

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC UTILITIES ACT
(CHAPTER 261)

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Public Utilities Act

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An Act to establish a corporation to be known as the Public Utilities Board and to provide for the transfer to the Board of the functions, services, assets and liabilities of the City Council in respect of water, gas and electricity, and for matters incidental thereto.

[1st May 1963, except Part VA]

PART I

PRELIMINARY

1. This Act may be cited as the Public Utilities Act. Short title.
2. In this Act — Inter-pretation.
 - “apparatus” means water, gas or electrical apparatus and includes all apparatus, machines, consuming devices and fittings in which pipes or conductors are used or of which they form a part; 34/72.
14/74.
16/88.
 - “area of supply” means that area within which a licensee is authorised by his licence to supply electricity;
 - “Board” means the Public Utilities Board established by section 3;
 - “Chairman” means the Chairman of the Board appointed under section 5;
 - “chief executive officer” means the chief executive officer of the Board and includes any temporary chief executive officer;
 - “City Council” means the City Council of Singapore originally incorporated by Indian Act No. 27 of 1857 and incorporated under and by virtue of the Municipal (Elections — Amendment) Ordinance 1948 with the status of a City conferred by Royal Charter dated 24th July 1951, and as constituted under section 6 of the Local Government Ordinance 1957; 29/48.
24/57.
 - “conductor” means an electrical conductor arranged to be electrically connected to a system;
 - “consumer” means a person who is supplied with water, gas or electricity or whose premises are for the time being connected for the purpose of a supply of water, gas or electricity with any system of supply;

“electricity” means electrical power when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

“electricity cable” means a length of insulated single conductor (solid or stranded), or of two or more such conductors, which are laid together underground, whether or not such conductor or conductors are provided with an overall covering for mechanical protection;

Cap. 224.

“grievous hurt” and “hurt” have the same meanings as those respectively assigned to them in the Penal Code;

“installation”, except for the purposes of Part V, includes any plant or apparatus designed for the collection, production, supply or use, as the case may be, of water, gas or electricity;

“licence” means a licence issued under the provisions of Parts V and VI;

“licensee” means a person to whom a licence has been issued;

“live” or “alive” applied to a system or any part of a system, means that a voltage exists between any conductor and earth or between any two conductors in the system;

“main” means a pipe or supply line through which water, gas or electricity is or can be supplied, whether the pipe or line is in use or not;

Cap. 133,
1936 Ed.
24/57.

“Municipal Provident Fund” means the Municipal Provident Fund established under the provisions of the Municipal Ordinance and continued and deemed to have been established under the Local Government Ordinance 1957;

“occupier” means the person in occupation of the premises in respect of which the expression is used and includes the person having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments

of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

“private safety” means the obviation of danger to individuals or to private property;

“public safety” means the obviation of danger to the general public, to public property and to roads, streets, railways, canals, docks, wharves, piers, bridges, gas-works, water works and their appurtenances and telegraphic, telephonic and other electrical signalling lines;

“regulations” means regulations made under this Act;

“street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public has a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of the street;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing electricity, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, or any building or apparatus connected therewith for the purpose of transforming, conveying, transmitting or distributing electricity;

“system” means an electrical system in which all the conductors and apparatus are electrically or magnetically connected.

PART II

PUBLIC UTILITIES BOARD

Establishment, incorporation and constitution of Board

3. There is hereby established a body to be known as the Public Utilities Board which shall be a body corporate and may sue and be sued in its corporate name, and shall have perpetual succession, and may enter into contracts, and may acquire, purchase, take, hold and enjoy movable and

Establishment and incorporation of Public Utilities Board.

immovable property of every description and may convey, assign, surrender, and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Board upon such terms as to the Board seems fit.

Common
seal.

4.—(1) The Board shall have a common seal and such seal may from time to time be broken, changed, altered and made anew as to the Board seems fit, and, until a seal is provided under this section, a stamp bearing the inscription “Public Utilities Board, Singapore” may be used as the common seal.

16/88.

(2) Subject to subsection (3), all deeds, documents and other instruments requiring the seal of the Board shall be sealed with the common seal of the Board by the authority of the Board in the presence of the chief executive officer and of some other person duly authorised by the Board to act in that behalf and shall be signed by the chief executive officer and by such duly authorised person, and such signing shall be sufficient evidence that the common seal of the Board has been duly and properly affixed and that the seal is the lawful common seal of the Board.

16/88.

(3) All debentures, stock, bonds and other similar instruments issued by the Board under the provisions of this Act may be sealed with the common seal of the Board in the presence of the Director of Finance appointed under section 13 and any officer of the Board authorised by the Board in that behalf, who shall sign every such debenture, stock, bond or other similar instrument to which the common seal is affixed, and such signing shall be sufficient evidence that the common seal was duly and properly affixed and that the seal is the lawful seal of the Board.

(4) The Board may by resolution or otherwise appoint an officer of the Board or any other agent either generally or in a particular case to execute or sign on behalf of the Board any agreement or other instrument not under seal in relation to any matter coming within the powers of the Board.

Cap. 269.

(5) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under subsection (2).

5.—(1) The Board shall consist of —

(a) a Chairman; and

(b) not less than 5 but not more than 11 members,

Constitution
of Board.
3/78
11/83
16/88.

all of whom shall be appointed by the Minister on such terms and conditions as he may determine.

(2) The Minister may appoint the chief executive officer to be a member of the Board.

(3) The Minister may appoint any member of the Board to be the Deputy Chairman of the Board, and if for any reason the Chairman is unable to act or the office of Chairman is vacant, the Deputy Chairman may exercise all or any of the powers conferred, or the duties imposed, on the Chairman under this Act.

(4) The Minister may appoint any person to be a temporary member of the Board during the incapacity owing to illness or otherwise of any member of the Board.

(5) Where it appears to the Minister to be necessary in the interests of the efficient performance of the functions and duties of the Board under this Act, he may revoke any appointment made under this section.

(6) A member of the Board may resign his seat at any time by giving one month's notice in writing to the Minister.

(7) The seat of a member of the Board shall become vacant —

(a) on his death;

(b) if he, without sufficient cause, which is to be decided by the Board, fails to attend 3 consecutive meetings of the Board;

(c) if he becomes in any manner disqualified for membership of the Board;

(d) if he is adjudicated a bankrupt; or

(e) if he resigns his seat.

(8) If a vacancy occurs in the membership of the Board by death, resignation, revocation of an appointment under subsection (5) or for any other cause, the Minister may appoint a person to fill the vacancy in the manner prescribed by subsection (1), and any person so appointed shall hold

office for so long as the member in whose place he is appointed would have held office.

Disqualifica-
tion from
membership.

6. No person shall be eligible to be appointed or to remain a member of the Board who —

- (a) is an undischarged bankrupt;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not suffered the punishment or received a free pardon; or
- (c) is a person found or declared under any written law to be of unsound mind.

Members of
Board to
dispose of
interest in
any water,
gas or
electricity
undertaking.

7.—(1) Every person appointed to be a member of the Board shall, within 3 months from the date of his appointment, sell or dispose of all shares in any water, gas or electricity undertaking which, at the time of his appointment, he may own or be interested in beneficially, and no member of the Board, while he holds office as such, may purchase or acquire a beneficial interest in any shares in any water, gas or electricity undertaking and, if any member of the Board becomes entitled beneficially under any will or succession or in any other manner to any shares in any water, gas or electricity undertaking, he shall sell or dispose of them within 3 months after he has so become entitled thereto:

Provided that the Minister may waive the requirements of this subsection in any specific case subject to such conditions as he may impose.

(2) Any member of the Board who retains, purchases, takes or acquires a beneficial interest in any shares in any water, gas or electricity undertaking in contravention of this section shall be deemed to have been disqualified for membership of the Board and to have vacated his office as such member, and the Chairman shall, after the fact of any such contravention comes to his knowledge, report that fact to the Board at its next meeting and shall cause a notification of the vacation of office to be published in the *Gazette*:

Provided that the Minister may waive the requirements of this subsection in any specific case subject to such conditions as he may impose.

(3) No resolution, proceeding or other action of the Board shall be invalidated by reason of the fact that a

member disqualified under this section has sat on the Board at its meetings or taken part in any proceeding or other action of the Board.

(4) In this section, “shares in any water, gas or electricity undertaking” means stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in the collection, production, supply or use of water, gas or electricity, or in the installation, sale, hire or manufacture of water, gas or electrical apparatus or appliances, and includes any share of interest in any unincorporated undertaking similarly engaged.

