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LOCAL AUTHORITY NOTICE

NOTICE 50 OF 2012

LOCAL MUNICIPALITY

OF

MADIBENG



MADIBENG BY-LAW NO. 2/2011

**AMENDMENT TO THE STANDARD ELECTRICITY BY-LAW OF
THE FORMER BRITS MUNICIPALITY, PUBLISHED UNDER
ADMINISTRATOR'S NOTICE 745 OF 23 APRIL 1985**

**LOCAL MUNICIPALITY OF MADIBENG
AMENDMENT TO THE STANDARD ELECTRICITY BY-LAW PUBLISHED
UNDER ADMINISTRATOR'S NOTICE 745 OF 23 APRIL 1985**

The Municipal Manager hereby publishes, in terms of Section 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996), the amendments to the Standard Electricity By-law published under Administrator's Notice 745 of 23 April 1985 which have been adopted by the Council and set forth hereunder, which shall come into operation on the date of publication hereof.

**AMENDMENTS
STANDARD ELECTRICITY BY-LAW OF BRITS MUNICIPALITY**

DEFINITIONS

1. Amend heading – "In these by-laws, unless the context indicates otherwise" to read – The existing definitions contained in the by-law remain the same unless some as listed hereunder are amended or substituted or additions are made:
 - between "approved" and "consumer", the following addition is made–

"area of jurisdiction" or "council" or "municipality" means that this By-law is applicable in the entire municipal area of Madibeng and not just "Brits" or "Hartbeespoort" areas as previously.
 - the wording of "Council" is substituted to read –
 - means a municipal council as referred to in section 157 of the RSA Constitution (Act no 108 of 1996), as established by virtue of section 12 of the Local Government: Municipal Structure Act (No 117 of 1998), in terms of Provincial Notice no 317 of 29 September 2000, as amended and includes any official employed by the Local Municipal of Madibeng, exercising a delegated power or executing an instruction or duty as delegated or sub-delegated in terms of section 59 of the Local Government: Municipal Systems Act, No 32 of 2000, and "municipality" has a similar meaning.
 - the wording of "consumer" is substituted to read –

"means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying electricity or, if there is no occupier, the person who has entered into a current valid agreement with the Municipality for the supply of electricity to the premises or, if such a person does not exist or cannot be traced or has absconded or for whatever reason is not able to pay for the electricity consumed, the owner of the premises".

- the wording of “engineer” is amended by deleting “by the Council” and substituting the following:

“to perform this duty on the engineer’s behalf”

- by adding the definition “meter” which reads as follows:

“meter” means a conventional meter in respect of which an account is issued subsequent to the consumption of electricity and also includes a pre-payment meter”

- by adding the definition “NER” after the definition of “meter” and before the definition “occupier”, which reads as follows:

“NER” means the National Electricity Regulator contemplated in the Electricity Act, 1987 (Act 41 of 1987)”

- by substituting the wording of “occupier” as follows:

“in relation to any premises, means –

- (a) the person who actually occupies the premises;
- (b) the person who is legally entitled to occupy the premises;
- (c) in the case of the premises being sub-divided and let to lodgers or tenants, the person who is recovering the rent being paid by the lodgers or tenants, whether on his or her own account or as an agent for another person who is entitled to or interested in the rent; or
- (d) the person in charge of the premises or responsible for managing the premises and includes the agent of a person when he or she is absent from the Republic of SA or when his or her whereabouts are unknown.

- by substituting the wording of “owner” as follows:

“owner”, in relation to immovable property, means the person registered in the office of the Registrar of Deeds as the owner of the property and includes –

- (a) in the case of leased immovable property –
 - (i) the lessee in whose name the lease is registered in the office of the Registrar of Deeds;
 - (ii) the lessee if the immovable property is leased for a period of not less than ten years, whether or not the lease is registered in the office of the Registrar of Deed; or

- (iii) the occupier if the immovable property is beneficially occupied under a servitude or right analogous to a servitude;
 - (b) in the case of –
 - (i) a deceased owner or an insolvent owner who has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of the property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or
 - (ii) an owner who is absent from the Republic of South Africa or whose address is unknown to the Municipality, the person who as agent or otherwise receives or is entitled to receive the rent in respect of the property; and
 - (c) if the Municipality is unable to determine who the owner is, the person who is the beneficial user of the property, which person is deemed to be the owner to the exclusion of the person in whom is vested the legal title to the property;
- by adding the following definition:

“person” includes, but is not limited to, a consumer, occupier or owner, as the case may be, who receives the beneficial use of the electricity supply to a specific premises
- by substituting “point of consumption” to “point of metering” which means the point at which the consumer’s consumption of electricity is metered and may be at the point of supply or at any other point on the distribution system of the service authority or the electrical installation of the consumer, as specified by the engineer, provided that at that point all of, and only, the consumer’s consumption of electricity is metered.
- by amending “point of supply” to read –

“point of supply” means the point determined by the engineer at which electricity is supplied to any premises by the Municipality, and includes –

 - (a) an underground domestic connection at the erf boundary or at the joint in the supply cable in the immediate vicinity of the erf boundary;

- (b) an overhead domestic connection at the terminals in the box on the roof or wall of the dwelling where the aerial conductors from the Municipality's network are terminated;
 - (c) in the case of a maximum demand consumer, at the outgoing terminals of the Municipality's isolating switch;
 - (d) in the case of an 11kV consumer, at the outgoing terminals of the Municipality's 11kV isolating circuit breaker; and
 - (e) any other point of supply as agreed upon in writing between the engineer and the consumer;
- by adding the following words to the definition of "premises" after the word "vessel", "or any other movable structure"
 - by adding the definition "prepayment meter" after the definition "premises" to read:

