

## DEPARTMENT OF ENERGY

NO. 1231

10 NOVEMBER 2017

## ELECTRICITY REGULATION ACT, 2006

## LICENSING EXEMPTION AND REGISTRATION NOTICE

I, Mmamoloko Kubayi, the Minister of Energy, hereby, –

- (a) under section 36(4) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006) (“the Act”), and after consultation with the National Energy Regulator (“Regulator”) and any person who may be affected, amend Schedule 2 to the Act by substituting it with the Schedule (“the Schedule”) set out in the Annexure hereto; and
- (b) under section 9(1) of the Act, and in consultation with the Regulator, determine that a person who operates a generation facility contemplated in items 2.1, 2.2, 2.3, 2.4, 2.5 or 2.6 of the Schedule, or a person who performs the activities of a reseller as contemplated in item 2.8 of the Schedule, must register with the Regulator.



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**MMAMOLOKO KUBAYI, MP**  
**Minister of Energy**

**ANNEXURE****SCHEDULE 2****EXEMPTION FROM OBLIGATION TO APPLY FOR AND HOLD A LICENCE**

1. For purposes of item 1:
  - 1.1 **'electricity meter'** means a device that is used to measure the flow of electricity that flows out of or into the national grid and has been installed by or on behalf of a licensed distributor;
  - 1.2 **'existing generation facility'** means a generation facility which was in operation on or immediately prior to the date of commencement of this Schedule;
  - 1.3 **'national grid'** means the publicly-owned interconnected network of transmission and distribution power systems used for the supply of electricity to customers across the territory of the Republic, and includes any portion thereof;
  - 1.4 **'point of connection'** means the point at which a generator or customer connects to the national grid;
  - 1.5 **'property'** means:
    - 1.5.1 a farm, agricultural holding, erf or sectional title unit; and
    - 1.5.2 a building located on that farm, agricultural holding, erf or sectional title unit notwithstanding that the building extends beyond the boundary of that farm, agricultural holding, erf or sectional title unit;
  - 1.6 **'related customers'** means customers which are related and inter-related to each other within the meaning contemplated in section 2 of the Companies Act, 2008 (Act No.71 of 2008); and
  - 1.7 **'reseller'** means a person who purchases electricity from a distribution licensee in order to sell such electricity to a customer.

2. The following activities are exempt from the requirement to apply for and hold a licence under the Act, however these activities must be registered with the National Energy Regulator:
  - 2.1 The operation of a generation facility with an installed capacity of no more than 1MW which is connected to the national grid, in circumstances in which—
    - 2.1.1 the generation facility supplies electricity to a single customer and there is no wheeling of that electricity through the national grid;
    - 2.1.2 the generator or single customer has entered into a connection and user-of-system agreement with, or obtained approval from, the holder of the relevant distribution licence; and
    - 2.1.3 as at the date on which the connection and user-of-system agreement is entered into or the approval is obtained, the Minister has not published a notice in the Government Gazette stating that the amount of megawatts (MW) allocated in the integrated resource plan for embedded generation of this nature has been reached.
  - 2.2 The operation of a generation facility with an installed capacity of no more than 1MW which is connected to the national grid, in circumstances in which—
    - 2.2.1 the generation facility is operated solely to supply a single customer or related customers by wheeling electricity through the national grid;
    - 2.2.2 the generator has entered into a connection and use-of-system agreement with the holder of the distribution or transmission licence in respect of the power system over which the electricity is to be transported; and
    - 2.2.3 as at the date on which the connection and use-of-system agreement is entered into, the Minister has not published a notice in the Government Gazette stating that the amount of MW allocated in the integrated resource plan for embedded generation of this nature has been reached.
  - 2.3 The operation of a generation facility with an installed capacity of no more than 1MW which is not connected to the national grid or having an interconnection agreement, in circumstances in which —
    - 2.3.1 the generation facility is operated solely to supply electricity to the owner of the generation facility in question;

