



CITY OF EKURHULENI

ENERGY DEPARTMENT

ELECTRICITY SUPPLY BY-LAWS

REVISION of 11 August 2022

Preamble: -

WHEREAS Section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

AND WHEREAS Part B of Schedule 4 to the Constitution lists electricity and gas reticulation as a local government matter to the extent set out in in Section 155(6)(a) and (7);

AND WHEREAS the National Environmental Management Act 107 of 1998 gives effect to the constitutional right aimed at protecting the environment by providing environmental management principles that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment;

AND WHEREAS the National Electricity Act 34 of 2008 provides for diverse energy resources to be available in sustainable quantities and at affordable prices in support of economic growth and poverty alleviation, taking into account environmental management requirements and to provide for energy planning, increased generation and consumption of renewable energies, and adequate investment in appropriate upkeep and access to energy infrastructure;

BE IT ENACTED by the City of Ekurhuleni Metropolitan Municipality, as follows: -

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GENERAL

1. Definitions

In these by-laws, unless inconsistent with the context: -

“applicable standard specifications” means the standard specifications as listed in Schedule 1 attached to these by-laws;

“approved” and “approval” means approved in writing by the City;

“billing period” means the time between consecutive billing dates;

“business days” means the days of the week excluding Saturdays, Sundays and public holidays;

“certificate of compliance” means a valid certificate issued in terms of the applicable Electrical Installation Regulations 1992 (as amended from time to time) promulgated under the Occupational Health and Safety Act 85 1993, as amended, in respect of an electrical installation or part of an electrical installation by a registered person;

“City” or “Municipality” means the City of Ekurhuleni Metropolitan Municipality, established in terms of section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act 117 of 1998, as amended, and promulgated in notice no 6768 of 2000 in the Gauteng Provincial Gazette Extraordinary no 141 dated 1 October 2000, as amended, and may, depending on the context, include its successor in title, a functionary, employee, official, or person exercising delegated power, carrying out an instruction or exercising any lawful act furtherance of the City’s duties, functions and powers or an authorised service provider fulfilling a responsibility assigned to it by the City;

“consumer” or “user” means a person to whom the City has agreed to supply electricity (electrical energy) or is supplying electricity (electrical energy) or is connected to the City’s Distribution Network/System or if there is no such person, the owner of the premises and includes a consumer who produces electricity (electrical energy);

“consumer agreement” means a written agreement concluded in respect of municipal services including the supply of electricity (electrical energy) by the City;

“consumer’s point of control” means the point at which a consumer can, on or in any premises, switch off the electrical installation from the electricity (electrical energy) supplied from the point of supply, or the point at which a particular part of an electrical installation on or in any premises can be switched off by the consumer, where different consumers occupy different portions of such premises;

“consumption” means: -

- (a) the units value read from the face of a meter or summation of meters or estimated, at the end of meter reading period, and subtracted from the previous units value read or summated or estimated in respect of the previous meter period and may be coupled to an external/internal multiplication factor;

“contractor” means an electrical contractor as defined in the Regulations;

“credit meter” means a meter where an account is rendered in respect of the consumption of electricity (electrical energy);

“demolish” or **“demolition”** means the act of destruction, dismantling, removal or tearing down of a building or structure or substantial portion of a building or structure;

“Distribution Network/System” means an electrical network operated at a nominal voltage of 132 kV or below and includes but is not limited to electrical equipment (apparatus) such as transformers, cables, overhead lines, switchgear, control and protection equipment, meters and service connections used for the trading, distribution and reticulation of electrical energy to all customers within the municipal boundaries;

“electrical installation” means any machinery and/or equipment, in or on any premises, used for the transmission of electricity (electrical energy) from a point of control to a consumer’s 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:-

- (a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery which transmits electrical energy in communication, control circuits, television or radio circuits;
- (c) an electrical installation on a vehicle, vessel, train or aircraft used for its original intended primary purpose (to transport people or goods); and
- (d) control circuits of 50 V or less between different parts of machinery or system components, forming a unit, that are separately installed and derived from an independent source or an isolating transformer;

“emergency” means any situation that poses a risk or potential risk to life, health, the environment or property;

“embedded generator” means any alternative power supply (electrical energy source) connected to the electrical wiring of the consumer’s premises behind the meter, in turn connected to the distribution network of the City. The alternative power supply includes but is not limited to diesel, fuel oil or petrol driven generators, solar photovoltaic panels, gas driven generators, small hydro plants, wind turbine generators, waste to energy driven generators.

“energy source” means a permanently installed physical generator used to convert chemical, mechanical or photovoltaic energy into electrical energy;

“Energy trader” means a legal entity licensed by and registered with the National Energy Regulator of South Africa (NERSA) to engage in the buying and selling of electricity (electrical energy) as a commercial activity;

“engineer” means the official in charge of the electricity undertaking of the City or any other person duly authorised to perform this duty on his behalf;

“estimated” means an approximated calculation or judgment of a value, number, quantity or extent of something;

“Generator”¹ means a legal entity licensed by and registered with National Energy Regulator of South Africa (NERSA) to engage in the production of electricity (electrical energy) through a unit or power station and/or a seller of electrical energy generated on its own premises by any means;

“installation work” means: -

- (a) the installation, extension, modification or repair of an electrical installation;
- (b) the connection of machinery at the supply terminals of such machinery to an electrical installation; or
- (c) the inspection, testing and verification of electrical installations for the purpose of issuing a certificate of compliance;

“load factor” means a ratio, expressed as a numerical value or as a percentage factor of the average consumption divided by the maximum demand within a specified period (year, month, day). The average consumption is the total apparent energy (measured in kVAh) in the metering period divided by the number of hours in the metering period. If the meter does not register kVAh/kVA then kWh/kW will be used to determine the load factor.

“low voltage” means the set of nominal voltage levels that are used for the distribution of electricity (electrical energy) and where the upper limit is generally accepted to be an AC voltage of 1000 V, or a DC voltage of 1500 V as specified in SANS 1019 and SANS 10142;

“low voltage enclosure” means a chamber compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at low voltage;

“maintain or maintained” means in a condition of operational readiness at all time in accordance with the original design and installation and associated maintenance procedures;

“maximum demand” means the highest averaged demand registered in kVA during any integrating period within a designated billing period, the integrating period is 30 minutes. If the meter does not register kVA then kW will be used to determine the maximum demand;

“medium voltage” means the set of nominal voltage levels that are above low voltage and below high voltage in the range of above 1 kV and below or equal to 44 kV as specified in SANS 1019;

“medium voltage enclosure” means a chamber, compartment or other enclosure in which transformer switchgear or other electrical equipment is contained for operating at medium voltage;

“meter” means a device for measuring and/or totalling the variable consumption of electrical energy and/or the demand and includes credit and prepayment meters;

“meter cabinet” means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the City and

¹ not the artefact that converts mechanical energy to electrical energy;

designed to operate at low voltage;

“meter reading” means: -

- (b) the units value read from the face of a meter or summation of meters or estimated, at the end of meter reading period, and subtracted from the previous units value read or summated or estimated in respect of the previous meter period and may be coupled to an external/internal multiplication factor. The unit of measurement is kWh and constitutes electrical energy consumption in respect of such meter reading period; and/or
- (c) the monthly value(s) determined from reading several electronic registers at 30-minute intervals, and externally to the meter, summing the units into specific time periods. An external/internal multiplication factor may be applied to the summated values. The unit of measurement is kWh and constitutes electrical energy consumption in respect of such meter reading period; and/or
- (d) a demand reading would consist of the highest reading per meter reading period, where the reading is the average value for a 30-minute interval, per meter or a summation of meters or estimated value or reading. An external/internal multiplication factor may be applied to the summated values. The unit of measurement is kVA and constitutes the electrical demand in respect of such meter reading period;

“meter reading period” means the period extending from one reading or estimation in respect of a meter or meters to the next;

“metering system” means devices for measuring and/or totalling the variable consumption of electrical energy and/or the demand in four quadrants in separate registers and includes but is not limited to credit and prepayment meters, current and/or voltage transformers, summation current transformers, scale factors, summation meters, online metering, and main and check metering.

“occupier” in relation to any premises means: -

- (a) any person in occupation of a premises at any relevant time; or
- (b) any person legally entitled to occupy the premises; or
- (c) any person in control or management of a premises;

“owner” in relation to any premises means: -

- (a) the person or entity in whose name the premises are registered or the person’s authorised agent; or
- (b) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity; or
- (c) if the premises is leased, the lessor; or
- (d) a person and/or entity receiving rent or profit issuing therefrom, or who would

receive such rent or profit, if such premises were let, whether for his own account or as agent for any person entitled thereto or interested therein; or

- (e) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested; or
- (f) if the City is unable to determine who such person or entity is, the person or entity who is entitled to the beneficial use of such property;

“person” means any person, whether natural or juristic and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust and includes the owner, occupier, consumer and user as defined;

“point of delivery” or **“POD”** means the point at which electrical energy is supplied to the City;

“point of metering” means the point at which the consumer’s electrical energy consumption is metered and which may be at the point of supply or at any other point on the distribution system of the City or the electrical installation of the consumer, as specified by the City, provided that it shall meter all of, and only, the consumer’s consumption of electrical energy and if applicable, the maximum demand and time of use data;

“point of supply” means the point determined by the City at which electricity (electrical energy) is supplied to any premises by the City;

“premises” or **“property”** means an erf, lot, plot, farm, agricultural land, agricultural holding or stand inclusive of every defined portion thereof, and any building or structure of a permanent or temporary nature has been, is being or is to be erected or part thereof, above or below the surface, and/or, a unit, section, exclusive use area or common property and any building or structure of a permanent or temporary nature has been, is being or is to be erected or part thereof in a Sectional Title Scheme or Community Scheme and includes but is not limited to a complex of multiple dwelling units, such as terraced or multi-storey complexes, or cluster or retirement-village-type developments (or both) where management of common property usually resides with (but is not limited to) a management body and includes any immovable property or a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

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

“registered person” means a person registered in terms of the Electrical Installation Regulations, as amended, promulgated under the Occupational Health and Safety Act 85 of 1993, as amended, as an electrical tester for single phase, an installation electrician, a master installation electrician, or a professional engineer registered with the Engineering Council of South Africa, as the case may be referring to SANS10142;

“regulations” means the Electrical Installation Regulations in terms of the Occupational Health and Safety Act 85 of 1993, as amended;

“service connection” means all equipment, including but not limited to, all metering

equipment, load management equipment, all high, medium or low voltage switchgear or cables required to connect the Distribution Network/System of the City to the electrical installation of the consumer at the point of supply;

