

THE ELECTRICITY LAW (1984)

[Unofficial Translation]

Act No. 7

[Exact date unknown]

The People's Parliament (PyiThu Hluttaw) hereby enacts the following law:

CHAPTER 1 TERMS AND DEFINITIONS

1. This law is concerning the exploration, production, transmission, distribution and usage of electricity and involves inspection matters for the safe use of electricity.
2. In this law, unless there is anything repugnant in the subject or context:
 - (a) "Electricity" means the energy that is acquired and produced from steam engine, hydro-power engine, fuel engine, natural gas engine, nuclear-power engine and by production from other alternative means.
 - (b) "Authority upon electricity" means exploration, production, transmission and distribution of electricity.
 - (c) "Exploration of electricity" means exploring or acquiring electricity power for the benefit of the state, or for public interest or, for usage in state-owned enterprises, for usage in co-operatively owned factories, or in private production facilities, and or for other purposes.
 - (d) "Electricity production" means generating electricity systematically whether from a steam engine, or a hydro-power engine, or fuel engine, or natural gas engine, or nuclear-power engine, or other way of productive engine.
 - (e) "Transmission of electricity" means systematic transmission of electricity from generating facilities to practical using area by cables and transmission lines according to the acknowledged voltage and power of electricity.
 - (f) "Distribution of electricity" means systematic distribution of electricity according to the acknowledged voltage and flow to public end-users.
 - (g) "Usage of electricity" means using electricity according to acknowledged voltage and power of electricity according to the regulation of the government.
 - (h) "Inspection of electricity" means inspection for the generating and using of electricity safely according to the regulation of the government.

(i) “Chief Inspector of electricity” means the person, appointed by the respective ministry who is responsible to take charge the duty of chief inspector of electricity.

(j) “Inspector” means the persons, appointed by the respective ministry, to serve the duty of electricity inspectors according to the law.

(k) “Electricity user” means the person who uses the electric-power whether for his or her own purpose, or for factory or business use, acquired from the organizations and private enterprises which have permission to generate electricity.

(l) “Professional electrician certificate” means the permission for the person who maintains experiences and qualification in the related fields of handling electricity.

(m) “Professional electrician” means the person who has the professional electrician certificate or the person who has the electrical experience and working in practice.

CHAPTER 2 ELECTRICITY AUTHORITY

4. The Board of ministry (Cabinet) shall allow the following as electricity authority:

(a) Government electrical power corporation or the organization descended from government electrical power corporation;

(b) Factories, workshops, and all departments under respective ministry;

(c) Registered co-operative organizations in accordance with the Co-operative Organization Act;

(d) Registered private businesses in accordance with the Private Business Act; and

(e) Other specific organizations.

5. The minister who is authorized by the Board of Ministers (cabinet) shall give the order (permission) or withdraw the order (permission) to the organizations in accordance with section 4(a) for the exploration, generation, transmission, distribution and usage of electricity.

6. The minister or chief inspector who is authorized by the minister shall give the order or withdraw the order to organizations in accordance with section 4(b), (c), (e), and to private businesses in accordance with section 4(d) for the exploration, generation, transmission, distribution and usage of electricity.

7. All orders (permissions) can be withdrawn by any of the following reasons:

- (a) Violation or failure to follow the requirements of this electricity law;
- (b) Violation or failure to follow the regulations mentioned in the relevant permission (order);
- (c) Inability to generate the electricity in the limited time frame or inability to implement continuously or inability to generate the electricity.

8. Notwithstanding that the organizations in accordance with section 4(c), (e), and private businesses in accordance with section 6(d), have previously been authorized to explore, generate, transmit, distribute and use the electricity, the minister or the chief inspector or inspector who has the authority given by the minister can revoke the order (permission) if the state decides it will take responsibility for that sector by itself.

9. The board of the ministers (cabinet) shall permit to some organizations for the extraordinary electricity authority by imposing some rules and regulations upon them.

10. In accordance with section 4, the person who is authorized for electricity related affairs can not co-operate with any other person who wants to generate electricity or any other person who has already been authorized for generating electricity, without prior agreement from board of ministers.

11. The person who is authorized for electricity related affairs, can not sell, pawn, borrow, exchange or in any other way hand over the order of authority or his work or any parts of his work without prior agreement from the board of ministers.

12. Any person who does not have an official professional electrician certificate can not practice electrical installation and repairing work.

