



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**CEYLON ELECTRICITY BOARD
(AMENDMENT)
ACT, No. 32 OF 1988**

[Certified on 9th September, 1988]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of September 09, 1988**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : 90 cents

Postage : 75 cents

**Ceylon Electricity Board (Amendment)
Act, No. 32 of 1988**

[Certified on 9th September, 1988]

L.D.—O. 11/88

**AN ACT TO AMEND THE CEYLON ELECTRICITY BOARD ACT,
No. 17 of 1969**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Ceylon Electricity Board (Amendment) Act, No. 32 of 1988. Short title.

2. Sections 20 to 25 of the Ceylon Electricity Board Act, No. 17 of 1969, as amended by Acts Nos. 31 of 1969 and 29 of 1979 (hereinafter referred to as the “principal enactment”) are hereby repealed and the following sections substituted therefor :— Replacement of sections 20 to 25 of Act No.17 of 1969.

‘Transfer of electrical undertakings of local authorities to the Board.

20. The Minister may, on the recommendation of the Board, having regard to the need to provide a more efficient service to consumers within the area of authority of a local authority and for the rationalization of the supply of electricity, by an Order (hereinafter referred to as a “vesting Order”) published in the *Gazette*, vest in the Board with effect from a date specified in the vesting Order (hereinafter referred to as the “vesting date”), the electrical undertakings carried on by a local authority in its capacity as a licensee under the Electricity Act, (Chapter 205).

Vesting of electrical undertakings in the Board.

21. The following provisions shall apply to electrical undertakings carried on by a local authority and vested in the Board by a vesting Order under section 20—

(1) (a) All movable and immovable property of the local authority used for the purposes of the undertaking;

(b) Subject to the provisions of paragraph (c) all rights, obligations and liabilities of the local authority relating to, or connected with such undertaking and subsisting on the vesting date,

shall vest in the Board, with effect from such date.

(2) All actions and proceedings instituted by or against the local authority relating to, or connected with such electrical undertakings and pending on the vesting date shall be deemed to be actions and proceedings instituted by or against the Board ;

(3) All sums of money payable on the vesting date to the Board by the local authority in respect of electrical energy supplied in bulk by the Board less the sum of money due from the consumers of such local authority up to the vesting date shall be payable by such local authority to the Board.

**Effect of
a vesting
Order.**

22. (1) With effect from the vesting date, the local authority referred to in the vesting Order which carried on an electrical undertaking in its capacity as a licensee under the Electricity Act, shall cease to be a licensee under that Act.

(2) The provisions of subsection (1) shall have effect notwithstanding the provisions of the Electricity Act.

**Taking over
vested
property.**

23. (1) For the purpose of giving effect to a vesting Order, any officer of the Board authorized in writing in that behalf by the Chairman of the Board may, subject to the provisions of subsection (2), take possession of any property vested in the Board by such Order.

(2) The officer referred to in subsection (1) shall, by notice in writing—

(a) inform the local authority that such officer intends to take possession of such property for and on behalf of the Board on such date and at such time and place as shall be specified in the notice, and

(b) require an authorized agent of the local authority to be present on the date and at the time and place so specified and to assist such officer to take possession of such property.

(3) After any property has been taken possession of by an officer of the Board under subsection (1), such officer shall send a certificate to the local authority to the effect that he has taken possession of such property.

(4) The notice required to be given under subsection (2) shall be deemed to be given if it is sent by registered post to the local authority.

(5) Any person who fails, without reasonable cause, to comply with any requirement of a notice given under subsection (2), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Prevention
of, or
obstruction
to, taking
possession
of property
for and on
behalf of
the
Board.

24. (1) Every person who prevents or obstructs any officer of the Board from taking possession of any property for and on behalf of the Board under section 23 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

(2) Where any officer of the Board authorized under section 23 to take possession of any property for and on behalf of the Board, is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall, on making an application in that behalf to the Magistrate's Court having

jurisdiction over the place where that property is kept or situated, be entitled to an order of the court directing an officer of court to deliver possession of that property to him for and on behalf of the Board.

(3) Where an order under subsection (2) is issued to an officer of court by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the Court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the officer of court acting under the direction of court may use such force as may be necessary to enter any place where any movable property to which the order relates is kept and seize such movable property, or to enter any land, building or other structure to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable property, land, building or other structure to the person who is authorized to take possession thereof for or on behalf of the Board.

**Powers of
the Board to
call for
information
from local
authorities.**

25. (1) It shall be the duty of the Board to advise the Minister as to the exercise of his powers under section 20.

(2) For the purpose of performing its duties under subsection (1), the Board may—

(a) hold such inquiries and inspect such movable or immovable property used for the purposes of any electrical undertakings carried on by a local authority as the Board may consider necessary; and

(b) direct such local authority, or any officer of such local authority, to furnish to the Board such particulars and other information as the Board may consider necessary relating to such undertakings, and to produce for examination books or documents containing such particulars or information.

(3) It shall be the duty of a local authority or any officer of such local authority to comply with any direction issued to such local authority or such officer, as the case may be, by the Board under subsection (2).

(4) Any officer of a local authority who without reasonable cause fails to comply with any direction issued to him under subsection (2), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.'

3. Sections 26 to 30 of the principal enactment are hereby repealed.

Repeal of sections 26 to 30 of the principal enactment.

4. Section 33 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 33 of the principal enactment.

"Employment of personnel upon the vesting of an electrical undertaking of a local authority to the Board.

33. Upon the vesting in the Board, under section 20, of an electrical undertaking carried on by a local authority, the following provisions shall apply to the officers and servants employed exclusively in such undertaking, on the day preceding the vesting date and who are either—

(a) not offered employment in the Board or in any local authority;

(b) who are offered and do not accept such employment.

(1) Every such officer or servant who is a member of the Local Government Service and who had reached the age of fifty-five years on the vesting date shall be deemed to have retired from such local authority on that date shall be eligible for such pension under the Local Government Service Pension Regulations as would be awarded to him on such retirement.

(2) The post of every such officer or servant who is a member of the Local Government Service and who had not reached the age of fifty-five years on the vesting date shall be deemed to have been abolished with effect from that date and such officer or servant shall be eligible for such pension or other award under the Local Government Service Regulations as would have been awarded to him had he retired from such local authority on that date on the ground or abolition of post.

(3) Every such officer or servant who not being a member of the Local Government Service and is a member of any other pension scheme established by such local authority and who has reached the age of fifty-five years on that date shall be deemed to have retired from such local authority on that date and shall be eligible for such pension under such scheme as would be awarded to him on such retirement.

(4) The post of every such officer and servant not being a member of the Local Government Service and is a member of any other pension scheme established by that local authority and who has not reached the age of fifty-five years on the vesting date shall be deemed to

have been abolished with effect from that date and such officer or servant shall be eligible for such pension or other award under such scheme as would have been awarded to him had he retired from such local authority on that date on the ground of abolition of post.

- (5) Every such officer or servant to whom the preceding provisions of this section do not apply shall be deemed to have retired from such local authority on the vesting date and shall be eligible for the payment of a gratuity of such amount as may be determined by the Minister in consultation with the Minister in charge of the subject of Local Government, having regard to his period of service in such local authority."

5. Section 66 of the principal enactment is hereby amended by the substitution for the definition of "local authority" of the following definition:—

Amendment
of section
66 of the
principal
enactment.

"local authority" means any Municipal Council, Urban Council, Development Council, Pradeshiya Sabha and includes any authority created and established by or under any law to exercise, perform and discharge the powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha ;'.