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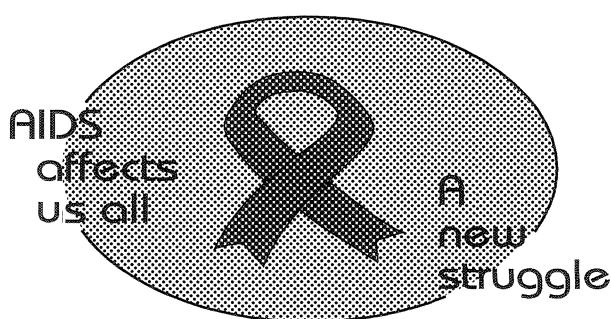
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CONTENTS

No.	Page
-----	------

MUNICIPAL NOTICES

- | | |
|---|-----|
| 15 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000): Endumeni Municipality: By-law Relating to Electricity Supply | 3 |
| 16 do.: do.: do.: Road Traffic By-laws..... | 86 |
| 17 do.: do.: do.: Property Encroachment By-law | 102 |
| 18 do.: do.: do.: Library By-laws | 118 |

INHOUD

No.	Bladsy
-----	--------

MUNISIPALE KENNISGEWINGS

- | | |
|--|-----|
| 15 Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000): Endumeni Munisipaliteit: Verordening insake Elektrisiteitsvoorsiening | 31 |
| 16 do.: do.: do.: Verordeninge insake Padverkeer..... | 91 |
| 17 do.: do.: do.: Verordenings insake Oorskryding op Eiendom | 107 |
| 18 do.: do.: do.: Verordeninge insake Biblioteke | 124 |

No.	Ikhasi
-----	--------

IZAZISO ZIKAMASIPALA

- | | |
|--|-----|
| 15 SoHulumeni beNdawo: uMthetho wezi- 2000, weziNqubo zikaMasipala (uMthetho No. 32 wezi 2000): Kamasipala Endumeni: uMthetho kaMasipala maqondana Nokuphakelwa Kukagesi | 58 |
| 16 do.: uMasipala waseNdumeni: iMithetho kaMasipala eQondene nezeMigwaqo | 96 |
| 17 do.: uMthetho kaMasipala Wokwakha Ngokungekho eMthethweni..... | 112 |
| 18 do.: iMithetho kaMasipala yoMtapo Wolwazi | 131 |

MUNICIPAL NOTICES—MUNISIPALE KENNISGEWINGS—I AZISO ZIKAMASIPALA**No. 15****23 January 2015****LOCAL GOVERNMENT NOTICE****ENDUMENI MUNICIPALITY****BY-LAW RELATING TO ELECTRICITY SUPPLY**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996, the By-law Relating to Electricity Supply.

Purpose of By-law

The purpose of this by-law is to adopt a framework for the supply of electricity to consumers within the municipal area, either by the municipality or in terms of service delivery agreements.

**CHAPTER 1
INTERPRETATION**

1. Definitions

**CHAPTER 2
GENERAL CONDITIONS OF SUPPLY OF ELECTRICITY**

2. Electricity supply
3. Supply by agreement, excluding prepaid meters
4. Application for supply
5. Processing of requests for supply
6. Wayleaves

**CHAPTER 3
RIGHTS AND OBLIGATIONS OF THE SERVICE PROVIDER**

7. Statutory Servitude
8. Right of admittance to inspect, test and do maintenance work
9. Right to disconnect supply
10. Leakage of electricity
11. Failure of supply
12. Seals of the service provider
13. Prevention of tampering with service connection or supply mains
14. Temporary disconnection and reconnection
15. Temporary supplies
16. Temporary work
17. Load reduction
18. Medium and low voltage switchgear and equipment
19. Substation accommodation
20. Circular letters
21. Metering
22. Accuracy of metering
23. Reading of credit meters
24. Prepayment metering
25. Electrical contractors
26. Cost for repair of damages
27. Non liability of the service provider

CHAPTER 4 RIGHTS AND OBLIGATIONS OF THE CONSUMER

- 28. Improper use of electricity
- 29. Wiring diagram and specifications
- 30. Standby supply
- 31. Consumer's emergency standby supply equipment
- 32. Consumer to erect and maintain electrical installation
- 33. Fault in electrical installation
- 34. Discontinuance of the use of the electricity supply
- 35. Change of occupier
- 36. Service apparatus
- 37. Service connection
- 38. Metering accommodation
- 39. Load requirements
- 40. Load limitations
- 41. Supplies to motors
- 42. Power factor
- 43. Protection

CHAPTER 5 PROHIBITED CONDUCT

- 44. Tampering with service connection or supply mains
- 45. Protection of service provider's supply mains
- 46. Unauthorised connections
- 47. Unauthorised reconnections
- 48. Interference with other person's electrical equipment
- 49. Refusal or failure to give information
- 50. Refusal of admittance

CHAPTER 6 PAYMENTS AND FEES

- 51. Electricity tariffs and fees
- 52. Deposits
- 53. Payment of charges
- 54. Interest on overdue accounts

CHAPTER 7 MISCELLANEOUS

- 55. Service of notice
- 56. Compliance with notices
- 57. Principles of the resale of electricity
- 58. Offenses and penalties
- 59. Repeal
- 60. Short title and commencement

CHAPTER 1 INTERPRETATION

1. Definitions

- (1) In this by-law, unless inconsistent with the context -

"accredited person" means a person registered in terms of the Installation Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications generally accepted by electrical practitioners as standard in the electricity environment;

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

"consumer" in relation to premises means:

- (a) any occupier thereof or any other person with whom the service provider has contracted to supply or is actually supplying electricity or
- (b) 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
- (c) if there is no such person or occupier, the owner of the premises;

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

"electrical contractor" means a person who undertakes to perform electrical installation work on behalf of any other person, but excludes an employee of such first-mentioned person;

"electrical installation" means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding :

- (a) any machinery of the service provider related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50 V where such electricity is not derived from the main supply of the Service provider;
- (c) any machinery which transmits electrical energy in telecommunication, television or radio circuits;
- (d) an electrical installation on a vehicle, vessel, train or aircraft.

"electricity supply" means the supply of electricity by the service provider to a consumer by connecting the electrical installation to the point of supply;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV Un = 220kV in accordance with SANS 1019;

"indigent consumer" means the head of an indigent household-

- (a) who has applied to the service provider for the provision of electricity;
- (b) who has made application for, and is accorded, indigent support in terms of the municipality's indigent support policy; and
- (c) who shall be regarded as the representative of all members of his or her household, including all dependents;

"indigent support policy" means the indigent support policy approved and adopted by the municipal council of the municipality;

"Installation Regulations" mean the Electrical Installation Regulations published in Government Gazette No R2920 of 23 October 1992;

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and the upper limit is generally accepted to be an actual voltage of 1000V (or a direct current voltage of 1500 V) in accordance with SANS 1019;

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

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n = 44 \text{ kV}$ in accordance with SANS 1019;

"meter" means a device, owned by the service provider, which records the demand and 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 electrical 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;

"municipality" means the Endumeni Municipality, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality;

"NER" means the National Energy Regulator established in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

"NRS 047" means the national rationalised specification NRS 047-1:1999 - Electricity supply - Quality of service Part 1: Minimum standards, as amended from time to time;

"**NRS 048**" means the national rationalised specifications NRS 048-1:1996-Electricity supply Quality of supply Part 1, NRS 048-2:1996 – Electricity supply - Quality of supply Part 2, NRS 048-3:1998 - Electricity supply -Quality of supply Part 3, NRS 048-4:1999 - Electricity supply - Quality of supply Part 4, NRS 048 - 5:1998 - Electricity supply - Quality of supply Part 5, as amended from time to time;

"**NRS 057**" means the national rationalised specification NRS 057-2:2000-Electricity metering Part 2: Minimum requirements, as amended from time to time;

"**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 for his or her 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 or she is absent from the Republic of South Africa or his or 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 30 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 or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his or her 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
- (c) 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 any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

"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 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 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;

"SANS 10142 -1" means the code of practice SANS 10142-1/SABS 0142-1:2003 - The wiring of premises Part 1: Low-voltage installations, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

"SANS 1019" means the specification SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"SANS 1507" means the specification SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1900/3 300 V), as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"service connection" means all cables and equipment 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 municipality, its legal successors in title and its delegates, or in the event that the municipality has concluded a service delivery agreement with another person or institution which provides the right to such person or institution to supply electricity on behalf of the municipality, then it means that person or institution;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"**supply mains**" means any part of the service provider's electricity network;

"**tariff**" means the service provider's tariff of charges for the supply of electricity as determined from time to time by means of resolution;

"**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 difference in electrical potential between any two conductors or between a conductor and the earth.

- (2) In this by-law, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.
- (3) The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2 **GENERAL CONDITIONS OF SUPPLY OF ELECTRICITY**

2. Electricity supply

- (1) Only the service provider shall supply or contract for the supply of electricity within the jurisdiction of the municipality.
- (2) The service provider will supply electricity subject to the conditions of the licence issued to it by the NER and will furthermore specifically adhere to the stipulations of : NRS 047, NRS 048, NRS 057, SANS 10142-1, SANS 1019 and SANS 1057.
- (3) If at any time any consumer wants to test the service delivery levels of the service provider, enquiries into the stipulations of the NRS and SANS documents may be directed to the NER.

3. Supply by agreement, excluding prepaid meters

- (1) No person shall use or be entitled to use electricity, unless or until such person have entered into an agreement in writing with the service provider for the supply of electricity, and such agreement together with the provisions of this by-law shall in all respects govern such supply: Provided that persons using prepayment electricity will not be required to complete the agreement stipulated in this section, but shall comply with the stipulations of section 23 of this by-law.
- (2) If a person uses electricity without entering into an agreement with the service provider then he or she shall be liable for the cost of electricity used.
- (3) If a consumer, including a consumer with a prepayment meter, tampers or interferes with the devices stipulated in section 44, then the electricity supply may be disconnected without prior notice on the terms referred to in the supply agreement.

4. Application for supply

- (1) (a) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the offices of the service provider, and the estimated load, in KVA, of the installation, shall be stated therein.
- (b) 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) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the service provider or any duly authorised official of the service provider, which may specify any special conditions to be satisfied in such case, subject further to the stipulations of section 15.

5. Processing of requests for supply

Applications for the supply of electricity will be processed and finalized as soon as possible and in any event within a reasonable time as stipulated in NRS 047.

6. Wayleaves

- (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 provider or on any private property, unless and until the prospective consumer has 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, authorising the laying or erection of a service connection thereon.
- (2) If the permission referred to in sub-section (1) is withdrawn at anytime or if the property or land changes ownership and the new owner refuses to grant or uphold the permission, then the consumer to whose premises the supply is required to be continued must bear the cost of -
- (a) any alteration of the electricity service connection or supply mains that may become necessary in order that the supply may be continued; and
- (b) any removal of an electricity service connection or supply mains that may become necessary in order that the supply may be continued.
- (3) The municipality may remove any object or rectify any activity that may endanger the integrity of the distribution system of the municipality.

**CHAPTER 3
RIGHTS AND OBLIGATIONS OF THE SERVICE PROVIDER****7. Statutory servitude**

- (1) Subject to the provisions of subsection (3), the service provider may within the municipal area:

- (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) For the purposes of sub-section (1), earth, paving bricks, stone, iron work or woodwork or other surface covering on any portion of any premises may be removed for the purposes of upgrading, inspection or maintenance work.
- (3) In executing any *bona fide* duties, the municipality must endeavour to restore the premises as far as possible to its previous level.
- (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 provider or under the control or management of the service provider, 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.

8. Right of admittance to inspect, test and do maintenance work

- (1) The service provider shall, through its employees, contractors and their assistants and advisers, have 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;
 - (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; and
 - (e) enforcing compliance with the provisions of this by-law.
- (2) An employee of the service provider authorised thereto by the service provider 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 and for a purpose referred to in sub-section (1).
- (3) The service provider may gain access to or over any property without notice and

may take whatever action as may, in its reasonable opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency, disaster or if there are reasonable grounds to suspect that the occupier of the premise may be acting in contravention of any provision of this by-law.

9. Right to disconnect supply

- (1) The service provider shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due in connection with any supply of electricity or where any of the provisions of this by-law or any supply agreement have been contravened.
- (2) The service provider shall not disconnect the aforesaid supply unless the person mentioned in sub-section (1) has been provided with written notice, affording him or her a period of 14 (fourteen) days within which to remedy his or her default, and the person has consequently failed to remedy such default.
- (3) If there is a reasonable possibility that injury or harm will be inflicted upon any person or property, or where the circumstances described in terms of section 44 exist, then the aforesaid supply may be disconnected without notice.
- (4) After disconnection has been effected, as contemplated in terms of the preceding sub-sections, a reconnection fee shall be paid, as prescribed by the service provider.
- (5) 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 terminated and the electrical installations may be physically removed from those premises.
- (6) This section shall apply to prepayment meters where any of the provisions of this by-law are contravened, or where there is a reasonable possibility that injury or harm will be inflicted upon any person or property, to person or property, or as envisaged in terms of section 44 of this by-law.

10. 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 of the consumer.

11. Failure of supply

- (1) 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.

12. 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.

13. 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) 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 not responsible for bringing about this necessity, the service provider shall waive payment of the fee hereinbefore referred to.
- (3) 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.
- (4) Notice of a planned disconnection or interruption must be given to the consumer by the municipality in accordance with NRS 047.
- (5) Disconnection contemplated in this section must be effected and handled by the municipality in accordance with NRS 047.
- (6) Should the municipality have to perform tasks in the distribution network for a period not exceeding 45 minutes, the municipality is not required to give a prior notice of the interruption to the consumer, except in the case of electricity supplied to consumers with special agreements with the municipality.

14. Temporary supplies

It shall be a condition of the provision of any temporary supply of electricity 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 the service provider shall not be liable for any loss or damage suffered by the consumer through such termination.

15. 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 prior written approval of the service provider.

- (2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid approval, and the service provider may refuse such approval or may grant the same on such terms and conditions as it may desire.

16. Load reduction

- (1) At times of peak load, or an emergency, or when, in the reasonable opinion of the service provider, it is necessary for any reason to reduce the load on the electricity supply system of the service provider, it may without notice interrupt and, for such period as the service provider 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) The service provider shall not 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 subsection (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 or changing such apparatus and equipment.
- (4) Notwithstanding the provisions of subsection (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 so as to permit the effective installation of the apparatus and equipment referred to in subsection (3).

17. 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 service provider or any duly authorised official of the service provider, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the service provider and installed by or under the supervision of any duly authorised official of the service provider.
- (3) No person shall operate medium voltage switchgear without the written authority of the service provider.
- (4) All earthing and testing of high or medium voltage equipment linked to the service provider's network shall be conducted by or under the supervision of an employee of the service provider.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the service provider or any duly authorised official of the service provider.

18. Substation accommodation

- (1) The service provider may, on such conditions as if may deem fit, 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 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 aforesaid accommodation shall be situated 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.
- (3) The service provider reserves 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.

19. Circular letters

The service provider may, from time to time, issue circulars detailing the requirements of the service provider regarding matters not specifically covered in this by-law, but which are necessary for the safe and efficient operation and management of the supply of electricity.

20. 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 22(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 any premises, 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 of electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the service provider or any duly authorised official of the service provider.

21. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (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, then the service provider shall –
- (a) in the case of a credit meter, adjust the account rendered; and
 - (b) in the case of prepayment meters, render an account where the meter has been under-registering, or issue a free token where the meter has been over-registering, in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the service provider on payment of the prescribed fee, subject to the provisions of subsection (10). If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, then an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) (a) In case of a dispute the service provider shall have the right, at the consumer's cost but subject to the provisions of subsection (10), 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.
- (b) If the metering equipment is found not to comply with the system accuracy requirements, then the aforesaid fee shall be refunded.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) (a) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter, as determined by the test referred to in subsection (5), or upon a calculation by the service provider from consumption data in its possession.
- (b) Where applicable, due allowance shall be made for seasonal or other variations which may affect the consumption of electricity.
- (7) (a) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of 3 (three) years preceding the date on which the metering equipment was found to be inaccurate.
- (b) The application of this section does not bar a consumer from claiming back overpayment for any longer period, up to a maximum of three years, where the consumer is able to prove the claim in the normal legal manner.
- (8) Where the actual load of a consumer differs from the initial estimated load, provided for under section 4(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 (twenty one) days or such longer period as the service provider may permit why the 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 service provider 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 a duly authorized official of the service provider decides, after having considered the representations 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), then 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 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).
- (10) In the case of an indigent person, the costs associated with the testing of metering equipment shall be borne by the municipality, subject to application of the municipality's indigent support policy.

22. Reading of credit meters

- (1) Unless otherwise prescribed, 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, then 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 estimate 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, then this may be obtained upon payment of the prescribed fee.
- (5) (a) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, then the error shall be corrected in subsequent accounts.
 - (b) 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.
 - (c) The application of this section does not prevent a consumer from claiming back overpayment for a period of up to three years where the consumer is able to prove the claim in the normal legal manner.

23. Prepayment metering

- (1) Persons wishing to have a prepayment meter installed on their property shall apply for such an installation, in writing, on the prescribed form obtainable at the office of the service provider.
- (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 that has been lost due to tampering with, the incorrect use of, or the abuse of a prepayment meter.
- (5) Where a consumer is indebted to the service provider for electricity consumed or to the service provider for any other service supplied or for any charges previously raised with any service rendered, the service provider may deduct a percentage from the amount tendered to offset the amount owing to the service provider.
- (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) If a person uses prepayment electricity supply without completing the prescribed forms, then he or she shall still be liable for the cost of electricity used.
- (8) (a) Where prepayment meters are installed by the service provider with grants received from the National Government, no application forms shall be completed as referred to in subsection (1).
 - (b) It shall be deemed that the consumer applied for a prepayment meter and the by-law shall apply, *mutatis mutandis*, to circumstances where the prepayment meters were installed by the service provider with funds

received as grants.

24. Electrical contractors

- (1) Where an application for a new or increased supply of electricity has been made to the service provider, any duly authorised official of the service provider may at his or her discretion accept notification of the completion of any part of an electrical installation.
- (2) The circuit arrangements must 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 any duly authorised official of the service provider, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (3) The examination, test and inspection carried out at the discretion of the service provider, or any duly authorised official of the service provider, in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from responsibility for any defect in the installation.
- (4) 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 the service provider shall not be held responsible for any defect or fault in such electrical installation.
- (5)
 - (a) The service provider shall not be held responsible for any work done by an electrical contractor or a credited person on the consumer's premises.
 - (b) The service provider shall further not be in any way responsible for any loss or damage which may arise from an act or omission in respect of the work done on a consumer's premises by an electrical contractor or a credited person.

25. Cost for repair of damages

- (1) 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.
- (2) 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 for the account of the person who acted in contravention of this by-law.

26. Non-liability of the service provider

- (1) The service provider shall not 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 provider.
- (2) The service provider accepts no responsibility for any damages or loss originating from or in connection with the installation of an electrical installation or any alteration or addition thereto, or which originates from the condition of the electrical installation.

CHAPTER 4 RIGHTS AND OBLIGATIONS OF THE CONSUMER

27. Improper use of electricity

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the service provider, on reasonable grounds, believes interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, then the service provider may, with or without notice, 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.

28. Wiring diagrams and specifications

- (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 be supplied to the service provider, in duplicate, for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises from 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, be forwarded to the service provider for approval before any material in connection therewith is ordered.

29. Standby supply

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 service provider and subject to such terms and conditions laid down by the service provider.

30. Consumer's emergency standby supply equipment

- (1)
 - (a) No emergency standby equipment provided by a consumer for his/her own operational requirements, shall be connected to any electrical installation without the prior written approval of the service provider.
 - (b) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
 - (c) The standby 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.
 - (d) The consumer shall be responsible for providing and installing all such protective equipment.

- (2) Where, by special agreement with the service provider, the consumer's standby generating 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 service provider.

31. 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 or her own expense and in accordance with this by-law.

32. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard or danger to persons, livestock or property, then the consumer shall immediately disconnect the electricity supply.
- (2) The consumer 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.

33. Discontinuance of the use of electricity supply

In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least 2 (two) full working days' notice in writing of such intended discontinuance to the service provider, failing which he or she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of 2 (two) full working days after such notice has been given.

34. Change of occupier

- (1) A consumer vacating any premises shall give the service provider not less than 2 (two) full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.
- (2) (a) If the person taking over occupation of the premises desires to continue using the electricity supply, then he or she shall make application in accordance with the provisions of this by-law.
(b) Failure to make application for an electricity supply within 14 (fourteen) working days of taking occupation of the premises can lead to the supply of electricity being disconnected, and the occupier 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) (a) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer.

- (b) Until such time as an application is made by this person for a supply of electricity, in terms of this by-law, he or she 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 whether accrued by that person or not.

35. **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 electrical installation from the supply mains, property of the service provider, such as the service main, metering equipment or any other service apparatus, that had been removed without permission or that was damaged so as to render reconnection dangerous, then the owner or occupier of the premises, during the specified period, shall bear the cost of overhauling 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 subsection (1) shall be proved by a certificate from the service provider, which shall be final and binding.

36. **Service connection**

- (1) The consumer shall bear the cost of the service connection, as approved by the service provider.
- (2)
 - (a) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the service provider, shall vest in it and the service provider shall be responsible for the maintenance of such service connection up to the point of supply.
 - (b) The consumer shall not be entitled to any compensation from the service provider in respect of such service connection.
- (3) 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 service provider or any duly authorised official of the service provider.
- (4) A service connection shall be laid underground, irrespective of whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the service provider.
- (5) The consumer shall provide, fix and maintain on his or premises such ducts, wire ways, trenches, fastenings and clearances to overhead supply mains as may be required by the service provider for the installation of the service connection.

- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the service provider.
- (7)
 - (a) Unless otherwise approved, the service provider shall only provide one service connection to each registered erf.
 - (b) In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available, provided the erven are consolidated.
- (8) Any covers of a wire way 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) The service conductor or cable, as the case may be shall terminate within the meter box : Provided that any the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10)
 - (a) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings.
 - (b) Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

37. Metering accommodation

- (1) The consumer shall, if required by the service provider or any duly authorised official of the service provider, provide accommodation in an approved position for the meter board and adequate conductors for the service provider's metering equipment, service apparatus and protective devices.
- (2)
 - (a) Such accommodation and protection shall be provided and maintained, to the satisfaction of the service provider, 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 and for purposes connected with the operation and maintenance of the service equipment.
 - (b) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (3) Where sub-metering equipment is installed, accommodation separate from the service provider's metering equipment shall be provided.
- (4) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

- (5) Where, in the reasonable opinion of the service provider, the position of the meter, service connection or protective devices is no longer readily accessible or becomes a danger to person or property or in any way becomes unsuitable, the service provider shall remove it to a new position, and the cost of such removal shall be borne by the consumer.
- (6) (a) The accommodation for the service provider's metering equipment shall only include its own equipment.
(b) 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.

38. **Load requirements**

Alternating current supplies shall be provided and, in the absence of a quality of supply agreement, it shall be as set out in applicable standard specification.

39. **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 service provider or any duly authorised official of the service provider.
- (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 service provider or any duly authorised official of the service provider.
- (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 service provider.

40. **Supplies to motors**

Unless otherwise approved by the service provider or any duly authorised official of the service provider, the rating of motors shall be limited as follows:

- (a) in respect of limited size for low voltage motors -
 - (i) the rating of a low voltage single -phase motor shall be limited to 2kW, alternatively the starting current shall not exceed 70A and all motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required; and
- (b) in respect of maximum starting and accelerating currents of three-phase alternating current motors -
 - (i) 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 ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (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

42. Power factor

- (1) If required by the service provider, then the power factor of any load shall be maintained within the limits of 0,85 lagging and 0,9975 leading.
- (2)
 - (a) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, the consumer wishing to install such devices must first obtain written permission from the service provider by applying for permission on the prescribed forms.
 - (b) Such corrective devices shall, subject to sub - section (3), be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The power factor corrective devices must consist of and contain the necessary filters, as required by the service provider.
- (4) The service provider will, at the cost of the consumer, install such corrective devices.
- (5) The service provider may regulate load control by means of a high frequency.

43. Protection

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable, in accordance with SANS 10142-1/

CHAPTER 5

PROHIBITED CONDUCT

44. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the service provider.
- (2)
 - (a) Where prima facie evidence exists of a consumer or any person having contravened subsection (1), the service provider shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer.
 - (b) The person shall be liable for all fees and charges levied by the service provider for such disconnection.
- (3) In cases where the time frame, interference or bypassing, referred to in subsection (1) has resulted in the accuracy of the metering installation having been compromised, the municipality has the right to recover from the consumer the full cost of the estimated consumption.

45. Protection of service provider's supply mains

- (1) No person shall, except with the consent of 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 or remove the ground above, next to, under or near any part of the supply mains;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; and
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.
- (2)
 - (a) 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 reasonable 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.
 - (c) 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.
- (3) The service provider may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this by-law.

- (4) 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.

46. Unauthorised connections

No person, other than a person specifically authorised thereto by the service provider 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.

47. Unauthorised reconnections

- (1) No person, other than a person specifically authorised thereto by the service provider 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) (a) 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.
(b) In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.
- (4) This section is also applicable to persons using prepayment electricity.

48. 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 or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

49. Refusal or failure to give information

No person shall refuse or fail to give such information, as may be reasonably required of him or 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.

50. Refusal of admittance

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

CHAPTER 6 PAYMENTS AND FEES

51. Electricity tariffs and fees

Copies of and information in respect of charges and fees may be obtained at the offices of the service provider.

52. Deposits

- (1) (a) The service provider may require the consumer to deposit a sum of money or to provide an approved bank guarantee as security in payment of any charges which are due or may become due to the service provider.
- (b) The amount of the deposit in respect of each electrical installation shall be determined by the service provider, and each such deposit may be increased if the service provider deems the deposit held to be inadequate.
- (2) (a) 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.
- (b) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the service provider, shall be refunded to the consumer.

53. Payment of charges

- (1) (a) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the service provider.
- (b) A copy of the prescribed tariff is obtainable from the service provider.
- (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 him- or herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) (a) No person may obstruct, hinder or interfere with a duly authorised official or authorized agent of the service provider during the official or agent's visits to the premises to disconnect the supply of electricity in terms of subsection (2).

- (b) Apart from contravening this subsection, the person so obstructing, hindering or interfering shall be liable to pay the prescribed fees 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 before the electricity supply is re-connected.

54. **Interest on overdue accounts**

The service provider may charge interest on accounts, which are not paid by the due date appearing on the account, at an interest rate as approved by the service provider from time to time.

CHAPTER 7 MISCELLANEOUS

55. **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 municipal manager or a person duly in attendance at the municipal manager's office.

56. **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.

57. Resale of electricity

Unless otherwise authorised by the service provider, no person shall sell or supply electricity, supplied to his or her premises under an agreement with the service provider, to any other person or persons for use on any other premises, or permit such resale or supply to take place.

58. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall, upon conviction by a court, be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years, or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the municipality, as a result of a contravention of this by-law or in the doing of anything which a person was directed to do under this by-law and which he or she failed to do, may be recovered by the municipality from the person who committed the contravention or who failed to do such thing.
- (3) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence, or after he or she has been convicted of such offence, shall be guilty of a continuing offence.
- (4) Any person who, after conviction in terms of this by-law, persists in the conduct or neglect which caused the offence, shall be guilty of a continuing offence and liable to a fine of at least R200.00 per day for each ensuing day that the contravention persists.

59. Repeal

Any by-law relating to the supply of electricity that was previously adopted by the municipality shall be repealed from the date of promulgation of this by-law.

60. Short title and commencement

This by-law is called the By-law relating to Electricity Supply, 2015 and shall come into operation on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 15**23 Januarie 2015**

PLAASLIKE REGERINGSKENNISGEWING
ENDUMENI MUNISIPALITEIT
VERORDENING INSAKE ELEKTRISITEITSVOORSIENING

Die Municipale Bestuurder publiseer hiermee, ingevolge artikel 13 van die Wet op Plaaslike Regering: Municipale Stelsels, 2000 (Wet No. 32 van 2000), saamgelees met artikel 162 van die Grondwet van die Republiek van Suid-Afrika, 1996, die Verordening insake Elektrisiteitsvoorsiening.

DOEL VAN VERORDENING

Die doel van hierdie verordening is om 'n raamwerk te aanvaar vir die voorsiening van elektrisiteit aan verbruikers binne die munisipale gebied, hetsy deur die munisipaliteit of ingevolge diensleveringsooreenkomste.

HOOFSTUK 1
INTERPRETASIE

1. Omskrywings

HOOFSTUK 2
ALGEMENE VOORWAARDES VIR VOORSIENING VAN ELEKTRISITEIT

2. Elektrisiteitsvoorsiening
3. Voorsiening volgens ooreenkoms, uitsluitend voorafbetaalde meters
4. Aansoek om voorsiening
5. Verwerking van versoeke om voorsiening
6. Gebruiksregte

HOOFSTUK 3
REGTE EN PLIGTE VAN DIE DIENSVERSKAFFER

7. Statutêre servituut
8. Reg van toegang om te inspekteer, te toets en in stand te hou
9. Reg om toevoer af te sluit
10. Lekkasie van elektrisiteit
11. Onderbreking van toevoer
12. Seëls deur die diensverskaffer
13. Tydelike afsluiting en heraansluiting
14. Tydelike voorsiening
15. Tydelike werk
16. Lasvermindering
17. Medium- en laespanningskakeltuig en toerusting
18. Substasie-akkommodasie
19. Omsendbrieve
20. Meet van toevoer
21. Akkuraatheid van meting
22. Lees van kredietmeters
23. Voorafbetaal-meters
24. Elektriese kontrakteurs
25. Koste vir herstel van skade
26. Nie-aanspreeklikheid van die diensverskaffer

HOOFSTUK 4
REGTE EN PLIGTE VAN DIE VERBRUIKER

27. Onbehoorlike gebruik van elektrisiteit
28. Bedradingsdiagram en spesifikasies
29. Gereedheidstoewer

- 30. Verbruiker se toerusting vir noodgereedheidstoewer
- 31. Verbruiker moet elektriese installasie oprig en in stand hou
- 32. Fout in elektriese installasie
- 33. Beëindiging van die gebruik van die elektrisiteitstoewer
- 34. Verandering van okkupeerder
- 35. Diensapparaat
- 36. Diensaansluiting
- 37. Meetakkommisasie
- 38. Lasvereistes
- 39. Lasbeperkings
- 40. Toevoer na motore
- 41. Arbeidsfaktor
- 42. Beveiliging

HOOFSTUK 5 VERBODE GEDRAG

- 43. Peuter met diensaansluiting of hoofleiding
- 44. Beveiliging van diensverskaffer se hoofleiding
- 45. Ongemagtigde aansluitings
- 46. Ongemagtigde heraansluitings
- 47. Steuring van ander persoon se elektriese toerusting
- 48. Weiering of versuim om inligting te verstrek
- 49. Weiering van toegang

HOOFSTUK 6 BETALINGS EN GELDE

- 50. Elektrisiteitstariewe en gelde
- 51. Deposito's
- 52. Betaling van tariewe
- 53. Rente op oortrokke rekeninge

HOOFSTUK 7 DIVERSE

- 54. Betequing van kennisgewing
- 55. Nakoming van kennisgewings
- 56. Herverkoop van elektrisiteit
- 57. Oortredings en strawwe
- 58. Herroeping
- 59. Kort titel en inwerkingtreding

HOOFSTUK 1 INTERPRETASIE

1. Omskrywings

(1) In hierdie verordening, tensy uit die konteks anders blyk, beteken –

- "behoeftige verbruiker"** die hoof van 'n behoeftige huishouding –
- (a) wat by die diensverskaffer aansoek gedoen het om die verskaffing van elektrisiteit;
 - (b) wat aansoek gedoen het om voorsiening aan behoeftiges, ingevolge die munisipaliteit se beleid vir voorsiening aan behoeftiges en wie se aansoek toegestaan is; en
 - (c) wat geag word as die verteenwoordiger van alle lede van sy of haar huishouding, insluitend alle afhanklikes;

"beleid vir voorsiening aan behoeftiges" die beleid vir voorsiening aan behoeftiges wat deur die munisipaliteit se municipale raad goedgekeur en aanvaar is;

"bewys" die noodsaaklike element van 'n voorafbetaal-meetstelsel wat gebruik word om inligting oor te dra van 'n verkooppunt vir elektrisiteitskrediet na 'n voorafbetaalmeter en omgekeerd;

"diensaansluiting" alle kabels en toerusting wat vereis word om die hoofleiding by die verbruiker se elektriese installasie by die voorsieningspunt aan te sluit;

"diensbeveiligingstoestel" enige sekering of stroombreker wat geïnstalleer word met die doel om die diensverskaffer se toerusting te beskerm teen oorbelasting of foute wat op die installasie of op die interne diensaansluiting voorkom;

"diensverskaffer" die munisipaliteit, syregsopvolgers en sy afgevaardigdes, of in die geval dat die munisipaliteit 'n diensleveringsooreenkoms gesluit het met 'n ander persoon of instelling wat aan sodanige persoon of instelling die reg gee om elektrisiteit namens die munisipaliteit te voorsien, beteken dit dan daardie persoon of instelling;

"die Wet" enige toepaslike wet, proklamasie, ordonnansie, wet van die Parlement of wetsbepaling wat regskrag het;

"eienaar" met betrekking tot 'n perseel, die persoon by wie die regstittel daarvan berus: Met dien verstande dat –

- (a) in die geval van vaste eiendom –
 - (i) wat vir 'n tydperk van nie minder nie as 30 jaar verhuur word, ongeag of die huurkontrak geregistreer is of nie, die huurder daarvan, of
 - (ii) wat voordelig geokkupeer word kragtens 'n serwituut of reg analoog daarmee, die okkupeerder daarvan;
- (b) indien die eienaar soos hierbo omskryf –
 - (i) dood of insolvent is, sy of haar boedel tot voordeel van sy of haar krediteure afgestaan het, ingevolge 'n hofbevel onder kuratorkap geplaas is, of 'n maatskappy is wat gelikwideer of onder geregtelike bestuur geplaas is, die persoon by wie die administrasie van sodanige eiendom berus as eksekuteur, administrateur, trustee, regsverkrygende, kurator, likwidateur of geregtelike bestuurder, na gelang van die geval, of
 - (ii) nie in die Republiek van Suid-Afrika aanwesig is nie, of indien sy of haar adres aan die diensverskaffer onbekend is, enige persoon wat as agent of andersins die huurgeld ten opsigte van sodanige eiendom ontvang of daarop geregtig is om dit te ontvang; en
- (c) indien die diensverskaffer nie in staat is om te bepaal wie sodanige persoon is nie, word die persoon wat geregtig is op die voordelige gebruik van sodanige eiendom geag die eienaar daarvan te wees met die uitsluiting van die persoon by wie die regstittel daarvan berus;

"elektriese installasie" enige masjinerie, in of op enige perseel, wat gebruik word vir die leiding van elektrisiteit vanaf 'n beheerpunt na 'n verbruikspunt enige

plek op die perseel, insluitend enige item wat deel van sodanige installasie uitmaak, ongeag of dit deel van die elektriese stroombaan is of nie, maar uitsluitend –

- (a) enige masjinerie van die diensverskaffer wat verband hou met die voorsiening van elektrisiteit op die perseel;
- (b) enige masjinerie wat gebruik word vir die leiding van elektrisiteit waarvan die spanning nie 50 V oorskry nie waar sodanige elektrisiteit nie van die hooftoevoer van die diensverskaffer afkomstig is nie;
- (c) enige masjinerie wat elektriese energie in telekommunikasie, televisie of radiostroombane lei;
- (d) 'n elektriese installasie op 'n voertuig, vaartuig, trein of lugvaartuig.

"elektriese kontrakteur" 'n persoon wat onderneem om elektriese installasiewerk namens enige ander persoon te doen, maar uitsluitend 'n werknemer van sodanige eersgenoemde persoon;

"elektrisiteitsvoorsiening" die voorsiening van elektrisiteit deur die diensverskaffer aan 'n verbruiker deur die elektriese installasie aan die voorsieningspunt te koppel;

"geakkrediteerde persoon" 'n persoon wat ingevolge die Installasieregulasies as 'n elektriese toetser vir enkelfase, 'n installasie-elektrisiën of 'n meesterinstallasie-elektrisiën, na gelang van die geval, geregistreer is;

"gereedheidstoewer" 'n alternatiewe toevoer van elektrisiteit wat nie gewoonlik deur die verbruiker gebruik word nie;

"hoë spanning" die stel nominale spanningsvlakke wat in kragstelsels gebruik word vir grootmaatgeleiding van elektrisiteit in die omgewing van 44kV $U_n = 220\text{kV}$ ooreenkomsdig SANS 1019;

"hoofleiding" enige deel van die diensverskaffer se elektrisiteitsnetwerk;

"Installasieregulasies" die Elektriese Installasie-regulasies soos gepubliseer in Staatskoerant No. R2920 van 23 Oktober 1992;

"kredietmeter" 'n meter waar 'n rekening uitgereik word nadat elektrisiteit verbruik is;

"lae spanning" die stel nominale spanningsvlakke wat gebruik word vir die verdeel van elektrisiteit en waarvan die boonste perk oor die algemeen aanvaar word as 'n wesenlike spanning van 1000 V (of 'n gelykspanning van 1500 V) ooreenkomsdig SANS 1019;

"medium spanning" die stel nominale spanningsvlakke bo lae spanning en benede hoë spanning in die omgewing van $1\text{kV} < U_n = 44\text{kV}$ ooreenkomsdig SANS 1019;

"meetpunt" die punt waar die verbruiker se elektrisiteitsverbruik gemeet word en wat by die voorsieningspunt of by enige ander punt op die verdeelstelsel van die diensverskaffer of die elektriese installasie van die verbruiker kan wees soos gespesifieer deur enige behoorlik gemagtigde amptenaar van die

diensverskaffer: Met dien verstande dat dit al, en slegs, die verbruiker se elektrisiteitsverbruik meet;

"**meter**" 'n toestel, wat deur die diensverskaffer besit word, wat die aanvraag en die elektriese energie wat verbruik word aandui met inbegrip van konvensionele en voorafbetaalmeters;

"**motoraansitstroom**" met betrekking tot wisselstroommotore, die gemiddelde vierkantswortelwaarde van die simmetriese stroom wat deur 'n motor verbruik word wanneer dit aangedryf word volgens die geraamde spanning daarvan met die aansitter in die aansitposisie en die rotor gesluit;

"**motorlas, totaal aangeskakel**" die somtotaal van die kW-vermoë van al die individuele motore wat by 'n elektriese installasie aangesluit is;

"**motorvermoë**" die maksimum aanhoudende kW-lewering van 'n motor soos op die vervaardiger se kenplaatje vermeld is;

"**munisipaliteit**" die Endumeni munisipaliteit, ingestel kragtens artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en sluit in enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent of enige werknemer daarvan wat ingevolge hierdie verordening handel uit hoofde van 'n bevoegdheid wat by die munisipaliteit berus;

"**NER**" die nasionale energiereguleerde ingestel ingevolge die Wet op die Nasionale Energiereguleerde, 2004 (Wet No. 40 van 2004);

"**NRS 047**" die nasionale gerasionaliseerde spesifikasie NRS 047-1:1999 – Elektrisiteitsvoorsiening - Gehalte van Diens Deel 1: Minimum standaarde, soos van tyd tot tyd gewysig;

"**NRS 048**" die nasionale gerasionaliseerde spesifikasies NRS 048-1:1996 – Elektrisiteitsvoorsiening - Gehalte van Voorsiening Deel 1, NRS 048-2:1996 – Elektrisiteitsvoorsiening - Gehalte van Voorsiening Deel 2, NRS 048-3:1998 – Elektrisiteitsvoorsiening - Gehalte van Voorsiening Deel 3, NRS 048-4:1999 – Elektrisiteitsvoorsiening - Gehalte van Voorsiening Deel 4, NRS 048-5:1998 – Elektrisiteitsvoorsiening - Gehalte van Voorsiening Deel 5, soos van tyd tot tyd gewysig;

"**NRS 057**" die nasionale gerasionaliseerde spesifikasie NRS 057-2:2000-Meet van Elektrisiteit Deel 2: Minimum vereistes, soos van tyd tot tyd gewysig;

"**okkupeerder**" met betrekking tot enige perseel –

(a) enige persoon wat sodanige perseel werklik okkupeer;

(b) enige persoon wat wetlik daarop geregtig is om sodanige perseel te okkupeer;

(c) indien sodanige perseel onderverdeel is en aan loseerders of verskillende huurders verhuur word, die persoon wat die huurgeld ontvang wat deur sodanige loseerders of huurders betaalbaar is, hetsy vir sy of haar eie rekening of as agent vir enige persoon wat daarop geregtig is of belang daarby het; of

(d) enige persoon in beheer van sodanige perseel of verantwoordelik vir die bestuur daarvan, met inbegrip van die agent van enige sodanige persoon wanneer hy of sy nie in die Republiek van Suid-Afrika aanwesig is nie of as sy of haar verblyfplek onbekend is;

"perseel" enige grond of enige gebou of struktuur bo of benede grondvlak met inbegrip van enige voertuig, lugvaartuig of vaartuig;

"SANS 10142 -1" die Gebruikskode SANS 10142-1/SABS 0142-1:2003 - die Bedrading van Persele Deel 1: Lae-spanninginstallasies, soos uitgereik deur Standaarde Suid-Afrika van die Suid-Afrikaanse Buro vir Standaarde, en soos opgeneem in die regulasies en van tyd tot tyd gewysig;

"SANS 1019" die spesifikasie SANS 1019/SABS 1019:2001 – Standaardspanning, stroombane en isolasievlake vir elektrisiteitsvoorsiening, soos uitgereik deur Standaarde Suid-Afrika van die Suid-Afrikaanse Buro van Standaarde en soos van tyd tot tyd gewysig;

"SANS 1507" die spesifikasie SANS 1507/SABS 1507:2002 – Elektriese kabels met uitgedrukte soliede di-elektrikum-isolering vir vaste installasies (300/500 V to 1900/3 300 V), soos uitgereik deur Standaarde Suid-Afrika van die Suid-Afrikaanse Buro vir Standaarde en soos van tyd tot tyd gewysig;

"sertifikaat van voldoening" 'n sertifikaat wat ingevolge die Installasieregulasies deur 'n geakkrediteerde persoon, ten opsigte van 'n elektriese installasie of deel van 'n elektriese installasie, uitgereik is;

"spanning" die verskil in elektriese potensiaal tussen enige twee geleiers of tussen 'n geleier en die aarde;

"tarief" die diensverskaffer se tarief of gelde vir die voorsiening van elektrisiteit soos van tyd tot tyd by wyse van beslissing bepaal word;

"toepaslike standaardspesifikasie" die standaardspesifikasies wat algemeen deur elektriese praktisyns as standaard in die elektrisiteitsomgewing aanvaar word;

"verbruiker" met betrekking tot 'n perseel –

- (a) enige okkupererder daarvan of enige ander persoon met wie die diensverskaffer ooreengekom het om elektrisiteit daar te voorsien of dit inderdaad daar voorsien;
- (b) indien sodanige perseel nie bewoon word nie, enige persoon wat 'n geldige bestaande ooreenkoms met die diensverskaffer het vir die voorsiening van elektrisiteit aan sodanige perseel; of
- (c) indien daar geen sodanige persoon of okkupererder is nie, die eienaar van die perseel;

"verbruikspunt" enige dienspunt of die voorsieningsterminale van masjinerie wat nie aan 'n dienspunt gekoppel is nie en wat elektriese energie in 'n ander vorm van energie omskep: Met dien verstande dat in die geval van masjinerie wat vir 'n spesifieke doel as 'n volledige eenheid geïnstalleer is, is die verbruikspunt die voorsieningsterminale wat vir daardie doel op die eenheid van masjinerie voorsien is;

"voorafbetaalmeter" 'n meter wat geprogrammeer kan word om die vloei van hoeveelhede voorafbetaalde energie in 'n elektriese stroombaan toe te laat; en

"voorsieningspunt" die punt soos bepaal deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer vanwaar elektrisiteit aan enige perseel deur die diensverskaffer voorsien word.

