

**Guidelines for the Prosecution of Persons by the  
Ceylon Electricity Board/Lanka Electricity Company in terms of the Sri Lanka  
Electricity Act, No. 20 of 2009**

1. The following guidelines pertain to the prosecution by the Ceylon Electricity Board and Lanka Electricity Company, in terms of the Sri Lanka Electricity Act, No. 20 of 2009, of persons who extracts electricity, as described below, in contravention of the provisions of the said Act, No. 20:

- a) Extraction of electricity (Section 49 of Act, No. 20 of 2009)

Every person who takes, uses or extracts any electricity:

- i. Which is in the course of being transmitted or distributed by the Ceylon Electricity Board or Lanka Electricity Company; and
- ii. Otherwise than in pursuance of a contract made with the Ceylon Electricity Board or Lanka Electricity Company

- b) Improper use of electricity (Section 50 of Act, No. 20 of 2009)

Every person who:

- i. Not being an authorized officer of the Ceylon Electricity Board or Lanka Electricity Company, connects or disconnects any electric line through which electricity is or may be supplied by the Ceylon Electricity Board or Lanka Electricity Company to or from any meter, indicator or other apparatus; or
  - ii. Without the consent of the Ceylon Electricity Board or Lanka Electricity Company, lays or causes to be laid any electric line or connects up any electric line, equipment, apparatus or works for the purpose of establishing a connection with any electric line, apparatus or works belonging to the Ceylon Electricity Board or Lanka Electricity Company.
2. Every person who extracts or improperly uses electricity as described above, shall be guilty of an offence under the said Act, No. 20 of 2009 and shall be liable on conviction after summary trial before a Magistrate, in addition to a penalty of not less than ten thousand rupees and not exceeding fifty thousand rupees, to a fine in a sum of money being the value of the loss or damage caused to the Ceylon Electricity Board or Lanka Electricity Company as a result of the act or default constituting such offence, and any sum recovered as such additional fine on application made to Court.
  3. Any person who aids or abets in the extraction or improper use of electricity shall also be guilty of an offence under the said Act, No. 20 of 2009 and shall be liable to the same punishment as is provided for the principle offence.

4. Where two or more persons are convicted of having committed the same offence, whether as principle or abettor, the value of such loss or damage may be apportioned among such persons and the amount so apportioned, may be claimed from each of such persons as a fine.
5. A certificate shall be issued as proof of the value of such loss or damage in the absence of evidence to the contrary. In the absence of any agreement, the Ceylon Electricity Board or Lanka Electricity Company may charge for electricity/energy supplied to any consumer in accordance with any method of charging provided for in the respective license.
6. When instituting proceedings against any person for an offence under this Act, the Ceylon Electricity Board or Lanka Electricity Company may in addition to or in lieu of imposing any punishment plead to make an order to dismantle and remove any installation or apparatus involved in the commission of the offence.
7. In the case of such offence being continued after conviction, such person(s) shall be liable to a further fine not exceeding five hundred rupees for each day on which such offence is being continued to be committed after conviction.
8. Notwithstanding anything to the contrary in any law, other than the said Act, No. 20 of 2009, an 'officer' authorized in writing by the Public Utilities Commission of Sri Lanka (the Commission), in terms of Section 48 (3) of the said Act, No. 20 of 2009, may institute proceedings in a Magistrate's court.
9. In terms of Section 48 (4) of the said Act, No. 20 of 2009, no prosecution shall be instituted except with the written sanction of the Commission.
10. The Ceylon Electricity Board and Lanka Electricity Company must obtain written authorization and sanction of the Commission to institute proceedings for each prosecution by submitting the duly completed annexed application to the Commission.
11. The Ceylon Electricity Board and Lanka Electricity Company may nominate Inspector General of Police or any other officer of the Sri Lanka Police. Only the authorized 'officer' who is sanctioned by the Commission should institute proceedings.
12. The name, designation and other relevant details of the 'officer' nominated to be authorized to institute proceedings should be indicated in the said application submitted to the Commission.
13. Details of the offence(s), name of the party or body of persons against whom proceedings is to be instituted, relevant Magistrate's Court and any other relevant information i.e. police report, charge sheet etc. should be submitted to the Commission in the application. In the event of two or more persons or bodies of persons being involved in committing the

offence the names and details of each person or bodies of persons against whom proceedings are to be instituted should be included in the application.

14. The Commission may, depending on the merits of each case, authorize and sanction the 'officer' nominated by the Ceylon Electricity Board or Lanka Electricity Company in writing to institute proceedings.
15. The outcome of the proceedings should be informed to the Commission for the purposes of record at the end of the proceedings with a copy of the order of the court.

### **Institution of legal proceedings and prosecution for offences under Act, No.20 of 2009.**

