



# GOVERNMENT GAZETTE

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## General Notice

### ELECTRICITY CONTROL BOARD

No. 47

2016

#### TECHNICAL RULES ELECTRICITY ACT, 2007

The Electricity Control Board, under section 3(4) of the Electricity Act, 2007 (Act No. 4 of 2007), and with the approval of the Minister of Mines and Energy, made rules with regard to technical matters in the electricity industry as set out in the Schedule.

**J. NANDAGO**  
**CHAIRPERSON OF THE**  
**ELECTRICITY CONTROL BOARD**

Windhoek, 11 September 2015

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## Definitions

1. In these rules any word or expression to which a meaning has been given in the Act bears that meaning, and unless the context otherwise indicates -

“accommodation unit” means any building or section or part of a building or structure occupied or used, or intended for occupation or use, for residential, business, industrial or any similar or related purpose;

“certificate of compliance” means a certificate issued by a competent person;

“commission, ” in relation to a plant or facility or equipment, means the process by which the plant, facility or equipment which is installed is tested to verify that it functions according to its design, objectives or specifications and is suitable for the purpose for which it was constructed or installed;

“competent person” means a person competent to perform electricity services relating to a customer's electrical installation where such competence is derived either from applicable legislation or from a recognition system of a licensee as contemplated in rule 33;

“connecting licensee” means -

- (a) in the case of off-grid standby generation, the licensee who provides electricity to the person who operates or intends to operate the off-grid standby generator, in the case of there being such a licensee;

- (b) in the case of on-grid standby generation and small scale in-feed generation, the licensee to whose electrical system the person who operates or intends to operate the on-grid standby generator or small scale in-feed generator connects or intends to connect such generator;

“connection” means all cables and equipment required to connect the supply main to the terminals of the electrical installation;

“consumption” means electrical energy used or consumed in kWh;

“contract of supply” means a contract between a licensee and a customer or prospective customer for the provision of electricity by the licensee to the customer;

“customer’s premises” mean any land, including buildings or structures thereon, and include any vehicle, aircraft, vessel or other structure, whether above or below the surface of land or water, to which electricity is provided or to be provided by a licensee;

“decommission”, in relation to a plant or facility or equipment, means to cease or discontinue using the plant, facility or equipment for the purpose for which it was constructed or installed;

“economic rules” means the Electricity Control Board: Economic Rules published in Government Gazette No. 5949 of 2016;

“electrical installation” means the entire electrical installation on a customer’s premises, including all material, equipment and appliances used or intended to be used for or in connection with the provision of electricity to the customer’s premises, but does not include the metering installation or controlling devices or any part of the connection installed by a licensee;

“electrical system” means an electrical system in which all the conductors and devices are electrically connected to a common source of electrical energy;

“generator” means any device which converts energy not derived from a licensee’s electrical system into electrical energy;

“kWh” means kilowatt-hour which is a consumption equivalent to one kilowatt of electrical energy sustained for one hour;

“maximum demand” means the greatest average value of the active power, apparent power or current registered and provided by a licensee to a customer’s premises during one month, the averages being taken over successive time periods of 30 minutes in length;

“methodology”, when referred to as a methodology of the Board, includes a policy, framework, guideline, principle or any other similar instrument;

“month”, with regard to meter readings, means the period between monthly meter readings, irrespective of whether the readings are taken on the last day of the calendar month or not;

“notified maximum demand” means the highest demand notified by a customer as the upper limit of supply capacity to be provided by a licensee;

“occupier”, in relation to any premises, means –

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;

- (c) if the premises are subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether for such person's own account or as agent for any person entitled thereto or interested therein;
- (d) the person having the charge or management of the premises, including the agent of such person,

and if the person mentioned in paragraph (a), (b), (c) or (d) is a person who is absent from Namibia or whose whereabouts are unknown, "occupier" includes the authorised representative of that person in Namibia;

"off- grid standby generator" means a standby generator connected to an electrical installation and installed in such a manner so as not to be capable of feeding electricity into a licensee's electrical system;

"on-grid standby generator" means a standby generator installed to be capable to connect to a licensee's electrical system and to be synchronised with such electrical system but which, despite such connection, does not normally feed electricity into a licensee's electrical system;

"operator" means a person operating a generator whether or not such person is the owner of such generator;

"own consumption" means exclusively for own use or consumption by the operator on premises of which the operator is the occupier;

"owner", in relation to any premises, means the person in whom the legal title of such premises is vested, and includes –

- (a) if the owner –
  - (i) is deceased;
  - (ii) is insolvent;
  - (iii) is mentally ill;
  - (iv) is a minor;
  - (v) has assigned such owner's estate for the benefit of the owner's creditors;
  - (vi) has been placed under curatorship by order of court;
  - (vii) is a body corporate being wound up or under judicial management; or
  - (viii) is under any legal disability,

the person in whom the custody or administration of the premises is vested as executor, trustee, curator, guardian, liquidator 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 authorised representative or a person receiving the rent of the premises on behalf of the owner;

- (d) if the premises are beneficially occupied under a servitude or similar right, the person in whom the right is vested;
- (e) if the owner is a person who is absent from Namibia or whose whereabouts are unknown, the authorised representative of that person in Namibia;

“plant”, when used in the context -

- (a) of works to be established, maintained, altered or dismantled by a licensee; or
- (b) services to be rendered by a licensee,

means any structure or building, or part thereof, attached or to be attached to the soil and includes all fittings, implements, equipment, appliances and anything else used for any purpose in connection therewith;

“point of connection” means the physical point on a licensee’s electrical system where the customer’s electrical installation is connected to the licensee’s electrical system;

“point of supply” means the point, as determined by the licensee, at which electricity is provided to a customer’s premises;

“premises” include any aircraft, vessel, vehicle or other structure;

“renewable energy source” means -

- (a) any renewable energy source, or a combination thereof, including, but not limited to, hydro, solar, geothermal, waste heat, biomass or wind;
- (b) such other source as approved by the Board as qualifying as a renewable energy source;

“rules” mean these Technical Rules;

“service apparatus” means any protective device, meter, load controller, connection terminal or other apparatus belonging to a licensee and primarily used to control, switch and meter the electricity provided to the customer’s premises;

“small scale in-feed generator” means a generator, as contemplated in rule 20, which connects to a licensee’s electrical system and which is capable of feeding electricity into the licensee’s electrical system;

“stand alone generator” means a generator which is used to provide electricity to a structure, building or any electricity consuming device not being provided with electricity by a licensee and which structure, building or device is not connected to a licensee’s electrical system;

“standby generator” means a generator providing an alternative source of electricity to a customer and used by such customer as a back-up or an emergency source of electricity in case electricity received by such customer from an electrical system fails, is insufficient or another reason exists necessitating such alternative source of electricity;

“subordinate legislation” means regulations, rules or codes issued, or standards set, under the Act;

“supply main” means any electric cable or overhead line or distribution cubicle forming part of a licensee’s electrical system to which the electrical installation is connected;

“the Act” means the Electricity Act, 2007 (Act No. 4 of 2007);

“unlicensed generator” means a generator which is not required to be licensed under the Act or any subordinate legislation and includes a stand alone generator, a standby generator and a small scale in-feed generator; and

“unlicensed generation” means electricity generated from an unlicensed generator.