(5) For the purposes of this section, the shares in any water, gas or electricity undertaking or any beneficial interest therein retained, purchased, taken or acquired by the spouse of any member of the Board shall be deemed to have been retained, purchased, taken or acquired by that member if the member and the spouse are living together.

8. If any member of the Board has any beneficial interest in any land or building situate in an area comprised in any project of the Board, or has any beneficial interest in any company or undertaking with which the Board proposes to make any contract, or has an interest in any such contract, he shall forthwith disclose to the Board the fact and nature of his interest, and the disclosure shall be recorded in the minutes of the Board, and thereafter that member shall take no part in any deliberation or decision of the Board relating to that project or contract.

Disclosure of interest in any contract.

9. There shall be paid to the Chairman and members of the Board, out of the funds of the Board, such salaries, fees and allowances as the Minister may determine.

Salaries, fees and allowances payable to members of Board.

10.—(1) Three members of the Board shall constitute a quorum at any meeting of the Board and no business shall be transacted unless a quorum is present.

Quorum.
34/72
3/78.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Board:

Provided that if both the Chairman and the Deputy Chairman are absent from any meeting or part thereof, such member as the members of the Board present shall elect shall preside at that meeting or part thereof.

(3) A decision of the majority of the members of the Board present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) In the event of the votes for and against any question being equal, the Chairman or in his absence the Deputy Chairman or other member presiding at the meeting of the Board shall have a casting vote in addition to his original vote.

Vacancies.

11. Subject to section 10 (1), the Board shall not be precluded from holding any meeting or acting in any matter merely by reason of any vacancy in its membership.

Procedure of Board.

12.—(1) The Chairman or any other officer authorised by him shall, subject to such standing orders as may be made by the Board under subsection (2), summon all meetings of the Board for the despatch of business.

(2) Subject to the provisions of this Act, the Board may make standing orders to regulate its own procedure, and in particular, the holding of meetings, the notice to be given of meetings, the proceedings thereat, the keeping of minutes, and the custody, production and inspection of the minutes.

Officers and employees of Board

Appointment of officers and employees. 16/88.

13.—(1) The Board shall, with the approval of the Minister, appoint a chief executive officer on such terms and conditions as the Board may determine.

(2) The chief executive officer shall —

- (a) be known by such designation as the Board may determine;
- (b) subject to the directions of the Board on matters of policy, be charged with the direction of the business of the Board, its administration and organisation, and the administrative control of its employees; and
- (c) not be removed from office without the consent of the Minister.

(3) The Minister shall consult the Public Service Commission before granting his approval under subsection (1) or before giving his consent under subsection (2) (c).

(4) The Board shall appoint and employ a Director of Finance, a Director for the Electricity Department, a Director for the Water Department and a Director for the Gas Department.

(5) The Board may, from time to time by notification in the *Gazette*, change the designation of any of the posts specified in subsection (4).

(6) If the chief executive officer or any person appointed to any post specified in subsection (4) is temporarily absent from Singapore or temporarily incapacitated by illness or for any other reason temporarily unable to perform his duties, the Board may appoint any person to act in his place during such temporary absence or other incapacity.

14.—(1) The Board may from time to time approve a list of posts which it thinks necessary for the purposes of this Act and may add to or amend the list.

Lists of posts and appointment of employees. 16/88.

(2) No person may be employed by the Board unless he holds a post appearing in the list of posts for the time being in force.

(3) Subject to this section —

(a) appointments and promotions to all posts shall be made by the Board; and

(b) the termination of appointment, dismissal and disciplinary control of the employees of the Board shall be vested in the Board.

(4) The Minister may, with the consent of the Public Service Commission, declare that appointments and promotions to such posts or classes of posts as he thinks fit, and the termination of appointment, dismissal and disciplinary control of persons appointed to those posts, shall be vested in the Board acting on the advice of the Public Service Commission, and upon such a declaration, the Board shall exercise those functions on the advice of the Public Service Commission.

(5) Notwithstanding this section, the chief executive officer may appoint persons temporarily for a period not exceeding two months to posts in the list of posts for the time being in force.

16/88.

28/91.

(6) The Board may make rules not inconsistent with the provisions of this Act or of any other written law for the appointment, promotion, disciplinary control and terms and conditions of service of all persons employed by the Board.

28/91.

(7) Without prejudice to the generality of subsection (6), the Board shall prescribe the rates of remuneration payable to persons employed by the Board, and no person so employed shall be paid otherwise than in accordance with such rates.

PART III

BOARD'S RESPONSIBILITIES

Functions and duties of Board

General
functions
of Board.
34/72.

15.—(1) Subject as hereinafter provided, it shall be the function and duty of the Board —

- (a) to provide, construct and maintain such catchment areas, reservoirs and other works as may be required or necessary for the collection, production, supply and use of water, gas and electricity for public and private purposes;
- (b) to manage and work the water, gas and electrical installations transferred to the Board by this Act and such other installations as may be acquired by the Board under the provisions of this Act;
- (c) to secure and provide an adequate supply of water, gas and electricity at reasonable prices;
- (d) to make regulations, in accordance with the provisions of this Act, relating to the supply of water, gas and electricity by the Board and all matters incidental thereto; and
- (e) to advise the Government on all matters relating to the supply of water, gas and electricity.

34/72.

(2) For the purposes of subsection (1), the Board may —

- (a) cause to be laid such mains, pipes, aqueducts, conduits and electric lines as it considers necessary for purposes of supplying water, gas and electricity and, if necessary, may carry such mains, pipes, aqueducts, conduits and lines on, through, over, across or under any street or any place laid out or intended for a street or cellar or

vault which is under any street, and, after reasonable notice in writing in that behalf, on, through, over, across or under any enclosed or other land whatsoever, doing as little damage as may be and making full compensation for any damage done;

- (b) construct in any street or place such works as are necessary for purposes connected with the supply of water, gas or electricity and may place therein meters, switches, cocks and any other suitable and proper apparatus for the purpose of leading off service lines or pipes and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of water, gas or electricity or of testing the conditions of the mains and other portions of the works:

Provided that —

- (i) all such works, including the upper surface or covering thereof, shall be constructed of such materials and shall be maintained by the Board in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise; and
- (ii) when the Board lays any electric line, crossing or liable to touch any mains, pipes, lines or other services, the conducting portion of the electric line shall be effectually insulated;
- (c) acquire, in accordance with the provisions of this Act, any property, movable or immovable, which the Board considers necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise carrying out its duties and functions under this Act;
- (d) enter into all such contracts for the supply of goods or materials or for the execution of works or any other contracts as may be necessary for the discharge of its duties and functions under this Act;

- (e) enter into contracts with any person or persons upon such terms as it thinks fit for the supply of water, gas and electricity for public and private purposes;
- (f) enter into contracts to provide bulk supplies of water, gas and electricity to any person or persons outside Singapore on such terms as it thinks fit, subject to the approval of the Government;
- (g) purchase, sell and let for hire to any person or persons and on such terms as it thinks fit, electric motors and gas or electrical lighting, cooking, heating, cooling, refrigerating, and air-conditioning apparatus and appliances and any other water, gas or electrical apparatus and appliances which can be utilised by consumers of water, gas or electricity together with the pipes, lines, accessories, fittings and appurtenances thereof and install, connect, repair, maintain and remove them;
- (h) appoint consultants, agents or representatives either generally or in any particular case to execute on behalf of the Board any agreement or other instrument not under seal in relation to matters coming within the powers of the Board;
- (i) make provision for the specialised training of any officer or employee of the Board, and in such connection may offer scholarships to intending trainees or otherwise pay for the cost of such training and all expenditure incidental thereto;
- (j) by resolution thereof, and by mutual agreement act as agent for the Government or any department thereof or any statutory body in the collection of fees for services performed or rendered by the Government or any department thereof or any statutory body;
- (k) grant or guarantee loans to any employee of the Board for the purchase of a house, land or a flat for the use or occupation of the employee or for the use or occupation of his family;
- (l) grant loans to employees of the Board for any purposes specifically approved by the Board as

are likely to increase the efficiency of the employees; and

- (m) carry on all such other activities as may appear to the Board requisite, advantageous or convenient for it to carry on for or in connection with the performance of its duties under this Act or with a view to making the best use of any of its assets.

(3) In addition to the functions and duties imposed by this section, the Board may undertake such other functions as the Minister may assign to the Board and in so doing the Board shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Board in respect of such functions. 34/72.

(4) The Minister may, after consultation with the Board, give to the Board such general directions, not inconsistent with the provisions of this Act, as to the policy to be followed by the Board in the exercise and performance of its powers, functions and duties under this Act as appear to the Minister to be required in the public interest, and the Board shall as soon as possible give effect to any such directions.