- (2) In hierdie verordening, tensy uit die konteks anders blyk, sluit woorde en uitdrukkings wat die enkeltvoud aandui die meervoud ook in en omgekeerd; woorde en uitdrukkings wat die manlike vorm aandui ook die vroulike vorm in en omgekeerd; en verwysing na 'n natuurlike persoon sluit 'n regspersoon in en omgekeerd.
- (3) Die opskrifte en titels in hierdie verordening beïnvloed nie die opvatting daarvan nie.

HOOFSTUK 2

ALGEMENE VOORWAARDES VIR VOORSIENING VAN ELEKTRISITEIT

2. Elektrisiteitsvoorsiening

- (1) Slegs die diensverskaffer mag elektrisiteit voorsien of 'n ooreenkoms aangaan vir die voorsiening daarvan binne die munisipaliteit se jurisdiksie.
- (2) Die diensverskaffer moet elektrisiteit voorsien onderhewig aan die voorwaardes van die lisensie wat aan hom uitgereik is deur die NER en moet verder spesifiek die bepalings nakom van: NRS 047, NRS 048, NRS 057, SANS 10142-1, SANS 1019 en SANS 1057.
- (3) Indien die verbruiker te eniger tyd die diensverskaffer se diensleweringsvlakke wil toets, kan navrae oor die bepalings van die NRS en SANS dokumente aan die NER gerig word.

3. Voorsiening volgens ooreenkoms, uitsluitend voorafbetaalde meters

- (1) Geen persoon mag elektrisiteit gebruik of is geregtig daarop om dit te gebruik nie, tensy of totdat sodanige persoon 'n skriftelike ooreenkoms met die diensverskaffer aangegaan het vir die voorsiening van elektrisiteit, en sodanige ooreenkoms saam met die bepalings van hierdie verordening moet in alle opsigte sodanige voorsiening reëل: Met dien verstande dat daar nie van persone wat voorafbetaalde elektrisiteit gebruik, vereis sal word om die ooreenkoms soos bepaal in hierdie artikel te voltooi nie, maar moet voldoen aan die bepalings van artikel 23 van hierdie verordening.
- (2) Indien 'n persoon elektrisiteit gebruik sonder om 'n ooreenkoms met die diensverskaffer aan te gaan, is hy of sy aanspreeklik vir die koste van die elektrisiteit wat gebruik is.
- (3) Indien 'n verbruiker, met inbegrip van 'n verbruiker met 'n voorafbetaalmeter, met die toestelle soos bepaal in artikel 44 peuter, kan die elektrisiteitsvoorsiening sonder vooraf kennisgewing afgesluit word op die voorwaardes waarna in die voorsieningsooreenkoms verwys word.

4. Aansoek om voorsiening

- (1)(a) Aansoek om die voorsiening van elektrisiteit word skriftelik deur die voornemende verbruiker gedoen op die voorgeskrewe vorm wat by die diensverskaffer se kantoor verkrybaar is, en die beraamde las, in KV.A, van die installasie, word daarin vermeld.
- (b) Sodanige toepassing moet so vroeg moontlik gedoen word voor die voorsiening van elektrisiteit vereis word ten einde die diensverskaffer se werk te vergemaklik.
- (2) 'n Aansoek om elektrisiteitsvoorsiening vir 'n tydperk van minder as een jaar word beskou as 'n aansoek om tydelike voorsiening van elektrisiteit en word

oorweeg na die diskresie van die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer, wat enige spesiale voorwaardes kan bepaal waaraan in sodanige geval voldoen moet word, verder onderhewig aan die bepalings van artikel 15.

5. Verwerking van versoeke om voorsiening

Aansoeke om die voorsiening van elektrisiteit moet so gou moontlik verwerk en gefinaliseer word en in enige geval binne 'n redelike tyd soos bepaal in NRS 047.

6. Gebruiksregte

- (1) Die diensverskaffer kan weier om 'n diensaansluiting bo- of ondergronds op te rig of te lê op enige deurgang of grond wat nie onder berusting van die diensverskaffer is nie of op enige privaat eiendom, tensy en totdat die voornemende verbruiker die skriftelike toestemming verkry het van die eienaar van die vermelde privaat eiendom of van die persoon by wie die regstiel van die grond of deurgang soos voorheen vermeld, berus, na gelang van die geval, en dit by die diensverskaffer ingedien het, waardeur magtiging vir die lê of oprigting van 'n diensaansluiting daarop verleen word.
- (2) Indien die toestemming vermeld in subartikel (1) op enige tydstip teruggetrek word of indien die eiendom of grond van eienaar verander en die nuwe eienaar weier om die toestemming te verleent of te laat voortduur, moet die verbruiker by wie se perseel die voorsiening voortgesit moet word, die koste dra van –
 - (a) enige verandering van die elektrisiteitsdiensaansluiting of hoofleiding wat nodig mag wees ten einde die toevoer in stand te hou; en
 - (b) enige verwydering van 'n elektrisiteitsdiensaansluiting of hoofleiding wat nodig is ten einde die toevoer in stand te hou.
- (3) Die munisipaliteit kan enige voorwerp verwijder of enige aktiwiteit regstel wat die integriteit van die munisipaliteit se verdeelstelsel in gevaar mag stel.

HOOFSTUK 3 REGTE EN PLIGTE VAN DIE DIENSVERSKAFFER

7. Statutêre serwituut

- (1) Onderhewig aan die bepalings van subartikel (3), mag die diensverskaffer binne die munisipale gebied –
 - (a) elektrisiteitsdienste voorsien, vestig en in stand hou;
 - (b) 'n elektrisiteitshoofleiding verkry, bou, lê, verleng, vergroot, omlei, in stand hou, herstel, die verbruik beëindig, sluit en vernietig;
 - (c) enige elektrisiteitshoofleiding op, oor, deur, oor of onder enige straat of vaste eiendom aanlê, oprig of lê en die eienaarskap van enige sodanige hoofleiding moet by die diensverskaffer berus;
 - (d) Enigiets anders doen wat nodig of wenslik is vir of bykomstig of aanvullend tot of onderseskik aan enige saak behoudens paragrawe (a) to (c).
- (2) Vir die doeleindes van subartikel (1) kan grond, plaveistene, klip, ysterwerk of houtwerk of ander oppervlakbedekking op enige deel van enige perseel verwijder

word met die doel om opgradering, inspeksie of instandhoudingswerk te doen.

- (3) In die uitvoering van enige *bona fide*-pligte, moet die munisipaliteit poog om die perseel sover moontlik na sy vorigevlak te herstel.
- (4) Die diensverskaffer moet, voor die aanvang van enige werk buiten herstelwerk of instandhouding op of in verband met enige elektrisiteithoofleiding op vaste eiendom wat nie in besit van die diensverskaffer of onder die beheer of bestuur van die diensverskaffer is nie, redelike kennis aan die eienaar of okkuperder van sodanige eiendom gee van die voorgenome werk en die datum waarop hy van voorneme is om met sodanige werk te begin.

8. Reg van toegang om te inspekteer, te toets en in stand te hou

- (1) Die diensverskaffer het, deur sy werknemers, kontrakteurs en hul assistente en adviseurs, toegang tot of oor enige eiendom ten einde –
 - (a) enigets te doen wat gemagtig is of vereis word om deur die diensverskaffer ingevolge hierdie verordening gedoen te word;
 - (b) enige dienshoofleiding en enigets wat daarmee verband hou te inspekteer en te ondersoek;
 - (c) navraag te doen oor enige moontlike bron van elektrisiteitstoewerf of die gesiktheid van vaste eiendom vir enige werk, skema of onderneming van die diensverskaffer te ondersoek en enige nodige opname in verband daarmee te doen;
 - (d) vas te stel of daar enige oortreding van die bepalings van hierdie verordening is of was; en
 - (e) nakoming van die bepalings van hierdie verordening af te dwing.
- (2) 'n Wernemer van die diensverskaffer wat deur sodanige diensverskaffer daartoe gemagtig is, kan deur 'n skriftelike kennisgewing aan die eienaar of okkuperder van enige eiendom te beteken, van sodanige eienaar of okkuperder vereis om op die dag en uur soos in sodanige kennisgewing aangedui word, toegang tot sodanige eiendom te verskaf en vir 'n doel soos beoog in subartikel (1).
- (3) Die diensverskaffer kry sonder kennisgewing toegang tot of oor enige eiendom en kan op enige wyse optree wat, volgens sy redelike mening, nodig of wenslik is as daar 'n staat van oorlog bestaan, of enige ellende, noodtoestand of ramp voorkom, of indien daar redelike gronde is om te vermoed dat die okkuperder van die perseel teenstrydig met enige bepaling van hierdie verordening optree.

9. Reg om toevoer af te sluit

- (1) Die diensverskaffer het die reg om die elektrisiteitstoewerf na enige perseel af te sluit indien die persoon wat aanspreeklik is vir betaling vir sodanige toevoer versuim om enige bedrag te betaal wat verskuldig is in verband met enige elektrisiteitstoewerf of waar enige van die bepalings van hierdie verordening of enige voorsieningsooreenkoms oortree is.
- (2) Die diensverskaffer mag nie die voormalde toevoer afsluit nie tensy die persoon vermeld in subartikel (1) voorsien is van 'n skriftelike kennisgewing, wat hom of haar 'n tydperk van 14 (veertien) dae gee waarbinne hy of sy die versuim om te betaal kan regstel, en die persoon gevolelik versuim het om sodanige nie-

betaling reg te stel.

- (3) Indien daar 'n redelike moontlikheid is dat enige persoon of eiendom besering of skade mag opdoen, of waar die omstandighede beskryf ingevolge artikel 44 bestaan, kan die voormalde toevoer sonder kennisgewing afgesluit word.
- (4) Nadat toevoer afgesluit is behoudens die voorafgaande subartikels, moet heraansluitingsgelde betaal word soos deur die diensverskaffer voorgeskryf.
- (5) In die geval waar 'n installasie onwettig op 'n verbruiker se perseel heraangesluit is nadat dit voorheen wettig deur die diensverskaffer afgesluit is, of in die geval waar daar met die diensverskaffer se elektriese toerusting gepeuter is om die volledige registrasie van verbruik deur die meter te voorkom, kan die elektrisiteitsvoorsiening beëindig word en die elektriese installasies fisiek van daardie perseel verwyn word.
- (6) Hierdie artikel is van toepassing op voorafbetaalmeters waar enige van die bepalings van hierdie verordening oortree word, of waar daar 'n redelike moontlikheid is dat enige persoon of eiendom besering of skade mag opdoen, of soos beoog ingevolge artikel 44 van hierdie verordening.

10. Lekkasie van elektrisiteit

Onder geen omstandighede word enige korting toegelaat op die rekening vir elektrisiteit wat voorsien en gemeet is ten opsigte van 'n vermorsing van elektrisiteit wat te wyte is aan 'n lekkasie of enige ander fout in die verbruiker se elektriese installasie nie.

11. Onderbreking van toevoer

- (1) Die diensverskaffer onderneem nie om aandag te skenk aan 'n onderbreking van elektrisiteitstoevoer as gevolg van 'n fout in die verbruiker se elektriese installasie nie, buiten wanneer sodanige onderbreking te wyte is aan die werking van die diensverskaffer se diensbeveiligingstoestel.
- (2) Wanneer daar gevind word dat enige onderbreking van elektrisiteitsvoorsiening te wyte is aan 'n fout in die verbruiker se elektiese installasie of aan die gebrekkige werking van apparaat wat in verband daarmee gebruik word, het die diensverskaffer die reg om die geldte van die verbruiker te verhaal soos deur die diensverskaffer voorgeskryf, vir elke herstel van die elektrisiteitstoevoer, bykomend tot die koste van die bywerk of herstel van enige skade wat aan die diensoofleiding en meter aangerig is deur sodanige fout of gebrekkige werking.

12. Seëls deur die diensverskaffer

Die meter, diensbeveiligingstoestelle en alle apparaat wat aan die diensverskaffer behoort, word deur 'n behoorlik gemagtigde amptenaar van die diensverskaffer verseël of gesluit, en geen persoon wat nie 'n amptenaar van die diensverskaffer is wat behoorlik daartoe gemagtig is nie, mag op enige wyse of om enige rede hoegenaamd sodanige seëls of slotte verwyn, breek, skend of daarmee peuter of hom of haar daarmee bemoei nie.

13. Tydelike afsluiting en heraansluiting

- (1) Die diensverskaffer moet op versoek van die verbruiker, die elektrisiteitstoevoer na die verbruiker se elektriese installasie tydelik afsluit en dit weer heraansluit by betaling van die geldte soos deur die diensverskaffer voorgeskryf vir elke sodanige afsluiting en daaropvolgende heraansluiting.
- (2) Indien die diensverskaffer genoodsaak word om 'n tydelike afsluiting en

heraansluiting van die elektrisiteitstoevoer op 'n verbruiker se elektriese installasie uit te voer en die verbruiker is nie verantwoordelik vir die ontstaan van hierdie noodsaak nie, moet die diensverskaffer betaling van die gelde soos voorheen hierin vermeld, kwytskeld.

- (3) Die diensverskaffer mag slegs onder buitengewone omstandighede die elektrisiteitstoevoer na enige perseel tydelik sonder kennisgewing afsluit, ten einde herstelwerk te doen of toetse uit te voer.
- (4) Kennisgewing van 'n beplande afsluiting of onderbreking moet deur die munisipaliteit aan die verbruiker gegee word ooreenkomstig NRS 047.
- (5) Afsluiting behoudens hierdie artikel moet deur die munisipaliteit uitgevoer en hanteer word ooreenkomstig NRS 047.
- (6) Indien die munisipaliteit take in die verspreidingsnetwerk moet uitvoer vir 'n tydperk wat nie 45 minute oorskry nie, word daar nie van die munisipaliteit vereis om vooraf kennisgewing van die onderbreking aan die verbruiker te gee nie, buiten in die geval van elektrisiteit wat voorsien word aan verbruikers met spesiale ooreenkomste met die munisipaliteit.

14. Tydelike voorsiening

Dit moet 'n voorwaarde wees vir die voorsiening van enige tydelike elektrisiteitstoevoer dat indien daar gevind word dat sodanige voorsiening inbreuk maak op die doeltreffende en ekonomiese voorsiening van elektrisiteit aan ander verbruikers, die diensverskaffer die reg het om, met kennisgewing, of onder buitengewone omstandighede sonder kennisgewing, sodanige tydelike voorsiening te eniger tyd te beëindig, en die diensverskaffer is nie aanspreeklik vir enige verlies of skade wat die verbruiker as gevolg van sodanige beëindiging mag ly nie.

15. Tydelike werk

- (1) Elektriese installasies wat 'n tydelike elektrisiteitstoevoer vereis, mag nie sonder vooraf skriftelike goedkeuring van die diensverskaffer regstreeks of onregstreeks by die hoofleiding aangesluit word nie.
- (2) Volledige inligting oor die redes vir en aard van sodanige tydelike werk moet die aansoek om die bogenoemde goedkeuring vergesel, en die diensverskaffer mag sodanige goedkeuring weier of verleen op sodanige terme en voorwaardes as wat wenslik blyk.

16. Lasvermindering

- (1) Gedurende tye van spitslas, of 'n noodgeval, of wanneer dit na die redelike mening van die diensverskaffer om enige rede nodig is om die las op die diensverskaffer se elektrisiteitsvoorsieningstelsel te verminder, kan die diensverskaffer dit sonder kennisgewing onderbreek vir sodanige tydperk as wat die diensverskaffer nodig ag, en die elektrisiteitstoevoer na enige verbruiker se warmwatersilinder wat deur elektrisiteit verhit word of na enige spesifieke toestel of die hele installasie beëindig.
- (2) Die diensverskaffer is nie aanspreeklik vir enige verlies of skade wat regstreeks of gevolglik as gevolg van of voortspruitend uit sodanige onderbreking en beëindiging van die elektrisiteitsvoorsiening ontstaan nie.
- (3) Die diensverskaffer kan sodanige apparaat en toerusting op die verbruiker se perseel installeer as wat nodig geag word om uitwerking te gee aan die bepalings van subartikel (1), en enige behoorlik gemagtigde amptenaar van die

diensverskaffer kan op enige redelike tyd enige perseel betree met die doel om sodanige apparaat en toerusting te installeer, te inspekteer, te toets, te verstel of te verander.

- (4) Nieteenstaande die bepalings van subartikel (3), moet die verbruiker of die eienaar, na gelang van die geval, wanneer hy of sy 'n watersilinder installeer wat deur elektrisiteit verhit word, die nodige akkommodasie en bedrading ooreenkomsdig die diensverskaffer se besluit verskaf ten einde die doeltreffende installasie van die apparaat en toerusting vermeld in subartikel (3) te vergemaklik.

17. Medium- en laespanningskakeltuig en toerusting

- (1) In gevalle waar elektrisiteitstoerusting verskaf word teen hoë-, medium- of laespanning, moet die voorsiening en installasie van die skakeltuig, kabels en toerusting wat deel uitmaak van die diensaansluiting, tensy andersins deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer goedgekeur word, deur die verbruiker betaal word.
- (2) In die geval van mediumspanning elektrisiteitstoerusting, moet alle sodanige toerusting deur enige behoorlik gemagtigde amptenaar van die diensverskaffer goedgekeur word en deur of onder toesig van enige behoorlik gemagtigde amptenaar van die diensverskaffer geïnstalleer word.
- (3) Geen persoon mag 'n mediumspanningskakeltuig bedryf sonder die diensverskaffer se skriftelike magtiging nie.
- (4) Alle aarding en toetsing van hoë- of mediumspanningstoerusting wat aan die diensverskaffer se netwerk gekoppel is, moet gedoen word deur of onder die toesig van 'n werknemer van die diensverskaffer.
- (5) In die geval van laespanning-elektrisiteitstoerusting, moet die verbruiker 'n laespanning-hoofskakelaar of enige ander toerusting wat deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer vereis word, verskaf en installeer.

18. Substasie-akkommodasie

- (1) Die diensverskaffer mag op sodanige voorwaardes as wat hy nodig ag, van die eienaar vereis om akkommodasie te voorsien en in stand te hou bestaande uit 'n substasie met 'n aparte kamer of kamers wat eksklusief gebruik moet word vir die doel om mediumspanningkabels en -skakeltuig, transformators, laespanningkabels en -skakeltuig en ander toerusting noodsaaklik vir die voorsiening van elektrisiteit versoek deur die aansoeker, te akkommodeer.
- (2) Die bovermelde akkommodasie moet geleë wees by 'n punt met vrye, volodoende en onbeperkte toegang te alle tye vir die doeleindes wat met die bedryf en instandhouding van die toerusting verband hou.
- (3) Die diensverskaffer behou die reg voor om sy eie netwerke te voorsien uit sy eie toerusting wat in sodanige akkommodasie geïnstalleer is, en indien die diensverskaffer bykomende akkommodasie vereis, moet sodanige bykomende akkommodasie deur die aansoeker op die diensverskaffer se koste verskaf word.

19. Omsendbriewe

Die diensverskaffer kan van tyd tot tyd omsendbriewe uitreik waarin besonderhede verskaf word oor die diensverskaffer se vereistes met betrekking tot sake wat nie spesifiek in hierdie verordening gedek word nie, maar wat nodig is vir die veilige en doeltreffende

bedryf en bestuur van elektrisiteitsvoorsiening.

20. Meet van toevoer

- (1) Die diensverskaffer verskaf, installeer en hou toepaslik aangeslange meettoerusting by die meetpunt in stand, teen die verbruiker se koste in die vorm van 'n direkte bedrag of voorgeskrewe gelde, vir die meet van die elektrisiteit wat voorsien word.
- (2) Buiten in die geval van voorafbetaalmeters, moet die elektrisiteit wat deur 'n verbruiker gedurende enige meettydperk verbruik word, bepaal word deur die toepaslike meter of meters wat deur die diensverskaffer verskaf en geïnstalleer is aan die einde van sodanige tydperk te lees, behalwe waar die meettoerusting foutief is, of die diensverskaffer hom beroep op die bepalings van artikel 22(2) van hierdie verordening, in welke geval die verbruik vir die tydperk geskat word.
- (3) Waar verskillende tariewe gehef word vir die elektrisiteit wat deur 'n verbruiker verbruik word, word die verbruik afsonderlik vir elke tarief gemeet.
- (4) Die diensverskaffer behou die reg voor om die toevoer aan enige perseel, blokke winkels en woonstelle, skakelhuise en soortgelyke geboue te meet vir die geboue as 'n geheel, of vir individuele eenhede, of vir groepe eenhede.
- (5) Geen veranderings, herstelwerk of toevoegings of elektriese verbindings van enige aard mag aan die voorsieningskant van die meetpunt aangebring word nie, tensy dit spesifiek skriftelik deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer goedgekeur word.

21. Akkuraatheid van meting

- (1) Daar word onomstootlik aanvaar dat 'n meter akkuraat registreer indien daar by die toetsing daarvan ingevolge subartikel (5) hiervan, bevind word dat die fout binne die foutgrens is ooreenkomsdig die toepaslike standaardspesifikasies.
- (2) Die diensverskaffer het die reg om sy meettoerusting te toets. Indien daar by wyse van 'n toets vasgestel word dat sodanige meettoerusting foutief is, moet die diensverskaffer –
 - (a) in die geval van 'n kredietmeter, die rekening wat gelewer is, aanpas; en
 - (b) in die geval van voorafbetaalmeters, 'n rekening lever indien die meter te min geregistreer het, of 'n gratis bewys uitrek indien die meter te veel geregistreer het, ooreenkomsdig die bepalings van subartikel (6).
- (3) Die verbruiker is daarop geregtig om teen betaling van die voorgeskrewe gelde die meettoerusting deur die diensverskaffer te laat toets, onderhewig aan die bepalings van subartikel (10). Indien daar bevind word dat die meettoerusting nie voldoen aan die vereistes vir stelselakkuraatheid ooreenkomsdig die toepaslike standaardspesifikasies nie, moet 'n aanpassing gemaak word ingevolge die bepalings van subartikels (2) en (6) en die bovermelde gelde terugbetaal word.
- (4) (a) In geval van 'n geskil het die diensverskaffer die reg om, op die verbruiker se koste maar onderhewig aan die bepalings van subartikel (10), die meettoerusting waaroor die geskil handel deur 'n goedgekeurde onafhanklike toetsowerheid te laat toets, en die resultaat van sodanige toets is finaal en bindend op albei partye.

- (b) Indien die meettoerusting nie aan die vereistes vir stelselakkuraatheid voldoen nie, moet die bovermelde gelde terugbetaal word.
- (5) Meters moet getoets word op die wyse soos bepaal in die toepaslike standaardspesifikasies.
- (6) (a) Wanneer die elektrisiteitsverbruik soos geregistreer op 'n meter ingevolge subartikel (2) of (3) aangepas word, moet sodanige aanpassing óf gegrond word op die meter se persentasiefout soos bepaal deur die toets vermeld in subartikel (5), óf op 'n berekening deur die diensverskaffer gegrond op verbruiksdata in sy besit.
(b) Indien van toepassing word behoorlik rekening gehou met seisoenale of ander variasies wat die verbruik van elektrisiteit kan beïnvloed.
- (7) (a) Wanneer 'n aanpassing behoudens subartikel (6) gemaak word, mag die aanpassing nie 'n tydperk van 3 (drie) jaar voor die datum waarop bevind is dat die meettoerusting onakkuraat is, oorskry nie.
(b) Die toepassing van hierdie artikel verhinder nie 'n verbruiker daarvan om oorbetaling vir enige langer tydperk, tot 'n maksimum van drie jaar, terug te eis nie, indien die verbruiker in staat is om die eis op die gewone wettige manier te bewys.
- (8) Waar 'n verbruiker se werklike las in so 'n mate verskil van die aanvanklik geraamde las, soos bepaal in artikel 4(1), dat die diensverskaffer dit nodig ag om sy meettoerusting te verander of te vervang ten einde by die las aan te pas, dra die verbruiker die koste van sodanige verandering of vervanging.
- (9) (a) Voordat die diensverskaffer enige opwaartse aanpassing aan enige rekening maak ingevolge subartikel (6), moet die diensverskaffer –
(i) die verbruiker skriftelik in kennis stel van die geldwaarde van die aanpassing wat gemaak moet word en die redes daarvoor;
(ii) in sodanige kennisgewing voldoende besonderhede verskaf om die verbruiker in staat te stel om vertoë op grond daarvan te rig, en
(iii) die verbruiker, in sodanige kennisgewing, versoek om redes, indien enige, skriftelik binne 21 (een-en-twintig) dae of sodanige langer tydperk as wat die diensverskaffer mag toelaat, te verskaf waarom die rekening nie aangepas moet word ooreenkomsdig die kennisgewing nie.
- (b) Indien die verbruiker versuim om enige vertoë te rig gedurende die tydperk vermeld in subartikel 9(a)(iii), is die diensverskaffer daarop geregtig om die rekening aan te pas volgens die kennisgewing ingevolge subartikel 9(a)(i).
- (c) Die diensverskaffer moet enige redes oorweeg wat deur die verbruiker verskaf is ingevolge subartikel 9(a) en, indien hy tevrede is dat 'n saak daarvoor uitgemaak is, die rekening toepaslik aan te pas.
- (d) Indien 'n behoorlik gemagtigde amptenaar van die diensverskaffer besluit, nadat hy die vertoë wat deur die verbruiker gerig is, oorweeg het, dat sodanige vertoë nie 'n saak uitmaak om 'n wysiging

aan die monetêre waarde ingevolge subartikel (6) aan te bring nie, het die diensverskaffer die reg om die rekening aan te pas ingevolge subartikel 9(a)(i), onderhewig aan die verbruiker se reg tot appèl teen die amptenaar se besluit ingevolge artikel 62 van die Wet op Plaaslike Regering: Municipale Stelsels, 2000 (Wet No 32 van 2000).

- (10) In die geval van 'n behoeftige persoon word die koste verbonde aan die toets van meettoerusting deur die munisipaliteit gedra, onderhewig aan die toepassing van die munisipaliteit se beleid rakende voorsiening aan behoeftiges.

22. **Lees van kredietmeters**

- (1) Tensy anders voorgeskryf, word kredietmeters gewoonlik met tussenposes van een maand gelees en die vaste of minimum koste wat ingevolge die tarief betaalbaar is, word dienooreenkomsdig beoordeel. Die diensverskaffer is nie verplig om enige aanpassings aan sodanige koste te maak nie.
- (2) Indien die kredietmeter om een of ander rede nie gelees kan word nie, kan die diensverskaffer 'n beraamde rekening lewer. Die elektriese energie wat verbruik is, word in 'n daaropvolgende rekening aangepas ooreenkomsdig die elektriese energie wat werklik verbruik is.
- (3) Wanneer 'n verbruiker 'n eiendom ontruim en 'n finale lesing van die meter nie moontlik is nie, kan 'n beraamde verbruik bepaal word en die finale rekening dienooreenkomsdig gelewer word.
- (4) Indien 'n verbruiker 'n spesiale lesing verlang, kan dit teen betaling van die voorgeskrewe gelde gedoen word.
- (5) (a) Indien enige berekeninge-, lesing- of meetfout ontdek word met betrekking tot enige rekening wat aan 'n verbruiker gelewer word, word die fout in daaropvolgende rekeninge reggestel.
- (b) Enige sodanige regstelling is slegs van toepassing op rekeninge vir 'n tydperk van drie jaar voor die datum waarop die fout in die rekening ontdek is, en is gegrond op die werklike tariewe van toepassing gedurende die tydperk.
- (c) Die toepassing van hierdie artikel verhinder nie 'n verbruiker daarvan om oorbetaling terug te eis nie, vir 'n tydperk van tot en met drie jaar waar die verbruiker in staat is om die eis op die gewone wettige manier te bewys.

23. **Voorafbetaalmeting**

- (1) Persone wat verlang om 'n voorafbetaalmeter op hul eiendom te installeer, moet skriftelik aansoek doen om sodanige installasie, op die voorgeskrewe vorm wat by die diensverskaffer se kantoor verkrygbaar is.
- (2) Afskrifte van bewyse wat voorheen vir die oorplasing van krediet na die voorafbetaalmeter uitgereik is, kan uitgereik word op versoek van die verbruiker.
- (3) Wanneer 'n verbruiker enige perseel ontruim waar 'n voorafbetaalmeter geïnstalleer is, betaal die diensverskaffer geen krediet wat in die meter oorbly aan die verbruiker nie.
- (4) Die diensverskaffer is nie aanspreeklik vir die herstel van krediet wat verlore gegaan het omdat daar met 'n voorafbetaalmeter gepeuter is, of omdat dit verkeerd gebruik of misbruik is nie.

- (5) Waar 'n verbruiker geld aan die diensverskaffer verskuldig is vir elektrisiteit wat verbruik is of vir enige ander diens wat deur die diensverskaffer verskaf word of vir enige gelde wat voorheen teen hom of haar gehef is betreffende enige diens wat gelewer is, kan die diensverskaffer 'n persentasie aftrek van die bedrag wat aangebied word om die bedrag verskuldig aan die diensverskaffer te verhaal.
- (6) Die diensverskaffer kan na goeddunke verkopers vir die verkoop van krediet vir voorafbetaalmeters aanstel en waarborg nie die voortgesette bedryf deur enige verkoper nie.
- (7) Indien 'n persoon voorafbetaalde elektrisiteitsvoorsiening gebruik sonder om die voorgeskrewe vorms te voltooi, is hy of sy steeds aanspreeklik vir die koste van elektrisiteit wat verbruik is.
- (8)
 - (a) Waar voorafbetaalmeters deur die diensverskaffer geïnstalleer word met toelaes wat vanaf die nasionale regering ontvang word, word geen aansoekvorms voltooi soos vermeld in subartikel (1) nie.
 - (b) Daar word geag dat die verbruiker aansoek gedoen het om 'n voorafbetaalmeter en die verordening is *mutatis mutandis* van toepassing op omstandighede waar die voorafbetaalmeters deur die diensverskaffer geïnstalleer is met fondse wat as toelaes ontvang is.

24. Elektriese kontrakteurs

- (1) Waar daar aansoek om nuwe of verhoogde voorsiening van elektrisiteit by die diensverskaffer gedoen is, kan enige behoorlik gemagtigde amptenaar van die diensverskaffer na sy of haar goeddunke kennisgewing aanvaar van die voltooiing van enige deel van 'n elektriese installasie.
- (2) Die stroombaanontwerp moet toelaat dat die elektriese installasie in duidelik afgebakende afsonderlike gedeeltes verdeel word, en sodanige gedeelte van die elektriese installasie kan na goeddunke van enige behoorlik gemagtigde amptenaar van die diensverskaffer geïnspekteer, getoets en by die hoofleiding aangesluit word asof dit 'n volledige installasie is.
- (3) Die ondersoek, toets en inspeksie wat na goeddunke van die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer uitgevoer mag word, onthel geensins die elektriese kontrakteur of geakkrediteerde persoon of die gebruiker of huurder, na gelang van die geval, van sy of haar verantwoordelikheid vir enige gebrek in die installasie nie.
- (4) Sodanige ondersoek, toets en inspeksie mag onder geen omstandighede (selfs waar die elektriese installasie aan die hoofleiding verbind is) beskou word as 'n aanduiding of waarborg dat die elektiese installasie doeltreffend met die geskikste materiale vir die doel uitgevoer is of dat dit ooreenkomsdig hierdie verordening of die veiligheidstandaard is nie, en die diensverskaffer kan nie aanspreeklik gehou word vir enige gebrek of fout in sodanige elektriese installasie nie.
- (5)
 - (a) Die diensverskaffer kan nie verantwoordelik gehou word vir enige netwerk wat deur 'n elektriese kontrakteur of 'n geakkrediteerde persoon op die verbruiker se perseel verrig word nie.
 - (b) Die diensverskaffer kan hoegenaamd nie verantwoordelik gehou word vir enige verlies of skade wat kan voortspruit uit 'n handeling of versuum ten opsigte van die werk wat op 'n verbruiker se perseel deur 'n elektriese kontrakteur of 'n geakkrediteerde persoon verrig word nie.

25. Koste vir herstel van skade

- (1) Die diensverskaffer kan enige skade wat strydig met hierdie verordening is of voortspruit uit 'n oortreding van hierdie verordening, herstel of vergoed.
- (2) Die koste van enige sodanige werk, verrig deur die diensverskaffer, en genoodsaak deur 'n oortreding van hierdie verordening, is vir die rekening van die persoon wat strydig met hierdie verordening gehandel het.

26. Nie-aanspreeklikheid van die diensverskaffer

- (1) Die diensverskaffer is nie aanspreeklik vir enige verlies of skade, regstreeks of gevvolglik, wat deur 'n verbruiker gely of opgedoen word as gevolg van of wat voortspruit uit die beëindiging, onderbreking of enige ander abnormaliteit in die voorsiening van elektrisiteit nie, tensy dit veroorsaak word deur nalatigheid deur die diensverskaffer.
- (2) Die diensverskaffer aanvaar geen verantwoordelikheid vir enige skade of verlies wat voortspruit uit of in verband met die installering van 'n elektriese installasie of enige verandering of toevoeging daar toe, of wat voortspruit uit die toestand waarin die elektriese installasie is nie.

HOOFSTUK 4
REGTE EN PLIGTE VAN die VERBRUIKER

27. Onbehoorlike gebruik van elektrisiteit

- (1) Indien die diensverskaffer redelike gronde het om te glo dat die verbruiker die elektrisiteit vir enige doel of op enige wyse gebruik wat op 'n onbehoorlike en onveilige wyse inmeng of daarop bereken is om op 'n onbehoorlike of onveilige wyse in te meng met die doeltreffende voorsiening van elektrisiteit aan enige ander verbruiker, kan die diensverskaffer met of sonder kennisgewing, die elektrisiteitstoever afsluit, maar sodanige toevoer word weer herstel sodra die oorsaak van die afsluiting permanent reggestel of verwijder is.
- (2) Die gelde soos voorgeskryf deur die diensverskaffer vir die afsluiting en heraansluiting moet deur die verbruiker betaal word, vorodat die elektrisiteitstoever herstel word, tensy dit bewys kan word dat die verbruiker nie die elektrisiteit op 'n onbehoorlike of onveilige wyse verbruik of hanteer het nie.

28. Bedradingsdiagram en spesifikasies

- (1) Wanneer meer as een elektiese installasie of elektrisiteitstoever van 'n gemeenskaplike hoofleiding verkry word, of meer as een verdeelbord of -meter word vereis vir enige gebou of blok geboue, moet die bedradingsdiagram van die stroombane wat by die hoofskakelaar begin en 'n spesifikasie in duplikaat moet aan die diensverskaffer verskaf word vir goedkeuring voordat die werk 'n aanvang neem.
- (2) Waar 'n elektiese installasie sy toevoerelektrisiteit vanaf 'n substasie op dieselfde perseel moet kry as waarvandaan die stroom van hoë spanning getransformeerd word, of van een van die diensverskaffer se substasies deur 'n hoofleiding afsonderlik van die algemene verspreidingsstelsel moet 'n volledige spesifikasie en tekeninge van die aanleg wat deur die verbruiker geïnstalleer moet word, aan die diensverskaffer gestuur word vir goedkeuring voordat enige tersaaklike materiaal bestel word.

29. Gereedheidstoevoer

Geen persoon is geregtig op gereedheidstoevoer van elektrisiteit van die diensverskaffer vir enige perseel met 'n afsonderlike bron van elektrisiteitstoevoer nie, behalwe met skriftelike toestemming van die diensverskaffer en onderhewig aan sodanige terme en voorwaardes soos deur die diensverskaffer bepaal.

30. Verbruiker se toerusting vir noodgereeheidstoevoer

- (1) (a) Geen toerusting wat deur 'n verbruiker vir noodgereeheidstoevoer vir sy of haar eie bedryfsvereistes verskaf is, mag by enige elektriese installasie aangesluit word sonder vooraf skriftelike goedkeuring deur die diensverskaffer nie.
(b) Aansoek om sodanige goedkeuring moet skriftelik gedoen word en 'n volledige spesifikasie van die toerusting en 'n bedradingsdiagram insluit.
(c) Die gereedheidstoerusting moet so ontwerp en geïnstalleer word dat dit onmoontlik vir die diensverskaffer se hoofleiding is om uit die terugvoer van sodanige toerusting bekrag te word.
(d) Die verbruiker is verantwoordelik vir die voorsiening en installasie van alle sodanige beveiligingstoerusting.
- (2) Waar daar ooreenkoms met die diensverskaffer toegelaat word dat die verbruiker se toerusting vir gereedheidsontwikkeling elektries gekoppel word aan, en parallel loop met die diensverskaffer se hoofleiding, is die verbruiker verantwoordelik vir die verskaffing, installasie en instandhouding van al die nodige sinkroniseer- en beveiligingstoerusting vereis vir sodanige veilige parallelle werking, tot die diensverskaffer se bevrediging.

31. Verbruiker moet elektriese installasie oprig en in stand hou

Enige elektriese installasie wat aan die hoofleiding gekoppel is of moet word, en enige toevoegings of veranderings wat van tyd tot tyd daaraan gemaak word, moet voorsien, opgerig, in stand gehou en in goeie toestand gehou word deur die verbruiker op sy of haar eie koste en ooreenkoms hierdie verordening.

32. Fout in elektriese installasie

- (1) Indien enige fout in die elektriese installasie ontstaan wat 'n gevvaar inhoud vir persone, lewende hawe of eiendom, moet die verbruiker onmiddellik die elektrisiteitsvoorsiening afsluit.
- (2) Die verbruiker moet die diensverskaffer onverwyld in kennis stel en onmiddellik stappe doen om die fout reg te stel.
- (3) Die diensverskaffer kan van die verbruiker vereis om hom terug te betaal vir enige uitgawes wat hy mag aangaan in verband met 'n fout in die elektriese installasie.

33. Beëindiging van die gebruik van die elektrisiteitstoevoer

Indien 'n verbruiker die gebruik van elektrisiteitstoevoer wil beëindig, moet hy of sy ten minste 2 (twee) volle werksdae skriftelike kennis aan die diensverskaffer gee van sodanige voorgenome beëindiging, by versuim waarvan hy of sy aanspreeklik bly vir alle betalings verskuldig ooreenkomsdig die tarief vir die voorsiening van elektrisiteit totdat die

2 (twee) volle werksdae nadat sodanige kennis gegee is, verstryk het.

34. Verandering van okkupeerder

- (1) 'n Verbruiker wat enige perseel ontruim, moet die diensverskaffer nie minder nie as 2 (twee) volle werksdae skriftelike kennis gee van sy of haar voorneme om die elektrisiteitsvoorsiening te beëindig, by versuim waarvan hy of sy aanspreeklik bly vir sodanige toevoer.
- (2)
 - (a) Indien die persoon wat okkupasie van die perseel oorneem, wil voortgaan om die elektrisiteitsvoorsiening te gebruik, moet hy of sy ooreenkomsdig die bepalings van hierdie verordening daarom aansoek doen.
 - (b) Versuim om aansoek te doen om elektrisiteitsvoorsiening binne 14 (veertien) werksdae na okkupasie van die perseel kan lei tot die afsluiting van elektrisiteitsvoorsiening, en die okkupeerder is aanspreeklik vir die elektrisiteitsvoorsiening vanaf die datum van okkupasie tot sodanige tyd wanneer die toevoer afgesluit word.
- (3)
 - (a) Waar daar voorafbetaalmeters op die perseel geïnstalleer word, word enige persoon wat die perseel op daardie tydstip okkupeer, geag die verbruiker te wees.
 - (b) Tot tyd en wyl hierdie persoon aansoek doen om elektrisiteitsvoorsiening ingevolge hierdie verordening is hy of sy aanspreeklik vir alle bedrae en gelde wat aan die diensverskaffer verskuldig is vir daardie meetpunt asook enige uitstaande bedrae en gelde, hetsy dit deur daardie persoon opgeloop is of nie.

35. Diensapparaat

- (1) Die verbruiker is aanspreeklik vir al die diensverskaffer se koste voortspruitend uit skade aan of verlies van enige meettoerusting, diensbeveiligingstoestel, diensaansluiting of ander apparaat op die perseel, tensy daar aangetoon kan word dat sodanige skade of verlies veroorsaak is deur 'n natuurramp, of 'n handeling of versuim deur 'n werknemer van die diensverskaffer, of deur 'n abnormaliteit in die toevoer van elektrisiteit na die perseel.
- (2) Indien die diensoofleiding, meettoerusting of enige ander diensapparaat wat aan die diensverskaffer behoort, sonder toestemming verwijder is of beskadig is tot so 'n mate dat heraansluiting gevaelig is, gedurende 'n tydperk dat die elektriese installasie van die hoofleiding afgesluit was, moet die eienaar of okkupeerder van die perseel gedurende die gespesifiseerde tydperk die koste dra van die herstel of vervanging van sodanige toerusting.
- (3) Waar daar 'n gemeenskaplike meetposisie is, berus die aanspreeklikheid ingevolge subartikel (1) by die eienaar van die perseel.
- (4) Die bedrag verskuldig ingevolge subartikel (1) word bewys deur 'n sertifikaat van die diensverskaffer, wat finaal en bindend is.

