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OF THE

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General Notices

MUNICIPALITY OF USAKOS

No. 152

1999

ELECTRICITY SUPPLY REGULATIONS

The Council of the Municipality of Usakos under Section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) made the Electricity Supply Regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

MB GORESEB
CHAIRPERSON OF THE COUNCIL

Usakos, 10 June 1999

SCHEDULE

ELECTRICITY SUPPLY REGULATIONS

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Definitions

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

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

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

“approved” means approved by the Engineer in writing;

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

“consumption” means the energy consumption in kilowatt hours (kWh);

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

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

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

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

“Engineer” means the official of the Council charged with the function of exercising control the supply of electricity the Council;

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

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

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

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

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

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

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

“service apparatus” means any protective device, meter including a prepayment meter), load controller, connection terminal or other apparatus belonging to the

Council and installed on the consumer's premises and primarily used to control, switch and meter the electricity supplied to the consumer;

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

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

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

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

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

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

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

PART 1 GENERAL CONDITIONS OF SUPPLY

Council's sole right to supply electricity from supply main

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

Conditions for supply of electricity by Council

3. (1) The Council shall not be obliged to supply electricity to the premises of any resident in the local authority area, unless -
 - (a) the owner or occupier of such premises has concluded with the Council a contract of supply; and
 - (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.
- (2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any owner or occupier a contract of supply if a supply main is not available at a point within the close proximity of the premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

Application for the supply of electricity

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -
 - (a) for the initial connection of such premises to a supply main;
 - (b) for the increase of the capacity of an existing supply of electricity provided by the Council; or

- (c) for the reconnection of such supply where a previous contract of supply has been terminated, whether to the previous consumer or to any subsequent owner or occupier.
- (2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose, and shall be submitted to the Council -
 - (a) in the case of an application for an initial connection, at least 6 weeks before the supply of electricity is required;
 - (b) in the case of an application for an increase in the capacity of the supply, at least 3 weeks before such increase is required;
 - (c) in the case of a reconnection of the supply, at least 7 days before the supply of electricity is required.
- (3) Upon submitting an application in terms of subregulation (1), every applicant shall -
 - (a) sign a contract for the supply of electricity; and
 - (b) pay to the Council the appropriate fee determined in the electricity tariff for an initial connection, or an increase of capacity of supply or a reconnection of supply, whichever may be applicable.
- (4) Where application is made for the initial connection of any premises to a supply main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) If the requirements of subregulation (3) have been complied with, the chief executive officer, or any other employee of the Council authorised by the chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.
- (6) The supply of electricity by the Council to the premises of a consumer shall be subject to the conditions contained in the relevant contract of supply and to the provisions of these regulations.

Payment of deposit

- 5. (1) Every consumer, other than the Government of the Republic of Namibia or a consumer on whose premises a prepayment meter is installed, shall, before the supply of electricity is given by the Council to such consumer's premises, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of electricity as determined by the Council.
- (2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such reviews
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.
- (3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required by the Council in writing to do so, the Council may suspend the supply of electricity to such consumer until such additional amount, and the fees determined in the

electricity tariff for such suspension and the subsequent restoration of the supply, are paid.

- (4) Subject to subregulation (5), an amount deposited with the Council in terms of subregulation (1) or (2), shall not be regarded as being in payment or part payment of an account due for the supply of electricity.
- (5) If, upon the termination of a contract of supply in terms of regulation 18, an amount remains due to the Council in respect of electricity supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

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

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2), cause the initial connection to be made, or the capacity of the supply to be increased, or a reconnection of the supply to be effected, as the case may be.
- (2) In the case of an initial connection, the service connection shall be made at such position on the supply main as the Engineer may determine.
- (3) The Council may, either of its own accord or at the request of a consumer, alter the position of a service connection on the supply main.
- (4) Where a service connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not the Council, to provide and install and maintain, in accordance with the provisions of these regulations and the Wiring Regulations, the installation on the premises.
- (5) The charges payable for -
 - (a) an initial service connection, including the cables and service apparatus;
 - (b) an increase in the capacity of supply;
 - (c) a reconnection of the supply; or
 - (d) the alteration of the position of a service connection on the supply main at the request of the consumer,shall be as determined in the electricity tariff.

Provision of metering installation

7. (1) Upon the connection of any premises to the supply main the Council shall provide and install the metering installation necessary for measuring the quantity of electricity supplied to the premises.
- (2) Only one meter, or set of meters in the case of a three phase supply, shall be provided per consumer for each tariff scale, but the Council may, at the request of the person having the charge or management of any premises on which two or more accommodation units are situated, provide and install a separate meter for each of such accommodation units.
- (3) Where only one meter is provided and installed on any premises on which several accommodation units are situated, the Council may require from

the person having the charge and management of such premises to provide and install and maintain at his or her own cost a private submeter for each of such accommodation units.

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

Safeguarding of metering installation and other equipment

8. (1) Every consumer shall take such measures as are reasonably necessary to prevent any damage to be caused to the metering installation or other equipment forming part of the service apparatus on the premises of the consumer.
- (2) If the Engineer considers it necessary or desirable that special precautions be taken for the safeguarding of the metering installation on the premises of any consumer, the Council may -
- (a) require that the consumer takes such steps as the Engineer may direct for that purpose; or
- (b) cause the steps to be taken which the Engineer considers necessary for that purpose and recover from the consumer the costs thereof.
- (3) Where the metering installation or any other equipment of the service apparatus on any premises is damaged or destroyed by reason of any failure on the part of the consumer to comply with the provisions of subregulation (1) or to maintain in proper order any steps taken in accordance with subregulation (2), the consumer shall be liable to pay to the Council any costs which the Council may be required to incur for the repair or substitution of the metering installation of such equipment as a result of such failure.
- (4) Every consumer shall ensure that free and unimpeded access to the metering installation on the premises of the consumer is available at all times.
- (5) The duties and responsibilities imposed by subregulations (1), (2), (3) and (4) shall -
- (a) devolve on the owner of any premises during any period that such premises are not occupied by another person;
- (b) in the case of premises on which several accommodation units are situated and to which electricity is supplied through a common metering installation, rest on the person having the charge or management of the premises.
- (6) A person who fails to comply with the provisions of subregulation (4) shall be guilty of an offence.

Tampering with or damage to metering installation or other equipment

9. (1) No person other than the Engineer or a person duly authorised thereto by the Council shall -
- (a) open, break or remove any seal or lock affixed to the metering installation or any other part of the service apparatus or service connection on any premises;
- (b) disconnect the metering installation from the service connection;

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

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

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

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

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

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

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

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

- (a) the average monthly consumption of electricity on the premises during the corresponding three consecutive metering periods in the 12 months' period prior to the date on which the tampering with the metering installation was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the restoration of the supply in accordance with subregulation (3).

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

- (7) Any person who -
- (a) contravenes any provision of subregulation (1); or
 - (b) wilfully damages the metering installation of the Council on any premises,
- shall be guilty of an offence.

Repair or substitution of meter or other equipment

10. (1) In the event of any repairs to the meter or any other part of the service apparatus on any premises being found necessary, such repairs shall be effected only by a person authorized thereto by the Engineer and no person else.
- (2) The Council may at any time replace the meter on any premises if it is suspected of not registering accurately the supply of electricity to such premises.
- (3) The cost incidental to any repairs in terms of subregulation (1), or the replacement of any meter in terms of subregulation (2), shall be borne by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer contemplated in regulation 8(3) or because of an act performed in contravention of regulation 9(1), the Council may recover such costs from such consumer.
- (4) Any person who acts, an any consumer who permits any other person to act, in contravention of the provisions of subregulation (1), shall be guilty of an offence.

Payment of charges

11. (1) Every consumer shall pay for the electricity supplied, or, where a prepayment meter has been installed, to be supplied, by the Council to the consumer's premises at the rate determined in the electricity tariff for the particular category of use for which electricity is supplied to the consumer.
- (2) A consumer shall be responsible for the payment of electricity supplied to the premises of the consumer from the date of the contract of supply until the date of termination of such contract in terms of these regulations.
- (3) An account rendered by the Council for electricity supplied to a consumer shall be paid by the consumer not later than the last date for payment specified in the account.
- (4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the electricity tariff shall be payable by the consumer to the Council

Charges in case of improper use

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

- (a) the cause for the suspension of the supply has been permanently remedied or removed to the satisfaction of the Engineer; and
 - (b) the fees determined in the electricity tariff for the suspension and restoration of the supply have been paid.
- (3) Unless specifically authorised thereto in writing by the Council, no person shall connect or allow to be connected any consuming device to an installation or part of an installation which is being supplied with electricity at a rate lower than the rate which would ordinarily be charged by the Council for the supply of electricity to such device.
- (4) Where a consumer has -
- (a) contravened the provisions of subregulation (3); or
 - (b) used electricity for a category of use other than that for which it is supplied by the Council under the contract of supply and as a consequence thereof the consumer is charged for electricity so used at a rate lower than the rate which should have been charged,

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

Payment for electricity upon amendment of charges

13. If amendments to the electricity tariff of the Council in respect of the charges determined for the supply of electricity, or for the rendering of the service of electricity supply provided for in regulation 14, become operative on a date between two meter reading -
- (a) it shall be deemed, for the purpose of rendering an account for electricity supplied by the Council, that the same quantity of electricity was supplied on every day during the period between the meter readings;
 - (b) any availability charge or minimum monthly charge leviable in accordance with regulation 14 shall be calculated on a pro rata basis in accordance with the rate which applied immediately before such amendment and such amended rate.

Charges for rendering service of electricity supply

14. (1) The Council may, in addition to the charges determined in the electricity tariff for electricity actually supplied, levy an availability charge or a monthly minimum charge for the rendering of the service of electricity supply to residents in the local authority area.
- (2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -
- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a supply main but which can reasonably be provided with such a connection; and
 - (b) by every consumer in respect of each service connection provided by the Council to serve the premises occupied by the consumer, whether or not electricity is consumed on the premises.

- (3) Where a minimum monthly charge is levied in accordance with subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of electricity, whether or not such quantity has actually been consumed by the consumer: Provided that where the amount of electricity consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.
- (4) Notwithstanding subregulation (2)(a), an availability charge levied by the Council in accordance with subregulation (1) shall not be payable by the owner of any township in respect of any unalienated premises in the township if -
 - (a) the electricity reticulation system in the township was provided by the township owner at his or her own cost; or
 - (b) the township owner has deposited with the Council the capital cost of such reticulation system,

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

Determination of quantity supplied

- 15. (1) The quantity of electricity supplied by the Council to a consumer during a period in respect of which a meter reading is taken by the Council, shall be the quantity registered by the meter on such consumer's premises over the period in question, with due regard to any multiplying or dividing constant applicable to such meter.
- (2) No rebate shall under any circumstances be allowed on any account rendered for electricity supplied where any wastage of electricity occurred because of a leakage or any other fault on the installation.
- (3) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any meter to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of electricity supplied over any period during the interval between successive readings of the meter and render an account to a consumer so estimated.
- (4) When so requested by a consumer, the Council shall cause a special reading of the meter to be made, in which event the consumer shall be liable to pay the charge determined in the electricity tariff for such a reading.

Objection to account rendered by Council for electricity supplied

- 16. (1) If a consumer disputes the correctness of the quantity of electricity supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the meter be tested by the Council.
- (2) An objection and request in terms of subregulation (1) shall -
 - (a) set out the reasons for the objection and the request;
 - (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
 - (c) be accompanied by the deposit determined in the electricity tariff for the testing of a meter.

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

Complete failure of meter to register supply

17. (1) The Council shall repair or replace any meter which has ceased to register the supply of electricity to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 8(3) are applicable.
- (2) Where the meter ceases to register the quantity of electricity supplied to a consumer, the quantity of electricity supplied during the period between the date of the previous last reading of the meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with subregulation (3).
- (3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -

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

Termination of contract of supply

18. (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days' notice in writing.
- (2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -
- (a) has not used any electricity during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply; or
 - (b) has committed a breach of these regulations or the Wiring Regulations, other than a failure to pay an amount due in respect of the supply of electricity, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so.
- (3) In the case of the termination of a contract of supply in terms of subregulations (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.
- (4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

Removal of service connection

19. The Engineer may disconnect and remove a service connection provided by the Council to any premises if -
- (a) the contract of supply has been terminated in terms of regulation 18 and no subsequent application for the reconnection of the supply of electricity to such premises has been received in the period of 90 days following such termination; or
 - (b) the building on such premises is demolished.

Suspension of electricity supply

20. (1) If an account rendered by the Council in respect of the supply of electricity is not paid by a consumer before the expiry of the last day for such payment specified in the account, the Council may forthwith suspend the supply of electricity to such consumer until the amount due is paid by the consumer, together with the charges referred to in subregulation (3).
- (2) If the Engineer considers it necessary as a matter of urgency to prevent any unauthorised use of electricity, damage to property or danger to life, the Engineer may, without prior notice and without prejudice the Council's power under regulation 18(2)(b) -

- (a) suspend the supply of electricity to any premises;
 - (b) enter upon such premises and carry out, at the owner's expense, such emergency work as the Engineer may deem necessary; and
 - (c) by written notice require the owner to carry out within a specified period such further work as the Engineer may deem necessary.
- (3) If the supply of electricity to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges for the suspension of the supply of electricity and for the restoration of such supply as may be determined in the electricity tariff.

Load reduction

21. (1) At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary to reduce the load on its electricity supply system, the Council may without prior notice interrupt and, for such period as the Engineer may deem necessary, discontinue the supply of electricity to the whole or part of any consumer's installation.
- (2) The Council may, at its own risk, install upon the premises of any consumer such apparatus or equipment as may be necessary or expedient for the purpose of any action contemplated in subregulation (1), and may require from the consumer to provide at his or her cost a suitable facility for the installation of such apparatus or equipment.
- (3) If in the opinion of the Engineer the use of electricity by a consumer adversely affects the supply of electricity to any other person, the Engineer may, without prejudice to the Council's powers under regulation 12(1), apply such restrictions to the supply of electricity to such consumer as the Engineer may deem fit in order to ensure a reasonable supply of electricity to such other person.

Resale of electricity by consumers

22. (1) Except in accordance with a special agreement entered into with the Council in terms of regulation 65, no consumer shall sell or supply or cause or permit to be sold or supplied any electricity supplied to the consumer by the Council to any other person for use on any premises other than the premises to which the electricity is supplied by the Council.
- (2) A consumer may, with the written consent of the Council, and subject to such conditions as the Council may impose, resell electricity supplied by the Council to the premises of the consumer, to any other person for use on the same premises.
- (3) The rates at, and the conditions under, which electricity may be resold by a consumer to another person in terms of subregulation (2), shall not be less favourable than those at which electricity is supplied by the Council to the consumer, and the consumer shall, when so requested by such other person, furnish him or her with such information as may be necessary to enable him or her to verify the correctness of any account rendered to him or her by the consumer.
- (4) The Council may at any time demand from a consumer authorised to resell electricity in terms of subregulation (2), to submit to the Council for inspection the records of such consumer relating to the resale of electricity to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction

of the Engineer at the consumer's cost, and that any submeter found to be defective be repaired or replaced.

Temporary supply of electricity

23. (1) Any person who requires a temporary supply of electricity to any installation may apply therefor in writing to the Engineer setting out the reasons for and nature of the temporary work, and the Engineer may refuse such application or may grant it subject to such terms and conditions as the Engineer may consider necessary or expedient to impose.
- (2) Should at any time any temporary supply of electricity be found to interfere with the efficient and economic supply of electricity to any other consumer, the Council may without prior notice terminate such temporary supply without liability for any loss or damage occasioned to the consumer by such termination.

Non-liability of the Council

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

Temporary disconnection and reconnection

25. (1) If so requested by a consumer, the Council shall temporarily disconnect, and thereafter, restore the supply of electricity to the premises of such consumer upon payment of the charges determined in the electricity tariff for the disconnection and for the restoration of the supply.
- (2) The Council may without notice disconnect temporarily the supply of electricity to any premises where such disconnection is necessary for the purpose of effecting repairs, making tests or any other lawful reason.

Medium voltage switchgear and equipment

26. (1) Where the supply of electricity is given at medium voltage, one MV switch, forming part of the service connection, shall be provided by the Council at the cost
- (2) Where the Engineer permits the use of the Council's circuit breaker for the protection of the consumer's medium voltage equipment, any additional installations required in connection with such protection shall be at the cost of the consumer.
- (3) The consumer shall bear the cost of the medium voltage cable forming part of the Council's reticulation which is laid on the consumer's premises to the point of supply.

Provision of accommodation for transformer substation

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

- (2) Should the owner of any premises fail to maintain such chamber to the required standard after being requested to do so by the Engineer, the Engineer may carry out such work as the Engineer may deem fit to bring the chamber in conformity with the required standard, and the owner shall be liable to pay the cost thereof to the Council.
- (3) The owner shall ensure that free and unimpeded access to the substation chamber is available at all times.
- (4) The Council may supply its own low voltage networks from its own equipment installed in a substation chamber of a consumer.

Requirements for substation chamber

28. (1) No person shall commence with the construction of a substation chamber referred to in regulation 27, unless -
- (a) the person concerned has submitted to the Engineer for approval -
 - (i) a drawing of the proposed chamber, drawn to a scale of not less than 1:25, clearly showing in plan and elevation the internal construction and floor of such chamber and the proposed lay-out of the consumer's electrical equipment (if any) to be located in such chamber; and
 - (ii) a site plan, drawn to a scale of not less than 1:100, indicating the position of such chamber or chambers in relation to a public street or road; and
 - (b) the Engineer has approved such drawing and plan.
- (2) The chamber shall be constructed in accordance with the approved drawings and plan and -
- (a) shall be substantially constructed in brick or concrete or other approved material which is weatherproof, fireproof, and vermin-proof and be adequately ventilated;
 - (b) shall be provided with double doors of approved fireproof design and size;
 - (c) shall be of adequate size, having regard to the lay-out of equipment, illumination and space for free movement of persons carrying out any work or inspection therein;
 - (d) shall be of a height between the floor and the ceiling of not less than 2,7 m, clear of all beams and other protuberances;
 - (e) shall not contain any windows, except with the approval of the Engineer, and subject to such conditions as the Engineer may impose with a view to prevent access therefrom;
 - (f) shall be provided with such cable ducts as may be required by the Engineer; and
 - (g) shall not contain any water, gas, sewerage or drain piping, unless the Engineer is satisfied that the installation of any such piping will not cause danger or injury to persons or property or interfere with the proper placing and functioning of the equipment contained in the chamber.

- (3) The owner or occupier of any premises on which a substation chamber is required to be provided shall -
 - (a) provide and install such cable ducts from the supply main to such chamber for the Council's incoming cables as the Engineer may require and, where applicable, such cable ducts as the Engineer may require between two or more substation chambers.
 - (b) ensure that the access between the doors of every substation chamber and the public street or road remains unobstructed at all times.
- (4) No person, other than an official of the Council or any other person authorised thereto by the Council, shall enter a substation chamber or open or remove any lock used for securing the doors thereof.

Low voltage supply

29. The owner or occupier of any premises to which electricity is supplied at low voltage, shall, where so required by the Engineer -
- (a) provide approved accommodation for the service apparatus of the Council; and
 - (b) provide and install an approved main isolating and protective device.

Standby supply

30. (1) Except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Council, no person shall be entitled to obtain from the Council a service connection for the purpose of a standby supply of electricity to any premises having a source of electricity supply other than that provided by the Council.
- (2) The owner or occupier of any premises to which electricity is supplied by the Council shall not, except with the written permission of the Engineer, install or use a private generating plant on such premises for the purpose of a standby supply.
- (3) Any generating plant which a person under subregulation (2) is permitted to install shall be electrically and mechanically interlocked in such a manner as to prevent parallel connection to the Council's supply main.
- (4) The Engineer shall be notified of the first commissioning test and any subsequent test run to be carried out on a generating plant installed in terms of subregulation (2), and may at any time require that a test run be carried out.

PART 2

SERVICE CONNECTION AND SERVICE APPARATUS

Service connection

31. (1) The work to be carried out by the Council for providing a service connection to the premises of a consumer shall be determined by the Engineer, from whom particulars thereof may be obtained upon application.
- (2) Unless the Engineer directs otherwise -
- (a) a service connection shall be laid underground, whether the supply main is laid underground or erected overhead;

- (b) only one service connection shall be provided and installed on any premises, whether such premises comprise only one or several accommodation units.
- (3) Where two or more erven are consolidated, only one service connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the consumer shall be responsible for the removal of any service connections not authorised.

Internal portion of service connection

32. (1) In every service connection, the station between the point on the exterior of the building at which the cable terminates or is fixed and the service apparatus, shall be known as the internal portion of the service connection, and in relation to which the following conditions shall apply:
- (a) the consumer shall, at his or her own cost, provide and install and maintain the internal portion of the service connection;
 - (b) the consumer shall provide and install, in a position approved by the Engineer, the metering installation board or boards and adequate wiring for connecting the service apparatus;
 - (c) any work required to be carried out on the internal portion of the service connection shall be carried out at the cost of the consumer by a person registered as an electrical contractor under these regulations;
 - (d) no alterations, repairs or additions of any description shall be made to the internal portion of the service connection, except with the express approval in writing of the Engineer.
- (2) In the case of multi-consumer installations on any premises where rising mains or lateral mains or cables are used to supply metering installation rooms at different locations, the cables between the termination of the Council's incoming cable and the metering installations of the individual consumers shall, for the purposes of subregulation (1), be regarded as part of the internal portion of the service connection.

