

CITY OF CAPE TOWN  
ELECTRICITY SUPPLY BY-LAW

APPROVED BY COUNCIL : 27 MAY 2009

C 17/05/09

AMENDED BY COUNCIL : 31 MARCH 2010

C 60/03/10

PROMULGATED 16 APRIL 2010  
PG 6727; LA 21678



# Provincial Gazette

# Provinsiale Koerant

6727

6727

Friday, 16 April 2010

Vrydag, 16 April 2010

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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(\*Reprints are obtainable at Room 9-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)

(\*Herdrukke is verkrygbaar by Kamer 9-06, Provinsiale-gebou, Dorpstraat 4, Kaapstad 8001.)

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**TENDERS**

**N.B.** Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

**TENDERS**

**L.W.** Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

**NOTICES BY LOCAL AUTHORITIES****KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**

**CITY OF CAPE TOWN  
ELECTRICITY SUPPLY BY-LAW, 2010**

**CHAPTER 1****GENERAL****1. Definitions—**

In this by-law, unless inconsistent with the context—

“**applicable standard specification**” means the standard specifications as listed in Schedule 1 attached to 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 an registered person;

“**civil work permit**” means a permit issued to an applicant for a wayleave granting that applicant consent for the civil work to be undertaken;

“**consumer**” in relation to premises—

(a) for supply agreements existing prior to the promulgation of this by-law means—

- (i) any occupier thereof or any other person with whom the Service Provider has entered into an agreement to supply or is actually supplying electricity thereat;
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Service Provider for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

(b) for supply agreements entered into after the promulgation of this by-law means the owner of the premises or his or her designated proxy.

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

“**Director**” means the Director of the Service Provider, any other person lawfully acting in that capacity and any employee of the Service Provider duly authorized thereto by such Director or person so acting;

“**effective date**” means the date on which the responsibility for the delivery of the electricity service is transferred to the Service Provider;

“**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  $44 \text{ kV} < U_n \leq 220 \text{ kV}$ . [SANS 1019]

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

“**medium voltage**” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of  $1 \text{ kV} < U_n \leq 44 \text{ kV}$ . [SANS 1019]

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

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

“**motor rating**” means the maximum continuous kW output of a motor as stated on the maker’s rating plate;

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

“**occupier**” in relation to any premises means—

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein; or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

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

- (a) in the case of immovable property—
  - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
  - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined—
  - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
  - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and
  - (iii) if the Service Provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

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

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

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

“**point of supply**” means the point determined by the Service Provider or any duly authorised official of the Service Provider at which electricity is supplied to any premises by the Service Provider;

“**premises**” means any land or any building or structure above or below ground level, or part thereof, and includes any vehicle, aircraft or vessel;

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

“**registered 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;

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

“**retail wheeling**” means the process of moving third party electricity from a point of generation across the distribution systems of the Service Provider and selling it to a customer;

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

“**Service Authority**” means the City of Cape Town, a metropolitan municipality established in terms of the law;

“**service connection**” means all cables and equipment, including all metering equipment, load management equipment, all high, medium or low voltage switchgear and cables required to connect the supply mains to the electrical installation of the consumer at the point of supply;

“**service protective device**” means any fuse or circuit breaker installed for the purpose of protecting the Service Provider’s equipment from overloads or faults occurring on the installation or on the internal service connection;

“**Service Provider**” means the Service Authority and any entity duly authorized by the Service Authority to provide an electricity service within the jurisdiction of the Service Authority, in accordance with the provision of the Service Delivery Agreement concluded with the Service Authority;

“**standby supply**” means an alternative electricity supply from the Service Provider not normally used by the consumer;

“**supply mains**” means any part of the Service Provider’s electricity distribution network;

“**tariff**” means the Service Provider’s tariff of charges for the supply of electricity and sundry fees, as approved by the Service Authority;

“**temporary supply**” means an electricity supply required by a consumer for a period normally less than one year;

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

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

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

“**wayleave**” means the set of documentation providing information on the location of the supply mains of the Service Provider within the physical area covered by an application to undertake civil work within the municipal area and stipulates the conditions applicable to the work to be done in the vicinity of the affected supply mains.

## 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 Regulation Act, 2006 (Act 4 of 2006), 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

### GENERAL CONDITIONS OF SUPPLY

#### 4. Provision of Electricity Services

(1) Only the Service Provider shall supply or contract for the supply of electricity within the jurisdiction of the Service Authority. A third party may supply or contract for the supply of electricity within the jurisdiction of the Service Authority, subject to the consent of the Service Authority and to the requirements of the Electricity Regulation Act.

(2) The Service Provider may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.

#### 5. Supply by agreement

(1) No person shall use or be entitled to use an electricity supply from the Service Provider unless or until a written agreement has been entered into with the Service Provider for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.

(2) If electricity is consumed without the existence of a supply agreement, the owner of the premises on which the electricity is being used shall be liable for the cost of electricity used as stated in section 44 of this bylaw.

(3) Any consumer supply agreement concluded with the Service Authority or Eskom within the jurisdiction of the Service Authority prior to appointment of the Service Provider by the Service Authority will, subject to national legislation with effect from the effective date, together with all the assets and liabilities attached to the said supply agreement, vest with the Service Provider.

(4) Should the Service Authority appoint a different service provider at any date in the future, supply agreements with consumers of the Service Provider shall be deemed to be agreements with this new service provider.

#### 6. Service of notice

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

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

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

(3) Any legal process is effectively and sufficiently served on the Service Provider when it is delivered to the Director or an employee in attendance at the office of the Director.

#### 7. Compliance with notices

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.

#### 8. Application for supply

(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Service Provider, and the notified maximum demand, in kVA, required for the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Service Provider.

(2) Applicants for the supply of electricity shall submit the following documents with their application—

- (a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
- (b) The consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.

(3) Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Service Authority is concerned.

(4) An application for a new temporary supply of electricity shall be considered at the discretion of the Director, who may specify any special conditions to be satisfied in such case.

#### 9. 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.

## 10. Servitudes on private property

(1) The Service Provider may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Service Authority or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Service Provider 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 as aforesaid exists, as the case may be, 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.

## 11. Statutory Servitude

(1) Subject to the provisions of sub-section (3) the Service Provider may within the municipal area of the Service Authority:

- (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 Service Provider;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

(2) If the Service Provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Service Authority or under the control of or management of the Service Authority, the Service Provider shall determine the restrictions to be imposed on the use of the property under a servitude agreement.

(3) The Service Authority and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or, in the absence of agreement, as determined either by arbitration or a court of law.

(4) The Service Provider 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 Service Authority or under the control or management of the Service Authority, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

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

(1) The Service Provider shall, through its employees, contractors and their assistants and advisers, have reasonable access to or over any property for the purposes of—

- (a) doing anything authorised or required to be done by the Service Provider under this by-law or any other law;
- (b) inspecting and examining any service mains and anything connected therewith;
- (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Service Provider and making any necessary survey in connection therewith;
- (d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
- (e) enforcing compliance with the provisions of this by-law or any other law,

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

(3) The Director may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (1).

(4) The Service Provider may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

## 13. Refusal or failure to give information

(1) No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Service Provider or render any false information to any such official regarding any electrical installation work completed or contemplated.

(2) The Service Provider shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Service Provider.

## 14. Refusal of admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Service Provider in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

### 15. Improper use

(1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Service Provider has reasonable grounds for believing interferes in an improper or unsafe manner or is found to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Service Provider may disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The fee as prescribed by the Service Provider 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.

### 16. Electricity tariffs and fees

Copies of charges and fees may be obtained free of charge at the offices of the Service Provider.

### 17. Deposits

(1) The Service Provider, in terms of a Tariff Policy approved by the Service Authority, 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 Service Provider.

(2) The amount of the deposit in respect of each electricity installation shall be determined by the Director. Each such deposit may be increased if the Director deems the deposit held to be inadequate, or as a result of non-payment, or as a result of tampering, or as a result of unauthorized connections or unauthorized reconnections.

(3) Such deposit shall not be regarded as being in payment or part 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-law.

(4) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Service Provider and/or the Service Authority shall be refunded to the consumer.

(5) The payment of interest on deposits, held in terms of supply agreements by any previous supplier of electricity, shall cease on the date of transfer of such supplies to the Service Provider.

### 18. Payment of charges

(1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Service Authority. The consumer may also be required to pay all charges of other services supplied by the Service Authority to ensure a continued supply of electricity.

(2) All accounts shall be deemed to be payable when issued by the Service Provider and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such 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 his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(4) Where a duly authorised official of the Service Provider has visited the premises for the purpose of disconnecting the supply of electricity in terms of sub-section (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become 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, or suitable arrangements have been made in terms of the Service Authority's By-law or Policies, before the electricity supply is re-connected.

(6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Service Provider, in respect of the said property, in order to obtain such certificate.

### 19. Interest on overdue accounts

The Service Provider may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit Control and Debt Collection Policy and any related indigent support.

### 20. Principles for the resale of electricity

(1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.

(2) Unless otherwise authorised by the Director, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Service Provider, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.

(3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by 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 and the conditions of sale under which electricity is thus 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.

### 21. Right to disconnect supply

(1) The Service Provider may, subject to subsection (2), disconnect the supply of electricity to any premises, which could include the restricting and/or allocation of credit purchases for prepayment meters as set out in the Service Authority's Credit Control and Debt Collection Policy—

- (a) where the person liable to pay for such supply fails to pay any charge due to the Service Provider in connection with any supply of electricity which he or she may at any time have received from the Service Provider in respect of such premises; or
  - (b) where the Service Authority has requested the Service Provider to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
  - (c) where tampering with the service connection or supply mains has occurred.
- (2) The Service Provider must give a person referred to in subsection (1)(a) and any person residing in the premises notice of—
- (a) the intention to disconnect electricity supply to the premises of such person;
  - (b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
  - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (3) The Service Provider may disconnect the supply of electricity to any premises without notice under the following circumstances;
- (a) where there is a case of grave risk to any person or property; or
  - (b) for reasons of community safety or the safety of emergency personnel.
- (4) For circumstances other than listed in sub-section (1) and (2), where any of the provisions of this By-law or the Regulations are being contravened, the Service Provider shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.
- (5) After the disconnection contemplated in subsection (1), the fee as prescribed by the Service Provider for such disconnection or the reconnection of the service shall be paid by the person concerned.
- (6) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Service Provider, or in the case where the Service Provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

## **22. Non-liability of the Service Authority or Service Provider**

Neither the Service Authority nor the Service Provider shall be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Service Authority or the Service Provider.

## **23. Leakage of electricity**

Under no circumstances shall any rebate 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.

## **24. Failure of supply**

(2) The Service Provider does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Service Provider.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Service Provider shall have the right to charge the consumer the fee as prescribed by the Service Provider 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 as aforesaid.

## **25. Seals of the Service Provider**

The meter, service protective devices and all apparatus belonging to the Service Provider shall be sealed or locked by a duly authorised official of the Service Provider, and no person not being an official of the Service Provider duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

## **26. Tampering with service connection or supply mains**

(1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Service Provider or illegally connect into the electricity wiring of any other consumer.

(2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the Service Provider may disconnect the supply of electricity to the consumer, and that person shall be liable for all fees and charges levied by the Service Provider for such disconnection.

(3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.

(4) 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 Service Provider shall have the right to recover from the consumer the full cost of his estimated consumption.

(5) The determination by the Service Provider shall be prima facie evidence of such consumption.

## **27. Protection of Service Provider's supply mains**

(1) No person shall, without having in his possession on site a Wayleave and a Civil Work Permit issued by the Service Provider 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, remove the ground or alter the ground level, above, next to, under or near any part of the supply mains, or in any area falling under the jurisdiction of the Supply Authority,
  - (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 unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
- (2) The owner or occupier 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 Service Provider will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
- (3) Should the owner fail to observe this provision the Service Provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (4) The Service Provider may subject to obtaining an order of court demolish, alter or other wise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (5) The Service Provider may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

### **28. Prevention of tampering with service connection or supply mains**

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

### **29. Unauthorised connections**

No person other than a person specifically authorised thereto by the Director in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

### **30. Unauthorised reconnections**

- (1) No person other than a person specifically authorised thereto by the Director in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.
- (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 be reconnected and any other charges raised in this regard.
- (3) Furthermore, the Service Provider reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

### **31. Temporary disconnection and reconnection**

- (1) The Service Provider 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 fee as prescribed by the Service Provider for each such disconnection and subsequent reconnection.
- (2) The Service Provider may inspect the service connection and/or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (3) In the event of the necessity arising for the Service Provider 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 Service Provider shall waive payment of the fee hereinbefore referred to.
- (4) The Service Provider 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 and in all other instances adequate notice shall be given.

### **32. Temporary supplies**

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Service Provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, neither the Service Authority nor the Service Provider shall be liable for any loss or damage occasioned by the consumer by such termination.

### **33. Temporary work**

- (1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Director.
- (2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Director may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

**34. Load reduction**

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

(2) Neither the Service Authority nor the Service Provider shall 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 Service Provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1), and any duly authorised official of the Service Provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

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

**35. High, medium and low voltage switchgear and equipment**

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

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

(3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Service Provider's System Control Centre.

(4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of 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 Service Provider or any duly authorised official of the Service Provider.

**36. Substation accommodation**

(1) The Service Provider may, on such conditions as may be deemed fit by the Director, 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 high voltage cables and switchgear, 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 Service Provider shall have the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation shall be provided by the applicant at the cost of the Service Provider.

(3) The substation accommodation shall comply with specified requirements and dimensions determined by the Service Provider and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.

(4) The substation accommodation shall be situated on ground floor level 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.

(5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.

(6) Where in the opinion of the Director the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Director, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

**37. 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 on request be supplied to the Service Provider in duplicate for written consent 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 voltage, or from one of the substations of the Service Provider through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Service Provider for written consent before any material in connection therewith is ordered.

**38. Standby supply**

38. No person shall be entitled to a standby supply of electricity from the Service Provider for any premises having a separate source of electricity supply except with the written consent of the Director and subject to such terms and conditions as may be laid down by the Director.

**39. Consumer's electricity generation equipment**

(1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Director.

- (2) Application for such consent 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 Service Provider's supply mains to be energized by means of a back-feed from such equipment.
- (4) The position of the installed generating equipment shall not interfere with the supply mains the generating equipment must be installed entirely on the consumer's premises.
- (5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
- (6) Where by special agreement with the Service Provider, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Service Provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Director.
- (7) Under normal operating conditions, any export of surplus energy from the consumer to the Service Provider's network shall be subject to special agreement with the Service Provider.
- (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 Director's approval, so as to ensure that the consumer's installation is isolated from the Service Providers network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

#### **40. Technical Standards**

The Director may from time to time issue Technical Standards detailing the requirements of the Service Provider regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

### **CHAPTER 3**

#### **RESPONSIBILITIES OF CONSUMERS**

#### **41. Consumer to erect and maintain electrical installation**

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.

#### **42. Fault in electrical installation**

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the user of the electrical installation shall immediately disconnect the electricity supply.
- (2) The user of the electrical installation shall without delay give notice thereof to the Service Provider and shall immediately take steps to remedy the fault.
- (3) The Service Provider 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.

#### **43. Discontinuance of use of supply**

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Service Provider, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

#### **44. Change of consumer**

- (1) Two full working days' notice in writing shall be given to the Service Provider of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with the provisions of section 5 of this by-law, and if the owner fails to make application for an electricity supply within ten working days of the person taking occupation of the premises, the supply of electricity shall be disconnected, and the owner shall be liable to the Service Provider for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for a supply of electricity, in terms of section 5 of this by-law, the owner shall be liable for all charges and fees owed to the Service Provider for that metering point as well as any outstanding charges and fees which have accrued to that metering point.
- (4) The Director may impose conditions, which may include the withholding of the electricity supply to premises, in cases where the previous consumer's electricity account at that premises is in arrears.

#### **45. Service apparatus**

- (1) The consumer shall be liable for all costs to the Service Provider 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 an Act of God or an act or omission of an employee of the Service Provider or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Service Provider and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.

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

(4) The amount due in terms of sub-section (1) shall be evidenced by a certificate from the Director which shall be final and binding.

## CHAPTER 4

### SPECIFIC CONDITIONS OF SUPPLY

#### 46. Service connection

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

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection shall vest in the Service Provider, the Service Provider shall be responsible for the maintenance of such service connection up to the point of supply.

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

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

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

(6) Unless otherwise approved by the Director each registered erf shall only be provided with one service connection.

(7) Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.

(8) 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 Service Provider.

(9) Within the meterbox, 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.

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

#### 47. Metering accommodation

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

(2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Director, at the cost of the consumer or the owner, as the circumstances may demand, 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 of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

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

(4) Where submetering equipment is installed, accommodation separate from the Service Provider's metering equipment shall be provided.

(5) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lighting and power in the space set aside for accommodating the metering equipment and service apparatus.

(6) Where in the opinion of the Director the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a 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 Service Provider'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 5

### SYSTEMS OF SUPPLY

#### 48. Nominal supply voltage

The nominal supply voltage at which a supply is given shall be determined by the Service Provider as necessitated by technical considerations to ensure the efficient operation of the supply mains.

#### 49. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

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

## 51. Interference with other persons' electrical equipment

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

## 52. Supplies to motors

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

- (a) Limited size for low voltage motors rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70 All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (b) 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 <sup>2</sup> , copper equivalent mm <sup>2</sup> | Maximum permissible starting current A | Maximum motor rating in kW               |   |  |
|--|--|--|---|--|
|  |  | Direct on line<br>(6x full-load current) | Star/Delta<br>(2,5 x full-load current) | Other means<br>(1,5 x full-load current) |
|  |  | kW                                       | kW                                      | kW                                       |
| 16   | 72                                     | 6  | 13,5                                    | 23                                       |
| 25   | 95                                     | 7,5                                      | 18                                      | 30                                       |
| 35   | 115                                    | 9  | 22                                      | 36,5                                     |
| 50   | 135                                    | 10                                       | 25                                      | 45                                       |
| 70   | 165                                    | 13                                       | 31                                      | 55                                       |
| 95   | 200                                    | 16                                       | 38                                      | 67                                       |
| 120  | 230                                    | 18                                       | 46                                      | 77                                       |
| 150  | 260                                    | 20                                       | 52                                      | 87                                       |

- (c) 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 Director.

## 53. Power factor

- (1) If required by the Director, 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 his/her own cost, install such corrective devices.

## 54. Protection

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

## CHAPTER 6

### MEASUREMENT OF ELECTRICITY

## 55. Metering

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

- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Service Provider and read at the end of such period except where the metering equipment is found to be defective, or the Service Provider invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Service Provider reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Director.

#### **56. Accuracy of metering**

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Service Provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Service Provider shall -
- (i) in the case of a credit meter, adjust the account rendered;
  - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering;
- in accordance with the provisions of sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Service Provider on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Service Provider from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Service Provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the Service Provider making any upward adjustment to an account in terms of sub-section (6), the Service Provider shall -
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
  - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
  - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Director may permit why his/her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Service Provider shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The Director shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If the Director decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Service Provider shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

#### **57. Reading of credit meters**

- (1) Unless otherwise prescribed in the applicable standard specification, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Service Provider shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Service Provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. 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 in the normal legal process.

#### **58. Prepayment metering**

(1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

(3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Service Provider.

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

(5) Where a consumer is indebted to the Service Provider for electricity consumed or to the Service Authority for any other service supplied by the Service Authority (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Service Provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Authority and/or the Service Provider, as set out in the section 5 agreement for the supply of electricity.

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

### **CHAPTER 7**

#### **ELECTRICAL CONTRACTORS**

#### **59. Electrical contractors' responsibilities**

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

- (a) Where an application for a new or increased supply of electricity has been made to the Service Provider, the Director may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Director, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (b) The examination, test and inspection that may be carried out at the discretion of the Director in no way relieves the electrical contractor/registered person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and neither the Service Authority nor the Service Provider shall be held responsible for any defect or fault in such electrical installation.

#### **60. Work done by electrical contractors**

Neither the Service Authority nor the Service Provider shall be held responsible for the work done by the electrical contractor/registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

### **CHAPTER 8**

#### **COST OF WORK**

#### **61. Repair of damage**

The Service Provider may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Service Provider which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

### **CHAPTER 9**

#### **PENALTIES**

**62.** (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence. (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.

(3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

(4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Service Authority and/or the Service Provider for any loss or damage suffered or sustained by it in consequence of such breach.

## CHAPTER 10

## REPEAL OF BY-LAWS

63. The City of Cape Town Electricity Supply By-law promulgated under Provincial Notice No. 6114 on 12 March 2004 is hereby repealed.

## SCHEDULE 1

“applicable standard specification” means:

- SANS 1019 Standard voltages, currents and insulation levels for electricity supply,
- SANS 1607 Electromechanical watt-hour meters,
- SANS 1524 -1 Electricity payment systems,
- SANS IEC 60211 Maximum demand indicators, Class 1.0,
- SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
- SANS 10142-1 Code of practice for the wiring of premises,
- NRS 047 Electricity Supply—Quality of Service,
- NRS 048 Electricity Supply—Quality of Supply, and
- NRS 057 Electricity Metering: Minimum Requirements

16 April 2010

21678

## STAD KAAPSTAD

## VERORDENING OP ELEKTRISITEITSVOORSIENING, 2010

## HOOFSTUK 1

## ALGEMEEN

## 1. Woordomskrywing

In hierdie verordening, tensy uit die samehang anders blyk, beteken—

“**bewys**” die noodsaaklike element van ’n voorafbetaalmeterstelsel wat gebruik word om inligting van ’n verkooppunt vir elektrisiteitskrediet na ’n voorafbetaalmeter én andersom oor te dra;

“**deurgangsreg**” die stel dokumente met inligting oor die ligging van die diensverskaffer se hoofleiding in die fisiese gebied waarop ’n aansoek om siviele werk in die munisipale gebied betrekking het, en wat die tersaaklike bepalings neêrê vir die werk wat in die omgewing van die betrokke hoofleiding gedoen moet word;

“**diensaansluiting**” alle kables en toerusting, wat insluit alle meettoerusting, lasbestuurtoerusting, en alle hoë-, medium- of laespanningskabeltjies en -kables, wat nodig is om die hoofleiding by die voorsieningspunt aan die verbruiker se elektriese installasie te koppel;

“**diensbeveiligingstoestel**” enige sekering of kringbreker wat geïnstalleer word om die munisipaliteit se toerusting teen oorbelasting of foute wat op die installasie of op die interne diensaansluiting voorkom, te beskerm;

“**diensowerheid**” die Stad Kaapstad, ’n metropolitaanse munisipaliteit wat volgens wet ingestel is;

“**diensverskaffer**” die diensowerheid en enige entiteit wat behoorlik deur die diensverskaffer gemagtig word om ’n elektrisiteitsdiens in die diensowerheid se regsgebied te voorsien ooreenkomstig ’n diensleweringsooreenkoms wat met die diensowerheid aangegaan word;

“**direkteur**” die direkteur van die diensverskaffer, enige ander persoon wat regmatig in daardie hoedanigheid waarneem, en enige werknemer van die diensverskaffer met behoorlike toestemming van sodanige direkteur of waarnemende persoon;

“**eienaar**” met betrekking tot ’n perseel, die persoon met regmatige eiendomsreg van sodanige perseel, buiten in die volgende gevalle:

(a) In geval van vaste eiendom:

- (i) wat vir ’n tydperk van minstens 50 jaar verhuur word, ongeag of die huurkontrak geregistreer is of nie; of
- (ii) wat ingevolge ’n serwituut of ’n soortgelyke reg voordelig geokkupeer word,

word die sogenaamde huurder of okkupeerder, en nie die persoon met regmatige eiendomsreg nie, as die eienaar beskou.

(b) Ingeval die eienaar, synde die persoon met regmatige eiendomsreg:

- (i) oorlede of insolvent is; sy/haar boedel tot voordeel van sy/haar skuldeisers afgestaan het; ingevolge ’n hofbevel onder kuratele geplaas is; of ’n maatskappy is wat gelikwieder of onder geregtelike bestuur geplaas is, word die persoon by wie die administrasie van sodanige eiendom berus, hetsy as eksekuteur, administrateur, trustee, regverkrygende, kurator, likwidateur of geregtelike bestuurder, as eienaar beskou.
- (ii) nie in die Republiek van Suid-Afrika is nie, of indien die diensverskaffer nie weet waar die eienaar hom/haar bevind nie, word enige persoon wat die huurgeld met betrekking tot sodanige eiendom mag ontvang, hetsy as agent of in ’n ander hoedanigheid, as eienaar beskou.
- (iii) nie deur die diensverskaffer bepaal kan word nie, word die persoon wat op die voordelige gebruik van sodanige eiendom geregtig is, as eienaar beskou.



