

STANDARD ELECTRICITY BY-LAWS

The Administrator hereby, in terms of section 96bis(1) of the Local Government Ordinance, 1939, publishes the standard by-laws set forth hereinafter, which have been made by him in terms of the said section.

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1. In these by-laws, unless the context indicates otherwise —

"approved" in relation to any article or practice, means approved by the council or the engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being had to the recognised principles of electrical practice, and "approval" shall be interpreted accordingly;

"consumer" means any person who has entered into an agreement with the council for the supply to him of electricity;

"consumer's agreement" means an agreement as referred to in section 3;

"contractor" means an electrical contractor or a permit holder in terms of the Act;

"council" means a city council, a town council, village council or health committee, established in terms of the Local Government Ordinance, 1939, or the Transvaal Board for the Development of Peri-Urban Areas, established in terms of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, or a management board established in terms of the Bantu (Urban Areas) Consolidation Act, 1945, and includes the management committee of a council or any official in the service of a council acting by virtue of any power vested in a council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, or section 21*bis* of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943;

"electrical installation", means electrical installation as described in the Act;

"engineer" means the head of the council's electricity undertaking or an official duly authorized by the council;

"high-voltage enclosure" means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage above 1 000 and the expression "high voltage" shall be interpreted accordingly;

"installation work", means installation or installing work as described in the Act;

"low-voltage enclosure" and "enclosure for a special

"meter cabinet" means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the engineer and designed to operate at low voltage;

"occupier" means any person in occupation of premises at any relevant time;

"owner" means and includes the registered owner of the

land or premises, or his authorized agent, or any person receiving the rent or profits issuing therefrom, or who would receive such rents or profits, if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;

"point of consumption", means point of consumption as described in the Act;

"point of supply", means point of supply as described in the Act;

"premises" means any land and any building, erection or structure, above or below the surface of any land and includes any aircraft, vehicle or vessel;

"service connection" means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected to that cable or conductor, any meter; and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the council;

"service fuse" or "service circuit breaker" means a fuse or service circuit breaker belonging to the council and forming part of the electrical circuit of the service connection;

"skilled person" means any person who in the opinion of the engineer is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage regard being had to his experience and knowledge of electrical practice;

"special supply at low voltage" means a supply of electricity exceeding 40 kV.A at low voltage;

"supply" means a supply of electricity from the supply main;

"supply main" means any cable or wire forming that part of the council's electrical distribution system to which service connections may be connected;

"tariff" means the charge set out in the schedule hereto;

"the Act" means the Factories, Machinery, and Building

Application for and Conditions of Supply

2.(1) Application for a supply shall be made to and in a form prescribed by the engineer.

(2) The engineer may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these by-laws or other applicable legislation.

Consumer's Agreement

3.(1) No supply shall be given to an electrical installation unless and until the owner or occupier of the premises or some person acting on his behalf has completed a consumer's agreement in a form prescribed by the council.

(2) The charge payable for the supply shall be in accordance with the tariff.

(3) No person shall use a supply unless a consumer's agreement as contemplated in subsection (1) has been concluded with the council: Provided that any consumer who

was a consumer in terms of the Standard Electricity By-laws published under Administrator's Notice 1627, dated 24 November 1971, as amended, shall be deemed to conclude an agreement with the council in terms of subsection (1).

(4) The council may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his behalf.

(5) No person shall, without first having obtained the engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

Termination of Consumer's Agreement

4. Subject to the provisions of sections 7(6) and 11, any consumer's agreement may be terminated by the consumer, his authorized representative, or by the council on giving 7 day's notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the next ensuing day which is not a Saturday, Sunday or public holiday.

Continuation of Supply to New Consumer

5.(1) The council may, upon the termination of any consumer's agreement, enter into a new consumer's agree-

6.(1)(a) Except in the case of the Government of the Republic of South Africa including the Transvaal Provincial Administration and the South African Transport Services or other class of consumer approved by the council, every applicant for a supply shall, before such supply is given, deposit with the council a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the treasurer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.

(b) Notwithstanding the foregoing provisions of this section the treasurer may, in lieu of a deposit, accept from an applicant, a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least R500.