(5) The Board shall furnish the Minister with information with respect to its property and activities in such manner and at such times as he may require.

16.—(1) Subject to the provisions of this Act, the Board may supply water, gas and electricity to any person who undertakes to enter into a contract with the Board for the supply of water, gas or electricity upon such terms and conditions as the Board may determine.

Board to supply water, etc. 34/72.

(2) The Board may in its discretion refuse to give such supply to any building which has been erected in contravention of any written law or which is in a ruinous or dangerous condition.

17. The Board may —

- (a) form or participate in the formation of any company for the purpose of carrying out all or any of the functions of the Board;
- (b) with the approval of the Minister, form or participate in the formation of any company for such other purposes as may be approved by the Minister.

Board may form companies. 28/91.

Board may stop or interrupt supplies. 34/72.

18. The Board may, in cases of emergency, fire, excessive drought, repairs to mains, or in connection with the construction of new works, alterations to existing works, or the installation, changing or removal of meters, stop, turn off or divert in part or wholly the water, gas or electricity in any mains or other works under its control or management, notwithstanding any agreement made with any person for the supply of water, gas and electricity.

Power to reduce supply.

19.—(1) The Board may, without incurring any liability for so doing other than the liability to make a proportionate abatement in the sum agreed to be paid for the supply of water, gas or electricity, reduce as it thinks fit the quantity of water, gas or electricity supplied in any case, if at any time it is of the opinion that its supply of water, gas or electricity is insufficient for purposes of normal supply to the public.

(2) A supply of water for domestic purposes shall not include a supply of water for cattle or horses or for washing vehicles where the cattle, horses or vehicles are kept for sale or hire or kept by a common carrier, nor shall it include a supply of water where the supply is used substantially for watering lands or gardens or for fountains or for any ornamental purpose whatever, nor shall it include a supply of water to any premises any part of which is used for the purpose of any trade, manufacture or business.

(3) A supply of gas or electricity for domestic purposes shall not include a supply of gas or electricity for any trade, manufacture or business.

Board may cut off supply in default of payment.

20.—(1) If any person entitled to a supply of water, gas or electricity under any such agreement as is mentioned in section 16, makes default in payment of any sum payable by him under the agreement, the Board may cut off the supply of water, gas or electricity by severing or disconnecting any pipe, line or other work through which water, gas or electricity is supplied and may, until any sum payable under the agreement together with the expenses incurred by the Board in so cutting off are fully paid, discontinue the supply of water, gas or electricity to that person.

34/72.

(2) If in the opinion of the Board any person is responsible for the misuse or waste of any water supplied by the Board, the Board may give notice in writing to that person

calling upon him to cause the misuse or waste to be discontinued within a period to be specified in the notice and if any such misuse or waste continues after the expiry of that period, the Board may cut off the supply of water to that person by severing or disconnecting the service pipe or by such other means as it thinks fit.

(3) In any case where the Board is of the opinion that immediate action is necessary as a work of emergency in the interests of public safety or in order to avoid undue interference with the efficient supply of gas or electricity to other consumers or for the conservation of electricity supplies or for such other reasons affecting the public interest, it may forthwith discontinue the supply of gas or electricity to any person and shall give immediate notice in writing of the discontinuance to such person. ^{34/72.}
^{14/74.}

(4) Where any person operates an electrical or supply installation without a licence issued under Part V, the Board may forthwith cut off the supply of electricity to that electrical or supply installation.

(5) Where in pursuance of subsection (2), (3) or (4) the Board has cut off any supply of water, gas or electricity, the Board may discontinue such supply until all expenses incurred by the Board are fully paid. ^{34/72.}

(6) If at any time after the supply of water, gas or electricity to any premises has been cut off by the Board, it is found that any such supply has been renewed without the authority of the Board and that water, gas or electricity is being used by any person or persons on the premises, the occupier of the premises shall be deemed, until the contrary is proved, to have authorised such user, and shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to a further fine not exceeding \$250 for every day during which the offence continues after conviction. ^{11/83.}

(7) Any employee of the Board duly appointed for that purpose may at all reasonable times enter any premises to which water, gas or electricity is or has been supplied by the Board in order to examine and if necessary repair, renew or replace the pipes, lines, meters, accumulators, fittings, works or apparatus for the supply of water, gas and electricity belonging to or which are supplied from mains or

cables belonging to the Board and for the purpose of ascertaining the quantity of water, gas or electricity consumed or supplied or, when the Board is authorised to cut off the supply of water, gas or electricity from any premises, for the purpose of removing any pipes, electric lines, accumulators, fittings, works or apparatus belonging to the Board and repairing any damage caused by such entry, inspection or removal.

Protection
from
personal
liability.

21.—(1) No matter or thing done and no contract of any kind entered into by the Board and no matter or thing done by any member of the Board or by any employee thereof or any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act, subject any such member or employee or any other person acting under the direction of the Board personally to any action, liability, claim or demand whatsoever.

(2) Any expense incurred by the Board or any member, employee or other person so acting under the direction of the Board shall be borne by and repaid out of the funds of the Board.

(3) The Board may make an ex gratia payment out of its funds to any person sustaining any damage by reason of the exercise of any of the powers vested in the Board or its employees under and by virtue of this Act or of any other written law for the time being in force.

Public
servants.
Cap. 224.

22. The members of the Board and the employees thereof, of every description, shall be deemed to be public servants within the meaning of the Penal Code.

Appointment
of com-
mittees of
Board, and
delegation of
its powers.

23.—(1) The Board may appoint such committees consisting of such number of members of the Board as it thinks fit for any purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to such committees or the Chairman all or any of the functions required to be performed by the Board under this Act, except the power to make regulations, prescribe or levy dues and rates and borrow money.

(3) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the powers, functions and duties by this Act vested in the Board except the powers to make regulations, prescribe fees and borrow money, and any powers so delegated shall be exercisable by the employee in the name and on behalf of the Board.

(4) The Board may continue to exercise any powers or perform any functions and duties conferred on it by this Act notwithstanding the delegation of those powers, functions or duties under this section.

Power to borrow money

24.—(1) The Board may, from time to time, for the purposes of this Act, raise loans from the Government or, with the consent of the Minister, from any other source, either by the creation and issue of debentures, stock or bonds, or otherwise, as the Minister may direct.

Borrowing
powers.

(2) The Board shall pay interest on such loans at such rate and at such times, and shall make such provision for the mode and time or times of repayment of principal, as may be approved by the Minister after consultation with the Board.

(3) The Board may, with the consent of the Minister, from time to time borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require —

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or
- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under subsection (1), expenses intended to be defrayed by any such loan.

25. All loans raised by the Board under section 24, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Board and shall rank equally one with another, with priority over any other charge on the revenues of the Board.

Loans
charged upon
Board's
revenues.

General financial provisions

General duties of Board in financial matters.

26. It shall be the duty of the Board so to exercise its powers and perform its functions under this Act as to secure that the total revenues of the Board are sufficient, taking one year with another, to meet its total outgoings properly chargeable to revenue account including depreciation and interest on capital and to meet a reasonable proportion of the cost of the development of the services of the Board.

Annual estimates.

27.—(1) The Board shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates may be adopted by the Board at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Board, be sent forthwith to the Minister.

(4) A summary of the annual estimates and supplementary estimates adopted by the Board shall be published in the *Gazette*.

Contribution by Government towards capital outlay to provide supplies.

28. Where the Government considers it necessary for water, gas or electricity supplies to be provided in any area or areas, whether for domestic or non-domestic purposes, and where the Board considers it uneconomic to provide such supplies without a contribution from the Government, the Government may make such contribution towards the capital outlay necessary to provide such supplies as may be estimated by the Board and agreed by the Government.

Contribution by landowners towards capital outlay to provide supplies.

29. In cases where an owner of land proposes to erect thereon buildings for which water, gas and electricity supplies will be needed, whether for domestic or non-domestic purposes, and it is uneconomic for the Board to provide such supplies, the Board may require the owner to make such contribution towards the capital outlay necessary to provide those supplies as may be estimated by the Board and agreed by the owner.

30.—(1) The prices to be charged for the supply of water, gas and electricity and the hire of apparatus shall be in accordance with such tariffs as may from time to time be prescribed by regulations made by the Board with the approval of the Minister:

Tariffs.
34/72.

Provided that nothing in this section shall prevent the Board from charging, by special agreement, other prices which shall be published in the *Gazette* as soon as possible after such special agreement has been entered into.

