

Guideline on Entering into Consumer Premises by Electricity Licensees

1. Background

The legal requirements that shall be fulfilled by any Distribution Licensee (DL) with regard to Entering into Premises are stated in Schedule II, Items 5, 6, 7, 8, 9 and 10 of the Electricity Act, No. 20 of 2009, as amended by Act, No: 31 of 2013 (the Act.).

2. Purposes for which Notice to enter is not required

2.1. Any officer authorized by a DL may enter into any premises without giving any notice, only during the period from 8 a.m. to 5 p.m., for any of the following purposes (Items 5 and 6 of the Schedule II of the Act.):

- a. inspecting any electric line or electrical plant
- b. ascertaining the register of any electricity meter
- c. removing, inspecting or reinstalling any electricity meter or installing any substitute meter or associated equipment
- d. discontinuing the supply of electricity to any premises or removing the electricity meter in respect of which an offence was committed under Item 4(3) or 4(4) of Schedule II of the Act.
- e. disconnecting the supply or removing any electrical plant, electrical line or electricity meter, where;
 - I. a licensee is authorized by any other provision of the Act., or of regulations made under it to cut off or discontinue the supply of electricity to any premises
 - II. a person occupying any premises supplied with electricity by a licensee ceases to require such supply or
 - III. a person entering into occupation of any premises previously supplied with electricity by a licensee does not require such supply.
- f. reconnect the electricity supply after the fulfillment of causes for disconnection

2.2. The licensees shall not exercise the powers conferred under 2.1.a. and 2.1.b., if;

- a. the consumer has applied to the licensee in writing to cease to supply electricity to the premises and
- b. the licensee has failed to do so within a reasonable time

Hence licensees are advised to exercise the cease to supply of electricity as stated in item 5 (1) (c) in schedule II of the Act

3. Purposes for which Notice to enter is required

3.1. A licensee or officer of a licensee authorized to enter upon any land or premises shall give three (3) days' notice, stating as fully and accurately as possible the nature and

extend of the acts intended to be done, for the following purposes (Item 7 of the Schedule II of the Act.):

- a. placing a new electric line or new electrical plant in place of or in addition to any existing line or plant which has already been lawfully placed
 - b. repairing or altering any such existing line or plant
- 3.2.** A licensee or officer of a licensee authorized to enter upon any land or premises shall not demand to do so as of right unless (Item 8 of the Schedule II of the Act.)-
- a. if required to do so, he or she has produced evidence of his or her authority
 - b. reasonable compensation is paid to the owner of the land or premises for any disturbance, disability or damage that may be caused pursuant to the entry
- 3.3.** inspection of any premises beyond the electricity meter for electricity supply related purposes such as determination of tariff, inspect the use of unsafe electricity etc.
- 3.4.** Any notice referred to in 3.1 shall;
- a. be given to the occupier, where the land is occupied
 - b. be given to the owner if his or her name and address are known or can be ascertained with reasonable diligence, where the land is not occupied
 - c. be exhibited in some in conspicuous position on the land, where name and address cannot be ascertained with reasonable diligence
 - d. be given to the officer or other person in charge of the execution of that purpose, where the land is used or reserved for any public purpose
- 3.5.** The licensee or the person authorized by the licensee in writing in that behalf shall be entitled to enter the land for the purpose of giving a notice referred to in 3.1 above
- 3.6.** The licensee by whom he or she was authorized in writing shall make good any damage done to the land as a result of such entry
- 3.7.** Where any damage is caused to any land or to any movable property or a person is disturbed in his or her enjoyment of any land or movable property, any person interested in the land or movable property may recover reasonable compensation in respect of that damage or disturbance from the licensee as determined by the Commission
- 3.8.** In the case of emergency arising from faults in any electric line or plant, entry may be made, but the notice shall then be given as early as possible for information. Such notice may be contained the reasons for entering the premises.
- 3.9.** Licensees are advised to mention entry requirements with the application for a new connection

4. Entering into a Premises by Force

- 4.1.** In an attempt to exercise any of the powers of entry conferred to the distribution licensee by Schedule II of the Act, if all reasonable efforts have been made by such licensee to obtain entry to the premises and those efforts have been unsuccessful, it may apply, ex

parte, to the Magistrate's Courts having jurisdiction over the place where the premises are situated for an order authorizing the licensee or an officer authorized by the licensee to enter the premises by force (Items 9 of the Schedule II of the Act.).

- 4.2. An order granted under paragraph 4.1 above shall specify the action, which may be taken by the licensee or an officer authorized by the licensee to effect the entry by force and may stipulate the conditions to be observed by the licensee or such officer after such entry.
- 4.3. The licensee or an officer authorized by the licensee shall incur no liability to any person in respect of the entry by force to the premises provided that he or she-
 - a. takes no action to effect entry other than such action as is specified in the order
 - b. observes any condition stipulated by the order, and
 - c. does as little damage as is reasonably practicable in making the specified action and in observing any stipulated condition.
- 4.4. No appeal shall lie from a decision of the Magistrate's Court-
 - a. to grant or not to grant an order under paragraph 4.1
 - b. regarding the terms of or conditions stipulated in any such order
- 4.5. Any costs incurred by the licensee in obtaining and executing an order under paragraph 4.1 shall be recoverable as a civil debt from the owner or occupier of the premises to which the order relates.

5. Obligations of the Distribution Licensee and its Authorized Officer in entering into Premises

- 5.1. In pursuance of any powers of entry conferred by Schedule II of the Act., where entry is made on any premises by an officer authorized by a distribution licensee (Items 10 of the Schedule II of the Act.)-
 - a. the officer shall ensure that the premises are left no less secure by reason of the entry, and
 - b. the distribution licensee shall make good or pay compensation for, any damage caused by the officer, or by any person accompanying him or her in entering the premises, or in making the premises secure.
- 5.2. Any officer exercising powers of entry conferred by Schedule II of the Act., may be accompanied by such persons as may be necessary or expedient for the purpose for which entry is made or for the purposes of paragraph 5.1.
- 5.3. If any person intentionally resists or obstructs any officer exercising powers of entry conferred in Schedule II of the Act, he or she shall be guilty of an offence under the Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding ten thousand rupees.

6. Enter into Premises with a Consent

If any licensee or an officer of a licensee requires to enter into premises for awareness or collection of data related activities may enter upon obtaining on site consent from owner or occupier of the premises

7. Dispute Resolution

Any dispute arising with regard to entry into premises can be forwarded to the respective Deputy General Manager of the Ceylon Electricity Board or Head of Operations of the Lanka Electricity Company (Private) Limited as a Dispute Resolution Officer under PART I of the Electricity (Dispute Resolution Procedure) Rules Published in Gazette Extraordinary No. 1951/1 dated 25th January 2016.

Where the parties to a dispute referred fail to reach a settlement which is acceptable to both parties, either party to the dispute may inform the Commission and call upon to resolve the same through mediation under Part-II of the above Rules.