

ELECTRICITY SUPPLY

[MUNICIPAL NOTICE NO. 45 OF 1998]
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DURBAN TRANSITIONAL METROPOLITAN COUNCIL ELECTRICITY SUPPLY BY-LAWS

The Durban Transitional Metropolitan Council hereby published the subjoined By-laws in conformity with section 162 (1) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) which By-laws shall come into effect on the date of publication hereof in the *Provincial Gazette*.

E.W.H. MORTON
CHIEF EXECUTIVE OFFICER

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1. Definitions.—In these By-laws, unless the context otherwise requires—

“**appliance**” means an appliance as defined in the code of practice;

“**area of supply**” means the area within which the Council is authorised by law to supply electricity;

“**Act**” means the Machinery and Occupational Safety Act, Act No. 6 of 1983 and the Regulations made thereunder;

“**basic component**” means the component of the total connection fee that is charged to recover, where deemed appropriate, the proportionately shared costs of transformation, switchgear, protection, and allocated portions of cable or overhead lines;

“**boundary metering**” means a meter erected in a position that is easily accessible for meter reading purposes without entry into the fenced or walled area of the property, and which is no more than 3 m from the road frontage boundary of the property;

“**category of connection**” means the groups into which connections are allocated. Groups of connections are separated according to the level of voltage at which supply is provided, type of supply and metering, the number of phases, whether supplied from a minisubstation or a brick substation, and the requested capacity of the supply.

“**code of practice**” means Code of Practice 0142 — 1981: The Wiring of Premises, as published in the *Government Gazette* by General Notice 463 of 9 July 1982;

“**connection fee**” means the charge to an application for a connection, which is determined by the Engineer and consists of a Basic component, Service Mains component, a Metering component and a Supply Mains component;

“**consumer**” means the owner or occupier of any premises within the area of supply which are supplied with electricity by the Council, or any person who has entered into a contract with the Council for the supply of electricity or any person who is lawfully obtaining a supply of electricity from the Council;

“**Council**” means the City Council of the City of Durban;

[Definition of “Council” amended by r. 1 of MN 54 of 1998.]

“**credit dispensing unit**” means a unit which dispenses credit for electrical energy in the form of cards and/or tokens for transfer of credit to an electricity dispenser;

“**credit meter**” means a device which records the electricity consumed on a continuous basis, is read at regular intervals and an account is rendered on a monthly basis in accordance with clause 17 of the Electricity Supply By-laws;

“**Engineer**” shall mean the Executive Director of the Durban Electricity Service Unit, or his duly authorised representative;

“**electrical contractor**” means an electrical contractor as defined in the Act;

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

“Electrical Installation Regulations” means the Electrical Installation Regulations of 1992 promulgated under section 35 of the Machinery and Occupational Safety Act of 1983 (Act No. 6 of 1983);

“electricity dispenser” means a device which measures electrical energy consumed and deducts such energy from the quantity credited by means of cards and/or tokens issued by a credit dispensing unit and isolates the supply to the consumer in the event of the expiry of such credit;

“formally wired” means wiring which has been installed by a contractor or a developer, and which is in accordance with SABS 0142;

“high voltage” or “HV” means 33 000V or 132 000V;

“informal housing” means any dwelling in any area set apart, reserved, made available, released or acquired for communal or tribal occupation under Black Common Law of Custom or any dwelling in a “designated area” in accordance with the Less Formal Township Establishment Act (Act No. 113 of 1991);

“kVA.km” means the product of the requested capacity of an applicant, and the length of the cable or line from or portion thereof by which the connection is supplied;

“low voltage” or “LV” means 400V or 230V;

“medium voltage” or “MV” means 11 000V;

“meter” shall be the generic term for a credit metre or an electricity dispenser;

“MVA” means 1000kVA;

“permit holder” (deleted by M.N. 155/93);

(Editorial Note: Wording as per original *Provincial Gazette*’.)

“polyphase supply” means a supply which necessitates a polyphase cable, in accordance with the Service Unit’s standard practices;

“Rand per kVA.km” or “R/kVA.km” means the rate of charge in rands per kVA of capacity per km of supply at a particular voltage level, applied to new connections of 1 000kVA and above;

“residential premises” means a dwelling house or building constructed or adapted to be used solely as a residence by one family together with such outbuildings as are ordinarily used therewith;

“service main” means cables or wires and other apparatus for the supply of electricity by the Council laid or erected between the supply main and—

- (i) in the case of an underground service main, the meter or main fuse or other protective device on the consumer’s premises; or
- (ii) in the case of an overhead service main, the point at which such cable or wire is connected to the consumer’s premises;

“service mains component” means the component of the total connection fee that is charged to recover the cost of the service mains, which is that portion the cable or overhead lines used specifically by, and dedicated to an individual supply;

“single phase supply” means a supply which is via a single phase cable, in accordance with the Service Unit’s standard practices;

