



# GOVERNMENT GAZETTE

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### CONTENTS

<b>GOVERNMENT NOTICES</b>	<i>Page</i>
No. 71 Model Electricity Supply Regulations .....	1
No. 72 Model Water Supply Regulations .....	38

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## Government Notices

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### MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 71 1996

#### MODEL ELECTRICITY SUPPLY REGULATIONS

The Minister of Regional and Local Government and Housing has under section 94(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992), read with section 94(1) thereof, made the Model Electricity Supply Regulations set out in the Schedule.

**SCHEDULE****MODEL ELECTRICITY SUPPLY REGULATIONS****INDEX**

## 1. Definitions

**PART 1****GENERAL CONDITIONS OF SUPPLY**

2. Council's sole right to supply electricity from supply main
3. Conditions for supply of electricity by Council
4. Application for the supply of electricity
5. Payment of deposit
6. Initial connection to supply main, increase of capacity or reconnection of supply
7. Provision of metering installation
8. Safeguarding of metering installation and other equipment
9. Tampering with or damage to metering installation or other equipment
10. Repair or substitution of meter or other equipment
11. Payment of charges
12. Charges in case of improper use
13. Payment for electricity upon amendment of charges
14. Charges for rendering service of electricity supply
15. Determination of quantity of electricity supplied
16. Objection to account rendered by Council for electricity supplied
17. Complete failure of meter to register supply
18. Termination of contract of supply
19. Removal of service connection
20. Suspension of electricity supply
21. Load reduction
22. Resale of electricity by consumers
23. Temporary supply of electricity
24. Non-liability of the Council
25. Temporary disconnection and reconnection
26. Medium voltage switchgear and equipment
27. Provision of accommodation for transformer substation
28. Requirements for substation chamber
29. Low voltage supply
30. Standby supply

**PART 2****SERVICE CONNECTION AND SERVICE APPARATUS**

31. Service connection
32. Internal portion of service connection
33. External portion of service connection
34. Requirements in relation to service connection

35. Circuit breakers
36. Accommodation for service apparatus
37. Ownership of service apparatus and other equipment

PART 3  
RESPONSIBILITIES OF CONSUMERS IN CONNECTION  
WITH INSTALLATION ON PREMISES

38. Wiring diagram and specifications
39. Consumer responsible for installation
40. Fault on installation

PART 4  
ELECTRICAL SYSTEMS

41. Systems and voltages of supply
42. Load limitations
43. Limiting size of low voltage motors
44. Motor starting current
45. Frequent starting of motors
46. Protection for motors
47. Power factor

PART 5  
INSPECTION AND TEST

48. Inspection of installation before connection
49. Inspection and connection of partly completed installation
50. Notice to be given of installation ready for inspection
51. Appointment for inspection and testing
52. Power to inspect or test
53. Facilities for inspection
54. Failure to pass inspection or test
55. Inspection does not relieve contractor of responsibility

PART 6  
REGISTRATION OF ELECTRICAL CONTRACTORS

56. Persons qualified to carry out wiring work
57. Registration of electrical contractors with Council
58. Term of registration
59. Withdrawal or suspension of registration
60. Temporary registration
61. Production of registration card
62. Prohibition against employment of unregistered persons for wiring work
63. Issue of duplicate registration card
64. Fees for registration and renewal

PART 7  
GENERAL PROVISIONS

- 65. Special agreements
- 66. Obstruction of access to Council's equipment on premises
- 67. Notices
- 68. Penalties
- 69. Departure or exemption from regulations
- 70. Repeal of regulations

**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act 23 of 1992) shall bear that meaning and, unless the context otherwise indicates -

"accommodation unit", in relation to any premises, means any building or section of a building occupied or used or intended for occupation or use for residential, business or industrial purposes or any other purpose;

"Act" means the Local Authorities Act, 1992 (Act 23 of 1992);

"approved" means approved by the Engineer in writing;

"consumer" means the person to whom electricity is supplied by the Council under a contract of supply or a special agreement referred to in regulation 65;

"consumption" means the energy consumption in kilowatt hours (kW.h);

"contract of supply" means a contract concluded between the Council and any person in terms of regulation 4 for the supply of electricity by the Council to such person;

"Council", in relation to a local authority area, means the municipal council, town council or village council, as the case may be, of that area;

"demand" means the consumer's highest average load in kilovolt-ampere (kVA) measured over any thirty minute period during a calendar month, or the value registered by a thermal demand kilovolt-ampere meter with a time constant of fifteen minutes;

"electricity tariff", in relation to a local authority area, means the tariff of charges, fees and other moneys determined by the Council concerned under section 30(1)(u) of the Act, or applicable to the local authority area by virtue of the provisions of section 95(5) of the Act, in respect of the supply of electricity by the Council and the rendering of other services in connection therewith;

"Engineer" means the official of the Council charged with the function of exercising control over the supply of electricity by the Council;

"installation" means the entire electrical installation on a consumer's premises, including all conduits, wires, cables, fittings, lamps, motors, cooking and heating appliances, instruments and equipment and all other material used or intended to be used for or in connection with the supply of electricity supplied at any one tariff rate on such premises, but does not include the metering installation or controlling devices or any part of the service connection;

"local authority area" means the area comprising the municipality, town or village, as the case may be, to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act;

"metering installation" means a meter or an arrangement of meters installed by the Council for the purpose of measuring the maximum demand or energy consumption or the maximum demand and energy consumption of a consumer, and includes all associated instrument transformers, interconnecting wires, fuses, terminal blocks and accessories;

"occupier", in relation to any premises, means -

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises; or
- (d) the agent of any such person who is absent from Namibia or whose whereabouts are unknown;

"owner", in relation to any premises, means the person in whose name the premises are registered, and includes -

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner's authorized agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested;

"service apparatus" means any protective device, meter (including a prepayment meter), load controller, connection terminal or other apparatus belonging to the Council and installed on the consumer's premises and primarily used to control, switch and meter the electricity supplied to the consumer;

"service connection" means all cables and equipment required to connect the supply main of the Council to the terminals of the consumer's installation;

"starting current", in relation to an alternating current motor, means the root-mean-square current taken by the motor when started with the rotor locked;

"supply main" means any electric cable or overhead line or distribution cubicle forming part of the Council's electrical distribution system to which the service connection is connected;

"voltage, low" (referred to as L.V.) means a voltage normally not exceeding 1000 volts;

"voltage, medium" (referred to as M.V.) means a voltage normally above 1000 volts but not exceeding 33,000 volts;

"Wiring Regulations" means the Standard Code of Practice for the Wiring of Premises SABS 0142/1993 published by the South African Bureau of Standards (SABS), including any amendments thereof;

"wiring work" means the installation, alteration, repair or testing of any conduit, wire, fitting or apparatus upon any premises.

## PART 1 GENERAL CONDITIONS OF SUPPLY

### **Council's sole right to supply electricity from supply main**

2. No person shall obtain the supply of electricity or take electricity from a supply main other than by means of a service connection provided by the Council pursuant to a contract of supply concluded in accordance with these regulations.

### **Conditions for supply of electricity by Council**

3. (1) The Council shall not be obliged to supply electricity to the premises of any resident in the local authority area, unless -

- (a) the owner or occupier of such premises has concluded with the Council a contract of supply; and
- (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.

(2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any owner or occupier a contract of supply if a supply main is not available at a point within the close proximity of the premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

#### **Application for the supply of electricity**

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -

- (a) for the initial connection of such premises to a supply main;
- (b) for the increase of the capacity of an existing supply of electricity provided by the Council; or
- (c) for the reconnection of such supply where a previous contract of supply has been terminated, whether to the previous consumer or to any subsequent owner or occupier.

(2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose, and shall be submitted to the Council -

- (a) in the case of an application for an initial connection, at least 6 weeks before the supply of electricity is required;
- (b) in the case of an application for an increase in the capacity of the supply, at least 3 weeks before such increase is required;
- (c) in the case of a reconnection of the supply, at least 7 days before the supply of electricity is required.

(3) Upon submitting an application in terms of subregulation (1), every applicant shall -

- (a) sign a contract for the supply of electricity; and
- (b) pay to the Council the appropriate fee determined in the electricity tariff for an initial connection, or an increase of capacity of supply or a reconnection of supply, whichever may be applicable.

(4) Where application is made for the initial connection of any premises to a supply main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.

(5) If the requirements of subregulation (3) have been complied with, the chief executive officer, or any other employee of the Council authorised by the

chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.

(6) The supply of electricity by the Council to the premises of a consumer shall be subject to the conditions contained in the relevant contract of supply and to the provisions of these regulations.

### **Payment of deposit**

5. (1) Every consumer, other than the Government of the Republic of Namibia or a consumer on whose premises a prepayment meter is installed, shall, before the supply of electricity is given by the Council to such consumer's premises, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of electricity as determined by the Council.

(2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such re-view

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required by the Council in writing to do so, the Council may suspend the supply of electricity to such consumer until such additional amount, and the fees determined in the electricity tariff for such suspension and the subsequent restoration of the supply, are paid.

(4) Subject to subregulation (5), an amount deposited with the Council in terms of subregulation (1) or (2), shall not be regarded as being in payment or part payment of an account due for the supply of electricity.

(5) If, upon the termination of a contract of supply in terms of regulation 18, an amount remains due to the Council in respect of electricity supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

### **Initial connection to supply main, increase of capacity or reconnection of supply**

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2), cause the initial connection to be made, or the capacity of the supply to be increased, or a reconnection of the supply to be effected, as the case may be.



(2) In the case of an initial connection, the service connection shall be made at such position on the supply main as the Engineer may determine.

(3) The Council may, either of its own accord or at the request of a consumer, alter the position of a service connection on the supply main.

(4) Where a service connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations and the Wiring Regulations, the installation on the premises.

(5) The charges payable for -

(a) an initial service connection, including the cables and service apparatus;

(b) an increase in the capacity of supply;

(c) a reconnection of the supply; or

(d) the alteration of the position of a service connection on the supply main at the request of the consumer,

shall be as determined in the electricity tariff.

#### **Provision of metering installation**

7. (1) Upon the connection of any premises to the supply main the Council shall provide and install the metering installation necessary for measuring the quantity of electricity supplied to the premises.

(2) Only one meter, or set of meters in the case of a three phase supply, shall be provided per consumer for each tariff scale, but the Council may, at the request of the person having the charge or management of any premises on which two or more accommodation units are situated, provide and install a separate meter for each of such accommodation units.

(3) Where only one meter is provided and installed on any premises on which several accommodation units are situated, the Council may require from the person having the charge and management of such premises to provide and install and maintain at his or her own cost a private submeter for each of such accommodation units.

(4) Where in terms of subregulation (3) the Council requires the provision and installation of private submeters, such submeters shall be installed separate from the accommodation where the Council's metering installation is or is to be installed.

### **Safeguarding of metering installation and other equipment**

8. (1) Every consumer shall take such measures as are reasonably necessary to prevent any damage to be caused to the metering installation or other equipment forming part of the service apparatus on the premises of the consumer.

(2) If the Engineer considers it necessary or desirable that special precautions be taken for the safeguarding of the metering installation on the premises of any consumer, the Council may -

- (a) require that the consumer takes such steps as the Engineer may direct for that purpose; or
- (b) cause the steps to be taken which the Engineer considers necessary for that purpose and recover from the consumer the costs thereof.

(3) Where the metering installation or any other equipment of the service apparatus on any premises is damaged or destroyed by reason of any failure on the part of the consumer to comply with the provisions of subregulation (1) or to maintain in proper order any steps taken in accordance with subregulation (2), the consumer shall be liable to pay to the Council any costs which the Council may be required to incur for the repair or substitution of the metering installation or such equipment as a result of such failure.

(4) Every consumer shall ensure that free and unimpeded access to the metering installation on the premises of the consumer is available at all times.

(5) The duties and responsibilities imposed by subregulations (1), (2), (3) and (4) shall -

- (a) devolve on the owner of any premises during any period that such premises are not occupied by another person;
- (b) in the case of premises on which several accommodation units are situated and to which electricity is supplied through a common metering installation, rest on the person having the charge or management of the premises.

(6) A person who fails to comply with the provisions of subregulation (4) shall be guilty of an offence.

### **Tampering with or damage to metering installation or other equipment**

9. (1) No person other than the Engineer or a person duly authorised thereto by the Council shall -

- (a) open, break or remove any seal or lock affixed to the metering installation or an other part of the service apparatus or service connection on any premises;

- (b) disconnect the metering installation from the service connection;
- (c) where the supply of electricity to any premises has been disconnected or suspended by the Council for any reason, make a reconnection of or restore such supply in any manner; or
- (d) in any other way tamper or interfere with the metering installation or any other part of the service apparatus or the service connection on any premises,

and no owner or occupier of such premises shall cause or permit any unauthorised person to perform any of such acts on his or her premises.