- “**elektriese installasie**” ’n elektriese installasie ingevolge die regulasies;
- “**elektrisiteitskontraakteur**” ’n elektrisiteitskontraakteur ingevolge die regulasies;
- “**gereedheidstoevoer**” ’n alternatiewe elektrisiteitstoevoer wat nie gewoonlik deur die verbruiker gebruik word nie;
- “**geregistreerde persoon**” ’n persoon wat ingevolge die regulasies en na gelang van omstandighede as ’n enkelfase-elektrisiteitstoetser, ’n installasie-elektrisiën of ’n meesterinstallasie-elektrisiën geregistreer is;
- “**hoë spanning**” die stel nominale spanningsvlakke wat in kragstelsels vir grootmaat-elektrisiteitstransmissie van naastebly 44 kV <  $U_n \leq 220$  kV gebruik word [SANS 1019];
- “**hoofleiding**” enige deel van die diensverskaffer se elektrisiteitsleidingsnet;
- “**intreedatum**” die datum waarop die verantwoordelikheid vir die lewering van die elektrisiteitsdiens na die diensverskaffer oorgaan;
- “**kleinhandelsverspreiding**” die proses waardeur derdepartyelektrisiteit van ’n opwekkingspunt af oor die diensverskaffer se netwerkstelsels gelei en aan ’n kliënt verkoop word;
- “**kredietmeter**” ’n meter waar ’n rekening ná die verbruik van elektrisiteit uitgerek word;
- “**lae spanning**” die stel nominale spanningsvlakke wat vir die verspreiding van elektrisiteit gebruik word, en waarvan die boonste perk oor die algemeen as ’n wisselstroomspanning van 1 000 V (of ’n gelykstroomspanning van 1 500 V) aanvaar word [SANS 1019];
- “**mediumspanning**” die stel nominale spanningsvlakke bo lae spanning en onder hoë spanning, van naastebly 1 kV <  $U_n \leq 44$  kV. [SANS 1019]
- “**meetpunt**” die punt waar die verbruiker se elektrisiteitsverbruik gemeet word, en wat by die voorsieningspunt, of by enige ander punt op die diensverskaffer se leidingsnet, of op die verbruiker se elektriese installasie kan wees, soos deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer aangedui, met dien verstande dat dit al en slegs die verbruiker se elektrisiteitsverbruik meet;
- “**meter**” ’n toestel wat die vraag na en/of die verbruik van elektriese energie aandui, wat sowel konvensionele as voorafbetaalmeters insluit;
- “**motoraansitstroom**” met betrekking tot wisselstroommotore, die effektiewe wortel van die simmetriese stroom wat deur ’n motor verbruik word wanneer dit volgens die aangeslane spanning daarvan aangedryf word, met die aansitter in aansitposisie en die rotor gesluit;
- “**motoraanslag**” die maksimum aanhoudende kW-lewering van ’n motor soos dit op die vervaardiger se kenplaat verskyn;
- “**motorlas totaal aangeskakel**” die totale kW-insetaanslag van al die afsonderlike motore wat aan ’n installasie gekoppel is;
- “**nakomingsertifikaat**” ’n sertifikaat wat ’n geregistreerde persoon ingevolge die regulasies met betrekking tot ’n elektriese installasie of deel daarvan uitreik;
- “**okkupeerder**” met betrekking tot enige perseel:
- enige persoon wat sodanige perseel werklik okkupeer;
  - enige persoon wat wetlik daarop geregtig is om sodanige perseel te okkupeer;
  - ingeval sodanige perseel onderverdeel is en aan loseerders of verskeie huurders verhuur word, die persoon wat die huurgeld ontvang waarvoor sodanige loseerders of huurders aanspreeklik is, hetsy vir sy/haar eie rekening, of as agent vir iemand wat daarop geregtig is of belang daarby het; of
  - enige persoon in beheer van sodanige perseel of wat vir die bestuur daarvan verantwoordelik is, wat ook die agent van enige sodanige persoon insluit indien sodanige persoon nie in die Republiek van Suid-Afrika is nie of sy/haar verblyfplek onbekend is;
- “**perseel**” enige grond of enige gebou of struktuur bo of onder grondvlak, of enige deel daarvan, wat ook enige voertuig, vliegtuig of vaartuig insluit;
- “**regulasies**” die regulasies wat ingevolge die Wet op Beroepsgesondheid en -veiligheid, Wet 85 van 1993, afgekondig is;
- “**sivielewerkspermit**” ’n permit wat vir deurgangsreg aan ’n aansoeker uitgerek word, ingevolge waarvan sodanige aansoeker toestemming ontvang vir die beplande siviele werk;
- “**spanning**” die effektiewe wortel van elektriese potensiaal tussen twee geleiers;
- “**tarief**” die diensverskaffer se heffing vir die voorsiening van elektrisiteit, sowel as diverse heffings wat deur die diensowerheid goedgekeur is;
- “**toepaslike standaardspesifikasie**” die standaardspesifikasies ingevolge bylae 1 by hierdie verordening;
- “**tydelike toevoer**” ’n elektrisiteitstoevoer wat ’n verbruiker normaalweg vir minder as ’n jaar benodig;
- “**veiligheidsstandaard**” die gebruikskode vir die bedrading van persele, SANS 10142-1, wat by die regulasies ingesluit is;
- “**verbruiker**” met betrekking tot ? perseel:
- in geval van voorsieningsooreenkomste van voor die uitvaardiging van hierdie verordening:
    - enige okkupeerder van die perseel of enige ander persoon met wie die diensverskaffer ooreengekom het om elektrisiteit aan die perseel te voorsien, of dit inderdaad reeds daar voorsien;
    - indien sodanige perseel nie geokkupeer word nie, enige persoon met ’n geldige bestaande ooreenkoms met die diensverskaffer vir die voorsiening van elektrisiteit aan sodanige perseel; of
    - indien daar geen sodanige persoon of okkupeerder is nie, die eienaar van die perseel;
  - vir voorsieningsooreenkomste wat ná die uitvaardiging van hierdie verordening aangegaan word, die eienaar van die perseel, of sy/haar aangewese gevolmagtigde;
- “**verbruikspunt**” ’n verbruikspunt ingevolge die regulasies;
- “**voorafbetaalmeter**” ’n meter wat geprogrammeer kan word om die vloeï van voorafbetaalde hoeveelhede energie in ’n elektriese kring toe te laat;

“voorsieningspunt” die punt soos wat die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer bepaal, van waar die diensverskaffer elektrisiteit aan enige perseel voorsien; en

“wet” enige toepaslike en regs geldige wet, uitvaardiging, ordonnansie, parlementêre verordening of wetsbepaling.

## 2. Ander uitdrukkings

Tensy die samehang anders vereis, het alle ander uitdrukkings wat in hierdie verordening gebruik word, dieselfde betekenis as wat die Wet op Elektrisiteitsregulering, Wet 4 van 2006, soos gewysig, of die Wet op Beroepsgegesondheid en -veiligheid, Wet 85 van 1993, soos gewysig, daaraan heg.

## 3. Opskrifte en titels

Die opskrifte en titels in hierdie verordening raak nie die vertolking daarvan nie.

# HOOFSTUK 2

## ALGEMENE VOORWAARDES VIR ELEKTRISITEITSVOORSIENING

### 4. Voorsiening van elektrisiteitsdienste

(1) Slegs die diensverskaffer kan in die regsgebied van die diensowerheid elektrisiteit voorsien, of 'n ooreenkoms vir elektrisiteitsvoorsiening aangaan. 'n Derde party kan net met die toestemming van die diensowerheid, en ingevolge die vereistes van die Wet op Elektrisiteitsregulering, in die regsgebied van die diensowerheid elektrisiteit voorsien of 'n ooreenkoms vir elektrisiteitsvoorsiening aangaan.

(2) Die diensverskaffer kan toelaat dat 'n ander elektrisiteitsvoorsiener kleinhandelsverspreiding deur die diensverskaffer se leidingsnet onderneem, mits sodanige ander elektrisiteitsvoorsiener ingevolge die Wet op Elektrisiteitsregulering vir elektrisiteitshandel met sy kliënte gelisensieer is.

### 5. Voorsiening volgens ooreenkoms

(1) Niemand mag gebruik maak, of is geregtig op die gebruik van 'n elektrisiteitstoevoer van die diensverskaffer tensy of totdat 'n skriftelike ooreenkoms vir sodanige toevoer met die diensverskaffer aangegaan is nie. Sodanige ooreenkoms bepaal, saam met die bepalings van hierdie verordening, die toevoer in alle opsigte.

(2) Indien elektrisiteit sonder 'n voorsieningsooreenkoms verbruik word, is die eienaar van die perseel waarop die elektrisiteit verbruik word, aanspreeklik vir die koste van die elektrisiteit ingevolge artikel 44 van hierdie verordening.

(3) Enige verbruikersvoorsieningsooreenkoms wat met die diensowerheid, of Eskom in die diensowerheid se regsgebied, aangegaan word voordat die diensowerheid die diensverskaffer aanstel, is onderworpe aan nasionale wetgewing en saam met al die bates en laste wat aan gemelde voorsieningsooreenkoms gekoppel is, met ingang van die intreedatum by die diensverskaffer berus.

(4) Indien die diensowerheid op enige toekomstige datum 'n ander diensverskaffer sou aanstel, moet voorsieningsooreenkomste met die ou diensverskaffer as ooreenkomste met sodanige nuwe diensverskaffer geag word.

### 6. Betekening van kennisgewing

(1) Enige kennisgewing of ander dokument wat ingevolge hierdie verordening aan enige persoon beteken word, as beteken beskou word:

- (a) indien dit persoonlik aan daardie persoon oorhandig is;
- (b) indien dit by die betrokke persoon se woon- of werkplek in die Republiek gelaat is by iemand wat oënskynlik ouer as sestien (16) is;
- (c) indien dit met geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woon- of werkadres gestuur is, en die posdiens bewys lewer dat dit wêl versend is;
- (d) ingeval daardie persoon se adres in die Republiek onbekend is, indien dit ingevolge paragraaf (a), (b) of (c) aan sy/haar agent of verteenwoordiger in die Republiek beteken word; of
- (e) ingeval daardie persoon se adres, en die besonderhede van sy/haar agent of verteenwoordiger in die Republiek, onbekend is, indien dit op 'n opsigtelike plek, indien enige, op die betrokke eiendom of perseel aangebly word.

(2) Indien enige kennisgewing of ander dokument aan die eienaar, okkupeerder of houer van enige eiendom of eiendomsreg uitgereik of beteken moet word, is dit voldoende as daardie persoon in die kennisgewing of ander dokument as die eienaar, okkupeerder of houer van die betrokke eiendom of eiendomsreg beskryf word, en is dit nie nodig om daardie persoon se naam te verstrek nie.

(3) Enige regsprosedure is doeltreffend en voldoende aan die diensverskaffer beteken indien dit aan die direkteur of 'n werknemer wat in die kantoor van die direkteur byderhand is, beteken word.

### 7. Nakoming van kennisgewings

Enige persoon aan wie 'n kennisgewing wat behoorlik ingevolge hierdie verordening uitgereik of gegee is, beteken word, moet binne die tydperk wat sodanige kennisgewing bepaal, die bepalings daarvan nakom.

### 8. Aansoek om elektrisiteitsvoorsiening

(1) 'n Voornemende verbruiker moet skriftelik op die voorgeskrewe vorm, wat by die kantoor van die diensverskaffer beskikbaar is, om elektrisiteitsvoorsiening aansoek doen, en die aangeduide maksimum vraag vir die installasie in kVA in die aansoek vermeld. Die aansoeker moet die aansoek indien so lank as moontlik voordat hy/sy die elektrisiteitstoevoer verlang, ten einde die diensverskaffer se werk te vergemaklik.

- (2) Aansoekers om elektrisiteitsvoorsiening moet die volgende dokumente by hulle aansoek insluit:
- 'n Identiteitsdokument of paspoort, en in geval van 'n onderneming, 'n besluitbrief wat die bevoegdheid aan die aansoeker oordra
  - 'n Koopakte of ander bewys van eienaarskap van die perseel waarvoor elektrisiteitstoever verlang word
- (3) Aansoekers om elektrisiteitsvoorsiening is onderworpe aan 'n kredietwaardigheidskontrole wat skuld aan die diensowerheid betref.
- (4) 'n Aansoek om 'n nuwe tydelike elektrisiteitstoever moet na die goeddunke van die direkteur oorweeg word, welke direkteur enige spesiale voorwaardes kan neerlê waaraan daar in so 'n geval voldoen moet word.

### 9. Verwerking van aansoeke om elektrisiteitsvoorsiening

Die verwerking van aansoeke om elektrisiteitsvoorsiening, en die beskikbaarstelling van die vereiste toevoer, moet binne die tydperke ingevolge NRS 047 geskied.

### 10. Serwitute op privaat eiendom

(1) Die diensverskaffer kan weier om 'n diensaansluiting bo of onder die grond op te rig of te lê op enige deurgang of grond wat nie in die diensverskaffer gesetel is nie, of op enige privaat eiendom, tensy en totdat die voornemende verbruiker skriftelike toestemming verkry het van hetsy die eienaar van genoemde privaat eiendom, of die persoon by wie die regmatige eiendomsreg van die grond of deurgang berus, welke toestemming magtiging verleen vir die lê of oprigting van 'n diensaansluiting op die betrokke grond of deurgang, en die voornemende verbruiker sodanige skriftelike toestemming voorts by die diensverskaffer ingedien het.

(2) Indien sodanige toestemming te eniger tyd onttrek word, of indien voormelde privaat eiendom of deurgang van eenaars verwissel en die nuwe eienaar sodanige toestemming weier of herroep, is die verbruiker na wie se perseel die voortgesette elektrisiteitstoever verlang word, aanspreeklik vir die koste van enige verandering aan 'n diensaansluiting om die elektrisiteitstoever voort te sit, en van enige verwydering daarvan wat deur die omstandighede vereis kan word.

### 11. Statutêre serwituut

(1) Onderworpe aan die bepaling van subartikel (3) hier onder, kan die diensverskaffer in die munisipale gebied van die diensowerheid:

- elektrisiteitsdienste voorsien, instel en in stand hou;
- hoofelektrisiteitsleidings verkry, bou, lê, verleng, vergroot, omlei, in stand hou, herstel, uit diens stel, sluit en vernietig;
- enige hoofelektrisiteitsleiding op, oor, deur, bo of onder enige straat of vaste eiendom bou, oprig of lê, terwyl die eienaarskap van enige sodanige hoofleiding steeds by die diensverskaffer berus; en
- enigiets anders doen wat nodig of wenslik blyk te wees vir, of toevallig, aanvullend of bykomstig is in, tot of by, enige saak wat in paragraaf (a) tot (c) hier bo beoog word.

(2) Indien die diensverskaffer enige hoofelektrisiteitsleiding op, oor, deur, bo of onder enige straat of vaste eiendom bou, oprig of lê wat nie aan die diensowerheid behoort, of onder beheer of bestuur van die diensowerheid is nie, moet die diensverskaffer die beperkings bepaal wat aan die gebruik van die eiendom onder 'n serwituutooreenkoms opgelê moet word.

(3) Die diensowerheid en die eienaar van sodanige straat of eiendom moet 'n serwituutooreenkoms aangaan, welke ooreenkoms 'n vergoedingsbedrag kan insluit waarvoor daar onderling ooreengekom word, of by gebrek aan ooreenkoms, 'n bedrag wat hetsy deur arbitrasie of 'n hof bepaal word.

(4) Voordat enige werk buiten herstel of instandhouding van of in verband met enige hoofelektrisiteitsleiding 'n aanvang neem op vaste eiendom wat nie aan die diensowerheid behoort of onder die beheer of bestuur van die diensowerheid is nie, moet die diensverskaffer die eienaar of okkupeerder van sodanige eiendom redelike kennisgewing van die voorgestelde werk en die voorgestelde aanvangsdatum van die werk gee.

### 12. Reg op toegang om inspeksie, toetse en/of instandhoudingswerk te doen

(1) Die diensverskaffer moet, deur sy werknemers, kontrakteurs en hulle assistente en raadgewers, redelike toegang tot of oor enige eiendom hê ten einde:

- enige werk te verrig wat die diensverskaffer ingevolge hierdie verordening of enige ander wet mag of moet doen;
- enige hoofdiensleidings en enigiets wat daarmee verband kan hou, te inspekteer en na te gaan;
- navrae te rig oor, en ondersoek in te stel na, enige moontlike bron van elektrisiteitstoever, of die geskiktheid van vaste eiendom vir enige werk, skema of onderneming van die diensverskaffer, en om enige nodige opmeting in verband daarmee te doen;
- vas te stel of die bepalings van hierdie verordening of enige ander wet oortree is of word; en
- nakoming van die bepalings van hierdie verordening of enige ander wet af te dwing.

(2) Die diensverskaffer moet enige persoon vergoed wat skade ly as gevolg van die uitoefening van die reg op toegang ingevolge subartikel (1) hier bo, buiten waar die diensverskaffer gemagtig word om enige werk op die betrokke eiendom op die onkoste van sodanige persoon of 'n ander persoon te verrig, of om enige werk op sodanige eiendom te verrig en die koste daarvan van sodanige persoon of 'n ander persoon te verhaal. Die diensverskaffer en sodanige persoon moet oor die vergoedingsbedrag ooreenkom, en by gebrek aan ooreenkoms, moet die bedrag deur arbitrasie of 'n hof bepaal word.

(3) Die direkteur kan deur middel van skriftelike kennisgewing aan die eienaar of okkupeerder van enige eiendom, van sodanige eienaar of okkupeerder verwag om op die dag en tyd wat in sodanige kennisgewing bepaal word, aan 'n persoon en vir 'n doeleinde ingevolge subartikel (1) hier bo toegang tot sodanige eiendom te verleen.

(4) 'n Staat van oorlog, of enige onheil, ramp of noodgeval, gee aan die diensverskaffer die reg op toegang tot of oor enige eiendom sonder kennisgewing, en die reg om enige stappe te doen as wat na die diensverskaffer se goeddunke nodig of wenslik blyk te wees.

### 13. Weiering of versuim om inligting te verstrek

(1) Geen persoon mag weier of versuim om sodanige inligting te verstrek as wat enige behoorlik gemagtigde amptenaar van die diensverskaffer redelikerwys van hom/haar kan vereis, of enige valse inligting oor enige voltooide of beoogde elektrisiteitsinstallasiewerk aan enige sodanige amptenaar verstrek nie.

(2) Die diensverskaffer mag nie enige inligting oor elektrisiteitsvoorsiening aan, of rekeningbesonderhede van, enige perseel aan enige derde party beskikbaar stel, sonder die uitdruklike skriftelike toestemming van die verbruiker wat die voorsieningsooreenkoms vir die toevoer na die betrokke perseel onderteken het nie, buiten aan die eienaar van 'n eiendom in reaksie op skriftelike aansoek by die diensverskaffer.

### 14. Weiering van toegang

Geen persoon mag enige behoorlik gemagtigde amptenaar van die diensverskaffer opsetlik in die uitvoering van sy/haar pligte ingevolge hierdie verordening, of enige pligte wat daarmee verband hou of daarmee te doen het, hinder, dwarsboom, keer of hom/haar toegang weier nie.

### 15. Onbehoorlike gebruik

(1) Indien die diensverskaffer redelike gronde het om te glo dat die verbruiker die elektrisiteit vir enige doel of op enige manier gebruik wat op 'n onbehoorlike of onveilige wyse inmeng, of bedoel is om op 'n onbehoorlike of onveilige wyse in te meng, of daar gevind word dat die verbruiker op 'n onbehoorlike of onveilige wyse inmeng met die doeltreffende elektrisiteitsvoorsiening aan enige ander kliënt, kan die diensverskaffer die elektrisiteitstoevoer afsluit, welke toevoer weer aangesluit moet word sodra die rede vir die afsluiting blywend reggestel of uit die weg geruim is.

(2) Die verbruiker moet die diensverskaffer se voorgeskrewe heffing vir die afsluiting en heraansluiting betaal voordat die elektrisiteitstoevoer herstel word, tensy aangetoon kan word dat die verbruiker nie die elektrisiteit op 'n onbehoorlike of onveilige wyse gebruik of hanteer het nie.

### 16. Elektrisiteitstariewe en -heffings

Afskrifte van die tarief- en heffingsblaai kan gratis van die kantoor van die diensverskaffer bekom word.

### 17. Deposito's

(1) Ingevolge 'n tariefbeleid wat deur die diensowerheid goedgekeur word, behou die diensverskaffer die reg om van die verbruiker 'n deposito te vereis as sekuriteit vir die betaling van enige heffings wat aan die diensverskaffer verskuldig is of kan word.

(2) Die direkteur moet die omvang van die deposito met betrekking tot elke elektriese installasie bepaal. Elke sodanige deposito kan verhoog word indien die direkteur die deposito as onvoldoende ag, of as gevolg van niebetaling, 'n gepeuter met die diensaansluiting, of ongemagtigde aansluiting of heraansluiting.

(3) Sodanige deposito word nie as betaling of gedeeltelike betaling van enige verskuldigde bedrag vir elektrisiteitsvoorsiening geag in 'n poging om enige korting te bekom waarvoor die elektrisiteitstarief waarna hierdie verordening verwys, voorsiening maak nie.

(4) By die beëindiging van elektrisiteitsvoorsiening, moet die bedrag van sodanige deposito rentevry en minus enige betalings wat aan die diensverskaffer en/of die diensowerheid verskuldig is, aan die verbruiker terugbetaal word.

(5) Die betaling van rente op deposito's wat ingevolge voorsieningsooreenkomste deur enige vorige elektrisiteitsverskaffer gehou word, loop ten einde op die datum waarop sodanige voorsiening na die diensverskaffer oorgaan.

### 18. Betaling van heffings

(1) Die verbruiker is aanspreeklik vir alle heffings met betrekking tot die voorgeskrewe tarief vir die elektrisiteitsdiens, soos wat dit deur die diensowerheid goedgekeur word. Die verbruiker kan ook vir enige heffings van ander dienste aanspreeklik wees wat die diensowerheid moet lewer om 'n ononderbroke elektrisiteitstoevoer te verseker.

(2) Alle rekeninge word as betaalbaar geag wanneer die diensverskaffer dit uitreik, en elke rekening moet op die voorkant daarvan die betaaldatum aandui en 'n waarskuwing rig dat die elektrisiteitstoevoer afgesluit kan word indien die heffings met betrekking tot sodanige toevoer nie teen die betaaldatum betaal word nie.

(3) 'n Fout op, of weglating uit, enige rekening, of versuim om 'n rekening te lewer, onthef nie die verbruiker van sy/haar plig om die korrekte verskuldigde bedrag vir elektrisiteitsvoorsiening aan die perseel te betaal nie. Die bewyslas berus by die verbruiker om hom/haar daarvan te vergewis dat die gelewerde rekening ooreenkomstig die voorgeskrewe heffings met betrekking tot elektrisiteitsvoorsiening aan die perseel opgestel is.

(4) Waar 'n behoorlik gemagtigde amptenaar van die diensverskaffer die perseel besoek ten einde die elektrisiteitstoevoer ingevolge subartikel (2) hier bo af te sluit, en hy/sy verhinder of gekeer word om sodanige afsluiting uit te voer, is die voorgeskrewe heffing betaalbaar vir elke besoek wat vir sodanige afsluiting nodig is.

(5) Ná afsluiting weens niebetaling van 'n rekening, moet die voorgeskrewe heffings en enige ander bedrae ten opsigte van elektrisiteitsverbruik betaal word, of toepaslike reëlings ingevolge die diensowerheid se verordeninge of beleid getref word, voordat die elektrisiteitstoevoer heraangesluit word.

(6) Indien die eienaar van vaste eiendom ingevolge artikel 118 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000, om 'n klaringsertifikaat aansoek doen, is hy/sy, nieteenstaande die feit dat die okkuperder 'n ooreenkoms vir die voorsiening van elektrisiteit het, aanspreeklik vir alle heffings wat met betrekking tot die betrokke eiendom aan die diensverskaffer verskuldig is, voordat sodanige sertifikaat uitgereik sal word.

### 19. Rente op agterstallige rekeninge

Die diensverskaffer kan, ingevolge 'n goedgekeurde beleid oor kredietbeheer en skuldinvordering en enige verwante deernissteun, rente op rekeninge hef wat nie teen die betaaldatum op die rekening betaal word nie.

## 20. Beginsels vir die herverkoop van elektrisiteit

- (1) Herverkopers moet die lisensierings- en registrasievereistes van die Wet op Elektrisiteitsregulering, Wet 4 van 2006, sowel as regulasies ingevolge daarvan, nakom.
- (2) Tensy die direkteur daartoe toestemming verleen, mag geen persoon elektrisiteit wat ingevolge 'n ooreenkoms met die diensverskaffer aan sy/haar perseel voorsien word, aan enige ander persoon of persone vir gebruik op enige ander perseel verkoop of voorsien, of sodanige herverkoop of voorsiening toelaat of duld nie.
- (3) Indien elektrisiteit vir gebruik op dieselfde perseel herverkoop word, moet die herverkoopte elektrisiteit deur 'n soort submeter gemeet word wat die Suid-Afrikaanse Buro van Standaarde se goedkeuring het, en wat ooreenkomstig die diensverskaffer se standaard verskaf, geïnstalleer en geprogrammeer word.
- (4) Die tarief en heffings waarteen, en die verkoopsvoorwaardes ingevolge waarvan, elektrisiteit op dié manier herverkoop word, mag nie minder gunstig wees vir die aankoper as dié wat sou geld indien die aankoper sy/haar elektrisiteit direk van die diensverskaffer ontvang het nie.
- (5) Elke herverkoper moet die aankoper van maandelikse rekeninge voorsien wat minstens ewe uitvoerig is as die tersaaklike besonderhede wat op die diensverskaffer se rekening aan sy elektrisiteitskliënte verstrekkend word.