“service fuse” or “service circuit breaker” means a fuse or service circuit breaker forming part of the service connection; installed to protect the equipment from overloads or faults occurring on the installation or the internal service connection and to limit the electricity (electrical energy) capacity to the premises;

“standby supply” means an alternative electrical energy supply from the City not normally used by the consumer;

“street” or “road” includes any street, road or thoroughfare shown on general plan of a township, agricultural holdings or other division of land or in respect of which the public have acquired a prescriptive or other right of way and/or is commonly used by the public or any section thereof or to which the public has a right of access or private street, road or thoroughfare and includes the verge of any such road, street or thoroughfare, any bridge, ferry or drift traversed by any such road, street or thoroughfare and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“suitable” means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose in the opinion of the City;

“supply” means a supply of electricity (electrical energy) from the City’s Distribution Network/System;

“supply main” means any part of the City’s Distribution Network/System;

“tariff” means the tariff, charges, fees, surcharges, levies or any other monies payable as determined by the City in terms of the Local Government: Municipal Systems Act 32 of 2000, as amended, or any other applicable legislation;

“theft of electricity (electrical energy)” for the purposes of these by-laws includes the improper use and/or unlawful and/or unauthorised access and/or connection to the City’s Distribution Network/System and extracting, consuming or using or allowing the extraction, consumption or use of electrical energy for whatsoever purpose and further also includes the use of electrical energy in cases where the tampering, interference or by-passing of a meter installation has resulted in proper metering of electrical energy being compromised;

“wayleave” means the set of documentation providing information to the general location of the Distribution Network/System of the City within the physical area covered by an application to undertake temporary civil work within the municipal area and authorises and stipulates the conditions applicable to the work to be done in the vicinity of the affected Distribution Network/System against payment of the applicable tariff;

“wheeling” means the transportation of electricity (electrical energy) by a generator or energy trader to a consumer through a network not owned, controlled or leased by either party and deals with the financial flow of electrical energy;

2. Other terms

Any terms not defined in these by-laws shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act 4 of 2006, as

amended, or the Occupational Health and Safety Act 85 of 1993, as amended, or the Local Government: Municipal Systems Act 32 of 2000, as amended, or the Local Government: Municipal Finance Management Act 56 of 2003, as amended and the Constitution of the Republic of South Africa 1996.

3. Interpretation of terminology used

- a) All references made to a gender shall also include all genders;
- b) All references to the singular shall also mean the plural and vice versa;
- 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.

GENERAL CONDITIONS OF SUPPLY

4. General pre-conditions

- (1) The City may expedite a service connection if the consumer consults with the City before the design phase of the installation has begun. The City shall not be responsible for the costs of replacing any of the consumer facilities that do not meet the requirements for service. Connection to the City's Distribution Network/System is not available before written approval by the City.
- (2) The City's Distribution Network/System is sized and installed to meet the consumer's requirements at the time the service is initiated and is based on information supplied by the consumer. The consumer shall give notice to the City of any substantial additional load that is to be connected to the Distribution Network/System. The consumer shall not proceed to make these additions until the City has confirmed in writing that it can either supply the increased load or the conditions under which the increased load can be made available. The City shall not be liable for any damages and/or losses of whatsoever nature inclusive of consequential losses incurred by the consumer connecting additional equipment without notice and written approval by the City.
- (3) The type of metering shall in all cases be specified by the City.
- (4) The consumer must at all times take adequate measures to protect his electrical installation and equipment against any losses and/or damage arising from frequency deviations, supply interruptions, voltage variations (including voltage dips), current and voltage harmonics, current and voltage inter-harmonics, voltage flicker, voltage unbalance, voltage swells and transients, undervoltages and overvoltages in the supply to his electrical installation.

5. Supply by agreement

- (1) No person shall use or be entitled to use an electrical supply from the City unless or until he has entered into an agreement, in writing, with the City for the supply, provided that any consumer who was a consumer prior to the promulgation of these by-laws, shall be deemed to have concluded a consumer agreement with the City in terms of these by-laws and the applicable policies of the City. The agreement, together with the provisions of these by-laws and the City's other by-laws and policies shall in all respects govern the supply.

- (2) If a person uses an electrical supply without entering into a consumer agreement with the City, the owner and/or occupier of the premises and/or consumer shall be liable for the charges for consumption of electricity (electrical energy) in accordance with the applicable tariff and any other amounts levied by the City in such circumstances, including, but not limited to, levying an amount for a deposit on the consumers account in terms of the City's by-laws and policies and the supply of electricity (electrical energy) may be discontinued immediately and is the consumer obliged to enter into a consumer agreement with the City.
- (3) If, at the commencement of these by-laws or at any other time, electricity (electrical energy) supply is provided by the City and no written consumer agreement exists in respect of such services, it shall, until the consumer applies in terms of these by-laws, be deemed: -
 - (a) a consumer agreement as envisaged by these by-laws exists;
 - (b) the level of service rendered to that consumer is at a level of service elected by the consumer; and
 - (c) that the electricity (electrical energy) is supplied to the consumer in terms of these by-laws.
- (4) The City may in its sole discretion decide whether a consumer agreement shall be concluded by the City with the registered owner of the premises or with the occupier of or consumer at the premises, or with both, or with any duly authorised person acting on their behalf. Where an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the City, the registered owner of the premises and the applicant, consumer or occupier for the rendering of a connection may be required at the time of application.
- (5) Notwithstanding the aforementioned, the City shall not be obliged to conclude with any person a consumer agreement or to provide electricity (electrical energy) supply:
 - (a) to areas or consumers outside the defined limits of the City's municipal area;
 - (b) where due to the nature of the topography, electricity (electrical energy) supply cannot be provided economically and/or cost effectively;
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers;
 - (d) if the City's Distribution Network/System is not available at a point within the close proximity of such premises from where it is reasonably possible to provide a service connection to the premises; or
 - (e) beyond the City's ability and capacity.
- (6) No person shall, without first having obtained the City's permission in writing, make a temporary or permanent connection to extend the installation that forms part of the approved electrical installation for which a supply has been agreed upon with the City.

6. Serving of notice (deliver and/or e-mail)

- (1) The City may, by written notice, order an owner, occupier, consumer and/or any other person who fails, by act or omission, to comply with, or is in breach of the provisions of these by-laws and/or other by-laws and/or policies of the City relevant hereto, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice. Any person issued, given or served with a notice or other document by the City under these by-laws and/or other by-laws and/or policies of the City relevant hereto shall, within the time specified in such notice or other document, comply with its terms
- (2) If a person fails to comply with a written notice served on him by the City in terms of these by-laws and/or other by-laws and/or policies of the City relevant hereto within the specified period, the City may take such action that in its opinion is necessary to ensure compliance, including:
 - (a) undertaking the work necessary itself;
 - (b) recovering the fees, charges and amounts levied by the City for such action or work undertaken by the City from the owner, consumer, occupier and/or other person;
 - (c) restricting, limiting, disconnecting or discontinuing the provision of services; and/or
 - (d) instituting legal proceedings.
- (3) Any notice or other document to be issued by the City in terms of these by-laws and/or policies of the City relevant hereto shall be deemed to have been so issued if it is signed by an authorised official of the City whose authority and appointment need not be proven, and its mere production be accepted by a court as prima facie evidence of that fact.
- (4) Where any notice or other document specified in these by-laws and/or policies of the City relevant hereto is to be served on any person, it shall be deemed to have been properly served if: -
 - (a) delivered to him or to any occupant apparently over the age of sixteen (16) years at the relevant premises constituting the point of supply or at his last known place of residence or business or place of employment, as appearing in the records of the City or
 - (b) sent by registered post to such person's last known place of residence or business or place of employment, as appearing in the records of the City; or
 - (c) such person is a company, delivered to any occupant apparently over the age of sixteen (16) years at the relevant premises constituting the point of supply alternatively by registered post at its registered address or principal place of business; or
 - (d) e-mailed to an e-mail address or by other digital means as stipulated in the consumer agreement; or
 - (e) that person's address is unknown or the person is not present in the Republic,

when it has been delivered to that person's agent or representative in the Republic in any of the manners described above; or

- (f) affixed in a conspicuous place at the relevant premises constituting the point of supply where none of the above forms of service on a person or company is possible; or
 - (g) if the person to be served with any notice or document is already represented by an attorney of record such notice or document may be served upon such attorney; or
 - (h) it has been sent to the registered owner of the premises constituting the point of supply.
- (5) When any notice or other document must be served on the owner, occupier or holder of any premises or right in any premises, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (6) Posted notices shall be deemed to have been received by the addressee on the 7th (seventh) day after the date of the posting of the notice, hand-delivered notices on the date of delivery, facsimile or e-mailed notices or any other electronic medium, on the first business day following the date of transmission.
- (7) Any legal process to be served on the City must be done in compliance with section 115(3) of the Local Government: Municipal Systems Act 32 of 2000, as amended.

7. Compliance with notice or other document

(1) Any person issued, given or served with a notice or other document by the City under these by-laws and/or policies of the City relevant hereto shall, within the time specified in such notice or other document, comply with its terms.

8. Application for supply

- (1) No person shall gain access to, consume, or be supplied with electricity (electrical energy) from the City's Distribution Network/System unless such person has applied in writing to the City on the prescribed form for such services for a specific purpose, before the supply of electricity (electrical energy) is required and such written application has been approved by the City.
- (2) The owner of the premises concerned or a duly authorised person acting on his behalf shall make written application for the installation or reinstatement of a service connection for the supply of electricity (electrical energy) in a form prescribed by the City, as aforementioned. The City will not be obliged to supply electricity (electrical energy) in the absence of the application having been approved and a consumer agreement entered into.
- (3) Application for the supply of electricity (electrical energy) shall be made in writing by the prospective consumer and/or owner on the prescribed form and the electrical capacity (load or rating) of the installation must be stated therein. The application must be made before the supply of electricity (electrical energy) is required. The City will not supply electricity (electrical energy) in the absence of the application having been approved and a consumer agreement entered into.

