



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1894. 4 September 1987

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 41 of 1987: Electricity Act, 1987.

No. 1894. 4 September 1987

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 41 van 1987: Elektriesiteitswet, 1987.

ACT

To provide for the continued existence of the Electricity Control Board and for control of the generation and supply of electricity; and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 25 August 1987.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "board" means the Electricity Control Board referred to in section 2; (x) 5
 - (ii) "consumer" means a person supplied with electricity; (xii)
 - (iii) "distribution" means the furnishing of electricity to end-users; (xiii)
 - (iv) "Eskom" means the juristic person referred to in section 2 of the Eskom Act, 1987; (i)
 - (v) "licence" means a licence granted by the board under this Act for the generation and supply of electricity; (iv)
 - (vi) "licensee" means the holder of a licence; (v) 15
 - (vii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and also—
 - (a) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
 - (b) any local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
 - (c) a local authority as defined in the Black Local Authorities Act, 1982 (Act No. 102 of 1982); (ix) 25
 - (viii) "Minister" means the Minister of Economic Affairs and Technology; (vi)
 - (ix) "provision" means the furnishing of electricity for distribution; (iii) 30
 - (x) "regulation" means a regulation made under this Act; (xi)
 - (xi) "supply" means the provision or distribution of electricity or both; (xiv)
 - (xii) "this Act" includes the regulations; (ii) 35
 - (xiii) "undertaker" means any person authorized under this Act or any other law to carry on an undertaking which sells at least one gigawatt hour of electricity per annum; (vii)
 - (xiv) "undertaking" means any undertaking for the supply of 40 electricity within a defined area, with all the assets and liabilities appertaining thereto, whether carried on under the authority of a licence or otherwise and whether under the control of Eskom, the Government,

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Om voorsiening te maak vir die voortbestaan van die Elektrisiteitsbeheerraad en vir beheer oor die ontwikkeling en voorsiening van elektrisiteit; en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1987.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordbepaling.
- 5 (i) "Eskom" die regspersoon bedoel in artikel 2 van die Eskomwet, 1987; (iv)
 - (ii) "hierdie Wet" ook die regulasies; (xii)
 - (iii) "lewering" die verskaffing van elektrisiteit vir verspreiding; (ix)
 - 10 (iv) "lisensie" 'n lisensie deur die raad kragtens hierdie Wet toegestaan vir die ontwikkeling en voorsiening van elektrisiteit; (v)
 - (v) "lisensiehouer" die houer van 'n lisensie; (vi)
 - 15 (vi) "Minister" die Minister van Ekonomiese Sake en Tegnologie; (viii)
 - (vii) "ondernemer" iemand wat kragtens hierdie Wet of enige ander wet gemagtig word om 'n onderneming te dryf wat minstens een gigawatt-uur elektrisiteit per jaar verkoop; (xiii)
 - 20 (viii) "onderneming" 'n onderneming vir die voorsiening van elektrisiteit binne 'n bepaalde gebied, met al die daarby behorende bates en laste, hetsy dit uit hoofde van 'n lisensie of andersins en hetsy dit onder die beheer van Eskom, die Regering (met inbegrip van die Suid-Afrikaanse Vervoerdienste), 'n plaaslike owerheid, 'n maatskappy of ander vereniging van persone of 'n natuurlike persoon gedryf word; (xiv)
 - 25 (ix) "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), en ook—
 - 30 (a) 'n bestuursraad of raad soos bedoel in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987);
 - (b) 'n plaaslike bestuursliggaam ingestel uit hoofde van die bepalings van artikel 30 (2) (a) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927);
 - 35 (c) 'n plaaslike owerheid soos omskryf in die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982); (vii)
 - 40 (x) "raad" die Elektrisiteitsbeheerraad in artikel 2 bedoel; (i)
 - (xi) "regulasie" 'n regulasie wat ingevolge hierdie Wet uitgevaardig is; (x)
 - 45 (xii) "verbruiker" iemand aan wie elektrisiteit voorsien word; (ii)
 - (xiii) "verspreiding" die verskaffing van elektrisiteit aan eindverbruikers; (iii)

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(including the South African Transport Services), a local authority, a company or other association of persons or a natural person. (viii)

Continued existence of Electricity Control Board.

2. The Electricity Control Board referred to in section 22 of the Electricity Act, 1958 (Act No. 40 of 1958), shall continue to exist notwithstanding the repeal of that Act by section 31. 5

Objects of board.

3. The objects of the board are, subject to the provisions of this Act, to exercise control over the electricity supply industry so as to ensure order in the generation and efficient supply of electricity, and to perform such other functions as may be assigned to it by or under this Act. 10

Functions of board.

4. (1) The board may—
- (a) issue licences for the generation, provision and, within the area determined by it, distribution of electricity;
 - (b) determine the prices at and conditions on which electricity may be supplied by a licensee; 15
 - (c) at the request of any licensee or its consumer settle disputes between licensees among themselves or between licensees and their consumers or prospective consumers regarding— 20
 - (i) the right to supply;
 - (ii) the quality of such supply and the provision of services in connection therewith;
 - (iii) the conditions on and prices at which electricity is supplied; 25
 - (iv) the installation and functioning of meters;
 - (v) the suitability of the equipment of the licensee;
 - (vi) delays in or refusal of supply by a licensee;
 - (vii) any other matter in respect of which a licensee or its consumer requests the board to act as mediator; 30
 - (d) collect information which it deems necessary from undertakers or consumers;
 - (e) perform inspections of the equipment of licensees;
 - (f) exercise the other powers assigned to it by this Act or the Eskom Act, 1987. 35
- (2) Any decision of the board on a dispute contemplated in subsection (1) (c) shall be binding on the parties to the dispute.
- (3) The board may, in terms of an agreement between the Government of the Republic and the government of a state the territory of which formerly formed part of the Republic, in such state exercise the same powers and perform the same functions as it may perform within the Republic in terms of this Act. 40
- (4) The board may advise the Minister on any matter relating to the electricity supply industry and it may for this purpose carry out such investigations as it or the Minister deems necessary. 45

Composition of board.

5. (1) (a) The board shall consist of not less than seven and not more than nine members (of whom not more than three may be persons employed in the Public Service) appointed by the Minister. 50
- (b) A member of the board (excluding a member who is in the full-time employment of the State) shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance. 55
- (c) The members of the board shall as far as practicable include persons having sufficient knowledge of matters relating to electricity tariffs, cost accounting, legal aspects or electricity supply systems. 60
- (d) The Minister shall designate one of the members of the board as chairman: Provided that in the absence of the chairman from a meeting of the board, the members present at that meeting may elect one of their number

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- (xiv) "voorsiening" die lewering of verspreiding van elektrisiteit of albei. (xi)

2. Die Elektrisiteitsbeheerraad bedoel in artikel 22 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), bly voortbestaan ondanks die herroeping van daardie Wet deur artikel 31.

Voortbestaan van Elektrisiteitsbeheerraad.

3. Die oogmerke van die raad is om, behoudens die bepalings van hierdie Wet, beheer uit te oefen oor die elektrisiteitsvoorsieningsbedryf ten einde orde in die ontwikkeling en doeltreffende voorsiening van elektrisiteit te verseker, en om dié ander werksaamhede te verrig wat by of kragtens hierdie Wet aan hom opgedra word.

Oogmerke van raad.

4. (1) Die raad kan—

Werksaamhede van raad.

- (a) lisensies uitreik vir die ontwikkeling, lewering en, binne enige gebied wat hy bepaal, verspreiding van elektrisiteit;
- (b) die pryse waarteen en die voorwaardes waarop elektrisiteit deur 'n lisensiehouer voorsien kan word, bepaal;
- (c) op versoek van 'n lisensiehouer of sy verbruiker geskille besleg tussen lisensiehouers onderling of tussen lisensiehouers en hul verbruikers of voornemende verbruikers aangaande—
- (i) die reg op voorsiening;
- (ii) die kwaliteit van sodanige voorsiening en die lewering van dienste in verband daarmee;
- (iii) die voorwaardes waarop en pryse waarteen elektrisiteit voorsien word;
- (iv) die installering en funksionering van meters;
- (v) die geskiktheid van die lisensiehouer se toerusting;
- (vi) verdragings in of weiering van voorsiening deur 'n lisensiehouer;
- (vii) enige ander aangeleentheid ten opsigte waarvan 'n lisensiehouer of sy verbruiker die raad versoek om as bemiddelaar op te tree;
- (d) inligting wat hy nodig ag van ondernemers of verbruikers inwin;
- (e) inspeksies van lisensiehouers se toerusting uitvoer;
- (f) die ander bevoegdhede uitoefen wat by hierdie Wet of die Eskomwet, 1987, aan hom opgedra word.

(2) Enige beslissing van die raad in 'n geskil bedoel in subartikel (1) (c) is bindend vir die partye in die geskil.

(3) Die raad kan ingevolge 'n ooreenkoms tussen die Regering van die Republiek en die regering van 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het, in sodanige staat dieselfde bevoegdhede uitoefen en werksaamhede verrig as wat hy ingevolge hierdie Wet in die Republiek kan uitoefen en verrig.

(4) Die raad kan die Minister van advies dien oor enige aangeleentheid rakende die elektrisiteitsvoorsieningsbedryf en hy kan vir dié doel daardie ondersoeke uitvoer wat hy of die Minister nodig ag.

5. (1) (a) Die raad bestaan uit minstens sewe en hoogstens nege lede (van wie nie meer as drie persone in diens van die Staat mag wees nie), wat deur die Minister aangestel word.

Samestelling van raad.

(b) 'n Lid van die raad (uitgesonderd 'n lid wat in die heeltydse diens van die Staat is) word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Minister met die instemming van die Minister van Finansies bepaal.

(c) Die lede van die raad moet sover doenlik persone insluit met voldoende kennis van aangeleenthede betreffende elektrisiteitstariewe, kosteberekening, regsaspekte of elektrisiteitsvoorsieningstelsels.

(d) Die Minister wys 'n lid van die raad as voorsitter aan: Met dien verstande dat by die afwesigheid van die voorsitter van 'n vergadering van die raad, die lede wat by daardie vergadering aanwesig is een uit hul midde kies om op daardie vergadering voor te sit mits die

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to preside at that meeting on condition that an acting chairman has not been appointed by the Minister.

(2) Any person designated under section 22 of the Electricity Act, 1958 (Act No. 40 of 1958), and holding office at the repeal of that Act, shall be deemed to have been appointed under subsection (1).