## 21. Reg om elektrisiteitstoever af te sluit

- (1) Onderworpe aan subartikel (2) kan die diensverskaffer die elektrisiteitstoever na enige perseel afsluit, wat kan insluit die beperking en/of toekenning van kredietaanlope vir voorafbetaalmeters soos uiteengesit in die diensowerheid se beleid oor kredietbeheer en skuldinvordering—
  - (a) Waar die persoon wat vir die betaling van sodanige toever aanspreeklik is, versuim om enige verskuldigde heffing aan die diensverskaffer te betaal met betrekking tot enige elektrisiteitsvoorsiening wat hy/sy te eniger tyd met betrekking tot die betrokke perseel van die diensverskaffer ontvang het;
  - (b) Waar die diensowerheid die diensverskaffer versoek om die elektrisiteitstoever af te sluit in geval van uitstaande munisipale diensgeld, bybelasting op heffings, eiendomsbelasting en ander munisipale belasting, heffings en diensgeld;
  - (c) Waar daar met die diensaansluiting of hoofleiding gepeuter is.
- (2) Die diensverskaffer moet 'n persoon waarna in subartikel (1)(a) verwys word en enige persoon wat op die perseel woon—
  - (a) Kennis gee van die voorneme om die elektrisiteitstoever na die betrokke persoon se perseel af te sluit
  - (b) 'n Redelike geleentheid gee om verhoë oor die voorgenome afsluiting te rig, en
  - (c) Alle betrokke inligting gee, insluitend redes vir die voorgenome afsluiting en die kennisgewingstydperk voor die afsluiting in werking sal tree.
- (3) Die diensverskaffer kan die elektrisiteitstoever na enige perseel onder die volgende omstandighede sonder kennisgewing afsluit:
  - (a) Waar 'n persoon of eiendom in ernstige gevaar verkeer
  - (b) Om gemeenskapsveiligheidsredes of vir die veiligheid van noodpersoneel
- (4) In omstandighede buiten dié wat in subartikel (1) en (2) hierbo gelys word, waar enige van hierdie verordening of regulasies se bepalinge oortree word, moet die diensverskaffer die betrokke persoon veertien dae kennisgewing te gee om sy/haar nienakoming reg te stel, voordat die afsluiting plaasvind.
- (5) Ná die afsluiting wat in artikel (1) beoog word, moet die betrokke persoon die diensverskaffer se voorgeskrewe heffing vir die afsluiting of die heraansluiting van die diens betaal.
- (6) Ingeval 'n installasie wederregtelik op 'n verbruiker se perseel heraangesluit word nadat die diensverskaffer dit voorheen regmatig afgesluit het, of ingeval daar met die diensverskaffer se elektriese toerusting gepeuter word om te verhoed dat die meter die volle verbruik registreer, kan die elektrisiteitstoever fisies van sodanige perseel verwyder word.

## 22. Nieaanspreeklikheid van die diensowerheid of diensverskaffer

Nóg die diensowerheid nóg die diensverskaffer is aanspreeklik vir enige verlies of skade, hetsy regstreeks of voortvloeiend, wat 'n verbruiker as gevolg van, of voortspruitend uit, die beëindiging of belemmering van, of enige ander abnormaliteit in, elektrisiteitsvoorsiening ly of opdoen, tensy dit weens versuim van die diensowerheid of die diensverskaffer geskied.

## 23. Elektrisiteitslekkasie

Geen korting word onder enige omstandighede op 'n rekening vir voorsiene en gemete elektrisiteit toegestaan met betrekking tot elektrisiteitsvermorsing weens lekkasie of enige ander fout in die elektriese installasie nie.

## 24. Onderbreking van toever

- (1) Die diensverskaffer sal nie aandag skenk aan 'n onderbreking van elektrisiteitstoever weens 'n fout in die verbruiker se elektriese installasie nie, buiten waar sodanige onderbreking te wyte is aan die gebrekkige werking van die diensverskaffer se diensbeveiligingstoestel.
- (2) Waar enige onderbreking van elektrisiteitstoever toegeskryf kan word aan 'n fout in die verbruiker se elektriese installasie, of die gebrekkige werking van apparaat wat in verband daarmee gebruik word, het die diensverskaffer die reg om die voorgeskrewe heffing van die verbruiker te verhaal vir elke herstel bykomend tot die koste om enige moontlike skade aan die hoofdiensleiding en meter weens sodanige voormelde fout of gebrekkige werking te vergoed of te herstel.

**25. Seëls van die diensverskaffer**

'n Behoorlik gemagtigde amptenaar van die diensverskaffer moet die meter, diensbeveiligingstoestelle en alle apparaat van die diensverskaffer verseël of sluit, en niemand buiten 'n behoorlik gemagtigde amptenaar van die diensverskaffer mag op enige manier of om enige rede hoegenaamd sodanige seëls of slotte verwyder, breek, skend, daarmee peuter of hom/haar daarmee bemoei nie.

**36. Gepeuter met diensaansluiting of hoofleiding**

(1) Geen persoon mag op enige manier of om enige rede hoegenaamd met enige meter of meettoerusting of diensaansluiting of diensbeveiligingstoestel of hoofleiding of enige ander toerusting van die diensverskaffer peuter, hom/haar daarmee bemoei, dit verniel, enige advertensiemedium daarop aanbring, dit skend, of dit onwettig aan die elektrisiteitsbedrading van enige ander verbruiker koppel nie.

(2) Waar prima facie-bewys bestaan dat 'n verbruiker en/of enige persoon subartikel (1) hierbo oortree het, kan die diensverskaffer die elektrisiteitstoever na die verbruiker afsluit, en daardie persoon is aanspreeklik vir alle gelde en heffings wat die diensverskaffer vir sodanige afsluiting hef.

(3) Waar enige individu in stryd met subartikel (1) optree, en steuring of skade veroorsaak, kan 'n regsGEDING teen sodanige individu aanhangig gemaak word.

(4) Waar 'n verbruiker en/of enige persoon subartikel (1) oortree, en sodanige oortreding veroorsaak dat die meter minder as die ware verbruik registreer, het die diensverskaffer die reg om die volle koste van die geraamde verbruik van die verbruiker te verhaal.

(5) Die beslissing van die diensverskaffer dien as prima facie-bewys van sodanige verbruik.

**27. Beveiliging van diensverskaffer se hoofleiding**

(1) Geen persoon mag sonder dat hy/sy op die perseel oor 'n deurgangsgereguleer en 'n sivielewerkspermit beskik wat deur die diensverskaffer uitgereik is, en onderworpe aan sodanige voorwaardes as wat opgelê kan word—

- (a) enige gebou, struktuur of ander voorwerp bou, oprig of lê, of laat bou, oprig of lê, of bome of plantegroei oor of op 'n plek of op 'n manier plant wat met die hoofleiding inmeng of dit in gevaar stel nie;
- (b) grond uitgrawe, oopmaak of verwyder, of die grondvlak verander bo, langs, onder of na aan enige deel van die hoofleiding, of op enige plek binne die regsgebied van die diensowerheid nie;
- (c) enige deel van die hoofleiding beskadig, in gevaar stel, verwyder of vernietig, of enigiets doen wat dit waarskynlik sal beskadig, in gevaar stel, verwyder of vernietig nie; en
- (d) enige ongemagtigde aansluiting by enige deel van die hoofleiding maak, of enige elektrisiteit van daar omlei of laat omlei nie.

(2) Die eienaar of okkupeerder moet die hoogte van bome, of die lengte van takke wat uitsteek in die omgewing van oorhoofse leidings beperk, of beveiliging bied wat na die oordeel van die diensverskaffer voldoende voorsorg tref dat die bome of takke nie met die geleiers sal inmeng indien dit sou omval of afgekap word nie.

(3) Indien die eienaar versuim om bostaande bepaling na te kom, het die diensverskaffer die reg om, ná vooraf- skriftelike kennisgewing, of te eniger tyd in 'n noodgeval, die bome of ander plantegroei dermate af te kap of te snoei dat dit aan die bepaling voldoen, en die diensverskaffer is geregtig op toegang tot die eiendom vir hierdie doel.

(4) Onderworpe aan 'n hofbevel, kan die diensverskaffer enige gebou, struktuur of ander voorwerp wat in stryd met hierdie verordening gebou, opgerig of gelê is, sloop, verander of op 'n ander manier daarmee handel.

(5) In 'n noodgeval of ramp kan die diensverskaffer enigiets verwyder wat enige deel van die elektrisiteitsleidingsnet beskadig, versper of in gevaar stel, of wat dit waarskynlik sal beskadig, versper, in gevaar stel of vernietig.

**28. Voorkoming van 'n gepeuter met diensaansluiting of hoofleiding**

Indien dit na die oordeel van die direkteur nodig of wenslik is om spesiale voorsorg te tref ten einde 'n gepeuter met enige deel van die hoofleiding, diensaansluiting of diensbeveiligingstoestel of meter of meettoerusting te voorkom, moet die verbruiker hetsy die nodige beveiliging voorsien en installeer, of die koste dek waar die diensverskaffer sodanige beveiliging voorsien.

**29. Ongemagtigde aansluitings**

Niemand buiten 'n persoon vir wie die direkteur bepaald skriftelik daartoe magtig, mag hetsy regstreeks of nieregstreeks enige elektriese installasie of deel daarvan aan die hoofleiding of diensaansluiting koppel, probeer koppel of laat koppel nie.

**30. Ongemagtigde heraansluitings**

(1) Niemand buiten 'n persoon vir wie die direkteur bepaald skriftelik daartoe magtig, mag enige elektriese installasie of installasies wat die diensverskaffer afgesluit het, by die hoofleiding of diensaansluiting heraansluit, probeer heraansluit, of laat heraansluit nie.

(2) Waar die elektrisiteitstoever wat voorheen afgesluit is, heraangesluit blyk te wees, is die verbruiker wat van die elektrisiteitstoever gebruik maak, aanspreeklik vir alle heffings vir die elektrisiteit wat verbruik is tussen die datum van afsluiting en die datum waarop die elektrisiteitstoever klaarblyklik heraangesluit is, sowel as enige ander koste wat in hierdie verband gehef word.

(3) Die diensverskaffer behou voorts die reg om 'n deel van of al die voorsieningstoerusting te verwyder totdat volle betaling ontvang is. Die verbruiker is ook verantwoordelik vir al die koste verbode aan die herinstelling van sodanige voorsieningstoerusting.

**31. Tydelike afsluiting en heraansluiting**

(1) Op versoek van die verbruiker, moet die diensverskaffer die elektrisiteitstoever na die verbruiker se elektriese installasie tydelik afsluit en heraansluit by ontvangs van die diensverskaffer se voorgeskrewe heffing vir elke sodanige afsluiting en daaropvolgende heraansluiting.

(2) Die diensverskaffer kan die diensaansluiting ondersoek en/of op die indiening van 'n nakomingsertifikaat aandrang voordat die toevoer heraangesluit word.

(3) Ingeval dit noodsaaklik word dat die diensverskaffer 'n tydelike afsluiting en heraansluiting van die elektrisiteitstoevoer na 'n verbruiker se elektriese installasie uitvoer, en die verbruiker op geen manier verantwoordelik is vir sodanige noodsaak nie, moet die diensverskaffer die betaling van voormelde heffing kwytsteld.

(4) Slegs in uitsonderlike omstandighede kan die diensverskaffer die elektrisiteitstoevoer na enige perseel tydelik afsluit sonder om kennis te gee, en wel om herstelwerk te verrig, of toetse uit te voer, of vir enige ander geldige doeleinde. In alle ander gevalle moet voldoende kennis gegee word.

### 32. Tydelike toevoer

Enige tydelike elektrisiteitstoevoer, soos dit in hierdie verordening omskryf word, word toegestaan op voorwaarde dat indien sodanige toevoer met die doeltreffende en doelmatige elektrisiteitsvoorsiening aan ander verbruikers blyk in te meng, die diensverskaffer die reg het om ná kennisgewing, of in uitsonderlike omstandighede sonder kennisgewing, sodanige tydelike toevoer te eniger tyd te beëindig. Nóg die diensowerheid nóg die diensverskaffer is aanspreeklik vir enige verlies of skade wat die verbruiker weens sodanige beëindiging kan ly.

### 33. Tydelike werk

(1) Elektriese installasies wat 'n tydelike elektrisiteitstoevoer vereis, mag nie regstreeks óf nieregstreeks aan die hoofleiding gekoppel word nie, buiten met die spesiale skriftelike toestemming van die direkteur.

(2) Volledige besonderhede van die redes vir, en aard van, sodanige tydelike werk moet die aansoek om voormelde toestemming vergesel, en die direkteur kan sodanige toestemming weier, of dit op sodanige bepalinge en voorwaardes toestaan as wat wenslik en nodig blyk te wees.

### 34. Lasvermindering

(1) In spitsladingstye, of in 'n noodgeval, of wanneer dit om enige rede na die direkteur se oordeel nodig is om die las op die diensverskaffer se elektrisiteitsvoorsieningstelsel te verminder, kan die diensverskaffer die toevoer sonder kennisgewing onderbreek, en vir sodanige tydperk as wat die direkteur nodig ag, die toevoer na enige verbruiker se elektriese warmwatersilinder, of enige bepaalde toestel, of die hele installasie afsluit.

(2) Nóg die diensowerheid nóg die diensverskaffer is aanspreeklik vir enige verlies of skade, hetsy regstreeks of voortvloeiend, wat 'n verbruiker as gevolg van, of voortspruitend uit, sodanige onderbreking en afsluiting van die elektrisiteitstoevoer kan ly.

(3) Die diensverskaffer kan sodanige apparaat en toerusting op die verbruiker se perseel installeer as wat nodig kan wees om die bepalinge van subartikel (1) hier bo uit te voer, en enige behoorlik gemagtigde amptenaar van die diensverskaffer kan op enige redelike tyd enige perseel betree ten einde sodanige apparaat en toerusting te installeer, ondersoek, toets, verstel en/of te verander.

(4) Ondanks die bepalinge van subartikel (3) hierbo, moet die verbruiker of die eienaar, na gelang van omstandighede, wanneer hy/sy 'n elektriese warmwatersilinder installeer, sodanige voorsiening maak en bedrading voorsien as waarop die diensverskaffer kan aandrang ten einde die latere installasie van die apparaat en toerusting waarna subartikel (3) verwys, moontlik te maak.

### 35. Hoë-, medium- en laespanningskakeltuie en -toerusting

(1) In gevalle waar 'n elektrisiteitstoevoer teen hetsy hoë, medium- of lae spanning voorsien word, moet die verbruiker betaal vir die voorsiening en installasie van die skakeltuie, kables en toerusting wat deel uitmaak van die diensaansluiting, tensy die direkteur anders beslis.

(2) Al sodanige toerusting wat op die verbruiker se perseel geïnstalleer word, moet aanpasbaar wees by die diensverskaffer se elektrisiteitsprestasiestandaarde.

(3) Geen persoon mag sonder redelike voorafkennisgewing aan die diensverskaffer se stelselsbeheersentrum, enige hoë- of mediumspanningskakeltuie of -toerusting oopmaak, toemaak, isoleer, koppel of aard nie.

(4) In geval van 'n hoë- of mediumspanningstoevoer waar die verbruiker hoë- of mediumspanningskakeltuie laat installeer, moet die diensverskaffer in kennis gestel word van die bevoegde persoon wat die verbruiker ingevolge die regulasies vir sodanige installasie aangestel het, sowel as van enige veranderinge in sodanige aanstelling.

(5) In geval van 'n laespanningstoevoer, moet die verbruiker 'n laespanning-hoofskakeltuig en/of enige ander toerusting waarop die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer aandrang, voorsien en installeer.

### 36. Substasieomsluiting

(1) Die diensverskaffer kan, op sodanige voorwaardes as wat die direkteur nodig ag, van die eienaar vereis om 'n omsluiting te voorsien en in stand te hou wat 'n substasie sal uitmaak, en wat uit 'n afsonderlike kamer of kamers bestaan wat uitsluitlik gebruik word vir die berging van hoëspanningskables en -skakeltuie, mediumspanningskables en -skakeltuie, transformators, laespanningskables en -skakeltuie en ander toerusting wat nodig is vir die voorsiening van die elektrisiteit wat die aansoeker vereis.

(2) Die diensverskaffer het die reg om sy eie leidingsnet via sy eie toerusting wat in sodanige omsluiting geïnstalleer is, van elektrisiteit te voorsien, en indien die diensverskaffer 'n bykomende omsluiting benodig, moet die aansoeker sodanige bykomende omsluiting op die onkoste van die diensverskaffer voorsien.

(3) Die substasieomsluiting moet aan die vereistes en afmetings voldoen wat die diensverskaffer bepaal, en moet oor voldoende verligtings-, belugtings-, brandvoorsorg- en brandblussingsmaatreëls beskik.

(4) Die substasieomsluiting moet op grondvlak wees, op 'n punt waartoe daar te alle tye vrye, voldoende en onbeperkte toegang is vir doeleindes wat met die werking en instandhouding van die toerusting verband hou.

(5) Voertuie moet van die aanliggende pad of inrit toegang tot die substasie-ingang bekom.

(6) Waar die ligging van die substasieomsluiting na die direkteur se oordeel nie meer maklik toeganklik is nie, of lewe of eiendom in gevaar stel, of om regverdigbare redes nie meer geskik is nie, moet die verbruiker dit tot die direkteur se bevrediging na 'n nuwe plek verskuif, en moet die verbruiker die koste dek van sodanige verskuiving, wat so gou moontlik uitgevoer moet word.

### 37. Bedradingsdiagram en -spesifikasie

(1) Wanneer meer as een elektriese installasie of elektrisiteitstoevoer van 'n gemeenskaplike hoofleiding af, of meer as een verdeelbord of meter vir enige gebou of geboublok vereis word, moet die bedradingsdiagram vir die kringe wat by die hoofskakelaar begin, sowel as 'n bedradingsspesifikasie, op versoek in duplikaat aan die diensverskaffer voorsien word, vir skriftelike toestemming voordat enige werk 'n aanvang mag neem.

(2) Waar 'n elektriese installasie elektrisiteit moet kry van 'n substasie op dieselfde perseel waar die stroom van hoë spanning af getransformeer word, of van een van die diensverskaffer se substasies met behulp van 'n hoofleiding afsonderlik van die algemene leidingsnet, moet 'n volledige spesifikasie en sketse vir die aanleg wat die verbruiker wil installeer, op versoek aan die diensverskaffer voorsien word, vir skriftelike toestemming voordat enige materiaal met betrekking tot die werk bestel word.

### 38. Gereedheidstoevoer

Niemand is op 'n gereedheidstoevoer van elektrisiteit van die diensverskaffer geregtig vir enige perseel met 'n afsonderlike elektrisiteitsbron nie, buiten met die skriftelike toestemming van die direkteur, en onderworpe aan sodanige bepalings en voorwaardes wat die direkteur kan oplê.

### 39. Verbruiker se elektrisiteitsopwekkingstoerusting

(1) Geen elektrisiteitsopwekkingstoerusting wat die verbruiker ingevolge enige regulasies of vir eie bedryfsvereistes voorsien, mag aan enige installasie gekoppel word sonder die vooraf- skriftelike toestemming van die direkteur nie.

(2) 'n Aansoek om sodanige toestemming moet skriftelik ingedien word, en 'n volledige spesifikasie van die toerusting sowel as 'n bedradingsdiagram insluit.

(3) Die elektrisiteitsopwekkingstoerusting moet so ontwerp en geïnstalleer word dat die diensverskaffer se hoofleiding op geen manier deur 'n terugvoering van sodanige toerusting af bekrag kan word nie.

(4) Die ligging van die geïnstalleerde opwekkingstoerusting mag nie met die hoofleiding inmeng nie. Die opwekkingstoerusting moet geheel en al op die verbruiker se perseel geïnstalleer word.

(5) Die verbruiker is verantwoordelik vir die voorsiening en installasie van alle vereiste beveiligingstoerusting, sowel as om 'n nakomingsertifikaat vir die werk te bekom wat ingevolge die regulasies uitgereik moet word.

(6) Waar die verbruiker se elektrisiteitsopwekkingstoerusting met spesiale vergunning van die diensverskaffer elektries gekoppel mag word aan, en parallel mag loop met, die diensverskaffer se hoofleiding, is die verbruiker daarvoor verantwoordelik om al die nodige sinchroniseer- en beveiligingstoerusting vir sodanige veilige parallelle werking te voorsien, te installeer en in stand te hou, tot bevrediging van die direkteur.

(7) In normale bedryfsomstandighede, is enige uitvoer van surplusenergie van die verbruiker na die diensverskaffer se leidingsnet onderworpe aan spesiale toestemming van die diensverskaffer.

(8) In geval van 'n algemene kragonderbreking op die diensverskaffer se leidingsnet, moet die verbruiker, onderworpe aan die direkteur se goedkeuring, beveiligingstoerusting installeer om te verseker dat die verbruiker se installasie geïsoleer is van die diensverskaffer se leidingsnet totdat bedryfsomstandighede na normaal terugkeer. Die verbruiker moet die koste van enige spesiale meettoerusting dek.

### 40. Tegniese standaarde

Die direkteur kan van tyd tot tyd tegniese standaarde uitreik waarin die diensverskaffer se vereistes uiteengesit word met betrekking tot sake wat nie bepaald in die regulasies of hierdie verordening gedek word nie, maar wat nodig is vir die veilige, doeltreffende bedryf en bestuur van elektrisiteitsvoorsiening.

## HOOFSTUK 3

### VERBRUIKERSVERANTWOORDELIKHEDE

#### 41. Oprigting en instandhouding van elektriese installasie deur verbruiker

Die verbruiker moet, op eie onkoste en ooreenkomstig hierdie verordening en die regulasies, enige elektriese installasie wat aan die hoofleiding gekoppel is of moet word, en enige byvoegings daarby of veranderinge daaraan wat van tyd tot tyd aangebring kan word, voorsien, oprig, in stand hou en in orde hou.

#### 42. Fout in elektriese installasie

(1) Indien enige fout in die elektriese installasie ontstaan wat 'n gevaar vir persone, lewende hawe of eiendom inhou, moet die verbruiker van die elektriese installasie onmiddellik die elektrisiteitstoevoer afsluit.

(2) Die gebruiker van die elektriese installasie moet die diensverskaffer onmiddellik daarvan in kennis stel, en onmiddellik stappe doen om die fout reg te stel.

(3) Die diensverskaffer kan van die verbruiker verwag om die diensverskaffer vir enige uitgawe te vergoed wat met betrekking tot 'n fout in die elektriese installasie aangegaan moet word.

#### 43. Beëindiging van gebruik van elektrisiteitstoevoer

Ingeval 'n verbruiker sy/haar gebruik van die elektrisiteitstoevoer wil beëindig, moet hy/sy die diensverskaffer minstens twee volle werksdae skriftelike kennis van sodanige voorgenome beëindiging gee. Indien die verbruiker versuim om hieraan te voldoen, bly hy/sy aanspreeklik vir alle verskuldigde betalings ingevolge die tarief vir elektrisiteitsvoorsiening, totdat twee volle werksdae ná sodanige kennisgewing verstryk het.



#### 44. Verandering van verbruiker

- (1) Die diensverskaffer moet twee volle werksdae skriftelike kennisgewing ontvang van die voorneme om gebruik van die elektrisiteitstoevoer te beëindig. In geval van versuim om hieraan te voldoen, bly die eienaar aanspreeklik vir sodanige elektrisiteitsvoorsiening.
- (2) Indien die persoon wat okkupasie van die perseel oorneem, die elektrisiteitstoevoer wil aanhou gebruik, moet die eienaar van sodanige perseel ooreenkomstig die bepalings van artikel 5 van hierdie verordening aansoek doen. Indien die eienaar versuim om binne tien werksdae nadat die persoon die perseel betrek, om elektrisiteitsvoorsiening aansoek te doen, moet die toevoer afgesluit word, en is die eienaar aanspreeklik teenoor die diensverskaffer vir die elektrisiteit wat voorsien is vanaf die datum van okkupasie totdat die toevoer afgesluit is.
- (3) Waar persele met voorafbetaalmeters toegerus is en daar geen bestaande elektrisiteitsvoorsieningsooreenkomste bestaan nie, is die eienaar, totdat hy/sy ingevolge artikel 5 van hierdie verordening om elektrisiteitsvoorsiening aansoek doen, aanspreeklik teenoor die diensverskaffer vir alle heffings en koste vir daardie meetpunt, sowel as vir enige uitstaande heffings en koste wat op daardie meetpunt opgeloop het.
- (4) Die direkteur kan voorwaardes oplê, wat die weerhouding van elektrisiteitstoevoer na 'n perseel insluit, in gevalle waar die vorige verbruiker se elektrisiteitsrekening by daardie perseel agterstallig is.

#### 45. Diensapparaat

- (1) Die verbruiker is teenoor die diensverskaffer aanspreeklik vir alle koste wat spruit uit skade aan of verlies van enige meettoerusting, diensbeveiligingstoestel, diensaansluiting of ander apparaat op die perseel, tensy sodanige skade of verlies na wat bewys kan word te wyte is aan 'n natuurramp, of handling of versuim van 'n werknemer van die diensverskaffer, of 'n abnormaliteit in die elektrisiteitstoevoer na die perseel.
- (2) Indien die hoofdiensleiding, meettoerusting of enige ander diensapparaat, synde die eiendom van die diensverskaffer én al voorheen gebruik, gedurende die installasie se afsluiting van die hoofleiding sonder toestemming verwyder word, of dermate beskadig word dat heraansluiting 'n gevaar inhou, moet hetsy die eienaar of okkuperder van die perseel gedurende sodanige tydperk die koste dek om sodanige toerusting te herstel en/of te vervang.
- (3) In gevalle van 'n gemeenskaplike meterligging, gaan die aanspreeklikheid wat in subartikel (1) hier bo uiteengesit word, oor op die eienaar van die perseel.
- (4) Die bedrag wat ingevolge subartikel (1) hier bo verskuldig is, moet deur 'n sertifikaat van die direkteur bevestig word, welke bevestiging finaal en bindend is.