External portion of service connection

33. (1) In every service connection, the section between the supply main and the point on the exterior of the building at which the cable terminates or is fixed, shall be known as the external portion of the service connection.
- (2) The point on the exterior of a building where the external portion of the service connection is to terminate or to be fixed shall be determined by the Engineer.
- (3) The consumer shall provide and install and maintain any ducts, conduits or trenches which may be required by the Engineer for the purpose of installing underground service cables.

Requirements in relation to service connection

34. (1) The type and size of conductor to be used for service connections shall be in accordance with the Wiring Regulations, but the cross-section shall not be less than 100 sq mm, and shall be copper or copper equivalent, unless otherwise approved.
- (2) Each conductor shall project a sufficient length from the end of the conduit or the cable terminating gland, as the case may be, at the meter board to

provide for connection to the metering installation and service protective devices, and to the external service conductors, which connections shall be made by the Council in each case.

- (3) A neutral conductor, which shall have the same cross-sectional area as the line conductors, shall be provided in all cases, except in the case of supplies given under 3 phase 4 wire alternating current systems where the load of the installation is predominantly 3 phase in character when, with the prior permission of the Engineer, a neutral conductor smaller cross-sectional area than the live conductors may be provided, but not in any case less than 50% of the cross sectional area of the live conductors.
- (4) The internal portion of the service connection shall consist of four conductors in every case where it is necessary for the installation to be arranged for connection under the 3 phase 4 wire system.
- (5) All conductors comprising the 4 wire, 3 wire or 2 wire internal portion of the service connection, as the case may be, shall be enclosed within one protection sheath or conduit.
- (6) The internal portion of the overhead service connection shall comprise approved type insulated conductors or insulated conductors taped and braided or unarmoured cable, run throughout their length in approved conduit or alternatively a continuous approved steel-wire armoured cable.
- (7) All cables shall be terminated with approved glands and bushes.
- (8) Where, owing to the number of bends required in a conduit, the use of draw-in boxes is necessitated, they shall be suitably drilled for sealing and shall be sealed by the officials of the Council.
- (9) Within the meter box, the conduit or cable, as the case may be, shall terminate in an unobscured position and the conductors shall remain visible throughout their length.
- (10) In buildings of unusual design and construction where the method of running the internal portion of the service connection may require special consideration, application shall be made to the Engineer for particulars of the requirements of the Council, and which shall be obtained before the work is commenced with.
- (11) In the case of a building in which several accommodation units are situated, separate conduits and wiring or cables shall be installed from the common metering installation room or rooms or distribution board or boards to each individual accommodation unit, and each of such conduits and conductors or cables shall for the purposes of this regulation and regulation 32 be classed as the internal portion of the service connection.
- (12) A separate internal service connection shall be provided for each consumer.

Circuit breakers

35. (1) In the case of a new installation, the Council shall install a miniature circuit breaker as advised in the consumer's application and in a range of ampere ratings which shall normally be multiples of five with a minimum rating of 10 amperes and, unless the Engineer decides otherwise, a maximum rating of 60 amperes per phase.
- (2) The Council shall, on application of a consumer, substitute a circuit breaker with which an installation has been fitted, with a circuit breaker of the ampere rating indicated by the consumer, subject to the payment of the fee determined in the electricity tariff therefore.

Accommodation for service apparatus

36. (1) A consumer shall make provision, to the satisfaction of the Engineer, for a suitable space for the installation of the service apparatus and shall at all times maintain such space to the satisfaction of the Engineer.
- (2) The Engineer may at any time in writing require from a consumer to carry out such work or repairs as the Engineer may specify in order to ensure that the space where the service apparatus is installed conforms to the required standard, and if a consumer fails to comply with such written request within the period specified therein, the Council may -
- (a) suspend the supply of electricity to the premises until the required work or repairs have been carried out by the consumer; or
- (b) cause such work or repairs to be carried out and recover from the consumer the costs incurred by it.
- (3) Where in the opinion of the Engineer the space provided for the service apparatus is no longer reasonably accessible or has become a source of danger to life or property, the consumer shall, at the request of the Council provide a suitable space at a different approved position to which the service apparatus can be moved, and the consumer shall in such a case bear all costs incidental to such removal.
- (4) Where the service apparatus or any part thereof is to be fixed to a wall on any premises, the consumer concerned shall, if so required by the Engineer, cause such wall to be reinforced to the satisfaction of the Engineer for the purpose of installing the service apparatus.
- (5) A space provided for the installation of the service apparatus shall, where the Engineer so requires, be provided with adequate electric lighting.
- (6) Where so required by the Engineer, the consumer shall provide at his or her own cost a metering installation room or cubicle or box or approved design at a point approved by the Engineer, and which shall be used exclusively for the accommodation of the service apparatus and, if approved by the Engineer, the consumer's main circuit breaker and main protective devices.
- (7) Except with the approval of the Engineer, no apparatus other than that used in connection with the supply of electricity shall be accommodated in a metering installation room or cubicle or box provided in terms of subregulation (6) and under no circumstances shall any other equipment or material of any nature be stored or kept therein.
- (8) A metering installation room shall be secured by means of a suitable lock, a key of which shall be provided free of charge to the Council by the consumer.

Ownership of service apparatus and other equipment

37. Notwithstanding the fact that -
- (a) any equipment used for providing a service connection to any premises or forming part of the service apparatus is installed and situated on such premises;
- (b) the costs in relation to any such equipment have been borne by the owner of such premises or any other person occupying the premises,
- neither such owner or such other person shall be vested with the ownership of such equipment, and such equipment shall at all times remain the exclusive property and be under the sole control of the Council.

PART 3
RESPONSIBILITIES OF CONSUMERS IN CONNECTION WITH
INSTALLATION ON PREMISES

Wiring diagram and specifications

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

Consumer responsible for installation

39. (1) The owner or occupier of premises supplied or to be supplied with electricity by the Council shall be responsible to provide and install and maintain, at the consumer's own expense, the installation on such premises in accordance with the requirements of these regulations and the Wiring Regulations.
- (2) No installation shall be permitted to extend from one premises to any other premises.

Fault on installation

40. (1) Should any fault develop on the installation of any consumer, the consumer shall -
- (a) immediately switch off the supply by means of the switch provided for that purpose on the distribution board and, where considered necessary, request the Council to disconnect the supply to the premises of such consumer; and
- (b) cause the necessary steps to be taken to remedy the fault on the installation.
- (2) The Council shall not be obliged to effect any repairs to the installation of a consumer, but shall repair any damage which may have been caused to the service apparatus as a result of a fault on the installation.
- (3) In a case contemplated in subregulation (2), the consumer shall -
- (a) reimburse the Council for any expenses which the Council may be required to incur in connection with any such repairs; and
- (b) be liable to pay to the Council the fee determined in the electricity tariff for the disconnection of the supply of electricity and for the subsequent restoration of the supply.

PART 4
ELECTRICAL SYSTEMS

Systems and voltages of supply

41. The supply of electricity to any premises shall be given at any one of the following 50 Hz alternating current systems-
- (a) 230 +/- 5% volts single phase 2 or 3 wire system;
- (b) 230/400 +/- 5% volts 3 phase 4 wire system;
- (c) nominal 22 000 or 11 000 volts 3 phase 3 wire system.

Load limitations

42. (1) Where the estimated load calculated in accordance with the Wiring Regulations does not exceed 20 kilovolt-amperes (kVA), the installation shall be arranged for a single phase 2 wire supply unless otherwise approved by the Engineer.
- (2) No consuming device inherently single phase in character and exceeding 15 kVA shall be connected to the installation without prior approval of the Engineer.

Limiting size of low voltage motors

43. (1) Unless otherwise approved by the Engineer, the rating of a single phase low voltage motor shall be limited to 2 kW or to a starting current not exceeding 72 amperes.
- (2) Any motor exceeding the rating referred to in subregulation (1) shall be wound for 3 phase supply.

Motor starting current

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

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

Service cable size in copper	Maximum permissible starting current	Suggested Maximum Motor Rating in kW		
		DOL 6x FL Amps	Star/Delta 2.5 x FL Amps	Other means 1.5 x FL Amps
(mm ²)	(Amps)	(kW)	(kW)	(kW)
16	72	6.0	13.5	23.0
25	95	7.5	18.0	30.0
35	115	9.0	22.0	36.5
50	135	10.0	25.0	45.0
70	165	13.0	31.0	55.0
95	200	16.0	38.0	67.0
120	230	18.0	46.0	77.0
150	260	20.0	52.0	87.0

- (2) Unless otherwise required by the Engineer, the starting current of a low voltage motor shall be limited to 1,5 times the rated full load current of the transformer supplying such motor.
- (3) The starting arrangement for medium voltage motors shall be subject to the approval of the Engineer.

Frequent starting of motors

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

Protection for motors

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

Power factor

47. (1) The consumer shall ensure that the power factor of any load is maintained within the limits of 0.85 lagging and 0.9 leading.
- (2) Where, for the purposes of subregulation (1), it is necessary to install power factor corrective devices, such devices shall be connected to the appliance terminals of individual appliances or equipment, but if the correction of the power factor is automatically controlled by means of special equipment, such equipment may be connected at the main distribution board.

**PART 5
INSPECTION AND TEST****Inspection of installation before connection**

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

Inspection and connection of partly completed installation

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

Notice to be given of installation ready for inspection

50. (1) Where an installation on any premises is required to be inspected and tested for the purpose of regulation 48, the owner or occupier of such premises or a person acting on his or her behalf -
- (a) shall, at least 24 hours before the connection of the installation to the supply main is required to be made, given notice in writing to the Council that the installation is ready for inspection and testing; and
 - (b) may arrange with the Engineer for a suitable time when such inspection and testing can be carried out.
- (2) Such an inspection and testing shall be carried out by the Council free of charge, but if, for any reason not attributable to the person carrying out the inspection and testing on behalf of the Council, it is not possible to complete such inspection and testing on the occasion of the first visit to the premises in question, the owner or occupier of the premises shall be liable to pay, in respect of each subsequent visit of such person to the premises to complete the inspection and testing, the charge determined in the electricity tariff therefore.

Appointment for inspection and testing

51. An appointment may be made with the Engineer by the contractor or his or her representative for the purpose of conducting an inspection and test, but should the contractor or such representative fail to keep the appointment, the inspection and test may nevertheless be carried out by the Engineer if deemed necessary by him or her but should the test not be carried out or should the installation fail to pass the inspection and test, the contractor may be charged the fee determined in the electricity tariff for a second or any subsequent test so occasioned.

Power to inspect or test

52. (1) The Engineer or any duly authorised official of the Council may at any reasonable time, or, in the case of an emergency, at any time enter any premises for the purpose of inspecting the service apparatus, service connection or installation, or any part thereof.
- (2) It is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the service apparatus, service connection or installation on the premises concerned by reason of any object, including any construction of brick, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer require that the consumer removes such object and restores such access within a period specified in the notice.
- (3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency or if reasonable ground exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer concerned the cost incurred for that purpose.
- (4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.
- (5) A consumer who refuses or fails to comply with a notice referred to in subregulation (2), shall be guilty of an offence.

Facilities for inspection

53. (1) The occupier of any premises shall give reasonable opportunity and assistance to the Engineer or any other authorised official of the Council to inspect on the premises any part of an installation connected or to be connected to the service connection or at any time while work on such installation is in progress.
- (2) The electrical contractor employed by the owner or occupier of the premises shall, if required to do so by the Engineer, unscrew any fittings, connections, or other material or apparatus included in the installation, open any trap door, or joint boxes, or lift flooring boards, and the replacement or parts so disturbed shall be done by the contractor at his or her expense.
- (3) Floor boards or ceilings which have been removed for inspection purposes shall not be replaced until the installation has been approved by the Engineer.

Failure to pass inspection or test

54. (1) If the installation is found to be incomplete or defective or fails in any way to comply with these regulations or the Wiring Regulations, the Council may refuse to connect the installation until the installation has been completed or such defect or failure has been remedied.
- (2) The Council shall give notice to the electrical contractor of the manner in which the installation is incomplete or defective or fails to comply with these regulations or the Wiring Regulations, and the contractor shall forthwith, or within the time specified in such notice, comply with the requirements of such notice.
- (3) After the expiration of a reasonable time from the date of giving such notice or, where applicable, upon the expiration of the period specified in the notice, or upon receipt of a notification by the electrical contractor that

such work has been completed, the Council shall cause a further inspection and test of the installation to be made.

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

Inspection does not relieve contractor of responsibility

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

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

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

PART 6 REGISTRATION OF ELECTRICAL CONTRACTORS

Persons qualified to carry out wiring work

56. (1) No person not being registered with the Council as an electrical contractor in terms of regulation 57, shall carry out or undertake to carry out -
- (a) any new electric wiring installation which is intended to be connected to the supply main; or
- (b) the modification or extension of any existing electric wiring installation which is connected or intended to be connected to the supply main.
- (2) Any person who carries out or attempts to carry out any work referred to subregulation (1), without being registered with the Council as an electrical contractor, shall be guilty of an offence.

Registration of electrical contractors with Council

57. (1) An application for the registration of a person as an electrical contractor for the purposes of regulation 56 shall be made in writing to the Council through the Engineer and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Engineer may require.
- (2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.
- (3) If, upon considering an application made in terms of subregulation (1) and there port and recommendation of the Engineer, the Council is satisfied that the applicant -

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

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

- (4) The Council may refuse to grant an application for the registration of a person as an electrical contractor if the applicant has carried out any work referred to in regulation 56(1) without first being registered as an electrical contractor with the Council.
- (5) The Council may, upon application made to it, register a company of close corporation or partnership as an electrical contractor -
 - (a) if at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
 - (b) if the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.
- (6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulations (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.
- (7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as an electrical contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in electrical wiring work or his or her knowledge of the provisions of these regulations and the Wiring Regulations.

Term of registration

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

Withdrawal or suspension of registration

- 59.** (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as an electrical contractor if such person or,

in the case of a company, close corporation or partnership, one of the directors or members thereof has carried out or caused or permitted to be carried out any wiring or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or the Wiring Regulations.

- (2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has-
- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefore; and
 - (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

Temporary registration

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

Production of registration card

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

Prohibition against employment of unregistered persons for wiring work

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

Issue of duplicate registration card

63. (1) A person whose registration card as an electrical contractor is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.
- (2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath of affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

Fees for registration and renewal

64. The fees payable to the Council for -
- (a) the registration of a person as an electrical contractor;
 - (b) the renewal of such a registration;
 - (c) the issue of a duplicate registration card;
- shall be as prescribed by the Council from time to time.

PART 7
GENERAL PROVISIONS

Special agreements

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

Obstruction of access to Council's equipment on premises

66. (1) Any person who prevents or restricts the Engineer or any other duly authorised official of the Council from gaining access to the service apparatus or other equipment of the Council on the premises of any consumer, shall be guilty of an offence.
- (2) In the event of a contravention of subregulation (1) by any person other than the consumer occupying the premises concerned, the Council may be written notice to such consumer, and without prejudice to the provisions of that subregulation or section 93(3) of the Act, require that the consumer takes such steps as may be necessary to ensure that unrestricted access is given to the Engineer or other authorized official within a specified period.
- (3) A consumer who refuses or fails to comply with a notice referred to in subregulation (2), shall be guilty of an offence.

Notices

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

Penalties

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

Departure or exemption from regulations

69. It, because of exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these regulations, the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption will not be in conflict with any provision of the Act.

Repeal of regulations

70. (1) Subject to subregulation (2), all regulations which immediately before the commencement of these regulations governed the supply of electricity in the local authority area of a Council to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act, are hereby repealed.
- (2) Notwithstanding the repeal of any regulations contemplated in subregulation (1), any tariff list or other provisions contained in such regulations prescribing charges, fees and other moneys payable in respect of the supply of electricity and other related services shall remain in force until repealed or replaced by charges fees and other moneys determined by such a Council under section 30(1)(u) of the Act.

MUNICIPALITY OF USAKOS

No. 153

1999

POUND REGULATIONS

The Council of the Municipality of Usakos under Section 94(1) of the Local Authorities Act 1992, (Act 23 of 1992) made the Pound Regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL**MB GORESEB****CHAIRPERSON OF THE COUNCIL**

Usakos, 10 June 1999

SCHEDULE

1. In these regulations, unless the context otherwise indicates, a word or expression to which the meaning has been assigned in the Local Authorities Act, 1992, shall bear the meaning and-
 - “Act” means the Local Authorities Act, 1992 (Act 23 of 1992);
 - “animal” means any horse, donkey, mule, cattle, sheep, goat or pig;
 - “council” means any town council or village council concerned;
 - “owner” in relation to an animal, includes any person in possession of or charged with the care, custody or control of that animal; and
 - “property” means any erf or premises situated in the local authority area concerned.
2. The council shall at a place within its local authority area which it deems suitable, provide and maintain a pound which is strong, secure and large enough to contain and safely keep impounded animals and which has such kraals and enclosures as may be necessary for the isolation of any animal which must be kept in isolation in terms of these regulations.
3. For each pound provided the council shall appoint a pound master who shall be responsible for the management of the pound in accordance with and subject to the provisions of these regulations.
4. (1) Any member of the Namibian Police Force or employee of the council who finds an animal trespassing or any property which is at large, shall take or cause that animal to be taken to a pound, and any owner or occupier of property who finds an animal trespassing on his or her property, may take or cause that animal to be taken to the pound.
 - (2) (a) Notwithstanding anything to the contrary in these regulations contained, but subject to paragraph (b), the council may by resolution determine that no person shall impound an animal which has trespassed in his or her property if the property is not adequately fenced.
 - (b) A resolution referred to in paragraph (a) shall only come into effect after the council has published it by notice in the Gazette and once a week for four consecutive weeks in a newspaper circulating in the local authority area, and the date on which the resolution comes into operation is also mentioned in the notice.
 - (c) For the purposes of this regulation, property shall only be regarded as being adequately fenced if it is enclosed with a fence which is at least 1,25 metres high and where the property is inclosed with a wire fence, the consist of at 5 horizontal strands, with gates that can be closed.

5. (1) Any person who catches an animal for the purpose of having it impounded shall deliver that animal to the pound within 24 hours after it was caught.
- (2) No person shall detain an animal which he or she has caught trespassing on his or her or any other property, except for the purpose referred to in subregulation (1).
- (3) Any person who contravenes the provisions of subregulation (2) or uses, abuses, ill-treats or overdrives any animal detained by him or her or allows any person to do so, shall be guilty of an offence.
6. Any person who by threat of violence or otherwise frees or attempts to free an animal from the person who is in control of that animal whilst it is being taken to the pound in accordance with these regulations or frees or attempts to free an animal after it has been impounded in accordance with these regulations by the pound master, shall be guilty of an offence.
7. Any person who causes an animal to be impounded contrary to the provisions of these regulations shall be guilty of an offence and shall, in addition to the penalties prescribed in regulation 40, be liable for all damages and shall compensate the owner of such animal for any loss and costs occasioned by such impoundage.
8. (1) The pound master shall, subject to such resolution as the council may pass in terms of regulation 4(2)(a), and subject to subregulation (2), receive all animals delivered at the pound during the hours of business thereof and detain them until they are released or sold in accordance with these regulations.
- (2) (a) Where the pound master is of the opinion that an animal, when it is impounded, is so diseased or injured or is in such poor physical condition that it is unlikely that such animal, if it were sold, would realise enough money to cover its pound fees, as well as the expenses in respect of the sale thereof, he or she shall summon the officer in command of the local police station or two adult persons whom he or she considers to be reliable and of sound judgement, to examine that animal.
- (b) If the officer or persons certify that the condition of the said animal is as described in paragraph (a) the pound master may, if it is not released within three days after its impoundage, destroy that animal in a humane as possible way.
9. The daily hours of business of each pound shall be from 07:00 until 15:30, Saturdays, Sundays and public holidays excluded.
10. (1) The pound master shall keep a pound book in which he or she shall record the following particulars in respect of each animal impounded, namely -
 - (a) the type of animal and its estimated age;
 - (b) the distinguishing colours and marks it bears;
 - (c) the name and address of the person by whom it was impounded;
 - (d) the address or description of the property on which the animal trespassed or was found;
 - (e) the name and address, if known, of the owner or suspected owner of the animal;
 - (f) if the animal was sold, the name and address of the purchaser and the sum realised by such sale;

- (g) the dates on which the animal was impounded and released or sold, respectively;
 - (h) all fees and expense accumulated in respect of the animal in terms of these regulations; and
 - (i) all claims for damages filed with him or her and if paid, the date and amount of such payment.
- (2) The pound master or, in his or her absence, the person in charge of the pound, shall issue to the person delivering an animal for impoundage, a certificate in the form contained in the Annexure.
11. (1) (a) The pound master shall pay to the person who delivers or causes the deliver an animal to the pound, a driving fee of not less than N\$0,50 per animal, irrespective of the distance driven, but, where the person is a member of the Namibian Police Force or an employee of the council, such fees shall be paid to the council in accordance with the prescribed tariffs.
- (b) No driving fees shall be payable for the return journey of the persons who has driven the animal to the pound.
- (c) No additional driving fees shall be payable where the animal has been driven to the pound by more than one person.
- (d) The pound master shall obtain a receipt from the person to whom he or she has paid driving fees.
- (2) (a) The driving fees that have been paid by the pound master in terms of subregulation (1), together with such other moneys as may be due under these regulations, shall be recoverable from the owner of the animal concerned.
- (b) Where animals which belong to different owners have been driven to pound in one group, a pro rata portion of the driving fees shall be paid by each owner.
- (3) (a) If at any time, while an animal is being driven to the pound, the owner of such animal or any person on his or her behalf, tenders to pay to the person driving that animal the amounts payable in respect of driving fees and damages, if any, such owner shall against payment of the amounts concerned be entitled to the immediate release of the animal.
12. (1) Where the name and address of the owner of an impounded animal is known to him or her, the pound master shall forthwith by letter, delivered personally or sent by registered post, give notice to the owner of the fact that his or her animal has been impounded, and he or she shall also in that letter state the amount which, as at the date of the notice, is payable for the release of the animal, as well as the further fees that will thereafter be levied daily in respect of the animal.
- (2) Whenever a stallion or bull is impounded, the pound master shall forthwith, unless the name and address of the owner is known to him or her, cause an advertisement, setting forth the following information, to be published in a newspaper circulating in the local authority area -
- (a) a short description of the animal;
 - (b) the estimated value of the animal;

- (c) the date on which the animal was impounded;
 - (d) the name and address of the person by whom it was impounded; and
 - (e) that the animal will be sold if it is not redeemed by its owner within 30 days from the date of publication of the advertisement.
 - (3) The costs incurred in respect of the publication of an advertisement in terms of subregulation (2) shall be recovered from the owner of the animal concerned or, if it is sold, from the proceeds of the sale.
13. (1) The owner or occupier (including the council) on whose property an animal has trespassed, may claim compensation in accordance with the provisions of these regulations from the owner of the animal for any damage of the property concerned caused by such animal.
- (2) Where the owner of an animal referred to in subregulation (1) is unknown or cannot be traced, the damages caused by the animal shall be paid from the nett proceeds in accordance with regulation 28(1)(b) if the animal is sold.
14. (1) The owner or occupier of property (excluding the council) who wishes to claim damages as contemplated in regulation 13(1) shall, when delivering the animal to the pound, hand to the pound master a notice wherein he or she declares his or her intention to lodge a claim.
- (2) Subject to regulation 15(3), where the pound master receives a notice in terms of subregulation (1), he or she shall not release the animal to which the notice relates until 24 hours expired after the animal was impounded
15. (1) The owner or occupier of property (excluding the council) who wishes to claim damages as contemplated in regulation 13(1), or his or her representative, shall, in co-operation with two persons with no interest in the matter, inspect the property concerned and prepare a written memorandum, wherein -
- (a) the nature and extent of the damage which has allegedly been caused by the animal; and
 - (b) the amount assessed by them as compensation for the damage;
- shall be fully set out.
- (2) (a) Where the owner of the animal is known to him or her, the owner or occupier of the property shall give prior notice of the time and place of such inspection to the owner and afford him or her the opportunity to be present.
- (b) If at the inspection the owner of the animal admits liability for the damage, while he or she -
- (i) accepts the amount assessed in terms of subregulation (1) as correct;
 - (ii) reaches an agreement with the owner or occupier of the property with regard to the amount thereof and pays is; or
 - (iii) arranges for the payment thereof with the owner or occupier of the property, those facts, with full particulars, shall also be recorded in the written memorandum and signed by both parties.