36. Diensaansluiting

- (1) Die verbruiker dra die koste van die diensaansluiting, soos goedgekeur deur die diensverskaffer.
- (2)
 - (a) Nienteenstaande die feit dat die verbruiker die koste van die diensaansluiting dra, berus eienaarskap van die diensaansluiting, wat

deur die diensverskaffer gelê of opgerig word, by die diensverskaffer wat verantwoordelik is vir die instandhouding van sodanige diensaansluiting tot by die voorsieningspunt.

- (b) Die verbruiker is nie geregtig op enige vergoeding van die diensverskaffer ten opsigte van sodanige diensaansluiting nie.
- (3) Die werk wat deur die diensverskaffer op die verbruiker se koste gedoen word ten opsigte van 'n diensaansluiting op die verbruiker se perseel, word deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer bepaal.
- (4) 'n Diensaansluiting word ondergronds gelê ongeag of die hoofleiding ondergronds gelê of bogronds opgerig word, tensy 'n bogrondse diensaansluiting spesifiek deur die diensverskaffer vereis word.
- (5) Die verbruiker moet op sy of haar perseel sodanige leibane, bedradingskanale, vore, hegstukke en vry ruimte vir die bogrondse hoofleiding voorsien, vasheg of in stand hou as wat deur die diensverskaffer vereis word vir die installasie van die diensaansluiting.
- (6) Die geleier wat vir die diensaansluiting gebruik word, moet 'n deursnee-oppervlakte hê ooreenkomsdig die grootte van die elektriese toevoer, maar moet nie minder wees nie as 10 mm^2 (koper of koperekwivalent), en al die geleiers moet dieselfde deursnee-oppervlak hê, tensy anders deur enige behoorlik gemagtigde amptenaar van die diensverskaffer bepaal.
- (7)
 - (a) Tensy andersins goedgekeur, verskaf die diensverskaffer slegs een diensaansluiting na elke geregistreerde erf.
 - (b) Ten opsigte van twee of meer persele wat aan een eienaar behoort en op aangrensende erwe geleë is, kan 'n enkele grootmaattoevoer van elektrisiteit beskikbaar gemaak word, met dien verstande dat die erwe gekonsolideer is.
- (8) Enige bedekking op 'n bedradingskanaal wat die toevoerstroombaan van die voorsieningspunt na die meettoerusting dra, moet gemaak word om die diensverskaffer se seël te aanvaar.
- (9) Die diensgeleier of -kabel, na gelang van die geval, moet binne-in die meterboks eindig: Met dien verstande dat enige van die geleiers dwarsdeur die lengte daarvan sigbaar sal wees wanneer bedekkingsplate, indien teenwoordig, verwyder word.
- (10)
 - (a) In die geval van 'n blok geboue wat deur 'n aantal individuele verbruikers bewoon word, moet afsonderlike bedradingskanale en geleiers of kabels vanaf die gemeenskaplike meetkamer of kamers na elke individuele verbruiker in die blok geboue gele word.
 - (b) As alternatief moet, indien hoofleibane gebruik word, die geleiers van die individuele stroombane duidelik geïdentifiseer word (elke 1,5 m saamgebind) vir die hele lengte daarvan.

37. Meetakkommodasie

- (1) Die verbruiker moet, indien so vereis deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer, akkommodasie in 'n goedgekeurde posisie vir die meterbord en voldoende geleiers vir die diensverskaffer se meettoerusting, diensapparaat en beveiligingstoestelle

verskaf.

- (2) (a) Sodanige akkommodasie en beveiliging moet tot die diensverskaffer se bevrediging verskaf en in stand gehou word, op die verbruiker of die eienaar se koste na gelang van omstandighede, en moet in die geval van kredietmeters, op 'n plek geleë wees waartoe daar ten alle redelike tye vrye en onbelemmerde toegang vir die lees van meters is en vir doeleindest wat met die bedryf en instandhouding van die dienstoerusting verband hou.
- (b) Toegang vir die inspeksie van voorafbetaalmeters word ten alle redelike tye gebied.
- (3) Waar submeettoerusting geïnstalleer word, moet akkommodasie afsonderlik van die diensverskaffer se meettoerusting verskaf word.
- (4) Die verbruiker of, in die geval van 'n gemeenskaplike meterligging die eienaar van die perseel, moet voldoende elektriese beligting verskaf in die ruimte waar die meettoerusting en diensapparaat gehou word.
- (5) Waar, na die redelike mening van die diensverskaffer, die ligging van die meter, diensaansluiting of beveiligingstoestelle nie meer geredelik beskikbaar is nie of 'n gevaar raak vir persoon of eiendom of om enige rede nie meer geskik is nie, moet die diensverskaffer dit na 'n ander plek skuif, en die koste van sodanige verwydering word deur die verbruiker gedra.
 - (a) Die akkommodasie vir die diensverskaffer se meettoerusting sluit slegs sy eie toerusting in.
 - (b) Geen apparaat, buiten dit wat gebruik word in verband met die voorsiening van elektrisiteit en gebruik van elektrisiteit, mag in sodanige akkommodasie geïnstalleer of gestoor word nie.

38. Lasvereistes

Wisselstroomtoevoer word verskaf en, in die afwesigheid van 'n ooreenkoms oor gehaltetoevoer, moet dit wees soos uiteengesit in 'n toepaslike standardspesifikasie.

39. Lasbeperkings

- (1) Waar die beraamde las, bereken ingevolge die veiligheidstandaard, nie 15 kV.A oorskry nie, moet die elektriese installasie ingerig word vir 'n dubbeldraad-enkelfasige elektrisiteitstoevoer, tensy andersins goedgekeur deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer.
- (2) Waar 'n driefasige-vierdraad elektrisiteitstoevoer voorsien word, moet die las min of meer oor die drie fases gebalanseer word, maar die maksimum ongebalanseerde las moet nie 15kV.A oorskry nie, tensy andersins deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die diensverskaffer goedgekeur.
- (3) Geen toestel wat 'n stroom gebruik, inherent enkelfasig van aard is en 'n aanslag het wat 15kV.A oorskry, mag by die elektriese installasie aangesluit word sonder vooraf goedkeuring van die diensverskaffer nie.

40. Toevoer na motore

Tensy anders deur die diensverskaffer of enige behoorlik gemagtigde amptenaar van die

diensverskaffer goedgekeur, moet motore se aanslag soos volg beperk word:

- (a) ten opsigte van beperkte grootte van laespanningmotore –
 - (i) die aangeslange vermoë van 'n laespanning-enkelfasige motor word tot 2kW beperk, of die aansitstroom mag nie 70A oorskry nie en alle motore wat hierdie perke oorskry, word vir drie fases teen lae spanning of sodanige hoër spanning as wat vereis word, gewikkel; en
- (b) ten opsigte van maksimum aansit- en versnelstrome van driefasige-wisselstroom motore –
 - (i) die aansitstroom van driefasige-laespanningmotore wat toegelaat word, hou soos volg verband met die kapasiteit van die verbruiker se diensaansluiting:

Grootte van geïsoleerde dienskabel, in mm², koper-ekwivalent mm²	Maksimum toelaatbare aansitstroom A	Maksimum motoraanslag in kW		
		Direk op die lyn (6x volle lasstroom)	Star/Delta (2,5 x volle lasstroom)	Ander middele (1,5 x volle lasstroom)
		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

41. **Arbeidsfaktor**

- (1) Indien vereis deur die diensverskaffer, word die arbeidsfaktor van enige las binne die perke van 0,85 naloop en 0,9975 voorloop gehandhaaf.
- (2) (a) Waar dit ingevolge subartikel (1) nodig is om arbeidsfaktor-korrektiewe toestelle te installeer, moet die verbruiker wat sodanige toestelle wil installeer, eers skriftelike toestemming van die diensverskaffer bekom deur op die voorgeskrewe vorms aansoek om toestemming te doen.
- (b) Sodanige korrektiewe toestelle moet, onderhewig aan subartikel (3), by die individuele verbruiksterminale aangesluit word tensy die herstel van die arbeidsfaktor outomaties beheer word.
- (3) Die arbeidsfaktor-korrektiewe toestelle moet bestaan uit en die nodige filters bevat, soos deur die diensverskaffer vereis.
- (4) Die diensverskaffer moet, op die verbruiker se koste, sodanige korrektiewe toestelle installeer.

42. (5) Die diensverskaffer mag lasbeheer reguleer deur middel van 'n hoë frekwensie.
Beveiliging

Elektriese beveiligingstoestelle vir motore moet so ontwerp word dat dit op 'n doeltreffende wyse waar toepaslik volgehoue oorstroom en eenfasewerking voorkom, indien van toepassing, ooreenkomsdig SANS 10142-1/.

HOOFSTUK 5 VERBODE GEDRAG

43. Peuter met diensaansluiting of hoofleiding

- (1) Geen persoon mag op enige wyse of om watter rede ook al met enige meter of meettoerusting of diensaansluiting of diensbeveiligingstoestel of hoofleiding of enige ander toerusting van die diensverskaffer peuter of daarmee inmeng nie.
- (2) (a) Waar *prima facie*-bewys bestaan dat 'n verbruiker of enige persoon subartikel (1) oortree het, het die diensverskaffer die reg om die elektrisiteitstoevoer onmiddellik en sonder vooraf kennisgewing aan die verbruiker af te sluit.
 - (b) Die persoon is aanspreeklik vir alle gelde en koste wat deur die diensverskaffer vir sodanige afsluiting gehef word.
- (3) In gevalle waar die tydraamwerk, inmenging of omleiding vermeld in subartikel (1) veroorsaak het dat die meetinstallasie nie akkuraat is nie, het die munisipaliteit die reg om die volle koste van die beraamde verbruik van die verbruiker te verhaal.

44. Beveiliging van diensverskaffer se hoofleiding

- (1) Geen persoon mag, behalwe met die diensverskaffer se toestemming en onderhewig aan sodanige voorwaardes as wat opgelê is –
 - (a) enige konstruksie bou, oprig of lê of die oprigting of lê van enige gebou, struktuur of ander voorwerp toelaat, of bome en ander plantegroei oor of in sodanige posisie of op sodanige manier plant wat met die hoofleiding sal inmeng of dit sal bedreig nie;
 - (b) enige deel van die hoofleiding uitgrawe, oopmaak of die grond bo, langsaan, onder of naby dit verwyder nie;
 - (c) enige deel van die hoofleiding beskading, bedreig, verwyder of vernietig, of enige daad pleeg wat na alle waarskynlikheid die hoofleiding sal beschadig, bedreig of enige deel daarvan vernietig nie; en
 - (d) enige ongemagtigde aansluiting na enige deel van die hoofleiding maak of enige elektrisiteit daarvandaan omlei of veroorsaak dat dit omgelei word nie.
- (2) (a) Die eienaar of okkuperer moet die hoogte van bome of die lengte van takke wat uitsteek naby bogondse lyne beperk, of 'n wyse van beveiliging verskaf wat, na die redelike mening van die diensverskaffer, daarin sal slaag om te verhoed dat die boom met die geleiers inmeng as die boom sou omval of 'n tak sou breek of afgesny word.
 - (c) Indien die eienaar versuim om hierdie bepaling na te kom, het die

diensverskaffer die reg, na vooraf skriftelike kennisgewing, of te eniger tyd in 'n noodgeval, om die bome of ander plantegroei te sny of snoei op sodanige wyse soos beoog in hierdie bepaling, en is daarop geregtig om die eiendom vir hierdie doel te betree.

- (3) Die diensverskaffer mag, onderhewig aan die verkryging van 'n hofbevel, enige gebou, struktuur of ander voorwerp watstrydig met hierdie verordening gebou, opgerig of gelê is, afbreek, verander of op enige ander wyse daarmee handel.
- (4) Die diensverskaffer mag in 'n noodgeval of ramp enigiets verwijder wat enige deel van die elektrisiteitsverspreidingstelsel beskadig, belemmer of bedreig of wat dit waarskynlik kan beskadig, belemmer of bedreig.

45. Ongemagtigde aansluitings

Geen persoon, behalwe 'n persoon wat spesifiek skriftelik deur die diensverskaffer daartoe gemagtig is, mag regstreeks of onregstreeks enige elektriese installasie of deel daarvan by die hoofleiding of diensaansluiting aansluit, probeer aansluit of sodanige aansluiting toelaat nie.

46. Ongemagtigde heraansluitings

- (1) Geen persoon, behalwe 'n persoon wat spesifiek skriftelik deur die diensverskaffer daartoe gemagtig is, mag enige elektriese installasie of installasies wat deur die diensverskaffer afgesluit is, weer by die hoofleiding of diensaansluiting heraansluit, probeer heraansluit of sodanige heraansluiting veroorsaak of toelaat nie.
- (2) Wanneer daar gevind word dat die elektrisiteitstoever wat voorheen afgesluit is, heraangesluit is, is die verbruiker wat die elektrisiteitstoever verbruik, aanspreeklik vir alle koste vir die elektrisiteit verbruik tussen die datum van afsluiting en die datum toe daar gevind is dat die elektrisiteitstoever heraangesluit is, en ook vir enige ander koste wat in dié verband aangegaan is.
- (3)
 - (a) Die diensverskaffer behou die reg voor om enige deel van of al die voorsieningstoerusting te verwijder tot tyd en wyl volle betaling ontvang is.
 - (b) Verder sal die verbruiker verantwoordelik wees vir al die koste wat met die heraansluiting van sodanige voorsieningstoerusting verband hou.
- (4) Hierdie artikel is ook van toepassing op persone wat voorafbetaalde elektrisiteit gebruik.

47. Steuring van ander persoon se elektriese toerusting

- (1) Geen persoon mag elektriese toerusting bedryf wat laseienskappe het wat individueel of gesamentlik tot spanningvariasie, bofrekwensiestrome of -spanning, of ongebalanseerde fasestrome wat buite die toepaslike standaardspesifikasie val, aanleiding gee nie.
- (2) Die evaluering van die steuring van ander persone se elektriese toerusting word uitgevoer deur middel van metings by die algemene koppelpunt gedoen.
- (3) Indien daar vasgestel word dat onbehoorlike steuring wel plaasvind, moet die verbruiker op sy of haar eie koste, die nodige toerusting installeer om die steuring te filtreer en te verhoed dat dit die hoofleiding bereik.

48. Weiering of versuim om inligting te verstrek

Geen persoon mag weier of versuim om sodanige inligting te verstrek as wat enige behoorlik gemagtigde amptenaar van die diensverskaffer redelikerwys van hom of haar verwag, of om enige vals inligting aan sodanige amptenaar te verstrek aangaande enige elektriese installasiewerk wat voltooi is of beoog word nie.

49. **Weiering van toegang**

Geen persoon mag enige behoorlik gemagtigde amptenaar van die diensverskaffer in die uitvoering van sy of haar plig ingevolge hierdie verordening, of van enige plig wat daarmee verband hou of in verband daarmee staan opsetlik hinder, belemmer, in die pad van staan of toegang weier nie.

HOOFSTUK 6 **Betalings en gelde**

50. **Elektrisiteitstariewe en gelde**

Afskrifte van en inligting ten opsigte van heffings en gelde kan by die diensverskaffer se kantoor verkry word.

51. **Deposito's**

- (1) (a) Die diensverskaffer mag van die verbruiker vereis om 'n bedrag geld te deponeer of om 'n goedgekeurde bankwaarborg te verskaf as sekuriteit by die betaling van enige gelde wat aan die diensverskaffer verskuldig is of kan word.
- (b) Die bedrag van die deposito ten opsigte van elke elektriese installasie word deur die diensverskaffer bepaal, en elke sodanige deposito mag verhoog word indien dit na die diensverskaffer se mening onvoldoende is.
- (2) (a) Sodanige deposito word nie beskou as betaling of gedeeltelike betaling van enige rekeninge betaalbaar vir die voorsiening van elektrisiteit met die doel om enige afslag te kry ooreenkomsdig die elektrisiteitstariewe waarna in hierdie verordening verwys word nie.
- (b) By beëindiging van die elektrisiteitstoevoer, word die bedrag van sodanige deposito sonder rente en min enige betalings wat aan die diensverskaffer verskuldig is, aan die verbruiker terugbetaal.

52. **Betaling van tariewe**

- (1) (a) Die verbruiker is aanspreeklik vir alle gelde aangedui in die voorgeskrewe tariewe vir die elektrisiteitsdiens soos deur die diensverskaffer goedgekeur.
- (b) 'n Afskrif van die voorgeskrewe tariewe is by die diensverskaffer verkrygbaar.
- (2) Alle rekeninge word geag betaalbaar te wees wanneer dit deur die diensverskaffer uitgereik word en die betaaldatum moet op die voorkant van elke rekening verskyn, asook 'n waarskuwing wat aandui dat die elektrisiteitstoevoer afgesluit kan word indien die gelde ten opsigte van sodanige toevoer nie betaal is na die betaaldatum nie.
- (3) 'n Fout of weglatting in enige rekening of versuim om 'n rekening te lewer, onthef

nie die verbruiker van sy of haar verpligting om die korrekte bedrag te betaal wat verskuldig is vir die elektrisiteit wat aan die perseel voorsien is nie en die onus rus op die verbruiker om hom of haar daarvan te vergewis dat die rekening wat gelewer is, ooreenkomsdig die voorgeskrewe tariewe van gelde is ten opsigte van elektrisiteit wat aan die perseel voorsien is.

- (4) (a) Geen persoon mag 'n behoorlik gemagtigde amptenaar of gemagtigde agent van die diensverskaffer gedurende die amptenaar of agent se besoeke aan die perseel om die elektrisiteitstoevoer af te sluit ingevolge subartikel (2) belemmer, hinder of met hom of haar inmeng nie.
- (b) Buiten dat dit 'n oortreding van hierdie subartikel is, is die persoon wat op die wyse belemmer, hinder of inmeng, aanspreeklik vir die betaling van die voorgeskrewe gelde vir elke besoek wat nodig is vir die doel van sodanige afsluiting.
- (5) Na afsluiting vir nie-betaling van 'n rekening, moet die voorgeskrewe gelde en enige bedrae wat verskuldig is vir elektrisiteitsverbruik betaal word voordat die elektrisiteitsvoorsiening heraangesluit sal word.

53. Rente op oortrokke rekening

Die diensverskaffer kan rente hef op rekeninge wat nie teen die betaaldatum wat op die rekening verskyn, betaal word nie, teen 'n rentekoers soos van tyd tot tyd deur die diensverskaffer goedgekeur.

HOOFSTUK 7

DIVERSE

54. Beteiking van kennisgewing

- (1) Enige kennisgewing of ander dokument wat ingevolge hierdie verordening op enige persoon beteken is, word geag as dat dit beteken is –
 - (a) wanneer dit persoonlik by daardie persoon afgelewer is;
 - (b) wanneer dit by daardie persoon se woonplek of besigheid in die Republiek gelaat is by 'n persoon wat klaarblyklik ouer as 16 jaar is;
 - (c) wanneer dit per geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woon- of besigheidsadres in die Republiek gepos is en 'n bewys dat dit gepos is van die posdiens verkry is;
 - (d) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit op daardie persoon se agent of verteenwoordiger in die Republiek beteken word op die wyse soos bepaal in paragrawe (a), (b) of (c); of
 - (e) indien daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit gepos is op 'n oopsigtelike plek op die eiendom of perseel, indien enige, waarmee dit verband hou.
- (2) Wanneer enige kennisgewing of ander dokument gemagtig of beteken word op die eienaar, okkuperder of houer van enige eiendom of regte in enige eiendom, is dit voldoende indien daardie persoon in die kennisgewing of ander dokument beskryf word as die eienaar, okkuperder of houer van die eiendom of betrokke reg, en is dit nie nodig om daardie persoon se naam te verstrek nie.
- (3) Enige regsproses is doeltreffend en voldoende op die diensverskaffer beteken as

dit is by die municipale bestuurder of 'n persoon wat by die municipale bestuurder se kantoor ter beskikking is, afgeliever word.

55. Nakoming van kennisgewings

Enige persoon op wie 'n kennisgewing wat behoorlik kragtens hierdie verordening uitgereik of gegee is, beteken word, moet die bepalings daarvan binne die tydperk wat daarin vermeld word, nakom.

56. Herverkoop van elektrisiteit

Tensy anders deur die diensverskaffer gemagtig, mag geen persoon elektrisiteit wat volgens 'n ooreenkoms met die diensverskaffer aan sy of haar perseel voorsien word, aan enige ander persoon of persone verkoop of voorsien vir verbruik op enige ander perseel nie, of toelaat dat sodanige herverkoop of voorsiening plaasvind nie.

57. Misdrywe en strawwe

- (1) Enige persoon wat enige van die bepalings van hierdie verordening oortree of versuim om daaraan te voldoen, pleeg 'n misdryf en is, by skuldigbevinding deur 'nhof, onderhewig aan die oplegging van 'n boete wat nie R60 000 oorskry nie, of gevengenisstraf vir 'n tydperk wat nie drie jaar oorskry nie, of beide 'n boete sowel as gevengenisstraf, of sodanige ander boete of tydperk van gevengenisstraf soos tyd tot tyd deur die Minister van Justisie kragtens die bepalings van die Wet op Landdrokantore, 1944 (Wet No. 32 van 1944) bepaal.
- (2) Enige onkoste wat deur die munisipaliteit aangegaan is as gevolg van 'n oortreding van hierdie verordening of as gevolg van 'n persoon se versuim om 'n daad te verrig wat hy of sy ingevolge hierdie verordening gelas is om te verrig, kan deur die munisipaliteit verhaal word van die persoon wat die oortreding begaan het of wat versuim het om sodanige daad te verrig.
- (3) Enige persoon wat voortgaan om 'n misdryf te pleeg nadat hy of sy in kennis gestel is om sodanige misdryf te staak, of nadat hy of sy skuldig bevind is aan sodanige misdryf, is skuldig aan 'n voortgesette misdryf.
- (4) Enige persoon wat, na skuldigbevinding ingevolge hierdie verordening, voortgaan met die gedrag of nalating wat die misdryf veroorsaak het, is skuldig aan 'n voortgesette misdryf en onderhewig aan die betaling van 'n boete van ten minste R200,00 per dag vir elke daaropvolgende dag dat die misdryf voortgesit word.

58. Herroeping

Enige verordening insake die voorsiening van elektrisiteit wat voorheen deur die munisipaliteit aanvaar is, moet herroep word vanaf die datum van uitvaardiging van hierdie verordening.

59. Kort titel en inwerkingtreding

Hierdie verordening word genoem die Verordening insake Elektrisiteitsvoorsiening, 2015 en tree in werking op 'n datum soos deur die munisipaliteit deur middel van afkondiging in die *Proviniale Koerant* bepaal.

No. 15**23 kuMasingana 2015****ISAZISO SIKAHULUMENI WENDAWO****KAMASIPALA ENDUMENI****UMTHETHO KAMASIPALA MAQONDANA NOKUPHAKELWA KUKAGESI**

Imenenja kaMasipala lapha ishicilela, ngokweSigaba 13 soHulumeni beNdawo: uMthetho wezi-2000, weziNqubo zikaMasipala [uMthetho No. 32 wezi 2000], ufundwa neSigaba se- 162 soMthethosisekelo waseRephubhlikhi yaseNingizimu Afrika uMthetho, we- 1996, uMthetho kaMasipala Oqondene Nokuphakwa Kukagesi.

Inhoso yoMthetho kaMasipala

Inhoso yalo mthetho kamasipala ukwamukela uhlaka lokuphakwa kukagesi kubasebenzisi abangaphakathi endaweni kamasipala, noma ngabe ngomasipala noma ngokwezivumelwane zokuthunyelwa kwezidingoNGQANGI.

**ISAHLUKO 1
ISICHACHISELO**

1. Izincazelو

**ISAHLUKO 2
IMIBANDELA EJWAYELEKILE YOKUPHAKELWA KUKAGESI**

2. Ukuphakelwa kukagesi
3. Ukuphakela ngesivumelwano, esingafaki amamitha ngaphambi kokuba asetshenziwa
4. Ukufaka isicelo sokuphakelwa ugesi
5. Ukulungiswa kwezicelo zokuphakelwa ugesi
6. Amalungelo okudlula anikezwa ngumnikazi womhlaba ngenhoso yokufaka izintambo

**ISAHLUKO 3
AMALUNGELO KANYE NEZIBOPHO ZOMHLINZEKI WOMSEBENZI**

7. Igunya lokusebenzisa umhlaba womuntu ngesivumelwane esisemthethweni
8. Ilungelo lokudlula elinikezwe ngumnikazi womhlaba ukuba kubhekwe, kuhlolwe futhi kwensiye yumsebenzi wokunakekela ipayipi elikhulu likagesi
9. Ilungelo lokunqamula ukuphakelwa kukagesi
10. Ukuvuza kukagesi
11. Ukuhluleka ukuphaka ugesi
12. Izivalo zomhlinzeki womsebenzi
13. Ukugwema ukuganga ngomsebenzi wokuxhunywa kwamapayipi kagesi noma ukulethwa kweipayipi elikhulu likagesi
14. Ukunqamula kanye nokuvulwa kwesikhashana
15. Ukuphakwa kukagesi okwesikhashana
16. Umsebenzi wesikhashana
17. Ukweliwsa kwamandla kagesi
18. Igyi eliphakathi nendawo kanye neliphansi lokuvula amandla kagesi kanye nempahla yokusebenza
19. Indawo yesikhungo sikagesi
20. Izincwadi ezingamasekhula ezithunyelwayo
21. Ukuufakwa kwamamitha
22. Ukuufakwa kwamamitha ngendlela elungile
23. Ukuufundwa kwamamitha akhokhelwayo
24. Ukuqale ukhokhe ukuufakwa kwamamitha

- 25. Osonkontileka bakagesi
- 26. Izindleko zokukhanda umonakalo
- 27. Ukungabi nesibopho kumhlinzeki womsebenzi

**ISAHLUKO 4
AMALUNGELO KANYE NEZIBOPHO ZOMSEBENZISI**

- 28. Ukusetshenziswa kukagei ngendlela engafanele
- 29. Umdwebo wokuxhuma izintambo zikagesi kanye nezincasiselomicilikisho
- 30. Ukulinda ukuhlinzekwa ngogesi
- 31. Impahla yokusebenza kagesi yokesi olindiwe yomsebenzisi yezimo esiphuthumayo
- 32. Umsebenzisi unga faka futhi ugcine ipayipi elikhulu likagesi
- 33. Iphutha ekufakweni kwamapayipi kagesi
- 34. Ukunqanyulwa kokusebenza kokuphakwa kukagesi
- 35. Ukushintsha kwalowo ohlalayo
- 36. Imishini yokwenza umsebenzi
- 37. Umsebenzi wokuxhunywa kwamapayipi kagesi
- 38. Indawo yokufakwa kwamamitha kagesi
- 39. Izidingo zamandla kagesi
- 40. Ukukhawulisa kwamandla kagesi
- 41. Ukuphakwa kukagesi okuya enjinini
- 42. Udaba lwamandla
- 43. Ukuvikela

**ISAHLUKO 5
INDLELA YOKUZIPHATHA ENGAVUMELEKILE**

- 44. Ukuganga ngomsebenzi wokuxhunywa kwamapayipi kagesi noma ipayipi elikhulu lokuphakela ugesi
- 45. Ukuvikela komhlinzeki womsebenzi wokufakwa kwamapayipi amakhulu kagesi
- 46. Ukuxhunywa kwamapayipi kagesi okungeka umthetheni
- 47. Izindawo zokungena ezingagunyaziwe
- 48. Ukuphazamisana nempahla yokusebenza kukagesi yomunye umuntu
- 49. Ukunqaba noma ukuhluleka ukunikeza ulwazi
- 50. Ukunqaba nelungelo lokudlula

**ISAHLUKO 6
INKOKHELO KANYE NEMALI ENQUNYIWE EKHOKHWAYO**

- 51. Uhlelo lemali ekhokhwayo kagesi ngokomthetho kahulumeni kanye nemali enqunyiwe ekhokhwayo
- 52. Izimali eziyisibambiso
- 53. Ukukhokhwa kwemali ebiziwe
- 54. Inzalo ezikweletini esezeqiwe yisikhathi

**ISAHLUKO 7
INHLANGANISELA**

- 55. Ukusebenza kwesaziso
- 56. Ukuvumelana ngamazaziso
- 57. Izinqubomgomu zokuphinde kudayiswe ugesi
- 58. Amacala kanye nezinhlawulo
- 59. Ukuchithwa
- 60. Isihloko esifishane kanye nokuqaliswa

**ISAHLUKO 1
ISICHASISELO**

1. Izincazelos

(1) Kulomthetho kamasipala, ngaphandle uma kuphambene nengqikithi -

"umuntu ovunye ngukusemthethweni" kuchazwa umuntu orejistiwe ngokweMithethonqubo Yokufakwa Kwamapayipi Kagesi njengomhloli kagesi we-single phase, isazi kwezokufakwa kwamapayipi kagesi noma ingcweti kwezokufakwa kwamapayipi kagesi, njengoba kungaba njalo;

"incasiselo mcikilisho evamile efanele" kuchazwa incasiselomcikilisho evamile ayamukeliwe ngokujwayelekile ngumenzi womsebenzi kagesi njengovamile esimweni esiphathelene nogesi;

"isitifiketi sokuvumeleka" kuchazwa isitifiketi esisefomini elinqunywe KuMthethonqubo Wokufaka Ugesi, esikhishwa ngumuntu ogunyazwe ngumthetho mayelana nokufakwa kwamapayipi kagesi noma ingxenye yokufakwa kwamapayipi kagesi;

"umsebenzisi" maqondana nesakhiwo kuchazwa:

- (a) noma ngubani lowo ohlalayo lapho noma omunye umuntu umhlinzeki womsebenzi enze naye isivumelwane sokuba afake noma empeleni aphakele ugesi kuleso sakhiwo; noma
- (b) uma lezo zakhiwo azihlali muntu, noma yimuphi umuntu onesivumelwano esikhona esisemthwethweni nomhlinzeki womsebenzi mayelena nokuphakwa kukagesi kwalezo zakhiwo; noma
- (c) uma engekho lowo muntu noma lowo ohlalayo, umnikazi wesakhiwo;

"imitha elikhokhelwayo" kuchizwa imitha lapho isikweleti sithunyelwa emva kokusetshenziswa kukagesi;

"usonkontileka ophathelene nogesi" kuchazwa umuntu owenza umsebenzi ophetheleni nokufakwa kwamapayipi kagesi efakela noma yimuphi omunye umuntu, kodwa ngaphandle komsebenzi walowo muntu ochaziwe ekuqalen;

"ukufakwa kwamapayipi kagesi" kuchazwa noma yimuphi umshini, kunoma yisiphi isakhiwo, esitshenziselwa ukudlulisewa kukagesi kusukela endaweni eyisisusa uya endaweni osetshenziswa khona esakhiweni, kufakwa noma iyiphi into eyingxenye yalokho kufakwa noma ngabe kuphathelene nomgudu kagesi, kodwa akufaki :

- (a) noma yimuphi umshini womhlinzeki womsebenzi omaqondana nokuphakwa kukagesi isakhiwo;
- (b) noma yimuphi umshini osetshenziselwa ukudlulisewa kukagesi onamandla angeke edlule kuma- 50 V lapho lowo gesi ungaqhamuki epayipini elikhulu likagesi ohlinzekiwe womhlinzeki womsebenzi;
- (c) noma yimuphi umshini odlulisa amandla kagesi ekuxhumaneni ngocingo, umabonakude wemigudu yomsakazo;

(d) imoto , umkhumbi, isitimela noma ibhanoyi elithwala amapayipi okufakela ugesi.

"ukuphakwa kukagesi" kuchazwa ukuphakwa kukagesi ngumhlinzeki womsebenzi ngokuxhuma amapayipi kagesi ayiswe endaweni lapho uhlinzekwa khona;

"amandla amakhulu kagesi" kuchazwa amazinga ashiwoyo amandla kagesi asetshenziswayo ohlelwani lwamandla kagesi adlulisa ngobuningi kusukela kuma-44kV Un = 220kV ngokuhambisana ne- SANS 1019;

" umsebenzisi ompofu" kuchazwa inhloko yekhaya empofu-

(a) ofake isicelo kumhlinzeki womsebenzi sokuba ahlinzekwe ngogesi;

(b) ofake isicelo, futhi onikwe ukwesekwa njengompofu, ngokwenqubomgomoyokweseka kamasipala; futhi

(c) uzothathwa njengommele wonke amalungu omuzi wakhe, kufakwa nababhlekwe nguye;

"inqubomgomoyokweseka abampofu" kuchazwa inqubomgomoyokweseka abampofu

"Imithethonqubo yokufakwa kwamapayipi kagesi" kuchazwa Imithethonqubo Yokufakwa Kwamapayipi Kagesi eshiclelwe kwiGazethi kaHulumeni No R2920 yamhla zingama- 23 kuMfumfu we - 1992;

"amandla kagesi aphansi" kuchazwa isethi yamazinga amandla kagesi ashiwoyo asetshenziswayo ukudlulisa ugesi futhi umkhawulo ophezulu wamukelekile ngokwejwayelekile ukuba ngamandla kagesi ayiwona ama – 100V (noma amandla kagesi aqondene ama - 1500 V) ngokuhambisana ne- 1019;

"umthetho" kuchazwa umthetho, isimemezelo, isimiselo, umthetho wepalamende ofanele noma ukumiswa komthetho onamandla ngokomthetho;

"amandla kagesi aphakathi nendawo " kuchazwa isethi yamazinga ashiwoyo amandla kagesi atholakala engaphezulu kwamandla kagesi aphansi futhi angaphansi kwamandla kagesi aphezulu okukela ku- 1 kV < Un = 44 kV ngokuhambisana ne- SANS 1019;

"imitha" kuchazwa into esetshenziselwa ukwenza okuthile, okungeyomhlinzeki womsebenzi, erekhoda ukudingakala kanye namandla kagesi osetshenzisiwe futhi kufakwa amamitha ajwayelekile kanye nalawo akhokhelwayo ngaphambi kokuwasebenzisa;

"ukuthwala kwenjini, ukuxhunywa sekuphelele" kuchazwa isamba sesisonke sokulinganiselwa kwayo yonke injini eyodwa exhunywe epayipini likagesi;

"injini yokulinganiselwa" kuchazwa umphumela oqhubekayo omkhulu ngokuphelele we- Kw yenjini njengoba kushiwo kusifanekiso encwadini yokulinganiselwa yomkhiqizi;

"injini yokuhambisa amandla kagesi" maqondana nenjini yamandla kagesi ahamba ngokudedelana umsuka uchaza inani lesikwele samandla kagesi ofanayo nhlangothi zombili othathwa yinjini uma inamandla kagesi lapho

okokuyiqalisa kusendaweni yako okuqalwa kuyo futhi okusanjini kukhiyiwe;

"umasipala" kuchazwa Umasipala Endumeni, esungulwe ngokweSigaba 12 soHulumeni wendawo: Umthetho, we- 1998 Wezinhlaka zikaHulumeni [Umthetho No. 117 we- 1998], futhi ufaka uhlaka lwezepolitiki, Iowo wezepolitiki ophethe isikhundla, ikhansela, isithunywa esigunyaziwe njengokufaneleyo salapho noma yimuphi umsebenzi walapho osebenzayo maqondana nalomthetho kamasipala ngenxa yegunya lamandla anikwe wona kumasipala;

"I- NER" ichaza Umthetho kaZwelonke, wezi - 2004, Wokulawula Ukuhanjiswa Kukagesi ngokoMthetho kaZwelonke Wokuhanjiswa Kwamandla Kagesi (Umthetho No. 40 of 2004);

"I-NRS 047" ichaza incasiselomcilikisho kazwelonke ezwakalayo i- NRS 047-1:1999 - Ukuphakwa kukagesi – Izingabunjalo lomsebenzi Ingxenye 1: imigomo Ewubuncane obufaneleyo, njengoba iguqulwa izikhathi ngezikath;

"I- NRS 048" ichaza incasiselomcikilisho kazwelonke ezwakalayo i- NRS 048-1:1996-Ukuphakwa kukagesi Ukuphakwa okusezingeni Ingxenye 1, i- NRS 048-2:1996 – Ukuphakwa kukagesi - Ukuphakwa okusezingeni Ingxenye 2, i-NRS 048-3:1998 – Ukuphakwa kukagesi - Ukuphakwa okusezingeni Ingxenye 3, i-NRS 048-4:1999 – Ukuphakwa kukagesi - Ukuphakwa okusezingeni Ingxenye 4, i-NRS 048-5:1998 - Ukuphakwa kukagesi - Ukuphakwa okusezingeni Ingxenye 5, njengoba uguquliwe izikhathi nezikath;

"I-NRS 057" ichaza incasiselomcikilisho kazwelonke ezwakalayo i- NRS 057-2.2000- Ukufakwa kwamamitha kagesi Ingxenye 2: izidingo ezincane ngokufaneleyo, njengoba ziguquliwe izikhathi ngezikath;

"Iowo ohlalayo" maqondana nanoma yisiphi isakhiwo kuchazwa:

- (a) noma ngubani ohlalayo kuleso sakhiwo;
- (b) noma ngubani ogunyaziwe ngokusemthethweni ukuba ahiale kuleso sakhiwo;
- (c) odabeni Iwaleso sakhiwo esihlukanisiwe bese siqashwa noma sibe nabaqashi abaniningini, umuntu owamukela irenti ekhokhwa yilabo abaqashileyo noma abaqashi, noma ngabe nge- akhawunti yakhe noma njengesithunywa sanoma yimuphi umuntu ogunyazwe lapho noma onentshisekelo yalapho, noma
- (d) yimuphi umuntu olawula leso sakhiwo noma onesibopho sokuphathwa kwaso, futhi kufakwa isithunywa sanoma yimuphi Iowo muntu uma engekho eRephublikhi yaseNingizimu Afrika noma uma engaziwa ukuthi ulaphi;

"umnikazi" maqondana nesakhiwo kuchazwa umuntu ogunyazwe ilungelo ngokusemthethweni lapho: Ngaphandle uma:

- (a) empahleni enganakususwa -
 - (i) iqashiswe isikhathi esingekho ngaphansi kweminyaka engama-30, noma ngabe isivumelwane sokuqashisa simrejistile noma cha, Iowo oqashe lapho, noma
 - (ii) uhlala kahle ngaphansi kwegunya lokusebenzisa indawo yomuntu ngesivumelwane noma ngelungelo elifaniselene

nalapho, lowo ohlalayo lapho;

- (b) uma umnikazi njengoba kuchaziwe lapha ngaphambilini –
 - (i) eshonile noma esehlulekile ukukhokha isikweleti, esenikeze ifa lakhe ukuba kusizakale labo abakweletayo, uma selingaphansi kwabaphathi ngomyalelo wenkantolo noma iyinkampani esiphela noma ingaphansi kolawula lwezomthetho, umuntu ogunyazwe ukulawula leso sakhiwo njengomabi wefa, umphathi, umphatheli obekiwego, omehlukanisi, umphathi, okhokhisa izikweleti zomuntu noma imenenja yezokwahlulela, njengoba udaba lungaba njalo, noma
 - (ii) engekho eRiphubhlkhya yaseNingizimu Afrika, noma uma ikheli lakhe lingaziwa wumhlinzeki womsebenzi, noma ngubani njengesithunywa noma ngenye indlela owamukela irenti emaqondana naleso sakhiwo, futhi
- (c) uma umhlinzeki womsebenzi engakwazi ukuthola ukuthi ngubane lowo muntu, umuntu ogunyaziwe ukusizakala ekusebenziseni leso sakhiwo, uzokuba nesibopho sokuba ngumnikazi walapho ngaphandle komuntu ogunyazwe ilingelo lalapho ngokusemthethweni;

"indawo yokusebenzisa" kuchazwa noma iyiphi indawo yomgudu noma umsuka womshini wokuphaka ongaxhunyiwe endaweni lapho uphuma khona futhi eguqula imandla kagesi alwenze olunye uhlobo lwamandla: Ngaphandle uma odabeni lomshini ofakwe ngenhoso ethile njengengxene eyodwa ephelele, indawo yokuwusebenzisa izohlinzekwa ezizindeni ezhlinzekwe yingxene yomshini ngaleylo nhoso;

"indawo yokufakwa kwamamitha" kuchazwa indawo lapho ukusetshenziswa kukagesi ngumsebenzisi kufakelwe imitha futhi okungathi ngesikhathi sokuphakwa kwawo noma ngesinye isikhathi ohlelwani lokuhanjiswa ngumhlinzeki womsebenzi noma ekufakweni kwamapayipi kagesi omsebenzisi, njengoba kunqume isikhulu esigunyaziwe soMhlinzeki woMsebenzi: Ngaphandle uma kuzofakwa amamitha kukho konke, futhi ngumsebenzisi kuphela ozosebenzisa ugesi.