(2) Where it is found that any seal or lock of the Council affixed to the metering installation on any premises has been opened, broken or removed or that any tampering with the metering installation has occurred the Council may without prior notice to the consumer concerned -

- (a) suspend the supply of electricity to such consumer; and
- (b) cause the meter to be tested and, if necessary, to be repaired or replaced.

(3) The Council shall not be obliged to restore the supply of electricity which has been suspended in terms of subregulation (2), unless the consumer has paid -

- (a) where applicable, the costs incurred by the Council for the testing or repair or replacement of the meter; and
- (b) the charges determined in the electricity tariff for the suspension and subsequent restoration of the supply of electricity.

(4) Where it is on reasonable grounds suspected that the tampering with the metering installation or any other part of the service apparatus on the premises of a consumer has resulted in the meter not registering or not registering correctly the consumption of the consumer, the Council may estimate, in accordance with subregulation (5), the quantity of electricity supplied to the consumer during the period since the date of the previous last reading of the meter (prior to the reading consequent on which the failure of the meter was discovered) until the date on which the supply of electricity has been suspended in terms of subregulation (2), and recover from the consumer for the electricity supplied the charges based on such estimated quantity.

(5) For the purposes of subregulation (4), an estimate of the quantity of electricity supplied to a consumer shall be based on, either, as the Council may decide -

- (a) the average monthly consumption of electricity on the premises during the corresponding three consecutive metering periods in the 12 months'

period prior to the date on which the tampering with the metering installation was discovered; or

- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the restoration of the supply in accordance with subregulation (3).

(6) Where it is found that any reconnection or restoration of the supply of electricity has been made on the premises of any consumer in contravention of subregulation (1)(c), the consumer concerned shall be liable to pay the charges for electricity consumed from the date of disconnection or suspension to the date the supply was found to be reconnected or restored, as well as the cost of any subsequent disconnection or suspension of the supply by the Council.

(7) Any person who -

- (a) contravenes any provision of subregulation (1); or
- (b) wilfully damages the metering installation of the Council on any premises,

shall be guilty of an offence.

#### **Repair or substitution of meter or other equipment**

10. (1) In the event of any repairs to the meter or any other part of the service apparatus on any premises being found necessary, such repairs shall be effected only by a person authorized thereto by the Engineer and no person else.

(2) The Council may at any time replace the meter on any premises if it is suspected of not registering accurately the supply of electricity to such premises.

(3) The costs incidental to any repairs in terms of subregulation (1), or the replacement of any meter in terms of subregulation (2), shall be borne by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer contemplated in regulation 8(3) or because of an act performed in contravention of regulation 9(1), the Council may recover such costs from such consumer.

(4) Any person who acts, and any consumer who permits any other person to act, in contravention of the provisions of subregulation (1), shall be guilty of an offence.

#### **Payment of charges**

11. (1) Every consumer shall pay for the electricity supplied, or, where a prepayment meter has been installed, to be supplied, by the Council to the consumer's premises at the rate determined in the electricity tariff for the particular category of use for which electricity is supplied to the consumer.

(2) A consumer shall be responsible for the payment of electricity supplied to the premises of the consumer from the date of the contract of supply until the date of termination of such contract in terms of these regulations.

(3) An account rendered by the Council for electricity supplied to a consumer shall be paid by the consumer not later than the last date for payment specified in the account.

(4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the electricity tariff shall be payable by the consumer to the Council.

### **Charges in case of improper use**

12. (1) If a consumer uses the supply of electricity for any purpose, or deals with such supply in any manner, which, in the opinion of the Engineer, interferes with or is likely to interfere with the efficient supply of electricity to any other person, the Council may without prior notice suspend the supply of electricity to the premises of such consumer.

(2) The Council shall restore any supply suspended in terms of subregulation (1), if -

- (a) the cause for the suspension of the supply has been permanently remedied or removed to the satisfaction of the Engineer; and
- (b) the fees determined in the electricity tariff for the suspension and restoration of the supply have been paid.

(3) Unless specifically authorised thereto in writing by the Council, no person shall connect or allow to be connected any consuming device to an installation or part of an installation which is being supplied with electricity at a rate lower than the rate which would ordinarily be charged by the Council for the supply of electricity to such device.

(4) Where a consumer has -

- (a) contravened the provisions of subregulation (3); or
- (b) used electricity for a category of use other than that for which it is supplied by the Council under the contract of supply and as a consequence thereof the consumer is charged for electricity so used at a rate lower than the rate which should have been charged,

the consumer shall, for the period from the previous last reading of the meter (prior to the reading consequent on which the contravention was discovered) and until the date it is proved to the satisfaction of the Council that the contravention has ceased, pay for all electricity consumed at the higher rate contemplated in subregulation (3) or paragraph (b) of this subregulation, whichever is applicable.

### **Payment for electricity upon amendment of charges**

13. If amendments to the electricity tariff of the Council in respect of the charges determined for the supply of electricity, or for the rendering of the service of electricity supply provided for in regulation 14, become operative on a date between meter readings -

- (a) it shall be deemed, for the purpose of rendering an account for electricity supplied by the Council, that the same quantity of electricity was supplied on every day during the period between the meter readings;
- (b) any availability charge or minimum monthly charge leviable in accordance with regulation 14 shall be calculated on a *pro rata* basis in accordance with the rate which applied immediately before such amendment and such amended rate.

### **Charges for rendering service of electricity supply**

14. (1) The Council may, in addition to the charges determined in the electricity tariff for electricity actually supplied, levy an availability charge or a monthly minimum charge for the rendering of the service of electricity supply to residents in the local authority area.

(2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -

- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a supply main but which can reasonably be provided with such a connection; and
- (b) by every consumer in respect of each service connection provided by the Council to serve the premises occupied by the consumer, whether or not electricity is consumed on the premises.

(3) Where a minimum monthly charge is levied in accordance with subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of electricity, whether or not such quantity has actually been consumed by the consumer: Provided that where the amount of electricity consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.

(4) Notwithstanding subregulation (2)(a), an availability charge levied by the Council in accordance with subregulation (1) shall not be payable by the owner of any township in respect of any unalienated premises in the township if -

- (a) the electricity reticulation system in the township was provided by the township owner at his or her own cost; or

- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

### **Determination of quantity of electricity supplied**

15. (1) The quantity of electricity supplied by the Council to a consumer during a period in respect of which a meter reading is taken by the Council, shall be the quantity registered by the meter on such consumer's premises over the period in question, with due regard to any multiplying or dividing constant applicable to such meter.

(2) No rebate shall under any circumstances be allowed on any account rendered for electricity supplied where any wastage of electricity occurred because of a leakage or any other fault on the installation.

(3) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any meter to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of electricity supplied over any period during the interval between successive readings of the meter and render an account to a consumer for the quantity of electricity so estimated.

(4) When so requested by a consumer, the Council shall cause a special reading of the meter to be made, in which event the consumer shall be liable to pay the charge determined in the electricity tariff for such a reading.

### **Objection to account rendered by Council for electricity supplied**

16. (1) If a consumer disputes the correctness of the quantity of electricity supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the meter be tested by the Council.

(2) An objection and request in terms of subregulation (1) shall -

- (a) set out the reasons for the objection and the request;
- (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
- (c) be accompanied by the deposit determined in the electricity tariff for the testing of a meter.

(3) If the provisions of subregulation (2) have been complied with, the Council shall forthwith cause the meter concerned to be tested -

- (a) in accordance with the provisions of section 3.3 of SABS 01-1953 (Code of Practice for the Testing of Electricity Meters); or
  - (b) by means of a calibrated check meter.
- (4) A meter shall be deemed to be registering accurately if upon the testing thereof it is found to be registering -
- (a) in the case of an electricity energy meter, not over or under by more than 2,5%;
  - (b) in the case of an electricity maximum demand meter, not over or under by more than 3,5%.
- (5) If, upon a testing in accordance with the provisions of subregulation (4), the meter is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -
- (a) refund to the consumer the amount deposited in terms of subregulation (2)(c);
  - (b) repair the meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of regulation 8(3); and
  - (c) determine the quantity of electricity for which the consumer shall be charged in lieu of the quantity registered by the defective meter, by taking as basis for such determination, and as the Council may decide -
    - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective meter;
    - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective meter has been repaired or replaced; or
    - (iii) the consumption of electricity on the premises recorded for the corresponding period in the previous year.

#### **Complete failure of meter to register supply**

17. (1) The Council shall repair or replace any meter which has ceased to register the supply of electricity to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 8(3) are applicable.



(2) Where the meter ceases to register the quantity of electricity supplied to a consumer, the quantity of electricity supplied during the period between the date of the previous last reading of the meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with subregulation (3).

(3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -

- (a) the average monthly consumption of electricity on the premises during the period of three months before the date of such previous last reading of the meter;
- (b) the average monthly consumption of electricity on the premises registered over three successive metered periods after the repair or replacement of the defective meter; or
- (c) the consumption of electricity on the premises recorded for the corresponding period in the previous year.

#### **Termination of contract of supply**

**18.** (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days' notice in writing.

(2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -

- (a) has not used any electricity during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply; or
- (b) has committed a breach of these regulations or the Wiring Regulations, other than a failure to pay an amount due in respect of the supply of electricity, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so.

(3) In the case of the termination of a contract of supply in terms of subregulation (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.

(4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

### **Removal of service connection**

19. The Engineer may disconnect and remove a service connection provided by the Council to any premises if -

- (a) the contract of supply has been terminated in terms of regulation 18 and no subsequent application for the reconnection of the supply of electricity to such premises has been received in the period of 90 days following such termination; or
- (b) the building on such premises is demolished.

### **Suspension of electricity supply**

20. (1) If an account rendered by the Council in respect of the supply of electricity is not paid by a consumer before the expiry of the last day for such payment specified in the account, the Council may forthwith suspend the supply of electricity to such consumer until the amount due is paid by the consumer, together with the charges referred to in subregulation (3).

(2) If the Engineer considers it necessary as a matter of urgency to prevent any unauthorised use of electricity, damage to property or danger to life, the Engineer may, without prior notice and without prejudice to the Council's power under regulation 18(2)(b) -

- (a) suspend the supply of electricity to any premises;
- (b) enter upon such premises and carry out, at the owner's expense, such emergency work as the Engineer may deem necessary; and
- (c) by written notice require the owner to carry out within a specified period such further work as the Engineer may deem necessary.

(3) If the supply of electricity to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges for the suspension of the supply of electricity and for the restoration of such supply as may be determined in the electricity tariff.

### **Load reduction**

21. (1) At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary to reduce the load on its electricity supply system, the Council may without prior notice interrupt and, for such period as the Engineer may deem necessary, discontinue the supply of electricity to the whole or part of any consumer's installation.

(2) The Council may, at its own cost, install upon the premises of any consumer such apparatus or equipment as may be necessary or expedient for the

purpose of any action contemplated in subregulation (1), and may require from the consumer to provide at his or her cost a suitable facility for the installation of such apparatus or equipment.

(3) If in the opinion of the Engineer the use of electricity by a consumer adversely affects the supply of electricity to any other person, the Engineer may, without prejudice to the Council's powers under regulation 12(1), apply such restrictions to the supply of electricity to such consumer as the Engineer may deem fit in order to ensure a reasonable supply of electricity to such other person.

### **Resale of electricity by consumers**

22. (1) Except in accordance with a special agreement entered into with the Council in terms of regulation 65, no consumer shall sell or supply or cause or permit to be sold or supplied any electricity supplied to the consumer by the Council to any other person for use on any premises other than the premises to which the electricity is supplied by the Council.

(2) A consumer may, with the written consent of the Council, and subject to such conditions as the Council may impose, resell electricity supplied by the Council to the premises of the consumer, to any other person for use on the same premises.

(3) The rates at, and the conditions under, which electricity may be resold by a consumer to another person in terms of subregulation (2), shall not be less favourable than those at which electricity is supplied by the Council to the consumer, and the consumer shall, when so requested by such other person, furnish him or her with such information as may be necessary to enable him or her to verify the correctness of any account rendered to him or her by the consumer.

(4) The Council may at any time demand from a consumer authorised to resell electricity in terms of subregulation (2), to submit to the Council for inspection the records of such consumer relating to the resale of electricity to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction of the Engineer at the consumer's cost, and that any submeter found to be defective be repaired or replaced.

