



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 710

Cape Town
Kaapstad

20 Augustus 2024

No. 51100

THE PRESIDENCY

No. 5139 20 Augustus 2024

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

Act No. 38 of 2024: Electricity Regulation Amendment Act, 2024

UMONGAMELI

No. 5139 20 August 2024

Kwaziswa ukuthi uMongameli uvumile uMthetho olandelayo oshicilelwa lapha ukuze kwaziwe wonke umuntu:—

No 38 Ka 2024: Umthetho wokuchibiyela ukulawulwa kukagesi, 2024

ISSN 1682-5845



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GENERAL EXPLANATORY NOTE:

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

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

(English text signed by the President)
(Assented to 16 August 2024)

ACT

To amend the Electricity Regulation Act, 2006, so as to delete, amend, and insert certain definitions; to provide for the application of the Act; to provide for the National Energy Regulator to consider applications for licences and the issue of licences; to provide for revocation and deregistration of licences; to provide for additional electricity, new generation capacity and electricity infrastructure; to provide for the establishment, duties, powers and functions of the Transmission System Operator SOC Ltd and transitional measures; to provide for an open market platform that allows for competitive electricity trading; to assign the duties, powers and functions of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd; to provide for delegation and assignment; to provide for offences and penalties; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 4 of 2006, as amended by section 1 of Act 28 of 2007

1. Section 1 of the Electricity Regulation Act, 2006 (hereinafter referred to as the “principal Act”), is hereby amended—5
- (a) by the insertion before the definition of “chief executive officer” of the following definitions:
- “‘**ancillary services**’ means those services necessary to support the continuous and secure operation of an electric power system and necessary to maintain reliable operations of the national transmission power system and interconnected distribution power systems, including, but not limited to, those services necessary for voltage and reactive power control, automatic generation control, frequency control and black start capabilities;10
- ‘**balance responsible**’ means taking physical and financial responsibility for maintaining real-time balancing at specified metering points by submitting forecasts and participating in the energy market;15
- ‘**balance responsible party**’ means a licensed or registered generator, distributor or trader that is responsible for balance responsible activities, and which is accountable through the balancing mechanism for deviations;20
- ‘**balancing mechanism**’ means a mechanism used by the system operator to balance the supply and demand of electricity in real time on the power system by cost effective dispatching of generation and demand resources;25

UMBHALO OCHAZA OKUJWAYELEKILE:

[] Amagama akubakaki abayisikwele amele okukhishwe emthethweni osebenzayo.

Amagama adwetshelwe ngomugqa amele okufakiwe emthethweni osebenzayo.

(English text signed by the President)
(Assented to 16 August 2024)

UMTHETHO

Ukuchibiyela uMthetho wokuLawulwa kukaGesi, wezi-2006, ukuze kususwe, kuchitshiyelwe, futhi kufakwe izincazelo ezithile; ukuhlinzekela ukusetshenziswa koMthetho; ukuhlinzekela ukuthi uMlawuli Wamandla Kagesi acubungule izicelo zamalaysense kanye nokukhishwa kwamalaysensi; ukuhlinzekela ukuhoxiswa kanye nokwesulwa kokubhaliswa kwamalaysensi; ukuhlinzekela ugesi owengeziwe, amandla okuphehlwa kabusha kanye nengqalasizinda kagesi; ukuhlinzekela ukusungulwa, imisebenzi, amandla kanye nemisebenzi ye-Transmission System Operator SOC Ltd kanye nezinyathelo zesikhashana; ukuhlinzekela ukuba khona kwenkundla yemakethe evulelekile evumela ukuhwebelana ngogesi ngokuncintisana; nokwabiwa kwemisebenzi, amandla kanye nemisebenzi ye-Transmission System Operator SOC Ltd kwi-National Transmission Company South Africa SOC Ltd; ukuhlinzekela ukudluliswa kwamandla nemisebenzi; ukuhlinzekela amacala kanye nezinhlawulo; kanye nokuhlinzekela izindaba ezihlobene nalokho.

