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Electricity Law (Draft)
2013, Pyidaungsu Hluttaw Law No. (-)
1375 M.E, ----- Month, ----- Day
2013, ----- Month, ----- Day

The Pyidaungsu Hluttaw hereby enacts this law.

Chapter 1

Title and Definition

1. This law shall be called the Electricity Law.
2. The following expressions contained in this law shall have the meanings given hereunder:
 - (a) **Electric power** means the electric power generated by using any source of energy;
 - (b) **Electricity-related work** means any work in connection with electric power in order to investigate, construct, generate, transmit, distribute, use, trade; control the electrical system; produce electrical appliances; perform electrical testing; or prevent electrical hazards;
 - (c) **Authorized person** means a person who is permitted to perform electricity-related work;
 - (d) **License to engage in electricity-related work** means a permission issued by the relevant ministry to engage in electricity-related work;
 - (e) **Investigation** means the exploration of the resources for the generation of electric power, evaluation and implementation, study and assessment of the relevant locations for the construction of power-generating stations, power sub-stations and power transmission lines;
 - (f) **Construction** means the construction of electric power plants, power transmission lines and power sub-stations;
 - (g) **Generation of electric power** means the generation of electric power from any energy source, using any technology;
 - (h) **Transmission of electric power** means the systematic transmission of electric power from the place of its generation to the place of its consumption via electric power lines with specified voltage, ampere and frequency;
 - (i) **Power transmission system** means any power transmission system using power lines, towers, concrete posts, power sub-stations, transformers and associated equipment by

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- which the electric power is transmitted from the power-generating main feeders to main sub-stations or to each sub-stations;
- (j) **Distribution of electric power** means the systematic distribution of electric power to its consumers with the specified voltage, ampere and frequency;
 - (k) **Electric power distribution system** means the system for distributing electric power from the electric power plant or power sub-station using power lines, power line posts, sub-stations, transformers and associated equipment;
 - (l) **Trade in electric power** means transactions related to, and the charging of fees for, the generation of electric power, its transmission and distribution within the country or to any neighbouring countries;
 - (m) **Consumption of electric power** means obtaining and consuming electric power with specified voltage, ampere and frequency in accordance with the stipulations;
 - (n) **Electricity sector** means the electric power industry encompassing the electric power system, consumers of electric power and all electricity-related work;
 - (o) **Electric power plant** means a plant for generating electric power. In this expression, the machineries in the plant, spare parts, pipelines, power lines, related equipment and appliances are included;
 - (p) **Electric power system** -
 - (a) **National grid** means the system - covering the whole country - of electric power generation, its transmission and distribution from the main electric power plants and the main power sub-stations via power transmission lines, power distribution sub-stations and power distribution lines;
 - (b) **Regional electric power system** means a regional electric power system which is not connected to the national grid.
 - (q) **Electric power supply area** means an area specified by the relevant ministry with the consent of the Union government in which electricity-related work is to be carried out;
 - (r) **Electric power line area** means the area which stretches along an electric power line across a distance specified by the Ministry as sufficient to prevent electrical hazards;
 - (s) **Management and control of the electric power system** means the systematic management and control of the generation of electric power, its transmission and distribution in the national grid;

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- (t) **Inspection of electricity-related work** means an inspection in order to check whether electricity-related work - with the exception of investigation; supervision and control of the electric power system; and trade in electrical power - is performed in compliance with the stipulations;
- (u) **Inspection of electricity-related machinery** means an inspection of electrical instruments and electrical equipment, machineries, equipment and power lines used for electricity-related work as to their strength and their compliance with the specified standard and norms;
- (v) **Relevant ministry** means the relevant Union ministry to which the Union government has assigned the functions and duties contained in this law;
- (w) **Union minister** means the relevant Union minister as assigned by the Union government;
- (x) **Electric power board** means the board formed by the relevant ministry with the consent of the Union government which is charged with the effective performance of electricity-related work in the specified electric power supply area;
- (y) **Electric power company** means a company formed by any electric power board and local or foreign entrepreneurs as a joint venture to perform electricity-related work;
- (z) **Private electric power producer** means a person who, after having obtained a license to engage in electricity-related work in accordance with the existing laws, produces electric power as an independent power producer (I.P.P.) or captive power producer (C.P.P.);
- (aa) **Power consumer** means a person who obtains and consumes electric power in accordance with the existing laws;
- (bb) **Main power sub-station** means an element of the power transmission which is connected to a power transmission line, receives electric power, converts it into voltage and then transmits and distributes it to a power sub-station;
- (cc) **Power sub-station** means a power sub-station which is connected to the electric power distribution system and the electric power lines, receives electric power, converts it into voltage and then distributes it to the consumer.
- (dd) **Small-scale electrical project** means a project which can generate up to 10 megawatts.
- (ee) **Mid-sized electrical project** means a project which can generate more than 10 megawatts up to 30 megawatts;