### **Temporary supply of electricity**

23. (1) Any person who requires a temporary supply of electricity to any installation may apply therefor in writing to the Engineer setting out the reasons for and nature of the temporary work, and the Engineer may refuse such application or may grant it subject to such terms and conditions as the Engineer may consider necessary or expedient to impose.

(2) Should at any time any temporary supply of electricity be found to interfere with the efficient and economic supply of electricity to any other consumer, the Council may without prior notice terminate such temporary supply

without liability for any loss or damage occasioned to the consumer by such termination.

### **Non-liability of the Council**

24. The Council shall not be liable for any loss or damage, direct or consequential, suffered by a consumer or the owner or any premises as a result of or arising from the cessation, interruption, discontinuance, disconnection, deficiency, variation or abnormality of the supply of electricity from whatever cause and whether or not such cause be attributable to any act or omission of any employee or agent of the Council.

### **Temporary disconnection and reconnection**

25. (1) If so requested by a consumer, the Council shall temporarily disconnect, and thereafter restore, the supply of electricity to the premises of such consumer upon payment of the charges determined in the electricity tariff for the disconnection and for the restoration of the supply.

(2) The Council may without notice disconnect temporarily the supply of electricity to any premises where such disconnection is necessary for the purpose of effecting repairs, making tests or any other lawful reason.

### **Medium voltage switchgear and equipment**

26. (1) Where the supply of electricity is given at medium voltage, one MV switch, forming part of the service connection, shall be provided by the Council at the cost of the consumer.

(2) Where the Engineer permits the use of the Council's circuit breaker for the protection of the consumer's medium voltage equipment, any additional installations required in connection with such protection shall be at the cost of the consumer.

(3) The consumer shall bear the cost of the medium voltage cable forming part of the Council's reticulation which is laid on the consumer's premises to the point of supply.

### **Provision of accommodation for transformer substation**

27. (1) In the case of premises with an estimated load in terms of the Wiring Regulations, or a notified maximum demand, exceeding 66 kVA, the Council may, on such conditions as it deems fit, require from the owner to provide and maintain on the premises a chamber in conformity with the requirements of regulation 28 to serve as a substation for the housing of switchgear, transformers, medium and low voltage cables and other equipment necessary for the supply.

(2) Should the owner of any premises fail to maintain such chamber to the required standard after being requested to do so by the Engineer, the Engineer may carry out such work as the Engineer may deem fit to bring the chamber in

conformity with the required standard, and the owner shall be liable to pay the cost thereof to the Council.

(3) The owner shall ensure that free and unimpeded access to the substation chamber is available at all times.

(4) The Council may supply its own low voltage networks from its own equipment installed in a substation chamber of a consumer.

### **Requirements for substation chamber**

**28.** (1) No person shall commence with the construction of a substation chamber referred to in regulation 27, unless -

(a) the person concerned has submitted to the Engineer for approval -

(i) a drawing of the proposed chamber, drawn to a scale of not less than 1:25, clearly showing in plan and elevation the internal construction and floor of such chamber and the proposed lay-out of the consumer's electrical equipment (if any) to be located in such chamber; and

(ii) a site plan, drawn to a scale of not less than 1:100, indicating the position of such chamber or chambers in relation to a public street or road; and

(b) the Engineer has approved such drawing and plan.

(2) The chamber shall be constructed in accordance with the approved drawings and plan and -

(a) shall be substantially constructed in brick or concrete or other approved material which is weatherproof, fireproof, and vermin-proof and be adequately ventilated;

(b) shall be provided with double doors of approved fireproof design and size;

(c) shall be of adequate size, having regard to the lay-out of equipment, illumination and space for free movement of persons carrying out any work or inspection therein;

(d) shall be of a height between the floor and the ceiling of not less than 2,7 m, clear of all beams and other protuberances;

(e) shall not contain any windows, except with the approval of the Engineer, and subject to such conditions as the Engineer may impose with a view to prevent access therefrom;

- (f) shall be provided with such cable ducts as may be required by the Engineer; and
  - (g) shall not contain any water, gas, sewerage or drain piping, unless the Engineer is satisfied that the installation of any such piping will not cause danger or injury to persons or property or interfere with the proper placing and functioning of the equipment contained in the chamber.
- (3) The owner or occupier of any premises on which a substation chamber is required to be provided shall -
- (a) provide and install such cable ducts from the supply main to such chamber for the Council's incoming cables as the Engineer may require and, where applicable, such cable ducts as the Engineer may require between two or more substation chambers.
  - (b) ensure that the access between the doors of every substation chamber and the public street or road remains unobstructed at all times.
- (4) No person, other than an official of the Council or any other person authorised thereto by the Council, shall enter a substation chamber or open or remove any lock used for securing the doors thereof.

#### **Low voltage supply**

**29.** The owner or occupier of any premises to which electricity is supplied at low voltage, shall, where so required by the Engineer -

- (a) provide approved accommodation for the service apparatus of the Council; and
- (b) provide and install an approved main isolating and protective device;

#### **Standby supply**

**30.** (1) Except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Council, no person shall be entitled to obtain from the Council a service connection for the purpose of a standby supply of electricity to any premises having a source of electricity supply other than that provided by the Council.

(2) The owner or occupier of any premises to which electricity is supplied by the Council shall not, except with the written permission of the Engineer, install or use a private generating plant on such premises for the purpose of a standby supply.

(3) Any generating plant which a person under subregulation (2) is permitted to install shall be electrically and mechanically interlocked in such a manner as to prevent parallel connection to the Council's supply main.

(4) The Engineer shall be notified of the first commissioning test and any subsequent test run to be carried out on a generating plant installed in terms of subregulation (2), and may at any time require that a test run be carried out.

**PART 2**  
**SERVICE CONNECTION AND SERVICE APPARATUS**

**Service connection**

**31.** (1) The work to be carried out by the Council for providing a service connection to the premises of a consumer shall be determined by the Engineer, from whom particulars thereof may be obtained upon application.

(2) Unless the Engineer directs otherwise -

- (a) a service connection shall be laid underground, whether the supply main is laid underground or erected overhead;
- (b) only one service connection shall be provided and installed on any premises, whether such premises comprise only one or several accommodation units.

(3) Where two or more erven are consolidated, only one service connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the consumer shall be responsible for the removal of any service connections not authorised.

**Internal portion of service connection**

**32.** (1) In every service connection, the section between the point on the exterior of the building at which the cable terminates or is fixed and the service apparatus, shall be known as the internal portion of the service connection, and in relation to which the following conditions shall apply:

- (a) The consumer shall, at his or her own cost, provide and install and maintain the internal portion of the service connection.
- (b) the consumer shall provide and install, in a position approved by the Engineer, the metering installation board or boards and adequate wiring for connecting the service apparatus;
- (c) any work required to be carried out on the internal portion of the service connection shall be carried out at the cost of the consumer by a person registered as an electrical contractor under these regulations;
- (d) no alterations, repairs or additions of any description shall be made to the internal portion of the service connection, except with the express approval in writing of the Engineer.

(2) In the case of multi-consumer installations on any premises where rising mains or lateral mains or cables are used to supply metering installation rooms at different locations, the cables between the termination of the Council's incoming cable and the metering installations of the individual consumers shall, for the purposes of subregulation (1), be regarded as part of the internal portion of the service connection.

### **External portion of service connection**

**33.** (1) In every service connection, the section between the supply main and the point on the exterior of the building at which the cable terminates or is fixed, shall be known as the external portion of the service connection.

(2) The point on the exterior of a building where the external portion of the service connection is to terminate or to be fixed shall be determined by the Engineer.

(3) The consumer shall provide and install and maintain any ducts, conduits or trenches which may be required by the Engineer for the purpose of installing underground service cables.

### **Requirements in relation to service connection**

**34.** (1) The type and size of conductor to be used for service connections shall be in accordance with the Wiring Regulations, but the cross-section shall not be less than 10mm<sup>2</sup>, and shall be copper or copper equivalent, unless otherwise approved.

(2) Each conductor shall project a sufficient length from the end of the conduit or the cable terminating gland, as the case may be, at the meter board to provide for connection to the metering installation and service protective devices, and to the external service conductors, which connections shall be made by the Council in each case.

(3) A neutral conductor, which shall have the same cross-sectional area as the line conductors, shall be provided in all cases, except in the case of supplies given under 3 phase 4 wire alternating current systems where the load of the installation is predominantly 3 phase in character when, with the prior permission of the Engineer, a neutral conductor of smaller cross-sectional area than the live conductors may be provided, but not in any case less than 50% of the cross sectional area of the live conductors.

(4) The internal portion of the service connection shall consist of four conductors in every case where it is necessary for the installation to be arranged for connection under the 3 phase 4 wire system.

(5) All conductors comprising the 4 wire, 3 wire or 2 wire internal portion of the service connection, as the case may be, shall be enclosed within one protection sheath or conduit.



(6) The internal portion of the overhead service connection shall comprise approved type insulated conductors or insulated conductors taped and braided or unarmoured cable, run throughout their length in approved conduit or alternatively a continuous approved steel-wire armoured cable.

(7) All cables shall be terminated with approved glands and bushes.

(8) Where, owing to the number of bends required in a conduit, the use of draw-in boxes is necessitated, they shall be suitably drilled for sealing and shall be sealed by the officials of the Council.

(9) Within the meter box, the conduit or cable, as the case may be, shall terminate in an unobscured position and the conductors shall remain visible throughout their length.

(10) In buildings of unusual design and construction where the method of running the internal portion of the service connection may require special consideration, application shall be made to the Engineer for particulars of the requirements of the Council, and which shall be obtained before the work is commenced with.

(11) In the case of a building in which several accommodation units are situated, separate conduits and wiring or cables shall be installed from the common metering installation room or rooms or distribution board or boards to each individual accommodation unit, and each of such conduits and conductors or cables shall for the purposes of this regulation and regulation 32 be classed as the internal portion of the service connection.

(12) A separate internal service connection shall be provided for each consumer.

### **Circuit breakers**

**35.** (1) In the case of a new installation, the Council shall install a miniature circuit breaker as advised in the consumer's application and in a range of ampere ratings which shall normally be multiples of five with a minimum rating of 10 amperes and, unless the Engineer decides otherwise, a maximum rating of 60 amperes per phase.

(2) The Council shall, on application of a consumer, substitute a circuit breaker with which an installation has been fitted, with a circuit breaker of the ampere rating indicated by the consumer, subject to the payment of the fee determined in the electricity tariff therefor.

### **Accommodation for service apparatus**

**36.** (1) A consumer shall make provision, to the satisfaction of the Engineer, for a suitable space for the installation of the service apparatus and shall at all times maintain such space to the satisfaction of the Engineer.

(2) The Engineer may at any time in writing require from a consumer to carry out such work or repairs as the Engineer may specify in order to ensure that the space where the service apparatus is installed conforms to the required standard, and if a consumer fails to comply with such written request within the period specified therein, the Council may -

- (a) suspend the supply of electricity to the premises until the required work or repairs have been carried out by the consumer; or
- (b) cause such work or repairs to be carried out and recover from the consumer the costs incurred by it.

(3) Where in the opinion of the Engineer the space provided for the service apparatus is no longer reasonably accessible or has become a source of danger to life or property, the consumer shall, at the request of the Council provide a suitable space at a different approved position to which the service apparatus can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

(4) Where the service apparatus or any part thereof is to be fixed to a wall on any premises, the consumer concerned shall, if so required by the Engineer, cause such wall to be reinforced to the satisfaction of the Engineer for the purpose of installing the service apparatus.

(5) A space provided for the installation of the service apparatus shall, where the Engineer so requires, be provided with adequate electric lighting.

(6) Where so required by the Engineer, the consumer shall provide at his or her own cost a metering installation room or cubicle or box of approved design at a point approved by the Engineer, and which shall be used exclusively for the accommodation of the service apparatus and, if approved by the Engineer, the consumer's main circuit breaker and main protective devices.

(7) Except with the approval of the Engineer, no apparatus other than that used in connection with the supply of electricity shall be accommodated in a metering installation room or cubicle or box provided in terms of subregulation (6) and under no circumstances shall any other equipment or material of any nature be stored or kept therein.

(8) A metering installation room shall be secured by means of a suitable lock, a key of which shall be provided free of charge to the Council by the consumer.

### **Ownership of service apparatus and other equipment**

**37.** Notwithstanding the fact that -

- (a) any equipment used for providing a service connection to any premises or forming part of the service apparatus is installed and situated on such premises;

- (b) the costs in relation to any such equipment have been borne by the owner of such premises or any other person occupying the premises,

neither such owner or such other person shall be vested with the ownership of such equipment, and such equipment shall at all times remain the exclusive property and be under the sole control of the Council.

