

ELECTRICITY ACT 41 OF 1987

NOTE: The whole of this Act, except section 5B, was repealed by section 48 (1) of the Electricity Regulation Act 4 of 2006 . Section 5B is reproduced below.

Regulations under this Act

ELECTRICITY REGULATIONS (GN R506 in GG 11197 of 25 March 1988)

ELECTRICITY REGULATORY ACCOUNT (GN R292 in GG 16281 of 17 February 1995)

LICENCE FEES PAYABLE BY LICENSED GENERATORS OF ELECTRICITY (GN 689 in GG 32331 of 24 June 2009)

ACT

5B Funds of regulator

- (1) The funds of the regulator shall consist of-
- (a) licence fees obtained under subsection (2);
 - (b) donations or contributions received from any person, institution, government or administration; and
 - (c) interest on investments.
- (2) The Minister may, on receipt of the business plan and statement referred to in subsection (5) (b) , by notice in the *Gazette* prescribe licence fees that are payable by licensed generators of electricity.
- (3) Licence fees referred to in subsection (2) shall-
- (a) only be imposed after-
 - (i) the amount and composition thereof and motivation therefor, based on the business plan submitted in terms of subsection (5) (b) , have been published for comment and any resulting comment has been considered; and
 - (ii) the business plan and statement referred to in subsection (5) (b) have been approved;
 - (b) be valid for the period specified in the notice referred to in subsection (2);
 - (c) be payable in respect of the electricity, calculated in kilowatt hours, generated for supply by any licensee concerned during the previous calendar year;
 - (d) be payable by such licensee at the times and in the instalments determined by the regulator; and

- (e) bear interest, in the case of non-payment or late payment, at such rate as the regulator may determine.

(4) (a) The regulator-

- (i) shall utilise its funds to defray expenses in connection with the performance of its functions; and
- (ii) may, with the approval of the Minister, granted with the concurrence of the Minister of Finance, establish and manage or cause to be managed a pension or provident fund or an alternative pension or provident fund for its employees.

(b) Donations and contributions referred to in subsection (1) (b) shall-

- (i) only be accepted with the approval of the Minister, granted with the concurrence of the Minister of Finance; and
- (ii) be utilised in accordance with the conditions determined by the donor or contributor concerned with such approval and concurrence.

(5) The regulator-

- (a) may, with the approval of the Minister, granted with the concurrence of the Minister of Finance, authorise the chief executive officer to invest any unspent portion of the funds of the regulator: Provided that any surplus at the end of a financial year shall be carried over to the next financial year and be utilised to defray expenses incurred by the regulator during that financial year;
- (b) shall during each financial year, at such time as the Minister may determine, submit a business plan and statement of the regulator's estimated income and expenditure during the following financial year to the Minister for his or her approval, granted with the concurrence of the Minister of Finance;
- (c) shall for the purposes of the Income Tax Act, 1962 (Act 58 of 1962), be deemed to be an institution contemplated in section 10 (1) (c A) (i) of that Act.

[S. 5B inserted by s. 3 of Act 60 of 1995.]

ELECTRICITY AMENDMENT ACT 58 OF 1989

[ASSENTED TO 17 MAY 1989] [DATE OF COMMENCEMENT: 9 JUNE 1989]

(Afrikaans text signed by the State President)

ACT

To amend the Electricity Act, 1987, so as to provide for a levy on electricity; to alter the circumstances in which a licence shall not be required for the

generation of electricity; and to provide for the transfer of servitudes on the transfer of undertakings; and to provide for incidental matters.

- 1** Inserts section 5A in the Electricity Act 41 of 1987 .
- 2** Amends section 6 (1) of the Electricity Act 41 of 1987 by substituting paragraph (f) .
- 3** Amends section 13 of the Electricity Act 41 of 1987 by adding subsection (9).
- 4 Short title and commencement**

This Act shall be called the Electricity Amendment Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette* .

