

The Union of Myanmar
The State Peace and Development Council
The Board of Yangon City Electric Power Supply Law
(The State Peace and Development Council Law No. 6/2005)
The 7th Waning of Tazaungmone 1367 ME
(22nd November, 2005)

The State Peace and Development Council hereby enacts the following Law:

Chapter I

Title and Definition

1. This Law shall be called **the Board of Yangon City Electric Power Supply Law**.

2. The following expressions contained in this Law shall have the meanings given hereunder:

(a) **Electric Power** means the electric power produced from steam turbines or hydro-power

turbines or fuel engine or natural gas turbines or nuclear power plant or solar power plant or by any other means.

(b) **Electric Power Works** means the works of exploration, production, transmission and distribution of electric power.

(c) **Area of Yangon City Electric Power Supply** means the area prescribed by the Ministry of Electric Power, with the approval of the Government for the purpose of this Law.

(See page 10)

**The Union of Myanmar
The State Peace and Development Council
The Board of Yangon City Electric Power
Supply Law**

(from page 1)

- (d) **Consumer of the Electric Power** means the persons who uses the electric power owned by the Board of Yangon City Electric Power Supply.
- (e) **Act of Wastage** means an act done by any means to waste electric power intentionally, causing loss to the Board.
- (f) **Board** means the Board of Yangon City Electric Power Supply formed under this Law.

Chapter II

Formation of the Board

3. The Ministry of Electric Power, with the approval of the Government:

- (a) shall form the Yangon City Electric Power Supply Board comprising from a minimum of seven members to a maximum of fifteen members with technicians and suitable citizens, in order to carry out electric power works effectively within the area of the Yangon City Electric Power Supply.
- (b) shall determine the Chairman, Vice-Chairman, Secretary and Joint-Secretary and assign duty thereof in forming the Board.
- (c) may alter and form the Board as may be necessary.
- (d) shall determine the pay and remuneration entitled to the members.

4. The Board shall be directly responsible to the Minister of the Ministry of Electric Power.

5. The Joint-Secretary of the Board is the Head of the Office.

6. The Board shall have the right to operate under its own name and common seal and shall have perpetual succession and the right to sue and be sued in its corporate name.

Chapter III

Functions and Duties of the Board

7. The Board shall perform the following functions and duties within the area of the Yangon City Electric Power Supply:

- (a) laying down the policy, guidance and supervision, that are required in the implementation of the provisions of this Law;
- (b) carrying out measures for enhancing the development of the electric power sector for Yangon City on a par with international standard;
- (c) carrying out measures to supply sufficient electric power to the consumers of electric power;
- (d) carrying out measures to prevent cut off of the supply of electric power, the loss of electric power and to collect electric power fees fully;
- (e) distributing electric power to the consumers of electric power in line with prescribed voltage and current systematically, in accordance with the stipulations;
- (f) supervising the collection of electric power fees from the consumer of electric power;
- (g) inspection of the electric power works owned by the Board and causing inspection to be made by a team or by any individual;
- (h) inspection of the use of electric power and causing inspection to be made by any individual;
- (i) carrying out measures for the competency and work-site discipline of the personnel of the Board;
- (j) coordinating, if necessary, with the government departments and organizations in carrying out the duties and functions of the Board;
- (k) carrying out other functions and duties assigned from time to time by the Ministry of Electric Power.

Chapter IV

Powers of the Board

8. The Board has the powers to carry out the following in the area of Yangon City Electric Power Supply:

- (a) performing the electric power works;
- (b) purchasing necessary electric power at the

rate prescribed by the Ministry of Electric Power;

- (c) determining and altering the rates of electric power fee with the approval of the Ministry of Electric Power;

(d) cutting off the electric power supply if there is failure to pay electric power fees during the prescribed period;

(e) utilizing electric power fees and the money received by other means in accordance with the stipulated regulations and conditions;

(f) granting permission, if necessary to any organization or any individual to operate any electric power works as a business taking charges with the approval of the Ministry of Electric Power in the locality where electric power cannot be supplied fully as yet by the Board;

(g) arranging for development of electric power works and safety from electrical danger by making use of modern and advanced technology;

(h) scrutinizing and permitting the application for the use of electric power;

(i) cutting off electric power, if necessary, after investigation on the loss of electric power and the use of electric power by illegal means, and passing decision on the prescribed compensation;

(j) passing decision on the compensation to be paid by any person who has committed any act contained in section 26, section 27 and section 28;

(k) filing information report or causing information report to be filed at the relevant Police Station to take action against offences contained in this Law;

(l) exercising the powers conferred by the Ministry of Electric Power, from time to time.