(3) Any person shall be disqualified from being appointed as a member of the board if he is of unsound mind or if he has at any time been convicted of an offence involving dishonesty, or has been sentenced for any other offence to a period of imprisonment without the option of a fine.

(4) A member of the board shall vacate his office if—

- (a) he tenders his resignation in writing to the Minister;
- (b) he becomes disqualified from being appointed as a member of the board;
- (c) he has been absent, without leave of the board, from more than two consecutive meetings of the board;
- (d) the Minister withdraws his appointment on the ground thereof that in the opinion of the Minister he is incompetent or unfit to fulfil his duties.

Undertakings
to be carried on
under licence.

6. (1) Subject to the provisions of subsection (2), no person shall carry on or engage in any manner in any undertaking for the generation of electricity or for the supply thereof except under the authority of a licence: Provided that no licence shall be required by—

- (a) any department of State, or the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), supplying electricity provided to it by an undertaker, to other persons within the areas contemplated in section 25 (1) of the Black Administration Act, 1927 (Act No. 38 of 1927), or section 21 (1) of the Development Trust and Land Act, 1936;
- (b) the government of a self-governing territory as defined in section 38 (1) of the National States Constitution Act, 1971 (Act No. 21 of 1971), supplying electricity obtained from an undertaker to other persons within that self-governing territory;
- (c) any local authority within its area of jurisdiction;
- (d) any regional services council, for the purposes of the supply of electricity—
 - (i) within the area of jurisdiction of a local authority; and
 - (ii) within any area in respect of which the board has granted a licence to a local authority, in respect of which area of jurisdiction or area the powers and duties, or any part thereof, in regard to the supply of electricity are entrusted to such regional services council, but subject to the conditions of any licence referred to in subparagraph (ii);
- (e) Eskom; or
- (f) any person who also causes electricity to be generated for his own use and does not sell more than one gigawatt hour of electricity per annum.

(2) The board may, on the conditions determined by it and with the approval of the Minister, exempt from the provisions of subsection (1) any particular undertaker who or class of undertaker which has not already been exempted in terms of the proviso to that subsection: Provided that the board may at any time with the approval of the Minister withdraw any exemption so granted in whole or in part.

Application for
licence.

7. (1) An application for a licence shall be made to the board in the manner prescribed by regulation.

(2) The board may at its discretion require an applicant to publish a notice of such application in the form approved by the board in a newspaper circulating in the area in which it proposes to carry on its undertaking.

(3) Any objection to the grant of the application shall, if a notice was published in terms of subsection (2), be lodged with the board within 60 days after publication thereof, and the board

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Minister nie 'n waarnemende voorsitter aangewys het nie.

(2) Iemand wat kragtens artikel 22 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), aangewys is en by die herroeping 5 van daardie Wet sy amp beklee, word geag kragtens subartikel (1) aangestel te wees.

(3) Iemand is onbevoeg om as lid van die raad aangestel te word indien hy geestelik versteurd is of te eniger tyd skuldig bevind is weens 'n misdryf waarvan oneerlikheid 'n element is, of 10 weens 'n ander misdryf tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete veroordeel is.

(4) 'n Lid van die raad ontruim sy amp indien—

- (a) hy sy bedanking skriftelik aan die Minister voorlê;
- (b) hy onbevoeg word om as lid van die raad aangestel te word;
- (c) hy sonder toestemming van die raad van meer as twee opeenvolgende vergaderings van die raad afwesig is;
- (d) die Minister sy aanstelling intrek op grond daarvan dat hy na die oordeel van die Minister onbevoeg of nie in 20 staat is om sy pligte na te kom nie.

6. (1) Behoudens die bepalings van subartikel (2) mag niemand behalwe uit hoofde van 'n lisensie 'n onderneming vir die ontwikkeling van elektrisiteit of die voorsiening daarvan dryf of op enige wyse daarby betrokke wees nie: Met dien verstande dat 25 geen lisensie vereis word nie deur—

Ondernemings kragtens lisensie gedryf te word.

- (a) 'n Staatsdepartement of die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), wat elektrisiteit wat aan hom gelewer is deur 'n ondernemer, voorsien aan ander persone binne die gebiede bedoel in artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), of artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936;
- (b) die regering van 'n selfregerende gebied soos omskryf in artikel 38 (1) van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), wat elektrisiteit wat verkry is van 'n ondernemer, voorsien aan ander persone binne daardie selfregerende gebied;
- (c) 'n plaaslike owerheid binne sy regsgebied;
- (d) 'n streeksdiensteraad, vir die doeleindes van die voorsiening van elektrisiteit—
 - (i) binne die regsgebied van 'n plaaslike owerheid; en
 - (ii) binne 'n gebied ten opsigte waarvan die raad 'n lisensie aan 'n plaaslike owerheid toegestaan het,
- 45 ten opsigte van welke regsgebied of gebied die bevoegdhede en pligte, of 'n gedeelte daarvan, met betrekking tot die voorsiening van elektrisiteit, aan sodanige streeksdiensteraad opgedra word, maar onderworpe aan die voorwaardes van 'n lisensie in subparagraaf (ii) bedoel;
- (e) Eskom; of
- (f) iemand wat elektrisiteit ook vir eie gebruik laat ontwikkel en nie meer as een gigawatt-uur elektrisiteit per jaar verkoop nie.

(2) Die raad kan, op die voorwaardes wat hy bepaal en met die goedkeuring van die Minister, enige bepaalde ondernemer of klas ondernemer wat nie reeds ingevolge die voorbehoudsbepaling by subartikel (1) vrygestel is nie, van die bepalings van daardie subartikel vrystel: Met dien verstande dat die raad te eniger 60 tyd met die goedkeuring van die Minister enige vrystelling aldus verleen, in die geheel of gedeeltelik kan intrek.

7. (1) Aansoek om 'n lisensie moet by die raad gedoen word op die wyse by regulasie voorgeskryf.

Aansoek om lisensie.

(2) Die raad kan, na goeddunke, van 'n aansoeker vereis dat 65 hy in 'n nuusblad in omloop in die gebied waarin dit die voorname is om die beoogde onderneming te dryf, kennis van so 'n aansoek, in die vorm deur die raad goedgekeur, publiseer.

(3) Enige beswaar teen die toestaan van die aansoek moet, indien 'n kennisgewing ingevolge subartikel (2) gepubliseer is, binne 60 dae na die publikasie daarvan by die raad ingedien word,

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may at its discretion hear the objections in public at a time and place of which not less than 14 days notice shall be given to the applicant and to every objector.

(4) The board shall make known its decision regarding the application as soon as practicable after the hearing.

(5) The provisions of subsections (1), (2), (3) and (4) shall *mutatis mutandis* apply to an application for an amendment of a licence.

Form and conditions of licence.

8. (1) Every licence shall be in such form as the board may determine and shall, in addition to the conditions referred to in subsection (2), contain a schedule of the approved tariffs to be charged by the licensee for the supply, provision or distribution of electricity to different classes of consumers.

(2) The board may determine conditions in regard to—

- (a) the maximum capacity of supply of the undertaking; 15
- (b) the area of supply of the undertaking;
- (c) the classes of consumers to which electricity may be supplied;
- (d) the conditions on which the licensee may supply electricity to its consumers; 20
- (e) the obligation of the licensee to supply electricity;
- (f) the period within which the provision of electricity shall commence;
- (g) the quality of supply;
- (h) any other matter connected with the carrying on of the 25 undertaking.

(3) The conditions on which a local authority supplies electricity outside its area of jurisdiction in terms of a licence issued to it, shall be the same as those applicable in respect of the supply within its area of jurisdiction: Provided that the board may prescribe other conditions.

(4) A licensee shall not cede or transfer his licence to any other person without the consent of the board.

(5) The board may, at any time after granting a licence, by written notice to the holder thereof impose any addition to or amendment of the conditions of the licence.

Schedule of approved tariffs in terms of licence, and revision thereof.

9. (1) Unless the board determines otherwise, the licensee shall not charge any consumer with other tariffs than those specified in the schedule of approved tariffs in his licence.

(2) The board may from time to time revise the schedule of approved tariffs in a licence and may require the licensee concerned to submit such information as the board may require for this purpose.

(3) The board may, in specific circumstances, approve a deviation from a schedule of approved tariffs.

(4) The board may at its discretion require the licensee to publish an application for the revision of the schedule of approved tariffs in his licence, in which case the provisions of subsections (2), (3) and (4) of section 7 shall apply *mutatis mutandis* to such application.

Duties of licensee.

10. (1) Every licensee shall up to the limit, if any, of electricity which he may generate or supply in terms of his licence, supply electricity within the area of supply mentioned in his licence to every applicant who is in a position to make satisfactory arrangements for payment therefor.

(2) In case of undue delay or refusal on the part of the licensee to supply any applicant with electricity, such applicant may appeal to the board, which shall decide whether the licensee shall undertake the supply and which shall determine the conditions on which it shall be done.

(3) No person shall be entitled to the supply of electricity for any premises having a separate supply of electricity unless he has agreed to pay such minimum annual sum as will, in the opinion of the board, give the licensee an income which is sufficient to

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en die raad kan na goeddunke die besware in die openbaar aanhoor op 'n tyd en plek waarvan minstens 14 dae kennis gegee moet word aan die aansoeker en elke beswaarmaker.

(4) Die raad moet sy besluit oor die aansoek so spoedig moontlik na die verhoor bekend maak.

(5) Die bepalings van subartikels (1), (2), (3) en (4) is *mutatis mutandis* van toepassing op 'n aansoek om 'n wysiging van 'n lisensie.

8. (1) Elke lisensie is in die vorm wat die raad bepaal en be-
10 vat, benewens die voorwaardes in subartikel (2) bedoel, 'n lys van die goedgekeurde tariewe wat deur die lisensiehouer gevorder kan word vir die voorsiening, lewering of verspreiding van elektrisiteit aan verskillende klasse verbruikers.

Vorm en voorwaardes van lisensie.

(2) Die raad kan voorwaardes bepaal met betrekking tot—
15 (a) die maksimum voorsieningsvermoë van die onderneming;
(b) die voorsieningsgebied van die onderneming;
(c) die klasse verbruikers aan wie elektrisiteit voorsien kan word;
20 (d) die voorwaardes waarop die lisensiehouer elektrisiteit aan sy verbruikers voorsien;
(e) die verpligting van die lisensiehouer om elektrisiteit te voorsien;
(f) die tydperk waarbinne aanvang met die lewering gemaak moet word;
25 (g) die kwaliteit van voorsiening;
(h) enige ander saak wat in verband staan met die dryf van die onderneming.