### HOOFSTUK 4

#### BEPAALENDE VOORWAARDES VIR ELEKTRISITEITSVOORSIENING

#### 46. Diensaansluiting

- (1) Die verbruiker moet die koste dek van die diensaansluiting, soos wat dit deur die diensverskaffer goedgekeur word.
- (2) Ondanks die feit dat die verbruiker die koste van die diensaansluiting dek, berus eienaarskap van die diensaansluiting by die diensverskaffer. Die diensverskaffer is verantwoordelik vir die instandhouding van sodanige diensaansluiting tot en met die voorsieningspunt.
- (3) Die verbruiker is nie geregtig op enige vergoeding van die diensverskaffer met betrekking tot sodanige diensaansluiting nie.
- (4) Die direkteur moet bepaal watter werk die diensverskaffer op die onkoste van die verbruiker met betrekking tot 'n diensaansluiting op die verbruiker se perseel moet verrig.
- (5) Die verbruiker moet sodanige leidings, draadleidings, slote, hegstukke en oorhoofse vry ruimte op sy/haar perseel voorsien, regmaak en/of in stand hou as wat die direkteur vir die installasie van die diensaansluiting kan vereis.
- (6) Tensy die direkteur anders beslis, word elke geregistreerde erf van slegs een diensaansluiting voorsien.
- (7) Waar twee of meer persele van een eienaar op aanliggende erwe geleë is, en die eienaar die eiendom op 'n gekonsolideerde wyse bedryf, word slegs 'n enkele grootmaat-elektrisiteitstoevoer om veiligheidsredes aan sodanige erwe beskikbaar gestel.
- (8) Enige bedekkings van 'n draadleiding wat die toevoerkring van die voorsieningspunt na die meettoerusting gelei, moet vir die seëls van die diensverskaffer voorsiening maak.
- (9) In die meterkas moet die diensgeleier of -kabel, na gelang van omstandighede, op 'n opsigtelike plek eindig, en moet die volle lengte van die geleiers sigbaar wees indien die dekplate, indien enige, verwyder word.
- (10) In geval van geboublokke wat deur 'n aantal individuele verbruikers geokkuper word, moet afsonderlike draadleidings en geleiers of kables van die gemeenskaplike meterkamer of -kamers na elke individuele verbruiker in die geboublokke gelê word. As alternatief, indien daar roetering is, moet die geleiers van die individuele kringe duidelik oor die hele lengte daarvan gemerk word (en elke 1,5 meter saamgebind word).

#### 47. Meteromsluiting

- (1) Indien die direkteur dit sou vereis, moet die verbruiker op 'n goedgekeurde plek 'n omsluiting vir die meterbord sowel as voldoende geleiers vir die diensverskaffer se meettoerusting, diensapparaat en beveiligingstoestelle voorsien.
- (2) Sodanige omsluiting en beveiliging moet tot bevrediging van die direkteur, en op die onkoste van hetsy die verbruiker of die eienaar, voorsien en in stand gehou word, en moet, in die geval van kredietmeters, op 'n plek wees waartoe daar te alle redelike tye vrye en onbepaalde toegang is vir meterlesings, maar waartoe daar te alle tye toegang is vir doeleindes wat met die bedryf en instandhouding van die dienstoerusting verband hou.
- (3) Toegang vir die inspeksie van voorafbetaalmeters moet te alle redelike tye voorsien word.
- (4) Waar submeettoerusting geïnstalleer word, moet 'n afsonderlike omsluiting van dié vir die diensverskaffer se meettoerusting voorsien word.
- (5) Die verbruiker, of in geval van 'n gemeenskaplike meterligging, die eienaar van die perseel, moet 'n verdeelbord voorsien van waar voldoende elektriese lig en krag voorsien word aan die ruimte wat opsygesit is vir die omsluiting van die meettoerusting en diensapparaat.

(6) Waar die ligging van die meter, diensaansluiting, beveiligingstoestelle of hoofverdeelbord na die direkteur se mening nie meer maklik toeganklik is nie, of lewe of eiendom in gevaar stel, of om watter rede ook al nie meer geskik is nie, moet die verbruiker dit na 'n nuwe plek verskuif, en moet die verbruiker die koste dek van sodanige verskuiwing, wat so gou moontlik gedoen moet word.

(7) Die omsluiting vir die diensverskaffer se meettoerusting en beveiligingstoestelle kan, indien dit so goedgekeur word, die verbruiker se hoofskakelaar en hoofbeveiligingstoestelle insluit.

(8) Geen apparaat buiten dié wat in verband met elektrisiteitsvoorsiening en -gebruik aangewend word, mag in sodanige omsluiting geïnstalleer word nie, tensy dit goedgekeur word.

## HOOFSTUK 5

### TOEVOERSTELSELS

#### 48. Nominale toevoerspanning

Die diensverskaffer moet die nominale toevoerspanning bepaal waarteen elektrisiteit voorsien word na gelang van tegniese oorwegings om die doeltreffende werking van die hoofleiding te verseker.

#### 49. Lasvereistes

Wisselstroomtoevoer word ingevolge die Wet op Elektrisiteitsregulering, Wet 4 van 2006, voorsien, en by gebrek aan 'n ooreenkoms oor toevoergehalte, ingevolge die toepaslike standaardspesifikasie.

#### 50. Lasbeperkings

(1) Waar die geraamde las wat ingevolge die veiligheidstandaard bereken word, nie 15 kVA oorskry nie, moet die elektriese installasie vir 'n dubbeldraad-enkelfasetoefoer voorsiening maak, tensy die direkteur anders beslis.

(2) Waar 'n driefase-vierdraadtoefoer voorsien word, moet die las min of meer oor die drie fases gebalanseer word, maar die maksimum ongebalanseerde las nie 15 kVA oorskry nie, tensy die direkteur anders beslis.

(3) Geen stroomverbruikende toestel van 'n inherente enkelfase-aard met 'n aanslag van meer as 15 kVA mag aan die elektriese installasie gekoppel word sonder die vooraftoestemming van die direkteur nie.

#### 51. Steuring van ander persone se elektriese toerusting

(1) Niemand mag elektriese toerusting gebruik met laskenmerke wat, hetsy alleen of gesamentlik, tot spanningswisseling, bofrekwensiestrome of -spanninge, of ongebalanseerde fase-strome aanleiding gee wat buite die toepaslike standaardspesifikasie val nie.

(2) Steuring van ander persone se elektriese toerusting word behulp van meterlesings by die punt van gemeenskaplike koppeling bepaal.

(3) Indien vasgestel word dat onbehoorlike steuring inderdaad plaasvind, moet die verbruiker op sy/haar eie onkoste die nodige toerusting installeer om die steuring uit te filtreer en te keer dat dit die hoofleiding bereik.

#### 52. Toevoer na motore

Tensy die direkteur anders beslis, word die aanslag van motore soos volg beperk:

- (a) Beperkte grootte van laespanningmotore  
Die aanslag vir 'n laespanning-enkelfasemotor mag tot 2 kW beperk word en/of die aansitstroom mag nie 70 A oorskry nie. Alle motore wat hierdie perke oorskry, moet vir drie fases teen 'n lae spanning opgewikkel word, of teen sodanige hoër spanning as wat nodig is.
- (b) Maksimum aansit- en versnelstrome van driefase-wisselstroommotore  
Die toegelate aansitstroom van driefase-laespanningmotore moet in verhouding wees tot die vermoë van die verbruiker se diensaansluiting, en wel soos volg:

| Grootte van geïsoleerde dienskabel van 'n koper-ekwivalent mm <sup>2</sup> | Maksimum toelaatbare aansitstroom A | Maksimum motoraanslag kW                 |                                 |                                     |
|--|-------------------------------------|--|---------------------------------|-------------------------------------|
|  |                                     | Regstreeks op die lyn (6 x vollasstroom) | Star/Delta (2,5 x vollasstroom) | Ander middele (1,5 x vollas-stroom) |
|  |                                     | KW                                       | kW                              | kW                                  |
| 16   | 72                                  | 6  | 13,5                            | 23                                  |
| 25   | 95                                  | 7,5                                      | 18                              | 30                                  |
| 35   | 115                                 | 9  | 22                              | 36,5                                |
| 50   | 135                                 | 10                                       | 25                              | 45                                  |
| 70   | 165                                 | 13                                       | 31                              | 55                                  |
| 95   | 200                                 | 16                                       | 38                              | 67                                  |
| 120  | 230                                 | 18                                       | 46                              | 77                                  |
| 150  | 260                                 | 20                                       | 52                              | 87                                  |

- (c) Verbruikers wat teen mediumspanning elektrisiteit ontvang  
In 'n installasie teen mediumspanning, moet die aansitstroom van 'n laespanningmotor tot 1,5 keer die aangeslane vallasstroom van die transformator beperk word wat sodanige motor van elektrisiteit voorsien. Die aansitreeëling vir mediumspanningmotore is onderworpe aan die toestemming van die direkteur.

### 53. Arbeidsfaktor

- (1) Indien die direkteur dit vereis, moet die arbeidsfaktor van enige las binne die perke van 0,85-naloop en 0,9-voorloop gehandhaaf word.
- (2) Waar dit ter nakoming van subartikel (1) hier bo nodig is om arbeidsfaktorhersteltoestelle te installeer, word sodanige hersteltoestelle aan die individuele toestelklemme gekoppel, tensy die herstel van die arbeidsfaktor outomaties beheer word.
- (3) Die verbruiker moet oste sodanige hersteltoestelle op eie onkoste installeer.

### 54. Beveiliging

Elektriese beveiligingstoestelle vir motore moet ontwerp wees om volgehoue oorstroming en enkelfasering doeltreffend te keer, waar van toepassing.

## HOOFSTUK 6

### ELEKTRISITEITSMETING

### 55. Meting

- (1) Die diensverskaffer moet op die verbruiker se onkoste in die vorm van 'n direkte heffing of voorgeskrewe koste, toepaslik aangeslane meettoerusting by die meetpunt voorsien, installeer en in stand hou ten einde elektrisiteitstoevoer te meet.
- (2) Buiten in geval van voorafbetaalmeters, word die elektrisiteit wat 'n verbruiker gedurende enige meettydperk gebruik, bepaal deur die toepaslike meter of meters wat die diensverskaffer voorsien en geïnstalleer het, aan die einde van sodanige tydperk te lees, buiten waar die meettoerusting onklaar blyk te wees, of indien die diensverskaffer hom op die bepalings van artikel 59(2) van hierdie verordening beroep, in welke geval die verbruik vir die tydperk geraam sal word.
- (3) Waar die elektrisiteit wat 'n verbruiker gebruik het, teen verskillende tariewe gehef word, moet die verbruik afsonderlik vir elke tarief gemeet word.
- (4) Die diensverskaffer behou die reg om die toevoer na winkel- en woonstelblokke, deelhuise en soortgelyke geboue vir die geboue in hulle geheel, of vir afsonderlike eenhede, of vir groepe eenhede te meet.
- (5) Geen veranderinge, herstelwerk, byvoegings of elektriese aansluitings van enige aard mag aan die voorsieningskant van die meetpunt gemaak of gedoen word, tensy die direkteur dit bepaald skriftelik goedkeur nie.

### 56. Noukeurigheid van meting

- (1) Daar sal onomstootlik aanvaar word dat 'n meter noukeurig registreer indien die lesingsfout, wanneer dit ingevolge subartikel (5) hier onder getoets word, binne die foutgrense blyk te wees waarvoor daar in die toepaslike standaardspesifikasies voorsiening gemaak word.
- (2) Die diensverskaffer het die reg om sy meettoerusting te toets. Indien daar met behulp van die toets of op 'n ander manier vasgestel word dat sodanige meettoerusting onklaar is, moet die diensverskaffer:
- (i) in geval van 'n kredietmeter, die gelewerde rekening aanpas; en
  - (ii) in geval van voorafbetaalmeters (a) 'n rekening lewer waar die meter te min geregistreer het, of (b) 'n gratis bewys uitreik waar die meter te veel geregistreer het;
- ooreenkomstig die bepalings van subartikel (6) hier onder.
- (3) By betaling van die voorgeskrewe heffing, is die verbruiker daarop geregtig wees om die meettoerusting deur die diensverskaffer te laat toets. Indien bevind word dat die meettoerusting nie aan die stelselnoukeurighedsvereistes voldoen waarvoor daar in die toepaslike standaardspesifikasies voorsiening gemaak word nie, moet 'n aanpassing ooreenkomstig die bepalings van subartikel (2) hier bo en (6) hier onder gemaak word, en moet voormelde heffing terugbetaal word.
- (4) In geval van 'n geskil, het die verbruiker die reg om op eie onkoste die betrokke meettoerusting deur 'n goedgekeurde onafhanklike toetsowerheid te laat toets, en is die uitslag van sodanige toets finaal en bindend vir albei partye.
- (5) Meters moet getoets word op die manier waarvoor daar in die toepaslike standaardspesifikasies voorsiening gemaak word.
- (6) Wanneer die geregistreerde elektrisiteitsverbruik op 'n meter ingevolge subartikel (2) of (3) aangepas word, word sodanige aanpassing hetsy gegrond op die persentasie fout van die meter ingevolge die toets waarna subartikel (5) hier bo verwys, of op die diensverskaffer se berekening met verbruiksdata in sy besit. Waar toepaslik, moet behoorlike voorsiening gemaak word vir seisoens- of ander wisseling wat die elektrisiteitsverbruik kan beïnvloed.
- (7) In geval van 'n aanpassing ingevolge subartikel (6) hier bo, mag die aanpassing nie 'n tydperk van drie jaar oorskry voor die datum waarop die meettoerusting onnoukeurig bevind is nie. Die toepassing van hierdie artikel weerhou egter nie 'n verbruiker daarvan om oorbetalings terug te eis vir enige langer tydperk, indien die verbruiker sodanige eis in die normale regsproses kan staaf nie.
- (8) Waar die werklike las van 'n verbruiker dermate van die aanvanklik geraamde las verskil waarvoor artikel 8(1) voorsiening maak, dat die diensverskaffer dit nodig ag om sy meettoerusting te wysig of te vervang om by die las aan te pas, moet die verbruiker die koste van sodanige wysiging of vervanging dek.
- (9) (a) Voordat die diensverskaffer ingevolge subartikel (6) hier bo enige opwaartse aanpassing aan 'n rekening maak, moet die diensverskaffer:
- (i) die verbruiker skriftelik van die geldwaarde van die voorgenome aanpassing, sowel as die redes daarvoor, in kennis stel;
  - (ii) in sodanige kennisgewing voldoende besonderhede verstrek om die verbruiker in staat te stel om verhoë daarvoor te rig; en

- (iii) die verbruiker in sodanige kennisgewing versoek om die diensverskaffer binne 21 dae, of sodanige langer tydperk as wat die direkteur kan toestaan, van skriftelike redes, indien enige, te voorsien waarom sy/haar rekening nie ingevolge die kennisgewing aangepas moet word nie.
- (b) Indien die verbruiker versuim om eige verdoë te rig gedurende die tydperk waarna subartikel 9(a)(iii) verwys, is die diensverskaffer daarop geregtig om die rekening aan te pas ingevolge die kennisgewing waarna subartikel 9(a)(i) verwys.
- (c) Die direkteur moet enige redes oorweeg wat die verbruiker ingevolge subartikel 9(a) verstrek, en moet, indien gronde daarvoor aangevoer kan word, die rekening soos nodig aanpas.
- (d) Indien die direkteur ná oorweging van die verbruiker se verdoë besluit dat sodanige verdoë nie 'n wysiging van die geldwaarde regverdig wat ingevolge subartikel (6) bepaal is nie, is die diensverskaffer daarop geregtig om die rekening aan te pas ingevolge die kennisgewing waarna subartikel 9(a)(i) verwys, onderworpe aan die verbruiker se reg van appèl teen die direkteur se besluit ingevolge artikel 62 van die Wet op Munisipale Stelsels, 2000.

#### 57. Lees van kredietmeters

- (1) Tensy die toepaslike standaardspesifikasie anders voorskryf, moet kredietmeters normaalweg maandeliks gelees word, en moet die vaste of minimum verskuldigde heffings ingevolge die tarief dienooreenkomstig bepaal word. Die diensverskaffer is nie verplig om enige aanpassings aan sodanige heffings aan te bring nie.
- (2) Indien die kredietmeter om watter rede ook al nie gelees kan word nie, kan die diensverskaffer 'n geraamde rekening lewer. Die geskatte energieverbruik moet in 'n daaropvolgende rekening ooreenkomstig die werklike verbruik aangepas word.
- (3) Wanneer 'n verbruiker 'n perseel ontruim, en 'n finale meterlesing nie moontlik is nie, kan 'n skatting van die verbruik gemaak word en die finale rekening dienooreenkomstig gelewer word.
- (4) Indien die verbruiker 'n spesiale meterlesing verlang, kan dit by die betaling van die voorgeskrewe heffing bekom word.
- (5) Indien enige berekenings-, lesings- of metingsfout op enige gelewerde rekening aan 'n verbruiker opgespoor word, moet die fout in daaropvolgende rekeninge reggestel word. Enige sodanige regstelling het slegs op rekeninge betrekking vir 'n tydperk van drie jaar voor die datum waarop die fout in die rekeninge opgespoor is, en moet op die werklike tariewe gegrond wees wat ten tyde van die tydperk geld. Die toepassing van hierdie artikel weerhou egter nie 'n verbruiker daarvan om oorbetalings terug te eis vir enige langer tydperk, indien die verbruiker die eis in die normale regsproses kan staaf nie.

#### 58. Voorafbetaalmetering

- (1) Geen terugbetaling van die bedrag wat vir die aankoop van elektrisiteitskrediet aangebied word, word by die verkooppunt toegestaan ná aanvang van die proses om die voorafbetaalmeter-bewys uit te reik nie.
- (2) Afskrifte van voorheen uitgereikte bewyse vir die oorplasing van krediet na die voorafbetaalmeter kan op die verbruiker se versoek uitgereik word.
- (3) Wanneer 'n verbruiker enige perseel ontruim wat met 'n voorafbetaalmeter toegerus is, sal die diensverskaffer nie die oorblywende krediet in die meter aan die verbruiker terugbetaal nie.
- (4) Die diensverskaffer is nie aanspreeklik vir die herinstelling van krediet in 'n voorafbetaalmeter wanneer sodanige krediet verlore gaan weens 'n gepeuter met, of die verkeerde gebruik of misbruik van, voorafbetaalmeters en/of bewyse nie.
- (5) Waar 'n verbruiker die diensverskaffer enige bedrag vir verbruikte elektrisiteit skuld, of die diensowerheid vir enige ander diens wat die owerheid aan hom/haar lewer (wat eiendomsbelasting insluit) of enige diensgeld wat voorheen teen hom/haar gehef is, kan die diensverskaffer 'n persentasie van die aangebode bedrag aftrek om vir die verskuldigde bedrag aan die diensowerheid en/of diensverskaffer te vergoed, soos dit in die artikel 5-ooreenkoms vir elektrisiteitsvoorsiening uiteengesit word.
- (6) Die diensverskaffer kan na eie goeddunke handelaars aanstel vir die verkoop van krediet vir voorafbetaalmeters, en waarborg nie die voortgesette werksaamhede van enige handelaar nie.

### HOOFSTUK 7

#### ELEKTRISITEITSKONTRAKTEURS

#### 59. Verantwoordelikhede van elektrisiteitskontraakteurs

Buiten die vereistes van die regulasies, geld die volgende vereistes ook:

- (a) Waar 'n aansoek om 'n nuwe of groter elektrisiteitstoevoer by die diensverskaffer ingedien word, kan die direkteur na sy/haar goeddunke kennisgewing aanvaar van die voltooiing van enige deel van 'n elektriese installasie, waarvan die kringontwerp toelaat dat die elektriese installasie in duidelik afgebakende, afsonderlike gedeeltes verdeel word, en kan sodanige deel van die elektriese installasie na die goeddunke van die direkteur ondersoek, getoets en aan die hoofleiding gekoppel word asof dit 'n volledige installasie is.
- (b) Die ondersoek, toets en inspeksie wat na die goeddunke van die direkteur uitgevoer kan word, onthef op geen manier die elektrisiteitskontraakteur/geregistreerde persoon of die gebruiker of huurder, na gelang van omstandighede, van sy/haar verantwoordelikheid vir enige fout in die installasie nie. Sodanige ondersoek, toets en inspeksie dien onder geen omstandighede (selfs nie waar die elektriese installasie aan die hoofleiding gekoppel is) as 'n aanduiding of waarborg dat die elektriese installasie doeltreffend en met die geskikste materiaal vir die doel uitgevoer is, of dat dit ooreenkomstig hierdie verordening of die veiligheidsstandaard gedoen is nie, en nóg die diensowerheid nóg die diensverskaffer kan vir enige onklaarraking of fout in sodanige elektriese installasie aanspreeklik gehou word.

#### 60. Werk deur elektrisiteitskontraakteurs

Nóg die diensowerheid nóg die diensverskaffer kan aanspreeklik gehou word vir die werk wat die elektrisiteitskontraakteur/geregistreerde persoon op 'n verbruiker se perseel doen, of is op enige manier aanspreeklik vir enige verlies of skade weens 'n brand of enige ongeluk wat uit die toestand van die bedrading op die perseel spruit nie.

**HOOFSTUK 8****KOSTE VAN WERK****61. Skadeherstel**

Die diensverskaffer kan enige skade wat in stryd is met hierdie verordening, of wat vanweë 'n oortreding van hierdie verordening aangerig word, herstel en vergoed. Die koste van enige sodanige werk deur die diensverskaffer wat nodig was weens die oortreding van hierdie verordening, moet gedek word deur die persoon wat die betrokke oortreding begaan het.

**HOOFSTUK 9****STRAFMAATREELS****62. (1) Enige persoon wat enige van die bepalings van artikel 5, 7, 13, 14, 20, 25, 26, 27, 29 en 30 van hierdie verordening oortree, is skuldig aan 'n misdryf**

(2) Enige persoon wat steeds 'n oortreding begaan nadat 'n kennisgewing aan hom/haar beteken is om sodanige oortreding te staak, of nadat hy/sy skuldig bevind is aan sodanige oortreding, is skuldig aan 'n voortgesette misdryf.

(3) Enige persoon wat skuldig bevind word aan 'n misdryf ingevolge hierdie verordening waarvoor geen strafmaatreël uitdruklik bepaal word nie, kan 'n vonnis ontvang van 'n boete van hoogstens tienduuisend rand, of tronkstraf van hoogstens ses maande, of sodanige tronkstraf sonder die keuse van 'n boete, of sowel sodanige boete as sodanige tronkstraf, en in geval van 'n voortgesette misdryf, 'n bykomende boete van hoogstens tweehonderd rand, of bykomende tronkstraf van hoogstens tien dae, of sodanige bykomende tronkstraf sonder die keuse van 'n boete, of sowel sodanige boete as tronkstraf vir elke dag wat sodanige misdryf voortgesit word.

(4) Elke persoon wat die bepalings van hierdie verordening oortree, is daarvoor aanspreeklik om die diensowerheid en/of diensverskaffer te vergoed vir enige verlies of skade wat as gevolg van sodanige oortreding gely of opgedoen word.

**HOOFSTUK 10****HERROEPING VAN VERORDENINGE**

**63.** Die Stad Kaapstad Verordening op Elektrisiteitsvoorsiening, wat ingevolge Provinsiale Kennisgewing 6114 van 12 Maart 2004 uitgevaardig is, word hiermee herroep.

