



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$12.75

WINDHOEK - 24 May 1999

No. 2108

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General Notices

MUNICIPALITY OF WINDHOEK

No. 91 1999

CEMETERY AND CREMATORIUM REGULATIONS

The Council of the Municipality of Windhoek has under section 94 (1) (k) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

BY ORDER OF THE COUNCIL
M. SHIKONGO
CHAIRPERSON OF THE COUNCIL

Windhoek, 26 March 1999

SCHEDULE

PART 1 PRELIMINARY PROVISIONS

Definitions

1. In these regulations, unless the context otherwise indicates a word or

expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992), shall bear that meaning and -

“adult” means a person over the age of 12 years;

“ashes” means the remains of a body after cremation in a crematorium;

“body” means the body of a deceased human being or the body of a still born child;

“cemetery” means a piece of ground established by the Council for the purposes of interment of bodies;

“child” means a person of the age of 12 years or less;

“Strategic Executive” means the person in the service of the Municipality who from time to time holds the appointment of Strategic Executive: Sport, Art, Culture and Economic Development, or any person acting on his or her behalf;

“Chief” means the person in the service of the Council who from time to time holds the appointment of Chief: Parks, Recreation and Cemeteries and includes any person acting on his or her behalf;

“conventional standard section” means a section in a cemetery upon which -

- (a) trees, shrubs, plants and flowers are planted and cared for by the Council, in its discretion;
- (b) is reserved by the Council for subdivision into grave spaces without any framings;
- (c) the Council is entitled to level and, in its discretion, plant with grass; and
- (d) no memorial work other than a headstone may be erected;

“Council” means the Council of the Municipality of Windhoek;

“cremate” means to reduce any human remains to ashes by burning or the application of heat, and “cremation” shall be construed accordingly;

“crematorium” means any building fitted with appliances for cremation, including everything essential, incidental or ancillary to cremation and includes any structure which in any special circumstances the Minister of Health and Social Services may approve as a crematorium;

“grave” means any excavation prepared for the interment of a body within a cemetery;

“grave space” means any piece of ground laid out for a grave within a cemetery;

“higher standard section” means any section in a cemetery upon which trees, shrubs, plants and flowers are planted and cared for by the Council and which is reserved by the Council for subdivision into grave spaces with concrete framing;

“identification tablet” means a small block of concrete fixed at the foot or head of a grave which displays the number of the grave;

“medium standard section” means any section in a cemetery upon which trees, shrubs, plant and flowers are planted and cared for by the Council, in its discretion, and which is reserved by the Council for subdivision into grave spaces without concrete framing;

“memorial work” means any tombstone, headstone, railing, fence, monument, inscription

or other work erected, or which may be erected, upon any grave;

"notice of interment" means a notice in the form as set out in Annexure B;

"owner" in relation to a grave space means the person who has acquired the exclusive right of interment in such grave space as provided for in regulation 19 of these regulations;

"prescribed fee" means the appropriate fee as prescribed in Annexure C to these regulations;

"Registrar of Deaths" means any person for the time being appointed by the State to register deaths.

Disposal of bodies

2. (1) A person shall not dispose of any body except by the process of cremation in a properly constituted crematorium or by interment.

(2) Subject to the provisions of Part VI, a person shall not inter any body in any place other than a cemetery without the written permission of the Council.

Requirements for interments

3. A person shall not inter or cause to be interred any body or the ashes of any cremated body in a cemetery unless -

- (a) in the case of a body, a written order signed by the Registrar of Deaths is submitted to the Chief along with the notice of interment;
- (b) in the case of ashes, the cremation certificate or a copy thereof certified by a commissioner of oaths, is submitted to the Chief along with the notice of interment.
- (c) in all cases where an inquest has been held, a magistrate's written authority for interment together with the notice of interment, is submitted to the Chief;
- (d) the prescribed fees have been paid; and
- (e) it occurs in accordance with an arrangement with the Chief.

Free burial

4. The Council may, on application by any person, and in its discretion, inter any dead body free of charge, in such place and manner as it regards it appropriate.

Hours of admission to cemeteries

5. Every cemetery shall be open to the public on every day of the week during such hours as the Council may determine by resolution, but the Council may temporarily close any cemetery or portion of a cemetery for such period as may be determined by Council.