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- (ff) **Large-scale electrical project** means a project which can generate more than 30 Megawatts;
- (gg) **Electrical hazard** means electrocution or the occurrence of death or injury in living creatures or damage to materials due to electrical power;
- (hh) **Service charge** means fees for initial power connection, rental fees for an electricity meter and fees for electricity delivered (capacity charges);
- (ii) **Electrical safety certificate** means a certificate issued by the chief inspector after the electricity-related work has been inspected in accordance with the stipulations;
- (jj) **Electrical quality certificate** means a certificate issued by the chief inspector after having found, upon investigation in accordance with the existing laws, rules and procedures, that goods are in compliance with the stipulated quality;
- (kk) **Electrical instruments** means electronic or electrical equipment produced by using electronic or electrical parts or accessories obtained domestically or abroad;
- (ll) **Producer of electrical goods** means a person who produces machines for generating electric power, machines that use electric power, or electric instruments in accordance with the stipulated standards and norms;
- (mm) **Chief inspector** means the person who, with the approval of the Union government, is appointed by the relevant ministry to perform the duties and exercise the powers of the chief electricity inspector as contained in this law;
- (nn) **Inspector** means a person appointed by the relevant ministry to perform the duties and exercise the powers contained in this law;
- (oo) **Electrical aptitude certificate** means a certificate of aptitude to perform electricity-related work issued by the chief inspector.

Chapter 2

Objectives

3. The objectives of this law are as follows:
 - (a) Systematically manage electricity-related work in the country in order to better satisfy the country's need for electric power;
 - (b) to develop the electric power sector of the country in order to contribute to the implementation of present policies of the government of the Republic of the Union of

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- Myanmar relating to economic, social and environmental conservation and development;
- (c) to further encourage mid- and small-scale generation and distribution of electric power in the regions and the states to supplement large-scale power generation and distribution which is to be managed by the Union;
 - (d) to enable the wider use of electric power in a safe way in the urban and rural areas in the whole country;
 - (e) to ensure that electricity-related work in the country is performed in accordance with the stipulated standards and norms;
 - (f) to develop modern electrical technology and to increase the number of electrical technicians and professionals;
 - (g) to promote standards, norms and quality of electrical appliances;
 - (h) to control and supervise electricity-related work in conformity with the policies of the state;
 - (i) to prevent in advance the occurrence of electrical hazards and to implement effective penalties and specific rules in order to prevent losses to the public and the state when electricity-related work is performed;
 - (j) to increase foreign and local investments in electricity-related work;
 - (k) to write and promulgate equitable, transparent and reasonable rules and regulations for fixing electric power rates which are economically viable and sufficient to cover the investment costs;
 - (l) to respect, and comply with, the international conventions on environmental conservation which were approved and signed by the Union.

Chapter 3

Formation of the electricity regulatory commission for electricity-related work, its functions and duties

- 4. The Union government shall form an electricity regulatory commission headed by a person from a union level ministry and consisting of professionals and other suitable persons in order to effectively and successfully perform electricity-related work.
- 5. The duties and responsibilities of the electricity regulatory commission are as follows:

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- (a) to compile and write the national electricity policy after consultation with the relevant ministries and organizations;
 - (b) to compile and submit the matters relating to the electricity tariff policy in order to fix modern and systematic electric power rates;
 - (c) to advise, as necessary, the relevant ministries according to the guidance of the Union government in order to systematically develop electricity-related work;
 - (d) to form, as necessary, electricity regulatory sub-commissions in the regions, states and the respective self-administered zones and divisions and prescribe their duties and responsibilities;
 - (e) to survey, assess and review the status of the electricity sector in comparison to the international electricity standards and norms and communicate the findings to the relevant ministries for them to take necessary action;
 - (f) to form an inspection team comprising of suitable persons in order to check whether the production, import, export, distribution and use of electrical appliances is done in conformity with the specified standards and norms;
 - (g) to perform other duties relating to electricity as assigned by the Union government.
6. Members who are not public officers are entitled to the remuneration and allowances specified by the Union government.