(2) The council may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the council such additional sum or furnish such

additional guarantee as the council may require, failing which the council may discontinue the supply.

(3) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the council.

(4)(a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either —

(i) surrender the receipt which was issued for payment of the deposit; or

(ii) if such receipt is not available, sign a receipt prescribed by the council for the refund to him of such deposit or part thereof,

and satisfy the council that he is the person entitled to such refund.

(b) If a deposit or part thereof has been refunded in accordance with subsection (3), the council shall be absolved

(6) Notwithstanding the provisions of subsection (5), the council shall at any time pay —

(a) to the person who paid the deposit on his satisfying the council of his identity and the amount; or

(b) to any other person who has satisfied the council that he is entitled to have the payment made to him, an amount equal to the forfeited deposit.

(7) If a consumer applies to the council for a supply of higher capacity than he is receiving, the treasurer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

Accounts

7.(1) The engineer shall, in respect of each scale of the tariff governing a supply, provided such number of meters as he deems necessary.

(2) The council may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period (which part shall as nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (4)) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him on a provisional account as aforesaid.

(3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.

(4) The amount of a provisional account referred to in subsection (2) shall be determined by the council by reference to such previous consumption, on the same premises as would in his opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption the council shall determine the amount of the said account by reference to such consumption on other similar premises which, in his opinion, affords reasonable guidance.

(5) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.

(6) In the event of the council not being able to gain access to a meter for 2 consecutive meter readings the council may forthwith discontinue the supply of electricity in

cost to itself of making such enquiries and tests: ~~Provided that no such adjustment shall be made in respect of a period in excess of 12 months prior to the date on which the wrong charge was observed or the council was notified of such wrong charge by the consumer.~~

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Reading of Meters

8.(1) The amount of electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.

(2) The reading shown by a meter shall be *prima facie* proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the council's books shall be *prima facie* proof that the meter showed the reading which the entry purports to record.

Testing Accuracy of Meter

9.(1) If a consumer or owner has reason to believe that a meter is not registering correctly he may give written notice to the council that he requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of meters, and the council shall as soon as possible thereafter subject the meter to test.

(2) The council's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out shall be final, and a meter shall be deemed to be registering correctly if it is shown by that test to be over- or under-registering by not more than an average of 5% when tested in accordance with the code of practice of the South African Bureau of Standards for the testing of electricity meters or in accordance with procedure laid down by the council.

(3) The fee payable in terms of subsection (1) shall be refunded if the meter is shown by the test to be registering incorrectly.

(4) The engineer shall, immediately before removing a meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.

(5) If after testing a meter the council is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over- or under-registered in respect of the period of 3 months prior to the date

Failure of Meter to Register Correctly

10.(1) When the council is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer —

(a) shall be charged in respect of the current meter reading period the same amount as he paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by any alteration to the electrical installation of the tariff; or

(b) if he was not in occupation of the premises during the corresponding period referred to in paragraph (a), shall be charged on the basis of his consumption during the 3 months preceding the last date on which the meter was found to be registering correctly; or

(c) if he was not in occupation of the premises during the whole of the period referred to in paragraph (b), shall be charged on the basis of his consumption during the 3 months following the date from which the meter was again registering correctly.

(2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in subsection (1), the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

Disconnection of Supply

11.(1) When any charges due to the council for or in connection with electricity supplied are in arrear, the council may at any time without notice disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff are fully paid.

(2) When conditions are found to exist in an electrical installation which in the opinion of the council constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the council may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.

(3) The council may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.

Unauthorized Connection

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12.(1) No person other than an employee of the council authorized thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation with the service connection or the supply main.

(2) If the supply to any electrical installation is disconnected in terms of section 11(1) or (2), the consumer concerned shall take all reasonable steps within his power to ensure that such supply is not reconnected in contravention of subsection (1).

(3) If such supply is nevertheless so reconnected after it has been disconnected by the council the consumer concerned shall forthwith take all reasonable steps within his power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the treasurer of such reconnection.

(4) If the consumer contemplated in subsection (2) or (3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subsections.

(5) In any prosecution for a contravention of or failure to comply with subsection (2) or (3) or both, or of any or both of those subsections read with subsection (4), any contravention or failure to comply, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that —

(a) reasonable steps contemplated in subsections (2) and (3) were not taken; and

(b) such contravention or failure was due to an intentional act or omission of the person charged.