9. The Board may delegate its functions, duties and powers conferred under section 7 and section 8 to any personnel of the organization.

Chapter V

Organizational Set-up and Formation of Offices at Different Levels

10. The Board shall draw up the necessary organizational set-up, based on the electric power works to be implemented, with the approval of the Ministry of Electric Power.

11. The Board shall form offices at different levels to carry out the electric power works within the area of Yangon City Electric Power Supply as follows:

- (a) The Board of Yangon City Electric Power Supply Office;
- (b) The District Electric Power Supply Offices;
- (c) The Township Electric Power Supply Offices.

12. The Board, in accordance with the guidance of the Ministry of Electric Power:

- (a) has the right to appoint the necessary personnel within the organizational set-up;
- (b) shall determine the pay and remunerations of the personnel;
- (c) may, in coordination with the relevant government department and organizations, transfer and appoint personnel who can carry out electric power works effectively.

13. The Board shall carry out service affairs such as granting leave, granting pension, taking action and granting permission to resign in accordance with the service regulations stipulated for public servants.

14. The Board:

- (a) in appointing personnel, may expend up to 30 percent of the annual income accrued;
- (b) if it is desired to expend more than the percentage, provided in sub-section (a), may obtain the approval of Government, through the Ministry of Electric Power.

15. The Board may delegate powers relating to service affairs to the Head of the Office, as may be necessary for enabling the supervision of the personnel.

**Chapter VI
Inspection**

16. The Board may inspect the electric power works and use of electric power, in accordance with the stipulations and may confer the duty of inspection on a team headed by a member or on any member or any personnel.

17. The Board or the inspection team and person assigned duty of inspection under section 16 have the right to enter into the relevant land and building to inspect the electric power works and the use of electric power.

18. The Board or the inspection team and person assigned duty of inspection by the Board may:

- (a) examine the person who operates electric power works and the consumers of electric power;
- (b) may summon and examine the owner of the relevant land and building, if necessary.

Chapter VII

Finance

19. The Board shall subsist on its own funds. In addition, it shall take responsibility for all its financial matters. It may take loans with the approval of the Ministry of Electric Power from the Government, or local and foreign organization or person, if its own funds are insufficient.

20. The Board shall open a bank account for its funds and separate bank account for foreign currency accrued to it and may expend in accordance with the procedures, rules and regulations.

21. (a) The Government may determine the amount of maximum net profit which can be kept and expended by the Board;

(b) The Board shall expend the saved net profits which exceed the amount of net profit determined under sub-section (a), in accordance with the decision of the Government.

22. The Board shall:

(a) scrutinize the annual budget estimate and submit and obtain the approval of the Ministry of Electric Power;

(b) submit the progress of the annual finance and auditing of accounts to the Ministry of Electric Power within 90 days after the expiry of the financial year.

Chapter VIII

Maintenance of Fund and Auditing of Accounts

23. In order that the Head of the Office may maintain the accounts systematically and to enable auditing thereof the Board shall prescribe the accounts procedures in coordination with the Office of the Auditor-General.

24. The Head of the Office shall:

(a) compile and keep the accounts in accordance with the accounts procedures prescribed by the Board;

(b) in respect of the accounts compiled and kept under sub-section (a), submit to the auditing by the person assigned by the Ministry of Electric Power or the Auditor-General.

Chapter IX

Compensation for Injury

25. In the event of injury, physical disability or death due to negligence or failure to carry out duty by the Board or by person assigned duty by the Board, the aggrieved person shall receive the following compensation from the Board:

(a) if aggrieved person is not covered by the Workmen's Compensation Act, the compensation prescribed by rules or procedures issued under this Law;

(b) if aggrieved person is covered by the Workmen's Compensation Act, the compensation prescribed under the said Law or the compensation prescribed under sub-section (a), whichever is larger in amount.

Chapter X

Compensation for Offences

26. The Board shall, in respect of electric power works being carried out by the Board, pass an order on any person who has committed any of the following acts to cause payment of the current value of electric

(See page 11)

The Union of Myanmar
The State Peace and Development Council
The Board of Yangon City Electric Power
Supply Law

(from page 10)

power owned by the Board and electrical equipment owned by the Board that have been damaged or lost or the prescribed compensation for the loss caused by such commission to be made to the Board in accordance with the stipulations:

- (a) abstracting, causing act of wastage, reselling illegally, using illegally or stealing and using of electric power dishonestly;
- (b) destroying any of the electrical equipment;
- (c) destroying any of the electric power works.