“site area” means the area according to survey data, contained within the boundaries of the sub-division, sub-divisions, or plot of land on which the premises are situated, or,

where the boundaries of the site have not been defined by survey, the area contained within the recognised boundaries or limits of the sites as determined by the Engineer;

“small power distribution unit” means a compact unit consisting of a number of socket outlets and a light fitting all protected by circuit breakers;

“small power residential premises” means a dwelling unit or building constructed or adapted to be used mainly as a residence by a family unit, together with such outbuildings as are ordinarily used therewith, where supply is single phase and is metered by an electricity dispenser;

“small power users” means such power users as are referred to in item 7 and item 8 of the Second Schedule, where the supply is single phase and is metered by an electricity dispenser;

“substation” means a building housing the Council’s electrical equipment, including all integral parts of such building, such as doors and windows and ancillary building work, as well as ventilating, lifting and other equipment installed in conjunction therewith;

“supply main” means the cables or overhead lines forming that part of the Council’s electrical distribution system to which more than one premises are connected and to which the service mains to individual supplies are connected;

“supply mains component” means the component of the total connection fee that is charged to recover the cost of the supply mains, which is used, or which the Engineer anticipates to use to supply more than one premises.

1A. Non-discrimination.—(1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed so as to have the effect of authorising such discriminations.

(2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provisions of these By-laws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons of persons into public ablution, toilet and changeroom facilities or prescribes different standards for such facilities.

2. New Electrical Installations.—(1) No person shall install or permit to be installed a new electrical installation in any premises within the area of supply and connect any such installation to the Council’s supply main, except under the authority of the written permission of the Engineer, which authority the Engineer may grant, subject to such conditions as he may determine, or refuse.

(2) Application for such authority shall be made to the Engineer on an application form obtainable from the Engineer. Such form shall be signed by the owner of the premises or his duly authorised representative and shall be accompanied by—

- (a) plans and specifications of the electrical installation which it is proposed to install;
- (b) in the case of premises outside the City, a plan of the locality in which the premises are situated;
- (c) a copy of the building plan certified as having been approved by competent authority in respect of each building to be supplied with electricity by means of the installations;
- (d) in the case of premises, whether inside or outside the city, a site plan, drawn to scale, indicating the position of the buildings on site, the

proposed location of the meter, and its distances from all boundaries according to the Engineer's requirements.

(3) Application for various types of connection shall only be accepted in areas where that type of connection has been authorised by the Engineer.

(4) Where any application in terms of section 3 (1) (b) hereof is made in respect of premises which have been formally wired, the appropriate connection fee referred to in section 3 (1) (c) hereof shall, unless otherwise determined by the Engineer, be the fee as prescribed under item 1 (b) of the First Schedule to these By-laws.

3. Application for Connection and Notice of Intention to Commence Work.—

(1) Before any work authorised by the Engineer in terms of Section 2 is commenced—

- (a) the electrical contractor shall give notice of his intention to commence such work in accordance with the Electrical Installation Regulations;
- (b) application shall be made to the Engineer for authority to connect the installation authorised to the supply main; and
- (c) the applicant shall pay a charge based upon the fees prescribed in the First Schedule that are in force at the time that payment is made. The charge for connections to small power users equipped with an electricity dispenser and who require to purchase electricity on the Scale 9 or Scale 11 tariffs of the Second Schedule, are prescribed in item 1 (a) of the First Schedule. The charges for other connections shall consist of—

- (i) the appropriate Basic component as prescribed in item 1 (b) (i) of the First Schedule;
- (ii) the appropriate Metering component as prescribed in item 1 (b) (ii) of the First Schedule;
- (iii) the Service Mains component for extensions as required by the Engineer, and as prescribed in item 1 (b) (iii) and item 2 of the First Schedule; with the following provisos—
 - “I. where connections are supplied via overhead cable, the charge will exclude the costs of the first pole costs which are included as part of the Basic component of section 3 (1) (c) (i);
 - II. where additional overhead lines or cable is used for road crossings the costs are included as part of the Basic component of section 3 (1) (c) (i);
 - III. where additional poles are required in order to obtain the statutory clearance over telephone or telegraph wires, such pole or poles shall be deemed to be included as part of the Basic component of section 3 (1) (c) (i);
- (iv) the Supply Mains component for extensions as required by the Engineers and as prescribed in item 1 (b) (iii) and then item 2 of the First Schedule; provided that where additional poles are required in order to obtain the statutory clearance over telephone or telegraph wires, such pole or poles shall be deemed to be included as part of the Basic component of section 3 (1) (c) (i).

(2) Where the variation between the length of cable used in connecting the premises or sub-station to the supply main and the length of cable paid for in terms of sub-paragraph (iii) or (iv) of paragraph (c) of sub-section (1), exceeds 10 per centum or 10 metres in length (whichever is the greater) the consumer's account shall be adjusted to reflect the cost of the length of cable actually used.