(2) These rules must be read in conjunction with applicable subordinate legislation and, in the case of conflict -

- (a) section 3(4)(j) of the Act applies;
- (b) the applicable subordinate legislation prevails, where such subordinate legislation consists of a code or a standard and where section 3(4)(j) is not relevant;
- (c) if paragraphs (a) and (b) above are not applicable or relevant, the rules of interpretation of statutes apply.

### **Provision of electricity by licensee**

2. (1) Subject to -

- (a) section 28 of the Act and all applicable subordinate legislation;
- (b) the provision of electricity may not compromise the integrity, efficiency and safety of the licensee’s electrical system; and
- (b) the limit of electricity which it may provide in terms of its licence,

every licensee who is licensed to supply electricity must, within its licensed area, supply electricity to the premises of the customer who applies for the supply of electricity.

(2) A licensee is not obliged to provide electricity to the premises of a customer in the licensee’s licensed area -

- (a) unless the customer -
  - (i) has concluded with the licensee a contract of supply;
  - (ii) has fully paid the licensee for all electricity provided to such customer where payment is due and payable whether to that or any other premises of the customer;
  - (iii) complies with all other requirements prescribed by these rules for procuring such provision of electricity including the inspection and testing of the customer’s electrical installation in the manner considered fit by the licensee;
- (b) in the case -
  - (i) where electricity is not available at a point within close proximity to the customer’s premises from where it is possible to provide a connection to the customer’s premises; or
  - (ii) where the licensee does not have sufficient electricity supply capacity.

(3) A customer is not entitled to the provision of electricity to the customer's premises where such premises have a separate source of electricity unless -

- (a) there is an agreement between the licensee and the customer for the provision of electricity to the customer's premises; or
- (b) the customer agrees to pay an amount to the licensee to cover the expenses of the licensee in connection with the provision of the electricity or the customer has given security for the payment of the said amount.

(4) A licensee must implement the necessary standards and procedures for the management of the minimum quality of electricity supply and service to customers and to customers' premises as required by the Board and as contained in the relevant standards, codes or methodologies published by the Board.

(5) A customer must notify the licensee in writing of the customer's notified maximum demand of power or capacity.

(6) Despite subrule (5), any electricity provided to a customer's premises and consumed by the customer in excess of the notified maximum demand for the time being in force, may be provided on the terms and conditions upon which the licensee and the customer agree, in which case the latter maximum demand constitutes the notified maximum demand agreed between the customer and the licensee, unless the customer and the licensee in writing otherwise agree.

(7) A person may not obtain or take electricity from a supply main other than by means of a connection provided by a licensee.

(8) A customer must consume the electricity provided by a licensee in a manner which does not interfere with the efficient and economic provision of electricity by the licensee.

(9) A licensee may issue technical requirements detailing the licensee's requirements as regards matters not covered by these rules but which the licensee considers necessary for the safe and efficient operation and management of the provision of electricity.

### **Decommissioning obligations of licensees**

3. (1) If a licensee, for whatever reason, including the closing down of the undertaking to which the licence relates, requires to decommission its plant, the licensee must by written notice, within the period before the intended decommissioning which the Board determines, inform the Board of the intended date of decommissioning except that the Board may exempt a plant or some plants from this requirement.

- (2) Decommissioning of a plant must be effected in accordance with -
  - (a) this rule;
  - (b) licence conditions applicable to the licensee in this regard, if any;
  - (c) any other conditions which the Board determines with regard to the decommissioning; and
  - (d) all applicable laws relating to health, safety and protection of the environment.

(3) The licensee must include in the notice contemplated in subrule (1) the method according to which the licensee intends to decommission the plant, which method must before the decommissioning be approved by the Board.

(4) After the decommissioning of the plant in accordance with this rule, the Board may inspect the relevant area in order to determine whether it has been sufficiently restored with regard to the electricity-related activities conducted thereon in order not to pose a threat to the environment or the safety and health of the members of the public.

- (5) For the purposes of subrule (4), “restore” means -
- (a) the decommissioning of the plant in accordance with the licence conditions applicable to the licensee and the approved method of decommissioning contemplated in subrule (3);
  - (b) the return of the relevant area to its original or its natural state; or
  - (c) the rendering of the relevant area compatible with its intended use after cessation of the electricity-related activities thereon,

and includes the removal of buildings, structures, other equipment associated with the plant or debris, the establishment of compatible contours and drainage, the replacement of top soil, re-vegetation, slope stabilisation and infilling of excavations.

### **Reporting of incidents and accidents**

4. If a licensee becomes aware that an incident or accident has occurred on the electrical system under the licensee’s control, which incident or accident caused a serious injury to, or the death of, a person, including an employee of the licensee, the licensee must -

- (a) notify the Chief Inspector referred to in regulation 1 of the Regulations Relating to the Health and Safety of Employees at Work published under *Government Gazette* No. 156 of 1 August 1997 and considered to have been made under section 135 of the Labour Act, 2007 (Act No. 11 of 2007) by section 142 of that Act;
- (b) report the injury or death in writing and in the form and within the period required under the regulations referred to in paragraph (a) to the Chief Inspector or such other labour inspector or person specified in writing by the Chief Inspector; and
- (c) provide the Board with a copy of such notification and report as well as copies of all other notifications, reports or the like to be provided by the licensee to any authority under any applicable law.

### **Operating procedures of licensee**

5. (1) A licensee must compile and implement electrical operating procedures for use within its licensed area and such procedures must comply with the requirements set out in the Namibian Electricity Safety Code as issued by the Board.

(2) A licensee must submit its operating procedures to the Board for the Board’s approval within six months of the date of commencement of these rules or in the case of a new licence, within 90 days of the date on which the licence has been granted to the licensee and the Board may, if it considers it necessary, allow a longer period for such submission.

### **Scheme to be submitted to other service providers**

6. (1) When commissioning the installation of any electrical system or any extension or change to the electrical system, a licensee must -



- (a) undertake commissioning in such manner so as not to unduly interfere with any other existing or planned services such as, but not limited to, post and telecommunication, railways, aviation, roads or other transport;
  - (b) before the commissioning, consult with all relevant service providers referred to in paragraph (a) for the purpose of deciding, by mutual agreement with those service providers, on the methods or devices to be adopted by the licensee to avoid the creation of conditions on existing and projected services and infrastructure which may be dangerous to the public or to any employees of the licensee or of the service provider.
- (2) Where the conditions contemplated in subrule (1) can be avoided without material cost to either party by the adjustment of either the projected plans of the licensee or the projected plans of the service provider concerned, the adjustment must be made.
- (3) Subrule (1) does not apply to connections made to a consumer's premises.
- (4) If an agreement between a licensee and a service provider referred to in subrule (1) cannot be reached, either the licensee or the service provider concerned may refer the matter to the Board for mediation.
- (5) In the case of an alteration to the design of an existing electrical system which has been erected in accordance with subrule (1), or additional devices, becoming necessary on account of representations made by a service provider referred to in subrule (1), the alteration must be effected by the licensee at the expense of the service provider whose representations has resulted in the alterations.

