

Statutory Instrument No. 123 of 1979

BOTSWANA POWER CORPORATION ACT
(Cap. 74:01)

BOTSWANA POWER CORPORATION (ELECTRICITY) BYE-LAWS, 1979

(Published on 21st December, 1979)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Applications and conditions of supply
4. Consumer's agreement -- charges for supply
5. Continuation of supply to new consumer
6. Type of supply
7. Service connexion
8. Meter cabinet or box
9. Equipment to be provided by consumer
10. High voltage electrical installations
11. Enclosure for supply equipment
12. Provision of circuit breakers
13. Wayleaves
14. Contractor's notices
15. Inspections and tests
16. Defective work
17. Liability of Corporation and contractors
18. Deposits
19. Meters
20. Reading of meters
21. Testing accuracy of meter
22. Failure of meter to register correctly
23. Accounts
24. Termination of consumer's agreement
25. Disconnexion of supply
26. Charge for reconnexion
27. Loading and care of Corporation's equipment and apparatus
28. Liability for damage to service connexion or other Corporation apparatus
29. Cost of strengthening systems
30. Resale of electricity
31. Continuity of supply
32. Control apparatus
33. Obstructing employees
34. Complaints of failure of supply
35. Fraudulent use
36. Unauthorized connexion
37. Sealed apparatus
38. Tampering
39. Owner's and consumer's liability
40. Notices
41. Offences and penalties

IN EXERCISE of the powers conferred by section 28 of the Botswana Power Corporation Act, the Botswana Power Corporation hereby makes the following Bye-laws —

- Citation 1. These Bye-laws may be cited as the Botswana Power Corporation (Electricity) Bye-laws, 1979.
- Interpretation 2. In these Bye-laws, unless the context otherwise requires, —
- S.I. 66 of 1977 “approved”, in relation to any article or practice, means approved by the Corporation as being suitable and satisfactory in respect of safety, design, performance and the method of its application, regard being had to the recognized principles of electrical practice as embodied in the Electricity (Supply) Regulations, 1977, and “approval” shall be construed accordingly;
- “consumer” means any person who has entered into an agreement with the Corporation for the supply to him of electricity;
- “consumer’s agreement” means an agreement as referred to in bye-law 4;
- “contractor” means any person or company who can satisfy the Corporation that he or any person employed by his company is technically competent;
- “electrical installation” means any cable, conductor, fitting, apparatus or conduit in, over or on any premises and used or intended to be used for purposes incidental to the supply of electricity from a service connexion to a point of outlet or consumption in, on or connected to such premises;
- “high voltage” means a voltage normally exceeding 650 volts;
- “high voltage enclosure” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a high voltage;
- “low voltage” means a voltage not exceeding 250 volts;
- “low voltage enclosure” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a low voltage;
- “maximum demand” means an amount expressed in kilowatts equal to twice the largest number of kilowatt-hours of electricity supplied in any period of 30 consecutive minutes;
- “medium voltage” means a voltage exceeding 250 volts but not exceeding 650 volts;
- “meter cabinet” or “meter box” means an enclosure for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the Corporation and designed to operate at low voltage;
- “meter reading period” means the period extending from one reading of a meter to the next and will normally be, as near as may be, 30 days;
- “occupier” means any person in occupation of premises at any relevant time;
- “owner” means and includes the registered owner of the land or premises, or his authorized agent, or any person receiving the rent or profits issuing therefrom or who would receive such rent or profits, if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
- “point of supply” means a point or position on the premises of the consumer or elsewhere at which electricity is or is to be supplied;

“premises” means any land and any building, erection or structure, above or below the surface of any land;

“service connexion” means the cable or conductor leading from the supply main to the point of supply and includes any high voltage or other equipment connected to that cable or conductor, any meter, and any board, panel or other device to which the meter is fixed and all wiring and apparatus associated with the said equipment, meter or other device installed by the Corporation;

“service fuse” or “service circuit breaker” means a fuse or service circuit breaker belonging to the Corporation and forming part of the electrical circuit of the service connexion;

“supply” means a supply of electricity from the supply main;

“supply main” means any cable or wire forming that part of the Corporation’s electrical distribution system to which service connexions may be connected;

“tariff” or “tariffs” means the charge or charges prescribed by the Corporation from time to time;

“wiring work” means the installation, alteration, repair or testing of any cable, conductor fitting, apparatus or conduit in or connected to any premises and used or intended to be used for purposes incidental to the supply of electricity from a distribution line of any supplier to a point of consumption in or connexion to such premises.

