Swartland, South Africa

Electricity Supply By-law, 2023

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Swartland
South Africa

Electricity Supply By-law, 2023

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Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Swartland Municipality, enacts as follows-

1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates:—

"**accredited person**" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"**applicable standard specification**" means—

SANS 1019 Standard voltage-, currentsand 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 0142 Code of practice for the wiring of premises,

NRS 047 National Rationalized Specification for the Electricity Supply - Quality of Service,

NRS 048 National Rationalized Specification for the Electricity Supply - Quality of Supply,

NRS 057 South African National Standard Code of Practice for Electricity Metering, and

NRS 097 Grid Interconnection of Embedded Generators;

"**certificate of compliance**" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"**consumer**" in relation to premises means:

(a) any occupier thereof or any other person with whom the municipality has contracted to supply or is actually supplying electricity thereat; or

(b) if such premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of electricity to such premises; or

(c) if there is no such person or occupier, the owner of the premises;

"**credit meter**" means a meter where an account is issued subsequent to the consumption of electricity;

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

"**electrical installation**" means an electrical installation as defined in the Regulations;

"**embedded generation systems**" means electrical power generation units connected directly to the distribution system or connected to the distribution system on the customer side of the meter;

"**ERA**" means the Electricity Regulation Act, Act 4 of 2006;

"**high voltage**" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un < 220 kV. [SANS 1019];

"**low voltage**" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SANS 1019];

"**the law**" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"**medium voltage**" means the set of nominal voltage levels that he above low voltage and below high voltage in the range of 1 kV < Un < 44 kV. [SANS 1019];

"**meter**" means a device which records the demand or the electrical energy consumed and includes conventional and prepayment meters;

"**motor load, total connected**" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"**motor rating**" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"**motor starting current**" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;

"**municipality**" means the municipality of Swartland, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**occupier**" in relation to any premises means—

(a) any person in actual occupation of such premises;

(b) any person legally entitled to occupy such premises;

(c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or

(d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his/her whereabouts are unknown;

"**owner**" in relation to premises means the person in whom is vested the legal title thereto; provided that —

(a) in the case of immovable property—

(i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or

(ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined—

(i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or

(ii) is absent from the Republic of South Africa, or if his address is unknown to the municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and

(iii) if the municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"**point of consumption**" means a point of consumption as defined in the Regulations;

"**point of metering**" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the municipality or the electrical installation of the consumer, as specified by the municipality or any duly authorised official of the municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"**point of supply**" means the point determined by the municipality or any duly authorised official of the municipality at which electricity is supplied to any premises by the municipality;

"**premises**" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

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

"**Regulations**" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"**safety standard**" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

"**service connection**" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"**service protective device**" means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"**standby supply**" means an alternative electricity supply not normally used by the consumer;

"**supply mains**" means any part of the municipality's electricity network;

"**tariff**" means the municipality's tariff for the supply of electricity;

"**token**" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*;

"**voltage**" means the root-mean-square value of electrical potential between two conductors; and "wheeling of electricity" means the transportation of electric power over transmission lines from where it is generated to where it is consumed by making use of a third party's electricity network.

Chapter 1
General conditions of supply

2. Provision of electricity services

(1) Subject to subsection 2 below, only the municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.

(2) The municipality may pennit the bulk supply or wheeling of electricity through its electrical grid by another electricity supplier which is licensed and or registered to supply electricity in terms of the ERA.

(3) The municipality may pennit the connection of an embedded generation system to its electrical grid in accordance with the requirements of this by-law and subject to:

(a) compliance with the relevant requirements of the municipality pertaining to the generation of electricity and the safety thereof contained in any guideline or policy issued by the municipality in respect thereof; and

(b) registration with the municipality of all fixed electrical installations where electricity is generated and compliance with the municipality's safety and quality requirements contained in any guideline or policy issued by the municipality in respect thereof.

3. Electricity supply

No person may use or be entitled to use an electricity supply from the municipality without approval of the municipality.

4. Connection of electrical generation equipment

(1) No person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the municipality's supply mains or service connection except with written permission of the municipality;

(2) No alternate electrical generation equipment provided by a customer for his own operational requirements or for generation of electricity may be connected to any installations without the prior written consent of the municipality;

(3) Application for such consent in terms of subsections (1) and (2) above must be made in writing and must include full specification of the electrical generation equipment and a wiring diagram, as may be further detailed in any guideline or policy issued by the municipality in respect thereof.

