency; and the loss or failure of certain or all of their equipment. The demand notified will be the sum of the normal notified (base) load plus the standby margin required to cater for probable failure or loss of own equipment (refer to Figure 1 below). In the event that the *NMD* is exceeded, Clause 3.4 will apply.
- 1.2.2. In the event that a temporary increase in demand is required, Clause 3.2 will apply.

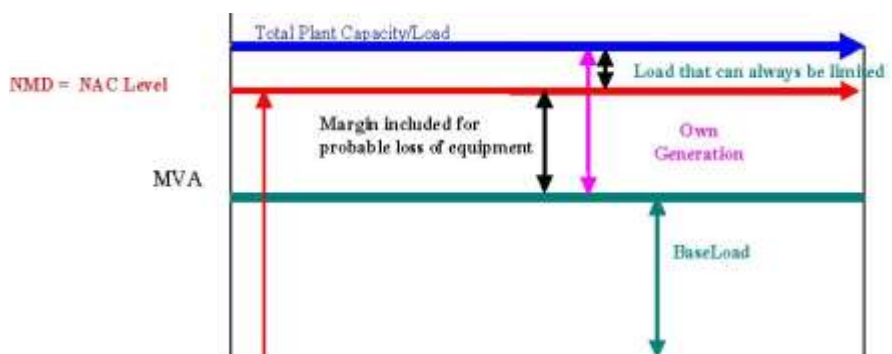


Figure 1: Notification of demand for customers with own generation or active load control

1.3. Points of delivery not supplied under a charged demand tariff

- 1.3.1. The *NMD* will be based on the measured maximum demand, or if demand is not measured, on the equivalent demand that is based on the installed circuit breaker size.

2. Utilised capacity (UC) applicable to network access charge (NAC)

2.1. The network access charge (NAC) will be based on the utilised capacity. The utilised capacity is determined as the higher of the following:

- a) The NMD,
- b) The actual maximum demand (MD) measured in kVA in all time periods during the billing month, i.e. the monthly utilised capacity (MUC), which therefore changes on a monthly basis depending on the customer's actual usage.
- c) The *annual utilised capacity (AUC)*. The *AUC* is the:
 - i. Highest of the *maximum recorded demand* (b), outside of the allowable 5% deadband exceeding the *NMD*,
 - ii. or the contracted *NMD*,
 - iii. and will apply for the current month and the next 11 months.

Any exceedances are subject

to the

following: If b) is higher than

a):

d) the AUC will be reset (refer to Clause 2.1c) as the higher of the actual recorded demand registered during that billing month or the previously set AUC, except for the first two events or any two events that are within 5% of the NMD, over the preceding rolling 12 months.

- i. For the two events referred to in d) above, the NAC for the month will be based on the actual maximum demand for that month.

e) From the third event or any other event where the NMD is exceeded by more than 5%, the AUC is reset (refer to Clause 2.1c) as the higher of the actual recorded demand registered during that billing month or the previously set AUC. Note that the AUC will not be set to a lower value during the 12-month period.

f) On the third event or for any other event where the NMD is exceeded by greater than 5%, the NAC will be charged on the MUC exceeding the NMD and for every subsequent exceedance within the rolling 12 months (starting from the first event), at; 1 x NAC for the first event, 2 x NAC for the second event, 3 x NAC for the third event, 4 x network charge for the fourth event, 5 x network charge for the fifth event, etc., until the demand is either managed or the NMD is upgraded. This means that for any event where the NMD is exceeded, the NAC will be charged, based on the AUC and the portion of the demand exceeding the NMD, the R/kVA NAC and a factor depending on the event number.

Amount exceeded x R/kVA x event number = Excess NAC.

g) Any payments made for the demand exceeding the NMD shall not be deemed as an agreement by Rustenburg Local Municipality to make such higher demand available to a customer. Such agreement will be subject to negotiating new terms and conditions to modify the connection and amend the existing electricity supply agreement. Refer to Clause 3.1 for

3.1. Customer requests an increase in NMD

3.1.1. A request for an increase in NMD by a customer may be considered as a request for a modification of the connection and amendment to the contract. Rustenburg Local Municipality has the right to evaluate such a modification before agreeing to increase the capacity (NMD) at the request of the customer.

3.1.2. Where a customer requests an increase in NMD at a point of delivery/premise, the request should be made in writing to Rustenburg Local Municipality, after which Rustenburg Local Municipality will prepare a quotation for the new terms and conditions applicable, including the connection charges payable, and will be treated in terms of the conditions of the supply contract between

Rustenburg Local Municipality and the customer.

3.1.3. A connection charge will take into account the following:

- a) Additional dedicated costs.
- b) Upstream sharing charges.

3.1.4. The provision of the new NMD is subject to the agreement by the parties of the new terms and conditions and where applicable, to any required work being completed by Rustenburg Local Municipality.

3.1.5. The new NMD shall apply from the date that the additional capacity is made available by Rustenburg Local Municipality and the customer shall not be entitled to the additional capacity until the agreed date.