- (4) Every application, whether for an initial connection or a reconnection for the supply of electricity (electrical energy) or for the supply of electricity (electrical energy) to an existing connection shall be accompanied with the payment of the amount in accordance with the applicable tariff to the City by all consumers that receive or want to receive electricity (electrical energy). The amounts payable will be for each individual connection to the City's Distribution Network/System in full before such a connection will be made to the City's Distribution Network/System. The City shall have the right in the case of any special service being required from the City to negotiate an amount for such service and/or if not negotiated to recover the fees, charges and amounts levied by the City thereof.
- (5) An application for an electricity (electrical energy) supply for less than three (3) months shall be regarded as an application for a temporary supply and shall be considered at the discretion of the City, and in respect whereof special conditions may be imposed, namely: -
 - (a) Subject to the provisions of subclause (2), where an application is made for a temporary supply of electricity (electrical energy), the City shall furnish the applicant with the estimated charges for the connection and disconnection plus the estimated electricity (electrical energy) that may be consumed at the prescribed tariff rate. The applicant shall pay such estimated amount before the supply is given. If underestimated, the difference between the estimated amount and the actual amount must subsequently be recovered from the applicant.
 - (b) Temporary single-phase supplies for periods not exceeding fourteen (14) days for fetes, religious gatherings, election lighting, concerts, festivals, social and sporting events and similar purposes may be provided to premises situated immediately adjacent to suitable existing supply upon payment of the estimated charges as per subclause (2)(a).
- (6) No person shall, without first having obtained the City's permission in writing, make a temporary or permanent connection to extend the installation that forms part of the approved electrical installation for which a supply has been agreed upon with the City.
- (7) The City may in its sole discretion, upon termination of any consumer agreement, decide whether a new consumer agreement shall be concluded by the City with the registered owner of the premises or with the prospective occupier of or consumer at the premises, or with both, or with any duly authorised person acting on their behalf. Where an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the City, the registered owner of the premises and the applicant, consumer or occupier for the rendering of a connection may be required at the time of application.
- (8) The owner of the premises shall, under all circumstances, be liable to pay for the electricity (electrical energy) consumed and utilised at the premises including being liable to pay for the electricity (electrical energy) consumed and utilised after a meter reading taken on the date of termination of the previous consumer agreement and prior to a meter reading taken on the date of commencement of any new consumer agreement.
- (9) The City must be notified in writing of any property development within the municipal area of the City requiring or potentially requiring electricity (electrical energy) to be

delivered to a consumer(s).

- (10) All new property developments requiring an expansion or extension of the City's Distribution Network/System are subject to, among other things, the Bulk Contributions Policy of the City, the Spatial Planning and Land Use Management Act, 2016 (Act No. 16 of 2013), the Spatial Planning and Land Use Management by-law of the City, other applicable by-laws, policies, design guidelines, standards, and/or specification of the City and other applicable legislation and standards

9. Jurisdiction, Costs and Certificate of liability/indebtedness

- (1) In the event of the City instituting legal proceedings against a consumer or owner or occupier, arising out of the breach of any term or condition of these by-laws or consumer agreement entered into, the consumer and/or owner shall be liable to pay legal costs on the scale as between attorney and client, debt collection costs, including costs of any tracing fees, in respect of such proceedings plus counsels fees as debited per brief of counsel and is payable by the City.
- (2) Through entering into a consumer agreement the consumer and/or owner and/or occupier consents to the jurisdiction of the Magistrates' Court in terms of Section 45 of the Magistrate's Court Act 32 of 1944, as amended, in respect of any action which the City may institute against him arising out of these by-laws, inclusive of, but not limited to payment for the supply of electricity (electrical energy) provided that the City shall, notwithstanding the above, have the right to, at its sole discretion, proceed with any such action in any competent court of law.
- (3) A certificate signed by an official of the City (whose appointment and authority need not be proven) setting out: -
 - (a) the amount/s owing to the City; and/or
 - (b) the fact that the due date for the payment of any amount has arrived;

shall be sufficient and satisfactory proof of the facts therein stated unless the contrary is proved by the consumer or owner.

- (4) The certificate as referred to in subclause (3) (if not challenged in writing by the consumer, owner or occupier) will on its mere production by any person be accepted by the Court as evidence of facts recorded in such certificate and shall upon its mere production constitute prima facie evidence of the indebtedness.

10. Wayleaves and Service connections on private property

- (1) The City may refuse to lay or erect a service connection above or below ground on or over any thoroughfare or land not vested in the City or any private property, unless and until the prospective owner/consumer obtained and provided the City with written consent granted by the owner of the said private property or by the person in whom the legal title to the land or thoroughfare is vested, as the case may be, authorising the laying or erection of a service connection thereon or thereover.
- (2) The owner of the property must grant the City, an irrevocable right (the rights), over the property, for the service connection and/or distribution of electricity (electrical energy) and related purposes, substantially along a route to be agreed between the owner and the City, and comprising an area on either side of the center line of the

installation, once it is built/erected.

- (3) The rights as referred to in subclause (2) above, include the rights to: -
- (a) convey electricity (electrical energy) across the premises;
 - (b) erect structures, conductors, cables, appliances and, without limitation, everything else necessary or convenient in exercising the rights and the owner agrees the structure supporting mechanisms may reasonably extend beyond the installation area where it is necessary to safely secure the installation;
 - (c) enter and be upon the premises, at any time in order to construct, erect, operate, use, maintain, repair, re-erect, alter or inspect the installation or in order to gain access to any adjacent premises in the exercise of rights similar to the aforementioned;
 - (d) have the installation remain on the premises for as long as either the City or the owner or consumer requires it;
 - (e) extend the installation to other owners or consumers, over the premises;
 - (f) use existing roads and gates giving access to and running across the premises and to erect in any fence such gates as may be necessary and convenient to gain access to or exit from the premises and the installation or in order to gain access to any adjacent premises in the exercise of rights as aforementioned;
 - (g) remove any material or structures, and cut or trim any tree, bush or grass within the installation area or to extend necessary where the installation extends beyond the installation area; and
 - (h) every ancillary right necessary or convenient for the proper exercise of the rights granted to the City.
- (4) The consumer and/or owner must ensure: -
- (a) no building or structure is erected or installed above or below the surface of the ground within the installation area and no tree or bush is planted within the installation area or in the near vicinity of the installation area or any structure supporting mechanism;
 - (b) no tree, which could grow to a height in excess of the horizontal distance of that tree from the nearest conductor of any power line is planted or allowed to continue growing, regardless that it is outside the installation area;
 - (c) no material which may in the opinion of the City endanger any electricity infrastructure is placed within the installation area;
 - (d) it obtains from the City any underground electricity layout plans of the City's Distribution Network/System, if any, on the property of the owner to ensure that the City's Distribution Network/System is protected.
- (5) If such consent is withdrawn at any time or if the aforesaid private property, land or thoroughfare changes ownership and the new owner refuses to grant or continue

such permission, the charges relevant to any alteration required to be made to a service connection so that the supply of electricity (electrical energy) may be continued or discontinued, 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 (electrical energy) is required to be continued or discontinued.

- (6) Any expense to be incurred, which are necessitated by a change to or removal of the installation, required by the owner or consumer are for the consumer and/or owner's account and must be paid in advance. The City shall effect such changes or removals after receipt of such payment, and if such changes or removal are technically possible as determined by the City.
- (7) The owner must, in writing, bring the existence of these rights to the attention of any purchaser of the premises or other transferee of the premises (or any portion of the premises) before the premises (or any portion thereof) is sold and/or transferred to such purchaser or transferee, or where, the owner grants any further rights in or to the premises to any other third party, to such third party.
- (8) The owner's attention is drawn to the provisions of the regulations promulgated in terms of the Explosive Act 26 of 1956, which prescribes that when blasting is to be done within 500 (five hundred) meters of any electricity infrastructure, written confirmation must first be obtained from the City concerning the protection of electricity infrastructure.
- (9) The City shall not be liable to the consumer or owner for any damages, direct or consequential, incurred by the consumer or owner as a result of any action or omission related to the design, construction, operation or maintenance of the installation or the City's Distribution Network/System, unless such loss or damage is due to the gross negligence of the City.
- (10) No work or construction may be conducted on, over or under the property of the City inclusive of but not limited to all roads and road reserves without a wayleave having been obtained from the City. The City in its sole discretion will determine the conditions upon which any wayleave will be granted and what charges will be levied for the issuing of same.
- (11) The person to whom a wayleave has been granted is obliged to ensure that the road reserve, roads or other premises of the City where any work has been performed, including but not limited to connections and maintenance in the road reserves, are reinstated by such person at all times.
- (12) The person to whom a wayleave has been granted is obliged to ensure that for the duration of any work performed on public roads and/or road reserves, such person complies with the requirements of the National Road Traffic Act 93 of 1996 and its regulations and the South African Road Traffic Signs manual and any other relevant legislation.

11. Statutory Servitudes

- (1) The City may within its municipal area: -
 - (a) provide, establish and maintain the City's Distribution Network/System;

- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy portions or parts of the City's Distribution Network/System;
 - (c) construct, erect or lay any portions or parts of the City's Distribution Network/System on, across, through, over or under any street or premises and the ownership of all portions or parts of the City's Distribution Network/System shall vest in the City;
 - (d) do any other thing necessary or desirable for, or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the City constructs, erects or lays any portion or parts of the City's Distribution Network/System on, across, through, over or under any street or immovable property not owned by the City or under the control of the City it may pay to the owner of such street or immovable property compensation in an amount agreed upon by such owner and the City or, in the absence of agreement, as determined by a court of law.
 - (3) The City shall, before commencing any work other than repairs or maintenance on or in connection with any portions or parts of the City's Distribution Network/System on the premises not owned by the City or under the control of the City, give reasonable written notice at the premises of the proposed work and the date on which it proposes to commence such work.
 - (4) The City shall not be held liable for any reinstatement expenses when exercising its rights in terms of a servitude and may further require an owner of a premises to remove plants and trees at his costs, which is situated in the servitude area.

12. Right of admittance to inspect, test and/or do maintenance work

- (1) The City may, at any reasonable time or in case of emergency, at any time, enter any premises and investigate, inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these by-laws or other applicable legislation has been or is being committed and the owner, occupier or contractor, when called upon to do so, shall demolish or remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.
- (2) Notwithstanding the provisions of subclauses (1) above, a peace officer may apply for a search warrant in accordance with the provisions of section 21 of the Criminal Procedure Act 51 of 1977.
- (3) The officials of the City or authorised agents shall, upon demand by the owner or occupier of the premises, identify themselves by producing their appointment certificates/cards and explain the purpose of the visit.
- (4) In the event of the owner, occupier, consumer and/or contractor refused alternatively failed to demolish or remove any earth, bricks, stone, woodwork or other work obstructing or covering any part of the consumer's electrical installation at the request of the City, the City may attend to demolish or remove such work as aforementioned.
- (5) If it is established that a breach of these by-laws or any of the City's by-laws or policies or other applicable legislation had been or is being committed, the owner, occupier and/or consumer shall be held liable for the expenses incurred by the City to demolish

or remove such work as aforementioned and the City shall not be responsible to restore anything done in terms of its authority under this clause and cannot be held liable for any losses and/or damages incurred by the aforesaid owner, occupier, consumer and/or contractor in the exercise of such authority.