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

Applications and conditions of supply

(2) The Corporation shall be entitled, before granting a supply, to inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these Bye-laws.

4. (1) No supply shall be given to an electrical installation unless and until the owner or occupier of the premises or some person acting on his behalf has completed a consumer’s agreement in a form prescribed by the Corporation and has paid to the Corporation such deposit as may be prescribed by the Corporation in accordance with bye-law 18.

Consumer’s agreement – charges for supply

(2) The charge payable for the supply shall be in accordance with the appropriate tariff but, where a consumer obtains his supply from a source other than the Corporation and the Corporation provides a supply for standby purposes only, the tariff charged shall be subject to negotiation.

(3) No person shall use a supply unless a consumer’s agreement as contemplated in sub-bye-law (1) has been concluded with the Corporation.

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

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

(6) The consumer shall not, without the written consent of the Corporation, which it may, in its unfettered discretion, grant or refuse, supply electricity to any third party.

	<p>(7) Any person who contravenes any provision of sub-by-law (3), (5) or (6) shall be guilty of an offence.</p>
Continuation of supply to new consumer	<p>5. (1) The Corporation may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of the supply.</p> <p>(2) The consumer who is a party to the new consumer's agreement referred to in sub-by-law (1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.</p>
Type of supply	<p>6. The Corporation may in any particular case determine whether the supply shall be high, medium or low voltage. The Corporation's decision on whether the consumer may connect up or use any particular equipment at low or medium voltage shall be final.</p>
Service connexion	<p>7. (1) The owner of the premises concerned shall make application for the installation or reinstatement of a service connexion in a form prescribed by the Corporation.</p> <p>(2) A service connexion shall be installed at the expense of the consumer and the cost thereof as determined by the Corporation shall be paid to the Corporation before supply is provided.</p> <p>(3) Every part of the service connexion shall remain the property of the Corporation.</p> <p>(4) Notwithstanding that the service connexion to an approved electrical installation may already have been completed, the Corporation may in its absolute discretion refuse to supply electricity to that installation until all sums due to the Corporation by the owner have been paid.</p> <p>(5) No owner shall be entitled to more than one service connexion for a supply for any premises even if it comprises or occupies more than one plot. The Corporation may, subject to such conditions as it thinks fit to impose upon the owner, provide more than one service connexion to any premises.</p> <p>(6) The applicant for a service connexion shall, before work on his installation is commenced, furnish the Corporation with such indemnity as it may require.</p> <p>(7) The Corporation may, notwithstanding any indemnity given in terms of sub-by-law (6), refuse to install a service connexion until it is satisfied that no person is entitled to object to such installation.</p>
Meter cabinet or box	<p>8. Before a medium or low voltage supply is given, the applicant or owner shall if required so to do by the Corporation, at his own expense and in a position approved by the Corporation, provide a cabinet or box of approved design and construction for the accommodation of the Corporation's service connexion.</p>
Equipment to be provided by consumer	<p>9. (1) The consumer shall at his own expense provide, erect, connect up, operate and maintain in good order all circuits from the point of supply to his installation and all apparatus necessary for controlling the said circuits, including efficient apparatus and switchgear to the approval of the Corporation for the protection of the apparatus of the Corporation and the installation of the consumer against overload, faults and lightning.</p>

(2) The apparatus of the consumer shall be of good design and construction, properly installed and maintained by the consumer, and shall in all respects comply with any statutory or other regulations in force from time to time governing the use of electricity. The wiring of the consumer's premises shall be carried out in accordance with the provisions contained in the Electricity (Supply) Regulations, 1977.

(3) Every consumer shall ascertain from the Corporation the nature of the protection provided on the supply and should provide adequate means for the protection of his own equipment.

(4) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

10. (1) All the apparatus used in connexion with a high voltage electrical installation shall be of approved design and construction. High-voltage
electrical
installations

(2) Every person who wants to make a new high voltage installation or an extension to an existing high voltage installation shall submit to the Corporation a site plan and a drawing showing in detail the particulars and layout of electrical apparatus together with full technical information.