#### **Work by licensee on roads or immovable property belonging to licensee**

7. (1) Subject to subrule (4), a licensee may within a region, as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992), or a local authority area, as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992), where that region or local authority area falls within the licence area of the licensee -

- (a) provide, establish and maintain electricity services as authorised in accordance with the licensee's licence;
  - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up or decommission and remove electricity supply mains;
  - (c) construct, erect or lay any electricity supply main on, across, through, over or under any road or immovable property and the ownership of any such electricity supply main vests in the licensee;
  - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in paragraphs (a) to (c).
- (2) For the purposes of subrule (1), the licensee -
- (a) must, where appropriate, enter into an agreement with the owner or person in control of or vested with the management of the relevant road or immovable property as regards the manner in which the licensee must exercise its activities contemplated in subrule (1) and as regards the rights and duties of the parties involved and that agreement, where appropriate, must include the registration of a servitude in favour of the licensee in order to secure the rights of the licensee;

- (b) may subcontract the carrying out of the activities contemplated by that subrule to the owner or person in control of or vested with the management of the relevant road or immovable property or to any other party subject to such terms and conditions as the parties may consider appropriate.

(3) Where a licensee constructs, erects or lays any electricity supply main on, across, through, over or under any road or immovable property not owned by the licensee or under the control of or management of the licensee, the licensee may determine the restrictions to be imposed on the use of the property under a servitude agreement.

(4) The licensee must, before commencing any work other than repair or maintenance on or in connection with any electricity supply main or other structure on a road or an immovable property not owned by the licensee or under its control or management, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work except in an emergency in which case the licensee must give the notice as soon as possible after the emergency has arisen.

- (5) Where the licensee carries out any activity contemplated in this rule, it must -

- (a) comply with the legal obligations, if any, of the owner or person in control of or tasked with the management of the road or immovable property concerned;
- (b) complete the activity within a reasonable period;
- (c) when appropriate, cause the activity at all times to be fenced and guarded and, during the night, adequately lit; and
- (d) remove the rubble caused or created by the activity and in the case of a road, reinstate the road or cause the road to be reinstated to the satisfaction of the owner or person in control of, or tasked with the management of the road.

(6) Nothing contained in this rule is to be construed as relieving the licensee from any liability in respect of any loss or damage caused by its negligence in carrying out any of the activities or by its failure to comply with this rule.

(7) In the case where the relevant authority or person refuses to enter into an agreement or fails to respond within a reasonable time to a request for an agreement, as contemplated in subrule (2), the licensee may refer the matter to the Board for mediation.

(8) For the purposes of this rule, "road" means any road, street or thoroughfare or any other place which is commonly used by the public or any section to which the public has a right of access and includes -

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

the control or care of which is vested in any authority or person.

**Initial connection to supply main, increase of capacity and reconnection of electricity provision**

8. (1) Where a contract of supply has been concluded and the subordinate legislation has been complied with, the licensee must -

- (a) cause the initial connection of the customer's premises to the supply main to be made;
- (b) cause the existing electricity supply capacity to be increased; or
- (c) cause a reconnection of the customer's premises to the supply main to be effected.

(2) In the case of an initial connection, the point of connection must be made at the position on the supply main which the licensee determines.

(3) The licensee may, either on its own accord or at the request of a customer, alter the position of the point of connection on the supply main.

(4) Where the licensee provides a connection to a customer's premises, it is the responsibility of the customer, at the customer's expense, to provide, install and maintain, in accordance with these rules and the laws applicable to the wiring of premises, the electrical installation on the customer's premises.

**Obligations of customers and owners regarding electricity installation**

9. (1) A customer must at his or her own cost erect, connect, operate and maintain in good order -

- (a) all circuits from the point of connection to the electrical installation;
- (b) all apparatus necessary for controlling the circuits, including efficient apparatus for automatically disconnecting any circuit which may break down; and
- (c) other equipment which the licensee requires the customer to install,

and the circuits, electrical installation, apparatus and equipment and the adjustment must be to the approval of the licensee.

(2) A licensee is entitled to recover from the customer any loss or expense which the licensee incurs as a result of damage to the licensee's electrical system, plant or equipment or otherwise because of failure by the customer to comply with this rule.

(3) A customer must accommodate electrical installations and all other electrical equipment which belong to the customer in a manner which distinguishes clearly between the electrical equipment or installations which is the property of the customer and the electrical equipment or installations which is the property of the licensee.

(4) The electrical installation and all other electrical equipment of the customer must be of a design and constructed in line with good industry practices, properly installed and maintained by the customer, and must in all respects comply with the laws and standards applicable to the wiring of premises.

(5) A customer must provide adequate equipment for the protection of the electrical installation after ascertaining the nature of the protection equipment which the licensee installed at the point of supply.

(6) A customer must take the necessary protective measures where the business of the customer is of such nature that a voluntary or involuntary outage will cause a cessation of or damage to the customer's plant or operations.

(7) A customer may not exceed the rated capacity of the distribution line or cable, equipment or apparatus which the licensee provides and the licensee may provide and install apparatus designed and arranged to interrupt the provision of electricity to the customer's premises in the case of an overload occurring.

(8) A customer must, at the customer's cost, provide harmonic filters, if the customer's load is of such a nature that harmonics levels are generated that exceed the limits determined by the Board after consultation with the affected role players in the electricity industry.

(9) The customer must provide soft starting equipment for machinery if this is so determined by the licensee or the alternative equipment or mechanisms as may be appropriate in the circumstances.

(10) All equipment installed on the premises of the customer must be compatible with the licensee's electrical performance standards.

(11) The Board may, within a reasonable time from the date of commencement of these rules, by notice in the *Gazette* and in at least two newspapers circulating nationally in Namibia, determine that every owner of a customer's premises, or such category of owners as the Board may determine, with an existing electrical installation provided with electricity must -

- (a) at all times have a valid certificate of compliance for the electrical installation; and
- (b) provide a copy of the certificate of compliance to the licensee when so requested by the licensee.

(12) Where the premises of the customer is connected to a licensee's electrical system for the first time, the owner of the customer's premises must, before such connection, provide the licensee connecting the customer's premises to the electricity system with a certificate of compliance.

(13) In the case of any change, addition or modification being made to an existing electrical installation on the premises of the customer, the owner of the premises must as soon as possible after the completion of such change, addition or modification provide the relevant licensee with a certificate of compliance for the electrical installation.

(14) If a licensee has reason to believe that an existing customer installation may not comply with the applicable standards such licensee may request the owner of such customer installation to provide the licensee with a certificate of compliance for such customer installation within such time as the licensee may determine, except that the period may not be less than 30 days.

(15) If an accident or an incident occurs with regard to an existing electrical installation on the premises of a customer as contemplated in rule 4, the owner of the premises must provide the supplying licensee with a certificate of compliance for the electrical installation.

(16) Where the owner of premises is required under these rules to have a certificate of compliance, the owner must at all times have the latest certificate of compliance for the electrical installation on the premises.

(17) A licensee must retain all certificates of compliance or copies received by the licensee in connection with any customer installations within the licensee's licence area.

**Measurement of electricity provided**

10. (1) A licensee must install and connect an appropriate metering installation as near as possible to the point of supply as determined in the contract of supply, unless agreed otherwise in writing between the licensee and the customer.

(2) The customer must provide adequate housing for the licensee's metering and supply protection installation, unless otherwise agreed in writing between the licensee and the customer.

(3) For the purposes of measuring electricity provided by a licensee to a customer, the metering installation must be read at or near the end of each metering period at a time of the day convenient to the licensee, but the reading must normally be taken for the number of days in the meter reading period which correspond to the number of days in the previous meter reading period.

(4) Where duplicate meters are installed and the readings of the meters are within two and one half percent of the arithmetic mean of the readings of both meters, each meter is accepted as correct for the purpose of rendering accounts and the said arithmetic mean or either of the meters can be used as indicative of the number of units provided.