"indawo yokuhlinzekwa" kuchazwa indawo enquunye ngumhlinzeki womsebenzi noma yisiphi esinye isikhulu esigunyazwe ngokufanelekile somhlinzeki womsebenzi lapho ugesi uphakelwe khona kunoma yisiphi isakhiwo ngumhlinzeki womsebenzi;

"isakhiwo" kuchazwa noma yimuphi umhlabo noma ibhilidi noma isakhiwo esingaphezulu noma ngaphansi kwendawo yaphansi futhi kufakwa noma iyiphi imoto, indizamshini noma umkhumbi;

"ukuqale ukhokhele imitha" kuchazwa imitha elingahlelwa ukuvumela ukuba kungene ubungako bukagesi obungakathengwa emgudwini kagesi;

"I-SANS 10142 -1" kuchazwa inombolo ewuphawu lomsebenzi i-SANS 10142-1/SABS 0142-1:2003 – Ukufakwa kwezintambo zikagesi esakhiweni Ingxene 1: Ukufakwa kwamapayipi kagesi onamandla amancane, njengoba kukhiswe yiMigomo yaseNingizimu Afrika eHhovisini laseNingizimu Afrika leMigomo, futhi njengoba ifakwe kumithethonqubo yase iguqulwa izikhathi ngezikhathi;

"I-SANS 1019" kuchazwa incasiselomcilikisho i- SANS 1019/SABS 1019:2001 – Amandla kagesi avamile, ukuhamba kukagesi kanye namazingaokuvinjelwa kwamandla kagesi ekuphakweni kukagesi, njengoba kukhishwe yiMigomo yaseNingizimu Afrika kwi-EHhovisini laseNingizimu Afrika leMigomo futhi njengoba iguquliwe izikhathi ngezikhathi;

"I-SANS 1507" kuchazwa incasiselomcilikisho i-SANS 1507/SABS 1507:2002 – Amakhebula kagesi aphumela ngaphandle aqinile avimbela ugesi emapayipini kagesi afakwe aqiniswa (300/500 V to 1900/3 300 V), njengoba kukhishwe yiMigomo yaseNingizimu Afrika kwi-EHhovisini laseNingizimu Afrika leMigomo futhi njengoba iguquliwe izikhathi ngezikhathi;

"umsebenzi wokuxhunywa kwamapayipi kagesi" kuchazwa wonke amakhebula kanye nempahlia yokusebenza edingekayo ukuxhuma amapayipi amakhulu aphakela ugesi emapayipini kagesi omsebenzisi ngesikhathi ephakelwa ugesi;

"into esetshenziselwa ukuvikela emsebenzini" kuchazwa noma iyiphi ifuyazi noma okunkqamula ukuhamba kukagesi okufakwe ngenhoso yokuvikela impahla yokusebenza yomhlinzeki womsebenzi ekuthwaleni kanzima noma emaphutheni enzeka ekufakweni kwamapayipi kagesi noma emsebenzini wokuxhuma amapayipi ngaphakathi;

"umhlinzeki womsebenzi" kuchazwa umasipala, abamulandelayo ngokusemthethweni ngokwesikhundla kanye nezithunywa zawo, noma lapho umasipala esepothulile isivumelwane sokuthunyelwa kwezidingo nomunye umuntu noma nesikhungo ukuba siphakela ugesi ngenxa kamasipala, ngakho kuchazwa lowo muntu noma isikhungo;

"indlela elindile yokuphakwa kukagesi " kuchazwa enye indlela yokuphakwa kukagesi engavamisile ukusetshenziswa ngumsebenzisi;

"ukuhlinzekwa kwamapayipi amakhulu kagesi" kuchazwa noma iyiphi ingxenye yokuxhuma ugesi ngumhlinzeki womsebenzi kagesi;

"uhlelo lwemali yokuthelisa kwempahla ngomthetho kahulumeni" kuchazwa uhlelo lwemali ekhokhwayo yokuthelisa yomhlinzeki womsebenzi yokuphakwa kukagesi njengoba inqunyiwe izikhathi nezikhathi ngokwesinqumo;

"incwadi ebonisayo" kuchazwa ingxenye yohlelo olubalulekile lwemitha likagesi elikhokhelwayo kuqala ngaphambi kokuwusebenzisa ukudlulisa umniningwane osuke endaweni yokudayisa ugesi ukuze athole inani lemali kagesi kumamitha kagesi akhokhelwa ngaphambi kokuwasebenzisa kanye nangakwelinye icala;

"amandla kagesi" kuchazwa umehluko wamandla kagesi phakathi kwanoma yiziphi iziphehli zamandla kagesi ezimbili noma phakathi kwesiphehli nomhlabathi.

- (2) Kulo mthetho kamasipala, ngaphandle uma indikimba ikhomba ngokunye, amagama kanye namazwi aqondise kubunye azofaka nobuningi ngokuququka, amagama kanye namazwi aqondise kubulili silisa azofaka nobulili sifazane ngokuguquka futhi okuqondiswe kumuntu ngokwemvelo kuzofaka umuntu ngokusemthethweni futhi nangakwelinye icala.
- (3) Amazwi esihloko kanye nezhloko kulomthetho kamasipala angeke kukuthinte ukwakhiwa kwavo.

ISAHLUKO 2
IMIBANDELA EJWAYELEKILE YOKUPHAKELWA KUKAGESI

2. Ukuphakelwa kukagesi

- (1) Nguumhlinzeki womsebenzi kuphela ozohlinzeka noma ozonkontileka ukuphakwa kukagesi endaweni lapho umasipala enamandla khona ngokwesikhundla.
- (2) Umhlinzeki womsebenzi uzophakela ugesi namayelana nemibandela yelaisensi ekhishiwe kuyena yi – NER futhi uzoqhubeka ihambisane nezilayezelo ze- : NRS 047, NRS 048, NRS 057, SANS 10142-1, SANS 1019 kanye ne- SANS 1057.
- (3) Uma noma yingasiphi isikhathi umsebenzisi ufunu ukuhlola amazinga okuthunyelwa kwezidingo, imibuzo kuzilayezelo ze- NRS kanye ne- SANS imibhalo mayibhekiswe kwi- NER.

3. Ukuhlinzekwa ngesivumelwano, ngaphandle kwamamitha akhokhelwa ngaphambi kokuwasebenzisa

- (1) Akekho umuntu ozosebenzisa noma ozokuba nelungelo lokusebenzisa ugesi, ngaphandle noma kuze kube lowo muntu usengene esivumelwaneni esibhaliwe nomhlinzeki womsebenzi ukuba kuphakwe ugesi, futhi leso sivumelwane kuhlangene nezinhlinzeko zalomthetho kamasipala ngayo yonke indlela sizolawula lokho kuhlinzekwa: Ngaphandle uma abantu abasebenzisa ugesi oqale ukhokhelwe ngaphambi kokuwasebenzisa kungeke kudingke ukuba bagcwalise isivumelwane esiyalezw kulesi sigaba, kodwa bazovumelana neziyalezelo zesigaba sama- 23 salomthetho kamasipala.
- (2) Uma umuntu esebebenzisa ugesi ngaphandle kokungena esivumelwane nomhlinzeki womsebenzi uzobe noma uzokuba nesibopho kuzindleko zikagesi osetshenzisiwe.
- (3) Uma umsebenzisi, kufakwa umsebenzisi onemitha likagesi okhokhelwa ngaphambi kokuba usetshenziswe, eganga noma ephazamisa into esetshenziselwa ugesi ebalulwe esigabeni sama - 44, kuzobe sekunqanyulwa ukuphakelwa kukagesi ngaphandle kwenothisi kuqala ngemibandela eshiwo esivumelwaneni sokuphakelwa kukagesi.

4. Ukufaka isicelo sokuphakelwa ugesi

- (1)
 - (a) Ukufaka isicelo sokuphakelwa kukagesi kuzokwenziwa ngokuba isicelo sibhalwe yilabo abazokuba ngabasebenzisi efomini elinqunyiwe elitholakala emahhovisi omhlinzeki womsebenzi, futhi ubungako besisindo sikagesi, ngama – KVA, emapayipini kagesi buzoshiwo lapho.
 - (b) Leso sicelo sizokwenziwa ngokushesha okunokwenzeka ngaphambi kokuba kudingke ukuba kuphakwe ugesi ukuze kwensiwe kube lula umsebenzi womhlinzeki womsebenzi.
- (2) Ukufaka isicelo sokuphakelwa ugesi isikhathi esingaphansi konyaka kuzothathwa njengokufaka isicelo sokuphakelwa ugesi okwesikhashana futhi kuzothathwa njengokubona komhlinzeki womsebenzi noma isikhulu esigunyaziwe somhlinzeki womsebenzi, onganquma noma yimiphi imibandela eyisipesheli ezoqinisekiseka kulolo daba, namayelana futhi nezilayezelo zesigaba se- 15.

5. Ukubhekelela izicelo zokuhlinzekwa ngogesi

Izicelo zokuphakelwa ugesi zizobhekelelwa bese ziphothulwa ngokushesha okunokwenzeka futhi kunoma yisiphi isigameko ngaphambi kokuphela kwasikhathi esifanele njengoba kunqunywe kwi-NRS 047.

6. Amalungelo okudlula anikezwa ngumnikazi womhlaba ngenhoso yokufaka izintambo

- (1) Umhlinzeki womsebenzi angenqaba ukufaka noma ukugxumeka amapayipi omsebenzi ngaphezulu noma ngaphansi kwanoma iyiphi indlela yabantu bonke noma emhlabeni umhlinzeki womsebenzi angagunyaziwe kuwo noma enye indawo enomnikazi, ngaphandle noma kuze kube umsebenzisi usethole noma usefake, nomhlinzeki womsebenzi imvume ebhaliwe enikwe ngumnikazi waleyondawo eshiwoy enomnikazi noma ngumuntu unegunya lobunikazi ngokusemthethweni kuleyo ndawo noma endaweni yabantu bonke njengoba kushiwo ngenhla, egunyaza ukufakwa noma ukugxunyekwa khona kwamapayipi omsebenzi.
- (2) Uma imvume eshiwo kusigatshana (1) ihoxiswa noma yingasiphi isikhathi noma uma isakhiwo noma umhlaba ushintsha ubunikazi bese umnikazi omusha enqaba ukunikeza noma ukuvumela imvume, ngalokho umsebenzisi esakhiweni sakhe okudingeka ukuphakelwa kukagesi ukuba kuqhubeke kufanele akhokhe izindleko -
 - (a) zanoma yikuphi ukuguqulwa komsebenzi wokuxhunywa kwamapayipi kagesi noma ukuphakelwa kwepayipi elikhulu likagesi okungenzeka kudingkekuze lokho ukuphakelwa kungaqhutshwa; kanye
 - (b) nanoma yikuphi ukususwa komsebenzi wokuxhunywa kwamapayipi kagesi noma ukuphakelwa kwepayipi elikhulu likagesi okungenzeka kudingkekuze lokho ukuphakelwa kungaqhutshwa.
- (3) Umasipala ungasusa noma yini noma ungalungisa noma yimuphi umsebenzi ongadala ingozi ekupheleliseni uhlelo lukamasipala lokudlulisa.

ISAHLUKO 3
AMALUNGELO KANYE NEZIBOPHO ZOMHLINZEKI WOMSEBENZI

7. Igunya lokusebenzisa umhlaba womuntu ngesivumelwane esisemthethweni

- (1) Namayelana nezinhlinzeke zesigatshana (3), umhlinzeki womsebenzi ngaphakathi endaweni kamasipala:
 - (a) Angahlinzeka, akhe futhi anakekela imisebenzi kagesi;
 - (b) Angathola, akhe, abeke, akhulise, andise, ajikise ipayipi elikhulu likagesi, akhanda, anqamule ukusebenza, avale futhi alimaze ipayipi elikhulu lokuphakwa kukagesi;
 - (c) Angakha, afake noma abeke noma yiliphi ipayipi elikhulu lokuphakwa kukagesi phezu, ngaphesheya, phakathi, phezu noma ngaphansi kwanoma yimuphi umgwaqo noma isakhiwo esingenakususwa futhi ubunikazi balelo ipayipi elikhulu likagesi buzogunyazwa umhlinzeki womsebenzi;

- (d) Uma enye into edingekayo noma efunekayo evama ukulandela, enezelayo noma elekelelalo kunoma yiluphi udaba okuningwe ngalo ezindimeni (a) kuya ku (c).
- (2) Ngezinhloso zesigatshana (1), umhlabathi, izitini zokugandaya indlela, amatshe, okusansimbi noma ukusakhuni, noma okunye okwembose indawo yaphansi engxenyeneni yanoma yisiphi isakhiwo kungasuswa ngezinhloso zokukwenza ngcono, zokuhlolola noma zomsebenzi wokunakekela ipayipi elikhulu likagesi.
- (3) Ekwenzeni noma yimiphi imisebenzi eqinisekisiwe, kufanele umasipala azame ukucina isakhiwo sisezingeni esikade sikulona.
- (4) Umhlinzeki womsebenzi, ngaphambi kokuqalisa noma yimuphi umsebenzi okungewona owokukhanda noma wokunakekelwa mayelana nanoma yiliphi ipayipi elikhulu likagesi esakhiweni esingenakususwa, okungesona esomhlinzeki womsebenzi noma esingaphansi kolawulo noma sokuphathwa ngumhlinzeki womsebenzi, uzonikeza umnikazi noma lowo ohlalayo kuleso sakhiwo inothisi efanele yomsebenzi ocatshangwayo kanye nosuku ahlongoza ngalo ukuqalisa lowo msebenzi.
8. **Ilungelo lokungena ukuba kubhekwe, kuhlolwe kanye nokwenza umsebenzi wokunakekela ipayipi elikhulu likagesi.**
- (1) Umhlinzeki womsebenzi, ngabasebenzi bakhe, osonkontileka kanye nabasizi nabeluleki bazokwazi ukungena kunoma yisiphi isakhiwo ngenhloso:
- (a) yokwenza noma yini egunyaziwe noma okudingeka ukuba yensiwe ngumhlinzeki womsebenzi ngaphansi kwalomthetho kamasipala;
 - (b) yokubheka kanye nokuhlolola noma yimuphi umsebenzi wokufakwa kweipayipi elikhulu likagesi kanye nanoma yini exhumene nalokho;
 - (c) yokubusa kanye nokucubungula noma yikuphi okungenzeka kuba ngumsuka wokuphakwa kukagesi noma ukufaneleka kwesakhiwo esingenakususwa kunoma yimuphi umsebenzi, uhlelo noma okwenziwayo komhlinzeki womsebenzi kanye nokwenza noma yikuphi ukuhlolola okudingekayo ekuxhunyweni nawo;
 - (d) ukwazisia ukuthi kukhona noma kube nokuphikisana nezinhlinzuko alomthetho kamasipala; kanye
 - (e) nokuphoqeleta ukuvumelana nezinhlinzuko zalomthetho kamasipala.
- (2) Umsebenzi womhlinzeki womsebenzi ogunyaziwe lapho ngumhlinzeki womsebenzi, ngemvume ebhaliwe ekhishwe ngumnikazi noma lowo ohlalayo kunoma yisiphi isakhiwo angadinga ukuba lowo mnikazi noma lowo ohlalayo ukuba ahlizeke, ngosuku nangehora elinqunywe kuleyo nothisi, angangena kuleso sakhiwo nangenhloso eshiwo kusigatshana (1).
- (3) Umhlinzeki womsebenzi angangena kunoma yisiphi isakhiwo ngaphandle kwenothisi futhi angathatha noma yisiphi isinyathelo esifanelekile ngokubona kwakhe, kungadingeka noma kufuneke ngenxa yokuba khona kwesimo sempi noma ukwenzeka kwesehlakalo, isimo esiphuthumayo, inhlekelele noma kunezizathu ezifanelekile zokusola ukuthi ohlalayo esakhiweni angenza okuphikisana nanoma yiziphi izinhlinzuko zalomthetho kamasipala.
9. **Ilungelo lokunqamula ukuphakelwa kukagesi**

- (1) Umhlinzeki womsebenzi angaba nelungelo lokunqamula ukuphakelwa kukagesi esakhiweni uma umuntu onesibopho sokukhokhela lokho kuhluleka ukukhokha noma iyiphi imali ekhokhwayo mayelana nokuxhunywa kwamapayipi kagesi kumbe noma yikuphi kuzinhlinzeco zalomthetho kamasipala noma kunoma yisiphi isivumelwane sokuphakelwa ugesi esiphikisiwe.
- (2) Umhlinzeki womsebenzi angeke anqamule ukuphakelwa kukagesi okushiwo ngenhla ngaphandle uma umuntu oshifo kusigatshana (1) esenhlinzekwe ngenothisi ebhaliwe, amnika isikhathi esiyizinsuku eziyi- 14 (eziyishumi nane) azolungisa ngaso iphutha lakhe, futhi umuntu ngenxa yalokho ehluleka ukulungisa lelophutha.
- (3) Uma kunento enokwenzeka efanele engaba khona engadala ukulimala noma ingozi kunoma yimuphi umuntu noma isakhiwo, noma ezimweni ezichazwe ngokwesigaba sama- 44, ngakho ukuphakwa kukagesi okushiwo ngenhla kunganqanyulwa ngaphandle kwenothisi.
- (4) Uma ukunqamula sekwenziwe, ngengoba kuningiwe ngokwesigatshana esingaphambilini, kuzokhokhwa imali yokuxhuma futhi, njengoba inqunywe ngumhlinzeki womsebenzi.
- (5) Lapho ukufakwa kwamapayipi kufakwe ngokungekho emthethweni endaweni yomsebenzisi, emva kokuba kunganyuliwe ngokusemthethweni ngumhlinzeki womsebenzi, noma lapho impahla yokusebenza yomhlinzeki womsebenzi kugangwe ngayo ukugwema ukuba kurejisteke ugesi osetshenzisiwe emitheni, ukuphakelwa kukagesi kunganqanyulwa bese kuthi amapayipi kagesi asuswe ngezandla esakhiweni.
- (6) Lesi sigaba sizosebenza kumamitha aqale akhokhelwe ngaphambi kokuwasebenza lapho noma yiziphi izinhlinzeco zalomthetho kamasipala ziphikiswe khona, noma lapho kunokwenzeka okufanele kokulimala noma ingozi ezokwenzeka kunoma yimuphi umuntu noma isakhiwo, noma njengoba kucatshangiwe ngokwesigaba sama – 44 salomthetho kamasipala.

10. Ukuvuza kukagesi

Angeke noma yingaziphi izizathu lapho kuzovumeleka ukuba kuhleshulwe imali yesikweleti sikagesi ophakiwe kanye nothathwe emitheni mayelana nogesi omoshekile ngenxa yokuvuza noma ngeliney iphutha ekufakweni kwamapayipi kagesi womsebenzisi.

11. Ehluleka kokuhlinzekwa

- (1) Umhlinzeki womsebenzi akabhekeleli ukuhluleka kokuphakwa kukagesi ngenxa yephuthwa lokuxhunywa kwamapayipi ngumsebenzisi, ngaphandle uma lokho kuhluleka kudalwe ngukusebenza kwento esetshenziselwa ukuvikela yomhlinzeki womsebenzi.
- (2) Uma noma yikuphi ukuhluleka kokuphakelwa kukagesi kutholakala ukuthi kungenxa yephutha lokuxhunywa kwamapayipi omsebenzisi noma iphutha lento esetshenziselwa ukuxhunywa kwavo umhlinzeki womsebenzi uzokuba nelungelo lokukhokhisa umsebenzisi imali njengoba inqunywe ngumhlinzeki womsebenzi, ngokubuyiselwa ngakunye kokuphakelwa kukagesi, phezu kwezindleko zokwenza impahla noma zokulungisa noma yimuphi umonakalo okungenzeka ukuba udalekile epayipini elikhulu likagesi kanye nasemitheni ngenxa yalelo phutha noma ukusebenza okube yiphutha.

12. Izivalo zomhlinzeki womsebenzi

Imitha, into esetshenziselwa ukuvikela noma zonke izinto ezisetshenziselwa ukwenza okuthile okungezomhlinzeki womsebenzi zizovalwa noma zizokhiyelwa yisikhulu esigunyaziwe somhlinzeki womsebenzi, futhi akukho muntu, ongesona isikhulu somhlinzeki womsebenzi ogunyaziwe ukwenza lokho, okuzothi noma yingayiphi indlela noma yingasiphi isizathu esikhona asuse, aphule, onakalise, agange ngalezo zivalo noma okhiye.

13. Ukunqamula kanye nokuxhunywa kwesikhashana

- (1) Umhlinzeki womsebenzi, ngesicelo somsebenzisi uzonqamula futhi axhume okwesikhashana ukuphakelwa kukagesi kumapayipi kagesi afakiwe omsebenzisi uma sekukhokhwe imali njengoba inqunywe ngumhlinzeki womsebenzi ngalokho kunqanyulwa futhi okulandelwa ukuxhunywa futhi.
- (2) Lapho kuvela isidingo sokuba umhlinzeki womsebenzi anqamule okwesikhashana futhi aphinde axhume ukuphakelwa kukagesi kumapayipi kagesi axhuniwe omsebenzisi futhi umsebenzisi akuyena onesibopho sokuqhamuka nalesi siding, umhlinzeki womsebenzi uzoyeka ukukhokhwa kwemali eshiwoyo lapha ngaphambilini.
- (3) Umhlinzeki womsebenzi kuhela ngaphansi kwezimo ezingavamile anqamule ukuphakelwa kukagesi isikhashana kunoma yisiphi isakhwi, ngaphandle kwenothisi, ngenhoso yokuqalisa ukukhanda noma ukuhlola.
- (4) Kufanele inothisi yokunqamula okuhleliwe noma ukuphazamiseka kukagesi inikezwe umsebenzisi ngumasipala maqondana ne-NRS 047.
- (5) Kufanele ukunqamula okuningwe ngakho kulesi sigabakuqaliswe futhi kusingathwe ngumasipala maqondana ne-NRS 047.
- (6) Uma kwenzeka umasipala kudingeka ukuba enze imisebenzi kuzintambozikagesi isikhathi esedlule emaminithini angama- 45, umasila akudingekile ukuba aqale anothise ngokuphazamiseka kumsebenzisi, ngaphandle kukagesi ophakelwa umsebenzisi ngesivumelwane esiyisipesheli nomasipala.

14. Ukuphakelwa kwesikhashana

Kuzokuba ngumbandela wezinhlinzeke zanoma yikuphi ukuphaklewa kukagesi kwesikhashana lapho uma lokho kuphakelwa kutholakala kuphazamisana nokuphakelwa ngendlela efanele futhi eyonga imali kumsebenzisi, umhlinzeki womsebenzi uyokuba nelungelo, ngenothisi, noma ngaphansi kwezimo ezingavamile ngaphandle kwenothisi, ukuba anqamule lokho kuphakelwa kukagesi kwesikhashana noma yinini, futhi umhlinzeki womsebenzi angeke abe nesibopho sanoma yikuphi ukulahlela noma ukulimala okubhekane nomsebenzisi ngenxa yalokho kunqanyulwa.

15. Umsebenzi wesikhashana

- (1) Ukuafaka kwamapayipi kagesi okudinga ukuphakelwa kukagesi kwesikhashana kuzoxhunywa ngqo noma eceleni kwepayipi elikhulu likagesi ngaphandle uma kungemvume ebhaliwe yomhlinzeki womsebenzi.
- (2) Ulwazi oluphephele ngezizathu kanye nohlobo lalowo msebenzi wokunqanyulwa kuzohambisana nesicelo salemvumo eshiwo ngenhla, futhi umhlinzeki womsebenzi angenqaba naleyo mvume noma anganikeza efanayo ngaleyo

migomo nemibandela njengoba engafisa.

16. Ukwahlisa amandla kagesi

- (1) Ngesikhathi sokuphakama kwamandla kagesi, noma ngesimo esiphuthumayo, noma ngombono ofaneleyo womhlinzeki womsebenzi, kudingekile noma kungasiphi isizathu ukuba ehlise amandla kagesi ohlwelweni lokuphakelwa kukagesi womhlinzeki womsebenzi, ngaphandle kwenothisi angaphazamisa kuthi, ngesikhathi umhlinzeki womsebenzi angacabanga kunesidingo, ukungaqhubeiki nokuphakelwa ugesi kunoma yikuphi okokushisisa ngogesi amanzi agciniwe noma enye into ethile yokwenza umsebenzi noma ukufakwa kwawo onke amapayipi kagesi.
- (2) Umhlinzeki womsebenzi akazukuba naso isibopho sanoma yikuphi ukulahlela noma ukulimala gqo noma ngenxa yalokho noma okuvele ngenxa yalokho kuphazamiseka kanye nokungaqhubeiki kokuphakelwa kukagesi.
- (3) Umhlinzeki womsebenzi angafaka phezu kwesakhwi somsebenzisi leyompahla yokwenza okuthile noma umshini wokwenza umsebenzi njengoba kungadingeka ukugcina izinhlinzeko zesigatshana (1), futhi isikhulu esigunyaziwe ngokusemthethweni somhlinzeki womsebenzi singangena esakhiweni ngesikhathi esifanele ngenhoso yokufaka, yokubheka, yokuhlol, yokuguqula noma yokushintsha leyompahla yokwenza okuthile noma lowo mshini wokwenza umsebenzi.
- (4) Nokho izinhlinzeko zesigatshana (3), umsebenzisi noma umnikazi, njengoba kungaba njalo, ngesikhathi efaka okokushisisa amanzi kukagesi, angahlinze ka ngaelyo ndawo yokuhlala edingekayo bese exhuma izintambo zikagesi njengoba umhlinzeki womsebenzi enganquma ukuze avumele ukufakwa kwempahla yokwenza okuthile noma impahla yokusebenza eshiwo kusigatshana (3)

17. Igiye lokuvala nokuvula kanye nempahla yokusebenza yamandla kagesi aphakathi nendawo kanye naphansi

- (1) Lapho ukuphakelwa kukagesi kunikezwa ngezinga lamandla kagesi eliphezulu, eliphakathi nendawo noma eliphansi, ukuphakelwa kanye nokufakwa kwegiye lokuvala nokuvala, amakhebuli kanye nempahla yokusebenza eyingxene yomsebenzi wokuxhuma, uma ngenye indlela izovunywa ngumhlinzeki womsebenzi noma isikhulu esigunyaziwe zomhlinzeki womsebenzi, kuzokkhokwa ngumsebenzisi.
- (2) Lapho amandla okuphakelwa kukagesi ephakathi nendawo, yonke leyo mpahla yokusebenza izivunywa yisikhulu esigunyaziwe somhlinzeki womsebenzi bese ukufakwa kuhlolwe yisikhulu esigunyaziwe somhlinzeki womsebenzi.
- (3) Akukho muntu ozosebenzisa igiye lokuvala nokuvula amandla kagesi aphakathi nendawo ngaphandle kwegunya elibhaliwe lomhlinzeki womsebenzi.
- (4) Yonke impahla yokusebenza yokuhlanganisa kocingo lwagesi nenhabathi kanye nokuhlol amandla kagesi aphezulu kanye naphakathi nendawo axhumek e kuzintambo zikagesi zomhlinzeki womsebenzi kuzohlolwa ngumsebenz i womhlinzeki womsebenzi.
- (4) Lapho amandla okuphakwa kukagesi ephansi, umsebenzisi uzohlinzeka bese efaka ipayipi elikhulu likagesi lamandla kagesi aphansi noma iyiphi enye impahla yokusebenza edingwa ngumhluinzeki womsebenzi noma isikhulu esigunyaziwe

somhlinzeki womsebenzi.

18. Indawo ehlala isikhungo sikagesi

- (1) Umhlinzeki womsebenzi ngaleyo mibandela uma ecabanga kufanele angadinga ukuba umnikazi ahlinkele futhi anakekele indawo yokuhlala ezobeka isikhungo sikagesi futhi ezokuba nekamelo noma amakamelo aseceleni azosetshenziswa kuphela ngenhoso yokuhlalisa amakhebulu amandla kagesi kanye negiya lokuvala nokuvula kanye nenyi impahla yokusebenza edingekayo ekufakeni amapayipi kagesi ocelwe yilowo ofake isicelo.
- (2) Indawo yokuhlala eshiwo ngenhla izokuba sendaweni ekhululekile, eyanele futhi lapho kunganqatshiwe ukungena ngazo zonke izikhathi ngezinhoso ezithintene nokusebenza kanye nokunakekelwa kwempahla yokusebenza.
- (3) Umhlinzeki womsebenzi uzibambele igunya lokuphakela izintambo zakhe ngogesi osuka empahleni yakhe yokusebenza efakwe kuleyo ndawo yokuhlala, futhi uma umhlinzeki womsebenzi edinga enye indawo yokuhlala, leyo ndawo eyengeziwe izohlinzekwa yilowo ofake isicelo ngezindleko zomhlinzeki womsebenzi.

19. Izincwadi ezingamasekhula ezithunyelwayo

Umhlinzeki womsebenzi izikhathi ngezikhathi, angakhipha izincwadi eziphelelisa izidingo zomhlinzeki womsebenzi mayelana nezindaba ezingafakiwe ngqo kulomthetho kamasipala, kodwa okunesidingo sokusebenza ngokuphepha nangendlela efanele kanye nokulawulwa kokuphakelwa kukagesi.

20. Ukusebenza Kwemitha

- (1) Umasipala kumele uhlinkeke, ofake futhi ulungise amamitha assetshenzisewa ukubala ugesi osetshenzisiwe, kepha izindleko zonke kumele zikhokhwe yikhasimende.
- (2) Ngaphandle kwamamitha kagesi wekhadi, ugesi osetshenzisiwe amakhasimende nganoma yisiphi isikhathi kumele uqinisekiswe ngokuthi kufundwe amamitha noma, ngaphandle uma imitha litholakale ukuthi linenkinga, noma umasipala ephakamise isigaba 22(2) salo mthetho kamasipala lapho- ke kudingeka ukuba kuqagulwe ukuthi kusetshenziswe ugesi omngakanani ngaleso sikhathi.
- (3) Uma ugesi osetshenzisiwe ubiza inani elehlukile, ukusetshenziswe kwawo kumele kubalwe ngokwehlukile.
- (4) Umasipala unelungelo lokufaka imitha likagesi kunoma yiziphi izakhiwo, izitolo noma ifulethi, izindlu eziqashisayo kanye namabhilidi afanayo ezakhiweni zonke noma endlini ngayinye kumbe ezindlini eziningi.
- (5) Azikho izinguquko, ukulungiswa noma ukuxhuma izintambo zikagesi kwanoma yiluphi uhlollo okumele kwensiwe emitheni ngaphandle kwemvume kamasipala noma yomsebenzi ogunyazwe ngumasipala.

21. Ukusebenza ngendlela kwemitha

- (1) Imitha kumele kuqinisekiswe ukuthi lisebenza kahle, uma lihlolwe ngendlela ebalulwe ngaphansi kwesigatshana (5), kutholakala ukuthi linezinkinga

- (2) njengokuba kubekiwe esicelweni esichazayo.
 Umasipala kumele ube nelungelo lokuhlola imitha. Uma ukuhlolwa kwalo kuveza okwehlukile noma ukuthi linenkinga, kumele umasipala –
 (a) uma kuyimitha likagesi wesikweletu, kumele wenze ushintsho esikweletini ebese sikhishiwe; futhi
 (b) uma kuyimitha likagesi wekhadi, kumele lehliswe inani, noma kunikezelwe ikhadi mahala uma imitha libale ngokweqile, ngokuhambisana nezihlinzuko zesigatshana(6).
- (4) Ikhasmende kumele libe nelungelo lokuthi imitha lalo lihlolwe umasipala mayelana nemali okumele ikhokhwe, ngaphansi kwesigatshana (10). Uma imitha kutholakala ukuthi alihambisani nendlela ebekiwe yokubala, bese kwensiwa izinguquko ezifanele ngaphansi kwesigatshana (2) no (6) bese imali ebiskhokhiwe ibuyiselwe emuva.
- (4) (a) uma kukhona ukungavumelani umasipala kumele ube nelungelo, lokuba imitha lelo lihlolwe abazimele abanegunya lokuhlola, futhi imiphumela eyotholakala iyobe iyyionayona futhi ibophezela ikhasmende kanjalo nomasipalabese izindleko zikhokhwa yikhasimende ngokuhambisana nezihlinzuko zesigatshana (10),
 (b) uma imitha litholakale lingekho esimeni esifanele, kuyobe sekubuyiselwa emuva imali.
- (5) amamitha kumele ahlolwe ngendlela ebekiwe nevumelekile.
- (6) (a) uma kwensiwe izinguquko ngokusetshenziswa kukagesi ngokwesigatshana (2) no (3), lezo zinguquko kumele ngokwephesenti lenkinga yemitha, njengokusho komphumela ngokwesigatshana (5), noma ngokuthi umasipala ubale ugesi osetshenzisiwe ngokolwazi onalo.
 (b) Uma kunesidingo, imali kagesi okufanele ikhokhwe kumele ikhokhwe ngezigaba noma ezinye izindlela ezingathinta ukusebenza kukagesi.
- (7) (a) uma izinguquko zenziwe ngaphansi kwesigatshana (6), izinguquko akumele zibe ngaphezulu kweminyaka emithathu (3) eyandulela usuku okutholakale ngalo ukuthi imitha linenkinga.
 (b) Ukusebenza kwalesi sigaba akulivimbi ikhasimende ukuba lifune ukubuyiselwa imali elibizwe yona ngokweqile nganoma isiphi isikhathi, uma nje ikhasimende linobufakazi.
- (8) Uma umthamo wokusebenza kukagesi uhlukile kulowo oqaguliwe, ngaphansi lwasigaba 4(1), ngendlela yokuthi umasipala ubona kubalulekile ukuthi wenze izinguquko noma afake imitha elisha elizohambisana nomthamo, izindleko zalokho kushintsha noma ukufakwa kabusha kumele zikhokhwe yikhasimende.
- (9) (a) ngaphambi kokuba umasipala wenze izinguquko ezithile kwi-akhawunti ngaphansi kwesigaba (6), umasipala kumele –
 (i) abhalele ikhasimende alazise ngezinguquko ezizokwensiwa ngenani kanye nezizathu;
 (ii) kuleso saziso hlinzeka ngemininingwane eyanele ukusiza ikhasimende ekuthumeleni izethulo, futhi
 (iii) ucele ikhasimende , kuleso saziso ukuba lihlinzeke

linikeze nezizathu ezibhalwe phansi, uma zikhona, zingakapheli izinsuku ezingama-21 noma leso sikhathi eside njengoba umasipala engavumela ukuthi kungani i-akhawunti kudingkeke ukuba kwensiwe izinguquko kuyona njengokwesaziso.

(b) uma ikhasimende lihluleka ukwenza noma yisiphi isethulo ngaleso sikhathi esibalulwe yisigatshana-9(a)(iii), umasipala kumele abe nelungelo lokwenza izinguquko kwi-akhawunti njengokuba kubekiwe ngaphansi kwasigaba -9(a)(i).

(c) umasipala kumele acubungule noma isiphi isizathu esinikwe ikhasimende ngaphansi kwasigaba-(9)(a) futhi kumele, uma egculisekile , enze izinguquko ngendlela efanele.

(d) Uma umsebenzi ogunyaziwe kamasipala enza isinqumo, ngemuva kokucubungula isethulo sekhasimende, leso sethulo asichazi ukuthi sekuyavumeleka ukuba kwensiwe izinguquko zemali ngaphansi kwasigaba (6), kumele umasipala abe nemvume yokwenza izinguquko kwi-akhawunti njengoba kubekiwe ngaphansi kwasigaba 9(a)(i), ikhasimende linelungelo lokudlulisa isinqumo somsebenzi ngokwesigaba -62 soHulumeni Bezindawo:UMthetho Wezinhlelo zikaMasipala, 2000 (UMthetho No 32 wezi- 2000).

(10) esimeni somuntu ohlwempu, izindleko zokuhlolwa kwemitha kumele zikhokhwe umasipala, kodwa kuyomele ikhasimende lelo lifake isicelo ngaphansi komgomo kamasipala wokubonelela abahlwempu.

22. Ukufundwa kwemitha likagesi wesikweletu

- (1) ngaphandle uma kubekwe okwehlukile, imitha likagesi wesikweletu kumele lifundwe kanye ngenyanga futhi imali okumele ikhokhwe kumele kubebe eklanywe ngendlela efanele. UMAsipala akumele uboshezelwe ekwenzeni izinguquko zemali.
- (2) Uma nganoma isiphi isizathu imitha lesikweletu lingeke lifundwe, kumele aqagule ukuthi imalini ye-akhawunti okufanele ikhokhwe. Inani likagesi elisetshenzisiwe kumele liguqulwe kwi-akhawunti elandelayo ngokuhambisana nenani likagesi elisetshenzisiwe.
- (3) Uma ikhasimende selihamba esakhiweni futhi ukufundwa kwemitha kungakenziwa, kungaqqagelwa ukuthi inani elingakanani likagesi elisetshenzisiwe bese kukhishwa i-akhawunti ngendlela efanele.
- (4) uma ikhasimende lifuna kufundwe imitha ngokuyisipesheli, lokhu kumele kwensiwe ngemali ebekiwe.
- (5)
 - (a) uma noma ikuphi ukubalwa, noma ukufundwa kwemitha kuveza inkinga, kumele kulungiswe inkinga kwi-akhawunti elandelayo.
 - (b) noma ikuphi okulungisiwe kumele kusebenze kuphela kuma-akhawunti aneminyaka emithathu, eyandulela usuku okubonakale ngayo inkinga, futhi kumele incike ezindlekwani okuyizo ngaleso zikhathi.
 - (c) Ukusebenza kwalesi sigaba akuvimbeli ikhasimende ukuba licele ukubuyiselwa imali eyeqile eliyikhokhisiwe esikhathini esingafinyelela eminyakeni emithathu uma ikhasimende lingakwazi ukuveza ubufakazi ngendlela esemthethwani.

23. Imitha likagesi wekhadi

- (1) Abantu abanesifiso sokufakelwa amamitha kagesi wekhadi ezakhiweni zabo kumele bafake isicelo, ngokuthi bagcwalise ifomu elitholakala emahhovisi kamasipala.
- (2) Amakhophi amakhadi kagesi edlule ngokushintshwa kwemitha lesikweletu kufakwa elikagesi wekhadi langanikwa ikhasimende uma liwacela.
- (3) Uma ikhasimende lithutha esakhiweni okufakwe kusona imitha likagesi wesikweletu, ayikho imali okumele libuyiselwe yona ngumasipala.
- (4) Umasipala akumele kube ngumsebenzi wakhe ukufaka imitha likagesi wesikweletu elilahlekile ngenxa yokuphazanyiswa, ukusetshenziswa ngedlela engafanele, noma ukulinyazwa kwalo.
- (5) Uma ikhasimende likweleta umasipala ngogesi osetshenzisiwe noma imali eyndlule yanoma yimuphi umsebenzi owenziwe umasipala, umasipala angathatha iphesenti elithile emalini okumele ikhokhwe ukubuyisa imali okweletwa yona.
- (6) Umasipala uma uthanda, ungaqoka abazothengisa amamitha kagesi wesikweletu kanti ngeke wakuqinisekisa ukuthi uzoqhubeka nomsebenzi wokuthengisa amamitha.
- (7) Uma umuntu esebezisa imitha likagesi wesikweletu ngaphandle kokugcwalisa amafromu, nakuba kunjalo uyena ozokhokha izindleko zokusetshenziswa kukagesi.
- (8)
 - (a) lapho kufwakwe khona amamitha kagesi wesikweletu ngemali yesibonelelo sikaHulumeni kaZwelonke, ayikho ifomu okumele igcwaliswe njengoba kubhaliwe ngaphansi kwasigaba (1).
 - (b) kumele uthathe njengokuthi ikhasimende lasifaka isicelo sokufakelwa imitha likagesi wesikweletu futhi umthetho kamasipala usebenzise izinguquko ezifanele, lapho umasipala ufake khona imitha likagesi wesikweletu ngemali yesibonelelo.

24. Izintambo zikagesi

- (1) Uma kufakwe isicelo esisha noma sokwenyuswa kukagesi kumasipala, noma yimuphi umsebenzi kamasipala ogunyaziwe, ngokwelungelo lakhe, angasamukela isaziso sokuphothulwa kwanoma iyiphi ingxenyenye yokufakelwa kukagesi.
- (2) Indlela ekuxhunywe ngayo izintambo kumele ivumele ukufakwa kwezintambo kuhlukaniswe kahle, kanti futhi ukufakelwa kwengxenyenye kagesi enjalo kungahlolwa, kuxhunywe ngokwelungelo lalowo ogunyaziwe ukwenza umsebenzi.
- (4) ukuhlolwa okwenziwe ngumasipala, noma umsebenzi kamasipala ogunyaziwe, akuchazi ukuthi inkampani ebifakela ugesi noma lowo osebenza kamasipala obefakela ugesi, usengokhululekile, akasahlangani nokutholakale ngemuva kwalokho okuthinta ukufakelwa kwagesi.
- (5) Lokhu kuhlolwa, akumele kwensiwe ngaphansi kwanoma yiziphi izimo (ngisho nalapho izintambo zikagesi sezixhunywe esigujini sikagesi esikhulu) njengoba kubonakala noma kuqinisekisiwe nganoma iyiphi indlela okufakelwe ngazo

izintambo zikagesi ukuthi kwenziwe ngempumelelo, ngezinsisa ezifanele ukwenza lowo msebenzi, noma ezihambisana nalo mthetho kamasipala noma ezokuphepha, futhi umasipala akumele ubekwe icala ngephutha elibekhona kufakelwa ugesi.

- (a) Umasipala ngeke athweswe icala ngomsebenzi owenziwe inkampani enikwe inkontileka noma owenziwe ngumuntu ogunyaziwe okwenza umsebenzi emagcekeni ekhasimende.
- (b) Umasipala kumele ungathweswa futhi icala ngokulahlekile noma okulimalile ngesikhathi inkampani enikwe inkontileka noma umuntu onikwe igunya beqhuba umsebenzi emagcekeni ekhasimende.

25. Izindleko zokulungiswa komonakalo

- (1) Umasipala ungalungisa umonakalo owenziwe ngokuphula lo mthetho kamasipala noma umonakalo ongumphumela wokuphambana nalo mthetho kamasipala.
- (2) Izindleko zanoma imuphi umsebenzi, owenziwe ngumasipala, ngenxa yokwephula lo mthetho kamasipala, kumele kube ngezalowo muntu ophule umthetho.

26. Umasipala akumele akhokhiswe izindleko

- (1) Umasipala akumthinti okulahlekile noma okulimalele ikhasimende, nganoma iyiphi indlela, ngesikhathi kuphazamiseka ugesi noma kwenzeka okunye kuwona okungajwayelekile, ngaphandle uma kube ngubudedengu bukamasipala.
- (2) Umasipala ngeke uvume ukuthweswa icala kunoma yikuphi ukulimala noma okulahleke ngesikhathi kufakelwa ugesi noma kwenza ushintsho oluthile, noma okudalwe yisimo esithize kufakelwa ugesi.

ISAHLUKO 4 AMALUNGELO NOKUZIBOPHEZELA KWEKHASIMENDE

27. Ukusetshenziswa kukagesi ngendlela engalungile

- (1) Uma ikhasimende lisebenzisa ugesi nganoma yisiphi isizathu kumbe nganoma isiphi isivumelwano nomasipala, ngezizathu ezamukelekile, kukholakala ukuthi lisebenzise ugesi ngendlela engalungile noma engaphephile, ngokuxhumela elinye ikhasimende ugesi walo, umasipala angacima ugesi walo ngokufaka isaziso noma ngokungasifikasi, kodwa bese ugesi ubuyiselwa futhi uma nje obekwenziwa ngendlela engalungile sekulungisiwe.
- (2) Imali enqunywe umasipala ngokunqanyulwa nangokubuyiselwa kukagesi kumele ikhokhwe ikhasimende ngaphambi kokuba ugesi ubuyiselwe, ngaphandle uma ikhasimende lingaveza ngokucacile ukuthi alizange liwusebenzise ngendlela engaqondile ugesi noma engaphephile.