(3) No person shall commence any work in connexion with new high voltage electrical installation or the extension of an existing high voltage installation until a written approval has been given by the Corporation in respect of the site plan and a drawing showing in detail the particulars and layout of all electrical apparatus.

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

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

(6) The owner or the consumer shall be liable to the Corporation for the cost of carrying out any of the tests referred to in sub-bye-law (5) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.

(7) No person shall connect to the electrical supply a newly altered, extended or installed high voltage apparatus without the written permission of the Corporation.

(8) Any person who contravenes any provision of sub-bye-law (3), (4) or (7) shall be guilty of an offence.

11. (1) When required by the Corporation an owner shall at his own expense provide and maintain an approved enclosure for accommodating the Corporation's and consumer's supply equipment in a position determined by the Corporation. Enclosure
for supply
equipment

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

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

(4) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a medium or low voltage enclosure and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Corporation and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.

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

(6) The Corporation shall have the right to use any enclosure for supply equipment in connexion with a supply to consumers on premises other than those on which that enclosure is situated.

(7) Any person who contravenes any provision of sub-by-law (1), (2) or (3) shall be guilty of an offence.

Provision of
circuit
breakers

12. (1) When required by the Corporation the owner shall supply and install one or more approved supply circuit breakers in a manner and position determined by the Corporation.

(2) An owner shall supply and install to the Corporation's satisfaction an earth rod and an earth leakage circuit breaker at each supply point.

Wayleaves

13. (1) The consumer shall grant to the Corporation a wayleave along a route or routes to be agreed for the equipment which the Corporation requires to erect, lay or install on or across the premises in connexion with the supply of electricity to the consumer on the premises and any extension of that line to other consumers of the Corporation. If the consumer is not the owner of the premises the consumer shall be required to obtain from the owner of the premises a grant to the Corporation of a wayleave along the said route or routes to be agreed for the said equipment and for the said extension of that line.

(2) The wayleave shall include provision for access at all times to enable the Corporation to operate, maintain, repair, remove or replace any or all of the equipment of the Corporation.

(3) If any alteration is required by the consumer to the Corporation's overhead line or service cable or the position of the Corporation's equipment or meter, or is required by reason of the modification of the owner's consent, the expenses incurred by the Corporation in effecting the alteration or removal shall be borne and paid for in advance by the consumer. If the consumer's or the owner's consent is withdrawn the Corporation may call upon the consumer to provide an approved meter kiosk at a convenient point on the boundary of the premises and the supply will be delivered and metered by the Corporation at the meter kiosk.

Contractor's
notices

14. (1) Any contractor shall in a form prescribed by the Corporation notify it before the work is commenced on the construction, alteration, extension or repair of any electrical installation and shall not commence the work until the Corporation has authorized him so to do.

(2) Irrespective of any penalty to which a contractor may be liable for failure to give such notice, the Corporation may, on learning of such failure in respect of any work or alteration, extension or repair,

discontinue the supply to the whole installation for as long as the Corporation deems necessary.

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

(4) On completion of the construction, alteration, extension or repair of an electrical installation the contractor shall notify the Corporation thereof in a form prescribed by the Corporation.

(5) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

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

(2) Before any test or inspection in terms of this bye-law is carried out the owner or the occupier shall be informed of the purpose thereof and if it is established that a breach of these Bye-laws has been committed the Corporation shall, notwithstanding the provisions of sub-bye-law (3), not be liable to restore and make good the defects or faults therein found.

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

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

(5) Every reasonable facility to carry out tests and inspections shall be afforded to the Corporation by the contractor, the owner or the occupier of the premises, and the aforesaid facilities shall in the case of a contractor include the provision of suitable ladders.

(6) A contractor shall give the Corporation at least 3 working days' notice in a form which the Corporation may prescribe that he requires the Corporation to carry out an inspection or test of any electrical installation.

(7) After receipt of notice in terms of sub-bye-law (6) the Corporation shall make such inspection and test free of charge.

(8) Any subsequent inspection or test of the installation considered necessary by the Corporation shall be subject to payment of a fee prescribed by the Corporation.

(9) No electrical installation which has been newly constructed, altered, extended or repaired shall be connected to the supply until the Corporation has approved it and the contractor who carried out the wiring work in question or his authorized representative shall be present at the time the work is inspected.

