Johannesburg, South Africa

Gas Supply (Greater Johannesburg Transitional Metropolitan Council) By-law, 2000

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Johannesburg
South Africa

Gas Supply (Greater Johannesburg Transitional Metropolitan Council) By-law, 2000

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The Greater Johannesburg Transitional Metropolitan Council ("the Council") hereby publishes the Gas Supply by-laws set forth hereinafter, which have been made by the Council under section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with Chapter III of the Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998).

Chapter I
Introduction

1. Definitions

In these by-laws, unless the context otherwise indicates—

(1) "**ambient**" means when applied to the physical conditions under which gas volume is measured, a temperature of 20 °C and an absolute pressure of 84,5 kPa;

(2) "**appliance**" means any device using gas in its process and includes any cooker, furnace, room heater, water heater, or other apparatus used by consumers for lighting, heating, motive power or for any other purpose for which gas can be used;

(3) "**applicant**" means any prospective consumer who submits an application to a licensee for the supply of gas;

(4) "**approved**" means approved by the licensee, regard being had to the safety, design, and performance of any appliance, meter, pressure regulator/governor, pipe and any other material used in connection with the supply of gas by a licensee and the manner in which such appliance, meter, pressure regulator/governor, pipe and other material is used os is to be used;

(5) "**approved standard**" means a standard specified in a gas licence in terms of section 27 and applied by a licensee and Shali include any relevant standard prescribed by any national and provincial legislation;

(6) "**charge determined by the licensee**" means the appropriate charge determined by the licensee from time to time, in accordance with these by-laws and the Gas Licence by-laws;

(7) "**clearance certificate**" means a clearance document issued by the licensee to certify that the gas supply has been cut of or that no such supply existed;

(8) "**consumer**" means a person who has entered or subsequently enters into a consumer agreement;

(9) "**consumer agreement**" means an agreement for the supply of gas entered into between a licensee and a consumer under sub-section 5 (3) or transferred to the licensee under sub-section 5 (5);

(10) "**consumer meter**" means the meter conneted to the service (private) supplied by the licensee to measure volume of gas used;

(11) "**contractor**" means a person, other than an employee of the licensee registered in terms of the Occupational Health and Safety Act, who undertakes to carry out any gas sitting for or on behalf of the licensee;

(12) "**correctly**" when referring to the registering of a meter in use shall mean within the limits of plus or minus 2%;

(13) "**Council**" means the Greater Johannesburg Transitional Metropolitan Council established in terms of the Local Government Transition Act, 1993 (Act 209 of 1993) or its successors in title, and any official to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

(14) "**distribution**" means the transportation of gas through distribution pipelines and associated facilities to points of ultimate consumption for the purpose of trading in gas, and any other activity incidental thereto, and "distribute" and "distributing" have corresponding meanings;

(15) "**energy content**" means the gross heating value of the gas expressed in megajoules per cubic metre at ambient conditions unless otherwise specified;

(16) "**gas fitting**" means the installation, alteration, repair or testing of any gas-burning appliance, including any flue connected thereto, internal piping or service (private) or any other equipment ancillary to such appliance, internal piping or service (private);

(17) "**gas installer**" means any third party appointed by a consumer who is registered in terms of the Occupational Health and Safety Act to d was fitting;

(18) "**gas installation**" means any meter, service, internal piping and appliance and any other equipment ancillary thereto;

(19) "**Gas Licence by-laws**" means the Gas Licence by-laws published under Provincial Gazette Notice No. 3326 dated 31 May 2000;

(20) "**governor/pressure regulator**" means a device designed and installed to reduce or control the gas pressure;

(21) "**internal piping**" means all pipes and connections installed within any premises from the consumer meter and excludes any appliances or the main meter,

(22) "**isolating valve**" means a valve installed in the internal piping for the purpose of cutting off the supply;

(23) "**licensee**" means the holder of a licence granted under section 4 of the Gas License by-laws;