(3) In giving the notice referred to in subsection (1) (a) the electrical contractor shall allow sufficient time between the giving of such notice and the date when the supply

is required, to enable the Council to effect any extension of the supply main as may be necessary as well as the provision of the service main, and to obtain such statutory consents as may be required, and for the purpose of determining the adequacy of the period of notice the electrical contractor shall consult the Engineer: provided that the Council shall in no way be liable for any loss, damage or other consequence to the applicant, the electrical contractor or any other person resulting from any delay in the extension of the supply main or the provision of the service main, however caused.

4. Notice of Intention to Alter or Add to existing Electrical Installation.—

Before making any alteration or addition to any electrical installation installed within the area of supply that requires an increase in electricity supply capacity, or an alteration to the service, the electrical contractor shall give notice to the Engineer of his intentions in accordance with the Electrical Installation Regulations.

5. Notice of Completion and Inspection of Works.—(1) Upon the completion of any work authorised in terms of section 2 or in respect of which notice has been given in terms of section 4, the electrical contractor carrying out such installation, alteration or addition shall give notice of such completion to the Engineer, by submitting the completed original “Certificate of compliance by an accredited person” form, as specified in the Electrical Installation Regulations.

(2) The Engineer may, upon receipt of the notice referred to in sub-section (1), inspect and test the work in the presence of the electrical contractor concerned or his authorised representative.

(3) The Engineer may, if in his opinion the inspection or test cannot otherwise be satisfactorily carried out, require the electrical contractor, upon proper notice, to open up any joint or wires, trap doors or floor boards or to remove any fittings or casings.

(4) Subject to the provisions of section 5 (1) and section 13 (1), the Engineer shall connect or authorise the connection of the installation to the supply main.

(6) An inspection and test made by the Engineer in terms of this section shall in no way relieve the electrical contractor concerned of any responsibility or liability for defects in the electrical installation, or operate as a guarantee that the work on such installation has been carried out efficiently.

6. Inspection of installation.—The Engineer shall at the request of a residential user or lessor and upon payment of the fee prescribed in Item 3 of the First Schedule hereto carry out an inspection of the residential user or lessor’s electrical installation.

7. Connection to Supply Main.—(1) The service main shall be installed by the Engineer after due compliance by the owner with the provisions of these By-laws and the code of practice. The position, type and size of the service main shall be determined by the Engineer, provided that he may, upon application by the owner, approve an alternative position, type or size of service main if such alternative is technically acceptable.

(2) The Engineer may in his discretion, subject to the acquisition by the Council of necessary servitudes or wayleaves, convert any service main or portion thereof to supply main.

(3) Where, in the opinion of the Engineer, it is necessary to extend the supply main in order to give a supply of electricity to a consumer or consumers, such extension shall be paid for in accordance with section 3 (1) (c).

(4) Where, in the opinion of the Engineer, the extension of the supply main involves the adoption of an extraordinary method of construction, the consumer shall, before such extension is made, pay to the Engineer, in place of the fees prescribed in Item 2 of the First Schedule, the estimated cost of the extension. Where the actual cost of the

extension is greater or less than the amount paid, the difference shall be paid by or refunded to the Consumer.

[Sub-r. (4) amended by r. 1 of MN 7 of 1999.]

(5) (a) For the purpose of supplying electricity to premises only one service main shall be permitted; provided that the Engineer may at the request of a consumer authorise the installation of one or more additional service mains where portions of any premises are separately let or occupied or where this is, in his opinion, necessary for technical reasons.

(b) Where the portions of any premises which are separately let or occupied are supplied with electricity through a single meter, the owner of such premises may, with the prior consent of the Engineer, install meters for the purpose of measuring the quantity of current consumed by each tenant or occupier of the several portions of the premises and may charge for such current at a rate not exceeding the prescribed tariff rate. Where meters are installed by the owner, he shall be responsible for the payment of all electricity supplied to the tenants or occupiers of the several portions of the premises.

(c) Where, for the convenience and advantage of a group of consumers on a single site or premises the Engineer agrees to meter each individual consumer at a point or points remote from the service main connection point, each consumer's meter shall nevertheless be deemed to be at the service main connection point for the purpose of definition of responsibility of maintenance of supply.

(6) The Council shall have the right to connect and maintain at its own expense, current limiting or peak load control devices to any portion of a consumer's electrical installation for the purpose of ensuring that the normal service and supply mains are adequate for the maintenance of an efficient supply or for controlling current consumed in relation to peak demands on the Council's electricity supply system, and the Council shall not be liable for any loss, damage or inconvenience arising from any restriction in or interruption of the supply of current resulting from the operation of any such device.

8. Metering.—(1) (a) Any meter which is to be installed shall be located in a position approved by the Engineer. Except in the case of an installation comprising a small power distribution unit together with an electricity dispenser, the equipment shall be affixed to a panel of an approved type provided by the consumer. In the case of any new electrical installation, such approval shall be obtained before the installation is commenced.

