

## S. v. MASSYN.

(TRANSVAAL PROVINCIAL DIVISION.)

1970. May 4. CLAASSEN, J. and PHILIPS, A.J.

*Electricity.*—"Wiring work."—*What constitutes.*—Act 20 of 1939, as amended, sec. 1.

The coupling of an earthwire to the top of poles above the power wires, where the earthwire is also a lead-wire and a continuity wire, a lead-wire for the whole system, constitutes "wiring work" as defined in the Electrical Wiremen and Contractors Act, 20 of 1939, as amended.

Appeal against a conviction in a magistrate's court. The facts appear from the judgment.

*E. H. Stafford*, for the appellant: "....."

*M. T. van der Merwe*, for the State.

## 279 E

CLAASSEN, J.: The appellant entered into a contract for the erection of certain electrical installations at a certain school. He had to make connections for the distribution of electricity on the grounds of a school from the Escom point of supply.

The installation of electrical power on any premises is naturally a dangerous undertaking and such an undertaking is controlled by legislation. The Act which controls it is the Electrical Wiremen and Contractors Act, 20 of 1939, as amended. Properly qualified workmen must be used at certain points and for certain operations which are dangerous. The accused was found guilty of a contravention, in that, he allowed certain work, viz. the coupling of an earthwire to the top of poles above the power wires, to be done by an unqualified person.

Sec. 19 of the Act provides that a supplier of electricity must inspect the wiring work, and sec. 20, that after expiration of three months from the date of a determination under sec. 18 wiring work on premises

shall be done by or under supervision of registered wiremen. Sec. 18 provides that the Minister concerned may from time to time determine the areas to which sec. 19 and 20 shall apply. Sec. 20 provides specifically that after expiration of three months from the date of the determination by the Minister in terms of sec. 18 in respect of an area no person may cause or allow anyone to do wiring work in that area, except certain qualified persons mentioned in sub-para. (a) and (b) of sec. 20.

The charge in this case reads as follows:

"That the accused is guilty of contravening sec. 20 (c) of Act 20 of 1939.

In that on or about 22nd January, 1967 and at Oom Paul School, Moetwil, in the district of Swartruggens, in the Regional Division of Transvaal, the accused did wrongfully and unlawfully, after expiration of three months from the date of a determination in terms of sec. 18 in respect of an area, cause or allow Johannes Stevens Botes to do wiring work in that area in contravention of the provisions of par. (a) or (b) of sec. 20 of Act 20 of 1939."

It is common cause that appellant allowed Botes to couple an earthwire to the top of poles. The earthwire must be coupled to the top of the poles above the power wires. This fact was admitted by the State.

The defence admitted that the said Botes did not have the qualifications required by sec. 20 in respect of persons doing wiring work. The defence also admitted that the Minister concerned made the determination in terms of sec. 18 and therefore made sections 19 and 20 applicable to the area concerned where appellant allowed Botes to work. It was also admitted that the determination had been made by the Minister on a date prior to the period of three months before Botes did the said work.

The only issue between the State and the defence was whether Botes did wiring work.

The Act, as amended by sec. 2 of Act 48 of 1962 defines wiring work as follows:

"'Wiring work' means the installation, alteration, repair or testing of any cable, conductor, fitting, apparatus or conduit in or connected to any premises and used or intended to be used for purposes incidental to the supply of electricity from a distribution line of any supplier to a point of consumption in or connected to such premises,"

and then the definition goes on to explain what type of work does not fall under the definition of wiring work. That part I need not quote here.

It appears to me that the purpose of the earthwire is to make the whole system safe and to carry dangerous loads of electricity to the earth.

The expert in regard to this, viz. Jansen, who gave evidence, deposed that the earthwire is also a conductor and further that it is also a continuity wire, a conductor for the whole system.

The evidence, therefore, amounts to this, firstly, that the earthwire is a conductor, secondly, that the whole system is linked to certain premises and, thirdly, it is destined for use and is related to the supply of electricity to premises. The object is apparently to make the whole system safe and according to the evidence of Jansen it is an integral part of the whole system. It appears to me, therefore, that according to

the description and definition of wiring work that it is indeed related to the supply of electricity to certain premises. I am, therefore, of the

**281**

opinion that the installation of an earthwire in this case is, according to the definition, wiring work and therefore this appeal cannot succeed; it is dismissed and the conviction and sentence are confirmed.

PHILIPS, A.J., concurred.

Appellant's Attorneys: *Warren and Coulson, Zeerust; Rooth and Wessels, Pretoria.*

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