- (c) If the damages are paid directly to the owner or occupier of the property in terms of paragraph (b), he or she shall issue a receipt in respect of such payment to the owner of the animal.
 - (3) Notwithstanding regulation 14(2), the owner or occupier of the property shall, within 24 hours after the animal was impounded, deliver the written memorandum prepared in terms of subregulation (1) to the pound master, but if the memorandum is delivered to the pound master after the period of 24 hours has expired and the animal is at that time not yet released, the pound master shall accept the memorandum and shall not release the animal except in accordance with regulations 19 and 20.
 - (4) Where the owner of the animal has not attended the inspection referred to in subregulation (1) and if his or her name and address is known to him or her, the pound master shall immediately upon receipt of the written memorandum, by letter, delivered to him or her personally or sent by registered post, give notice to the owner of the findings of the persons who held the inspection and give full particulars of the damages as determined by them.
16. The council shall, if it wishes to claim damages as contemplated in regulation 13(1), first cause an inspection of the damaged property to be held by the pound master or any other authorised employee of the council and two persons with no interest in the matter and the provisions of regulation 15 shall mutatis mutandis apply.
17. (1) The owner or occupier of property (including the council), shall pay each of the persons assisting with the inspection and preparation of the written memorandum in terms of regulation 15 or 16, except the pound master or an employee of the council, a fee of not less than N\$10,00 for their services.
- (2) The amount paid in terms of subregulation (1) may be recovered as part of the damages in terms of these regulations.
18. Where a claim for damages is disputed by the owner of the animal in that such owner denies liability for any damages or admits liability but disputes the amount claimed, the pound master shall forthwith by letter, delivered personally or sent by registered post, give notice to the owner or occupier of the property concerned (including the council) of the fact that the owner of the animal is denying liability or is disputing the amount claimed, as the case may be.
19. Subject to regulation 20, the pound master shall only release an impounded animal when -
- (a) the fees due in terms of these regulations and calculated in accordance with the prescribed tariffs and all other expenses which accrued in terms of these regulations in respect of the animal; and
 - (b) the amount in respect of damages, if any,
- have been paid or it is proved to the satisfaction of the pound master that the amount in respect of damages has been paid directly to the owner or occupier of the property, or that an acceptable arrangement for the payment thereof has been made.
20. Where the owner of an animal disputes a claim for damages instituted in terms of these regulations, the pound master shall, notwithstanding the provisions of regulation 19, but on condition that the fees and expenses referred to in paragraph (a) of the regulation have been paid, release the animal if, pending settlement of the dispute, the owner of the animal give security to the satisfaction of the pound master for the payment of the amount claimed.

21. The pound master may, before he or she releases an animal, require that the person claiming such release prove by affidavit or otherwise to the satisfaction of the poundmaster, that he or she is the owner of the animal or has been authorised by the owner to claim its release.
22. Subject to regulation 25, a stallion or bull that is not released within 30 days from the date of publication of the advertisement in terms of regulation 12(2), and any other animal not released within 7 days from the date on which it was impounded, shall be sold in accordance with provisions of regulation 23 or 24, as the case may be.
23. (1) In the case of horses or a cattle the pound master shall, after the expiry of the relevant period referred to in regulation 22, by notice -
 - (a) published once in the Gazette and once per week for two consecutive weeks in a newspaper circulating in the local authority area; and
 - (b) affixed in a conspicuous place at the pound and the offices of the council,

advertise that the animal is to be sold by public auction if it is not claimed within the time specified in the notice.(2) The notice referred to in subregulation (1) shall set forth the following information, namely -
 - (a) the place where, and the date and time when, the sale will be held;
 - (b) a description of the animal to be sold; and
 - (c) the date on which the animal was impounded and the name and address of the person by whom it was impounded.(3) The date of the sale shall not be less than 21 days after the date upon which the animal was impounded and not less than seven days after the publication of the notice in the Gazette and the second publication in the newspaper in terms of subregulation (1).
24. (1) Any donkey, mule, sheep, goat or pig may, after the expiry of the period of seven days referred to in regulation 22 and provided that the provisions of subregulation (2) have been complied with, be sold at the first morning market or by public auction held at a public place which is centrally situated in the local authority area.
 - (2) The pound master shall advertise such sale by affixing, not later than four days before the date of the sale a notice of sale containing all such information as required by regulation 23(2), on the notice board at the offices of the council and at or as near as possible to the place where the sale is actually taking place.
 - (3) The pound master may, notwithstanding the provisions of subregulation (1), sell any donkey, mule, sheep, goat or pig on a public auction held in terms of regulation 23, on condition it has been advertised as such in the notice of sale referred to in subregulation (2).
25. Notwithstanding regulation 22, where the owner of an impounded animal has complied with the provisions of regulation 19 or 20 before the animal is sold, the pound master shall release the animal to the owner.
26. (1) The pound master or any person designated by the council for that purpose shall act as auctioneer at a sale taking place in terms of these regulations.

- (2) At any sale in terms of these regulations all animals shall be sold individually, except that-
 - (a) the offspring of an animal which is still dependent on that animal for its food, shall be sold together with that animal;
 - (b) sheep or goats may be sold together in lots of not more than 10.
 - (3) The pound master shall not, whether personally or through an agent, purchase an animal which is being sold in terms of these regulations.
27. The council shall receive a commission in accordance with the prescribed tariffs on the gross proceeds of each animal which is sold in terms of these regulations.
28. (1) The proceeds from the sale of an animal in terms of these regulations, shall be applied-
- (a) for the payment of all fees owed to the council calculated in accordance with the prescribed tariffs and all other expenses in respect of that animal recoverable by the council in terms of these regulations; and
 - (b) thereafter, in settlement of any claim for damages instituted in terms of these regulations and in respect of which no dispute is existing between the owner of the animal and the claimant concerned.
- (2) Where two or more competing claims are to be considered for settlement in terms of subregulation (1)(b), any surplus that is available under that paragraph, but which is insufficient to settle all the claims concerned in full, shall be distributed pro rate amongst the claimants.
- (3) Any surplus that remains after the settlement referred to in subregulation (2), shall be deposited in the council's bank account.
29. (1) Where the notice of sale referred to in regulation 23 relates to more than one animal, the expenses incurred in connection with the publication of such notice shall be recovered, subject to the provisions of subregulation (2), in equal parts from the proceeds of each animal sold.
- (2) Where an animal to which a notice of sale is released in terms of these regulations at any time before it is sold, the pound master shall recover, from the person redeeming the animal, an equal part of such costs which would have been recoverable in respect of that animal had it been sold.
30. (1) If at any time within six months after the sale of an animal in terms of these regulations, a person lays claim to the surplus to which a council is entitled in terms of regulations 28(3), or any part thereof, and the council is satisfied that -
- (a) the animal sold did belong to that person; or
 - (b) that person is on any other ground entitled to it; and
 - (c) no claim for damages of which notice has been given to the pound master in terms of these regulations, is pending,
- the council shall pay such amount to the person concerned.
- (2) (a) Subject to paragraph (b), the right to claim payment of the surplus in terms of subregulation (1) prescribes six months after the animal was sold.

- (b) If at any time the animal was sold, a claim for damages in terms of these regulations has been instituted and than claim was disputed, the right to claim the surplus shall prescribe six months after the dispute was settled of three years after the animal was sold, whichever period is earliest.
- (3) The council may refuse to pay out any money claimed in terms of this regulation, unless an agreement of settlement or a court order is submitted as proof that the person who claims the money is entitled thereto.
- (4) The surplus concerned becomes the property of the council upon prescription of the right to claim payment thereof in terms of this regulation.
- 31. Ownership in an animal sold in terms of these regulations shall pass on to the purchaser.
- 32. Any horses, donkeys, mules or cattle sold in terms of these regulations shall be branded with the council's registered brand before delivery to the purchaser.
- 33.
 - (1) The pound master shall take proper care of all impounded animals and ensure that they are at all times provided with sufficient grazing or fodder and water.
 - (2) The pound master shall not use, harness or ill-treat an impounded animal or allow any other person to use, harness or ill-treat such animal, but the pound master may milk a cow or she-goat.
 - (3) If any animal dies during its detention in the pound, the pound master shall immediately notify the chief executive officer thereof and record such fact in the pound book with a proper description of the animal concerned.
 - (4) Any pound master who fails to comply with this regulation shall be guilty of an offence.
- 34. The pound master shall keep all stallions and bulls above the age of two years, and all he-goats and rams above the age of six months, in a separate camp or kraal, or keep them tied up or isolate them from the other animals in the pound in any other way.
- 35.
 - (1) If any animal, when it is delivered to the pound, or any impounded animal, is visibly infected or becomes infected with a disease which is contagious of which is likely to be dangerous to human life or to other impounded animals, or the pound master has reasonable grounds to believe that it is so infected, he or she shall immediately place that animal in a separate camp or kraal removed from the other impounded animals or in any other effective manner isolate such animal from the other animals in the pound.
 - (2) The pound master shall immediately after he or she has isolated an animal as required in subregulation (1), summon a veterinarian to examine that animal or if a veterinarian is not available, immediately notify the chief executive officer.
 - (3) The chief executive officer shall, when he or she receives the notice in terms of subregulation (2), immediately cause an investigation to be conducted into the condition of that animal, and he or she may give such instructions to the pound master as to its disposal as he or she may deem fit, including an instruction that the animal be destroyed.
 - (4) The pound master shall carry out all instructions that are given to him or her by the veterinarian or the chief executive officer with regard to such animal.

36. All costs incurred by the council in respect of the services of veterinarian, or in connection with any treatment given to an impounded animal, shall be recoverable from the owner of that animal, or if it is sold under these regulations, from the proceeds.
37. If the pound master at any time finds that an impounded animal is so wild or vicious that its detention might be dangerous to other animals in the pound, he or she shall immediately notify the chief executive officer and the provisions of regulations 35(3) and (4) shall *mutatis mutandis* apply.
38. When an impounded animal dies or is destroyed in terms of these regulations, the poundmaster shall dispose of the carcass in such a manner as the council directs.
39. (1) The council shall levy the fees in accordance with the prescribed tariffs in respect of the services rendered in terms of these regulations.
- (2) The council shall recover the fees referred to in subregulation (1) and all other expenses referred to in these regulations or incurred in terms thereof, from the owner of the animal in respect of which it is payable or, if the animal is sold, from the proceeds.
- (3) If the proceeds from the sale of a particular animal are insufficient to cover the charges referred to in subregulations (1) and (2), the council shall be entitled to recover the shortfall from the owner of such animal.
40. (1) Any person, except the pound master, who is convicted of an offence under these regulations, shall be liable -
- (a) on a first conviction, to a fine not exceeding N\$100,00;
- (b) on a second or subsequent conviction for the same offence, to a fine not exceeding N\$200,00 or imprisonment for a period not exceeding three months, or to both such fine and imprisonment; or
- (c) in case of a continuing offence, if the commission of the crime continues after the conviction referred to in paragraph (a) or (b), to a further fine not exceeding N\$4,00 a day, for each day the offence continues.
- (2) Where a pound master is convicted of an offence under these regulations, he or she shall be liable to a fine not exceeding N\$20,00.
41. All regulations made in terms of section 24 of Proclamation 160 of 1975 in relation to the impounding of animals, section 45(3) of Proclamation R.117 of 1977 and Government Notice 91 of 1985, and all amendments thereof, are hereby repealed in so far as it applied to the council, but excluding any provision prescribing any fees payable to the council.

ANNEXURE

CERTIFICATE WITH DETAILS OF IMPOUNDED ANIMALS

Description of animals:

.....

.....

.....

Number of animals:

.....

.....

Name and address of person who sent animals:

.....

Place where animals were found:

.....

Name and address of person who delivers animals:

.....

.....
 Signature of Person who delivers Animals

.....
 Pound master

.....
 Date

.....
 Place

SCHEDULE B

POUND FEES

1. Detention fees:

(a) In respect of all animals except sheep and goats, per animal per day or part of a dayN\$5,00

(b) Per sheep or goat per day or part of a dayN\$2,00

2. Grazing fees:

(a) In respect of all animals except sheep and goats, per animal per day or part of a dayN\$3,00

(b) Per sheep or goat per day or part of a dayN\$0,75

3. Feeding fees:

(a) In respect of all animals except sheep and goats, per animal per day or part of a dayN\$7,50

(b) Per sheep or goat per day or part of a dayN\$2,00

4. Driving fees:

Per animal irrespective of the distance driven.....N\$0,50

5. Fees for branding in terms of regulation 32:

Per animalN\$1,00

MUNICIPALITY OF USAKOS

No. 154

1999

SEWERAGE AND DRAINAGE REGULATIONS

The Council of the Municipality of Usakos under Section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) made the Sewerage and Drainage Regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL**MB GORESEB****CHAIRPERSON OF THE COUNCIL**

Usakos, 10 June 1999

SCHEDULE**ARRANGEMENT OF REGULATIONS**

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CHAPTER 1**SUPPLY OF SEWERAGE SERVICES BY THE COUNCIL**

2. Council's sole right to provide connecting sewer
3. Conditions for provisions of sewerage service by Council
4. Application for provisions of sewerage service
5. Connection to the public sewer
6. Provision of common connecting sewer to several occupiers on same premises and combined private sewers
7. Ownership of connection sewer
8. Payment for sewerage services
9. Availability charges for rendering of sewerage service
10. Objection to account rendered for sewerage service
11. General conditions for provision of a connecting sewer
12. Compulsory provision of a drainage installation or other sanitary disposal system
13. Faulty drainage installations
14. Council's power to perform certain work on private premises
15. Maintenance of drainage installation
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19. Registration of drain layers with Council
20. Term of registration
21. Withdrawal or suspension of registration
22. Temporary registration
23. Production of registration card
24. Prohibition against employment of unregistered persons for drain laying work
25. Issue of duplicate registration card
26. Fees for registration and renewal
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28. Standard specifications and codes of practice applicable
29. Information and drawings
30. General requirements for design and construction of drainage installations
31. Design of a proposed drainage installation

32. Material, fittings and components
33. Control of installation and work on drainage installation
34. Cleaning, inspection and testing of drainage installation
35. Engineer may require drainage installation to be tested
36. Sewage pumps
37. Installation of conservancy tanks or septic tanks and absorption fields
38. Other means of sanitary disposal

CHAPTER 4
CONTROL OVER DISCHARGE OF SEWAGE, STORM WATER AND
DISCHARGES FROM OTHER SOURCES

39. Sewage or other prohibited discharges not to enter storm water drains or roads
40. Storm water not to enter sewers
41. Discharges from swimming pools, fountains or reservoirs

CHAPTER 5
INDUSTRIAL EFFLUENT

42. Permission to discharge industrial effluent
43. Control of industrial effluent
44. Metering and assessment of industrial effluent
45. Prohibited discharges

CHAPTER 6
GENERAL PROVISIONS

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Definitions

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

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

“approved” means approved by the Engineer in writing;

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

“connecting sewer” means a pipe vested in the Council which connects a drain to a public sewer;

“conservancy tank” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

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

“discharge pipe” means any pipe other than a drain that conveys the discharge from one or more sanitary fixtures;

“drain” means that part of a drainage installation that conveys sewage from a building to a combined private sewer, connecting sewer or any other sewage disposal system situated on the premises concerned, but excluding -

- (a) any discharge pipe;
- (b) any portion of a discharge stack which is below ground level; and
- (c) the bend at the foot of a discharge stack, whether such bend is exposed or not;

“drainage installation” means the installation on any premises vesting in the owner and used or intended for use for the reception, conveyance, storage or treatment of sewage, and consisting of sanitary fixtures, traps, discharge pipes, drains ventilating pipes, septic tanks, conservancy tanks, sewage treatment works or mechanical appliances associated therewith;

“drain layer” means a person registered as a drain layer with the Council in terms of regulation 19;

“Engineer” means the official of the Council charged with the function of exercising control over the provision of sewerage by the Council;

“industrial effluent” means any liquid other than soil water or storm water, whether or not it contains matter in solution or suspension and which is given off in the course of, or as a result of any industrial trade, manufacturing, mining or chemical process in any laboratory, research or agricultural activity;

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

“occupier” in relation to any premises means -

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

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

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;

- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner's authorized agent or a person receiving the rent of the premises on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested.

"Sewage" means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination, but excluding storm water;

"sewerage service contract" means a contract concluded between the Council and the owner or occupier of any premises in terms of regulation 4(3) for the provision by the Council of a sewerage service to such premises;

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

"soil pipe" means a pipe that conveys soil water;

"soil water" means liquid containing human body wastes such as faeces and urine;

"waste pipe" means a discharge pipe that conveys waste water only;

"waste water" means used water not contaminated by soil water or industrial effluent, but excluding storm water.

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

CHAPTER 1 SUPPLY OF SEWERAGE SERVICE BY COUNCIL

Council's sole right to provide connecting sewer

- 2. No person shall obtain the connection of any private sewer to a public sewer, whether directly or through a combined private sewer, except by means of a connecting sewer provided by the Council pursuant to a sewerage service contract.

Conditions for provisions of a sewerage service by Council

- 3. (1) The Council shall not be obliged to supply a sewerage service to any premises in the local authority area, unless -
 - (a) the owner or occupier of such premises has concluded with the Council a sewerage service contract; and
 - (b) all other requirements prescribed by these regulations for procuring a sewerage service have been complied with by such owner or occupier.
- (2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a sewerage service contract if a public sewer is not available at a point within the close proximity of such premises from

where it is reasonably possible to provide a connecting sewer or the premises or to a combined private sewer to which such premises may be connected.

Application for provision of a sewerage service

4. (1) An application for the provision of a sewerage service shall be made to the Council in the form provided by the Council for the purpose.
- (2) Where an application in terms of subregulation (1) is made for the initial connection of any premises to a public sewer, such application shall be made by the owner of the premises or the duly authorised representative of such owner.
- (3) Upon the submission of an application in terms of subregulation (1), the applicant shall-
 - (a) sign a contract for the provision of a sewerage service; and
 - (b) pay the fees determined in the sewerage tariff for a connecting sewer.
- (4) The provision of a sewerage service by the Council to any person shall be subject to these regulations and the conditions contained in the relevant sewerage service contract.