(24) "**main**" means any pipe under the exclusive control of and belonging to a licensee and used for the purpose of supplying gas to consumers, but does not include any service; -

(25) "**meter**" means an instrument used for measuring the volume of gas passing through a pipe and includes a consumer meter and a submeter;

(26) "**non-return valve**" means a valve to prevent a reverse flow to the service;

(27) "**Occupational Health and Safety Act**" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993) and the regulations relevant to gas fitting made thereunder or as superseded or amended from time to time;

(28) "**occupier**" means any person in occupation of premises at any relevant time and in the case of a sectional title Scheme, the body corporate;

(29) "**owner**" means the registered owner of the premises or his authorised agent and any person receiving the rent or profits issuing therefrom, or who would receive such rent or profits if the land or premises were let, whether on his own account or as an agent for any person entitled thereto or interested therein and, in the case of a sectional title scheme, the body corporate;

(30) "**premises**" means any area of land and includes any building, erection or structure, if any, above or below the surface of the land;

(31) "**pressure**" means the gas pressure shown by an appropriate measuring device and includes a U-tube manometer;

(32) "**purchaser**" means a purchaser of gas from a consumer;

(33) "**service**" means all pipes between the main and the consumer meter used or intended to be used for or in connection with the supply of gas by a licensee, and includes a service (public) and a Service (private);

(34) "**service charge**" means the basic minimum monthly charge levied by a licensee for a gas supply to a consumer and to which is added the charge for the quantity of gas consumed;

(35) "**service (private)**" means that part of any service leading from a point on a street boundary of the premises concerned up to the main meter;

(36) "**service (public)**" means that part of any service leading from a point on a street boundary of the premises concerned up to the main meter;

(37) "**shut off valve**" means a valve installed in the service (public);

(38) "**storage**" means the holding of gas piped into a storage facility for the transmission and distribution thereof at a later stage, and any other activity incidental thereto, and "store" and "storing" have corresponding meanings;

(39) "**sub-meter**" means any privately owned meter installed by a consumer which may also be used for the purpose of reselling gas;

(40) "**supply**" means transmission, storage, distribution or trading, and "supplier", "supplied" and “supplying" have corresponding meanings;

(41) "**trading**" means the sale of gas, excluding gas derived from an LPG source, as a commodity to consumers by a licensee and includes any service or conditions associated therewith; and

(42) "**transmission**" means transportation of bulk gas supplies from a source of supply to a distributor or storage company, and any other activity incidental thereto, and “transmit" and "transmitting" have corresponding meanings.

2. Gas Supply Licence

(1) in order to give consumers access to an efficient gas service, and in order to regulate the supply of gas, the Council has made provision for the granting of licences to persons to supply gas on terms set out in these by-laws and the Gas Licence by-laws.

(2) The granting of a licence under the Gas Licence by-laws, and the details of the licensee, shall be published in newspapers circulating on Greater Johannesburg area, and shall be made available to consumers at the Council offices.

(3) For the purposes of these by-laws, any reference to "the licensee" shall be a reference, where appropriate, to the applicable licensee supplying a consumer's premises.

3. Dornicilium Citandi

For the purposes of the service of any notice, order or other document in terms of these by-laws, the address of the consumer registered in the books of a licensee shall be deemed to be the domicilium citandi et executandi of the consumer.

4. Service of Notices

Where any notice or other document is required by these by-laws to be served on any person, it shall be deemed to have been property served if served personally on him or any adult member of his household who signs for the receipt of such notice at his place of residence or business or if sent by registered post to the domicilium citandi et executandi contemplated in section 3.

Chapter II
Conditions of gas supply

5. Application for Supply

(1) An application to be supplied with gas shall be made to the licensee supplying gas in the area in which an applicant's premises are situated. Information regarding licensees shall be obtainable from the Council.

