

13 Junie 2025

Mr Metro Shoba
Manager: Key Accounts
Revenue
City of Ekurhuleni
Civic Center
Trichardt Road
BOKSBURG
1459

Mr. Shoba

UNLAWFUL DISCONNECTION OF ELECTRICITY AT SCHOOLS IN EKURHULENI

Kindly refer to the attached "Disconnection Notice" marked Annexure A for reference.

AfriForum is a community organisation that is involved in the matters of local government. AfriForum has an array of branches in the municipal jurisdiction of the City of Ekurhuleni Metropolitan Municipality (hereafter "the city") and represents the community of Ekurhuleni.

It has come to our attention that, yesterday (12/06/2025) representatives of the City of Ekurhuleni arrived at a public school, to disconnect its electricity supply. The school management were handed a disconnection notice, addressed to the Department of Infrastructure/Education and stated that the Department owes R236,454,841.04.

We wish to place on record that the municipal account of the school that contacted us is not in arrears and that it is unfair and unlawful to target an institution that is not in breach of any payment obligations.

The processes followed as well as the disconnection of electricity to a school not in arrears is in direct contravention of the City's Credit Control and Debt Collection Bylaw, specifically:

- Section 5.7 clearly stipulates that before any disconnection action is taken, the consumer must be issued a final demand/Pre-Termination Notice stating:
 - the minimum amount payable;
 - the opportunity to enter into a debt repayment arrangement; and
 - that disconnection will only follow failure to act within the specified period.

Junie 2024

Adres: Unionlaan 58, Kloofsig, Centurion • **Tel.:** 086 10 200 30
Ledesake – E-pos: ledesake@afriforum.co.za • **Direkteure:** Me. A. Bailey, mnr. P.J.W. Buys, dr. H.K. Coetzee, mnr. P.L. Dekker, mnr. F.J.D. de Klerk, mnr. G.R. de Vries, dr. D.J. Hermann, mnr. W.G. Human, mnr. C.M. Kriel en dr. R. Pretorius. • **Maatskappysekretaris:** Mnr. W.A. Vogel.
Registrasienommer: 2005/042861/08 • **OSW-nommer:** 054 - 590

The schools in question did not receive a Pre-Termination Notice, nor a Final Notice. Apart from that the disconnection notice that was served also did not state the information as stated above. Proceeding to disconnect supply without this process breached the express terms of Section 5.7(a)–(c) of the Bylaw.

- Section 5.7(a) and 7.1(a)(i): Disconnection may only occur after a final demand/Pre-Termination notice is properly issued and the account holder fails to pay. The disconnection at the school—despite no arrears—violates this fundamental requirement.
- Policy Section 4.1(ii): Requires that procedures must be “understandable, uniform, fair and consistently applied.” Targeting a compliant school on the basis of unrelated departmental debt is neither fair nor consistent

We wish to inform you that disconnecting power without 14 days prior written notice is illegal, and that any bylaw stating that it is legal, is subservient to judgments rendered by the Constitutional Court, stating that it is in fact illegal (the Judgment in Joseph v. City of Johannesburg 2010 (4) SA 55 (CC)).

The disconnection of electricity at a school with a fully paid municipal account, based solely on the broader arrears of a provincial department, is not only procedurally and substantively unlawful but deeply disruptive to the educational environment and infringes the rights of learners.

AfriForum is of the opinion that the City are using schools as a soft target to enforce their bylaws on the actual culprits which in this case is the Department of Infrastructure/Education (as mentioned in the Disconnection Notice)

AfriForum urges the City to:

1. Refrain from any further unlawful disconnection attempts at institutions that are not in arrears;
2. Reconnect power supply to schools that have been disconnected until proper processes have been followed as stated in the City's bylaw
3. Confirm whether all future disconnections will comply with the bylaw, constitutional obligations, and relevant jurisprudence.

We request a formal written response within 2 days of receipt of this letter. AfriForum reserves its rights, including the right to pursue appropriate legal remedies.

Kind Regards

Deidré Steffens

Adviser: Local Government Affairs

AfriForum

E-mail: deidre.steffens@afriforum.co.za