- 2.3.2 the generation facility is operated solely to supply electricity for consumption by a customer who is related to the generator or owner of the generation facility; or
  - 2.3.3 the electricity is supplied to a customer for consumption on the same property on which the generation facility is located.
- 2.4 The operation of a generation facility for demonstration purposes only, whether or not the facility is connected to a transmission or distribution power system, in circumstances in which—
- 2.4.1 the electricity produced by the generation facility is not sold; and
  - 2.4.2 if the facility is connected to the national grid, the generator has entered into a connection and use-of-system agreement with, or obtained approval from, the holder of the relevant transmission or distribution licence; and
  - 2.4.3 the facility will be in operation for not more than 36 months.
- 2.5 The operation of a generation facility where the electricity produced from a co-product, by-product, waste product or residual product of an underlying industrial process, in circumstances in which-
- 2.5.1 the generation facility is operated solely to supply electricity to the owner of the generation facility in question;
  - 2.5.2 the generation facility is operated solely to supply electricity for consumption by a customer who is related to the generator or owner of the generation facility within the meaning contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008); or
  - 2.5.3 the electricity is supplied to a customer for consumption on the same property on which the generation facility is located.
- 2.6 The operation of a generation facility for the sole purpose of providing standby or back-up electricity in the event of, and for a duration no longer than, an electricity supply interruption.
- 2.7 The continued operation of an existing generation facility which, immediately prior to the date of commencement of this Schedule, was exempt from the requirement to apply for and hold a licence under the Act.

- 2.8 The continued operation of an existing generation facility which prior to the date of commencement of this Schedule was in operation, and within 3 months of the commencement of this Schedule had declared non-compliance with the Schedule to the Regulator (NERSA) and signed an agreement to comply within a time frame as specified by the Regulator.
- 2.9 The operation of a distribution facility that is connected to a generation facility contemplated in items 2.1 to 2.6 and is used exclusively for the wheeling of electricity from that facility to—
- 2.9.1 the customer, if the electricity is not to be transported through the national grid; or
- 2.9.2 the point of connection, if the electricity is to be transported through the national grid.
- 2.10 The sale of electricity by a reseller in circumstances in which—
- 2.10.1 the tariff or price charged by the reseller to customers does not exceed the tariff or price that would have been charged to such customers for the electricity if it had been purchased from the holder of a distribution licence for the area in which the electricity is supplied to the customer; and/or an operator of a licensed distribution facility wherein the bulk point is connected or such customers would have been connected;
- 2.10.2 the reseller has entered into an agreement with the holder of a distribution licence over such area which regulates the relationship between the reseller and the holder of the distribution licence; and
- 2.10.3 the general conditions of the service delivery agreement must have been approved by the National Energy Regulator.

## DEPARTEMENT VAN ENERGIE

NO. 1231

10 NOVEMBER 2017

## REËLINGSWET OP ELEKTRISITEIT, 2006

## LISENSIEVRYSTELLING EN KENNISGEWING VAN REGISTRASIE

Ek, Mmamoloko Kubayi, die Minister van Energie, maak bekend, –

- (a) onder afdeling 36(4) van die Reëlingswet op Elektrisiteit, 2006 (Wet 4 van 2006) (“die Wet”), en ná konsultasie met die Nasionale Energiereguleerder (“Reguleerder”) en enige persoon wat daardeur geraak kan word, die aanpassing van Skedule 2 van die Wet deur dit te vervang met die Skedule (“die Skedule”) soos uiteengesit in die Aanhangel hiertoe; en
- (b) onder afdeling 9(1) van die Wet, en in konsultasie met die Reguleerder, dat 'n persoon wat 'n opwekkingsfasiliteit bedryf soos oorweeg in items 2.1, 2.2, 2.3, 2.4, 2.5 of 2.6 van die Skedule, of 'n persoon wat die Aktiwiteite van 'n herverkoper uitvoer soos oorweeg in item 2.8 van die Skedule, by die Reguleerder moet registreer.

