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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 739 OF 2023



**BUFFALO CITY
METROPOLITAN MUNICIPALITY**

BUFFALO CITY METROPOLITAN MUNICIPALITY

ELECTRICITY SUPPLY BY - LAW

2023

AS APPROVED BY COUNCIL IN TERMS OF RESOLUTION VBCMC 656/23 OF

27 OCTOBER 2023

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CHAPTER 1 - INTERPRETATION

1. Definitions

The following definitions apply unless the context indicates otherwise.

The singular will also refer to the plural.

Any reference to a particular gender includes the opposite gender or the neuter -

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

“applicable standard specification” means the standard specifications as listed in Schedule 2 of this by-law;

“authorised official” means an employee of the municipality or any other person who is duly authorised thereto in writing by the municipality to perform any act, function or duty in terms of, or exercise any power under this by-law;

“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 accredited person;

“consumer” means any owner of premises, whether a juristic or natural person, with whom the municipality has contracted to supply or is actually supplying electricity: Provided that,

only juristic person may be tenants and further that such juristic person shall authorise a person who will sign as surety for the municipal electricity rendered to the juristic person as tenant;

“day or days” means calendar days, inclusive of Saturday, Sunday and public holidays;

“debtor” means a consumer that owes money to the municipality;

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

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

“electricity smart meter” is an electronic device that records information such as consumption of electricity energy, voltage levels, current and power factor and which

communicates the information to the consumer for greater clarity of consumption behaviours and electricity suppliers for system monitoring and consumer billing;

“embedded generation systems” means electrical power generation directly to the distribution system or connected to the distribution system on the consumers side of the meter;

“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<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 1500V). [SANS 1019]

“medium voltage” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV < UN < 44 kV. [SANS 1019];

“meter” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepaid 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 altering current motors means the root-mean-square value of the symmetrical current taken by a motor when energised at its rated voltage with its started in the starting position and the rotor locked;

“municipal council” or “council” means the municipal council of the Buffalo City Metropolitan Municipality or any duly authorised committee, political office bearer or official of the said council;

“municipal day” means any day of the week that is not a Saturday, a Sunday or a public holiday; on which municipal offices are operating;

“municipality” means the Buffalo City Metropolitan Municipality established in terms of section 12 of the Municipal Structures Act 117 of 1998 or any legal entity duly

authorised by the Buffalo City Metropolitan Municipality to provide an electricity service within the jurisdiction of the Buffalo City Metropolitan Municipality;

“municipal manager” means a person appointed in terms of section 54A of the Municipal Systems Act;

“NERSA” means the National Energy Regulator of South Africa established in terms of the National Energy Regulator Act 40 of 2004;

“owner” means:

- (a) a person in whom the legal title to particular premises is vested;
- (b) in cases where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in the case where council is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or building thereon;
- (d) in relation to: -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Title Act, 1986, and without restricting the above, the developer or the body corporate in respect of the common property; or
 - (ii) a section defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (e) any legal person including, but not limited to: -
 - (i) a company registered in terms of the Companies Act 71 of 2008, Trust *inter vivos*, Trust *mortis causa*, a Closed Corporation registered in terms of the Close Corporation Act, 1984 or a voluntary association;
 - (ii) any Department of State or State Owned Entity and its Head Office or Principal place of business;

- (iii) any Council or Board in terms of any legislation applicable in the Republic of South Africa; and
- (iv) any embassy or other foreign entity; and
- (v) a lessee of municipal property who will be deemed to be the owner for purposes of rendering a municipal account;

“person” means a natural or juristic person, including any department of state, a public entity, a state entity, a foreign embassy or any statutory body;

“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 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 authorised official at which electricity is supplied to any premises by the municipality;

“post-paid meter” means a meter where an account is issued subsequent to the consumption of electricity;

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

“prescribed fee” means a fee stipulated in the tariff of the municipality;

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

“reticulation” means the trading and distribution of electricity and includes services associated therewith;

“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;

“Small-Scale Embedded Generation (SSEG)” means power generation of less than 100kVA(1MVA);

“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 supply not normally used by the consumer;

“supply mains” means any part of the municipality’s electricity network;

“surety” means a person who takes responsibility for another’s performance of an undertaking;

“tariff” means the municipality’s list of fixed charges for consumption of electricity and any other related matter;

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

“token” means the essential element of a pre-paid meter system used to transfer information from a point of sale for electricity credit to a pre-paid meter and vice versa;

“vis majeure” unforeseeable intervening event that excuses contractual obligation;

“voltage” means the root-mean-square value of electrical potential between two conductors;

“wheeling” means the transportation of electric power over transmission lines from where it is generated to where it is consumed; and

“written notice” means: -

- (a) a notice appearing on the customer’s consolidated account detailing the arrears due;
- (b) a notice hand delivered at the consumers property;
- (c) a notice delivered by the sheriff of the court;
- (d) a notice dispatched to the consumer through the South African Postal Services;
- (e) a short message service;
- (f) an automated system generated response;

- (g) any written notice dispatched through the web portal on the BCMM website; or
- (h) any written communication from the municipality and shall include a disconnection notice.