CHAPTER 3

DUTY AND AUTHORITY OF THE ELECTRICAL AUTHORIZED PERSON

13. The person who is authorized for electricity affairs according to the Section 4, must follow the following rules:

- (a) Exploring for electricity must be in accordance with the law;
- (b) For generation, transmission, and distribution of electricity:
 - (1) Such person shall produce the permitted electricity amount according to the order of electrical authority;
 - (2) Such person shall enable use of electricity generated for electricity users;

(3) Such person shall use electricity measuring indicators and safety equipments systematically;

(4) Such person shall follow the rules and principles of electricity when the electricity measuring indicators and safety equipment are installed;

(5) The electrical authorized person has the authority to collect the bills of electricity from electricity users;

(6) The electrical authorized person has the authority to terminate transmission of electricity if the bill can not be paid in limited time.

14. For safe use of electricity, the following rules must be followed in generation, transmission, distribution and usage of electricity:

(a) Such person must avoid destroying any properties of the airport, railway, tram-way, road, trolley-bus lane, tunnel, river, stream, port, dockyard, jetty and irrigation canal;

(b) Such person must avoid blocking the run way of the airport, railway, road, trolley-bus lane, tunnel, river, and stream;

(c) Such person must avoid interfering or destroying the system of telegraph, telephone, electrical telegraph, signal telegraph, cables using in telegraph transmission, and air waves.

15. If any person or any animal is injured or disable or dead by the process of electricity generation, transmission, distribution and usage; the electrical authorized person must report to the chief inspector or related department immediately.

CHAPTER 4 DUTIES AND RESPONSIBILITIES OF THE INSPECTOR

16. The Inspector must follow in regards of electrical works as the rules mentioned below:

(a) The Inspector must report to the chief inspector for permission of “safety order” after inspecting for safety measures in government factories, factories owned by co-operatives, private owned factories, people gathering places such as schools, hospitals, cinema halls, theatre halls and government sponsored ceremonies;

(b) The Inspector must report to the chief inspector for permission of “safety order” after inspecting for safety measures in elevator, escalator, electronic train, trolley-bus and other electronic equipments;

(c) The Inspector must report to the chief inspector to take action on electricity generators usage according to the rules and principles of private business law;

(d) The Inspector must report to the chief inspector for permission of “safety order” after inspecting the local and overseas made electrical products according to the prescribed standards;

(e) The Inspector must report to the chief inspector for preparing electrical standards regarding the safe use of electricity.

17. Responsibilities of the Inspector are as follow:

(a) According to the instruction of the minister, the Inspector has the authority to issue or withdraw an order for permission of exploring, generating, transmitting, distributing and using electricity;

(b) The Inspector has the authority to receive the costs on electrical equipment inspection and examination according to procedure;

(c) The Inspector has the authority to ask overdue costs (fine) in accordance with the principles of the electricity law if any person fails to pay the costs of electrical equipment inspection and examination within the due date;

(d) The Inspector has the authority to report to the chief inspector or to terminate transmitting electricity to factories, public gathering areas and other electricity using areas if he or she sees danger by electricity in that areas.

CHAPTER 5

DUTIES AND RESPONSIBILITIES OF THE CHIEF INSPECTOR

18. The chief inspector must undertake electrical safety inspection according to the prescribed duties and responsibilities.

19. The chief inspector has the following authority in regarding with the exploration, generation, transmission, distribution and usage of electricity:

(a) The chief inspector has the authority to issue or revoke “permission order” according to the instruction of the related minister for exploration, generation, transmission, distribution and usage of electricity;

(b) The chief inspector has the authority to enter and inspect any place for the purpose of inspecting electrical standards;

(c) The chief inspector has the authority to give permission to the inspector on behalf of him or other inspection officer for electrical standard inspection in anywhere and any place;

(d) The chief inspector has the authority to decide, to revise, to instruct and to terminate electricity if he or she thinks it is necessary according to the report of the inspector by section 16(e) or by section 17(d) of this law;

(e) The chief inspector has the authority to issue the “permission order” concerning with the reports of inspector according to the section 16 of this law;

(f) The chief inspector has the authority to make a decision on the case of injury or death of any person or animal caused by electricity, to decide who is responsible for the case;

(g) The chief inspector has the authority to grant the professional electrician certificate to the qualified person;

(h) The duty of the chief inspector is to issue the electrical standards and inspection techniques;

(i) The chief inspector shall report to the minister in regards of the issuing rate of charge and revising the rate of charge for electrical equipment inspection;

(j) The chief inspector shall report to the minister in regards the issuing rate of charge and revising the rate of charge for electrical installation and repair work;

(k) The chief inspector has the authority to give permission for electrical inspection to any inspector in any area.

20. The chief inspector has the authority to question the related persons for the case of injury or death of any person or animal caused by the electrical power.

21. For the purpose of controlling dangerous situations in electrical generation, transmission, distribution and usage, the chief inspector has the authority to give instruction to all related field officers for terminating electricity distribution in any public areas, factories and other places.