Chapter 4

Organizations authorized to perform electricity-related work

7. The Union government confers authority to the following government departments and organizations to carry out electricity-related work:
- (a) the relevant Union ministries;
 - (b) the relevant region or state governments;
 - (c) the relevant self-administered zones or self-administered divisions;
 - (d) the organizations which have special permission to inspect electricity-related work and electrical equipment.
8. (a) The relevant Union ministry shall have the right to carry out large-scale projects of investigation, construction, generation, transmission, distribution and trade which are reserved to be managed by the Union with the consent of the Union government.

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- (b) The relevant ministry shall have the right to issue licenses to and revoke licenses of local and foreign investors to engage in electricity-related work and to supervise and inspect the work.
9. (a) The relevant Union minister shall have the right to form an electric power board or an electric power company in any region or state, sub-administered region or sub-administered division in order to implement large-scale projects of investigation, construction, generation, transmission and trade which are reserved to be managed by the Union with the consent of the Union government.
- (b) The governments of regions and states shall have the right to issue and revoke licenses to engage in electricity-related work in order to implement mid- and small scale electric power projects which are allowed to be managed in the region after consultation with the relevant ministry, and to supervise and inspect such work.
- (c) The relevant self-administered zone or self-administered division shall have the right to issue or revoke licenses for electric power projects in the region's towns and villages after consultation with the relevant ministry.
- (d) The electric power board or the electric power company mentioned in sub-section (a) shall, with the consent of the Union government, have the right to exist as a free and separate electric power board or electric power company for a suitable period of time.
10. When the relevant ministry, the relevant region or state, the relevant self-administered zone or self-administered division implement electric power projects for the benefit of the public:
- (a) They shall have the right to acquire the required land in accordance with the existing laws;
- (b) they shall, in accordance with the existing laws, have the right to extend, repair, transfer and construct electric power distribution and transmission lines, power sub-stations, power plants and related buildings which are under construction or use in the national grid.

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Chapter 5

Right to engage in electricity-related work

11. Any person wishing to engage in any electricity-related work may apply, in accordance with the stipulations, to the government department or organization which is authorized by this law to allow the respective electricity-related work.
12. The relevant Union ministry may allow any person or organization to engage in large-scale projects which are reserved to be managed by the Union with the consent of the Union government.
13. The region or state government may, after consultation with the relevant ministry, allow any person or organization to engage in mid- or small-scale electricity-related work which is not connected to the national grid, except for large-scale power generation and distribution which is reserved to be managed by the Union.
14. The relevant self-administered zone or self-administered division may, after consultation with the relevant ministry, allow any person or organization to engage in electricity-related work in the towns and villages of the region.
15. The government department or organization which has the right to allow electricity-related work under sections 12, 13 and 14 shall, upon receiving the application under section 11, scrutinize it and approve or reject it. It shall issue a license to the applicant if it allows him to engage in electricity-related work.
16. The ministry shall fix the term of the license in accordance with the type of electricity-related work.
17. The license holder shall register with the relevant ministry for electric power generation and distribution.
18. The license holder shall abide by the orders and directive issued by the relevant ministry from time to time and by the stipulated rules and regulations notified by the relevant ministry relating to the permitted electricity-related work.
19. The term of the license and the extension period shall be in accordance with the stipulations contained in the existing laws.
20. The license holder shall, upon expiry of the permitted term, transfer the project to the concerned party in accordance with the agreement or the regulations in place at the time of receiving the license.

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Chapter 6

Quality and norm specifications

21. Importers, producers and sellers of electrical appliances shall abide by the quality and norm specifications contained in the international conventions and regional conventions signed by the government of the Republic of the Union of Myanmar and in the rules, regulations, bye-laws and procedures issued under this law.