(3) Die voorwaardes waarop 'n plaaslike owerheid elektrisiteit
30 buite sy regsgebied voorsien ingevolge 'n lisensie wat aan hom uitgereik is, is dieselfde as dié wat van toepassing is ten opsigte van voorsiening binne sy regsgebied: Met dien verstande dat die raad ander voorwaardes kan voorskryf.

(4) 'n Lisensiehouer mag sy lisensie nie sonder die raad se toestemming aan iemand anders oordra of seeder nie.

(5) Die raad kan te eniger tyd nadat 'n lisensie toegestaan is, by skriftelike kennisgewing aan die houer daarvan 'n toevoeging tot of wysiging van die voorwaardes van die lisensie opla.

9. (1) Tensy die raad anders bepaal, mag 'n lisensiehouer nie
40 ander tariewe van 'n verbruiker vorder as dié wat in die lys van goedgekeurde tariewe in sy lisensie gespesifiseer is nie.

Lys van goedgekeurde tariewe ingevolge lisensie, en hersiening daarvan.

(2) Die raad kan die lys van goedgekeurde tariewe in 'n lisensie van tyd tot tyd hersien en kan van die betrokke lisensiehouer vereis om die inligting voor te lê wat die raad vir hierdie doel
45 nodig ag.

(3) Die raad kan in bepaalde omstandighede 'n afwyking van 'n lys van goedgekeurde tariewe goedkeur.

(4) Die raad kan, na goeddunke, van die lisensiehouer vereis om 'n aansoek om hersiening van die lys van goedgekeurde tariewe in sy lisensie, te publiseer, in welke geval die bepalings van subartikels (2), (3) en (4) van artikel 7 *mutatis mutandis* op
50 so 'n aansoek van toepassing is.

10. (1) Elke lisensiehouer moet tot by die maksimum hoeveelheid elektrisiteit, as daar so 'n maksimum is, wat hy ingevolge sy
55 lisensie mag ontwikkel of voorsien, binne die voorsieningsgebied in sy lisensie vermeld aan elke aansoeker wat in staat is om bevredigende reëlins vir die betaling daarvan te tref, elektrisiteit voorsien.

Verpligtings van lisensiehouer.

(2) In geval van buitensporige vertraging of weiering aan die
60 kant van die lisensiehouer om 'n aansoeker van elektrisiteit te voorsien, kan die aansoeker hom op die raad beroep, wat moet beslis of die lisensiehouer die voorsiening moet onderneem en die voorwaardes waarop dit geskied, kan bepaal.

(3) Niemand is geregtig op die voorsiening van elektrisiteit vir
65 'n perseel wat 'n afsonderlike elektrisiteitstoever het nie tensy hy ingestem het om die minimum jaarlikse bedrag te betaal wat volgens die raad se oordeel aan die lisensiehouer 'n inkomste sal

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cover the expenses of the licensee in connection with such supply or unless he has given security for the payment of the said amount.

Failure to carry out conditions of supply.

11. A licensee shall not, except for reasons beyond his control, reduce or discontinue the supply of electricity to a consumer, unless— 5

- (a) the consumer is insolvent; or
- (b) the consumer has failed to pay the agreed charges or to comply with the conditions of supply and has failed to remedy his default within 14 days after receiving from the licensee a written notice by post calling upon him to do so. 10

Failure of licensee to meet obligations.

12. (1) If any licensee fails to meet his obligations in terms of the conditions of his licence or the provisions of this Act, the board may serve upon him by post a notice in writing to meet those obligations within 30 days or such longer period as the board may determine, and if the licensee fails to comply with the requirements of the notice— 15

- (a) he shall be guilty of an offence and upon conviction be punishable as provided in section 27; 20
- (b) the board may recommend to the Minister to authorize Eskom in writing to enter upon and take possession of the undertaking of the licensee, and Eskom shall in that event operate the undertaking for and on account of the licensee and at the risk and expense of the licensee, remitting the balance, if any, of the net income derived from the undertaking to the licensee; 25
- (c) the board may withdraw his licence at any time.

(2) For the purposes of paragraph (b) of subsection (1)—

- (a) the licensee shall pay to Eskom a fee, the amount of which shall be determined by the Minister, to cover the estimated expenditure incurred by Eskom in respect of the services so rendered by it in operating the undertaking; 30
- (b) such entry and taking into possession by Eskom shall not prejudice the security of any debenture-holder or mortgagee or his right of enforcing such security; 35
- (c) Eskom shall not restore possession of the undertaking to the licensee until such time as the Minister is satisfied that the circumstances on account of which the entry was made no longer exist or will no longer hinder the proper functioning of the undertaking and that the licensee has satisfied his obligations under this Act and the conditions of his licence. 40

(3) The application of subsection (1) (b) or (c) shall not prejudice any civil claims which any consumer or other person may have against the licensee arising from his failure to fulfil his obligations in terms of the conditions of his licence. 45

(4) In the event of a licence being cancelled in terms of subsection (1) (c), the Minister may cause Eskom in writing to take possession of the undertaking, and Eskom shall in such event for its own account carry on such undertaking or provide for the carrying on of the undertaking by another person: Provided that whoever carries on the undertaking shall take over the assets of the undertaking. 50 55

Prohibition on transfer of right to supply without approval of board.

13. (1) Subject to the provisions of subsection (2), no undertaker shall transfer his undertaking or any part thereof or his right of supply to any other undertaker or prospective undertaker without the approval of the board. 60

(2) Any undertaker who has before the commencement of this Act, in terms of an agreement with a local authority, obtained a

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verskaf wat voldoende is om die lisensiehouer se uitgawes in verband met sodanige voorsiening te dek, of tensy hy sekuriteit vir die betaling van bedoelde bedrag verstrek het.

11. Behalwe om redes buite sy beheer, mag 'n lisensiehouer 5 die toevoer van elektrisiteit na 'n verbruiker nie inkort of staak nie, tensy—

Versuim om voorsieningsvoorwaardes na te kom.

- (a) die verbruiker insolvent is; of
(b) die verbruiker versuim het om die vorderings waartoe ooreengekom is, te betaal of om te voldoen aan die voorsieningsvoorwaardes en nagelaat het om sy versuim te herstel binne 14 dae na ontvangs van 'n skriftelike kennisgewing van die lisensiehouer wat per pos bestel is en waarin die verbruiker aangesê is om dit te doen.

12. (1) Indien 'n lisensiehouer versuim om sy verpligtinge in- 15 gevolge die voorwaardes van sy lisensie of die bepalinge van hierdie Wet na te kom, kan die raad skriftelike kennis per pos aan hom bestel om daardie verpligtinge binne 30 dae of die langer tydperk wat die raad bepaal, na te kom, en indien die lisen- 20 siehouer versuim om aan die vereistes van die kennisgewing te voldoen—

Versuim van lisensiehouer om verpligtinge na te kom.

- (a) is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar soos bepaal in artikel 27;
(b) kan die raad by die Minister aanbeveel dat hy Eskom skriftelik magtig om die lisensiehouer se onderneming te betree en daarvan besit te neem en moet Eskom die onderneming in daardie geval vir en op die rekening van die lisensiehouer en op die lisensiehouer se risiko en koste bestuur en die saldo, as daar is, van die netto inkomste van die onderneming aan die lisensiehouer betaal;
(c) kan die raad sy lisensie te eniger tyd intrek.
(2) By die toepassing van paragraaf (b) van subartikel (1)—
(a) moet die lisensiehouer aan Eskom 'n som geld, waarvan die bedrag deur die Minister vasgestel moet word, betaal om die geraamde uitgawe te dek deur Eskom aangegaan ten opsigte van die dienste aldus deur hom gelewer deur die onderneming te bestuur;
(b) maak die betreding en inbesitneming van die onderneming deur Eskom nie inbreuk op die sekuriteit van 'n obligasiehouer of verbandhouer of sy reg om sodanige sekuriteit af te dwing nie;
(c) mag Eskom nie die lisensiehouer in besit van die onderneming herstel nie tot tyd en wyl die Minister oortuig is dat die faktore as gevolg waarvan die betreding geskied het, nie meer bestaan nie of nie die behoorlike funksionering van die onderneming verder sal belemmer nie en dat die lisensiehouer sy verpligtinge ingevolge hierdie Wet en die voorwaardes van sy lisensie nagekom het.

(3) Die toepassing van subartikel (1) (b) of (c) doen nie afbreuk aan enige siviele eis wat 'n verbruiker of ander persoon teen die lisensiehouer mag hê voortspruitend uit sy versuim om sy verpligtinge ingevolge die voorwaardes van sy lisensie na te 55 kom nie.

(4) Indien 'n lisensie ingevolge subartikel (1) (c) ingetrek word, kan die Minister Eskom skriftelik magtig om die onderneming in besit te neem, en in daardie geval moet Eskom die onderneming vir sy eie rekening dryf, of voorsiening maak vir die 60 dryf van die onderneming deur iemand anders: Met dien verstande dat wie ook al die onderneming dryf, die bates van die onderneming moet oorneem.

13. (1) Behoudens die bepalinge van subartikel (2) mag geen ondernemer sy onderneming of 'n deel daarvan of sy reg op 65 voorsiening aan 'n ander ondernemer of voornemende ondernemer sonder die goedkeuring van die raad oordra nie.

Verbod op oordrag van reg op voorsiening sonder goedkeuring van raad.

(2) 'n Ondernemer wat voor die inwerkingtreding van hierdie Wet deur ooreenkoms met 'n plaaslike owerheid 'n reg op voor-

right to supply electricity within the area of jurisdiction of that local authority, shall be exempted from the provisions of this section.

(3) An application for approval of the transfer of an undertaking or any part of an undertaking or of a right to supply may be made by the transferor or transferee and shall be accompanied by the information required by the board, and a copy of the application must be served by the applicant on the transferee or transferor, as the case may be.

(4) The board may at its discretion require the applicant to publish a notice of such application in the form approved by the board, in a newspaper circulating in the area in which the undertaking or part of the undertaking is carried on.

(5) Any objection to the approval of the application shall, if a notice was published in terms of subsection (4), be lodged with the board within 60 days after publication thereof, and the board may at its discretion hear the objections in public at a time and place of which at least 14 days notice shall be given to the applicant, the transferor or transferee, as the case may be, and every objector.

(6) If the board is of the opinion that it is in the interest of the efficient supply of electricity or the consumers of electricity or in the public interest, it may approve an application referred to in subsection (3) on the conditions determined by it, and the transfer shall take effect 12 months after the decision of the board has been made known, unless the transferor and the transferee agree on an earlier date.

