

GUIDELINES ON WAYLEAVE AND FELLING OR LOPPING OF TREES

ISSUED BY:

PUBLIC UTILITIES COMMISSION OF SRI LANKA

Version 3.0

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These guidelines are prepared in terms of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended) and approved by the Commission on 17th October 2013. The licensees and the Divisional Secretaries are expected to follow these guidelines in discharging their respective powers and duties under the said Act. All the previous guidelines issued by the Commission in this regard are hereby repealed.

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Definitions

‘dwelling’ means a building or part of a building occupied or (if not occupied) last occupied or intended to be occupied, by a private dwelling.

‘distribute’ means distribute by means of a system which consists (wholly or mainly) of low voltage lines and electrical plant and is used for conveying electricity to any premises or to any other distribution system

‘electric line’ means any line whether underground or over ground which is used for carrying electricity for carrying electricity for any purpose and includes, unless the context otherwise requires –

- (a) any support for any such line, including but not limited to, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing, insulator or coating) which surrounds or supports or is surrounded or supported by or is installed in close proximity to or is supported, carried or suspended in association with, any such line.

‘electrical plant’ means any plant, equipment, apparatus or appliance used for or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than –

- (a) an electric line;
- (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
- (c) an electrical appliance under the control of a consumer

‘Electricity Act’ means the Sri Lanka Electricity Act, No. 20 of 2009 (as amended by the Act, No. 31 of 2013).

‘licensee’ means a person who has been granted a license to generate, transmit or distribute electricity.

‘premises’ includes any land, building or structure.

‘supply’ means supply of electricity to any premises (other than the premises occupied by a licensee for the purpose of carrying on the activities which it is authorized by its license to carry on) but shall exclude bulk sales of electricity.

‘transmit’ means the transportation of electricity by means of a system, which consists (wholly or mainly) of high voltage lines and electrical plant and is used for conveying electricity from a generating station to a sub-station, from one generating station to another or from one sub-station to another.

‘wayleave’ means such interest in the land as consists of a right of a licensee to install and keep installed an electric line on, under or over a land and to have access to that land for the purpose of inspecting, maintaining, adjusting, repairing, altering, removing or replacing such electric line.

Part 1 – Introduction

- 1.1 The Public Utilities Commission of Sri Lanka (hereinafter referred to as the ‘Commission’), established under the Act, No. 35 of 2002, is the economic, safety and technical regulator of the electricity industry in Sri Lanka. In terms of the Sri Lanka Electricity Act, No. 20 of 2009 and (Amendment) Act, No.31 of 2013(hereinafter referred to as ‘Electricity Act’), the Commission is required to ensure an efficient and economical system of electricity supply is provided for and maintained throughout Sri Lanka, at all times.
- 1.2 For any purpose connected with the carrying on of the activities authorized by its license, a requirement may arise for a licensee to install and keep installed an electric line on, under or over any land. Upon installing an electric line, licensee would need to have access to that land for the purpose of inspecting, maintaining, adjusting, repairing, altering, removing or replacing such electric line. Licensee requires the consent of the owner or occupier of a land to install and keep installed an electric line and to have access to the land for the said purposes. The items 3 and 5 of Schedule I of the Electricity Act specify the procedure to be adopted by the licensees: in obtaining such consent from the owner or occupier of the land; and (upon failing to obtain consent) in applying for/obtaining authority for same.
- 1.3 The item 4 of Schedule I of the Electricity Act contains the provisions relating to the payment of compensation: to the owner of a land in respect of a grant of wayleave and to any person in respect of damages or disturbances caused in the exercise of any right by a licensee conferred by a wayleave.
- 1.4 A requirement might arise to fell or lop or cut back its roots when a tree is or will be in such close proximity to an electric line or electrical plant, which has been installed or is being installed or is to be installed by a licensee, as to:
 - (a) obstruct or interfere with the installation, maintenance or working of the line of plant; or
 - (b) constitute an unacceptable source of danger to public.