2. Other terms

All other terms used in this By-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

3. Headings and Titles

The headings and titles in this By-Law shall not affect the construction thereof.

CHAPTER 2 - SPECIFIC CONDITIONS OF SUPPLY

4. Provision of Electricity Services

Only the municipality shall supply or contract for the supply of electricity within its jurisdiction unless the requirements of wheeling have been complied with.

5. Supply by Agreement

- (1) No person shall use or be entitled to use an electricity supply from the municipality unless or until such person shall have entered into an agreement in writing with the municipality for such supply.
- (2) The agreement together with the provisions of this By-Law shall in all respects govern such supply.
- (3) Any person using electricity supply without entering into an agreement with the municipality shall be liable for the cost of the electricity used as provided in this By-Law.

6. Application for Supply and Temporary Supply

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtained at the office of the municipality, and the estimated load, in kVA, of the installation, shall be stated therein, and on approval of such application, the municipality shall supply the electricity within the periods stipulated in section 7 of this By-Law.
- (2) An application for an electricity supply for a period of less than one (1) year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the municipality and may specify any special conditions to be satisfied in such case.

- (3) It shall be a condition of the giving of any temporary supply of electricity, as described in section 6 (2) of this By-Law, that if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and the municipality shall not be liable for any loss or damage occasioned to the consumer by such termination.
- (4) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with special permission in writing of the municipality.
- (5) Full reasons for and the nature of such temporary work must accompany the application for permission, and the municipality may grant or refuse such permission upon such terms and conditions as it may deem necessary.

7. Processing of Requests for Supply

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047, as may be revised and amended from time to time, where it is stated that electricity will be supplied: -

- (a) within thirty (30) working days where the existing infrastructure can be used;
- (b) within two (2) months where low voltage extensions are required;
- (c) within three (3) months where medium voltage network extensions are required; and
- (d) after the period for providing such supply has been negotiated between the consumer and the municipality when new networks have to be installed and high voltage extensions are required or if the supply is required for industrial and commercial consumers.

8. 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 and until the prospective consumer shall have obtained and submitted to the municipality written permission granted by the owner of the said private property; or by the person in whom is vested the legal title to the land or thoroughfare authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

9. Statutory Servitude

- (1) Subject to the provisions of sub-section (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; or
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any contemplated in 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 not under the control or management of the municipality, it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the municipality or in the absence of agreement, as determined either by arbitration or a court of law.

- (3) The municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or not under the control or management of the municipality, 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.

10. Right of Admittance

- (1) The occupier of premises in a municipality must give an authorised official access at all reasonable hours to or over the premises to:-
- (a) inspect and examine any service mains and anything connected therewith;
 - (b) enquire into and investigate any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and to make any necessary survey in connection therewith;
 - (c) ascertain whether there is or has been a contravention of the provisions of this By-Law or any other law;
 - (d) enforce compliance with the provisions of this By-Law or any other law;
or
 - (e) do anything, authorised or required to be done by the municipality in terms of this By-Law or any other law.
- (2) An authorised official may, by notice in writing served on the owner or occupier of any premises, require such owner or occupier to provide, on the

date and at the time specified in such notice, access to such premises for any of the purposes referred to in sub-section (1).

(3) The municipality may gain access to or over any premises without serving the notice required in terms of sub-section (2) and after gaining access may take whatever action is in its opinion, necessary: -

- (a) in consequence of the existence of a state of war;
- (b) due to the occurrence of any calamity, emergency or disaster; or
- (c) if the municipality has reasonable suspicion that the provisions of this by-law or any other law are being contravened.

(4) The municipality shall compensate any person who suffered damage as a result of the exercise of the right of access contemplated by sub-section (1), in such amount as may be agreed upon by the municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law except where the municipality is authorised to execute on the premises concerned any work at the cost of such person or some other person or to execute on such premises any work and recover the cost thereof from such person or some other person.

11. Failure to Grant Admittance

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

12. Refusal or Failure to Give Information

No person shall refuse or fail to give any information which may be reasonably required by any authorised official or render any false information to any such official regarding any electrical installation work completed or contemplated.

13. 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 (16) 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 and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises to which it relates; or
 - (e) if that person's address and agent or representative 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; c or d above.
- (2) Any person on whom a notice duly issued or given under this By-Law is served shall, within the time specified in such notice, comply with its terms.

14. Pre- Termination Notice

- (1) The electricity supply may be terminated for outstanding payment.
- (2) A consumer against whom the municipality intends to terminate the electricity supply shall be served with a written notice of the intended termination by the sheriff, by hand or registered certified mail.
- (3) The sheriff must serve the consumer with the written notice of the termination within ten (10) working days of having been put in possession

of such written notice and submit a return of service to the municipality within four (4) municipal days of such service.

- (4) If delivered by hand, the pre-termination notice shall be deemed to have been effectively and sufficiently served on the consumer –
 - (a) when it has been delivered to them personally;
 - (b) when it has been left at their place of residence or business with a person apparently above the age of sixteen (16) years old; or
 - (c) when it cannot be delivered as contemplated in (a) and (b) above, if it is placed in a conspicuous place on the immovable property to which it relates.
- (5) The notice shall be deemed to be served when it has been posted by registered or certified mail to consumers last known residential or business address in the Republic and acknowledgement of the posting thereof is obtained from the Post Office.
- (6) The termination shall be effected at no less than fourteen (14) working days after service.