Connection to the public sewer

5. (1) Where an application for the provision of a sewerage service is approved in respect of premises which are required to be connected to the public sewer for the first time, the Council shall, provide a connecting sewer from the public sewer to such premises in such position and to such point on the premises as the Engineer may determine.
- (2) The Council may, either of its own accord or at the request of the owner of the premises concerned, alter any connection made to a public sewer in terms of subregulation (1).
- (3) Where a connection sewer is provided by the Council to any premises, it shall be the responsibility of the owner concerned, and not of the Council, to provide and maintain at his or her own costs, and subject to the provisions of Chapter 3, the drainage installation on the premises.
- (4) Until a drainage installation has been connected to the public sewer, or to a combined private sewer which is connected to the public sewer, no person shall discharge or cause or permit to be discharge into such drainage installation any substance, except unpolluted water for the purpose of testing the functioning of the drainage installation or any part thereof during or upon the completion of its construction.
- (5) No person, other than an employee of the Council charged with such duty or any other person authorised thereto in writing by the Council, shall approve or install a connecting sewer for linking any private sewer or combined private sewer to the public sewer.
- (6) The charges payable for -
 - (a) the provision of a connecting sewer;
 - (b) the alteration of the position of a connection sewer at the request of the owner of any premises,shall be as determined in the sewerage tariff.

- (7) Any charge payable in terms of subregulation (6) shall be paid to the Council in advance before the necessary work is commenced by the Council.

Provision of common connecting sewer to several occupiers on same premises and combined private sewers

6. (1) Subject to subregulation (2), only one connecting sewer shall be provided for the purpose of any premises, irrespective of the number of accommodation units located on such premises, but the Council may permit that the drainage installations of two or more premises or two or more such accommodation units be connected to a combined private sewer discharging into the public sewer.
- (2) Notwithstanding subregulation (1), the Council may -
- (a) in the case of premises comprising sectional title units; or
 - (b) if, in the opinion of the Council, undue hardship or inconvenience would otherwise be caused to any occupier of the premises,
- authorise that more than one sewer connection sewer be provided to such premises.

Ownership of connecting sewer

7. Any pipes, fittings, equipment and material used by the Council in providing a connecting sewer to any premises shall at all times remain the exclusive property of the Council and be under the sole control of, and be maintained by, the Council.

Payment for sewerage services

8. (1) The charges for the provision of a sewerage service by the Council shall -
- (a) be paid for by the occupier of the premises at the rate determined in the sewerage tariff for the particular category of use for which the service is provided; and
 - (b) be payable monthly in advance, not later than the last date for payment specified in the account rendered by the Council for such charges.
- (2) A person with whom the Council has concluded a sewerage service contract shall be responsible for the payment of the charges in respect of the sewerage service from the date on which the connecting sewer is provided by the Council.
- (3) If payment of an account is received after the date referred to in subregulation (1)(b), a late fee as determined in the sewerage tariff shall be payable to the Council.
- (4) If during any period any person utilises the sewer system for a category of use other than that for which the Council has agreed to provide the sewerage service and as a consequence is not charged for such service or is charged at a rate lower than that which should have been charged, such person shall in respect of the period in question be liable for the amount due to the Council in accordance with the appropriate rate leviable for the category of use for which the sewerage service is provided.
- (5) Any other services related to the provision of a sewerage service shall be paid for at the fees and charges determined in the sewerage tariff.

Availability charges for rendering of sewerage service

9. (1) The Council may, in addition to the charges determined in sewerage tariff for the actual use of the sewerage service provided by the Council, levy an availability charge or a monthly minimum charge for the rendering of a sewerage service to residents of the local authority area.
- (2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -
- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to the public sewer but can reasonably be provided with a connecting sewer; and
 - (b) by the owner of every premises or, where any premises are occupied by any other person, such occupier, in respect of each connecting sewer provided by the Council to serve the premises, whether or not the sewerage service is being utilised.
- (3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by the occupier of every premises in respect of a specified volume of sewerage flow based on design volumes, whether or not the amount of sewage discharged on the premises is less than or exceeds the specified volume.
- (4) Notwithstanding subregulation (2)(a), an availability charge levied by the Council under subregulation (1) shall not be payable by the owner of a township in respect of any unalienated premises in the township if -
- (a) the sewerage reticulation system in the township was provided by the township owner at his or her own cost; or
 - (b) the township owner has deposited with the Council the capital cost of such reticulation system,
- but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

Objection to account rendered for sewerage services

10. If a person disputes the correctness of any charges reflected on an account rendered by the Council, such person may lodge an objection in writing against such account with the Council within 7 days after the date of receipt of the account.

General conditions for provision of a connecting sewer

11. (1) The provision of a connecting sewer by the Council shall not constitute an undertaking on the part of the Council to maintain at any time an uninterrupted sewerage service.
- (2) If in the opinion of the Engineer the volume of sewage discharged from any premises adversely affects the functioning of the public sewer system, the Engineer may apply such restricting measures as the Engineer may think fit to lower the peak sewage flow from such premises into the public sewer.

Compulsory provision of a drainage installation or other sanitary disposal system

12. (1) Where in respect of any premises a suitable means of disposal by water-borne sewage is available, the owner of such premises shall provide and install a drainage installation on the premises.

- (2) Where a public sewer is not available for providing a connecting sewer to any premises, the owner of such premises shall, before the occupation of such premises by any person, make provision for -
 - (a) a conservancy tank or a septic tank and absorption field on such premises in conformity with provisions of regulation 37; or
 - (b) any other means of sewage disposal as the Council may permit, but subject to regulation 38.
- (3) Where in the case of premises contemplated in subregulation (2) the owner of such premises is notified in writing by the Council that a public sewer has been installed and is available from which a connecting sewer can be provided to the premises, such owner shall, within the period specified in the notice, but which shall not exceed 6 months -
 - (a) provide a drainage installation on such premises, or make any necessary extensions or alterations to any existing installation on such premises, for the purpose of connecting such premises to the public sewer; and
 - (b) submit to the Council, in accordance with regulation 4, an application for the provision of a sewerage service.
- (4) If the owner of any premises fails to comply with a notice referred to in subregulation (3) before the expiry of the period specified in the notice, or such longer period as the Council may allow, such owner shall, with effect from the date following on the expiry of that period, be liable -
 - (a) for the charges determined in the sewerage tariff for the provision of a sewerage service; and
 - (b) until such time as the premises concerned are connected to the public sewer, to pay for the Council's conservancy tank or pail removal service, whichever is applicable, at three times the rate determined in the sewerage tariff for such service.
- (5) The owner of any premises to which any pail or conservancy tank service is rendered, shall give written notice to the Council if such service is no longer required and shall until such notice is given remain liable for the charges of such service.
- (6) Any contractor or other person employing workmen for the construction of any building or carrying out any other work on any premises to which a connecting sewer is available for the purposes of any building constructed or to be constructed thereon, shall, unless such an amenity is available on the premises, provide on such premises a proper toilet with water closet and flushing cistern connected to the public sewer for the convenience of such workmen.
- (7) Any person who fails to comply with the provisions of subregulations (1), (2) or (6) shall be guilty of an offence.

Faulty drainage installations

- 13. (1) If at any time a drainage installation on any premises is found not to conform to the provisions of these regulations, the Council may by notice in writing to the owner concerned require such owner to remedy the defect within a period specified in the notice.

- (2) When in the opinion of the Council a nuisance exists owing to the emission of offensive gasses or odours from any ventilating pipe, trap or sanitary fitting or any other part of a drainage installation on any premises, the Council may by notice in writing to the owner concerned, require such owner to take, within such period as may be specified in the notice, such measures as may be necessary to prevent therecurrence of such nuisance.
- (3) Where any sewage discharged into a drainage installation enters any soil-water fitting or waste-water fitting connected to the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Council may by notice in writing to the owner concerned require the owner to carry out, within such period as may be specified in the notice, any work necessary to abate such entry of sewage and to prevent any recurrence thereof.
- (4) A person who fails to comply with the requirements of a notice given under subregulation (1), (2) or (3), shall be guilty of an offence.

Council's power to perform certain work on private premises

14. (1) Where an owner or other occupier of any premises has been required by a notice in terms of these regulations to carry out any work in relation to the drainage installation on such premises, whether by way of construction, repair, replacement or maintenance, and such owner or occupier fails to comply with the notice within the period specified therein, the Council may-
 - (a) cause such work to be carried out; and
 - (b) recover the cost of such work from the owner or occupier concerned.
- (2) Any action taken by the Council in terms of subregulation (1) shall not prevent any person from being prosecuted for a contravention of these regulations.
- (3) Where no charge is determined in the sewerage tariff in respect of any work carried out by the Council in accordance with subregulation (1), the owner or occupier, as the case may be, of the premises in question shall be liable to pay to the Council the actual cost of such work plus an administrative levy equal to fifteen percent of such cost.
- (4) Any damage caused to the public sewer or any part of the Council's sewage treatment system as a result of the non-compliance with or contravention of any provision of these regulations shall be repaired by the Council at the expense of the person responsible for such noncompliance or contravention.

Maintenance of drainage installation

15. (1) Every owner of premises shall ensure that -
 - (a) the drainage installation on the premises is in a proper state of repair and maintained in good working order;
 - (b) every trap or other fitting forming part of such drainage installation is kept free from any accumulation of grease, oil or fat or any other substance or material that may cause a blockage in any part of the drainage installation or may in any other manner adversely affect its proper functioning;
 - (c) every manhole, rodding eye or other access to a drainage installation and every outdoor gully is provided with an approved cover which remains closed at all times, but is accessible for the purpose of cleaning or other maintenance work.

- (2) If, in the case of any building existing on any premises at the commencement of these regulations, any outdoor gullies on such premises are not provided with a precast concrete covering or any other approved mode of covering, the owner of such premises shall cause the necessary steps to be taken to ensure that all such gullies are provided with such a covering not later than 12 months after such commencement.
- (3) Where two or more owners share the use of a drainage installation or any part thereof they shall be jointly and severally responsible for the maintenance and repair of such drainage installation and for the compliance with the provisions of this regulation.
- (4) A person who contravenes any provision of subregulation (1), (2) or (3) shall be guilty of an offence.

Clearing of blockages and services provided by the Council

16. (1) Where a blockage occurs in a soil pipe the occupier of the premises concerned shall, subject to subregulation (3), cause such blockage to be removed by or under the supervision of a registered drain layer.
- (2) Any registered drain layer carrying out any work contemplated in subregulation (1) shall report to the Council in writing, not later than 5 days after the completion of the work, the nature, location and cause of the blockage if the drain layer suspects such blockage -
- (a) to have been caused by the intrusion of tree roots or foreign matter in the drainage installation; or
 - (b) to have resulted because of a defect in the construction of the drainage installation.
- (3) Where the Council considers it necessary or expedient for any reason, it may, either upon a request of the occupier of the premises or of its own motion, cause a blockage in the drainage installation to be removed and may recover from the occupier the charges determined in the sewerage tariff for such service.
- (4) Should any work undertaken by the Council in terms of subregulation (3) necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on the premises in question, the Council shall not be responsible to restore or replace such paving, lawn or surfacing.
- (5) Where an overflowing of the drainage installation on any premises is caused by an obstruction in the connection sewer which the Council on reasonable grounds believe to have been caused by objects emanating from such drainage installation, the occupier of the premises in question shall be liable to pay to the Council the charges determined in the sewerage tariff for the removal of such a blockage.
- (6) Where a blockage has been removed by the Council from a combined private sewer or a drainage installation serving two or more premises, the occupiers of such premises shall be jointly and severally liable to the Council for the charges for the removal of such blockage.
- (7) The emptying of any conservancy tank or septic tank on any premises may be carried out by the Council at such times as the Council may determine having regard to the general requirements of the service and in particular the avoidance of separate or unnecessary journeys by the Council's removal vehicles.

- (8) The Council may at its discretion, having regard to the position of a conservancy tank or septic tank on the premises or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner shall indemnify the Council in writing against any sum which it may become liable to pay to any person as a result, direct or indirect, of rendering the service for emptying such tank.

Disconnection

17. (1) Except for the purpose of maintenance or repair, to be carried out by or under the supervision of a drain layer, no soil-water fitting or soil pipe shall be disconnected from any drain or from a public sewer without the prior written approval of the Engineer.
- (2) Where any part of a drainage installation is permanently disconnected the owner of the premises shall -
- (a) dispose of the disconnected part in a manner which will not be a danger to health; and
- (b) cause any opening in the drainage installation resulting from the disconnection to be sealed by a drain layer.
- (3) A drain layer carrying out any work contemplated in subregulations (1) and (2), shall upon completion of such work comply with the provisions of regulation 27(2).
- (4) Where any disconnection contemplated in subregulation (2) has been carried out which requires the application in future of any different rate of fees and charges leviable under the sewerage tariff, the Engineer shall, on the written application of the owner of the premises, cause such adjustments to be made in relation to those fees and charges as will give effect to the resulting changed circumstances.
- (5) Any adjustment directed by the Engineer in accordance with subregulation (4) shall be applicable with effect from the first day of the month following the date of receipt by the Engineer of the owner's application in terms of that subregulation, notwithstanding the date on which the disconnection in question was completed.
- (6) Where a building on any premises is demolished, the Engineer may cause any connecting sewer to such premises to be disconnected and removed, and the owner of the premises shall be liable for the charges determined in the sewerage tariff for such disconnection and removal, including the sealing of the public sewer.
- (7) Any person who contravenes any provision of subregulation (1) or (2) shall be guilty of an offence.

CHAPTER 2 REGISTRATION OF DRAIN LAYERS

Persons qualified to carry out work on drainage installation

18. (1) No person, other than a person who is registered with the Council as a drain layer in terms of regulation 19, shall carry out or undertake to carry out -
- (a) in relation to a drainage installation on any part thereof, any work for which approval is required by any provision of these regulations or which, in terms of these regulations may be carried out only by a drain layer;

- (b) any inspection or testing of a drainage installation; or
 - (c) any work for the disconnection of any part of, and the sealing of, a drainage installation.
- (2) Any person who carries out or attempts to carry out any work in contravention of subregulation (1), shall be guilty of an offence.

Registration of drain layers with Council

19. (1) An application for the registration of a person as a drain layer for the purposes of these regulations, shall be made in writing to the Council through the Engineer and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Council may require.
- (2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulation in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.
- (3) If, after consideration of an application in terms of subregulation (1) and a report and recommendation of the Engineer and any objections received against the application, the Council is satisfied that the applicant -
- (a) is a qualified artisan in the drain laying trade, or has any comparable qualification approved by the Council, or has had practical experience in that trade which the Council considers adequate and appropriate for purposes of registration as a drain layer;
 - (b) has an adequate knowledge of these regulations and of the provisions of SABS 0252-2:1993; and
 - (c)
 - (i) is a Namibian citizen; or
 - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
 - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business or performing the work of a drain layer in Namibia,
- the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.
- (4) The Council may refuse to register a person as a drain layer if the applicant has carried out any work referred to in regulation 18(1) without first being registered as a drain layer with the Council.
- (5) The Council may, upon application made to it, register a company or close corporation or partnership as a drain layer if -
- (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraph (a) and (b) of subregulation (3); and

- (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.
- (6) Except in the case of the refusal of an application on the ground of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.
- (7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as a drain layer or for the registration of a company, close corporation or partnership as such, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in drain laying work or his or her knowledge of the provisions of these regulations and SABS 0252-2:1993.

Term of registration

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

Withdrawal or suspension of registration

21. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as a drain layer if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof -
- (a) has in his or her application for registration as a drain layer given any material information which or she knows or ought to have known is false; or
 - (b) has carried out or caused or permitted to be carried out any drain laying or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or SABS 0252-2:1993; or
 - (c) has issued a certificate in terms of regulation 27(1)(b) which he or she knows or ought to have known is incorrect or false; or
 - (d) allows his or her registration card to be used in a fraudulent manner.
- (2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -
- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
 - (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

Temporary registration

22. The Council may upon application made to it by a person who complies with the requirements of regulation 19(3) or (5), register such person, or where applicable the company, close corporation or partnership, temporarily for the purpose of carrying out any specified work.

Production of registration card

23. Any person carrying out or about to carry out any work referred to in regulation 18(1), shall, when requested to do so, produce his or her registration card for inspection to the Engineer or any officer of the council authorised thereto by the Engineer or any occupier on or in respect of whose premises such work is being or to be carried out.

Prohibition against employment of unregistered persons for drain laying work

24. (1) No owner or occupier of any premises shall engage or permit any person to carry out on such premises any work referred to in regulation 19(1), unless such person is registered with the Council as a drain layer in terms of regulation 19.
- (2) A person who contravenes subregulation (1) shall be guilty of an offence.

Issue of duplicate registration card

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

Fees for registration and renewal

26. The fees payable to the Council for -
- (a) the registration of a person as a drain layer;
 - (b) the renewal of such a registration;
 - (c) the issue of a duplicate registration card,
- shall be as determined by the Council from time to time.

Responsibilities of registered drain layer

27. (1) A drain layer shall -
- (a) ensure that any work carried out by him or her in relation to a drainage installation, or by any other person acting under his or her control, is performed in conformity with the requirements of these regulations and SABS 0252-2:1993; and
 - (b) certify in a manner approved by the Engineer that such work complies with the requirements of these regulations.
- (2) Not later than 7 days after the completion of any work referred to in paragraph (a) of subregulation (1), the drain layer concerned shall -
- (a) submit to the Engineer the certificate referred to in paragraph (b) of that subregulation; and
 - (b) deliver a copy of such certificate to the person on whose instructions the work was carried out.

CHAPTER 3 REQUIREMENTS FOR DRAINAGE INSTALLATIONS

Standard specifications and codes of practice applicable

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

Information and drawings

29. (1) No work shall be carried out or be commenced with on any premises in connection with -
- (a) the initial construction of a drainage installation; or
 - (b) any alterations or extensions to any existing drainage installation,
- unless there is submitted to the Council, by or on behalf of the owner of the premises, drawings of the proposed drainage installation or alterations or extensions complying with the provisions of subregulations (5), (6) and (7) and the information provided for in Chapter 4 of SABS 0252-2:1993, and such drawings and information have been approved by the Council.
- (2) A complete set of the drawings approved under subregulation (1) shall be available at the premises where any work mentioned in that subregulation is being carried out until the certificate of the drain layer is submitted to the Engineer in accordance with regulation 27(2).
- (3) If any work is carried out in contravention of subregulation (1) the Engineer may by notice in writing require the owner of the premises to comply with the provisions of that subregulation within a period specified in the notice, and thereupon -
- (a) work in progress shall be discontinued until the approval required by that subregulation is granted;
 - (b) any work that does not comply with these regulations shall be removed when so directed by the Council.
- (4) An application for the approval of drawings referred to in subregulation (1) shall be accompanied by a site plan of the premises with buildings, plans, elevations and sections indicating clearly the nature and extent of the proposed work: Provided that where the particulars required in terms of subregulation (7) sufficiently appear on the other drawings submitted, a block plan shall not be required.
- (5) Any drawings required to be submitted to the Council in terms of this regulation shall -
- (a) consist of at least one set of such drawings prepared in durable transparent material or of clearly legible prints with a white background on approved durable material, and such additional paper prints of such drawings as may be required by the Council;
 - (b) be signed by the owner; and
 - (c) be of a size not smaller than A4 (297 mm by 240 mm).

- (6) In the case of a drain and drainage installation, the plans, elevations and sections of the required drawings shall be drawn to a scale not smaller than 1:200, except in the case of site plans which shall be drawn to a scale not smaller than 1:500.
- (7) The plans, elevations and sections shall show -
 - (a) the location, size and gradient of any drain and every connecting point to such drain in relation to a datum established on the site and the level of the ground relative thereto;
 - (b) the location of every point of access to the interior of any drain;
 - (c) the location of any overflow or floor drain gully;
 - (d) the location and details of any conservancy tank or any septic tank an absorption fields or any sewage pump;
 - (e) the location and arrangement of every sanitary fixture served by the drainage installation;
 - (f) the location and size of any soil pipe, waste pipe and ventilating pipe or vent valve;
 - (g) the location of any chimney, door, window or other opening to any building which is within a distance of 6 m from the open end of any ventilating pipe;
 - (h) the floor levels of the building;
 - (i) the part of any existing drainage installation which will be affected by the proposed work.
- (8) The site plan shall show -
 - (a) the dimensions of the premises on which the drainage work is to be carried out;
 - (b) the location of any building on such premises;
 - (c) the location of any existing drain and of the proposed drains thereon;
 - (d) the title deed description of the premises and of all pieces of land contiguous thereto; and
 - (e) the name of every street on which the premises abut; and
 - (f) the direction of true north.
- (9) A drain shall not be so designed or constructed that any part thereof extends beyond the boundary of the premises it is intended to serve, but if the Council considers it necessary or expedient to do so, and upon proof of the registration of an appropriate servitude or of a notarial deed for a combined private sewer, as the Council may require, the Council may permit the owner of any premises to lay a drain at his or her own expense through any adjoining premises.
- (10) The fees payable to the Council -
 - (a) for the consideration of any drainage installation plan submitted for approval; and

(b) for any testing or retesting of a drainage installation which the Council considers necessary before giving its approval therefor,

shall be as determined in the sewerage tariff and shall be payable in advance before any such plan is considered or any such test is carried out.

- (11) Where an application for the approval of drawings referred to in subregulation (1) is refused or withdrawn, the fees paid in respect thereof shall not be refundable, except if the Council in a particular case directs otherwise.
- (12) The approval of any drawings by the Council under this regulation shall lapse if the work to which such drawings relates is not carried out within a period of 2 years after such approval was granted.