**BYLAE 1**

“toepaslike standaardspesifikasie” beteken:

SANS 1019 Standaardspanninge, -strome en -isolasielakke vir elektrisiteitstoever

SANS 1607 Elektromeganiese watt-ur-meters

SANS 1524 Deel 0, 1 & 2-vraagbestuurtoestelle

SANS IEC 60211 Maksimum-vraagaanwysers, klas 1.0

SANS IEC 60521 Wisselstroom- elektromeganiese watt-ur-meter, klas 0.5, 1 & 2

SANS 10142-1 Gebruikskode vir die bedrading van persele

NRS 047 Elektrisiteitsvoorsiening–diensgehalte

NRS 048 Elektrisiteitsvoorsiening–toevoergehalte

NRS 057 Elektrisiteitsmeting: minimum vereistes

**UMTHETHO KAMASIPALA WOBONELELO NGOMBANE, KA-2010**  
**WESIXEKO SASEKAPA**

**ISAHLUKO 1**

**JIKELELE**

**1. Iinkcazo—**

Kulo mthetho kamasipala, ngaphandle kokuba akungqinelani nemeko—

**“iinkcukacha zomgangatho omiselweyo ezifanelekileyo”** uthetha iinkcukacha zomgangatho omiselweyo ezichazwe kwiShedyuli 1 eqhotyoshelwe kulo Mthetho kaMasipala;

**“Isatifiketi sokuthobela imigaqo”** uthetha isatifiketi esikhutshwe ngokweMipoposho emalunga nokufakelwa kombane okanye inxenye yokufakelwa kombane ngumntu obhalisiweyo;

**“iphepha-mvume lomsebenzi onxulumene nokwakha”** uthetha iphepha-mvume elinika umntu ofake isicelo sengcaciso yobume beengcingombane imvume yokuqhubeka ngomsebenzi wokwakha

**“umsebenzisi-nkonzo”** ngokunxulumene nesakhiwo-

- (a) malunga nezivumelwano zobonelelo ezikhoyo ngaphambi kobhengezo lwalo Mthetho kaMasipala kuthetha—
  - (i) nawuphi na umntu ohlala apho okanye nawuphi na umntu ongomnye uMboneleli weNkonzo obenesivumelwano okanye obebonelela ngombane kweso sakhiwo;
  - (ii) ukuba eso sakhiwo asihlali mntu, nabani na onesivumelwano esikhoyo esilungileyo sobonelelo ngombane kweso sakhiwo; okanye;
  - (iii) ukuba akukho mntu unjalo okanye mntu uhlala apho, umnini sakhiwo;
- (b) ngezivumelwano zobonelelo ezenziwe emva kobhengezo lwalo Mthetho kaMasipala uthetha umnini sakhiwo okanye umntu omiselwe nguye.

**“imitha yombane”** uthetha imitha apho kukhutshwe i-akhawunti emva kokusetyenziswa kombane;

**“UMlawuli”** uthetha uMlawuli woBonelelo ngeNkonzo, nawuphi na omnye umntu owenza loo msebenzi ngokusemthethweni kunye nawuphi na umqeshwa woMboneleli weNkonzo ogunyaziswe nguloo Mlawuli okanye ngumntu ombambeleyo;

**“umhla wokuqalisa ukusebenza”** uthetha umhla eliqale ngawo uxanduva lokutshintshelwa kwenkonzo yombane kuMboneleli weNkonzo;

**“ikhontrakta yombane”** uthetha ikhontrakta yombane njengoko ichazwe kwiMipoposho; “isixokelelwano sombane” uthetha ufakelo lomxokelelwane wombane njengoko luchazwe kwiMipoposho;

**“amandla ombane aphezulu”** uthetha amaqondo amandla ombane asetyenziswa kumxokelelwane wombane ukugqithisa isambuku sombane okwisithuba sama-  $44 \text{ kV} < U_n \leq 220 \text{ kV}$ . [SANS 1019]

**“amandla ombane aphantsi”** uthetha amaqondo amandla ombane asetyenziswa ukuhambisa umbane oqondo eliphezulu elamkeleke jikelele ukuba ngamandla ombane ayi-a.c engama-1000V (okanye amandla ombane ayi d.c. ye-500 V). [SANS 1019]

**“amandla ombane aphakathi”** uthetha amaqondo amandla ombane ami ngasentla kwamandla ombane aphantsi kwaye angezantsi kwamandla ombane aphezulu akwisithuba se-  $\text{kV} < U_n \leq 44 \text{ kV}$ . [SANS 1019]

**“imitha”** uthetha isixhobo esirekhodisha imfuno kunye/okanye umbane osetyenzisiweyo kwaye kuquka iimitha zombane eziqhelekileyo kunye nezombane wekhadi;

**“umthwalo weenjini, ezifakelwe kumxokelelwane”** isambuku sisonke see-kW zazo zonke iinjini ezifakelwe kumxokelelwane;

**“umlinganiselo wenjini”** uthetha ezona kW ziphezulu zihleli zikhutshwa yinjini njengoko zichazwe ngumenzi kwipleyiti yokuchaza umlinganiselo;

**“umsinga wombane wokudumisa injini”** ngokumalunga nomsinga oqakathayo wenjini uthetha ixabiso le ‘root mean square’ yamacala alinganayo omsinga wombane osetyenziswa yinjini xa inikwa amandla ngokwamandla ombane elinganiselwe wona sibe isihambisi-njini sayo sikwindawo yokuhambisa iphiko ekuthiwa yi ‘rotor’

**“umhlali”** ngokunxulumene naso nasiphi na isakhiwo—

- (a) nawuphi na umntu ohlala kweso sakhiwo;
- (b) nawuphi na umntu onelungelo ngokusemthethweni lokuhlala kweso sakhiwo;
- (c) kwimeko apho eso sakhiwo sahluliweyo kwaza kwaqeshiswa ngaso kubanxusi okanye kubahlali ngabahlali, umntu ofumana irenti kwabo bahlali nokuba ingena kuye okanye uyi-arhente yakhe nawuphi na umntu onelungelo leso sakhiwo okanye obandakanyekayo, okanye
- (d) nawuphi na umntu olawula eso sakhiwo okanye eluxanduva lwakhe ukusilawula, kwaye kuquka ne-arhente yakhe xa engekho kwiRiphabliki yaseMzantsi Afrika okanye engaziwa apho akhoyo;

**“umnini”** ngokunxulumene nesakhiwo, uthetha umntu onelungelo letayitile ngokusemthethweni; ukuba—

- (a) kwimeko yepropati engashenxiyo—
  - (i) eqeshwe isithuba esingekho ngaphantsi kweminyaka engama-50, nokuba umqeshi ubhalisiwe okanye hayi, umqeshi wayo, okanye
  - (ii) ngokuncedayo njengomsebenzi okanye ilungelo elifana nelo, umntu lowo uhlalayo;
- (b) ukuba umnini njengoko sele echaziwe apha—

- (i) uswelekile okanye akanakho ukhulwula amatyala akhe, unikezele ngepropati yakhe kwabo ababamba amatyala, unikezelwe kumgcinini yinkundla yamatyala okanye inkampani iyavala okanye uphantsi kolawulo lezomthetho, umntu lowo lunikezelwe kuye ulawulo lwepropati leyo njengomabi, umlawuli, umgcinini okanye umlawuli wezomthetho, ngokuxhomekeke kwimeko leyo;
- (ii) akakho kwiRiphabliki yoMzantsi Afrika, okanye akaziwa idilesi yakhe nguMboneleli ngeNkonzo, nawuphi na umntu ofumana irenti njenge-arhente okanye onelungelo lokufumana irenti malunga naloo propati; kwaye
- (iii) ukuba uMboneleli ngeNkonzo akakwazi ukufumana ukuba ngubani na loo mntu onelungelo lokusebenzisa ipropati leyo,

uza kuthathwa ukuba ungumnini wepropati hayi umntu lowo unetayitile yalo propati ngokusemthethweni;

**“indawo yokusebenzisa”** uthetha indawo yokusebenzisa njengoko ichazwe kwiMithetho;

**“indawo yokulinganisa ubungakanani”** uthetha indawo apho umbane osetyenziswe ngumsebenzisi-nkonzo ubalwa khona kwaye loo ndawo isenokuba kwindawo yobonelelo okanye nakuyiphi na enye indawo ekumxokelelwane wokuhambisa woMboneleli ngeNkonzo okanye nakuwuphi na umxokelelwane womsebenzisi-nkonzo, apho uchazwe khona nguMboneleli; ukuba iza kubala wonke umbane osetyenziswe ngumsebenzisi-nkonzo kuphela;

**“indawo yobonelelo”** uthetha indawo eza kumiselwa nguMboneleli ngeNkonzo okanye lilo naliphi na igosa loMboneleli ngeNkonzo eligunyazisiweyo apho kubonelelwa khona ngombane nakwesiphi na isakhiwo nguMboneleli ngeNkonzo;

**“isakhiwo”** uthetha nawuphi na umhlaba okanye isakhiwo esingaphezulu okanye ngaphantsi komhlaba, okanye inxalenye yaso kwaye kuquka nasiphi na isithuthi, inqwelo-moya okanye inqanawa;

**“imitha yombane wekhadi”** uthetha isixhobo somlinganiso esinokumiselwa ukuba sivumele ukuhamba kombane wesixa esithengiweyo sombane;

**“umntu obhalisiweyo”** uthetha umntu obhalisiweyo njengomvavanyi wombane wesigaba esinye, njengomfakeli wombane, njl. njl. ngokweMithetho emiselweyo;

**“IMipoposho”** uthetha iMithetho emiselweyo ngokoMthetho woKhuseleko lwezeMpilo eMsebenzini, ka1993 (uMthetho 85 ka 1993);

**“uhanjiso lwentengiso”** uthetha inkqubo yokususa umbane womthengisi oliqela lesithathu apho uveliswa khona ufakwe kwimixokelelwane yokuwuhambisa yeNkonzo yoMboneleli uze uthengiselwe umthengi;

**“umgangatho wokhuseleko”** uthetha iKhowudi yokuSebenza kufakelo lweNgcingo zombane kwiSakhiwo SANS 10142-1 ebandakanywe kwimipoposho;

**“Ugunyaziwe weNkonzo”** uthetha isiXeko saseKapa, umasipala wedolophu omiselwe ngokomthetho;

**“uqhagamshelo lwenkonzo”** uthetha zonke iingcingo kunye nezixhobo, kuquka zonke izixhobo zokulinganisa ubungakanani, izixhobo zolawulo lomthwalo, isixhobo sokuvula nokucima onke amandla ombane aphezulu, aphakathi kunye naphantsi kunye neengcingo zombane zaphantsi komhlaba ezifunekayo ukuqhagamshela iingcingo-mbane eziyintloko kwimixokelelwane yombane yomsebenzisi-nkonzo kwindawo yobonelelo;

**“isixhobo sokhuselelo lwenkonzo”** uthetha nasiphi na isixhobo sokucima umbane xa umthwalo ugqithisile kunalowo ufunekayo (fuse), isixhobo sokuqhawula indlela yombane esifakelwa ngenjongo zokukhusela izixhobo zoMboneleli ngeNkonzo ukuba zingabi nomthwalo ogqithisileyo okanye iziphene ezenzeka kumxokelelwane okanye kuqhagamshelo lwanqakathi lwenkonzo;

**“uMboneleli weNkonzo”** uthetha uGunyaziwe weNkonzo kunye nayo nayiphi na into ekhoyo egunyazwe nguGunyaziwe weNkonzo ukuba ibonelele ngenkonzo yombane kumhlaba ophantsi kolawulo lukaGunyaziwe weNkonzo, ngokwesibonelelo seSivumelwano sokuQhutywa kweNkonzo ekugqitywe kuso noGunyaziwe weNkonzo;

**“isibonelelo soncedo esihleli silindile”** uthetha isibonelelo soMboneleli weNkonzo esidla ngokungasetyenziswa ngumsebenzisi-nkonzo;

**“isibonelelo esiyintloko socingo-mbane”** uthetha nayiphi na inxalenye yothungelwano lokuhambisa umbane yoMboneleli weNkonzo;

**“uluhlu lwamaxabiso”** uthetha uluhlu lwamaxabiso obonelelo ngombane kunye neminye imirhumo, ngokokwamkelwa nguMboneleli weNkonzo;

**“Ubonelelo lwethutyana”** uthetha ubonelelo lombane lwethutyana olufunwa ngumsebenzisi-nkonzo kangangesithuba esingaphantsi komnyaka omnye;

**“umthetho”** uthetha nawuphi na umthetho, isibhengezo, ummiselo, umthetho wepalamente okanye umthetho owisiweyo onamandla ezomthetho;

**“umqondiso”** uthetha ilungu elisiseko lenkqubo yombane wekhadi elisetyenziswa ukuhambisa ingcaciso yexabiso lombane othengiweyo esuka kwindawo yentengiso ifakwe kwimitha yombane wekhadi;

**“amandla ombane”** uthetha ixabiso lobungakanani bombane phakathi kwezinikezele zombane ezibini

**“ingcaciso ngobume boqhagamshelo”** uthetha uluhlu lwamaxwebhu olunika ingcaciso yobume beengcingo-mbane eziyintloko zoMboneleli weNkonzo kummandla othile obandakanyeka kwisicelo somsebenzi wokwakha kummandla kamasipala kwaye echaza imiqathango enxulumene nomsebenzi oza kwenziwa kuloo ngingqi unezongcingo-mbane ziyintloko zichaphazelekayo.

## 2. Ezinye iintetho

Zonke ezinye iintetho ezisetyenziswe kulo mthetho kamasipala ziza kuba, nenkcazo enikwe kuMthetho weMipoposho yoMbane, ka-2006 (uMthetho 4 ka-2006), ngokwendlela olungiswe ngayo ngaphandle kokuba imeko ifunisa enye inkcazo, okanye kuMthetho woKhuseleko nezeMpilo eMsebenzini, ka-1993 (uMthetho 85 ka-1993), ngokwendlela olungiswe ngayo.

## 3. Izihloko kunye namagama

Izihloko kunye namagama kulo mthetho kamasipala aziyi kuchaphazela ulwakhiwo loko.

**ISAPHLUKO 2****IMIGAQO JIKELELE YOBONELELO****4. Ubonelelo lweeNkonzo zoMbane**

(1) NguMboneleli weNkonzo kuphela oza kubonelela okanye oza kwenza isivumelwano sokubonelela ngombane kummandla ophantsi kolawulo lukaGunyaziwe weNkonzo. Umntu wesithathu angabonelela okanye enze isivumelwano sokubonelela ngombane kummandla ophantsi kolawulo lukaGunyaziwe weNkonzo, xa efumene imvume kuGunyaziwe weNkonzo kwaye afezekise iimfuno zoMthetho weMipoposho yoMbane.

(2) UMboneleli ngeNkonzo angaluvumela uhanjiso lwentengiso yombane usiya kubathengi bomboneleli wombane ngomnye umboneleli wombane onelayisensi yokurhweba ngombane ngokoMthetho weMipoposho yoMbane esebenzisa uthungelwano loMboneleli weNkonzo.

**5. bonelelo ngokwesivumelwano**

(1) Akukho mntu uza kusebenzisa okanye oza kuba nelungelo lokusebenzisa ubonelelo lombane olusuka kuMboneleli weNkonzo ngaphandle kokuba okanye kude kube kukho isivumelwano esibhaliweyo esenziwe kunye noMboneleli weNkonzo solo bonelelo, kwaye eso sivumelwano kunye nesibonelelo salo mthetho kamasipala siza kulawula ubonelelo olo ngazo zonke iindlela .

(2) Ukuba umbane usetyenziswa singekho isivumelwano sobonelelo, umnini wesakhiwo eso usetyenziswa kuso umbane uza kuba nemfanelo yendleko yombane osetyenzisiweyo njengoko kuchaziwe kwicandelo 44 lalo mthetho kamasipala.

(3) Nasiphi isivumelwano sokubonelela umsebenzisi-nkonzo ekugqitywe kuso noMboneleli weNkonzo okanye u-Eskom kummandla ophantsi kolawulo lukaGunyaziwe weNkonzo ngaphambi kokuqeshwa koMboneleli weNkonzo nguGunyaziwe weNkonzo, ngokuxhomekeke kuwiso-mthetho lwesizwe, ukuqalela ngomhla wokuqalisa ukusebenza kolo wiso-mthetho, kunye nazo zonke ii-aseti neemfanelo ezihamba nesivumelwano sesibonelelo esichaziweyo ziza kuba, zezoMboneleli weNkonzo.

(4) Ukuba uGunyaziwe weNkonzo uthe waqesha umboneleli wenkonzo ongomnye nangawuphi na umhla kwixesha elizayo, izivumelwano zobonelelo kunye nabasebenzisi-nkonzo boMboneleli weNkonzo ziza kuthathwa ngokuba zizivumelwano kunye nalo mboneleli weNkonzo mtsha.

**6. Ukukhutshwa kwesaziso**

(1) Nasiphi na isaziso okanye uxwebhu oluthe lwakhutshelwa nawuphi na umntu ngokwalo mthetho kamasipala siza kuthathwa ukuba sikhutshiwe—

- (a) xa sitehasiwa ngesandla kumntu lowo;
- (b) xa sitehasiywa kumntu oneminyaka engaphezulu kwe-16 kwindawo ahlala kuyo umntu lowo okanye kwishishini lakhe elilapha kwiRiphabliki;
- (c) xa ithunyelwe ngeposi ebhalisiweyo okanye eqinisekisiweyo kwidilesi yokugqibela aziwa ehlala kuyo umntu lowo okanye kwidilesi yokugqibela eyaziwayo yeshishini lomntu lowo ekwiRiphabliki kwaye kukho isiqinisekiso sokuthunyelwa ngeposi esiphuma kwinkonzo yeposi;
- (d) ukuba idilesi yomntu lowo yakwiRiphabliki ayaziwa, ithe yakhutshelwa kwi-arhente yaloo mntu okanye kummeli wakhe kwiRiphabliki ngendlela echazwe kwimihlathi (a), (b) okanye (c); okanye
- (e) ukuba idilesi yomntu lowo kunye neye-arhente okanye ummeli wakhe kwiRiphabliki ayaziwa, xa ithe yabekwa kwindawo ebonakalayo kwipropati okanye kwisakhiwo, ukuba sikhona, apho inxulumene nakhona.

(2) ukuba nasiphi na isaziso okanye olunye uxwebhu kufuneka lugunyaziswe okanye lunikwe kumnini, kumhlali okanye umntu onelungelo nakuyiphi na ipropati leyo, kwanele ukuba loo mntu uchazwe kwisaziso eso okanye kuxwebhu olo njengomnini, umhlali okanye umntu onelungelo kwipropati leyo kwaye akukho mfuneko ukunika igama lomntu lowo.

(3) nayiphi na inkqubo yasemthethweni ikhutshwe ngokufanelekileyo nangokwaneleyo kuMboneleli weNkonzo ukuba ithe yanikezelwa kuMlawuli okanye kumqeshwa woMlawuli okhoyo e-ofisini.

**7. Ukuthobela izaziso**

Nawuphi na umntu othe wakhutshelwa okanye wanikwa isaziso phantsi kwalo mthetho kamasipala, uza kuthobela oko kuqulathwe seso saziso ngethuba elichazwe kuso.

**8. Isicelo sobonelelo**

(1) Isicelo sobonelelo lombane siza kubhalwa kwifomu elungiselelwe oko efumaneka kwi-ofisi yoMboneleli weNkonzo ngulowo uza kuba ngumsebenzisi-nkonzo kwaye kuza kuchazwa nobona buninzi buphezulu buza kuchazwa kwakule fomu ngokwee-kVA ukulungiselela ufakelo. Isicelo esilolu hlobo siza kwenziwa kwangethuba kangangoko kunakho ngaphambi kokufuna ukubonelelwa ngombane ukuze oko kuncedisane nomsebenzi woMboneleli weNkonzo.

(2) Abafaki sicelo sobonelelo ngombane baza kungenisa la maxwebhu alandelayo kunye nesicelo sabo:

- (a) Incwadi yesazisi okanye ipasipoti, kwaye, ukuba ukuba lishishini, ileta yesiqibo esinika igunya kumfaki sicelo;
- (b) Umsebenzisi-nkonzo uza kuvelisa isivumelwano sentengo okanye obunye ubungqina bobunini besakhiwo eso kufunelwa sona ubonelelo lombane.

(3) Abafaki sicelo sobonelelo ngombane baza kujongwa ubume babo betyala ngokunxulumene noGunyaziwe weNkonzo.

(4) Isicelo sobonelelo ngombane sethutyana esitsha baza kuqwalaselwa ngokokubona koMlawuli, onokuchaza imiqathango eyodwa ekufuneka ifezekiswe phantsi kwezo meko.



## 9. Uqwalaselo lwezicelo zobonelelo

Izicelo zobonelelo lombane ziza kuqwalaselwa luze ubonelelo lufumaneke kwisithuba sexesha esichazwe kwi-NRS 047.

## 10. Ukuba phantsi kolawulo lomnini kwipropati yabucala

(1) UMboneleli weNkonzo angala ukwakha ukumisa okanye ukwakha uqhagamshelo lwenkonzo ngaphezulu okanye ngaphantsi komhlaba nakuyiphi na indlela ecanda phakathi kwezindlu okanye kumhlaba ongekho phantsi kweGunya leNkonzo okanye nakuwuphi na umhlaba wabucala, ngaphandle kokuba okanye ade abe lowo uza kuba ngumsebenzisi-nkonzo ufumene kwaye ungenise kuMboneleli weNkonzo imvume ebhaliweyo evela kumnini wepropati yabucala leyo okanye evela kumntu unelungelo letayitile yaloo mhlaba ngokusemthethweni onika igunya lokuba kwakhiwe uqhagamshelo olo lwenkonzo.

(2) Ukuba loo mvume irhoxisiwe nangaliphi na ixesha okanye ukuba ipropati yabucala ikhankanywe ngaphambili okanye loo mhlaba ucanda phakathi kwezakhiwo buyatshintsha ubunini bawo kwaye umnini omtsha uyala ukunika okanye ukuqhuba ngaloo mvume, indleko yalo naluphi na utshintsho ekufuneka lwenziwe kuqhagamshelo ukuze ubonelelo lombane lube nokuqhubeka, kwakunye nokuphi na ukulususa okunokufuneka kwenziwe phantsi kwezo meko, ziza kuhlawulwa ngumsebenzisi-nkonzo ofuna luqhuba ubonelelo lombane kwisakhiwo sakhe.

## 11. Ukuba phantsi kolawulo lomnini ngokomthetho

(1) Ngokwesibonelelo secandelwano (3) uMboneleli ngeNkonzo kummandla kamasipala kaGunyaziwe weNkonzo:

- angabonelela, angamisela kwaye agcine ekwanika nenkxaso kwiinkonzo zombane;
- angafumana, akhe, amisele, ongeze, andise, atshintshe, agcine, alungise, aqhawule usetyenziso, avale aze aphelise iingcingo-mbane zobonelelo mbane eziyintloko;
- angakha, amisele naziphi na iingcingo-mbane eziyintloko nakusiphi na isitrato, ezinqumla, ngaphezulu okanye ngaphantsi kwaso nasiphi na isitrato okanye ipropati engashenxiyo kwaye ubunini bezo ngingo-mbane buza kugunyaziswa kuMboneleli ngeNkonzo;
- angenza nantoni na eyene efunekayo okanye enqwenelekayo okanye eluncedo nakuwuphi na umbandela ekubhekiswa kuwo kumhlathi (a) ukuya kutsho ku-(c).

(2) Ukuba uMboneleli ngeNkonzo wakha, umisele naziphi na iingcingo-mbane eziyintloko nakusiphi na isitrato, ezinqumla, ngaphezulu okanye ngaphantsi kwaso nasiphi na isitrato okanye ipropati engashenxiyo ezingezo zikaGunyaziwe weNkonzo okanye ezingekho phantsi kolawulo lukaGunyaziwe weNkonzo, uMboneleli ngeNkonzo uza kunika imiqathango eza kubekwa kusetyenziso lwepropati phantsi kwesivumelwano sokuba ngumsebenzisi-nkonzo ngokwemeko yokuba ngumqeshwa

(3) UGunyaziwe weNkonzo kunye nomnini sitrato eso okanye umnini propati uza kungena kwisivumelwano sokuba phantsi kolawulo lomnini esinokuquka isixa semali ekuvunyelwene ngaso esiyimbuyekezo, okanye, ukuba akukho sivumelwano, isixa esimiselwe yinkundla yolamlo okanye inkundla yomthetho.

(4) UMboneleli ngeNkonzo, ngaphambi kokuba aqalise nawuphi na umsebenzi ongenguwo owokulungisa okanye ukugcina kwimo efanelekileyo ngokunxulumene nazo naziphi na iingcingo-mbane eziyintloko zobonelelo lombane kwipropati engashenxiyo engeyiyo ekaGunyaziwe weNkonzo okanye engekho phantsi kolawulo lukaGunyaziwe weNkonzo, uza kunika umnini propati engashenxiyo isaziso sexesha elaneleyo malunga nalo msebenzi kundululwa ukuba wenziwe kwakunye nomhla andulula ukuwuqalisa ngawo.

## 12. Ilungelo lokungena ukuza kuhlola, kuvavannya kunye/okanye ukwenza umsebenzi wokugcina kwimo efanelekileyo

(1) UMboneleli weNkonzo, esebenzisa abaqeshwa bakhe, iikontrakta kunye nabancedisi bazo kunye nabacebisi, uza kuba nakho ukufikelela nakuyiphi na ipropati ngenjongo—

- zokwenza nantoni na egunyazisiweyo okanye ekufuneka yenziwe nguMboneleli weNkonzo phantsi kwalo mthetho kamasipala okanye phantsi kwawo nawuphi na omnye umthetho;
- zokuhlola kwakunye nokuvavanya naziphi na iingcingo-mbane eziyintloko kwakunye nantoni na enxulumene noko
- zokufumanisa kunye nokuphanda nawuphi na omnye umthombo wobonelelo ngombane okanye ukulunga kwayo nayiphi na ipropati engashenxiyo kuwo nawuphi na umsebenzi, isikimu okanye umsebenzi oza kwenziwa woMboneleli weNkonzo kwakunye nokwenza naluphi na uphando olunxulumene noko;
- zokuqinisekisa ukuba ingaba lukhona na okanye belukhona na ulwaphulo lwalo mthetho kamasipala okanye nawuphi na omnye umthetho, kwakunye
- nokumisela uthotyelo lwezibonelelo zalo mthetho kamasipala okanye zawo nawuphi na umthetho ongomnye.