15. Right to Disconnect Supply

- (1) The municipality has the right to disconnect the supply of electricity to any premises after fourteen (14) days of written notice, if: -
 - (a) the person liable to do so fails to pay any charge due to the municipality in connection with any supply of electricity which such person has received from the municipality in respect of such premises; or
 - (b) if any of the provisions of this By-Law and/or Regulations are being contravened and the person responsible has failed to remedy the default after such notice has been given.

- (2) The municipality has the right to disconnect the electricity supply without notice and as soon as possible, if: -
- (a) there is a grave risk to persons or property if the supply is not disconnected;
 - (b) there is evidence of tampering as envisaged in section 22 of this By-Law;
 - (c) a consumer has installed photo voltaic systems/generator(s) or invertors onto their electrical network without having obtained permission from the municipal manager or delegated authority to do so; or
 - (d) The electrical back-feed onto the Buffalo City Metropolitan Municipality electricity network may result in serious injury to the departmental personnel.
- (3) The disconnection shall be at the costs of the consumer, where applicable.

16. Account Disputes

- (1) Where a consumer disputes a service charge of a particular service, a formal dispute must be lodged with the municipality and the service charge disputed must be placed on suspension pending the dispute results.
- (2) The dispute must be lodged via the “customer account queries” on the Buffalo City Metropolitan Municipality website which is www.buffalocity.gov.za: Provided that where a consumer cannot read or write, or is computer illiterate, a staff member of the municipality must give such person reasonable assistance.
- (3) Within thirty (30) days of the dispute being lodged the Electricity Department will recommend the billing adjustment to the Finance Department, whereafter within sixty (60) days, the consumer must be notified of the process of the dispute and where the municipality dismisses the dispute including any outcome of the internal appeal process stipulated

in section 62 of the Systems Act, 2000, the supply shall be disconnected within thirty (30) days thereafter, without any further notice to the consumer.

- (4) Within thirty (30) days of being aware of the outcome of the dispute, the consumer may give notice in writing which will be styled the Review Notice, of their intention to institute review proceedings in a court of law and such Review Notice: -
 - (a) must briefly set out the facts giving rise to the disputes that are within the knowledge of the consumers;
 - (b) must be served on the Buffalo City Metropolitan Municipality by delivering it by hand, facsimile or electronic mail to the Head of the Legal Service Department.
- (5) Upon receipt of the Review Notice the municipality will suspend the service charge pending the courts decision; and the consumer has the responsibility to pay and keep up to date the consolidated account including a reasonable estimate of the disputed service until the dispute is resolved whereupon the actual billed amount shall be payable.
- (6) Where the municipality decides that a dispute lodged is a duplication of a previously disputed electricity charge such will not be subjected to the account suspension process and the consumer has the right to review such decision in a court of law.

17. Temporary Disconnection and Reconnection

- (1) The municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fees prescribed by the municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing

about this necessity, the municipality shall waive payment of the fee referred to in sub-section (1).

- (3) 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.

18. Discontinuance of Supply

- (1) A consumer intending to discontinue using the electricity supply shall give notice in writing of at least two (2) working days of such intention to discontinue to the municipality.
- (2) In the event of a failure to give the written notice referred to in sub-section (1) above, the consumer shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two (2) working days after the municipality has become aware of such discontinuance.

19. Seals of Municipality

- (1) The metering equipment or load demand control protection devices and all apparatus belonging to the municipality shall be sealed or locked by an authorised official of the municipality, and no person not being an authorised official of the municipality shall in any manner or for any reason whatsoever remove, break, deface, tamper or interfere with such seals or locks.
- (2) In the event of the seals being broken, the consumer will be liable for a tampering fee as prescribed in this By-Law.

20. 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 permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains.
 - (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.
 - (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.
- (2) Vegetation interfering with overhead lines:-
 - (a) The consumer shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
 - (b) If the consumer fails to observe this provision, the municipality shall have the right, after prior written notice, or in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision at the consumer's expense and shall be entitled to enter the property for this purpose.
- (3) 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 of this by-law.
- (4) The municipality may, in the case of an emergency or disaster, remove anything damaging, obstructing, endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

21. Improper Use

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the municipality has reasonable grounds for believing that it 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 of the disconnection has been permanently remedied or removed.
- (2) The fee as prescribed by the municipality for the disconnection and reconnection 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.

22. Tampering with Service Connection or Supply Mains

- (1) No person shall in any manner or for any reason whatsoever tamper; interfere with any meter or metering equipment; service connection; service protective device; supply mains; load control equipment or any other equipment of the municipality.
- (2) Where *prima facie* evidence exists of a consumer and/or any person having contravened sub-section (1), the municipality shall have the right to disconnect the supply of electricity without prior notice to the consumer and/or such person and the consumer shall be liable for all fees and charges levied by the municipality for such disconnection.
- (3) Where a consumer and/or any person has contravened sub-section (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 the estimated consumption resulting from such contravention.