(2) The licensee may refuse to supply gas to an applicant if -

(a) there are no mains in the part of a street abutting on the applicant's premises unless the applicant agrees in writing to pay any costs associated with any extension to the mains as determined by the licensee's capital contribution policy;

(b) the furnishing of supply may detrimentally affect gas supply to any existing consumer; or (c) in the licensee's opinion, the appliance to which gas will be supplied is unsafe or potentially unsafe.

(3) Upon the licensee to supply gas, a consumer agreement in the form determined by the licensee shall be signed by the applicant. The licensee shall be under no obligation to supply gas unless and until such consumer agreement is signed and the applicant has paid the charges and any other costs determined by the licensee for turning on the gas supply and the successful applicant (consumer) has installed or contracted to install a gas appliance.

(4) The form of the consumer agreement determined by the licensee may be made subject to conditions including -

(a) requirements for the internal design of the premises to which gas is supplied; and

(b) any approved standard relating to the safe supply of gas to the premises concerned.

(5) The provisions of sub-sections (1) to (4) shall not apply to any agreement between the Council and a person for the supply of gas by the Council at either the date of commencement of these by-laws or the date of issue of the first licence under section 4 of the Gas Licence by-laws. The Council's rights and obligations under such an agreement shall, on the grant of the licence, be transferred to the licensee under the licence and by virtue of these by-laws. Such an agreement shall then be deemed to have been between the licensee and such a person and shall continue in force as if it had been made by them.

6. Deposit

(1) Subject to sub-section (2) every applicant to the licensee for a supply of gas shall, before gas is supplied, deposit with the licensee an amount of money based on the cost of the maximum quantity of gas which the applicant is, in the licensee's opinion, likely to use during any period not exceeding three months.

(2) The licensee may agree to waive the requirement for the payment of a deposit in appropriate circumstances.

(3) Any deposit paid by a consumer in terms of this section must be invested in an interest bearing account and accrue interest for the benefit of the consumer.

(4) The licensee may at any time when the deposit made in terms of subsection (1) is found to be inadequate, require the Consumer concerned to increase the deposit made by him, in which event the consumer shall within 28 days after being so required, deposit with the licensee the additional amount so required.

7. Refund of Deposit

Any sum deposited with a licensee by or on behalf of a consumer and any interest accruing on that sum in terms of subsection 6 (3) shall be refunded within 30 days after the termination of a consumer agreement and after the deduction of any amount due by the consumer to the licensee. Such refund shall not be transferable to any new consumer at the same premises.

8. Termination of Consumer Agreement

(1) A consumer agreement may be terminated at any time by the parties to the agreement by giving not less than 7 days notice of termination in writing to the other party and no reason need be given for such termination: Provided that a consumer agreement shall be deemed to terminate when a new consumer agreement for the same premises is entered into.

(2) of no gas has been consumed on any premises for a period of 6 months or longer and the circumstances indicate that the service concerned has been abandoned, the licensee may at its sole discretion cause such service to be disconnected from the main and terminate the consumer agreement. Any subsequent application to be supplied with gas will be subject to the provisions of these by-laws as if no gas supply to the premises concerned has existed before.

9. Recovery of Expenses for Providing Services

If a consumer, for any reason whatsoever, terminates a consumer agreement within 12 months, or such other period as may be stated in a consumer agreement, after the service relating to such agreement has been installed, or fails to make use by purchasing such

minimum quantities, if any, as stipulated in the consumer agreement of the service during such period, he shall be liable to pay to the licensee the amount of any expenses incurred by the licensee in installing such service. -

10. Failure to Terminate Consumer Agreement

(1) Any consumer who ceases to occupy the premises in respect of which a consumer agreement has been concluded, and fails to terminate such consumer agreement under sub-section 8(1), shall be liable to pay for all gas consumed on such premises up to and including the date of termination of the consumer agreement or until a new consumer agreement is entered into in respect of the premises.

