



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)

Local **50c** Plaaslik
Other countries 70c Buitelands
Post free • Posvry

VOL. 287

CAPE TOWN, 26 MAY 1989

No. 11895

KAAPSTAD, 26 MEI 1989

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1047.

26 May 1989

No. 1047.

26 Mei 1989

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

—No. 58 of 1989: Electricity Amendment Act, 1989.

No. 58 van 1989: Elektrisiteitswysigingswet, 1989.

Act No. 58, 1989

ELECTRICITY AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

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.

*(Afrikaans text signed by the State President.)
(Assented to 17 May 1989.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Insertion of section 5A in Act 41 of 1987

1. The following section is hereby inserted after section 5 of the Electricity Act, 1987: 5

“Minister may impose levy on generation of electricity

5A. (1) The Minister may, by notice in the *Gazette*, impose a levy of not more than 0,01 cent per kilowatt hour on electricity sent out by an undertaker who generates more than one hundred gigawatt hours of electricity per annum. 10

(2) The levy referred to in subsection (1) is payable in respect of the electricity, calculated in kilowatt hours, sent out during a month by an undertaker, and shall be paid before the end of the next succeeding month to the National Energy Council referred to in section 2 of the Energy Act, 1987 (Act No. 42 of 1987). 15

(3) The notice under subsection (1) shall state the rate of interest payable in the event of non-payment of the levy.

(4) The Minister may, on application, grant to an undertaker written extension of time of payment of the levy or any part thereof for a period not exceeding three months. 20

(5) The provisions of subsection (1) shall not apply to electricity sent out from any power station generating electricity from water pumped into a storage dam by means of electricity.”

Amendment of section 6 of Act 41 of 1987

2. Section 6 of the Electricity Act, 1987, is hereby amended by the substitution for 25
paragraph (f) of subsection (1) of the following paragraph:

“(f) any person who **[also causes electricity to be generated for his own use and]** does not sell more than **[one] five gigawatt [hour] hours** of electricity per annum.”

Amendment of section 13 of Act 41 of 1987

3. Section 13 of the Electricity Act, 1987, is hereby amended by the addition of the following subsection:

“(9) (a) An undertaker who wishes to transfer his undertaking, or a part thereof,

to another undertaker in terms of this section, may also transfer to such other undertaker, by way of a deed of cession attested by a notary, any servitude or other similar right in terms of which he may effect improvements on or over particular land and may conduct electricity over such land, irrespective of whether or not the permission of the owner of that land has been obtained, and the relevant Registrar of Deeds shall make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him as he deems necessary to give effect to the provisions of this section.

(b) No office fees or other levies are payable in respect of such entry or endorsement.

(c) Any transfer that took place prior to the date of commencement of this subsection and which could have taken place in terms of the provisions of paragraph (a) if paragraph (a) existed prior to such date, shall be deemed to have taken place in terms of the provisions of paragraph (a).”.

Short title and commencement

4. 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*.