- (4) If the municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains; service connections; service protective device; and 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.

23. Illegal Reconnections

- (1) No person other than an authorised official shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection, electrical installation or any other installation which has been disconnected by the municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to have been reconnected and any other charges raised in this regard.
- (3) The municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full and the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

CHAPTER 3 – GENERAL CONDITIONS OF SUPPLY

24. 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 of such service connection, laid or erected by the municipality, shall vest in the municipality.
- (3) The municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (4) The consumer shall not be entitled to any compensation from the municipality in respect of such service connection.
- (5) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the municipality or any authorised official.
- (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 and/or maintain on such consumer's 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 electricity supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless approved otherwise by any authorised official.
- (9) Unless approved otherwise, the municipality shall provide only one service connection to each registered erf. Where two metered services are authorised for one erf these must be electrically separated from one another, and an electrical certificate of compliance be issued for each portion thereof.

- (10) In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available if the erven are consolidated or notarially tied.
- (11) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.
- (12) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (13) 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 trucking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

25. Service Apparatus

- (1) The consumer shall be liable for all costs to the municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by *vis majeure* 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, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used, have been removed without the permission of the municipality or have been damaged so as to render reconnection dangerous, the owner of the premises, shall bear the cost of overhauling and/or replacing such equipment.

- (3) In respect of the amount due in terms of sub-section (1), the municipality shall issue a certificate which shall be final and binding.

26. Resale of Electricity from Municipal Supply

- (1) Unless otherwise authorised by the municipality, no person shall sell or supply electricity supplied to such a person's premises under any agreement with the municipality, to any other person or persons for use on any other premises or permit or suffer such resale or supply to take place.
- (2) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
- (3) The tariff, rates and charges at which and the conditions of sale under which electricity is resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly by the municipality or in compliance to the NERSA electricity resellers policy guidelines.
- (4) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity consumers.

27. Load Reduction

- (1) At times of peak load, or in any emergency, or when, in the opinion of the municipality, it is necessary for any reason to reduce the load on the electricity supply system, the municipality may without notice interrupt and, for such period as it may deem necessary, discontinue the electricity supply to any consumer's electrically operated appliance or the entire installation.

- (2) The municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (3) The municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provision of sub-section (1), and any authorised official may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting and/or changing such apparatus and equipment.
- (4) In order to facilitate a later installation of the apparatus and equipment referred to in sub-section (3) above, the owner shall, when installing any appliance provide such accommodation and wiring as the municipality may deem necessary.

CHAPTER 4 SYSTEMS OF SUPPLY

28. Fault in Electrical Installation

- (1) No rebate shall be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation of the consumer.
- (2) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply, without delay give notice thereof to the municipality and immediately take steps to remedy the fault.
- (3) The municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.
- (4) In a case where the premises have been vacant for a period exceeding six (6) months or where damage to metering equipment and associated hard wiring has been ascertained, it will be a requirement that the

owner of the premises produces a valid electrical certificate of compliance.

29. Failure of Supply

- (1) The municipality shall not attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, unless if such failure is due to the operation of the service protective device of the municipality.
- (2) If any failure of supply of electricity is found to be due to the 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 a fee as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

30. Change of Consumer

- (1) A consumer vacating any premises shall give a notice in writing of at least two (2) working days to the municipality of the intention to discontinue using the electricity supply, failing which such consumer shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, such person shall make an application in accordance with the provisions of section 6 of this By-Law,
- (3) If an application for electricity supply is not made within ten (10) working days of taking occupation of the premises, the supply shall be disconnected, and such person shall be liable to the municipality for the electricity consumed from the date of occupation until such time as the supply is disconnected.

31. Consumer's Electricity Generation Equipment

- (1) No electricity generation equipment provided by a consumer in terms of any Regulation or for his own operational requirements shall be connected to any installation without the prior written approval of the municipality.
- (2) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The electricity generation equipment shall be so designed and installed that it is impossible for the Buffalo City Metropolitan Municipality supply mains to be energised by means of a back-feed from such equipment.
- (4) The consumer shall be responsible for providing and installing all such protective equipment.
- (5) By special agreement with the municipality, the consumer's electricity generation equipment may be permitted to be electrically coupled to and run in parallel with the municipality supply mains.
- (6) The consumer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment required for such safe parallel operation, to the satisfaction of the municipality.
- (7) Under normal operating conditions, any export of surplus energy from the consumer's network to the municipality's network shall be subject to special agreement with the municipality.
- (8) In the event of a general power failure on the service provider's network, protection equipment shall be installed by the consumer, subject to the municipality's approval, so as to ensure that the consumer's installation is isolated from the municipality's network until normal operating conditions are restored.

- (9) The cost of any specialised metering equipment will be for the consumer's account.

32. Standby Supply

No person shall be entitled to a standby supply of electricity for any premises having a separate source of electricity supply except with the written consent of the municipality and on such terms and conditions as the municipality may further lay down.