The item 6 of Schedule I of the Electricity Act specifies the procedure to be adopted by the licensees in ensuring that such a tree is felled or lopped or its roots are cut back.
- 1.5 As per Section 2A(1)(b) of the Electricity Act, the Commission is authorized to delegate any power conferred on it by items 3, 4, 5 and 6 of Schedule I of the Electricity Act to any Divisional Secretary and as such it has delegated the powers conferred on it under items 4 and 6 of that Schedule to the Divisional Secretaries.
- 1.6 This document intends to:
 - (a) guide the licensees, who will be the applicants to the Divisional Secretaries requesting authority:
 - (i) to install or keep installed an electric line on, under or over any land;
 - (ii) to fell or lop a tree or cut back its roots that obstruct or interfere with the installation, maintenance or working of an electric line or plant, or constitute an unacceptable cause of danger;

- (b) guide the Divisional Secretaries, who are empowered under the Electricity Act to:
 - (i) authorize the licensees or prohibit the licensees from carrying on activities specified under (a)(i) above;
 - (ii) make recommendations on acquisition of wayleave to the Commission;

- (c) guide the Divisional Secretaries, who are delegated powers by the Commission conferred on it by items 4 of Schedule I of the Electricity Act:
 - (i) to determine the amount of compensation that a landowner may recover from the licensee in respect of grant of wayleave
 - (ii) to determine the amount of compensation that a person may recover from the licensee for any disturbance caused to his or her enjoyment of any land or movables in consequence of the exercise of any right conferred by a wayleave
 - (iii) to conduct inquiries, on its own motion or on the application of a person affected, to determine whether a licensee is liable to pay any person any compensation under (i) and (ii) above;

- (d) guide the Divisional Secretaries, who are delegated powers by the Commission conferred on it by item 6 of Schedule I of the Electricity Act to make orders allowing the licensee to cause a tree to be felled or lopped or its roots to be cut back and to determine any question as to what expenses (if any) are to be paid to the licensee by the owner or occupier of the land (on which such tree is growing), after giving the parties an opportunity of being heard; and

- (e) provide information to the owners and occupiers of lands and the general public on granting or not granting of wayleave (including related procedures) and felling or lopping of trees by licensees.

Part 2 – Guidelines on wayleave

There are two (2) possible scenarios under which a requirement might arise for a licensee to secure the grant of a wayleave:

- (a) for the installation of a new electric line; or
- (b) when there is a request by a landowner or occupier to remove an existing electric line

2.1 Installation of a new electric line

- (a) The licensee shall give the occupier a minimum of twenty one (21) days' notice (as per specimen format given in appendix I) requiring him or her to give the necessary wayleave
- (b) Where the occupier is not also the owner of the land, a copy of any notice under paragraph (a) above shall also be served on the landowner. The licensee shall ensure that the notice is acknowledged by the occupier (and if the occupier is not also the owner of the land, by the landowner).
- (c) Upon giving a notice under paragraph (a), the licensee shall make take all reasonable efforts to secure the grant of wayleave. If the owner or occupier of the land agrees to grant the wayleave, subject to terms and conditions acceptable to the licensee, the parties shall enter into an agreement (appendix II). In any case, it is reasonable for the licensee at least to obtain the response of the owner or occupier on the notice issued.
- (d) In the event that all reasonable efforts made to secure the grant of wayleave have been unsuccessful, the licensee shall make an application (appendix III) to the respective Divisional Secretary requiring authority to install the electric line. The licensee shall specify the efforts it has made to secure the grant of wayleave, in its application.
- (e) Within six (6) weeks of the application, upon holding an inquiry after giving an opportunity to the owner or occupier of the land concerned, the Divisional Secretary:
 - a. may authorize the licensee, either unconditionally or subject to terms, conditions and stipulations as he or she considers appropriate, to install the electric line;
 - b. may prohibit the licensee from installing the electric line; or
 - c. upon being satisfied that the acquisition of the wayleave has become necessary for the purpose of carrying on the activities authorized by the license of the licensee, shall make his or her recommendation (in the format specified in appendix IV) pertaining to the same, to the Commission.
- (f) However, the Divisional Secretary shall not recommend the acquisition of a wayleave, where the line is to be installed on or over a land that is covered by an authorized dwelling, or planning permission has been granted under the relevant laws for construction of a dwelling.