Children

6. A child shall not enter any cemetery unless it is under the care of a person who, in the opinion of the Chief, is a responsible person.

Visitors to keep to paths

7. A person shall not -
- (a) enter a cemetery or depart from it except by the entrance gates; or
 - (b) leave a road or path in a cemetery, except for purposes permitted by these regulations or for the purpose of going to a grave-space.

Soliciting business, distribution of tracts and business cards and advertising prohibited

8. A person shall not solicit any business order or exhibit, distribute or leave any tract, business card or advertisement within a cemetery or use a cemetery road or path for the conveyance of any goods or other articles except when they are intended for use in the cemetery.

Creating nuisance

9. (1) A person shall not create any nuisance within a cemetery.
- (2) The Chief may remove from a cemetery any person who in his or her opinion creates a nuisance in that cemetery.

Disturbance of soil and plants

10. Except where it is expressly permitted by these regulations, no person other than the Chief shall pluck any flower or remove, destroy or damage any tree, shrub or plant, whether wild or cultivated, which grows in a cemetery or remove or disturb the soil under or about it or in any way interfere with any grave or structure in a cemetery.

Animals in cemetery

11. (1) A person shall not bring into a cemetery any bird or animal unless he or she is authorised by the Chief.
- (2) Any animal found in a cemetery without proper authorisation from the Chief shall be impounded and the owner of the animal shall be responsible for any damage that may have been caused by that animal.

Vehicles prohibited

12. (1) A person shall not bring into a cemetery any vehicle or cycle except official vehicles and vehicles used for conveying a body, or conveying the immediate family of a deceased person, or conveying ministers of religion to the chapel.
- (2) A vehicle conveying goods for use in a cemetery may, with the permission of the Chief, enter the cemetery and the driver of that vehicle shall be under the direction of the Chief in all matters.

Obstruction of Chief

13. A person shall not obstruct, resist or oppose the Chief in the performance of his or her duties or refuse to comply with any order or request which the Chief is under these regulations entitled to make.

Rights to ground in cemetery

14. A person shall not acquire any right to, or interest in, any ground in any cemetery other than such rights or interests as may be obtainable under these regulations.

Validity of written permission, notice or other documents

15. No written permission, notice or other document issued by the Council under these regulations shall be valid unless it is signed by the Strategic Executive.

Cooling plant

16. Except with the permission of the Chief, a person shall not perform any act which may cause the body cooling plant in the cemetery to stop functioning, or in any other way tamper with any device forming part of or intended for use in connection with such plant.

Firearms

17. A person shall not take any firearm into a cemetery or discharge a firearm in any cemetery, except in the case of a funeral service at which military or similar honours are paid or for official security reasons.

**PART II
GRAVE SPACES AND INTERMENT****Reservation of grave space**

18. (1) The Council may, by resolution, reserve land in a cemetery for subdivision into grave spaces, and may grant to any person the exclusive right of interment in any allocated grave space, subject to payment of the prescribed fee and to the provisions of these regulations.

(2) Any person desiring to reserve the use of any grave space referred to in subregulation (1) shall apply to the Chief therefor.

(3) A grave space referred to in subregulation (1) and (2) shall be allocated by the Chief and shall be held subject to these regulations.

(4) Any reservation of a grave space granted to a person under this regulation shall be valid for a period of 12 months ending 30 June each year, and such person may renew such reservation upon payment of the prescribed fees: Provided that a pro-rata amount is leviable in the first year.

(5) Where a person who has made a reservation under this regulation fails to renew the reservation, the Chief shall in writing notify that person that the reservation should be renewed within 30 days from the date of the notice, failing which the reservation shall lapse and the Council shall have the authority to re-allocate such grave space.

(6) If a person fails to comply with a notice in terms of subregulation (5) or the notice is unclaimed the reservation shall automatically lapse without further notice and in such event the Council may re-allocate the grave-space concerned.