- (6) The City shall, save as is provided in subclause (5), restore and make good any disturbance, damage or interference with the premises occasioned by any inspection or test made in terms of this clause.
- (7) While any electrical installation is being constructed, altered, extended or repaired on a consumer's premises, City may inspect and test any part of the work as often as it deems necessary, and if any work which the City requires to inspect or test has been covered, the City may require the contractor or the owner of the premises at no cost to the City, to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the City.
- (8) Reasonable assistance to carry out tests and inspections shall be afforded to the City by the electrical contractor, the owner or the occupier of the premises.
- (9) Any person in possession of a valid Certificate of Compliance for a new electrical installation, shall give the City at least three business days' written notice before the supply is to be switched on.
- (10) Should an electrical installation require a visit, inspection, re-visit, a re-inspection, or follow up inspection, by the City, the owner, occupier and/or contractor shall be liable for payment of an amount determined by the City from time to time.
- (11) No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official and/or representative and/or service provider of the City in the performance of his duty under these by-laws or any other relevant legislation and/or by-laws or policies of the City or of any duty connected therewith or relating thereto.
- (12) During the execution of any work or an inspection, an employee or official of the City may at his/her discretion or as required in terms of legislation, be accompanied by a member of the South African Police Services or EMPD or by any other person reasonably required to assist in executing the work or conducting any inspection.
- (13) The City may gain admittance to or over any property without notice and may take whatever action as, in its opinion, is necessary or desirable in consequence of the existence of a state of war, pandemic or the occurrence of any calamity, emergency or disaster.

13. Refusal or failure to give information

- (1) No person shall refuse or fail to give such information as may reasonably be required of him by the City or render any false information to the City regarding any electrical installation work completed or contemplated and an owner, occupier, consumer or person within the area of supply of the City must provide the City with accurate information requested by the City that is reasonably required by the City for the implementation or enforcement of these by-laws.
- (2) The City shall not, subject to the provisions of any other law, by-laws or policies of the City, make any information available concerning the supply or account details for

any premises to any third party without the written approval of the consumer who signed the consumer agreement for the supply to the premises concerned except to the owner of a premises upon written request to the City unless the City is obliged to furnish such information in terms of legislation or a court order, or for the rendering of services to the consumer, which includes information provided to the City's service providers.

- (3) Officials of the City or authorised agents shall execute their duties in terms of these by-laws in an honest and transparent manner whilst protecting the confidentiality of information of members of the public, owners, consumers and occupiers in accordance with the provisions of the Protection of Personal Information Act 4 of 2013.

14. Work by the City

- (1) Where any owner, occupier and/or consumer has been required by the City by notice in terms of these by-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the City may, without prejudice to its rights to act against the owner and/or occupier for the contravention of these by-laws, proceed itself to carry out the work and may recover the fees, charges and amounts levied by the City for doing so, from the owner, occupier and/or consumer, which owner, occupier and consumer may be held jointly and severally liable for the debt, by the City.
- (2) Where any work other than that, for which a tariff in accordance with the applicable tariff is done, the fees, charges and amounts levied by the City will be recovered from the owner, occupier, consumer and/or any other person causing or necessitate such work to be done.
- (3) Any damage caused to the City's Distribution Network/System by the non-compliance with or contravention of any provision of these by-laws shall be repaired or replaced by the City at the expense of the owner, occupier, consumer or any other person responsible for the non-compliance or contravention and/or damage.

15. Improper use

- (1) If the consumer deals with the electricity (electrical energy) supply in any manner which interferes or is determined to interfere in an improper or unsafe manner with the efficient supply of electricity (electrical energy) to any other consumer, the City may, with or without notice, depending on the urgency, disconnect the electricity (electrical energy) supply of such consumer.
- (2) The supply shall be restored as soon as the cause for the disconnection has been remedied or removed. The tariff, in accordance with the applicable tariff for the discontinuation, disconnection and/or reconnection, shall be paid by the consumer before the electricity (electrical energy) supply is restored, unless it can be shown that the consumer did not interfere with the electricity (electrical energy) supply in an improper or unsafe manner.
- (3) If substantiated proof exists that the consumer used or dealt with the electricity (electrical energy) supply in an improper or unsafe manner, a new certificate of compliance for the installation may be required by the City.
- (4) The onus to prove that the cause for the disconnection has been remedied or

removed will be on the consumer who will be obliged to satisfy the City, in writing, that the cause for the disconnection has been remedied.

16. Electricity (electrical energy) tariffs and fees

- (1) The amount payable for electricity (electrical energy) consumed shall be in accordance with the applicable tariff as per the tariff schedule determined by the City from time to time.
- (2) Where an incorrect tariff was applied by the City, the correct tariff will be levied in respect of the actual consumption, for the period during which the incorrect tariff was applied provided that no adjustment shall be made in respect of the period during which the incorrect tariff was applied for a period of more than 36 months prior to the date on which the correction was made calculated from the date on which the City was notified of or became aware of the incorrect tariff so levied.
- (3) In the event where the time of use data was not captured, the average values of the POD will be used for determining the usage in each demand period and for the maximum demand, the details of which are provided in the Policy for the Estimation and Correction of Meter Reading and Billing Data
- (4) Should the consumer deny liability for payment of any amount in respect of any adjustment to his account as referred to in subclause (2) and (3) above, the Consumer shall be obliged to, within 21 business days, calculated from the date of the account in which the adjustment was levied, declare a dispute in terms of the City's applicable policies.
- (5) Unless the consumer has declared a dispute within 21 business days as stipulated in subclause (4) above, the consumer shall be deemed to have accepted liability for the payment of such amount and the correctness of the calculation thereof.
- (6) The City is entitled to recover from a consumer, owner, occupier and/or any other person any and all fees, charges, expenditure incurred by the City, and amounts, fees, and/or charges levied by the City in terms of or in the execution of these by-laws and in accordance with any other by-laws and policies of the City.
- (7) Without prejudice to the rights of the City, and notwithstanding any other actions that may be taken in terms of these by-laws, the City shall be entitled to charge or recover from any person, who has damaged the City's Distribution Network/System all costs, fees, charges, expenses and amounts, plus 15%, incurred or to be incurred by the City as a result of damages to the City's Distribution Network/System.

17. Deposits

- (1) The City reserves the right to require the consumer to pay a deposit or furnish a bank guarantee as per the City's applicable policy from time to time, as security in payment of any amounts, which are due or may become due to the City.
- (2) The amount of the deposit or bank guarantee in respect of each point of supply shall be determined by the City from time to time and may be adjusted as per the City's applicable policy.
- (3) Subject to subclauses (6) and (7) below, such deposit shall not be regarded as payment or part payment of any accounts due for the supply of electricity (electrical

energy).

- (4) Where the City's Distribution Network/System has been tampered with or an installation has been illegally reconnected after disconnection by the City, an increased deposit amount may be required.
- (5) If a consumer applies to the City for a supply at a higher capacity, an increased deposit amount may be required.
- (6) If a consumer is in default with any payment to the City in respect of any municipal service including electricity (electrical energy) the amount of the deposit may be allocated as payment against any outstanding municipal account of that consumer.
- (7) Any sum deposited by and on behalf of the consumer and not allocated as referred to in subclause (6) above is refundable, free of interest, on termination of the supply of municipal services including the supply of electricity (electrical energy), provided that all outstanding amounts have been settled in respect of the consumer's accounts with the City.

18. Payment of accounts

- (1) The amount payable for electricity (electrical energy) consumed shall be in accordance with the applicable tariff as per the tariff schedule determined by the City from time to time.
- (2) All accounts are deemed payable on or before the due date reflected on the account and, on the consumer's failure to pay any amounts reflected in the accounts, the City may give written notice in terms of the City's Credit Control and Debt Collection by-law and/or policies to the consumer to effect payment failing which the City may disconnect the electricity (electrical energy) supply to the premises of the consumer. The account as issued is considered the first notification of the amount payable.
- (3) An error or omission on any account or failure to render an account shall not relieve the consumer of his obligation to pay any amounts on the accounts, inclusive of but not limited to the amounts due for electricity (electrical energy) supplied to the premises and the onus shall be on the consumer to satisfy himself that the accounts rendered is in accordance with the prescribed schedule of tariffs.
- (4) Where the City has visited the premises for the purpose of disconnecting the supply in terms of clause 21 a prescribed fee shall become payable and in the event the City is obstructed or prevented from effecting such disconnection an additional prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account or contravention of any provision of these by-laws and/or policies of the City relevant hereto, the prescribed fees, charges and amounts levied by the City due for electricity (electrical energy) consumed shall be paid, or suitable arrangements shall be made in terms of the City's by-laws or policies, before reconnection is made.
- (6) If a person uses an electrical supply without entering into a suitable arrangement as referred to in subclause (5) above, the owner shall be liable for the payment of electricity (electrical energy) so consumed in accordance with the applicable

promulgated tariff of the City and any other amounts levied by the City in such circumstances.

- (7) Notwithstanding the fact that the occupier or consumer has a consumer agreement with the City for the supply of electricity (electrical energy) the owner will be liable for all amounts due to the City in respect of the property/premises, including all amounts owing by the occupier or consumer. In the event the owner of immovable property apply for a clearance certificate, in terms of section 118 of the Local Government: Municipal Systems Act 32 of 2000, as amended, such owner will be liable for all amounts due to the City in respect of the property/premises, including all amounts owing by the occupier or consumer in order to obtain the clearance certificate.
- (8) The City may, in addition to the charges determined for the supply of electricity (electrical energy) that have been actually provided, levy an availability charge, monthly fixed charge, an annual fixed charge or a once off fixed charge in accordance with the applicable tariff, where the supply of electricity (electrical energy) is available, whether or not such services are consumed or utilised.

19. Interest on overdue accounts

- (1) The City shall levy interest on accounts which are not paid by the due date appearing on the account at an interest rate as approved by the City from time to time.

