



GREATER LETABA MUNICIPALITY

GREATER LETABA LOCAL MUNICIPALITY

ELECTRICITY SUPPLY BY – LAWS

ELECTRICITY SUPPLY BY-LAWS

(ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF)

The Greater Letaba Local Municipality ("the municipality") hereby publishes the Electricity Supply By –laws set out below.

The have been promulgated by the municipality in terms of the section 156(2) of the Constitution of the Republic of South Africa,1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

INDEX

CHAPTER 1:	GENERAL
CHAPTER 2:	GENERAL CONDITIONS OF SUPPLY
CHAPTER 3:	SERVICE PROVIDERS
CHAPTER 4:	RESPONSIBILITIES OF CONSUMERS
CHAPTER 5:	SPECIFIC CONDITIONS OF SUPPLY
CHAPTER 6:	SYSTEMS OF SUPPLY
CHAPTER 7:	MEASUREMENT OF ELECTRICITY
CHAPTER 8:	ELECTRICAL CONTRACTORS
CHAPTER 9:	COST OF WORK
CHAPTER 10:	ADMINISTRATIVE ENFORCEMENT PROVISIONS
Part I:	Appointment of Authorised Officials
Part II:	Powers of Authorised Officials
Part III:	Administrative penalties

CHAPTER 11:	JUDICIAL ENFORCEMENT PROVISIONS
CHAPTER 12:	GENERAL
CHAPTER 13:	REPEAL OF BY-LAWS
SCHEDULE 1:	BY-LAWS REPEALED
SCHEDULE 2:	APPLICABLE STANDARD SPECIFICATION
SCHEDULE 3:	ADMINISTRATIVE PENALTIES

CHAPTER 1: GENERAL

1. DEFINITIONS

For the purpose of these By-Laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and referred to in these By-Laws as the Systems Act, shall bear the same meaning in these By-Laws, and unless the context indicates otherwise –

- “**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 the standard specifications as listed in Schedule 2 attached to these By-Laws;
- “**authorised official**” means a person authorised by the municipality in terms of these By-Laws to execute work, conduct an inspection and monitor and enforce compliance with these By-Laws;
- “**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 of premises or any other person with whom the municipality has contracted to supply, or is actually supplying, electricity at those premises; or
 - b) If premises are not occupied , any person who has a valid existing agreement with the municipality for the supply of electricity to those premises; or
 - c) If there is no such person or occupier, the owner of the premises;
- “**credited 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;

- **“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 to 220kv;
- **“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 ac voltage of 1000 (or a dc voltage of 1500 V);
- **“medium voltage”** means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1Kv to 44Kv;
- **“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 kV input ratings of all the individual motors connected to an installation;
- **“motor rating”** means the maximum continuous kV output of a motor as stated on the marker'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 energised at its rated voltage in the starting position and the rotor locked;
- **“municipality”** means the municipality established by General Notice 274 in Provincial Gazette Extraordinary 601 of 5 September 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the Municipality's Executive Committee acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administrative and Elections) Ordinance, 1960 (Ordinance 40 of 1960), or any officer to whom the Executive Committee has delegated, in terms of the provisions of section 58(3) of the ordinance, any function, duty or power vested in the municipality in respect of this By-Laws.
- **“municipal manager”** means the municipal manager as defined in section 82(1)(a) of the Structures Act;
- **“occupier”** includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises, or parts of premises, let to a lodger or any other person, includes the person receiving the rent payable by a lodger or any other person whether for himself or as an agent for any other person;

- “**owner**” includes any person that the title to any premises or land, or any person receiving the rent or profits for allowing the occupation or use of any land, or parts of premises who would receive such rent or profit if the land or premises were let or used whether he does so himself or for another,
- “**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 point of the distribution system of the municipality or the electrical installation of the consumer, as specified by the municipality or any authorised official; provided that it shall meter all of, and only, the consumers 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;
- “**premises**” means any land, or any part of , any building or structure above ground level and includes any vehicle, aircraft or vessel;
- “**prepayment meter**” means a meter that can be programmed to allow the flow 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 from time to time;
- “**SANS code**” means the South African Standards Codes of the South African Bureau of Standard Codes as defined in Regulation No 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act 29 of 199) or as may be published in the future in terms of that act;
- “**safety standard**” means the Code of Practice for the Wiring of Premises SANS 0142 incorporated in the Regulations;
- “**service connection**” means all cables and equipment required to connect the supply mains to be electrical installation of the consumer at the point if supply;
- “**service delivery agreement**” means an agreement between the municipality and a service provider in terms of which the service provider is required to provide electricity services;
- “**service provider**” means any person who has entered into a service agreement with the municipality in terms of section 81 of the Systems Act;

- “**service protective device**” means any fuse or circuit breaker installed for the purpose of 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 work;
- “**Systems Act**” means the Local Government : Municipal Systems Act, 2000 (Act 32 of 200);
- “**tariff**” means the charge to users for the provision of electricity services or for any related charge, determined or promulgated by the municipality, or adjusted by service provider, in terms of Tariff policy By-Laws adopted under section 75 of the Systems Act;
- “**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; and
- “**Voltage**” means the root- mean-square value of electrical potential between two conductors.

CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

2. THE PROVISION OF ELECTRICITY SERVICES

(1) The municipality must take reasonable measures within its available resources progressively to ensure regular access by the local community to electricity services.

3. EXCLUSIVE PROVISION OF ELECTRICITY SERVICES

Save for Eskom Limited, providing electricity services under the electricity Act 41 of 1987, only the municipality may supply or contract for the supply of electricity services within its jurisdiction.

4. SUPPLY BY AGREEMENT

(1) No person shall use or be entitled to use electricity supplied by the municipality or service provider unless or until he has entered into an electricity supply agreement in writing with the municipality or service providers for the provision of electricity services.

(2) The provision of an agreement relating to the supply of electricity services (henceforth the "Electricity Supply Agreement") together with the provisions of these by-laws shall in all respects govern electricity supply.

(3) A person who uses electricity supply without entering into an electricity supply agreement shall be liable for the cost of electricity used as stated in section 38 of these By-Laws notwithstanding the fact that he has not entered into an agreement.

5. APPLICATION FOR SUPPLY

- (1) Application for supply of electricity services 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 in the form.
- (2) An application made under subsection 1 shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the municipality.
- (3) An application for the supply of electricity services for a period of less than one year shall be regarded as an application for temporary supply of electricity services and shall be considered at the discretion of the municipality which may any special conditions to be satisfied in such a case.

6. PROCESSING OF REQUEST FOR SUPPLY

Application for the supply of electricity will be processed and the supply made available within the period stipulated in NRS 047.

7. PERMISSION TO USE PROPERTY

- (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 property, unless or until the prospective consumer has obtained and deposited with the municipality written permission granted by the owner of the private property or by the person in whom is vested the legal title to the land or thoroughfare, as the case may be , authorising the laying or erection of the service connection on the property.
- (2) If permission under subsection 1 is withdrawn at any time, or if the private property or thoroughfare changes, and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to as service

connection in order that the supply of electricity may be discontinued, as well as that of any removal of a connection which may become necessary in the circumstances, shall be borne by the consumer whose premises the supply of electricity is required to be continued.

8. STATUTORY SERVITUDE

(1) Subject to the provisions of subsection 3 and in order to provide, establish and maintain electricity service within its municipal area, the municipality may:-

(a) Acquire, construct, lay, extend, enlarge, divert, repair, discontinue the use of, and close up and destroy electricity supply main,

(b) 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,

(c) Do any other thing necessary or desirable for an incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

(2) If the municipality constructs, erects, lays any electricity supply main on, through, over or under any street or immovable property neither owned by the municipality nor under the control or management of the municipality, it shall pay the owner of the street or property compensation in an amount agreed upon by the affected owner or the municipality or, in the absence of agreement, compensation determined either by arbitration or a court of competent jurisdiction.

(3) The municipality shall, before commencing any work other than repairs or maintenance, or on in connection with any electricity supply main on or under immovable property not owned by the municipality or not under the control or management of the municipality, give the owner or occupier of the property reasonable notice of the proposed work and the date on which it proposes to commence its work.

9. IMPROPER USE

- (1) If the consumer uses electricity for any purpose, or deals with it in any manner, which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner with the supply of electricity but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed: provided that the consumer has been given reasonable notice of the intention to disconnect, and the reasons for doing so, and an adequate opportunity to make representations as to why it should not be disconnected, unless in the opinion of the municipal manager it would be unsafe to do so in the circumstances.
- (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 be shown by the consumer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

10. DEPOSITS

- (1) The municipality reserves the right to require the consumer to deposit a sum of money as security in payment charges which are due or may become due to it.
- (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 considers the deposit held to be adequate.
- (3) Deposit paid under this section shall not be regarded as being in payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-laws.

(4) On cessation of the supply of electricity, the amount of such a deposit, free of any interest, less any payments due to the municipality, shall be refunded to the consumer by the municipality.

11. PAYMENT OF CHARGES

(1) The consumer is liable to pay for the provision of electricity services according to the tariff, copy of which is obtainable free of charge from the municipality.

(2) All accounts shall be due and payable when issued by the municipality and each account shall, on its face reflect due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of the supply remain unpaid after the due date.

(3) An error or omission in any account or failure to render an account shall not relieve the consumer of this obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to his premises.

(4) Where an authorised official has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection 2 and is obstructed or prevented from effecting a disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of disconnecting the service.