3.1.6. The provision of the new NMD will be subject to the minimum contract period agreed upon between Rustenburg Local Municipality and the customer.

3.1.7. For temporary increases in NMD, refer to Clause 3.2.

3.2. Temporary increase in NMD agreed to in advance

3.2.1. Temporary increases in NMD agreed to in advance, may be made available by Rustenburg Local Municipality to the customer in respect of the relevant point of delivery/premise to cover specific, short-term needs such as the commissioning of new plant, or the re-commissioning or refurbishment of existing plant prior to returning it to full service.

3.2.2. Temporary increases in NMD will not be granted for normal operational requirements, seasonal usage or any other usage of a cyclical or repetitive nature.

3.2.3. Temporary increases in NMD will be subject to obtaining prior written agreement from Rustenburg Local Municipality. Such agreement is conditional on the availability of the necessary network and generation capacity and on the increase being of a temporary nature.

3.2.4. Temporary increases in NMD will be subject to a minimum contract period as agreed between Rustenburg Local Municipality and the customer.

3.3. Reduction in NMD

3.3.1. Where a customer requires a reduction in NMD at a POD for any of the flex 11 KV bulk tariffs or where TUoS / DUoS charges are applicable, written notice of 12 months is normally required. This notice period applies also in the event of a tariff conversion between any of the above-mentioned tariffs. If the customer can motivate a downgrade sooner, such as for the reasons provided in Clause 3.3.3, permission for a shorter notice period with a minimum of 3 months will not be unreasonably withheld.

3.3.2. The reduction of NMD occurs with immediate effect after the notice period has expired.

3.3.3. A reduction in NMD to a value that is below the previous 12 months' highest recorded demand in all time periods will not be allowed, unless motivated by any of the following: change in operations, closure of plant; installation by the customer of load management equipment, the implementation of demand side management initiatives or where demand exemptions have been granted.

3.3.4. For all other standard tariffs the current notice periods contained in the customers' contracts shall apply.

3.3.5. Rustenburg Local Municipality's approval of a reduced NMD is subject to Clause 3.3.2 above and acceptance by the customer of any revised conditions or connection charges as referred to in Clause 3.3.8.

3.3.6. The reduced NMD will be applied from the first reading date following the normal 12-month notice period, or any lesser notice period that Rustenburg Local Municipality agreed to, and the annual utilised capacity (UC) will be reset to the new lower value.

3.3.7. If, in the 12 months following any reduction of NMD under Clause 3.3.1, the reduced NMD is

exceeded, the new demand level recorded will become the annual UC where the new demand exceeds the allowable 5% deadband. This will apply from the time of the reduction (i.e. it will be backdated with interest but only for those events exceeding the NMD) and the customer will be rebilled accordingly, including all excess network access charges stated in Clause 2. This shall not apply to temporary increases in demand negotiated under Clause 3.2.

3.3.8. A connection charge may be required where:

- a) Equipment must be removed;
- b) Upstream sharing charges were part of previous connection charge(s)
- c) An upfront capital allowance was provided, based on a higher capacity as part of previous connection charge(s).

3.3.9. Temporary reductions in NMD will not be allowed.

3.4. Changes following exceedance of NMD

In the event that the metered maximum demand in a billing period exceeds the NMD for that customer in respect of the relevant point of delivery/premise, the following will apply:

- 3.4.1. Any exceedance of the NMD shall constitute a breach of Rustenburg Local Municipality's electricity supply contract and Rustenburg Local Municipality shall, at its election, be entitled to cancel the supply contract (subject to the customer's right to negotiate the conclusion of a new contract with Rustenburg Local Municipality in which new contract the customer's NMD shall be restated, alternatively, to apply the remedies available to Rustenburg Local Municipality under any conservation and/or rationing programme or scheme which may be introduced, adopted or implemented by the National Energy Regulator, the Department of Minerals and Energy or any other regulatory body from time to time (unless Rustenburg Local Municipality is obliged under either of such programmes to implement a specified remedy in response to the aforesaid breach). Also refer to Clause 2.1(f).
- 3.4.2. If the customer does not conclude a new contract with Rustenburg Local Municipality, Rustenburg Local Municipality reserves the right to remove any equipment surplus to meeting the contracted NMD or to provide this capacity for the use of customers who have contracted for the capacity. Also refer to Clause 2.1(f).
- 3.4.3. The tariff charges will be raised in terms of Clause 2 unless an exemption is requested and approved as described in Clause 4. The charges will be waived if the capacity is allocated elsewhere in terms of Clause 3.4.1 and the customer limits its demand to the contractual NMD.
- 3.4.4. Where the capacity of the Rustenburg Local Municipality's network is inadequate to make supply available at a higher level on a continuous basis, the new demand level will apply only for the billing period in which it was established, pending the upgrading of the local network and renegotiation of the NMD. Thereafter the NMD will be limited to the available capacity of the network, as determined by Rustenburg Local Municipality, by suitable load-limiting equipment installed by the customer. The customer will be liable for all associated costs if the actual demand is still exceeded.
- 3.4.5. Under times of overall system (generation and/or network) constraints, Rustenburg Local Municipality may request the customer in breach of contract to remain within the contractual NMD. If the customer fails to heed the request, Rustenburg Local Municipality reserves the right to take appropriate action to ensure system integrity and to supply customers adequately who are not in breach of their contracts.