20. Resale of electricity (electrical energy)

- (1) Unless otherwise authorised by the City in writing, no person shall sell or supply electricity (electrical energy) that is supplied to his premises to any other person/s for use on any premises, or permit such resale or supply to take place.
- (2) In all instances where a person duly authorised thereto under subclause (1) above resells electricity (electrical energy) supplied by the City, the resale is subject to the provision of the Electricity Regulation Act 4 of 2006, as amended, the provision of these by-laws and any other by-laws and/or policies including the indigent policy of the City and the schedule of promulgated tariffs of the City which are applicable and such tariffs of the resale of such electricity (electrical energy) so supplied by the City shall not exceed the duly schedule of promulgated tariffs of the City
- (3) Where a person resells electricity (electrical energy) supplied by the City as provided for under subclause (2) above, such electricity (electrical energy) shall, in respect of each purchaser, be metered through a sub-meter approved by the South African Bureau of Standards. This includes but is not limited to electricity (electrical energy) supplied to security estates, sectional title developments, group housing developments and apartment buildings.
- (4) The City shall not be held liable for any inaccuracy or other defect in any sub-meter as referred to in subclause (3) above.
- (5) In the event the purchaser is privately separately metered, the amount levied by such reseller and the rate applicable per kWh unit for the total units of the specific unit must be at the tariff applicable in terms of the promulgated tariffs of the City and shall the amount payable by the purchaser, not exceed the amount the purchaser would have paid if the purchaser was a direct consumer of the City.
- (6) If the purchaser is not privately separately metered, reseller must divide his total units purchased into his total account received from the City to arrive at a cent per kWh

unit amount and may in such instance use this c/unit amount to bill his purchasers. The total amount charged to the purchasers must not exceed the invoice amount which is payable by the reseller to the City

- (7) No indigent tariff will be applied or be applicable if the tenant of any premises is indigent and shall the indigent policy and/or tariff only be applicable and applied, at the discretion of the City, if the owner qualifies as an indigent.
- (8) Where, in terms of a special agreement a consumer is authorised to resell electricity (electrical energy) supplied by the City, the City may at any time demand from the consumer to submit to the City for inspection the records of such consumer relating to the resale of electricity (electrical energy) to other persons and the income derived by the consumer from such resale, and may, where sub-meters have been installed by the consumer, demand that the consumer have any of such sub-meters tested to the satisfaction of the City at the consumer's expense, and that any meter which is found to be defective be repaired or replaced at the expense of the consumer. Except as is otherwise provided in a special agreement the supply of electricity (electrical energy) under such agreement shall be subject to the provisions of these by-laws.

21. Right to disconnect the electricity (electrical energy) supply

- (1) The City shall have the right, after giving 14 (fourteen) business days' written notice to the owner and/or occupier and/or consumer and/or affected party, to disconnect the supply of electricity (electrical energy) to any premises if: -
 - (a) the person liable to pay for the supply, fails to pay any amount due to the City in connection with any supply of municipal services which he may at any time have received from the City in respect of the premises and/or any amounts due to the City as per the City's policy or by-laws dealing with debt collection and credit control, or,
 - (b) any of the provisions of the by-laws and/or policies of the City relevant hereto and/or the Building Regulations are being or have been contravened.
- (2) The City must in its termination notice referred to in subclause (1) above, notify such person of: -
 - (a) the intention to disconnect electricity (electrical energy) supply to the premises;
 - (b) the right to make representations in respect of the intended disconnection; and
 - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (3) After such disconnection, the amounts as prescribed in accordance with the applicable tariff, together with any other fees, charges and amounts levied by the City shall be paid in full and the contravention complained of by the City had ceased or has been rectified, if any, before reconnection. Reconnection of services shall be completed within a reasonable period of time after written confirmation and provision of documentary proof by the consumer to the City of payment made as well as receipt of such payment by the City.
- (4) When conditions are found to exist in an electrical installation which in the opinion of

the City constitutes a danger or potential danger to person or property or interferes with the supply to any other consumer or if there has been deliberate tampering with equipment or overloading on or an illegal increase of supply or capacity of supply to the premises, the City may, without notice, disconnect that installation or any part thereof until such conditions have been remedied or removed.

- (5) The onus to prove that the cause for the disconnection as referred to in subclause (4) above has been remedied or removed will be on the consumer who will be obliged to satisfy the City, in writing, that such cause for the disconnection has been remedied. The City may inspect the premises to verify that the cause for the disconnection has been remedied or removed and the consumer shall be liable for payment of an amount determined by the City from time to time.
- (6) When an installation has been illegally reconnected on the consumer premises after disconnection by the City, or where the City's equipment was tampered with, the electricity (electrical energy) supply shall be immediately removed and will only be reinstated upon payment of the amounts as prescribed in the tariff schedule determined by the City from time to time together with any other fees as prescribed by the City.
- (7) The City shall have the right to immediately, whenever there is a necessity or insofar as there are insufficient load available to supply and distribute electricity (electrical energy) to consumers, prohibit or restrict the supply of electricity (electrical energy) under its control or management or in the event of a shortage of electricity (electrical energy), implementation of load reduction schedules from a generating plant, unauthorised use of electricity (electrical energy), damage to property, danger to life, flood, other disaster situation or other reason at the discretion of the City prohibit, restrict or suspend the supply of electricity (electrical energy) in the whole or part of its municipal area in general or for specified purpose and/or during specified hours of the day or on specific days and/or in a specified manner or through scheduled interruptions. The City shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity (electrical energy) supply.

22. Non-liability of the City

- (1) The City shall not be liable for any loss or damage, direct or consequential whatsoever and howsoever caused, inclusive of, but not limited to, loss of production, loss of profit and damage to equipment suffered or sustained by a consumer as a result of or arising from the cessation, interruption, disconnection or discontinuation of the supply of electricity (electrical energy), or any variation of voltage or frequency, or through whatsoever other conduct unless caused by the gross negligent conduct of the City.
- (2) Neither the City's approval of an electrical installation after making any inspection or test thereof nor the granting of permission by the City to connect the installation to the supply shall be taken as constituting for any purpose, a guarantee by the City that the work has been properly executed or that the materials used 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.
- (3) The City shall not be liable for any loss or damage, direct or consequential whatsoever and howsoever caused inclusive of, but not limited to fire or any other accident arising wholly or partly from the condition or in respect of any electrical installation belonging to the City or the consumer.

- (4) The City shall not be held responsible for the work done by an electrical contractor or registered person on a consumer's premises and shall not be liable or responsible for any loss or damage, direct or consequential whatsoever and howsoever caused inclusive of loss or damage, which may be occasioned by fire or by any accident or any other cause wholly or partly arising from the condition of the electrical installation or equipment or state of the wiring on the consumer's premises.
- (5) Notwithstanding any of the provisions of these by-laws, where an applicant, occupier or consumer is not the registered owner of the premises, and any application is made to the City, any agreement is entered into with the City or any installation, repairs, extensions, modifications and/or alterations is done to the electrical installation on the premises by the said applicant, occupier or consumer, written consent must be obtained from the registered owner of the premises, prior to the instances and events aforementioned, authorising the said application, agreement, installation, repairs, extension, modifications and/or alterations. Such written consent must be produced or handed to the City, upon request by the City.

23. Leakage of electricity (electrical energy)

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

24. Failure of supply

- (1) The City does not undertake to attend to a failure of the supply of electricity (electrical energy) in the electrical installation of the consumer, except when such failure is due to the operation of a service protective device of the City. When a failure of electricity (electrical energy) supply 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 City shall have the right to: -
 - (a) charge the consumer the amounts as prescribed in the tariff schedule determined by the City from time to time for each restoration of the supply; and
 - (b) recover from the consumer the amount of making good or repairing any damage which may have been done to the service mains and meter by such fault or faulty operation.

25. Sealed apparatus

- (1) Where any seal or lock has been placed by the City on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the City, no person other than an authorised employee of the City, an authorised contractor duly appointed by the City, or a consumer authorised by the City shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock.

26. Testing of meter and failure of meter to register correctly

- (1) If a consumer or owner has reason to believe that the meter is not registering or functioning correctly, is defective in any other manner or an incorrect external/internal

multiplication factor has been applied, or should there be a dispute in this regard, the consumer or owner may request the City to have the meter tested. Such request must be accompanied by the fee prescribed in the tariff schedule for the testing of meters, and the City shall as soon as possible thereafter test the meter. The fee shall be refunded if the meter is shown to be registering or functioning incorrectly through no fault or conduct of the consumer or owner.

(2) The City's finding as to the accuracy of the meter after the test referred to in subclause (1) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in SANS 474 / NRS 057: Electricity metering. A certificate issued by the City or its duly authorised agent shall be prima facie proof of the accuracy or correct functioning of the meter. The laboratory that tests the meter must be SANAS accredited in accordance with SANS 17025.

(3) The City shall, immediately before removing the meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.

(4) If after testing a meter, the City is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with subclauses (6) and (7) below.

(5) The City has the right to audit and test the metering and metering equipment of any installation.

(6) If it is established that the meter and/or metering system is defective, or measuring incorrectly or not at all for whatever reason or if an incorrect external/internal multiplication factor had been applied/registered: -

(a) In the case of a credit meter, adjust the account rendered in accordance with the City's Policy for the estimation and correction of meter reading and billing data ("the Policy"), which Policy is incorporated herein and is regarded as a schedule hereto;

(b) In the case of a prepayment meter, render an account where the meter has been under-registering or not at all, or issue a free token, where possible, where the meter has been over-registering in accordance with the Policy.

(7) Any adjustment to be made as referred to in subclause (6)(a) above, account to be rendered or token to be issued, where possible, as referred to in subclause (6)(b) above or the Policy, will be limited to a period not exceeding 36 months prior to the date on which it was established that the meter and/or metering system was defective or measuring incorrectly or not at all.

(8) Should the consumer deny liability for payment of any amount in respect of any adjustment to his account as referred to in subclause (6) and (7) above, the Consumer shall be obliged to, within 21 business days, calculated from the date of the account in which the adjustment was levied, declare a dispute in terms of the City's applicable policies.

(9) Unless the consumer has declared a dispute within 21 business days as stipulated in subclause (8) above, the consumer shall be deemed to have accepted liability for the payment of such amount and the correctness of the calculation thereof.

27. Theft of electricity (electrical energy) and/or tampering with service connection or Distribution Network/System equipment

- (1) No person is allowed to gain access and/or to connect to the City's Distribution Network/System or obtain a supply of electricity (electrical energy) where not authorised thereto in writing by the City or in accordance with the provisions of these by-laws.
- (2) The provisions of subclause (1) above include but is not limited to the prohibition of making or allowing a temporary or permanent connection to extend the City's or consumer's installation to another property or another person's dwelling or business.
- (3) Any owner and/or occupant of the premises, dwelling or business referred to in subclause (2) and the person so allowing unauthorised access and/or connection to the City's Distribution Network/System or consumer's installation will be deemed as parties that benefit from any unauthorised access to the City's electricity (electrical energy) service and the City shall have the right to recover from any or all of the parties the full amount of the estimated consumption of electricity (electrical energy) services calculated in accordance with the City's schedule of tariffs and other amounts that may be due to City including any losses suffered by the City that resulted from the theft of electricity (electrical energy) and both parties shall be liable for such fees, tariffs, charges, penalties or fines as determined by the City in its promulgated tariffs.
- (4) The unauthorised access and/or connection to the City's electricity (electrical energy) service constitutes theft of electricity (electrical energy).
- (5) No person shall in any manner or for any reason whatsoever paint, deface, tamper, by-pass or interfere with any meter or metering system or service connection or service protection device, or supply or any other equipment or appurtenances of the City or illegally access and/or connect the electrical wiring of any other consumer or access and/or connect to the City's Distribution Network/System of any other consumer and where any seal or lock has been placed by the City on any meter, or other similar apparatus in which such meter or apparatus is accommodated whether or not belonging to the City, no person other than an authorised employee of the City or an authorised contractor duly appointed by the City, shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock
- (6) Where prima facie evidence exists of a consumer and/or any person having contravened subclauses (1), (2), (3) and (5) above, the City shall have the right to immediately disconnect and/or remove the supply of electricity (electrical energy) in respect of any or all of the parties referred to in subclause (3) above without prior notice to any such parties.
- (7) Any or all of the parties referred to in subclauses (3) and (5) above shall be liable for all fees and amounts levied by the City for such contravention and the disconnection referred to in subclause (6) above and, if as a result of the theft, tampering, interference, bypassing, defacing or any other conduct in breach of these by-laws, it is necessary to make alterations to the metering system and/or the City's Distribution Network/System, shall be liable for the total amount of such alterations and repairs.
- (8) The City shall have the right to recover from the consumer and/or other involved persons or businesses the full estimated amounts of the electrical energy and demand amounts lost as a result of the theft of electricity (electrical energy) and/or tampering, interference, bypassing or any other conduct in breach of these by-laws

in accordance with the City's applicable policies and schedule of tariffs.