Fraudulent Use

13.(1) A supply for which a charge is laid down in the tariff and which is measured by a meter or set of meters shall not be used for any purpose for which a higher charge is laid down.

(2) Unless the council has granted permission in writing no electricity supplied by it shall be used unless it has first passed through the meter connected to the electrical installation.

Resale of Electricity

14. Where a person resells electricity supplied by the council —

(a) such electricity shall, in respect of each purchaser, be

(d) the conditions of resale shall not be less favourable to the purchaser than the terms on which the council itself supplies electricity and every such purchaser shall be entitled to require the seller to furnish him with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him for electricity supplied are correct.

Installation Diagram and Specifications

15. The council may require a contractor to submit to him for approval a wiring diagram and specifications covering any proposed construction of, alteration, extension or repair to any electrical installation, and where the council requires such a diagram and specifications the proposed work shall not be commenced until they have been submitted and approved.

Inspection and Tests

16.(1) The engineer may, at any reasonable time or in case of emergency at any time, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these by-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.

(2) Before any test or inspection in terms of this section is carried out the owner or the occupier shall be informed of the purpose thereof and if it is established that a breach of these by-laws has been committed, the council shall, notwithstanding the provisions of subsection (3), not be liable to restore and make good in terms thereof.

(3) The council shall, save as is provided in subsection (2), restore and make good any disturbance of, damage to, or interference with, the premises occasioned by any inspection or test made in terms of subsection (1).

(4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he deems necessary, and if any work which the engineer requires to inspect or test has been covered up the engineer may require the contractor or the owner of the premises at no cost to the council to uncover that work, to expose any joints or wires and to remove any fittings, castings, trap-doors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the council.

(7) Any contractor shall give the engineer at least 3 working days' notice in a form prescribed in the Act that he requires the engineer to carry out an inspection or test of any electrical installation.

"16(8)(a) After receipt of the notice contemplated in sub-section 7 and subject to the payment of a fee determined in the tariff, the engineer must carry out such inspection and test without delay.

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(b) If an electrical installation must be re-tested in terms of regulation C177(4) of the Act, the application for such a re-test is also subject to the payment of a fee determined in the tariff."

Liability of Council and Contractor

17.(1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by him of permission to connect the installa-

tion to the supply shall be taken as constituting for any purpose any guarantee by the council that the work has been properly executed or that the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.

(2) The council shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

Service Connections

18.(1) The owner of the premises concerned shall make application for the installation or reinstatement of a service connection in a form prescribed by the engineer.

(2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the council shall be paid to the council before supply is authorized.

(3) Every part of the service connection shall remain the property of the council.

(4) Notwithstanding that the service connection to an approved electrical installation may already have been completed the council may in its absolute discretion refuse to supply electricity to that installation until all sums due to the council by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.

(6) The applicant for a service connection shall, before work on its installation is commenced, furnish the council with such indemnity as it may specify.

(7) The council may, notwithstanding any indemnity given in terms of subsection (6), refuse to install a service connection until he is satisfied that no person is entitled to object to such installation.

Sealed Apparatus

19. Where any seal or lock has been placed by the council on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the council, no person other than an authorized employee of the council shall for any reason whatsoever remove, break, deface, or otherwise interfere with any such seal or lock.

Tampering

20. No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorized employee of the council may make any adjustment or repair thereto.

Liability for Damage to Service Connection

21.(1) The owner of the premises or the consumer shall be liable to make good to the council any damage that may occur to the service connection or any part thereof or to any other council apparatus on the premises, unless such owner or consumer can prove negligence on the part of the council.

(2) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the council as soon as he becomes aware of that fact and the council or a person authorized by him shall repair the damage.

Type of Supply

22. The council may in any particular case determine whether the supply shall be high or low voltage and the type of such supply.

Meter Cabinets

23. Before a low voltage supply is given, the applicant or owner shall, if required to do so by the council at no expense to the council and in a position approved by the council provide a cabinet of approved design and con-

(2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation, a site plan and a drawing showing in detail to the council's satisfaction the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the council and no work as aforesaid shall be commenced until the proposed installation or extension has been approved.