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**MMAMOLOKO KUBAYI, MP**  
**Minister van Energie**

**AANHANGSEL****SKEDULE 2****VRYSTELLING VAN VERPLIGTING OM VIR 'N LISENSIE AANSOEK TE DOEN EN TE HOU**

1. Vir die doel van item 1:
  - 1.1 **'elektrisiteitmeter'** beteken 'n toestel wat gebruik word om die vloeï van elektrisiteit te meet wat by die nasionale netwerk uitvloeï of invloeï en wat geïnstalleer is deur of namens 'n gelisensieerde verspreider;
  - 1.2 **'bestaande opwekkingsfasiliteit'** beteken 'n opwekkingsfasiliteit wat in bedryf was op of onmiddellik voor die datum van die inwerkingtreding van hierdie Skedule;
  - 1.3 **'nasionale netwerk'** beteken die staat se intergekonnekteerde netwerk van stelsels vir die transmissie en verspreiding van krag wat gebruik word vir die voorsiening van elektrisiteit aan klante regoor die gebied van die Republiek, en sluit in enige deel daarvan;
  - 1.4 **'aansluitingspunt'** beteken die punt waar 'n opwekker of 'n klant aan die nasionale netwerk koppel;
  - 1.5 **'eiendom'** beteken:
    - 1.5.1 'n plaas, landbouhoewe, erf of deeltitel-eenheid; en
    - 1.5.2 'n gebou geleë op daardie plaas, landbouhoewe, erf of deeltitel-eenheid ongeag of die gebou verder strek as die grens van daardie plaas, landbouhoewe, erf of deeltitel-eenheid;
  - 1.6 **'verwante klante'** beteken klante wat verwant of interverwant is aan mekaar binne die betekenis soos oorweeg in afdeling 2 van die Maatskappywet, 2008 (Wet 71 van 2008); en
  - 1.7 **'herverkoper'** beteken 'n persoon wat elektrisiteit koop by 'n gelisensieerde verspreider met die doel om sodanige elektrisiteit aan 'n klant te verkoop.

2. Die volgende aktiwiteite is vrygestel van die vereiste om aansoek te doen vir 'n lisensie onder die Wet, maar hierdie aktiwiteite moet wel by die Nasionale Energiereguleerder geregistreer wees:
  - 2.1 Die bedryf van 'n opwekkingsfasiliteit met 'n geïnstalleerde kapasiteit van nie meer as 1MW wat gekoppel is aan die nasionale netwerk, in omstandighede waar—
    - 2.1.1 die opwekkingsfasiliteit elektrisiteit voorsien aan 'n enkele klant en waar daar geen oordra van elektrisiteit deur die nasionale netwerk is nie;
    - 2.1.2 die opwekker of enkele klant 'n aansluiting- of gebruiker-van-stelsel-ooreenkoms aangegaan het met, of goedkeuring verkry het van, die houer van die relevante verspreidingslisensie; en
    - 2.1.3 die Minister op die datum waarop die aansluiting- en gebruiker-van-stelsel-ooreenkoms aangegaan is, of die goedkeuring verkry is, nie 'n kennisgewing in die Staatskoerant gepubliseer het nie wat sê dat die hoeveelheid megawatts (MW) wat geallokeer is in die geïntegreerde hulpbronplan vir ingebedde opwekking van hierdie aard bereik is.
  - 2.2 Die bedryf van 'n opwekkingsfasiliteit met 'n geïnstalleerde kapasiteit van nie meer as 1MW wat aan die nasionale netwerk gekoppel is, in omstandighede waar—
    - 2.2.1 die opwekkingsfasiliteit alleenlik bedryf word om 'n enkele klant of verwante klante te voorsien deur die oordra van elektrisiteit deur die nasionale netwerk;
    - 2.2.2 die opwekker 'n aansluiting- of gebruik-van-stelsel-ooreenkoms aangegaan het met, of goedkeuring verkry het van, die houer van die verspreidings- of transmissielisensie ingevolge die kragstelsel waardeur die elektrisiteit vervoer sal word; en
    - 2.2.3 die Minister op die datum waarop die aansluiting- en gebruik-van-stelsel-ooreenkoms aangegaan is nie 'n kennisgewing in die Staatskoerant gepubliseer het nie wat sê dat die hoeveelheid megawatts (MW) wat geallokeer is in die geïntegreerde hulpbronplan vir ingebedde opwekking van hierdie aard bereik is.
  - 2.3 Die bedryf van 'n opwekkingsfasiliteit met 'n geïnstalleerde kapasiteit van nie meer as 1MW wat nie gekoppel is aan die nasionale netwerk nie of wat 'n interkonneksie-ooreenkoms het, in omstandighede waar—