(7) If there are any assets involved in the transfer, the transferee shall compensate the transferor in terms of section 14 for the reasonable value thereof.

(8) No provision of this Act shall prohibit an undertaker to enter into an agreement with any other person in terms of which such person shall erect, manage or carry on such undertaking or any part of the undertaking on behalf of the undertaker: Provided that the undertaker shall not be absolved from his powers and obligations under this Act.

Compensation for assets of undertakings taken in possession or taken over.

14. (1) At the taking into possession of an undertaking in terms of section 12 or the take-over of assets in terms of section 13, Eskom or the transferee, as the case may be, shall compensate the former undertaker for the value of the assets belonging to or used in connection with the carrying on of the undertaking.

(2) Such value shall be the fair value at the time of take-over, due regard being had to the nature and condition of the assets, and their suitability for the purposes of the undertaking and for immediate use.

(3) (a) In determining the value in question the following shall not be taken into account:

- (i) That it is a compulsory take-over;
- (ii) the goodwill of the undertaking;
- (iii) the prospective profits of the undertaking;
- (iv) any similar circumstances or considerations.

(b) Where the costs of the assets have already been redeemed in part or in full by means of the tariff income, this fact shall be taken into account in determining the value of the assets in order to ensure that the consumers concerned, if any, will, after the assets have been taken over, only be liable for the redemption, by way of tariffs to be charged, for those portions of the assets which have not yet been redeemed out of the tariff income.

(4) If any dispute arises between the parties as to the amount of compensation payable in terms of this section, the amount shall be determined by arbitration with due observation of the principles laid down in this section and in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965).

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siening van elektrisiteit binne die regsgebied van daardie plaaslike owerheid verkry het, is van die bepalings van hierdie artikel vrygestel.

(3) 'n Aansoek om goedkeuring vir die oordrag van 'n onderneming of 'n gedeelte van 'n onderneming of van 'n reg op voorsiening kan deur die oordraggewer of oordragnemer gedoen word en moet vergesel gaan van die inligting wat die raad vereis, en 'n afskrif van die aansoek moet deur die aansoeker aan die oordragnemer of oordraggewer, na gelang van die geval, bestel word.

(4) Die raad kan, na goeddunke, van die aansoeker vereis dat hy in 'n nuusblad in omloop in die gebied waarin die onderneming of gedeelte van die onderneming gedryf word, kennis van so 'n aansoek, in die vorm deur die raad goedgekeur, publiseer.

(5) Enige beswaar teen die toestaan van die aansoek moet, indien 'n kennisgewing ingevolge subartikel (4) gepubliseer is, binne 60 dae na publikasie daarvan by die raad ingedien word, en die raad kan na goeddunke die besware in die openbaar aanhoor op 'n tyd en plek waarvan minstens 14 dae kennis gegee moet word aan die aansoeker, die oordraggewer of oordragnemer, na gelang van die geval, en elke beswaarmaker.

(6) Indien die raad van mening is dat dit in belang van die doeltreffende voorsiening van elektrisiteit of die verbruikers van elektrisiteit of in die openbare belang is, kan hy 'n aansoek be-
doel in subartikel (3) op die voorwaardes wat hy bepaal, goedkeur en tree die oordrag in werking 12 maande nadat die raad se besluit bekend gemaak is, tensy die oordraggewer en die oordragnemer op 'n vroeër datum ooreenkom.

(7) Indien daar bates by die oordrag betrokke is, moet die oordragnemer die oordraggewer ooreenkomstig artikel 14 vir die billike waarde daarvan vergoed.

(8) Geen bepaling van hierdie Wet verhinder 'n ondernemer om 'n ooreenkoms met iemand anders aan te gaan waarvolgens daardie persoon die onderneming of 'n gedeelte van die onderneming namens die ondernemer oprig, bestuur of dryf nie: Met dien verstande dat die ondernemer nie van sy bevoegdhede en verpligtinge kragtens hierdie Wet onthef word nie.

14. (1) By die inbesitneming van 'n onderneming ingevolge artikel 12 of die oorname van bates ingevolge artikel 13 moet Eskom of die oordragnemer, na gelang van die geval, die gewese ondernemer vergoed vir die waarde van die bates wat behoort aan of gebruik word in verband met die dryf van die onderneming.

Vergoeding vir bates van ondernemings wat in besit geneem of oorgeneem word.

(2) Bedoelde waarde is die billike waarde ten tyde van die oorname, met behoorlike inagneming van die aard en toestand van die bates, en hulle geskiktheid vir die doel van die onderneming en vir onmiddellike gebruik.

(3) (a) By die vasstelling van bedoelde waarde word die volgende nie in aanmerking geneem nie:

- (i) Dat dit 'n verpligte oorname is;
- (ii) die klandisiewaarde van die onderneming;
- (iii) die te wagte winste van die onderneming;
- (iv) enige soortgelyke omstandighede of oorwegings.

(b) Waar die koste van die bates reeds gedeeltelik of in die geheel deur middel van die tariefinkomste gedeltig is, moet hierdie feit in ag geneem word by die vasstelling van die waarde van die bates ten einde te verseker dat die betrokke verbruikers, as daar is, na oorname van die bates slegs aanspreeklik sal wees vir die delging, by wyse van die tariewe wat gehê staan te word, van die gedeeltes van die bates wat nie reeds uit die tariefinkomste gedeltig is nie.

(4) Indien 'n geskil tussen die partye ontstaan met betrekking tot die bedrag van die vergoeding betaalbaar kragtens hierdie artikel, word die bedrag by arbitrasie bepaal met inagneming van die beginsels in hierdie artikel bepaal en ooreenkomstig die bepalings van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965).

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Sale and supply of electricity within area of jurisdiction of local authority.

15. (1) Subject to the provisions of subsection (2), the sale and supply of electricity within the area of jurisdiction of a local authority shall be under the control of that authority, except in so far as any undertaker has lawfully acquired the right of supply within that area or any portion thereof, whether under a licence 5 or by agreement with the local authority or otherwise.

(2) Notwithstanding anything to the contrary contained in any other law, the Minister may from time to time, if in his opinion it is in the national interest, direct the board to gather information in respect of the supply of electricity by a local authority, 10 and the Minister may accordingly make arrangements or issue directives to the local authority for the promotion of the efficient utilization of electricity: Provided that such arrangements or directives shall not be made or issued except after consultation with the local authority in question and the Minister referred to 15 in section 2 (2) (a) (i), (ii) and (iv) of the Regional Services Councils Act 1985 (Act No. 109 of 1985).

Proposed erection or enlargement of power stations by local authorities.

16. (1) Whenever any local authority intends to erect a power station, or to enlarge any existing power station to an extent exceeding within any period of 12 months 10 per cent of the existing rated generating capacity, it shall apply to the board for approval and shall submit to it a full report by a professional engineer on its proposals regarding the erection or enlargement.

(2) Before considering the application, the board shall call upon Eskom for a report on the proposals, and thereupon the 25 local authority shall supply Eskom with such information as Eskom may require for the purpose of drawing up the report.

(3) In its report to the board Eskom shall state what in its opinion is the best course for the local authority to pursue, and in particular whether Eskom can itself generate a supply of electricity with advantage to the interest of ratepayers and consumers, and if so, Eskom shall submit its estimates and terms.

(4) The local authority shall pay to Eskom, in respect of any report furnished under this section, a sum of money the amount of which, if not agreed upon, shall be determined by the Minister. 35

Exclusion of supply in area of jurisdiction of local authority.

17. The right to supply electricity within the area of jurisdiction of a local authority or to construct transmission or distribution lines for such supply through or over any portion of such area, shall, unless such supply is to the South African Transport 40 Services for traction purposes, be subject to the consent of that authority: Provided that if it is alleged that such consent is unreasonably withheld, the matter shall be decided by the board after a public hearing at a time and place of which not less than 14 days' notice shall be given to the parties by the board. 45

Permission to use water of public stream.

18. (1) Notwithstanding anything to the contrary contained in the Water Act, 1956 (Act No. 54 of 1956), an undertaker, whether or not he is a riparian owner as defined in that Act, may apply to a water court established by Chapter IV of that Act for permission— 50

(a) to use a defined quantity of the normal flow of a public stream; or

(b) to abstract or to impound or to store a definite quantity of the surplus water of a public stream within or outside the channel of the stream, 55

for the generation of steam or electricity or any other form of energy, condensing, cooling or incidental purposes, in any catchment area.

(2) The water court may grant such permission subject to such conditions as the court may impose for the purpose of preventing or controlling the heating or preventing pollution of the water in a public stream, and shall, if it appears necessary, assess the amount of compensation which shall be paid in respect of 60