UZOMISWA iPhalamende laseNingizimu Afrika, ngale ndlela elandelayo:—

Ukuchitshiyelwa kwesigaba 1 soMthetho 4 wezi-2006, njengoba uchitshiyelwe isigaba 1 soMthetho 28 wezi-2007

1. Ngakho-ke isigaba soku-1 soMthetho wokuLawulwa kukaGesi, wezi-2006 (kulokhu owaziwa “njengoMthethongqangi”), sichitshiyelwe—

(a) ngokushutheka ngaphambi kwencazelo “uMphathi Omkhulu” le ncazelo elandelayo:

“‘**imisebenzi exhasayo**’ kushiwo lezo zinsizakalo ezidingekayo ukuze kusekwe ukusebenza okuqhubekayo nokuvikelekile kohlelo lwamandla kagesi futhi edingekayo ukuze kugcinwe ukusebenza okuthembekile kohlelo lukazwelonke lokudluliswa kwamandla kanye nezinhlelo ezixhumene zokwaba amandla, okuhlanganisa, kodwa kungagcini lapho, leyo misebenzi edingekayo yokulawula amandla kagesi kanye namandla asebenzayo, ukulawulwa ukuphehla okuzenzakalelayo, ukulawulwa kwamafrikhweni

- ‘**central purchasing agency**’ means the entity assigned to fulfil the role of the wholesale buyer to maintain system integrity during, and after, the transition to a competitive electricity market;”;
- (b) by the deletion of the definition of “chief executive officer”;
- (c) by the insertion after the definition of “customer” of the following definitions: 5
- “‘**Department**’ means the department responsible for mineral resources and energy;
- ‘**Director-General**’ means the Director-General of the Department;
- ‘**direct supply agreement**’ means an agreement for the sale of electricity between a generation licensee or registrant or trader, acting in its capacity as such, and a customer, whether such electricity is supplied directly or through a transmission power system or a distribution power system, provided that the customer is not a transmitter, distributor or system operator or trader; 10
- ‘**dispatching**’ means the scheduling, coordination and management of the flow of electricity produced by generation facilities into and out of a transmission power system or an interconnected distribution power system, including scheduling, coordinating and managing the start-up and shut-down of those facilities, and ‘dispatch’ has a corresponding meaning;”;
- (d) by the insertion after the definition of “distribution” of the following definition: 15
- “‘**distribution licensee**’ means a holder of a licence to operate a distribution power system;”;
- (e) by the substitution for the definition of “distribution power system” of the following definition: 20
- “‘**distribution power system**’ means a network for the conveyance of electricity which operates at or below a nominal voltage of 132kV but above 11kV;”;
- (f) by the substitution for the definition of “end user” of the following definition: 25
- “‘**end user**’ means a user of electricity [or a service relating to the supply of] who consumes such electricity;”;
- (g) by the insertion after the definition of “generation” of the following definition: 30
- “‘**generation licensee**’ means a holder of a licence to operate a generation facility in terms of section 4(a)(i)(aa);”;
- (h) by the insertion after the definition of “generator” of the following definition: 35
- “‘**independent power producer**’ means any person in which an organ of state does not hold a direct or indirect controlling interest, which undertakes or intends to undertake the development of new generation capacity or the generation of electricity pursuant to a section 34 determination;”;
- (i) by the substitution for the definition of “integrated resource plan” of the following definition: 40
- “‘**integrated resource plan**’ means [a resource] an indicative, forward-looking plan [established by the national sphere of government to give effect to] for electricity generation, which reflects national policy on electricity planning, which plan specifies the types of energy sources and technologies from which electricity may be generated and indicates the amount of electricity that is to be generated from each of such sources or technologies;”;
- (j) by the insertion after the definition of “integrated resource plan” of the following definitions: 45
- “‘**interconnected distribution power system**’ means a distribution power network that is interconnected to a transmission power system; 50
- ‘**legacy independent power producer contract**’ means a power purchase agreement that has been concluded prior to the launch of the competitive electricity market; 55