ELECTRICITY AMENDMENT ACT 46 OF 1994

[ASSENTED TO 25 NOVEMBER 1994] [DATE OF COMMENCEMENT: 1 MARCH 1995]

(Afrikaans text signed by the President)

ACT

To amend the Electricity Act, 1987, so as to delete or substitute certain definitions; to provide for the continued existence of the Electricity Control Board as the National Electricity Regulator; to apply certain provisions of the Act to other institutions and bodies; and to provide for matters connected therewith.

- 1** Amends section 1 of the Electricity Act 41 of 1987 , as follows: paragraph (a) deletes the definition of 'board'; paragraph (b) substitutes the definition of 'local authority'; paragraph (c) substitutes the definition of 'Minister'; and paragraph (d) inserts the definition of 'regulator'.
- 2** Substitutes section 2 of the Electricity Act 41 of 1987 .
- 3** Amends section 4 of the Electricity Act 41 of 1987 by deleting subsection (3).
- 4** Amends section 5 of the Electricity Act 41 of 1987 by deleting subsection (2).
- 5** Substitutes section 6 of the Electricity Act 41 of 1987 .
- 6** Amends section 12 of the Electricity Act 41 of 1987 , as follows: paragraph (a) substitutes subsection (1) (b) ; paragraph (b) substitutes subsection (2); and paragraph (c) substitutes subsection (4).
- 7** Amends section 14 of the Electricity Act 41 of 1987 by substituting subsection (1).
- 8** Amends section 15 (2) of the Electricity Act 41 of 1987 by substituting the proviso.

9 Repeals section 30 of the Electricity Act 41 of 1987 .

10 Amends the Electricity Act 41 of 1987 by substituting the word 'regulator' for the word 'board', wherever it appears.

11 Savings

(1) Upon the commencement of this Act-

- (a) any licence granted under the provisions of the principal Act prior to such commencement shall be deemed to be a temporary licence issued by the National Electricity Regulator referred to in section 2 of this Act;
- (b) any undertaker not in possession of a licence contemplated in paragraph (a) shall, whether such undertaker is exempted from the requirement to hold such a licence or not, be deemed to be the holder of such a licence.

(2) Notwithstanding anything to the contrary contained in the principal Act-

- (a) any licence contemplated in subsection (1) (a) shall be deemed to be subject to the conditions under which it was issued prior to the commencement of this Act;
- (b) any licence contemplated in subsection (1) (a) or (b) shall be deemed to incorporate the schedule of standard prices applied by the undertaker concerned;
- (c) any licence contemplated in subsection (1) (a) or (b) shall be valid for a maximum period of six months from the date of commencement of this Act: Provided that such a licence shall lapse three months after the date of commencement of this Act if the undertaker concerned has not, within that time, applied for a new licence under the provisions of the principal Act.

12 Short title and commencement

This Act shall be called the Electricity Amendment Act, 1994, and shall come into operation on a date fixed by the President by proclamation in the *Gazette* .

ELECTRICITY AMENDMENT ACT 60 OF 1995

[ASSENTED TO 28 SEPTEMBER 1995] [DATE OF COMMENCEMENT: 4 OCTOBER 1995]

(English text signed by the President)

ACT

To amend the Electricity Act, 1987, so as to declare the National Electricity Regulator a juristic person; to make provision for the appointment, conditions of employment and functions of the chief executive officer and employees of the said National Electricity Regulator; and to make provision for the funding and accountability of and reporting by the said National

Electricity Regulator; and to make provision for matters in connection therewith.

1 Amends section 1 of the Electricity Act 41 of 1987 , as follows: paragraph *(a)* inserts the definition of 'chief executive officer'; and paragraph *(b)* inserts the definition of 'financial institution'.

2 Inserts section 2A in the Electricity Act 41 of 1987 .

3 Inserts section 5A, 5B, 5C and 5D in the Electricity Act 41 of 1987 .

4 Amends section 28 (1) of the Electricity Act 41 of 1987 by deleting paragraph *(p)* .

5 Short title

This Act shall be called the Electricity Amendment Act 60 of 1995 .