**PART 3**  
**RESPONSIBILITIES OF CONSUMERS IN CONNECTION**  
**WITH INSTALLATION ON PREMISES**

**Wiring diagram and specifications**

**38.** The owner of any premises shall, if the Engineer so requires, provide the Engineer with a wiring diagram in duplicate of the circuits on such premises, starting from the point of supply.

**Consumer responsible for installation**

**39.** (1) The owner or occupier of premises supplied or to be supplied with electricity by the Council shall be responsible to provide and install and maintain, at the consumer's own expense, the installation on such premises in accordance with the requirements of these regulations and the Wiring Regulations.

(2) No installation shall be permitted to extend from one premises to any other premises.

**Fault on installation**

**40.** (1) Should any fault develop on the installation of any consumer, the consumer shall -

- (a) immediately switch off the supply by means of the switch provided for that purpose on the distribution board and, where considered necessary, request the Council to disconnect the supply to the premises of such consumer; and
- (b) cause the necessary steps to be taken to remedy the fault on the installation.

(2) The Council shall not be obliged to effect any repairs to the installation of a consumer, but shall repair any damage which may have been caused to the service apparatus as a result of a fault on the installation.

(3) In a case contemplated in subregulation (2), the consumer shall -

- (a) reimburse the Council for any expenses which the Council may be required to incur in connection with any such repairs; and

- (b) be liable to pay to the Council the fee determined in the electricity tariff for the disconnection of the supply of electricity and for the subsequent restoration of the supply.

#### PART 4 ELECTRICAL SYSTEMS

##### **Systems and voltages of supply**

**41.** The supply of electricity to any premises shall be given at any one of the following 50 Hz alternating current systems -

- (a)  $230 \pm 5\%$  volts single phase 2 or 3 wire system;
- (b)  $230/400 \pm 5\%$  volts 3 phase 4 wire system;
- (c) nominal 22 000 or 11 000 volts 3 phase 3 wire system.

##### **Load limitations**

**42.** (1) Where the estimated load calculated in accordance with the Wiring Regulations does not exceed 20 kilovolt-amperes (kVA), the installation shall be arranged for a single phase 2 wire supply unless otherwise approved by the Engineer.

(2) For multi-phase supplies, the load shall be approximately balanced and the current in the phases be within 15% of each other, and the consumer shall be responsible to correct any imbalance in excess of the 15%.

(3) No consuming device inherently single phase in character and exceeding 15 kVA shall be connected to the installation without the prior approval of the Engineer.

##### **Limiting size of low voltage motors**

**43.** (1) Unless otherwise approved by the Engineer, the rating of a single phase low voltage motor shall be limited to 2 kW or to a starting current not exceeding 72 amperes.

(2) Any motor exceeding the rating referred to in subregulation (1) shall be wound for 3 phase supply.

##### **Motor starting current**

**44.** (1) Unless otherwise required by the Engineer, the permitted starting current of 3 phase low voltage motors shall be related to the capacity of the consumer's service connection as follows -

**MAXIMUM STARTING AND ACCELERATING CURRENT  
OF THREE PHASE ALTERNATING CURRENT MOTORS**

Service cable size in copper	Maximum permissible starting current	Suggested Maximum Motor Rating in kW		
		DOL 6 x FL Amps	Star/Delta 2,5 x FL Amps	Other means 1,5 x FL Amps
(mm <sup>2</sup> )	(Amps)	(kW)	(kW)	(kW)
16	72	6,0	13,5	23,0
25	95	7,5	18,0	30,0
35	115	9,0	22,0	36,5
50	135	10,0	25,0	45,0
70	165	13,0	31,0	55,0
95	200	16,0	38,0	67,0
120	230	18,0	46,0	77,0
150	260	20,0	52,0	87,0

(2) Unless otherwise required by the Engineer, the starting current of a low voltage motor shall be limited to 1,5 times the rated full load current of the transformer supplying such motor.

(3) The starting arrangement for medium voltage motors shall be subject to the approval of the Engineer.

#### **Frequent starting of motors**

45. Notwithstanding regulations 21(3) and 44, the Engineer may at any time require from a consumer to take approved steps, at the consumer's expense, to reasonably reduce the starting current of any motor or motors in an installation if the Engineer considers it necessary or expedient from a point of view of other consumers or of excessive loading on the Council's supply main.

#### **Protection for motors**

46. The consumer shall provide electrical protection devices for motors that will effectively protect the motor against sustained over-current, single phasing and phase rotation.

#### **Power factor**

47. (1) The Consumer shall ensure that the power factor of any load is maintained within the limits of 0,85 lagging and 0,9 leading.

(2) Where, for the purposes of subregulation (1), it is necessary to install power factor corrective devices, such devices shall be connected to the appliance terminals of individual appliances or equipment, but if the correction of the power

factor is automatically controlled by means of special equipment, such equipment may be connected at the main distribution board.

## PART 5 INSPECTION AND TEST

### **Inspection of installation before connection**

**48.** No connection of any premises to the supply main shall be effected unless the wiring work on the installation on such premises has been inspected, tested and approved by the Engineer or a person authorised thereto by the Engineer.

### **Inspection and connection of partly completed installation**

**49.** Notwithstanding anything to the contrary in these regulations contained, the Engineer may, in his or her discretion, and upon notification by or on behalf of the owner or occupier of any premises of the completion of any part of an installation on such premises, the circuit arrangements of which permit of the installation being divided up into well-defined separate portions, inspect and test or cause to be inspected and tested such part of the installation and, if approved, connect such part to the supply main or cause it to be so connected.

### **Notice to be given of installation ready for inspection**

**50.** (1) Where an installation on any premises is required to be inspected and tested for the purposes of regulation 48, the owner or occupier of such premises or a person acting on his or her behalf -

- (a) shall, at least 24 hours before the connection of the installation to the supply main is required to be made, given notice in writing to the Council that the installation is ready for inspection and testing; and
- (b) may arrange with the Engineer for a suitable time when such inspection and testing can be carried out.

(2) Such an inspection and testing shall be carried out by the Council free of charge, but if, for any reason not attributable to the person carrying out the inspection and testing on behalf of the Council, it is not possible to complete such inspection and testing on the occasion of the first visit to the premises in question, the owner or occupier of the premises shall be liable to pay, in respect of each subsequent visit of such person to the premises to complete the inspection and testing, the charge determined in the electricity tariff therefor.

### **Appointment for inspection and testing**

**51.** An appointment may be made with the Engineer by the contractor or his or her representative for the purpose of conducting an inspection and test, but should the contractor or such representative fail to keep the appointment, the

inspection and test may nevertheless be carried out by the Engineer if deemed necessary by him or her but should the test not be carried out or should the installation fail to pass the inspection and test, the contractor may be charged the fee determined in the electricity tariff for a second or any subsequent test so occasioned.

### **Power to inspect or test**

52. (1) The Engineer or any duly authorised official of the Council may at any reasonable time, or, in the case of an emergency, at any time enter any premises for the purpose of inspecting the service apparatus, service connection or installation, or any part thereof.

(2) If it is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the service apparatus, service connection or installation on the premises concerned by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer require that the consumer removes such object and restores such access within a period specified in the notice.

(3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer concerned the cost incurred for that purpose.

(4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.

(5) A consumer who refuses or fails to comply with a notice referred to in subregulation (2), shall be guilty of an offence.

### **Facilities for inspection**

53. (1) The occupier of any premises shall give reasonable opportunity and assistance to the Engineer or any other authorised official of the Council to inspect on the premises any part of an installation connected or to be connected to the service connection or at any time while work on such installation is in progress.

(2) The electrical contractor employed by the owner or occupier of the premises shall, if required to do so by the Engineer, unscrew any fittings, connections, or other material or apparatus included in the installation, open any trap door, or joint boxes, or lift flooring boards, and the replacement of parts so disturbed shall be done by the contractor at his or her own expense.

(3) Floor boards or ceilings which have been removed for inspection purposes shall not be replaced until the installation has been approved by the Engineer.

#### **Failure to pass inspection or test**

54. (1) If the installation is found to be incomplete or defective or fails in any way to comply with these regulations or the Wiring Regulations, the Council may refuse to connect the installation until the installation has been completed or such defect or failure has been remedied.

(2) The Council shall give notice to the electrical contractor of the manner in which the installation is incomplete or defective or fails to comply with these regulations or the Wiring Regulations, and the contractor shall forthwith, or within the time specified in such notice, comply with the requirements of such notice.

(3) After the expiration of a reasonable time from the date of giving such notice or, where applicable, upon the expiration of the period specified in the notice, or upon receipt of a notification by the electrical contractor that such work has been completed, the Council shall cause a further inspection and test of the installation to be made.

(4) The Council may charge the fee determined in the electricity tariff for each of such repeated inspections and tests made by the Council until the installation is approved as complying with these regulations and the Wiring Regulations.

#### **Inspection does not relieve contractor of responsibility**

55. Any examination, test or inspection carried out by the Council on any installation shall not -

- (a) relieve the contractor from responsibility for any defect in the installation; or
- (b) be taken as an indication or guarantee on the part of the Council that the installation has been carried out efficiently or with the most suitable materials for the purpose or that it is in accordance with these regulations,

and the Council shall not, on account of such examination, test or inspection, be held responsible for any deficiency or fault in the installation.

## PART 6 REGISTRATION OF ELECTRICAL CONTRACTORS

#### **Persons qualified to carry out wiring work**

56. (1) No person not being registered with the Council as an electrical



contractor in terms of regulation 57, shall carry out or undertake to carry out -

- (a) any new electric wiring installation which is intended to be connected to the supply main; or
- (b) the modification or extension of any existing electric wiring installation which is connected or intended to be connected to the supply main.

(2) Any person who carries out or attempts to carry out any work referred to in subregulation (1), without being registered with the Council as an electrical contractor, shall be guilty of an offence.

### **Registration of electrical contractors with Council**

57. (1) An application for the registration of a person as an electrical contractor for the purposes of regulation 56 shall be made in writing to the Council through the Engineer and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Engineer may require.

(2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.

(3) If, upon considering an application made in terms of subregulation (1) and the report and recommendation of the Engineer, the Council is satisfied that the applicant -

- (a) is a qualified electrician or electrical engineer or has any comparable qualification approved by the Council;
- (b) has an adequate knowledge of the provisions of these regulations and the Wiring Regulations; and
- (c) (i) is a Namibian citizen; or
  - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
  - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business of an electrical contractor in Namibia,

the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.

(4) The Council may refuse to grant an application for the registration of a person as an electrical contractor if the applicant has carried out any work referred to in regulation 56(1) without first being registered as an electrical contractor with the Council.

(5) The Council may, upon application made to it, register a company or close corporation or partnership as an electrical contractor -

- (a) if at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
- (b) if the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.

(6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulations (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.

(7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as an electrical contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in electrical wiring work or his or her knowledge of the provisions of these regulations and the Wiring Regulations.

### **Term of registration**

58. Unless it is sooner cancelled under regulation 59, a registration card is valid for a period of 12 months from the date of its issue, but may be renewed annually upon application made by the holder thereof not later than 21 days before the date on which it is due to lapse.

### **Withdrawal or suspension of registration**

59. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as an electrical contractor if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof has carried out or caused or permitted to be carried out any wiring or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or the Wiring Regulations.

(2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -

- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
- (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

### **Temporary registration**

60. The Council may upon application made to it by a person who complies with the requirements of regulation 57(3) or (5) register such person temporarily for the purpose of carrying out any specified electrical work.

### **Production of registration card**

61. Any person carrying out or about to carry out any work referred to in regulation 56(1), shall produce his or her registration card when requested to do so by the Engineer or any officer of the Council authorised thereto by the Engineer or any consumer on or in respect of whose premises such work is being or to be carried out.

### **Prohibition against employment of unregistered persons for wiring work**

62. (1) No owner or occupier of any premises shall engage any person or permit any person to carry out any work referred to in regulation 56(1) for or on behalf of such owner or occupier, unless such person is registered with the Council as an electrical contractor in terms of regulation 57.

- (2) A person who contravenes subregulation (1) shall be guilty of an offence.

### **Issue of duplicate registration card**

63. (1) A person whose registration card as an electrical contractor is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.

(2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

### **Fees for registration and renewal**

64. The fees payable to the Council for -

- (a) the registration of a person as an electrical contractor;
- (b) the renewal of such a registration;
- (c) the issue of a duplicate registration card,

shall be as prescribed by the Council from time to time.

## PART 7 GENERAL PROVISIONS

### **Special agreements**

65. Where, by reason of the purpose for which the supply of electricity is required by a consumer or group of consumers, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer or group of consumers for such supply on the terms and conditions as may mutually be agreed upon.