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15. (1) Behoudens die bepalings van subartikel (2) is die verkoop en voorsiening van elektrisiteit binne die regsgebied van 'n plaaslike owerheid onder die beheer van daardie owerheid, behalwe vir sover 'n ondernemer wettig die reg op voorsiening verkry het binne daardie gebied of 'n deel daarvan, hetsy ingevolge 'n lisensie of deur ooreenkoms met die plaaslike owerheid of andersins.
- (2) Ondanks andersluidende wetsbepalings kan die Minister van tyd tot tyd, indien dit na sy oordeel in die nasionale belang is, die raad gelas om inligting met betrekking tot elektrisiteitsvoorsiening deur 'n plaaslike owerheid in te win, en die Minister kan daarvolgens reëlins tref of voorskrifte uitreik aan die plaaslike owerheid vir die bevordering van die doeltreffende aanwending van elektrisiteit: Met dien verstande dat sodanige reëlins of voorskrifte nie getref of uitgereik word nie behalwe na raadpleging met die betrokke plaaslike owerheid en die Minister bedoel in artikel 2 (2) (a) (i), (ii) en (iv) van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985).
16. (1) Wanneer 'n plaaslike owerheid voornemens is om 'n kragstasie op te rig, of om 'n bestaande kragstasie te vergroot in 'n mate wat binne 'n tydperk van 12 maande 10 persent van die bestaande berekende ontwikkelingsvermoë oorskry, moet hy by die raad om goedkeuring aansoek doen en aan hom 'n volledige verslag deur 'n professionele ingenieur omtrent sy voorstelle aangaande die oprigting of vergroting voorlê.
- (2) Voordat die raad die aansoek oorweeg, moet hy 'n verslag van Eskom oor die voorstelle aanvra, en daarop moet die plaaslike owerheid die inligting aan Eskom verstrek wat Eskom verlang ten einde die verslag op te stel.
- (3) In sy verslag aan die raad moet Eskom meld wat na sy mening die beste weg is vir die plaaslike owerheid om te volg, en in besonder of Eskom self tot voordeel van die belange van belastingbetalers en verbruikers elektrisiteit kan ontwikkel, en indien wel, moet Eskom sy ramings en voorwaardes voorlê.
- (4) Die plaaslike owerheid moet ten opsigte van 'n verslag wat ingevolge hierdie artikel verstrek word, aan Eskom 'n som geld betaal waarvan die bedrag, indien daartoe nie ooreengekom word nie, deur die Minister vasgestel moet word.
17. Die reg om elektrisiteit te voorsien binne die regsgebied van 'n plaaslike owerheid of om transmissie- of distribusiegeleidsings vir sodanige voorsiening deur of oor 'n deel van sodanige gebied op te rig, is, tensy sodanige voorsiening aan die Suid-Afrikaanse Vervoerdienste vir trekkrag bestem is, aan die toestemming van daardie owerheid onderworpe: Met dien verstande dat indien beweer word dat sodanige toestemming sonder voldoende rede weerhou word, die aangeleentheid deur die raad beslis moet word na 'n openbare verhoor op 'n tyd en plek waarvan minstens 14 dae kennis aan die partye deur die raad gegee moet word.
18. (1) Ondanks andersluidende bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), kan 'n ondernemer, hetsy hy 'n oewereienaar soos in daardie Wet omskryf is al dan nie, by 'n waterhof deur Hoofstuk IV van daardie Wet ingestel, aansoek doen om vergunning—
- (a) om 'n vasgestelde hoeveelheid van die normale stroming van 'n openbare stroom te gebruik; of
- (b) om 'n bepaalde hoeveelheid van die surpluswater van 'n openbare stroom binne of buite die bedding van die stroom te neem of op te dam of op te gaar,
- vir die ontwikkeling van stroom of elektrisiteit of 'n ander vorm van energie; kondensering, verkoeling of daarmee in verband staande doeleindes binne 'n opvanggebied.
- (2) Die waterhof kan sodanige vergunning verleen onderworpe aan die voorwaardes wat hy mag oplê ten einde die verhitte van die water in 'n openbare stroom te voorkom of te beheer of die besoedeling van die water te voorkom, en moet, indien dit nodig blyk, die bedrag van skadevergoeding vasstel

Verkoop en voorsiening van elektrisiteit binne regsgebied van plaaslike owerheid.

Voorgestelde oprigting of vergroting van kragstasies deur plaaslike owerhede.

Uitsluiting van voorsiening in regsgebied van plaaslike owerheid.

Vergunning om water van openbare stroom te gebruik.

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any use, abstraction, impounding or storing of water so permitted, and shall determine the persons to whom and the manner in which compensation shall be paid.

(3) For the purposes of the acquisition of servitudes under Chapter VIII of the said Act, an undertaker who has been granted permission under subsection (1) of this section shall be deemed to be a person entitled to the use of the water in question, and land required for pumping works and for works necessary for water power plant shall be regarded as necessary for or incidental to the passage of water.

Expropriation of
land and interests
in land.

19. (1) Notwithstanding anything to the contrary contained in any law, an undertaker may, with the approval of the Minister and subject to such conditions as the Minister may impose, by expropriation acquire such land or any such right in, over or in respect of land as such undertaker may require for the exercise of his powers.

(2) The Minister shall grant such approval only if he is satisfied, after considering a report by the board—

- (a) that such undertaker is unable to acquire any such land or right on reasonable terms, other than terms relating to compensation, by agreement with the owner; and
- (b) that such land or right is reasonably required by such undertaker for the exercise of the powers referred to in subsection (1):

Provided that neither the Minister nor the board may make a finding regarding compensation payable to the owner: Provided further that where such an undertaker and the owner cannot reach agreement as to the compensation, such compensation shall be determined in accordance with the provisions of the Expropriation Act, 1975, referred to in subsection (4).

- (3) (a) Before furnishing its report under subsection (2), the board shall at a public hearing determine whether such an undertaker is unable to acquire such land or right on reasonable terms, other than terms relating to compensation, by agreement with the owner and whether the land or right in question is so required by such undertaker.
- (b) The board shall give at least 14 days' notice of the hearing to such undertaker and to the owner concerned, who shall be entitled at such a hearing to raise his objections against the expropriation.
- (c) The board shall notify the said owner and undertaker of its findings.

(4) Upon the approval of the Minister to such acquisition being granted, the provisions of sections 7 to 23 inclusive of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in connection with such acquisition, and in such application any reference in those sections—

- (a) to the "Minister" and the "State" shall be construed as a reference to the undertaker in question;
- (b) to "section 2" shall be construed as a reference to this section.

(5) If the owner of any land agrees to such land or any right in, over or in respect of such land being acquired by such undertaker for the exercise of any power referred to in subsection (1), but is not prepared to accept the compensation offered for it, the parties may agree to the land or right being acquired by the undertaker subject to the determination of the compensation payable in accordance with the provisions of sections 12, 14 and 15 of the Expropriation Act, 1975, depending on which provisions would have been applicable if the land or right had been expropriated in terms of the provisions of the said Act: Provided that in any such case the date of notice, as defined in section 1 of the said Act, shall be deemed to be the date on which that agreement was concluded: Provided further that if an application for such determination of the compensation is not made within six months, or such longer period as the parties may agree to, after that date, to the appropriate court, the compen-

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wat ten opsigte van die aldus vergunde gebruik, neem, opdam of opgaar van water betaal moet word en die persone aan wie en die wyse waarop skadevergoeding betaal moet word, bepaal.

(3) Vir die doeleindes van die verkryging van serwitude ingevolge Hoofstuk VIII van bedoelde Wet, word 'n ondernemer aan wie vergunning ingevolge subartikel (1) van hierdie artikel verleen is, geag iemand te wees wat op die gebruik van die betrokke water geregtig is, en grond wat vir pompinrigtings en vir werke noodsaaklik vir waterkraguitrusting nodig is, word geag nodig te wees vir of in verband te staan met die lei van water.

19. (1) Ondanks andersluidende wetsbepalings kan 'n ondernemer met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat die Minister mag oplê, deur onteiening grond of 'n reg in, oor of ten opsigte van grond wat so 'n ondernemer vir die uitoefening van sy bevoegdhede nodig het, verkry.

Onteiening van grond en belange in grond.

(2) Die Minister verleen sodanige goedkeuring slegs indien hy, na oorweging van 'n verslag deur die raad, oortuig is—

(a) dat so 'n ondernemer nie in staat is om sodanige grond of reg op redelike voorwaardes, behalwe voorwaardes wat betrekking het op die vergoeding, deur ooreenkoms met die eienaar te verkry nie; en

(b) dat so 'n ondernemer sodanige grond of reg redelikerwys nodig het vir die uitoefening van die bevoegdhede bedoel in subartikel (1):

Met dien verstande dat nóg die Minister nóg die raad 'n bevinding maak oor die vergoeding wat aan die eienaar betaalbaar is: Met dien verstande voorts dat waar so 'n ondernemer en die eienaar nie kan ooreenkom oor die vergoeding nie, sodanige vergoeding vasgestel word ooreenkomstig die bepalinge van die Onteieningswet, 1975, bedoel in subartikel (4).

(3) (a) Voordat die raad sy verslag ingevolge subartikel (2) lewer, moet hy by 'n openbare verhoor bepaal of so 'n ondernemer nie in staat is om sodanige grond of reg op redelike voorwaardes, behalwe voorwaardes wat betrekking het op die vergoeding, deur ooreenkoms met die eienaar te verkry nie, en of so 'n ondernemer die betrokke grond of reg aldus nodig het.

(b) Die raad moet minstens 14 dae kennis van die verhoor gee aan so 'n ondernemer en aan die betrokke eienaar, wat geregtig is om by sodanige verhoor sy besware teen die onteiening te opper.

(c) Die raad moet bedoelde eienaar en ondernemer van sy bevindings in kennis stel.

(4) Sodra die goedkeuring van die Minister tot so 'n verkryging verleen is, geld die bepalinge van artikels 7 tot en met 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), *mutatis mutandis* in verband met sodanige verkryging, en by sodanige toepassing word 'n verwysing in daardie artikels—

(a) na die "Minister" en die "Staat" as 'n verwysing na die betrokke ondernemer uitgelê;

(b) na "artikel 2" as 'n verwysing na hierdie artikel uitgelê.

(5) Indien die eienaar van grond inwillig tot die verkryging van dié grond of 'n reg in, oor of ten opsigte van dié grond deur so 'n ondernemer vir die uitoefening van 'n bevoegdheid bedoel in subartikel (1), maar nie bereid is om die vergoeding wat daarvoor aangebied word, te aanvaar nie, kan die partye ooreenkom dat die ondernemer die grond of reg verkry onderworpe aan die vasstelling van die vergoeding wat betaalbaar is ooreenkomstig die bepalinge van artikels 12, 14 en 15 van die Onteieningswet, 1975, na gelang van watter bepalinge van toepassing sou gewees het indien die grond of reg ingevolge die bepalinge van genoemde Wet onteien was: Met dien verstande dat in so 'n geval die kennisgewingsdatum, soos in artikel 1 van genoemde Wet omskryf, geag word die datum te wees waarop bedoelde ooreenkoms aangegaan is: Met dien verstande voorts dat indien 'n aansoek om sodanige vasstelling van die vergoeding nie binne ses maande, of sodanige langer tydperk as waarop die partye mag ooreenkom, na dié datum by die gepaste hof ingedien word nie, die vergoeding wat deur daardie ondernemer aangebied is, die

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sation offered by such undertaker shall be the compensation payable for the acquisition of such land or right.

Requirements
regarding
generating plant.

20. (1) Any person erecting machinery for the generation of electricity shall erect it in accordance with the regulations in respect of frequency, pressure and type of current, unless— 5
- (a) it is intended for the owner's own use and its rated capacity does not exceed 500 kilowatts; or
 - (b) it is specially exempted by the board.
- (2) (a) No person shall cause electricity to be generated for his own use with any plant the rated capacity of which exceeds 500 kilowatts, unless such plant, if not exempted by the board, complies with the regulations and the requirements laid down by the board to facilitate co-ordination with other existing or future undertakings. 10
- (b) Any person who intends to erect or to cause to be erected any such plant for the generation of electricity for his own use, shall, prior to the erection thereof, furnish to the board such particulars as to such plant as will enable the board to satisfy itself that the plant complies with this Act and the regulations. 15 20

Appeals from
decisions of
board.