(2) UMboneleli weNkonzo uza kuhlawula nawuphi na umntu ofumene umonakalo ngenxa yelungelo lokufikelela ekubhekiswa kulo kwicandelwana (1), ngaphandle kwaxa uMboneleli weNkonzo egunyaziswe ukwenza nawuphi na umsebenzi othile ngenleko zaloo mntu okanye zomnye umntu okanye ukwenza nawuphi na umsebenzi kuloo propati aze ahlawulwe iindleko kuloo mntu okanye komnye umntu imbuyekezo esisixa ekuvunyelwene ngaso nguMboneleli weNkonzo kunye nalo mntu okanye, ukuba akukho sivumelwano isixa, esimiselwe yinkundla yolamlo okanye yinkundla yamatyala.

(3) Umlawuli, angabhala isaziso esifuna ukuba umnini okanye umhlali wayo nayiphi na ipropati, avumele ukufikelela komntu ngosuku kwakunye nexesha elichazwe kwisaziso eso ngenjongo ezichazwe kwicandelwana (1).

(4) UMboneleli weNkonzo angangena nakuyiphi na ipropati ngaphandle kwesaziso kwaye angathatha naluphi na inyathelo elifunekayo ngokokubona kwakhe, xa kunokubakho ingxushungxushu okanye kwenzeke intlekele okanye phantsi kwemo yonxunguphalo.

## 13. Ukwala okanye ukusilela ukunika ingcaciso

(1) Akukho mntu uza kwala okanye uza kusilela ukunika ingcaciso efunwa kuye ligosa eligunyaziweyo loMboneleli weNkonzo okanye oza kunika ingcaciso engeyonyaniso ngokunxulumene nawo nawuphi na umsebenzi wofakelo lombane ogqityiweyo okanye oza kwenziwa.

(2) UMboneleli weNkonzo akazi kunika ingcaciso kumntu wesithathu malunga neenkukacha zobonelelo okanye ze-akhawunti zaso nasiphi na isakhiwo ngaphandle kwemvume ebhaliweyo evela kumsebenzisi-nkonzo otyikitye isivumelwano sobonelelo kwisakhiwo eso ngaphandle komnini propati xa ethe wenza isicelo esibhaliweyo kuMboneleli weNkonzo.

## 14. Ukwalelwa ukungena

Akukho mntu uza kuphithikeza, kuthintela, kuphazamisa okanye uza kwalela ngabom ukungena kwegosa eligunyazisiweyo loMboneleli weNkonzo lisenza umsebenzi walo okanye nawuphi na umsebenzi onxulumene nawo.

**15. Ukusebenzisa ngokungafanelekanga**

(1) Ukuba umsebenzisi-nkonzo usebenzisa umbane ngazo naziphi na injongo okanye iindlela uMboneleli weNkonzo akholelwa ukuba azifanelekanga okanye azikhuselekanga okanye ufungenwe ephazamisana nobonelelo lombane wakhe okanye nawuphi na omnye umsebenzisi-nkonzo, uMboneleli weNkonzo unakho ukuba angalunqamla ubonelelo ngaphandle kokunika isaziso okanye emva kokunika isaziso kodwa luza kubuyiselwa ubonelelo emva kokuba unobangela wokucinywa ulungiswe ngokusisigxina.

(2) Umrhumo omiselweyo nguMboneleli weNkonzo wokucima nowokubuyisela umbane uza kuhlawulwa ngumsebenzisi-nkonzo ngaphambi kokuba lubuyiselwe ubonelelo lombane, ngaphandle kokuba kufunyaniswa ukuba umsebenzisi-nkonzo akakhange awusebenzise ngendlela engafanelekanga okanye engakhuselekanga umbane.

**16. Amaxabiso nemirhumo yombane**

Likopi zamaxabiso kunye nemirhumo zifumaneka simahla kwii-ofisi zoMboneleli weNkonzo.

**17. Idipozithi**

(1) UMboneleli weNkonzo, ngokoMgaqo-nkqubo wamaxabiso owamkelwe nguGunyaziwe weNkonzo, unelungelo lokufuna ukuba umsebenzisi-nkonzo ahlawule idipozithi esisixa esithile semali njengesiqinisekiso sazo naziphi na iintlawulo ezimele ukuba zihlawulwe okanye eziza kufanela ukuba zihlawulwe kuMboneleli weNkonzo.

(2) Isixa sedipozithi ngokunxulumene nofakelo lomxokelelwane wombane ngamnye siza kumiselwa nguMlawuli. Idipozithi nganye enjalo inganyuswa ukuba uMlawuli ubona ukuba ayanelanga idipozithi ehlawulweyo, okanye ngenxa yokungahlawuli, okanye ngenxa yokubhucabhuca okanye ngenxa yochagamashelo olungagunyazwanga okanye ukubuyisela umbane ocinyiweyo okungagunyaziswanga.

(3) Loo dipozithi ayizi kuthathwa njengentlawulo okanye inxalenye yentlawulo yazo naziphi na ii-akhawunti ekufanele zihlawulwe ngobonelelo lombane ngenjongo zokufumana nasiphi na isaphulelo esinikwayo kumaxabiso ombane ekubhekisa kuwo kulo mthetho kamasipala.

(4) Ekuphelisweni kobonelelo lombane, eso sixa sedipozithi, siza kubuyiselwa kumsebenzisi-nkonzo singenzala, kutsalwe naziphi na iintlawulo ekufanele ukuba zihlawulwe kuMboneleli weNkonzo kunye/okanye kuGunyaziwe weNkonzo.

(5) Intlawulo yenzala kwiidipozithi, ebanjwe ngezivumelwano kunye nomboneleli wombane ongaphambili, ziza kuphela ngomhla wotshintshelo lobonelelo kuMboneleli weNkonzo.

**18. Iintlawulo zeerhafu**

(1) Umsebenzisi-nkonzo uza kuba neemfanelo zazo zonke iirhafu ezichazwe kuluhlu lwamaxabiso enkonzo yombane njengoko yamkelwe nguGunyaziwe weNkonzo. Umsebenzisi-nkonzo kusenokufuneka ahlawule zonke iirhafu zezinye iinkonzo abonelelwa ngazo nguGunyaziwe weNkonzo ukuqinisekisa ukuqhubeka kobonelelo lombane.

(2) Zonke ii-akhawunti zithathwa ukuba zimele ukuhlawulwa xa zikhutshwa nguMboneleli weNkonzo kwaye i-akhawunti nganye iza kubonisa umhla efanele ukuba ihlawulwe ngawo kubuso bayo kwakunye nesilumkiso esibonisa ukuba ubonelelo lombane lungaqhawulwa ukuba iirhafu ezinxulumene nobonelelo olo azikahlawulwa emva komhla ekufanele ukuba zihlawulwe ngawo.

(3) Impazamo okanye ukushiywa kwenkcazelo kuyo nayiphi na i-akhawunti okanye ukusilela ukukhupha i-akhawunti akuyi kumkhulula umsebenzisi-nkonzo kuxanduva lwakhe lokuhlawula isixa esifanelekileyo afanele ukusihlawula sombane abonelelwe ngawo kwisakhiwo eso kwaye ngumthwalo womsebenzisi-nkonzo ukuzanelisa ukuba ukuba i-akhawunti ikhutshwe ngokuhambelana nerhafu zamaxabiso amiselweyo ngokunxulumene nobonelelo lombane kwisakhiwo eso.

(4) Apho igosa eligunyaziweyo loMboneleli weNkonzo lithe landwendwela isakhiwo njenjongo zokuqhawula ubonelelo lombane ngokwecandelwana (2) laza laphithikezwa okanye lathintelwa ukwenza olo qhawulo, umrhumo omiselweyo uza kuhlawulwa ngondwendwelo ngalunye olwenziwe ngenjongo zolo qhawulo.

(5) Emva koqhawulo lobonelelo ngenxa yokungahlawuli i-akhawunti, imirhumo emiselweyo kunye nazo naziphi na iintlawulo ezifanele ukuhlawulwa zombane osetyenzisiweyo kuza kufuneka ziqale zihlawulwe okanye kwenziwe amalungiselelo afanelekileyo ngokoMthetho kaMasipala kaGunyaziwe weNkonzo okanye iMigaqo-nkqubo, ngaphambi kokuba lubuyiselwe ubonelelo lombane.

(6) Nangona umhlali enesivumelwano sobonelelo ngombane, ukuba umnini propati engashenxiyo wenza isicelo sesatifiketi sentlawulo yonke yamatyala anxulumene nepropati, ngokwecandelo 118, likaRhulumente woMmandla loMthetho weeNkqubo zikaMasipala, 32 ka-2000, loo mnini ziza kuba yimfanelo yakhe zonke iirhafu ezifanele ukuba zihlawulwe uMboneleli weNkonzo, ngokunxulumene nepropati leyo kubhekisa kuyo, ukuze abe nokufumana eso satifikethi.

**19. Inzala kwii-akhawunti elidlulileyo ixesha ekufanele zihlawulwe ngalo**

UMboneleli weNkonzo angabiza inzala kwii-akhawunti ezingahlawulwanga ngomhla ekufanele zihlawulwe ngawo obhalwe kwi-akhawunti, ngokoMgaqo-nkqubo owamkelweyo woQokelelo lwaMatyala kunye nayo nayiphi na inkxaso yabantu abahluphekileyo.

**20. Iinqobo zokuthengiswa kombane**

(1) Abathengisi bombane kufuneka bathobele iifundo zelayisensi kunye nobhaliso ezichazwe kuMthetho woLawulo loMbane kunye nemipoposho ekhutshwe phantsi kwalo mthetho.

(2) Akukho mntu uza kuthengisela okanye uza kubonelela ngombane ekubonelelwa ngawo kwisakhiwo sakhe phantsi kwesivumelwano kunye noMboneleli weNkonzo, komnye umntu okanye kwabanye abantu ukuba bawusebenzise kwesinye isakhiwo, okanye oza kuvumela okanye anyamezele loo ntengiso okanye olo bonelelo ukuba luqhubeka, ngaphandle kokuba ugunyazwe nguMlawuli.

(3) Ukuba umbane uthengiselwa ukuba usetyenziswe kwakwisakhiwo esinye, lo mbane uthengiswayo kufuneka ube nomlinganiselo kwimithana eyodwa eyamkelwe liZiko leMigangatho laseMzantsi Afrika (SABS) kwaye ibonelelwe, yafakelwa, kwaye yakhiwa ilungiselelwe ngokwemigangatho yoMboneleli weNkonzo.

(4) Uluhlu lwamaxabiso kunye neerhafu kwakunye nemiqathango othengiswa phantsi kwayo umbane ziya kufana kumthengi naxa ebethenga ngqo kuMboneleli weNkonzo.

(5) Wonke ubani othengisa umbane uza kunika umthengi i-akhawunti yenyanga nganye eza kuba neenkukacha zenyanga nganye eza kuba neenkukacha ezifanayo nezomMboneleli weNkonzo azinika abasebenzisi-nkonzo bombane.

## 21. Ilungelo lokuqhawula ubonelelo

- (1) UMboneleli weNkonzo, ngokuxhomekeke kwicandelwana-2, angaluhawula ubonelelo lombane nakwesiphi na isakhiwo, apho kungaquka uthintelo kwakhona/okanye ulwabelo/unikezelo lwentengiso yombane weemitha ohlawulelwa kwangaphambili njengoko kuqulunqiwe kuMgaqo-nkqubo kaGunyaziwe weNkonzo ongoLawulo lweNgeniso eliTyala nokuQokelelwa kweZikweliti/kwamaTyala-
- apho umntu onemfanelo yokuhlawula olo bonelelo ethe wasilela ukuhlawula irhafu efanele ukuhlawulwa kuMboneleli weNkonzo ngokunxulumene nobonelelo lombane ovela kuMboneleli weNkonzo ngokunxulumene neso sakhiwo; okanye
  - apho uGunyaziwe weNkonzo acele uMboneleli weNkonzo ukuba aluqhawule ubonelelo apho kukho imirhumo yenkonzo kamasipala lidlulileyo ixesha lokuyihlawula, imali eyongezelelweyo kwimirhumo, iintlawulo zobuhlali kunye nezinye iirhafu zikamasipala; okanye
  - apho kuye kwakho ukuphazamisana neentambo zombane okanye iibhokisi zombane.
- (2) uMboneleli weNkonzo makamnike (apho kwalathwe kwicandelwana (1)(a) nawuphina umntu ohlala kwizakhiwo isaziso—
- senjongo yokunqamala umbane kwizakhiwo zalomntu;
  - ithuba elaneleyo laloo mntu ukuba enze ingxelo ebonakalayo ephathelene nolo nqamalo lombane lucetywayo
  - yonke ingcaciso efanelekileyo kuquka izizathu zokunqanyulwa kombane nethuba lesaziso okanye nethuba lokuqhubekela lokunqanyulwa kombane.
- (3) UMboneleli weNkonzo anagwunqamala umbane nakwesiphina isakhiwo ngaphandle kokhupha isaziso, phantsi kwezi meko zilandelayo:
- apho kuye kwakho umngcipheko wobungozi kuye nawuphina umntu okanye kwipropati; okanye
  - ngelizathu ezinxulumene nokhuseleko loluntu okanye ukhuseleko lwabasebenzi bemo yonxunguphalo.
- (4) Kwiimeko ezingezizo ezo zichazwe kwicandelwana (1) no-(2) ngasentla, apho kwaphulwa khona lo mthetho kamasipala okanye iMigaqo, uMboneleli weNkonzo kufuneka anike loo mntu uchaphazelekayo isaziso seentsuku ezilishumi elinesixhenxe ukuba alungise oko kusilela/ umonakalo ngaphambi kokuba luqhawulwe ubonelelo.
- (5) Emva kokuqhawulwa kobonelelo njengoko kubonakalisiwe kwicandelwana (1), imirhumo njengoko imiselwe nguMboneleli weNkonzo ephathelene nolo qhawulo lobonelelo lombane okanye lobonelelo ngokutsha lombane, ziya kuthi zihlawulwe ngulowo uchaphazelekayo.
- (6) Kwimeko apho ubonelelo luphinde lwaqutywa ngokungekho mthethweni kwisakhiwo somsebenzisi-nkonzo emva kokuba luqhawulwe ngokusemthethweni nguMboneleli weNkonzo, okanye kwimeko apho kubhucabhuwe izixhobo zombane zoMboneleli weNkonzo ukuthintela ukuba imitha ibale ngokuzeleyo isixa sombane esisetyenzisiweyo, umxokelelwane wobonelelo lombane ungakhutshwa kweso sakhiwo.

## 22. Ukungabi nabutyala kukaGunyaziwe weNkonzo okanye koMboneleli weNkonzo

UGunyaziwe weNkonzo okanye uMboneleli weNkonzo akayi kuba nabutyala ngayo nayiphi na ilahleko okanye umonakalo ofunyenwe ngumsebenzisi-nkonzo ngenxa yokuyeka, ukuphazamiseka okanye ngokwehla kwayo nayiphi na imeko engeyoyesiqhelo kubonelelo lombane, ngaphandle kokuba loo meko ibangelwe kukungabi nankathalo kukaGunyaziwe weNkonzo okanye uMboneleli weNkonzo.

## 23. Ukuvuza kombane

Akuyi kubakho saphulelo kwi-akhawunti phantsi kwayo nayiphi na imeko ngenxa yombane ohambe felefele ngokubangelwa kukuvuza okanye esinye isiphene esikhoyo kufakelo lombane

## 24. Ukungasebenzi kombane

- (1) UMboneleli weNkonzo akazibopheleli ukuza kulungisa ukungasebenzi kombane ngenxa yesiphene esikumxokelelwane wombane womsebenzisi-nkonzo, ngaphandle kokuba oko kungasebenzi kubangwa sisixhobo sokhuselo senkonzo soMboneleli weNkonzo.
- (2) Xa kufumaniseka ukuba ukungasebenzi kombane kubangelwa sisiphene kufakelo lomxokelelwane womsebenzisi-nkonzo okanye kubangelwa sisixhobo esisetyenzisiwe kufakelo lwawo, uMboneleli weNkonzo unelungelo lokuhlawulisa umsebenzisi-nkonzo umrhumo omiselwe nguMboneleli weNkonzo ngobuyiselo lobonelelo lombane ngalunye kudibanisa kunye nendleko zokulungisa nawuphi na umonakalo onokuba wenzekile kucingo-mbane oluyintloko kunye nakwimitha ngenxa yeso siphene.

## 25. Ukutywinwa kwezixhobo zoMboneleli weNkonzo

Imitha, izixhobo zokhuselo zenkonzo kunye nazo zonke izixhobo ezizezoMboneleli weNkonzo ziza kutywinwa okanye zitshixwe ligosa eligunyaziweyo loMboneleli weNkonzo, akukho mntu ongelilo igosa loMboneleli weNkonzo eligunyaziweyo oza kususa, kuqhekeza, konakalisa inkangeleko okanye abhucabhuwe okanye oza kuphazamisela olo tywino okanye loo maqhaga nangayiphi na indlela okanye phantsi kwaso nasiphi na isizathu.

## 26. Ukubhucabhuca inkonzo yoqhagamshelo okanye yobonelelo lweengcingo-mbane eziyintloko

- (1) Akukho mntu nangeyiphi na indlela okanye nangesiphina isizathu oya kuthi abhucabhuca, aphazamisela, onakalisa, ancamathelisa izinto zokuzazisa, okanye oya onakalisa inkangeleko yayo nayiphi na imitha okanye izixhobo zemitha okanye inkonzo yoqhagamshelo okanye isixhobo sokhuselo lwenkonzo okanye sobonelelo lweengcingo-mbane eziyintloko okanye nasiphi na isixhobo soMboneleli weNkonzo okanye aqhagamshela ngokungekho mthethweni kwiingcingo zombane zomnye umsebenzisi-nkonzo, nangayiphi na indlela okanye phantsi kwaso nasiphi na isizathu.
- (2) Apho kukho ubungqina boluvo lokuba umsebenzisi-nkonzo kunye/okanye nawuphi na umntu waphule icandelwana (1), uMboneleli weNkonzo unelungelo lokuba angaluhawula ubonelelo lombane ngoko nangoko engakhange akhuphe saziso kumsebenzisi-nkonzo. Loo mntu uza kuba neemfanelo zokuhlawula yonke imirhumo emiselwe nguMboneleli weNkonzo yolo qhawulo lobonelelo lombane.
- (3) Xa umntu aphule icandelwana (1) ngokubangela uphazamisela okanye umonakalo, kungathathwa amanyathelo omthetho ngakuye.
- (4) Apho umsebenzisi-nkonzo kunye/okanye naye nawuphi na umntu aphule icandelwana (1) kwaye oko kwaphula kubangele ukuba imitha irekhodishe ngaphantsi kunomlinganiselo wombane osetyenzisiweyo, uMboneleli weNkonzo unelungelo lokuhlawulisa umsebenzisi-nkonzo indleko ezipheleleyo zesixa sombane ekuqikelelwa ukuba usetyenzisiwe.
- (5) Isiqinisekiso nguMboneleli weNkonzo bubungqina boluvo lweso sixa sombane esisetyenzisiweyo.

## 27. Ukhuselo lweengcingo-mbane eziyintloko zoMboneleli weNkonzo

(1) Akukho mntu uza kuthi engenawo amaxwebhu engcaciso ngobume beengcingo-mbane eziyintloko zoMboneleli weNkonzo kwakunye nePhephamvume loMsebenzi woKwakha elikhutshwe nguMboneleli weNkonzo elinemiqathango ebekiweyo—

- (a) akhe okanye amise okanye avumele ulwakhiwo lwaso nasiphi na isakhiwo okanye enye into, okanye alime imithi okanye izityalo ngaphezu kobonelelo lweengcingo-mbane eziyintloko okanye ngendlela eza kuphithikeza okanye eza kwenza ubungozi kuzo,
  - (b) agrumbe, asuse umhlaba okanye atshintshe umgangatho womhlaba ngaphezulu, ecaleni, ngaphantsi okanye nakuyiphi na indawo ekufutshane nobonelelo lweengcingo-mbane eziyintloko, okanye nakuyiphi na indawo ephantsi kolawulo koGunyaziwe woBonelelo,
  - (c) onakalise, abeke engozini, asuse okanye atshabalalise, okanye enze nantoni na enokuthi yonakalise, ibeke engozini okanye itshabalalise nayiphi na inxalenye yobonelelo lweengcingo-mbane eziyintloko,
  - (d) enze naluphi na uqhagamshelo nakuluphi na ubonelelo lweengcingo-mbane eziyintloko okanye atsale okanye abangele ukuba kutsaleke nawuphi na umbane kulo.
- (2) Umnini okanye umhlali uza kukucutha ukuphakama kwemithi okanye ubude bamasebe akufutshane nentambo ezihamba phezulu okanye abonelele ngendlela zokhuselo eziya kuthi ngokokubona koMboneleli weNkonzo zibe nokuthintela ngokwanelayo ukuba umthi uphithikeze izinikezeli zombane xa unokuwa umthi okanye isebe okanye xa unokunqunyulwa.
- (3) Ukuba umnini akasithobeli esi sibonelelo, uMboneleli weNkonzo unelungelo lokuba emva kokuba embhalele isaziso, okanye nangaliphi na ixesha lemo yonxunguphalo, yokuyinqumla okanye ayindinde imithi okanye izityalo ngendlela ethobela esi sibonelelo kwaye uza kuba nelungelo lokungena kwipropati leyo ukulungiselela ezi njongo.
- (4) UMboneleli weNkonzo angafumana kwinkundla yamatyala umyalelo wokuba adilize, atshintshe okanye aqubisane naso nasiphi na isakhiwo, ulwakhiwo, okanye enye into eyakhiweyo, emisiweyo okanye ebekwe phantsi ngendlela eyaphula lo mthetho kamasipala.
- (5) Phantsi kwemo yonxunguphalo okanye yentlekele, uMboneleli weNkonzo unakho ukususa nayo nantoni na eyonakalisayo, ethintelayo okanye enobungozi okanye enokubangela umonakalo, ukuthintela, ubungozi ukutshabalalisa nayiphi na into eyinxalenye yomxokelelwane wokuhambisa umbane.

### **28. Uthintelo lobhucabhuco ngoqhagamshelo lwenkonzo okanye ubonelelo lweengcingo-mbane eziyintloko**

Ukuba uMlawuli ugqiba ekubeni kukho imfuneko okanye kunqweneleka ukuba kulunyukwe ngokukodwa ukuze kuthintelwe ukubhucabhuca nayiphi na into eyinxalenye yobonelelo lweengcingo-mbane eziyintloko, uqhagamshelo lwenkonzo okanye isixhobo sokhuselo lwenkonzo okanye imitha okanye isixhobo sokulinganisa umbane osetyenzisiweyo, umsebenzisi-nkonzo uza kubonelela okanye afakele olo khuselelo lufunekayo okanye ahlawule indleko apho uMboneleli weNkonzo abonelele khona ngolo khuselelo.

### **29. Uqhagamshelo olungagunyazwanga**

Akukho mntu uza kuqhagamshela ngokuthe ngqo okanye ngokungathanga ngqo, uza kuzama ukuqhagamshela okanye uza kubangela, okanye uza kuvumela ukuqhagamshela nawuphi na umxokelelwane wombane okanye inxalenye yawo kubonelelo lweengcingo-mbane eziyintloko okanye kwinkonzo yoqhagamshelo ngaphandle kwalowo ugunyaziswe oko ngokubhaliweyo nguMlawuli.

### **30. Ubuyiselo loqhagamshelo olungagunyaziswanga**

- (1) Akukho mntu uza kuqhagamshela, kuzama ukuqhagamshela okanye oza kubangela, okanye oza kuvumela ubuyiselo loqhagamshelo lobonelelo lweengcingo-mbane eziyintloko okanye lwenkonzo yoqhagamshelo lwawo nawuphi na umxokelelwane wombane okanye umxokelelwane oqhawulwe nguMboneleli weNkonzo ngaphandle kwalowo ugunyaziswe oko ngokubhaliweyo nguMlawuli.
- (2) Xa kufunyaniswa ukuba ubonelelo lombane obeluhawuliwe luphinde lwabuyiselwa, umsebenzisi-nkonzo osebenzisa olo bonelelo lombane uza kuba nemfanelo yazo zonke iirhafu zombane osetyenziswe phakathi komhla woqhawulo lobonelelo lombane kunye nomhla ekufunyaniswe ngawo ukuba ubonelelo lombane lubuyiselwe kunye nazo naziphi na ezinye iirhafu ezivelayo malunga noku.
- (3) Ngaphezu koko, uMboneleli weNkonzo unelungelo lokususa inxalenye okanye sonke isixhobo sobonelelo ide ibe le ntlawulo ihlawulwe ngokupheleleyo. Ngaphezulu, iza kuba luxanduva lomsebenzisi-nkonzo ukuhlawula iindleko zokubuyiselwa kweso sixhobo sobonelelo.