(2) A consumer shall remain liable to pay the service charge determined by the licensee until the consumer agreement entered into by ..] has been terminated, or a new consumer agreement has been entered into in respect of the premises.

11. Continuation of Supply to New Consumer

(1) The licensee may enter into a new consumer agreement with any prospective consumer providing for continuation of the supply, upon termination of the consumer agreement in terms of sub-section 8(2).

(2) The consumer who is a party to the new consumer agreement referred to in sub-section (1), shall be liable to pay for the gas consumed after a meter reading taken on the date of termination of the previous consumer agreement.

12. Notice of Arrears and Disconnection of Supply

(1) A licensee may at any time and upon reasonable notice (being not more than 30 days in the case of non-payment) to the consumer, cut off the supply of gas to the premises it supplies if the consumer concerned has

(a) failed to pay timeously any amount due to the licensee in terms of these by-laws;

(b) committed a breach of any of the provisions of these by-laws or the consumer agreement or caused or permitted such breach to be committed;

(2) The licensee may, upon reasonable notice to the consumer, temporarily cut off the supply of gas to any premises it supplies for the purposes of effecting repairs of for inspecting or testing any appliance or internal piping or any equipment ancillary to such appliance or internal piping or for any other purpose relating to the licensee's gas installation or equipment ancillary thereto,

(3) The licensee may, at any time without notice, temporarily cut off the supply of gas to any premises it supplies in circumstances where the continued supply of gas to the premises concerned would, in the opinion of the licensee be likely to constitute a sire hazard or other danger.

(4) The licensee shall not be liable for consumption or damages suffered by a consumer or any other person if the gas supply is cut off in the bona fide belief that any of the circumstances mentioned in sub-sections (2) or (3), have occurred.

13. Reconnection of Supply

(1) If the supply of gas has been cut off in terms of

(a) paragraph 12(1)(a) and the amount contemplated in that section has been paid, the consumer shall pay to the licensee the charge determined by the licensee for reconnection before the supply of gas is restored; -

(b) paragraph 12(1)(b), the consumer shall pay to the licensee the charge determined by the licensee for reconnection and in addition thereto, shall pay to the licensee any cost incurred by the licensee resulting from the breach of these by-laws, before such supply is restored;

(c) sub-section 8(2), and a new application is made for a gas supply in terms of sub-section 11(1), the consumer shall pay to the licensee the charges determined for reconnection before the supply of gas is restored. -

(2) Any service (private) and internal piping may be materially tested at the discretion of the licensee prior to any reconnection effected by the licensee in terms of these by-laws.

14. Resale of Gas

(1) No consumer shall resell or supply gas for consumption upon any premises other than the premises to which the consumer agreement relates, or permits such resale or supply.

(2) A consumer may resell gas to any other person on the premises to which a consumer agreement relates, subject to the following Conditions— -

(a) gas shall, in respect of each purchaser, be metered through an approved sub-meter of a capacity sufficient to supply and register the maximum demand which may be made upon it and supplied through an approved gas installation;

(b) the charge made by the consumer as seller shall not exceed the charge which would have been payable had the purchaser been a con###mer,

(c) the conditions of resale shall not be less favourable to the purchaser than the terms on which the licensee supplies gas to the consumer and any consumer or licensee shall at the request of the purchaser, furnish him with any account, document and other information which may

be necessary to enable the purchaser to ascertain whether any account rendered to him for gas supplied is correct.

(3) The licensee shall not be liable for any inaccuracy or any other defect in any account, document and other information which may be necessary to enable the purchaser to ascertain whether any account rendered to him for gas supplied is correct, nor shall the licensee be obliged to furnish such account document or information to the purchaser.

(4) The licensee shall not be liable for any inaccuracy or other defect in any sub-meter, whether or not such sub-meter or the Installation thereof has been approved as contemplated in paragraph (2) (a).