21. (1) Any undertaker, local authority or consumer or any number of consumers purchasing 100 megawatt-hours of electricity per annum or more, or any number of consumers exceeding 10, or a party to a dispute settled by the board in terms of section 4 (1) (c), shall have a right of appeal from a decision of the board to the Minister, whose decision shall be final. 25
- (2) No such appeal shall be heard unless it is lodged within 60 days after the decision of the board has been made known or otherwise brought to the notice of the appellant.
- (3) (a) For the purposes of subsection (2) the Minister shall refer every such appeal to the board for a report to him in connection with the matter in dispute. 30
- (b) The Minister may, when he so refers an appeal to the board, indicate any matter to which he desires that special attention be given by the board. 35
- (4) The board shall not report to the Minister in connection with any such appeal unless the appellant has been afforded an opportunity to submit to the board, within a period determined by the board, not being less than 30 days after being required to do so in writing by the board, any oral or written representation 40 in connection with the appeal.

Board's powers
of entry,
inspection and
calling for
returns.

22. (1) The board or any person authorized thereto in writing by it, may—
- (a) at all reasonable times enter upon the premises of any licensee and inspect any plant, machinery, books, accounts and other documents found thereat; 45
 - (b) call upon any licensee to furnish to the board or to him such periodical or other returns in such form as the board may from time to time prescribe, and such particulars in respect of the undertaking as the board may from time to time demand. 50
- (2) The board may require that the accuracy of the returns and particulars be verified on oath by the licensee.
- (3) Any person who refuses to allow any such inspection or fails to comply with any such demand or who wilfully hinders or obstructs the board or person so authorized in any such inspection shall be guilty of an offence and liable on conviction— 55
- (a) to a fine not exceeding the amount which the Minister may from time to time prescribe by regulation for each day on which the refusal or failure continues; or 60
 - (b) in respect of such hindrance or obstruction to a fine not exceeding the amount which the Minister may from

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vergoeding is wat betaalbaar is vir die verkryging van daardie grond of reg.

20. (1) Iemand wat masjinerie oprig vir die ontwikkeling van elektrisiteit, moet dit oprig in ooreenstemming met die 5 regulasies ten opsigte van frekwensie, spanning en tipe stroom, tensy—

Vereistes met betrekking tot ontwikkelings-uitrusting.

- (a) dit vir die eienaar se eie gebruik bestem is en die berekende vermoë daarvan hoogstens 500 kilowatt is; of
- (b) dit deur die raad spesiaal vrygestel is.
- 10 (2) (a) Niemand mag elektrisiteit vir eie gebruik laat ontwikkel met uitrusting waarvan die berekende vermoë 500 kilowatt oorskry nie, tensy daardie uitrusting, indien dit nie deur die raad vrygestel is nie, voldoen aan die regulasies en die vereistes deur die raad gestel om 15 koördinasie met ander bestaande of toekomstige ondernemings te vergemaklik.
- (b) Iemand wat voornemens is om sodanige uitrusting vir die ontwikkeling van elektrisiteit vir eie gebruik op te rig of te laat oprig, moet, voor die oprigting daarvan, 20 aan die raad die besonderhede betreffende die uitrusting verstrek wat die raad in staat sal stel om hom te oortuig dat die uitrusting aan hierdie Wet en die regulasies voldoen.

21. (1) 'n Ondernemer, plaaslike owerheid of verbruiker of 'n 25 aantal verbruikers wat 100 megawatt-uur elektrisiteit per jaar of meer koop, of enige aantal verbruikers meer as 10 of 'n party in 'n geskil wat ingevolge die bepalinge van artikel 4 (1) (c) deur die raad besleg is, het 'n reg van appèl teen 'n beslissing van die raad na die Minister, wie se beslissing afdoende is.

Appèl teen beslissings van raad.

30 (2) So 'n appèl word nie verhoor nie tensy dit aangeteken word binne 60 dae nadat die beslissing van die raad bekend gemaak of andersins onder die aandag van die appellant gebring is.

(3) (a) Vir die doeleindes van subartikel (2) verwys die Minister elke sodanige appèl na die raad om in verband met 35 die saak in geskil aan hom verslag te doen.

(b) Die Minister kan, wanneer hy 'n appèl aldus na die raad verwys, enige aangeleentheid aandui waaraan hy verlang dat die raad spesiale aandag moet gee.

(4) Die raad doen nie in verband met so 'n appèl aan die Minister verslag nie, tensy daar aan die appellant 'n geleentheid gebied is om binne 'n tydperk deur die raad bepaal, maar minstens 30 dae nadat hy skriftelik deur die raad daartoe aangesê is, mondelinge of skriftelike vertoë in verband met die appèl aan die raad voor te lê.

45 22. (1) Die raad of iemand deur hom skriftelik daartoe gemagtig, kan—

Raad se bevoegdhe van betreding, inspeksie en aanvraging van opgawes.

(a) te alle redelike tye die perseel van 'n lisensiehouer betree en uitrusting, masjinerie, boeke, rekenings en ander dokumente aldaar gevind, inspekteer;

50 (b) van 'n lisensiehouer eis om die raad of hom te voorsien van die periodieke of ander opgawes in die vorm wat die raad van tyd tot tyd voorskryf, en van die besonderhede ten opsigte van die onderneming wat die raad van tyd tot tyd eis.

55 (2) Die raad kan vereis dat die juistheid van die opgawes en besonderhede onder eed deur die lisensiehouer geverifieer word.

(3) Iemand wat weier om so 'n inspeksie toe te laat of versuim om aan so 'n eis te voldoen of wat die raad of aldus gemagtigde persoon by so 'n inspeksie opsetlik hinder of belemmer, is aan 'n 60 misdryf skuldig en by skuldigbevinding strafbaar—

(a) met 'n boete van hoogstens die bedrag wat die Minister van tyd tot tyd by regulasie voorskryf vir elke dag waarop die weiering of versuim voortduur; of

65 (b) ten opsigte van sodanige verhindering of belemmering met 'n boete van hoogstens die bedrag wat die Minister

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time to time so prescribe or to imprisonment not exceeding six months or to both such fine and such imprisonment.

(4) If any person divulges information obtained by him upon such inspection except for the purposes of carrying out his duties under this Act or upon the order of or in answer to questions put to him as a witness in a court of law or at an arbitration under this Act, he shall be guilty of an offence and liable on conviction to a fine not exceeding the amount which the Minister may from time to time prescribe by regulation or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(5) Any person who has been authorized in writing in terms of subsection (1), shall exhibit such authorization at the request of any person materially affected by his activities in terms of the said subsection.

Undertaker's
powers of entry
and inspection.

23. (1) Any person authorized thereto in writing by an undertaker may at all reasonable times enter any premises to which electricity is or has been supplied by such undertaker, in order to inspect the lines, meters, fittings, works and apparatus belonging to such undertaker, or for the purpose of ascertaining the quantity of electricity consumed, or where a supply is no longer required, or where such undertaker may cut off the supply, for the purpose of removing any lines, meters, fittings, works and apparatus belonging to such undertaker.

(2) Any person wishing to enter any premises in terms of subsection (1) shall—

- (a) if possible, make the necessary arrangements with the legal occupant of the premises before entering such premises and shall adhere to all reasonable security measures, if any, of the occupant or owner of the premises;
- (b) exhibit his authorization at the request of any person materially affected by his activities.

(3) Damage caused by such entry, inspection or removal shall be repaired or compensated for by the undertaker.

Lines, meters and
other apparatus are
not fixtures.

24. (1) Any lines, meters, fittings, works or apparatus belonging to an undertaker and lawfully placed or installed in or upon any premises not in his possession shall, whether or not fixed to any part of such premises, remain the property of and may be removed by such undertaker, and shall not be subject to the landlord's hypothec for rent of such premises, and are not liable to be taken in execution under any process of law or any proceedings in insolvency or liquidation against the owner or occupier of such premises, provided adequate indication is given on such premises that such undertaker is the actual owner of such lines, meters, fittings, works or apparatus.

(2) For the purposes of this section and section 23, lines, meters, fittings and apparatus let, rented or disposed of by the undertaker on terms of payment by instalments shall, until such instalments have been paid, be deemed to belong to him.

Breaking up of
streets by under-
taker.

25. (1) Notwithstanding the provisions of any law but subject to the provisions of this section, an undertaker may break up any street within its area of supply, and may erect posts and lay or construct pipe lines or power lines along, under or over any such street, and from time to time repair, alter or remove any such posts or lines so erected, laid or constructed: Provided that the authority or person having the control of such street shall have a prior right to break up and repair such street with reasonable despatch at payment to him of a reasonable charge by the undertaker.

(2) An undertaker shall, not less than 30 days before exercising any power conferred upon him by this section, give notice in writing to the authority or person concerned of his intention to do so, except in a case of emergency, and in such case he shall

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van tyd tot tyd aldus voorskryf of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(4) Indien iemand inligting deur hom by so 'n inspeksie verkry, openbaar, behalwe in die uitvoering van sy pligte ingevolge hierdie Wet of op bevel van of in antwoord op vrae aan hom gestel as 'n getuie in 'n geregshof of by 'n arbitrasie ingevolge hierdie Wet, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens die bedrag wat die Minister van tyd tot tyd by regulasie voorskryf of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(5) Iemand wat skriftelik ingevolge subartikel (1) gemagtig is, moet daardie magtiging toon op versoek van enige persoon wat wesentlik deur sy optrede ingevolge genoemde subartikel geraak word.

23. (1) Iemand wat skriftelik deur 'n ondernemer daartoe gemagtig is, kan te alle redelike tye 'n perseel betree waaraan elektrisiteit deur daardie ondernemer voorsien word of is, ten einde die geleidings, meters, toebehore, werke en apparaat wat aan daardie ondernemer behoort, te inspekteer, of om die hoeveelheid verbruikte elektrisiteit vas te stel, of waar 'n toevoerder nie meer nodig is nie, of waar so 'n ondernemer die toevoer kan afskakel, om geleidings, meters, toebehore, werke en apparaat behorende aan bedoelde ondernemer te verwyder.

Ondernemer se bevoegdheid van betreding en inspeksie.

(2) Iemand wat 'n perseel kragtens subartikel (1) wil betree, moet—

(a) indien moontlik, die nodige reëlins met die wettige okkupeerder van die perseel tref voordat die perseel betree word en moet alle redelike veiligheidsmaatreëls, as daar is, van die okkupeerder of eienaar van die perseel in ag neem;

(b) op versoek van enige persoon wat wesentlik deur sy optrede geraak word, sy magtiging toon.