(4) The electrical generation equipment must be so designed and installed that it is impossible for the municipality's supply mains to be energized by means of a back feed from such electrical generation equipment when the municipality's supply has been de-energised.

(5) The customer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate of compliance issued in terms of the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

(6) The municipality shall not be held responsible for any work done by the electrical contractor/ registered person on a customer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises or the connection of the electrical generation equipment.

(7) Where the customer's alternate electrical generation equipment is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment, to the satisfaction of the municipality.

(8) Before making any alteration or addition to any electrical generation equipment installed within the area of the supply that requires an increase in electricity supply capacity, or an alteration to the service, the customer shall give notice of his intentions in accordance with the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

(9) Any electrical generation equipment connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the customer at his own expense and in accordance with the by-law and the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

5. Wheeling of electricity

No person may generate electricity by way of a fixed electrical installation and feed into the municipal electricity distribution network unless an agreement has been concluded with the municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

6. Service of notice

(1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

(c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

7. Compliance with notices

Any person on whom a notice duly issued or given under this by-law must, within the time specified in such notice, comply with its terms.

8. Application for electricity supply

(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, shall be stated therein; the application must be made as early as possible before the supply of electricity is required in order to facilitate the work of the municipality.

(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the municipality who may specify any special conditions.

9. Processing of requests for supply

Applications for the supply of electricity must be processed and the supply made available within the periods stipulated in NRS 047.

10. Wayleaves

(1) The municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality or on any private property, unless the prospective consumer has obtained written permission granted by the owner of the said private property.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order to continue the supply of electricity and of any removal thereof, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

(3) A way leave granted in terms of sub section (1) shall be binding on the owner of the property who granted the way leave and his or her successors in title for as long as the electricity connection is operative and may not be withdrawn without permission of the municipality.

11. Statutory Servitude

(1) Subject to the provisions of subsection (3) the municipality may within its municipal area:

(a) provide, establish and maintain electricity services;

(b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;

(c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the municipality;

(d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in sub paragraphs (a) to (c).

(2) If the municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the municipality or under the control of or management of the municipality it must compensate the owner as agreed upon by such owner or, in the absence of agreement, as determined either by arbitration or a court of law.

(3) The municipality must, before commencing any work other than repairs or maintenance on or in connection with any electricity supply, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

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

(1) The municipality has access to or over any property for the purposes of—

(a) doing anything authorised or required to be done under this by-law or any other law;

(b) inspection and examination of any service mains and anything connected therewith;

(c) investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality;

(d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law; and

(e) enforcing compliance with the provisions of this by-law or any other law.

(2) The municipality shall pay compensation, as agreed upon, to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1).

(3) Subsection (2) does not apply where the municipality is authorised to execute work at the cost of such person or some other person.

(4) In the absence of agreement compensation may be determined by arbitration or a court of law.

(5) An employee of the municipality may, by notice in writing require such owner or occupier, to provide access to such property for a purpose referred to in subsection (1).

(6) In case of emergency the municipality may enter any premises or property without notice and may take whatever action is necessary or desirable to protect life or property.

(7) A person representing the municipality must, on request, provide his or her identification.

13. Refusal or failure to give information

No person may refuse or fail to give information that may be reasonably required of him or her by an authorised official of the municipality or render any false information regarding any electrical installation work completed or contemplated.

14. Refusal of admittance

No person may willfully hinder, obstruct, interfere with or refuse admittance to any authorised official of the municipality in the performance of his duty under this by-law.

15. Improper use

(1) If a consumer uses electricity for any purpose or deals with the electricity in any manner which the municipality has reasonable grounds to believe interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The tariff as prescribed by the municipality for the disconnection and re-connection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity tariffs

Copies of tariffs may be obtained free of charge at the offices of the municipality.

17. Deposits

The municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any tariff which is due or may become due to the municipality.

18. Payment of tariffs

(1) The consumer is liable for all tariffs determined in terms of the Tariff Policy of the municipality for the electricity service which may include all other electricity services provided by the municipality.

(2) Recovery of payments due to the municipality shall be dealt with in terms of the municipality's Credit Control and Debt Collection Policy.

19. Interest on overdue accounts

The municipality may charge interest on arrear accounts in terms of its Credit Control and Debt Collection Policy.