- futhi enesibopho ngokusebenzisa indlela yokulinganisa yokuchezuka; **‘indlela yokulinganisa’** kushiwo indlela esetshenziswa umqhubi wohlelo ukulinganisa ukuphakelwa kanye nesidingo sikagesi ngesikhathi sangempela ohlelweni lukagesi ngokuthumela okungabizi kakhulu kwezinsiza zokuphehla kanye nesidingo; 5
- ‘isikhungo esiyinhloko sokuthenga’** kushiwo ibhizinisi elabelwe ukufeza indima yomthengi wezitolo ezinkulu ukugcina ubuqotho bohlelo ngesikhathi, nangemuva, kokushintshela emakethe kagesi ebangisanayo;”;
- (b) ngokususa incazelo yegama “uMphathi Omkhulu”; 10
- (c) ngokushutheka emva kwencazelo “umthengi” lezi zincazelo ezilandelayo: 10
- “**‘uMnyango’** kushiwo umnyango obhekele izimbiwa kanye namandla; **‘uMqondisi-Jikelele’** kushiwo uMqondisi-Jikelele woMnyango; **‘isivumelwano sokuphakelwa ngqo’** kushiwo isivumelwano sokudayiswa kukagesi phakathi komnikazi welayisensi yokuphehla ugesi noma obhalisiwe noma umdayisi, esebenza njengalokhu, kanye nomthengi, noma ngabe lowo gesi uphakelwa ngokuqondile noma ngohlelo lukagesi oludluliswayo noma uhlelo lokwabiwa kwamandla, inqobo nje uma umthengi engeyena umthumeli, umabi noma umqhubi wohlelo noma umthengisi; 15
- ‘ukuthumela’** kushiwo ukuhlela, ukuxhumanisa kanye nokuphathwa kokuhamba kukagesi okhiqizwa izikhungo zokuphehla ugesi ungena noma uphuma ohlelweni lwamandla okudlulisa noma uhlelo lokwabiwa kwamandla oluxhumene, okuhlanganisa ukuhlela, ukuxhumanisa kanye nokuphatha ukuqalisa kanye nokuvalwa kwalezo zikhungo, futhi **‘ukuthumela’** kunencazelo efanayo;”;
- (d) ngokushutheka emva kwencazelo “ukuthumela” le ncazelo elandelayo: 20
- “**‘umnikazi welayisensi yokwabela’** kushiwo umnikazi welayisensi yokusebenzisa uhlelo lokwabiwa kwamandla;”;
- (e) ngokufaka esikhundleni sencazelo “uhlelo lokwabiwa kwamandla” le ncazelo elandelayo: 25
- “**‘uhlelo lokwabiwa kwamandla’** kushiwo ubuxakaxaka bokudlulisa ugesi obusebenza ngamandla kagesi ayi-132kV noma ngaphansi kodwa ngaphezu kwayi-11kV;”;
- (f) ngokufaka esikhundleni sencazelo “umthengi” le ncazelo elandelayo: 30
- “**‘umthengi’** kusho umuntu othenga ugesi [noma isevisi ehambisana nokunikezela] osebenzisa ugesi;”;
- (g) ngokushutheka emva kwencazelo “ukuphehla” le ncazelo elandelayo: 35
- “**‘umnikazi welayisensi yokuphehla’** kushiwo umuntu onelayisensi yokuphatha isikhungo sokuphehla ngokwesigaba sesi-4(a)(i)(aa);”;
- (h) ngokushutheka ngemva kwencazelo “ukuphehla” le ncazelo elandelayo: 40

- ‘**licence**’ means a licence issued under this Act;

‘**market operator**’ means a person licensed to operate a trading platform for power market participants and who takes no ownership of the energy traded;

‘**market transaction**’ means a transaction that occurs in a competitive environment, either on a competitive trading platform or bilaterally;”;

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(k) by the substitution for the definition of “Minister” of the following definition: “‘**Minister**’ means the Minister of [**Minerals**] Mineral Resources and Energy;”;

(l) by the insertion after the definition of “Minister” of the following definition: “‘**multi-market**’ means a hybrid market model accommodating market transactions, physical bilateral transactions and regulated transactions;”;