15. Accounts

(1) A consumer shall pay to the licensee the amount of any account or provisional account rendered to him by the licensee in accordance with charges determined by the licensee for gas consumed on or before the date for payment stated in the account.

(2) The licensee may during the period between meter readings render to the consumer a provisional account in respect of a part of such period, such part being as nearly as practically possible a period of 30 days (or a multiple thereof) and the amount of such account being determined in accordance with sub-section (3), 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 consumption during that period determined in accordance with the provisions of sub-section (1), crediting his account with any sum already paid by him on a provisional account.

(3) The amount of a provisional account referred to in sub-section (2), shall be determined by the licensee by reference to such previous consumption, if any, on the same premises as would constitute a reasonable guide to the quantity of gas consumed over the period covered by the provisional account: Provided that if there has been no previous consumption, the licensee shall determine the amount of the said account by reference to such consumption on other similar premises as would constitute the reasonable guide referred to.

(4) The consumer shall pay the service charge determined by the licensee monthly and an account for such charge may be rendered by the licensee as and when such charge becomes due.

16. Inaccessibility of Consumer Meter

If the licensee is not able to gain access to a consumer meter for 2 consecutive meter-reading periods, the consumer shall, within 7 days of being notified verbally or in writing thereof, make arrangements to the satisfaction of the licensee to enable such meter to be read.

17. Consumer's Liability for Licensee's Installation

(1) A consumer shall forthwith, after any damage to or defect in any part of the licensee's gas installation, including any portion of the ma, which is on the consumer's premises, has come to his attention, report such damage or defect to the licensee.

(2) A consumer shall be liable to pay to the licensee an amount equal to the cost of repairing any part of the consumer's gas installation conseñplated in sub-section (1), through which gas is supplied to that consumer's premises, except where such repairs were necessitated by fair wear and tear, natural causes, any inherent defect or by any act or comission by an employee or contractor appointed by the licensee.

Chapter III
General provisions relating to gas supplies

18. Provision of Service

(1) (a) Upon entering into a consumer agreement, the consumer shall pay the charge determined by the licensee in respect of the service (public). Subject to the provisions of Chapter II of these by-laws, the licensee shall thereupon provide, lay down and maintain a service (public) for the Supply of gas to the premises once, if the licensee so requires, the internal pipe work and appliances have been installed to the Satisfaction of the licensee.

(b) If no gas main exists in that part of a street abutting on the property for which a gas connection application is made, the licensee shall provide an estimate for the portion of the cost which will have to be paid by the consumer for provision of the gas main cover and above the service charge determined by the licensee in terms of the licensee's capital contribution policy.

(c) The position of the service (public) shall be as determined by the licensee. (2) The service (public), the consumer meter and associated apparatus shall remain, the property of, and under the control of, the licensee.

(3) The installation and maintenance of the service (private), internal piping and appliances shall be the responsibility of the consumer, and shall be carried out by a registered gas installer.

(4) The licensee may determine a charge in respect of service calls or work performed by it in connection with any item referred to in sub-section (3).

Any amount due in terms of this section shall be paid to the licensee by the consumer.

19. Provision of Consumer Meter

(1) The consumer meter shall be supplied and installed by the licensee.

(2) Notwithstanding the provisions of sub-section (1), no consumer meter shall be installed and no gas shall be supplied if the internal piping or service (private) sails to pass a pressure test administered by the licensee.

20. Access to Isolating Valves

The Consumer shall ensure that the licensee has access to the isolating valve, installed on his own premises at the consumer meter, so that it may be operated at all times.

21. Protection of Meters

(1) The licensee may require a consumer to provide a meter chamber for housing any meter. The position of the meter shall be subject to the approval of the licensee,

(2) Any meter chamber shall be constructed of approved materials and constructed, installed and ventilated to the satisfaction of the licensee.

