

Annex (4)

In the Name of Allah , The Gracious , The Merciful

The Electricity Act, 2001

Be it hereby made, by the President of the Republic, in accordance with the Provisions of Article 90 (1), of the Constitution of the Republic of the Sudan, 1998, the following Provisional Decree :-

Chapter 1

Preliminary Provisions

Title and commencement

1. This Provisional Decree may be cited as the, "Electricity Act, 2000", and shal come into force, as from the date of signature.

Interpredtaion

2. In this Act, unless the context otherwise requires,
"Customer", means any body, or person, supplied
"Corporation ", means the National Electricity Corporation, established under the provisions of the National Electricity Corporation Act, 2001, or any laws replacing the same;
"Distribution", means distribution of electric energy via medium, and low voltage networks, at 33 kilovolts or lower;
"Distribution network", means the network for distribution of electric energy via medium and low voltage lines, and the accessories thereof;
"distributor", menas the plant, machinery electric lines , switches, transformers , metes, conductors , lamps and any other Apparatuses , or equipment, used for the generation , supply , trasmission , distribution , or utilization of electric energy;
"Electrical construction", means any establishment, generation stations , lines , transmission stations , dsitribution networks , machinery , equipment , apparatuses or tools for the purposes of generation , supply ,

	transformation or control of, electric energy ;
"Generation ",	means production of electric energy;
"Generation station",	means any station, for the production of electric energy and includes generators, buildings and constructions used for this purpose, and the lands annexed thereto;
"Measurement apparatus",	means any apparatus, metre or means approved for measurement of consumption of power, or electric energy, at different electric voltage levels;
"Minister",	means the minister of Energy and Mining;
"Ministry",	means the Ministry of Energy and Mining;
"National grid",	means, the inter-connected crossing transmission networks and transformation stations, throughout the country, of high voltage 66 kilovolt or higher , including the control centre, and the indispensable requisites for securing safety and protection ;
"Organ",	means the Organ, established under the provisions of section 12;
"Prices lists",	mean the prices lists of supply of electricity, or services, to the customer at such rates, as the Organ may specify;
"Transmission",	means transmission of electric energy, via high voltage lines, at 66 Kilo Volts or higher;

Chapter II

Generation , Transmission , Distribution and

Consumption of Electric Energy

Generation of electric energy

3. (1) Any body, or person licensed, in accordance with the provisions of this Act, may generate electric energy, and construct generation stations.
- (2) Notwithstanding the provisions of sub-section (1), any person, or body may generate electric energy and construct for this own purposes generation stations, in accordance with the prescribed bases and safeguards.

Transmission of electric energy

And transmission lines

4. The Corporation shall be responsible, for the transmission and management of electric energy, through the national grid; and the Corporation shall permit the companies, licensed to generate electric energy, to use the national grid, in accordance with the prescriptions and safeguards.

Distribution of electricity

5. (1) The Minister, in consultation with the Corporation, may license any body, or person, to distribute electric energy, in the areas in which the corporation distributes the same.
- (2) Subject to the provisions of sub-section (1), any body, or person may be licensed to distribute electric energy, in areas, where distribution of electricity is not licensed.

Application for and grant of licence

6. (1) The application, for obtaining a license, for generation, or distribution of electricity, shall be presented, on the form prescribed in accordance with the provisions of this Act, and the regulations made thereunder.
- (2) The licence, referred to in sub-section (1), confers upon the licensee, during its validity, the right of work in the licensed field, and execution of the works necessary for the purposes of the license. The licensee shall not work, in any other field, unless he is licensed therefore.
- (3) The minister, upon the recommendation of the Organ, may grant the licences, pertaining to generation of the electric energy, or distribution thereof, inside the Sudan.
- (4) The relation, of electricity, for the purposes of generation, transmission or distribution of electricity, shall be regulated by contracts, or agreements, to be concluded, in accordance with the provision of this Act.

Conditions to be satisfied upon

Applying for licence

7. The applicant, for licence, shall satisfy the following conditions :-
 - (a) Technical efficiency and sufficient experience, in the electricity industry;
 - (b) The financial ability, to execute his contractual obligations; industry.