General requirements for design and construction of drainage installations

30. (1) Any drainage installation shall be so designed and constructed that -
- (a) an adequate number of sanitary fixtures is provided in relation to the population and class of occupancy of such building;
 - (b) such installation is capable of -
 - (i) carrying the design hydraulic load;
 - (ii) discharging into any drain, combined private sewer, connecting sewer, conservancy tank or septic tank and absorption field or evapo-transpiration bed provided to receive such discharge;
 - (c) all components and materials used in the drainage installation are watertight;
 - (d) no nuisance or danger to health will be caused as a result of the operation of the drainage installation;
 - (e) any drain in such system is of such strength, having regard to the manner in which it is bedded or supported, that it is capable of sustaining the loads and forces to which it may normally be subjected and that it is properly protected against any damage;
 - (f) all sanitary fixtures are so located that they are easily accessible to the persons they are intended to serve;
 - (g) any necessary inspection, cleaning or maintenance of any part of the system will be possible to be performed through the means of access provided.
- (2) The requirements of subregulation (1) shall be deemed to be satisfied where the drainage installation -
- (a) complies with the provisions of SABS 0252-2:1993 (Drainage installations for buildings); and
 - (b) conforms to the requirements of these regulations.

Provided that in the application of paragraphs 4.2.1 and 4.2.2 of SABS 0252-2:1993 relating to the requirements for the class of occupancy of a building and the calculation of the design population, the information as set out in tables 1 and 2 in Annexure A shall be applicable.

Design of a proposed drainage installation

31. (1) Where the Council is of the opinion that the size or complexity of the drainage installation required in any building renders it essential for such installation to be the subject of a detail design, the Council may require from the owner that the installation be designed by a professional engineer or other approved competent person and to submit for approval plans and particulars of the drainage installation based on such design.
- (2) Any detail design required in terms of subregulation (1) shall comply with the requirements of these regulations and the requirements of Chapters 2, 3, 4, 5, 6 and 7 of SABS 0252-2:1993: Provided that -
- (a) the Engineer may permit any combination of drainage systems if, in his or her opinion, such combination will result in an adequately ventilated drainage installation and the effective protection of the water seals of all traps connected to the drainage installation;
 - (b) unless approved by the Engineer, no drain shall be installed at a gradient of less than 1 in 60;
 - (c) no chimney or flume shall be used as a means for ventilating any drain, soil pipe or waste pipe;
 - (d) the shape and dimensions of any recess containing any part of a drainage installation, and the arrangement of pipes and other fittings therein, shall be such that it will allow adequate entry for purposes of renewal, replacement, maintenance or repair of such installation or pipes or fittings, and any such recess shall be adequately ventilated if provided with a cover or covers;
 - (e) any enclosed shaft of duct containing any part of a drainage installation, shall -
 - (i) have a minimum cross-sectional area of 1,5 square metres and a minimum width of 1 metre;
 - (ii) be adequately ventilated; and
 - (iii) be provided with means of access to its interior adequate for inspections and repairs to be carried out, but the Council may permit the use of an unventilated shaft or duct with a smaller cross-sectional area and width in a case where the whole of the interior of every soil pipe and waste pipe contained therein will be otherwise readily accessible for the purpose of cleaning;
 - (f) unless otherwise permitted by the Council, no pipe, bend or junction forming part of a drainage installation serving a building of more than two storeys shall be exposed to view from the outside of such building;
 - (g) rodding eyes shall be provided on all private sewers and drains up to a depth of 1,5 metre below the ground level, but the Engineer may allow manholes when required;
 - (h) all rodding eyes shall be adequately marked and be protected against any damage to the satisfaction of the Council;
 - (i) the chamber of any manhole shall be of adequate size to allow the entry of a person for the purpose of obtaining access to a drain, but the dimensions thereof shall in any event not be less than -

- (i) in the case of a chamber with a depth not exceeding 750 mm, a length of 600 mm and a width of 450 mm, or an internal diameter of 600 mm in the case of a circular chamber;
- (ii) in the case of a chamber with a depth exceeding 750 mm but not exceeding 2 000 mm, a length of 900 mm and a width of 600 mm or an internal diameter of 1 200 mm in the case of a circular chamber;
- (j) any effluent emanating from any garage, restaurant or industrial kitchen or any industrial effluent containing grease, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers conforming to the requirements set out in paragraphs 5.2.7 and 5.2.8 of SABS 0252-2:1993 and designed to intercept and retain such grease, oil, fat or solid matter;
- (k) any waste-water or industrial effluent containing oil, petrol, grease or any similar substance or any liquid which gives off a flammable or noxious vapour at a temperature of 20 degrees Celsius or more, shall be intercepted and retained in tanks or chambers in accordance with paragraph 5.2.8 of SABS 0252-2:1993 so as to prevent the entry thereof into the public sewer;
- (l) floor drains may be installed within any building equipped with an automatic water sprinkler system, provided the pipe or pipes receiving the discharge from any such drain will discharge into another gully outside the building, the inlet of which is situated as required in terms paragraph 6.6.3 of SABS 0252-2:1993;
- (m) only a closed sewer system with closed gullies shall be used on the drainage installation, unless the prior written approval of the Council is obtained to use a system with open gullies or any other system;
- (n) no mechanical waste food disposal unit or garbage grinder or any similar device which may impair the functioning of the public sewer system or water care works shall be incorporated in the drainage installation.

Materials, fittings and components

32. (1) Subject to subregulations (2) and (3), only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-2:1993 or similar pipes, joints and fittings approved by the Council shall be used on any drainage installation.
- (2) Notwithstanding the provisions of subregulation (1) -
- (a) structured wall pipes according to SABS 1601 may be used;
 - (b) the inside and outside surfaces of any cast iron pipes and their associated traps and fittings shall be properly coated with a bituminous or other corrosion-resisting material;
 - (c) all sanitary fixtures shall comply with the SABS codes referred to in Annexure B.
- (3) Notwithstanding anything to the contrary contained in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the sewage be corrosive or aggressive soil conditions occur in the particular area.

Control of installation and work on drainage installation

33. (1) Subject to subregulation (2), the construction of a drainage installation shall be carried out in conformity with -
- (a) the drawings approved in terms of regulation 29 and detail specification procedures for the installation; and
 - (b) the requirements of Chapter 6 and 7 of SABS 0252-2:1993.
- (2) Any drain layer carrying out or exercising control over the construction of a drainage installation shall ensure that -
- (a) no fixed joint is used in the drainage installation and no caulked joint is used on any pipe forming part of the drainage installation, except with the approval of the Council;
 - (b) any pad or packing inserted between the base of any water closet pan and the floor shall be of non-absorbent material;
 - (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (UPVC) pipes forming part of the drainage installation;
 - (d) every channel and trap forming part of a urinal or receiving the discharge from a urinal is located in the same room as the urinal and is of approved impervious material with a glazed or smooth finish;
 - (e) the flow of water into a flushing cistern is separately controlled by an isolating valve or other approved device situated in the same room not more than 1 m from the cistern;
 - (f) all rodding eyes and manholes are constructed in such a way that they cannot be flooded by storm water;
 - (g) where any drain passes under any building only pipes approved by the Engineer shall be installed;
 - (h) the invert of a manhole shall be formed by semi-circular channels, bedded on and properly "benched" in cement mortar, trowelled to a smooth finish;
 - (i) only closed gullies complying with the relevant SABS specification or any similar approved specification may be installed on any drainage installation, unless otherwise approved by the Council;
 - (j) in any room containing a urinal or urinals -
 - (i) all surfaces liable to fouling shall be protected with an approved impervious material with a glazed or other smooth finish;
 - (ii) the floor of a room or compartment containing a urinal channel shall slope towards and drain into the channel, but where the channel is raised above the level of the floor, a platform of at least 400 mm wide shall be provided and only such platform shall be required to slope and drain as aforesaid;
 - (k) where more than eight urinals are directly connected to a soil pipe or drain, the floor of the room or compartment where the urinals are located shall be graded and drained to an approved floor gully similarly connected;

- (1) any shower room or compartment shall be provided with an impervious floor and a trap linked to the drainage installation.

Cleaning, inspection and testing of a drainage installation

34. (1) Every drainage installation shall upon its completion -
 - (a) be properly cleaned to remove any foreign matter;
 - (b) be inspected by the Engineer in the presence of the drain layer by whom or under whose control it was installed; and
 - (c) be tested under pressure and for performance,and for the purposes of such cleaning, inspection or testing the provisions of paragraph 6.8 of SABS 0252-2:1993 shall be applicable.
- (2) At least 2 working days' notice shall be given to the Engineer where any inspection of a drainage installation is required to be carried out.

Engineer may require drainage installation to be tested

35. (1) The Council may by written notice require the owner of any premises to employ a drain layer at his or her own cost to test the functioning of the drainage installation on such premises if the installation is suspected to be faulty.
- (2) A drain layer carrying out any work referred to in subregulation (1) shall comply with the provisions of regulation 27(2).

Sewage pumps

36. (1) Where any part of a building or premises is at such a level in relation to the public sewer that a drainage installation serving that part cannot discharge into the public sewer by gravitation, the Engineer may, subject to the provisions of this regulation and to such conditions as the Engineer may determine, permit the sewage from such part to be raised by means of a sewage pump to discharge at such point and such level as the Engineer shall determine.
- (2) Any person intending to install a sewage pump for the purpose mentioned in subregulation (1), shall make application in writing to the Engineer for permission to do so and shall, together with such application, provide the information required in the form set out in Annexure D and shall furnish such additional information as the Engineer may require.
- (3) The relevant part provided on the form referred to in subregulation (2) shall be completed by a professional engineer who is conversant with the technical details of the sewage pump to be used, and the undertaking included in the application form shall be signed by the owner of the premises.
- (4) An application in terms of subregulation (2) shall be made in duplicate and be accompanied by drawings prepared in accordance with the provisions of regulation 29 and shall show the location and details of the compartment which will contain the sewage pump, the sewage storage tank, the stilling chamber, and the positions of the soil pipes, ventilation pipes, rising main and the connecting sewer.
- (5) Where an application in terms of subregulation (2) is granted it shall be a condition of such permission that the owner of the premises concerned shall provide and install -

- (a) unless the Engineer permits otherwise in a particular case, two sewage pumps conforming to the requirements of this regulation, which shall be connected in such a way that in the event of the one failing to function the other will immediately and automatically begin functioning; and
 - (b) a tank for retaining the sewage to be disposed of by means of the sewage pump, and which shall conform to the requirements of subregulation (8).
- (6) Every sewage pump installed for the purpose mentioned in subregulation (1), shall -
 - (a) have an operational capacity suitable to cope with the load and circumstances it will be subjected to;
 - (b) be fitted with a discharge pipe, isolating valve and non-return valves located in approved positions;
 - (c) be so located and operated as not to cause any nuisance through noise, odour or otherwise,and every compartment containing such a sewage pump shall be provided with adequate apertures for ventilation purposes.
- (7) The maximum discharge rate from any sewage pump, and the times between which the discharge may take place, shall be as determined by the Engineer, who may at any time require the owner to provide and install such fittings and regulating devices as may be necessary to ensure that such maximum discharge rate will not be exceeded.
- (8) The sewage retaining tank referred to in subregulation (5)(b) shall be a watertight container which -
 - (a) is constructed of hard and durable materials;
 - (b) has a smooth and impermeable inner surface;
 - (c) has, below the level of the inlet pipe, a storing capacity -
 - (i) which is sufficient to retain the volume of sewage which it is anticipated will emanate from the part of the building or premises in question over a 24 hour period; or
 - (ii) of at least 900 litres,whichever is the greater quantity; and
 - (d) is designed in such a manner that the maximum proportion of its sewage content will be emptied at each discharge cycle of the sewage pump.
- (9) The starting mechanism of a sewage pump installed for the purpose referred to in subregulation (1), shall be set to commence pumping operations when the volume of sewage contained in the retaining tank is equal to not more than half of its storage capacity.
- (10) Where the Engineer in a particular case so requires, a stilling chamber, with a depth of not less than 850 mm, shall be installed between the outlet of the sewage pump and the connecting sewer.

- (11) Every sewage retaining tank and every stilling chamber installed in accordance with the provisions of this regulation shall be provided with a ventilating pipe with a diameter of not less than 100 mm in accordance with the provisions of paragraph 6.4 of SABS 0252-2:1993.
- (12) Any permission given in terms of subregulation (2) shall not render the Council liable for compensation for any injury or damage of life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a sewage pump referred to in subregulation (1).

Installation of conservancy tanks or septic tanks and absorption fields

37. (1) Except with the prior written permission of the Council, no person shall install or construct on any premises within the local authority area any conservancy tank or any septic tank, absorption field or evapo-transpiration bed.
- (2) The Council may in its discretion and with due consideration of the conditions prevailing in the particular case grant or refuse an application for its permission in terms of subregulation (1).
- (3) Any conservancy tank, septic tank, absorption field or evapo-transpiration bed installed or constructed in accordance with subregulation (1), shall conform to the requirements as set out in chapter 7 of SABS 0252-2:1993.
- (4) The following conditions shall apply in every case where the Council has granted its permission under subregulation (2):
- (a) Where the Council's removal vehicle will be required to traverse any private property for the purpose of emptying a conservancy tank or septic tank, the owner shall make provision for a driveway to such tank, including any gateway to or in such driveway, of at least 3,5 metre wide and with a surface capable of withstanding an axle load of 8 metric tons in any weather condition.
 - (b) The overflow from a septic tank may be permitted to discharge in an absorption field, in which event proper grease traps shall be installed to prevent the blockage of the absorption field.
 - (c) Before any absorption field is constructed on any premises, percolation tests shall be carried out in accordance with paragraph 7.3.2 of SABS 0252-2:1993, for establishing whether the soil in such premises is suitable for the location of an absorption field:
 - (d) A watertightness test as prescribed in paragraph 7.2.5 of SABS 0252-2:1993 shall be carried out on a septic tank and the drain layer employed to carry out such test shall comply with the provisions of regulation 27(2).
- (5) The occupier of premises on which a conservancy tank or septic tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the Council.
- (6) If the use of any conservancy tank or septic tank on any premises is discontinued, or if permission for such use is withdrawn, the owner shall cause the tank to be removed or to be filled up with soil or other suitable material or to be dealt with in such other manner as the Engineer in the circumstances of the case may direct or permit.

Other means of sanitary disposal

38. (1) Where water-borne sewage disposal is not available, other means of sewage disposal shall be permitted by the Council: Provided that in the case of chemical or pail closets satisfactory means are available or the removal and disposal of sewage from such closets.
- (2) No person shall construct any pit latrine without the written permission of the Council.
- (3) Any other means of sanitary disposal approved by the Council under subregulation (1) shall -
- (a) be constructed and located in such a way as to prevent a causation of any nuisance or any unhygienic or offensive condition; and
 - (b) comply with the requirements of Part Q of SABS 0400, paragraph 7.4 of SABS 0252-2:1993 and any other requirements that the Council may lay down in a particular case.

CHAPTER 4
CONTROL OVER DISCHARGE OF SEWAGE, STORM WATER AND
DISCHARGES FROM OTHER SOURCES

Sewage or other prohibited discharges not to enter storm water drains or roads

39. (1) No person shall discharge or cause to permit the discharge of any sewage, either directly or indirectly, onto any street or any premise or into any storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The occupier of any premises on which steam or any liquid, other than potable water, is produced, processed, generated or stored shall provide such facilities as may be necessary to prevent any discharge, leakage or escape of such liquid onto any street or any premises or into any storm water drain or watercourse, but the Council may, if in the opinion of the Council circumstances permit, grant permission for the discharge of steam in any of such manners.
- (3) Where the hosing down or flushing by rainwater of an open area on any private premises is in the opinion of the Council likely to cause the discharge of offensive matter into any street gutter, storm water drain, river, stream or other water course, whether natural or artificial, the Council may by written notice to the owner of the premises instruct such owner to cause such alterations to be made to the drainage installation, or any roofing on the area, as the Council may consider necessary to prevent or minimise such discharge or pollution.
- (4) Any person who contravenes or permits its contravention of subregulation (1), (2) or (3) or who fails to comply with a notice served on him or her under his regulation shall be guilty of an offence.

Storm water not to enter sewers

40. (1) No person shall cause or permit storm water to enter any drainage installation on any premises.
- (2) No part of a drainage installation shall be constructed in such a way as will allow storm water to enter the drainage installation.
- (3) No pipe, channel or other device used for conducting rainwater from any roof or other surface shall be permitted to discharge into any gully forming part of a drainage installation.

- (4) Any person who contravenes subregulation (1), (2) or (3) shall be guilty of an offence.

Discharges from swimming pools, fountain or reservoirs

41. (1) No person shall discharge or cause or permit the discharge of water from any swimming pool, fountain or reservoir to run, either directly or indirectly, into or onto -
- (a) any road, gutter, storm water drain or watercourse;
 - (b) any premises, other than the premises on which such swimming pool, fountain or reservoir is situated; or
 - (c) except with the prior written consent of the Council, any part of the drainage installation on any premises.
- (2) The Council may, when giving its consent under subregulation (1)(c), impose such conditions as to place, time, rate of discharge, total discharge and payment of charges as it may determine.
- (3) Any person who contravenes subregulation (1) or fails to comply with a condition imposed under subregulation (2) shall be guilty of an offence.

CHAPTER 5 INDUSTRIAL EFFLUENT

Permission to discharge industrial effluent

42. (1) Except with the prior written permission of the Council, no person shall discharge or cause or permit to be discharged into any public sewer any industrial effluent or any other liquid or substance, other than soil water or waste water.
- (2) An application for the Council's permission under subregulation (1) shall be made in the form set out in Annexure E, and an applicant shall provide the Council with such additional information and with such sample of the industrial effluent as the Council may require in the particular case.
- (3) The Council may at its discretion, having regard to the capacity of any public sewer or any sewage pump station used for sewage and the capacity of the water care works, grant permission for the discharge of industrial effluent from any premises into a public sewer, subject to such conditions as it may think fit to impose, including the payment of charges assessed in accordance with the sewerage tariff and in accordance with the requirements of Annexure C.
- (4) A person to whom permission has been granted under subregulation (3) to discharge industrial effluent into a public sewer shall not do anything that will or could result in any change in the quantity or nature of industrial effluent so discharged, unless the Council's approval therefor has been obtained in writing and such person has notified the Council in writing of the date the proposed change will take effect.
- (5) Any person who discharges or causes or permits to be discharged into the public sewer any industrial effluent-
- (a) without having first obtained the Council's permission therefor under subregulation (1); or
 - (b) in a case contemplated in subregulation (4), without complying with the provisions of that regulation,

shall be guilty of an offence and shall, in addition to the penalty which may be imposed for such offence, be liable to such charge as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage caused as a result of such unauthorised discharge.

- (6) Without prejudice to the provisions of regulation 47(5), the Council shall be entitled to recover from any person who discharges or causes or permits to be discharged into a public sewer industrial effluent of any substance which is prohibited or restricted in terms of regulation 45(1) or which has been the subject of an order issued in terms of subregulation 45(2) all costs, expenses or charges incurred or to be incurred by the Council as a result of any of the following:
- (a) Injury of any person;
 - (b) any damage to, or blockage or breakdown of -
 - (i) the public sewer;
 - (ii) any water care works or plant;
 - (iii) any sewage pump; or
 - (iv) any other property whatsoever, whether under the control of the Council or not; or
 - (c) any costs including fines and damages which may be imposed or awarded against the Council and any expense incurred by the Council as a result of any action in terms of the Water Act, 1956, or any action against it consequent on any partial or complete breakdown of any water care works or sewage pump directly or indirectly caused by the said discharge.
- (7) The Council may from time to time, or at any time as a result of an change in the method of sewage treatment or the introduction of new or revised standards by the Council or under the Water Act, 1956, or as a result of any amendment to these regulations or due to any other reason, and after giving adequate written notice in advance of its intention to do so, -
- (a) review, amend, modify or revoke any permission given under subregulation (1) or any conditions attached to such permission; or
 - (b) impose new conditions for the acceptance of any industrial effluent into the public sewer;
 - (c) prohibit the discharge of any or all of such effluent into the public sewer,

and on the expiration of such period of notice, the previous permission or conditions, as the case may be, shall cease to apply and, where applicable, the new or amended conditions shall forthwith apply.

Control of industrial effluent

43. (1) The occupier of any premises from which industrial effluent is discharged into a public sewer shall -
- (a) provide adequate facilities, such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means designed for the purpose of and capable of effectively preventing the discharge into the public sewer of any substance prohibited or restricted or having properties outside the limits imposed in terms of these regulations;

- (b) before the industrial effluent is discharged into the public sewer -
 - (i) subject it to such pre-treatment as will ensure that such effluent will not at any time be in contravention of any of the requirements of regulation 45(1); or
 - (ii) modify the effluent cycle of the industrial process in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956;
 - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the public sewer through a separate connecting sewer provided by the Council and to refrain from discharging any such effluent through any drainage installation intended or used for the conveyance of soil water and waste water or from discharging any soil water or waste water through such a separate drainage installation provided for industrial effluent;
 - (d) pay in respect of the discharge of industrial effluent into the public sewer such amount as assessed in accordance with the charges determined in the sewerage tariff;
 - (e) provide information required by the Council for the purpose of assessing the charge which is payable.
- (2) The Council may by notice in writing to the occupier of any premises from which industrial effluent is discharged, require such occupier or person to do all or any of the following:
- (a) to restrict the discharge of such effluent to certain specified hours and the rate of discharge to a specified maximum and to install, at such person's own expense such tanks, appliances or other equipment as in the opinion of the Council may be necessary or adequate to ensure compliance with such restrictions;
 - (b) to construct at his or her own expense in any drainage installation conveying industrial effluent to the public sewer one or more sampling and metering chambers, of such dimensions and materials and in such positions as the Council may prescribe;
 - (c) to provide and maintain at his or her own expense, for the purpose of subregulation (1)(e), a meter measuring the quantity of water drawn from any Borehole, spring or other natural source of water and used on the property for industrial purposes.
- (3) If a person discharge or attempts to discharge, or causes or permits to be discharged, into a public sewer any industrial effluent in contravention of any provision of these regulations, the Council may -
- (a) after notifying the owner or occupier of the premises concerned of its intention to do so, forthwith close and seal off the connection sewer conveying such effluent to the public sewer for such period as it may deem expedient so as to prevent such effluent from entering the public sewer; or
 - (b) forthwith suspend the supply of water to the industrial process.