(10) Upon receipt of notice by the Corporation that a consumer's main low voltage circuit breaker is required to be tested, the first test shall be conducted free of charge.

(11) If the breaker fails to pass the first test a charge prescribed by the Corporation shall be payable for each subsequent test.

(12) Where any of the conditions laid down in sub-by-law (1) or (5) have not been complied with the Corporation may refuse to supply the electricity to the owner or consumer.

Defective work

16. (1) If any newly constructed, altered, extended or repaired electrical installation is on inspection or test found to be incomplete or defective, or if for any other reason the Corporation does not approve thereof, the installation shall not be connected to the supply until such work as the Corporation has prescribed as being necessary for the approval thereof has been carried out.

(2) No appliance, apparatus or equipment shall form part of an electrical installation until it has been approved.

Liability of Corporation and contractors

17. (1) The Corporation's approval of an electrical installation after making any inspection or test thereof or the granting by it of permission to connect the installation to the supply shall not be taken as constituting for any purpose any guarantee by the Corporation that the work has been properly executed or that the materials used in it are sound or suitable for the purpose of any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.

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

Deposits

18. (1) Except in the case of the Botswana Government or other class of consumer approved by the Corporation, every applicant for a supply shall, before such supply is given, deposit with the Corporation a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the Corporation's opinion likely to use during any 2 consecutive months:

Provided that such sum shall not be less than is prescribed in the tariff.

(2) Notwithstanding the provisions of sub-by-law (1), the Corporation may in lieu of a deposit accept from an applicant a guarantee for the amount calculated in accordance with such sub-by-law and in the form prescribed by the Corporation.

(3) The Corporation may at any time when the deposit or guarantee is found to be inadequate for the purposes of sub-by-law (1) or (2) require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall within 30 days after being so required deposit with the Corporation such additional sum or furnish such additional guarantee as the Corporation may require, failing which the Corporation may discontinue the supply.

(4) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded as soon as possible after the termination of the consumer's agreement after deducting any amount due by the consumer to the Corporation.

(5) Subject to the provisions of sub-bye-law (3), any person claiming a refund of a deposit or part thereof shall either –

(a) surrender the receipt which was issued on payment of the deposit;
or

(b) if such receipt is not available, sign a receipt prescribed by the Corporation for the refund to him of such deposit or part thereof, and satisfy the Corporation that he is the person entitled to such refund.

(6) If a consumer applies to the Corporation for a supply of higher capacity than he is receiving, the Corporation may require the consumer to make an increased deposit or furnish an increased guarantee before such supply is given.

19. The Corporation shall, in respect of each scale of the tariff governing a supply, provide such number of meters as it deems necessary. Meters

20. (1) Meters shall be read monthly by the Corporation and accounts shall be rendered on the basis of such readings. Reading
of meters

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

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

(4) In the event of the Corporation not being able to gain access to a meter for 2 consecutive meter readings the Corporation may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates. The Corporation shall not be liable for any loss or damage whatsoever arising directly or indirectly from such discontinuance of supply.

(5) If a consumer causes his meter to be read by an authorized employee of the Corporation at any time other than the date set aside by it for the purpose, a charge prescribed by the Corporation shall be payable for that reading:

Provided that no charge shall be levied by the Corporation where the consumer asks for a reading of his meter on the occasion of termination of supply or a change in occupancy of premises to which a supply is being made.

21. (1) If a consumer or owner has reason to believe that a meter is not registering correctly he may give written notice to the Corporation that he requires the meter to be tested, such notice to be accompanied by a fee prescribed by the Corporation, and the Corporation shall as soon as possible thereafter subject the meter to test. Testing
accuracy
of meter

(2) The Corporation's finding as to the accuracy of a meter after the test referred to in sub-bye-law (1) has been carried out shall be final, and

a meter shall be deemed to be registering correctly if it is shown by that test to be over or under registering by not more than two-and-half percent plus or three-and-half percent minus when tested in accordance with the Corporation's standard practice.

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

(4) If after testing a meter the Corporation is satisfied that it is not registering correctly a reasonable estimate of the units supplied shall be made by the Corporation and the account for that month shall be based on such estimate. Such account shall be paid within 30 days of the date thereof.