(g) Upon receipt of a recommendation from a Divisional Secretary and upon being satisfied that it is necessary or expedient to install the electric line on, under or over the land concerned in order to carry on the activities which the licensee is authorized to carry on under the license, the Commission shall recommend to the Minister the acquisition of the wayleave. Thereupon the Minister shall approve the acquisition by Order published in the Gazette and the wayleave shall thereupon be deemed to be required for a public purpose and be acquired under the Land Acquisition Act and transferred to the licensee. Any amount payable for such acquisition shall be paid for by the licensee.

2.2 When there is a request by a landowner or occupier to remove an existing electric line

(a) The owner or occupier of the land may give a notice to the licensee requiring to remove the electric line from the land, where a wayleave (whether granted under item 3 of Schedule I of the Electricity Act or by agreement between the parties):

- (i) is determined by the expiration of the period specified in the wayleave;
- (ii) is terminated in accordance with a term contained in the wayleave; or
- (iii) ceases to be binding on the owner or occupier of the land by reason of a change in the ownership or occupation of the land after giving the wayleave

(b) On receipt of such notice, all efforts should be made to secure the grant of wayleave, if the licensee requires to keep the line installed.

(c) In the event the licensee fails to secure the grant of wayleave, an application (appendix III) shall be made to the respective Divisional Secretary requiring authority to keep installed the electric line. The licensee shall specify the efforts it has made to secure the grant of wayleave, in its application.

(d) Within six (6) weeks of the application, upon holding an inquiry after giving an opportunity to the owner or occupier of the land concerned, the Divisional Secretary:

- (i) may authorize the licensee, either unconditionally or subject to terms, conditions and stipulations as he or she considers appropriate, to keep installed the electric line;
- (ii) may prohibit the licensee from keeping installed the electric line; or
- (iii) upon being satisfied that the acquisition of the wayleave has become necessary for the purpose of carrying on the activities authorized by the licensees, shall make his or her recommendations (appendix IV) pertaining to the same, to the Commission.

(e) The Commission shall recommend to the Minister the acquisition of the same. Thereupon the Minister shall approve the acquisition by Order published in the Gazette and the wayleave shall thereupon be deemed to be required for a public purpose and be acquired under the Land Acquisition Act and transferred to the licensee. Any amount payable for such acquisition shall be paid for by the licensee.

(f) Where within the period of three (3) months beginning from the date of the notice under paragraph (a), the licensee:

- (i) fails to make an application under paragraph (c);
- (ii) makes an application under paragraph (c) and that application is refused by the Divisional Secretary; or

(iii) fails to obtain an order authorizing the compulsory purchase of the land under item 7 of Schedule I of the Electricity Act,

the licensee shall comply with the notice at the end of that period, or in the case of subparagraph (ii) above at the end of the period of one (1) month beginning from the date of the Divisional Secretary's decision or such longer period as the Divisional Secretary may specify.

2.3 Compensation with respect to grant of a wayleave

- (a) Where a wayleave is granted to a licensee under item 3 of Schedule I of the Electricity Act (by way of authority granted by the Divisional Secretary or acquisition under the Land Acquisition Act), the owner of the land may recover from the licensee reasonable compensation in respect of the grant as may be determined by the Divisional Secretary. Hence, the Divisional Secretary shall give due consideration for the amount of compensation claimed by the owner of the land (as part of the terms and conditions subject to which he or she is prepared to grant the wayleave) at any inquiry being held in response to an application made by a licensee requesting authority (under 2.1(e) and 2.2(d) above).
- (b) If any damage is caused to land or to movables in the exercise of any right conferred by a wayleave, any person interested in such land or movables may recover reasonable compensation in respect of that damage from the licensee.
- (c) If a person is disturbed in his or her enjoyment of any land or movables in consequence of the exercise of a right conferred by a wayleave, he or she may recover compensation in respect of that disturbance, of such amount as may be determined by the Divisional Secretary, from the licensee.
- (d) The Divisional Secretary may on its own motion or on the application of a person affected, conduct such inquiries as may be necessary to determine whether a licensee is liable to pay any person any compensation under paragraphs (a), (b) and (c) above.
- (e) Upon deciding whether any compensation is payable and, if so, the amount of compensation payable by the licensee, at the conclusion of any inquiry conducted under paragraph (d) above, the Divisional Secretary will communicate such decision in writing to the licensee and to any person who has applied for, or was awarded, compensation. The Divisional Secretary in that communication will clearly indicate the basis for his or her decision on compensation.
- (f) If a person is aggrieved by the decision of the Divisional Secretary that no compensation is payable or is dissatisfied with the amount of compensation determined by the Divisional Secretary, he or she may institute an action against the licensee (in a court of competent jurisdiction) for the recovery of the compensation claimed or the difference between the amount of the compensation claimed by that person or the difference between the amount of the compensation claimed and the amount of compensation determined by the Divisional Secretary. (Please refer paragraphs 5, 6 and 7 of item 4 of Schedule I of the Electricity Act, for further details in this regard.)