- (9) Where any uniquely marked or identified cable or equipment of the City is found in the possession of any unauthorised person, that person shall be held accountable for the theft of such cable and/or equipment and any losses suffered by the City in consequence thereof.
- (10) Where any uniquely marked or identified cable or equipment of the City is found installed at an unauthorised location, the parties that benefit from the unauthorised use of such cable or equipment and/or access to the City's electrical service can also be held accountable for the theft of the cable and equipment and any losses suffered by the City in consequence thereof.
- (11) The determination by the City shall be prima facie evidence of the amounts or loss as referred to in subclause (8), (9) and (10) above.

28. Protection of City's Distribution Network/System

- (1) Any electrical installation on any premises connected to the City's Distribution Network/System must be maintained in good working order and condition at all times by the owner or consumer to the satisfaction of the City.
- (2) No person shall wilfully or negligently damage or cause to be damaged any equipment, meter, apparatus belonging to the City or the City's Distribution Network/System used or intended to be used by the City in connection with the supply of electricity (electrical energy).
- (3) The City may require a consumer who takes a multiphase supply, to distribute his electrical load evenly over the supply phases and must install such devices in the consumer's services connection as it may deem necessary to ensure that this requirement is complied with.
- (4) No person shall, except with the written consent of the City 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 City's Distribution Network/System;
 - (b) excavate, open up or remove the ground above, next to or under any part of the City's Distribution Network/System;
 - (c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the City's Distribution Network/System;
 - (d) make any opening in any part of the City's Distribution Network/System or obstruct or divert or cause to be obstructed or diverted any of the City's Distribution Network/System there from;
 - (e) the owner 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 City 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 City shall have the right, after prior written

notification, or at any time without notice in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;

- (5) The City may, at the cost of the consumer: -
 - (a) subject to obtaining an Order of Court, where necessary, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of these by-laws;
 - (b) fill in and make good any ground excavated or removed in contravention of these by-laws;
 - (c) repair and make good any damage done in contravention of these by-laws or resulting from a contravention of these by-laws;
 - (d) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the City's Distribution Network/System.
- (6) The City 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 City's Distribution Network/System.
- (7) Any expenses incurred by the City for any work carried out by the City necessitated by a contravention of these by-laws, shall be for the account of the person who acted in contravention of these by-laws and/or the owner of the premises.

29. Unauthorised connections and reconnections

- (1) No person other than a person specifically authorised thereto by the City in writing shall directly or indirectly connect to, attempt to connect or cause or permit a connection to the City's Distribution Network/System. Any unauthorised connection is illegal.
- (2) No person, other than a person specifically authorised thereto by the City in writing shall reconnect or cause or permit to be reconnected, any service connection or installations which have previously been disconnected from the City's Distribution Network/System by the City.
- (3) When a supply is reconnected illegally, the consumer using the supply of electricity (electrical energy) and/or the owner of the premises shall be liable for all amounts for electricity (electrical energy) consumed between the date of disconnection and the date that the electricity (electrical energy) supply was found reconnected and any other amounts raised in this regard. The City reserves the right to remove part or all of the supply equipment until payment is received in full. The owner of the premises and/or consumer will be responsible for all the charges associated with the reinstatement of the supply equipment.
- (4) Where the electricity (electrical energy) supply has been disconnected owing to unsafe conditions in the consumer's installation the supply may only be reconnected after the consumer has submitted a valid certificate of compliance to the City.
- (5) Any contravention or failure to comply with the provisions of this clause, shall constitute an offence.

30. Temporary disconnection and reconnection

- (1) The City shall, on application by a consumer, in a form prescribed by the City, temporarily disconnect the electricity (electrical energy) supply and shall reconnect it on payment of the fee prescribed in the tariff schedule.
- (2) In the event of the necessity arising for the City to effect a temporary disconnection and reconnection of the electricity (electrical energy) supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the City shall waive payment of the fee.
- (3) The City may, in the case of high risk, without notice temporarily discontinue the supply to any electrical installation to effect repairs or make inspections or tests or for any other purpose connected with its Distribution Network/System or other works.

31. Discontinuation of supply

- (1) In the event of a consumer or owner wishing to discontinue his electricity (electrical energy) supply, the consumer or owner must furnish the City with 14 (fourteen) business days written notice to discontinue the electricity (electrical energy) supply. The City will process the notice and the consumer and/or owner will remain liable for all outstanding electricity (electrical energy) consumption and payments due in terms of the City's tariff schedule for the supply of electricity (electrical energy).

32. Load reduction

- (1) At times of peak load or in an emergency, or when, in the opinion of the City, it is necessary for any reason to reduce the load on the electricity (electrical energy) supply system of the City, the City may without notice interrupt and, for such period as the City may deem necessary, discontinue the electricity (electrical energy) supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The City shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity (electrical energy) supply.
- (2) The City may install on the premises of the consumer such apparatus and/or equipment as may be necessary to give effect to the provisions of subclause (1) above, and the City may at any reasonable time enter any premises to install, inspect, test, adjust and/or change such apparatus and/or equipment. Any interference with such apparatus and/or equipment and/or its operation by a consumer and/or owner will constitute an offence, and recover from the consumer and/or owner the amount involved in repairing or reinstating the apparatus and/or equipment.
- (3) Notwithstanding, the provisions of subclause (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 City may decide to facilitate the later installation of the apparatus and/or equipment referred to in subclause (2) above.
- (4) The City may upon written request by a consumer, consent to any apparatus and/or equipment not being connected to a control relay, in which event the consumer shall, for the period during which such apparatus is not so connected, pay a monthly amount determined by the City.

- (5) The City may provide a set of electrical contacts which will close when the relay contemplated in subclause (2) above is operative, and which will enable the consumer to operate load control apparatus and/or equipment and warning devices.

33. Type of service connection and metering

- (1) The City may in any particular case determine at which voltage the consumer's connection to the City's Distribution Network/System shall be made and the type of such connection.
- (2) The City may similarly determine the type of metering or metering system to be used and may change any existing meter to prepayment technology, where technically possible.
- (3) Where automated meter reading is utilised for large power users as determined by the City, the requirements of SANS 473 / NRS071 shall be complied with.
- (4) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and/or of the maximum demand during the meter reading period and an entry in the City's records shall be prima facie proof that the meter showed the reading which the entry purports to record.
- (5) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the City at a time other than the date set by the City for that purpose, an amount determined by the City shall be payable by such consumer for such reading.
- (6) If for any reason a meter has not been read during one or more meter reading periods, the City may render an account based on the estimated consumption of electricity (electrical energy) and/or maximum demand. The amount payable in respect of energy consumption and/or maximum demand shall be adjusted subsequent to the determination of the actual energy consumption and/or maximum demand once so determined.
- (7) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (8) If any calculation, meter reading or capturing error of whatsoever nature by the City is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only be made for a period of 36 months preceding the date on which the error in the accounts was discovered and shall be based on the City's schedule of tariffs applicable during the relevant period.
- (9) Should the City not be able to gain access to a meter for two consecutive meter reading periods the City may forthwith discontinue the supply of electricity (electrical energy) to the premises to which that meter relates.

34. Prepayment metering

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

- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for credit remaining in the meter shall be made to the consumer.
- (4) The City may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

35. Low voltage switchgear and equipment

- (1) Before a low voltage supply is given, altered or extended, the applicant or owner shall, if required to do so by the City, provide a cabinet(s) of approved design and construction for the accommodation of the City's service connection, at no expense to the City and in a position approved by the City.
- (2) The consumer shall provide an approved cabinet(s) in an approved position for the meter board and adequate conductors for the City's metering equipment, service apparatus, circuit breakers, surge arrestors and other protective devices, and load management relays. The accommodation and protection shall be provided and maintained to the satisfaction of the City, at the cost of the consumer or the owner, and shall be situated where unrestricted access to the City is possible at all reasonable hours.
- (3) The City may require the owner to submit, for approval, a wiring diagram and specifications covering a proposed construction or, alteration, extension or repair to any electrical installation. Where the City requires a diagram and specification the proposed work shall not commence until these have been submitted and approved by the City in writing.
- (4) The installation, alteration or extension of the electrical apparatus must be signed off by a suitably qualified person appointed by the owner, and the certificate of compliance must be submitted to the City for written approval no less than 3 (three) business days prior to energizing the installation, alteration or extension. The City may inspect such installation at any time. The installation, alteration or extension of the electrical apparatus must comply with the requirements of SANS 10142-1.
- (5) Where submetering equipment is installed, an approved cabinet(s) separate from the City's cabinet(s) shall be provided.
- (6) The consumer or the owner of the premises shall in the case of a common meter position for multiple meters, provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus as well as a clear identification of each meter's allocated consumer.
- (7) Where, at the sole discretion of the City, and on written notification to the consumer, 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 in any way becomes unsuitable, the consumer shall relocate it forthwith to a new position, at his cost.
- (8) The approved cabinet(s) for the City's metering equipment and protective devices may, if approved in writing by the City, include the consumer main switch and main protective device. No apparatus other than that used in connection with the supply

and use of electricity (electrical energy) shall be installed or stored in such an approved cabinet(s) unless approved.