33. Consumer's Emergency Standby Supply Equipment

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for the consumer's own operational requirements shall be connected to any installation without the prior written consent 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 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-feed from such equipment.
- (4) The consumer shall be responsible for providing, installing and maintaining all such protective equipment as may be necessary.
- (5) By special agreement with the municipality, the consumer's standby generating equipment may be permitted to be electrically coupled to and run in parallel with the municipality's supply mains.
- (6) The consumer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment required for such safe parallel operation, to the satisfaction of the municipality.

34. High, Medium and Low Voltage Switchgear 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 or an authorised official, be paid for by the consumer.
- (2) All such 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, earth or otherwise operate high or medium voltage municipality switchgear without giving reasonable prior notice to an official of the municipality.
- (4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and any changes made to such appointments.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the municipality or any authorised official.

35. Substation Accommodation

- (1) The municipality or an authorised official, may on such conditions as it deems fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.

- (2) The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (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, such additional accommodation shall be provided by the applicant at the cost of the municipality.

36. Wiring Diagram and Specification

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall be supplied to the municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high or medium 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 be forwarded to the municipality for approval before any material in connection therewith is ordered.

CHAPTER 5 – MEASUREMENT OF ELECTRICITY

37. Metering

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

- (2) Except in the case of prepaid meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the municipality and read at the end of such period as may be determined by the municipality except where the metering equipment is found to be defective, or is not accommodated as prescribed in section 49 (2) and (3) of this By-Law, in which case the consumption for the period shall be estimated as provided for in section 39 (2).
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) In the case of flats, tenement-houses and similar buildings the municipality reserves the right to meter the supply for the building as a whole.
- (5) In cases where the consumer intends to instal a private metering device, such consumer shall bring an application accompanied by an electrical certificate issued by his/her appointed electrician for consideration by the municipality.
- (6) No alterations, repairs, additions, or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the municipality.

38. Accuracy of Metering

- (1) A meter shall be presumed to be registering accurately. If, when tested, it is found to be within the limits of error stated as plus minus two comma five percent ($\pm 2,5\%$).
- (2) The municipality shall have the right to test its metering equipment and associated electrical hard wiring.

- (3) If it is established by test or otherwise that such metering equipment is defective or that the associated hard wiring has been tampered with in such a way so as to prevent the metering equipment from recording accurately, the municipality shall: -
- (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepaid meters:-
 - (i) render an account where the meter has been under-registering;
 - (ii) issue a fee token where the meter has been over-registering;
 - (iii) give an estimation in accordance with provision of sub-section (6); or
 - (iv) in the case of tampering the municipality reserves the right to disconnect the service or to recover the due debt through its debt collecting mechanisms.
- (4) The consumer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed fee and if the metering equipment is found to not comply with the system accuracy requirements as provided for in the applicable standard specification, an adjustment in accordance with the provisions of sub-sections (3) and (7) shall be made and the aforesaid fee shall be refunded.
- (5) In case of a dispute, the consumer shall have the right at such consumer's 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.
- (6) Where any meter is found to have ceased to register or to have registered inaccurately to an extent of more than two and a half percent (2,5 %) the quantity to be paid for by the consumer from the date of reading of the meter prior to its failure to register or becoming faulty up to the time of its repair or replacement shall, unless the consumer is able to show to the satisfaction of the municipality that a lesser or greater quantity of electricity was in fact consumed, be estimated by the municipality on the basis of:-

- (a) the average monthly consumption of electricity upon the premises served by the meter during the period of up to twelve (12) months prior the last registration, or the date on which it ceased to register accurately or, if this is not possible;
 - (b) the quantity of electricity consumed upon such premises during the corresponding month or months of the previous year or, if this is also not possible; or
 - (c) the average monthly consumption upon the premises served by the meter over a period of twelve (12) months after its repair, where consumption is measured using a credit meter, or on average consumption of similar consumers within the same area, where supply is via an electricity dispenser; and
 - (d) where the applicable due allowance shall be made, where possible for seasonal or variations which may affect the consumption of the electricity.
- (7) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (3), such adjustment shall either be based on the percentage error of the meter as determined by the test prescribed by this section or upon calculation by the municipality from consumption data in its possession as referred to in subsection (6) hereof.
- (8) When an adjustment is made as contemplated in sub-section (3) and (7), the adjustment may not exceed a period of six (6) months preceding the date on which the metering equipment was found to be inaccurate. Any such adjustment shall be free of interest as indicated in section 40 (3).
- (9) The application of this section does not prohibit a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim.
- (10) Where the actual load of a consumer differs from the initial estimated load provided for under section 6 (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.

(11) Prior to the municipality making any upward adjustment to an account in terms of sub-section (7), the municipality shall -

- (a) notify the consumer in writing of the monetary value of such upward adjustment to be made and the reasons thereof;
- (b) in such notification provide sufficient particulars as to enable the consumer to submit representation thereon; and
- (c) call upon the consumer in such notice to provide it with reasons in writing, if any, within twenty-one (21) days or such longer period as the municipality may permit, why the account should not be adjusted as notified.

(12) Should the consumer fail to submit the reason within the period stipulated in sub-section (11)(c), the municipality shall be entitled to adjust the account as notified in sub-section (11)(a).