Part 3 – Guidelines on felling or lopping trees

(In this section: ‘tree’ includes any shrub, and references to ‘felling’ and ‘lopping’ shall be construed accordingly; ‘land’ means the land on which the tree is growing)

- 3.1 When a tree is or will be in close proximity to an electric line or electrical plant which has been installed or is being or to be installed as to obstruct or interfere with the installation, maintenance or working of an electric line/plant or is a source of danger to public, a notice (appendix V) is required to be issued by the licensee to the occupier of the land requiring him/her to fell or lop the tree or cut back its roots.
- 3.2 Where the occupier is not also the owner of the land, a copy of any notice under 3.1 above shall also be served on the landowner. The licensee shall ensure that the notice is acknowledged by the occupier (and if the occupier is not also the owner of the land, by the landowner).
- 3.3 If within seven (7) working days of the notice:
 - (a) the requirements of the notice are complied with by the owner or occupier, licensee shall pay the reasonable expenses incurred by the owner or occupier
 - (b) the requirements of the notice are not complied with and neither the owner nor occupier of the land gives a counter-notice, the licensee shall cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in 3.1 above
 - (c) the requirements of the notice are not complied with and the owner or occupier of the land gives a counter-notice, the matter shall be referred (appendix VI) to the respective Divisional Secretary.
- 3.4 On a reference to him/her under paragraph 3.3(c) above the Divisional Secretary, after giving the parties an opportunity of being heard, may make such order as he/she thinks just, in the circumstances and any such order –
 - (a) allowing the licensee to cause the tree to be felled or lopped or its roots to be cut back, after notifying any person by whom a counter notice was given; and
 - (b) determining any question as to what expenses (if any) are to be paid to the licensee by the owner or occupier of the land
- 3.5 Where the licensee acts in pursuance of paragraph 3.3(b) or an order made under subsection 3.4, the licensee shall:
 - (a) cause the tree to be felled or lopped or their roots to be cut back in accordance with good arboricultural practices and so as to do as little damages as possible to trees, fences, hedges and growing crops;
 - (b) cause the felled trees, lopped boughs or root cuttings to be removed in accordance with the directions of the owner or occupier; and
 - (c) make good any damage caused to the land

Part 4 – Entering into land or premises

- 4.1 Any authorized officer of a licensee may enter any land or premises for the purpose of:
- (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; or
 - (b) repairing or altering any such existing electric line or electric plant
- 4.2 However, any authorized officer of a licensee shall not demand to enter any land or premises, for the purposes specified in paragraph 4.1, unless:
- (a) three (3) days' notice (appendix VII) of the intended entry has been given stating as fully and accurately as possible the nature and extent of the acts intended to be done;
 - (b) if required to do so, he or she has produced evidence of his or her authority;
 - (c) 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.
- 4.3 Any notice referred to in subparagraph 4.2(a) shall:
- (a) where the land is occupied, be given to the occupier;
 - (b) where the land is not occupied, be given to the owner if his or her name and address are known or can with reasonable diligence be ascertained;
 - (c) where the land is not occupied and the name and address of the owner cannot with reasonable diligence be ascertained, be exhibited in some conspicuous position in the land; and
 - (d) where the land is used or reserved for any public purpose, be given to the officer or other person in charge of the execution of that purpose.
- 4.4 Any person authorized by the licensee, shall be entitled to enter the land, for the purpose of giving a notice referred to in subparagraph 4.2(a)
- 4.5 No person shall enter into any land or premises, for the purposes specified in paragraph 4.1, unless he or she is authorized in writing by a licensee.
- 4.6 Where any person exercises any right to enter into any land or premises, 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.
- 4.7 Where in the exercise of a right to enter into any land or premises, any damage is caused to any land or to any movable property, any person interested in the land or movable property may recover compensation in respect of that damage from the licensee on whose behalf the right is exercised.
- 4.8 Where in consequence of the exercise of such a right, a person is disturbed in his or her enjoyment of any land or movable property, he or she may recover from that licensee reasonable compensation in respect of that disturbance as determined by the Commission.