- (9) Notwithstanding any approval previously given, the City may at any reasonable time and in case of emergencies at all times, inspect any low voltage apparatus and subject it to such tests as may be deemed necessary and may, if such apparatus on the consumer's premises is found defective, disconnect the supply to the premises until the defect has been corrected.
- (10) The owner or the consumer shall be liable to the City for the payment of all charges in respect of any of the tests and/or disconnection referred to in subclause (9) above should any defect in the low voltage electrical installation be found.
- (11) All the equipment required for the supply of electricity (electrical energy) to the consumer at the point of supply, together with the necessary connection from the City's Distribution Network/System, shall remain the City's property irrespective where in the electrical circuit the metering installation is installed.

36. Medium and high voltage switchgear and equipment

- (1) All the apparatus used in connection with a medium and high voltage electrical installation, alteration or extension and the design and construction including but not limited to circuit breakers, surge arrestors and other protective devices, and load management relays, must be approved by the City in writing.
- (2) A design including but not limited to design calculations, a site plan and drawings showing in detail the particulars and layout of all proposed electrical apparatus with full technical information of the design and apparatus, shall be submitted to the City. No work shall commence before the proposed installation, alteration or extension is approved by the City in writing. The design of the electrical apparatus must comply with the requirements of SANS 10142-2 and be signed off by a suitably qualified engineer appointed by the owner.
- (3) The installation, alteration or extension of the electrical apparatus must be signed off by a suitably qualified engineer appointed by the owner, and the Certificate of Compliance must be submitted to the City for written approval no less than 3 (three) business days prior to energizing the installation, alteration or extension. The City may inspect such installation at any time. The installation, alteration or extension of the electrical apparatus must comply with the requirements of SANS 10142-2.
- (4) Only a person authorised by the City, shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with medium and high voltage apparatus.
- (5) Notwithstanding any approval previously given, the City may at any reasonable time and in case of emergencies at all times, inspect any medium and high voltage apparatus and subject it to such tests as may be deemed necessary and may, if such apparatus on the consumer's premises is found defective, disconnect the supply to the premises until the defect has been corrected.
- (6) The owner or the consumer shall be liable to the City for the payment of all charges in respect of any of the tests and/or disconnection referred to in subclause (5) above should any defect in the medium and high voltage electrical installation be found.
- (7) Notwithstanding anything contained in this clause, no medium and high voltage

apparatus, which has been newly installed, altered or extended, shall be connected to the supply without the written permission of the City. The permission shall not be given unless the requirements of this clause have been complied with.

- (8) All the equipment required for the supply of electricity (electrical energy) to the consumer at the point of supply, together with the necessary connection from the City's Distribution Network/System, shall remain the City's property irrespective where in the electrical circuit the metering installation is installed.

37. Consumer to erect and maintain electrical installation

- (1) For the purpose of these by-laws the applicable legislation, regulations and relevant SABS/SANS standards and codes as amended or replaced shall be applicable to all aspects that relate to electrical installations, and the City may also approve in writing the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice. Any electrical installation constructed or installed must comply with these by-laws, other applicable by-laws and policies of the City, any applicable specifications in terms of the Building Regulations, as amended from time to time and any other applicable standards, legislation or statutory requirements that may be in force from time to time.
- (2) Every owner and/or occupier and/or consumer shall, at his own expense, provide, install, lay down and maintain his own electrical installation.
- (3) All new electrical installation or changes to an existing electrical installation necessitated by any alteration or extension of an existing building must be approved in writing by the City. An application for the approval by the City, must be made on the prescribed form, in writing and shall be accompanied by the determined charge, information copies of the drawings in the format and in accordance with the requirements as determined by the City, and a certificate certifying that the installation has been designed in accordance with the relevant SABS/SANS standards and/or codes and the City's design guidelines by a competent person.
- (4) If installation work has been done without the approval of the City or in contravention of these by-laws, the City may require the owner to rectify the contravention within a specified period and/or if work is in progress, to cease the work and/or to remove all such work which does not comply with these by-laws; and comply with the relevant provisions of these by-laws within a specified period.
- (5) Where required by the City, an owner shall, at no expense to the City, provide and maintain an approved enclosure for accommodating the City's and consumer's supply and metering equipment in a position determined by the City.
- (6) The consumer shall at its expense supply, erect, connect, operate and maintain any equipment required to connect its electrical installation at the point of supply, provided that his equipment shall be approved by the City before it is connected to the point of supply.
- (7) No person shall enter the enclosure accommodating the City's supply and metering equipment or touch or interfere with any apparatus therein, unless authorised to do so by the City in writing.
- (8) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to an electrical enclosure and which shall be used only for the

accommodation of supply and metering equipment.

- (9) The City may use any enclosure for supply and metering equipment in connection with a supply to a consumer on premises other than that on which the enclosure is situated.

38. Standby supply from the City

- (1) No consumer or the owner of a property shall be entitled to a separate standby supply of electricity (electrical energy) from the City's Distribution Network/System for any premises except with the written consent of the City and subject to such terms and conditions to be determined by the City in its sole discretion.
- (2) Charges in accordance with the City's schedule of tariffs will be levied for the electricity (electrical energy) consumed and the maximum demand for the standby supply.
- (3) All capital expenses to establish a standby supply from the City's Distribution Network/System and expenditure relating to the maintenance of the standby supply will be for the consumer and/or owner's account.

39. Consumer energy sources

- (1) When an energy source of any kind is installed on a consumer's premises, and electrically coupled to, and run parallel with the City's Distribution Network/System, the consumer must ensure that the necessary safety isolation equipment, as required by the City, is installed, to prevent any back feed of electricity (electrical energy) after the electricity (electrical energy) supply of the City has been isolated. The consumer shall be responsible for providing and installing all related protective equipment.
- (2) The installation, alteration or extension of an energy source coupled directly to a medium voltage installation or coupled via a step-up transformer to a medium or high voltage installation, as referred to in subclause (1) above must comply with the provisions of subclauses 36(1), 36(2) and 36(3) above.
- (3) The installation, alteration or extension of an energy source coupled to a low voltage installation as referred to in subclause (1) above must comply with the provisions of subclause 35(4) above.
- (4) The City may disconnect the main supply to any premises if the energy source does not operate to the requirements of the Grid Connection Code for Renewable Power Plants Connected to the Electricity Transmission System or Distribution System in South Africa, and the Grid Code Co-generator Connection Conditions.
- (5) No emergency standby energy source (equipment) provided by a consumer for his own operational requirements and which is subject to the regulations shall be connected to any installation without the prior written approval of the City. Application for such approval shall be made in writing and shall include a full specification of the said equipment and a wiring diagram.
- (6) The consumer standby energy source (equipment) is permitted to be electrically coupled to, and run parallel with the City's Distribution Network/System, where agreed to in writing by the City. The consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment

required for safe parallel operation.

40. Embedded Generator

- (1) No embedded generator may be connected to the City's electrical grid without the written consent of the Head of Department: Energy.
- (2) A written application must be submitted to the City for the connection of all embedded generators to the City's electrical grid and must comply with all safety, metering and other requirements as determined by the City.
- (3) Failure by a consumer to apply and receive written approval from the City for the connection of all embedded generators to the City's electrical grid will result in the disconnection of the electricity (electrical energy) supply by the City to the premises.
- (4) In the event of an unauthorised reverse feed-in of electrical energy to the City's electrical grid and which results in the meter reversing to the benefit of the consumer and/or causing billing or meter reading errors, the City will adjust the account rendered to the consumer in accordance with the City's Policy for the estimation and correction of meter reading and billing data and the City will further install the appropriate meter at the expense of the consumer.
- (5) All installations relating to embedded generators must comply with the relevant standards, legislation, regulations and/or requirements and compliance to new or amended standards, regulations and/or requirements will be required for existing installations if in the opinion of the City the previous regulations or standards are no longer safe or does not comply with new or amended standards, regulations and/or requirements.

41. Wheeling

- (1) The City may, subject to the provisions of the City's Policy for the Wheeling of Electricity ("the City's Wheeling Policy"), the content of which is incorporated herein, permit the wheeling of electricity (electrical energy) through the City's Distribution Network/System by another electricity (electrical energy) supplier (generator or trader) duly licensed for generating or trading electricity (electrical energy) in terms of the Electricity Regulation Act 4 of 2006, as amended, or any other applicable legislation, to a consumer contracted to such supplier.
- (2) All provisions stipulated in the City's Wheeling Policy must be adhered to.
- (3) The amounts payable for the wheeling of and/or for electricity (electrical energy) consumed shall be in accordance with the applicable tariff as per the City's tariff schedule as determined from time to time.

42. Position of cooking appliances

- (1) No heating or cooking appliance shall be installed, placed or used below any meter or supply equipment of the City.

43. 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 (electrical energy) supply. The consumer shall, without delay, contact the City's emergency services and also give written notice forthwith to the City and the consumer shall immediately take steps to remedy the fault.

44. Change of consumer/occupier

- (1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, must give the City at least 14 (fourteen) business days written notice of his intention to discontinue the use of the electricity (electrical energy) supply.
- (2) The new occupier must apply in writing as per clause 8 above, failing which the electricity (electrical energy) supply shall be disconnected and the occupier and/or owner shall be liable for the electricity (electrical energy) consumed from the date of occupation until such time as the supply is disconnected.
- (3) Where premises are fitted with a prepayment meter and change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply for an electricity (electrical energy) supply in terms of clause 8 above, the occupier and/or owner shall be liable for all charges and fees owed to the City, as well as any outstanding charges and fees which accrued to that point of metering, until such time as an application for supply is received by the City.
- (4) Subject to subclauses (1), (2) and (3) above, the registered owner of a property remains liable for payment of any electricity (electrical energy) consumed on the premises in accordance with the City's schedule of tariffs without a valid agreement being concluded.

45. Service apparatus and Damage to the City's Distribution Network/System

- (1) If any damage occurs to the City's Distribution Network/System, on the owner and/or consumer's premises the owner and/or consumer shall inform the City in writing as soon as he becomes aware of that fact and the City or a person authorised by City shall repair the damage.
- (2) The owner of the premises and/or the consumer shall be liable for all amounts arising from damages to or loss of any of the City's Distribution Network/System on the owner and/or consumer's premises.
- (3) Where there is a common metering installation on the premises for more than one owner and/or consumer, such owners and/or consumers will be jointly and severally liable for any damages as referred to in subclause (2) above.
- (4) A certificate signed by an official of the City (whose appointment and authority need not be proven) setting out the amount/s owing to the City in terms of this clause shall be sufficient and satisfactory proof of the facts therein stated unless the contrary is proved by the consumer(s) or owner(s).
- (5) The certificate as referred to in subclause (4) above (if not challenged in writing by the consumer or owner) will on its mere production by any person be accepted by the Court as evidence of facts recorded in such certificate.
- (6) If any fault develops in the consumer's electrical installation, which constitutes a hazard to persons, animals, or property, the consumer shall without delay, contact the City and the consumer shall immediately take steps to remedy the fault.