### **Obstruction of access to Council's equipment on premises**

66. (1) Any person who prevents or restricts the Engineer or any other duly authorised official of the Council from gaining access to the service apparatus or other equipment of the Council on the premises of any consumer, shall be guilty of an offence.

(2) In the event of a contravention of subregulation (1) by any person other than the consumer occupying the premises concerned, the Council may by written notice to such consumer, and without prejudice to the provisions of that subregulation or section 93(3) of the Act, require that the consumer takes such steps as may be necessary to ensure that unrestricted access is given to the Engineer or other authorized official within a specified period.

(3) A consumer who refuses or fails to comply with a notice referred to in subregulation (2), shall be guilty of an offence.

### **Notices**

67. Any notice required or permitted to be given by the Council in terms of these regulations shall be given in accordance with the provisions of section 93 of the Act.

### **Penalties**

68. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

### **Departure or exemption from regulations**

69. If, because of exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these

regulations, the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption will not be in conflict with any provision of the Act.

### **Repeal of regulations**

**70.** (1) Subject to subregulation (2), all regulations which immediately before the commencement of these regulations governed the supply of electricity in the local authority area of a Council to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act, are hereby repealed.

(2) Notwithstanding the repeal of any regulations contemplated in subregulation (1), any tariff list or other provisions contained in such regulations prescribing charges, fees and other moneys payable in respect of the supply of electricity and other related services shall remain in force until repealed or replaced by charges fees and other moneys determined by such a Council under section 30(1)(u) of the Act.

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**MINISTRY OF REGIONAL AND LOCAL GOVERNMENT  
AND HOUSING**

No. 72

1996

**MODEL WATER SUPPLY REGULATIONS**

The Minister of Regional and Local Government and Housing has under section 94(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992), read with section 94(1) thereof, made the Model Water Supply Regulations set out in the Schedule.

**SCHEDULE**

**MODEL WATER SUPPLY REGULATIONS**

**ARRANGEMENT OF REGULATIONS**

1. Definitions

**CHAPTER 1**

**SUPPLY OF WATER BY COUNCIL**

2. Council's sole right to supply water from water main
3. Prerequisites for supply of water by Council
4. Application for the supply of water
5. Payment of deposit
6. Connections to water main
7. Provision of common water connection for supply to several consumers on same premises
8. Provision of water meter
9. Ownership of water connection pipe, water meter and isolating valve
10. Safeguarding of water meters
11. Tampering with or damage to water meter
12. Repair or substitution of water meter
13. Determination of quantity of water supplied
14. Payment for water supplied
15. Payment for water supplied upon amendment of charges
16. Charges for rendering service of water supply
17. Objection to account rendered by Council for water supplied
18. Complete failure of meter to register supply of water
19. Termination of contract of supply
20. Removal of water connection
21. Suspension of water supply
22. Special water restrictions
23. General conditions of supply
24. Sale of water by consumers
25. Special conditions relating to temporary supply of water

CHAPTER 2  
PREVENTION OF UNDUE WATER CONSUMPTION

26. Waste of water
27. Use of water as heat exchange medium
28. Hot water distribution system
29. Prevention of wasteful discharge or overflow of water
30. Requirements in relation to flushing devices
31. Metering devices for taps and showers
32. Terminal water fittings outside buildings
33. Installation of separate private meters on premises with several accommodation units may be required
34. Measures for conservation of water in relation to gardens and swimming pools

CHAPTER 3  
PREVENTION OF WATER POLLUTION

35. Pollution of surface water
36. Pollution of subterranean water
37. Mixing of water from other source with water supplied by Council
38. Obligation of owner to prevent pollution of water
39. Installation and maintenance of back flow preventers
40. Protection of water installation
41. Laying of pipes in places prone to pollution
42. Use of tanks for water intended for human consumption
43. Storage of water supplied by Council in underground tanks
44. Measures to prevent development of *bacterium Legionella pneumophila*
45. Testing of water in a water installation

CHAPTER 4  
REGISTRATION OF PLUMBING CONTRACTORS

46. Persons qualified to do installation work
47. Registration of plumbing contractors with Council
48. Term of registration
49. Withdrawal or suspension of registration
50. Temporary registration
51. Production of registration card
52. Prohibition against employment of unregistered persons for plumbing work
53. Issue of duplicate registration card
54. Fees for registration and renewal
55. Responsibilities of registered plumbing contractor

CHAPTER 5  
REQUIREMENTS FOR WATER INSTALLATIONS

56. Standard specifications and codes of practice applicable

57. Information and drawings
58. General requirements for design and construction of water installation
59. Design of a proposed water installation
60. Materials, fittings and components
61. Control over work on water installation
62. Cleaning, inspection, testing and disinfection of water installation
63. Engineer may require testing or disinfection of water installation

CHAPTER 6  
PROVISIONS RELATING TO FIRE EXTINGUISHING  
EQUIPMENT

64. Provision of water connection for fire-fighting purposes
65. Design of fire installation
66. General requirements for fire installation
67. Payment for water supply to a fire installation

CHAPTER 7  
GENERAL PROVISIONS

68. Special agreements
69. Supply of non-potable water by the Council
70. Private boreholes
71. Laying of pipes in streets and public places
72. Obstruction of access to water connection on premises
73. Notices
74. Penalties
75. Repeal of regulations

**Definitions**

1. (1) In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act 23 of 1992) shall bear that meaning and, unless the context otherwise indicates -

"accommodation unit", in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for residential, business or industrial purposes or any other purpose;

"Act" means the Local Authorities Act, 1992 (Act 23 of 1992);

"approved" means approved by the Engineer in writing;

"connection pipe" means a pipe provided and installed by the Council on a water main for the purpose of supplying water to the premises of a consumer;

"consumer" means the person to whom water is supplied by the Council under a



contract of supply or a special agreement referred to in regulation 68;

"contract of supply" means a contract concluded between the Council and any person in terms of regulation 4 for the supply of water by the Council to such person;

"Council", in relation to a local authority area, means the municipal council, town council or village council, as the case may be, of that area;

"Engineer" means the official of the Council charged with the function of exercising control over the supply of water by the Council;

"local authority area", means the area comprising the municipality, town or village, as the case may be, to which these regulations are applicable by virtue of the provisions of section 94(2)(b);

"occupier", in relation to any premises, means -

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises; or
- (d) the agent of any such person who is absent from Namibia or whose whereabouts are unknown;

"owner", in relation to any premises, means the person in whose name the premises is registered, and includes -

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner's authorized agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested.

"residential premises" means any premises used or intended for use solely for domestic purposes and which is not used for trade, business, manufacturing or industrial purposes;

"service pipe" means the pipe provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"water connection" means a water connection provided by the Council on a water main by means of a connection pipe, water meter and isolating valve for the supply of water to any premises;

"water installation" means the pipes and water fittings installed on, and vesting in the owner of, any premises for the purpose of the use on the premises of water supplied by the Council;

"water main" means a pipe forming part of the Council's water reticulation system, but does not include a connection pipe;

"water tariff", in relation to a local authority area, means the tariff of charges, fees and other moneys determined by the local authority Council concerned under section 30(1)(u) of the Act, or applicable to the local authority area by virtue of the provisions of section 95(5) of the Act, in respect of the supply of water by the Council and the rendering of other services in connection therewith;

(2) In these regulations "SABS" followed by a number or a number and a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Engineer at any time during official office hours.

## CHAPTER 1 SUPPLY OF WATER BY COUNCIL

### **Council's sole right to supply water from water main**

2. No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided by the Council pursuant to a contract of supply concluded in accordance with the provisions of these regulations.

### **Prerequisites for supply of water by Council**

3. (1) The Council shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless -

(a) the owner or occupier of such premises has concluded with the Council

a contract of supply; and

- (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.

(2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a contract of supply if a supply main is not available at a point within the close proximity of such premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

#### **Application for the supply of water**

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -

- (a) for the initial connection of such premises to a water main; or
- (b) for a reconnection of the supply of water where a previous contract of supply in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.

(2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose, and shall be submitted to the Council -

- (a) in the case of an application for an initial connection, at least 14 days; and
- (b) in the case of an application for a reconnection, at least 7 days,

before the date on which the supply of water to the premises in question is required.

(3) Where application is made for the initial connection of any premises to a water main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.

(4) When submitting an application in terms of subregulation (1), the applicant shall -

- (a) sign a contract for the supply of water; and
- (b) pay to the Council the fee determined in the water tariff for an initial connection or a reconnection of the supply of water, whichever is applicable.

(5) If the requirements of subregulation (4) have been complied with, the chief executive officer, or any other employee of the Council authorised by the

chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.

(6) The supply of water by the Council to the premises of a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant contract of supply.

### **Payment of deposit**

5. (1) Every consumer, other than the Government of the Republic of Namibia, shall, before the supply of water is given by the Council, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of water as determined by the Council.

(2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such review -

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required by the Council in writing to do so, the Council may suspend the supply of water to such consumer until such additional amount, and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.

(4) Subject to subregulation (5), an amount deposited with the Council in terms of subregulation (1) or (2), shall not be regarded as being in payment or part payment of an account due for the supply of water.

(5) If, upon the termination of a contract of supply in terms of regulation 19, an amount remains due to the Council in respect of water supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

### **Connection to water main**

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2) -

- (a) in the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Engineer may determine;

(b) in the case of a reconnection of the supply of water, cause such reconnection to be made.

(2) The Council may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main.

(3) Where a water connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.

(4) The charges payable for -

(a) the provision of a water connection, including a water connection pipe, isolating valve and water meter;

(b) the alteration of the position of a water connection on the water main at the request of a consumer,

shall, subject to subregulation (5), be as determined in the water tariff.

(5) Where the Council is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the Council an amount equal to the actual costs incurred by the Council in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.

(6) Any charge payable in terms of subregulation (4) shall be paid to the Council in advance and, in a case contemplated in subregulation (5), an amount estimated by the Engineer to cover the sum payable in terms thereof shall be deposited by the consumer with the Council before the work is commenced by the Council.

**Provision of common water connection for supply to several consumers on same premises**

7. (1) Subject to subregulation (4), only one water connection on the water main shall be provided for the supply of water to any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council may, in its discretion, provide and install either -

- (a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or
- (b) separate water meters for the different accommodation units or any number thereof.

(3) Where the Council has installed a common water meter as contemplated in subregulation (2)(a), the owner or the person having the charge or management of the premises, as the case may be, shall -

- (a) if the Engineer so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units -
  - (i) a separate water meter; and
  - (ii) an isolating valve; and
- (b) be liable to the Council for the charges leviable for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.

(4) Notwithstanding subregulation (1), the Council may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.

(5) Where the provision of more than one water connection is authorised by the Council under subregulation (4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.

(6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit is located, between the water installations of two or more of such accommodation units.

(7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

#### **Provision of water meter**

8. (1) The capacity of the water meter to be provided and installed by the Council on a water connection to any premises shall be determined by the Engineer.

(2) If so required by the Engineer, the consumer shall provide on the premises an approved place for the installation of the water meter.

### **Ownership of water connection pipe, water meter and isolating valve**

9. The water connection pipe, water meter and isolating valve provided and installed by the Council on any premises, shall at all times remain the exclusive property of the Council and be under the sole control of the Council.

### **Safeguarding of water meters**

10. (1) Every consumer shall take such measures as are reasonably necessary to prevent any damage to be caused to the water meter installed by the Council on the premises of the consumer.

(2) Where, by reason of any failure on the part of a consumer to comply with the provisions of subregulation (1), the water meter installed on the premises of such consumer is damaged or destroyed, such consumer shall be liable to pay to the Council the amount prescribed in the water tariff for the repair or substitution of such water meter.

(3) Every consumer shall ensure that free and unimpeded access to the water meter on the premises is available at all times.

(4) Where, in the opinion of the Engineer, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Council, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

### **Tampering with or damage to water meter**

11. (1) No person other than the Engineer or a person duly authorised thereto by the Council shall -

- (a) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the Council;
- (b) where the supply of water to any premises has been disconnected or suspended by the Council for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
- (c) in any other way tamper or interfere with the water meter installed by the Council on any premises,

and no owner or occupier of such premises shall cause or permit any other

unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.

(2) Where a contravention of any of the provisions of subregulation (1) occurred on the premises of any consumer the Council may, without prejudice to any other power conferred by these regulations -

(a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and

(b) recover from the consumer concerned the cost thereof.

(3) Any person who -

(a) contravenes any provision of subregulation (1); or

(b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Council on any premises,

shall be guilty of an offence.

#### **Repair or substitution of water meter**

12. (1) In the event of any repairs to any water meter on any premises being found necessary, such repairs shall be effected only by a person authorized thereto by the Engineer and no person else.