20. The resale of electricity

(1) Unless authorised by the municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.

(2) If electricity is resold for use on the premises, the provisions of the ERA shall apply, as specified in Schedule 2 to the ERA.

(3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.

(4) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favorable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.

(5) Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity consumers.

21. Right to disconnect supply

(1) The municipality has the right to disconnect the supply of electricity to any premises—

(a) without notice where—

(i) there is grave risk to person or property if the supply is not disconnected; or

(ii) there is evidence of tampering as contemplated in section 24; or

(b) with reasonable written notice where—

(i) a consumer fails to pay any amount due to the municipality in connection with the supply of electricity;

(ii) any provision of this by-law has been contravened and the consumer has failed to comply with a notice of compliance;

(iii) access to inspect metering equipment has been denied;

(iv) the metering accommodation provided by the consumer is not secure, in compliance with safety regulations and lockable; or

(v) in the opinion of the municipality, there is a defect in the installation on premises or in any appliance used in or on premises which is likely to cause injury or damage to persons or property.

(2) In the case of a contravention of section 18(1) of this by-law, the municipality has the right to limit the supply of electricity to the premises from which electricity is supplied or sold or to remove and destroy the illegal connections between premises.

(3) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the municipality shall be paid for re-connection of such supply.

(4) In the case where an installation has been illegally re-connected on premises after having been disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the municipality may remove the electricity supply from those premises.

22. Non-liability of the municipality

(1) The municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the municipality.

(2) The consumer shall be responsible to install and maintain devices on his or her premises to protect installations against all hazards, damage or failure as a result of electricity interruptions, underand overvoltages, swells, flicker, surges, dips, single phasing, phase unbalance, harmonic distortion, frequency variations, loss of neutral conductor, inadequate earthing and earth leakages.

(3) The municipality shall not be liable for any incident, injury, loss or damage, direct or consequential, suffered or sustained if such protection devices are not installed or if they do not function effectively.

23. Leakage of electricity

No rebate shall be allowed in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

24. Failure of supply

(1) The municipality is not obliged to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality shall have the right to charge the consumer the prescribed tariff for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage caused to the service main and meter by such fault or faulty operation.

25. Seals of the municipality

The meter, service protective devices and all apparatus belonging to the municipality shall be sealed or locked by a duly authorised official of the municipality, and no person shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

26. Tampering with service connection or supply mains

(1) No person shall in any manner or for any reason whatsoever tamper or connect to, or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.

(2) Where *prima facie* evidence exists of a consumer or any person having contravened subsection (1), the municipality shall have the right to disconnect the supply of electricity immediately in terms of section 19 of this by-law.

(3) Where a consumer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his estimated consumption, the full cost of damage inflicted and may levy tampering fees in terms of approved tariffs.

27. Protection of municipality's supply mains

(1) No person shall, except with the consent of the municipality and subject to such conditions as may be imposed—

(a) construct, erect or lay, or pennit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;

(b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or

(d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

(2) An owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines to prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.

(3) Should the owner or occupier fail to observe this provision the municipality shall have the right, after notice, or at any time during 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.

(4) The municipality may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

(5) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains

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

29. Unauthorised connections

(1) No person other than a person whom the municipality specifically authorizes in writing to do so may directly or indirectly connect, attempt to connect or cause or permit the connection of a new electrical installation or part of a new electrical installation to the supply mains or service connection.

(2) In the case where an electrical installation has been illegally connected on a customer's premises in contravention of this by-law, any policy or guideline issued by the municipality and/or the Regulations, the municipality may disconnect the connection of the electrical installation to the municipal distribution network.

(3) The municipality must give a person referred to in subsection (3) and any person residing in the premises notice of—

(a) the intention to disconnect the electrical installation of such person;

(b) a reasonable opportunity for such person 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.

(4) For circumstances other than listed in subsection (5), where any of the provisions of this by-law or the Regulations are being contravened, the municipality shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.

(5) The municipality may disconnect the supply of electricity to any premises or the connection of any electrical installation with notice under the following circumstances:

(a) where there is a case of grave risk to any person or property; or

(b) for reasons of community safety or the safety of emergency personnel.

(6) After the disconnection contemplated in subsection (5), the fee as prescribed by the municipality for such disconnection or the reconnection of the service shall be paid by the person concerned.