(2) The Board, in fixing tariffs and making agreements for the supply of water, gas or electricity, shall not show undue preference as between consumers similarly situated, and shall not exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity supplied, and the purpose for which the supply is taken:

Provided that nothing in this section shall prevent the Board from fixing different tariffs for consumers similarly situated for a temporary period to be approved by the Minister.

31.—(1) Subject to the approval of the Minister, the Board may make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Board as it may determine, on their death or retirement from the service of the Board or on their otherwise leaving the service of the Board.

Pension schemes, provident fund, etc.
34/72.

(2) The following provisions shall apply to any scheme established under this section:

34/72
34/73.

(a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Board, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Board or to the Government;

- (b) no contribution by the Board or its employees made under any such scheme and no interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim, other than a debt due to the Board or to the Government;
- (c) no such contribution or interest shall be subject to the debts of the contributor, nor shall such a contribution or interest pass to the Official Assignee on the bankruptcy of the contributor, but, if the contributor is adjudicated a bankrupt or is declared insolvent by a court, the contribution or interest shall, subject to the provisions of this Act, be deemed to be subject to a trust in favour of the persons entitled thereto on the death of the contributor;
- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not be deemed to form part of his after acquired property;
- (e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a contributor shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of the deceased contributor, or under a nomination in such form as may be prescribed in the scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Act;
- (f) any contributor may by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of any such scheme and may make provision for the appointment of a new trustee or new trustees of the moneys and for the investment thereof; the memorandum

shall be in the form prescribed in the scheme and shall be deposited with the Board;

- (g) if at the time of the death of any contributor or at any time afterwards, there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof; and
- (h) the receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Board, the receipt of a nominee or nominees duly appointed or in default of such appointment, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the Board for any moneys payable on his death out of any such scheme.

- 32.—(1)** The income of the Board for any year shall be applied in defraying the following charges: Application of revenue.
- (a) the remuneration, fees and allowances of the members of the Board;
 - (b) the salaries, fees, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the officers, auditor, agents and employees, and technical or other advisers, of the Board;
 - (c) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Board, and the discharge of the functions of the Board properly chargeable to revenue accounts;
 - (d) the interest and sinking fund contributions on any loan payable by the Board;
 - (e) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Board;
 - (f) such sums as the Board may think appropriate to set aside in respect of depreciation on the

property of the Board having regard to the amount set aside out of revenue under paragraphs (d) and (e); and

- (g) any other expenditure authorised by the Board and properly chargeable to revenue account.

(2) The balance of the revenue of the Board shall be applied for the creation of a general reserve or such other reserves or capital fund as the Board may consider appropriate.

Investment
of funds.
28/91.

33. The Board may from time to time invest any of its funds not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Board —

- (a) in any of the securities in which trust funds may, under any written law for the time being in force relating to trustees, be invested except that the Minister may require the Board to invest in any such securities as he may direct; or
- (b) with the approval of the Minister, in such other securities as the Board thinks fit.

Accounts.

34.—(1) The Director of Finance, appointed under section 13, shall be responsible for the keeping of proper accounts and other records in respect of the operations of the Board, and shall cause to be prepared a statement of accounts in respect of each year.

(2) The accounts of the Board shall be kept and made up to 31st December in each year.

(3) Separate accounts shall be kept in respect of each of the water, gas and electricity undertakings of the Board showing —

- (a) its assets and its income and expenditure relating to the supply of electricity, gas and water; and
- (b) the transactions relating to any capital, depreciation, reserve or other fund which the Board may set up.

3/78.

(4) The Director of Finance shall do all things necessary to ensure that all payments out of the Board's moneys are

correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

35.—(1) The accounts of the Board shall be audited by the Auditor-General or an auditor appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor). Audit.
3/78.

(2) The auditor shall be paid out of the income of the Board such remuneration, expenses or fees as the Minister, after consultation with the Board, shall direct.

(3) For the purpose of the audit of accounts under this Act, the auditor may require the production before him of any book, deed, contract, account, voucher or other document which he may consider necessary to call for, and may require any person holding or accountable for any such document to appear before him and make and sign a statement in relation thereto and may require from any such person such information as he considers necessary. 11/83.

(4) Any person who, being required by the auditor under subsection (3) to produce such book, deed, contract, account, voucher or other document or to appear before him and make and sign such statement or to furnish such information, fails without reasonable excuse to comply with the requisition or who otherwise hinders, obstructs or delays the auditor in the performance of his duties shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction. 3/78
11/83.

36.—(1) The auditor shall, as soon as practicable and not later than 3 months after the accounts have been submitted for audit, send an annual report of his audit to the Board. He may also submit such periodical and special reports to the Minister and to the Board as may to him appear necessary. Auditor's
reports.

(2) The auditor shall report — 3/78.

- (a) whether the financial statements relating to the accounts of the Board show fairly the financial transactions and the state of affairs of the Board; and

(b) on such other matters arising from the audit as he considers necessary.

3/78.

(3) The auditor shall state in his report whether —

(a) proper accounting and other records have been kept;

(b) the financial statements are prepared on a basis similar to that adopted for the preceding year;

(c) the financial statements are in agreement with the accounting and other records; and

(d) the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Board during the year have been in accordance with the provisions of this Act.

(4) Where the Auditor-General has not been appointed to be the auditor a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.

Annual
statement
of accounts.
28/91.

37.—(1) The Board shall, within two months of the submission of the auditor's annual report, send to the Minister a statement of accounts and the balance-sheet in respect of that year, signed by the Chairman and the chief executive officer and certified by the auditor, together with a copy of the auditor's report on those annual accounts.

(2) The Minister shall cause a copy of every such annual statement of accounts and balance-sheet, together with the auditor's annual report, to be presented to Parliament.

Annual report

Annual
report.

38.—(1) The Board shall, as soon as practicable after the end of each year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding year and containing such information relating to the proceedings and policy of the Board as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be presented to Parliament.

PART IV

TRANSFER TO BOARD OF CITY COUNCIL UNDERTAKINGS, ETC.

39. In this Part, “the water, gas and electricity undertakings of the City Council” means the installations of the Water, Gas and Electricity Departments of the City Council and all lands, buildings and other property, movable or immovable, vested in and held by the City Council for the purposes of those Departments, and includes all assets, powers, rights, interests and privileges as well as debts, liabilities and obligations of the City Council in connection therewith or appertaining thereto.

Inter-pretation.

40.—(1) Upon the commencement of this Act —

(a) the water, gas and electricity undertakings of the City Council; and

(b) the assets and liabilities of the City Council in respect of all loans raised by the City Council by the issue of debenture stock and in respect of any other loans raised by the City Council for the purposes of the water, gas and electricity undertakings of the City Council under the provisions of the Municipal Ordinance or of the Local Government Ordinance 1957 including the sinking funds created for the redemption of such loans,

Transfer to Board of water, gas and electricity undertakings of City Council and loans raised by City Council. 16/88.

Cap. 133. 1936 Ed. 24/57.

shall be transferred to and vest in the Board without further assurance.

(2) If any question arises as to which of the properties, movable or immovable, have been transferred to and vested in the Board under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence of the vesting of that property, movable or immovable, in the Board.

(3) The value of all assets and liabilities transferred to and vested in the Board in accordance with the provisions of this Part shall be accounted for on the basis of the book value of those assets and liabilities immediately prior to their transfer.

41. All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the

Existing agreements.

commencement of this Act, affecting any of the undertakings, assets and liabilities vested in the Board under this Act, shall have as full force and effect against or in favour of the Board, and be enforceable as fully and effectually as if, instead of the City Council or any person acting on behalf of the City Council, the Board had been named therein or had been a party thereto.

Transfer of employees, etc.

Transfer of employees.

42. Upon the commencement of this Act, every person employed in the Water, Gas and Electricity Departments of the City Council and such other persons employed by the City Council as the Minister may think fit, shall be deemed to be transferred to the service of the Board at the same rate of pay and, as near as may be, on the same conditions of service as those on which they were employed by the City Council.

Safeguarding of Provident Fund benefits.
Cap. 166.

43.—(1) Rules for the maintenance of the Municipal Provident Fund made under section 12 of the Local Government Integration Act shall be binding upon the Board and its employees.

S 179/56.

(2) Until such rules are made, the Municipal (Provident Fund) Rules 1956, as from time to time amended, shall continue to apply to every person transferred to the service of the Board under section 42 who, immediately before the commencement of this Act, was a member of the Municipal Provident Fund, or would have been eligible for membership of that Fund if he had attained the age of 20 years and had passed a medical examination of the standard prescribed, in the like manner as those Rules applied to such persons immediately before the commencement of this Act, and every reference to service or employment with the City Council in those Rules shall be construed as a reference to service or employment with the Board in respect of those persons.