(7) Where a reservation was made in terms of previous legislation and the Chief has reasons to believe that such reservation will not be used and where the address of the person who made such reservation cannot be traced, the reservation shall lapse after notice is placed as follows:

(a) a notice in the official language once every month for three consecutive

months in two newspapers which normally circulate in the area last known to be the address of the person who made the reservation; and

- (b) a notice in the official language in the *Gazette* once every month for three consecutive months;

(8) The notice referred to in subregulation (7) shall call on the person to notify the Chief of his or her address not later than 30 days from the date of the last notice in the *Gazette*, failing which the reservation of that grave space shall lapse without any claim for damages and without further notice.

Certificate of Exclusive Right of interment in a Grave Space

19. The Chief shall issue a Certificate of Exclusive Right of interment in a Grave Space, as set out in Annexure, to any person who has been allocated a grave space under this regulation.

Register of transfer

20. The Council shall maintain a register in which all burials shall be recorded, and a separate register shall be maintained of the grave spaces reserves in terms of these regulations.

Registration of grave spaces

21. (1) Except with the approval of the Chief a right to a reserved grave space allocated under these regulations is not transferable.

(2) Every transfer of a reserved grave space in accordance with subregulation (1) shall be registered and the prescribed fee shall be paid by the transfered, before transfer is effected.

(3) A transfer which does not comply with the conditions referred to in subregulation (1) shall not be valid.

Fees for duplication of documentation

22. A person requiring a certified extract from the register of burials, or a certificate of transfer and registration of transfer of a grave space, shall pay the prescribed fees.

Payment of fees

23. All fees and charges payable under these regulations in respect of the interment of a body or ashes shall be paid to the City Treasurer, Town House, Independence Avenue, Windhoek, by the person signing the notice of interment and an official receipt shall be issued for every payment.

Alteration of day of interment

24. Where the day or hour previously fixed for interment is altered to a later stage, notice of such alteration shall be given to the Chief not less than 4 hours before such interment.

Dimensions of grave space

25. The maximum dimensions of a kerb or bordering of a grave shall be as follows:

- (a) Adult's grave : 2,20m x 1,10m
(b) Child's grave : 1,50m x 0,75m.

Dimensions of graves

26. (1) The dimensions of the aperture for any grave shall be as follows:

(a) For adults:

Length: 2m
Width: 0,8m
Depth: 2,44m; or

Length: 2m
Width: 0,8m
Depth: 1,83m.

(b) For children:

Length: 1,5m
Width: 0,6m
Depth: 1,22m.

(2) Any person requiring an aperture of larger dimensions for any interment shall, in the notice of interment concerned, give the maximum overall dimensions of the coffin, including its fittings.

Burials in graves

27. (1) Subject to subregulation (2), a person shall not inter more than two bodies in a grave space unless authorised by the Chief.

(2) Notwithstanding subregulation (1), the Council may, provided permission has been obtained from the Magistrate and the Strategic Executive, and on good cause shown, give permission for a third body to be interred in a grave in which not more than two bodies have been interred, if a period of not less than 30 years has elapsed since the last interment.

(3) Where early and rapid decomposition has commenced, or for any reason on the recommendation of the Strategic Executive, the Council may, before the time fixed for interment, inter a body by filling up the grave partially with soil, provided the person who signed the notice of interment is informed of the time of such interment.

(4) Where it is known that a person has died of a contagious disease, the body concerned shall be interred in accordance with the requirements of the Strategic Executive.

(5) Except with the permission of the Chief, a person shall not inter two bodies in the same grave at the same time.

(6) The top of every coffin containing the body of an adult shall be at least 1,20m below the ordinary surface of the ground, and that of a coffin containing the body of a child at least 1,10m below the ordinary surface of the ground.

Interment of ashes

28. (1) Any urn, casket or receptacle containing the ashes of a body shall, upon payment by the person who gave the notice of interment of the prescribed fee, be interred or placed in the space or place set aside for the purpose.

- (2) The Council may give permission for the burial of any urn, casket or receptacle containing ashes in a grave space, subject to payment of the prescribed fee by the person giving the notice of interment.

Disturbing of human remains

29. A person shall not disturb any human remains or any soil adjacent thereto in a cemetery, except for a purpose expressly permitted by these regulations.