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(m) by the insertion after the definition of “National Energy Regulator Act” of the following definitions: “‘**national transmission power system**’ means the interconnected transmission power system used for the transmission of electricity produced by generation facilities for purposes of the supply of electricity to customers within and outside South Africa, above 132kV; ‘**new generation capacity**’ means additional electricity capacity, including capacity derived from new generation facilities, the expansion of existing facilities, or existing facilities not previously connected to the national transmission power system, or an interconnected distribution power system, other than—

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(a) the capacity of generation facilities for own use;

(b) the capacity of generation facilities that supply electricity to end users pursuant to direct supply agreements;

(c) the capacity of generation facilities referred to in item 1 of Schedule 2 to the Act; and

(d) the capacity of generation facilities for export, which have been approved by the Minister;”;

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(n) by the insertion after the definition of “person” of the following definitions: “‘**physical bilateral transaction**’ means a transaction entered into by generators, customers and traders for energy production which involves the conclusion of a power purchase agreement to meet demand and supply as required by the system operator; ‘**power market participants**’ means participants that meet the qualifying criteria set, and choose to participate, in the market platform established by the market operator; ‘**power purchase agreement**’ means an agreement between a generator and a buyer, for the sale and purchase of electricity or electricity generation capacity;”;

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(o) by the substitution of the definition of “price” of the following definition: “‘**price**’ means a charge for electricity to an end-user or customer reflecting the cost to serve that end-user or customer and may include a tariff determined by the Regulator, and a surcharge, tax, levy or duty imposed by a municipality in terms of section 229 of the Constitution of the Republic of South Africa, 1996;”;

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(p) by the insertion after the definition of “prescribe” of the following definitions: “‘**registrant**’ means a person registered with the Regulator in terms of section 9; ‘**regulated transaction**’ means a transaction that requires regulatory approval or oversight, specifically where the exercise of market power is likely or evident (for example, network charges);

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	‘umqhubi wemakethe’ kushiwo umuntu onelayisensi yokuqhuba inkundla yokuhweba kubabambiqhaza bemakethe kagesi futhi abangawenzi awabo amandla okuhwebwe ngawo; ‘ukuthengiselana kwemakethe’ kusho ukuthengiselana okwenzeka endaweni yokuncintisana, kungaba endaweni yokuncintisana yohwebo noma ngokuhlanganyela;”;	5
(k)	ngokufaka endaweni yencazelo “uNgqongqoshe” le ncazelo elandelayo: “‘uNgqongqoshe’ kushiwo uNgqongqoshe [wezokuMbiwa Wezezimbiwa Namandla];”;	
(l)	ngokushutheka ngemva kwencazelo “uNgqongqoshe” le ncazelo elandelayo: “‘izimakethe eziningi’ kushiwo imodeli yemakethe eyingxube ebhekele ukuthengiselana kwemakethe, ukuthengiselana okuphathekayo kanye nokuthengiselana okulawulwayo;”;	10
(m)	ngokushutheka ngemva kwencazelo “i-National Energy Regulator Act” le ncazelo elandelayo: “‘uhlelo lukazwelonke lokuthumela ugesi’ kushiwo uhlelo lokudluliswa kwamandla oluxhumene olusetshenziselwa ukudluliswa kukagesi okhiqizwa yizikhungo zokuphehla ugesi ngenhloso yokuphakela abathengi bangaphakathi nangaphandle kweNingizimu Afrika, ngaphezu kuka-132kV; ‘uhlelo olusha lokuphehla amandla kagesi’ kushiwo umthamo kagesi owengeziwe, okuhlanganisa umthamo otholakala ezikhungweni ezintsha zokuphehla okusha, ukwandiswa kwezikhungo ezikhona, noma izikhungo ezikhona ebezingaxhunywanga ohlelweni lukazwelonke lokudluliswa kwamandla, noma uhlelo lokwabiwa kwamandla oluxhumene, ngaphandle— (a) komthamo wezikhungo zokuphehla ukuze zizisebenzisele wona ugesi; (b) umthamo wezikhungo zokuphehla ezihlinzeka ngogesi kubasebenzisi ngokulandela izivumelwano zokuhlinzeka; (c) umthamo wezikhungo zokuphehla okukhulunywe ngawo ephuzwini loku-1 lweSheduli 2 yoMthetho; kanye (d) nomthamo wezikhungo zokuphehla ugesi othunyelwa kwamanye amazwe, ogunyazwe uNgqongqoshe;”;	15 20 25
(n)	ngokushutheka ngemuva kwencazelo “umuntu” lezi zincazelo ezilandelayo: “‘ukuthengiselana ngqo’ kushiwo ukuthengiselana okungenwa kukho abaphehli, abathengi kanye nabahwebi ukuze kukhiqizwe amandla kagesi okubandakanya ukuphothulwa kwesivumelwano sokuthenga amandla ukuze kuhlangatshezwane nesidingo kanye nokukhiqiza njengoba kudingwa umqhubi wohlelo; ‘abahlanganyeli bemakethe yamandla’ kusho abahlanganyeli abahlangabezana nemibandela yokufaneleka ebekiwe, futhi bakhethe ukubamba iqhaza, endaweni yemakethe es	