(5) If the readings of the meters differ from the said arithmetic mean by more than two and one half per cent and if a fault is detected in one meter or the licensee's records show that the discrepancy is attributable to one meter only, the reading of the other meter is taken as correct.

(6) If the discrepancy is due to either or both meters, the arithmetic mean of the readings of both meters may be taken for the time being.

(7) If the licensee becomes aware of a possible fault or inaccuracy on a meter or meters or when requested by the customer, the licensee must as soon as possible test the meter or meters and subsequently make an appropriate adjustment to the customer's account in accordance with the economic rules.

(8) If -

(a) a maximum demand metering installation fails to register;

(b) a fault in a meter is detected; or

(c) the licensee's records show that the meter reading is unreliable and no duplicate meter has been installed,

a reasonable estimate of the maximum demand must be made by the licensee in accordance with the economic rules and the customer's account for that month must be based on the estimate.

(9) All metering installations on the customer's premises must at all reasonable times be accessible for inspection by the licensee and the Board.

**Provision of accommodation**

11. (1) A licensee may, on such conditions as it considers fit, require a customer to provide and maintain accommodation which constitutes a substation or mini-substation and which must consist of a separate room or rooms to be used exclusively for the purpose of housing the equipment necessary for the provision of electricity requested by the customer.

(2) A licensee has the right to supply electricity to its own electrical system from its own equipment installed in the accommodation referred to in subrule (1).

**Safeguarding of metering installation and other equipment**

**12.** (1) A customer must take measures which are reasonably necessary to prevent damage to the metering installation or other equipment forming part of the service apparatus on the premises of the customer.

(2) If a licensee considers it necessary or desirable that special precautions be taken for the safeguarding of the metering installation on the premises of the customer, the licensee may -

- (a) require a customer to take such steps which the licensee directs for that purpose; or
- (b) cause the steps to be taken which the licensee considers necessary for that purpose and recover the costs from the customer.

(3) Every customer must ensure, at the cost of the customer, that free and unimpeded access of the metering installation on the premises of the customer is available at all reasonable times to the licensee or other parties authorised under the Act, these rules or any subordinate legislation.

(4) The duties and responsibilities imposed by subrules (1) to (3) -

- (a) in the case of customer's premises on which several accommodation units are situated and to which electricity is provided through a common metering installation, rest on the person who is in charge of, or is responsible for the management of the premises; or
- (b) devolve on the owner of any customer's premises -
  - (i) during any period that the premises are not occupied by another person;
  - (ii) where the occupier cannot be located by the licensee; or
  - (iii) where, despite all reasonable efforts being made by the licensee, the occupier fails to comply with any provision of this rule.

**Tampering, interference or damage to licensee's equipment or efficient electricity provision**

**13.** (1) A person, other than the licensee or an authorised representative of the licensee, may not -

- (a) open, break or remove any seal or lock affixed to the metering installation or any other part of the service apparatus or connection on a customer's premises;
- (b) disconnect the metering installation from the connection to or from a customer's premises;
- (c) damage, fix advertising medium to or deface the metering installation or any part of the metering installation or the service apparatus or connection on a customer's premises;
- (d) where the provision of electricity to the customer's premises has been disconnected or suspended by the licensee for whatever reason, make a reconnection of or restore the electricity provision in any manner; or
- (e) in any way tamper or interfere with the metering installation or any other part of the service apparatus or the connection on any customer's premises.

(2) A customer may not cause or permit an unauthorised person to perform the acts enumerated in subrule (1) on the customer's premises.

(3) A person may not intentionally or recklessly damage the metering installation of the licensee on a customer's premises.

(4) If a customer uses electricity provided to the customer's premises for any purpose, or deals with the provision of electricity to the customer's premises in any manner, which, in the opinion of a licensee, interferes with or is likely to interfere with the efficient provision of electricity by the licensee to that or any other premises the licensee may, without prior notice, suspend the provision of electricity to the customer's premises.

(5) A person who fails to comply with or contravenes subrule (1), (2) or (3) commits an offence and, on conviction, is liable to a fine not exceeding N\$16 000 or to imprisonment not exceeding two years, or to both such fine and such imprisonment.

#### **Protection of licensee's electrical system**

**14.** (1) A person may not, except with the consent of the licensee and subject to such conditions as the licensee impose –

- (a) construct, erect, lay or permit the construction, erection or laying of a building, structure, other object, plant, trees or vegetation over or in such a position or manner as to interfere with or endanger a licensee's electrical system;
- (b) excavate, open up or remove the ground above, next to, under or near any part of the licensee's electrical system;
- (c) damage, endanger, remove, destroy, or do any act likely to damage, endanger or destroy part of the licensee's electrical system;
- (d) make an unauthorised connection to a part of the electrical system or divert or cause to be diverted any electricity from the licensee's electrical system.

(2) A customer must, on becoming aware that there are on the customer's premises, trees, branches or other vegetation encroaching on, interfering with or endangering the licensee's electrical system, including power lines, immediately notify the licensee.

(3) A licensee has the right, after prior written notification or at any time in an emergency, to cut or trim the trees, branches or other vegetation in order to remove the threat posed by the trees, branches or other vegetation and may, subject to section 38 of the Act, enter a customer's premises for this purpose.

(4) A licensee may, in the case of an emergency or disaster, remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the licensee's electrical system.

(5) A person who fails to comply with or contravenes subrule (1) or (2) commits an offence and, on conviction, is liable to a fine not exceeding N\$16 000 or to imprisonment not exceeding two years, or to both such fine and such imprisonment.

#### **Failure of meter to register and repair or substitution of electricity meter or other equipment**

**15.** (1) A licensee must -

- (a) repair or replace an electricity meter which has ceased to register the provision of electricity to the customer's premises and the licensee bear the costs where such cessation occurred not by fault of the customer;
- (b) at any time replace an electricity meter on a customer's premises if it is suspected that the electricity meter does not register accurately the provision of electricity to the customer's premises.

(2) The costs incidental to the repair or replacement in terms of subrule (1) must be borne by the licensee, but if the repair or replacement is necessitated by reason of the failure on the part of the customer to properly safeguard the metering installation or other equipment forming part of the service apparatus on the customer's premises or because of tampering or interference with or damage by the customer to the metering installation or such other equipment, the licensee may recover the costs from the customer.

(3) If any repair or replacement to an electricity meter or any other part of the service apparatus on any customer's premises is necessary, the repair or replacement may only be effected by the licensee or a person authorised by the licensee.

(4) If a customer becomes aware, or if a customer ought reasonably to have become aware that an electricity meter has ceased to register the provision of electricity to the customer's premises, the customer must report the failure to the licensee immediately on becoming so aware.

(5) Where an electricity meter ceases to register the provision of electricity to the customer's premises, the quantity of electricity provided for the period from the date of the previous last reading of the meter to the date of its repair or replacement, must be estimated by the licensee in accordance with the economic rules.

### **Testing of electricity meters**

**16.** (1) For the purpose of the provision of electricity, the accuracy co-efficient of an electricity meter or maximum demand metering installation must be determined by way of testing the meter and means the accuracy co-efficient obtained during the testing period.

(2) A licensee has the right to test the licensee's metering installation at any reasonable time and also to test any electricity meter of a customer which is used for the purpose of measuring the quantity of electricity provided to the customer's premises.