22. Non-Return Valves

The consumer shall install an approved non-return valve immediately after the consumer meter (or after the consumer meter outlet valve where such valve has been fitted) if any air-gas mixing machine or any equipment is to be used, which in normal operation or as a result of any malfunction or combination of circumstances could give rise to a reverse flow through the service.

23. Quantity of Gas Consumed

(1) When the volume of gas is metered at a pressure not exceeding 1,5 Kilo Pascals (kPa), the energy consumed, expressed in gigajoules (GJ), shall be calculated according to the following formula—

(Volume of gas in cubic metres X energy content in megajoules per Cubic meter)/(1 000)

(2) When gas is metered at a pressure in excess of 1.5kPa at the consumer's request, the energy content shall be multiplied by a correction factor formula stipulated in the licence and calculated by the licensee, based on the supply pressure, before the energy consumed is Calculated in terms of sub-section (1).

24. Dissatisfaction with Meter Reading or Inaccuracy of Meter

(1) If a consumer is at any time dissatisfied with any particular reading of the consumer meter, or if he has reason to believe that the meter is out of order or registered incorrectly, and is desirous of having such meter tested, he shall give notice in writing to the licensee, and such notice shall be accompanied by the charge determined by the licensee for testing a meter, and thereupon the meter shall be tested forthwith by the licensee.

(2) If such consumer meter is found to be registered incorrectly the licensee shall—

(a) refund the charge contemplated in sub-section (1) to the consumer;

(b) install a meter in good working order without charge to the consumer; and

(c) adjust the charge for gas consumed according to the percentage error—

(i) from a date three months before the reading in dispute until the date when the faulty meter is tested on the relevant premises or is removed for testing; or

(ii) from the date of installation of the meter until the date when the faulty meter is tested on the relevant premises or removed for testing; whichever of the periods referred to in sub-paragraphs (i) and (ii) is shorter.

(3) If, after notice has been given in terms of sub-section (1), it is found that the consumer meter concerned has been read incorrectly, the charge pain in terms of sub-section shall be refunded to the consumer and his account shall be rectified.

25. Failure of Consumer Meter to Register

(1) If a consumer meter is sound to have ceased to register, such meter shall be repaired or replaced by the licensee within seven days. (2) Unless it can be approved to the satisfaction of the licensee that a lesser or greater quantity of gas has been consumed, the quantity of gas which shall be paid for by the consumer from the date of reading of the meter immediately prior to its failure to register up to the time of its repair or replacement, shall be estimated by the licensee on the basis of-

(a) the consumption of gas by the consumer on the premises concerned, during the corresponding period in the immediately preceding year; or

(b) the average monthly consumption upon the premises served by the meter over a period of 3 months immediately after repair or replacement of the meter, if an estimate in accordance with paragraph (a) is not applicable or would not give a fair estimated consumption.

26. Charge for Special Reading

Whenever at the request of a consumer, a reading of a consumer meter is taken at a time other than that of the usual periodical reading, the consumer shall pay to the licensee the charge determined by the licensee for such special reading.

Chapter IV
TECHNICAL AND SAFETY STANDARDS

27. Compliance with Technical and Safety Standards

A licensee shall supply gas in accordance with technical and safety standards prescribed in, or approved pursuant to, the licence granted by the Council in terms of the Gas Licence by-laws.

28. Testing of Internal Piping and Service (Private)

(1) Any registered gas installer who has installed, altered or added to, any piping and/or service (Private shall forthwith on completion of Such work issue a Certificate of soundness to the consumer, which certificate must confirm:

(a) that these by-laws and any other applicable safety standards and laws have been complied with; and

(b) the internal piping and/or service (private) is sound after the internal piping and/or service (private) have been inflated to a pressure of 1,5 times the gas pressure to be supplied to the consumer but not less than 5kPa and closed off, the pressure remains unchanged for a period of 10 minutes;

(c) if the internal piping and/or service (private) is found to be defective after a test in terms of paragraph (b), the consumer shall cause all faults to be rectified and pay the charge determined by the licensee, whereafter the internal piping and/or service (private) will be retested in accordance with paragraph (b).