### **31. Uqhawulo lwethutyana kunye nobuyiselo**

- (1) Xa umsebenzisi-nkonzo ecela, uMboneleli weNkonzo uza kuluhawula okwethutyana ubonelelo lombane kukumxokelelwane wombane womsebenzisi-nkonzo aze aphinde alubuyisele emva kokuhlawulwa komrhumo omiselwe nguMboneleli weNkonzo ngoqhawulo nobuyiselo ngalunye.
- (2) UMboneleli weNkonzo angahlola uqhagamshelo lwenkonzo aze/okanye afune kungeniswe iSatifiketi sokuThotyelwa kweMipoposho ngaphambi kokuba lubuyiselwe ubonelelo.
- (3) Xa athe uMboneleli weNkonzo wabona imfuneko yoqhawulo lwethutyana kunye nobuyiselo lobonelelo lombane kufakelo lombane lomsebenzisi-nkonzo, ibe umsebenzisi-nkonzo ingenguye obangele le mfuneko, uMboneleli weNkonzo uza kuyirhoxisa intlawulo yomrhumo ekhankanywe ngaphambili.
- (4) Kuphantsi kwemeko ezizodwa kuphela apho athi uMboneleli weNkonzo aqhawule ubonelelo okwethutyana kuso nasiphi na isakhwo ngaphandle kwesaziso, ngenjongo zokulinganisa okanye zokwenza uvavanyo okanye ngenye injongo enesizathu esivakalayo kwaye kuzo zonke ezinye iimeko kuza kunikwa isaziso.

### **32. Ubonelelo lwethutyana**

Iya kuba ngumqathango wokunika naluphi na ubonelelo lwethutyana lombane, njengoko luchaziwe kulo mthetho kamasipala ukuba, ukuba olo bonelelo kufumaniseka ukuba luphazamisela ubonelelo olufanelekileyo nolunoqoqosho lwabanye abasebenzisi-nkonzo, uMboneleli weNkonzo unelungelo lokuluphelisa emva kokukhupha isaziso, okanye ngaphandle kwesaziso nanini na olo bonelelo lwethutyana, kwaye uGunyaziwe weNkonzo okanye uMboneleli weNkonzo akayi kuba nabutyala ngayo nayiphi na ilahleko okanye umonakalo ofunyenwe ngumsebenzisi-nkonzo ngenxa yolo pheliso.

### **33. Umsebenzi wethutyana**

- (1) Ufakelo lombane ofuna ubonelelo lombane lwethutyana aluyi kuqhagamshelwa ngokuthe ngqo okanye ngokungathanga ngqo kubonelelo lweengcingo-mbane eziyintloko ngaphandle ukuba kukho imvume eyodwa ebhaliweyo evela kuMlawuli.
- (2) Ingcaciso ezeleyo enika izizathu kwakunye nobume bomsebenzi wethutyana iza kuhamba kunye nesicelo sale mvume ikhankanywe ngasentla, kwaye uMlawuli angala ukunika imvume okanye angayinika phantsi kwemiqathango ayibona iyimfuneko..

#### 34. Ukucuthwa komthwalo

- (1) Ngamaxesha okusetyenziswa kakhulu kombane, okanye emo yonxunguphalo, okanye xa, ngokwezimvo zoMlawuli, kuyimfuneko ukucutha umthwalo nangaziphi na izizathu kumxokelelwano wobonelelo lombane uMboneleli weNkonzo, angaluphazamisa, angaluqhawula ubonelelo lombane ngaphandle kwesaziso, kuso nasiphi na isitoro somlinganiso wobushushu samanzi, sesifudumezi okanye nasiphi na isixhobo esisebenza ngombane somsebenzisi-nkonzo okanye sofakelo lulonke kangangesithuba sexesha abone kuyimfuneko ngaso uMlawuli.
- (2) UGunyaziwe weNkonzo okanye uMboneleli weNkonzo akayi kuba nabutyala ngelahleko okanye umonakalo othe wabangelwa ngokuthe ngqo okanye ngokungathanga ngqo lolo phazanyiso okanye lolo qhawulo lobonelelo lombane.
- (3) UMboneleli weNkonzo angafakela kwisakhiwo izixhobo eziyimfuneko ukuphumeza isibonelelo secandelwana (1), kwaye naliphi na igosa eligunyaziweyo loMboneleli weNkonzo lingangena nakusiphi na isakhiwo nangaliphi na ixesha elifanelekileyo ngenjongo zokufakela, zokuhlola, zokuvavanya, zokulungisa kunye /okanye ukutshintsha izixhobo ezo.
- (4) Nangona zichaza izibonelelo zecandelwana (2), umsebenzisi-nkonzo okanye umnini, kuxhomekeke kwimeko, xa efakela isifudumezi manzi sombane, uza kubonelela ngendawo kwakunye nofakelo lweengcingo olufunekayo ngokwesigqibo soMboneleli weNkonzo ukuncedisa ufakelo lwezixhobo ezikhankanywe kwicandelwana (2).

#### 35. Isixhobo sokuvula nokucima umbane wamandla ombane aphezulu, aphakathi kunye naphantsi

- (1) Kwiimeko apho ubonelelo lombane lusenziwa ngokwamandla ombane aphezulu, aphakathi okanye aphantsi, ubonelelo kunye nofakelo lwesixhobo sokuvula nokucima umbane, iingcingo-umbane kunye nezixhobo eziyinxalenye lwenkonzo yoqhagamshelo ziza kuhlawulwa ngumsebenzisi-nkonzo, ngaphandle kokuba uMlawuli uqinisekisa ngenye indlela.
- (2) Zonke izixhobo ezifakelwe kwisakhiwo somsebenzisi-nkonzo ziza kuhambelana nemigangatho yokusebenza yombane yoMboneleli weNkonzo.
- (3) Akukho mntu uza kuvula, kuvala, kwahlula, kuqhamshela okanye uza kudibanisa nomhlaba isixhobo sokuvula nokucima umbane samandla ombane aphezulu okanye aphakathi ngaphandle kwesaziso kwiZiko loLawulo lweNkqubo yoMboneleli weNkonzo.
- (4) Kwimeko yobonelelo lombane wamandla ombane aphezulu nowamandla ombane aphakathi, apho umsebenzisi-nkonzo afakele isixhobo sokuvula nokucima umbane, ngokweMipoposho uMboneleli weNkonzo uza kwaziswa ngomntu onobuchule obufanelekileyo oqeshwe ngumsebenzisi-nkonzo, kwanokuba utshintshiwe lowo uqeshiweyo.
- (5) Kwimeko yobonelelo lombane wamandla ombane aphantsi, umsebenzisi-nkonzo uza kubonelela afakele isixhobo sokuvula nokucima umbane esiyintloko samandla ombane aphantsi kunye/okanye naso nasiphi na isixhobo esifunwa nguMboneleli weNkonzo okanye lilo naliphi na igosa eligunyaziweyo loMboneleli weNkonzo.

#### 36. Indawo yesitishana

- (1) UMboneleli weNkonzo angafuna ukuba umnini abonelele kwaye agcine kwimo efanelekileyo indawo yesitishana, ngokwemiqathango ebonwe ifanelekile nguMlawuli, ndawo leyo iza kuba negumbi okanye amagumbi azimeleyo aza kusetyenziselwa kuphela injongo zokugcina iingcingo-umbane zamandla ombane aphezulu kunye nesixhobo sokuvula nokucima umbane, amandla ombane aphakathi kunye nesixhobo sokuvula nokucima umbane, iziguquli iingcingo-umbane zamandla ombane aphantsi kunye nesixhobo sokuvula nokucima umbane kwakunye nezixhobo ezifunekayo zobonelelo lombane olucelwe ngulowo ufake isicelo.
- (2) UMboneleli weNkonzo unelungelo lokubonelela uthungelwano lwakhe kwizixhobo ezifakelwe kuloo ndawo, kwaye ukuba uMboneleli weNkonzo ufuna enye indawo engaphezulu loo ndawo iza kubonelelwa ngumfaki sicelo ngendleko zoMboneleli weNkonzo.
- (3) Indawo yesitishana iza kuhamba ngokweemfuno kunye nemilinganiso emiselwe nguMboneleli weNkonzo kwaye iza kubandakanya ukhanyiso olufanelekileyo, imingxuma yokungena nokuphuma umoya, ubonelelo lokuthintela kunye nokucima umlilo.
- (4) Isitishana siza kumiswa kumgangatho ophantsi kwindawo efikeleleka ngokukhululekileyo, ngokwaneleyo nangaphandle kothinteleko ngalo lonke ixesha ngenjongo ezinxulumene nokusebenza kwanokugcinwa kwesixhobo sikwimo efanelekileyo.
- (5) Ukufikelela kwesithuthi kwisango lokungena kwisitishana kuza kubonelelwa kwindlela esecaleni kwesakhiwo okanye kwindlela yokungena yemoto.
- (6) Apho ngokwezimvo zoMlawuli ubume bendawo yesitishana bungasafikeleleki ngokulula okanye kuyingozi kubomi okanye kwipropati okanye bungafikelekiyo ngenxa yezizathu ezivakala, umsebenzisi-nkonzo uza kusishenxisela kwindawo entsha eyanezisayo kuMlawuli, kwaye iindleko zolo shenxiso, oluza kwenziwa ngokuhawuleza, ziza kuhlawulwa ngumsebenzisi-nkonzo.

#### 37. Idayagram kunye neenkukacha zofakelo lweengcingo zombane

- (1) Xa kuza kwenziwa ufakelo okanye ubonelelo lombane olungaphezulu kwesinye okanye olusuka kwiingcingo-umbane eziyintloko okanye kwiibhodi zohanjiso lombane okanye kwiimitha ezingaphezulu kwesinye nakusiphi na isakhiwo okanye ibhloko yezakhiwo, ikopi yedayagram yeengcingo zendlela yombane yeengcingo ezihamba ngaphantsi komhlaba ukuqala kwisixhobo sokuvula nokucima umbane esiyintloko kunye neenkukacha ziza kunikwa uMboneleli weNkonzo xa ezicela ukuze anike imvume ngaphambi kokuba uqalise umsebenzi.
- (2) Apho ufakelo lombane luza kubonelelwa ukusuka kwisitishana esikwa kwisakhiwo esinye apho umsinga wombane utshintshwa ukusuka kumandla ombane aphezulu, okanye kwesinye sezitishana zoMboneleli weNkonzo kusetyenziswa iingcingo-umbane eziyintloko ezizimeleyo kwinkqubo yohanjiso lombane jikelele, iinkukacha ezipheleleyo kunye nemizobo yomxokelelwane oza kufakwa ngumsebenzisi-nkonzo ziza kuthunyelwa kuMboneleli weNkonzo xa zifunwa ukuze kunikwe imvume ngaphambi kokuba kube noku-odwa nayiphi na imathiriyeli enxulumene noko.

#### 38. Ubonelelo lombane olulolunye oluvela kuMboneleli weNkonzo oludla ngokungasetyenziswa ngumsebenzisi-nkonzo

Akukho mntu uza kuba nelungelo lolunye ubonelelo oluvela kuMboneleli weNkonzo ngazo naziphi na izakhiwo ezinomthombo wobonelelo lombane ozimeleyo kulowo woMboneleli ngaphandle kwemvume ebhaliweyo yoMlawuli kwakunye naphantsi kwemigaqo nemiqathango ebekwe nguMlawuli.

#### 39. Isixhobo sokudala umbane somsebenzisi-nkonzo

- (1) Akukho sixhobo sokuvelisa umbane esiza nomsebenzisi-nkonzo ngokwayo nayiphi na iMipoposho okanye ngokweemfuno zemisebenzi yakhe esiza kuqhagamshelwa kulo naluphi na ufakelo lomxokelelwane wombane ngaphandle kwemvume ebhaliweyo yoMlawuli.
- (2) Isicelo semvume elolo hlobo siza kubhalwa phantsi kwaye siza kuquka iinkukacha ezipheleleyo zesixhobo eso kwakunye nedayagram yofakelo lweengcingo zombane.

- (3) Isixhobo sokuvelisa umbane siza kuyilwa size sifakelwe ngendlela yokuba ubonelelo lweengcingo-mbane eziyintloko zoMboneleli weNkonzo kungakwazeki ukuba longezwe amandla ngokusebenzisa eso sixhobo.
- (4) Indawo esikuyo isixhobo esifakelweyo sokuvelisa umbane asiya kuphazamisa ubonelelo lweengcingo-mbane eziyintloko kwaye isixhobo sokuvelisa umbane kufuneka sifakelwe kwisakhiwo somsebenzisi-nkonzo ngokupheleleyo.
- (5) Iza kuba luxanduva lukamsebenzisi-nkonzo ukubonelela nokufakela izixhobo zokhuselo ezinjalo kwakunye nokufumana iSatifiketi sokuThobela esikhutshelwa imisebenzi eyenziweyo ngokweMipoposho.
- (6) Apho isixhobo sokuvelisa umbane somsebenzisi-nkonzo kuvumelekileyo ukuba siqhagamshelwe kwaye sisebenze ngaxeshanye kunye nobonelelo loMboneleli weNkonzo ngesivumelwano esisodwa kunye noMboneleli weNkonzo, umsebenzisi-nkonzo uzakuba noxanduva lokubonelela, lokufakela nokugcina kwimo efanelekileyo zonke izixhobo eziyimfuneko ukulungiselela ukusebenza ngaxeshanye okukhuselekileyo kangangoko konezisa uMlawuli.
- (7) Phantsi kwemeko yesiqhelo yokusebenza, nakuphi na ukuhanjiswa kwamandla angaphezulu kumsebenzisi-nkonzo esiya kuthungelwano loMboneleli weNkonzo kuza kukhokelwa sisivumelwano esisodwa kunye noMboneleli weNkonzo.
- (8) Xa kuthe kwacima umbane kuthungelwano jikelele loMboneleli weNkonzo, umsebenzisi-nkonzo uza kufakela isixhobo sokhuselo, ukuba uyavuma uMlawuli, ukuqinisekisa ukuba umxokelelwane womsebenzisi-nkonzo uyazimela kuthungelwano loMboneleli weNkonzo ide imeko ibuyele kwisiqhelo. Iindleko zaso nasiphi na isixhobo semitha esisodwa ziza kuhlalulwa ngumsebenzisi-nkonzo.

#### 40. Imigangatho yobugcisa

Kumaxesha ngamaxesha uMlawuli uza kukhupha iMigangatho yoBugcisa enika iingcombolo zemfuno zoMboneleli weNkonzo malunga nemibandela engabonelelwanga kwiMipoposho okanye kulo mthetho kamasipala kodwa eyimfuneko ukulungiselela ukhuseleko, ukusebenza ngokufanelekileyo kwakunye nolawulo lobonelelo lombane.

### ISIAHLUKO 3

#### UXANDUVA LWABASEBENZISI-NKONZO

#### 41. Umsebenzisi-nkonzo kufuneka akhe kwaye agcine ukwimeko efanelekileyo umxokelelwane wombane

Nawuphi na umxokelelwane wombane oqhagamshelwe okanye ekufuneka uqhagamshelwe kubonelelo lweengcingo-mbane eziyintloko, kunye nezinye izinto ezongeziweyo okanye ezitshintshiweyo kumaxesha ngamaxesha, ziza kubonelelwa zize zakhiwe kwaye zigcinwe zikwimeko efanelekileyo ngumsebenzisi-nkonzo ngendleko yakhe kwaye zihambe ngokwalo mthetho kamasipala kwakunye neMipoposho.

#### 42. Isiphoso kufakelelo lomxokelelwane

- (1) Ukuba kuvela isiphoso kufakelo lomxokelelwane, esinobungozi ebantwini, kwimpahla efuyiweyo okanye kwipropati, umsebenzisi-nkonzo/lowo ufakelelwe umbane kufuneka aluqhawule ngoko nangoko ubonelelo lombane.
- (2) Umsebenzisi-nkonzo kufuneka efake isaziso kuMboneleli weNkonzo ngaphandle kokulibazisa aze athathe amanyathelo okulungisa isiphoso ngoko nangoko.
- (3) UMboneleli weNkonzo uza kufuna imbuyekezo ngayo nayiphi na indleko anokuyifumana ngokunxulumene nesiphoso kufakelo lomxokelelwane wombane.

#### 43. Ukungaqhubi nosetyenziso lobonelelo

Ukuba umsebenzisi-nkonzo unqwenela ukungaqhubi ngokusebenzisa ubonelelo, uza kunika uMboneleli weNkonzo isaziso esibhaliweyo seentsuku zokusebenza ezimbini ubuncinane malunga nezo njongo zokungaqhubeki ngokusebenzisa ubonelelo kwaye uza kuhlala enoxanduva lokuhlalwula zonke iirhafu zobonelelo lombane kude kudlule iintsuku zokusebenza ezimbini emva kokuba efake eso saziso.

#### 44. Ukutshintsha komsebenzisi-nkonzo

- (1) Isaziso esibhaliweyo seentsuku zokusebenza ezipheleleyo ezimbini senjongo zokuyeka ukulusebenzisa ubonelelo lombane siza kunikwa uMboneleli weNkonzo, kwaye ukuba oko akwenzekanga, olo bonelelo luza kuba luxanduva lomnini.
- (2) Ukuba umntu obuthathela kuye ubuhlali besakhiwo eso unqwenela ukuqhuba ngokusebenzisa ubonelelo lombane, umnini weso sakhiwo uza kwenza isicelo ngokwesibonelelo secandelo 5 lalo mthetho kamasipala, kwaye ukuba umnini usilele ukwenza isicelo sobonelelo lombane kwisithuba seentsuku ezilishumi umntu ehlala kwisakhiwo eso, ubonelelo lombane luza kuqhawulwa, kwaye iza kuba yimfanelo yomnini ukuhlalwula uMboneleli weNkonzo ngobonelelo lombane ukusukela ngomhla wokuqala ukuhlala ukuya kutsho ngomhla wokuqhawulwa kobonelelo.
- (3) Ukuba isakhiwo sisebenzisa umbane wekhadi kwaye akukho sivumelwano sikhoyo sobonelelo lombane, umnini iza kuba luxanduva lwakhe ukuhlalwula zonke iirhafu nemirhumo kwakunye nazo naziphi na iintlawulo ezifanele ukuba zihlawulwe kuMboneleli weNkonzo ngokwecandelo 5 lalo mthetho kamasipala ade abe umnini wenze isicelo sobonelelo lombane.
- (4) UMLawuli angabeka imiqathango, enokubandakanya ukurhoxisa ubonelelo lombane, kwimeko apho i-akhawunti yomsebenzisi-nkonzo wombane wangaphambili kweso sakhiwo isemva ngentlawulo.

#### 45. Izixhobo zenkonzo

- (1) Iza kuba yimfanelo yomsebenzisi-nkonzo ukuhlalwula kuMboneleli weNkonzo zonke iindleko ezibangelwe ngumonakalo okanye ilahleko yaso nasiphi na isixhobo somlinganiso, isixhobo senkonzo yokhuselo, uqhagamshelo lwenkonzo okanye ezinye izixhobo ezikwisakhiwo, ngaphandle kokuba loo monakalo okanye lahleko ibangelwe yindalo okanye ngumqeshwa woMboneleli weNkonzo okanye ibangelwe yinto engaqhelekanga kubonelelo lombane kwisakhiwo eso.
- (2) Ukuba, ngethuba loqhawulo okanye lofakelo lomxokelelwane kubonelelo lweengcingo-mbane eziyintloko, iingcingo-mbane eziyintloko zenkonzo, izixhobo zomlinganiso okanye naso nasiphi na isixhobo senkonzo, esisesoMboneleli weNkonzo kwaye besisetyenzisiwe ngaphambili, ziye zasuswa ngaphandle kwemvume yakhe okanye sonakalisiwe kangakokuba ubuyiselo lobonelelo lombane lunganobungozi, umnini okanye umhlali wesakhiwo ngelo xesha uza kuthwala iindleko zokulungiswa kunye/okanye zokubuyiselwa kweso sixhobo.
- (3) Apho umlinganiso ukwindawo enye, imfanelo ekunikwe ingcombolo yayo kwicandelwana (1) iza kunikelwa kumnini wesakhiwo.
- (4) Isixa esifanele ukuhlalwulwa ngokwecandelwana (1) siza kuchazwa kwisatifiketi esivela kuMlawuli esibophelelayo kwaye esingenakho ukuphikiswa.

**ISAPHLUKO 4****IMIQATHANGO EYODWA YOBONELELO****46. Uqhagamshelo lwenkonzo**

- (1) Umsebenzisi-nkonzo uza kuthwala indleko yokuqhagamshelwa kombane, ngoko kuvunywe nguMboneleli weNkonzo.
- (2) Nangona ingumsebenzisi-nkonzo othwala iindleko zoqhagamshelo lwenkonzo, ubunini boqhagamshelo lenkonzo buza kuba sezandleni zoMboneleli weNkonzo, uMboneleli weNkonzo iza kuba luxanduva lwakhe ukugcina kwimo efanelekileyo olo qhagamshelo lwenkonzo ukuya kuma apho lusuka khona ubonelelo.
- (3) Umsebenzisi-nkonzo akazi kuba nalungelo lakufumana mbuyekezo kuMboneleli weNkonzo ngokunxulumene noqhagamshelo lwenkonzo.
- (4) Umsebenzi oza kwenziwa nguMboneleli weNkonzo ngendleko zomsebenzisi-nkonzo ukulungiselela uqhagamshelo lwenkonzo kwisakhiwo somsebenzisi-nkonzo uza kumiselwa nguMlawuli.
- (5) Umsebenzisi-nkonzo uza kubonelela, afakele kwaye/okanye agcine kwimo efanelekileyo kwisakhiwo sakhe imibhobho, iindlela zengcingo, imisele, izibopho kwakunye nokugeca ukulungiselela ubonelelo lweengcingo-mbane eziyintloko ngokwemfuno yoMlawuli ukulungiselela ukufakela isixokelelwano soqhagamshelo lwenkonzo
- (6) Isiza ngasinye esibhalisiweyo siza kubonelelwa ngoqhagamshelo lwenkonzo olunye ngaphandle kokuba uMlawuli avumele ngenye indlela.
- (7) Xa kukho izakhiwo ezibini okanye ngaphezulu zomnini omnye zimi esinye ecaleni kwesinye okanye kwiziza ezimeleneyo kwaye umnini ezisebenzisa ngendlela emanyeneyo ezo propati, ziza kubonelelwa ngombane osisambuku esinye kuphela ezo ziza, ukulungiselela izizathu zokhuseleko.
- (8) Naziphi na izigqumathelo zomzila ohamba ubonelelo lweengcingo ezihamba ngaphantsi komhlaba ukusuka kwindawo yobonelelo ukuya kwisixhobo somlinganiso kuza kwenziwa ukuba zamkele izitywini zoMboneleli weNkonzo.
- (9) Kwibhokisi yemitha, izinikezeli zombane okanye ucingo oluhamba ngaphantsi komhlaba, nokuba yeyiphi na kwezi, ziza kubonakala kwaye izinikezeli ziza kubonakala bonke ubude bazo xa iipeyiti ezizigqumileyo, ukuba zikhona, zithe zasuswa.
- (10) Kwimeko apho iibhloko zezakhiwo ekuhlala kuzo abasebenzisi-nkonzo abohlukeneyo, imizila yeengcingo kunye nezinikezeli okanye iingcingo ezihamba ngaphantsi komhlaba zombane ziza kubekwa kwigumbi okanye kumagumbi asendaweni enye ukuya kumsebenzisi-nkonzo ngamnye kwiibhloko zezakhiwo. Kungenjalo, ukuba kusetyenziswa indlela yemibhumbutho yeentambo, izinikezeli zeengcingo ezihamba ngaphantsi komhlaba ziza kuphawulwa ngokucacileyo (zibotshwe kunye rhoqo emva kobude obuzi-1.5m) ukuyo kutsho ekupheleni kwazo.

**47. Indawo yokumisela umlinganiso**

- (1) Umsebenzisi-nkonzo uza kubonelela ngendawo eyamkelekileyo, xa uMlawuli ecela oko, ibhodi yemitha kunye nezinikezeli zombane ezaneleyo ukulungiselela isixhobo somlinganiso, izixhobo zenkonzo kunye nezixhobo zokukhusela zoMboneleli weNkonzo.
- (2) Loo ndawo kunye nolo khuselelo ziza kubonelelwa kwaye zigcinwe zikwimo efanelekileyo, ngendlela eyanezisayo kuMlawuli, ngendleko yomsebenzisi-nkonzo okanye yomnini ngokobume bemeko, kwaye imitha yomlinganiso wetyala iza kuma kwindawo efikelekayo ngalo lonke ixesha, ukulungiselela ukuba ngalo naliphi na ixesha elifanelekileyo kube nakho ukufundwa imitha kwaye ifikeleleke ngalo lonke ixesha ukulungiselela ukusebenza kunye nokugcina kwimeko efanelekileyo isixhobo senkonzo.
- (3) Ukunika ithuba lokufikelela ngazo zonke iiyure ezifanelekileyo ukulungiselela uhlobo kwimitha yombane wekhadi.
- (4) Apho kufakelwe khona isixhotyana somlinganiso, kwenziwe ubonelelo lwendawo ezimeleyo kuleyo yoMboneleli weNkonzo.
- (5) Umsebenzisi-nkonzo okanye kwimeko yobume bemitha elungiselwe abasebenzisi-nkonzo abahlukeneyo, umnini wesakhiwo uza kwenza ubonelelo lwebhodi yohanjiso lombane ekuza kubonelelwa kuyo ukhanyiso olwaneleyo lombane kunye namandla ombane kwindawo ebekelwe bucala ukulungiselela isixhobo somlinganiso kunye nezixhobo zenkonzo.
- (6) Ukuba ngokwezimvo zoMlawuli indawo emi kuyo imitha, uqhagamshelo lwenkonzo, izixhobo zokhuselelo okanye ibhodi yohanjiso lombane oluyintloko akulula ukufikelela kuyo okanye inobungozi kubomi okanye kwipropati okanye ayifanelekanga nokuba kungasiphi na isizathu, umsebenzisi-nkonzo uza kutshintshela kwenye indawo entsha, kwaye indleko yolo tshintshelo, oluza kwenziwa ngokukhawuleza, iza kuthwalwa ngumsebenzisi-nkonzo.
- (7) Indawo yesixhobo somlinganiso kunye nezixhobo zokhuselelo zoMboneleli weNkonzo, ukuba iyamkeleka ingaquka nesixhobo sokuvula nokucima umbane esiyintloko somsebenzisi-nkonzo.
- (8) Akukho sixhobo siza kufakwa okanye sigcinwe kule ndawo esingesiso eso sisetyenziswa ngokunxulumene nobonelelo lombane ngaphandle kokuba kunikwe imvume.