(3) Skade deur sodanige betreding, inspeksie of verwydering veroorsaak, moet deur die ondernemer herstel of vergoed word.

24. (1) Geleidings, meters, toebehore, werke of apparaat behorende aan 'n ondernemer en wettig in of op 'n perseel wat nie in sy besit is nie, geplaas of aangebring, bly die eiendom van daardie ondernemer en kan deur hom verwyder word, hetsy dit aan 'n deel van die perseel geheg is al dan nie, en is nie aan die verhuurder se hipoteek vir huur van daardie perseel onderworpe nie en ook nie onder enige regsproses of enige geding in verband met insolvensie of likwidasië teen die eienaar of okkupeerder van daardie perseel vir beslaglegging vatbaar nie, mits daar op voldoende wyse op die perseel aangedui word dat daardie ondernemer die werklike eienaar van daardie geleidings, meters, toebehore, werke of apparaat is.

Geleidings, meters en ander apparaat is nie blywend nie.

(2) By die toepassing van hierdie artikel en artikel 23 word geleidings, meters, toebehore en apparaat wat deur die ondernemer verhuur, uitgehuur of van die hand gesit is op voorwaarde dat betaling in paaiemente geskied, geag aan hom te behoort totdat daardie paaiemente betaal is.

25. (1) Ondanks die bepalings van enige wet maar behoudens die bepalings van hierdie artikel, kan 'n ondernemer enige straat binne sy voorsieningsgebied opbreek en pale oprig en pypleidings of kragleidings langs, onder of oor so 'n straat aanlê of bou en sulke pale of leidings aldus opgerig, aangelê of gebou van tyd tot tyd herstel, verander of verwyder: Met dien verstande dat die instansie of persoon wat beheer oor so 'n straat het, 'n eerste reg het om die straat met redelike spoed op te breek en te herstel, teen betaling aan hom van 'n redelike bedrag deur die ondernemer.

Opbreek van strate deur ondernemer.

(2) 'n Ondernemer moet minstens 30 dae voordat hy 'n bevoegdheid deur hierdie artikel aan hom verleen, uitoefen, aan die betrokke instansie of persoon skriftelik kennis gee van sy voorneme om dit te doen, behalwe in 'n geval van nood, en in so

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give such notice as soon as possible after the emergency has arisen.

(3) The powers conferred upon an undertaker by this section shall, except in a case of emergency, be exercised only under the superintendence of the authority or person concerned and according to a plan showing the route and in terms of specifications approved by that authority or person, or, if any dispute arises in respect of such plan, route or specifications, as may be approved by the board: Provided that if the said authority or person fails to exercise the powers of superintendence herein conferred after notice as aforesaid has been given, the undertaker may exercise those powers without such superintendence.

(4) Whenever an undertaker carries out any work authorized by this section, he shall comply with the by-laws (if any) of the authority or person concerned and shall complete that work with reasonable despatch and reinstate the street broken up and remove the rubbish occasioned thereby and shall, while the street is broken up or obstructed, cause the works to be at all times fenced and guarded and, during the night, adequately lit.

(5) If an undertaker fails to carry out any work referred to in subsection (4), the said authority or person may cause any work not carried out, or unreasonably delayed, to be executed at the expense of the said undertaker.

(6) An undertaker shall pay to the said authority or person the costs reasonably and necessarily incurred by such authority or person in exercising any superintendence under this section.

(7) Nothing in this section contained shall be construed as relieving an undertaker from any liability in respect of any loss or damage caused by his negligence in carrying out such work or by his failure to comply with the provisions of this section.

(8) For the purposes of this section, "street" includes any road, square or open or enclosed public place the control or care of which is vested in any authority or person.

Liability of undertaker for damage or injury.

26. In any civil proceedings against an undertaker arising out of damage or injury caused by induction or electrolysis or in any other manner by means of electricity generated or transmitted by or leaking from the plant or machinery of any undertaker, such damage or injury shall be presumed to have been caused by the negligence of the undertaker, unless the contrary is proved.

Offences and penalties.

27. (1) If any person carries on an undertaking in contravention of any provision of this Act or of the conditions of his licence or if any undertaker fails to carry out a directive of the Minister under section 15 (2), or any order or decision of the board, or fails to comply with any condition imposed by the board, he shall be guilty of an offence and liable on conviction to a fine not exceeding the amount which the Minister may from time to time prescribe by regulation for each day on which the undertaking is so carried on or the failure continues.

(2) Any person who without legal right (the proof of which shall be upon him) abstracts, branches off or diverts or causes to be abstracted, branched off or diverted any electric current, or consumes or uses any such current which has been wrongfully or unlawfully abstracted, branched off or diverted, knowing it to have been wrongfully or unlawfully abstracted, branched off or diverted, shall be guilty of an offence and liable on conviction to the penalties which may be imposed for theft.

(3) Any person who without legal right (the proof of which shall be upon him) cuts off or damages or interferes with any apparatus for generating, transmitting or supplying electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding the amount which the Minister may from time to time prescribe by regulation or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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'n geval moet hy so spoedig moontlik nadat die noodtoestand ontstaan het, aldus kennis gee.

(3) Die bevoegdheid deur hierdie artikel aan 'n ondernemer verleen, word, behalwe in 'n geval van nood, slegs onder toesig van die betrokke instansie of persoon uitgeoefen, en volgens 'n plan wat die roete aandui en ooreenkomstig spesifikasies wat deur die instansie of persoon goedgekeur word, of, indien daar ten opsigte van bedoelde plan, roete of spesifikasies 'n geskil ontstaan, soos deur die raad goedgekeur: Met dien verstande dat indien bedoelde instansie of persoon in gebreke bly om die hierby verleende bevoegdheid in verband met toesig uit te oefen nadat soos voormeld kennis gegee is, die ondernemer daardie bevoegdheid sonder sodanige toesig kan uitoefen.

(4) Wanneer 'n ondernemer werk uitvoer wat deur hierdie artikel gemagtig word, moet hy aan die verordeninge (as daar is) van die betrokke instansie of persoon voldoen en daardie werk met redelike spoed voltooi, en die straat wat opgebreek is, herstel en alle afval wat daaruit ontstaan het, verwyder, en toesien dat die werke te alle tye terwyl die straat opgebreek of versper is, omhein en bewaak en gedurende die nag toereikend veilig word.

(5) Indien 'n ondernemer versuim om werk uit te voer soos in subartikel (4) bedoel, kan bedoelde instansie of persoon enige werk wat nie uitgevoer is nie of onredelik vertraag word, op koste van daardie ondernemer laat uitvoer.

(6) 'n Ondernemer moet aan so 'n instansie of persoon die koste betaal wat redelikerwys en noodwendig by die uitoefening van toesig ingevolge hierdie artikel deur genoemde instansie of persoon aangegaan is.

(7) Die bepalings van hierdie artikel word nie so uitgelê dat dit 'n ondernemer onthef van aanspreeklikheid ten opsigte van verlies of skade veroorsaak deur sy nalatigheid by die uitvoering van sodanige werk of deur sy versuim om aan die bepalings van hierdie artikel te voldoen nie.

(8) By die toepassing van hierdie artikel omvat "straat" ook enige pad, plein of oop of geslote openbare plek waarvan die beheer of toesig by 'n instansie of persoon berus.

26. In 'n siviele geding teen 'n ondernemer wat voortspruit uit skade of besering wat veroorsaak is deur induksie of elektrolise of op enige ander wyse deur middel van elektrisiteit wat ontwikkel of oorgestuurd is deur of lek uit die uitrusting of masjinerie van 'n ondernemer, word daar vermoed dat sodanige skade of besering deur die nalatigheid van die ondernemer veroorsaak is, tensy die teendeel bewys word.

Aanspreeklikheid van ondernemer vir skade of besering.

27. (1) Indien iemand 'n onderneming in stryd met 'n bepaling van hierdie Wet of met die voorwaardes van sy lisensie dryf, of indien 'n ondernemer versuim om 'n voorskrif van die Minister kragtens artikel 15 (2) of 'n voorskrif of beslissing van die raad uit te voer, of versuim om 'n voorwaarde deur die raad opgelê, na te kom, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens die bedrag wat die Minister van tyd tot tyd by regulasie voorskryf, vir elke dag waarop die onderneming aldus gedryf word of die versuim voortduur.

Misdrywe en strawwe.

(2) Iemand wat sonder 'n wettige reg (waarvan die bewyslas op hom rus) elektriese stroom uitneem, aftak of uitkeer of laat uitneem, aftak of uitkeer of sodanige stroom wat wederregtelik uitgeneem, afgetak of uitgekeer is, verbruik of gebruik, wetende dat dit wederregtelik uitgeneem, afgetak of uitgekeer is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat vir diefstal opgelê kan word.

(3) Iemand wat sonder 'n wettige reg (waarvan die bewyslas op hom rus) 'n apparaat vir die ontwikkeling, oorstuur of voorsiening van elektrisiteit afsny of beskadig of hom daarmee bemoei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens die bedrag wat die Minister van tyd tot tyd by regulasie bepaal of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

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Regulations.

28. (1) The Minister may make regulations relating to—
- (a) the form and manner in which any application for a licence or amendment thereof or objection thereto shall be made and the fees payable in respect of any such application; 5
 - (b) the conditions, other than such conditions as are mentioned in this Act, which may be attached to the grant of licences;
 - (c) the duties and obligations of undertakers;
 - (d) the procedure to be adopted by a licensee requiring 10 rights of way or water rights in connection with his undertaking;
 - (e) the protection of the public from damage owing to the exercise of rights granted under this Act;
 - (f) the inspection of and enquiry into the control and operation of undertakings; 15
 - (g) the units or standards for the measurement of power, the verification of meters, the fees to be charged therefor and the settlement of disputes as to measurements of power and limits of error; 20
 - (h) the frequency, type of current and pressure of electricity generated or supplied;
 - (i) the mode of supplying electricity;
 - (j) the procedure at and quorums for meetings of the board; 25
 - (k) the method of noting and conducting appeals from decisions of the board;
 - (l) the considerations which shall guide a water court in granting an application or awarding compensation under section 18; 30
 - (m) the obligation of an undertaker to supply electricity to a consumer and the circumstances under which the obligation will be deemed to have been waived;
 - (n) the conditions on which electricity supplied to premises may be resold to another person; 35
 - (o) the fines for offences referred to in sections 22 and 27;
 - (p) the personnel which he deems necessary for the efficient performance of the functions of the board and the conditions of employment of such personnel;
 - (q) anything which may or shall be prescribed by regulation in terms of this Act, 40

and generally for the better carrying out of the objects and purposes of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Notwithstanding the provisions of subsection (1) and after 45 the State President has declared a state of emergency under the Public Safety Act, 1953 (Act No. 3 of 1953), the Minister may make regulations which extend, restrict, control or prohibit the supply of electricity, including the supply of coal or other fuel and water, in order to ensure the continued generation of electricity. 50

(3) Regulations made under subsection (1) or (2), may prescribe penalties for any contravention thereof or failure to comply therewith or with any condition of a licence, of a fine not exceeding the amount which the Minister may from time to time 55 determine or imprisonment for a period not exceeding five years or both such fine and such imprisonment.