(3) The licensee must test each electricity meter installed by the licensee -

- (a) when required by these rules or under any relevant legislation or subordinate legislation; and
- (b) if and when it appears to the licensee that the reading of the electricity meter is inaccurate to an extent not compliant with the accuracy requirements for meters specified in any relevant legislation or subordinate legislation.

(4) If, on testing, an electricity meter or maximum demand metering installation is found to be inaccurate, the inaccuracy must, in the absence of evidence to the contrary, be considered to have existed -

- (a) since the previous occasion of testing; or
- (b) since the date of the last meter reading,



whichever is the later date, and the reading of the electricity meter for the period of the inaccuracy must be adjusted or estimated in accordance with the economic rules.

(5) In the case that the Namibian Distribution Grid Code, as issued by the Board, applies NRS 057: 2001 relating to electricity metering by distribution licensees, the licensees must comply with those provisions.

#### **Removal or relocation of material, plant and apparatus by licensee**

**17.** (1) Subject to section 38 of the Act, a licensee may enter the customer's premises and remove all material, plant or apparatus which belong to the licensee if -

- (a) the contract of supply has been terminated and no subsequent application for the reconnection of the provision of electricity to the customer's premises has been received within a period of 90 days following the termination; or
- (b) the accommodation units on the customer's premises are demolished.

#### **Reduction in the provision of electricity**

**18.** (1) At any time -

- (a) during a peak load;
- (b) in an emergency; or
- (c) when in the opinion of the licensee it is necessary to reduce the load on its electrical system,

the licensee may -

- (i) without notice interrupt; and
- (ii) for the period which the licensee considers necessary, discontinue the provision of electricity to the whole or part of an electrical installation without compromising applicable quality of service and supply standards.

(2) The licensee may -

- (a) at its own cost, install on any customer's premises the apparatus or equipment which is necessary or expedient for the purpose of any action contemplated in subrule (1), including the control of electric loading, except that -
  - (i) with the exception of ripple control, such equipment may not interfere with the day to day operation of the electrical installation; and
  - (ii) the customer is obliged to give the licensee access to the customer's premises for the installation and maintenance of the apparatus or equipment;
- (b) require the customer to provide a suitable facility for the installation of the apparatus or equipment in which case the licensee must bear the installation cost of the relevant apparatus or equipment.

(3) If, in the opinion of the licensee, the consumption of electricity by a customer adversely affects the provision of electricity to other customers, the licensee may, without prejudice

to the licensee's powers under rule 13(3), apply the restrictions to the provision of electricity to the customer's premises which the licensee considers fit in order to ensure a reasonable provision of electricity to other premises.

(4) A licensee may install on a customer's premises such apparatus or equipment as may be necessary to give effect to subrule (1) and the licensee may, subject to section 38 of the Act, at any reasonable time enter a customer's premises for the purpose of installing, inspecting, testing, adjusting or changing such apparatus or equipment.

(5) A customer must, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the licensee may decide in order to facilitate the later installation of apparatus or equipment contemplated in subrule (4).

#### **Non-liability of licensee and customer**

**19.** (1) Subject to their compliance with these rules, neither party to a contract of supply is considered in breach or in default of carrying out its obligation, if -

- (a) prevented or delayed by *force majeure*, including epidemics, acts of war, civil disturbances, sabotage or other circumstances beyond his or her control; and
- (b) notice of the occurrence or existence of the event is given within the shortest possible time to the other party.

(2) As soon as the event, which results in preventing a party to carry out its contractual obligations ceases to exist, the affected party must without delay notify the other party of this fact and must without delay resume its obligations under the contract of supply.

(3) Despite subrule (1) or (2), a licensee is not liable for any loss or damage, direct or consequential, suffered by a customer or the owner of any customer's premises as a result of or arising from the cessation, interruption, discontinuance, disconnection, deficiency, variation or abnormality of the provision of electricity from whatever cause and whether or not the cause is attributable to any act or omission of any employee or agent of the licensee, if the licensee, employee or agent of the licensee acted in good faith and without negligence.

#### **Exemption from requirement for licence to generate electricity**

**20.** (1) Pursuant to section 3(4)(j), read with section 43(1)(n) and subject to section 18 of the Act, a licence is not required in terms of section 17 of the Act for the following activities -

- (a) irrespective of the size, a stand-alone generator installed and operated for own consumption;
- (b) standby generation and small scale in-feed generation.

(2) The Namibia Electricity Safety Code issued by the Board under section 3(4) of the Act does not apply to unlicensed generation.

(3) If the Board considers it in the public interest or necessary to ensure uniformity within unlicensed generation activities, the Board may develop methodologies, codes of practice and model relating to aspect of unlicensed generation which must be complied with by licensees and generators from the date determined by the Board.

**Right to undertake unlicensed generation and right to resale**

21. (1) Subject to rule 20, a person may install and operate -

- (a) an off-grid standby generator;
- (b) an on-grid standby generator;
- (c) a small scale in-feed generator; or
- (d) a stand alone generator.

(2) The operator of an unlicensed generator referred to in subrule (1) must operate the generator for own consumption and may only provide electricity so generated, whether or not against compensation, to a third person under the following circumstances -

- (a) if the operator is the owner of the premises supplied or the premises is registered as a single property with the Registrar of Deeds under the Deeds Act, 1937 (Act No. 47 of 1937), except that such operator may only provide electricity to persons occupying such premises;
- (b) if authorised by the Board in writing on prior application by the operator and subject to such terms and conditions as the Board may determine.

(3) Any question or dispute regarding the right to install and operate an unlicensed generator or conditions imposed by a licensee relating to unlicensed generation may be referred to the Board for mediation as set out in section 3(2)(c) of the Act.

**Off-grid standby generators**

22. (1) A standby generator, whether permanently or temporarily connected to a customer's electrical installation, is considered to form part of the customer's electrical installation and is subject to all rules pertaining to such installation, specifically the requirement for a certificate of compliance to be issued for the installation if such generator is installed or removed.

(2) The presence of any standby generator must be stated explicitly on the certificate of compliance issued for the installation to which such generator is or may be connected and that certificate must state the rating in kVA or kW of the generator.

(3) The operator of an off-grid standby generator must ensure that the generator is electrically and mechanically interlocked in a manner that prevents parallel connection to the connecting licensee's supply main.

(4) A person who, at the commencement of these rules, operates an off-grid standby generator must, within the time frame stipulated by the connecting licensee which time frame must not be less than 12 months, notify the connecting licensee in writing of the following -

- (a) the name and particulars of the operator and, if the operator is not the owner of the off-grid standby generator, the name and particulars of the owner;
- (b) the type of off-grid standby generator and such other particulars that the connecting licensee may require;
- (c) the location of the off-grid standby generator; and
- (d) the date of the planned installation and commissioning of the generator.

**On-grid standby generators and small scale in-feed generators**

**23.** (1) A person desiring to install and operate an on-grid standby generator or a small scale in-feed generator must, before installing such a generator -

- (a) apply in writing to the connecting licensee for permission to install, connect and operate such a generator;
- (b) provide, together with the application, all information as the connecting licensee may require which must include -
  - (i) the name and particulars of the operator and, if the operator is not the owner of the on-grid standby generator, the name and particulars of the owner;
  - (ii) the type of on-grid standby generator or the small scale in-feed generator and such other particulars that the connecting licensee may require;
  - (iii) the location of the on-grid standby generator or small scale in-feed generator;
  - (iv) the date of the planned installation and commissioning of the generator;
- (c) obtain the connecting licensee's written authorisation for the installation and connection of the on-grid standby generator or small scale in-feed generator subject to such reasonable conditions as the licensee may determine except that the connecting licensee must provide such authorisation or refusal for authorisation, inclusive of reasons for refusal, within two months from the date of application contemplated in paragraph (a); and
- (d) enter into a written interconnection agreement with the connecting licensee for the connection or in-feed.