4. Exemption for unforeseen increases in utilised capacity or chargeable demand

Exemptions for exceeding the annual UC and/or chargeable demand due to unforeseen demand overshoots (including faults) caused by a failure in normal operations and/or technical functioning of a customer's load, or as a result of *force majeure*, will apply as follows. (Note: temporary increases agreed to in advance are covered in Clause 3.2.)

4.1. Applications for exemptions

The customer is required to submit a fully motivated written application. If approved, an exemption will be provided on the terms and conditions set by Rustenburg Local Municipality. Exemptions will be given under certain circumstances as detailed in Clauses 4.2 and 4.3. These exemptions will, however, be recorded as events in the customer's history and will be considered when establishing a new UC for the next 12month period.

4.2. Exemptions for demand overshoots attributable to Eskom and *force majeure*

In all instances where a customer's demand overshoot is caused by a Rustenburg Local Municipality electricity supply event or is due to *force majeure* (as defined in the supply agreement), the actual measured and chargeable demand will be reset to a value that would have prevailed had the event giving rise to the overshoot not taken place. This will be done within the month it occurred and the customer will pay only the demand-related charges on the demand that would have applied had the event not taken place. Neither the UC nor the NMD will be reset to the higher (actual measured) value.

4.3. Exemptions for demand overshoots attributable to demand side management (DSM) strategies or demand market participation (DMP) products

4.3.1. Demand overshoots above the normal NMD due to a load response from Rustenburg Local Municipality-initiated DSM strategies or DMP, will be exempted.

4.3.2. For demand overshoots attributable to specific short-term requirements such as commissioning refer to Clause 3.2, Temporary increase in NMD agreed to in advance.

4.4. Refusal to grant demand exemption/temporary increase in demand

4.4.1. Where the customer's operation is responsible for the event leading to the NMD being exceeded, exemption will not be granted. Clause 2 allows for two exceedances within the allowable 5% deadband in a rolling 12-month period in the NMD, before the UC will be reset.

4.4.2. Typical events causing a demand which will not receive exemption, include short-term fluctuations in demand, failure or subsequent return to service of any part of the customer's plant or load control systems, including power factor correction failure, failure of own generation equipment or human error, and operational decisions of the customer not agreed to in writing (including commissioning) and in advance.

These rules shall form part of all electricity supply agreements concluded by Rustenburg Local Municipality.

Chargeable demand	The highest average demand as measured in kVA in a 30-minute integrating period, per point of delivery/premise during the chargeable time periods for the applicable tariff. The network demand charge is recovered on the chargeable demand.
Capital allowance	The capital allowance is the contribution to shared or dedicated assets included in the future tariff rates.
Dedicated equipment	Electricity assets installed for the sole usage of the customer, i.e. unlikely to be shared by other customers.
Demand market participation (DMP) product	An Eskom initiative through which customers (direct and indirect), contract to make capacity available for reduction upon instruction from the Eskom System Operator, in exchange for financial benefits.
Demand side management (DSM)	Technology or programme that encourages customers to modify their patterns of electricity usage including timing and level of consumption. This includes conservation, interruptibility and load shifting.
Non-simultaneous Maximum Demand	Highest averaged demand measured in kVA or kW during any integrating period within a designated billing period of an individual POD.
Normal notified load	The maximum load that the customer expects to purchase from Eskom, excluding all active load control or own generation.
Notice period	The period required as per the electricity supply agreement for cancellation/changes to the contract

Power Conservation Programme (PCP)	National programme is to address the current energy crisis. The PCP will consist of the Energy Conservation Scheme, the rules and processes for managing load and consumption growth and changes to tariff structures and electricity prices.
PCP Energy Conservation Scheme	Is the optimum tool to achieve a fair, quick but sustainable reduction in electricity consumption in South Africa. The Scheme will oblige all consumers to make a contribution to conserving energy through making energy efficient consumption decisions.
Probable contingency	The reasonable probability of an event taking place
Temporary or short term	A supply or capacity that is generally required for less than one year
Upstream sharing charges	These are the national average connection charges raised, apart from the tariff rates, as a contribution to the sharing of upstream costs of networks (line and capacity).

7. ABBREVIATIONS

AUC	Annual Utilised Capacity
DSM	Demand Side Management
DMP	Demand Market Participation
kVA	Kilo Volts Ampere
kW	Kilo Watt
MUC	Monthly Utilised Capacity
NAC	Network Access Charge
NDC	Network Demand Charge
NMD	Notified Maximum Demand
PCP	Power conservation programme
POD	Point of Delivery
SMD	Simultaneous Maximum Demand
UC	Utilised Capacity
TOU	Time-of-use