- (p) by the substitution for the definition of “reticulation” of the following definition:
“**reticulation**’ means the conveyance of electricity through a reticulation power system which operates at or below 11kV excluding trading, and “reticulate” and “reticulating” have corresponding meanings;”;
- (q) by the substitution for the definition of “supply” of the following definition:
“**supply**’ means trading, system operation, export and import and the generation, transmission or distribution of electricity;”;
- (r) by the insertion after the definition of “supply” of the following definitions:
“**system operation**’ means the operation of the national transmission power system in real time, including dispatching, scheduling of transmission and ancillary services, generation outage coordination, transmission congestion management and coordination, and such other activities as may be required for the reliable and efficient operation of the national transmission power system;
“**system operator**’ means the person who is responsible for system operation;”;
- (s) by the substitution for the definition of “tariff” of the following definition:
“**tariff**’ means a charge to a customer or end user in respect of a licensed activity or registered activity, other than a surcharge, tax, levy or duty imposed by a municipality in terms of section 229 of the Constitution of the Republic of South Africa, 1996;”;
- (t) by the insertion after the definition of “tariff” of the following definition:
“**trader**’ means a person who trades in electricity;”;
- (u) by the substitution for the definition of “trading” of the following definition:
“**trading**’ means the wholesale or retail buying [or] and selling of electricity [as a commercial activity], and ‘trade’ has a corresponding meaning;”;
- (v) by the insertion after the definition of “trading” of the following definition:
“**trading platform**’ means a platform where power market participants conduct trade;”;
- (w) by the substitution for the definition of “transmission” of the following definition:
“**transmission**’ means the conveyance of electricity through a transmission power system, excluding system operation and trading, and ‘transmit’ and ‘transmitting’ have corresponding meanings;”;
- (x) by the insertion after the definition of “transmission” of the following definition:
“**transmission development plan**’ means the plan for the development of the national transmission power system referred to in sections 34(6)(b) and 35(3A);”;
- (y) by the substitution for the definition of “transmission power system” of the following definition:
“**transmission power system**’ means a network for the conveyance of electricity which operates above a nominal voltage of 132kV including assets that are approved by the Regulator to be part of the transmission power system;”;
- (z) by the insertion after the definition of “transmission power system” of the following definition:
“**Transmission System Operator SOC Ltd**’ means a juristic person established in terms of section 34A(1);”;
- (zA) by the substitution for the definition of “transmitter” and “this Act” of the following definitions, respectively:
“**transmitter**’ means a person who [transmits electricity] manages and maintains a transmission power system; [and]
“**this Act**’ includes any regulation or rule made or issued in terms thereof[.]; and”;
- (zB) by the insertion after the definition of “this Act” of the following definitions:

- (p) ngokufaka endaweni yencazelo “ukufakelwa kukagesi” le ncazelo elandelayo:
‘ukufakela ugesi’ kushiwo ukudluliswa kukagesi ngohlelo lwamandla okuxhumanisa olusebenza ngo-11kV noma ngaphansi ngaphandle kokuhwebelana, kanye “nokuhlukanisa” kunezincazelo ezifanayo;”;
- (q) ngokufaka endaweni yencazelo “nika” le ncazelo elandelayo:
 “‘nika’ kushiwo ukuhweba, ukusebenza kohlelo, ukuthekelisa kanye nokungenisa nokuphehla, ukuthunyelwa nokwabiwa kukagesi;”;
- (r) ngokushutheka ngemuva kwencazelo “nika” lezi zincazelo ezilandelayo:
 “‘ukusetshenziswa kohlelo’ kushiwo ukusetshenziswa kohlelo lukazwelonke lokuthumela amandla kagesi ngesikhathi sangempela, okuhlanganisa ukuthunyelwa, ukuhlelwa kokudluliswa kwamandla kanye nemisebenzi yokusiza, ukuxhumanisa ukunqamuka kokuphehla, ukulawulwa nokuxhumanisa ukudluliswa kwamandla kagesi, kanye neminye imisebenzi engadingeka ukuze kube nokusebenza okuthembekile nokuyimpumelelo kohlelo lukazwelonke lokudluliswa kukagesi;
‘umqhubi wohlelo’ kushiwo umuntu obhekele ukusebenza kohlelo;”;
- (s) ngokufaka endaweni yencazelo “umthelo” le ncazelo elandelayo:
 “‘umthelo’ kushiwo imali ekhokhiswa umthengi noma umsebenzisi maqondana nomsebenzi ogunyaziwe noma obhalisiwe, ngaphandle kwenkokhelo eyengeziwe, intela, ezingahlanganisa umthelo ngokunqunywa nguMlawuli, kanye nenkokhelo eyengeziwe, intela, inteliso noma intela ebekwe umasipala ngokwesigaba sama-229 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, we-1996;”;
- (t) ngokushutheka ngemuva kwencazelo “umthelo” le ncazelo elandelayo:
 “‘umhwebi’ kushiwo umuntu ohweba ngoges;”;
- (u) ngokufaka endaweni yencazelo “ukuhweba” le ncazelo elandelayo:
 “‘ukuhweba’ kusho ukuthengwa kukagesi ezitolo ezinkulu noma ezincane kanye nokudayiswa kukagesi [njengomsebenzi wokwenza imali], futhi ‘hweba’ kunencazelo efanayo;”;
- (v) ngokushutheka ngemuva kwencazelo “ukuhweba” le ncazelo elandelayo:
 “‘inkundla yokuhweba’ kushiwo inkundla lapho abahlanganyeli bemakethe kagesi behweba khona;”;
- (w) ngokufaka endaweni yencazelo “ukuthumela” le ncazelo elandelayo:
 “‘ukuthumela’ kushiwo ukuhambisa ugesi ngohlelo lokuthumela amandla kagesi, ngaphandle kokusetshenziswa kohlelo kanye nokuhweba, kanti igama ‘thumela’ negama ‘ukuthumela’ anencazelo ehambisanayo;”;
- (x) ngokushutheka ngemuva kwencazelo “ukuthumela” le ncazelo elandelayo:
 “‘uhlelo lokuthuthuk

“‘**vertically integrated licensee**’ means a person who holds one or more of the licences listed in section 4(a)(i), but excludes a person who only holds licences in terms of section 4(a)(i)(bb) and (cc); and ‘**vesting contract**’ means a contract or other financial arrangement between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, as the case requires, for the sale of a specified amount of electricity at a price determined by the Regulator as a mechanism to facilitate the transition to a competitive market.”.