(2) A copy of the certificate of soundness issued by the installer shall be provided to the licensee by the installer, and the licensee shall maintain an up-to-date register recording certificates issued by installers.

29. Maintenance of Internal Piping and Service (Private)

It shall be the sole responsibility of the consumer to maintain the internal piping and service (private) in good condition and repair at all times,

30. Leakages in Internal Piping and Service (Private)

Repairs to leaks of internal piping or service (private) shall be made in accordance with approved standards determined by the licensee, and carried out by a registered gas installer.

31. Check Tests

The licensee may at any time check any work being carried out by a gas installer on any internal piping, service (private) or appliance in respect of which gas is supplied by the licensee, and any fault found shall be rectified by the gas installer concerned within 48 hours of his being notified thereof, provided that is the gas installer is unwilling or unable to effect any such rectification, the licensee or its contractor may carry out the rectification required and may recover any costs associated with that rectification from the consumer.

Chapter V
Contractor's and gas fitter's authority to conduct gas fitting

32. Prohibition of Gas Installations by Unregistered or Unapproved Persons

(1) No person, including any person who was issued a gas sitters licence under the Municipality of Johannesburg Gas by-laws published under Local Authority Notice 3240, shall work on any gas installation which is or is intended to be connected to the licensee's consumer meter, of modify, extent or maintain any existing gas installation which is connected to or intended to be connected to, such consumer meter, unless he is in possession of a gas-installer's registration or an approval issued in terms of the Occupational Health and Safety Act.

33. Duty to Produce Licence

The holder of a gas installer's registration or any similar approval shall produce such registration or approval or a certified duplicate thereof for inspection at any time when called upon to do so by the licensee.

Chapter VI
Tariff structure

34. Tariff Structure Policy

A licensee may collect any charges due to it from a consumer for the supply of gas and any other related costs provided for in these by-laws; provided that the charges collected from the Consumer must be in accordance with the tariff structure set out in the Gas Licence by-laws as separately promulgated from time to time.

Chapter VII
General

35. Defective Internal Piping, Meter or Appliance

(1) No person shall provide, install, connect or cause or permit the provision, installation or connection of any internal piping, meter or appliance which they know or has reason to believe, to be in any way defective or which does not comply with the provisions of these by-laws or approved standards.

(2) No person shall use any internal piping, meter or appliance which they know, or has reason to believe, to be in any way defective or which does not comply with the provisions of these by-laws or approved standards.

36. Unauthorised Connections and Disconnections

No person shall, without the prior written authority of a licensee—

(1) connect or reconnect any internal piping or appliance to any main, service or main meter or cause it to be connected or reconnected; or

(2) disconnect any internal piping or appliance from any main, service or main meter or cause it to be so disconnected, which internal piping or appliance has been disconnected, connected or reconnected by the licensee, as the case may be.

37. Dangerous Pipes and Appliances

(1) If the licensee is satisfied that the condition of any internal piping appliance or any material or equipment ancillary to such internal piping or appliance on any premises is liable to constitute a danger to person or property for failure to comply with an approved standard, the licensee may serve a written notice on the consumer in respect of the premises concerned, requiring him within a period specified in such notice to carry out the work detailed therein, in order to remove the source of danger.

(2) (a) if a consumer on whom a notice has been served in terms of sub-section (1), fails to carry out the work detailed in such notice, the licensee may cut off the supply of gas to the premises concerned, and the supply shall not be restored until the requirements contained in such notice have been complied with to the satisfaction of the licensee.

(b) Any expenses incurred by the licensee in respect of such disconnection and the charge determined by the licensee for reconnection, shall be paid to the licensee by the consumer concerned.

38. Building Over Main or Service

(1) No person shall erect, or cause or permit, or be authorised by the Council to erect or cause or permit, the erection of, any building or structure over any main or service.