(2) The connecting licensee must -

- (a) give its permission as contemplated in subrule (1)(a) where the applicant complies with this rule and the reasonable requirements and conditions of the connecting licensee; and
- (b) accept feed-in from small scale in-feed generators into the connecting licensee's electrical system as long as the operator and generator comply with that connecting licensee's reasonable conditions.

(3) A small scale in-feed generator must, unless otherwise specifically or in general approved by the Board, comply with the following requirements -

- (a) the energy source of the small scale in-feed generator must be a renewable energy source;
- (b) the small scale in-feed generator may not have an installed capacity of more than 50 kVA.

(4) A person who, at the commencement of these rules, operates an on-grid standby generator or a small scale in-feed generator must within the timeframe stipulated by the relevant connecting licensee, which timeframe must not be less than 12 months, in writing notify the licensee of the information stipulated in subrule (1)(b) and enter into an interconnection agreement with the connecting licensee as contemplated in subrule (1)(d).

(5) The operator of an on-grid standby generator or a small scale in-feed generator installed under this rule must notify the connecting licensee of the first commissioning test and subsequent test run to be carried out on that on-grid standby generator or small scale in-feed generator, and the connecting licensee may at any reasonable time -

- (a) require that a test run be carried out;
- (b) request relevant information from the operator regarding the on-grid standby generation or small scale in-feed generation; or
- (c) inspect the generator.

(6) The operator of an on-grid standby generator or a small scale in-feed generator must give written notice to the connecting licensee when he or she intends to disconnect such generator or to permanently discontinue the operation.

#### **General requirements applicable to operators of unlicensed generators**

24. (1) An operator of an unlicensed generator must -
- (a) comply with all statutory and regulatory requirements relating to health and safety, noise control, hazardous substances, emission control, environmental pollution and fire precaution and keep the nuisance, pollution and noise caused by the operation of such unlicensed generators to such an absolute minimum as may be reasonably possible under the circumstances;
  - (b) comply with the connecting licensee's reasonable conditions, technical and safety requirements and rules, the interconnection agreement and such reasonable instructions as the connecting licensee may give to the operator;
  - (c) maintain the unlicensed generator in a safe condition in order to prevent damage to the health and safety of persons and to the environment and must install, operate, maintain and inspect the generator in accordance with the manufacturer's instructions;
  - (d) ensure that the unlicensed generator and all equipment, machinery and apparatus used by the operator in connection with the unlicensed generation are suitable for the purposes for which they are used;
  - (e) ensure that all safety equipment relevant to the unlicensed generator is available, kept in good working condition and properly used and must further ensure that the quality of material used in and on construction of the safety equipment are suitable for the purposes for which it is intended;
  - (f) ensure that only competent persons install the unlicensed generator and perform work on such generator;
  - (g) where applicable, be in possession of a certificate of compliance for the unlicensed generator; and
  - (h) ensure that -
    - (i) in so far as applicable, electrical installation, assets, equipment and staff and persons in the vicinity of the generator are protected and kept safe from damage or harm;

- (ii) the electrical system, assets, equipment, staff and representatives of the connecting licensee are protected and kept safe from damage or harm;
- (iii) the operator's electrical installation contains sufficient electrical protection devices to protect the licensee's electrical system and the operator's electrical installation and any equipment connected to it from any abnormal operating conditions caused by the unlicensed generator.

(2) The operator must indemnify the connecting licensee against damage or harm to the operator's electrical installation or equipment connected thereto caused by the unlicensed generator or by abnormal operating conditions on the licensee's electrical system and to all other damage or harm caused by the unlicensed generator in so far as the connecting licensee may so require.

(3) The operator must allow the connecting licensee to enter the premises at such reasonable times as the connecting licensee may require, provide the connecting licensee with all such reasonable assistance as the connecting licensee may require and participate in such tests as the connecting licensee may require in order for the connecting licensee to inspect the unlicensed generator and must provide the connecting licensee with all such information as the licensee may reasonably require.

(4) The operator must be the occupier of premises on which the unlicensed generator is located unless on good cause shown for it not to be so located.

#### **Requirements applicable to connecting licensees regarding unlicensed generators**

**25.** (1) In order to allow for the rational regulation of unlicensed generation as contemplated in these rules, a connecting licensee must -

- (a) develop the necessary environment, structures, documents, conditions and requirements for unlicensed generation so as to allow for applications, conditions, safety measures, inspections, metering, information, agreements and other activities contemplated in this rule;
- (b) ensure that it develops uniformity in the approach to the regulation of unlicensed generation and make use of standardised documents, agreements, forms, conditions, requirements and the Board must assist connecting licensees in ensuring such uniformity among all connecting licensees; and
- (c) promote transparency and predictability in its approach towards decisions as regards the regulation of unlicensed generation;
- (d) include relevant aspects in its policy relating to access to supply of electricity.

(2) A connecting licensee must keep information developed as contemplated in subrule (1) readily available and accessible to any person involved or interested in unlicensed generation.

(3) A connecting licensee must respond to applications, queries or issues relating to unlicensed generation within a reasonable time and must provide reasons for its decisions.

(4) A connecting licensee may impose reasonable conditions and requirements on unlicensed generation such as the -

- (a) identification of a person responsible for electrical safety;
- (b) identification of a person responsible for connection specifications;

- (c) specification of minimum technical requirements and other safety requirements with which the operator must comply with; and
  - (d) specification of reasonable design requirements of equipment proposed to be connected to the connecting licensee's electrical system.
- (5) A connecting licensee may -
- (a) at any reasonable time enter the premises of an operator for purposes of inspecting such operator's unlicensed generator, generation activities and any associated equipment, machinery, apparatus or information;
  - (b) request the operator to provide the connecting licensee with such reasonable assistance as the licensee may require;
  - (c) require the operator to run such test as may be specified by the connecting licensee;
  - (e) require the operator to make such changes or additions as the connecting licensee may reasonably require.
- (6) A connecting licensee may disconnect or order the disconnection of an unlicensed generator from the licensee's electrical system -
- (a) if the continued operation of the unlicensed generator is dangerous to the connecting licensee's assets, electrical system, staff or representatives;
  - (b) to maintain safe electrical operating conditions;
  - (c) if the unlicensed generator does not meet the required technical, safety or economic requirements set in these rules or the Economic Rules or set by the connecting licensee;
  - (d) if the unlicensed generator adversely affects or endangers any person, the property of any person, the connecting licensee's operation of its electrical system or the quality of the connecting licensee's services to customers;
  - (e) if the operator fails to comply with the interconnection agreement;
  - (f) if there is any other good reason justifying such disconnection.
- (7) In case of non-compliance by the operator with the interconnection agreement, the connecting licensee may suspend or terminate the interconnection agreement.