28. Izcaciso kanye nomdwebo oveza ukuxhunywa kwezintambo zikagesi

- (1) Uma kuzofakwa intambo kagesi engaphezulu kweyodwa zisuka esigibhini sikagesi esisodwa noma emitheni elilodwa yesakhwi, umdwebo wokufakelwa kwezintambo zisuka emitheni noma esigubhini kumele unikwe umasipala,

ikhophi, ukuba iwugunyaze ngaphambi kokuba kuqaliswe umsebenzi.

- (2) Lapho khona izintambo zikagesi zizosukela esizindeni sikagesi esakhiweni esisodwa lapho kuphehleka khona izinga likagesi, noma kwenye yezizinda zikagesi kamasipala ngendlela ehlukile, kwejwayelekile, kumele kunikwe umasipala umdwebo ochaza kabanzi ngogesi ozofakelwa ukuze umasipala awugunyaze ngaphambi kokuqaliswa komsebenzi.
- 29. Okunye ukunikelwa kukagesi**
- Akekho umuntu okumele abe nemvume yokuba nogesi oseceleni kamasipala kunoma isiphi isakhiwo kodwa ebe esebezisa omunye ugesi eceleni, ngaphandle uma enesivumelwano esibhalwe phansi nomasipala futhi ehambisana nemigomo nemibandela ebekwe ngumasipala.
- 30. Izinsiza zokunikela ngomunye ugesi ekhasimendeni uma kunesimo esiphuthumayo**
- (1) (a) Azikho izinsiza kusebenza zezimo eziphuthumayo ezihilinzekwa yikhasimende ukuze kuqhutshwe umsebenzi okumele zixhunywe kunoma yiziphi izintambo ngaphandle kokuba kucelwe imvume kamasipala kuqala.
- (b) Isicelo sokuthola igunya kumele senziwe ngokubhala incwadi kanti futhi kumele sichaze kabanzi ngezinsiza kusebenza kanye nomdwebo wokufakelwa kwezintambo.
- (c) Izinsiza kusebenza kumele zenziwe futhi zifakwe ngendlela yokuthi kungenzeki ukuba isigubhu sikamasipala esikhulu sikagesi singakwazi ukugcina sesithola amandla kulo mshini.
- (d) Ikhasmende kumele kube ngumsebenzi walo ukuhlinzeka nokufaka konke okokuvikela lo mshini.
- (2) Uma kunesivumelwano esiyisipesheli nomasipala, umshini ophehla ugesi wekhasimende uvunyelwe ukuba uxhunywe izintambo futhi usebenzisane nalapho kusuka khona ugesi kamasipala, ikanhasmende kumele kube yijoka lalo ukuhlinzeka, ukufaka kanye nokulungiswa kwakho konke okokuvikela okudingekayo ukuze lokhu kusebenzisana kube ngokuphephile, ngendlela egculisa umasipala.
- 31. Ikhasmende kumele ligcxumeke futhi linakekele ukuxhunywa kukagesi**
- Noma ikuphi ukuxhunywa kwezintambo okubucayi, noma okuzoxhunywa esigujini esikhulu, kanye nanoma ikuphi ukwengezwu noma ushintsho olungenziwa noma inini, kumele ihlinzekelwe futhi ilungiswe igcinwe isesimeni esihle yikhasimende ngemali yalo ngokuhambisana nalo mthetho kamasipala.
- 32. Iphutha ekuxhunyweni kukagesi**
- (1) Noma iyiphi inkinga eyenzeka ngesikhathi kufakelwa ugesi, onobungozi kumuntu, emfuyweni noma empahleni, kumele ngokushesha ikanhasmende libhoncule izintambo zikagesi lapho zixhunywe khona.
- (2) Ikanhasmende kumele, ngale kokubambezela, linike umasipala isazizo futhi kumele ngokushesha lithathe izinyathelo ezithile ukulungisa inkinga.

- (3) Umasipala angafuna ihasimende likhokhele izindleko ezingabakhona ngokuxhunywa kwezintambo zikagesi okube nenkinga.
- 33. Ukungaqhubeki nokusebenzisa ugesi**

Esimeni lapho khona ihasimende selingafuni ukusebenzisa ugesi kamasipala, kumele lifake isaziso sezinsuku ezimbili ezigcwele zokusebenza ngokuthi libhale phansi ngesifiso salo sokungaqhubeki nokusebenzisa ugesi kamasipala, uma lingakwenzanga lokho kumele, isikweletu esidaleke ngeleso sikhathi kuyosho ukuthi sisamile kuze kuphele izinsuku ezimbili ezigcwele zokusebenza ngemuva kokuba lifake isaziso.

34. Ukushintsha komnikazi wesakhiwo

- (1) Ihasimende elishiya isakhiwo kumele libhalele umasipala isaziso sezinsuku ezingekho ngaphansi kwezimbili ezigcwele zokusebenza ngenhloso yalo yokungaqhubeki nokusebenzisa ugesi, uma lihlulekile ukwenza njalo, kumele liqhubeke nokukhokhela izindleko zokusethenziswa kukagesi.
- (2) (a) Uma umuntu ozosebenzisa isakhiwo enesifiso sokusebenzisa ugesi, kumele afake isicelo ngokuhambisana nalo mthetho kamasipala.
- (b) Uma ehlulekile ukufaka isicelo sokufakelwa ugesi zingakapheli izinsuku eziyi-14 zokusebenza ngemuva kokungena esakhiweni kungaholela ekutheni ugesi unqanyulwe, umnikazi wesakhiwo kube nguyena ozokhokhela umasipala izindleko zikagesi kusukela ngelanga aqala ngalo ukwusebenzisa kuze kube yilanga onqanyulwe ngalo.
- (c)
- a. Uma isakhiwo sifakelwe imitha likagesi wekhadi, umuntu osisebenzisayo ngeleso sikhathi kumele kuthathwe njengokuthi nguyena umnikazi wesakhiwo.
 - b. Kuze kube yisikhathi lapho umuntu eseziphile khona isicelo sokufakelwa ugesi, ngendlela ehambisana nomthetho kamasipala, kumele kube nguyena okhokhela zonke izindleko ezikweletwa umasipala ngeleso mitha kanye nazo zonke izindleko ezingaqedeliwe futhi noma ngabe izindleko zidalwe yilowo muntu noma cha.

35. Amamitha kagesi

- (1) Ihasimende kumele likhokhele zonke izindleko zikamasipala zomonakalo noma zokulahlekile kwanoma iliphi imitha, umshini wokuvikela, umsebenzi wokuxhuma kanye minye imishini esesakhiweni, ngaphandle uma lowo monakalo udalwe yimvelo, noma umsebenzi kamasipala, noma ugesi ube nenkinga ngandlela thize esakhiweni.
- (2) Uma, ngesikhathi kunqanyulwa ugesi, esigujini noma emitheni likamasipala nanoma imuphi umshini kamasipala, kususwe ngaphandle kwemvume noma leyo ebilimele ukuze kubuyiswe ugesi ngendlela enobungozi, umnikazi wesakhiwo kumele akhokhele izindleko zokushintshwa noma zokufakelwa kabusha kwalelo mitha.
- (3) Uma kunemitha eliodwa, imininingwane ebhalwe ngaphansi kwesigaba (1) kumele ibe semahlombe kamnikazi wesakhiwo.

- (4) Imali okumele ikhokhwe ngokwesigaba (1) kumele ifakazelwe yisitifiketi sikamasipala, okuyiso esokugcina nesibophelelayo.

36. **Ukuxhunywa kukagesi**

- (1) Ikhaisimende kumele likhokhe izindleko zokufakwa kukagesi, ngendlela egunyazwe ngumasipala.
- (2) (a) Nakuba ikhaisimende kuyilonona elikhokhela izindleko zokufakelwa kukagesi, umsebenzi wokufakelwa kwawo ngokamasipala, kumele kanti futhi umasipala kube ngumsebenzi wakhe lowo kuze kube ugesi uyafakelwa.
 (b) Ikhaisimende akumele linxeshezelwe ngalutho ngumasipala mayelana nalowo msebenzi wokufaka ugesi.
- (3) Umsebenzi ozokwenziwa ngumasipala, ngezindleko zekhasimende, ngomsebenzi wokuxhuma ugesi esakhiweni sekhasimende kumele unqunywe umasipala noma umsebenzi ogunyaziwe kamasipala.
- (4) Ukuxhunywa kukagesi kumele kube ngaphansi komhlaba, ngisho noma lapho udonswa khona kungekho ngaphansi noma kwenzelwe phezulu, ngaphandle kwalokho okwakhelwe phezulu kudinga umasipala.
- (5) Ikhaisimende kumele lihlinzeke, lilungise esakhiweni salo imigudu enjalo, ilapho kuhamba khona izintambo, nokuboshiwe futhi icabe okuphezulu ukuze umasipala akwazi ukuxhuma kahle.
- (8) Intambo esetshenziwelwe ukuxhuma ugesi kumele ibe nendawo yimpambano ngokulingana nentambo ehambisa ugesi engekho ngaphansi kuka-10 mm² (insimbi kume okufana nayo), futhi zonke izintambo kumele zibe nempambano, ngaphandle uma kugunyazwe ngokwehlukile ngunoma yimuphu umsebenzi kamasipala ogunyaziwe ukuqhube lowo msebenzi.
- (9) (a) Ngaphandle uma kunikwe igunya, umasipala kumele kuphela afake ugesi owodwa esakhiweni ngasinye esibhalisile.
 (b) Lapho khona izakhiwo ezingaphezulu kwesisodwa kungezomuntu oyedwa futhi zibhekene izakhiwo, kungahlinzekwa ngentambo eyodwa enkulu esabalalisahambisa ugesi, uma nje kusegcekeni eliodwa.
- (8) Noma yikuphi okumboze lapho kudlula khona intambo kagesi kusukela lapho udonswa khona kuya emitheni kumele kwensiwe ngendlela yokuthi yamukele izivalo zikamasipala.
- (10) Intambo kagesi, ngokwesimo sayo, kumele icinywe emitheni: Uma nje ubude bayo bubonakala bonke.
- (10) (a) Esimeni lapho izakhiwo zisetshenziswa abantu abaningi abangamakhasimende, kumele kufakwe izintambo ezahlukene kanjalo nemigudu yazo yehlukane kusukela emitheni eliodwa legumbi lomuntu ngayedwa esakhiweni.
 (b) ngale kwalokho, uma kusetshenziswe ugodo, izintambo zomuntu ngamunye kumele zibonakale ngokucacile (zihlanganiswe ndawonye njalo endaweni engamamitha angu-1,5) ubude bayo bonke.

37. Indawo Yemitha

- (1) Ikhasmende kumele, uma kunesidingo ngokukamasipala noma umsebenzi ogunyaziwe, lihlinzeke ngendawo lapho kuzohlala khona imitha noma imishini kagesi kanye nokokuvikela.
- (2)
 - (a) Leyo ndawo kanye nokuvikeleka kwayo kumele kuhlinzekwe bese kuyanekekewa, ngendlela ezogculisa umasipala, kepha izindleko kumele zikhokhelwe ikhasmende noma umnikazi, njengoba izimo zingasho njalo, futhi kumele libe sendaweni esobala nengavalekile ukuze kube lula ukufundwa kwemitha ngezikhathi ezithile nangenhoso exhumene nokusebenza kanye nokunakekelwa kwezinsiza zomsebenzi.
 - (b) Ukungena noma yingasiphi isikhathi kumele kuvumeleke ukuze kuhlolwe inkokhelo ngokwamamitha.
- (3) Uma kunomshini wemitha ofakiwe, indawo ehlukile kuleyo esetshenziselwa izinsiza zemitha likamasiplala kumele ihlinzekwe.
- (4) Ikhasmende noma, umnikazi wezakhiwo uma kunemitha likawonke wonke kumele ahlinzeke ngokukhanyiswa kukagesi endaweni ebekelwe umshini wemitha kanye nomshini okusetshenzwa ngawo.
- (5) Uma umasipala ebona ukuthi indawo lapho kakhona khona imitha, noma lapho kuxhunye khona noma izinsiza zokuvikela kungasafinyeleki kalula kuzona kumbe sezinobungozi kumuntu noma empahleni kumbe ingasafanele ukusetshenziswa, umasipala angalisusa alifake kwenye indawo bese izindleko zalokho kususwa zikhokhwa yikhasimende.
- (6)
 - (a) Indawo yezinsiza zemitha kamasipala kumele ibe nomshini wayo ngqo.
 - (b) Akukho mshini ngaphandle kwalowo osetshenziselwe ukunikelwa kukagesi kanye nokusetshenziswa kukagesi okumele kufakwe noma kugcinwe kuleyo ndawo

38. Imigomo Yesisindo Sikagesi

Ukunqanyulwa kokunikelwa kukagesi kumele kuhlinzekwe uma kungekho sivumelwano sokunikela ngogesi osezingeni, kumele kunqunyelwe amazinga afanele esicacisweni.

39. Imikhawulo Yesisindo

- (1) Uma umthwalo okaliwe ubalwa ngokwamazinga ezokuphepha, ungeqile e-15 KVA, ukuxhunywa kukagesi kumele kuhlelwe izintambo ezimbili zokunikelwa kukagesi, ngaphandle uma kuvume umasipala noma umsebenzi onegunya walowo masipala.
- (2) Uma kunezigaba ezintathu zezintambo ezine zokuxhuma ugesi ezhlinzekiwe, umthwalo kumele okungenani ungabi ngaphezu kwezigaba ezintathu kodwa futhi akumele isisindo sawo seqe e-15 KVA, ngaphandle uma kuvume umasipala noma umsebenzi onegunya walowo masipala.
- (3) akukho sitsha esisebenza ngogesi njengamanje, esingangasebenzisa isigaba esisodwa esifinyelela e 15 KVA, okumele sixhunywe kugesi ngaphandle kwemvume kamasipala noma umsebenzi wawo onegunya

40. Ukunikelwa kukagesi ezomonthweni

Ngaphandle uma umasipala no ma umsebenzi wakhe onegunya evuma ukuthi ukukalwa kwezimoto kumele kugcine kulokhu okulandelayo:

- (a) maqondana nobungako bomthamo kagesi osebenza ezimotweni-
 - (i) ukukalwa komthamo omncane ezimotweni kumele kungeqi ku-2KW, noma ukuqala kwawo akumele kweqe kuma-70 A futhi zonke izimoto ezinomthamo ongaphezu kwalona kumele zibe nezigaba ezintathu zomthamo omncane noma lowo mthamo othe xaxa njengoba kudingeka; bese
- (b) maqondana nomthamo omkhulu kanye nokusebenza ngamandla kwezigaba ezithathu ngokushintsha izimoto zamanje-
 - (i) ukuqala kokusebenza kukagesi okunezigaba ezintathu zomthamo omncane ovumelekile ezimotweni kumele uhambisane namandla kagesi oxhunyelwe amakhasimende kanje:

Amakhebuli Avikelekile omsebenzi,ubungako bama mm², ikhophaelingana nama mm²	Okukhulu okuvumelekile lapho kuqala khona imoto A	Ukukalwa Kwemoto okufinyella kwi- kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Ezinye izindlela (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

42. Amandla kagesi

- (1) Uma umasipala udinga ukuba amandla kagesi anoma yisiphi isisindo agcinwe ngokungeqi ku- 0,85 izembozo kanye no- 0,9975 okungaphezulu.
- (2)
 - (a) Lapho inhoso yokuhambisana nesigatshana (1),kuyadingeka ukuba kufakwe izinsiza ezizolungisa amandla kagesi,ikhasimende elifisa ukufakelwa lezi zinsiza kumele lithole imvume ebhaliwe kumasipala ngokufaka isicelo efomini elinqunyiwe.
 - (b) Lezo zinsiza zokulungisa kumele zixhunywe ezimpahleni zomuntu ngayedwa

ezisebenza ngogesi ngaphandle uma amandla kagesi elawuleka, kuncike esigatshaneni (3)

- (c) Izinsiza zokulungisa amandla kagesi kumele zibe nomshini ofanele njengoba kudinga umasipala.
- (d) Umasipala ungfaka lezo zinsiza zokulungisa isimo kepha izindleko ziokhokhwa yikhasimende.
- (e) Umasipala unganquma ukuba izinga lokusetshenziswa kukagesi lilawulwe ngokusetshenziswa kwavo.

43. Ukuvikeleka

Izinsiza zezokuvikela ugesi ezimotweni kumele zakhiwe ngendlela evikela izimoto uma kunesidingo ngokuhambisana ne-SANS 10142-1/

ISAHLUKO 5 INDLELA YOKUZIPHATHA ENGAVUMELEKILE

44. Ukuphazamisa ukuxhuywa kukagesi noma isizinda sikagesi

- (1) Akukho muntu noma yingayiphi indlela kumbe nanoma yisiphi isizathu ongavimbela kumbe aphazamise noma yiliphi imitha likagesi kumbe umshini wemitha,noma ukuxhunywa kukagesi,kumbe okuvikela ugesi noma isizinda sawo kumbe noma yimuphi umshini kamasipala.
- (2)
 - (a) Uma kunobufakazi bokuthi ikhasimende noma omunye umuntu owaphule isigatshana (1), umasipala kumele abe nelungelo lokunqamula ugesi ngaleso sikhathi futhi ngaphandle kokwazisa ikhasimende.
 - (b) Umuntu obhekene nokukhokha imali kanye nenkokhelo enqunywe umhlinzeki womsebenzi maqondana nokunqanyulwa kukagesi.
- (3) Uma isikhathi esinqunyiwe sishiwo esigatshaneni (1) sesidlulile ngenxa yokungaxhumeki ngendlela kwemitha, umasipala unelungelo lokukhokhisa ikhasimende zonke izindleko zikagesi osetshenzisiwe.

45. Ukuvikelwa kwesizinda sikagesi esisetshenziswa umasipala

- (1) Uma umuntu engenayo imvume kamasipala futhi kuncike kuleyo migomo njengoba ibekiwe angeke akwazi :
 - (a) ukwakha,ukugxumeka, ukubeka noma ukuvumela ukwakhwa,ukugxunekwa,noma ukwakhwa kwanoma yiliphi ibhilidi ,isakhiwo noma enye into, kumbe ukutshalwa kwezihlaha noma kwezithelo kuleyo ndawo kumbe ngendlela engagxambukela kumbe ilimaze isizinda sikagesi;
 - (b) ongamba,noma avule kumbe asuse umhlabathi ngaphezulu,eduze noma ngaphansi kwanoma iyiphi ingxenye eyisizinda sikagesi;
 - (c) ongalimaza,abeke engozini,asuse noma abulale kumbe enze noma yini engabulala ,ilimaze noma ibeke engozini noma iyiphi ingxenye eyisizinda sikagesi.

- (d) ongax huma ugesi ngokungemthetho kunoma iyiphi ingxenye yesizinda sawo kumbe ashintshe noma abange ukuba uphazamiseke ngandlela thile.
- (2) (a) Umnikazi kumbe umhlali kumele aqikelele ukuthi izihlahla ziyalingana ubude kanjalo namagatsha azo anganqunywa kakhulu,kumbe ahlinzeke ngezokuvikela uma ngokubona kukamasipala engavimba izihlahla ukuba zingathikamezi isizinda sikagesi uma kwenzeka isihlahla noma igatsha laso liwa noma linqamuka.
- (e) Uma umnikazi ehluleka ukulandela lesi sihlinzeko, umasipala emva kokukhishwa kwesaziso esibhalilwe unelungelo lokunquma nokulungisa izihlahla noma ezinye izitshalo ngendlela ezohambisana nale sihlinzeko bese enikezwa igunya lokungena ezakhiweni.
- (4) Emva kokuba umasipala esethole incwadi yenkantolo, ungawisa, ushntshe noma ulimaze noma yisiphi isakhiwo, ibhilidi noma enye into eyakhiwe noma exhunywe kumbe eyakhiwe ngokuphikisana nalo Mthetho kaMasipala.
- (5) Umasipala, uma kunesimo esiphuthumayo kumbe inhlekeli,ungasusa noma yini elimaza,evimbela kumbe ebeka engozini, noma evame ukulimaza ,ukuvimbela,ukubeka engcupheni noma ukubhodloza noma iyiphi ingxenye yohlelo lokunikelwa kukagesi.

Ukuxhunya wa kukagesi ngokungemthetho

Akukho muntu ngaphandle kwalowo onikezwe igunya ngumasipala ngokubhaliwe, ongax huma noma azame ukux huma noma yimuphi ugesi noma ingxenye ethile kagesi kumbe ngokungekho emthethweni.

Ukuxhunya wa kukagesi ngokungemthetho

- (1) Akukho muntu,ngaphandle komuntu ogunyazwe umhlinzeki wemisebenzi ngokubhaliwe ongax huma,noma azame ukux huma kumbe abange noma avumele ukuxhunya wa kukagesi onqanyulwe ngumasipala.
- (2) Uma ukunikelwa kukagesi obusunqanyuliwe kutholakala ukuthi usuphinde waxhunya, ikhasmende elisebenzisa lowo gesi liyobhekana nezindleko zokukhokhela ugesi osetshenziswe kusukela ngosuku owanqanyulwa ngalo kanjalo nezinye izindleko ezidalwe yilokho.
- (3) (a) Umasipala uyaligodla ilungelo lokususa ingxenye kumbe zonke izinsiza zikagesi kuze kukhokhwe yonke imali.
- (b) Ngaphezu kwalokho, ikhasmende kumele libhekane nazo zonke izindleko eziqondene nokubuyiselwa kwezinsiza zikagesi.
- (6) Lesi sigaba siyasebenza futhi kubantu abasebenzisa ugesi wekhadi

48. Ukugxambukela ezinsizeni zikagesi womunye umuntu

- (1) Akukho muntu ongasebenzisa izinsiza zagesi ezinale mibandela elandelayo ekuyizona ezandisa umthamo wokusebenza kukagesi ngendlela, kanye nesinye isigaba esingangeni kuleso esingaphandle kwamazinga afanele esicaciso.
- (2) Kumele kuhlolwe ukugxambukela ezinsizeni zikagesi zomunye umuntu ngokusebenzisa izikalo ezithathwa emitheni lokukala ugesi.

- (3) Uma kwenzeka ukuthi kunokugxambukela okwenzekayo, ihasimende kumele lifake umshini odingekayo ukuvimbela ukugxambukela kanye nokuvikela ukuba kungafinyeleleki kalula esizindeni salo.

49. Ukunqaba noma ukuhluleka ukunikeza imininingwane

Akukho muntu onganqaba noma ahluleke ukunikeza leyo mininingwane, njengoba idingeka kumbe idingwa umsebenzi onegunya kamasipala, kumbe anikeze imininingwane engamanga kunoma yimuphi umsebenzi maqondana nokuxhunywa kukagesi osekuphothuliwe kumbe okuningiwe.

50. Ukwenzaba ukuthunywa

Akukho muntu ongavimbela, aphazamise, agxambukele noma anqabe ukuthunywa ngumsebenzi onegunya kamasipala uma enza umsebenzi wakhe ngokwalo mthetho kamasipala kumbe noma yimuphi umsebenzi oqondene nalokho.

**ISAHLUKO 6
INKOKHELO NEMALI**

51. Imali kanye nenkokhelo kagesi

Amakhophi kanye nolwazi oluqondene nemali enquuniwe luyatholakala emahhovisi kamasipala.

52. Idiphozithi

- (1) (a) Umasipala angadinga ukuba ihasimende likhokhe imali ethile eyidiphozithi noma anikele ngegaranti yasebhange evunyiwe ukuze abe nesiqiniseko sokuthi imali edingekayo lizokwazi yini ukuyikhokha.
- (b) Imali eyidiphozithi eqondene nokuxhunywa kukagesi kumele inqunywe ngumasipala, futhi leyo diphozithi inganyuswa uma umasipala ebona ukuthi leyo ayanele.
- (2) (a) Leyo diphozithi kumele ithathwe njengenkokhelo kumbe njengengxenye yenkokhelo yanoma iyiphi i-akhawunti okumele ikhokhelwe ukunikelwa kukagesi ngenhloso yokuthola isaphulelo esifanele maqondana nentela ebalulwe kulo mthetho kamasipala.
- (b) Uma ugesi usunqanyuliwe, imali eyidiphozithi, engenanzalo, noma inkokhelo ephansi ekhokhelwe umasipala kumele ayibuyisele ekhaisimendeni.

53. Ukukhokhwa Kwemali Enqunyiwe

- (1) (a) Ikhaisimende kumele likhokhe yonke imali ebalulwe kwintela enquuniwe kagesi njengoba inqunywe umasipala.
- (b) Ikhophi yentela enquuniwe itholakala kumasipala.
- (2) Wonke ama-akhawunti kumele akhokhelwe uma sekuphume isaziso kumasipala futhi i-akhawunti ngayinye kumele ngaphandle iveze usuku lokugcina lokukhokha kanye nesexwayiso esiveza ukuthi ugesi ungase unqanyulwe uma kungukuthi

kushaya lolo suku ingakakhokhelwa.

- (4) Iphutha kumbe okushiyiwe kunoma iyiphi i-akhawunti kumbe ohluleka ukukhokhela i-akhawunti akumele ancishe amakhasimemde ilungelo lawo lokukhokha imali efanele ngogesi osetshenzisiwe ezakhiweni futhi kumele kube semahlombe ekhasimende ukuzigculisa ngokuthi i-akhawunti iikhokhelwe ngokuhambisana nentela enqunyiwe kagesi walezo zakhiwo.
- (4)
 - (a) Akukho muntu ongavimbela, aphazamise noma agxambukele emsebenzini wesikhulu esinegunya sikamasipala ngesikhathi kufike isisebenzi ukuzonqamula ugesi ngokwesigatshana (2).
 - (b) Ngaphandle kokwaphulwa kwale sigatshana, umuntu ovimbela noma ophazamisa kumbe ogxambukelayo kumele akhokhe imali enqunyiwe yokuvakasha ngakunye ngenhoso yalokhu kunqanyulwa kukagesi.
- (5) Emva kokunqanyulwa kukagesi ngenxa yokungawukhokheli, imali enqunyiwe kanye nanoma iyiphi imali okumele ikhokhelwe ugesi osetshenzisiwe kumele ikhokhwe ngaphambi kokuba uxhunywe kabusha.

54. Inzalo kuma- akhawunti angakhokheliwe

Umasipala angakhokhisa inzalo lawo ma-akhawunti angakhokheliwe ngesikhathifuthi inzalo ikalwa njengoba kuvume umasipala isikhathi ngesikhathi.

ISAHLUKO 7 INGXUBEVANGE

55. Ukuthunyelwa kwesaziso

- (1) Noma yisiphi isaziso noma omunye umbhalo othunyelwe kunoma yimuphi umuntu ngokwalo mthetho kamaspala uthathwa ngengothunyelelwe:
 - (a) uma sinikezwe yena ngqo;
 - (b) uma sishiywe ekhaya lalowo muntu noma ekhelini elikwi Riphabhlikhi kumuntu oneminyaka engaphezu kweyishumi nesithupha.
 - (c) uma siposwe ngeposi elirejistiwe ekhelini lalapho kuhlala khona lowo muntu noma ekhelini lebhizinisi elikwiRiphablikhi bese kutholakala isiqinisekiso eposini sokuthi sithunyeliwe;
 - (d) uma ikheli lalowo muntu laziwa noma isaziso sithunyelwe kummeli noma kumkhulumeli walowo muntu kwi Riphablikhi ngendlela ehlizekwe ezindimeni (a), (b) noma (c);
 - (e) uma laziwa ikheli lalowo muntu kanye nommeli wakhe kumbe umkhulumeli wakhe,uma seliposelwe endaweni esobala ezakhiweni noma kwenye indawo efana naleyo.
- (2) Uma kunesaziso kumbe umbhalo othile okumele uvunywe kumbe unikezwe umnikazi noma umhlali kumbe owengamele noma yiziphi izakhiwo kumbe onelungelo kunoma yiziphi izakhiwo, kubalulekile ukuba lowo muntu ochazwe esazisweni noma komunye umbhalo njengomnikazi, umhlali noma umuntu owengamele izakhiwo asikho isidingo sokubhala igama lalowo muntu.

- (3) Noma yiluphi uhlelo olusemthethweni lusebenza kahle nangempumelelo uma umasipala eluhambisa kwiMenenja kaMasipala noma kumuntu onegunya lokusebenza ehhovisi lemenena

56. Ukuhambisana nezaziso

Noma yimuphi umuntu, okhishelwe noma onikezwe isaziso ngaphansi kwale mithetho kuyomele ahambisane nemigomo ebekwe kuleso saziso ngaleso sikhathi

57. Ukudayiswa kukagesi

Akukho mutu ongadayisa kumbe anikele ngogesi osezakhiweni zakhe komunye umuntu noma abantu ngaphandle kwesivumelwano nomasipala ukuba bawusebenzise kunoma yiziphi izakhiwo,kumbe avumele ukuba udayiswe noma unikelwe ngaphandle uma egunyazwe ngumasipala.

58. Amacala nezinhlawulo

- (1) Noma yimuphi umuntu owaphula kumbe ohluleka ukuhambisana nezihlinzeko zemithetho kamasipala uyobekwa icala lokwaphula umthetho bese uma esevelile enkantolo ahlawuliswe imali engangezi-R60 000,noma abhadle ejele iminyaka engeqile kwemithathu,kumbe ahlawuliswe aphinde aboshwe, kumbe leyo nhlawulo noma lesu sikhathi asiboshiwe lapho uNgqongqoshe Wezobulungiswa anganquma khona izihlinzeko zoMthetho WeNkantolo KaMantshi, 1944 (uMthetho No.32 we 1944) isikhathi ngesikhathi.
- (2) Noma yiziphi izindleko umasipala ozithole ngenxa yokwaphulwa komthetho noma isenzo somuntu olayelwe ukuba asenze ngokulandela umthetho wabe esehluleka ukwenza njalo, ziyokhokhwa yilowo mutu.
- (3) Noma yimuphi umuntu oqhubeka nokwenza icala emva kokuba esekhishwelwe isaziso ukuba ayeke lesu senzo, noma uma esenze icala, uyobekwa icala ngokuqhube ka naleso senzo.
- (4) Noma yimuphi umuntu owaphula lo mthetho, noma oqhubeka nokwenza kumbe anganaki ukwaphulwa komthetho, uyobekwa icala lokuqhube ka necala bese ehlawuliswa imali engama –R200 usuku ngalunye enze ngalo lelo cala.

59. Ukuchithwa

Noma yimuphi umthetho kamasipala oqondene nokunikelwa kukagesi osuvunywe umasipala kumele uchithwe kusukela ngosuku okumenyezelwe ngalo lo Mthetho.

60. Incazeloyawo emfushane kanye Nokusebenza kwavo

Lo Mthetho kaMasipala uqondene nokuphakelwa kukagesi, wezi 2015, futhi uzoqala ukusebenza ngosuku olunqunywe uMasipala uma usudalulile eGazethini yesiFundazwe

No. 16

23 January 2015

ENDUMENI MUNICIPALITY**ROAD TRAFFIC BY-LAWS**

Be it enacted by the Council of the Endumeni Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

Definitions

1. In these Bylaws, unless the context otherwise indicates:

“**Authorized Officer**” means:

- (a) A traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (b) A member of the services as defined in Section 1 of the South African Police Services Act, 1995 (Act No. 58 of 1995);
- (c) A peace officer contemplated in Section 34 of the Criminal Procedure Act, 1997 (Act No. 51 of 1997);
- (d) Any other official duly authorized by the Council;

“**Goods Vehicle**” means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes truck-tractor, motorcycle or motor tricycle;

“**Heavy Motor Vehicle**” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3 500kg;

“**Licensed Motor Vehicle Attendant**” means a motor vehicle attendant who is the holder of a current licence issued in terms of these Bylaws;

“**Head Safety & Security**” means the person appointed by the municipality to this position and includes a person acting in this position;

“**Motor Vehicle Attendant**” means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;

“**Municipality**” means the Endumeni Municipality or its successors in title, and includes the council of that municipality or its executive committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws;

“**Taxi**” means a public motor vehicle designed or adapted solely or principally for the conveyance of not more than nine persons including the driver;

“**The Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996) as amended from time to time;

“**The Regulations**” means any regulations promulgated under the Act.

Use of Roads Demarcated into Traffic Lanes

2. (1) When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another;
- (2) All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicle, bicycles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

Vehicles not to be Driven on Sidewalks

3. No person shall drive, draw or propel any vehicle (other than a perambulator, invalid's chair or the like) upon any footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) any such sidewalk or footpath for the purpose of entering or leaving any property abutting thereon.

Roller Skating and Use of Soap Box Carts

4. No person shall use roller-skates, a skateboard, a soapbox cart or any similar article to which rollers or wheels are fixed or cause or permit them to be used upon a public road or sidewalk provided however that the council in its discretion may authorize the use of such in connection with organized events.

Control of Parking Places

5. Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, authorized officers shall, in cases of emergency or when it is desirable in the public interest, have authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any authorized officer while so engaged.

Repair of Motor Vehicles on Public Roads Prohibited

6. No person shall repair any motor vehicle in any public street or place within the Municipality; provided that this Bylaw shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion.

Excessive Noise

7. No person shall operate a motor vehicle upon a public road in such a manner as to cause any excess noise that can be avoided by the exercise of reasonable care on his part.

Parking Restrictions

8. (1) No person operating or in charge of a vehicle on a public road shall:
 - (a) Allow such vehicle to remain stationary in a loading zone between the hours of 07h00 and 17h00 Mondays to Fridays and 07h00 to 12h00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.
 - (b) (i) In the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or
 - (c) (ii) In the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;
and no person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle other than a goods vehicle, stationary in a loading zone shall remove such vehicle therefrom immediately upon being directed to do so by an authorized officer, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
 - (d) In the case of a vehicle other than a bus, allow such vehicle to remain stationary in a bus stop between the hours of 0600 and 18h00;

- (e) Park such vehicle in any public road within the Municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the Act or regulations as the case may be.
- (2) No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 23 meters of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.
- (3) No heavy motor vehicle designed, adopted or used for the conveyance of goods shall, without the written permission of the Head Safety & Security be parked by any person between the hours of 19h00 and 05h00 in any part of the municipality which has formally been declared as a town in terms of any applicable law, except on private land or on those portions of public roads on which there have not been displayed road traffic signs regulating such parking.
- (4) No person shall park a vehicle upon a traffic island, unless directed to do so by an authorized officer.
- (5) No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his custody or under his control or which is in his possession for the purpose of sale, exchange or garaging, in the course of any dealers' business carried on by him unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.
- (6) No person responsible for the control of a business or recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his charge in the course of the said business.

Exemption of Medical Practitioners & Certain Nurses from Parking Restriction

9. (1) A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Endumeni Municipal area when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Head Safety & Security;
- (2) (a) The badge shall be a windscreen sticker badge of a design approved by the Head Safety & Security, displaying on the face thereof, a serial number, and the name of the person whom it is issued;
- (b) The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle.
- (3) (a) Written application for the issue of a badge shall be made in a form approved by the Head Safety & Security;
- (b) The Head Safety & Security shall keep a register in which he shall record the serial number allocated by him of the badge the issue of which has been authorized by him and the name of the holder;
- (c) No duplicate badge shall be issued without the prior consent of the Head Safety & Security;

- (d) Where the Head Safety & Security has reason to believe that any holder is abusing the privileges conferred by a badge he shall notify the issuing body which shall there-upon withdraw the badge from the holder and the privileges conveyed by the badge shall there-upon cease.

Prohibitions and Restrictions on use of Certain Roads by All or Certain Classes of Vehicle

10. (1) (a) Except with the written permission of the Head Safety and Security, no person shall operate any animal drawn vehicle on any public road within the Municipality.
 (b) In granting any permission in terms of (a) hereof, the Head Safety & Security may impose any restrictions or conditions that he may deem necessary in the interest of traffic.

Pedestrian Crossings

11. (1) (a) Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or attempt to cross such intersection except within any such marked pedestrian crossing.
 (b) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding;
 (c) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
 (2) A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.
 (3) No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by an authorized officer to move on or disperse;
 (4) No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

Motor Vehicle Attendants

12. (1) No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Head Safety & Security, which permit the Head Safety & Security may grant, subject to such conditions as he may determine, or refuse;
 (2) Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31st December of the year of issue;

- (3) No person authorized in terms of this Bylaw to act as a motor vehicle attendant shall charge any amount for his services in connection with any one motor vehicle, and he shall rely on tips given to him by the driver of such vehicle;
- (4) Every motor vehicle attendant shall, upon demand by an authorized officer or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection (1) hereof;
- (5) A permit granted in terms of subsection (1) hereof may be revoked or suspended by the Head Safety & Security if the holder thereof:-
 - (a) Commits a breach of this Bylaw or of any condition subject to which the permit was granted;
 - (b) Leaves unattended any motor vehicle left in his care;
 - (c) While performing his duties as a motor vehicle attendant, is or becomes intoxicated;
 - (d) Directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
 - (e) Fails to observe or carry out the lawful instructions of any authorized officer.
- (6) With the exception of a person holding a permit issued in terms of subsection (1) hereof who has been authorized by the Protection Services Officer in writing specifically or generally to do so, or who is acting on the authority or under the control of an authorized officer, no person shall in a public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place;
- (7) No person shall in a public street or public place:
 - (a) Clean or wash any motor vehicle; or
 - (b) Offer to clean or to wash any motor vehicle.
- (8) No person shall in a public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his supervision;
- (9) If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

Offences, Penalties and Appeals

13. The Council's Bylaws relating to Offences, Penalties and Appeals shall apply *mutatis mutandis* to these bylaws.

Repeal of Regulations

14. The previous By-Laws and regulations pertaining to Road Traffic are hereby repealed.

Short Title and Commencement

19. This by-law is called the Road Traffic By-law 2015 and takes effect on the date determined by the municipality by proclamation in the Provincial Gazette.

No. 16

23 Januarie 2015

ENDUMENI MUNISIPALITEIT**VERORDENINGE INSAKE PADVERKEER**

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), verorden die Raad van die Endumeni Munisipaliteit soos volg:

Omskrywings

1. In hierdie Verordeninge, tensy uit die konteks anders blyk, beteken:

“die Regulasies” enige regulasies wat kragtens die Wet uitgevaardig is;

“die Wet” die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996) soos van tyd tot tyd gewysig;

“gelisensieerde motorvoertuigopsigter” 'n motorvoertuigopsigter wat die houer van 'n huidige lisensie uitgereik kragtens hierdie Verordeninge is;

“gemagtigde beamphe” –

- (a) 'n verkeersbeamphe of opsiener aangestel ingevolge die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996);
- (b) 'n lid van die Diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 58 van 1995);
- (c) 'n vredesbamphe bedoel in artikel 34 van die Strafproseswet, 1977 (Wet No. 51 van 1977);
- (d) enige ander beamphe wat na behore deur die Raad gemagtig is, soos hierin omskryf;

“goederevoertuig” 'n motorvoertuig buiten 'n motorkar of bus, ontwerp of aangepas vir die vervoer van goedere op 'n openbare pad en sluit in voorspanmotor, motorfiets of motordriewiel;

“hoof van Veiligheid en Sekuriteit” die persoon wat deur die munisipaliteit in hierdie posisie aangestel is en sluit in 'n persoon wat in hierdie posisie waarneem;

“motorvoertuigopsigter” 'n persoon wat, op versoek van of met die toestemming van die persoon in beheer van 'n motorvoertuig, vir 'n belangrig onderneem om sodanige motorvoertuig op te pas of toesig daaroor te hou terwyl dit in 'n openbare straat geparkeer is;

“munisipaliteit” die Endumeni Munisipaliteit of syregsopvolger, en sluit in die raad van daardie munisipaliteit of sy uitvoerende komitee of enige ander liggaam wat optree uit hoofde van enige bevoegdheid wat kragtens wetgewing aan hom gedeleer is, asook enige beamphe aan wie die uitvorende komitee bevoegdhede en pligte ten opsigte van hierdie verordeninge gedeleer het;

“swaar motorvoertuig” 'n motorvoertuig of 'n kombinasie van motorvoertuie waarvan die bruto voertuigmassa 3 500 kg oorskry; en

“taxi” 'n openbare motorvoertuig wat ontwerp of aangepas is slegs of hoofsaaklik vir die vervoer van nie meer nie as nege persone insluitend die bestuurder.

Gebruik van paaie wat in verkeersbane afgebaken is

- 2.(1) Wanneer enige rypad in verkeersbane afgebaken is, moet 'n bestuurder van 'n voertuig so bestuur dat hy heeltemal binne 'n enkel verkeersbaan is en nie veroorsaak of toelaat dat sy voertuig enige baanlyn oorsteek wat sodanige verkeersbaan afbaken nie, buiten wanneer hy van een baan af in of oor 'n ander gaan.

- (2) Alle voertuie wat teen minder as die normale spoed van verkeer op die tyd en plek en onder die toestande wat dan heers, op enige openbare pad ry wat in verkeersbane afgebaken is, alle voertuie wat deur diere getrek word, fietse en alle swaar motorvoertuie moet in die linkerkantste verkeersbaan wat dan vir verkeer beskikbaar is, bestuur word of so nabig as moontlik aan die linkerkant van die rypad, behalwe wanneer hulle 'n ander voertuig wat in dieselfde rigting ry, verbysteek of wanneer hulle 'n regsdraai maak.

Voertuie wat nie op sypaadjes bestuur mag word nie

3. Geen persoon mag enige voertuig (buitenshuis 'n stootwaentjie, invaldestoel of dies meer) op enige voetpad of sypaadjie wat ontwerp is vir gebruik deur voetgangers bestuur, trek of vooruitstoot nie, behalwe wanneer dit nodig is ten einde enige sodanige sypaadjie of voetpad oor te steek (by wyse van die kortste roete) vir die doel om enige eiendom wat daarvan grens, te betree of te verlaat nie.

Gebruik van rolskaatse en seepbokskarretjies

4. Geen persoon mag rolskaatse, 'n skaatsplank, 'n seepbokskarretjie of enige soortgelyke voorwerp waaraan rollers of wiele geheg is, gebruik of veroorsaak of toelaat dat dit gebruik word op 'n openbare pad of sypaadjie; egter met dien verstande dat die Raad volgens sy diskresie die gebruik van sodanige ten opsigte van georganiseerde geleenthede kan magtig.