(b) In the case of an installation comprising a small power distribution unit and electricity dispenser, the consumer shall provide and install conduit and conduit inspection boxes to the detail of the Engineer. The Engineer shall supply and install the electricity dispenser. The small power distribution unit shall be installed to the satisfaction of the Engineer.

(2) Where more than one meter is required by a consumer to measure the quantity of electricity supplied through a single service main, the additional meter shall be installed by the Engineer upon payment of the fee prescribed in item 1 (b) (ii) of the First Schedule.

(3) Where a number of meters are to be installed at one point within the premises, the consumer shall, when so required by the Engineer, provide a meter-room to accommodate such meters. The position and dimensions of such room shall be determined by the Engineer after consultation with the owner or his duly authorised representative.

(4) All current and potential metering transformers installed in any premises shall be of a type approved by the Engineer and shall be either accommodated on a panel of an approved type, supplied by the consumer or incorporated in the consumer's incoming switchgear. The metering transformers shall be supplied by the Council unless, in the

opinion of the Engineer they will not be capable of re-use by the Council on the termination of the supply.

(5) Where a consumer elects to transfer to another tariff or to a bulk agreement, applications for transfer shall only be accepted in areas, where that type of transfer has been authorised by the Engineer and will only be performed by the Engineer upon payment of the fee prescribed in item 15 or item 16 of the First Schedule.

9. Accommodation and Equipment to be Provided by Consumer.—(1) Where the total load of any electrical installation in any building is 20 kVA or more, the owner of such building shall, where the Engineer so requires, provide accommodation to the satisfaction of the Engineer for such equipment as may be necessary for the supply. Such accommodation shall—

- (a) comply with the requirements of the Engineer in regard to access, floor space, ceiling height, ventilation, cable ducts, drainage, lighting and doors;
- (b) be of fire-proof construction;
- (c) be so located as to give convenient access to the interior thereof at all times.

(2) The access to any substation erected on the premises of a consumer shall be kept clear at all times to permit the removal or replacement of equipment without undue difficulty even under emergency conditions. The owner shall bear the cost of any damage to property, other than Council property, caused by such operations unless such damage is due to the wilful misconduct or negligent acts of the Council or its officers or servants.

(3) Where a transformer substation is erected on the premises of a consumer, the Council shall have the right to use such substation for the purpose of supplying other consumers; provided that where a substation is so used, the consumer on whose premises the substation is situated, shall only be required to pay for service main cable conveying the electrical current from the sub-station to the consumer's premises.

(4) Where a transformer substation is erected on the premises of a consumer, the Council shall have the right to use such substation for the purpose of supplying other consumers; provided that where a substation is used or the Engineer envisages that it will be used, the consumer on whose premises the substation is situated, shall only be required to pay for service main in excess of 50 metres.

10. Change from Overhead to Underground Mains.—Where a consumer requires the Engineer to install an underground service main in place of an existing overhead service main, the cost of all cable calculated in accordance with Item 2 of the First Schedule shall be paid for by the consumer, subject, however, to an adjustment as provided for in sub-section (2) of Section 3.

11. Removal or Re-location of Meters and Service Mains.—(1) Where, because of structural alterations to premises it becomes necessary—

- (a) to remove the service main and meter, such removal shall be effected by the Engineer free of charge. Upon re-connection of the premises, the consumer shall be required to pay the fees and charges referred to in paragraph (c) of sub-section (1) of Section 3 hereof;
- (b) to re-locate, adjust or alter the service main or supply main, the full cost of such re-location, adjustment or alteration shall be borne by the consumer.

(2) Where the position of the meter is changed by the Engineer at the request of a consumer, the full cost of the work involved shall be borne by the consumer; provided that where the meter to an underground supply is to be relocated to a point on the boundary where the cable enters the premises, the charge shall be the fee prescribed in Item 7 (b) of the First Schedule.

(3) Where, due to reconstruction of supply mains or for the correction of any unsafe or unsatisfactory condition for which the consumer is not, in the opinion of the Engineer, responsible it becomes necessary to alter an existing service main or meter position, such alteration and any consequent alteration to the consumer's electrical installation shall be carried out at the expense of the Council.

(4) Where, due to increased electrical power requirements by the consumer—

- (i) it is necessary to replace an existing supply or service main, then the consumer shall be required to pay the fees and charges referred to in section 3 (1) (c) hereof; provided that this fee be reduced by an amount equal to the depreciated value of any reusable portion of substation equipment that would no longer be required to supply the consumer.
- (ii) existing infrastructure is adequate to supply the requested capacity, then a charge equal to the difference between the Basic component at the existing supply capacity and the requested capacity is charged.

12. Interference with Overhead Supply or Service Mains.—(1) No person shall permit any tree, shrub or other plant growing on property owned or occupied by him, to interfere with any overhead supply or service main.