#### **Information requirements relating to unlicensed generators**

- 26.** (1) A connecting licensee must keep -
- (a) a register of all unlicensed generation of which the connecting licensee has been notified or has given permission under these rules and the register must include the information specified in rules 22(4) and 23(1)(b);
  - (b) copies of all interconnection agreements concluded by the connecting licensee for such period as the Board may determine; and
  - (c) such other information for such period as the Board may determine.

(3) A connecting licensee must provide the Board with such information as the Board may require within the timeframe specified by the Board or if so requested by the Board, provide the Board with access to such information.

### **Responsibilities of customers in connection with electrical installation and towards licensee**

27. (1) If, at any time after the date of commencement of these rules, a connection is made to a customer's premises, the customer must, if a licensee so requires, provide the licensee with a diagram of the circuits on the customer's premises, starting from the point of supply and the specifications of the electrical installation to be installed on the customer's premises.

- (2) A person may not extend an electrical installation –
- (a) from one customer's premises to another; or
  - (b) if the customer's premises comprise more than one erf or stand, from one erf or stand to another,

without the prior written approval of the licensee.

(3) If any fault develops on the electrical installation on any customer's premises, the customer must –

- (a) immediately switch off or disconnect the supply by means of a switch, circuit breaker, switch connector or such other device provided for that purpose on the distribution board and, if considered necessary, request the licensee to disconnect the electricity provision to the customer's premises; and
- (b) cause the necessary steps to be taken to remedy the fault on the electrical installation.

(4) A licensee is not obliged to effect any repair to the electrical installation on the customer's premises, but must repair any damage which has been caused to the service apparatus as a result of the fault on the electrical installation.

(5) A person may not effect initial connection of an electrical installation to the electricity point of supply provided by a licensee unless a certificate of compliance has been issued by a competent person authorised by the licensee.

(6) A customer must provide information to a licensee as may be reasonably required by the licensee for the exercise of its functions and the performance of its duties under the Act, these rules or subordinate legislation.

(7) A customer may not provide information to a licensee that is false or with regard to which such customer ought reasonably have known to be false.

- (8) A person who fails to comply with or contravenes –
- (a) subrule (2), (5) or (7) commits an offence and, on conviction, is liable to a fine not exceeding N\$16 000 or to imprisonment not exceeding two years, or to both such fine and such imprisonment; and
  - (b) subrule (3) or (6) commits an offence and, on conviction, is liable to a fine not exceeding N\$8 000 or to imprisonment not exceeding one year, or to both such fine and such imprisonment.



**Equipment of licensee installed on customer's premises**

**28.** (1) A licensee must -

- (a) erect, connect, operate and maintain a distribution line or cable from a suitable point on its electrical system to the customer's premises as agreed upon between the licensee and the customer; and
- (b) install, connect, operate and maintain in the accommodation for the service apparatus contemplated in rule 29, the service apparatus which is necessary for electricity to be made available to the customer.

(2) Where two or more erven or stands are consolidated, unless the customer and the licensee agree otherwise, only one connection is permitted for the consolidated erf or stand and the customer is responsible for the removal of an unauthorised connections, but, where the consolidated erf or stand consists of sectional title units, the licensee may permit more than one connection.

(4) A person may not, except in case of emergency or on the request of or in terms of a specific authorisation from the licensee, operate or interfere with the service apparatus of a licensee, but the operation or interference may only be carried out by a competent person and must be reported to the licensee as soon as is practicable from the commencement of the operation or interference.

(5) In the case of blocks of buildings occupied by a number of individual customers, separate wireways and conductors or cables must be laid at the point of connection to each individual customer in the blocks of buildings, or alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified, by tying them together every 1.5 metres, throughout their length.

(6) The customer must, unless otherwise approved by the licensee, pay for the supply and installation of switchgear, cables and equipment forming part of the service connection.

(7) A person who fails to comply with or contravenes subrule (4) commits an offence and, on conviction, is liable to a fine not exceeding N\$8 000 or to imprisonment not exceeding one year, or to both such fine and such imprisonment.

**Accommodation for service apparatus**

**29.** (1) A customer must make provision, to the satisfaction of a licensee, for a suitable space for the installation of the service apparatus and must, at all times, maintain the space to the satisfaction of the licensee.

(2) The licensee may at any time, in writing, require the customer to carry out the work or repair which the licensee specifies in order to ensure that the space where the service apparatus is installed, conforms to the required standard or the licensee's reasonable requirements in this regard.

(3) If the customer fails to comply with a written request contemplated in subrule (2) within the period specified in the request, the licensee may -

- (a) suspend the provision of electricity to the customer's premises until the required work or repair has been carried out by the customer; or
- (b) cause the work or repair to be carried out and recover the costs incurred by it from the customer.

(4) If, in the opinion of the licensee, the space provided for the service apparatus is no longer reasonably accessible or has become a source of danger to life or property, the customer must,

at the request of the licensee, provide a suitable space at a different position approved in writing by the licensee to which the service apparatus can be moved, and the customer, in such case, bears all costs incidental to the removal.

(5) Where the service apparatus or a part is to be fixed to a wall on a customer's premises, the customer concerned must, if so required by the licensee, cause the wall to be reinforced, at the customer's cost, to the satisfaction of the licensee for the purpose of installing the service apparatus.

(6) The customer must, if so required by the licensee, at its own cost, provide the space for the installation of the service apparatus with adequate or additional electric lighting.

(7) If so required by the licensee a customer must, at its own cost, provide a metering installation room or cubicle or box of a design and at a point which the licensee approves in writing, which metering installation room or cubicle or box must be used exclusively for the accommodation of the service apparatus and, if so approved by the licensee, the customer's main circuit breaker and main protective devices.

(8) An apparatus, other than the service apparatus used in connection with the provision of electricity, may not, except with the written approval of the licensee, be accommodated in a metering installation room or cubicle or box provided in terms of subrule (7) and no other equipment or material may be stored or kept in such metering installation room.

(9) A metering installation room must be secured by means of a suitable lock, the key of which must be provided free of charge to the licensee by the customer or, if so elected by the licensee, be provided by the licensee.

(10) A licensee may install in the existing service apparatus of a customer, the service apparatus of another customer, so long as the -

- (a) customer in whose service apparatus the third party customer's service apparatus installed does not bear any cost with regard to the installation; and
- (b) installation does not unduly interfere with the property or occupation rights enjoyed by the customer on whose premises the service apparatus is located.

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

**30.** Despite the fact that -

- (a) any equipment -
  - (i) used for providing a connection to a customer's premises; or
  - (ii) forming part of the service apparatus,is installed and situated on the customer's premises;
- (b) the costs or part of the costs in relation to an equipment have been borne by the customer,

the ownership of the equipment does not vest in the customer and the equipment remains the exclusive property and under the sole control of the licensee.

## Inspections

31. (1) A person authorised in terms of section 37 of the Act to do inspections must exhibit the written authorisation on the request of any person materially affected by the actions of the authorised person in terms of that section.

(2) A person authorised by a licensee under section 38 of the Act in writing to inspect customer's premises as provided for in that section must, for every customer's premises so inspected, provide the licensee with a written report in the format determined by the licensee.

(3) A licensee may, at any reasonable time, enter the customer's premises for the purpose of inspecting or, where necessary, approving the service apparatus, connection, electrical installation or any other electrical equipment or any part of it, and for this purpose section 38 of the Act applies with the necessary changes.

(4) The customer must give reasonable opportunity and assistance to the licensee or any person authorised under (2) where the licensee or any person authorised under (2) enters the customer's premises for any purpose set out in these rules.