S 179/56.

(3) Until such rules are made, the provisions of the Municipal (Provident Fund) Rules 1956, as from time to time amended, requiring the City Council to make payments into the Municipal Provident Fund shall apply to the Board and be construed as provisions requiring the Board to make payments into the Fund in respect of every person

referred to in subsection (2) who is or who becomes a member of the Fund.

(4) Persons who have been transferred to the service of the Board under section 42 may count their previous service in the City Council and their previous membership of the Municipal Provident Fund and their contributions to that Fund for the purpose of determining the benefits to which they become entitled under this section.

44. Where any person in the service of the Board who is not a member of the Municipal Provident Fund retires from or dies in the service of the Board, the Board may grant to him or to such of his dependants as the Board may think fit such allowance or gratuity as the Board may determine.

Retirement or death of persons who are not members of Municipal Provident Fund.

PART V

LICENSED ELECTRICAL AND SUPPLY INSTALLATIONS

45. In this Part, unless the context otherwise requires —

“authorised officer” means an officer authorised by the Board for the purposes of this Part;

Interpretation. 14/74. 28/91.

“electrical installation” means any appliances, wires, fittings or other apparatus placed in, on, over or under any premises and used for or for purposes incidental to the conveyance, control, or use of electricity supplied or intended to be supplied by the Board or any other person, whether such appliances, wires, fittings or apparatus are or are not supplied by the person contracting or undertaking to instal the same, and includes a supply installation and any additions, alterations, and repairs to an electrical installation, but does not include —

- (a) any electricity supply main or service line of the Board;
- (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or

(c) any appliances, wires, fittings or apparatus which are placed in, on, over or under any premises owned or occupied by the Board which are not used for the consumption of electricity on such premises or solely for purposes incidental to the conveyance or control of electricity so consumed;

Cap. 89.

“electrical worker” means a person who is licensed as such under the Electrical Workers and Contractors Licensing Act;

“supply installation” means the whole of any plant or apparatus under one ownership or management, designed for the supply or use, or both supply and use, as the case may be, of electricity (other than electricity supplied or used for the transmission of any communication or signal) including any machine supplying mechanical energy to a generator, with all necessary plant, buildings and land in connection therewith, pipelines, supply lines and consuming apparatus, if any.

Licence
required
for use of
electrical
or supply
installation.
14/74.

46.—(1) No person shall —

- (a) use, work or operate or permit to be used, worked or operated any electrical or supply installation; or
- (b) supply to or for the use of any other person electricity from any electrical or supply installation,

except under and in accordance with the terms of a licence expressly authorising such use or supply, as the case may be.

(2) Such licence may be granted by the Board on payment of such fee, if any, as may be prescribed.

(3) A licence shall not be transferred without the consent of the Board.

(4) A licence shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may be imposed and endorsed on the licence by the Board.

(5) A licence may be for such period as the Board may approve.

(6) In every licence for the use of a supply installation, there shall be set out —

- (a) the area of supply;
- (b) the declared voltage frequency and the variations permitted thereon;
- (c) the maximum charges payable by consumers; and
- (d) such other matters as the Board may consider desirable.

47.—(1) Subject to the approval of the Commissioner of Lands and to such conditions as the Commissioner of Lands may impose, a licence for a supply installation may extend to authorising the licensee to lay, place or carry on, under or over State land to the extent and in the manner specified in the licence, such supply lines, and to erect and maintain in or upon State land such posts and other apparatus as may, in the opinion of the Board, be necessary or proper for the purposes of the supply installation and, subject always to the approval of the Commissioner of Lands, such authorisation may be given or added to at any time during the currency of the licence by endorsement thereon.

Supply lines and other apparatus on State land.
14/74.

(2) All apparatus placed in or upon State land which is not removed therefrom within 6 months, or such longer period as the Commissioner of Lands may permit, after the expiration or earlier determination of the licence under the authority of which the apparatus was so placed, shall vest in and become the property of the Government.

48.—(1) No electrical or supply installation shall be operated unless it is licensed under this section.

Licensing of electrical and supply installation.
14/74.

(2) Every application for a licence to operate an electrical or supply installation shall be made to the Board in such form as the Board may direct.

(3) A licence shall be surrendered by the licensee to the Board for cancellation if the electrical or supply installation is no longer required to be used. Thereafter, if the licensee wishes to operate the electrical or supply installation again, it shall be treated in all respects as if it were a new electrical or supply installation.

(4) A licence may be suspended or revoked in accordance with regulations made under section 63.

Exemption.
14/74.

49. The Board may, by notification in the *Gazette*, exempt from all or any of the provisions of this Part —

- (a) any electrical or supply installations owned and operated by the Board, the Government or any statutory authority;
- (b) any electrical or supply installations used exclusively for domestic purposes;
- (c) such other electrical or supply installations as the Board may consider desirable.

Control by
electrical
worker.
14/74.

50.—(1) A licensee shall employ or appoint such class or classes of electrical workers as the Board may direct to operate or to be in charge of or to control any electrical or supply installation and no other person shall operate or be in charge of or control such electrical or supply installation.

11/83.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, if the contravention is continued, to a further fine not exceeding \$250 for every day or part thereof during which the contravention continues after conviction.

Inspection
of electrical
or supply
installations.
14/74.

51.—(1) A licensee shall cause an electrical or supply installation to be inspected at such intervals as the Board may consider necessary.

(2) An inspection referred to in subsection (1) shall be carried out by such class or classes of electrical workers as the Board may direct.

(3) On completion of the inspection, a certificate as to the fitness of the electrical or supply installation for licensing purposes shall be issued by the electrical worker who carried out the inspection.

Restriction
of use to
specified
purposes.
14/74.

52. A licensee who is, by the conditions of his licence, restricted to using or supplying electricity for specified purposes only, shall not use or supply electricity for any purpose other than those so specified.

Procedure
in case of
defect in
electrical
or supply
installation.
14/74.

53.—(1) Any electrical worker appointed to operate or to be in charge of or to control an electrical or supply installation who becomes aware of a defect therein and every licensee who becomes aware of a defect in an electrical or supply installation shall forthwith make good or remove the defect or make a report thereon to the Board.

(2) In the event of a report being made to the Board, the Board may by notice in writing posted on the premises where the electrical or supply installation is installed or working, or served upon the licensee or the electrical worker who is appointed to operate or to be in charge of or to control the electrical or supply installation, require the defect to be made good or removed within such period as may be specified in the notice, and in such case the electrical or supply installation shall not be operated or used after the expiration of that period unless the defect has been made good or removed to the satisfaction of the Board:

Provided that, if the Board is of the opinion that the defect is likely to cause immediate danger, it may, by notice posted or served as aforesaid, forthwith suspend the operation and use of the electrical or supply installation until the defect is made good or removed and in such case the electrical or supply installation shall not be operated or used so long as the notice of suspension remains in force.

(3) The Board shall not be liable for any loss or damage caused to any person by the suspension of the operation and use of any electrical or supply installation or by the suspension or cancellation of a licence under this section.

(4) Any person who contravenes or fails to comply with any of the provisions of subsection (1) or (2) shall be guilty of an offence.

54.—(1) The Board may, in its discretion, require that, before the issue of any licence, such security as it may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Act and the regulations.

Suspension
and
revocation
of licence.
14/74.

(2) A licence may at any time be suspended or revoked by the Board on breach of any of the conditions thereof or for non-compliance with any of the provisions of this Act, the Electrical Workers and Contractors Licensing Act or any regulations made thereunder respectively, or in default of payment of any money due, or if the licensee ceases to work or operate any electrical or supply installation in respect of which the licence was granted.

Cap. 89.

(3) The licensee shall not be entitled to compensation for any loss caused to him by the suspension or revocation of a licence under this section.

Existing electrical or supply installations. 14/74.

55. All electrical and supply installations which have been operated or the construction of which has been completed or begun before 1st January 1975 shall be subject to this Act and the regulations.

Electrical interference with signalling processes or circuits. 14/74 11/83. Cap. 323.

56. If the Board is satisfied that the working or operation of any electrical or supply installation causes electrical interference with any radio-communication, telecommunication, telegraph, telephone or other electrical signalling process or circuits, owned or operated by or on behalf of the Government or by any person licensed under the provisions of the Telecommunication Authority of Singapore Act the licensee shall be called upon to abate the interference and if, within a period of 14 days or such longer period as is considered reasonable by the Board in any particular circumstances, the interference has not been effectually abated, the Board may order the cancellation of the licence and prohibit the working or operation of the electrical or supply installation.