**ISAPHLUKO 5****IMIXOKELELWANE YOBONELELO****48. Awona mandla ombane mancinane obonelelo**

Awona mandla ombane mancinane oluza kwenziwa kuwo ubonelelo aza kumiselwa nguMboneleli weNkonzo ngokwemfuneko yezizathu zezobugcisa ukuqinisekisa ukusebenza ngokufanelekileyo kobonelelo lweengcingo-mbane eziyintloko.

**49. Iimfuno zomthwalo**

Kuza kunikwa ubonelelo lomsinga wombane oqakathayo njengoko kumiselwe kumthetho woMpoposho woMbane, ka-2006 (uMthetho 4 ka-2006), kwaye xa kungekho sivumelwano somgangatho wobonelelo, kuqhutywe njengoko kuchazwe kwinkcukacha zomgangathe omiselweyo.

**50. Ubungakanani bomthwalo**

- (1) Apho uthelekelelo lomthwalo, olubalwe ngokomgangatho wokhuseleko, lungadluliyo kwi-15 kVA, umxokelelwane wombane uza kulungiselelwa ubonelelo lombane lwesigaba esinye samacingo amabini ngaphandle kokuba uMlawuli uvumele enye indlela.
- (2) Apho kubonelelwa ngezigaba ezizathu zamacingo amane, umthwalo uza kusondezwa ukuba ulingane nezigaba ezizathu kodwa owona mthwalo mkhulu ukungalingani awuyi kudlula ku- 15kVA, ngaphandle kokuba uMlawuli uvumele enye indlela.

(3) Akukho sixhobo sisebenzisa umsinga, okwihlelo elidlula kwi-15kVA esiza kuqhagamshelwa kumxokelelwane ngaphandle kokuba kuqale kufunyanwe imvume yoMlawuli.

### 51. Ukuphazamisa isixhobo sombane somnye umntu

(1) Akukho mntu uza kusebenzisa isixhobo sombane esineempawu ezithi zibangele ukutshintsha kwamandla ombane, imisinga yombane efanelekileyo okanye imisinga yombane yesigaba esingangqinelaniyo neenkukacha zomgangatho omiselweyo.

(2) Uhlolo lwesiphazamiso sezixhobo zombane zabanye abantu luza kwenziwa ngokwemilinganiso ethathwe kwindawo enye eqhagamshela usetyenziso lwabantu abaninzi.

(3) Ukuba kufunyaniswe ukuba kukho uphazamiso olungeyomfuneko, umsebenzisi-nkonzo uza kufakela isixhobo esifunekayo ukuphelisa uphazamiso kwaye athintele ukuba lufakelele kubonelelo lweengcingo-mbane eziyintloko, ngendleko yakhe.

### 52. Ubonelelo oluya kwiimowutha (motor)

Ngaphandle kokuba kuvume uMlawuli weCandelo, imilinganiselo yeemowutha iya kulawulwa ngolu hlobo:

(a) Iimowutha ezincinane ezinombane ophantsi ziya kunikezwa kuphela iikhilowathi ezi-2 (2kW) yaye umbane wazo awusayi kuba ngaphezulu kwama-70. Zonke iimowutha ezithe zadlulisela kulo mlinganiselo ziya kuthandelwa kathathu zisebenzisa umbane ophantsi okanye lowo ufunekayo.

(b) Ukuqala nokunyuka kwemisinga yombane weemowutha ezitshintshisanayo ezinezigaba ezithathu.—

Iqondo elivumelekileyo lokuqala komsinga wombane weemowutha ezinezigaba ezithathu ezinombane ophantsi liza kuhambisana nomthamo wombane womsebenzisi-nkonzo ngolu hlobo lulandelayo:

| Iintambo zombane<br>ezigqunyweyo<br>eziyi-mm <sup>2</sup> , ezibufana<br>nekopolo<br>mm <sup>2</sup> | Owona mbane<br>uvumelekileyo<br>ekunokuqalwa kuwo<br>A | Umgangatho wemowutha ngokwe-kW                 |  |   |
|--|--|--|--|---|
|  |  | Uqhagamshelo ngqo<br>(6x<br>umbane opheleleyo) | Star/Delta<br>(2,5 x umbane<br>opheleleyo) | Olunye uhlobo<br>(1,5 x umbane<br>opheleleyo) |
|  |  | kW   | kW   | kW  |
| 16   | 72   | 6  | 13,5                                       | 23  |
| 25   | 95   | 7,5  | 18   | 30  |
| 35   | 115  | 9  | 22   | 36,5  |
| 50   | 135  | 10   | 25   | 45  |
| 70   | 165  | 13   | 31   | 55  |
| 95   | 200  | 16   | 38   | 67  |
| 120  | 230  | 18   | 46   | 77  |
| 150  | 260  | 20   | 52   | 87  |

(c) Abasebenzisi-mbane ababonelelwa ngeevolthi zombane ophakathi—

Xa kufakelwe umbane ophakathi, ubungakanani bomsinga wombane wemowutha enombane osezantsi buya kuphinda-phindwa kayi-1,5 xa kuthelekiswa nesiguquli-mbane esithumela umbane kuloo mowutha. Amalungiselelo okuba loo mbane uphakathi uya kuba ngakanani na aya kuxhomekeka ekwamkelweni kwawo nguMlawuli weCandelo.

### 53. Amandla ombane

(1) Xa uMlawuli wecandelo ebona ngolo hlobo, amandla ombane wayo nayiphi na indawo awusayi kudlula kwi-0,85 ne-0,9.

(2) Apho kuyimfuneko ngokwemiqathango yecandelwana (1), izixhobo zolawulo lombane ziya kufakwa kwintambo zombane zaloo mntu uthile ngaphandle kwaxa ulungiso lwamandla ombane luchaphazela wonke umntu yaye luzilawula ngokwalo.

(3) Umsebenzisi-nkonzo uya kusifaka yaye asihlawulele ngokwakhe eso sixhobo solawulo-mbane.

### 54. Ukhuseleko

Izixhobo zokukhusela umbane ezisetyenziswa kwiimowutha kufuneka zidizayinwe ngendlela eyiyo ukuze zinqande uphuphumalo lombane kunye nokunqanda ukuba umbane usebenze isigaba esinye apho oku kuyimfuneko.

## ISIAHLUKO 6

### UMLINGANISO WOMBANE

### 55. Ulinganiso lombane

(1) UMboneleli weNkonzo uza kubonelela, afakele kwaye agcine kwimo efanelekileyo isixhobo sokulinganisa umbane kwindawo yolinganiso ukulungiselela ukulinganisa umbane ekubonelelwe ngawo, ngendleko yomsebenzisi-nkonzo ngokwendlela yerhafu ethe ngqo okanye umrhumo omiselweyo.

(2) Ngaphandle kwemeko yombane wekhadi, umbane osetyenziswe ngumsebenzisi-nkonzo nangasiphi na isithuba sexesha esimiselwe olo linganiso uza kuqinisekiswa ngombhalo okwimitha okanye okwiimitha ezifanelekileyo ekubonelelwa ngazo kwaye zifakwe nguMboneleli weNkonzo zize zifundwe ekupheleni kwelo xesha limiselwe olo linganiso ngaphandle kwaxa kufunyaniswe ukuba isixhobo sokulinganisa sinesiphene, okanye ukuba UMboneleli weNkonzo usebenzisa isibonelelo secandelo 59(2) lalo mthetho kamasipala, apho ke umbane osetyenzisiweyo kweso sithuba sexesha uya kuthi uthelelelwe.

(3) Apho umbane osetyenziswe ngumsebenzisi-nkonzo urhafelwa ngokwamanqanaba erhafu ahlukeneyo, usetyenziso luza kulinganiswa ngokwahlukeneyo ngenqanaba ngalinye.



- (4) UMboneleli weNkonzo unelungelo lokulinganisa ubonelelo kwibhloko yeevenkile kunye neefleti, kwizindlu ezihlala iintsapho ezahlukuneyo eziqeshiweyo kunye nakwizakhiwo ezifana nezo ngokwesakhiwo sonke, okanye ngokweyunithi nganye, okanye ngokweqela leeyunithi.
- (5) Akukho tshintsho, lungiso okanye zongezelelo okanye qhagamshelo lombane nolwaluphi na uhlobo oluza kwenziwa kwicala lobonelelo lwendawo yomlinganiso ngaphandle kokuba luvunyelwe nguMlawuli.

#### 56. Ukuchaneka komlinganiso

- (1) Imitha kuza kuthathwa ukuba ibala ngokuchanekileyo ukuba impazamo yayo, xa ivavanywa ngokwendlela echazwe apha kwicandelwana (5) leli gatya, kufumaneka ukuba ikumlinganiselo wempazamo owamkelekileyo njengoko kuchaziwe kwiinkcukacha zomgangatho omiselweyo .
- (2) UMboneleli weNkonzo unelungelo lokuvavanya isixhobo somlinganiso. Ukuba uvavanyo lufumanisa okanye kufunyaniswe ngenye indlela ukuba isixhobo eso sinesiphene, uMboneleli weNkonzo -
- (i) kwimeko yemitha yombane, uza kuhlengahlengisa i-akhawunti ekhutshwayo;
  - (ii) kwimeko yemitha yombane wekhadi, (a) uza kukhupha i-akhawunti ukuba imitha ibibala nganeno kunombane osetyenzisiweyo, okanye (b) uza kukhupha iphepha lokufumana umbane simahla ukuba imitha ibibala ngaphezulu kunombane osetyenzisiweyo;
- ngokungqinelana nezibonelelo zecandelwana (6).
- (3) Umsebenzisi-nkonzo unelungelo lokuba isixhobo somlinganiso sivavanywe nguMboneleli weNkonzo xa ehlawule umrhumo omiselweyo. Ukuba kufunyaniswe ukuba isixhobo somlinganiso asithobeli iimfuno zenkqubo yokuchaneka njengoko zichaziwe kwiinkcukacha zomgangatho omiselweyo, kuza kuhlengahlengiswa ngokwezibonelelo zecandelwana (2) kunye nele-(6) uze umrhumo ohlawuliweyo ubuyiselwe.
- (4) Ukuba kukho impikiswano, umsebenzisi-nkonzo unelungelo lokuba eso sixhobo somlinganiso kuphikiswana ngaso senziwe uvavanyo ngugunyaziwe wovavano ozimeleyo, oko ekwena ngendleko yakhe, kwaye iziphumo zolo vavanyo ziya kuba zezinganakuphikiswa kwaye ezibophelelayo kumacala omabini.
- (5) Imitha ziza kuvavanywa ngendlela echazwe kwiinkcukacha ezisemgangathweni ezimiselweyo.
- (6) Xa kwenziwe uhlehlengisa kumbane osetyenzisiweyo obhalwe kwimitha ngokwecandelwana (2) kunye nele-(3), olo hlehlengiso luza kusekelwa kwipesenti yempazamo yemitha ngokokumiselwa luvavanyo ekubhekiswa kulo kwicandelwana (5) okanye kubalo olwenziwe nguMboneleli weNkonzo nkaazo eqokelelweyo esezandleni zakhe. Apho kufanelekileyo kuza kwenziwa isaphulelo, apho kunakho, kangasithuba sexesha elithile okanye ezinye iinguquko ezinokuchapahazela usetyenziso lombane.
- (7) Xa kusenziwa uhlehlengiso njengoko kuchazwe kwicandelwana (6), olo hlehlengiso alunakho ukudlula kwisithuba seminyaka emithathu ngaphambi komhla ekufunyaniswe ngawo ukuba isixhobo semitha asichanekanga. Usetyenziso lweli candela alumthinteli umsebenzisi-nkonzo ukuba abange intlawulo egqithisileyo kangangesithuba eside kunesi apho umsebenzisi-nkonzo anabo khona ubungqina bokwenza ibango ngokwenkqubo yesiqhelo yezomthetho.
- (8) Apho umthwalo womsebenzisi-nkonzo wahlukileyo kumthwalo othelekelelwayo obonelelwa phantsi kwecandelo 8(1) kangangokuba uMboneleli weNkonzo afumanise kuyimfuneko ukutshintsha isixhobo sakhe somlinganiso ukulungiselela ukulingana umthwalo, indleko yolo tshintsho iza kuthwalwa ngumsebenzisi-nkonzo.
- (9) (a) Ngaphambi kokuba uMboneleli weNkonzo enze naluphi na uhlehlengiso lokunyusa i-akhawunti ngokwecandelwana (6), uMboneleli weNkonzo—
- (i) uza kubhalela umsebenzisi-nkonzo emazisa ngexabiso lemali eliza kuhlengahlengiswa kunye nezizathu zoko;
  - (ii) kweso saziso uza kunika iinkcukacha ezaneleyo ukulungiselela ukuba umsebenzisi-nkonzo abe nakho ukwenza inkcaso malunga noku, aze
  - (iii) kweso saziso achazele umsebenzisi-nkonzo ukuba abhale izizathu, ukuba zikhona, zingadlulanga iintsuku ezingama-21 okanye isithuba esibude buvunyelwa nguMlawuli zokuba kutheni i-akhawunti yakhe ingafanelanga kuhlengahlengiswa njengoko azisiwe.
- (b) Ukuba umsebenzisi-nkonzo akenzanga sindululo senkcaso yohlehlengiso ngesithuba sexesha esichazwe kwicandelwana 9(a)(iii) uMboneleli weNkonzo unelungelo lokuhlengahlengisa loo akhawunti ngokwesaziso secandelwana 9(a)(i).
- (c) UMlawuli uza kuqwalasela naziphi na izizathu ezinikwe ngumsebenzisi-nkonzo ngokwecandelwana (9)(a) aze ukuba uyaneliseka zizizathu ezo, ayihlehlengise ngokufanelekileyo i-akhawunti leyo.
- (d) Ukuba uMlawuli emva kokuqwalasela izizathu ezinikwe ngumsebenzisi-nkonzo ugqiba ekubeni ezo zizathu zinikiweyo azikhokeleli ekubeni kwenziwe isilungiso kwixabiso lemali elimiselwe ngokwecandelwana (6), uMboneleli weNkonzo unelungelo lokuyihlehlengisa i-akhawunti ngokwesaziso secandelwana 9(a)(i), nangona umsebenzisi-nkonzo enelungelo lokubhena kwisigqibo segosa ngokwecandelo 62 loMthetho weNkqubo kaMasipala ka-2000.

#### 57. Ukufundwa kweemitha zobalo lombane

- (1) Phantsi kweemeko zesiqhelo iimitha zobalo lombane ziza kufundwa emva kwesithuba senyanga enye zize iirhafu eziqingqiweyo okanye ezimi ubuncinane ezifanele ukhulawulwa ngokoluhlu lwamaxabiso zihlolwe ngokomgaqo, ngaphandle kokuba kumiselwe ngenye indlela kwiinkcukacha zomgangatho ezimiselweyo. UMboneleli weNkonzo akunyanzelekanga ukuba enze naluphi na uhlehlengiso kwezi rhafu.
- (2) Ukuba imitha yombane akukwazeki ukuyifunda nokuba kungasiphi na isizathu, uMboneleli weNkonzo anganika i-akhawunti ethelekelelweyo. Ubungakanani bombane osetyenzisiweyo buza kuhlengahlengiswa kwi-akhawunti yethuba elizayo ngokobona bungakanani bombane osetyenzisiweyo.
- (3) Xa umsebenzisi-nkonzo eyishiya ipropati kube kungakwazeki ukufumaneka umbhalo wemitha, kuza kwenziwa uthelekelelo lombane osetyenzisiweyo kuze kukhutshwe i-akhawunti ngokwaloo ndlela.
- (4) Ukuba umsebenzisi-nkonzo unqwenela ukufundwa okukodwa kwemitha, oko kungenziwa xa ehlawule umrhumo omiselweyo.
- (5) Ukuba kufunyaniswe impazamo kubalo, kufundo okanye kumlinganiso wayo nayiphi na i-akhawunti enikwe umsebenzisi-nkonzo, loo mpazamo iza kulungiswa kwii-akhawunti ezilandelayo. Olo lungiso luza kwenziwa kuphela ngokunxulumene nee-akhawunti zesithuba seminyaka emithathu ngaphambi komhla efunyenwe ngawo impazamo kwii-akhawunti, kwaye luza kusekelwa kwirhafu ezibandakanyeka ngeso sithuba sexesha. Ukulandelwa kweli candelo akuthinteli umsebenzisi-nkonzo ukuba angenzi bango lwentlawulo engaphezulu ayihlawulileyo kangangexesha eli limisiweyo xa umsebenzisi-nkonzo ekwazi ukubonisa ubungqina bebango ngokwendlela yenkqubo yomthetho.

#### 58. Umlinganiso wombane wekhadi

- (1) Akukho mbuyiselo yemali eza kwenziwa xa kuthengwa umbane kwisitishi sokuthengisa emva kokuba unikiwe isiliphu sombane.
- (2) Iikopi ezingaphambili zeziliphu zombane wekhadi zingakhutshwa xa ezigcila umsebenzisi-nkonzo.

- (3) Xa umsebenzisi-nkonzo eshiya isakhiwo esinombane wekhadi, akayi kuzuzisa mbuyiselo kuMboneleli weNkonzo ngombane oshiyeye kwimitha.
- (4) UMboneleli weNkonzo akayi kuba namfanelo yokubuyisela umbane okwimitha yombane wekhadi othe walahleka ngenxa yobhucabhuco okanye ukungasetyenziswa ngendlela efanelekileyo kwemitha yombane wekhadi kunye /okanye kweziliphu zombane.
- (4) Xa umsebenzisi-nkonzo ebamba ityala lombane osetyenzisiweyo kuMboneleli weNkonzo okanye kuGunyaziwe weNkonzo layo nayiphi na enye inkonzo kaGunyaziwe weNkonzo (kuquka iintlawulo zobuhlali) okanye lazo naziphi na iirhafu ngokunxulumene nayo nayiphi na inkonzo ayinikiweyo, uMboneleli weNkonzo angatsala ipesenti ethile kwisixa esihlawulweyo ukucutha ityala elibanjwa uGunyaziwe weNkonzo kunye/okanye uMboneleli weNkonzo, njengoko kuchaziwe kwicandelo 5 lesivumelwano sobonelelo ngombane.
- (6) UMboneleli weNkonzo angathi, ngokubona kwakhe, aqeshe abarhwebi ukuba bathengise umbane wekhadi kwaye akayi kunika siqinisekiso sokughuba ukuthengisa kwakhe nawuphi na umrhwebi.

## ISIAHLUKO 7

### IINKONTRAKTA ZOMBANE

#### 59. Uxanduva lweekhontraktha zombane

Ukongeza kwiifunzo zeMipoposho kukho ezi ifunzo zilandelayo:

- (a) Xa kwenziwe isicelo sobonelelo olutsha okanye olongeziweyo lombane kuMboneleli weNkonzo, uMlawuli ngokokubona kwakhe angamkela isaziso sokugqibezela nayiphi na inxalenye yofakelo lomxokelelwane wombane, ucwangciso lweengcingo ezihamba ngaphantsi komhlaba ezivumela lo mxokelelwane ukuba wahlulwe ube zizahlulo ezahlukeneyo ezizimeleyo, kwaye isahlulo ngasinye somxokelelwane, singahlolwa, sivavanywe size siqhagamshelwe kubonelelo lweengcingo-mbane eziyintloko ngokungathi ngumxokelelwane ogqibeleleyo, ngokokubona koMlawuli.
- (b) Uphononongo, uvavanyo kunye nohlolo olunokwenziwa ngokwengqiqo yoMlawuli akukhululi khontraktha/umntu obhalisiweyo okanye umsebenzisi-nkonzo okanye umqeshi, ngokwemeko yomntu, kuxanduva lwaso nasiphi na isiphene kufakelo lomxokelelwane. Olo phononongo, uvavanyo kunye nohlolo naphantsi kwaziphi na iimeko aluyi kuthathwa njengolubonisa okanye oluqinisekisa ukuba ufakelo lomxokelelwane lwenziwe ngokufanelekileyo ngeyona mathiriyeli ifanelekileyo okanye ukuba lungqinelana nalo mthetho kamasipala okanye nomgangatho wokhuseleko, kwaye uGunyaziwe weNkonzo okanye uMboneleli weNkonzo akayi kubekwa butyala ngaso nasiphi na isiphene okanye isiphoso kolo fakelo lomxokelelwane wombane.

#### 60. Umsebenzi owenziwe zikhontraktha zombane

UGunyaziwe weNkonzo okanye uMboneleli weNkonzo akayi kubekwa butyala ngomsebenzi owenziwe yikhontraktha/umntu obhalisiweyo kwisakhiwo somsebenzisi-nkonzo kwaye abayi kuthwala xanduva ngayo nayiphi na ilahleko okanye umonakalo onokubangelwa ngumlilo okanye ingozi ngenxa yobume beengcingo kwisakhiwo.

## ISIAHLUKO 8

### IINDLEKO ZOMSEBENZI

#### 61. Ukulungiswa komonakalo

UMboneleli weNkonzo angalungisa nawuphi na umonakalo owenziwe ngokwaphulwa kwalo mthetho kamasipala okanye obangelwe kukwaphula lo mthetho kamasipala. Iindleko zaloo msebenzi uyimfuneko wenziwe nguMboneleli weNkonzo ziza kuhlawulwa nguloo mntu waphule lo mthetho kamasipala.

## ISIAHLUKO 9

### IZOHLWAYO

62. (1) Nawuphi na umntu owaphula izibonelelo 5, 7, 13, 14, 20, 25, 26, 27, 29 kunye neama-30 uza kuba netyala.
- (2) Nawuphi na umntu oqhuba ngokwenza ityala emva kokuba enikwe isaziso sokuba ayeke eso senzo okanye emva kokuba efunyenwe enetyala lokwenza eso senzo uza kuba netyala lokuqhuba isenzo solwaphulo mthetho.
- (3) Nawuphi na umntu ofunyenwe enetyala elingenasibonelelo simiselweyo phantsi kwalo mthetho kamasipala uza kuba nemfanelo yesohlwayo esingadlulanga kwishumi lamawaka eerandi okanye ukuvalelwa entolongweni isithuba esingadlulanga kwiinyanga ezintandathu okanye ukuvalelwa entolongweni elo xesha engavunyelwa ukuhlawula isohlwayo okanye zombini ukuhlawula esi sohlwayo kwakunye nokuvalelwa eli xesha entolongweni kwaye, kwimeko apho aqhuba ngolu lwaphulo mthetho, isohlwayo esongezelelweyo esingadlulanga kumakhulu amabini amawaka eerandi okanye ixesha lokuvalwe entolongweni elongezelelwe iintsuku ezingadlulanga kwishumi okanye zombini isohlwayo sentlawulo eyongezelelweyo okunye nokuvalelwa entolongweni ixesha elongezelelweyo ngosuku ngalunye aphinde waqhuba ngeso senzo solwaphulo mthetho.
- (4) Wonke umntu owaphula izibonelelo zalo mthetho kamasipala uza kuba nemfanelo yokubuyisela uGunyaziwe weNkonzo kunye/okanye uMboneleli weNkonzo ngayo nayiphi na ilahleko okanye umonakalo ngenxa yeso senzo solwaphulo lwalo mthetho kamasipala.

## ISIAHLUKO 10

### URHOXISO LWEMITHETHO KAMASIPALA

63. Apha kurhoxiswa uMthetho kaMasipala woBonelelo ngoMbane wesiXeko saseKapa obhengezwe phantsi kweSaziso sePhondo esinguNomb.6114 ngomhla we-12 Matshi 2004.

**ISHEDYULI 1**

“iinkcukacha zomgangatho ezimiselweyo” zibhekisa kwi:

- SANS 1019 Iivolthi zeSiqhelo, imisinga yombane nomgangatho wokhuseleko kubonelelo lombane
- SANS 1607 Iimitha zombane ezibalwa ngeewathi neeyure,
- SANS 1524 Iinxalenye 0,1 & 2–Izixhobo ezikhupha umbane,
- SANS IEC 60211 Izalathi zeMfuneko eMandla yoMbane, Klasi 1.0,
- SANS IEC 60521 Iimitha zombane ezibalwa ngeewathi neeyure ezitshintshanayo (Iiklasi 0.5, 1 & 2),
- SANS 10142-1 Indlela yokusebenza yokufakwa kombane;
- NRS 047 Ubonelelo ngoMbane–Umgangatho weNkonzo;
- NRS 048 Ubonelelo ngoMbane–Umgangatho woBonelelo, kunye ne-
- NRS 057 Ukufakwa kweeMitha zoMbane: Ezona zinto zifunekayo