(13) The municipality shall consider any reasons submitted by the consumer in terms of sub-section (11)(c) and shall, if satisfied that a case has been made out by the consumer refrain from adjusting the account.

(14) If the municipality, after considering the reasons by the consumer decides that such reasons do not establish a case deserving an amendment or abandonment of the adjustment, the municipality shall be entitled to adjust the account subject to the consumer's right to appeal the decision in terms of section 62 of the Municipal Systems Act, 2000.

39. Reading of Credit Meters

(1) Unless otherwise prescribed, post-paid meters shall normally be read at intervals of one (1) month and the fixed or minimum charges, due in terms of the tariff shall be assessed accordingly.

- (2) If for any reason the post-paid meter cannot be read, the municipality may render an estimated account. The electricity consumed shall be adjusted in a subsequent account in accordance with the electricity 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 fee.

40. Correction of a Metering Error

- (1) If, a metering error is discovered in respect of any account rendered to a customer, the error shall be corrected in subsequent accounts.
- (2) A correction shall only apply, in respect of an account, for the period of six (6) months preceding the date on which the error in the accounts was discovered.
- (3) The correction shall be based on the actual tariff applicable during the period and shall be free of interest up to the date on which the correction is found to be necessary.
- (4) The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim.

41. Prepaid 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 prepaid meter token is produced.

- (2) Where a consumer migrates to a SSEG tariff, past pre-paid purchases not yet consumed may be credited to the consumer's account at the same rate it was purchased at.
- (3) Copies of previously issued tokens for the transfer of credit to the prepaid meter may be issued at the request of the consumer.
- (4) When a consumer vacates any premises where a prepaid meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the municipality.
- (5) The municipality shall not be liable for the reinstatement of credit in a prepaid meter lost due to tampering with, or the incorrect use or the abuse of, prepaid meters and/or tokens.
- (6) Where a consumer is indebted to the municipality for electricity consumed or for any other service supplied by the municipality (including rates) or for any charges previously raised against the consumer in connection with any service rendered, the municipality may deduct a percentage from the amount tendered to offset the amount owing to the municipality as set out in the agreement for the supply of electricity.
- (7) The municipality may appoint vendors for the sale of credit for prepaid meters and shall not guarantee the continued operation of any vendor.

42. 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 supply agreement shall be given as set out in the applicable standard specification.

43. 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 15 kVA, unless otherwise approved by the municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the municipality.

44. Interference with Another Person's 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 another consumer's electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall at the consumer's own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

45. Supplies to Motors

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

- (1) Limited size for low voltage motors:-

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

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

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

Insulated service cable, size in mm ² , copper equivalent (mm ²)	Maximum permissible starting current (A)	Maximum motor rating (kW)		
		Direct on line (6 x full load current) (kW)	Star/Delta (2,5 x full-load current) (kW)	Other means (1,5 x full-load current) (kW)
16	72	6	13,5	23
25	95	7.5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage:-

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the 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.

46. Power Factor

- (1) If required by the municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with sub-section (1), 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 their own cost install such corrective devices.

47. Protection

Electrical protective devices for motors shall be of such a design as effective to prevent sustained over current and single phasing, where applicable.

CHAPTER 6 – RESPONSIBILITIES OF CONSUMERS

48. Consumers to Erect and Maintain Electrical Installations

- (1) Every consumer shall maintain the electrical installation, substation and all appliances on the premises owned or occupied by him in good order and repair and shall be responsible for the safekeeping of all meters, service fuses, service mains and other electrical apparatus and fittings belonging to the municipality which are placed or installed in his premises.
- (2) The consumer shall be responsible for any loss or damages to any apparatus and fittings belonging to the municipality which is a direct or indirect consequence of a failure on his part to exercise all reasonable care in safeguarding same, or is caused by any wilful or negligent act or omission of the consumer or of his employee or agent or any person who is upon the

said premises with the consent, tacit or otherwise, of the consumer, or given on his behalf.

- (3) The consumer shall pay the municipality, on demand, the cost of making good or of repairing any such loss or damage as ascertained and certified by an engineer.

49. Metering Accommodation

- (1) The consumer shall, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.
- (2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the municipality, at the cost of the consumer and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading and inspection of meters.
- (3) Free and unrestricted access shall be afforded to authorised officials for the purposes of operation and maintenance of the service equipment.
- (4) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment shall be provided.
- (5) The consumer shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (6) Where in the opinion of the municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a cause of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

- (7) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (8) 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 7 ELECTRICAL CONTRACTORS

50. Electrical Contractors

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

- (1) Where an application for a new or increased supply of electricity has been made to the municipality, an authorised official may accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may at the discretion of the authorised official, be examined, inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the municipality does in no way relieve the electrical contractor/accredited person or consumer, as the case may be, from responsibility for any defect in the installation.
- (3) Under no circumstances (even where the electrical installation has been connected to the supply mains) shall such examination, test and inspection be taken: -

- (a) to be indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose; or
- (b) to be 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.

51. Contractors Liability

The municipality shall not be held responsible for the work done by an electrical contractor or any other 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 accident arising from the state of the wiring on the premises.

