Johannesburg, South Africa

Standardisation of Electricity By-law, 1999

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Johannesburg
South Africa

Standardisation of Electricity By-law, 1999

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

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

1. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

"**extended service connection**" means the electrical circuit, equipment and control gear within a building between the service connection and the council's meter that registers the electricity consumption of a directly billed consumer;

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

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

"**meter reading period**" means the period extending from one reading of a meter to the next;

"**meter cabinet**" means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the engineer and designed to operate at low voltage;

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

"**notified demand**" means the maximum demand assessment to the capacity requirements of a service connection as requested by the owner and agreed upon by the engineer;

"**occupier**" means any person in occupation of premises at a relevant time;

"**owner**" means and includes the registered owner of the land or premises, or his authorised agent, or any person receiving the rent or profits issuing therefrom or who would receive such rents or profits, if such land or premises were let, whether for his own account or as agent for any person entitled thereto or interested therein;

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

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

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

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

"**service connection**" means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected to that cable or conductor, any meter and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the council;

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

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

"**supply**" means a supply of electricity from the supply main;

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

2. Application for and conditions of supply

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

3. Consumer's agreement

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

(2) No person shall use a supply unless a consumer's agreement as contemplated in subsection (1) has been concluded with the council: Provided that any consumer who was a consumer prior to the promulgation of these by-laws, shall be deemed to have concluded a consumer agreement with the council in terms of subsection (1).

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

(4) No person shall, without first having obtained the engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or give.

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

(i) the same amount of electricity is consumed; and

(ii) the same maximum demand is recorded.

4. Tariff of charges

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

5. Directly billed consumers

(1) All applications for direct billing shall be submitted to the engineer in the form prescribed by the engineer.

(2) If he elects to have his tenants billed directly, the owner shall bear all costs of modifications to and/or upgrading and renewal of internal reticulation, wiring and control gear required within the building.

(3) The owner shall enter into a consumer's agreement with the Council and ensure that all tenants in the building concerned shall enter into consumer's agreements with the council before the direct billing is introduced.

(4) The cost of the metering equipment required for direct billing, the housings of such equipment in a low voltage enclosure or meter cabinet and the installation thereof shall be borne by the owner.

(5) If council meters are installed in residential units, an additional supply circuit breaker for isolation purposes shall be provided by the owner in a secure, lockable, low voltage enclosure or meter cabinet, external to each residential unit.

(6) Every residential unit or tenant's premises shall be electrically separate. Any interconnection between units or tenant's premises shall be removed and the wiring rectified by the owner to the satisfaction of the engineer before direct billing can be introduced.

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

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

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

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

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

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

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

6. Termination of consumer's agreement

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

(2) After a consumer's agreement has been terminated, any consumption recorded before another consumer's agreement is concluded in respect of the same premises shall, until the contrary is proved be deemed to have been consumed by the owner of the premises who shall be liable for payment of the charges as determined by the council.

7. Continuation of supply to new consumer

(1) The council may, upon termination of any consumer's agreement, conclude with any prospective consumer a new consumer's agreement providing for the continuation of the supply.

(2) The new consumer referred to in subsection (1) shall be liable to pay for all electricity consumed in or at the relevant premises from the termination of the proceeding consumer's agreement.

8. Deposits

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

(b) Notwithstanding the provisions of subsection (1) (a), the council may, in lieu of a deposit, accept from any applicant a guarantee for an amount calculated in accordance with subsection (1) (a) and in the form prescribed by the council, as security for the payment of any amount which may become due by the applicant for or in respect of the supply of electricity: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned exceeds such minimum amount as the council may from time to time determine.

(2) The council may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished, in which event the consumer shall within thirty days thereafter deposit with the council such additional sum or furnish such additional guarantee as the council may require, failling which the council may discontinue the supply.

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

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

(i) surrender the receipt which was issued upon payment of the deposit; or

(ii) if such receipt is not available, sign a receipt prescribed by the council for the refund of such deposit or part thereof, and satisfy the council that he is the person entitled to such refund.

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

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

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

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

(b) to any other person who has satisfied the council that he is entitled to have the payment made to him, an amount equal to the forfeited deposit.

(7) If a consumer applies to the engineer for a supply of higher capacity than he is receiving, the council may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is provided.

9. Accounts

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

(2) The council may, during any meter reading period, ,ender to the consumers a provisional account in respect of any part of such period (which part shall as close as practically possible be a period of thirty days and the amount of which account shall be determined as provided in subsection (4) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him on a provisional account as aforesaid.

(3) An account may be rendered for fixed charges as and when they come due.