46. Service connection

- (1) The owner of the premises concerned or a duly authorised person acting on his behalf shall make application for the installation or reinstatement of a service connection in a form prescribed by the City.
- (2) A service connection shall be installed at the expense of the owner and shall be paid to the City by the owner before the supply is authorised. The work to be carried out by the City at the cost of the owner for a service connection to the owner's premises shall be determined by the City. The owner shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the City for the installation of the service connection.
- (3) Every part of the service connection shall remain the property of the City.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed, the City may, at its absolute discretion, refuse to supply electricity (electrical energy) to that installation until all amounts due to the City by the same owner and/or consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner shall be entitled to require more than one service connection for a supply, to any premises, even if it comprises or occupies more than one stand. The City may however in its sole discretion and subject to such conditions as it deems fit to impose upon the owner, provide more than one service connection to the premises and where more than one service connection is so provided it shall be unlawful to interconnect them.
- (6) In cases where more than one consumer on the same premises is with written approval of the City provided with electricity (electrical energy) from a single point with equipment belonging to the owner of the premises, the City will not be responsible for any defects or damages to the electricity (electrical energy) supply whatsoever, that are caused by defects in the equipment of the owner of the premises.
- (7) The applicant for a service connection shall, before work on his installation is commenced with, furnish the City with such indemnity as it may specify.
- (8) The City may, notwithstanding any indemnity given in terms of subclause (7) above, refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.
- (9) Where the actual load of a consumer differs from the initial estimated load provided for in the application referred to in subclause (1) above, to the extent that the City deems it necessary to alter or replace its supply and metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (10) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the City.

47. Interference with electrical equipment

- (1) No person shall operate electrical equipment connected to the City's Distribution Network/System having load or generation characteristics, which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents or flicker that fall outside the limits of NRS 048
- (2) The assessment of interference with other consumers' electrical equipment must be carried out by means of measurements taken at the point of common coupling and at individual consumers connected to the point of common coupling as described in NRS 048, other applicable standards and best practices.
- (3) Should it be established that undue interference is occurring, the consumer at fault shall, at his own cost, install the necessary equipment to filter out the interference (improve the power quality) and prevent it from polluting the City's Distribution Network/System.

48. Power factor

- (1) If required by the City, the power factor of any load or generation connected to the City's Distribution Network/System shall be maintained within the limits of 0,850 lagging to 0,990 leading.
- (2) Where, to comply with subclause (1) above, it is necessary to install power factor correction devices, the corrective devices shall be connected to the individual terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his own cost, install power factor corrective devices.

49. Domicilium

- (1) The *domicilium citandi et executandi* of the consumer and/or the owner for the serving of any documents or notices will be any one of the addresses as referred to in subclause 6(2) above, with service on the City to be attended to in accordance with section 115(3) of the Local Government: Municipal Systems Act 32 of 2000, as amended.

50. Non-Compliance, Offences, Penalties and other Charges

- (1) It is an offence for any person to:
 - (a) wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official and/or representative and/or service provider of the City in the performance of his duty or duties under these by-laws or any other relevant legislation and/or by-laws or policies of the City or of any duty connected therewith or relating thereto;
 - (b) gain access and/or connect to the City's Distribution Network/System or obtain a supply of electricity (electrical energy) unless authorised thereto in writing by the City or in accordance with the provisions of these by-laws;
 - (c) allow a temporary or permanent connection to extend the City's Distribution Network/System or consumer's electrical installation to another premises or another person's dwelling or business;

- (d) in any manner or for any reason whatsoever paint, deface, tamper, by-pass or interfere with any meter or metering system, or service connection or supply main or any other equipment or appurtenances of the City unless authorised thereto in writing by the City;
 - (e) remove, break, deface or otherwise interfere with any seal or lock which has been placed by the City on any equipment, appurtenances, meter, or other similar apparatus in which such meter or apparatus is accommodated whether or not belonging to the City unless he is an authorised official of the City or an authorised contractor duly appointed by the City;
 - (f) refuse or fail to give such information as may reasonably be required of him by the City or render any false information to the City including, but not limited to, information regarding any electrical installation or work completed or contemplated;
 - (g) wilfully or negligently damage or caused to be damaged any service connection, supply main, cables, meter, apparatus or the Distribution Network/System belonging to the City and used or intended to be used by the City in connection with the supply of electricity (electrical energy);
 - (h) contravene, breach or fail to comply with any other provision of these by-laws.
- (2) A person who has been found guilty by a court of the contravention of any of the provisions of subclause (1) above shall be liable on conviction to a fine not exceeding R20 000.00 (twenty thousand rand) or imprisonment not exceeding 12 (twelve) months or to both a fine and imprisonment.
- (3) In accordance with the provisions of section 341 of the Criminal Procedure Act 51 of 1977,
- (a) if a person receives from any peace officer a notification in writing alleging that such a person has committed, at a place and upon a date and at a time or during a period specified in the notification, any offence in terms of these by-laws and setting forth the amount of fine which a court trying such person for such offence would probably impose upon him, such person may within 30 (thirty) days after the receipt of the notification deliver or transmit the notification together with the sum of money equal to the said amount to the City.
 - (b) any sum of money paid to the City as contemplated in subclause (3)(a) above shall be deemed to be a fine imposed in respect of the offence in question; and
 - (c) such person shall not be prosecuted for having committed the offence;
 - (d) the City shall, within 7 (seven) days of receipt of any sum of money as provided in subclause (3)(a) above, forward to the magistrate of the district or area wherein the offence is alleged to have been committed, a copy of the notification relating to the payment in question whereupon the said magistrate will act in terms of section 341(2)(d) of the Criminal Procedure Act.
- (4) Notwithstanding the aforementioned the City may institute civil proceedings in respect of any breaches of the provisions contained in these by-laws and claim damages and/or any other appropriate relief.

- (5) The owner, occupier and/or consumer are jointly and severally responsible for ensuring compliance with these by-laws in respect of all and any matter relating to the supply of electricity (electrical supply) including but not limited to the use and/or consumption of electricity (electrical energy) and the installation and maintenance of the electrical installation and/or the payment of any amounts that may be due as a result of the non-compliance of the provisions of this clause.

51. Powers of the City in terms of the Act or these by-laws

- (1) Where the City executes any work or conducts any inspection in terms of these by-laws, the City may in addition to any rights and powers given to the City in terms of the Act, these by-laws or any other by-laws or policies of the City:
- (a) access any premises and/or execute work on and/or inspect any premises;
 - (b) question and request information from a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question and request information from a person whom the City believes may have information relevant to the work or inspection;
 - (d) request and 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 subclause (1)(d), or if necessary remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
 - (i) 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 City to do what is required to give effect to and/or enforce the provisions of these by-laws;
 - (j) remove or rectify any unlawful connection or works and removal of any items used by consumer in unlawful connection and not returned to the consumer.
 - (k) if the City at its discretion remove an object for a specific purpose, the City shall return the object removed as soon as practically possible after achieving the purpose for which it was removed.

52. Repeal of existing municipal Electricity by-laws

- (1) The provisions of any by-laws relating to electricity supply by the City are hereby repealed insofar as they relate to matters provided for in these by-laws.

53. Short title and Commencement

- (1) These by-laws are called the Electricity Supply By-Laws of the City of Ekurhuleni

Metropolitan Municipality.

- (2) These by-laws will become applicable upon the date of publishing in the Provincial Gazette.
- (3) The City may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (4) Until any notice contemplated in subclause (3) is issued, these by-laws are binding on all areas within the jurisdictional area of the City of Ekurhuleni Metropolitan Municipality.

54. Exemptions

- (1) The City may in writing exempt any person from complying with a provision of these by-laws, subject to any conditions the City 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 City may not grant exemption from any clause or provision of these by-laws that may result in:
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of load restrictions;
 - (c) any significant negative effects on public health, safety or the environment;
 - (d) non-payment for municipal services;
 - (e) non-compliance with the Act or any Regulations made in terms thereof; or
 - (f) a nuisance.
- (2) The City may at any time after given written notice of at least 30 (thirty) calendar days withdraw any exemption granted in terms of subclause (1), and may require the owner or consumer as the case may be, to comply with the relevant clauses and provisions of these by-laws within a period stated in the notice of withdrawal, provided that the City may withdraw such an exemption without such notice if, in the opinion of the City, there is a present or imminent danger to public health or the environment or of the wastage or excessive consumption of municipal services or the evasion of load restrictions or the obligation to pay for the consumption of municipal services supplied.

55. Transitional Arrangements

- (1) Installation work authorised by the City prior to the commencement of these by-laws or authorised installation work in progress on that date, shall be deemed to have been authorised in terms of these by-laws: and the City may for a period of 90 (ninety) calendar days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.
- (2) Any reference in these by-laws to a charge determined by the City shall be deemed to be a reference to a charge determined by the City under the by-law repealed by these by-laws, until the effective date of the applicable fees, charges and amounts to be levied by the City that may be determined by the City in terms of these by-laws, or by-laws relating to Credit Control and Debt Collection and/or the tariff schedule determined by the City from time to time.
- (3) Any approval, consent or exemption granted under the by-law repealed in terms of these by-laws shall subject to the provisions of these by-laws, remain valid.
- (4) No consumer shall be required to comply with these by-laws by altering an electrical installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the City the installation or part thereof is defective the City may by notice require the consumer to comply with the provisions of these by-laws.

Schedule 1

“Applicable standard specification” means the latest or amended version of:

STANDARD NUMBER	STANDARD DESCRIPTION
SANS 1019	Standard voltages, currents and insulation levels for electricity supply
SANS 1607	Electromechanical watt-hour meters
SANS 1524	Parts 0, 1 & 2 – Electricity dispensing systems
SANS / IEC 60211	Maximum demand indicators. Class 1.0
SANS / IEC 60521	Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2)
SANS 10142-1	Code of practice for the wiring of premises (low voltage)
SANS 10142-2	Code of practice for the wiring of premises (medium voltage)
NRS 047	National Rationalised Specification for the Electricity Supply – Quality of Service
NRS 048	National Rationalised Specification for the Electricity Supply – Quality of Supply
SANS 474 / NRS 057	Electricity Metering Minimum Requirements
SANS 17025	General requirements for the competence of the testing and calibration laboratories
SANS 473 / NRS 071	Automated metering reading for large power users
AND INCLUDED ANY OTHER APPLICABLE STANDARD SPECIFICATION NOT LISTED HEREIN	

For Office Use

File:

Council Resolution: A-WE (01-2022 dated 28 September 2023)

Gauteng Provincial Gazette Number 422- dated 22 November 2023

Local Authority Notice Number -1522