(5) The Corporation shall have the right to test any meter at any time and if after such testing the Corporation is satisfied that it is not registering correctly the provisions of sub-bye-law (4) shall apply.

Failure of
meter to
register
correctly

22. When the Corporation is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and a reasonable estimate of the number of units supplied or the maximum demand shall be made by the Corporation and the relevant account or accounts shall be based on such estimate.

Accounts

23. (1) Accounts for all charges payable under these Bye-laws (other than fixed charges in terms of the tariffs) shall be rendered to the consumer as soon as convenient after the monthly readings of the meter and the account shall be due and payable when rendered. Accounts shall be posted to consumers and shall be deemed to have reached the addressees on the third day after the date of posting.

(2) Accounts for fixed charges in terms of the tariffs shall be rendered as and when such fixed charges become due. Alternatively, and entirely in the discretion of the Corporation, such charges may be included with the next monthly account, rendered in terms of sub-bye-law (1) after such fixed charges become due.

(3) In any case where payment has not been made on due date the Corporation may give written notice to the consumer requiring payment of the amount then due to be made within 14 days after the receipt of such notice and, failing such payment within the said period of 14 days, the Corporation may discontinue the supply of electricity to the consumer and may forthwith terminate the consumer's agreement without prejudice to any other claim which the Corporation may have under these Bye-laws.

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

(5) The Corporation may in respect of any meter reading period render to the consumer an estimated account in respect of such period. The amount of such estimated account shall be determined as provided in sub-bye-law (6).

(6) The amount of an estimated account referred to in sub-bye-law (5) shall be determined by reference to the previous consumption on the same premises as would, in the Corporation's opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account:

Provided that where there has been no such previous consumption the Corporation shall determine the amount of the said account by

reference to such consumption on other similar premises which, in its opinion, affords reasonable guidance.

24. Subject to the provisions of bye-laws 18 (3), 20 (4) 23 (3) and 25, any consumer's agreement may be terminated by the consumer, his authorized representative, or by the Corporation, on giving 7 days' notice in writing calculated from the date of service thereof; if such notice purports to terminate an agreement on a Saturday, a Sunday or a public holiday such termination shall only take effect on the next day which is not a Saturday, a Sunday or a public holiday.

Termination
of consumer's
agreement

25. The following provisions shall apply in regard to the disconnection of supply in cases in addition to those specifically provided for elsewhere in these Bye-laws –

Disconnection
of supply

- (a) when conditions are found to exist in an electrical installation which in the opinion of the Corporation constitute a danger or potential danger to any person or property or interfere with the supply to any other consumer, the Corporation may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed;
- (b) the Corporation may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works;
- (c) the Corporation shall, on application by a consumer, in a form prescribed by the Corporation, disconnect the supply and shall reconnect it on payment of a fee prescribed by the Corporation.

26. If a supply is disconnected in terms of bye-law 18 (3), 20 (4), 23 (3) or 25 (a) or (b), a charge prescribed by the Corporation shall be payable for each attendance by an authorized employee of the Corporation in respect of reconnection.

Charge for
reconnection

27. (1) The consumer shall not at any time load in excess of its rated capacity the distribution line or cable, equipment or apparatus provided by the Corporation and the Corporation may provide and install automatic apparatus designed and arranged to interrupt the supply to the consumer in the event of an overload occurring.

Loading and
care of Cor-
poration's
equipment
and apparatus

(2) The Corporation may call upon the consumer to install such power factor correction apparatus as may be necessary to ensure a power factor not lower than 0,85 lagging at normal maximum load, in which event the consumer shall take prompt action to procure and install the required apparatus:

Provided that, where the consumer fails to procure and install the required apparatus, the Corporation may disconnect the supply.

(3) The consumer's load shall be balanced between the 3 phases to the reasonable approval of the Corporation.

(4) The consumer shall so use his supply as not to interfere with an efficient and economical supply to other consumers.

(5) No person shall install, place or use any heating or cooking appliance below any meter belonging to the Corporation.

(6) Any person who contravenes any provision of sub-bye-law (5) shall be guilty of an offence.