(2) Where any tree, shrub or other plant growing on any land interferes with any overhead supply or service main or in the opinion of the Engineer is likely to cause such interference, the Engineer may either cut down or trim such tree, shrub or other plant or he may serve a notice on the owner or occupier of such land calling upon him to cut down or trim such tree, shrub or other plant within the time specified in any such notice. Upon failure to comply with such notice, the Engineer may himself take steps to remove the cause of the interference and recover any costs incurred from the person upon whom the notice was served or from the owner or occupier of such land.

13. Supply of Electricity other than to small power users.—(1) Every applicant for a supply of electrical current from the Council shall deposit with the Council such sum as the Council deems sufficient to cover the estimated cost of two months' supply, provided that—

- (a) the Council may permit an applicant to deposit such sum as it deems sufficient to cover the estimated cost of one month's supply where the applicant elects to pay by the direct debit method;
- (b) the Council may require an applicant to deposit such sum as it deems sufficient to cover the estimated cost of three months' supply in such circumstances as the Council deems appropriate.

(2) Should the amount deposited in terms of sub-section (1) subsequently prove to be insufficient, the consumer shall, within 7 days of being called upon to do so by the Council, deposit such further sum as may be necessary to increase the deposit to an amount sufficient to cover the actual or provisionally assessed cost of two months' supply or, if the Council deems it appropriate, of three month's supply. The Council may, if it considers the amount deposited to be excessive, authorise the refund of a portion thereof.

(3) The Council may accept a written guarantee in lieu of any deposit required in terms of sub-section (1) or (2) hereof.

(4) Where an applicant for the supply of electric current or an existing consumer of electric current is a corporate person (other than a public legal body or a public listed company), such applicant or consumer shall, in addition to any security provided in compliance with the foregoing provisions of this section, lodge with the Council when required by him to do so, a guarantee for an amount specified by and in terms approved by the Council and given by such natural person or persons as the Council may approve in their personal capacities; provided that the Council may at any time require any such

consumer to furnish a further guarantee for such additional amount as the Council may determine.

(5) Failing compliance with any request for a deposit or increased deposit or for a guarantee as provided in this section, the supply of electricity may be withheld until such deposit has been made or the guarantee furnished or if the supply has already been connected, it may forthwith be disconnected and thereafter the supply shall not be reconnected until the deposit has been paid or the guarantee furnished.

(6) The deposit lodged with the Council in terms of this section may be applied to the payment or part payment of any amount due to the Council by the consumer either for electricity supplied or for services rendered in connection with such supply.

(7) On 30 June in each year the Council shall cause the deposit account of every consumer who made a deposit under this section prior to the 31 December in the year immediately proceeding to be credited with simple interest at such rate, not exceeding 3% per annum, as the Council may from time to time determine; provided that no such interest shall be credited where the deposit has been held by the Council for less than six months. The interest so credited shall be paid to the consumer at the time the amount deposited by him in terms of this section is refunded; provided that the Council may in the case of deposits of R50 and over and where the consumer so requests, credit the interest to the consumer's account for current consumed or provisionally estimated to have been consumed.

13A. Supply of Electricity to Consumers equipped with an Electricity Dispenser, as referred to in item 7, 8, 9 and 10 of the Second Schedule.—(1) The supply of electricity under these scales is only available in areas designated by the Engineer from time to time where a token operated electricity dispensing system has been put into effect.

(2) Application for the supply of electricity under these scales shall be made to the Engineer and shall be accompanied by the fees prescribed in item 1 of the First Schedule.

(3) On payment of the fee referred to in (2) above, the Engineer shall provide and install all equipment required for delivering electricity to the consumer's premises. If a small power distribution unit is supplied it will become and remain the property of the consumer. All other equipment, including the line or cable and electricity dispenser will be maintained by the Electricity Department and shall remain its property.

(4) The Engineer shall be entitled to change a credit meter for an electricity dispensing unit where he considers that for technical or other reasons it is in the best interests of the service, in which case the electricity service shall bear the cost of the changeover.

(5) The Engineer shall be entitled to remove its equipment on termination of the supply to the consumer.

(6) The energy consumption shall be paid for in advance by the purchase of tokens or the equivalent from the City Treasurer or his authorised representative. Such tokens shall only be issued to consumers giving their consumption address and supplying an identification number.

(7) The consumer shall afford Electricity Department officials free access to the premises at all reasonable times for the purpose of inspecting and/or maintaining the electricity dispenser.

(8) No deposit is required for consumers supplied with electricity under Scale 8, 9, 10 or 11 of the Second Schedule except that every applicant for a supply of electrical current under these scales through an electricity dispenser of the type which allocates a quantity of energy on a daily basis shall deposit with the City Treasurer a sum equal to thirty times the cost of the daily quantity of energy to be allocated in terms of the supply agreement. A deposit made in terms of Section 13 shall be refunded to a consumer in the

case where the credit meter is replaced by an electricity dispenser, such change only being effected on application and payment of the changeover tariff by the consumer and in terms of subsection 13A (4).

14. Hire of Portable Recording Instruments.—(1) Portable recording instruments which record electrical characteristics may be hired from the Council.