(3) No person other than a skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with high voltage apparatus.

(4) Notwithstanding any approval previously given by him the council may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such tests as he may deem necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the council's satisfaction.

(5) The owner or the consumer shall be liable to the council for the cost of carrying out any of the tests referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.

(6) Notwithstanding anything contained in section 25 no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the council, which permission shall not be given unless and until every requirement of this section has been complied with.

Enclosures for Supply Equipment

25.(1) Where required by the council, an owner shall at no expense to the council provide and maintain an approved enclosure for accommodating the council's and consumer's supply equipment in a position determined by the council.

(2) No person shall enter the enclosure accommodating the council's supply equipment or touch or interfere with any apparatus therein, unless authorized thereto by the council.

(3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall, if required by the council, be deposited with him or provision made for the fitting of an independent lock by the council who shall be entitled to access to the enclosure at all times.

(5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.

(6) The council may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

Permanently Connected Appliances

26. Appliances permanently connected to an electrical installation shall be approved.

Surge Diverters

27. Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the council.

Position of Cooking Appliances

28. No heating or cooking appliance shall be installed, placed or used below any meter belonging to the council.

Provision of Circuit Breakers

29. When required by the council, the owner shall supply and install one or more approved supply circuit breakers in a smaller and position determined by the council.

Maintenance of Installation

30.(1) Any electrical installation on any premises connected with the supply shall at all times be maintained by the owner or consumer in good working order and condition to the satisfaction of the council.

(2) The council may require a consumer who takes a multiphase supply, to distribute his electrical load, as approved by the council, over the supply phases and may install such devices in the relevant service connection as he may deem necessary to ensure that this requirement is complied with.

Control Apparatus

31. The council shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load

(b) refuse to give such information as the council may reasonably require; or

(c) give to the council any information which to his knowledge is false or misleading.

Irregular Supply

33. The council shall not be liable for the consequences to the consumer or any other person of any stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause.

Owner's and Consumer's Liability

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34. The owner and the consumer shall be jointly and severally liable for compliance with ~~any financial obligation or other requirement imposed upon them in the alternative by these by-laws.~~

Notices

35.(1) Any notice or other document to be issued by the council in terms of these by-laws shall be deemed to have been so issued if it is signed by an authorized official of the council.

(2) Where any notice or other document is required by these by-laws to be served on any person it shall be deemed to have been properly served if served personally on him or on any member of his household apparently over the age of 16 years at his place of residence or if sent by registered post to such person's last known place of residence or business as appearing in the records of the treasurer or, if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

Offences and Penalties

36.(1) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R300 or in default of payment to imprisonment for a period not exceeding 12 months.

(2) The occupier or, if there be no occupier, the owner of any premises supplied with electricity, on which a breach of these by-laws is committed, shall be deemed to be guilty of that breach unless he proves that he did not know and could not by the exercise of reasonable diligence have known that it was being or was likely to be committed

subsection (2) of clause 34 imposes upon them in the alternative by these by-laws. (2) The liability for compliance with any financial obligation in respect of the consumption of electricity, shall be the sole responsibility of the consumer.

tricity at a rate lower than that at which he should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the council the sum which would have been paid to it had the said offence not been committed, and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.

Repeal of By-laws

37. The Standard Electricity By-laws published under Administrator's Notice 1627, dated 24 November 1971, as amended, are hereby repealed.

Administrator's Notice 842

7 May 1986

MIDDELBURG MUNICIPALITY: ADOPTION OF STANDARD ELECTRICITY BY-LAWS

1. The Administrator hereby, in terms of section 101 of the Local Government Ordinance, 1939, publishes that the Town Council of Middelburg has adopted the Standard Electricity By-laws, published under Administrator's Notice 1959, dated 11 September 1985, with the following amendment, as by-laws made by the said Council:

By the substitution in section 1 for the definition of "tariff" of the following:

"tariff means the tariff of charges as determined by the Council by Special Resolution, in terms of section 80B of the Local Government Ordinance, 1939;"

2. The Electricity By-laws of the Middelburg Municipality, adopted by the Council under Administrator's Notice 1951, dated 5 December 1973, as amended, are hereby repealed.