

3. That in terms of Section 13 of the Local Government: Municipal Systems act No. 32 of 2000 the By-laws takes effect as from date of publication in the Provincial Gazette.

JP BOTHA
ACTING MUNICIPAL MANAGER
MALUTI-a-PHOFUNG
DATE: 26 AUGUST 2001

PROPOSED AMENDMENT TO THE ELECTRICITY SUPPLY REGULATIONS PUBLISHED IN THE OFFICIAL GAZETTE ON 22 JUNE 1990

NOTICE NO. 69 OF 1990

The Electricity Supply Regulations of Hartismith, published on 22 June 1990, is hereby proposed to be amended as follows and the By-laws, as amended, is to be approved for the municipal area of the Maluti-a-Phoofung Municipality.

AMENDMENTS

Amendment of Regulation 1: Definitions

1. Regulation 1 is hereby amended-
 - (a) by the substitution of the expression "Code of Practice" of the following:
 - "code of practice" means the Occupational Health and Safety Act, 1993 (Act, 85 of 1993) and any regulations made there under or code approved in terms of the Act or Regulations";
 - (b) by the substitution of the expression "engineer" of the following:

"engineer" means the person who, under the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) is charged with the supervision of the electricity department of the Council or any other person duly authorized to perform this duty on his behalf".
 - (c) by the substitution of the expression "Town Clerk" of the following:

"Municipal Manager" means the person appointed by the municipal council as the Municipal Manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person-
acting in such position; and
to whom the municipal manager has delegated a power, function or duty in respect of such delegated power, function or duty";
 - (d) by the insertion of the following expressions:

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

9. Offence and penalties

9.1. A person who-

- (a) contravenes any provision of these regulations of fails to comply therewith or with any condition imposed in terms thereof;
 - (b) threatens, resists, interferes with or obstructs any officer or any employee of the municipality in the performance of his duties or functions in terms of or under these regulations, or
 - (c) deliberately, furnishes, false or misleading information to an officer or an employee for the municipality, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding three months.
- 9.2. Any person who, after conviction in terms of these by-laws, persists in the conduct or neglect which caused the offence, shall be guilty of an offence and liable upon conviction to a period of imprisonment not exceeding six months or community service or a fine not exceeding R20 000-00, or a combination of the aforementioned.**
- 9.3. Any expense incurred by the municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he failed to do, may be recovered by the municipality from the person who committed the contravention or who failed to do such thing.**

10. Repeal of existing municipal regulations

The provisions of any by-laws or regulations relating to the Supervision and Control of the Carrying on of the Business of Street Vendors, Peddlers or Hawkers are hereby repealed.

11. Short Title

These by-laws are called the Hawkers By-laws of the Maluti-a-Phofung Municipality.

NOTICE NUMBER 46/2001

PUBLICATION OF BY-LAWS RELATING TO ELECTRICITY SUPPLY FOR THE MALUTI A PHOFUNG MUNICIPALITY

The Municipal Council of Maluti a Phofung resolved during a meeting on 17 September 2001, after complying to Section 12 of the Local Government: Municipal System Act No. 32 of 2000 as follows:

- 1. That in terms of section 13 of the Local Government: Municipal Systems act No. 32 of 2000, the By-laws relating to Electricity Supply as published in the OFS Provincial Gazette on 22 June 1990 (Notice Number 69 of 1990) be adopted for the Maluti a Phofung Municipality.
- 2. That the By-laws be adopted with the amendments as stipulated hereunder.

Disconnection of Supply

Regulation 11 is hereby amended

(a) by substitution for sub-regulation (2) of the following sub-regulation:

“(2) The Council may, 7 days after affixing notices at the municipal offices temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs, or carrying out inspections or tests or for any other purpose connected with its supply network or any other works”.

(b) by the insertion of the following sub-regulation after sub-regulation (2):

“(3) The engineer may in cases of emergency, without notice, temporarily discontinue the supply of electricity to any consumer or consumers”.

“(4) The authorised employee or service provider may discontinue the electricity supply if a consumer unlawfully tamper with the meter installation.

6. Insertion of Regulations 36, 37 and 38**Conflict of Law, Repeal and Short Title**

The following regulations are hereby inserted after regulation 35:

“36. Conflict of law

If there is any conflict between these regulations and the Debt Collection and Credit Control By-laws of the Maluti-a-Phofung Municipality, the latter will prevail.

Repeal of existing Electricity Supply Regulations

37. The provisions of any municipal by-laws or regulations relating to Electricity Supply are hereby repealed insofar as they related to matters provided for in these by-laws; provided that such provision shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

Short Title and Commencement

38. (1) These by-laws are called the Electricity Supply By-laws of the Maluti-a-Phofung Municipality.

(2) The municipality may, be notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(3) Until any notice contemplated in sub-section (2) is issued, these by-laws are binding”.

NOTICE NUMBER 47/2001**CREDIT CONTROL AND DEBT COLLECTION BYLAWS FOR THE MALUTI A PHOFUNG MUNICIPALITY**

The Municipal Council of Maluti a Phofung resolved during a meeting on 17 September 2001, after complying to Section 12 of the Local Government: Municipal Systems Act No. 32 of 2000 as follows:

1. That in terms of section 13 of the Local Government: Municipal Systems act No. 32 of 2000, the Credit Control and Debt Collection By-laws as published in the Provincial Gazette on 11 May 2001 (Notice Number 13/2001) be adopted for the Maluti a Phofung Municipality.
2. That in terms of Section 13 of the local Government: Municipal Systems Act No. 32 of 2000 the By-laws takes effect as from date of publication in the Provincial Gazette.

JP BOTHA

ACTING MUNICIPAL MANAGER

MALUTI-A-PHOFUNG

DATE: 26 AUGUST 2001

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

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

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

“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”;

“Council notice board” means the media, local newspapers, pamphlets and notices;

2. Amendment of Regulations 6: Deposits

Regulation 6 is hereby amended by the substitution for Sub-Regulation (1) of the following:

“(1)(a) Except in the case of a consumer whose consumption of electricity is measured by ways of a prepayment meter, every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money, which in the opinion of the city treasurer, is equivalent to the cost of the probable maximum electricity consumption of the applicant during any two or so many more consecutive months as the Council may determine.

3. Amendment of Regulation 9: Test as to Accuracy of Meter

Regulation 9 is hereby amended by the insertion in sub-regulation (1) of the following paragraph after paragraph (b):

“(c) Notwithstanding the provisions of paragraph (a), the engineer may when orally requested to do so by a municipal councillor acting on behalf of a consumer that cannot read or write, in a like manner test the accuracy of the meter.”

4. Insertion of Regulation 8A

The following Regulation is inserted after Regulation 8:

“8A. 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.
- (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 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 Service Provider, as set out in the section 4 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”.
- (7) Where a consumer wish to transfer a pre-payment meter from one dwelling to another approval must be obtained from the Municipality. Such transfer will only be allowed in accordance with the code of practice and Municipal by-laws.
- (8) The authorised employees or service provider may at its discretion inspect all pre-payment meters for maintenance and tampering purposes at all premises within the supply area.

5. Amendment of Regulation 11:

PROVINSIALE KOERANT / PROVINCIAL GAZETTE 5 OKTOBER 2001 / 5 OCTOBER 2001

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PROVINCIAL GAZETTE

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