Beheer van parkeerplekke

5. Wanneer die publiek of enige aantal persone daarop geregtig is of toegelaat word om enige grondgebied as 'n parkeerplek te gebruik, insluitend grond wat nie deel is van 'n openbare pad of 'n openbare plek nie, het gemagtigde beampies, in noodgevalle of wanneer dit wenslik vir die openbare belang is, die gesag om verkeer daarop te rig en reguleer, en geen persoon mag in sodanige geval die instruksies van enige gemagtigde beampte verontagsaam nie.

Verbied van herstel van motorvoertuie op openbare paaie

6. Geen persoon mag enige motorvoertuig in enige openbare straat of plek binne die munisipaliteit herstel nie; met dien verstande dat hierdie Verordening nie die uitvoer verbied van ligte herstelwerk wat genoodsaak word deur die tydelike of skielike stop van sodanige voertuig vir die doel om sodanige voertuig aan die beweeg te kry nie.

Oormatige geraas

7. Geen persoon mag 'n motorvoertuig op 'n openbare pad op sodanige wyse bestuur dat dit oormatige geraas veroorsaak wat vermy kan word deur die uitoefening van redelike sorg van sy kant nie.

Parkeerbeperkings

- 8.(1) Geen persoon wat 'n voertuig op 'n openbare pad bestuur of in beheer is daarvan mag –
- (a) sodanige voertuig toelaat om stil op 'n laaisone te staan tussen die ure van 07h00 en 17h00 Maandag tot Vrydag en 07h00 tot 12h00 op Saterdae nie, behalwe wanneer enige sodanige dag 'n vakansiedag is of gedurende sodanige ander beperkte ure soos deur 'n padverkeersteken of -merk gespesifieer mag word ten opsigte van enige besondere laaisone nie;
 - (b)(i) in die geval van 'n voertuig buiten 'n goederevoertuig, vir meer as vyf minute aaneenlopend en slegs terwyl hy besig is om persone of goedere op- of af te laai en terwyl 'n gelisensieerde bestuurder by sodanige voertuig teenwoordig is; of
 - (ii) in die geval van 'n goederevoertuig vir meer as dertig minute aaneenlopend en slegs terwyl die voertuig gelaai of afgelaai word; en geen persoon mag enige stilstaande voertuig op 'n laaisone hou vir enige ander doel nie. Die bestuurder van 'n voertuig, buiten 'n goederevoertuig, wat

stil op 'n laaisone staan, moet sodanige voertuig onmiddellk daarvandaan verwyder wanneer hy deur 'n gemagtigde beampte daartoe gelas word, nie teenstaande die feit dat dit nie langer as die maksimum tydperk wat toegelaat word vir 'n voertuig van daardie klas daar gestaan het nie;

- (c) in die geval van 'n voertuig buiten 'n bus, sodanige voertuig toelaat om stil te staan by 'n bushalte tussen 06h00 en 18h00 nie;
 - (d) sodanige voertuig op enige openbare pad binne die munisipaliteit parkeer vir 'n tydperk langer as dit wat aangedui is op enige padverkeerstekens wat behoorlik opgerig is kragtens die Wet of regulasies na gelang van die geval nie.
- (2) Geen bestuurder of ander persoon in beheer van enige voertuig wat in 'n parkeerarea geparkeer is wat as sodanig deur padverkeerstekens aangedui word, mag sodanige voertuig skuif vanaf die posisie waarin dit geparkeer was en weer daardie voertuig parkeer binne 'n afstand van 23 m vanaf die plek waar dit geparkeer was voordat 'n tussenpose van dertig minute verstryk het nadat sodanige voertuig verskuif is nie.
- (3) Geen swaar motorvoertuig wat vir die vervoer van goedere ontwerp, aangepas of gebruik is, mag sonder die skriftelike toestemming van die Hoof van Veiligheid en Sekuriteit deur enige persoon geparkeer word tussen 19h00 en 05h00 in enige deel van die munisipaliteit wat formeel kragtens enige toepaslike wet as 'n dorp verklaar is, buiten op privaat grond of op daardie gedeeltes van openbare paaie waarop daar geen padverkeerstekens verskyn wat sodanige parkering reguleer nie.
- (4) Geen persoon mag 'n voertuig op 'n verkeerseiland parkeer, tensy hy dienooreenkomsdig deur 'n gemagtigde beampte gelas is nie.
- (5) Geen handelaar mag enige voertuig parkeer of toelaat om geparkeer te word op enige openbare pad binne die munisipaliteit, wat in sy toesig of onder sy beheer geplaas is of wat in sy besit is vir die doel om verkoop, geruil of geberg te word, in die loop van enige handelaarsbesigheid wat deur hom bedryf word nie, tensy sodanige voertuig op daardie tydstip gebruik word vir demonstrasie- of toetsdoeleindes of in die proses is om aangelewer te word aan die eienaar of koper daarvan nie.
- (6) Geen persoon wat verantwoordelik is vir die beheer van 'n besigheid of herwinning of herstel van voertuie mag enige voertuig op enige openbare pad of plek binne die munisipaliteit parkeer, veroorsaak of toelaat dat dit parkeer word, wat in 'n ooglopende stand van verval is, wat in sy beheer geplaas is in die loop van die vermelde besigheid nie.

Vrystelling van mediese praktisyens en sekere verpleegsters van parkeerbeperkings

- 9.(1) 'n Geregistreerde mediese praktisyn of verpleegster word vrygestel van die bepalings van enige wet ten opsigte van parkering wat van krag is in die Endumeni munisipale gebied wanneer hulle, tydens *bona fide* professionele huisbesoek, 'n motorvoertuig gebruik waarop 'n kenteken vertoon word wat voldoen aan die vereistes van subartikel (2) hiervan uitgereik op gesag van die Hoof van Veiligheid en Sekuriteit.
- (2)(a) Die kenteken is 'n windskeepplakkerkenteken met 'n ontwerp wat deur die Hoof van Veiligheid en Sekuriteit goedgekeur is, wat 'n reeksnommer voorop aandui, asook die naam van die persoon aan wie dit uitgereik is;
 - (b) Die wapen moet vertoon word in die hoek links onder teen die windskeepplakkerkenteken en moet 'n sakkie hê waarin 'n wit kaart geplaas is wat die adres wys waarheen die houer van die kenteken 'n professionele huisbesoek maak ten tyde van die parkering van die motorvoertuig waarin dit aangetoon word. Die adres wat op die kaart aangedui word, moet maklik leesbaar wees vanaf die buitekant van die voertuig.
- (3)(a) Skriftelike aansoek om die uitreiking van 'n wapen moet gerig word in 'n formaat soos deur die Hoof van Veiligheid en Sekuriteit goedgekeur.
- (b) Die Hoof van Veiligheid en Sekuriteit moet 'n register byhou waarin hy rekord hou van die reeksnommer van die kenteken wat deur hom toegeken is, en waarvan die uitreiking deur hom gemagtig is en die naam van die houer.

- (c) Geen duplikaat kenteken mag uitgereik word sonder die vooraf toestemming van die Hoof van Veiligheid en Sekuriteit nie.
- (d) Waar die Hoof van Veiligheid en Sekuriteit rede het om te glo dat enige houer misbruik maak van die voorregte wat deur 'n kenteken verleen word, moet hy die uitreikingsliggaam in kennis stel wat daarop die kenteken van die houer sal onttrek en die voorregte wat deur die kenteken toegeken word, sal onverwyld opgeskort word.

Verbod en beperkings op die gebruik van sekere paaie deur al of sekere klasse voertuie

- 10.(1) (a) Buitensy met die skriftelike toestemming van die Hoof van Veiligheid en Sekuriteit, mag geen persoon enige voertuig wat deur diere getrek word op enige openbare pad binne die munisipaliteit bestuur nie.
- (b) In die verleen van toestemming kragtens (a) hiervan, kan die Hoof van Veiligheid en Sekuriteit enige beperkings of voorwaardes opleg wat hy nodig ag in die belang van verkeer.

Voetoorgange

- 11.(1)(a) Waar gemerkte voetoorgange binne 'n kruising bestaan, mag geen voetganger sodanige kruising oorsteek of probeer oorsteek buiten binne enige sodanige gemerkte voetoorgang nie.
- (b) Wanneer 'n robot (of verkeersbeheer-ligsein) wat voetgangerseine vervat in werking is by 'n kruising, mag geen voetganger begin om die rypad oor te steek in enige voetoorgang by sodanige kruising terwyl die rooi lig van 'n voetgangersein vertoon word in die rigting direk teenoor die waarin hy loop nie; met dien verstande dat waar geen voetgangerseine in werking is by 'n kruising nie, maar sodanige kruising beheer word deur 'n robot (of verkeersbeheer-ligsein), mag geen voetganger begin om die rypad oor te steek in enige voetoorgang by sodanige kruising terwyl die rooi lig van sodanige robot, of verkeersbeheer-ligsein vertoon word in die rigting direk teenoor die waarin hy loop nie.
- (c) Wanneer 'n robot (of verkeersbeheer-ligsein) wat voetgangerseine omvat in werking is by 'n voetoorgang elders as by 'n kruising, mag geen voetganger begin om die rypad oor te steek in sodanige voetoorgang wanneer die rooi lig van 'n voetgangersein vertoon word word in die rigting direk teenoor die waarin hy loop nie.
- (2) 'n Voetganger wat die rypad binne 'n afgebakende voetoorgang oorsteek, hetsy by 'n kruising of andersins, moet aan die linkerkant van sodanige voetoorgang loop.
- (3) Geen persoon of persone mag op enige sypaadjie, voetpad of openbare pad sit of lê nie, ook nie staan, bymekaarkom of loop om sodende die beweging van verkeer te verhinder nie of tot die ergernis of ongerief van die publiek nadat hulle deur 'n gemagtigde beampie versoek is om aan te beweeg of uitmekaar te gaan nie.
- (4) Geen voetgangers, wanneer hulle in of op 'n openbare pad is, mag op onverskillige, natalige of roekeloze wyse sy eie veiligheid of die veiligheid van enige persoon of voertuig wat die openbare pad gebruik, in gevaar stel of verontagsaam of in gevaar stel nie.

Motorvoertuigopsigters

- 12.(1) Geen persoon mag as motorvoertuigopsigter binne die munisipaliteit optree nie, tensy onder magtiging van 'n skriftelike permit wat deur die Hoof van Veiligheid en Sekuriteit toegestaan is, welke permit die Hoof van Veiligheid en Sekuriteit mag toestaan, onderhewig aan sodanige voorwaardes as wat deur hom bepaal word, of mag weier.
- (2) Elke permit wat kragtens subartikel (1) hiervan toegestaan word, sal tensy dit gekanselleer of opgeskort word kragtens subartikel (6) hiervan, geldig wees tot die 31ste Desember van die jaar van uitreiking.

- (3) Geen persoon wat kragtens hierdie Verordening gemagtig is om op te tree as 'n motorvoertuigopsigter, mag enige bedrag hef vir sy dienste met betrekking tot enige een motorvoertuig nie, en hy moet staatmaak op fooitjes wat deur die bestuurder van sodanige voertuig aan hom gegee word.
- (4) Elke motorvoertuigopsigter moet, op versoek van 'n gemagtigde beampete of 'n lid van die publiek wat sy dienste huur of wil huur, die permit wat kragtens subartikel (1) hiervan aan hom uitgereik is, toon.
- (5) 'n Permit wat kragtens subartikel (1) hiervan toegestaan is, kan teruggetrek of opgeskort word deur die Hoof van Veiligheid en Sekuriteit indien die houer daarvan:-
 - (a) hierdie Verordening of enige voorwaarde onderhewig waaraan die permit toegestaan was, verbreek;
 - (b) enige motorvoertuig wat in sy sorg gelaat is, alleen laat;
 - (c) dronk is word terwyl hy sy pligte as 'n motorvoertuigopsigter uitvoer;
 - (e) die bestuurder van enige motorvoertuig stuur na 'n gebied waar die parkering of stop van voertuie verbied word;
 - (f)
 - (e) versuim om aan die wettige instruksies van enige gemagtigde beampete te voldoen of dit uit te voer.
- (6) Met die uitsondering van 'n persoon wat 'n permit het wat uitgereik is kragtens subartikel (1) hiervan wat skriftelik spesifiek of in die algemeen deur die beskermingsdiensbeampete gemagtig is om dit te doen, of wat optree op magtiging of onder die beheer van 'n gemagtigde beampete, mag geen persoon in 'n openbare plek 'n aanbod maak om 'n motorvoertuig op te pas of toesig daaroor te hou terwyl dit in sodanige straat of plek geparkeer is nie.
- (7) Geen persoon mag in 'n openbare straat of openbare plek –
 - (a) enige motorvoertuig skoonmaak of was nie; of
 - (b) aanbied om enige motorvoertuig skoon te maak of te was nie.
- (8) Geen persoon mag in 'n openbare plek die bestuurder of persoon in beheer van 'n motorvoertuig inlig of dreig dat sodanige voertuig beskadig sal of mag word of gesteel sal word tensy dit in sy sorg of onder sy toesig gelaat word nie.
- (9) Indien die beskuldigde persoon op 'n klag van oortreding van enige van die bepalings van hierdie artikel beweer dat die bestuurder of persoon in beheer van 'n motorvoertuig 'n versoek aan hom gerig het aangaande die motorvoertuig, rus die onus van bewys ten opsigte hiervan op die beskuldigde persoon.

Misdrywe, Strawwe en Appèlle

13. Die Raad se Verordeninge insake Misdrywe, Strawwe en Appèlle is *mutatis mutandis* van toepassing op hierdie verordeninge

Herroeping van Regulasies

14. Die vorige verordeninge en regulasies betreffende Padverkeer word hiermee herroep.

Kort titel en inwerkingtreding

15. Hierdie verordening word genoem die Padverkeers Verordening 2015, en tree in werking op 'n datum soos deur die munisipaliteit deur middel van afkondiging in die Provinciale Koerant bepaal.

No. 16

23 January 2015

UMASIPALA WASENDUMENI**IMITHETHO KAMASIPALA EQONDENE NEZEMIGWAQO**

Akumiswe nguMkhandlu kaMasipala waseNdumeni, ngokweSigaba 156 soMthetho, uNo. 108 we- 1996, waseNingizimu Afrika, esifundwa nesigaba 11 soHulumeni Basekhaya: uMthetho uNo. 32 Wezinqubo zikaMasipala wezi-2000, ngokulandelayo:

Izincazelol

1. Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye:

"ISikhulu Esigunyaaziwe" kusho

- (a) Isikhulu sezemigwaqo noma umsebenzi wezemigwaqo oqokwe ngokoMthetho Wezemigwaqo kuZwelonke, we-1996 (uMthetho uNo. 93 we-1996);
- (b) Ilungu lophiko njengoba kuchaziwe esigabeni 1 soMthetho Wezamaphoyisa aseNingizimu Afrika, we-1995 (uMthetho uNo. 58 we-1995);
- (c) Isikhulu soxolo okuningwe ngaso esigabeni 34 soMthetho Wenqubo Yamacala Okwelelesa, we-1977 (uMthetho uNo. 51 we-1977)
- (d) Nanoma yimuphi omunye umsebenzi ogunyazwe njengokufaneleyo ngumkhandlu,

"Imoto Ethwala Impahla" kusho imoto ngaphandle kwemoto encane noma ibhasi, eyenzelwe noma egunyazelwe ukuba ithuthe izimpahla emgwageni womphakathi kubandakanya nogandaganda abangamaloli, izithuthuthu noma amabhayisikili.

"Imoto Ethwala Impahla Esindayo" kusho imoto noma inqwaba yezimoto ezinkulu ezihlanganisiwe nezinesisindo esikhulu esidlula kuma- 35000kg

"UMqaphi wezimoto Onelaisensi" kusho umqaphi wezimoto onelaisensi ekhishwe ngokwale Mithetho kaMasipala;

"INhloko Yezokuphepha Nokuvikela" kusho umuntu oqokelwe lesi sikhundla ngumasipala kubandakanya nomuntu obambile kulesi sikhundla;

"Umqaphi Wezimoto" kusho umuntu, ngokucelwa noma ngemvume yomuntu onegunya lemoto, oqapha noma anakekela leyo moto ngesikhathi ipakwe emgwaqweni womphakathi, ukuze athole umvuzo;

"UMasipala" kusho uMasipala waseNdumeni noma owulandelayo ngokomthetho esikhundleni, futhi kubandakanya umkhandlu walowo masipala noma ikomidi lawo eliphezulu noma yinoma yisiphi esinye isigungu esibambile ngegunya lanoma yimaphi amandla anikezelwe kuso ngokwemithetho, ngokunjalo nanoma yisiphi isikhulu esinikezwe yinoma yimaphi amandla nemisebenzi yikomidi eliphezulu ngokupathelene nale mithetho kamasipala;

"Itekisi" kusho nanoma iyiphi imoto yomphakathi eyakhelwe kumbe eyamukelwe noma egunyazwe ukuba ithwale abantu abangeqile kwabayishiyanalolunye kuhlanganisa nomshayeli;

"UMthetho" kusho uMthetho kaZwelonke Wezemigwaqo, we-1996 (uMthetho uNo.93 we-1996) njengoba uchitshiyelwa izikhathi ngesikhathi.

"IMithethonqubo" kusho nanoma yimiphi imithethonqubo engaphansi koMthetho.

2. **Ukusetshenziswa kwemigwaqo eklanywe yaba imizila yezimoto eyahlukene**

- (1) Uma yinoma yimuphi umgwaqo uklanyiwe waba yimizila yezimoto eyahlukene, umshayeli wemoto kumele ashayele ngangokuthi uba semzileni owodwa futhi akumele enze noma avumele ukuba imoto yakhe yeqeple ngale kwanoma yimuphi omunye umzila oklanyelwe othile, ngaphandle uma isuka komunye umzila yeqela komunye;

(2) Zonke izimoto ezihamba kunoma yimuphi umgwaqo womphakathi oklanywe waba yimizila yezimoto ngesivinini esingaphansi kwesijwayelekile sezimoto ngesikhathi nangendawo futhi engaphansi kwezimo ezikhona, zonke izinqola ezipidonswa yizilwane, amabhayisekile kanye nazo zonke izimoto ezinesisindo esikhulu kumele zihambe emzileni osesandleni sobunxele bese kuthi okusele kusalele izimoto noma ngokuncikene nonqenqema olungakwesobunxele lomgwaqo, ngaphandle uma enye imoto isika enye zibe ziya ngasohlangothini olulodwa noma ijkela ngakwesokudla.

3. Izimoto Okungamele Zishayelwe Endleleni Yabahamba Ngezinyawo

Akekho muntu ongashayela, anqamule noma aqhube noma iyiphi inqola (ngaphadle kwekalishi lengane, isihlalo esiqhutshwayo kumbe noma yini) endleleni yabahamba ngezinyawo kumbe eyenzelwe abahamba ngezinyawo, ngaphandle uma kunesidingo sokuwela (ibangana elifushane) yoma iyiphi indlela yabahamba ngezinyawo ngenhloso yokungena noma yokuphuma kunoma yisiphi isakhiwo esincikene naleyo ndlela.

4. Ukuhamba ngezicathulo ezinamasondo kanye nokusetshenziswa kwezihlibhi/amakalishi

Akekho umuntu okumele asebenzise icicathulo ezinamasondo, i-skateboard, isihlibhi noma yini efana nako efakelwe amasondo noma enze kumbe avumele ukuba kusetshenziswa emgwageni womphakathi noma endleleni yabahamba ngezinyawo nakuba umkhandlu ngokubona kwawo ungagunyaza ukuba kusetshenziswa maqondana nemicimbi ehleliwe.

5. Ukulawulwa Kwezindawo Zokupaka

Lapho umphakathi noma idlanzana labantu benelungelo kumbe bevumelekile, endaweni yokupaka, kunoma iyiphi indawo, kubandakanya nendawo engayona ingxene yomgwaqo womphakathi, izikhulu ezigunyaziwe, uma kunesimo esiphuthumayo noma kunesidingo somphakathi kumele zilawule isiminyaminha ,futhi akekho umuntu okumele aphule umyalelo wesikhulu esinegunya uma kunalessimo.

6. Akuvumelekile ukukhandwa Kwezimoto Emgwaweni Womphakathi

Akekho umuntu oyokhandela noma iyiphi imoto kunoma yimuphi umgwaqo womphakathi kumbe indawo engaphansi kukamasipala; kuncike ekuthini lo Mthetho kaMasipala awuphikisani nokukhandwa kwezimoto ezilimele kancane noma ukuma okwesikhashana kwaleyo moto ngenhloso yokuyidumisa.

7. Umsindo Omkhulu

Akekho umuntu ongashayela imoto emgwageni womphakathi ngendlela ebanga umsindo omkhulu ongagwemeka uma imoto ingathola ukunakekeleka okufanele yilowo muntu.

8. Imikhawulo Yokupaka

- (1) Akekho umuntu oshayela imoto emgwageni womphakathi kumbe:
 - (a) Ongavumele leyo moto ukuba ayishiye imile endaweni yokulayisha izimpahla phakathi kwehora lesi- 07:00 nehra lesi- 17:00 ngeMisombuluko kuya koLwesihlanu namangamaholide omphakathi noma ngezikhathi ezithile ezinemikhawulo ezingabalulwa maqondana nanoma yiyiphi indawo yokulayisha izimpahla ethile eduze kophawu noma umaka wezemigwaqo.
 - (b) (i) esimweni lapho imoto ngale kwemoto yezimpahla, imizuzu engaphezu kwemihlanu aqhubeke futhi ukulayishwa noma ukuthululwa kwabantu noma kwezimpahla ngqo bese kuthi umshayeli onelayisensi eyiqaphile leyo moto; noma

(ii) esimweni lapho imoto yezimpahla ime imizuzu engaphezu kwengamashumi amathathu ingasuki futhi okuphela ngesikhathi imoto ilayishwa noma ithululwa;

Futhi akukho umuntu okumele agcine yinoma yiyiphi imoto imile endaweni yokulayisha izimpahla ngokwanoma yiyiphi enye inhloso. Umshayeli wemoto, ngale kwemoto yezimpahla, eme endaweni yokulayisha izimpahla, kumele ayisuse leyo moto lapho ngokushesha uma eseze wayalelwa ukwenze njalo yisikhulu esigunyaziwe, yize noma ephikisa ukuthi kade ingamanga lapho isikhathi esingaphezu kwaleso esilinganiselwe esivumelekile maqondana nemoto yalolo hlobo. esimweni lapho imoto kungasasiyo ibhasi, sivumela leyo moto ukuba isale imile esitobhini sebhasi phakathi kwezikkhathi zehora lesi- 06h00 nelesi-18h00.

(c) apake leyo moto kunoma yimuphi umgwaqo kamasipala isikhathi esedlule kuleso esikhonjiswe ophawini lwezomgwaqo kuphela olugxunyekwe ngokoMthetho noma imithethonqubo uma kunokwenzeka

(2) Akekho umshayeli noma omunye umuntu ongumnikazi wemoto okumele apake endaweni yokupaka echazwe yizimpawu zomgwaqo njengengafanelekile ukupaka, kumele asuse leyo moto kuleyo ndawo epakwe kuyo bese eyipaka endaweni ebudebuduze ngamamitha angama-23 nalapho ebipakwe khona kuqala kuze kube ukuthi kuphela imizuzu engama shumi amathathu emuva kokuba eyisusile.

(3) Ayikho imoto enesisindo esikhulu eyakhelwe, eyamukeleke noma esetshenziselwa ukuthuthwa kwezimpahla, ngaphandle kwemvume ebhaliwe yeNhloko Yezokuphepha Nokuvikela, okumele ipakwe yinoma yimuphi umuntu ezikhathini eziphakathi kwehora le-19:00 ebusuku nelesi-05:00 ekuseni kunoma yiyiphi ingxenye yamasipala emenyezelwe ngokusemthethweni njengedolobha ngokwanoma yimuphi umthetho osebenzayo, ngaphandle kwasendaweni enomnikazi wayo noma lezo zingxenye zemigaqo yomphakathi lapho izimpawu zomgwaqo zingakhangisiwe khona ezilawula ngokusemthethweni lokho kupaka.

(4) Akekho umuntu okumele apake imoto endaweni esemgwaqweni emise okwesiqhingi, ngaphandle uma eyalelwu ukwenze njalo yisikhulu esigunyaziwe.

(5) Akekho umthengisi okumele apake noma avunyelwe ukuba apake kunoma yimuphi umgwaqo womphakathi okumasipala, yinoma yiyiphi imoto engaphansi kolawulo lwakhe noma okungeyakhe ngenhloso yokudayisa, ukushintsha noma ukufaka egalaji, ngenxa yanoma yimuphi umsebenzi wokuhweba owenziwa nguyenya ngaphandle kwasesikhathini leyo moto isetshenziselwa izinhloso zokukhombisa noma zokuhlolola noma ize ukuzolethwa kumnikazi noma umthengi walokho.

(6) Akekho umuntu obhekene nokulawulwa kwebhizinisi lokulandwa noma lokukhanda izimoto okumele apake, enze noma avumele ukuba ipakwe, kunoma yimuphi umgwaqo womphakathi okhona kuMasipala, yinoma yiyiphi imoto esesimweni esibonakalayo sokungakhandeki ebekwe ngaphansi kolawulo lwakhe ngokuqhube ka kwebhizinisi elishiwo.

9. Ukukhululwa kwabezempilo kanye naBahlengikazi Abathile emikhawulweni Yokupaka

(1) Umsebenzi wezempilo orejistiwe noma umhlengikazi kumele akhululwe ezimiselweni zanoma yimuphi umthetho ophathelene nokupaka oshaywe endaweni yakuMasipala Endumeni uma esebebenzisa ubufakazi bokuvakashwa ngokomsebenzi wakhe, imoto

yakhe inebheji elinanyathiseliwe ukufakazisa ngezinto ezidingeka esigatshaneni (2) lapho esikhishwe ngegunya leNhloko Yezokuphepha Nokuvikela.

- (2) (a) Ibheji kumele libe ngelinanyathisewa ewindini elingaphambili, lohlobo olugunyazwe yiNhloko Yezokuphepha Nokuvikela, elikhombisa i- serial number kanye negama lomuntu okhishelwe lona;
- (b) Ibheji kumele likhonjiswe ohlangothini olumaphansi ekhoneni lwewindi elingaphambili futhi kumele libe nephakethi lapho kufakwa khona ikhadi elimhlophe elitshengisa ikheli lapho umnikazi webheji ezosebenzela khona nesikhathi imoto enanyathisewa ipakiwe ngaso. Ikheli elitshengiswe ekhadini kumele libonakale ligqame ungaphandle kwemoto
- (3) (a) Isicelo esibhalwe phansi sokukhishwa kwebheji kumele sifakwe ngefomu elivunywe yiNhloko Yezokuphepha Nokuvikela;
- (b) INhloko Yezokuphepha Nokuvikela kumele igcine irejista lapho izorekhoda khona inombolo eyinikezile neyigunyazile ngesikhathi ikhiphela umuntu ibheji;
- (c) Ayikho ikhophi yebheji eyokwenziwa ngaphandle kwemvume yeNhloko Yezokuphepha Nokuvikela;
- (d) Uma iNhloko Yezokuphepha Nokuvikela ikholwa ukuthi umuntu onelayisensi usebenzisa amalungelo awanikezwe yibheji budlabha, kumele azise uhlaka olukhipha amabheji ngalokhu, ukuba liphuce lowo muntu ibheji kanye namalungelo ahambisana nalo.

10. Izivimbalo kanye neMikhawulo ekusetshenzisweni Kweminye Imigwaqo Yizo Zonke Izimoto noma nguHlobo oluthile Lwezimoto

- (1) (a) Akekho umuntu okumele asebenzise imoto edonsa nanoma yisiphi isilwane emgwaqeni womphakathi ongaphansi kukaMasipala ngaphandle kwemvume yeNhloko Yezokuphepha Nokuvikela.
- (b) Uma iNhloko yeZokuphepha Nokuvikela inikeza imvume ingakhipha nanoma yimiphi imikhawulo noma imibandela engayibona ifanele ukuze kugwemeke isiminyaminya sezimoto.

11. Ukuwela Kwabahamba ngezinyawo

- (1) (a) Uma empambanweni- mgwaqo kukhona indawo eyabelwe abahamba ngezinyawo, akekho umuntu okumele ahambe ngezinyawo noma awele noma azame ukuwela kwenye indawo kuleyo mpambano-mgwaqo, ngaphandle kwasendaweni ebekelwe abahamba ngezinyawo.
- (b) Uma kukhona irobhotti (izibani ezilawula ukuhamba kwezimoto) elisebenza kuleyo mpambano-mgwaqo yabawela ngezinyawo, akekho umuntu ovumeleke ukuba awele umgwaqo ngesikhathi kusavele umbala obomvu okhomba ohlangothini olubhekene nalolu aya ngakulo,

- (2) Umuntu owela ngezinyawo emgwaqeni oklanyelwe abawela ngezinyawo, noma ngabe kusempambanweni-mgwaqo noma cha, kumele ahambe ngasesandleni sakwesokunxele saleyo ndawo yabahamba ngezinyawo.
- (3) Akekho umuntu noma abantu okumele bahlale noma bacambalale kunoma yimuphi indawo yabahamba ngezinyawo noma umgwaqo womphakathi, futhi akekho umuntu okumele ame, ashumayele kumbe ahambe kuze kuphazamiseke ukuhamba kwezimoto noma ngendlela ecanula noma ephazamisa umphakathi;
- (4) Emgwaqeni womphakathi, akekho umuntu ohamba ngezinyawo, ngobudedengu nangokunganaki kwakhe kumbe ngokungacabangi, okumele abeke engcupheni impilo yakhe noma impilo yabanye abantu noma imoto esebenzisa umgwaqo womphakathi.

12. Abaqaphi Bezimoto

- (1) Akekho umuntu okumele asebenze njengomqaphi wezimoto ngaphansi kukamasipala ngaphandle uma enemvume ebhalwe phansi yiNhloko Yezokuphepha Nokuvikela, kuncike emigomweni engayinquma, noma engayiphikisa;
- (2) Zonke izimvume ezikhishwe ngokwesigatshana (1) ngaphandle uma zihoxisiwe noma zimisiwe ziyozebenza kuze kushaye umhla zingama- 31 kuZibandlela wonyaka ekhishwe ngawo;
- (3) Akekho umuntu ogunyazwe yiMithetho ukuba asebenze njengomqaphi wezimoto ongaklama imali ngomsebenzi owenziwe oqondene nanoma iyiphi imoto, futhi kumele athembele emalini ayiphiwa umshayeli waleyo moto;
- (4) Bonke abaqapha izimoto, kumele baveze imvume abanikezwe yona ngokwesigatshana (1) uma beyalelwa yisikhulu esinegunya noma ilungu lomphakathi elenza umsebenzi walo.
- (5) INhloko Yezokuphepha Nokuvikela ngokwesigatshana (1) ingahoxisa kumbe imise imvume enikezelwe uma umnikazi wayo :-
 - (a) Ephula lo Mthetho noma omunye umgommo maqondana nemvume enikeziwe;
 - (b) Eshiya imoto yodwa okufanele ngabe inakekelwa nguye;
 - (c) Edakwa esenza umsebenzi wakhe njengomqaphi wezimoto;
 - (d) Eholela umshayeli wenyi imoto endaweni okungapakwa kuyo kumbe lapho kungavumelekile khona ukuma kwezimoto;
 - (e) Ehluleka ukubheka noma ukwenza imiyalelo esemthethweni yesikhulu esigunyaziwe.
- (6) Endaweni yomphakathi akekho umuntu okumele anikele kumbe ahlinzeke ngokunakekela noma ngokwengamela imoto uma ipakwe emgwaqeni noma endaweni; ngaphandle komuntu onikezwe imvume ebhalwe phansi yiSikhulu Sezemisebenzi Yokuvikela noma umuntu oyibamba lesikhulu kumbe umuntu ongaphansi kwesikhulu esinegunya, ngokwesigatshana (1),
- (7) Endaweni yomphakathi kumbe emgwaqeni womphakathi akekho umuntu okumele
 - (a) ageze kumbe ahlanze noma iyiphi imoto;

- (b) anikele ngokuhlanza noma ukugeza noma iyiphi imoto.
- (8) Akekho umuntu okumele atshele noma asabise umshayeli noma umuntu owengamele imoto ethile emgwaqeni womphakathi ukuthi imoto yakhe ingalinyazwa noma intshontshwe ngaphandle uma kunguthi igcinwe ngaphansi kwesandla sakhe;
- (9) Uma kuncala lokwaphulwa kwesinye sezihlinzeko zale sigaba, umsolwa ebeka ukuthi ngumshayeli wemoto noma umnikazi wemoto omcelile maqondana nemoto, ingcaba ikumsolwa yokuthi aveze ubufakazi balokho.

13. Amacala, Izinhlawulo kanye Nokudluliswa Kwamacala

Izihlinzekelo zemithetho kamasipala emaqondana naMacala, Izinhlawulo kanye Nokudluliswa Kwamacala komkhandlu ziyosebenza njengoba kuhleliwe kule mitetho kamasipala.

14. Ukuchithwa Kwemithethonqubo

Imithetho kaMasipala yaphambilini kanye nemithethonqubo eqondene Nokulawulwa Kwemigwaqo lapha iyachithwa.

15. Isihloko Esifishane Nokuqaliswa Ukusebenza

Lo mthetho kamasipala ubizwa ngokuthi Imithetho Kamasipala Eqondene Nezemigwaqo, wezi- 2015, futhi uyoqala ukusebenza ngosuku olunqunywe uMasipala uma usudalulile kwiGazethi yesiFundazwe.

No. 17

23 January 2015

ENDUMENI MUNICIPALITY**PROPERTY ENCROACHMENT BY – LAW**

Be it enacted by the Council of the Endumeni Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX**CHAPTER 1:**

1. Definitions
2. Council permission required
3. Rules for the construction of encroachments
4. Columns
5. Balconies and bay windows
6. Plinths, pilasters, corbels and cornices
7. Verandas around corners
8. Pavement openings
9. Encroachment erected in front of building
10. Maintenance, removal and tenancy of projections
11. Encroachments
12. Offences and penalties
13. Repeal of existing By-laws
14. Regulations
15. Short title and commencement

**CHAPTER 1
DEFINITIONS****1. Definitions**

In these By-laws, any word or expression that has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) has that meaning and, unless the context otherwise indicates –

"Council" means the Council of the Endumeni Municipality;

"council property" means any property, including but not limited to public roads –

- (a) which is owned by the Council;
- (b) over which the Council has control over; or
- (c) in respect of which a servitude or other property right has been registered in favour of the Council;

"encroachment" means any physical object which intrudes on Council property;

"prescribed" means determined by resolution of the Council made from time to time;

"prescribed fee" means a fee determined by the Council by resolution from time to time;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

2. Council permission required

- (1) No person may, without prior written permission, make or construct any encroachment into, over or under any Council property.
- (2) The Council may –
 - (a) refuse the permission required in terms of subsection (1); or
 - (b) grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.
- (3) The prescribed fees mentioned in subsection (2) are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.
- (4) The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

3. Rules for the construction of encroachments

- (1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.
- (2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

4. Columns

- (1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- (2) No person may place any veranda column –
 - (a) over any pavement where such pavement is less than 2,6 m wide;
 - (b) more than 3 m from the building line measured to the outside of the column or at less than 3m centre to centre;
 - (c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and
 - (d) at a distance lesser than 600 mm back from the front edge of any kerb.
- (3) No person may place a twin or double veranda column over any public road or pavement.
- (4) Where verandas are supported on columns–
 - (a) the columns may not have square arras;
 - (b) no base may project more than 50 mm beyond the bottom diameter of the column; and
 - (c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.

(5) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.

(6) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.

(7) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.

(8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.

(9) Nothing in these by-laws prohibits –

(a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or

(b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

5. Balconies and bay windows

(1) Balconies, bay windows or other similar encroachments may not –

(a) overhang a public road if they are at a height of less than 3 m above the pavement;

(b) encroach more than 1,35 m over any public road; or

(c) encroach more than 900 mm over any public road.

(2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

(3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.

(4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(6) A balcony over any public road may not be the sole means of access to any room or apartment.

(7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

6. Plinths, pilasters, corbels and cornices

(1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

- (2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:
- a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;
 - a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
 - a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

7. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

8. Pavement openings

- No pavement opening may –
 - be the sole means of access to any vault or cellar; and
 - extend more than 1,2 m beyond the building line.
- Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.
- Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
- The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.
- No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

9. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

- pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
- lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

10. Maintenance, removal and tenancy of projections

- The owner of any encroachment must maintain the encroachment in good order and repair.
- Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.
- The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

11. Encroachments

- (1)(a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.
- (b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.
- (2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –
- (a) must defray any cost incurred in connection with wires or property of the Council;
 - (b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

12. Offences and penalties

The provisions of the Council's Offences, Penalties and Appeals Bylaws shall apply *mutatis mutandis* to these Bylaws.

13. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing –

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

14. Repeal of by-laws

Any by-laws relating to Property encroachment adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

15. Short title and commencement

This by-law is called the Property Encroachment By-Law, 2015, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 17**23 Januarie 2015**

ENDUMENI MUNISIPALITEIT
VERORDENINGS INSAKE OORSKRYDING OP EIENDOM

Die Raad van die Endumeni munisipaliteit verorden, met goedkeuring van die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, No. 108 van 1996, saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet No. 32 van 2000, soos volg:

INHOUDSOPGawe

Hoofstuk 1

1. Omskrywings
2. Toestemming van Raad vereis
3. Reëls vir die bou van oorskrydings
4. Pilare
5. Balkonne en komvensters
6. Vloerlyste, muurpilare, korbele en kroonlyste
7. Stoepe om hoeke
8. Sypaadjie-openings
9. Oorskryding opgerig voor gebou
10. Instandhouding, verwydering en huur van uitbousels
11. Oorskrydings
12. Misdrywe en strawwe
13. Herroeping van bestaande verordeninge
14. Regulasies
15. Kort titel en inwerkingtreding

HOOFSTUK 1
OMSKRYWINGS

1.Omskrywings

In hierdie Verordeninge dra enige woord of uitdrukking wat omskryf is in die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977) daardie betekenis en, tensy uit die konteks anders blyk, beteken –

“oorskryding” enige fisiese voorwerp wat op raadseiendom indring;

“openbare pad” enige pad, straat of deurgang of enige ander plek (hetsy 'n deurgang of nie) wat normaalweg deur die publiek gebruik word of enige deel daarvan of waartoe die publiek of enige deel daarvan die reg van toegang het, en met inbegrip van –

- (a) die kant van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif wat dwars met enige sodanige pad, straat of deurgang loop; en
- (c) enige ander werk of voorwerp wat deel vorm van of verbind is aan of behoort aan sodanige pad, straat of deurgang;

“Raad” die Raad van die Endumeni munisipaliteit;

“raadseiendom” enige eiendom insluitend, maar nie beperk nie tot, openbare paaie –

- (a) wat deur die Raad besit word;
- (b) waaroor die Raad beheer het; of
- (c) ten opsigte waarvan 'n serwituut of ander eiendomsreg geregistreer is ten gunste van die Raad;

“voorgeskrewe” bepaal deur 'n beslissing van die Raad wat van tyd tot tyd gemaak word; en

“voorgeskrewe geldie” gelde bepaal deur die Raad by wyse van 'n beslissing wat van tyd tot tyd

geneem word.

2. Toestemming van Raad vereis

(1) Geen persoon mag, sonder vooraf skriftelike toestemming, enige oorskryding in, oor of onder enige raadseiendom maak of bou nie.

(2) Die Raad kan –

(a) die toestemming vereis ingevolge subartikel (1) weier; of

(b) sodanige toestemming hetsy onvoorwaardelik of met voorwaardes toestaan en onderhewig aan die betaling van die voorgeskrewe gelde jaarliks of die uitvoering van die werke of dienste soos deur die Raad in elke geval bepaal.

(3) Die voorgeskrewe gelde vermeld in subartikel (2) is vooruitbetaalbaar aan die begin van elke jaar wat bereken word vanaf die datum van goedkeuring of die tydperk soos deur die Raad bepaal, en die eienaar is ingevolge hierdie verordeninge aanspreeklik vir die betaling van voorgeskrewe gelde vir elke oorskryding.

(4) Die eienaar van enige bestaande oorskryding moet binne drie maande na die inwerkingtredingsdatum van hierdie verordeninge aansoek by die Raad doen, op die voorgeskrewe vorm, om toestemming vir die bestaan van die oorskryding ingevolge hierdie verordeninge.

3. Reëls vir die bou van oorskrydings

(1) Die ontwerp, rangskikking en bou van stoepe, balkonne, komvensters en ander oorskrydings oor raadseiendom, asook die plaveisel, rand en afloop daarvan, moet na die Raad se bevrediging wees en op die vlakke soos deur die Raad goedgekeur.

(2) Indien sinkplaat gebruik word om 'n stoep te bedek, moet die oppervlak wat blootgestel is, geverf word.

(3) 'n Stoep oor 'n openbare pad moet met bestaande, aangrensende stoepe ooreenkomaan wat lyne, hoogte en detail betref.

4. Pilare

(1) Die Raad mag gebiede binne die munisipale grens bepaal waar geen persoon toegelaat word om stoeppilare oor enige openbare pad of sypaadjie te plaas nie.

(2) Geen persoon mag enige stoeppilaar oprig –

(a) oor enige sypaadjie waar sodanige sypaadjie minder as 2,6 m breed is nie;

(b) meer as 3 m vanaf die boulyn gemeet na die buitekant van die pilaar of minder as 3 m van middelpunt na middelpunt nie;

(c) oor enige sypaadjie op die hoek van 'n openbare pad wat verder is as die riglyn van die boulyne nie; en

(d) op 'n afstand wat minder is as 600 mm terug vanaf die voorkant van enige rand nie.

(3) Geen persoon mag 'n tweeling- of dubbele stoeppilaar oor enige openbare pad of sypaadjie oprig nie.