"means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit"
 - by inserting the following words after the word meter in the definition of "service connection":

"including a pre-payment meter"
 - by substituting the meaning of the word "tariff" with the following –

"tariff" means the schedule of charges and fees payable to the Municipality for the supply of electricity as contained in the Council's annual tariff structure which charges and fees are determined by the Council in terms of section 75A of the Local Government: Municipal Systems Act, No 32 of 2000"
 - by adding the following definition after the definition of "tariff" –

"token" means the essential element of a pre-payment metering system used to transfer information between a point of sale for electricity credit and a pre-payment meter;
 - by substituting the definition of "treasurer" with the following –

"the Chief Financial Officer" – means the head of the Municipality's Budget & Treasury Office or any other official in his Department, duly authorised to act on his / her behalf

2. APPLICATION FOR AND CONDITIONS OF SUPPLY

Sections 2(1) and 2(2) of the Standard By-law to be substituted with the following:

- (1) An application for a new electricity supply or for the increase in the capacity of an existing electricity supply or for a prepayment arrangement must be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the size (load) of the installation must be stated in the application. The application must be made as early as possible before the electricity supply is required in order to facilitate the work of the Municipality.
- (2) An application for a new electricity supply for a period of less than one year must be regarded as an application for a temporary electricity supply and must be considered at the discretion of the engineer, who may specify special conditions that are to be met. The applicable tariff for a temporary electricity supply as determined by the Municipality is payable.
- (3) No permanent installation may be supplied with a temporary electricity supply without the written approval of the engineer.
- (4) If there is a change of occupier or consumer and the new consumer wishes to continue using the existing permanent electricity supply, the new consumer must apply to the Finance Department of the Municipality on the prescribed form(s) determined by the Chief Financial Officer of the Municipality from time to time.
- (5) Only one electricity service connection must be made available to a stand. Additional electricity service connections may be supplied at the discretion of the engineer. On approval of a second consumer right on a property, an application for an additional electricity service connection must be submitted by the applicant. When an approved second consumer unit is erected, a separate electricity service connection must be taken from the Municipality for the applicant's account.

3. DEPOSITS

Section 6(1)(a) of the Standard By-law to be amended by substituting the words "Transvaal Provincial Administration" with "North West Provincial Administration".

4. READING OF METERS

Section 8(1) and (2) to be amended as follows:

8.(1) Conventional Meters

8.(1)(a) The original wording of section 8(1) of the Standard By-law to be inserted.

8.(1)(b) the original wording of section 8(2) of the Standard By-law to be inserted.

8.(2) Pre-payment meters

The following wording to be inserted under this heading:

- 8.(2)(a) No refund of the amount tendered for the purchase of electricity credit may be given to the consumer at the point of sale after initiation of the process by which the prepayment meter token is produced.
- 8.(2)(b) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued to the consumer at his or her request.
- 8.(2)(c) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter may be made to the consumer.
- 8.(2)(d) The Municipality is not liable for the reinstatement of credit in a prepayment meter that has been lost because the prepayment meter and / or identity card has been tampered with, incorrectly used or abused.
- 8.(2)(e) Where a consumer is indebted to the Municipality for electricity consumed or to the service authority or Municipality for any other service supplied by the service authority or Municipality (including assessment rates) or for any charges previously raised against him or her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the service authority and / or the Municipality in terms of the agreement for the supply of electricity contemplated in section 4.
- 8.(2)(f) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and may not guarantee the continued operation of any vendor.
- 8.(2)(g) Should a consumer making use of a prepayment meter fail to purchase electricity from the Municipality for a continuous period of six months, the Municipality is entitled to discontinue the supply of electricity forthwith to the consumer and remove the connection to the premises.
- 8.(2)(h) The owner of the premises or the consumer making use of a prepayment arrangement on the premises may not erect any structures or allow any vegetation on the premises within a safe distance of the Municipality's equipment, which distance is determined by the Municipality from time to time."

5. NOTICES

Sections 35(1) and (2) of the Standard By-law be deleted and replaced with the following wording:

- “35. (1) A notice is deemed to have been served on a person by the Municipality when it has been served in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). Such a notice must be authorised by means of the signature of the engineer or an official appointed or nominated by him or her.
- (2) A notice or application referred to in this By-law is deemed to have been served on or submitted to the Municipality, as the case may be, if -
- (a) the notice or application has been delivered to the engineer in person;
 - (b) the notice or application has been left at the offices of the engineer with an official employed in the offices of the engineer; or
 - (c) the notice or application has been received by post by the Municipality.
- (3) Any person on whom a notice duly issued or given under this By-law is served must, within the time specified in the notice, comply with the terms of the notice.”

6. OFFENCES AND PENALTIES

- Substitute the figure “R1000” with that of “R5000”.
- Delete the present section 37 of the Standard By-law and substitute with the following:

“Applicability

37. This By-law is applicable to the supply of electricity by the Municipality within the supply area of the entire Municipality as defined and licenced by the NER, irrespective of whether or not the locus of consumption falls within the judicial boundaries of the Municipality.

- Add the following section 38 to the Standard By-law:

7. REPEAL OF BY-LAWS

38. The following by-laws are repealed by this amendment of the former Standard Electricity By-law of the Brits Municipality:

38.(1) The Standard Electricity By-law adopted by the former Hartbeespoort Municipality under Administrator's Notice 218 of 11 March 1987;

38.(2) Any other electricity by-laws that might have been applicable in former municipalities, regional boards or committees that now form part of the Local Municipality of Madibeng.”

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MUNICIPAL MANAGER

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