- (4) The Council shall not be liable to any person for any damage resulting from any action taken by the Council in terms of subregulation (3).
- (5) Except with the written permission of the Council, no person shall open or break or cause to be opened or broken any seal of a connecting sewer closed in terms of subregulation (3)(a).
- (6) In the event of the Council acting in terms of subregulation (3)(a), the owner or occupier of the premises shall forthwith furnish written proof to the Engineer that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the Engineer.

Metering and assessment of industrial effluent

44. (1) The Council may, in any drainage installation conveying industrial effluent to a public sewer -
- (a) install, in such position as the Council may determine, a meter or gauge or other device for the purpose of determining the volume or composition of effluent so conveyed; or
 - (b) after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged,
- and may recover from the occupier of the premises concerned any costs incidental to the installation and maintenance of a meter, gauge or other device so installed or to an alternative method so employed.
- (2) Notwithstanding subregulation (1), the Council may require from any person who discharges industrial effluent into a public sewer to provide and install, at such person's own expense -
- (a) separate water supply pipes for water used in any industrial process and water used for other purposes; or
 - (b) in such position or positions as the Council may determine, one or more meters in the water installation on the premises for the purpose of recording the water consumption in a specific part of the premises.
- (3) The Council may determine a rebate to apply to the charges determined in the sewerage tariff if the owner or occupier discharges industrial effluent solely during off-peak periods specified by the Council.
- (4) Any person who -
- (a) opens or damages or in any other manner tampers or interferes with any meter, gauge or other device installed for the purpose mentioned in subregulation (1);
 - (b) in relation to a drainage installation or any such meter, gauge or other device, does, or causes or permits to be done, anything resulting in or which will or could result in any effluent being discharged without passing through such meter, gauge or other device,
- shall be guilty of an offence.
- (5) An owner of any premises who causes any act to be performed by any other person which constitutes an offence in terms of these regulations or who knowingly permits such an act to be performed by another person, shall be guilty of an offence.

Prohibited charges

45. (1) No person shall discharge or cause or permit the discharge or entry into any public sewer of any sewage -
- (a) which has pH value of less than 5,0 or more than 12,0;
 - (b) which consists of or contains -
 - (i) any substance likely to produce or give off poisonous or offensive gases or vapours in any drain or public sewer or is explosive or flammable or has an open flash point of less than 93 degrees Celsius;
 - (ii) oil, grease or fat or any detergent or other material capable of causing an obstruction to the flow in drains or public sewers or an interference with the proper functioning of a water care works;
 - (iii) any substance which is likely to produce, in the final treated effluent from any water care works, an undesirable taste after chlorination or an undesirable odour or colour or excessive foam or to prevent such treated effluent from conforming to the requirements which may be prescribed under the Water Act, 1956 (Act 54 of 1956) for purified water;
 - (iv) any substance specified in Annexure C;
 - (c) which, in the opinion of the Engineer, may cause harm or damage to any public sewer, sewage pump or water care works or other equipment;
 - (d) which may be prejudicial to the purification of sewage effluent for the purpose of re-use, or is not amenable to treatment for such purification, or may cause a breakdown or inhibition of the biological treatment processes;
 - (e) which either alone or in combination with any other matter, may generate or constitute a toxic substance dangerous to the health of persons maintaining public sewers or employed at the water care works.
- (2) Where the Engineer, or any other official of the Council acting under the control of the Engineer, by notice in writing to any person, orders such person to discontinue the discharge into the public sewer of any effluent or substance, which in the opinion of the Engineer or such official is being so discharged contrary to the provisions of subregulation (1), such person shall forthwith take such steps as may be necessary to cease such discharge.
- (3) If a person fails to comply with a notice under subregulation (2), and in the opinion of the Council the discharge is likely to have an adverse affect on the efficient functioning of any water care works, the Council may, by further written notice to such person, refuse to permit the discharge by such person of any industrial effluent into the public sewer until such person has, to the satisfaction of the Engineer, taken the measures necessary to remove the cause of the complaint and to ensure that the industrial effluent will conform in all respects to the requirements of these regulations.

CHAPTER 6 GENERAL PROVISIONS

Levying of sewerage charges in respect of occupied premises not provided with sanitary facilities

46. Where persons occupying or frequenting any premises or any building which is not provided with a drainage installation or is not connected to the public sewer and is not provided with any alternative means of sewage disposal as contemplated in regulation 38, make use of the sanitary facilities provided on or in any other premises or building which is connected to the public sewer (other than on a temporary basis while the drainage installation of the first-mentioned premises or building is out of order or being repaired), the owner of the first-mentioned premises or building shall be liable to pay the Council the charges determined in the sewerage tariff for the provision of a sewerage service as if the premises or building in question had been connected to the Council's sewer.

General rules regarding the levy of charges

47. (1) If any charge determined in the sewerage tariff in respect of a category of premises is based on the number of persons occupying or otherwise using such premises, the Council may at any time request from the owner or other person having the charge and management of such premises to furnish the Council with a return on the number of person occupying or otherwise using such premises or who have over a specified period occupied or used the premises.
- (2) If any person who, in terms of subregulation (1), is required to furnish the Council with a return referred to in that subregulation or with any other information required by the Council for the purpose of assessing the charges payable to the Council, fails to comply with such request within 30 days after receipt thereof, such person shall pay to the Council such charges as may be assessed by it on the best information available to it, without prejudice to the Council's power to levy and recover and additional charges which may be determined to be payable when further information becomes available to the Council.
- (3) The charges payable in terms of the sewerage tariff for the disposal of sewage and effluent from swimming pools, fountains and reservoirs, shall, in relation to any building which is unoccupied or has been or is being demolished, remain payable until the date on which the Council is requested to disconnect such premises from the public sewer.
- (4) Where, by reason of any change occurring in the nature of occupancy or use of any premises, the application of a different rate of charges under the sewerage tariff is required, the Council shall not be obliged to give effect to any claim for the adjustment of an account rendered by the Council or to make a refund of any moneys paid, unless at least 30 days' notice in writing of such change has been given to the Council.
- (5) The charge determined for commercial and industrial premises shall be based on a percentage of the monthly water consumption less consumptive use.
- (6) If in respect of any premises the Council, having regard to its size, the number of water supply points and the complexity of the water reticulation, considers it impractical to determine the quantity of water discharged into the public sewer from records of metered water consumption, it may -
- (a) direct that the water reticulation system be altered at the cost of the owner to facilitate the separate metering of water that will after use be discharged into the public sewer, and water what will be consumed and not be so discharged; or

- (b) assess the quantity of water discharged into the sewer in any meter-reading period in accordance with the quantity of water used on premises of a similar nature as determined by the Council.
- (7) Where industrial effluent is discharged from any premises, it shall be deemed that the volume of soil water and waste water discharged from such premises is equal to 5% of the quantity of water consumed on the premises.
- (8) Effluent shall be classified as domestic, commercial or industrial in accordance with the zoning of the premises under the town planning scheme applicable within the local authority area.

General rules regarding charges for industrial effluent

48. For the purposes of regulation 43(1)(d), the following rules shall be applicable in connection with the charges payable under the sewerage tariff for the acceptance, conveyance and treatment of industrial effluent discharged into the public sewer:
- (a) The occupier of any premises from which industrial effluent is discharged into the public sewer, shall, without prejudice to any other charges leviable under the sewerage tariff, pay to the Council an industrial effluent charge, including any minimum charge, as may be determined in the sewerage tariff.
 - (b) The industrial effluent charge shall be calculated as a percentage of the water consumed on the premises over the period between meter readings, less consumptive use.
 - (c) If during any period the water meter on any premises has not been functioning or functioning correctly, the estimated water consumption as determined in accordance with the Water Supply Regulations shall be applicable for the purposes of paragraph (b).

General rules regarding charges for sanitary services

49. The following rules shall be applicable in connection with the charges payable for the provision of a sanitary service:
- (a) A deposit as determined by the Council shall be payable in respect of the provision of a sanitary service:
 - (b) Night soil removal services shall be provided at such intervals as the Council may determine in each case.
 - (c) The charges for night soil removal shall be based on the number of pails removed or the volume removed from a tank, as the case may be.
 - (d) Any sanitary service provided by the Council may be subject to an escalating tariff within 6 months of the introduction of a suitable water-borne system.

Special agreements

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

- (2) Without prejudice to the generality of the provisions of subregulation (1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:
 - (a) The provision of a sewerage service outside a proclaimed township.
 - (b) The sharing of common facilities by users.
 - (c) The provision of an alternative means of disposal as contemplated in regulation 38.
 - (d) The charges leviable for the provision of the sewerage service. (3) Except in so far as is otherwise provided in a special agreement, the supply of a sewerage service by the Council under a special agreement shall be subject to the provisions of these regulations.

Use of waste water for irrigation of gardens

51. (1) Notwithstanding anything to the contrary contained in these regulations, the Council may upon application made to it by the occupier of any premises grant permission to such occupier to use, subject to the provisions of this regulation and such conditions as the Council may impose, waste water emanating from such premises for the exclusive purpose of irrigating gardens on such premises.
- (2) The following conditions shall apply in respect of the use of waste water for the purpose mentioned in subregulation (1):
 - (a) No waste water, other than that emanating from showers and baths or emanating from the rinsing of laundry, whether by means of a washing machine or otherwise, may be diverted for such use.
 - (b) No reduction in the charges payable in terms of the sewerage tariff shall be allowed in respect of any waste water so used.
 - (c) No tank or other receptacle used for storing such waste water shall in any way be connected to any part of the water installation on the premises.
 - (d) Any system used for irrigation by means of such waste water shall not be connected to the water installation in any way.
 - (e) Where waste water is diverted from an existing trap or gully at least one sanitary fitting shall be left to discharge water into such trap or gully.
- (3) The installation of any system for the purpose of irrigation by means of waste water in terms of subregulation (1), shall for the purposes of these regulations be considered to be a change in the drainage installation and the provisions thereof in relation to the obtaining of approval shall be complied with.

Interference with sewers, drainage installations or water care works

52. (1) No person shall break into, enter or in any other manner interfere with any sewer, trap, screen, manhole, inspection chamber, pump station or other work or any part of any drainage installation: Provided that this prohibition shall not apply to alterations to any drainage installation undertaken by a registered drain layer carrying out work in accordance with plans approved by the Council nor to any maintenance work carried out on a drainage installation.

- (2) No person shall enter or loiter on the premises of any water care works without the approval of the Council or contravene any condition subject to which such approval has been granted.
- (3) Any person who contravenes any provision of this regulation shall be guilty of an offence.

Pipes in streets and public places

53. (1) Except with the prior written approval of the Council, no person shall, for the purpose of sewage disposal, lay or construct any drain or associated component on, in or under a street or public place or any other land vesting in or under the control of the Council.
- (2) A person to whom the Council has granted its approval under subregulation (1) shall carry out the work in question subject to such conditions as may have been imposed by the Council.

Obstruction of access to connecting sewer on premises

54. (1) No person shall prevent or restrict access to any part of a connecting sewer on any premises.
- (2) If a person contravenes subregulation (1), the Engineer may -
 - (a) by written notice require such person to restore access at such persons expense within a specified period; or
 - (b) if the Engineer is of the opinion that the situation is a matter of urgency, without prior notice restore such access and recover the cost from such person.
- (3) A person who refuses or fails to comply with a notice of the Engineer in terms of subregulation (2)(a) shall be guilty of an offence.

Notices

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

Inspections

56. If an officer of the Council carries out an inspection at any premises in order to ascertain whether a contravention of these regulations of which the owner or occupier has previously been notified, has been remedied, the owner or occupier shall be liable for payment of a fee determined by the Council.

Penalties

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

Repeal of regulations

58. (1) Subject to subregulation (2), all regulations which immediately before the commencement of these regulations governed the rendering of sewerage and drainage service in the local authority area of a Council to which these regulations are applicable by virtue of the provisions of section 94(2)(b) of the Act, are hereby repealed.

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

Annexure A
[regulation 30(2)]

Classification of buildings for occupancy

TABLE 1

TABLE 2

Classification of buildings for occupancy	Design Population
Class of occupancy or Building Occupancy	Class of occupancy of room or storey or portion thereof Population
A1 Entertainment and public assembly Occupancy where persons gather to eat, drink, dance or participate in other recreation.	Number of fixed seats of 1 person per Square metre if seats are not fixed
A2 Theatrical and indoor sport Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performance.	Number of fixed seats or 1 person per Square metre if seats are not fixed
A3 Places of instruction Occupancy where school children, students or other persons assemble for the purpose of tuition or learning.	1 person per 5 square metre
A4 Worship Occupancy where persons assemble for the purpose of worshipping	Number of fixed seats of 1 person per square metre if seats are not fixed
A5 Outdoor sport Occupancy where persons view outdoor sport events	Number of fixed seats of 1 person per square metre if seats are not fixed
B1, B2 and B3 Commercial service (High risk, medium risk and low risk) Occupancy where a non-industrial process is carried out.	1 person per 15 square metres
C1 Exhibition hall Occupancy where goods are displayed primarily for viewing in public	1 person per 10 square metres
C2 Museum Occupancy comprising a museum, art gallery or library	1 person per 20 square metres

D1, D2 and D3 Industrial (high risk, medium risk and low risk) Occupancy where an industrial or manufacturing process is carried out	1 person per 15 square metres
D4 Plant room Occupancy comprising usually unattended mechanical or electrical services necessary for the running of the building	None
E1 Place of detention Occupancy where people are detained for punitive or corrective reasons or because of their mental condition	2 persons per bedroom
E2 Hospital Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bed-ridden	1 person per 10 square metre
E3 Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for	2 persons per bedroom
F1 Large shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 square metres	1 person per 10 square metre
F2 Small shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area does not exceed 250 square metres	1 person per 10 square metre
F3 Wholesaler's store Occupancy where goods are displayed and stored and where only a limited selected group of persons is present at any one time	1 person per 10 square metre
G1 Offices Occupancy comprising offices, banks, consulting rooms, and other similar usage	1 person per 15 square metre
H1 Hotel Occupancy where persons rent furnished rooms, not being dwelling units	2 persons per bedroom

H2 Dormitory Occupancy where groups of people are accommodated in one room	1 person per 5 square metre
H3 Domestic residence Occupancy consisting of two or more dwelling units on a single site	2 persons per bedroom
H4 Dwellinghouse Occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuilding, if any	2 persons per bedroom
J1, J2 and J3 Storage (High risk, medium risk and low risk) Occupancy where material is stored	1 person per 50 square metre
J4 Parking garage Occupancy used for storing and parking of more than 10 motor vehicles	1 person per 5 square metre

Provided that-

- (a) in the case of any occupancy classified as F1, where the total floor area is more than 500 square metres, that portion of the floor area in excess of 500 square metres shall, for the purposes of calculation of the population, be reduced by an amount of 20%,
- (b) if the total floor area of any building is made up of more than one class of occupancy, the design population shall be calculated proportionally for each class of occupancy.

ANNEXURE B [Regulation 32(2)(c)]

Sanitary fixtures and SABS specification

Item	SABS Standard Specification
Acrylic sanitary ware Part 1: Baths	SABS 1240
Automatic shut-off flush valves for water closets and urinals	SABS 1240
Flushing devices for water closet flushing cisterns	SABS 1509
Glazed ceramic sanitary ware	SABS 497
Stainless steel sinks for institutional use	SABS 907
Stainless steel sinks with draining boards (for domestic uses)	SABS 242
Stainless steel stall urinals	SABS 924
Stainless steel wash-hand basins and wash troughs	SABS 906
Water closet flushing cisterns	SABS 821

Provided that -

- (a) Only water closet pans made of glazed ceramic, stainless steel or other approved material having in every case a glazing or smooth finish shall be approved by the Council.

- (b) No trough closet pans will be allowed on any premises or in any buildings within the municipal area.
- (c) Flushing cisterns or flushing valves for water closets, shall discharge -
 - (i) in the case of a single flush unit, not more than 6 litres of water during one complete flush; or
 - (ii) in the case of a dual flush unit, not more than 6 litres of water during one complete flush when the full-flush lever is actuated, and not more than 3 litres of water during one complete flush when the low-flush lever is actuated.
- (d) Flushing cisterns or flushing valves for urinals shall discharge at each flush not less than 1 litre or more than 2 litres of water for each urinal stalled or for every 600 mm of the width of the urinal.
- (e) Automatic flushing valves and cisterns may only be installed if such valve or cistern is activated by the user of such a urinal.
- (f) The flow through shower heads shall be restricted to a maximum of 10 litre per minute.

ANNEXURE C
[Regulation 45(1)(b)(iv)]

Prohibited Substances

Sewage containing -

- (a) any of the following substances, the concentration of which exceeds the limit specified in respect thereof:

Electrical conductivity not greater than: 500 mS/m at 200C;

Substances not in solution (including fat, oil, grease, waxes and like substances): 2 000 mg/l.

Sulphide, hydro-sulphides and poly-sulphides (expressed as S): 50 mg/l.

Substances from which hydrogen cyanide can be liberated in the drainage installation, public sewer or water care works (expressed as HCN): 20 mg/l.

Sulphates (expressed as SO₄): 1800 mg/l.

Anionic surface active agents: 500 mg/l.

Cadmium (expressed as Cd): 10 mg/l.

Chromium (expressed as Cr): 20 mg/l.

Cobalt (expressed as Co): 20 mg/l.

Copper (expressed as Cu): 10 mg/l.

Molybdenum (expressed as Mo): 2,5 mg/l.

Nickel (expressed as Ni): 10 mg/l.

Zinc (expressed as Zn): 10 mg/l.

Arsenic (expressed as As): 2,5 mg/l.

Lead (expressed as Pb): 2,5 mg/l.

Selenium (expressed as Se): 2,5 mg/l.

Mercury (expressed as Hg): 2,5 mg/l.

- (b) Any radio-active wastes or isotopes: Such concentration as may be laid down by the Ministry of Health and Social Services.

Notwithstanding the requirements set out in this annexure, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.

Note: The methods used for ascertaining the value of various parameters listed in this Schedule shall be the test methods normally used by the Council for the purpose, details of which shall be supplied on request to any person who discharges industrial effluent.

ANNEXURE D
[Regulation 36(2)]

Information to be furnished for installation of a sewage pump

The owner of the premises shall furnish the following information and the relevant literature and characteristic curves through his engineer and sign the application and undertaking:

Information to be supplied and filled in by the responsible engineer.

- (a) Make of pump, name of supplier and purpose for which the pump is designed:
.....
.....
.....
.....
.....
- (b) kW rating and speed of motor:
.....
- (c) Maximum rate of discharge in litres per minute:
.....
- (d) Size of rising main and velocity of discharge in metres per second:
.....
.....
- (e) Capacity and dimensions of storage tank - depth to be given as liquid depth below inlet drain:
.....
.....
- (f) Descriptions of standby equipment, automatic controls, warning systems and other relevant information:
.....

Any matters relating to the electric power connection and switchboard will be referred to the Electricity Department and will be subject to the approval of that Department.

Signed by the applicant's engineer:
.....

Full name and professional registration number:
.....
.....

Application and Undertaking by owner.

I, the undersigned, hereby make application to install sewage pump for the pumping of sewage and accept without reservations, and undertake to abide by the following conditions:

- (a) The maximum discharge rate shall not exceed litres per minute.
- (b) The onus shall be on the owner of the premises to have the installation regularly serviced and maintained in a hygienic and efficient working condition at all times.

Any necessary repairs or replacements are to be affected immediately, to minimise interruptions in operation to a minimum.

- (c) In event of breakdowns from any cause whatsoever, the owner shall take immediate precautions to ensure that unhygienic conditions do not develop.
- (d) The Council shall not be held responsible for any damages or claims which may arise through unhygienic conditions, installation stoppages, inefficient operation, explosion or other causes.
- (e) Council employees shall, at all times, be given unhindered access to the installation for the purpose of inspection.

SIGNED:
Applicant/Owner

ERF No: Township:
DATE:

FOR OFFICE USE ONLY

CONDITIONS OF APPROVAL:

.....

ENGINEER:

DATE:

ANNEXURE E [Regulation 42(2)]

Form of application for permission to discharge industrial effluent into the Council's sewer

1. General

- 1.1 I,
the undersigned, duly authorised to act on behalf of
.....
.....
(hereinafter referred to as the applicant), hereby apply for permission to
discharge industrial effluent into the public sewer system on the basis of the
information set out below:

1.2 Information relating to applicant:

Street address:

Tel.No:
 Postal address:

 Contact person:

 Designation:

 Township:
 Stand No(s):
 Landlord:
 Tel. No:

1.3 Name or style under which the business or industry is carried on:

.....