(2) The hire of a portable recording instrument shall be subject to the following conditions—

- (a) payment by the hirer of the hire fee as prescribed in Item 14 of the First Schedule;
- (b) the hirer shall maintain the portable recording instrument in good condition and shall be responsible for any damage thereto or for the loss thereof while on his premises;
- (c) such other conditions as the Engineer may impose.

(Editorial Note: Regulation 2 of MN 7 of 1999 amends MN 45 of 1998 by renumbering section 14A as section 14, however there is no section 14A.)

15. Temporary Supply of Electricity.—(1) Subject to the provisions of subsection (2) hereof where application is made for a temporary supply of electricity, the Engineer shall furnish the applicant with the estimated cost of connection and disconnection. The applicant shall pay such estimated amount before the supply is given and shall pay for the electricity consumed at the prescribed tariff rate. Where the variation between the actual cost of connection and disconnection and the estimated cost exceeds 10 per centum, the applicant's account shall be adjusted to reflect the actual cost.

(2) Temporary single phase supplies for the periods not exceeding 14 days for fetes, religious gatherings, election lighting and similar purposes may be provided to premises situated immediately adjacent to suitable existing supply or service mains upon payment of the charge prescribed in Item 13 of the First Schedule.

16. Duties of Consumer.—(1) Every consumer shall maintain the electrical installation, substations and all appliances on the premises owned or occupied by him in good order and repair and shall be responsible for the safe-keeping of all meters, service fuses, service mains and other electrical apparatus and fittings belonging to the Council which are placed or installed on his premises. The consumer shall be responsible for any loss of or damage to any apparatus and fittings belonging to the Council which directly or indirectly results from a failure on his part to exercise all reasonable care in safeguarding the 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, and the consumer shall pay to the Council on demand the cost of making good or of repairing any such loss or damage as ascertained and certified by the Engineer.

(2) Where a consumer discovers any fault or defect in any electrical installation, he shall immediately cut off the supply at the main switch and arrange for the rectification of the fault or defect.

(3) Where, in the opinion of the Engineer, the electrical installation in any premises is not in accordance with the By-laws or the code of practice or where in his opinion there is any defect in such installation or substation or in any appliance used in or on such premises which is likely to cause injury to life or damage to property, he may, by notice, call upon the consumer to bring the installation, substation or appliance into conformity with the By-laws or wiring regulations or to remove the defect within the period specified in the notice. Upon the failure of the consumer to comply with such notice within the period specified, the Engineer shall have the right to disconnect the supply of electricity to such premises.

(4) If a consumer fails to perform the duties imposed on him by subsection (1) or if he fails to comply with the terms of a notice given to him in terms of subsection (3) within the period specified in such notice, the Engineer may, at the cost of the consumer, himself cause any work to be carried out which he considers necessary to bring the electrical installation, substations and appliances on the premises concerned into good order and repair and remedy any defect therein or to bring the electrical installation into conformity with the By-laws or the code of practice, as the case may be.

(5) A user or lessor is required in terms of the Electrical Installation Regulations to be in possession of a valid certificate of compliance for each installation used or leased by him.

17. Accounts.—(1) All electricity consumed shall be paid for at the appropriate tariff rate prescribed in the Second Schedule.

(2) Accounts shall, as far as practicable, be rendered monthly and shall be paid within 21 days from the date of the account. Where a consumer fails to pay the account within such period, the Engineer or the City Treasurer may cut off the supply. A consumer whose supply of electricity has been disconnected in terms of this section shall not be entitled to be reconnected to the Council's supply main until the amount of the account and the prescribed reconnection fees have been paid in full.

(3) Meters will, as far as practicable, be read at intervals not exceeding six months and electricity consumed between meter readings shall be deemed to have been consumed evenly between such meter reading dates. No reduction of or addition to the prescribed monthly fixed or minimum charges will be made unless the date of reading is at least five days before or after a full period of one month or a multiple hereof from the previous reading. Where a meter is read less than or more than one month or a multiple thereof after the commencement of an account or where an account is terminated less than or more than one month or a multiple thereof after the preceding reading of the meter, the monthly fixed or minimum charge will be proportioned accordingly. For the purpose of assessing fixed or minimum charges "one month" shall be reckoned as 30 days.

(4) (i) In those months in which any meter is not read the City Treasurer shall render an account for a provisional sum for electricity, such provisional sum to be assessed by him with due regard, wherever possible, to the average monthly value of fixed or minimum charges and of electricity consumed upon the premises served by the meter and to any tariff changes that may have occurred, provided that where there has been no previous consumption the City Treasurer may determine the amount of the said provisional sum by reference to such consumption on other similar premises as he considers would constitute a reasonable guide.

(ii) In those months in which any meter is read the City Treasurer shall render an account for the total quantity of electricity consumed since the previous reading, together with the appropriate fixed or minimum charges and shall deduct therefrom the total amount of provisional sums (if any) which may have been charged in terms of paragraph (i) since such previous meter reading.