(5) If it is not reasonably possible for the licensee or any person authorised under (2) to gain access to the service apparatus, connection, electrical installation or any other electrical equipment on the customer's premises because of any object, including any construction of bricks, stone, iron, wood or any other material obstructing the access, the licensee may by written notice to the customer require the customer to remove the object and to restore the access within a period specified in the notice.

(6) If, in a case contemplated in subrule (5), the licensee is of the opinion that the situation constitutes an emergency or if reasonable grounds exist for suspecting that a contravention of any provision of the Act, these rules or any other subordinate legislation has been or is being committed, the licensee may cause the object concerned to be removed and any other steps to be taken to gain access, and the licensee may recover from the customer concerned the cost incurred for that purpose.

(7) If a customer fails to provide reasonable access to the licensee or any person authorised under (2) as provided for in this rule, the licensee is not liable for any damage resulting from any action taken under subrule (6), but must restore the customer's premises to the former condition if a contravention contemplated in subrule (6) is not discovered.

(8) If an electrical installation is found to be incomplete or defective or fails in any way to comply with any provision of these rules, subordinate legislation or the laws or standards applicable to the wiring of premises, the licensee may refuse to connect the electrical installation until the installation has been completed or the defect or failure has been remedied.

(9) Any examination, test or inspection carried out by a licensee or any person authorised under (2) on any electrical installation -

- (a) does not relieve the electrical contractor from responsibility for any defect in the electrical installation; or
- (b) is not an indication or guarantee on the part of the licensee that the electrical installation has been carried out efficiently or with the most suitable materials for that purpose or that it is in accordance with these rules,

and the licensee is not, on account of the inspection, responsible for a deficiency or fault in the electrical installation.

**Giving of notice**

**32.** (1) Any document, notice or other form of communication required or authorised under these rules to be served, given or delivered to a person is considered to have been served, given or delivered if -

- (a) delivered personally to that person;
- (b) posted by registered or certified mail addressed to such person at that person's last known address;
- (c) left with a person over the age of 16 years residing at, occupying or employed at such person's last known abode or place of business;
- (d) the person's address in Namibia is unknown, when it has been served on such person's agent or representative in Namibia in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in Namibia is unknown, when it has been posted in a conspicuous place on the customer's premises to which it relates; or
- (f) in the case of a legal person, if -
  - (i) delivered to the chief executive officer or any other person authorised by that legal person to receive the document, notice or other form of communication;
  - (ii) left with a person apparently over the age of 16 years and apparently residing at or occupying or employed at its registered address;
  - (iii) posted by registered or certified mail addressed to the legal person at the legal person's last known address, which may be any such office or place as is referred to in subparagraph (ii) or the legal person's last known post office box number or private bag number; or
  - (iv) if transmitted by means of a facsimile transmission to the person concerned at the registered office of the legal person.

(2) Any document, notice or other communication referred to in subrule (1) which has been served, given or delivered in the manner contemplated in paragraph (b) or (f)(iii) of that subrule is, unless the contrary is proved, considered to have been received by the person to whom it was addressed at the time when it would, in the ordinary course of post have arrived at the place to which it is addressed.

(3) A person on whom a document, notice or other communication has been served, given or delivered in terms of this rule must, within the time specified in the document, notice or other communication, comply with its terms.

(4) A licensee and a customer may notify each other by electronic means if so agreed upon in the contract of supply at the address specified by the customer or licensee.

**Competent person**

**33.** (1) Prior to the enactment of national legislation regulating the qualification, accreditation and registration of persons competent to carry out work on electrical installations, every licensee -

- (a) must develop and implement a registration system for the recognition of persons competent within its licence area to carry out work on electrical installations; and
  - (b) may, for the purposes of paragraph (a), recognise a person as a competent person who is registered as such under the registration system of other reputable institutions or organs of the State dealing with electrical installations.
- (2) The registration system referred to on subrule (1) is for purposes of these rules called the “competent person registration system”.
- (3) A person who is not a competent person recognised by a licensee in terms of a licensee’s competent person registration system, may not, in the licence area of a distribution licensee, carry out or undertake to carry out -
- (a) work on new electrical installation which is intended to be connected to the main supply; or
  - (b) modification or extension of any existing electrical installation which is connected or intended to be connected to the main supply.
- (4) A person may not appoint or engage another person or permit another person to carry out work contemplated in subrule (3), for or on behalf of such person, if that other person is not a competent person in terms of the competent person registration system of the distribution licensee who provides the relevant electrical installation with electricity.
- (5) The following requirements apply with regard to a competent person registration system developed or adopted by a distribution licensee in terms of subrule (1) -
- (a) the competent person registration system must ensure that only suitably qualified and experienced persons are recognised as competent persons and for this purpose the licensee must determine the qualification, experience and knowledge which are required in this regard;
  - (b) the competent person registration system must set out the following -
    - (i) the application process;
    - (ii) the distinction between the various categories for which application can be made and registration granted;
    - (iii) the qualification, experience and knowledge required;
    - (iv) the registration card or similar document issued to a competent person as proof that such person is a competent person;
    - (v) grounds for disqualification to apply for registration, for withdrawal or suspension of a registration;
    - (vi) the manner in which applications for registration as a competent person will be processed;
    - (vii) the manner in which an applicant or a competent person will be heard where a decision of the licensee has an adverse effect on the applicant or competent person;

- (viii) the period of validity of a registration except that such period may not be indefinite;
  - (ix) the renewal process for registrations;
  - (x) if fees payable, the nature and amount of such fees;
- (c) the competent person registration system may include the testing of an applicant for purposes of evaluating the skills and knowledge of the applicant;
- (d) the competent person registration system may provide for temporary registration;
- (e) the competent person registration system may not unduly discriminate against a person or category of persons;
- (f) the licensee must, in the manner considered fit by it, notify all its customers and persons performing such work on electrical installations in its licence area of its competent person registration system provided that such notification may be published in a local newspaper;
- (g) the competent person must be directly in control of work or services performed on a customer's electrical installation and may not delegate such work or services to a third party who is not a competent person;
- (h) the licensee may impose such conditions as the licensee consider necessary with regard to competent persons or the work and services performed by them.
- (6) A distribution licensee must keep a register of all competent persons registered by it and the register must be available for inspection by any member of the public.
- (7) A competent person operating at the time of the commencement of these rules is considered to have complied with this rule if that person obtains registration in accordance with a distribution licensee's competent person registration system within six months from the commencement of these rules, which period can be extended for further periods as the Board may determine by means of written notice to all distribution licensees.
- (8) Where any person has a complaint regarding a decision of a licensee relating to a competent person, such complaint can be lodged with the Board for its investigation and recommendation or can be submitted for mediation by the Board.

### **Complaints and disputes**

**34.** (1) A complaint regarding these rules may be submitted in writing to the Board for investigation.

(2) Where there is a dispute regarding these rules, such dispute may be referred to the Board for mediation as contemplated in section 3(2)(c) of the Act.

### **Transitional provisions**

**35.** (1) Where these rules place a duty or obligation on a licensee, customer or any other person, that duty or obligation does, unless otherwise stated in these rules, only become effective six months after the date of commencement of these rules.

(2) Despite anything to the contrary in these rules, where provision is made for transitional arrangements, the Board may extend the period stipulated in a rule with such further period or periods and for such customers or categories of customers as the Board may consider fit.