CHAPTER 8 - SMALL SCALE EMBEDDED GENERATION AND WHEELING

52. Provision of Electricity Services

- (1) Subject to sub-section (2) below, only the municipality may supply or contract for the supply of bulk electricity within its area of jurisdiction.
- (2) The municipality may permit the bulk supply or retail wheeling of electricity through its electricity grid by another electricity supplier which is licensed to supply electricity in terms of the Electricity Regulation Act 4 of 2006.
- (3) The municipality may permit the connection of an embedded generation system to its electricity 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.

- (b) registration with the municipality of all fixed electricity 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.

53. Connection of Electrical Generation Equipment

- (1) No person shall directly or indirectly connect, attempt to connect or cause or permit to be connected by electrical installation or part thereof to the municipality's supply mains or service connection except with written permission of the accounting officer or his delegate.
- (2) No alternate electrical generation equipment provided by a consumer for his own operational requirements or for generation of electricity may be connected to any installations without the prior written consent of the accounting officer or his delegate;
- (3) Application for such consent in terms of sub-section (1) and (2) above must be 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 of the municipality's supply mains to be energised by means of a back-feed from such electrical generation equipment when the municipality's supply has been de-energised.
- (5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate issued according to 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 or any registered person on a consumer's premises and shall not in any way be responsible for any loss and damage which

may be occasioned by fire or any accident arising from the state of the wiring on the premises or the connection of the electrical generation equipment.

- (7) Where the consumer's alternate electrical generation equipment is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment, to the satisfaction of the accounting officer or his delegate.
- (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 consumer shall give notice of his intention according to the Regulations made in terms of the Occupational Health and Safety Act, 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, erected, maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations made in terms of the Occupational Health and Safety Act, 1993.

54. Wheeling of Electricity

- (1) 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.

- (2) Where an electricity Wheeling Agreement has been agreed to by the municipality and where the electricity off taker's consolidated account with the municipality has fallen into arrears, the municipality reserves the right to terminate the electricity wheeling agreement until such time as the account is brought up-to-date by the electricity off-taker.
- (3) Where electricity supply has been disconnected in terms of (2) above, the municipality will not be accountable for any losses suffered by the electricity off-taker.

55. Separate Source Resale of Electricity

- (1) No person may sell or supply electricity generated by him in terms of an agreement with the municipality to a third party for use or resale or permit such use or resale unless authorised by the accounting officer or his delegate.
- (2) If electricity is resold for use on the same premises, the provisions of Schedule 2 of the Electricity Regulation Act, No. 4 of 2006 shall apply.
- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Service Provider.
- (4) The tariff, rates and charges at which, as well as the conditions of sale under which, electricity is resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Service Provider.
- (5) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.

56. Separate Source Standby Supply

- (1) Standby supply of electricity for any premises having a separate source of electricity supply may only be supplied with the written consent of accounting officer or his delegate.
- (2) Upon interruption of the electricity supply the municipality may supply standby electricity in any manner as necessary.

57. Right to Disconnect Embedded Generation System

- (1) No person, other than a person whom the municipality specifically authorises in writing to do so, may directly or indirectly connect, attempt to connect or cause or permit to be connected 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 consumer'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 sub-section (2): -
 - (a) a written notice of the intention to disconnect such electrical installation;
 - (b) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be affected; and
 - (c) a reasonable opportunity to make representations in respect of the intended disconnection.
- (4) For circumstances other than those listed in sub-section (5) below, where any of the provisions of this By-Law or the Regulations are being

contravened, the municipality shall give the person concerned fourteen (14) days' notice to remedy the default or be disconnected.

- (5) The municipality may disconnect the supply of electricity to any premises or the connection of any electrical installation without notice: -
 - (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 sub-section (2), 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 consumer'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, the electricity supply may be physically removed from those premises.

CHAPTER 9 – INDEMNITY

58. Non-liability of the Municipality

- (1) The municipality shall not be liable for any loss or damage; direct, indirect, 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 and the consumer shall have the right of appeal against any ruling by the municipality in terms of this provision.
- (2) The municipality shall not be liable for any loss or damage; direct, indirect or consequential, suffered or sustained by a consumer as a result of or arising from illegal connection or reconnection or tampering.

CHAPTER 10 – COST OF WORK

59. Cost of Work

- (1) The municipality may repair and make good any damage done in contravention of this By-Law or resulting from a contravention of this By-Law.
- (2) The cost of any such work carried out by the municipality which was necessary due to the contravention of this By-Law, shall be to the account of the person who is in contravention of this By-Law.

CHAPTER 11 - PAYMENT AND SALES

60. Electricity Charges, Fees and Tariffs

Copies of charges, fees and tariffs are obtainable at the offices of the municipality.

61. Deposits

- (1) The municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the municipality.
- (2) The amount of the deposit in respect of each electricity installation shall be determined by the municipality and each such deposit may be increased if the municipality deems the deposit held to be inadequate.
- (3) Where the consumer has a no default payment history for the past twelve (12) calendar months the municipality may require a one (1) month consumption deposit.
- (4) Where a consumer has a history of a defaulting nature in the past twelve (12) calendar months and the municipality is at a greater risk the municipality may require a three (3) month consumption deposit.