- (c) His abidance, by the general policies of the State, prescribed in the filed of electricity;
- (d) Registraion, of a branch thereof, in the Sudan, in case of foreign companies;
- (e) In case of national companies, the registration thereof, in accordacne with the provisions of the companies Act, 1925;
- (f) The registraion of a business name thereof, in case of parterships, or persons;
- (g) Any such other conditions, as the Organ may require to be satisfied upon applying for licence.

Conditions to be included in contracts

8. Upon concluding a contract , with any body , or person , for generation , or distribution of electric energy , the contract shall , in addition to other conditions , include :-
 - (a) The conditions relating to public safety ,soundness of electrical extensions, approved standard specifications, envirommental conditions and any such other ronditions , as the Organ may deem necessary, for this purpose, and that the licensed body, or person, shall abide thereby;
 - (a) The preparation of the necessary extension programmes, for distribution networks, and accessories thereof and the presentatin of the same, to the Organ, upon request, for discussion and approval thereof, provided that the bodies concerned shall be obliged to execute the approved projects, and works approved, in the said programmes, within the time period specified therefore;
 - (c) Such conditions, as may be required, to be satisfied for securing the soundness of connection and operation.

Due regard to be given to related laws

9. (1) The bodies that are concerend with generation and distribution of electric energy, and that are licensed under the provisions of this Act, shall have due regard to the provisions of the laws in force including those relating to roads, water, drainage, telecommunications, lands, environment and archeological sites.
- (2) Subject to the provisions of sub-section (1), the distributor shall ascertain that the electrical extensions are, safe and conforming with such specificatins and conditions, as may be approved, for this purpose, before supplying electric current, to the customer.

Measurement of electricity

10. Electricity shall be measured by such measurement apparatuses as may be approved, by the Organ; and the Organ shall be entitled to examine, inspect and calibrate such apparatuses.

Chapter III
Investment in the Filed of
Electricity

11. (1) Any Sudanese, or non-Sudanese body, or person may invest his money, in any project for the generation, transmission or distribution of electric energy. He shall not be licensed, save after obtaining the approval of the Organ, following the presentain of the necessary feasibility studies.
- (2) The investment project shall be subject, to the provisions of the Investment Encouragement Act, 1999 or any other law replacing, or amending the same; and shall enjoy all the privileges, guarantees and exemptions, provided for therein.

Chapter IV
The Organ

Establishment and supervision of the Organ

- 12.(1) There shall be established an organ, to be known as the "Organization and Control Technical Organ ", it shall have a number of experienced and competent employees, provided that none of them shall have a direct, or indirect interest in the business of generation , transmisson or distribution of electric energy.
- (2) The Organ shall be under the supervision of the Minister.
- (3) The Organ shall have an administraive and functinal chart, to be approved by the Council of Ministers, upon the recommendation of the Minister.
- (4) The Council of Ministers, upon the recommednation of the Minister, shall specify the terms of service of the employees of the Organ.

Function sof the Organ

13. The Organ shall have the following functions, to:-
- (a) Lay down the general policies and rules, relating to the generation, transmission and distribution of electric energy, and submit the same, to the Minister, for approval thereof;
- (b) Organize and control activities relating to generation, and distribution of electric energy, in consultation, and coordination, with the bodies concerned, subject to the strategies of the the State, and the policies pertaining, to the filed of electric energy ;
- (c) Tender technical advice, to the State, in all matters relating to the electriciy industry. In this respect, it shall be the technical

- advisor of the State, and shall tender professional and technical advice to any body, or person, who requests the same;
- (d) Help persons and bodies desirous of investment, in the field of electricity, in obtaining the licences and lands, necessary for the business thereof, in co-ordination with the bodies concerned with investment;
 - (e) Recommend, to the Minister, the approval of the prices of electric energy, and prices of its;
 - (f) Lay down specifications, patterns and technical rates for equipment, plant, machinery and electronic instruments, for securing unification of electricity system, in the Sudan;
 - (g) Specify conditions of public safety, which have to be satisfied by electrical constructions, and electrical extension works, and issue the necessary instructions, in consultation with the bodies concerned;
 - (h) Specify the necessary requirements, for executing the environmental conditions, which have to be satisfied by electrical constructions, in accordance with environmental laws;
 - (i) Any such other functions, as may be entrusted thereto, by the Minister.