- 2.3.1 die opwekkingsfasiliteit bedryf word alleenlik om elektrisiteit te verskaf aan die eienaar van die betrokke opwekkingsfasiliteit;
- 2.3.2 die opwekkingsfasiliteit bedryf word alleenlik om elektrisiteit te voorsien vir verbruik deur 'n klant wat verwant is aan die opwekker of eienaar van die opwekkingsfasiliteit; of
- 2.3.3 die elektrisiteit voorsien word aan 'n klant vir verbruik op dieselfde eiendom waarop die opwekkingsfasiliteit geleë is.
- 2.4 Die bedryf van 'n opwekkingsfasiliteit slegs vir demonstrasiedoeleindes, ongeag of die fasiliteit gekoppel is aan 'n transmissie- of verspreidingskragstelsel, in omstandighede waar—
- 2.4.1 die elektrisiteit wat deur die opwekkingsfasiliteit opgewek word, nie verkoop word nie; en
- 2.4.2 indien die fasiliteit gekoppel is aan die nasionale netwerk, die opwekker 'n aansluiting- en gebruik-van-stelsel-ooreenkoms aangegaan het met, of goedkeuring verkry het van, die houer van die relevante transmissie- of verspreidingslisensie; en
- 2.4.3 die fasiliteit nie vir langer as 36 maande in werking sal wees nie.
- 2.5 Die bedryf van 'n opwekkingsfasiliteit waar die elektrisiteit opgewek word uit 'n medeproduk, neweproduk, afvalproduk of 'n oorskotproduk van 'n onderliggende industriële proses, in omstandighede waar—
- 2.5.1 Die opwekkingsfasiliteit bedryf word alleenlik om elektrisiteit op te wek vir die eienaar van die betrokke opwekkingsfasiliteit;
- 2.5.2 die opwekkingsfasiliteit bedryf word alleenlik om elektrisiteit te voorsien vir verbruik deur 'n klant wat verwant is aan die opwekker of eienaar van die opwekkingsfasiliteit ooreenkomstig die betekenis soos oorweeg in afdeling 2 van die Maatskappywet, 2008 (Wet 71 van 2008); of
- 2.5.3 die elektrisiteit voorsien word aan 'n klant vir verbruik op dieselfde eiendom waarop die opwekkingsfasiliteit geleë is.
- 2.6 Die bedryf van 'n opwekkingsfasiliteit alleenlik vir die doel om bystand- of nood-elektrisiteit te voorsien wanneer daar 'n onderbreking in elektrisiteitvoorsiening is en slegs vir die duur van daardie onderbreking.