(2) The Council may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned.

(3) The costs incidental to any repairs in terms of subregulation (1), or the replacement of a water meter in terms of subregulation (2), shall be borne by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer to comply with the provisions of regulation 10(2) or because of an act performed in contravention of regulation 11(1), the Council shall be entitled to recover the costs from such consumer.

#### **Determination of quantity of water supplied**

13. (1) The quantity of water registered by the water meter installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council under any provision of these regulations, shall, for the purposes of these regulations, be considered to be the actual quantity of water supplied by the Council to the consumer.

(2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through the water meter of the Council, the Council may for the purpose of rendering an account estimate, in accordance with subregulation (3), the quantity of water supplied to the consumer



during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of subregulation (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in paragraph (a).

(4) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any water meter installed by the Council on any premises to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.

(5) When so requested by a consumer, the Council shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

### **Payment for water supplied**

14. (1) Water supplied by the Council to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.

(2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the relevant contract of supply until the date of termination thereof in terms of these regulations.

(3) An account rendered by the Council for water supplied to a consumer shall be paid not later than the last date for payment specified in such account.

(4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the water tariff shall be payable by the consumer to the Council.

(5) If a consumer uses water for a category of use other than that for which it is supplied by the Council in terms of the contract of supply and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the charges payable in accordance with such adjustment.

### **Payment for water supplied upon amendment of charges**

15. If amendments to the water tariff of the Council in respect of the charges determined for the supply of water, or for the rendering of the service of water supply provided for in regulation 16, become operative on a date between meter readings -

- (a) it shall be deemed, for the purpose of rendering an account for water supplied by the Council, that the same quantity of water was supplied on every day during the interval between the meter readings;
- (b) any availability water charge or minimum monthly charge leviable in accordance with regulation 16 shall be calculated on a *pro rata* basis in accordance with the rate which applied immediately before such amendment and such amended rate.

### **Charges for rendering service of water supply**

16. (1) The Council may, in addition to the charges determined in the water tariff for water actually supplied, levy an availability charge or a monthly minimum charge for the rendering of the service of water supply to residents in the local authority area.

(2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -

- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a water main but which can reasonably be provided with such a connection; and
- (b) by every consumer in respect of each water connection provided by the Council to serve the premises occupied by the consumer, whether or not water is consumed on the premises.

(3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of water, whether or not such quantity of water has actually been consumed by the consumer: Provided that where the amount of water consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.

(4) Notwithstanding subregulation (2)(a), an availability water charge levied by the Council in accordance with subregulation (1) shall not be payable by the owner of any township in respect of any unalienated premises in the township if -

- (a) the water reticulation system in the township was provided by the township owner at his or her own cost; or
- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

### **Objection to account rendered by Council for water supplied**

17. (1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the water meter be tested by the Council.

(2) An objection and request in terms of subregulation (1) shall -

- (a) set out the reasons for the objection and the request;
- (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
- (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.

(3) If the provisions of subregulation (2) have been complied with, the Council shall forthwith cause the water meter concerned to be tested in accordance with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973).

(4) A meter to which the regulations referred to in subregulation (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow -

- (a) not less than 75%;
- (b) between 50% and 55%; and
- (c) not more than 20%.

(5) If, upon the testing of a water meter in accordance with subregulation (3) or (4), it is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -

- (a) refund to the consumer the amount deposited in terms of subregulation (2)c;
- (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of regulation 10(2); and
- (c) determine the quantity of water for which the consumer shall be charged

in lieu of the quantity registered by the defective water meter, by taking as basis for such determination, and as the Council may decide -

- (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
- (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
- (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

### **Complete failure of meter to register supply of water**

18. (1) The Council shall repair or replace any water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 10(2) are applicable.

(2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the previous last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with subregulation (3).

(3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during the period of three months before the date of such previous last reading of the meter;
- (b) the average monthly consumption of water on the premises registered over three successive metered periods after the repair or replacement of the defective water meter; or
- (c) the consumption of water on the premises recorded for the corresponding period in the previous year.

### **Termination of contract of supply**

19. (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days' notice in writing.

(2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -

- (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply;
- (b) has committed a breach of these regulations, other than a failure to pay an amount due in respect of the supply of water, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so; or
- (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Council and such authority.

(3) In the case of the termination of a contract of supply in terms of subregulation (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.

(4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

#### **Removal of water connection**

**20.** The Engineer may disconnect and remove a water connection provided by the Council to any premises if -

- (a) the contract of supply has been terminated in terms of regulation 19 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination; or
- (b) the building on such premises is demolished.

#### **Suspension of water supply**

**21.** (1) If an account rendered by the Council in respect of the supply of water is not paid by a consumer before the expiry of the last day for such payment specified in the account, the Council may forthwith suspend the supply of water to such consumer until the amount due is paid by the consumer, together with the charges referred to in subregulation (3).

(2) If the Engineer considers it necessary as a matter of urgency to prevent any wastage of water, unauthorised use of water, damage to property, danger to life or pollution of water, the Engineer may, without prior notice and without prejudice to the Council's power under regulation 19(2)(b) -

- (a) suspend the supply of water to any premises;
- (b) enter upon such premises and carry out, at the owner's expense, such

emergency work as the Engineer may deem necessary; and

- (c) by written notice require the owner to carry out such further work as the Engineer may deem necessary within a specified period.

(3) If the supply of water to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges determined for the suspension of the supply of water and for the restoration of such supply .

### **Special water restrictions**

22. (1) The Council may at any time, by public notification in a manner as the Council may consider expedient -

- (a) restrict the supply of water in the whole or any part of its area of supply to such hours as it may determine;
- (b) prohibit or restrict the use of water -
  - (i) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days;
  - (ii) for any specified purpose or for any purpose other than that specified;
- (c) determine and impose -
  - (i) limits on the quantity of water which may be consumed over a specified period;
  - (ii) special charges which shall be leviable in respect of water consumed in excess of the limit imposed under subparagraph (i);
  - (iii) a general surcharge on the prescribed charges in respect of the supply of water; or
- (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of particular appliances to a water installation.

(2) A notification in terms of subregulation (1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.

(3) The Engineer may -

- (a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the

Engineer be necessary to ensure compliance with a notice in terms of regulation (1); or

- (b) suspend or, for such period as the Engineer may deem fit, restrict the supply of water to any premises in the event of any contravention of, or failure to comply with, the terms of a notice in terms of subregulation (1) on such premises.

(4) Where the supply of water to any premises has been suspended under subregulation (3)(b), it shall only be restored upon payment of the charges determined in the water tariff for the suspension and restoration of the supply of water.

(5) The provisions of this regulation and any notice in terms of subregulation (1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

#### **General conditions of supply**

23. (1) The provision of a connection by the Council for the supply of water shall not constitute an undertaking by it to maintain at all times or at any point in its water supply system -

- (a) an uninterrupted supply of water;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Engineer may specify the maximum height to which water will be supplied from a water main.

(3) A consumer who requires to secure the maintenance of any of the conditions mentioned in subregulation (1) on the premises occupied by such consumer, may make the necessary provision for that purpose in the installation on such premises.

(4) The Engineer may interrupt the supply of water to any premises without prior notice.

(5) If in the opinion of the Engineer the consumption of water by a consumer adversely affects the supply of water to another person, the Engineer may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

### **Sale of water by consumers**

24. Except in accordance with a special agreement entered into with the Council in terms of regulation 68, no person shall -

- (a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Council to any premises in terms of these regulations; or
- (b) remove, or cause or permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

### **Special conditions relating to temporary supply of water**

25. (1) Where a special agreement to that effect has been entered into under regulation 68, the Council may supply water on a temporary basis from a fire hydrant or any other source of supply of the Council.

(2) The supply of water in terms of subregulation (1) shall be measured by means of a portable water meter provided by the Council for that purpose.

(3) A portable water meter, and all other fittings and apparatus used for the connection of the portable water meter to a hydrant or other source of supply of the Council, shall remain the property of the Council.

(4) The consumer shall pay to the Council in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Council as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in subregulation (1).

(5) The charges for water supplied and for the use of the portable meter in terms of this regulation shall be paid at the rate determined in the water tariff.

(6) An account rendered by the Council for the charges referred to in subregulation (1) shall be paid to the Council within ten days of the date on which it is rendered.

(7) Where water is taken by a consumer from a hydrant which is not measured by means of a water meter, the sum determined in the water tariff for every day on which water is so taken shall be paid by the consumer to the Council.

(8) A consumer to whom a portable water meter is provided in terms of subregulation (2), shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Council.

(9) If the consumer fails to return the portable water meter, or returns it in a



damaged condition, the consumer shall forfeit the deposit paid to the Council, or the Council may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer, and may deduct such cost from such deposit.

## CHAPTER 2 PREVENTION OF UNDUE WATER CONSUMPTION

### **Waste of water**

26. (1) No owner or occupier of any premises shall permit on such premises -

- (a) the purposeless or wasteful discharge of water from any water fitting;
- (b) pipes or water fittings to leak;
- (c) the use of maladjusted or defective water fittings; or
- (d) an overflow of water to persist.

(2) An owner shall after written notice by the Engineer, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the Engineer, it is causing or is likely to cause an occurrence mentioned in subregulation (1).

(3) If an owner fails to comply with a notice referred to in subregulation (2), the Engineer may without prior notice take such measures as the Engineer may deem fit and recover the cost incidental thereto from the owner.

(4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner.

(5) The Engineer may by written notice to any consumer prohibit such consumer from using any specified equipment in a water installation if, in the opinion of the Engineer, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Engineer.

(6) Any person who contravenes any of the provisions of subregulation (1) or (4) or fails to comply with a notice referred to in subregulation (2) or (5), shall be guilty of an offence.

### **Use of water as heat exchange medium**

27. (1) No person shall allow water used as a heat-exchange medium in any equipment or plant and supplied from a water installation to run continuously

to waste, except for maintaining a required level of total dissolved solids in a recirculating plant.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

### **Hot water distribution systems**

28. (1) A pipe conveying hot water directly from a fixed water heater, or from the point of draw-off from a hot-water circulating system, to a terminal water fitting shall not be capable of containing more than 4 litres of water.

(2) A central hot-water system shall be of the circulating type, and the circulating pipes shall be insulated with material which -

- (a) has a co-efficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and
- (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.

(3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.

(4) The owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water system.

(5) A person who contravenes subregulation (4) shall be guilty of an offence.

### **Prevention of wasteful discharge or overflow of a water**

29. (1) The owner of any premises shall ensure that -

- (a) any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank; and
- (b) the primary overflow from any water-closet cistern or tank forming part of the water installation on such premises,

is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or a storm water system.

(2) A person who contravenes any of the provisions of subregulation (1) shall be guilty of an offence.

### **Requirements in relation to flushing devices**

- 30.** (1) Subject to subregulation (2) -
- (a) no type of flushing device shall be used to serve a water-closet pan or urinal other than a flushing device which is actuated -
    - (i) manually by a person using such pan or urinal; or
    - (ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;
  - (b) a flushing device installed in a cistern serving a water-closet pan shall not be capable of discharging -
    - (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or
    - (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush lever is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated,and such a device shall only be connected to a type of water-closet pan in which the trap is cleared in one flush;
  - (c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
  - (d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device, and where any slab urinal installed on any premises exceeds 1,8 metre in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length.
  - (e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
  - (f) no automatic cistern or tipping tank shall be used for flushing a urinal.

(2) If, on the date on which these regulations become applicable to a local authority area, there is installed on any premises in such area -

- (a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of subregulation (1);

- (b) any slab urinal which is not served by a flushing device or flushing devices in conformity with the requirements of paragraph (d) of subregulation (1); or
- (c) an automatic cistern or tipping tank to serve any urinal,

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of subregulation (1), as may be applicable, are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

(3) The date to be fixed by the Council for the purposes of subregulation (2) -

- (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
- (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner of any premises who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until the date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

### **Metering devices for taps and showers**

31. (1) Subject to subregulation (2) -

- (a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap that limits the discharge of water in each usage to not more than 1 litre;
- (b) each shower in a battery of showers of two or more on any premises, other than residential premises, shall be fitted with a metering valve that limits the discharge of water in each usage to not more than 2,5 litres;
- (c) the maximum discharge rate of water of any shower head installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.