(4) The amount of a provisional account referred to in subsection (2) shall be determined by the council by reference to such previous consumption on the same premises as would in its opinion constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the council shall determine the amount of the said account by reference to such consumption on other similar premises which, in its opinion, affords reasonable guidance.

(5) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.

(6) In the event of the council not being able to gain access to a meter for two consecutive meter readings, the council may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates and commence recovery of any amounts due by the consumer.

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

10. Reading of meters

(1) The amount of electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meters thereon at the beginning and the end of such period and, where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.

(2) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the council's books or an entry in the council's computer system shall be prima facie proof that the meter showed the reading which the entry purports to record.

(3) If, at the request of a consumer, the meter is read by an authorised employee of the council at any time other than the date set aside by the council for that purpose, a charge determined by the council shall be payable by such consumer for such reading.

11. Prepayment metering

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

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

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

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

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

12. Testing accuracy of meters

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

(2) The engineer's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out shall be final, and a meter shall be deemed to be registering correctly if it is shown by such test to be over- or under-registering by not more than an average of five percent when

tested in accordance with the code of practice of the South African Bureau of Standards for the testing of electricity meters or in accordance with procedures laid down by the engineer.

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

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

(5) If, after testing a meter, the engineer is satisfied that it is over or under registering, the council shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over- or under-registered in respect of the period, the length of which shall be determined by the council, prior to the date of termination of the current meter reading period in terms of subsection (4).

13. Failure of meter to register correctly

(1) When the council is satisfied that a meter has ceased to register correctly, the reading shown thereby shall be disregarded and the consumer-

(a) shall be charged, in respect of the current meter reading period, the same amount as the consumer has paid in respect of the corresponding period in the preceding year subject to the adjustment necessitated by any alteration to the electrical installation or the charge determined by the council; or

(b) if the consumer was not in occupation of the premises during the corresponding period referred to in paragraph (a), shall be charged on the basis of his consumption during the three months preceding the last date on which the meter was found to be registering correctly; or

(c) if the consumer was not in occupation of the premises during the whole of the period referred to in paragraph (b), shall be charged on the basis of his consumption during the three months following the date from which the meter was again registering correctly.

(2) If it can be established that the meter has been registering incorrectly for a longer period than the meter reading period referred to in subclause (1), the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of 38 months prior to the date on which the meter was found to be registering incorrectly.

14. Disconnection of supply

(1) When any charges due to the council for or in connection with electricity supplied are in arrear, the council may at any time without notice disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection charge determined by the council are fully paid.

(2) When conditions are found to exist in an electrical installation which in the opinion of the engineer constitute a danger or potential danger to person or property or interface with the supply to any other consumer, the engineer may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.

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

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

15. Unauthorised connection

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

(2) If the supply to any electrical installation is disconnected in terms of section 13(1) or (2), the consumer and owner of concerned shall take ail reasonable steps within their power to ensure that such supply is not reconnected in contravention of subsection (1).

(3) If such supply is nevertheless so reconnected after it has been disconnected by the council, the consumer and owner concerned shall forthwith take all reasonable steps within their power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the engineer of such reconnection.

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

(5) If any prosecution for a contravention of or failure to comply with subsections (2) or (3), or both, or of any or both of those subsections read with subsection (4), any contravention or failure to comply, whether intentional or negligently, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that-

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

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

16. Fraudulent use

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

(2) Unless the engineer has granted permission in writing, no electricity supplied by the council shall be used unless it has first passed through a councilapproved meter connected to the electricity installation.

17. Resale of electricity

Where a person resells electricity supplied by the council-

(1) Such electricity shall, in respect of each purchaser, be metered through a sub-meter, such sub-meter shall have been submitted to the engineer for appproval prior to installation.

(2) The council shall not be held liable for any inaccuracy or other defect to any sub-meter;

(3) The charge made by such seller shall not exceed the charge determined by the council which the council itself supplies electricity and every such purchaser shall be entitled to require the seller to furnish such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered for electricity supplied are correct.

18. Installation diagram and specifications

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

19. Inspection and tests

(1) The engineer may at any reasonable time or in cases of emergency at any time enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including to ascertain whether a breach of these by-laws or any other applicable legislation or law has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork or other material obstructing or covering any part of the electrical installation.

(2) Every reasonable facility to carry out tests and inspections shall be afforded to the engineer by the contractor, the owner and the occupier of the premises and the aforesaid facilities shall in the case of a contractor include the provision of suitable ladders.

(3) Where cables or conduits of an electrical installation are laid underground, the trenches containing them shall be left open until the work has been inspected and approved.

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

20. Liability of council and contractor

(1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by the engineer of permission to connect the installation to the supply shall be taken as constituting for any purpose any guarantee by the council that the work has been properly executed or that the materials used are sound or suitable for purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.