- 2.7 Die volgehoue bedryf van 'n bestaande opwekkingsfasiliteit wat, onmiddellik voor die datum van die inwerkingtreding van hierdie Skedule, vrygestel was van die vereiste om aansoek te doen vir, en 'n lisensie te hou onder die Wet.
- 2.8 Die volgehoue bedryf van 'n bestaande opwekkingsfasiliteit wat voor die datum van die inwerkingtreding van hierdie Skedule in bedryf was, en binne 3 maande van die inwerkingtreding van hierdie Skedule nie-nakoming verklaar het met die Skedule aan die Reguleerder (NERSA), en 'n ooreenkoms geteken het om te voldoen binne die tydram soos gespesifiseer deur die Reguleerder.
- 2.9 Die bedryf van 'n verspreidingsfasiliteit wat gekoppel is aan 'n opwekkingsfasiliteit soos oorweeg in items 2.1 tot 2.6 en uitsluitlik gebruik word vir die oordra van elektrisiteit van daardie fasiliteit na—
- 2.9.1 die klant, as die elektrisiteit nie deur die nasionale netwerk vervoer word nie; of
- 2.9.2 die aansluitingspunt, as die elektrisiteit deur die nasionale netwerk vervoer gaan word.
- 2.10 Die verkoop van elektrisiteit deur 'n herverkoper in omstandighede waar—
- 2.10.1 die tarief of prys wat deur die herverkoper aan klante gevra word nie hoër is as die tarief of prys wat gehef sou word aan daardie klante vir die elektrisiteit as dit by die houer van 'n verspreidingslisensie in die gebied gekoop sou word waar elektrisiteit aan die klant voorsien word nie; en/of 'n operateur van 'n gelisensieerde verspreidingsfasiliteit waar die massapunt gekoppel is of waar sodanige klante gekoppel sou wees;
- 2.10.2 die herverkoper het 'n ooreenkoms aangegaan met die houer van 'n verspreidingslisensie oor sodanige area wat die verwantskap tussen die herverkoper en die houer van die verspreidingslisensie reguleer; en
- 2.10.3 die algemene toestand van die diensleweringsooreenkoms deur die Nasionale Energiereguleerder goedgekeur moes gewees het.

**UMTHETHO WOKULAWULWA KUKAGESI, KA-2006****ISAZISO SOKUNGADINGEKI KWELAYISENSI NOKUBHALISA**

Mina, Mmamoloko Kubayi, uNgqongqoshe Wezamandla, –

- (a) ngaphansi kwengxenye 36(4) yoMthetho Wokulawulwa Kukagesi, ka-2006 (UMthetho No. 4 ka-2006) (“uMthetho”), nangemva kokuxhumana noMphathiswa Kagesi Kuzwelonke (“uMlawuli”) nanoma ubani ongase athinteki, ngichibiyela iSimiso 2 soMthetho ngokuthi esikhundleni saso ngifake iSimiso (“iSimiso”) esisesiThasiselweni; nokuba
- (b) ngaphansi kwengxenye 9(1) yoMthetho, nangokuxhumana noMlawuli, kunqunywe ukuthi umuntu osebenzisa umshini wokuphehla ugesi obekwe kusigatshana 2.1, 2.2, 2.3, 2.4, 2.5 noma 2.6 zeSimiso, noma umuntu owenza imisebenzi yothenga athengise esigatshaneni 2.8 seSimiso, kumelwe abhalise kuMlawuli(Regulator).

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**UMMAMOLOKO KUBAYI, UNGQONGQOSHE**

**UNgqongqoshe Wezamandla**

**ISITHASISELO****ISIMISO 2****UKUKHULULWA ESIBOPHWENI SOKUFAKA ISICELO NOMA SOKUBA NELAYISENSI**

1. Eyezinjongo zesigatshana 1:
  - 1.1 **'imitha likagesi'** lisho umshini osetshenziselwa ukukala ukuhamba kukagesi ongena noma ophuma enxanxatheleni kagesi kazwelonke futhi efakwe umhlinzeki osemthethweni noma ifakelwe yena;
  - 1.2 **'indawo yokuphehla ugesi ekhona'** isho indawo yokuphehla ugesi eyayisebenza noma ngaphambi nje kosuku lokuqala kokusebenza kweSimiso;
  - 1.3 **'inxanxathela kwazwelonke'** isho inxanxathela yomphakathi yokuxhunywa kwemizila yokudlulisela nokwenza izimiso zikagesi ukuze kunikezwe amakhasimende kuyo yonke indawo yeZwe, kuhlangukanye nanoma iyiphi ingxenywe yezinto ezixhunyiwe kwesezibaliwe;
  - 1.4 **'uphawu lokuxhumana'** lisho indawo lapho umkhiqizi nekhasimende bexhumana khona enxanxatheleni kazwelonke;
  - 1.5 **'indawo'** isho:
    - 1.5.1 ipulazi, indawo yokutshala noma indawo ethile
    - 1.5.2 isakhiwo esisepulazini, indawo yokulima noma indawo isakhiwo esiphumela kuyo engaphandle kwalelo pulazi, indawo yokulima noma enye indawo;
  - 1.6 **'amakhasimende athintekayo'** asho amakhasimende athintekayo noma athintana wodwa encazelweni esengxenyeni 2 yoMthetho Wezinkampani, ka-2008 (uMthetho 71 ka-2008); kanye nalowo
  - 1.7 **'othenga athengise'** kusho umuntu othenga ugesi kumhlinzeki onikezwe invume ukuze athengisele ikhasimende ugesi.