Chapter 7

Inspection of electricity-related work and electrical appliances

22. The duties and responsibilities of the chief inspector are as follows:
- (a) inspection for safety from electrical hazards and whether the electrical appliances are in conformity with the norms;
 - (b) causing persons engaging in electricity-related work to follow the rules and regulations contained in the international conventions and regional conventions signed by the Union government;
 - (c) assigning inspectors to inspect electricity-related work and electrical appliances irrespective of the location;
 - (d) issuing or revoking electrical aptitude certificates, electrical quality certificates, electrical safety certificates as a result of inspections made in accordance with the stipulations;
 - (e) implementing the stipulations of the Union Government regarding the issuance of registration certificates for electrical power generation and distribution;
 - (f) questioning of responsible persons and of witnesses relating to the occurrence of electrical hazards;
 - (g) performing other duties relating to the inspection assigned by the relevant ministry and the electricity regulatory commission.
23. The chief inspector and the inspectors shall have the right to enter into any place and any building in the performance of their duties.
24. The chief inspector and the inspectors must not commercially engage in any electricity-related work by any means.

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25. The relevant ministry shall establish and open laboratories necessary for the inspection of electricity-related work and electrical appliances.

Chapter 8

Management and control of the development of the power system

26. The relevant ministry:
- (a) Shall, as necessary, form electric power management bodies in suitable places for the systematic management of the country's electric power needs and of the electric power system;
 - (b) the electric power management bodies formed under sub-section (a) shall issue the rules, procedures and the directives to be followed.
27. [The relevant ministry shall, in order to develop modern electricity-related work, set up required training schools in order to cause the emergence of professionals, technicians and modern methods. It shall have the right to allow any other person or organization to do the same.

Chapter 9

Electrical norms and inspection methods

28. The relevant Ministry shall issue required norms and inspection methods for electricity-related work.
29. The decision of the relevant ministry shall be final and conclusive as to the results of inspections for compliance with electrical norms.
30. Power plants, power lines and power sub-stations of other departments or organizations which are connected to the national grid shall conform to the norms specified by the relevant ministry.
31. Person engaging in any electricity-related work shall do so in accordance with the rules, norms and procedures issued by the ministry and shall accept necessary inspections.

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Chapter 10

Electric power rates and service charges

32. The relevant ministry shall, with the consent of the Union government, have the right to fix suitable electric power rates that are to be charged to the power consumer according to the region. The electric power rate may be changed from time to time.
33. The governments of the regions, states, self-administered zones and self-administered divisions shall have the right to fix, after consultation with the relevant ministry, suitable electric power rates that are to be charged for electric power under their own management that is not acquired from the national grid. The electric power rate may be changed from time to time.

Chapter 11

Administrative actions

34. The persons with the authority to issue a license to engage in electricity-related work under section 8 shall have the right to take any of the following administrative actions if the license holder breaches the conditions contained in the license or any order or directive issued by the relevant ministry or is convicted of having committed any offence under this law-
 - (a) Levying of a fine;
 - (b) Suspension, for a limited time, of the license to engage in electricity-related work;
 - (c) Revocation of the license to engage in electricity-related work.

Chapter 12

Prohibitions

35. No one shall be engage in electricity-related work without having obtained a license from the relevant government department or organization.
36. No license holder shall engage in any work except the work contained in the license.
37. No one shall perform electrical installations and repairs without having an electrical aptitude certificate.
38. No one shall engage in electrical power generation, transmission, connection or use without having an electrical safety certificate.

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39. No one shall engage in the import, domestic production, export, distribution or sale of electrical appliances which do not conform to the norms stipulated by the relevant ministry.
40. No holder of a license to engage in electricity-related work shall perform the work jointly with, or transfer it to, someone else without the permission of the relevant department or organization.
41. No holder of a license to engage in electricity-related work shall sell, mortgage, lease, exchange, or use any other method to transfer the license or the whole work for which the license was granted or any part thereof without the permission of the relevant government department or organization which issued the license.
42. No one shall construct anything, grow trees, or engage in other inopportune activities within the electrical power line area.
43. No one shall, without the permission of the holder of the license to engage in electricity-related work, obtain electric power through a connection to the line, or waste or use electric power.
44. No one shall divert electric power, cut off a power line or destroy any electrical apparatus used in an electricity-related work.

Chapter 13

Offences and penalties

45. Anyone convicted of having violated the prohibition under section 35 shall be punished with a fine from minimum kyats 100,000 to maximum kyats 500,000. If, after having been punished in this way, he is convicted of having continued to commit the offence, he shall additionally be punished with imprisonment from minimum 1 year to maximum 3 years.
46. Any holder of a license to engage in electricity-related work convicted of having violated the prohibition under section 36 shall be punished with a fine from minimum kyats 100,000 to maximum kyats 500,000. If, after having been punished in this way, he is convicted of having continued to commit the offence, he shall additionally be punished with imprisonment from minimum 1 year to maximum 3 years.
47. Anyone convicted of having violated the prohibition under section 37 shall be punished with a fine from minimum kyats 50,000 to maximum kyats 300,000.