Compliance with regulations. 14/74.

57.—(1) A printed copy of the regulations made under this Part shall be supplied free of charge by the licensee to any electrical worker or person affected thereby who may apply for it.

(2) The licensee and all his agents, electrical workers and persons affected thereby shall comply with all such regulations.

(3) In the event of any breach of such regulations, the Board may by written order prohibit the use of any electrical or supply installation until the regulations are complied with and every such order shall be immediately complied with by the person concerned.

Entry into premises. 14/74.

58.—(1) Subject to subsection (2), an authorised officer may enter upon any premises in or upon which any electrical or supply installation may be, at all reasonable hours of the day and also at any time when the electrical or supply installation is in operation.

(2) The authorised officer seeking to enter any premises under the powers conferred by subsection (1) shall carry, and shall produce on demand, an official identification card or badge in such form as the Board may direct, and no person shall be obliged to admit to his premises any person

purporting to be an authorised officer except upon production of such identification card or badge.

59.—(1) When any accident causing or resulting in loss of life or hurt to any person or serious damage to property has occurred in connection with any electrical or supply installation, the owner of the premises concerned or the licensee or the management thereof shall report the accident to the Board by the quickest means available, and subsequently with the least possible delay shall report in writing to the Board the facts of the matter so far as the facts are known. Any authorised officer shall as soon as practicable after receipt of the first report —

Serious accidents to be reported and investigated. 14/74.

- (a) visit the place where the accident occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings upon such investigation;
- (d) forward his report to the Board; and
- (e) if there has been any loss of life or there is reason to believe that any person has been seriously injured, send a copy of his findings to a Magistrate.

(2) In the event of loss of life or grievous hurt to any person due to any accident arising from the use or operation or caused by any electrical or supply installation, no alteration or addition shall, without the consent of the Board, be made to any part of the electrical or supply installation which may have contributed towards the cause of the accident nor shall any alteration be made without such consent to the site of the accident until investigations have been completed:

Provided that nothing in this subsection shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(3) If upon a preliminary investigation under subsection (1), it appears that there is reason to believe that the accident was due to any failure to comply with the provisions of this Act, the Electrical Workers and Contractors Licensing Act or any regulations made thereunder respectively or to neglect to obey any lawful order given by the Board or if the officer investigating is satisfied that the

Cap. 89.

accident might have been prevented if proper precautions had been taken and observed in the operation or working of any electrical or supply installation the Board shall hold an inquiry into the nature and cause of the accident with the assistance, if considered necessary by the Board, of one or more persons of electrical or other special skill and experience to be nominated by the Board as assessors. At the conclusion of the inquiry a copy of the findings taken at the inquiry together with the opinion of the Board shall be forwarded to the Public Prosecutor.

(4) Any person who, without lawful excuse, contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence.

Power to
administer
oaths, etc.
14/74.

60. For the purpose of holding inquiries under this Act, any authorised officer shall have power to administer oaths and affirmations and shall be vested with the powers of a Magistrate for compelling the attendance of witnesses, maintaining order and otherwise conducting the inquiries, and persons summoned to attend any such inquiry shall be legally bound so to attend.

Offences.
14/74
11/83.

61.—(1) Any person who wilfully tampers with or adjusts any electrical or supply installation or any part thereof so as to cause or to be likely to cause danger to human life or limb or injury to any property of any kind shall be guilty of an offence and for each such offence shall be liable on conviction to imprisonment for a term not exceeding 5 years.

(2) Any person who by any rash or negligent act or omission committed or omitted in respect of any electrical or supply installation or part of any electrical or supply installation under his control causes hurt to any person or damage to any property shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) Any person who, in contravention of section 46, supplies electricity from an electrical or supply installation to or for the use of any other person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, if the contravention is continued, to a further fine not exceeding \$500 for every day or part thereof during which the contravention continues after conviction.

(4) A licensee of a supply installation who without express authority from the Board supplies electricity or lays down any supply line or constructs any electrical works outside the area of supply specified in his licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and any such unauthorised line or works may be removed by order of the Board, and the reasonable cost of such removal may be recovered from the licensee.

(5) Any person who, in contravention of section 46, uses, works or operates, or permits to be used, worked or operated, any electrical or supply installation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, if the contravention is continued, to a further fine not exceeding \$250 for every day or part thereof during which the contravention continues after conviction.

(6) Any person who obstructs or impedes any officer of the Board in the exercise of his duties under this Act, the Electrical Workers and Contractors Licensing Act or any regulations made thereunder respectively or fails to comply with any order lawfully given in pursuance of this Act, the Electrical Workers and Contractors Licensing Act or any such regulations shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

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(7) Any licensee who, without lawful excuse, fails to comply with any condition expressed or, by virtue of this Act or the Electrical Workers and Contractors Licensing Act implied, in his licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 and, if the failure is continued, to a further fine not exceeding \$150 for every day or part thereof during which the failure continues after conviction.

62. Notwithstanding the grant of a licence by the Board in respect of an electrical or supply installation, the Board shall not be responsible for the operation or maintenance of any electrical or supply installation or for any damages to any person or thing whatsoever by reason of operating or omitting to operate or maintaining or omitting to maintain any electrical or supply installation.

Board not
liable.
14/74.

Power
to make
regulations.
14/74.

63. The Board may, with the approval of the Minister, make regulations not inconsistent with the provisions of this Part prescribing —

- (a) the powers, duties and functions of its employees and the manner in which such powers, duties and functions are to be exercised and carried out;
- (b) the intervals, times and manner at or in which any electrical or supply installation shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensees and the management for such inspections;
- (c) the control of standards for electrical machinery, electric lines, wiring, fittings, accessories, appliances, consuming devices, control and protective gear associated with the generation, transmission, distribution and application of energy and the manner in which such machines, electric lines, wiring, fittings and apparatus shall be erected, fixed, protected, inspected, tested and maintained;
- (d) the approval and control of electrical apparatus, appliances, equipment and material with the object of securing their safety in service and the prohibition of the use, sale or hire of all electrical apparatus, appliances, equipment and material which are in the opinion of the Board unsafe;
- (e) the fees to be paid for licences and any other fees which require to be prescribed under the provisions of this Part;
- (f) the forms and contents of, and the conditions to be prescribed in, licences and the conditions for suspension, extension and revocation of licences and the manner in which applications for licences shall be made;
- (g) the manner of holding inquiries under this Part;
- (h) the form of notices and the manner of service thereof;
- (i) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance

- or pollution likely to arise or arising from the working of any electrical or supply installation or apparatus;
- (j) any other matters required to be prescribed by this Part or which may appear to the Board expedient for the better carrying out of the provisions of this Part, or for securing the safety of the public; and
- (k) the penalties to be imposed for breaches of the regulations.

*PART VA

GAS SUPPLY AND SAFETY AND
LICENSING OF GAS SERVICE WORKERS

63A. In this Part, unless the context otherwise requires — Interpre-
tation.
28/91.

- “authorised officer” means an officer authorised by the Board for the purposes of this Part;
- “gas” means gas supplied by the Board;
- “gas fitting” includes any pipe, fitting, conveyance, valve, regulator or any other device used or to be used for the control and use of gas;
- “gas installation” means an arrangement of gas fitting for utilisation of gas;
- “gas main” means any pipe vested in and belonging to and under the control of the Board and used for the conveyance of gas but does not include a gas service pipe;
- “gas service pipe” means the pipe between the gas main of the Board and a primary meter control for the use of gas on the premises of a consumer;
- “gas service work” means any work carried out on any gas installation and includes the designing, installation, construction, erection, repair, addition, alteration or maintenance of any gas installation or any part thereof;
- “gas supply system” means the gas mains, risers, gas service pipes, gas fittings and other related

* This Part has not yet been brought into operation.

equipment for the purpose of supplying gas to consumers;

“gas tightness” means the freedom from leak when a gas supply system or gas installation or gas fitting is tested at the appropriate test pressure;

“hotwork” means any work involving the use of a local source of ignition and includes welding, gas-cutting, grinding, chipping and any process capable of generating heat, sparks or both, which may be capable of igniting flammable vapour or any other combustible material;

“licence” means a licence issued under this Part authorising the holder thereof to carry out such gas service work as is specified in the licence and “licensed” shall have a corresponding meaning;

“licensed gas service worker” means a person who holds a valid licence to carry out the gas service work specified in the licence.

Safety
require-
ments.
28/91.