2. Imisebenzi elandelayo ikhishiwe ezimfunekweni zokufaka isicelo sokuba nemvume ngaphansi koMthetho, nokho le misebenzi kumelwe ibhaliswe ngaphansi koMlawuli Wezamandla Kazwelonke:
  - 2.1 Ukusebenza kwendawo yokuphehla ugesi enomthamo ongengaphezu kuka-1MW oxhunywe enxanxatheleni kazwelonke, ezimweni lapho—
    - 2.1.1 indawo yokuphehla ugesi iphakela ikhasimende elilodwa futhi lowo gesi ungaswazi enxanxatheleni kazwelonke;
    - 2.1.2 indawo ephehlayo noma ikhasimende elilodwa lingene emzileni noma esivumelwaneni sokusebenzisa uhlelo noma linikwe imvume umphathi noma abanikeza abahlinzeki izimvume; futhi
  - 2.1.3 Ngosuku isivumelwano somzila noma sokusebenzisa uhlelo esifakwe ngalo noma kutholakale imvume, uNgqongqoshe engazange afake isaziso ePhephabhukwini Likahulumeni esho umthamo wama-megawatts (MW) abelwe indawo yokukhiqiza ehlanganisiwe engale ndlela seyifinyelelwe
- 2.2 Ukusebenza kwendawo yokuphehla ugesi enomthamo ofakiwe ongawedluli u-1MW oxhunywe enxanxatheleni kazwelonke, ezimweni lapho—
  - 2.2.1 indawo yokuphehla ugesi ixhunyelwe kuphela ukuhlinzeka ikhasimende elilodwa noma amanye amakhasimende adonsa ugesi enxanxatheleni kazwelonke;
  - 2.2.2 indawo kagesi ingene nomphathi esivumelwaneni somzila noma sokusebenzisa ugesi noma ngokuthola imvume yokuhlinzeka noma yokudlulisela ugesi lapho kudingeka ugesi uthuthwe; futhi
  - 2.2.3 ngosuku isivumelwano somzila noma sokusebenzisa uhlelo esifakwe ngalo, uNgqongqoshe engafakanga isaziso ePhephabhukwini Likahulumeni ukuthi umthamo wama-MW wabelwe indawo yokukhiqiza ehlanganisiwe engale ndlela seyifinyelelwe.
- 2.3 Ukusebenza kwendawo yokuphehla ugesi enomthamo ofakiwe ongadluli ku-1MW ongaxhunyiwe enxanxatheleni kazwelonke noma unesivumelwano sokuxhumana, ezimweni lapho —
  - 2.3.1 indawo ephehla ugesi isetshenziselwa kuphela ukuhlinzeka umnikazi waleyo ndawo ngogesi;