Delegation of powers.

29. (1) The board may by resolution and with the approval of the Minister delegate any power vested in it by this Act, to the chairman or any member or any employee of the board. 60

(2) No delegation of a power in terms of subsection (1) shall preclude the exercise of such power by the board itself.

(3) The board may by resolution, and the Minister may by written notice to the board, at any time amend or cancel a delegation made in terms of subsection (1). 65

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28. (1) Die Minister kan regulasies uitvaardig betreffende—

Regulasies.

- (a) die vorm waarin en die wyse waarop 'n aansoek om 'n lisensie of 'n wysiging daarvan of beswaar daarteen gedoen moet word en die gelde ten opsigte van so 'n aansoek betaalbaar;
- (b) die voorwaardes, behalwe die voorwaardes in hierdie Wet vermeld, wat by die toestaan van lisensies gestel kan word;
- (c) die pligte en verpligtings van ondernemers;
- (d) die prosedure wat gevolg moet word deur 'n lisensiehouer wat deurgangsregte of waterregte in verband met sy onderneming wil hê;
- (e) die beskerming van die publiek teen skade weens die uitoefening van regte ingevolge hierdie Wet verleen;
- (f) die inspeksie van en ondersoek na die beheer en bedryf van ondernemings;
- (g) die eenhede of standarde vir die meet van krag, die verifikasie van meters, die gelde wat daarvoor gevorder moet word en die beslegting van geskille betreffende die meet van krag en die toegelate foutspelings;
- (h) die frekwensie, tipe stroom en spanning van elektrisiteit wat ontwikkel of voorsien word;
- (i) die metode van elektrisiteitsvoorsiening;
- (j) die prosedure by en kworums vir vergaderings van die raad;
- (k) die wyse waarop appêlle teen beslissings van die raad aangeteken en gevoer moet word;
- (l) die ooreenstemmings wat vir 'n waterhof as leidraad moet dien by die toestaan van 'n aansoek of toekenning van skadevergoeding ingevolge artikel 18;
- (m) die verpligting wat op 'n ondernemer rus om elektrisiteit aan 'n verbruiker te voorsien en die omstandighede waaronder die verpligting as opgehef beskou kan word;
- (n) die voorwaardes waarop elektrisiteit wat op 'n perseel voorsien is, aan 'n ander persoon herverkoop mag word;
- (o) die boetes vir oortredings bedoel in artikels 22 en 27;
- (p) die personeel wat hy nodig ag vir die doeltreffende verrigting van die raad se werksaamhede en die diensvoorwaardes van daardie personeel;
- (q) enigiets wat kragtens hierdie Wet by regulasie voorgeskryf kan of moet word,

en in die algemeen om die oogmerke en doeleindes van hierdie Wet beter te bewerkstellig, sonder dat die algemene aard van hierdie bepaling deur die bepalings van die voorafgaande paragrafe beperk word.

(2) Ondanks die bepalings van subartikel (1) en nadat die Staatspresident 'n noodtoestand kragtens die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), verklaar het, kan die Minister regulasies uitvaardig wat die voorsiening van elektrisiteit, met inbegrip van die voorsiening van steenkool of ander brandstof en water, uitbrei, beperk, beheer of verbied ten einde die voortgesette ontwikkeling van elektrisiteit te verseker.

(3) Regulasies ingevolge subartikel (1) of (2) uitgevaardig, kan vir 'n oortreding daarvan of 'n versuim om daaraan of aan 'n voorwaarde van 'n lisensie te voldoen, strawwe voorskryf van 'n boete van hoogstens die bedrag wat die Minister van tyd tot tyd bepaal of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of daardie boete sowel as daardie gevangenisstraf.

29. (1) Die raad kan by besluit en met die goedkeuring van die Minister enige bevoegdheid by hierdie Wet aan hom verleen, aan die voorsitter of 'n lid of 'n werknemer van die raad deleger.

Delegering van bevoegdhede.

(2) Geen delegering van 'n bevoegdheid ingevolge subartikel (1) belet die uitoefening van sodanige bevoegdheid deur die raad self nie.

(3) Die raad kan by besluit, en die Minister kan by skriftelike kennisgewing aan die raad, te eniger tyd 'n delegasie ingevolge subartikel (1) verleen, wysig of intrek.

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Savings as to
certain laws.

30. Nothing in this Act contained shall be construed as derogating from the provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967), relative to the obtaining and the use of water for the generation or transmission of power, or from any rights conferred or duties imposed on the Postmaster-General in relation to telecommunications lines in terms of the Post Office Act, 1958 (Act No. 54 of 1958), or from any rights or powers conferred on the Rand Water Board in terms of the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950). 5

Repeal of laws, and
savings.

31. (1) Subject to the provisions of subsection (2), the laws 10 specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) At the commencement of this Act—

- (a) anything done in terms of the provisions of the Electricity Act, 1958, prior to such commencement and which 15 could have been done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions;
- (b) permits and permissions issued by the Electricity Control Board in terms of the provisions of the Electricity 20 Act, 1958, prior to such commencement shall be deemed to be licences granted by the board in terms of the provisions of this Act.

Short title and
commencement.

32. This Act shall be called the Electricity Act, 1987, and shall come into operation on a date fixed by the State President by 25 proclamation in the *Gazette*.

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30. Die bepalings van hierdie Wet word nie so uitgelê dat dit afbreuk doen nie aan die bepalings van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), met betrekking tot die verkryging en die gebruik van water om krag te ontwikkel of oor te stuur, of aan regte verleen aan of pligte opgelê op die Posmeester-generaal met betrekking tot telekommunikasielyne ingevolge die Poswet, 1958 (Wet No. 44 van 1958), of aan regte of bevoegdhede verleen aan die Randwaterraad ingevolge die Private Wet op die Randwaterraadstatute, 1950 (Wet No. 17 van 1950).
- 10 31. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld, hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.
- 15 (2) By die inwerkingtreding van hierdie Wet—
- (a) word enigiets wat voor sodanige inwerkingtreding ingevolge die bepalings van die Elektrisiteitswet, 1958, gedoen is, en wat ingevolge die bepalings van hierdie Wet gedoen sou kan word, geag ingevolge laasgenoemde bepalings gedoen te gewees het;
- 20 (b) word permitte en toestemmings wat voor sodanige inwerkingtreding ingevolge die bepalings van die Elektrisiteitswet, 1958, deur die Elektrisiteitsbeheerraad toegestaan is, geag lisensies te wees wat deur die raad ingevolge die bepalings van hierdie Wet toegestaan is.
- 25 32. Hierdie Wet heet die Elektrisiteitswet, 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Voorbehoude betreffende sekere wette.

Herroeping van wette, en voorbehoude.

Kort titel en inwerkingtreding.

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ELECTRICITY ACT, 1987

Schedule

LAWS REPEALED (SECTION 31)

No. and year of law	Short title	Extent of repeal
Act No. 40 of 1958	Electricity Act, 1958	The whole
Act No. 9 of 1962	Electricity Amendment Act, 1962	The whole
Act No. 33 of 1963	Electricity Amendment Act, 1963	The whole
Act No. 10 of 1964	Electricity Amendment Act, 1964	The whole
Act No. 70 of 1964	Electricity Further Amendment Act, 1964	The whole
Act No. 4 of 1968	Electricity Amendment Act, 1968	The whole
Act No. 49 of 1971	Electricity Amendment Act, 1971	The whole
Act No. 60 of 1974	Electricity Amendment Act, 1974	The whole
Act No. 63 of 1975	Expropriation Act, 1975	Section 42
Act No. 21 of 1976	Electricity Amendment Act, 1976	The whole
Act No. 102 of 1977	Electricity Amendment Act, 1977	The whole
Act No. 117 of 1979	Electricity Amendment Act, 1979	The whole
Act No. 21 of 1980	Finance Act, 1980	Section 4
Act No. 85 of 1980	Electricity Amendment Act, 1980	The whole
Act No. 58 of 1982	Electricity Amendment Act, 1982	The whole
Act No. 50 of 1985	Electricity Amendment Act, 1985	The whole
Act No. 54 of 1986	Electricity Amendment Act, 1986	The whole

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Bylae

WETTE HERROEP (ARTIKEL 31)

Nommer en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 40 van 1958	Elektrisiteitswet, 1958	Die geheel
Wet No. 9 van 1962	Wysigingswet op Elektrisiteit, 1962	Die geheel
Wet No. 33 van 1963	Wysigingswet op Elektrisiteit, 1963	Die geheel
Wet No. 10 van 1964	Wysigingswet op Elektrisiteit, 1964	Die geheel
Wet No. 70 van 1964	Verdere Wysigingswet op Elektrisiteit, 1964	Die geheel
Wet No. 4 van 1968	Wysigingswet op Elektrisiteit, 1968	Die geheel
Wet No. 49 van 1971	Wysigingswet op Elektrisiteit, 1971	Die geheel
Wet No. 60 van 1974	Wysigingswet op Elektrisiteit, 1974	Die geheel
Wet No. 63 van 1975	Onteieningswet, 1975	Artikel 42
Wet No. 21 van 1976	Elektrisiteitswysigingswet, 1976	Die geheel
Wet No. 102 van 1977	Wysigingswet op Elektrisiteit, 1977	Die geheel
Wet No. 117 van 1979	Wysigingswet op Elektrisiteit, 1979	Die geheel
Wet No. 21 van 1980	Finansiewet, 1980	Artikel 4
Wet No. 85 van 1980	Wysigingswet op Elektrisiteit, 1980	Die geheel
Wet No. 58 van 1982	Wysigingswet op Elektrisiteit, 1982	Die geheel
Wet No. 50 van 1985	Wysigingswet op Elektrisiteit, 1985	Die geheel
Wet No. 54 van 1986	Elektrisiteitswysigingswet, 1986	Die geheel