27. The Board shall pass an order on any person who commits any of the following acts in respect of electric power owned by the Board, which is in the process of execution by the Board, to pay the prescribed amount of money as compensation to the Board:

- (a) transferring without the permission of the Board any electrical equipment to any other person;
- (b) allowing the use of electric power by way of distributing to any other person, without the permission of the Board;
- (c) using the electric power not allowed to be used for commercial purpose from general purpose meter or domestic power meter;
- (d) consumption of electric power exceeding the power load limit of the industrial power meter;
- (e) diverting of electric current without the permission of the Board.
- (f) cutting off electric power line without the permission of the Board.

28. The Board shall pass an order on any person who operates any electric power work as a business, taking charges without the permission of the Board, in the locality where electric power can not be supplied fully as yet by the Board to pay the prescribed fees as compensation for the loss to the Board.

Chapter XI
Appeal

29. Any person dissatisfied with the order passed by the Board in respect of compensation under section 26, section 27 and section 28:

- (a) may appeal to the Ministry of Electric Power

within 30 days from the date of receiving the order causing payment of compensation to be made;

- (b) shall have the right to appeal only after the compensation prescribed by the Board has been paid.

30. The Ministry of Electric Power may revise, set aside and confirm the order passed by the Board in an appeal case under sub-section (a) of section 29.

31. The decision of the Ministry of Electric Power made under section 30 shall be final and conclusive.

32. If the person on whom order to pay compensation has been passed wins in the appeal, he shall be entitled to get back the compensation in accordance with the decision of the Ministry of Electric Power.

Chapter XII
Offences and Penalties

33. Whoever dishonestly abstracts, causes wastage, resells illegally, uses illegally or consumes illegally the Board-owned electric power shall be deemed to have committed theft of electric power under the Penal Code.

34. Whoever dishonestly diverts electric current, cuts off electric power supply-line, damages any of the electric power works shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years or with fine from a minimum of kyats 100,000 to a maximum of kyats 1,000,000 or with both.

35. Whoever carries out any of the electric power works as a business, taking charges without the permission of the Board in the locality where no sufficient electricity supply can be made by the Board within the area of Yangon City electric power supply, shall, on conviction be punished with fine from a minimum of kyats 100,000 to a maximum of kyats 1,000,000 and shall also be liable to pay, on conviction, a fine of kyats 50,000 for each day of the period during which the offence is continued, after conviction that of.

36. Whoever violates any of the prohibitions contained in the rules and orders issued under this Law shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine of kyats 500,000 or with both.

37. Whoever attempts to commit any offence contained in this Law or abets the commission of an offence shall be punished with the penalty provided for such offence in this Law.

Chapter XIII
Miscellaneous

38. The members and personnel of the Board, when performing or purporting to perform the functions and duties under this Law shall be deemed to be public servants within the meaning of section 21 of the Penal Code.

39. The Ministry of Electric Power may, with the approval of the Government, determine the demarcation and alteration of demarcation of the area of Yangon City Electric Power Supply.

40. Moveable and immoveable properties, works in the process of execution, completed works, assets and liabilities of the Divisional Electrical Engineer's Office, District Electrical Engineer's Office, Township Electrical Engineer's Office within the area of Yangon City Electric Power Supply shall devolve respectively on the Board in the prescribed manner of the Ministry of Electric Power.

41. The Board:

- (a) shall have the right to recover from the person who fails to pay electric power fees and compensations due to the Board, as if they were arrears of land revenue;
- (b) may assign duty to any suitable person to exercise the powers of the Collector under existing laws in carrying out the matters contained in sub-section(a).

42. The offences under this law are determined as offences cognizable by the Myanmar Police Force.

43. The relevant court shall have jurisdiction on any offence prescribed in this Law only when information report has been made to the relevant Myanmar Police Force Station and action has been taken by the Board or any responsible person of the Board.

44. For the purpose of carrying out the provisions of this law:

- (a) The Ministry of Electric Power may, with the approval of the Government, issue such rules and procedures as may be necessary;
- (b) The Ministry of Electric Power and the Board may issue such notifications, orders and directives as may be necessary.

Sd/...

Than Shwe
 Senior General
 Chairman

The State Peace and Development Council