

CAN A MUNICIPALITY CUT-OFF YOUR WATER OR ELECTRICITY?

It is illegal to cut off your water or electricity supply without written notice. Before your water or electricity service can be disconnected, you must be served with a written notice of the municipality's intention to disconnect either service and be granted an opportunity to respond.

Section 2 of the Constitution, 1996 of the Republic of South Africa ("the Constitution") guarantees its supremacy and further stipulates that "law or conduct inconsistent with it is invalid".

Whilst Section 8(1) of the Constitution states that "the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state".

Additionally, section 9 (1) of the Constitution states that everyone is equal before the law and has the right to equal protection and benefit of the law".

If you are a tenant and do not receive a bill because the landlord pays the municipality for water and electricity, the municipality must still notify you of its intention to disconnect your water and/or electricity supply, in writing and post it in a place where you will see it. For instance, your main gate or entrance etc.

In accordance with section 4 (3)(c) of the Water Services Act, No. 108 of 1997 (as amended) it is against the law to cut off your water even if you owe money on your account.

Consequently, it is not against the law for a municipality to cut-off your electricity. The caveat being that you must always be given prior written notice.

If you rent your home and your landlord disconnects your water or electricity supply without a court order, it is also against the law in terms of section 16 (h) ((A) of the Rental Housing Act, No. 50 of 1999, (as Amended).