Grave Alignments and encroachments

30. (1) Every person shall, in erecting or placing any kerb, railing or any other enclosing work, enclose the grave space so as to secure uniformity of alignment and straightness of kerbing and railing as far as possible, and the same principle shall be applied and carried out in erecting vaults, tombstones and headstone or other memorial work.

(2) Any person who, in carrying out the work referred to in subregulation (1), fails to comply with the requirements of that regulation or encroaches on any road, path or adjoining ground or grave space, shall, if required by the Chief, remedy the defect or remove that encroachment.

(3) If the person referred to in subregulation (2) fails to remedy the defect or remove the encroachment in accordance with the Chief's requirement, the whole of the work carried out may be removed by the Council, and the person responsible for that work shall be liable for all costs thereby incurred by the Council in removing the work.

PART III FUNERALS

Notice of attendance of mourners

31. If at any interment a large number of mourners are expected to be in attendance the person giving notice of such interment shall notify the fact to the Chief the day before the interment.

Religious ceremonies

32. (1) The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service, subject to the control and the regulations of the Council.

(2) A person shall not conduct any religious ceremony or service according to the rites of any denomination in a portion of a cemetery which has been reserved by the Council for members of another denomination.

Exposure of bodies

33. A person shall not convey any body in an unseemly manner or expose any body or any part of it in any street, cemetery, or public place.

Days and hours of interment

34. (1) An interment shall not take place on a Saturday, Sunday or a public holiday unless prior special arrangements with the Chief have been made.

(2) Any person who carries out an interment on a Saturday, Sunday or a public holiday shall pay an extra charge as prescribed in the Prescribed Fees.

(3) A person shall not commence any interment between 17:00 and 09:00 except in cases of extreme urgency and in any such case the Chief shall record the reasons for such urgency and all other information in regard to the interment.

Cooling plant

35. If an interment of a body does not take place on the day the body is brought into the cemetery, it shall be placed in the cooling chamber and a charge, as prescribed in the Prescribed Fees, shall be paid.

Directions of Chief

36. Every person taking part in a funeral, procession or ceremony shall comply with the directions of the Chief while that person is within the cemetery.

PART IV EXHUMATION OF BODIES RE-OPENING OF GRAVES AND CARE OF GRAVES

Exhumations

37. (1) A person shall not exhume a body or re-open a grave except after obtaining authorisation in writing from the Council and shall carry out the exhumation in accordance with these regulations and any other law governing such exhumations.

(2) A notice of exhumation shall be submitted to the Chief at least two clear days before the date proposed for the removal of the body, except in cases of emergency where an arrangement may be made to meet such emergency.

Time of exhumation

38. The exhumation of a body shall only take place during such time as the Chief may permit.

Screening of exhumation operations

39. The grave from which any body is to be exhumed shall be effectively screened from view during the exhumation, and a suitable container shall be kept in readiness to receive the exhumed body.

Removal by Council of body from one grave to another

40. (1) If at any time the exhumation and removal of a body becomes necessary, or if any body was buried in a grave in contravention of these regulations, the Council may, subject to any other law, cause such body to be removed from that grave to another grave.

(2) A removal of a body from one grave to another in terms of subregulation (1) shall not take place unless every near relative of the deceased person concerned, resident within the municipal area, and whose address is known, has been notified of the intended removal.

(3) If no relative of the deceased person concerned is located, the Council may remove such body after a notice of the intended removal has been given in accordance with subregulation (4)

(4) The notice referred to in subregulation (3) shall be placed in the *Gazette* and in two newspapers once per month for three consecutive months, stating the name, identity number and last address of the deceased and notifying relatives that the body

will be removed to another grave at a time and date specified in that notice which date shall not be later than 30 days after the date of the last notice in the *Gazette*.

Care of graves and grave spaces

41. The Council shall be responsible for keeping graves and grave spaces free from weeds and other undesired plants.

Planting of shrubs, etc.

42. (1) Any person may, with the permission of the Chief, plant a shrub, plant, tree or flower upon a grave.

(2) Subject to subregulation (3) a person shall not without the consent of the Chief cut or remove any shrub, plant, tree or flower planted on a grave.

(3) Notwithstanding subregulation (2), the Council may prune, cut down, dig up or remove any shrub, plant, tree or flower planted on a grave at any time without paying any compensation.