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Amendment of section 2 of Act 4 of 2006

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2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:
“(a) achieve the efficient, effective, sustainable and orderly development and operation of electricity supply infrastructure in the Republic of South Africa;”

Insertion of section 2A in Act 4 of 2006

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3. The following section is hereby inserted in the principal Act after section 2:

“**Application of Act**

2A. (1) This Act is applicable to the generation, transmission, distribution, reticulation, system operation, trading, and import and export, of electricity activities, and to persons undertaking such activities. 20
(2) The Act is not applicable to the operation of generation facilities with or without battery storage—
(a) for the sole purpose of providing standby or back-up electricity;
(b) where the facility, irrespective of capacity (megawatts), does not have a point of connection to the facility; or 25
(c) with a capacity of not more than 100 kilowatts, which complies with the code, has a point of connection and is subject to the distributor’s prescribed conditions relating to the continued use of the point of connection.
(3) For the purposes of subsection (2), the Regulator shall prescribe the manner in which the distributor shall keep a register of each facility.”. 30

Substitution of section 3 of Act 4 of 2006

4. The following section is hereby substituted for section 3 of the principal Act:

“**Regulator**

3. (1) The National Energy Regulator established by section 3 of the National Energy Regulator Act is the custodian and enforcer of the regulatory framework provided for in this Act. 35
(2) The Regulator has regulatory authority over persons undertaking activities, which are subject to this Act and has the powers to issue, amend, withdraw, suspend and revoke licences and determine the registration, revocation and deregistration of persons or activities in accordance with this Act.”. 40

Amendment of section 4 of Act 4 of 2006, as amended by section 2 and renumbered by section 16 of Act 28 of 2007

5. Section 4 of the principal Act is hereby amended— 45

“‘**umnikazi welayisensi edidiyelwe**’ kushiwo umuntu onelayisensi eyodwa noma amalayisensi amaningi asohlwini lwesigaba sesi-4(a)(i), kodwa akubandakanyi umuntu onamalayisensi kuphela ngokwesigaba sesi-4(a)(i)(bb) kanye no (cc); futhi ‘**inkontileka yokuthenga**’ kushiwo inkontileka noma olunye uhlelo lwezezimali phakathi kwe-*National Transmission Company South Africa SOC Ltd* kanye nesiphehli sakwa-*Eskom* noma umnikazi welayisensi yokusabalalisa, njengoba kudingeka, ukuthengiswa kwenani elithile likagesi ngentengo enqunywe uMlawuli njengendlela yokwenza lula ukuguqukela emakethe ebangisanayo.”.

Ukuchitshiyelwa kwesigaba 2 soMthetho 4 wezi-2006

2. Ngakho-ke isigaba sesi-2 soMthethongqangi sichitshiyelwe ngokufaka endaweni yendima (a) le ndima elandelayo:
“(a) ukuzuza intuthuko esebenza kahle, ephumelelayo, eqhubekayo futhi ehlelekile kanye nokusebenza kwengqalasizinda yokuphakela ugesi eRiphabhulikhi yaseNingizimu Afrika;”

Ukushuthekwa kwesigaba 2A soMthetho 4 wezi-2006

3. Ngakho-ke isigaba esilandelayo sishuthekwe kuMthethongqangi ngemuva kwesigaba sesi-2:

“**Ukusetshenziswa koMthetho**”

2A. (1) Lo Mthetho usebenza ekuphehleni, ekudluliseni, ekusabalaliseni, ekuhlukaniseni, ukusetshenzisweni kohlelo, ekuhwebeni, nasekungeniseni nasekuthekelisweni, kwemisebenzi kagesi, nakubantu abenza leyo misebenzi.
(2) UMthetho awusebenzi ekusebenzeni kwezindawo zokuphehla ngebhethri noma ngaphandle kwayo—
(a) ngenhloso eyodwa yokuhlinzeka ngogesi wokulinda ukusetshenziswa noma wokugada inkinga;
(b) lapho isikhungo, kungakhathalekile umthamo waso (ama-megawatts), singenayo indawo yokuxhumana nesikhungo; noma
(c) enamandla angeqile ku-100 kilowatts, ehambisana nekhodi, inendawo yokuxhumana futhi ingaphansi kwemibandela enqunywe umsabalalisi ephathelene nokusetshenziswa okuqhubekayo kwendawo yokuxhuma.
(3) Ngezinhloso zesigatshana sesi-(2), uMlawuli uzobeka indlela umsabalalisi okufanele agcine ngayo irejista yesikhungo ngasinye.”.

Ukufaka endaweni yesigaba 3 soMthetho 4

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065