- 4.9 If, in an attempt to exercise any right of entry, a licensee has made all reasonable efforts, otherwise than by the use of force, to obtain entry to the premises; and those efforts have been unsuccessful, it may apply, *ex parte*, to the Magistrate Court having jurisdiction over the place where the premises is situated for an order authorizing an officer authorized by the licensee to enter the premises by force (please refer item 9 of Schedule II of the Electricity Act for further details of such order).
- 4.10 Where in pursuance of any right or power, entry is made on any premises by an officer authorized by a licensee:
- (a) the officer shall ensure that the premises is left no less secured by reason of the entry; and
 - (b) the 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 taking any authorized action.

Part 5 – Information for the general public

5.1 Wayleave

- (a) As per the Electricity Act, the licensees are granted powers to install any electric line or electrical plant under, over, in, on, along or across any street with the consent of the local authority or other relevant authority. Hence, the licensees are not required to obtain wayleave from any landowner in such instances.
- (b) But, the licensees require wayleave to install or keep install an electric line on, over or under a land. The licensees can obtain wayleave:
 - (i) by agreement between the parties (i.e. licensee and owner or occupier of the land)
 - (ii) by way of an authority granted by the Divisional Secretary; or
 - (iii) by way of an acquisition of the wayleave
- (c) Initially, the licensee will issue a notice to the owner or occupier of the land requiring the wayleave. It will make all reasonable efforts to secure the grant of wayleave (by agreement between parties) prior to making an application to the Divisional Secretary requiring authority to install the electric line.
- (d) Upon receipt of a notice requiring wayleave to install a new electric line, from a licensee, an owner or occupier of the land may:
 - (i) grant wayleave without any terms & conditions - licensee will install the line
 - (ii) remain silent - licensee may consider that the owner of the land is not willing to grant wayleave and hence, may apply for authority to install the electric line from the Divisional Secretary
 - (iii) grant wayleave subject to terms & conditions - licensee may either accept the grant subject to landowner's terms & conditions, or apply for authority to install the electric line from the Divisional Secretary subject to the terms & conditions acceptable to
 - (iv) if he or she is not willing to grant the wayleave, inform the same to licensee in writing - licensee may consider alternatives (if any) or apply for authority to install the electric line from the Divisional Secretary
- (e) However, it is advisable for the owners and occupiers of lands to be proactive and duly respond to any such notices or communications (verbal or written) received from licensees, requesting wayleave. Owners and occupiers of lands are advised to propose terms & conditions (subject to which he or she may be willing to grant wayleave) including the compensation in respect of the grant of the wayleave. Such terms & conditions may be accepted by the licensees or may be considered by the Divisional Secretaries at any relevant inquiries. Please refer paragraph 2.3 above for particulars relating to granting of compensation with respect to wayleave.
- (f) When an owner or occupier of a land requires to get an electric line which is already installed on, under or over a land removed, he or she may issue a notice to the licensee requiring the removal of such line - please refer item 2.2 (a) for details. Upon receipt of such notice the licensee, upon making all reasonable efforts to secure the grant of wayleave (by agreement between parties), may apply for authority to keep installed the electric line from the Divisional Secretary.

- (g) It is in the best interest of an owner or occupier of any land to participate at any inquiry conducted by a Divisional Secretary, at which he or she will be given an opportunity of being heard. Also the provision of all relevant information at any such hearing would assist the Divisional Secretary in making an informed decision which is fair by all the parties.