1.4 If the business or industry is carried on by a company, state the name of the secretary and if it is partnership, state the names of the partners and their position held in the company and tel. no:

.....

1.5 Nature of the business or industry concerned:

.....

1.6 Description of industrial or trade process by which effluent will be produced:

.....

2. Information relating to employees

Factory including the office

2.1 Total number of daily employees (not to include 2.3)

.....

2.2 Number of days worked per week

.....

2.3 Number of 8 hour shifts per day

.....

2.4 Number of persons resident on the premises

.....

2.5 Is a canteen provided? YES/NO
 If YES, state number of meals served per month

.....

3. Information relating to water consumption

Kilolitre/Month

- 3.1 Approximate quantity of Council water purchased for use on the premises
.....kl/m

NB: In case of an established business or industry, attach copies of all latest assessment and water accounts.

- 3.2 Approximate quantity of water extracted from borehole(s) and/or other sources:

NB: In terms of the Council's by-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.

Source kl/m	Meter no
1.
2.
3.
4.

- 3.3 Approximate quantity of water entering with raw materials

Raw material kl/m	Meter no
1.
2.
3.
4.
5.

NOTE: VOLUMES MUST BE SUB-METERED WHERE POSSIBLE, OR CERTIFIED FROM PRODUCTION FIGURES.

4. Water lost from different causes (kl/m)

- 4.1 Quantity of water in end product
.....
- 4.2 Quantity of water used as cooling make-up
.....
- 4.3 Quantity of water used as boiler make-up
.....
- 4.4 Does boiler blowdown enter the sewer?
Sewer
Quantity
- 4.5 Specify other non-effluent uses, not domestic

NB: In order to qualify for non-effluent deductions sub-metres must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

5. Effluent quality

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

- 5.1 Maximum temperature of effluent (specify degrees in Celsius)
.....

- 5.2 pH value
- 5.3 Electrical conductivitymS/m
- 5.4 Nature and amount of substances not in solution
- 5.5 Chemical oxygen demand value mg/l
- 5.6 Maximum total daily discharge kl
- 5.7 Maximum rate of discharge kl/h
- 5.8 Periods of maximum rate of discharge (e.g. 07:00-08:00=36 kl/h)
- 5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be place in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be state in mg/l.

Substance		Substance	
Iron as Fe	Cyanide as HCN
Chromium as Cr	Fluoride as F
Nickel as Ni	Sulphide as S
Cadmium as Cd	Sulphates as SO ₄
Copper as Cu	Phosphorus as P
Zinc as Zn	Ammonia as N
Cobalt as Co	Nitrates as N
Lead as Pb	Starch of sugars
Selenium as Se	Tar or tar oil
Mercury as Hg	Grease and oil
Molybdenum as Mo	Synthetic detergents
Arsenic as As	Volatile solvents
Boron as B
Other substances	Other substances

- 5.10 Any further information as to kind of character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

Conditions of acceptance of industrial effluent

This application shall only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the Council may think fit to impose in any particular case:

1. The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant shall submit to the Council, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Council's Drainage regulations concerned with the protection of its employees, public sewers and waste water treatment plant from injury or damage, comply with any direction concerned with such protection given to him by the authorised officer verbally or in writing for the purpose of ensuring the applicant's compliance with the regulations.

4. The applicant shall provide a separate drainage installation for conveying industrial effluent and to discharge same into the sewer via a separate connection as directed by the Council.
5. The applicant shall notify the Council, as soon as possible after he becomes aware of or at least 14 days before anything is done to cause any material alteration in the nature of quantity of discharge of the industrial effluent specified in this application or in any of the facts stated by him therein.
6. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application is to the best of his knowledge and belief in all respect correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which his application is granted by the Council.

Signed at on this day of
19

.....
Signature of the applicant

.....
Capacity of applicant

Permission is hereby granted by me on behalf of the Council, I being duly hereunto authorised, for the discharge into the public sewer in accordance with the Council's regulations for industrial effluent as described in this form and in the circumstances therein set forth: Provided that this permission shall be revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant.

The said permission is given subject also to the following special conditions:

.....
.....
.....
.....
.....

SIGNED:

.....
COUNCIL

Date:

MUNICIPALITY OF USAKOS

No. 155

1999

WATER SUPPLY REGULATIONS

The Council of the Municipality of Usakos under Section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) made the Water Supply Regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

MB GORESEB
CHAIRPERSON OF THE COUNCIL

Usakos, 10 June 1999

SCHEDULE**WATER SUPPLY REGULATIONS****ARRANGEMENT OF REGULATIONS**

1. Definitions

CHAPTER 1**SUPPLY OF WATER BY COUNCIL**

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

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

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

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

“approved” means approved by the Engineer in writing;

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

“consumer” means the person to whom water is supplied by the Council under a contract of supply or special agreement referred to in regulation 68;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1 SUPPLY OF WATER BY COUNCIL

Council’s sole right to supply water from water main

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

Prerequisites of supply of water by Council

3. (1) The Council shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless -
- (a) the owner or occupier of such premises has concluded with the Council a contract of supply; and
 - (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.
- (2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a contract of supply if a supply main is not available at a point within the close proximity of such premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

Application for the supply of water

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -
- (a) for the initial connection of such premises to a water main; or

- (b) for a reconnection of the supply of water where a previous contract of supply in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.
- (2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose, and shall be submitted to the Council -
 - (a) in the case of an application for an initial connection, at least 14 days; and
 - (b) in the case of an application for a reconnection, at least 7 days, before the date on which the supply of water to the premises in question is required.
- (3) Where application is made for the initial connection of any premises to a water main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (4) When submitting an application in terms of subregulation (1), the applicant shall -
 - (a) sign a contract for the supply of water; and
 - (b) pay to the Council the fee determined in the water tariff for an initial connection or a reconnection of the supply of water, whichever is applicable.
- (5) If the requirements of subregulation (4) have been complied with, the chief executive officer, or any other employee of the Council authorised by the chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.
- (6) The supply of water by the Council to the premises of a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant contract of supply.
- (7) The Council may supply water to any premises outside its municipal boundaries upon application by a consumer, on any condition Council deems fit and under special agreement referred to in regulation 68, but Council is under no obligation to supply water to such consumer.

Payment of deposit

- 5. (1) Every consumer, other than the Government of the Republic of Namibia, shall, before the supply of water is given by the Council, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of water as determined by the Council.
- (2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such review -
 - (a) require than an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.
- (3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required by the Council in writing to do so, the Council may suspend the supply of water to such consumer until such additional amount, and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.
- (4) Subject to subregulation (5), an amount deposited with the Council in terms of subregulation (1) of (2), shall not be regarded as being in payment or part payment of an account due for the supply of water.

- (5) If, upon the termination of a contract of supply in terms of regulation 19, an amount remains due to the Council in respect of water supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

Connection to water main

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2) -
- (a) in the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Engineer may determine;
 - (b) in the case of a reconnection of the supply of water, cause such connection to be made.
- (2) The Council may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main.
- (3) Where a water connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.
- (4) The charges payable for -
- (a) the provision of a water connection, including a water connection pipe, isolating valve and water meter;
 - (b) the alteration of the position of a water connection on the water main at the request of a consumer,
- shall, subject to subregulation (5), be as determined in the water tariff.
- (5) Where the Council is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay the Council an amount equal to the actual costs incurred by the Council in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.
- (6) Any charge payable in terms of subregulation (4) shall be paid to the Council in advance and, in a case contemplated in subregulation (5), an amount estimated by the Engineer to cover the sum payable in terms thereof shall be deposited by the consumer with the Council before the work is commenced by the Council.

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

7. (1) Subject to subregulation (4), only one water connection on the water main shall be provided for the supply of water to any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council may, in its discretion, provide and install either -

- (a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or
 - (b) separate water meters for the different accommodation units or any number thereof.
- (3) Where the Council has installed a common water meter as contemplated in subregulation (2)(a), the owner or the person having the charge or management of the premises, as the case may be, shall -
- (a) if the Engineer so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units-
 - (i) a separate water meter; and
 - (ii) an isolating valve; and
 - (b) be liable to the Council for the charges leviable for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.
- (4) Notwithstanding subregulation (1), the Council may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.
- (5) Where the provision of more than one water connection is authorised by the Council under subregulation (4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.
- (6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit is located, between the water installations of two or more of such accommodation units.
- (7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

Provision of water meter

8. (1) The capacity of the water meter to be provided and installed by the Council on a water connection to any premises shall be determined by the Engineer.
- (2) If so required by the Engineer, the consumer shall provide on the premises an approved place for the installation of the water meter.

Ownership of water connection pipe, water meter and isolating valve

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

Safeguarding of water meters

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

- (2) Where, by reason of any failure on the part of a consumer to comply with the provisions of subregulation (1), the water meter installed on the premises of such consumer is damaged or destroyed, such consumer shall be liable to pay to the Council the amount prescribed in the water tariff for the repair or substitution of such water meter.
- (3) Every consumer shall ensure that free and unimpeded access to the water meter on the premises is available at all times.
- (4) Where, in the opinion of the Engineer, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Council, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

Tampering with or damage to water meter

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

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

and no owner or occupier of such premises shall cause or permit any other unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.

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

- (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and
- (b) recover from the consumer concerned the cost thereof.

- (3) Any person who -

- (a) contravenes any provision of subregulation (1); or
- (b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Council on any premises,

shall be guilty of an offence.

Repair or substitution of water meter

12. (1) In the event of any repairs to any water meter on any premises being found necessary, such repairs shall be effected only by a person authorized thereto by the Engineer and no person else.
- (2) The Council may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned.

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

Determination of quantity of water supplied

13. (1) The quantity of water registered by the water meter installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council under any provision of these regulations, shall, for the purposes of these regulations, be considered to the actual quantity of water supplied by the Council to the consumer.
- (2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through the water meter of the Council, the Council may for the purpose of rendering an account estimate, in accordance with subregulation (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of subregulation (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -
- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in paragraph (a).
- (4) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any water meter installed by the Council on any premises to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.
- (5) When so requested by a consumer, the Council shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

Payment for water supplied

14. (1) Water supplied by the Council to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.
- (2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the relevant contract of supply until the date of termination thereof in terms of these regulations.
- (3) An account rendered by the Council for water supplied to a consumer shall be paid not later than the last date of payment specified in such account.
- (4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the water tariff shall be payable by the consumer to the Council.

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

Payment for water supplied upon amendment of charges

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

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

Charges for rendering service of water supply

16. (1) The Council may, in addition to the charges determined in the water tariff for water actually supplied, levy an availability charge or a monthly minimum charge for the rendering of the service of water supply to residents in the local authority area.
- (2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -
- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a water main but which can reasonably be provided with such a connection; and
- (b) by every consumer in respect of each water connection provided by the Council to serve the premises occupied by the consumer, whether or not water is consumed on the premises.
- (3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of water, whether or not such quantity of water has actually been consumed by the consumer: Provided that where the amount of water consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.
- (4) Notwithstanding subregulation (2)(a), an availability water charge levied by the Council in accordance with subregulation (1) shall not be payable by the owner of any township in respect of any unalienated premises in the township if -
- (a) the water reticulation system in the township was provided by the township owner at his or her own cost; or
- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

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

Objection to account rendered by Council for water supplied

17. (1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the water meter be tested by the Council.
- (2) An objection and request in terms of subregulation (1) shall -
- (a) set out the reasons for the objection and the request;
 - (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
 - (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.
- (3) If the provisions of subregulation (2) have been complied with, the Council shall forthwith cause the water meter concerned to be tested in accordance with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973).
- (4) A meter to which the regulations referred to in subregulation (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over- registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow-
- (a) not less than 75%;
 - (b) between 50% and 55%; and
 - (c) not more than 20%.
- (5) If, upon the testing of a water meter in accordance with subregulation (3) or (4), it is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -
- (a) refund to the consumer the amount deposited in terms of subregulation (2)(c);
 - (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of regulation 10(2); and
 - (c) determine the quantity of water for which the consumer shall be charged in lieu of the quantity registered by the defective water meter, by taking as basis for such determination, and as the Council may decide -
 - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree or error found in the reading of the defective water meter;
 - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

Complete failure of meter to register supply of water

18. (1) The Council shall repair or replace any water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 10(2) are applicable.
- (2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the previous last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the council in accordance with subregulation (3).
- (3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -
- (a) the average monthly consumption of water on the premises during the period of three months before the date of such previous last reading of the meter;
 - (b) the average monthly consumption of water on the premises registered over three successive metered periods after the repair or replacement of the defective water meter; or
 - (c) the consumption of water on the premises recorded for the corresponding period in the previous year.

Termination of contract of supply

19. (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days notice in writing.
- (2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -
- (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply;
 - (b) has committed a breach of these regulations, other than a failure to pay an amount due in respect of the supply of water, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so; or
 - (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Council and such authority.
- (3) In the case of the termination of a contract of supply in terms of subregulation (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.
- (4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

Removal of water connection

20. The Engineer may disconnect and remove a water connection provided by the Council to any premises if -
- (a) the contract of supply has been terminated in terms of regulation 19 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination;

- (b) the building on such premises is demolished; or
- (c) the consumer has not paid accounts rendered for a successive period of six months prior to the decision to disconnect such water connection.

Suspension of water supply

21. (1) If an account rendered by the Council in respect of the supply of water is not paid by the consumer before the expiry of the last day of such payment specified in the account, the Council may forthwith suspend the supply of water to such consumer until the amount due is paid by the consumer, together with the charges referred to in subregulation (3).
- (2) If the Engineer considers it necessary as a matter of urgency to prevent any wastage of water, unauthorised use of water, damage of property, danger to life or pollution of water, the Engineer may, without prior notice and without prejudice to the Council's power under regulation 19(2)(b) -
- (a) suspend the supply of water to any premises;
 - (b) enter upon such premises and carry out, at the owner's expense, such emergency work as the Engineer may deem necessary; and
 - (c) by written notice require the owner to carry out such further work as the Engineer may deem necessary within a specified period.
- (3) If the supply of water to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges determined for the suspension of the supply of water and for the restoration of such supply.

Special water restrictions

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

- (2) A notification in terms of subregulation (1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.
- (3) The Engineer may -
 - (a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the Engineer be necessary to ensure compliance with a notice in terms of regulation (1); or
 - (b) suspend or, for such period as the Engineer may deem fit, restrict the supply of water to any premises in the event of any contravention of, or failure to comply with, the terms of a notice in terms of subregulation (1) on such premises.
- (4) Where the supply of water to any premises has been suspended under subregulation (3)(b), it shall be restored upon payment of the charges determined in the water tariff for the suspension and restoration of the supply of water.
- (5) The provisions of this regulation and any notice in terms of subregulation (1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

General conditions of supply

- 23. (1) The provision of a connection by the Council for the supply of water shall not constitute an undertaking by it to maintain at all times or at any point in its water supply system -
 - (a) an uninterrupted supply of water;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard or quality of water.
- (2) The Engineer may specify the maximum height to which water will be supplied from a water main.
- (3) A consumer who requires to secure the maintenance of any of the conditions mentioned in subregulation (1) on the premises occupied by such consumer, may make the necessary provision for that purpose in the installation on such premises.
- (4) The Engineer may interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Engineer the consumption of water by a consumer adversely affects the supply of water to another person, the Engineer may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

Sale of water by consumers

- 24. Except in accordance with a special agreement entered into with the Council in terms of regulation 68, no person shall -
 - (a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Council to any premises in terms of these regulations; or

- (b) remove, or cause of permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

Special conditions relating to temporary supply of water

25. (1) Where a special agreement to that effect has been entered into under regulation 68, the Council may supply water on a temporary basis from a fire hydrant or any other source of supply of the Council.
- (2) The supply of water in terms of subregulation (1) shall be measured by means of a portable water meter provided by the Council for that purpose.
- (3) A portable water meter, and all other fittings and apparatus used for the connection of the portable water meter to a hydrant or other source of supply of the Council, shall remain the property of the Council.
- (4) The consumer shall pay to the Council in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Council as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in subregulation (1).
- (5) The charges for water supplied and for the use of the portable meter in terms of this regulation shall be paid at the rate determined in the water tariff.
- (6) An account rendered by the Council for the charges referred to in subregulation (1) shall be paid to the Council within ten days of the date on which it is rendered.
- (7) Where water is taken by a consumer from a hydrant which is not measured by means of a water meter, the sum determined in the water tariff for every day on which water is so taken shall be paid by the consumer to the Council.
- (8) A consumer to whom a portable water meter is provided in terms of subregulation (2), shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Council.
- (9) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the Council, or the Council may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer, and may deduct such cost from such deposit.

CHAPTER 2 PREVENTION OF UNDUE WATER CONSUMPTION

Waste of water

26. (1) No owner or occupier of any premises shall permit on such premises -
- (a) the purposeless or wasteful discharge of water from any water fitting;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings; or
 - (d) an overflow of water to persist.
- (2) An owner shall after written notice by the Engineer, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in

the opinion of the Engineer, it is causing or is likely to cause an occurrence mentioned in subregulation (1).

- (3) If an owner or occupier fails to comply with a notice referred to in subregulation (2), the Engineer may without prior notice take such measures as the Engineer may deem fit and recover the cost incidental thereto from the owner or occupier, as the case may be.
- (4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner.
- (5) The Engineer may by written notice to any consumer prohibit such consumer from using any specified equipment in a water installation if, in the option of the Engineer, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Engineer.
- (6) Any person who contravenes any of the provisions of subregulation (1) or (4) or fails to comply with a notice referred to in subregulation (2) or (5), shall be guilty of an offence.

Use of water as heat exchange medium

27. (1) No person shall allow water used as a heat-exchange medium in any equipment or plant and supplied from a water installation to run continuously to waste, except for maintaining a required level of total dissolved solids in a recirculating plant.
- (2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Hot water distribution systems

28. (1) A pipe conveying hot water directly from a fixed water heater, or from the point of draw-off from a hot-water circulating system, to a terminal water fitting shall not be capable of containing more than 4 litres of water.
- (2) A central hot-water system shall be of the circulating type, and the circulating pipes shall be insulated with material which -
 - (a) has a co-efficient of thermal conductivity of no more than 0,04 watt per metre degree Celsius; and
 - (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.
- (3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.
- (4) The owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner than any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water system.
- (5) A person who contravenes subregulation (4) shall be guilty of an offence.

Prevention of wasteful discharge or overflow of a water

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

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

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

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

Requirements in relation to flushing devices

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

- (a) no type of flushing device shall be used to serve a water-closet pan or urinal other than a flushing device which is actuated -
 - (i) manually by a person using such pan or urinal; or
 - (ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;
- (b) a flushing device installed in a cistern serving a water-closet pan shall not be capable of discharging -
 - (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or
 - (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush lever is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated,

and such a device shall only be connected to a type of water-closet pan in which the trap is cleared in one flush;

- (c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
 - (d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device, and where any slab urinal installed on any premises exceeds 1,8 metre in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length.
 - (e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
 - (f) no automatic cistern or tipping tank shall be used for flushing a urinal.
- (2) If, on the date on which these regulations become applicable to a local authority area, there is installed on any premises in such area -
- (a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of subregulation (1);

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

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

- (3) The date to be fixed by the Council for the purposes of subregulation (2) -
 - (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
 - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner of any premises who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until the date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

Metering devices for taps and showers

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

- (a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap that limits the discharge of water in each usage to not more than 1 litre;
 - (b) each shower in a battery of showers of two or more on any premises other than residential premises, shall be fitted with a metering valve that limits the discharge of water in each usage to not more than 2,5 litres;
 - (c) the maximum discharge rate of water of any shower head installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.
- (2) If, on the date on which these regulations become applicable to a local authority area there is installed -
- (a) on any premises in such area, other than residential premises -
 - (i) any tap serving any wash basin referred to in paragraph (a) of subregulation (1), not being a tap that conforms to the requirements of that paragraph; or
 - (ii) any showers referred to in paragraph (b) of subregulation (1) which are not fitted with metering valves in conformity with the requirements of that paragraph; or
 - (b) on any premises, including residential premises, any shower head which does not conform to the requirements of paragraph (c) of

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

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

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

(4) The owner -

- (a) of any premises, other than residential premises, who fails to comply with any of the requirements of paragraph (a) and (b) of subregulation (1);
- (b) of any premises, including residential premises, who fails to comply with the requirements of paragraph (c) of subregulation (1),

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

Terminal water fittings outside buildings

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

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

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

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

- (a) shall not be sooner than 2 years after the commencement of these regulations; and

- (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner of any premises referred to in subregulation (1), who fails to comply with the requirements of subregulation (1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

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

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

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

34. (1) The following requirements shall be applicable to every consumer within the local authority area:
- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Council may determine and announce publicly from time to time.
 - (b) Any swimming pool, other than a public or institutional swimming bath, shall within a period of 1 year after the commencement of these regulations, be provided with a permanent cover to eliminate the evaporation of water, and which cover shall be retained in place over the swimming pool at all times when the swimming pool is not being used.
- (2) Any person who -
- (a) contravenes paragraph (a) of subregulation (1); or
 - (b) fails to comply with the requirements of paragraph (b) thereof,
- shall be guilty of an offence.