(2) The licensee may give written notice requiring the owner or occupier of the premises on which a building or structure exists in contravention of sub-section (1) at the date of promulgation of these by-laws, or which is erected at any time thereafter, to remove such building or structure within such period as may be specified in such notice.

(3) If the owner or occupier, as the case may be, fails to comply with such notice within the period specified, the licensee may itself remove such buiding or structure, and may recover the cost of such removal from the owner or occupier concerned.

39. Demolition of Buildings

(1) No person shall demolish or cause or permit the demolition of any building on any premises to which gas is being supplied until—

(a) the licensee has cut off the service supplying gas to such building and a clearance certificate has been issued by the licensee that such gas supply has been cut off; or

(b) a clearance certificate has been issued by the licensee to the effect that no such service existed.

(2) The charge determined by the licensee for cutting off such service shall be paid to the licensee by the owner/occupier as the case may be of the building to be demolished.

40. Non-liability of Licensee and Council

Neither the Council nor the licensee shall be held liable for any consequences to the consumer or another person for any stoppage, failure, variation, surge or other deficiency in the supply of gas from whatever cause.

41. Inspections and Monitoring

(1) The licensee may, in writing, appoint any suitable employee or agent of the licensee as an authorised person to perform the functions contemplated in this section.

(2) An authorised person must be provided with a certificate of appointment signed by a duly authorised representative of the licensee in which the nature of the authorised person's functions under this section are described.

(3) An authorised person may with the consent of the consumer, such consent not to be unreasonably withheld or delayed, and at all reasonable times on presentation of a certificate of appointment enter any property and any premises to which gas is, has or may be supplied by the licensee in order to

(a) inspect, maintain, alter or repair the gas installation;

(b) extend the gas installation;

(c) remove the gas installation or any component thereof, or

(d) read a meter,

and such authorised person may do all things necessary to uncover and expose any Internal piping for the purposes of such activities.

(4) An authorised person may, at any time and without the consumer's consent on presentation of a certificate of appointment enter a property and premises and perform any action—

(i) in circumstances where the gas installation is likely to constitute a fire hazard or any other danger;

(ii) when it is necessary to carry out any activity mentioned in sub-section (3) and access to that property has been denied, provided that the consumer has received 24 hours notice from the licensee, which notice may be verbal or in writing.

(5) An authorised person entering property in terms of this section must, at the request of any person on the premises or property, identify himself of herself and present the certificate of appointment contemplated in sub-section (2).

(6) The Council may at all reasonable times and with due notice to the licensee and the consent of the consumer enter any property in order to monitor the licensee's and the consumer's compliance with these by-laws.

42. Expenses Upon Breach of By-Law or Failure to Execute Work

Any expenses incurred by the licensee in consequence of a breach of any provision of these by-laws or in the execution of any work directed by any provision of these by-laws to be executed by any person and not executed by him, shall be paid by the person committing such breach or iaiting to execute such work to the licensee.

43. Repeal of By-Laws

(1) The Municipality of Johannesburg Gas by-laws published under Local Authority Notice 3240 on 1 September 1993, are hereby rerealed, subject to the exceptions in sub-section (2).

(2) Any reference—

(a) in these by-laws to a charge determined by the licensee shall mean a charge determined by the Council under the by-laws repealed by sub-section (1), until the licensee's determination of charges under these by-laws and the Gas Licence by-laws comes into operation; and

(b) to a provision in the by-laws repealed by sub-section (1), shall be deemed to be a reference to the corresponding provision in these by-laws.

(3) Anything done under a provision of the by-laws repealed by sub-section (1) shall be deemed to have been done under the corresponding provision of these by-laws and such repeal shall not affect the

validity of any approval, authority, waiver of other act which at the commencement of these by-laws is valid under the by-laws so repealed.

44. Date of Commencement

These by-laws shall commence on the date of publication in the Gauteng Provincial Gazette.