22. If the dispute or disagreement occurs between the electricity producer and electricity user on the use of electrical equipments, the chief inspector must give the decision for that case and his or her decision will be final.

CHAPTER 6 CRIME AND PUNISHMENT

23. Any person who procures or wastes or uses electricity illegally or in an improper way, will be recognized as a criminal thief of electricity according to the criminal law.

24. If any person who wastes or turns electricity current into somewhere or cuts the electrical cable or destroys the electricity production facilities or attempts to do such action, such

person shall be punished by two to five years imprisonment or a fine of at least 5,000 kyats to 10, 000 kyats or both imprisonment and fine.

25. If any person conducts the electricity relating works, such as exploration, generation, transmission, and distribution of electricity without permission from the authority issued by section 4 and section 6 of this law, such person shall be fined at least 2,000 kyats to 3,000 kyats and if any evidence shows that he or she is committing similar offence again after the punishment, this person shall be fined 300 kyats on daily basis.

26. If any person violates section 10 and section 11 of this law, such person shall be fined at least 3,000 to 5,000 kyats.

27. If any person violates section 12 of this law, such person shall be punished by at least one month to three months imprisonment or shall be fined at least 500 to 1,000 kyats or shall be subject to both imprisonment and fine.

28. If any government properties or co-operative organization properties are destroyed by any person who procures or uses or wastes electricity illegally or in an improper way or any person who wastes or turns electricity current into somewhere or cuts the electricity cable or destroys the electricity production facilities or any person who produces electricity without permission issued by section 4, section 5 and section 6, such person must compensate the real current prices of properties to the government or co-operative organization according to the relevant section.

CHAPTER 7 FINES AND COMPENSATION

29. Any person who gets injured or disabled or dies by reason of electric-shock or fire breaking out from the electric equipments, by negligence or failure to serve the duty of someone who has authority for electricity production or installation, such victim can claim compensation from the person who has the authority for electricity production or installation according to the following rules:

(a) If the person or victim is eligible with the criteria of the labor law, this victim can claim compensation in accordance with the prescription of the labor law;

(b) If the person or victim is not concerning with the labor law, the victim can claim compensation according to the stated procedure.

30. Any person who destroys the state electrical equipments, such person will be charged in accordance with the existing laws and moreover, the related state organization shall claim the damaged cost of the electrical equipments as compensation from the person.

31. Any person who transfers electrical equipments to other people without permission from related governmental organization, and by this act, cause damages to some state

organizations, such person shall pay compensation, the amount decided by the related minister for the damages.

CHAPTER 8 BOARD OF ADVISERS

32. The board of ministers (cabinet) can organize the board of advisers with the representatives from the other appropriate organizations for providing advice to implement the prescriptions of this law.

33. All members of the “Board of advisers” shall enjoy the rights and privileges set out by the Board of ministers (cabinet).

34. Duties and responsibilities of the Board of advisers are as follows:

(a) Providing advice to the assigned minister or the Board of ministers (cabinet) regarding with the following matters:

1. Matters relating to exploring, generating, transmitting, distributing and using of electricity;

2. Matters relating to fees and bills for electricity usage;

3. Matters relating to setting out regulations and principles, which the people with authority for electricity production must follow; and

4. Matters relating to adopting rules and principles for electricity usage:

(b) Proposing necessary advice after observing the rules and principles of law and procedure of law;

(c) In case of fine or compensation, the member of (board of advisors) giving advice to the assigned minister for making decision and in other matter for negotiation with the related executive committee of People council;

(d) Giving advice to the authority on the assigned subject, to the related minister or the minister who has assigned authority for the task by the Board of ministers (cabinet).

CHAPTER 9 ELECTRICAL STANDARDS AND INSPECTION TECHNIQUES

35. According to the law, procedures and instructions, the electrical inspection department is responsible for adopting modern electrical standards and inspection techniques in order to ensure the safe use of electricity.

36. The electrical inspection department must keep a laboratory in order to use for electrical inspection, for resolution of disputes relating to electricity affairs, for research purposes and for inspection of electrical equipments producing from local and oversea, and for assisting to adopt modern electrical standards and inspection techniques.

37. The electrical inspection department can issue the electrical standards and inspection techniques occasionally in accordance with the procedure of this law.

38. Only the results, coming out from the electrical standards and inspections are the final acceptable ones.

CHAPTER 10 GENERAL PROVISIONS

39. In order to implement the instructions of this law:

(a) The respective ministry shall issue the necessary directives and regulations with the agreement of the Board of the ministers (cabinet);

(b) The respective ministry shall issue necessary orders and instructions.

40. The “Electricity Act” is hereby withdrawn.