(4) Waar stoepe op pilare gesteun word –

(a) mag die pilare nie vierkantige muurbehangsels hê nie;

(b) mag geen voetstuk meer as 50 mm verby die onderste deursnee van die pilaar uitsteek nie; en

- (c) mag die maksimum horisontale asdimensies van sodanige voetstuk nie 350 mm oorskry nie.
- (5) Waar die vorm van 'n pilaar 'n klassieke karakter het, moet die skag geskikte entasis en 'n kop en voetstuk in behoorlike proporsies hê.
- (6) Pilare, insluitend die kop en voetstuk, mag nie minder as 3 m of meer as 3,6 m hoog wees en nie meer as 4,5 m insluitend vloerlyste nie.
- (7) Die minimum hoogte van die looppad of sypaadjie na die onderkant van elke kantelbalk of fascia-dwarsbalk is 3 m.
- (8) 'n Oorhangende rand, blokmuurtjie of balustrade, indien enige, mag nie minder as 750 mm of meer as 1,05 m bokant die vloer van 'n balkon uitsteek nie.
- (9) Niks in hierdie verordeninge verbied –
- (a) die oprigting en gebruik van 'n gemeenskaplike pilaar vir twee aangrensende stoepe indien die pilaar deels op die verlengde grenslyne van twee eiendomme staan of daarvan grens nie; of
 - (b) in die geval van aangrensende stoepe, die plasing van enige pilaar op 'n vloerlyst nie, indien dit nodig is vir gerigtheid en al die ander bepalings van hierdie verordeninge nagekom word.

5. Balkonne en komvensters

- (1) Balkonne, komvensters of ander soortgelyke oorskrydings mag nie –
- (a) oor 'n openbare pad hang indien dit 'n hoogte van minder as 3 m bo die sypaadjie is nie;
 - (b) meer as 1,35 m oor enige openbare pad uitsteek nie; of
 - (c) meer as 900 mm oor enige openbare pad uitsteek nie.
- (2) Die totale horisontale lengte van komvensters op enige vlak oor 'n openbare pad mag nie een derde van die lengte van die gebou-voorkant na daardie pad oorskry nie.
- (3) Enige balkon wat bo-op enige stoep geplaas word, moet ten minste 1,2 m agter die lyn van sodanige stoep wees.
- (4) Geen deel van enige balkon wat aan enige stoep geheg is, mag na 'n groter hoogte as twee verdiepings bo die sypaadjievvlak gedra word nie, behalwe dat, waar die boonste gedeelte van die balkon 'n plat betondak het wat 'n vloer vorm, 'n balustrade wat nie 1 m in hoogte oorskry nie, bo die vloer se vlak toegelaat word.
- (5) Enige skeimuur oor 'n balkon oor 'n openbare pad mag nie 1 m in hoogte of 225 mm in dikte oorskry nie.
- (6) 'n Balkon oor enige openbare pad mag nie die enigste manier van toegang tot enige kamer of woonstel wees nie.

(7) Geen persoon mag enige item op enige balkon oor 'n openbare pad plaas of toelaat of veroorsaak dat dit geplaas word nie, buiten ornamentele plante, tafels, stoelle, seilbinders en sonskermis wat nie vir borde of advertensies gebruik word nie.

(8) Waar enige vloer van 'n gebou slegs vir parkering van 'n motorvoertuig gebruik word, mag komvensters op die vloer se vlak nie oor enige openbare pad vir meer as 1,35 m vir die volle lengte van die gebou-voorkant na daardie pad uitsteek nie.

6. Vloerlyste, muurpilare, korbele en kroonlyste

- (1) Geen vloerlyste, muurpilare of ander oorskrydings buite bouyne wat van die grondvloer af opgedra word, word toegelaat om oor 'n openbare pad uit te steek nie.
- (2) Enige muurpilaar, kroonlys, korbel of soortgelyke argitekturele kenmerk wat ten minste 3 m bo die grond is, mag nie die volgende vlak van oorskryding oor 'n openbare pad oorskry nie:

- (a) 'n muurpilaar: 450 mm die totale voorlengte van die muurpilaar mag nie een vyfde van die gebou-voorkant oorskry nie en komvensters op dieselfde verdieping moet ingesluit word by die berekening van die maksimum totale lengte vir komvensters;
- (b) 'n vuurvaste ornamentele kap of kroonlys bokant 'n deur: 600 mm en in enige deel nie minder nie as 2,75 m in hoogte bo die voetpad of sypaadjie;
- (c) 'n kroonlys: 1,05 m waar dit nie 10,5 m bo die voetpad of sypaadjie oorskry nie en een tiende van die hoogte vanaf die voetpad of sypaadjie indien dit 10,5 m oorskry met 'n maksimum van 1,8 m.

7. Stoepe om hoeke

Waar stoepe om hoeke van openbare paaie gebou word, moet dit behoorlik afgesny of afgerond word om die kurwes van die rand te volg.

8. Sypaadjie-openings

- (1) Geen sypaadjie-opening mag –
 - (a) die enigste manier van toegang tot enige gewelf of kelder wees nie; en
 - (b) meer as 1,2 m verder as die boulyn strek nie.
- (2) Waar deksels in sypaadjie-openings toegelaat word, mag elke deksel nie 0,75 vierkante meter in oppervlak oorskry nie en moet dit boontoe oopmaak en terwyl dit oop is, moet sterk ysterrelings en pale verskaf word.
- (3) Dekselopenings mag slegs oopgemaak en gebruik word vir die doel om goedere te laat sak en op te hys en moet toegehou word, behalwe wanneer sak- en hysoperasies aan die gang is.
- (4) Die voorste muur of muur parallel met die rand in elke opening moet gebou word met 'n geskikte terughelling na die Raad se bevrediging.
- (5) Geen sypaadjie-opening mag met metaalstaaf-traliewerk of met metaalplate of met hout bedek wees nie.

9. Oorskryding opgerig voor gebou

Waar enige oorskryding voor enige gebou opgerig of gebou is, moet die eienaar, op sy of haar koste

- (1) die hele voetpad of sypaadjie onder die oorskryding of voor die gebou waarin die sypaadjie-opening gemaak is, plavei; en
- (2) die padrand, afloop en plaveisel voor die gebou lê vir die volle wydte van die voetpad of sypaadjie.

10. Instandhouding, verwydering en huur van uitbousels

- (1) Die eienaar van enige oorskryding moet die oorskryding goed in stand hou.
- (2) Sypaadjie-openings, sypaadjieligte, mure daarvan en keldermure moet deur die eienaar waterdig gemaak en gehou word.
- (3) Die eienaar van enige oorskryding op, onder of oor enige openbare pad of sypaadjie, of teken of ander vaste toebehoersel op of oor enige openbare pad, word beskou as 'n huurder ten opsigte van die oorskryding, teken of vaste toebehoersel en, indien die Raad so 'n beroep doen, om enige of alles daarvan te verwijder en die openbare pad of sypaadjie na sy oorspronklike toestand te herstel, en moet dit binne 'n redelike tyd doen.

11. Oorskrydings

- (1)(a) Enige persoon buiten die eienaar wat 'n oorskryding of enige ander vaste toebehoersel op, onder of oor enige openbare pad, of enige vaste eiendom wat aan die Raad behoort of in hom

- berus, wil oprod of bou, moet by die boukontrolebeampte aansoek doen op 'n vorm wat deur die Raad vir daardie doel verskaf word.
- (b) Waar tekeninge, na die mening van die boukontrolebeampte, vereis word vir die sluiting van 'n oorskrydingsooreenkoms, is die voorgeskrewe koste bykomend tot enige ander voorgeskrewe koste aan die Raad betaalbaar.
- (2) Die eienaar van die gebou ten opsigte waarvan enige oorskryding of vaste toebehoersel bestaan, of voorgestel word –
- moet enige koste wat aangegaan is in verband met drade of die Raad se eiendom dek;
 - moet die Raad toelaat om enigets vereis in verband met elektriese of ander aktiwiteite op te rig of aan die oorskryding of vaste toebehoersel te heg.

12. Misdrywe en strawwe

Die bepalings van die Raad se Verordeninge insake Misdrywe, Strawwe en Appelle is *mutatis mutandis* van toepassing op hierdie verordeninge.

13. Regulasies

Die munisipaliteit kan regulasies uitvaardig wat nie teenstrydig is met hierdie verordeninge nie, aangaande –

- enige aangeleentheid wat ingevolge hierdie verordeninge voorgeskryf mag of moet word; en
- enige aangeleentheid wat die toepassing van hierdie verordeninge vergemaklik.

14. Herroeping van verordeninge

Enige verordeninge ten opsigte van Oorskryding op Eiendom wat deur die munisipaliteit of enige vorige munisipale raad wat nou 'n administratiewe eenheid van die munisipaliteit uitmaak, aanvaar is, word herroep vanaf die datum van uitvaardiging van hierdie verordeninge.

15. Kort titel en inwerkingtreding

Hierdie verordeninge word genoem die Verordeninge insake Oorskryding op Eiendom, 2012, en tree in werking op 'n datum soos deur die munisipaliteit by wyse van proklamasie in die *Provinciale Koerant* bepaal.

No. 17

23 kuMasingana 2015

UMASIPALA WASENDUMENI**UMTHETHO KAMASIPALA WOKWAKHA NGOKUNGEKHO EMTHETHWENI**

Njengalokhu kwensiwe kwaba semthethweni nguMkhandlu kaMasipala Endumeni, kanye nokugunyazwa nguNgqongqoshe Wesifundazwe Obhekele ohulumeni basekhaya njengokusho kweSigaba 156 soMthetho weRephubhulikhi yaseNingizimu Afrika uNo. 108 we- 1996, ufundwa neSigaba 11soMthetho Wohulumeni Basekhaya:uMthetho Wezinhlelo Zomasipala uNo. 32 wezi – 2000, kanjena:

OKUQUKETHWE**ISAHLUKO 1:**

1. Izincazelo
2. Imvume yoMkhandlu edingekayo
3. Imithetho yokwakha endaweni ngokungekho emthethweni
4. Izinsika
5. Imipheme kanye namafasitela akhiwe aphumela ngaphandle
6. Izipakhe eziphase insika, okokusekela isithombe esibazwe ngetshe, isisekelo esiphumele ngaphandle sesakhiwo kanye nomhlobiso obunjiwe
7. Ovulande abasemakhoneni
8. Izindawo ezingenela onqenqemeni lwabahamaba ngezinyawo
9. Ukwakha okungekho emthethweni ngaphambi kwasinye isakhiwo
10. Ukuakekelwa, ukususwa kanye nokuqashisa ngemixhantela
11. Izakhiwo ezakhiwe ngokungekho emthethweni
12. Amacala nezinhlawulo
13. Ukuchithwa kweMithetho ekhona kaMasipala
14. Imithethonqubo
15. Isihloko esifishane kanye nokuqala

**ISAHLUKO 1
IZINCAZELO****1. Izincazelo**

Kule Mithetho kaMasipala, nanoma yilphi igama noma isisho esichaziwe kuMithethonqubo Yezakhiwo kaZwelonke kanye noMthetho Wamaqophelo Okwakha we-1977 (uMthetho uNo. 103 we-1977) unaleyo ncazelo futhi, ngaphandle uma iqqikithe ikhomba okune – “UMkhandlu” kuchaza uMkhandlu kaMasipala WaseNdumeni;

“impahla yomkhandlu” kuchaza yinoma iyiphi impahla, kubandakanya kodwa kungakugcini emigwaqeni yomphakathi –

- (a) okungeyoMkhandlu;
- (b) elawulwa nguMkhandlu; noma

(c) mayelana nokuthi igunya lokusebenzisa umhlaba womuntu noma enye impahla ngesivumelwano selirejistiwe ngokuvuma koMkhandlu;

“ukwakha endaweni ngokungekho emthethweni” kuchaza yinoma iyiphi into ebonakalayo esitha isakhiwo soMkhandlu;

“okunqunyiwe” kuchaza okunqunyiwe ngesinqumoo esithathwa nguMkhandlu izikhathi ngezikathhi;

“imali enquunyiwe” kuchaza imali enquunyiwe nguMkhandlu ngesinqumo esithathiwa izikhathi ngezikathhi;

“umgwaqo womphakathi” kuchaza yinoma yimuphi umgwaqo, isitaladi noma indlela yabantu bonke noma iyiphi enye indawo (noma ngabe iyindlela yabahamba ngezinyawo noma cha) evame ukusetshenziswa ngumphakathi noma enye ingxenye yalokho noma umphakathi onelungelo lokufinyelela kuyona, futhi kubandakanya –

- (a) unqenqema lwanoma yimuphi lowo mgwaqo, isitaladi noma indlela yabantu bonke;
- (b) noma yiliphi ibhulohlo, isikebhe sokuwelisa emfuleni noma izibuko elinqanyulwa kibili yinoma yimuphi lowo mgwaqo, isitaladi noma indlela yabantu bonke; kanye
- (c) nanoma yimuphi omunye umsebenzi noma into eyingxene noma yakulowo mgwaqo, sitaladi noma indlela yabantu bonke.

2. Imvume yoMkhandlu edingekayo

- (1) Akekho umuntu, ngaphandle kokuba eqale wathola imvume ebhaliwe, ongenza noma akhe ngokungekho emthethweni phezu noma ngaphansi noma kunoma yisiphi isakhiwo soMkhandlu,
- (2) UMkhandlu –
 - (a) Ungenqaba nemvume edingekayo ngokwesigatshana (1); noma
 - (b) Ungayinikeza leyo mvume okungaba ngaphandle kwemibandela noma ngemibandela futhi nangokuhambisana nokukhokhwa kwemali enqunyiwa minyaka yonke noma ngokwenzwiwa kwemisebenzi enqunywa nguMkhandlu odabeni ngalunye.
- (3) Izimali ezinqunyiwe ezibalulwe esigatshaneni (2) zikhokhwa ngaphambi kokuqala konyaka ngamunye ezibalwe kusukela osukwini lwemvume noma kwesikhathi esinqunyiwe nguMkhandlu, futhi umnikazi unesibopho sokukhokha imali enqunyiwe ngokwale mithetho kamasipala ekwakheni isakhiwo ngasinye ngokungekho emthethweni.
- (4) Kufanele umnikazi wanoma yisiphi isakhiwo esakhiwe ngokungekho emthethweni, zingakapheli izinyanga ezintathu emva kosuku lokuqaliswa kwale mithetho kaMasipala, afake isicelo semvume eMkhandlwini, asebenzise ifomu elinqunyiwe Iwesakhiwo esakhiwe ngokungekho emthethweni ngokwale mithetho kamasipala.

3. Imithetho yokwakha endaweni ngokungekho emthethweni

- (1) Kufanele uhlolo, ukuhleleka kanye nokwakhiwa kovulande, ovulande abaphezulu, amafasitela aphumele ngaphandle kanye namanye amabhilidi ezakhiwe ngokungekho emthethweni phezu kwesakhiwo soMkhandlu, kanye nendlela egandayiwe, unqenqema kanye nomsele walapho, kube ngokusezingeni elenelisayo eligunyazwe nguMkhandlu.
- (2) Uma kusetshenziswe uthayela ukwemboza uvulande, ingaphandle lawo elivelayo kufanele lipendwe.
- (3) Uvulande olengela emgwageni womphakathi kufanele ulingane, ngokuphakama kanye nokulinganiseka novulande oxhumene nawo.

4. Izinsika

- (1) UMkhandlu unganquma izindawo ezingaphakathi komngcele kamasipala lapho kungekho mutu ovumelekile ukuthi agxumeke izinsika zikavulande ezilengela phezu kwanoma yimuphi umgwaqo womphakathi noma onqenqemeni lwabahamba ngezinyawo.
- (2) Akekho umuntu okumele agxumeke insika kavulande –
 - (a) phezu kwanoma yiluphi unqenqema lwabahamba ngezinyawo lapho lolololo nqenqema lunobubanzi obungama- 2,6m;
 - (b) engaphezu kwama-3m kusukela emgqeni wesakhiwo okalwe ngaphandle kwensika noma ngaphansi kwama- 3 m endaweni emaphakathi nendawo ngayinye;
 - (c) engaphezu kwanoma yiluphi unqenqema lwabahamba ngezinyawo ibe sekhoneni lomgwaqo womphakathi edlula ukulinganisana nebhilidi eliseduze kwayo; futhi

- (d) ibe sebangeni elingaphansi kwama-600mm ngemuva kwanoma yiliphi ichopho longengema kuya kwelingaphambili.
- (3) Akekho muntu okumele agxumeke izinsika zikavulande ezibhangqene noma ezimbili phezu komgwaqo womphakathi noma onqenqemeni lwabahamba ngezinyawo.
- (4) Lapho ovulande besekwe ngezinsika-
- (a) akumele izinsika zibe nesikwelel esicijile;
 - (b) isisekelo masingaphumeli ngaphandle ngokungaphezu kwama-50mm kweqela ebangeni eliphansi elinquma phakathi ububanzi bensika; futhi
 - (c) isisekelo masingaphumeli ngaphandle ngokungaphezu kwama-50mm.
- (5) Lapho uhlobo lwensika lusezingeni eliphezulu, umphini mawube nokugoba okufanelekile futhi isisibekelo nesisekelo masibe sesilinganisweni esifanelekile.
- (6) Izinsika, kuflanganisa isisibekelo nesisekelo makungabi ngaphansi kwama- 3 m noma ngaphezulu kwama- 3,6 m ukuphakama futhi kungabi ngaphezu kwama- 4,5 m kuflanganisa nesinqe setshe eliyisisekelo.
- (7) isilinganiso sokuphakama kusukela endleleni yezinyawo noma onqenqemeni kuye kufike ngaphansi kwamacele omgqomo omkhulu wensimbi noma ipulangwe eliphase isakhiwo ngasekugcineni kophahla lwensika singama- 3 m.
- (8) Okokubambelela, okokuvimbela noma isibambelelo, uma sikhona, masinganwebeki ngaphansi kwama- 750 mm noma ngaphezu kwe- 1,05 m ngaphezu kwephansi lompheme
- (9) Akukho kule mitetho kamasipala okuvimbela -
- (a) ukumiswa kanye nokusetshenzwa kwengxenyenya yensika exhunywe kovulande ababili abancikene uma insika ime yeqa umngcele womugqa wezakhiwo zombili noma kuflanganiswe ngokufana; noma
 - (b) esimweni lapho kuxhunywe khona ovulande, ukumiswa kwanoma iyiphi insika esesinqeni setshe eliyisisekelo uma kunesidingo sokulanganisa kanye nezinye izihlinzekelo zale Mithetho Kamasipala ziabhekelwa.

5. Imipheme kanye namafasitela akhiwe aphumela ngaphandle

- (1) Akumele imipheme, amafasitela akhiwe aphumela ngaphandle noma okunye okufana nakho okwakhiwe ngokungekho emthethweni –
- (a) kulengele emgwaqeni womphakathi uma kunokuphakama okungaphansi kwama- 3m ngaphezulu konqenqemena lwabahamba ngezinyawo;
 - (b) kulengele ngaphezu kwe-1,35m phezu kwanoma yimuphi umgwaqo womphakathi; noma
 - (c) kulengele ngaphezu kwama-900mm phezu kanoma yimuphi umgqwaqo womphakathi.
- (2) Akumele ubude obuqondile sebhlangene bamafasitela alengele ngaphandle kunoma yisiphi isitezi esilengela emgwaqeni womphakathi budlule ingxenye eyodwa kokuthathu yobude bohlangothi lwangaphambili lwebhilidi kulowo mgwaqo.
- (3) Kufanele nanoma yimuphi uvulande ophezulu owelekwe phezu kwanoma yimuphi uvulande uhlehliswe okungenani nge- 1,2 m kusukela emgwaqeni walowo vulande.
- (4) Ayikho ingxenye evumelekile yanoma yimuphi uvulande ophezulu ukuba ixhunywe kunoma yimuphi uvulande, engakhushulwa ifinyelele kubude obungaphezulu kwezitezi ezimbili ngaphezu kweleveli yonqenqema lwabahamba ngezinyawo ngaphandle kokuthi lapho ingxenye ephezulu kavulande ophezulu ifulelwes ngosimende owenza indawo yaphansi,

isibambelelo sokuzivikela nokuzisiza esitezi esingadlulile e-1 m ubude phezu kweleveli yendawo yaphansi.

- (5) Akumele noma yiluphi udonga oluvundle uvulande ophezulu olengela emgwaqeni womphakathi lwedlule i-1m ubude noma ama – 225mm ububanzi.
- (6) Akumele uvulande ophezulu olengela emgwaqeni womphakathi ube iyona yodwa indawo yokungena endlini noma ekameleni.
- (7) Akekho mutu ongabeka noma ongavumela kumbe adale ukuba kubekwe noma yini phezu kukavulande ophezulu olengela emgwaqeni womphakathi, ngaphandle kwezitshalo zokuhlobisa, amatafula, izihlalo, amabhalayindi akhiwe ngoseyila kanye noseyili wokusitha ilanga ongasetshenziselwa izimpawu noma ukukhangisa.
- (8) Lapho noma iyiphi indawo yaphansi yebhilidi isetshenziselwa ukupaka izimoto, akumele amafasitela aphumele ngaphandle alengele emgwaqeni womphakathi ukudlula i- 1,35 ubude obuphelele bohlangothi Iwangaphambili Iwebhilidi kulowo mgwaqo.

6. Izisekelo eziphase insika, okokusekela izithombe ezibazwe ngetshe, isisekelo esiphumele ngaphandle kwasakhiwo kanye nomhlobiso obunjiwe

- (1) Akukho zisekelo eziphase insika, okokusekela izithombe ezibazwe ngetshe noma ezinye izakhiwo ezakhiwe ngokungekho emthethweni ezeqela emgqeni oqondanisa ibhilidi ezikhushulwa kusukela endaweni ephansi ezivumelekile ukuba zeqele emgwaqeni womphakathi.
- (2) Noma yikuphi okokusekela isithombe esibazwe ngetshe, umhlobiso obunjiwe, isisekelo esiphumele ngaphandle kwasakhiwo noma okufanayo okubunjiwe okungenani okungama – 3m ukusukela phansi makungedluli ileveli yesakhiwo esakhiwe ngokungekho emthethweni esilengela emgwaqeni womphakathi:
 - (a) okokusekela isithombe esibazwe ngamatshe: ama-450mm ubude bohlangothi Iwangaphambili sebubonke balokho kokusekela isithombe esibazwe ngamatshe akumele budlule ingxene eyodwa yokuhanu kohlangothi Iwangaphambili Iwebhilidi kanye namafasitela aphumele ngaphandle esitezi esifanayo kufanele kubalwe esibalweni sobukhulu obuphelele bobude bamafasitela aphumele ngaphandle;
 - (b) umgaxo walokho okuhlobisile ongenakusha noma isiseko esiphezu komnyango: ama-600mm nanoma ikuyiphi ingxene engekho ngaphansi kwama-2,75m ubude phezu kwendlela yezinyawo noma indlela egandaywe ngamatshe;
 - (c) umhlobiso obunjiwe: i-1,05m lapho ungadluli ama-10,5m ngaphezu kwendlela yezinyawo noma indlela egandaywe ngamatshe kanye nengxene eyodwa kokuyishumi yobude kusukela endleleni yezinyawo noma endleleni egandaywe ngamatshe uma idlula ama-10,5 anobukhulu be-1,8m.

7. Ovulande abasemakhoneni

Lapho kwakhiwe khona ovulande emakhoneni emigwaqeni yomphakathi kufanele banwetshwe kahle noma bajikeleziswe ngokulandela ukugwinciza konqenqema.

8. Izindawo ezingenela onqenqemeni Iwabahamba ngezinyawo

- (1) Ayikho indawo ezingenela onqenqemeni Iwabahamba ngezinyawo –
 - (a) engaba iyona kuphela indawo yokungena kunoma yimuphi umgodi ophansi kwebhilidi noma ikamelo elingaphansi kwendlu; kanye
 - (b) okumele inwebeke kwedlule i-1,2 m ukweqa umugqa wesakhiwo.
- (2) Lapho okuphephezelayo kuvumelekile endaweni yokungenela onqenqemeni Iwabahamba ngezinyawo makungadluli kuma-0,75 square metreubungako bendawo nokuthi kufanele

ivulekele ngaphezulu nokuthi ngesikhathi ivulekile, kufanele ihlinzekwe ngothango lwensimbi ekhuluphele kanye nezigxobo zensimbi zokulengisa.

- (3) Kufanele kuvuleke ekungeneni kwalapho okunokuphephezelayo bese kusebenza kuphela ngenhloso yokwehlisa nokwenyusa izimpahla futhi kufanele kugcinwe kuvaliwe ngaphandle uma kuqhetshwa umsebenzi wokwehlisa nokwenyusa.
- (4) Kufanele udonga olungaphambili noma udonga olubhekene nonqenqema lwakhiwe ngengxube efanele ezokwanelisa uMkhandlu.
- (5) Akukho ndawo engenela onqenqemeni lwabahamba ngezinyawo okumele yembozwe ngezinsimbi eziyizinto zokuvimba amafasitela noma ngothayela kumbe ngokhuni.

9. Ukwakha okungekho emthethweni ngaphambi kwesinye isakhiwo

Lapho kumiswe noma kwakhiwe khona ngokungemthetho phambi kwesakhiwo, umnikazi kuyomele ngokwezindleko zakhe -

- (a) akhonke yonke indlela yezinyawo noma unqenqema lwabahamba ngezinyawo olungaphansi kwesakhiwo esakhiwe ngokungemthetho noma ngaphambi kwesakhiwo lapho kuhona khona indawo engenela unqenqema lwabahamba ngezinyawo; futhi
- (b) enze unqenqema lomgwaqo nomsele wamanzi futhi akhonke ngaphambi kwesakhiwo kuhambisane nobubanzi bendlela yezinyawo kumbe unqenqema lwabahamba ngezinyawo.

10. Ukunakekelwa, ukususwa kanye nokuqashisa ngemixhantela

- (1) Umnikazi wanoma yisiphi isakhiwo esakhiwe ngokungemthetho kumele asigcine sisesimweni esihle silungisiwe
- (2) Izindawo ezingenela onqenqemeni lwabahamba ngezinyawo, izibani nezindonga zonqenqema lwabahamba ngezinyawo kanye nezindonga zegumbi elingaphansi kumele kwakhiwe kuqine futhi umnikazi akugcine kungangenza ngamanzi.
- (3) Umnikazi wanoma yisiphi isakhiwo esakhiwe ngokungemthetho, ngaphansi noma ngaphezu kwanoma yimuphi umgwaqo womphakathi, uthathwa njengoqashile maqondana nesakhiwo esakhiwe ngokungemthetho, uphawu kumbe nanoma yini exhunywe odongeni, futhi uma ecelwa nguMasipala ukuba asuse okunye noma konke, bese elungisa umgwaqo womphakathi noma indawo yabahamba ngezinyawo ibe sesimweni eyayiyo ngaphambilini, kumele enze njalo ngesikhathi esifanenelekile.

11. Izakhiwo ezakhiwe ngokungekho emthethweni

- (1)(a) Yinoma yimuphi umuntu okungeyena umnikazi ofisa ukugxumeka noma ukwakha isakhiwo esingekho emthethweni noma yikuphi okunye okugxunyekwayo phezu, ngaphansi noma kunoma yimuphi umgwaqo womphakathi, noma empahleni enganakususwa okungeyoMkhandlu kumbe ebekwe ngaphansi kolawulo loMkhandlu, kumele afake isicelo eSikhulwini Esilawula Izakhiwo ngokusebenzisa ifomu elihlinzekwe nguMkhandlu ngaleyohloso.
- (b) Lapho ngokubona kweSikhulu Esilawula Izakhiwo kudingeka imidwebo ukuze kuphothulwe isivumelwano sokwakha ngokungekho emthethweni, kuyomele kukhokhelwe uMkhandlu imali ngaphezu kwaleyo enqunyiwe.
- (2) Umnikazi wesakhiwo esithintene nalapho kwakhiwe khona ngokungemthetho kumbe okuhlongozwu ukwakhiwa kuso –
 - (a) kumele akhokhe izindleko ezidalekile maqondana nezintambo kumbe impahla yoMkhandlu;

- (b) Kumele avumele uMkhandlu ukuthi umise, noma uxhume esakhiweni esakhiwe ngokungemthetho noma yini edingekayo maqondana nezinto ezithinta ugesi kumbe eminye imisebenzi.

12. Amacala, Izinhlawulo kanye Nokudluliswa Kwamacala

Izihlinzekelo zemithetho kamasipala emaqondana naMacala, Izinhlawulo kanye Nokudluliswa Kwamacala komkhandlu ziyozebenza njengoba kuhleliwe kule mithetho kamasipala.

13. Imithethonqubo

Umasipala ungenza imithethonqubo engavumelani nalo mthetho kamasipala, ngokunquma –

- (a) nanoma yiluphi udaba okungenzeka noma okufanele lunqunywe ngokwalo mthetho kamasipala; kanye
(b) nanoma yiluphi udaba olungalekelela ekusebenzeni kwalo mthetho kamasipala.

14. Ukuchithwa kweMithetho kaMasipala

Nanoma yimuphi umthetho kamasipala omaqondana nokwakhiwa kwsakhiwo ngokungekho emthethweni ovunywe ngumasipala noma umkhandlu kamasipala waphambilini manje osunophiko lukamasipala lokuphathwa kwehhovisi uyochithwa kusukela osukwini lokumenyezwela kwalo mthetho kamasipala.

15. Isihloko esifishane kanye nokuqala

Lo Mthetho kaMasipala ubizwa ngokuthi uMthetho kaMasipala Wokwakha Isakhiwo Endaweni Ngokungekho eMthethweni, wezi–2012, futhi uyoqala ukusebenza ngosuku oluzonqunywa ngumasipala ngokuba umenyezelwe kwiGazethi yesiFundazwe.

No. 18**23 January 2015****ENDUMENI MUNICIPALITY****LIBRARY BY-LAWS**

Be it enacted by the Council of the Endumeni Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

DEFINITIONS

Note: (Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa),

1. In these bylaws, unless the context otherwise indicates:-

“Adult” shall mean any person over the age of 18 years and shall include any person who has already left school and who earns his living independently of his parents or guardian;

“Borrower” shall mean a person to whom a borrower's ticket has been issued in accordance with the regulations;

“Council” shall mean the Endumeni Municipality or its legal successors;

“Librarian” shall mean the person from time to time appointed by the Council to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions;

“Library material” or **“item”** shall mean any book magazine, document, print, newspaper, map, video, audio cassette, CD or DVD disc, framed art print, microfilm, microfiche or similar publication;

“Minor” shall mean any person under the age of 18 years and who is dependent upon his parents or guardian;

“Provincial Library” shall mean the KwaZulu-Natal Provincial Library Service of which the library is a member;

“Public room” shall mean any room in the library building which is open to the public.

ADMISSION TO LIBRARY BUILDINGS

2. (1) The librarian may refuse library material or admission to any person whenever he is of the opinion that the issue of items to or the admission of such a person would not be in the public interest, and so deciding, the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and modes of life of the person concerned, the locality to which he would in the ordinary course remove the items borrowed by him, and questions of public health. The regulation also applies to any person who neglects or refuse to comply with these regulations. Any such person to whom library material or admission has been refused shall have the right to appeal to the Council;

(2) Subject to the provisions of subsection (1) and to the further provisions of these regulations, admission to the public rooms shall be free of charge and any person may read or view or consult any material, and/or listen to video, audio cassettes DVDs or CDS during the hours of opening prescribed by the Council.

LENDING DEPARTMENT

3. (1) Any person may be enrolled as a library borrower and shall, subject to the same terms of sub regulation (2) hereof, be entitled to borrow library material from the lending department of the library;
- (2) Any person wishing to be enrolled as a borrower shall apply to the librarian on a form provided by her for the purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be counter-signed by the parent or guardian responsible for them. In the application form there shall in each case be given an undertaking on the part of the applicant to pay for any library material lost or damaged while in his possession, in terms of and on the basis provided for in Regulation 6.
- (3) Any duly enrolled borrower shall, at the discretion of the librarian, be entitled to take out one or more items at a time upon the production of a ticket or card issued to the borrower by the librarian. No item will be issued unless the borrowers tickets are produced. Lost or damaged tickets or cards will be replaced by the librarian upon request and payment of the prescribed fee where applicable;
- (4) Videos, audiocassettes, DVDs or CDs may be borrowed free of charge by any enrolled library borrower who has been so enrolled for a minimum period of 3 months.

BORROWERS TICKETS

4. (1) Every borrower shall be responsible for the ticket or ticket issued in his name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorized use thereof;
- (2) When a borrowers ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such ticket. The issue of a duplicate borrowers' *ticket shall in no way relieve the holder of any liability incurred by him under sub-regulation (1) hereof;
- (3) Any enrolled borrower who for any reason ceases to be entitled to borrow library material from the lending department of the library or who wishes to cease borrowing library material from the said department shall forthwith return his borrower's ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him from any liability incurred by him sub-regulation (1) hereof.

OVERDUE LIBRARY MATERIAL

5. (1) Every item borrowed shall be returned to the lending department of the library from which it was borrowed not later than fourteen days from date of issue; provided that:-
 - (a) The issue of an item not required by another person may be renewed for a further period of fourteen days upon a written or verbal request to the librarian;
 - (b) No person shall retain any item issued to him after a written demand by the librarian for the return of such item has been delivered at the registered address of such person, or, in the event of there being no postal delivery service, to the post office box of the member;

- (c) Art reproductions may be borrowed for a period in excess of fourteen days, at the discretion of the librarian;
- (2) A borrower shall be liable to a fine as prescribed in the Council's tariff of charges per week or part thereof for each item retained beyond that period or whenever a renewal is granted as above beyond the period of such renewal; provided that the librarian may remit any fine incurred whenever, in his opinion, the delay in returning the item was due to circumstances beyond the control of the borrower;
- (3) In special cases library material may, at the discretion of the librarian, be lent to borrowers (such as bona fide students) for any period in excess of 14 days. The librarian may also, at his discretion, issue popular materials for periods of less than 14 days;
- (4) The librarian is empowered to refuse to lend any item to a borrower who fails to pay fines incurred;
- (5) In the case where the librarian finds it necessary, after repeated written demands for the return of the library material by a borrower, to send a messenger to the borrower's address in an endeavour to recover the library material and where the messenger does not succeed in recovery the items, no further items shall be issued and the librarian may cancel such membership; should such items be returned, however, no further items shall be issued until all outstanding fines have been paid in full;
- (6) Habitual over-retention of library material may lead to the suspension or cancellation of the borrower's membership.

LOST AND DAMAGED LIBRARY MATERIAL

- 6. (1) Should any item be lost, the borrower shall pay to the librarian, in addition to any fine or charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock, or he shall pay in respect of the library stock of the Council the value of such item or replace such item with a new copy of equal value;
- (2) Any item not returned to the librarian within a period of two months from the date of issue, or whenever a renewal is granted within a period of two months from the date of renewal, shall be deemed to be lost;
- (3) The borrower shall be responsible for any damage caused to any item while in his possession, and shall be required to pay the amount of such damage as assessed by the librarian, or, alternatively, to replace such item with a new copy of equal value in respect of the library stock. In respect of provincial library stock he shall pay the value as assessed by the library service, as stated on the printed item card of the damaged item. Items found to be damaged when presented for issue must be reported; otherwise the borrower may be held responsible for the damage;
- (4) No person who has lost or damaged library material shall be permitted to borrow any further items until such lost or damaged items shall have been replaced or until the amount of damage caused or any other charge has been paid to the librarian, as the case may be;
- (5) Neglect to pay for the loss, damage or non-return of library material shall be a debt due from the borrower and recoverable at law at the discretion of the Council.

NOTIFICATION OF CHANGE OF ADDRESS

7. Any borrower who changes his address from that given by him in his application form and shown on the borrower's ticket or tickets issued to him shall within seven days thereof, notify the librarian of both his old and new address.

REFERENCE DEPARTMENT

8. (1) Any person may consult any library item in the reference department to which he is entitled to be admitted in terms of Regulation 2;
- (2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he may deem advisable, permit any registered borrower to borrow an item from the reference department for a specified time upon receipt of a written undertaking by the borrower to return the item (a) in a good condition, (b) within the specified time;
- (3) The librarian may require any person consulting any item in the reference department of the library to do so in any such place in the library building as he may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

USE OF GROUP ACTIVITIES ROOM

9. The group activities room will be at the disposal, without any charge, to person who are admitted to the library buildings in terms of Regulation 2, for use where the promotion of culture, such as book discussions, art, evaluations, musical evenings and similar activities are involved; provided that where the promotion of culture is not pursued, the room may, should it be available for use, be hired by members of the public at a rental determined by the Council;

UNAUTHORIZED POSSESSION OF LIBRARY MATERIAL

10. (1) No person shall be in a possession of or remove from any department of the library any item which has not been duly recorded by the librarian. Any person removing any item from the library without its being duly recorded shall be guilty of an offence and liable to prosecution and forfeiture of membership;
- (2) Any item bearing the mark or stamp of either the provincial library service or the Council and not containing an official notification that it has been withdrawn, discarded or sold, shall be deemed the property of the provincial library service or the Council, as the case may be.
- (3) No item shall be removed from the general reading room without prior approval of the librarian.

NON-ACTIVE MEMBERS

11. The librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of 12 months, unless such a borrower has informed the librarian of any prolonged absence due to illness or leave or any other valid reason. The borrower thus having his membership cancelled does not forfeit his right to be re-registered at any further date, within the provisions of these regulations.

CARE OF LIBRARY MATERIAL

12. (1) Any person to whom library material has been issued in terms of these regulations shall keep such library material in a clean and sound condition

and shall take all such steps as may be necessary to protect it while in route to and from the library building in wet weather;

- (2) No person shall:-
- (a) Turn down or stain the leaves or make pencil or other marks upon or in way cause damage to any book forming part of the library;
 - (b) Make copies of any such book or part thereof or of instructions therein by the means of tracing or otherwise without permission of the librarian;
 - (c) Remove or mutilate any color plates or any other illustrations or leaves of any book whatsoever;
 - (d) Remove the plastic covering and/or book jacket from any book issued to him;
 - (e) Return library materials without appropriate wrapping or without placing them in a suitable container; the librarian may refuse to issue further items if, after due warning to the borrower this requirement is not complied with;
 - (f) Return videos, audio cassettes, DVDs and CDs in covers other than those in which they have been issued;
 - (g) Expose videos, audio cassettes, DVDs and CDs to excessive heat or handle them in any manner which may cause damage.

EXPOSING LIBRARY MATERIAL TO INFECTIOUS DISEASES

13. (1) No person suffering from any notifiable disease shall borrow and use the library material and no person shall permit any library material issued to him to be exposed to any notifiable disease;
- (2) No person shall return to the library any material which he knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his control to be returned but shall immediately give notice to the Council that the library material has been so exposed, and the Council shall thereupon cause the library material to be disinfected and then returned to the library, should the infected library material be of the local stock it may be destroyed by the Council if necessary.

HOURS OF OPENING

14. (1) The library will be open for such hours as the Council may decide; provided that the hours shall be prominently displayed on the notice board and the door of the library and that sufficient notice of any changes contemplated shall be given;
- (2) The library will not be open on public holidays and the Council is authorized to close the library or part of it temporarily for such days or at such times as it may consider necessary, provided that the notice of the Council's intention is posted up on the notice board seven days before the actual closing.

GENERAL

15. (1) No person shall wilfully obstruct the librarian or any assistant in the execution of their duties;
- (2) No person shall affix or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian;
- (3) No person shall bring into any part of the library any shielded vehicle or conveyance other than a hand propelled or motorised invalid chair, baby's perambulator or pushcart, without the permission of the librarian;
- (4) No person shall give a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.

CONDUCT IN THE LIBRARY

16. (1) No person shall, to annoyance of any other person, engage in audible conversion in any part of the library, or wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library;
- (2) No person shall behave in a disorderly manner in any part of the library, use violent, obscene or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof;
- (3) No person shall cause or permit any animal belonging to him or under his control to enter or remain in the library;
- (4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library;
- (5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

OFFENCES AND PENALTIES AND APPEALS

17. The provisions of the Council's Offences, Penalties and Appeals bylaws shall mutatis mutandis apply to these bylaws.

REPEAL OF PREVIOUSLY BY-LAWS

18. The previous By-Laws retaining Libraries are hereby repealed.

SHORT TITLE AND COMMENCEMENT

19. This by-law is called the Library By-law 2015 and takes effect on the date determined by the municipality by proclamation the Provincial Gazette.

No. 18

23 Januarie 2015

ENDUMENI MUNISIPALITEIT**VERORDENINGE INSAKE BIBLIOTEKE**

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), verorden die Raad van die Endumeni Munisipaliteit soos volg:

OMSKRYWINGS

Let wel: Woorde wat op enige individu van toepassing is, sluit persone, maatskappye en korporasies in, en die manlike vorm sluit die vroulike vorm ook in, en die enkelvoud sluit die meervoud in en omgekeerd.

1. Omskrywings

In hierdie verordeninge, tensy uit die konteks anders blyk, beteken:-

“biblioteekmateriaal” of **“item”** enige boek, tydskrif, dokument, afdruk, koerant, kaart, videoband, audioband, laserskyf (CD) of digitale videoskyf (DVD), geraamde kunsafdruk, mikrofilm, mikrokaart of soortgelyke publikasie;

“bibliotekaris” die persoon wat van tyd tot tyd deur die Raad aangestel word om beheer uit te oefen oor en die biblioteek te bestuur, en sluit in enige van sy ondergesiktes wat ingevolge sy opdragte handel;

“lener” ‘n persoon aan wie ‘n lenerskaart ooreenkomsdig die regulasies uitgereik is;

“minderjarige” enige persoon onder die ouderdom van 18 jaar en wat van sy ouers of voog afhanklik is;

“openbare kamer” enige kamer in die biblioteekgebou wat oop is vir die publiek;

“Provinsiale Biblioteek” die KwaZulu-Natal Provinsiale Biblioteekdiens waarvan die biblioteek ‘n lid is;

“Raad” die Endumeni munisipaliteit of syregsopvolgers; en

“volwassene” enige persoon oor die ouderdom van 18 jaar en met inbegrip van enige persoon wat alreeds skool verlaat het en wat sy eie geld onafhanklik van sy ouers of voog verdien.

Toelating tot biblioteekgeboue

2. (1) Die bibliotekaris kan enige persoon biblioteekmateriaal of toelating weier wanneer hy van mening is dat die uitreiking van items aan of die toelating van sodanige persoon nie in die openbare belang is nie, en by die neem van so ‘n besluit, kan die bibliotekaris die gemak, gesondheid, gerief en gevoelens van ander biblioteekgebruikers in ag neem, asook die gewoontes en lewenswyse van die betrokke persoon, die plek waarheen hy in die normale loop van omstandighede die items wat deur hom geleent word, verwyder, en openbare gesondheidswessies. Die regulasie is ook van toepassing op enige persoon wat versuim of weier om aan hierdie regulasies te voldoen. Enige sodanige persoon wat biblioteekmateriaal of toelating geweier is, het die reg om by die Raad teappelear.
- (2) Onderhewig aan die bepalings van subartikel (1) en aan die verdere bepalings van hierdie regulasies, is toelating tot die openbare kamers gratis en enige persoon mag enige materiaal lees, besigtig of raadpleeg, en/of luister na video- of audiobande, DVD's of CD's gedurende biblioteekure soos deur die Raad voorgeskryf.