5.2 Felling or lopping of trees

- (a) If any tree is or will be in close proximity to an electric line or electrical plant which has been installed or is being or to be installed as to obstruct or interfere with the installation, maintenance or working of an electric line/plant or is a source of danger to public, such tree has to be felled or lopped or its roots be cut back so as to prevent it from having such effect.
- (b) As per the Electricity Act, the licensee is required to give a notice to occupier of the land on which the tree is growing, requiring him or her to fell or lop or cut back roots of a tree, referred to in (a) above.
- (c) If the occupier of the land fails to comply with the requirements of a notice (issued by the licensee to fell or lop the tree or cut back roots of a tree) and has not given a counter-notice, within seven (7) working days of the notice, the licensee is empowered to fell or lop or cut back roots of such tree.
- (d) Therefore, if an occupier of a land has any objection for felling or lopping or cutting back roots of a tree (as required by the licensee), he or she shall give a counter-notice to the licensee within seven (7) working days of a notice by the licensee to that effect. Upon receipt of a counter-notice, the licensee may refer the matter to the Divisional Secretary who will give an opportunity of being heard to the parties before making an order.
- (e) If the occupier of the land complies with the requirements of the notice, the licensee will pay to him or her any expenses reasonably incurred in complying with the requirements of the notice. However, no compensation is payable by the licensee for the economic losses incurred by the owner or occupier of the land as a result of felling or lopping or cutting back roots of a tree.
- (f) The Divisional Secretary upon conducting an inquiry may make such order as he or she thinks just in the circumstances allowing the licensee to cause the tree to be felled or lopped or its roots to be cut back to prevent it from having any effect referred to in (a) above.
- (g) If a licensee is empowered to fell or lop the tree or cut back roots of a tree, under (c) or (f) above, it shall comply with the requirement specified under paragraph 3.5 above.

Part 6 – General

6.1 For the licensees

- (a) The licensees shall keep a copy of these guidelines in all three languages (Sinhala, Tamil and English) at its area offices, branches and consumer service centers (as applicable) for reference by general public during normal working hours.
- (b) The notices referred to in paragraphs 2.1(a) and 3.1 above would not be considered as delivered/received, unless acknowledged by the intended recipient. The periods specified in such notices would be counted with effect from the date of acknowledging the receipt of the same.
- (c) It is advisable to deploy the staff with best inter-personal and communication skills in attempting to secure the grant of wayleave from the owner or occupier of any land. It has been noted that, in many instances, the wayleave could have been obtained from the owners or occupiers of land itself, by using appropriate communication skills and by providing information to avoid any misunderstandings.
- (d) The installation of electric lines and electric plants shall be planned in a manner in which the economic usage of land is optimized and the disturbance to the general public is minimized. Any planned expansions in the distribution and transmission networks shall also be considered in determining the path of an electric line.

6.2 For the Divisional Secretaries

Adhering to the general guidelines specified below would ensure the legitimacy and dependability of the decisions made by the Divisional Secretaries with respect to the Parts 2 and 3 above:

- (a) It shall be ensured that all inquiries, hearings, meetings, etc. held and decisions made by the Divisional Secretaries are arrived at by following a due process and based on the principles of natural justice.
- (b) All the relevant parties, specially the relevant owner or occupier of the land, shall be duly informed of any inquiry, hearing or meeting to be conducted. It is advisable to obtain an acknowledgment of receipt of any notice of such inspection, hearing or meeting.
- (c) All the relevant parties, specially the relevant owner or occupier of the land, shall be given an opportunity to express his or her views at such inspection, hearing or meeting.
- (d) If it is revealed that the owner or occupier of the land has not received the notice or has not been present due to unavoidable circumstances, it is prudent to re-conduct any planned inspection, hearing or meeting with the participation of the owner or occupier of the land.

- (e) The minutes/records of all inquiries, hearings, meetings, etc. held under the paragraphs 2.1(e), 2.2(d), 2.3(d) and 3.4 shall be maintained and submitted to the Commission when requested to do so.
- (f) All efforts shall be made to optimize the usage of land which is a limited natural resource.
- (g) Even if the inquiries, hearings, meetings, etc. were conducted by an officer other than the Divisional Secretary, the final decision on the matter shall be taken by the Divisional Secretary him/herself.
- (h) Any decision made by a Divisional Secretary, including the basis on which it has been made, shall be duly informed to all parties concerned

**Appendix I – NOTICE REQUIRING WAYLEAVE
(NOTICE – ‘W’)**

To:
(name of the occupier of the land, if the occupier is not also the owner, name of the owner)

In terms of Item 3 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), a notice is hereby given requiring the grant of wayleave¹ at the land located at:

.....
.....