Powers of the Organ

14. For the sake of exercise, by the Organ, of the functions thereof set forth in this Act, the Organ shall have all such powers, as may be necessary for achievement of such functions. Without affecting the generality of the foregoing, the Organ shall have the following powers, to:
 - (a) enter in electrical constructions, to ascertain abundance of the persons licensed to generate, transmit or distribute electricity, by specifications, technical rates, and safety measures, throughout the period of concession; and such bodies and persons shall enable the Organ, to do the same;
 - (b) Permit, in consultation with the Minister, the contracting party to dispose of the excess quantity of electricity, in case the contracting party generates electric energy, in excess of the contracted quantity;
 - (c) Control the relation, between the parties concerned with electricity industry, and organize the same, in the field of generation, transmission distribution and consumption;
 - (d) Have due regard to the rights and duties of the parties concerned, in accordance with such conditions and safeguards, as may be specified thereby;

- (e) Superintend activities, relating to generation, transmission and distribution of electric energy, including the expansions or extensions made by the bodies concerned, to ascertain that the same are made, in accordance with instructions issued thereby;
- (f) Make internal by-laws, for organizing the business thereof.
15. All the persons and bodies licensed to generate, transmit and distribute electric energy, shall insure electrical constructions thereof, and third party risks.

Chapter V
Final Provisions
Powers of the Minister

- 16.(1) In addition, to any other powers provided for in this Act, the Minister shall have the following powers, to :-
- (a) Approve the general policies and rules relating to generation, transmission and distribution of electric energy, and approve such plans and programmes, as may be necessary, for implementing such policies;
- (b) Make the necessary contracts, with other states, for the purposes of electrical links, electricity exchange, and conclude the agreements necessary therefor, upon the approval of the council of Ministers;
- (c) Approve the technical specifications, patterns and technical rates of electricity equipment, plant, machinery and apparatuses, for securing unification of electricity system, in the Sudan;
- (d) Approve electric energy prices, and prices lists, submitted thereto, by the Organ.
- (2) The minister may delegate any of his powers provided for in subsection (1), to any person, or body, as to such conditions and safeguards, as he may deem fit.

Compensation

17. The persons and bodies, licensed to generate, transmit or distribute electric energy, shall pay, to the injured person, fair compensation, for any injury arising out of performance of the work thereof, under the provisions of this Act, as may affect any human being, naimal, movable or immovable property. Where agreement, upon the amount of compensation, has not been reached, the body responsible shall pay such compensation, as may be decided by the competent court, unless the two parties agree upon arbitration.

Generation, transmission or distribution of electricity
prohibited save upon license

18. Nobody, or person shall generate, transmit or distribute electricity at any place in the Republic of the Sudan, unless licensed therefor, in accordance with the provisions of this Act.

Obligation to perform work

19. No body, or person, who contracts, under an electricity agreement, or is granted a license, shall keep the area, or areas licensed, without performing therein, in a continuous way the works agreed upon, or licensed, unless the Minister grants him a temporary exception, for reasonable grounds.

Offences and penalties

- 20(1) There shall be deemed, to have committed an offence, every person who:
- (a) Generates, transmits or distributes electricity, without being in possession of an electricity agreement, or licensed under the provisions of this Act, and shall be punished, with such fine, as the court may specify. In case of continued commission of the offence, he shall be punished, with such additional fine, as the court may specify, for each day in which the offence continues ;
 - (b) Undertakes any electrical work, outside the licence area, thereby contravening the provisions of the agreement, or licence, and shall be punished, with such fine, as the court may specify. In case of continued contravention, the agreement, or the licences may be revoked.
- (2) without prejudice, to the provisions of sub-section (1), whoever practises any electrical work, in contravention of the provisions of this Act, or the regulations made thereunder, shall be punished, with imprisonment, for a term, not exceeding one month, or with fine or with both.

Power to make regulations

21. The Minister, in consultation with the Organ, may make such regulations, as may be necessary, for the implementation of the foregoing, such regulations may include:
- (a) The bases and specifications of generation, transmission and distribution of electric energy;
 - (b) The relations, between the parties concerned, in the field of electricity industry;
 - (c) The manner of control and inspection of measurement apparatuses;
 - (d) The compensations, and the injuries arising out of performance by companies, of the business thereof.

Made under my hand on the 18th of Ramadan, 1421 A.H.,
being the 14th of December, 2001 A.D.

Lieutenant General (P.S.C)
Umar Hassan Ahmed Al-Bashir
President of the Republic