

(16 January 2009 – to date)

## ELECTRICITY REGULATION ACT 4 OF 2006

*Government Notice 660 in Government Gazette 28992, dated 5 July 2006. Commencement date: 1 August 2006 – unless otherwise indicated [Proc. R30, Gazette No. 9057, dated 21 July 2006].*

### ELECTRICITY REGULATIONS ON DEVIATION FROM SET OR APPROVED TARIFF

*Government Notice R26 in Government Gazette 31793, dated 16 January 2009. Commencement date: 16 January 2009.*

I, BUYELWA B SONJICA, Minister of Minerals and Energy HEREBY under section 15(3) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006), after consultation with the regulator, make the regulations in the Schedule.

### SCHEDULE

1. Definitions
2. Prescribed circumstances

#### 1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates -

**"annual national baseline electricity consumption"** means the total electricity sales in terawatt-hours during the period October 2006 to September 2007;

- (a) of the end-users of all licensees; and
- (b) the electricity sales to all licensees' customers who are located beyond the boundaries of the Republic of South Africa,

**"national savings target"** means a percentage reduction of the annual national baseline electricity consumption, to achieve a sufficient margin between the demand for electricity and the supply of electricity.

**"sector"** means classes of customers or customer categories or groupings of customers as determined by the Minister.

"**sector savings target**" means the savings target percentage applicable to sectors and/or individuals and/or customers and/or end- users to achieve the national savings target.

## 2. Prescribed circumstances

- (a) The national savings target shall for each year for a period of 5 (five) years calculated from the date of promulgation of these regulations be 10 (ten) percent of the annual national baseline electricity consumption subject to the annual review by the Minister.
- (b) The regulator may approve a deviation from the set or approved tariffs as contemplated by section 15 (3) of the Act under the following circumstances, inline with the prescribed rules:
  - (i) When the electricity demand is higher and is threatening the sustainability of the electricity supply industry;
  - (ii) When the national savings target of at least 10 percent is not achieved; or
  - (iii) When the sector saving target as may be determined by the Minister after consultation with the stakeholders is not being achieved;