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48. Anyone convicted of having violated the prohibitions under section 38 shall be punished with a fine from minimum kyats 300,000 to maximum kyats 1,000,000.
49. Anyone convicted of having violated the prohibitions under section 39 shall be punished with imprisonment of minimum 1 year to maximum 3 years and with a fine of minimum kyats 3,000,000. The property relating to the offence shall be confiscated as state property and destroyed.
50. Any holder of a license to engage in electricity-related work convicted of having violated the prohibitions under section 40 shall be punished with a fine of minimum kyats 100,000 to maximum kyats 500,000. If, after having been punished in this way, he is convicted of having continued to commit the offence, he shall additionally be punished with imprisonment from minimum 1 year to maximum 3 years.
51. Any holder of a license to engage in electricity-related work convicted of having violated the prohibitions under section 41 shall be punished with a fine of minimum kyats 100,000 to maximum kyats 500,000.
52. Anyone convicted of having violated any prohibitions under section 42 shall be punished with imprisonment of up to 3 years and with a fine of up to kyats 1,000,000.
53. Anyone convicted of having violated any prohibitions under section 43 shall be punished with imprisonment of up to 3 years and with a fine of up to kyats 1,000,000.
54. Anyone convicted of having violated the prohibitions under section 44 shall be punished with imprisonment of minimum 5 years to maximum 10 years and with a fine of minimum kyats 100,000 to maximum kyats 1,000,000.
55. Anyone convicted of having abetted or aided to violate any prohibitions under sections 35 to 44 shall be punished as if he had committed the offence.

Chapter 14

Damages, compensation

56. A person having committed any offence under section 45, 46, 47, 48, 49, 50, 51, 52 53 and 54 and thus having caused damages or losses to the holder of a license to engage in electricity-related work shall compensate such damages or losses.
57. The holder of a license to engage in electricity-related work shall have the right to collect the compensation under section 56 as arrears of land revenue.

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58. Anyone having cut off power transmission and distribution shall be liable to pay the amount of the value equivalent to the loss of the power according to the stipulation of the relevant ministry.
59. If the negligence or irresponsibility of the holder of a license to engage in electricity-related work has caused injury, disability or death by electrocution or fire, the aggrieved person shall have the right to request compensation from the license holder as follows:
- (a) if the aggrieved person is entitled to compensation according to the Labour Compensation Law, the compensation specified in this law;
 - (b) if the aggrieved person is not entitled to compensation according to the Labour Compensation Law, the compensation specified in the procedures stipulated under this law.

Chapter 15

Appeal

60. A person dissatisfied with an order to pay damages or compensation passed under sections 56, 57 or 58-
- (a) shall have the right to appeal to the relevant ministry within 30 days from the day of having received the order;
 - (b) shall have the right to appeal after having paid the specified damages or compensation with regard to which the appeal is filed.
61. Upon receiving an appeal under section 60, sub-section (a), the relevant Union minister may amend, cancel or approve the order for damages or compensation.
62. The decision of the relevant Union minister under section 61 shall be final and conclusive.
63. The person who was ordered to pay damages or compensation shall have the right to reclaim the respective amount if the relevant Union minister, on appeal, orders repayment of part or all of the damages or compensation.

Chapter 16

Miscellaneous

64. The offences under this law shall be regarded as cognizable offences to the Myanmar Police Force.

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65. To implement the stipulations under this law -
- (a) the relevant ministry may issue necessary rules and regulations or directives with the consent of the Union government;
 - (b) the relevant ministry, the electricity regulatory commission and the respective government departments and organizations to which the relevant ministry has assigned functions may issue necessary notifications, orders, directives and procedures.
66. The Yangon City Electricity Supply Board Law shall continue to be in force to the extent that it is not contrary to the provisions stipulated under this law.
67. The 1984 Electricity Law shall be repealed by this law.
68. The rules, regulations, bye-laws, orders, directives and procedures under the 1984 Electricity Law which is repealed by this law shall be in force to the extent that they are not contrary to the provisions stipulated under this law.

This text has been published to make the public aware of it and solicit suggestions.