(2) If, on the date on which these regulations become applicable to a local authority area there is installed -

- (a) on any premises in such area, other than residential premises -

- (i) any tap serving any wash basin referred to in paragraph (a) of subregulation (1), not being a tap that conforms to the requirements of that paragraph; or
  - (ii) any showers referred to in paragraph (b) of subregulation (1) which are not fitted with metering valves in conformity with the requirements of that paragraph; or
- (b) on any premises, including residential premises, any shower head which does not conform to the requirements of paragraph (c) of subregulation (1),

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

- (3) The date to be fixed by the Council for the purposes of subregulation (2) -
- (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
  - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner -
- (a) of any premises, other than residential premises, who fails to comply with any of the requirements of paragraphs (a) and (b) of subregulations (1);
  - (b) of any premises, including residential premises, who fails to comply with the requirements of paragraph (c) of subregulation (1)

shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

### **Terminal water fittings outside buildings**

**32.** (1) No owner and no occupier of any premises, other than residential premises, and no person to whom a temporary supply of water to any premises is provided in terms of regulation 25, shall install or use on such premises a terminal water fitting outside a building unless such fitting -

- (a) incorporates a self-closing device;
- (b) has a removable handle for operating purposes;
- (c) is a demand-type of tap which limits the quantity of water discharged in each operation; or
- (d) is provided with a lock to prevent unauthorised use.

(2) If, on the date on which these regulations become applicable to a local authority area, there is installed on any premises referred to in subregulation (1) in such area any terminal water fitting outside a building which does not conform to the requirements of that subregulation, the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

(3) A date fixed by the Council for the purposes of subregulation (2) -

- (a) shall not be sooner than 2 years after the commencement of these regulations; and
- (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner of any premises referred to in subregulation (1), who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

### **Installation of separate private meters on premises with several accommodation units may be required**

33. When the water consumption on any premises provided with a single water meter serving two or more accommodation units on such premises is in the opinion of the Engineer substantially higher than in the case of other premises of a similar nature, the Engineer may, if such a requirement has not been made under regulation 7(3), require from the owner of such premises to install, at the owner's expense, separate water meters to serve such accommodation units individually for the purpose of registering the quantity of water supplied to each such unit.

**Measures for conservation of water in relation to gardens and swimming pools**

34. (1) The following requirements shall be applicable to every consumer within the local authority area:

- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Council may determine and announce publicly from time to time.
- (b) Any swimming pool, other than a public or institutional swimming bath, shall within a period of 1 year after the commencement of these regulations, be provided with a permanent cover to eliminate the evaporation of water, and which cover shall be retained in place over the swimming pool at all times when the swimming pool is not being used.

(2) Any person who -

- (a) contravenes paragraph (a) of subregulation (1); or
- (b) fails to comply with the requirements of paragraph (b) thereof,

shall be guilty of an offence.

CHAPTER 3  
PREVENTION OF WATER POLLUTION

**Pollution of surface water**

35. (1) No person shall -

- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Council or under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants in the Council's area of supply;
- (b) wash, throw, or cause or permit to enter any animal therein;
- (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchment of a surface dam;
- (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
- (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or

she is responsible, to run or be brought into any such stream, reservoir, aqueduct, or other place; or

- (f) do any other act whereby the supply of water to the inhabitants of the Council's area of supply may be polluted.

(2) A person who contravenes any of the provisions of subregulation (1), shall be guilty of an offence.

#### **Pollution of subterranean water**

**36.** (1) No person shall in any way pollute, or perform any act which is likely to pollute, the subterranean water within the local authority area.

(2) The owner or occupier of any premises who uses any underground tank or pipe installed on such premises for the storage or conveyance of any substance, other than water, shall -

- (a) in the case of such a tank or pipe existing on the date of commencement of these regulations, not later than 90 days after that date; or
- (b) where such a tank or pipe is installed on or after the date of commencement of these regulations, not later than 90 days after the date of such installation,

inform the Council in writing of the existence or installation, as the case may be, of such tank or pipe and provide such information in relation thereto as may be required by the Council.

(3) Any person who uses any underground tank or pipe referred to in subregulation (2), shall, through regular inspections and replacement of such tank or pipe and any ancillary pipes and fittings thereof, ensure that the substance contained or conveyed therein is not discharged underground.

(4) The Council may require of any person referred to in subregulation (2) to furnish the Council annually, before such date as the Council may specify, with a report by an independent person approved by the Council on the condition of any underground tank or pipe referred to in that subregulation and of the result of a pressure test carried out on such tank or pipe and any ancillary pipes and fittings.

(5) The Council may require that any underground tank or pipe referred to in subregulation (2) be reconditioned or be replaced on a scheduled maintenance programme and that such programme be provided to the Council on request.

(6) Where the result of a pressure test carried out on an underground tank or pipe in terms of subregulation (4) shows the existence of a leakage, the owner shall not later than 14 days after such test has been carried out, empty such tank



or pipe and remove it or discontinue using it.

(7) A person who contravenes, or fails to comply with the provisions of subregulation (1), (2), or (6) or who, upon a request of the Council in terms of subregulation (4), fails to furnish the Council with a report referred to in that subregulation, shall be guilty of an offence.

### **Mixing of water from other source with water supplied by Council**

37. (1) No person shall, on any premises to which water is supplied by the Council, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.

(2) No person shall cause or permit rain water to flow into any tank or cistern supplied with water by the Council.

(3) A person who contravenes subregulation (1) or (2) shall be guilty of an offence.

### **Obligation of owner to prevent pollution of water**

38. (1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into -

- (a) the water supply system of the Council; or
  - (b) any part of the water installation on the premises.
- (2) The owner of any premises -
- (a) on which a fire or combined installation is installed;
  - (b) on which a general installation serves -
    - (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;
    - (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory; or
  - (c) to whom the Engineer has given written notice to do so,

shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.

(3) The measures required in terms of subregulation (2) shall include -

(a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2(a)(i) of SABS 0252-1:1994;

(b) the passing of such water through -

(i) a reduced-pressure back flow preventer; or

(ii) a double-check back flow preventer.

(4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between -

(a) the point of discharge from the pipe into the storage tank referred to in subregulation (3)(a);

(b) the back flow preventer installed in terms of subregulation (3)(b).

(5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent a deterioration in water quality in the water installation.

### **Installation and maintenance of back flow preventers**

**39.** (1) Any back flow preventer installed on a water installation shall comply with the requirements as set out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 0252 - 1994: Provided that -

(a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and

(b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.

(2) The owner of any premises on which a reduced-pressure or a double-check back flow preventer is installed shall at his or her own expense ensure that the back flow preventer -

(a) is inspected and serviced by a registered plumbing contractor not less

than once in every twelve months to ensure that it is in proper working order; and

(b) is replaced or completely overhauled once in every 5 years.

(3) The owner shall maintain a record of the inspections and services referred to in subregulations (2) -

(a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;

(b) the date on which it was carried out; and

(c) detail of repairs and replacements that were effected,

and shall keep such record available for inspection by the Engineer at any time during office hours.

### **Protection of water installation**

40. (1) An owner shall, apart from the back flow preventers referred to in regulations 38 and 39, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water:

(a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.

(b) No inter-connection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.

(2) If the Engineer is of the opinion that an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Engineer may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.

(3) The entry of water into a tank referred to in subregulation (2) shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

### **Laying of pipes in places prone to pollution**

41. (1) Subject to subregulation (2), no pipe which is supplied or intended to be supplied with water by the Council, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the

pipe becoming unsound, pollute the water conveyed through the pipe.

(2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subregulation (1), the Engineer may, upon application, approve that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Engineer, effectively protect the pipe and render any leakage of the pipe readily detectable.

(3) Where any water pipe has been laid or installed contrary to the provisions of subregulation (1) or (2), the Council may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.

(4) If the owner or occupier concerned fails to comply with such notice -

- (a) the Council may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
- (b) such owner or occupier shall be guilty of an offence.

(5) Where the supply of water is suspended in terms of subregulation (4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

#### **Use of tanks for water intended for human consumption**

42. (1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Engineer, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.

(2) Where -

- (a) any damage or danger to persons might arise from an interruption of the supply of water; or
- (b) the pressure in the service would be otherwise inadequate;

a tank or tanks shall be provided which, with respect to size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 0252 - 1: 1994.

#### **Storage of water supplied by Council in underground tanks**

43. Except with the permission of the Council and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation

in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Council if such water is intended for human consumption.

**Measures to prevent development of *bacterium Legionella pneumophila***

44. (1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements set out in paragraph 7.1.1.2 of SABS 0252-1:1994.

(2) Every owner of any premises on which any installation for the storage of potable water or an air-conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionella pneumophila*.

(3) A professional engineer who carries out an inspection referred to in subregulation (2) shall provide the owner concerned with a written report on the result of his or her inspection and state whether or not the requirements referred to in subregulation (1) are being complied with and, where applicable, particulars of any non-compliance with those requirements.

(4) If a report in terms of regulation (3) shows any non-compliance with the requirements referred to in that subregulation, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.

(5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any air-conditioning cooling water system on any premises, the owner of the premises shall submit to the Engineer a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in subregulation (1).

(6) Any person who -

(a) fails to comply with the provisions of subregulation (2) or (4); or

(b) puts into use any new water installation or air-conditioning cooling water system installed on any premises without having complied with the provisions of subregulation (5),

shall be guilty of an offence.

**Testing of water in a water installation**

45. (1) The Engineer may at any time take samples of water from the

water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).

(2) If, after a series of follow up tests of samples of water taken from a water installation in terms of subregulation (1), it is found that such water does not comply with the standards referred to in that subregulation, and the Engineer is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Engineer

- (a) have the water installation to be tested and disinfected in the manner required by regulations 62 and 63; or
- (b) investigate the cause of the problem and rectify it within a period specified by the Engineer.

(3) Any tank on any premises in which potable water is stored shall be cleaned by the owner of such premises regularly at intervals not exceeding two years.

#### CHAPTER 4 REGISTRATION OF PLUMBING CONTRACTORS

##### **Persons qualified to do installation work**

46. (1) No person not being registered as a plumbing contractor with the Council in terms of regulation 47 shall -

- (a) do any installation work in respect of which approval in terms of regulation 57 is required;
- (b) replace or repair a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back flow preventer;
- (e) install, maintain or replace a private water meter provided by an owner or occupier in a water installation.

(2) Any person who performs or attempts to perform any work referred to in subregulation (1) without being registered as a plumbing contractor with the Council, shall be guilty of an offence.

##### **Registration of plumbing contractors with Council**

47. (1) An application for the registration of any person as a plumbing

contractor for the purposes of regulation 46, shall be made in writing to the Council and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Engineer may require.

(2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.

(3) If, upon considering an application in terms of subregulation (1) and the report and recommendation of the Engineer, the Council is satisfied that the applicant -

- (a) is a qualified artisan in the plumbing trade, or has any comparable qualification approved by the Council, or has practical experience in that trade which the Council considers to be adequate and appropriate for purposes of registration as a plumbing contractor;
- (b) has an adequate knowledge of these regulations and the provisions of SABS 0252-1:1994; and
- (c)
  - (i) is a Namibian citizen; or
  - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
  - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business of a plumbing contractor in Namibia.

the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.

(4) In addition to the grounds mentioned in subregulation (3), the Council may refuse to grant an application for the registration of a person as a plumbing contractor if the applicant has carried out any work referred to in regulation 46(1) without first being registered as a plumbing contractor with the Council.

(5) The Council may, upon application made to it, register a company or close corporation or partnership as a plumbing contractor if-

- (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or

partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and

- (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.

(6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.

(7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as a plumbing contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in plumbing work or his or her knowledge of the provisions of these regulations and SABS 0252-1:1994.

#### **Term of registration**

48. Unless it is sooner withdrawn under regulation 49, a registration card is valid for a period of 12 months from the date of its issue, but may be renewed annually upon application made by the holder thereof not later than 21 days before the date on which it is due to lapse.

#### **Withdrawal or suspension of registration**

49. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as a plumbing contractor if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof has carried out or caused or permitted to be carried out any plumbing or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or SABS 0252-1:1994.

(2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -

- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
- (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

#### **Temporary registration**

50. The Council may upon application made to it by a person who complies with the requirements of regulation 47(3) or (5) register such person temporarily for the purpose of carrying out any specified plumbing work.



**Production of registration card**

51. Any person carrying out or about to carry out any work referred to in regulation 46(1), shall produce his or her registration card when requested to do so by the Engineer or any officer of the Council authorised thereto by the Engineer or any consumer on or in respect of whose premises such work is or is to be carried out.

**Prohibition against employment of unregistered persons for plumbing work**

52. (1) No owner or occupier of any premises shall engage any person or permit any person to carry out any work referred to in regulation 46(1) for or on behalf of such owner or occupier, unless such person is registered with the Council as a plumbing contractor in terms of regulation 47.

(2) A person who contravenes subregulation (1) shall be guilty of an offence.

**Issue of duplicate registration card**

53. (1) A person whose registration card as a plumbing contractor is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.