Liability for damage to service connexion or other Corporation apparatus	<p>28. (1) The owner of the premises or the consumer shall be liable to make good to the Corporation any damage which may occur to the service connexion or any part thereof or to any other Corporation apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Corporation.</p> <p>(2) If any damage occurs to the cable or any other part of a service connexion the consumer shall inform the Corporation as soon as he becomes aware of that fact and the Corporation shall repair the damage.</p>
Cost of strengthening systems	<p>29. Where the alteration or extension of any electrical installation shall in the opinion of the Corporation render necessary the strengthening of the distribution or transmission systems belonging to the Corporation, the consumer in question shall within 30 days from the date of written demand pay the amount of the cost of such strengthening as assessed by the Corporation. Such amount may be added to the account for electricity concerned rendered next after the expiration of the said 30 days.</p>
Resale of electricity	<p>30. Where a person resells electricity supplied by the Corporation the following provisions shall, unless the Corporation shall otherwise agree, apply –</p> <ul style="list-style-type: none"> (a) such electricity shall, in respect of each purchaser, be metered through a sub-meter; (b) the Corporation shall not be held liable for any inaccuracy or other defect in any sub-meter; (c) the charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the Corporation.
Continuity of supply	<p>31. The Corporation shall not be liable for damages, expenses or costs caused to the consumer from any interruption in the supply, variation of voltage, variation of frequency, any failure to supply a balanced 3-phase current or failure to supply electricity whether the said interruption, variation or failure is or is not due to the failure of the Corporation to carry out its obligations or to any other cause whatsoever.</p>
Control apparatus	<p>32. The Corporation shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during period of stress or peak load for such length of time as it may deem necessary.</p>
Obstructing employees	<p>33. (1) No person shall –</p> <ul style="list-style-type: none"> (a) hinder, obstruct or interfere with any employee of the Corporation in the performance of any duty relating to these Bye-laws; (b) refuse to give such information as the Corporation may reasonably require; or (c) give to the Corporation any information which to his knowledge is false or misleading. <p>(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence.</p>
Complaints of failure of supply	<p>34. If an authorized employee of the Corporation is called to a consumer's premises to attend to a complaint of failure of supply and the cause of the failure is found to be on the consumer's electrical installation, a charge prescribed by the Corporation shall be payable for each such attendance.</p>

35. (1) No person shall use a supply for which a charge is laid down in the appropriate tariff and which is measured by a meter or set of meters for any purpose for which a higher charge is laid down. Fraudulent use

(2) Unless permission in writing has been granted no person shall use electricity supplied by the Corporation unless it has first passed through the meter connected to the electrical installation.

(3) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

36. (1) No person other than an employee of the Corporation authorized thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation with the service connexion or the supply main. Unauthorized connexion

(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

37. (1) No person other than an authorized employee of the Corporation shall for any reason remove, break, deface or otherwise interfere with any seal or lock which has been placed by the Corporation on any meter, service fuse, service circuit breaker or other similar apparatus, whether or not belonging to the Corporation. Sealed apparatus

(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

38. (1) No person other than an authorized employee of the Corporation shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connexion or any part thereof or any apparatus of the Corporation. Tampering

(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence.

39. The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation or other requirement imposed upon them in the alternative by these Bye-laws. Owner's and consumer's liability

40. (1) Any notice or other document to be issued by the Corporation in terms of these Bye-laws shall be deemed to have been so issued if it is signed by a senior officer of the Corporation or by such other officer as he may authorize to sign on his behalf. Notices

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

41. (1) Any person who is guilty of contravening any provision of bye-law 4 (3), (5) or (6), 9 (1), 10 (3), (4) or (7), 11 (1), (2) or (3), 14, 27 (5), 33, 35, 36, 37 or 38 shall be liable to a fine of P200 and to imprisonment for 6 months. Offences and penalties

(2) The consumer or the owner of any premises supplied with electricity on which a breach of these Bye-laws is committed shall be deemed to be guilty of that breach unless he proves that he did not know

and could not by the exercise of reasonable diligence have known that it was being or was likely to be committed by some other person over whose acts he had no control.

(3) Any person who contravenes any provision of bye-law 35 and is charged for such electricity at a rate lower than that at which he should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this bye-law, be liable to pay to the Corporation the sum which would have been paid to it had the said offence not been committed, and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.

MADE this 30th day of November, 1979.

G.S. KEWAKAE,
Secretary, Botswana Power Corporation.

L2/8/21 I