63B.—(1) No person shall carry out any work in relation to a gas fitting in such a manner that gas may escape unless precautions are taken to prevent any escape of gas from being a danger to any person or property.

(2) No person shall connect a gas installation to a source of gas supply without ensuring that every outlet is sealed with the appropriate fitting and the gas installation is tested for gas tightness.

(3) Any person who disconnects a gas fitting shall, with the appropriate fitting, seal off every outlet of every pipe to which it is connected.

(4) No person carrying out work in relation to a gas fitting which involves exposing any part of the gas installation which contains or has contained flammable gas shall smoke or use any source of ignition unless the gas installation has been purged so as to remove all such gas or has otherwise been made safe from risk of fire or explosion.

(5) No person searching for an escape of gas from a gas fitting shall use any source of ignition unless the source of

ignition is incorporated as part of an instrument designed for detection of gas.

(6) Where a person carries out any work in relation to a gas fitting which might affect the gas tightness of the gas supply system, he shall immediately thereafter test the system for gas tightness on the nearest valves upstream and downstream in the system.

(7) No person shall use any naked flame or carry out any hotwork in the vicinity where gas is known to be leaking.

(8) Any person who fails to comply with or contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

63C.—(1) No person shall build, erect or construct any building or structure or shall permit to be built, erected or constructed any building or structure over any existing gas main or gas service pipe.

No building or structure over any gas main or gas service pipe. 28/91.

(2) Any person who intends to build, erect or construct any building or structure which may, in the opinion of the Director of Gas Department, affect an existing gas main or gas service pipe shall apply to the authorised officer for approval and the authorised officer may refuse the application or grant the application on such terms and conditions as the authorised officer thinks fit.

(3) Any owner or occupier whose premises is found to have any building or structure built, erected or constructed over an existing gas main or gas service pipe shall have the gas main or gas service pipe relocated or diverted away from under the building or structure at his own expense, failing which the authorised officer may take the necessary steps to relocate or divert the gas main or gas service pipe and charge the cost of such work to the owner or occupier.

(4) Any person who fails to comply with or contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

No person to perform gas service work or to hold himself out as a gas service worker unless he is a licensed gas service worker.
28/91.

63D.—(1) Subject to subsection (2), no person shall, unless he holds a valid licence —

- (a) carry out or cause to be carried out or offer or undertake to carry out any gas service work;
- (b) advertise or otherwise hold himself out or conduct himself in any way or by any means as a gas service worker or as a licensed gas service worker or as a person who carries or who is qualified by any written law to carry out gas service work.

(2) The Board may from time to time, by notification in the *Gazette*, specify any gas service work which may be carried out by any person without a licence.

(3) Any person who fails to comply with or contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

No unlicensed gas service worker to be engaged.
28/91.

63E.—(1) No person shall engage any person who is not a licensed gas service worker to carry out any gas service work other than the gas service work specified pursuant to section 63D (2).

(2) Any person who fails to comply with or contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Application for licence.
28/91.

63F.—(1) Any person who desires to be a licensed gas service worker may apply to the Board for a licence.

(2) Applications for a licence shall be made in such manner or form as the Board may determine and shall be accompanied by the prescribed fee and such documents and particulars as the Board may determine.

(3) The Board may issue a licence either unconditionally or subject to such conditions as it thinks fit or may refuse to issue a licence.

(4) The Board may issue different types of licence for different categories of gas service worker or for different types of gas service work.

(5) The Board may vary or revoke any of the existing conditions of the licence or impose new conditions or vary,

suspend or cancel a licence or replace any licence which has been lost, destroyed or defaced.

63G.—(1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes of this Part and for any matter which is required under this Part to be prescribed. Regulations. 28/91.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, make regulations —

- (a) for the control of standards and safety requirements for gas installations, gas fittings, appliances and accessories and the manner in which such gas installations, gas fittings, appliances and accessories shall be erected, fixed, protected, inspected, tested, operated and maintained when connected to the gas supply system of the Board;
- (b) for the approval and control of gas apparatus, appliances, equipment and material with the object of securing their safety in service when connected to the gas supply system of the Board and the prohibition of use, sale or hire of all gas apparatus, appliances, equipment and material which are in the opinion of the Board unsafe for use with gas supplied by the Board;
- (c) prescribing the types of licences which may be issued, the form and duration of licences, the terms and conditions upon which and the circumstances in which licences may be issued, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
- (d) prescribing the qualifications and other requirements required of applicants of such licences and the examination or testing of applicants for such licences and the fees payable in respect of such examination or testing and the circumstances in and conditions on which an applicant may be exempted from such examination or testing;
- (e) for a register to be kept and maintained of all licences issued, the particulars to be entered in

the register and for the publication of the names of licensed gas service workers; and

- (f) prescribing the manner in which the Board may exercise its power and carry out its duties under this Part.

(3) The Board may, in making regulations under this section, provide that contravention of or failure to comply with any provision thereof shall be an offence and may prescribe punishment by a fine not exceeding \$5,000 or imprisonment for a term not exceeding one year or both.

PART VI

WATER SERVICE WORKER

64. In this Part, unless the context otherwise requires —

“licensed”, in relation to a water service worker, means a person who is the holder of a current licence permitting him to perform personally such water service work as is specified in his licence;

“water service installation” means an installation within any premises including any pipes, water fittings, apparatus or appliances, connecting a meter to the premises and used for the supply of water thereto, but does not include an installation for the disposal of any waste, sullage water or sewage;

“water service work” means any work performed or carried out on any water service installation and includes the designing, installing, constructing, erecting or repairing thereof or the altering of the structure thereof or the replacing of any part thereof or the adding of any part thereto or the carrying out of any work thereon for the maintenance thereof;

“water service worker” means any person whose trade or occupation requires or includes the personal performance by him of water service work or a person who is otherwise competent or qualified personally to perform water service work.

65.—(1) Subject to subsection (1A), no person shall —

- (a) perform or carry out personally any water service work or offer or undertake to perform or carry out personally any such work unless he is licensed as a water service worker in respect of that water service work;
- (b) advertise or otherwise hold himself out as a water service worker or as a licensed water service worker, or as a person competent or qualified or legally permitted personally to perform or carry out water service work unless he is licensed as a water service worker in respect of that water service work.

No person to perform water service work or to hold himself out as a water service worker unless licensed.
14/74
11/83
28/91.

(1A) The Board may from time to time, by notification in the *Gazette*, specify any water service work which may be carried out by any person without a licence.

28/91.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

11/83.

(3) Where an offence is committed against this section by any person who is the agent or employee of another person, that other person shall be liable under this Act in the same manner and to the same extent as if he had personally committed the offence unless he can prove that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

16/88.

66. The Board may —

Powers of Board.
14/74.

- (a) issue, suspend, cancel, alter, extend, renew or replace any licence;
- (b) classify any licence as a water service worker's licence or in such manner as it determines;
- (c) specify —
 - (i) the nature of the water service work in respect of which a licence is issued and restrict such work to any type or class of water service work or any type or class of water service installation; or
 - (ii) the circumstances or manner in which the holder of a licence may perform or carry out water service work;

- (d) attach any exemptions to any licence or impose any terms, conditions or restrictions thereon; or
- (e) do any act or thing which is prescribed or is necessary or convenient to carrying out the objects of this Act or is incidental thereto.

Board
may make
regulations.
14/74
11/83.

67. The Board may, with the approval of the Minister, make regulations, not inconsistent with this Part, which may be necessary or convenient for carrying this Act into effect or for facilitating the operation or administration of this Act and, without in any way limiting or restricting the generality of the foregoing, may make regulations prescribing —

- (a) the class or classes of licences to be issued under this Part, the form and duration of licences, the terms and conditions upon which and the circumstances in which licences may be issued, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
- (b) the qualifications and other requirements required of applicants and the examination or testing of applicants for licences under this Part and the fees payable in respect of such examination or testing and the circumstances in and conditions on which an applicant may be exempted from such examination or testing;
- (c) a register to be kept of all licences issued under this Part, the particulars to be entered in the register and for the publication of the names of holders of licences;
- (d) the manner in which the Board may exercise its powers and carry out its duties under this Part; and
- (e) fines not exceeding \$5,000 or imprisonment for a term not exceeding one year or both for contraventions of the regulations.

PART VII

CABLE DETECTION WORK

- 68.** In this Part, unless the context otherwise requires —
- “cable detection work” means any work of detecting or locating any electricity cables;

Interpre-
tation.
16/88.