[Sub-para. (ii) inserted by r. 3 of MN 7 of 1999.]

(iii) The provisions of subsection (2) shall apply to accounts rendered in terms of this subsection.

[Sub-para. (iii) previously sub-para. (ii) renumbered by r. 3 of MN 7 of 1999.]

(5) Where any meter is found to have ceased to register or to have registered inaccurately to an extent of more than 2 and a half % the quantity of electricity 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 establish to the satisfaction of the Engineer that a lesser or greater quantity of electricity was in fact consumed, be estimated by the City Treasurer on the basis of—

- (a) the average monthly consumption of electricity upon the premises served by the meter during a period of up to twelve months prior to 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 also is not possible;
- (c) the average monthly consumption upon the premises served by the meter over a period of up to twelve months after its repair or replacement, where consumption is measured using a credit meter; or on the average consumption of similar consumers within the same area, where supply is via an electricity dispenser.

[Para. (c) substituted by r. 4 of MN 7 of 1999.]

(6) The record given by any meter installed on any premises by the Council shall be conclusive proof of the quantity of electricity consumed provided that where such meter is tested as hereinafter provided and found to be more than 2 and a half % inaccurate, the City Treasurer shall correct the consumer's account to conform to the result of the test and shall refund to the consumer any amount paid by him in excess of the amount due. No such adjustment shall, however, be made in respect of any period prior to the last metered period for which an account is rendered to the consumer unless the consumer is able to establish to the satisfaction of the Engineer that the meter was inaccurate during such prior period.

(7) The Engineer may and shall at the request of any consumer and upon the payment of the fee prescribed in Item 10 of the First Schedule, test the accuracy of any meter installed by the Council. Where any such test is carried out at the request of the consumer, the fee paid by him shall be refunded if the meter is found to be more than 2 and a half % inaccurate.

(8) Where there is more than one meter on the premises occupied by a person who, or a company or an association of persons which is the registered consumer of the said premises, or where the aforementioned person, company or association of persons, as the case may be, carries on business in two or more premises which are less than 45 m apart and where no other premises occupied by another consumer intervene, the current consumed and recorded on the separate meters shall be added together according to tariff classification for the purpose of calculating the account provided that the Engineer in his discretion may restrict the number of metering points. This concession shall not apply where additional service mains have been installed at the request of the consumer in terms of section 7 (6) (a) hereof.

(9) Where portions of any premises which are separately let or occupied are separately metered, and the owner of the premises accepts responsibility for the payment of all or some of the accounts of the tenants or occupiers, he shall not be permitted to summate the current consumed by such tenants or occupiers in order to obtain any benefits under the tariffs.

(10) Cheques drawn on any branch bank situated within the area of supply need not include bank exchange.

18. Interruption of Supply.—(1) The Council shall not be liable for any loss or damage, direct or consequential, due to or arising from any interruption, diminution or discontinuance of the supply of electricity or any temporary increase or surge therein occasioned by a strike, blackout, war, Act of God, legislative action or embargo or any other cause beyond the Council's control or by any fault occurring in the machinery, supply or service mains or other apparatus of the Council or by the rectification of any such fault. The consumer is deemed to hold the Council indemnified against any action, claim, expense or demand arising from or in connection with any of the matters aforesaid.

(2) The Engineer may without notice, interrupt the supply of electricity to any premises for the purpose of carrying out emergency repairs to the supply or service mains.

19. Termination of Supply.—(1) A consumer may terminate the supply of electricity by giving the City Treasurer at least 14 days' notice of his intention to cease taking a supply.

(2) Any consumer who vacates the premises supplied without giving notice as required by sub-section (1) hereof, shall be liable to pay for all electricity consumed on the premises up to the date that the new occupant of the premises accepts a responsibility for the payment of the electricity supplied thereto.

(3) Upon the termination of the supply, the Engineer shall be entitled to disconnect the supply to the premises unless an application for the continuance of the supply to such premises has been made to the City Treasurer in terms of Section 13 of these By-laws.

(4) A consumer who has given notice in terms of sub-section (1) hereof may claim a refund of the amount deposited by him, or so much thereof as remains after the deduction of any amount owing by him for electricity supplied or services rendered together with interest on the amount deposited, calculated up to the date on which the refund is claimed, unless such interest has already been credited to the amount as in Section 13 (7) provided. The City Treasurer shall make payment of the amount due within 30 days from the date of the receipt of any such claim.

(5) Where no claim for a refund of the amount deposited is made—

- (a) within 30 days of the date of the termination of the supply, no interest shall accrue after the expiration of such period;
- (b) within five years from the date of termination of supply, the deposit shall be forfeited to the Council: provided that if a claim is made after the expiry of five years from the date of termination of supply, the City Treasurer may in his absolute discretion refund such amount.