PART V ERECTION AND MAINTENANCE OF MEMORIAL WORK

Vaults and brick grave

43. (1) A person shall not construct a vault or a brick grave in any part of a cemetery without the prior consent of the Chief, or inter any body in any vault or brick grave, except on the condition that immediately after interment the grave shall be filled up with earth.

(2) Regulations 27 and 28 regarding the depths of coffins shall apply to a grave referred to in subregulation (1).

Erection of memorial work

44. (1) A person shall not commence with any work for the construction or erection of any vault, brick grave or memorial work in a cemetery unless the Chief in writing, has approved of the drawing and specification or a description of the work concerned, and no deviation from the drawing and specification or description shall be made, except with the written consent of the Chief.

(2) Any drawing and specification or a description of a work submitted to the Chief for approval in terms of subregulation (1) shall be accompanied by the prescribed application fee.

(3) A person shall not erect any memorial work upon any grave except in such position as the Chief may indicate.

(4) A person shall not bring any material into a cemetery for the purpose of constructing any memorial work or any brick or stone work on a grave space unless -

- (a) all fees due in respect of such grave space have been duly paid; and
- (b) the Chief's approval has been given to the applicant.

(5) A person shall not leave any material or tombstone in a cemetery for longer than seven days without using or erecting it, failing which the Council may remove such material or tombstone for the account of such person.

(6) Where a memorial work erected on a reserved grave space is removed for the purpose of an interment or any other purpose, the person who removes such memorial work shall be responsible for the re-erection of such memorial work.

Rejection of memorial work

45. The Council may reject any proposed memorial work or inscription which, in its opinion, is of inferior workmanship or which is likely in any way to disfigure any cemetery or calculated to hurt or offend the feelings of the public.

Sitting on memorial work

46. A person shall not sit, stand or climb upon or over any memorial work, gate, wall, or fence or any building in a cemetery.

Defacing monument

47. A person shall not draw, scribble, erect advertisements upon, or in any way mark or deface, any wall, building, fence, gate, memorial work or other erection within or around a cemetery.

Repair of memorial work

48. If in the opinion of the Council any memorial work falls into a gross state of disrepair the Council may repair such memorial work to an acceptable standard.

Supervision of work

49. Any person engaged upon any work in a cemetery shall effect such work under the supervision, and to the satisfaction, of the Chief.

Damage to memorial work

50. The Council shall in no case be liable for damage which may at any time occur to any memorial work from any cause whatsoever.

Regulation of construction of memorial work

51. A person shall, in constructing any memorial work, observe the following conditions:

- (a) Any person erecting a tombstone on any grave shall whenever require to do so by the Council, provide a reinforced concrete block extending over the breadth of the grave with each end resting on solid ground to an extent of not less than 30 cm to serve as a solid base of the tombstone the design and construction of such concrete block shall be subject to the approval of the Chief.
- (b) The underside of every flagstone memorial and the base of every monument or headstone shall be set at least 5 cm below the natural level of the ground.
- (c) A person shall not construct any border stone which are more than 22 cm above the surface of the ground or which extend more than 20 cm below the surface of the ground altogether, without the consent of the Chief.
- (d) Any headstone shall be securely attached to the base to the satisfaction of the Chief.
- (e) No soft stone shall be used for any memorial.

- (f) The base stone of any monument shall be in proportion to the size and weight of the structure to be erected on it, and the Chief shall decide as to the base stone to be used for each monument.

Vehicles and tools

52. Every person engaged to do any work upon a grave or grave space shall provide the vehicles, tools and other appliances which may be required for such work, but such vehicles, tools or appliances shall not be of such a nature that their use constitutes a contravention of these regulations.

Rubbish and debris

53. A person shall not leave any rubbish, loose soil, stone or other debris within a cemetery, or in any way damage or deface any part of a cemetery or anything contained in it.

Prohibition of work on weekends and holidays

54. A person shall not bring any memorial work or material or do any work within a cemetery from 17:00 on Friday in each week until the opening hour on the following Monday, and no memorial work shall be done on any public holiday, except under special permission of the Council.

Unsuitable weather

55. A person shall not fix or erect any memorial work in inclement weather or while the ground is, in the opinion of the Chief, in an unfit state.