(2) The council shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

21. Service connections

(1) The owner of the premises concerned shall make application for the installation or reinstatement of a service connection in a form prescribed by the engineer.

(2) A service connection shall be installed at the expense of the owner and the charge as determined by the engineer shall be paid to the council before supply is authorised.

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

(4) Notwithstanding that the service connection to an approvedelectrical installation may already have been completed, the council may in its absolute discretion refuse to supply electricity to that installation until all amounts due to the council by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.

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

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

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

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

22. Sealed apparatus

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

23. Tampering

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

24. Liability for damage to service connection

(1) Unless such owner or consumer can prove negligence on the part of the council, the owner of the premises or the consumer shall be liable to make good to the council any damage that may occur to the service connection or any part thereof or to any other council apparatus on the premises.

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

25. Type of supply

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

26. Meter cabinets

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

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

27. High voltage electrical installations

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

(2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation. a site plan and a drawing showing in detail to the engineer's satisfaction, the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the council and no work as aforesaid shall be commenced until the proposed installation or extension has been approved by the engineer.

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

(4) Notwithstanding any approval previously given by him, the engineer may at any reasonable time and in cases of emergency at all times inspect any high voltage apparatus and subject it to such

tests as he may deem necessary and may, if such apparatus is found to be defective, disconnect the supply to the premises until the defect has been rectified to the engineer's satisfaction.

(5) The owner or the consumer shall be liable to the council for the cost of carrying out any of the tests referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.

(6) Notwithstanding anything contained in this section, no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the engineer, which permission shall not be given unless and until every require men of this section has been compiled with.

28. Enclosures for supply equipment

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

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

(3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall, if required by the engineer, be deposited with him or provision made for the fitting of an independant lock by the engineer who shall be entitled to access to the enclosure at all times.

(4) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the engineer and shall be used for no purpose other than the accommodation of equipment and apparatus associated with the supply.

(5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate, the lock of which is controlled by the consumer or the owner of the premises.

(6) The council may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

29. Surge diverters

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

30. Position of cooking appliances

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

31. Provision of circuit breakers

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

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

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

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

32. Control apparatus

(1) The engineer shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load for such length of time as he may deem necessary.

(2) The engineer may upon written request by a consumer consent to any apparatus not being connected to a control relay, in which event the consumer shall for the period during which such apparatus is not so connected, pay a monthly charge determined by the council in respect of the kVA loading of such apparatus.

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

33. Obstructing employees

No person shall wilfully-

(1) hinder, obstruct or interfere with any employee of the council in the performance of any duty relating to these by-laws; or

(2) refuse to give such information as the council may reasonably require; or

(3) give to the council any information which to his knowledge is false or misleading.

34. Irregular supply

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

35. Complaints of failure of supply

If an authorised employee of the council is called to a consumer's premises by any consumer to attend to a complaint of any failure of supply and the cause thereof is found to be on the consumer's electrical installation, a charge determined by the council shall be payable by such consumer for each such attendance.

36. Owner's and consumer's liability

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

37. Notices

(1) Any notice or other document to be issued by the council in terms of these by-laws shall be deemed to have been so issued if it is signed by an authorised official of the council.

(2) Where any notice or other document is in terms of these by-laws required to be served on any person, it shall be deemed to have been properly delivered if served on him personally or on any member of his household apparently over the age of 18 years at his place of residence or if sent by registered post to such person's last known place of residence or business as appearing in the records of the council or, if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office. If sent by registered post it shall, unless the contrary is proved, be deemed to have been received by the addressee on the fifth (5th) working day after the day on which it was mailed per pre-paid registered post.

38. Offences and penalties

(1) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and shall upon conviction be liable for a fine not exceeding R2 000-00 or, in default of payment, to imprisonment for a period not exceeding six months.

(2) The occupier, or if there is no occupier, the owner of any premises supplied with electricity on which a breach of these by-laws is committed, shall be deemed to be guilty of that breach unless he proves that he did not know and could not by the exercise of reasonable dilligence have known that is was being or was likely to be committed and that is was committed by some other person over whose acts he had no control.

(3) Any person who contravenes the provisions of section 15 and who is in consequence not charged for electricity which has been consumed or is charged for such electricity at a rate lower than that at which he should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the council the sum which would have been paid to it had the said offence not been committed, and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.

39. Repeal of by-laws

These by-laws will from the date of their promulgation replace all previously enacted by-laws in force within the area of jurisdiction of the Greater Johannesburg Transitional Metropolitan Council and its various substructures.

M. A. V. DLAMINI, Acting Chief Executive Officer Metropolitan Centre, Braamfontein; P.O. Box 1049, Johannesburg, 2000