(6) Should electricity not be consumed for a continuous period of 6 months by—

- (i) consumers on the small power users' tariff;
- (ii) consumers whose supply has been disconnected for non-payment of account and who have not applied for reconnection during the specified period,

the Engineer shall be entitled to remove all of the Department's apparatus and equipment installed on the consumers' premises.

20. Prohibited Acts.—No person shall—

- (a) tamper or interfere with any meter, supply or service main, main fuse or other electrical apparatus belonging to the Council;
- (b) erect any pole, mast or wire or other similar structure in close proximity to any overhead supply or service main or in such position or in such manner as is likely to cause danger from electrical current to himself or any other persons or damage to the electrical installation;
- (c) tap or attempt to tap or cause or permit to be tapped, any supply main or service main in any manner by which an unmetered supply of electricity or supply other than or in excess of that contracted for might be obtained, abstracted or diverted;
- (d) except as provided in sub-section (6) of Section 7 of these By-laws sell or supply electricity supplied to him by the Council to any other person or knowingly permit any such sale or supply to be made;

- (e) without the written permission of the Engineer directly or indirectly connect any electrical installation to a supply or service main;
- (f) operate any motor or other machinery in such a manner as to cause undue or unnecessary disturbance to the electrical pressure on the supply main conveying such electrical current to his premises, or disregard any directions given to him by the Engineer in regard to the proper operation of such motor or machinery;
- (g) use any electrical current supplied by the Council in any unauthorised manner or in contravention of the By-laws or commit any act which is likely to interfere unduly with the efficiency of the supply. In the event of any such interference, the Engineer may, if his directions in regard thereto are not carried out, disconnect the supply of electricity;
- (h) connect any defective appliance to an electrical installation.

21. Disconnection and Reconnection.—(1) Where an electrical installation has been disconnected by the Engineer either at the request of the consumer or in consequence of a breach of any of these By-laws, or of a failure to comply with a notice served by the Engineer, the supply shall not be reconnected or used until the reconnection fee prescribed in Item 11 of the First Schedule has been paid in full and the breach giving rise to the disconnection has been remedied; provided that no reconnection fee shall be payable when the supply of electricity is temporarily disconnected in order to enable the owner to repair the roof of his premises.

(2) No person other than the Engineer or person specially authorised thereto by the Engineer in writing shall reconnect or attempt to reconnect or permit the reconnection of any electrical installation which has been disconnected by the Engineer to the supply or service main.

(3) In the event of a contravention of the preceding provisions of this section it shall be presumed (unless the contrary is proved) that the reconnection or attempted reconnection was done or permitted as the case may be by the consumer.

(4) Where a new consumer takes over premises already connected to the Council's supply main no connection fee shall be payable unless for any reason the adjustment or replacement of the service main is necessary in which event the cost of adjustment or replacement shall be borne by such new consumer.

22. Notices, Orders and Other Documents.—(1) Every notice, order or other document provided for in these By-laws and requiring authentication by the Council shall be sufficiently authenticated if signed by the Engineer.

(2) Any notice, order or other document which is required by these By-laws to be served upon or given to an occupier of premises shall be deemed to have been properly served upon or given to him if it is addressed to him personally or is addressed to the occupier as such of the premises.

23. By-laws Additional to Other Powers.—These By-laws shall be deemed to be in addition to and not in substitution for any power, right or privilege conferred upon the Council or the Engineer by any other law and shall not derogate in any way from any penalty or liability to which any person may be subject under any other law.

24. Special Contracts.—Where the provisions of these By-laws conflict with the terms and conditions of any agreement for the supply of electricity concluded by the Council under the authority conferred by paragraphs (d), (e) and (f) of Section 180 of the Local Government Ordinance, 1942 (Ordinance No. 21 of 1942), or any amendment thereof, the terms and conditions of such agreement shall prevail.

25. Offences and Penalties.—(1) Any person who—

- (a) contravenes any provision of these By-laws; or
- (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these By-laws; or
- (c) fails to comply with the terms of any notice served upon him in terms of these By-laws,

shall be guilty of an offence and liable, upon conviction, to the maximum penalty prescribed for the offence by section 266 (7) (a) of the Local Authorities Ordinance, No. 25 of 1974.

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1) (b) or (c) above shall constitute offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

26. Repeal.—The Electricity Supply By-laws published under Provincial Notice No. 184 of 1931, as amended, the Service Connection Charges, etc., as published under Provincial Notice No. 197 of 1936, as amended, the Electricity Supply Tariffs as published under Municipal Notice No. 25 of 1961, the Electricity Supply By-laws of the erstwhile Tongaat Town Board published under Provincial Notice No. 502 of 1979, as amended and the By-laws relating to the Registration of Electrical Contractors as published under Provincial Notice No. 66 of 1955 are hereby repealed.

[R. 26 amended by r. 3 of MN 54 of 1998.]

FIRST SCHEDULE

[First Schedule deleted by r. 4 of MN 54 of 1998.]

SECOND SCHEDULE

[Second Schedule deleted by r. 4 of MN 54 of 1998.]