Production of permit

56. Every person in charge of work, or on his or her way to or from work within a cemetery shall, upon demand at any time, produce his or her written permission to carry out such work.

PART VI CREMATION

Direction for disposal of ashes

57. Every applicant for a cremation shall together with his or her application furnish to the Chief an indication in writing as to the manner of disposal of the ashes, which indication shall not be in conflict with the provisions of regulation 16 of the Regulations relating to Crematoria and the Cremation of Human Remains, published under Government Notice No. 331 of 1975.

Deposit of ashes

58. (1) The Council may provide buildings, niches or other facilities for the deposit and preservation of the ashes of cremated bodies and may further provide memorial tablets of such material as it may approve.

(2) Any matter placed in or on any niche or space for memorial tablets and all inscriptions shall be subject to the approval of the Council.

(3) The Council may provide a garden where ashes may be scattered (hereinafter called the Garden of Remembrance) or erect a wall in which ashes may be placed (hereinafter called the columbarium).

(4) Niches and spaces shall be allocated strictly in sequence and no reservations for future use shall be made.

Disposal of ashes

59. (1) An urn or a receptacle for ashes shall be provided by the representative of the deceased or by the undertaker, unless ashes are to be scattered in the Garden of Remembrance.

(2) Any urn or receptacle to be placed in a niche in the columbarium shall be made of terracotta or such other material as may be approved by the Chief.

(3) Niches may be close off with an approve memorial tablet.

(4) A person shall not remove any urn containing ashes and deposited in the columbarium without the written consent of the Chief.

(5) Every niche containing ashes shall be sealed by such tablet as may be approved by the Chief and shall only be opened for the purpose of withdrawing the urn or casket contained in it for disposal elsewhere or for the purpose of depositing an additional urn or casket in it.

Memorial work

60. (1) A person shall not erect, alter or in any way interfere with any memorial work or make any inscription on the columbarium or in its grounds without the written consent of the Council, which consent shall be granted only on production of the written consent of the person who applied for cremation of a body in terms of regulation 7 of the Regulations Relating to Crematoria and the Cremation of Human Remains published under Government Notice No. 331 of 1975.

(2) A person shall not undertake any work referred to in subregulation (1) unless the consent referred to in that subregulation is submitted to the Chief.

(3) A person who undertakes the work referred to in subregulation (1) shall undertake that work continuously until final completion.

(4) A person shall not, unless he or she is an artisan who is a qualified monumental or stonemason, erect or construct or attempt to erect or construct any memorial work on the columbarium or its grounds.

(5) The Council may reject any proposed memorial work which, in its opinion, is of inferior workmanship or, which is likely in any way to disfigure the columbarium or its grounds.

(6) Any person engaged upon any work on the columbarium or its grounds shall execute such work under the supervision, and to the satisfaction, of the Chief, and such work shall be undertaken during ordinary working hours.

Liability Disclaimer by Council

61. The Council shall in no instance be liable for any damage to any memorial work from any cause whatsoever, unless the damage has been caused by an employee of the Council in the course of his or her employment.

Material for memorial work

62. A person who is not authorized by the Chief shall not introduce any material into the columbarium or into its grounds for the purpose of constructing or erecting any

memorial work therein unless -

- (a) a copy of the proposed inscription has first been submitted to the Chief and approved; and
- (b) all fees due in respect of the grave, niche or memorial tablet have been paid fully as required by the Municipality.

Permanent wreaths, etc.

63. A person shall not place a permanent wreath, spray, flower or floral tribute in a columbarium or in its grounds unless the person is authorised by the Chief.

Book of remembrance

64. Inscriptions in the book of remembrance provide by the Council shall be inserted only by such person or persons as may be appointed by the Council for that purpose.

Visit to garden of remembrance

65. The garden of remembrance may be visited daily at any time between 06:00 and 18:00 every day of the week including Sundays and public holidays.

**PART VII
GENERAL PROVISIONS**

Bribing of Council employees

66. A person shall not bribe or offer any gratuity to any employee of the Council employed in or around the cemetery and no such employee shall accept any bribe or gratuity.