(7) In the case where an installation has been illegally reconnected on a customer's premises after having been previously legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

30. Unauthorised re-connections

(1) No person other than a person authorised thereto by the municipality in writing shall reconnect, attempt to reconnect or cause or permit to be re-connected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the municipality.

(2) Where the supply of electricity that has previously been disconnected is found to have been re-connected, the consumer using the supply of electricity shall be liable for all tariffs for electricity consumed between the date of disconnection and the date the electricity supply was found to be re-connected and any other tariff raised in this regard.

(3) Furthermore, the municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full and in addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary disconnection and re-connection

(1) The municipality shall, at the request of the consumer, temporarily disconnect and re-connect the supply of electricity to the consumer's electrical installation upon payment of the prescribed tariff for each such disconnection and subsequent re-connection.

(2) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose.

32. Temporary supplies

If electricity supply is found to interfere with the efficient and economical supply to other consumers, the municipality may, with notice, or under exceptional circumstances without notice, terminate such temporary supply at any time and the municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work

(1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the written permission of the municipality.

(2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the municipality may refuse such permission or may grant the same upon such terms and conditions.

34. Load reduction

(1) At times of peak load, or in an emergency, or when it is necessary for any reason to reduce the load on the electricity supply system of the municipality, it may without notice interrupt and for such period as may be necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

(2) Except at times of peak load or in cases of emergency, the municipality shall where possible and practically viable not interrupt the electricity supply system to a consumer without reasonable notice.

(3) The municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the municipality may at any reasonable time and subject to section 12(7) enter any premises for the purpose of installing, inspecting, testing adjusting or changing such apparatus and equipment.

(4) Notwithstanding the provisions of subsection (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the municipality may decide, to facilitate the later installation of the apparatus and equipment.

35. High, medium and low voltage switchgear and equipment

(1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the municipality, be paid for by the consumer.

(2) All equipment installed on the consumer's premises shall be compatible with the municipality's electrical performance standards.

(3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality.

(4) In the case of installation of high or medium voltage supply of electricity the municipality must be notified of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointment.

(5) In the case of a low voltage supply of electricity, the consumer must provide and install a low voltage main switch or any other equipment required by the municipality.

36. Substation accommodation

(1) The municipality may require a consumer to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the owner.

(2) The accommodation shall be situated at a point to which free and unrestricted access is available for purposes connected with the operation and maintenance of the equipment.

(3) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, it shall provide such accommodation.

37. Wiring diagram and specification

(1) Where more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the municipality for approval before the work commences.

(2) Where an electrical installation is supplied from a substation on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the municipality for approval before any material in connection therewith is ordered.

38. Standby supply

(1) Standby supply of electricity from the municipality for any premises having a separate source of electricity may only be supplied with the written consent of the municipality.

(2) Upon interruption of the electricity supply the municipality may supply standby electricity in any manner as necessary.

39. Consumer's emergency standby supply and generating equipment

(1) No emergency standby or generating equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the written approval of the municipality.

(2) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.

(3) The standby and generating equipment shall be so designed and installed, that it is impossible for the municipality's supply mains to be energised by means of a back-charge from such equipment.

(4) Where a consumer's standby or generating equipment is permitted, in terms of a special agreement, to be electrically coupled and run in parallel with the municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment required for such safe parallel operation.

(5) Under normal operating circumstances, any export of surplus energy from the consumer to the municipality's network shall be subject to a special agreement.

(6) In the event of a general power failure on the municipality's network, the consumer must install protection equipment, subject to approval by the municipality, so as to ensure isolation of the consumer's installation from that of the municipality until restoration of normal operating conditions.

(7) The cost of any specialised metering equipment shall be borne by the consumer.

(8) Generation equipment must comply with the appropriate SANS regulations and municipal specifications.

40. Circular letters

The municipality may issue circulars detailing its requirements regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

Chapter 2
Responsibilities of consumers

41. Consumer to erect and maintain electrical installation

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto shall be provided and maintained by the consumer at his own expense and in accordance with this by-law and the Regulations.

42. Fault in electrical installation

(1) If any fault develops in an electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply and without delay notify the municipality and immediately take steps to remedy the fault.

(2) The municipality may require the consumer to reimburse it for any expenses incurred in connection with a fault in the electrical installation.

43. Discontinuance of use of supply

A consumer who wishes to discontinue the electricity supply must give at least two full working days' notice in writing.