(address of the land)

A description of the required wayleave is given below:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

If you are willing to grant the required wayleave, please communicate it to the undersigned within twenty one (21) days from the date of this notice, in the form attached herewith. However, if no response is received by us within the said period, it would be considered that you are not willing to grant the wayleave.

.....
Signature of authorized officer of the licensee

Name of authorized officer:

Contact number:

Address:

Date: dd/mm/yyyy *(date of notice)*

¹ **'wayleave'** means such interest in the land as consists of a right of licensee, to install and keep installed, an electric line on, under, or over, that land and to have access to that land for the purpose of inspecting, maintaining, adjusting, repairing, altering, removing or replacing such electric line.

Appendix II – WAYLEAVE AGREEMENT

Parties:

(1) Name: (“**Owner / Occupier***”)

Address:
.....
.....

(2) Name: (“**Licensee**”)

Address:
.....
.....

Terms and conditions of the **owner / occupier*** of the land:

.....
.....
.....
.....
.....

Terms and conditions of the Licensee:

.....
.....
.....
.....
.....

We, the **owner / occupier*** of the land and the Licensee, agree to the above terms and conditions.

.....
Owner / Occupier* of the land

.....
Licensee

Date:

Date:

(*please strike off the inappropriate words)

Appendix III – APPLICATION REQUIRING AUTHORITY TO INSTALL/KEEP INSTALLED AN ELECTRIC LINE

To:
(The Divisional Secretary of the administrative district in which the land in which the wayleave is required)

1. Purpose of the application is to require authority to: (please mark '✓' where appropriate)

1.1 Install an electric line

In terms of paragraph (1) of item 3 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), a **notice / notices* was / were*** issued to the **landowner / landowners***, requesting wayleave for the purpose of installing an electric line (details are given under item 2 below). However, the said **landowner has / landowners have***: (mark '✓' where appropriate)

failed to give the wayleave before the end of the period specified in the notice

given the wayleave subject to terms and conditions which are not acceptable to us

1.2 Keep installed an electric line

In terms of paragraph (2) of item 5 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), the owner or occupier of the land has given notice to remove an electric line (details are given under item 2 below) from the land.

2. Details of the electric line:

.....
.....
.....

3. A **copy/copies* of notice/notices* issued by us/received by us***, containing the details of **landowner/landowners or occupier/occupiers*** are attached herewith. All efforts were made to secure the grant of wayleave subject to terms and conditions acceptable to us, but such efforts have been unsuccessful (evidences relating to efforts made to secure the grant of wayleave are attached herewith).

4. We hereby request the authority to **install / keep installed*** the electric line(s) in accordance with item 3 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended).

.....
Signature of authorized officer of the licensee

Name of authorized officer:

Contact number:

Address:

Date: (date of application)

(*please strike off the inappropriate words)

Appendix IV – RECOMMENDATION TO ACQUIRE WAYLEAVE

Date:

To: Chairman, Public Utilities Commission of Sri Lanka

We refer to the application made by (authorized officer of the licensee) dated

Given below is a summary of findings of the inquiry held with respect to the above application by the licensee:

.....
.....
.....
.....
.....

Based on the inquiry and above findings, I recommend the acquisition of the wayleave requested by the licensee referred to in the above application.

The required information/documents² (as per annexure) are attached herewith.

.....

Signature

Divisional Secretary - (*administrative district*)

² The completed annexure should be forwarded along with the recommendation. The relevant item numbers (as per annexure) should be indicated on top right hand corner of the documents forwarded. No recommendation will be considered successful/complete unless all the information/documents specified in the annexure are submitted to the commission.