Penalties

67. A person who contravenes these regulations or fails to comply with the terms of any notice or order or direction issued or any permission or exemption granted under these regulations or who obstructs any person in the execution of any power or function assigned to him by or under these regulations shall be liable to a fine not exceeding N\$2000 or in default of payment to imprisonment for a period not exceeding six months.

Repeal of regulations and saving

68. Subject to subregulation (2), the regulations published under Government Notice 235 of 1975, as amended, are hereby repealed.

**ANNEXURE A
(Regulation 19)**

**MUNICIPALITY OF WINDHOEK:
CERTIFICATE OF PURCHASE OF EXCLUSIVE
RIGHT OF INTERMENT IN A GRAVE SPACE**

It is hereby certified that is the holder of the exclusive right of interment in grave space No. of Block No. in the cemetery, subject to the regulations relating to the said cemetery, for the period from to

.....
CHIEF

Dated in Windhoek this day of 19

(This form is to be produced at the time interment is to be made in a reserved grave space).

N.B. No notice that the reservation has lapsed shall be given by the Council to the person concerned and the grave space may at any time after the date of lapsing be re-allocated.

**ANNEXURE B
(Regulation 32)**

**MUNICIPALITY OF WINDHOEK:
NOTICE OF INTERMENT**

Full name of deceased:
(In block letters)

Sex: Age:

Last residence:

Cause of death:

Date of death: 19 ... Time: hrs.

To be interred on: 19 At: hrs.

State where funeral service will take place:

If in chapel in cemetery, what time will remains be transferred to chapel:
..... on

Name of officiating clergyman:

Name of undertaker:

Number of grave space:

Block number:

Name of a person in whose name grave space is to be registered:
.....

Address:

Name of person responsible for payment of fees:

Address:

.....
SIGNATURE OF APPLICANT

Date:

NOTE:

No interment will be effected unless an interment order as prescribed by the births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963) has been obtained and attached to this notice.

ANNEXURE C
(Regulations 14, 19, 22, 23, 29, 34 an 36)

MUNICIPALITY OF WINDHOEK:
SCHEDULE OF FEES AND CHARGES

1. Fees payable to the Council for cemetery and cremation services in respect of residents, ratepayers and their dependants within any area under the control of the Council:

(1) RESERVATION OF A GRAVE SPACE -

Conventional standard section	N\$50,00 per year
Medium standard section	N\$100,00 per year
Higher standard section	N\$150,00 per year

(In the event of a grave space being reserved during the year, a *pro-rata* amount shall be payable for that year).

(2) INTERMENT FEES

(a) Conventional standard section

(For the purpose of tariffs the Katutura Cemetery shall be deemed to be a "conventional standard section")

- (i) For adults N\$58,00
- (ii) For children N\$39,00
- (iii) For still-born children N\$39,00
- (iv) For a second interment in an existing grave N\$35,00
- (v) Still-born children shall be interred without charge when interred with any of the interments under (i) to (iii) above.
- (vi) For interments on Saturdays, Sundays and public holidays an additional charge of 50% shall be added to the above fees.

(b) Medium standard section

(For the purpose of tariffs the Khomasdal Cemetery shall be deemed to be a "medium standard section")

- (i) For adults N\$140,00
- (ii) For children N\$ 84,00
- (iii) For still-born children N\$ 84,00
- (iv) For a second interment in an existing grave N\$ 84,00
- (v) Still-born children shall be interred without charge when interred with any of the interments under (i) to (iii) above.
- (vi) For interments on Saturdays, Sundays and public holidays and

additional charge of 50% shall be added to the above fees.

(c) Higher standard section

(For the purpose of tariffs the Windhoek Cemetery shall be deemed to be a "higher standard section")

- (i) For adults N\$915,00
- (ii) For children N\$915,00
- (iii) For still-born children N\$915,00
- (iv) For a second interment in an
existing grave N\$366,00
- (v) Still-born children shall be interred without charge when interred with any
of the interments under (i) to (iii) above.
- (vi) For interments on Saturdays, Sundays and public holidays an additional
charge of 50% shall be added to the above fees.