44. Change of occupier

(1) A consumer vacating premises shall give the municipality at least two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.

(2) The person taking over occupation of the vacated premises must apply in terms of section 3 of this by-law, and if he or she fails to do so within ten working days of occupation of the premises, the supply of electricity shall be disconnected, and he or she shall be liable for consumption from the date of occupation until disconnection.

(3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer and until such time as application is made by such person for in terms of section 3 of this by-law, he or she shall be liable for all payments owed to the municipality for that metering point as well as any outstanding amounts whether accrued by that person or not.

(4) The municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous consumer’s account is in arrears.

(5) In the event of change of ownership a new certificate of compliance for the premises shall be issued by an accredited electrician, unless the existing certificate was issued within the preceding 24 month period and no subsequent alteration of the electrical installation was effected.

45. Service apparatus

(1) The consumer shall be liable for all costs arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is caused by a natural disaster or an act or omission of an employee of the municipality or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus of the municipality have been removed without permission or have been damaged so as to render re-connection dangerous, the owner or occupier of the premises shall bear the cost of repair or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.

(4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the municipality which shall be final and binding.

Chapter 3
Specific conditions of supply

46. Service connection

(1) The consumer shall bear the cost of the service connection, as approved by the municipality.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership thereof, laid or erected by the municipality, shall vest in the municipality and the municipality shall be responsible for the maintenance of such service connection up to the point of supply.

(3) The consumer shall not be entitled to any compensation from the municipality in respect of such service connection.

(4) With respect to maintenance and responsibility for safety of the service connection, the point of supply shall be—

(a) where the underground or overhead service connection physically transverses the boundary of the consumer's property; or

(b) at the connection to the municipal distribution infrastructure if installed within the boundary of the consumer's property.

(5) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the municipality.

(6) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.

(7) The consumer shall provide, fix or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the municipality for the installation of the service connection.

(8) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm^2 (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the municipality.

(9) Unless otherwise approved, the municipality shall only provide one service connection to each registered erf and for two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.

(10) Covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.

(11) Within the meter box, the service conductor or cable shall terminate in an unobscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.

(12) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings; alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

47. Metering accommodation

(1) The consumer shall, if required by the municipality, provide accommodation in an approved position, for the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.

(2) Such accommodation and protection must be provided and maintained by the consumer and must be situated, in the case of credit meters, at a point with unrestricted access for the reading of meters and for purposes connected with the operation and maintenance of the service equipment.

(3) Metering accommodation must be safeguarded and equipped with approved padlocking facilities and must comply with safety regulations.

(4) Access at all reasonable hours must be afforded for the inspection of prepayment meters.

(5) Where sub metering equipment is installed, accommodation separate from the municipality's metering equipment shall be provided.

(6) The consumer or, in the case of a common meter position, the owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

(7) Where 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 must at own cost remove it to a new position.

(8) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices; no apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

Chapter 4
Systems of supply

48. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

49. Load limitations

(1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the municipality.

(2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless approved by the municipality.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the approval of the municipality.

50. Interference with other persons' electrical equipment

(1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(3) Should undue interference occur, the consumer shall at his or her own cost install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. Supplies to motors

Unless otherwise approved by the municipality the rating of motors shall be limited as follows:

(1) Limited size for low voltage motors—

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

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

Insulated service cable, size in mm^2, copper equivalent	**Maximum permissible starting current**	**Maximum motor rating in kW**		
		Direct on line (6x full-load current)	**Star/Delta (2,5 x full-load current)**	**Other means (1,5 x full-load current)**
mm^2		**kW**	**kW**	**kW**
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

(3) Consumers supplied at medium voltage—

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor.

The starting arrangement for medium voltage motors shall be subject to the approval of the municipality.

52. Power factor

(1) If required by the municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.

(2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his or her own cost, install such corrective devices.

53. Protection

(1) Electrical protective devices must be of such a design as effectively to prevent sustained over current and single phasing where applicable.

(2) Consumers shall be responsible to establish and maintain appropriate earthing systems in order to limit voltage fluctuations of the neutral conductor in the event of loss of the supply neutral or floating neutral or during short circuit conditions, in order to ensure safety and prevent damage to equipment.

Chapter 5
Measurement of electricity

54. Metering

(1) The municipality shall, at the customer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the meters supplied at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 56(2) of this by-law, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariffs, the consumption shall be metered separately for each tariff.