(Annexure to Appendix IV - list of information/documents to be forwarded)

1. Application by the licensee to install/keep installed an electric line
2. Copy of the notice requiring wayleave
3. Proof of acknowledgement of receipt of the notice by landowner
4. Terms and conditions not acceptable to the licensee (if any), subject to which the landowner has granted the wayleave
5. Copy of the notice received from the owner or occupier of the land requiring the licensee to remove the electricity line
6. Confirmation that the land is not covered by an authorized dwelling
7. Confirmation that planning permission has not been granted under the relevant laws for construction of a dwelling
8. Confirmation that the licensee has made all reasonable efforts to secure the grant of wayleave
9. Confirmation that the acquisition of the wayleave is necessary for the carrying on of the activities authorized by the license of the licensee
10. Evidence to prove that the landowner was given an opportunity of being heard
11. Details of the land and landowner:
 - (a) Full name and copy of NIC of the landowner
 - (b) Proof of legal ownership of the land
 - (c) Assessment number of the land
 - (d) Address of the land
 - (e) GN Division in which the land is located
 - (f) Confirmation that there is no dispute on the ownership of the land and that there is no legal impediment in acquiring the land
12. Details of the required wayleave:
 - (a) Map showing the proposed installation, extent of wayleave required, boundaries of the land, existing electric line(s)/plant(s) installed over, under or on the land, and buildings/structures constructed or being constructed on the land
 - (b) System map of the area showing the proposed electricity line and other existing electric lines installed around the locality
 - (c) Brief description of the work to be carried out on the land

**Appendix V – NOTICE REQUIRING TO FELL OR LOP A
TREE
(NOTICE – ‘T’)**

To:
(name of the occupier of the land, if the occupier is not also the owner, name of the owner)

In terms of Item 6 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), a notice is hereby given requiring to fell or to lop tree(s) or to cut back its roots at the land located at:

.....
.....
(address of the land)

The tree(s) (described below) growing on the above land has to be felled, lopped or its roots need to be cut back as it **is / will be*** in such close proximity to an **electric line / electrical plant / both*** which **has been installed / is being installed / is to be installed*** by us, as to:

(*strike off the inappropriate words)

obstruct or interfere with the installation, maintenance or working of the line or plant

constitute an unacceptable source of danger to public

(mark ‘✓’ where appropriate)

A description of the tree(s) to be felled or lopped or roots to be cut back is given below:

.....
.....
.....

Any expenses reasonably incurred by you in complying with the requirements of this notice would be paid by us. If you have any objections on the requirements contained in this notice, please communicate it to the undersigned within seven (7) working days from the date of this notice. However, if no response is received by us within the said period, we are authorized to cause the tree(s) described above to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned above.

.....
Signature of authorized officer of the licensee

Name of authorized officer:

Contact number:

Address:

Date: dd/mm/yyyy (date of notice)

**Appendix VI – REFERRAL OF A MATTER RELATING TO
FELLING OR LOPPING A TREE(S) TO A DIVISIONAL
SECRETARY**

To:
(The Divisional Secretary of the administrative district in which the land on which the tree is growing)

In terms of Item 6 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), a notice(s) was issued to the following landowner(s)/occupier(s) requesting to fell or to lop tree(s) or to cut back its roots at the land located at:

.....
.....

Name(s) and address(es) of the owner(s)/occupier(s) of the land(s):

- (1)
- (2)
- (3)
- (4)

The counter notice(s) issued, objecting the requirements of the notice(s) issued by us, by the owner(s)/occupier(s) is attached herewith.

We hereby request the authority to fell or to lop tree(s) or to cut back its roots in accordance with the item 6 of Schedule I of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended).

.....
Signature of authorized officer of the licensee

Name of authorized officer:

Contact number:

Address:

Date: dd/mm/yyyy (*date of application*)

**Appendix VII – NOTICE OF INTENDED ENTRY TO A LAND
OR PREMISES
(NOTICE – ‘E’)**

To:.....
(name of the occupier)

In terms of Item 8 of Schedule II of the Sri Lanka Electricity Act, No. 20 of 2009 (as amended), a notice is hereby given on the intended entry by our authorized persons to the land/premises located at:

.....
.....
(address of the land/premises)

Intended date of entry: dd/mm/yyyy

Intended time of entry: ... : ... a.m./p.m.

Nature and extent of the acts intended to be done:

.....
.....
.....
.....
.....
.....
.....
(state as fully as accurately as possible the nature and extent of the acts intended to be done)

Duration of stay:
(insert intended time taken)

No. of persons:

If any clarifications are required on the above or there is any inconvenience relating to the date and/or time proposed, please contact the undersigned.

.....
Signature of authorized officer of the licensee

Name of authorized officer:
Contact number:
Address:

Date: dd/mm/yyyy