(2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

**Fees for registration and renewal**

54. The fees payable to the Council for -

- (a) the registration of a person as a plumbing contractor;
- (b) the renewal of such a registration;
- (c) the issue of a duplicate registration card,

shall be as determined by the Council from time to time.

**Responsibilities of registered plumbing contractor**

55. A registered plumbing contractor shall -

- (a) ensure that installation work done by him or her, or any person under his or her control, complies with these regulations and any relevant SABS standards and codes; and
- (b) certify on the prescribed form that such work complies with these regulations.

**CHAPTER 5**  
**REQUIREMENTS FOR WATER INSTALLATIONS**

**Standard specifications and codes of practice applicable**

**56.** For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

**Information and drawings**

**57. (1)** In respect of every new water installation or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the form determined by the Council, the information and drawings as provided for in Chapter 4 of SABS 0252-1:1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.

(2) A complete set of approved drawings of the water installation shall be kept available at the premises of the work until the certificate of the plumbing contractor referred to in regulation 55(b) is submitted to the Engineer.

(3) Where any installation work has been done in contravention of subregulation (1), the Engineer may by written notice require from the owner of the premises to comply within a specified period with the provisions of that subregulation, in which event -

- (a) work in progress shall be discontinued until the approval required by that subregulation has been granted;
- (b) work that does not comply with these regulations shall be removed from the premises.

**General requirements for design and construction of water installation**

**58. (1)** Any water installation or service pipe shall be designed and constructed in such a way that -

- (a) velocities in pipes do not exceed 2 metre per second;
- (b) only pipes and fittings be specified and installed that will be able to withstand -
  - (i) the corrosion which may be caused by the water conveyed in the installation; and
  - (ii) any corrosive conditions which may be related to the soil

conditions on the premises;

- (c) the installation be functional to the users of the building taking due cognisance to the population and class occupancy of such building;
- (d) provide adequate fire protection where it is required in terms of any other law;
- (e) all components and materials used on the installation are watertight;
- (f) the installation will not cause any danger to the health of the users of the building;
- (g) all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary be properly protected against damage;
- (h) should a water tank or a water pipe burst occur it will not jeopardise the structural safety of the building;

(2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5 metres inside the boundary of the premises concerned.

(3) The requirements of subregulation (1) shall be accepted to be satisfied where the water installation complies with the requirements of -

- (a) SABS 0252-1:1994 (Water supply installations for buildings);
- (b) paragraph PP13(2) of SABS 0400-1990 P relating to the number of the sanitary fittings with adequate water supply required for the population of the building;
- (c) SABS 0400-1990 Part W in relation to any fire installation.

(4) No person shall connect to a water installation a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

### **Design of a proposed water installation**

**59.** (1) The Council may require that a proposed water installation be designed by a professional engineer or other approved competent person in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.

(2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements

as set out in these regulations and in Chapters 2, 3, 4, 5, 6 and 7 of SABS 0252-1:1994.

### **Materials, fittings and components**

**60.** (1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-1:1994, or similar pipes, joints and fittings approved by the Council, shall be used on any water installation.

(2) Notwithstanding anything to the contrary in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the local authority area.

(3) Solar water-heating systems shall be installed in accordance with SABS 0106.

### **Control over work on water installation**

**61.** (1) Subject to subregulation (2), the installation of a water installation shall be carried out -

- (a) in accordance with drawings approved in terms of regulation 57 and detail specification for the installation; and
- (b) in conformity with the requirements of Chapter 8 of SABS 0252-1:1994.

(2) Every person carrying out or exercising control over the installation of any water installation shall ensure that -

- (a) where copper pipes are used in the installation -
  - (i) such pipes are properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
  - (ii) only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
- (b) no lead chalked joints are used on any cast iron pipe;
- (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (uPVC) pipes;
- (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises;
- (e) no pipe is installed within the cavity of a wall, except where it crosses

the wall.

(3) Any fixed water heater in a water installation shall be adjusted to operate on a temperature range of between 55°C and 60°C to prevent speedy corrosion in the hot water pipe network.

### **Cleaning, inspection, testing and disinfection of water installation**

**62.** (1) Subject to subregulation (2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 0252-1:1994.

(2) Every water installation shall on completion -

- (a) be properly cleaned to remove any foreign matter;
- (b) be inspected by the Engineer in the presence of the plumbing contractor by whom or under whose control its was installed;
- (c) be tested under pressure in accordance with paragraph 9.2 of SABS 0252-1:1994; and
- (d) be disinfected in accordance with paragraph 9.3 of SABS 0252-1:1994.

(3) At least 2 working days' notice shall be given to the Engineer for the purpose of any inspection to be carried out in terms of subregulation (2)(b).

### **Engineer may require testing or disinfection of water installation**

**63.** (1) The Engineer may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.

(2) The registered plumbing contractor employed to test and disinfect any water installation in terms of subregulation (1) shall within five working days of completion of the work submit to the Engineer the certificate referred to in regulation 55(b).

(3) The owner of the premises concerned shall bear the costs incidental to the testing and disinfection of any water installation required in terms of subregulation (1).

**CHAPTER 6**  
**PROVISIONS RELATING TO FIRE EXTINGUISHING**  
**EQUIPMENT**

**Provision of water connection for fire-fighting purposes**

**64.** (1) Notwithstanding anything to the contrary contained in these regulations, the Council may, where a special agreement therefor has been concluded with the owner of any premises under regulation 68, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.

(2) The costs incidental to the provision by the Council of a water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be calculated at the actual cost plus an additional levy of 15% of such costs to cover indirect costs.

(3) The pipes necessary for providing the water connection, shall be installed by the Council up to the boundary of the premises concerned, and which shall not be used for any purpose other than to serve the fire installation on the premises.

(4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.

(5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use shall be provided by the Council on the water connection pipe provided for the premises.

(6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Council, which shall -

- (a) be of the same nominal diameter as the water connection pipe;
- (b) be placed in such position as may be determined by the Engineer; and
- (c) be installed in front of the water meter.

**Design of fire installation**

**65.** (1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.

(2) The requirements of subregulation (1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other

approved competent person according to a detailed design or where the fire installation complies with paragraph 3 of Part W of SABS 0400.

(3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

### **General requirements for fire installations**

**66.** (1) Where a sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Engineer.

(2) No extension or connection from any fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the Council may take any steps necessary to disconnect such a connection or extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.

(3) No supply of water shall be made or given until the fire installation has been inspected and the Engineer has certified in writing that such installation is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.

(4) Any unmetered water connection provided by the Council to the water main for the purposes of a fire installation shall be at the pleasure of the Council, which shall be entitled to discontinue providing such connection at any time after at least 30 days' notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.

(5) All fittings provided by an owner of any premises for fire-fighting purpose, including hose reels, hydrants and sprinkler systems shall comply with the Council's regulations on fire protection.

(6) Any person who contravenes the provisions of subregulation (1) or who makes or causes or permits to be made any connection or extension in contravention of the provisions of subregulation (2), shall be guilty of an offence.

### **Payment for water supply to a fire installation**

**67.** The charges for the supply of water to a fire installation shall be as determined in the water tariff.

CHAPTER 7  
GENERAL PROVISIONS

**Special agreements**

68. (1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.

(2) Without prejudice to the generality of the provisions of subregulation (1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:

- (a) Where a supply in bulk is given to any consumer outside the local authority area, the Council may permit such consumer to resell the water to other consumers outside the local authority area.
- (b) If the Council permits a consumer to resell water -
  - (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer; and
  - (ii) require that plans of any proposed reticulation system be submitted to the Council for approval as a condition precedent to authority to resell being given.
- (c) Where any consumer is given a supply by means of more than one connection to the water main, the Council may stipulate the manner in which and the times during which the supply from any one or more of such connections may be used by the consumer.
- (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (e) The Council may stipulate the price at which the supply is to be given to any consumer.

(3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Council, the Council may at any time demand from the consumer to submit to the Council for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the



consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction of the Engineer at the consumer's cost, and that any meter which is found to be defective be repaired or replaced.

(4) Except as is otherwise provided in a special agreement the supply of water under such agreement shall be subject to the provisions of these regulations.

### **Supply of non-potable water by the Council**

**69.** (1) The Council may on application made by any consumer and under a special agreement entered into in terms of regulation 68, grant the supply of non-potable water to such consumer.

(2) Any supply of non-potable water in terms of subregulation (1) shall not be used for domestic purposes or for any other purpose which, in the opinion of the Engineer, may give rise to a health hazard and has been specified by the Engineer.

(3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Council or its suitability for the purpose for which the supply of such water was granted.

(4) The supply of non-potable water by the Council shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.

(5) Where non-potable water supplied by the Council is used for irrigation purposes, the consumer shall -

- (a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and
- (b) take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.

(6) On premises on which non-potable water is used, the consumer shall ensure that -

- (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
- (b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle and which shall be removed from such tap after every use thereof.

(7) In an area where treated sewage effluent is used, the consumer shall

erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.

(8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services from time to time.

(9) If the consumer fails to take any of the steps referred to in subregulations (5)(b), (6), and (7), the Engineer may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Engineer may -

- (a) cause such steps to be taken at the consumer's expense; or
- (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.

(10) Every owner of premises supplied with non-potable water by the Council -

- (a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises is properly identified to prevent any cross connection with the potable water system on such premises; and
- (b) shall not, without the approval of the Engineer, extend or alter such non-potable water system or cause it to be extended or altered.

(11) A person who contravenes any provision of subregulation (10) shall be guilty of an offence and the supply of non-potable water to such premises shall be permanently terminated by the Council.

### **Private boreholes**

70. (1) If, on the date of commencement of these regulations, any borehole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement -

- (a) notify the Council in writing of the existence of such borehole; and
- (b) provide the Council with full particulars of the discharge capacity of such borehole.

(2) Without derogating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Council, which may be granted subject to such conditions as the Council may determine, but subject thereto in every case that -

- (a) the proposed position of the borehole shall be clearly indicated on a site plan;
- (b) any unsuccessful borehole shall be properly sealed;
- (c) the geological information and the depth of the borehole shall be recorded;
- (d) the discharge capacity of the borehole shall be determined;
- (e) the rest water level shall be recorded after the drilling of the borehole.

(3) Except with the prior written approval of the Council, no existing borehole situated within the area of jurisdiction of the Council shall be replaced or drilled deeper.

(4) If the Council has reason to doubt the reliability of any particulars given in terms of subregulation (1)(b) or any information recorded in terms of subregulation (2), it may by written notice require that the owner of the premises in question carries out, at the consumers' expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.

(5) The Council may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.

(6) If, in the area of jurisdiction of the Council, subterranean water is used by the Council for public purposes or by the community, the Council may determine a quota for the maximum abstraction of water from a borehole on private premises.

(7) Whenever the Council considers it necessary for the purpose of determining the ground water level within the local authority area, the Council may cause the water rest levels of any borehole on any property in such area, to be measured, and any person designated by the Engineer to perform such task may enter the premises for that purpose.

(8) Any person who contravenes or fails to comply with any of the provisions of subregulations (1), (2) or (3), shall be guilty of an offence.

#### **Laying of pipes in streets or public places**

**71.** (1) Except with the prior written approval of the Council and subject to such conditions as may be imposed by it, no person shall, lay or construct any pipe or associated component on, in or under a street or public place or any other land vesting in or under the control of the Council, for the purpose of conveying

water derived from whatever source.

(2) A person to whom the Council has granted its approval under subregulation (1) shall carry out the work in question subject to such conditions as may have been imposed by the Council.

#### **Obstruction of access to water connection on premises**

72. (1) No person shall prevent or restrict the Engineer or any duly authorised official of the Council from gaining access to any part of the water connection on any premises.

(2) If it is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer concerned, and without prejudice to the Council's powers under regulation 10(4), require that the consumer removes such object and restores such access within a period specified in the notice.

(3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer the cost incurred for that purpose.

(4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.

(5) A consumer who refuses or fails to comply with a notice in terms of subregulation (2), shall be guilty of an offence.

#### **Notices**

73. Any notice required or permitted to be given by the Council in terms of these regulations shall be given in accordance with the provisions of section 93 of the Act.

#### **Penalties**

74. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

#### **Repeal of regulations**

75. (1) Subject to subregulation (2), all regulations which immediately

before the commencement of these regulations governed the supply of water in the local authority area of a Council to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act, are hereby repealed.

(2) Notwithstanding the repeal of any regulations contemplated in subregulation (1), any tariff list or other provisions contained in such regulations prescribing charges, fees and other moneys payable in respect of the supply of water and other related service shall remain in force until repealed or replaced by charges fees and other moneys determined by the Council concerned under section 30(1)(u) of the Act.

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