**CHAPTER 3
PREVENTION OF WATER POLLUTION**

Pollution of surface water

35. (1) No person shall:-
- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Council or under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants in the Council's area of supply;
 - (b) wash, throw, or cause or permit to enter any animal therein;
 - (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchment of a surface dam.

- (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
 - (e) cause or permit the water from any sink, sewer, drain, engine, boiler, or any other polluted water or liquid of oil for the control of which he or she is responsible, to run or be brought into such stream, reservoir, aqueduct, or other place; or
 - (f) do any other act whereby the supply of water to the inhabitants of the Council's area of supply may be polluted.
- (2) A person who contravenes any of the provisions of subregulation (1), shall be guilty of an offence.

Pollution of subterranean water

36. (1) No person shall in any way pollute, or perform any act which is likely to pollute, the subterranean water within the local authority area.
- (2) The owner or occupier of any premises who uses any underground tank or pipe installed on such premises for the storage or conveyance of any substance, other than water, shall -
- (a) in the case of such a tank or pipe existing on the date of commencement of these regulations, not later than 90 days after that date; or
 - (b) where such a tank or pipe is installed on or after the date of commencement of these regulations, not later than 90 days after the date of such installation,
- inform the Council in writing of the existence or installation, as the case may be, of such tank or pipe and provide such information in relation thereto as may be required by the Council.
- (3) Any person who uses any underground tank or pipe referred to in subregulation (2), shall, through regular inspections and replacement of such tank or pipe and any ancillary pipes and fittings thereof, ensure that the substance contained or conveyed therein is not discharged underground.
- (4) The Council may require of any person referred to in subregulation (2) to furnish the Council annually, before such date as the Council may specify, with a report by an independent person approved by the Council on the condition of any underground tank or pipe referred to in that subregulation and of the result of a pressure test carried out on such tank or pipe and any ancillary pipes and fittings.
- (5) The Council may require that any underground tank or pipe referred to in subregulation (2) be reconditioned or be replaced on a scheduled maintenance programme and that such programme be provided to the Council on request.
- (6) Where the result of a pressure test carried out on an underground tank or pipe in terms of subregulation (4) shows the existence of a leakage, the owner shall not later than 14 days after such test has been carried out, empty such tank or pipe and remove it or discontinue it.
- (7) A person who contravenes, or fails to comply with the provisions of subregulation (1), (2), or (6) or who, upon a request of the Council in terms of subregulation (4), fails to furnish the Council with a report referred to in that subregulation, shall be guilty of an offence.

Mixing of water from other source with water supplied by Council

37. (1) No person shall, on any premises to which water is supplied by the Council, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.
- (2) No person shall cause or permit rain water to flow into any tank or cistern supplied with water by the Council.
- (3) A person who contravenes subregulation (1) or (2) shall be guilty of an offence.

Obligation of owner to prevent pollution of water

38. (1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into -
- (a) the water supply system of the Council; or
- (b) any part of the water installation on the premises.
- (2) The owner of any premises -
- (a) on which a fire or combined installation is installed;
- (b) on which a general installation serves -
- (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;
- (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory; or
- (c) to whom the Engineer has given written notice to do so,
- shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.
- (3) The measures required in terms of subregulation (2) shall include -
- (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2(1)(I) of SABS 0252-1:1994;
- (b) the passing of such water through -
- (i) a reduced-pressure back flow preventer; or
- (ii) a double-check back flow preventer.
- (4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between -

- (a) the point of discharge from the pipe onto the storage tank referred to in subregulation (3)(a);
 - (b) the back flow preventer installed in terms of subregulation (3)(b).
- (5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent a deterioration in water quality in the water installation.

Installation and maintenance of back flow preventers

39. (1) Any back flow preventer installed on a water installation shall comply with the requirements as set out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 1:1994: Provided that -
- (a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and
 - (b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.
- (2) The owner of any premises on which a reduced-pressure or a double-check back flow preventer is installed shall at his or her own expense ensure that the back flow preventer -
- (a) is inspected and serviced by a registered plumbing contractor not less than once in every twelve months to ensure that it is in proper working order; and
 - (b) is replaced or completely overhauled once in every 5 years.
- (3) The owner shall maintain a record of the inspections and services referred to in subregulation (2) -
- (a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;
 - (b) the date on which it was carried out; and
 - (c) detail of repairs and replacements that were effected,
- and shall keep such record available for inspection by the Engineer at any time during office hours.

Protection of water installation

40. (1) An owner shall, apart from the back flow preventers referred to in regulations 38 and 39, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water:
- (a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.
 - (b) No inter-connection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.

- (2) If the Engineer is of the opinion that an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Engineer may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.
- (3) The entry of water into a tank referred to in subregulation (2) shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

Laying of pipes in places prone to pollution

41. (1) Subject to subregulation (2), no pipe which is supplied or intended to be supplied with water by the Council, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.
- (2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subregulation (1), the Engineer may, upon application, approve that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Engineer, effectively protect the pipe and render any leakage of the pipe readily detectable.
- (3) Where any water pipe has been laid or installed contrary to the provisions of subregulation (1) of (2), the Council may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.
- (4) If the owner or occupier concerned fails to comply with such notice -
 - (a) the Council may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
 - (b) such owner or occupier shall be guilty of an offence.
- (5) Where the supply of water is suspended in terms of subregulation (4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

Use of tanks for water intended for human consumption

42. (1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Engineer, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.
 - (2) Where -
 - (a) any damage or danger to persons might arise from an interruption of the supply of water; or
 - (b) the pressure in the service would be otherwise inadequate;
- a tank or tanks shall be provided which, with respect of size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 0252-1:1994.

Storage of water supplied by Council in underground tanks

43. Except with the permission of the Council and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Council if such water is intended for human consumption.

Measures to prevent development of bacterium *Legionella pneumophila*

44. (1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements set out in paragraph 7.1.1.2 of SABS 0252-1:1994.
- (2) Every owner of any premises on which any installation for the storage of potable water or an air-conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionella pneumophila*.
- (3) A professional engineer who carries out an inspection referred to in subregulation (2), shall provide the owner concerned with a written report on the result of his or her inspection and state whether or not the requirements referred to in subregulation (1) are being complied with and, where applicable, particulars of any non-compliance with those requirements.
- (4) If a report in terms of regulation (3) shows any non-compliance with the requirements referred to in that subregulation, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.
- (5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any air-conditioning cooling water system on any premises, the owner of the premises shall submit to the Engineer a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in subregulation (1).
- (6) Any person who -
- (a) fails to comply with the provisions of subregulation (2) or (4); or
 - (b) puts into use any new water installation or air-conditioning cooling water system installed on any premises without having complied with the provisions of subregulation (5),
- shall be guilty of an offence.

Testing of water in a water installation

45. (1) The Engineer may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).
- (2) If, after a series of follow up tests of sample of water taken from a water installation in terms of subregulation (1), it is found that such water does not comply with the standards referred to in that subregulation, and the Engineer is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Engineer -

- (a) cause the water installation to be tested and disinfected in the manner required by regulations 62 and 63; or
 - (b) investigate the cause of the problem and rectify it within a period specified by the Engineer.
- (3) Any tank on any premises in which potable water is stored shall be cleaned by the owner of such premises regularly at intervals not exceeding two years.

CHAPTER 4

REGISTRATION OF PLUMBING CONTRACTORS

Persons qualified to do installation work

46. (1) No person not being registered as a plumbing contractor with the Council in terms of regulation 47 shall -
- (a) do any installation work in respect of which approval in terms of regulation 57 is required;
 - (b) replace or repair a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer;
 - (e) install, maintain or replace a private water meter provided by an owner or occupier in a water installation.
- (2) Any person who performs or attempts to perform any work referred to in subregulation (1) without being registered as a plumbing contractor with the Council, shall be guilty of an offence.

Registration of plumbing contractors with Council

47. (1) An application for the registration of any person as a plumbing contractor for the purposes of regulation 46, shall be made in writing to the Council and shall be accompanied by such proof of the applicant's qualifications, training or experience as the Engineer may require.
- (2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.
- (3) If, upon considering an application in terms of subregulation (1) and the report and recommendation of the Engineer, the Council is satisfied what the applicant -
- (a) is a qualified artisan in the plumbing trade, or has any comparable qualification approved by the Council, or has practical experience in that trade which the Council considers to be adequate and appropriate for purposes of registration as a plumbing contractor;
 - (b) has an adequate knowledge of these regulations and the provision of SABS0252-1:1994; and

- (c) (i) is a Namibian citizen; or
- (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
- iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business of a plumbing contractor in Namibia,

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

- (4) In addition to the grounds mentioned in subregulation (3), the Council may refuse to grant an application for the registration of a person as a plumbing contractor if the applicant has carried out any work referred to in regulation 46(1) without first being registered as a plumbing contractor with the Council.
- (5) The Council may, upon application made to it, register a company of close corporation or partnership as a plumbing contractor if -
 - (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
 - (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.
- (6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or the application
- (7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as plumbing contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in plumbing work or his or her knowledge of the provisions of these regulations and SABS 0252-1:1994.

Term of registration

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

Withdrawal or suspension of registration

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

- (2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -
- (a) given to the person concerned at least 21 days' notice in writing of his proposed action and of the reasons therefor; and
 - (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

Temporary registration

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

Production of registration card

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

Prohibition against employment of unregistered persons for plumbing work

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

Issue of duplicate registration card

53. (1) A person whose registration card as a plumbing contractor is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.
- (2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

Fees for registration and renewal

54. The fees payable to the Council for -
- (a) the registration of a person as a plumbing contractor;
 - (b) the renewal of such a registration;
 - (c) the issue of a duplicate registration card,
- shall be as determined by the Council from time to time.

Responsibilities of registered plumbing contractor

55. A registered plumbing contractor shall -
- (a) ensure that installation work done by him or her, or any person under his or her control, complies with these regulations and any relevant SABS standards and codes; and

- (b) certify on the prescribed form that such work complies with these regulations.

CHAPTER 5 REQUIREMENTS FOR WATER

Standard specifications and codes of practice applicable

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

Information and drawings

57. (1) In respect of every new water installation or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the form determined by the Council, the information and drawings as provided for in Chapter 4 of SABS 0252-1:1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.
- (2) A complete set of approved drawings of the water installation shall be kept available at the premises of the work until the certificate of the plumbing contractor referred to in regulation 55(b) is submitted to the Engineer.
- (3) Where any installation work has been done in contravention of subregulation (1), the Engineer may by written notice require from the owner of the premises to comply within a specified period with the provisions of that subregulation, in which event -
- (a) work in progress shall be discontinued until the approval required by that subregulation has been granted;
- (b) work that does not comply with these regulations shall be removed from the premises.

General requirements for design and construction of water installation

58. (1) Any water installation or service pipe shall be designed and constructed in such a way that -
- (a) velocities in pipes do not exceed 2 metre per second;
- (b) only pipes and fittings be specified and installed that will be able to withstand-
- (i) the corrosion which may be caused by the water conveyed in the installation; and
- (ii) any corrosive conditions which may be related to the soil conditions on the premises;
- (c) the installation be functional to the users of the building taking due cognisance to the population and class occupancy of such building;
- (d) provide adequate fire protection where it is required in terms of any other law;
- (e) all components and materials used on the installation are watertight;

- (f) the installation will not cause any danger to the health of the users of the building;
 - (g) all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary be properly protected against damage;
 - (h) should a water tank or a water pipe burst occur it will not jeopardise the structural safety of the building;
- (2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5 metres inside the boundary of the premises concerned.
- (3) The requirements of subregulation (1) shall be accepted to be satisfied where the water installation complies with the requirements of -
- (a) SABS 0252-1:1994 (Water supply installations for buildings);
 - (b) paragraph PP13(2) of SABS 0400-1990 P relating to the number of the sanitary fittings with adequate water supply required for the population of the building;
 - (c) SABS 0400-1990 Part W in relation to any fire installation.
- (4) No person shall connect to a water installation a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

Design of a propose water installation

59. (1) The Council may require that a proposed water installation be designed by a professional engineer or other approved competent person in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.
- (2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements as set out in these regulations and in Chapters 2, 3, 4, 5, 6 and 7 of SABS 0252-1:1994.

Materials, fittings and components

60. (1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-1:1994, or similar pipes, joints and fittings approved by the Council, shall be used on any water installation.
- (2) Notwithstanding anything to the contrary in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the local authority area.
- (3) Solar water-heating systems shall be installed in accordance with SABS 0106.

Control over work on water installation

61. (1) Subject to subregulation (2), the installation of a water installation shall be carried out -
- (a) in accordance with drawings approved in terms of regulation 57 and detail specification for the installation; and

- (b) in conformity with the requirements of Chapter 8 of SABS 0252-1:1994.
- (2) Every person carrying out or exercising control over the installation of any water installation shall ensure that -
 - (a) where copper pipes are used in the installation -
 - (i) such pipes are properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
 - (ii) only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
 - (b) no lead chalked joints are used on any cast iron pipe;
 - (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (uPVC) pipes;
 - (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises;
 - (e) no pipe is installed within the cavity of a wall, except where it crosses the wall.
- (3) Any fixed water heater in a water installation shall be adjusted to operate on a temperature range of between 55 degrees Celsius and 60 degrees Celsius to prevent speedy corrosion in the hot water pipe network.

Cleaning, inspection, testing and disinfection of water installation

- 62.** (1) Subject to subregulation (2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 0252-1:1994.
- (2) Every water installation shall on completion -
- (a) be properly cleaned to remove any foreign matter;
 - (b) be inspected by the Engineer in the presence of the plumbing contractor by whom or under whose control it was installed;
 - (c) be tested under pressure in accordance with paragraph 9.2 of SABS 0252-1:1994; and
 - (d) be disinfected in accordance with paragraph 9.3 of SABS 0252-1:1994.
- (3) At least 2 working days' notice shall be given to the Engineer for the purpose of any inspection to be carried out in terms of subregulation (2)(b).

Engineer may require testing or disinfection of water installation

- 63.** (1) The Engineer may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.
- (2) The registered plumbing contractor employed to test and disinfect any water installation in terms of subregulation (1) shall within five working days of completion of the work submit to the Engineer the certificate referred to in regulation 55(b).

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

CHAPTER 6

PROVISIONS RELATING TO FIRE EXTINGUISHING EQUIPMENT

Provision of water connection for fire fighting purposes

- 64.** (1) Notwithstanding anything to the contrary contained in these regulations, the Council may, where a special agreement therefor has been concluded with the owner of any premises under regulation 68, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.
- (2) The costs incidental to the provision by the Council of a water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be calculated at the actual cost plus an additional levy of 15% of such costs to cover indirect costs.
- (3) The pipes necessary for providing the water connection, shall be installed by the Council up to the boundary of the premises concerned, and which shall not be used for any purpose other than to serve the fire installation on the premises.
- (4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.
- (5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use shall be provided by the Council on the water connection pipe provided for the premises.
- (6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Council, which shall -
- (a) be of the same nominal diameter as the water connection pipe;
 - (b) be placed in such position as may be determined by the Engineer; and
 - (c) be installed in front of the water meter.

Design of fire installation

- 65.** (1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.
- (2) The requirements of subregulation (1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other approved competent person according to a detailed design or where the fire installation complies with paragraph 3 of Part W of SABS 0400.
- (3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

General requirements for fire installations

66. (1) Where a sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Engineer.
- (2) No extension or connection from any fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the Council may take any steps necessary to disconnect such a connection of extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.
- (3) No supply of water shall be made or given until the fire installation has been inspected and the Engineer has certified in writing that such installations is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.
- (4) Any unmetered water connection provided by the Council to the water main for the purposes of a fire installation shall be at the pleasure of the Council, which shall be entitled to discontinue providing such connection at any time after at least 30 days' notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.
- (5) All fittings provided by an owner of any premises for fire-fighting purpose, including hose reeds, hydrants and sprinkler systems shall comply with the Council's regulations on fire protection.
- (6) Any person who contravenes the provisions of subregulation (1) or who make or causes or permits to be made any connection or extension in contravention of the provisions of subregulation (2), shall be guilty of an offence.

Payment for water supply to a fire installation

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

**CHAPTER 7
GENERAL PROVISIONS****Special agreements**

68. (1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.
- (2) Without prejudice to the generality of the provisions of subregulation (1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:
- (a) Where a supply of bulk is given to any consumer outside the local authority area, the Council may permit such consumer to resell the water to other consumers outside the local authority area.
- (b) If the Council permits a consumer to resell water -

- (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer; and
- (ii) require that plans of any proposed reticulation system be submitted to the Council for approval as a condition precedent to authority to resell being given.
- (c) Where any consumer is given a supply by means of more than one connection to the water main, the Council may stipulate the manner in which and the times during which the supply from any one or more of such connections may be used by the consumer.
- (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (e) The Council may stipulate the price at which the supply is to be given to any consumer.
- (3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Council, the Council may at any time demand from the consumer to submit to the Council for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction of the Engineer at the consumer's cost, and that any meter which is found to be defective be repaired or replaced.
- (4) Except as is otherwise provided in a special agreement the supply of water under such agreement shall be subject to the provisions of these regulations.

Supply of non-potable water by the Council

69. (1) The Council may on application made by any consumer and under a special agreement entered into in terms of regulation 68, grant the supply of non-potable water to such consumer.
- (2) Any supply of non-potable water in terms of subregulation (1) shall not be used for domestic purposes or for any other purpose which, in the opinion of the Engineer, may give rise to a health hazard and has been specified by the Engineer.
- (3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Council or its suitability for the purpose for which the supply of such water was granted.
- (4) The supply of non-potable water by the Council shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.
- (5) Where non-potable water by the Council is used for irrigation purposes, the consumer shall -
- (a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and
 - (b) take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.
- (6) On premises on which non-potable water is used, the consumer shall ensure that -

- (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
 - (b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle and which shall be removed from such tap after every use thereof.
- (7) In an area where treated sewage effluent is used, the consumer shall erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.
- (8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services from time to time.
- (9) If the consumer fails to take any of the steps referred to in subregulations (5)(b), (6) and (7), the Engineer may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Engineer may -
 - (a) cause such steps to be taken at the consumer's expense; or
 - (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.
- (10) Every owner of premises supplied with non-potable water by the Council -
 - (a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises is properly identified to prevent any cross connection with the potable water system on such premises; and
 - (b) shall not, without the approval of the Engineer, extend or alter such non-potable water system or cause it to be extended or altered.
- (11) A person who contravenes any provision of subregulation (10) shall be guilty of an offence and the supply of non-potable water to such premises shall be permanently terminated by the Council.

Private boreholes

- 70.** (1) If, on the date of commencement of these regulations, any borehole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement -
- (a) notify the Council in writing of the existence of such borehole; and
 - (b) provide the Council with full particulars of the discharge capacity of such borehole.
- (2) Without derogating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Council, which may be granted subject to such conditions as the Council may determine, but subject thereto in every case that -
- (a) the proposed position of the borehole shall be clearly indicated on a site plan;

- (b) any unsuccessful borehole shall be properly sealed;
 - (c) the geological information and the depth of the borehole shall be recorded;
 - (d) the discharge capacity of the borehole shall be determined;
 - (e) the rest water level shall be recorder after the drilling of the borehole.
- (3) Except with the prior written approval of the Council, no existing borehole situated within the area of jurisdiction of the Council shall be replaced or drilled deeper.
- (4) If the Council has reason to doubt the reliability of any particulars given in terms of subregulation (1)(b) or any information recorded in terms of subregulation (2), it may by written notice require that the owner of the premises in question carries out, at the consumers' expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.
- (5) The Council may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.
- (6) If, in the area of jurisdiction of the Council, subterranean water is used by the Council for public purposes or by the community, the Council may determine a quota for the maximum abstraction of water from a borehole on private premises.
- (7) Whenever the Council considers it necessary for the purpose of determining the ground water level within the local authority area, the Council may cause the water rest levels of any borehole on any property in such area, to be measured, and any person designated by the Engineer to perform such task may enter the premises for that purpose.
- (8) Any person who contravenes or fails to comply with any of the provisions of subregulations (1), (2) or (3), shall be guilty of an offence.

Laying of pipes in streets or public places

71. (1) Except with the prior written approval of the Council and subject to such conditions as may be imposed by it, no person shall, lay or construct any pipe or associated component on, in or under a street or public place or any other land vesting in or under the control of the Council, for the purpose of conveying water derived from whatever source.
- (2) A person to whom the Council has granted its approval under subregulation (1) shall carry out the work in question subject to such conditions as my have been imposed by the Council.

Obstruction of access to water connection on premises

72. (1) No person shall prevent or restrict the Engineer or any duly authorised official of the Council from gaining access to any part of the water connection on any premises.
- (2) If it is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer concerned, and without prejudice to the Council's powers under regulation 10(4), require that the consumer removes such object and restores such access within a period specified in the notice.

- (3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency, or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer the cost incurred for that purpose.
- (4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.
- (5) A consumer who refuses or fails to comply with a notice in terms of subregulation (2), shall be guilty of an offence.

Notices

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

Penalties

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

Repeal of regulations

75. (1) Subject to subregulation (2), the Water Supply Regulations: Municipality of Usakos, promulgated under Government notice No. 17 of 1 February 1958, are hereby repealed.
- (2) Notwithstanding the repeal of the regulations referred to in subregulation (1), any tariff list or other provisions contained in the said regulations prescribing charges, fees and other moneys payable in respect of the supply of water and other related services shall remain in force until repealed or replaced by charges, fees and other moneys determined by the Council under section 30(1)(u) of the Act.
-