(4) The municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

(5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless approved in writing by the municipality.

55. Accuracy of metering

(1) A meter shall be presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The municipality is entitled to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the municipality shall in accordance with the provisions of subsection (6)—

(a) in the case of a credit meter, adjust the account rendered;

(b) in the case of prepayment meters,

(i) render an account where the meter has been under-registering, or

(ii) issue a free token where the meter has been over-registering;

(3) The consumer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed tariff. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of the municipality's Credit Control and Debt Collection Policy may be effected.

(4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 49(1) to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) Prior to the municipality making any upward adjustment to an account in terms of subsection (6), the municipality shall—

(a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

(b) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and

(c) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit why his or her account should not be adjusted as notified.

(10) Should the consumer fail to make any representations during the period referred to in subsection 9(c) the municipality shall be entitled to adjust the account as notified in subsection 9(a).

(11) The municipality shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account accordingly.

(12) If the municipality rejects the representation made by the consumer it shall be entitled to adjust the account as notified in terms of subsection 9(a), subject to the consumer's right to appeal the decision in terms of section 64 of this by-law.

56. Reading of credit meters

(1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum cost due in terms of the tariff structure shall be assessed accordingly. The municipality shall not be obliged to effect any adjustments to such tariff.

(2) If for any reason the credit meter cannot be read, the municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

(3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed tariff.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts.

(6) Any such correction shall only apply in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.

(7) The application of this section does not prevent a consumer from claiming back overpayment for any longer period.

57. 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 the credit remaining in the meter shall be made to the consumer by the municipality.

(4) The municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, or the failure of prepayment meters or tokens.

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

Chapter 6
Electrical contractors

58. Electrical contractors

In addition to the requirements of the Regulations the following requirements shall apply:

(a) Where an application for a new or increased supply of electricity has been made to the municipality, any duly authorised official of the municipality may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, be inspected, tested and connected to the supply mains as though it was a complete installation.

(b) The examination, test and inspection in no way relieves the electrical contractor or accredited person or the consumer from his or her responsibility for any defect in the installation.

(c) Such examination, test and inspection shall not be taken (even where the electrical installation has been connected to the supply mains) as an indication or guarantee in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the municipality shall not be held responsible for any defect or fault in such electrical installation.

59. Liability

The municipality shall not be held responsible for the work done by the electrical contractor or accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

Chapter 7
Cost of work

60. Cost of work

The municipality may repair and make good any damage done in contravention of this by-law at the cost of the person who acted in contravention of this by-law.

Chapter 8
Energy saving measures and reduced use of electricity

61. Norms, standards and guidelines

(1) The municipality may from time to time issue technical standards detailing the requirements of the municipality regarding matters not specifically covered in this by-law but which are necessary for the safe, efficient operation and management of the electrical generation equipment.

(2) The municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.

(3) The norms, standards and guidelines contemplated in subsection (2) may differentiate between communities, geographical areas and different kinds of premises.

Chapter 9
General provisions

62. Exemptions

(1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.

(2) The municipality may—

(a) grant an exemption in writing and determine the period for which such exemption is granted;

(b) alter or cancel any exemption or condition in an exemption; or

(c) refuse to grant an exemption.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

63. Liaison forums in community

(1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.

(2) A liaison forum may consist of—

(a) a member of members of an interest group, or an affected person;

(b) a designated official or officials of the municipality; and

(c) a councillor.

(3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this by-law, request the input of a liaison forum;

(b) A liaison forum or any person may on own initiative submit an input to the municipality for consideration.

64. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

65. Offences and Penalties

(1) Any person who contravenes any of the provisions of sections 4, 5, 7, 8, 13, 14, 15, 20, 25, 26, 27, 29, 30, 35, 38, 49, 50 and 54 of this by-law or fails to comply with a notice issued in terms of this by-law, shall be guilty of an offence and shall on conviction be liable to—

(a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and

(b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

66. Conflict with other legislation

In the event of any conflict between any provision of this by-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

67. Repeal of by-laws

The Swartland Municipality Electricity Supply By-law as published in *Provincial Gazette* Extraordinary 7285 of 11 July 2014 is hereby repealed as a whole.

68. Short title and commencement

This by-law shall be known as the Electricity Supply By-law and shall come into operation on the date of publication thereof in the *Provincial Gazette*.