- (3) Storage of body in the cooling room,
per day or portion thereof N\$8,00

(4) FEES FOR EXHUMATION

- (a) If the exhumation is done by the
Council and includes re-opening
and refilling the grave, transferring
and interring remains in a freshly
prepared grave, altering registers N\$450,00
- (b) if exhumation is done by any
authorised person performing
all services excluding preparation
of the new grave and altering
the registers N\$ 68,00

(5) REGISTER AND OFFICE FEES

- (a) For a certified extract from
the register of burials N\$3,00
- (b) For a certificate of transfer
and registering transfer of a
grave space N\$3,00
- (c) Application fees for approval
of memorial works N\$ 3,00

(6) FOR THE CREMATION OF THE REMAINS INCLUDING THE USE OF THE
CHAPEL

- (a) For adults N\$128,00
- (b) For children N\$ 77,00
- (c) For the remains of an

- anatomy subject N\$ 96,00
- (7) For a niche in the columbarium to contain an urn holding ashes N\$ 64,00
- (The owner must supply the niche with a standard size tablet made of marble or bronze)
- (8) For an entry to a maximum of thirty words in the book of remembrance which is kept in the crematorium N\$ 26,00
- (9) Interment of cremated ashes in an existing grave in the cemetery N\$26,00
- (10) Interment of cremated ashes in an ash grave in the cemetery N\$64,00

2. Fees payable to the Council for cemetery and cremation services in the case of non-residents who do not own fixed property in the municipal area.

- (a) The applicable fees payable in terms of items 1(1), 1(2), 1(3) and 1(4), plus a surcharge of 200 per cent of such fees.
- (b) The applicable fees payable in terms of items 1(6), 1(7), 1(8), 1(9) and 1(10) plus a surcharge of 75 per cent of such fees.
- (c) The applicable fees payable in terms of item 1 (5).

3. All fees as set out in items 1 and 2 shall be payable in advance.

4. The applicable fees payable in terms of items 1(9) and 1(10) plus a surcharge of 50 per cent of such fees for interment of cremated ashes on Saturdays, Sundays and Public holidays.

5. In the event of a dispute arising about the normal place of residence of a deceased person, the Strategic Executive shall decide which place was the normal place of residence and his or her decision shall be final and binding.

6. The expression "per year" means the Council's financial year as defined in the Local Authorities Act, 1992 (Act No. 23 of 1992).

MUNICIPALITY OF HENTIESBAAI

No. 92

1999

ELECTRICITY SUPPLY REGULATIONS

The Council of the Municipality of Hentiebaai has under section 94 (2) (a) of the Local Authorities Act, 1992 (Act 23 of 1992), read with section 94 (1) thereof, made Electricity Supply Regulations set out in the Schedule.

BY ORDER OF THE COUNCIL
A J DAMES
CHAIRPERSON OF THE COUNCIL

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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 (kWh);

"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 in 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 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 electricity to such consumer until such additional amount, and the fees determine 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 subregulation (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 any 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 month's 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 quantity 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 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.

Lcw 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 10mm², 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. (1) 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 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 ²)	(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, give 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 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 ground 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 purpose 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 purpose 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.

MUNICIPALITY OF HENTIESBAAI

No. 93

1999

WATER SUPPLY REGULATIONS

The Council of the Municipality of Hentiesbaai has under section 94(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992), read with section 94(1) thereof, made Water Supply Regulations set out in the Schedule.

BY ORDER OF THE COUNCIL
A J DAMES
CHAIRPERSON OF THE COUNCIL

SCHEDULE

WATER SUPPLY REGULATIONS

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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 a 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 extension 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

(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 purpose 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 purpose 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 owners' 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 (1);
 - (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 heating 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 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 lowflush 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 or premises referred

to in subregulation (2), this subregulation shall not apply until a date as contemplated in the 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 or 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 diaries 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) cause 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 purpose 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 purpose 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 it was installed;

(c) be tested under pressure in accordance with paragraphs 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.

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 portable 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 is 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.

No. 94

1999

OUTJO AMENDMENT SCHEME NO. 1

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the **Outjo Amendment Scheme No. 1** has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Outjo Amendment Scheme No. 1 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Outjo Municipality and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 241, Windhoek.

Any person who wishes to object to the approval of the Town Planning Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 1 July 1999.