- (5) The deposit shall not be regarded as being payment or part payment of any accounts due for the supply of electricity for the purposes of obtaining any discount provided for in the electricity tariff referred to in this By-Law.
- (6) The deposit, free of any interest, less any payment due to the municipality shall be refunded to the consumer on cession of the supply of electricity.
- (7) The deposit may be forfeited to the municipality if an act of tampering, illegal connection or illegal reconnection has been committed.

62. Payment of Charges

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as provided by the municipality.
- (2) All accounts shall be deemed to be payable when issued by the municipality and each account shall, reflect the due date and a warning indicating that the debt collection measures shall be instituted should the charges in respect of such supply remain unpaid after the due date.
- (3) A consumer's obligation to pay for electricity supplied shall not be relieved by: -
 - (a) failure to render an account;
 - (b) an error or omission of any sort in an account;
 - (c) application of an incorrect tariff, and
 - (d) in the case of (c), the onus shall be on the consumer to establish whether or not an account rendered is in accordance with the appropriate tariff scale.
- (4) Where an authorised official has visited the premises for the purpose of disconnecting the supply of electricity in terms of sub-section (2) and such official is obstructed or prevented from effecting such disconnection, the

prescribed fee shall be payable for each visit necessary for the purpose of such disconnection.

- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

63. Partial Purchase Restriction

The municipality reserves the right to apply partial purchase restriction to recover debt owed in compliance with the Credit Control Policy or Credit Control By-Law.

64. Interest on Overdue Accounts

The municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the municipality from time to time.

CHAPTER 12 – OFFENCES AND PENALTIES

65. Tampering

Any person who without legal right (the proof of which shall be upon him) abstracts branches off or diverts or causes to be abstracted, branched off or diverted any electric current, or consumes or uses any such current which has been wrongfully or unlawfully abstracted, branched off or diverted knowing it to have been wrongfully or unlawfully abstracted, branched off or diverted shall be guilty of an offence of tampering with the municipality's electrical network and a tampering fee (per offence), as may be prescribed, may be imposed on the illegal user, or occupier of the premises which wrongfully and unlawfully abstracted, branched off or diverted electric current.

66. Theft

Any person who steals an electric cable or any other electric equipment shall be guilty of an offence.

67. Compensation

Any person committing a breach of the provisions of this By-Law shall be liable to compensate the municipality for any loss or damage suffered or sustained by it in consequence of such breach.

68. Continuing Offence

Any person including any juristic person who continues to commit an offence after notice has been served on such person to cease committing such offence or after such person has been convicted of such offence, shall be guilty of a continuing offence and upon conviction shall be liable for a fine not exceeding Two Million Rands (R2 000 000.00) for each day of the continuing offence.

69. Penalty

Any person including any juristic person who contravenes or fails to comply with any of the provisions of this By-Law shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding One Hundred Million Rands (R100 000 000.00) or in the case of a natural person to a period of imprisonment not exceeding thirty (30) years or to both such fine and such term of imprisonment.

CHAPTER 13 – MISCELLANEOUS

70. Norms, Standards and Guidelines

- (1) The municipality may from time to time issue ancillary instructions or technical standards detailing the norms, standards or requirements of the municipality regarding matters not specifically covered in the Regulations or in this By-Law but which are necessary for the safe, efficient operation and management of the supply of electricity in the form of, but not limited to Circulars; Directives; Guidelines; Operational Manuals; Procedure Manuals and/or Standard Operating Procedures.
- (2) The norms, standards and guidelines contemplated in sub-section (1) may differentiate between communities, geographical areas and different kinds of premises: Provided that such differentiation shall not amount to unfair discrimination.

71. Enforcement of this By-Law

This By-Law shall be monitored and enforced by the Buffalo City Metropolitan Municipality Electricity Department who will ensure corrective action is taken and any ensuing fines will be implemented by the Finance Department.

72. Repeal of By-Laws

The By-Laws mentioned in the "Title" column of SCHEDULE 1 hereunder are hereby repealed to the extent mention in the "Extent of Repeal" column.

73. Coming into Operation of this By-Law

This By-Law shall come into operation on the date on which it is published in the Eastern Cape Provincial Gazette.

SCHEDULE 1**REPEAL OF BY-LAWS**

TITLE OF BY-LAW	EXTENT OF REPEAL
The Electricity Supply By-Law published in Provincial Gazette (Extraordinary) No. 2245 dated 10 December 2009)	The whole

SCHEDULE 2

Applicable Standards Specifications

“applicable standard specification” means

SANS 1019: Standard voltages, currents and insulation levels for electricity supply,

SANS 1607: Electromechanical watt-hour meters,

SANS 1524: Electricity dispensing systems,

SANS IEC 60211: Maximum demand indicators, Class1.0;

SANS IEC 60521: Alternating-current electromechanical watt-hour meters (Classes 0.5,1&2),

SANS 10142-1: Code of practice for the wiring of premises,

NRS 047: National Rationalized Specification: Electricity Supply – Quality of Service

NRS 048: National Rationalized Specification: Electricity Supply – Quality of Supply,
and

NRS 057: National Rationalized Specification: Electricity Metering.

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