Leenafdeling

3. (1) Enige persoon kan as 'n biblioteeklener inskryf en is, onderhewig aan dieselfde terme van subregulasie (2) hiervan, daarop geregtig om biblioteekmateriaal uit die leenafdeling van die biblioteek te leen.
- (2) Enige persoon wat wil inskryf as 'n lener moet by die bibliotekaris aansoek doen op 'n vorm wat deur hom vir die doel verskaf word. Aparte aansoekvorms moet beskikbaar gemaak word vir volwassenes en minderjariges en aansoekdeur minderjariges moet geteken word deur die ouer of voog wat vir hom of haar verantwoordelik is. In die aansoekvorm moet daar in elke geval 'n onderneming deur die aansoeker wees om te betaal vir enige biblioteekmateriaal wat verlore of beskadig is terwyl dit in sy of haar besit is, kragtens en op die grondslag soos bepaal in Regulasie 6.
- (3) Enige behoorlik ingeskreve lener moet, volgens die bibliotekaris se eie diskresie, geregtig wees daarop om een of meer items op 'n keer uit te neem by die toon van 'n kaartjie wat deur die bibliotekaris aan die lener uitgereik is. Geen item sal uitgereik word tensy die lener se kaartjie getoon word nie. Verlore of beskadigde kaartjies sal deur die bibliotekaris vervang word op versoek en by betaling van die voorgeskrewe fooi waarvan toepassing.
- (4) Videobande, audiobande, DVD's of CD's kan gratis deur enige ingeskreve biblioteeklener wat dienooreenkomsdig ingeskryf is vir 'n minimum tydperk van drie maande geleent word.

Lenerskaartjies

4. (1) Elke lener is verantwoordelik vir die kaartjie of kaartjies wat in sy naam uitgereik is en is, tot die kansellasie daarvan, aanspreeklik vir enige boete of eis vir skade of verlies wat uit die ongemagtigde gebruik daarvan voortspruit.
- (2) Wanneer 'n lener se kaartjie verlore gaan gedurende die tyd van lidmaatskap, moet die lener onverwyld kennis daarvan aan die bibliotekaris gee, wat 'n duplikaat van sodanige kaartjie sal uitreik. Die uitreiking van 'n duplikaat lenerskaartjie stel op geen wyse die houer daarvan vry van enige verpligting wat aan hom opgelê is kragtens subregulasie (1) hiervan nie.
- (3) Enige ingeskreve lener wat om enige rede nie langer daarop geregtig is om biblioteekmateriaal uit die leenafdeling van die biblioteek te leen nie of wat nie langer biblioteekmateriaal van die vermelde afdeling wil leen nie, moet onverwyld sy lenerskaartjie of kaartjies aan die bibliotekaris teruggee vir kansellasie. Versuim om dit te doen, stel hom op geen manier vry van enige verpligting wat kragtens subregulasie (1) hiervan aan hom opgelê is nie.

Biblioteekmateriaal wat laat is

5. (1) Elke item wat geleent word, moet aan die leenafdeling van die biblioteek waarvan dit geleent is, terugbesorg word nie later nie as 14 dae na die datum van uitreiking; met dien verstande dat:-
- (a) die uitreiking van 'n item wat nie deur 'n ander persoon vereis word nie, vir 'n verdere tydperk van 14 dae verleng mag word op skriftelike of mondelinge versoek aan die bibliotekaris;
- (b) geen persoon enige item wat aan hom uitgereik is, mag terughou nadat 'n skriftelike eis deur die bibliotekaris vir die terugbesorging van sodanige item by sodanige persoon se

- geregistreerde adres, of in geval daar geen posafleweringsdiens is nie, by die lid se posbus aangelewer is nie, en
- (c) kunsafdrukke volgens die bibliotekaris se diskresie vir 'n langer tydperk as 14 dae geleent kan word.
- (2) 'n Lener is aanspreeklik vir 'n boete soos voorgeskryf in die Raad se kostetarief per week of deel daarvan vir elke item wat langer as daardie tydperk gehou is of wanneer 'n hernuwing soos bo vermeld toegestaan is, langer as die tydperk van sodanige hernuwing; met dien verstande dat die bibliotekaris enige boete wat opgeloop het, kan verminder wanneer, na sy mening, die vertraging by die terugbesorging van die item te wye was aan omstandighede buite die lener se beheer.
- (3) In spesiale gevalle kan biblioteekmateriaal, volgens die diskresie van die bibliotekaris, aan leners geleent word (soos bona fide studente) vir enige tydperk wat 14 dae oorskry. Die bibliotekaris kan ook, volgens sy diskresie, gewilde materiaal vir tydperke van minder as 14 dae uitreik.
- (4) Die bibliotekaris is bemagtig om te weier om enige item aan 'n lener te leen wat versuim om boetes wat opgeloop is, te betaal.
- (5) In die geval waar die bibliotekaris dit nodig vind, na herhaalde skriftelike eise vir die terugbesorging van die biblioteekmateriaal deur 'n lener, om 'n boodskapper na die lener se adres te stuur in 'n poging om die biblioteekmateriaal terug te kry en die boodskapper nie daarin slaag om die items terug te kry nie, sal geen verdere items uitgereik word nie en kan die bibliotekaris sodanige lidmaatskap kanselleer. Sou sodanige items egter terugbesorg word, sal geen verdere items uitgereik word voordat alle uitstaande boetes ten volle betaal is nie.
- (6) Gereelde langdurige terughouding van biblioteekmateriaal kan lei tot die opskorting of kansellasiel van die lener se lidmaarskap.

Verlore en beskadigde biblioteekmateriaal

6. (1) Sou enige item verlore wees, moet die lener die waarde van die verlore item met betrekking tot provinsiale biblioteekvoorraad, plus enige boete of kostes wat betaalbaar mag wees ten opsigte van sodanige item, aan die bibliotekaris betaal, of moet hy met betrekking tot die Raad se biblioteekvoorraad die waarde van sodanige item betaal of sodanige item met 'n nuwe kopie van gelyke waarde vervang.
- (2) Enige item wat nie aan die bibliotekaris terugbesorg word binne 'n tydperk van twee maande na die uitreikingsdatum nie, of wanneer 'n hernuwing toegestaan word, binne 'n tydperk van twee maande vanaf die hernuwingssdatum nie, sal as verlore beskou word.
- (3) Die lener is verantwoordelik vir enige skade wat veroorsaak is aan enige item terwyl dit in sy besit is, en daar sal van hom vereis word om die bedrag van sodanige skade te betaal soos deur die bibliotekaris beoordeel word, of, as alternatief, om sodanige item met 'n nuwe kopie van gelyke waarde ten opsigte van die biblioteekvoorraad te vervang. Met betrekking tot provinsiale biblioteekvoorraad moet hy die waarde betaal soos die biblioteekdiens beoordeel, soos gespesifieer op die gedrukte itemkaart van die beskadigde item. Items wat as beskadig geïdentifiseer word wanneer dit vir uitreiking aangebied word, moet gerapporteer word; anders kan die lener vir die skade verantwoordelik gehou word.
- (4) Geen persoon wat biblioteekmateriaal verloor of beskadig het, sal toegelaat word om enige verdure items te leen, voordat sodanige verlore

of beskadigde items vervang is of voordat die bedrag van die skade wat veroorsaak is, of enige ander kostes, aan die bibliotekaris betaal is nie, na gelang van die geval.

- (5) Versuim om vir die verlies, skade of nie-terugbesorging van biblioteekmateriaal te betaal, is skuld wat deur die lener betaalbaar is en regtens volgens die Raad se diskresie verhaalbaar is.

Kennisgewing van adresverandering

7. Enige lener wat sy adres verander van dit wat deur hom in sy aansoekvorm aangedui is en op die lener se kaartjie of kaartjies aangetoon word, moet binne sewe dae daarna die bibliotekaris in kennis stel van beide sy ou en nuwe adres.

Naslaanafdeling

8. (1) Enige persoon kan enige biblioteekitem in die naslaanafdeling waartoe hy kragtens Regulasie 2 geregtig is om toegelaat te word, raadpleeg.
 (2) Geen sodanige item mag uit die naslaanafdeling verwijder word nie; met dien verstande dat die bibliotekaris, by ontvangs van sodanige deposito as wat hy raadsaam ag, enige geregistreerde lener kan toelaat om 'n item uit die naslaanafdeling vir 'n spesifieke tyd teleen by ontvangs van 'n skriftelike onderneming deur die lener om die item (a) in 'n goeie toestand, (b) binne die gespesifiseerde tyd terug te bring.
 (3) Die bibliotekaris kan van enige persoon wat enige item in die naslaanafdeling van die biblioteek raadpleeg, vereis om dit te doen in enige sodanige plek in die biblioteekgebou as wat hy mag spesifiseer. Enige persoon wat 'n naslaanitem raadpleeg, sal verantwoordelik gehou word vir enige skade wat sodanige item mag opdoen.

Gebruik van kamer vir groepaktiwiteite

9. Die kamer vir groepaktiwiteite sal sonder enige koste tot die beskikking wees van enige persoon wat kragtens Regulasie 2 tot die biblioteekgeboue toegelaat word, vir gebruik waar die bevordering van kultuur, soos boekbesprekings, kunsbeoordelings, musiekaande en soortgelyke aktiwiteite betrokke is; met dien verstande dat waar die bevordering van kultuur nie nagestreef word nie, die kamer, sou dit beskikbaar wees vir gebruik, deur lede van die publiek gehuur mag word teen 'n huurbedrag soos deur die Raad bepaal.

Ongemagtigde besit van biblioteekmateriaal

10. (1) Geen persoon mag in besit wees van of enige item wat nie na behore deur die bibliotekaris opgeteken is nie, uit enige afdeling van die biblioteek verwijder nie. Enige persoon wat enige item wat nie na behore deur die bibliotekaris opgeteken is nie, uit die biblioteek verwijder, is skuldig aan 'n misdryf en onderhewig aan vervolging en verbeuring van lidmaatskap.
 (2) Enige item wat die merk of stempel van die provinsiale biblioteekdiens of die Raad dra en nie 'n amptelike kennisgewing bevat dat dit ontrek, uitgegooi of verkoop is nie, word geag die eiendom van die provinsiale biblioteekdiens of die Raad te wees, na gelang van die geval.
 (3) Geen item word uit die algemene leeskamer verwijder sonder vooraf goedkeuring van die bibliotekaris nie.

Onaktiewe lede

11. Die bibliotekaris is bemagtig om die lidmaatskap van enige lener wat aaneenlopend vir 'n tydperk van 12 maande onaktief was, te kanselleer, tensy sodanige lener die bibliotekaris ingelig het oor enige verlengde afwesigheid as gevolg van siekte of verlof of enige ander geldige rede. Die lener wie se lidmaatskap sodoende gekanselleer word, verbeur nie sy reg om op enige verdere datum binne die bepalings van hierdie regulasies geverifieer te word nie.

Versorging van biblioteekmateriaal

12. (1) Enige persoon aan wie biblioteekmateriaal kragtens hierdie regulasies uitgereik is, moet sodanige biblioteekmateriaal in 'n skoon en goeie toestand hou en alle nodige stappe doen om dit in nat weer te beskerm op pad na en vanaf die biblioteekgebou.
- (2) Geen persoon mag:-
 (a) die bladsye ombuig of vlek of potlood- of ander merke daarop aanbring of op enige manier enige boek wat deel van die biblioteek vorm, beskadig nie;
 (b) afskrifte maak van enige sodanige boek of deel daarvan of instruksies daarin deur middel van aftrekking of andersins sonder toestemming van die bibliotekaris nie;
 (c) enige kleurplate of enige ander illustrasies of bladsye van enige ander boek verwijder of skend nie;
 (d) die plastiese buiteblad en/of boekomslag van enige boek wat aan hom uitgereik is, verwijder nie;
 (e) biblioteekmateriaal terugbesorg sonder die toepaslike verpakking of sonder om dit in 'n gesiktehouer te plaas nie; die bibliotekaris mag weier om verdere items uit te reik indien daar nie, na behoorlike waarskuwing aan die lener, aan hierdie vereiste voldoen word nie;
 (f) videobande, audiobande, DVD's en CD's in ander kassies terugbring as diegene waarin dit uitgereik is nie; of
 (g) videobande, audiobande, DVD's en CD's blootstel aan uitermatige hitte of dit op enige manier hanteer wat skade kan veroorsaak nie.

Blootstelling van biblioteekmateriaal aan aansteeklike siektes

13. (1) Geen persoon wat aan enige aanmeldbare siekte ly, mag die biblioteekmateriaalleen en gebruik nie en geen persoon mag toelaat dat enige biblioteekmateriaal wat aan hom uitgereik is, blootgestel word aan enige aanmeldbare siekte nie.
- (2) Geen persoon mag enige materiaal by die biblioteek terugbesorg wat volgens sy wete aan besmetting van enige aanmeldbare siekte blootgestel is, of toelaat dat enige sodanige biblioteekmateriaal wat onder sy beheer is, terugbesorg word nie, maar moet onmiddellik kennis aan die Raad gee dat die biblioteekmateriaal so blootgestel is, en die Raad moet daana die biblioteekmateriaal laat ontsmet en dan aan die biblioteek terugbesorg; indien die besmette biblioteekmateriaal uit die plaaslike voorraad kom, kan dit deur die Raad vernietig word indien nodig.

Biblioteekure

14. (1) Die biblioteek sal oop wees vir sodanige ure soos deur die Raad bepaal; met dien verstande dat die ure prominent op die kennisgewingbord en die

biblioteek se deur ten toon gestel word en dat voldoende kennis van enige veranderings gegee word.

- (2) Die biblioteek sal nie op openbare vakansiedae oop wees nie en die Raad word gemagtig om die biblioteek of deel daarvan tydelik te sluit vir sodanige dae of op sodanige tye as wat nodig gevraag mag word, met dien verstande dat die kennisgewing van die Raad se voorname sewe dae voor die werklike sluiting op die kennisgewingbord aangedui word.

Algemeen

15. (1) Geen persoon mag die bibliotekaris of enige assistent in die uitvoering van hul pligte verhinder nie.
- (2) Geen persoon mag enige biljet, plakkaat of kennisgewing by of teen enige deel van die biblioteek aanheg of plak sonder die vooraf toestemming van die bibliotekaris nie.
- (3) Geen persoon mag enige oordekte voertuig of vervoermiddel in enige deel van die biblioteek inbring nie, buiten 'n handaangedrewe of gemotoriseerde invalidestoel, babawaentjie of stootkarretjie, sonder die toestemming van die bibliotekaris nie.
- (4) Geen persoon mag 'n vals naam en adres verskaf vir die doel om enige deel van die biblioteek binne te gaan of enige voorreg van sodanige deel te bekom nie.

Gedrag in die biblioteek

16. (1) Geen persoon mag, tot enige ander persoon se ergernis, betrokke raak in 'n hoorbare gesprek in enige deel van die biblioteek, of opsetlik enige ander persoon verhinder, steur, onderbreek of versondig in die behoorlike gebruik van die biblioteek nie.
- (2) Geen persoon mag op 'n oproerige wyse in enige deel van die biblioteek optree, gewelddadige, onbetaamlike of beleidende taal gebruik, of wed, dobbel of voortgaan om na behoorlike waarskuwing daarin te bly na die vasgestelde sluitingsuur van die biblioteek of enige deel daarvan nie.
- (3) Geen persoon mag veroorsaak of toelaat dat enige dier wat aan hom behoort of onder sy beheer is, die biblioteek betree of daarin bly nie.
- (4) Geen persoon mag sterk drank drink, spoeg, slaap of voedsel verbruik in enige deel van die biblioteek nie.
- (5) Geen persoon mag op onverskillige, nalatige of kwaadwillige wyse enigiets wat aan die biblioteek behoort of deel daarvan vorm, beskadig of beseer nie.

Misdrywe en strawwe en appèlle

17. Die bepalings van die Raad se Verordeninge insake Misdrywe, Strawwe en Appelle is *mutatis mutandis* op hierdie verordeninge van toepassing.

Herroeping van vorige verordeninge

18. Die vorige Verordeninge insake Biblioteke word hiermee herroep.

Kort titel en inwerkingtreding

19. Hierdie verordening word genoem die Bibliek Verordening 2015, en tree in werking op 'n datum soos deur die munisipaliteit deur middel van afkondiging in die Proviniale Koerant bepaal.

No. 18

23 kuMasingana 2015

UMASIPALA WASENDUMENI**IMITHETHO KAMASIPALA YOMTAPO WOLWAZI**

Akumiswe nguMkhandlu kaMasipala waseNdumeni, ngokweSigaba 156 soMthetho, uNo. 108 we- 1996, waseNingizimu Afrika, esifundwa nesigaba 11 soHulumeni Basekhaya: uMthetho uNo. 32 Wezinqubo zikaMasipala wezi-2000, ngokulandelayo:

IZINCAZELO

Qaphela: (Amagama asebenza kunoma yimuphi umuntu ayobe ebandakanya abantu, izinkampani nemifelandawonye, kanti ubulili besilisa buyobe bubandakanya abesifazane ngokunjalo nabesilisa futhi ubunye buyobe bubandakanya ubuningi kanye nobuningi buyobandakanya ubunye),

1. Kule mithetho kamasipala, ngaphandle uma ingqikithi ikhomba okunye:-

“Umuntu osekhlile” kuyosho nanoma yimuphi umuntu oneminyaka engaphezu kweyi-18 yobudala futhi kuyobandakanya nanoma yimuphi umuntu osephumile esikoleni oseziholela imali yakhe ngaphandle kokusizwa ngabazali bakhe noma lowo omqaphile;

“Obolekayo” kuyosho umuntu onikezwe ithikithi lababolekayo ngokwemithethonqubo;

“UMkhandlu” kuyosho uMasipala waseNdumeni noma abazolandela ngokwezikhundla;

“Osebenza eMtaweni Wolwazi” kuyosho umuntu oqokwa nguMkhandlu izikhathi ngezikathathi ukuba alawule futhi aphaphe umtapo wolwazi, futhi kuyobandakanya nanoma ngubani osebenza ngaphansi kwakhe oyobe esebezena ngokulayelwa nguyenya;

“Impahla yomtupo wolwazi” kuyosho nanoma iyiphi incwadi, iphephabhuku, umbhalo, iphephandaba, ibalazwe, i-video, ikhasethi edlala umsindo, icwecwe eliyi-CD noma eliyi-DVD, umbhalo wobuciko ofakwe kwi-frame, ifilimi emfishane, ifilimi encane yemininingwane ebhalive noma okushicilelwwe okuthi akube njalo;

“Umuntu osemncane” kuyosho nanoma ngubani oneminyaka engaphansi kweyi-18 yobudala futhi osengaphansi kwabazali noma lowo omqaphile;

“Umtapo Wolwazi wesiFundazwe” kuyosho uPhiko Lwemisebenzi Yomtapo Wolwazi Lwesifundazwe saKwaZulu-Natali, umtapo wolwazi oyilunga lwalo;

“Igumbi lomphakathi” kuyosho nanoma yiliphi igumbi elisesakhweni somtapo wolwazi elivulekele umphakathi.

UKWAMUKELWA EZAKHIWENI ZEMTAPO YOLWAZI

2. (1) Osebenza emtapweni wolwazi angengqaba ukungenisa kumbe ukunikezela ngempahla yomtapo wolwazi kunoma ngubani uma ebona sengathi ukunikezwa kwaleyo mpahla kumbe ukungeniswa kwalowo muntu kungewujabulise umphakathi, futhi ngokucabanga kanjalo, osebenza emtapweni wolwazi angabe ebhekela ukunethezeka, ezempilo, ukuphatheka kahle kanye nemizwa yabanye abasebenzisa umtapo wolwazi, imikhuba nezindlela zokuphila kwalowo muntu othintekayo, indawo lapho ezoyisa khona izinto azibolekile, kanye nodaba lwezempiro

yomphakathi. umthethonqubo uyosebenza futhi kunoma ngubani oshaya indiva noma Owenqaba ukuhambisana nalo mthethonqubo. Nanoma ngubani Owenqatshelwe ukunikwa impahla yomtapo wolwazi noma ukungena uyoba nelungelo lokufaka isikhala eMkhandlwini;

- (2) Ngokwezihlizelko zesigatshana (1) kanye nezinye izihlinzekelo zale mithethonqubo, ukwamukelwa emagunjini omphakathi kuyoba mahhala futhi nanoma ngubani angafunda noma abuke kumbe afune usizo kunoma iyiphi impahla, futhi/ noma alalele i-video, amakhasethi e-DVD alalelwayo noma ama- CD ngezikhathi zokuvula ezinqunywe nguMkhandlu.

INGOSI YOKUBOLEKISA

3. (1) Yinoma yimuphi umuntu angabhalisa njengomboleki emtapweni wolwazi futhi uyolandela okufanayo okushiwyo yisigatshana (2) lapha, bese eba negunya lokuboleka impahla yomtapo wolwazi engosini yokubolekisa yomtapo wolwazi;
- (2) Yinoma yimuphi umuntu ofisa ukubhaliswa njengomboleki uyofaka isicelo kumphathi womtapo wolwazi ngefomu eliyohlinzekwa nguyenya elihlinzekelwe lo msebenzi. Amafomu okufaka izicelo alabo esebekhulile kuyoba ngahlukile bese kuthi awasebancane, nokufaka izicelo kwabo kuyosayinwa ngabazali noma umqapheli obhekele bona. Kwifomu lokufaka isicelo ngokuhlukana ngezimo kuyoba khona ingxene yofake isicelo yokuqinisekisa ukuba akhokhe yinoma yiyiphi impahla yomtapo wolwazi elahlekile noma elimele uma kade isengakuyena, ngokuhambisana noma kuncike kulokho okuhlinzekwe kumthethonqubo 6.
- (3) Yinoma yimuphi umboleki obhaliswe ngokusemthethweni, ngesinqumo somphathi womtapo wolwazi uyoba negunya lokuthatha impahla eyodwa noma ngaphezulu ngesikhathi uma nje eveza ithikithi noma ikhadi alinikezwu ngumphathi womtapo wolwazi. Ayikho impahla eyokhishwa ngaphandle uma amathikithi omboleki evezwa. Amathikithi noma amakhadi alahlekile noma alimele ayovuselelwa ngumphathi womtapo wolwazi ngokuba kufakwe isicelo futhi kwakhokhwa nemali ethize enqunyiwe, uma ikhona;
- (4) Ama-video, amakhasethi alalelwayo, ama-DVD noma ama-CD angabolekwa mahhala yinoma ngubani obhaliswe njengomboleki emtapweni wolwazi nosebe yilungu isikhathi esingangezinyanga ezintathu (3).

AMATHIKITHI ABABOLEKAYO

4. (1) Kuyoba ngumsebenzi wawo wonke umuntu obolekayo ukunakekela ithikithi noma ithikithi elikhishwe ngegama lakhe kanti futhi uyokhokha inhlawulo noma isibizo sokulimala noma ukulahleka okungahle kwensiwe ngumuntu olisebenzise engagunyaziwe kuze kube kufika isikhathi sokwesulwa kwalo;
- (2) Uma ithikithi lobolekayo lilahlekwa ngesikhathi eseyilungu, obolekayo kuyomele azise osebenza emtapweni wolwazi okunguyena ongamnikeza ithikithi elifana nalelo. Ukunikezwu kobolekayo ithikithi

elifana nalelo akumkhulili nakancane ekubhekaneni nanoma yiypipi inhlawulo engaba khona ngokwenza kwakhe ngaphansi kwasigatshanana (1) lapha;

- (3) Nanoma ngubani obolekayo obhalisiwe okuthi nganoma yisiphi isizathu ephucwa igunya lokweboleka impahla yomtapo wolwazi engosini yomtapo wolwazi yokubolekisa noma ofisa ukuyeka ukuboleka impahla yomtapo wolwazi kule ngosi eshiwo, kuyomele abuyise ithikithi noma amathikithi akhe okuboleka ukuze le(e)sulwe. Ukwehluleka ukwenze njalo kuyobe kungasho ukuthi usephunyulile ekubhekaneni nenhlawulo engaba khona ngenxa yokwenza kwakhe ngokomtheshwananqubo (1) lapha.

IMPAHLA YOMTAPO WOLWAZI ENGABUYISIWE NGESIKHATHI ESIFANELE

5. (1) Yonke impahla ebolekiwe kumele ibuyiselwe engosini yomtapo wolwazi yokubolekisa lapho ibolekwe khona zingakapheli izinsuku eziyishumi nane kusuka osukwini eyakhishwa ngalo; ngaphandle uma:-
 - (a) Ukukhishwa kwempahla engadingwa ngomunye umuntu kungavuselelwa isikhathi esengeziwe esiyizinsuku eziyishumi nane ngokufaka isicelo ngomlomo noma ngokubhalwe phansi kosebenza emtapweni wolwazi;
 - (b) Kungekho muntu oyogcina nanoma yiypipi impahla enikezelwe kuye emva kokuba osebenza emtapweni wolwazi ebhale isicelo sokubuyiswa kwaley mpahla, sathunyelwa bukhoma ekhelini abhalise ngalo lowo muntu, noma, esimweni lapho ukuhanjiswa kweperi kungekho, kungaba sebhokisini laseposini lalelo lungu;
 - (c) Imisebenzi yobuciko ekhiqizwe kabusha ingabolekwa isikhathi esevisi ezinsukwini eziyishumi nane, ngokokubona kosebenza emtapweni wolwazi;
- (2) Obolekayo uyobhekana nenhlawulo njengoba inqunywe ngokwamanani entela yoMkhandlu ekhokhwa ngeviki noma ingxene yaloko ngempahla ngayinye ebuyiswa sekwedlule leso sikhathi noma ngabe kuyavumeleka ukuvuselela emva kokwedlula kwasikhathi salokho kuvuselelwa; ngaphandle uma osebenza emtapweni wolwazi engasula nanoma iyiphi inhlawulo edalekile, ngoba ngokubona kwakhe imbangela yokwephuza ukubuyiswa kwemphahla ibe ngaphezu kwamandla alowo obolekayo;
- (3) Ezimweni ezithile, impahla yomtapo wolwazi, ngokubona kosebenza emtapweni wolwazi, ingabolekiswa kwababolekayo (njengabafundi bangempela) isikhathi esevisi ezinsukwini eziyi-14. Osebenza emtapweni wolwazi kungathi ngokokubona kwakhe akhiphe izimpahla eziisetshenziswa kakhulu isikhathi esingaphansi kwezinsuku eziyi-14;
- (4) Osebenza emtapweni wolwazi unamandla okunqaba ukubolekisa nganoma yiypipi impahla kobolekayo owehluleka ukukhokha izinhlawulo azidalile;
- (5) Esimweni lapho osebenza emtapweni wolwazi ebona kunesidingo, emva kokubhalela obolekayo ephindelela ukuthi abuyise impahla yomtapo wolwazi, sokuthumela isithunywa ekhelini lobolekayo ngemizamo yokuthi siyolanda impahla yomtapo wolwazi futhi uma isithunywa singaphumeleli ukuthola leyo mpahla, akusekho mpahla eyophinde inikezwe kanti osebenza emtapweni wolwazi angesula ubulungu balowo obolekayo; uma leyo mpahla ibuyiswa, ayikho nokho enye impahla eyobuye ikhishwe kuze kukhokhwe inhlawulo esele ngokugcwele;

- (6) Ukujwayela umkhuba wokungabuyisi impahla yomtapo wolwazi kungaholela ekutheni kumiswe noma kwesulwe ubulungu bobolekayo.

IMPAHLA YOMTAPO WOLWAZI ELAHLEKILE NELIMELE

6. (1) Uma kwenzeka kulahleka nanoma yiypipi impahla, obolekayo uyokhokha kosebenza emtapweni wolwazi, inani lempahla elahlekile ngokwempahla ekhona emtapweni wolwazi wesifundazwe, ngaphezu kwanoma yiypipi inhlawulo okungaba uyayikweleta maqondana naleyo mpahla noma, uyokhokha ngokwempahla ekhona emtapweni wolwazi woMkhandlu inani naleyo mpahla noma abuyise ngokuthenga entsha ebiza ngokulinganayo nale elahlekile;
- (2) Nanoma yiypipi impahla engabuyiselwanga kosebenza emtapweni wolwazi esikhathini esiyizinyanga ezimbili kusuka osukwini lokukhishwa kwayo, kumbe nanoma yinini kwensiwa ukuvuselela esikhathini esiyizinyanga ezimbili kusuka osukwini lokuvuselela, iyothathwa njengelahlekile;
- (3) Obolekayo uyobhekana nanoma yikuphi ukulimala okwenzeka kunoma yiypipi impahla ngesikhathi isekuyen, futhi kuyodingeka ukuba akhokhe inani lalokho kulimala njengoba kuhlolisiswe ngosebenza emtapweni wolwazi, kungenjalo, ayibuyise ngokuthenga entsha ebiza ngokufanayo ngokwempahla ekhona emtapweni wolwazi. Maqondana nempahla ekhona yomtapo wolwazi wesifundazwe kuyomele akhokhe inani njengoba lihlolisiswe ngabemisebenzi yomtapo wolwazi, njengoba kubaluliwe ngokubhalwe ekhadini lempahla elimele. Impahla etholakala ukuthi ilimele ngesikhathi ikhishwa kuyomele ibikwe, ngale kwalokho obolekayo nguye oyobhekana nokulimala kwayo;
- (4) Akekho muntu olahle noma olimaze impahla yomtapo wolwazi oyovunyelwa ukuba aqhubeke nokuboleka enye impahla kuze kube leyo elimele noma elahlekile iyakhokhwa kumbe iyabuyiswa noma akhokhe inani lezindleko zokulimala kumbe akhokhe nanoma yiypipi enye inhlawulo, kuya ngesimo, kosebenza emtapweni wolwazi;
- (5) Ukuza ukukhokhela ukulahleka, ukulimala noma ukungabuyiswa kwempahla yomtapo wolwazi kuyoba yisikweletu esiyofuneka kobolekayo futhi siyokhokhwa sekungelele umthetho ngokokubona koMkhandlu.

UKWAZISA NGOKUSHINTSHA KWEKHELI

7. Nanoma yimuphi obolekayo oshintsha ikheli lakhe kulelo ayelinikezile efomini lakhe lesicelo futhi elivelu ethikithini noma emathikithini okuboleka anikezwe wona, kuyomele ezinsukwini eziyisikhombisa emva azise osebenza emtapweni wolwazi ngawo womabili amakheli elidala nelisha.

INGOSI YEMPAHLA ESETSHENZISELWA NGAPHAKATHI KUPHELA

8. (1) Nanoma ngubani angasebenzisa yinoma yiypipi impahla yomtapo wolwazi engosini yempahla esetshenziselwa ngaphakathi kuphela anegunya lokwamukelwa kuyo ngokoMthethonqubo 2;

(2) Ayikho impahla okumele isuswe engosini yempahlia esetshenziselwa ngaphakathi kuphela, ngaphandle uma osebenza emtapweni wolwazi lapho ethola isibambiso esithile angasibona

sifanelekile, angavumela yinoma yimuphi obolekayo obhalisiwe ukuba aboleke impahla engosini yempahlia esetshenziselwa ngaphakathi kuphela isikhathi esithile esinqunyiwe emuva kokuthola ukuzibophezela okubhalwe phansi okwenziwe ngobolekayo ukuthi impahla iyobuya (a) isesimweni esikahle, (b) ngesikhathi esinqunyiwe;

(3) Osebenza emtapweni wolwazi angayalela nanoma ngubani osebenzia nanoma yiypifi impahla engosini yempahlia esetshenziselwa ngaphakathi kuphela yomtapo wolwazi ukuba ayisebenzisele kumanoma yiypifi ingxenye engaphakathi esakhwiwi somtapo wolwazi engashivo nguyena. Nanoma ngubani osebenzia impahla esetshenziselwa ngaphakathi kuphela uyobhekana nanoma yimuphi umonakalo ongadaleka kuleyo mpahla.

UKUSETSHENZISWA KWEGUMBI LEMISEBENZI YAMAQOQO

9. Igumbi lemisenbenzi yamaqoqo liyovuleleka ukuba lisetshenziswe mahala, kubantu abamukelekile ukungena ezakhwiwi zomtapo wolwazi ngokoMthethonqubo 2, lapho kuqhakambisa amasiko, njengokuxoxisana ngezincwadi, ubuciko, ukuhlaziya, umculo wasebusuku kanye nezinye izinto ezinjalo; ngaphandle uma kungukuthi leli gumbi alisetshenziselwa ukuqhakambisa amasiko, likhululekile, lingaqashwa ngamalungu omphakathi akhokhe irenti ezonqunywa nguMkhandlu;

UKUBA NEMPAHLA YOMTAPO WOLWAZI NGOKUNGAGUNYAZIWE

10. (1) Akekho mutu oyotholakala ephethe kumbe oyosusa kunoma yiypifi ingosi yomtapo wolwazi nanoma yiypifi impahla engaqalanga yarekhodwa ngosebenza emtapweni wolwazi. Nanoma ngubani oyosusa nanoma yiypifi impahla emtapweni wolwazi ngaphandle kokuba irekhodwe, uyobekwa icala lokwaphula umthetho futhi abhekane nokushushiswa kanye nokuphelelwa ubulungu.
- (2) Nanoma yiypifi impahla enophawu noma isitembu okungaba esomtapo wolwazi wesifundazwe noma soMkhandlu ibe ingenanto eyazisa ngokuthi ikhishiwe, yesuliwe noma idayisiwe iyothathwa njengempahlia yomtapo wolwazi wesifundazwe noma yoMkhandlu, kuye ngokuthi eyakuphi.
- (3) Ayikho impahla okumele isuswe egumbini lokufundela lawo wonke umuntu ngaphandle kokuqala ngokuthola imvume yosebenza emtapweni wolwazi.

AMALUNGU ANGABUSEBENZI KAKHULU UBULUNGU BAWO

11. Osebenza emtapweni wolwazi unamandla okwesula ubulungu banoma ngubani obolekayo osekuphele isikhathi esingaba yizinyanga eziyi- 12 eqhubeka nokungabusebenzisi ubulungu bakhe, ngaphandle uma lowo obolekayo emazisile osebenza ermtapweni wolwazi ngobude besikhathi azobe engafiki ngaso ngenxa yokugula noma ukuthatha ilivu kumbe nanoma yisiphi esinye isizathu esizwakalayo, ukuthi ubulungu bobolekayo sebesuliwe akamncishi igunya lokuphinde abhalise noma kunini, ngokuhambisana nezihlinzekelo zale mithethonqubo.

UKUNAKEKELWA KWEMPAHLA YOMTAPO WOLWAZI

12. (1) Nanoma ngubani onikezwe impahla yomtapo wolwazi

ngokwale mithethonqubo kumele agcine leyo mpahla yomtapo
wolwazi isesimweni esihlanzekile nesamukelekayo futhi akuyomele enze
okudingekayo ukuyivikela ngesikhathi esasendleleni eya noma ephuma
esakhiweni somtapo wolwazi uma lina.

(2) Akekho umuntu:-

- (a) oyogobisa noma angcolise amakhasi noma abhale ngepeni lomsizi noma
enze abanye omaka kumbe nanganoma iyiphi indlela adale umonakalo
kunoma iyiphi incwadi eyingxene ye yomtapo wolwazi;
- (b) oyokwenza amakhophi anoma iyiphi incwadi kumbe ingxene ye yano noma
yemiyalelo ngokuthi abhale okufana nakho ngokucindezel noma ngenye
indlela ngaphandle kokuthola imvume yosebenza emtapweni wolwazi;
- (c) oyosusa noma adabule nanoma yimuphi umdwebo kumbe umfanekiso
noma amakhasi anoma iyiphi nje incwadi;
- (d) oyosusa uplastiki okhava kanye/ noma ikhava yencwadi ayinikeziwe;
- (e) oyobuyisa impahla yomtapo wolwazi ngaphandle kokuyigoqa noma
ayifaka entweni efanele yokuphatha; osebenza emtapweni wolwazi
anganqaba ukuphinde akhiphe enye impahla uma emva kokuba obolekayo
engasihloniphanga isexwayiso anikezwe sona maqondana nalokhu;
- (f) oyobuyisa ama-video, amakhasethi alalelwayo, ama-DVD noma-CD
esemakhaveni okungewona lawo ayekhishwe nawo;
- (g) oyokwenza ukuba ama-video, amakhasethi alalelwayo, ama-DVD
noma-CD avuleleke ekushiseni okweqile noma awaphathe nganoma
iyiphi indlela engadala umonakalo.

**UKUBEKA IMPAHLA YOMTAPO WOLWAZI ENDAWENI EVULELEKE EZIFWENI
EZITHATHELANAYO**

- 13 (1) Akekho muntu ophethwe nanoma yisiphi isifo okumele ngokomthetho
sibikwe kwabezempilo oyoboleka abuye asebenzise impahla
yomtapo wolwazi futhi akekho muntu oyovumela nanoma iyiphi impahla
yomtapo wolwazi ukuba inikezwe yena ngoba ingahle ithole leso sifo
okumele ngokomthetho sibikwe kwabezempilo.
- (2) Akekho muntu oyobuyisela emtapweni wolwazi nanoma iyiphi
impahla ebe azi ukuthi kade ivuleleke ekutholeni nanoma yisiphi isifo
okumele ngokomthetho sibikwe kwabezempilo kumbe oyomela ukuba leyo
mpahla yomtapo yowlazi engaphansi kwezandla zakhe ukuba ibuyiswe
kodwa kuyomele azise uMkhandlu ngokushesha ukuthi impahla yomtapo
wolwazi kade ibekeke yavuleleka ekutholeni izifo, uMkhandlu uyobe
wenza imizamo yokuthi leyo mpahla yomtapo ihlanzwe ngomuthi obulala
amagciwane bese ibuyiselwa emtapweni wolwazi, uma kungukuthi
impahla yomtapo wolwazi leyo ethelelekile iyingxene ye yempahla
yomtapo wolwazi wendawo, uMkhandlu ungayishabalalisa uma

kunesidingo.

IZIKHATHI ZOKUVULWA

14 (1) Umtapo wolwazi uyovulwa ngalezo zikhathi eziyonqunywa nguMkhandlu; ngaphandle uma izikhathi ziokhonjisa ngokucacile ebhodini lezaziso nasemnyango womtapo wolwazi futhi naleso saziso esizwakalayo sanoma yiluphi ushintsho olucatshangwayo siyonikezwa.

(2) Umtapo wolwazi angeke uvulwe ngamaholide omphakathi futhi uMkhandlu unegunya lokuvala umtapo wolwazi noma ingxenye yawo okwesikhashana izinsuku noma isikhathi esithile uma ubona kunesidingo, kumele kube nesaziso senhoso yoMkhandlu esichonyiwe ebhodini lezaziso ezinsukwini eziyisikhombisa ngaphambi kokuthi kuvalwe.

OKUVAMILE

15. (1) Akekho muntu oyophazamisa ngenhoso osebenza emtapweni wolwazi kumbe nanoma yimuphi umsizi uma benza umsebenzi wabo;

(2) Akekho muntu oyonamathisela noma achome nanoma yisiphi isitativende, uwembe lwasaziso noma isaziso kunoma yiyiphi ingxenye yomtapo wolwazi ngaphandle kokuqala athole imvume kosebenza emtapweni wolwazi.

(3) Akekho muntu oyoletsha kunoma yiyiphi ingxenye yomtapo wolwazi nanoma yiyiphi inqola enamasondo noma into yokuthwala okungeyona inqola eqhutshwa ngesandla noma isihlalo esisamoto esingekho emthethweni, inqola yengane ephushwayo, ngaphandle kwemvume yosebenza emtapweni wolwazi.

(4) Akekho muntu oyonikeza igama nekheli okungesilo ngenhoso yokungena kunoma yiyiphi ingxenye yomtapo wolwazi noma yokuthola nanoma yiliphi ilungelo kuleyo ngxenye.

UKUZIPHATHA EMTAPWENI WOLWAZI

16 (1) Akekho muntu, okuyothi ngokucasulwa yinoma ngubani omunye, oyokhuluma kuzwakale kunoma yiyiphi ingxenye yomtapo wolwazi, noma athikameze ngenhoso, aphazamise noma acasule nanoma yimuphi omunye umuntu osebenzisa umtapo wolwazi ngendlela efanele.

(2) Akekho muntu oyoziphatha ngendlela enokuchwensa kunoma yiyiphi ingxenye yomtapo wolwazi, oyosebenzisa ulimi lokulwa, oluqoscheme noma oluhlambalazayo, oyobheja, agembule noma aphikelele ukuhlala ngaphakathi ngale kwezikhathi ezibekiwe zokuvalwa komtapo emva kokwexwayiswa okufanele.

(3) Akekho muntu oyokwenza noma avumele nanoma yisiphi isilwane sakhe noma esingaphansi kolawulo lwakhe ukuba singene noma sisale emtapweni wolwazi.

(4) Akekho muntu oyophuza uphuza oludakayo, aphimise, alale noma adle ukudla kunoma yiyiphi ingxenye yomtapo wolwazi.

- (5) Akekho mutu oyocekela phansi noma alimaze ngokunganaki, ngobudedengu noma ngenzondo nanoma yini okungeyomtapo wolwazi kumbe eyingxenye yawo.

AMACALA NEZINHLAWULO KANYE NOKWEDLULISWA KWAMACALA

17. Izihlinzekelo zemithetho kamasipala emaqondana naMacala, Izinhlawulo kanye Nokudluliswa Kwamacala komkhandlu ziyozebenza njengoba kuhleliwe kule mithetho kamasipala.

UKUCHITHWA KWEMITHETHO KAMASIPALA EMIDALA

18. IMithetho kaMasipala emidala emaqondana neMitapo Yolwazi lapha iyachithwa.

ISIHLOKO ESIFISHANE NOKUQALISWA UKUSEBENZA

19. Lo mthetho kamasipala ubizwa ngokuthi iMthetho yemiTapozincwadi, wezi- 2015, futhi uyoqala ukusebenza ngosuku olunqunywe uMasipala uma usudalulile kwiGazethi yesiFundazwe.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.