- 2.3.2 indawo ephehla ugesi isetshenziselwa kuphela ukuhlinzeka ugesi osetshenziswa yikhasimende elihlobana nomphehli noma umnikazi wendawo kagesi; noma
- 2.3.3 ugesi unikezwa ikhasimende ukuze liwusebenzise endaweni efanayo nendawo lapho kukhona khona indawo yokuphehla ugesi.
- 2.4 Ukusetshenziswa kwendawo yokuphehla ugesi ngenjongo yokubonisa kuphela kungakhathaliseki ukuthi indawo ixhunyiwe kugesi osabalaliswayo noma odluliselwayo, ezimweni lapho –
- 2.4.1 ugesi okhiqizwa yindawo yokuphehla ugesi ungathengiswa; futhi
- 2.4.2 uma indawo yokuphehla ugesi ixhunyiwe enxanxatheleni kazwelonke, umphehli engene esivumelwaneni somzila sokusebenzisa isimiso, ethole imvume kumphathi, enemvume esebenzayo yokudlulisela noma yokusabalalisa ugesi; futhi
- 2.4.3 Le ndawo izosebenza isikhathi esingengaphezu kwezinyanga ezingu-36.
- 2.5 Ukusetshenziswa kwendawo yokuphehla ugesi lapho ugesi ukhiqizwa ngezinto ezihambelanayo, ezibe umphumela wokukhiqizwa kokuqala, eziphuma ezibini noma izinsalela zemikhiqizo yezimboni, ezimweni lapho-
- 2.5.1 indawo yokuphehla ugesi isetshenziselwa kuphela ukuhlinzeka umnikazi waleyo ndawo yokuphehla ugesi;
- 2.5.2 indawo yokuphehla ugesi isetshenziselwa kuphela ukuba ihlinzeke amakhasimende ahlobene nomphehli noma umnikazi wendawo yokuphehla ugesi ngokuvumelana nengxenye 2 yoMthetho Wezinkampani, ka-2008 (uMthetho 71 ka-2008); noma
- 2.5.3 ugesi unikezwa ikhasimende ukuze liwusebenzise endaweni efanayo nalapho indawo yokuphehla ugesi ikhona.
- 2.6 Ukusetshenziswa kwendawo yokuphehla ugesi kuphela ngenjongo yokunikeza ugesi oyokuma ngomumo ukuze ungenele lapho kunesenzakalo esiyothatha isikhathi esingaphezu kwaleso ugesi oyophazamiseka ngaso.
- 2.7 Ukuqhutshekwa kusetshenziswa indawo yokuphehla ugesi ekhona, ngokushesha ngaphambi kosuku lokuqala kweSimiso, ekhishiwe emfunekweni yokubhalisela nokuba nemvume ngaphansi koMthetho.

- 2.8 Ukuqhutshekwa nokusebenzisa indawo yokuphehla ugesi ekhona okuthe ngaphambi kosuku lokuqala kwalesi Simiso ibisebenza, futhi phakathi nezinyanga ezintathu zokuqala kokusebenza kwalesi Simiso kwathiwa ayivumelani neSimiso Somlawuli (NERSA) futhi kwasayinwa isivumelwano ukuze ivunyelaniswe phakathi nesikhathi esibekwe uMlawuli.
- 2.9 Ukusetshenziswa kwendawo yokuhlinzeka exhunywe endaweni yokuphehla ugesi okuxoxwe ngakho ezicini 2.1 kuya ku-2.6 futhi isetshenziselwe kuphela ukudonsa ugesi kuleyo ndawo uye—
- 2.9.1 ekhasimendeni, uma ugesi ungeke uhanjiswa udlule enxanxatheleni kazwelonke; noma
- 2.9.2 ophawini lokuxhumana, uma ugesi ungeke uhanjiswa udlule enxanxatheleni kazwelonke.
- 2.10 Ukuthengiswa kukagesi ngothenga athengise ezimweni lapho —
- 2.10.1 inani elibizwa othenga athengise emakhasimendeni lingalidluli inani ebelingabizwa amakhasimende anjalo ukube ebethenge ugesi kumnikazi onemvume yokuwuhlinzeka kuleyo ndawo lapho ugesi unikezwa ikhasimende kanye noma nomlawuli onemvume yendawo kagesi lapho kuxhunywe khona ugesi onomthamo omkhulu noma uma amakhasimende anjalo abexhunyiwe nawo;
- 2.10.2 othenga athengise engene esivumelwaneni nomnikazi onemvume yokuhlinzeka ugesi endaweni lapho elawula ubudlelwano phakathi kothenga athengise nomnikazi wemvume yokuhlinzeka ngogesi; futhi
- 2.10.3 izimo zokuhlinzeka ngalezi zinkonzo kumelwe zibe zivunyelwe uMlawuli Kagesi Kazwelonke.