“cable detection worker” means any person whose trade or occupation requires or includes the personal performance by him of cable detection work;

“earth works” includes any act of excavation, levelling, piling, dredging, boring or tunnelling on or under any premises or street by any mechanical means;

“licensed”, in relation to a cable detection worker, means a person who is the holder of a current licence issued under this Part permitting him to perform such cable detection work as is specified in his licence.

69.—(1) Subject to subsection (2), no person shall commence or carry out any earth works which are within the vicinity of any electricity cable belonging to or under the management or control of the Board unless he has caused cable detection work to be performed or carried out by a licensed cable detection worker.

Cable detection work to be carried out before earth works. 16/88.

(2) Nothing in subsection (1) shall prohibit a person from commencing or carrying out any earth works where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety except that the person shall, not more than 7 days after the earth works have been commenced or carried out, give to the Board notice in writing stating the nature and extent of those earth works.

(3) No person other than a licensed cable detection worker shall commence or carry out any cable detection work within the vicinity of any electricity cable belonging to or under the management or control of the Board where such cable detection work is commenced or carried out in connection or combination with or in relation to any earth works carried out or to be carried out.

(4) Any person who contravenes or fails to comply with subsection (1) or (3) shall be guilty of an offence.

70.—(1) No person shall advertise or hold himself out or conduct himself in any way or by any means as a person who is a licensed cable detection worker unless he is a licensed cable detection worker.

Licensed cable detection workers. 16/88.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence.

(3) No person other than a licensed cable detection worker shall be entitled to recover in any court any charge, fee or remuneration for any cable detection work performed or carried out by the person in Singapore.

Powers of
Board.
16/88.

71. The Board may —

- (a) issue a licence permitting a person to perform such cable detection work as is specified in the licence and may suspend, cancel, alter, extend, renew or replace any such licence;
- (b) classify any licence issued under paragraph (a) in such manner as it determines;
- (c) specify —
 - (i) the nature of the cable detection work in respect of which a licence is issued under paragraph (a) and restrict such work to any type or class of cable detection work; or
 - (ii) the circumstances or manner in which the holder of such a licence may perform to carry out cable detection work;
- (d) impose any terms, conditions or restrictions on any licence issued under paragraph (a);
- (e) approve or conduct courses of training, including refresher courses, and provide for examinations for cable detection workers;
- (f) keep a register of licensed cable detection workers; and
- (g) do any act or thing which is prescribed or is necessary or convenient to carrying out the objects of this Act or is incidental thereto.

PART VIII

PROPERTY OF BOARD

Power to
acquire
property.

72. The Board may acquire any property or any interest therein or any easement over any immovable property for the purposes of this Act.

73.—(1) The Board may exchange or, with the approval of the Minister, sell any property vested in it by virtue of this Act or acquired by it for the purposes thereof either in block or in parcels, whichever the Board finds most convenient and advantageous to do. Power to sell or exchange property. 28/91.

(2) The Board shall have power to lease or let, with or without taking a premium, any property vested in or acquired by it or to grant easements, wayleaves, rights of way, temporary licences, or other rights or privileges over, under, through or in respect of any lands or buildings belonging to the Board upon such terms and conditions as the Board thinks fit.

74. All works, apparatus, fixtures and fittings executed, erected on or affixed to land or buildings by the Board under this Act shall continue to remain the property of the Board and shall not vest in the owner of the land or buildings concerned. Property of Board.

75. When any pipe, line or other apparatus belonging to the Board is placed in or upon any premises not being in the possession of the Board for the purpose of supplying water, gas or electricity, the pipe, line or other apparatus shall not be subject to distress nor be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it is. Pipes, lines, etc., not to be subject to distress, etc.

76.—(1) If any person wilfully removes, destroys or damages any property belonging to the Board or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. Damage to property. 14/74 11/83.

(2) Notwithstanding subsection (1), any person who damages or suffers to be damaged any electricity cable belonging to or under the management or control of the Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding one year or to both. 16/88.

(2A) Where an offence under subsection (2) is committed by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any

employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under that subsection in the same manner and to the same extent as if he had personally committed the offence unless and until he shows to the satisfaction of the court that the offence was committed without his consent or connivance or that it was not attributable to any neglect on his part.

(3) Any person may apprehend any other person if the other person within his view commits an offence under this section and shall, on such apprehension without unreasonable delay, hand over the person so apprehended to a police officer.

Defence to
damaging
electricity
cable.
16/88.

77.—(1) In any proceedings for an offence under section 76 (2), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in any proceedings for an offence under section 76 (2) the defence involves acting on information supplied by a licensed cable detection worker, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period of 14 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the licensed cable detection worker.

(3) In this section, “licensed cable detection worker” shall have the same meaning as in Part VII.

Compensa-
tion for
damaging
property
of Board.
16/88.

78.—(1) Any person who removes, destroys or damages, whether wilfully or otherwise, any property belonging to the Board or hinders or prevents the property from being used or operated in the manner in which it is intended to be used or operated shall, in addition to any penalty for which he is liable for an offence under this Act, be liable to pay compensation for the damage he has done as assessed by any court of competent jurisdiction.

(2) Subject to subsection (1), any court before which a person is charged with an offence under this Act, may assess the compensation payable under this section and may make an order for payment of the same.

(3) Any order made under subsection (2), may be enforced as if it were a judgment in a civil suit.

79.—(1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

Board's symbol. 16/88.

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the Board's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

PART IX

GENERAL

80. Any employee of the Board duly appointed for that purpose may at any time without notice enter upon and pass through, in and out of any house, building or land into, through, by, along or under which any of its mains, pipes, lines or works or any mains, pipes, lines or works connected therewith pass or are, to inspect and, if necessary, to repair, alter, take up, relay, rearrange and otherwise to deal with them as circumstances require.

Entry into premises for inspection and repairs.

81.—(1) Any person who —

- (a) wilfully or negligently damages or suffers to be damaged, any main, pipe, line, standpipe, hydrant, cock, valve, switch, meter or other work or apparatus belonging to or under the management or control of the Board;
- (b) lays or causes to be laid any pipe or line to communicate with any main, pipe, standpipe, hydrant or line belonging to or under the management or control of the Board without the consent of the Board; or
- (c) wastes any water, gas or electricity,

Penalty for damage, etc. 34/72 14/74 11/83 16/88.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for

every day or part thereof during which the offence continues after conviction.

16/88.

(2) Any person who —

- (a) dishonestly or fraudulently abstracts, uses or consumes, or dishonestly or fraudulently diverts or causes to be diverted; any water, gas or electricity of the Board;
- (b) without the written consent of the Board, supplies for consideration any other person with any water, gas or electricity supplied by the Board to him for domestic purposes; or
- (c) alters or tampers with any meter supplied by the Board,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

Power
to enter
upon lands.

82.—(1) The Board may, for the purposes of this Act, by its employees, agents or contractors, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making any survey or inspection and for the purpose of executing any work authorised by this Act to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of the building or land in pursuance of this Act:

Provided that, subject to this section, the Board shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

(2) The Minister may declare that any class of premises for the control and supervision of which regulations may be made under this Act shall be liable to night inspection, and thereupon any employee, agent or contractor in that behalf duly authorised in writing may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration.

83.—(1) The Board may, by its employees, agents or contractors, enter upon any land adjoining to or being within the distance of 92 metres of any works by this Act authorised to be made, for the purpose of depositing upon that land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of those works without making any previous payment, tender or deposit and doing as little damage as possible in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of or to the said land to the owner and the occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage is done and making compensation to the owner also for any permanent injury to the land.

Power to enter upon lands adjacent to works.

(2) If any dispute arises touching the amount or apportionment of such compensation, it shall be settled in the manner provided by section 89.

(3) Before the Board makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, it shall give 7 days' notice in writing of its intention to the owners and the occupiers of the land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto.

84.—(1) Whenever any pipe, line or other apparatus placed in or upon any premises for the use or supply of water, gas or electricity to the occupier of the premises becomes obstructed or in any way damaged so as to cause a waste of water, gas or electricity, the occupier shall, immediately on the same coming to his knowledge, give notice thereof to the Board.

Notice of obstruction of pipe, line or other apparatus to be given to Board.

(2) Any such occupier who neglects to give such notice after acquiring such knowledge shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50, and the supply may be summarily cut off by the order of the Board until the necessary repairs are effected.

11/83.

85.—(1) If the amount of any money which is due from any person in respect of the supply of water, gas or electricity to any premises owned or occupied by him or for work done or materials provided in connection therewith, or in respect of the supply or hire of any electric motors or

Recovery of moneys due to Board.

gas pipes or electric lines, water, gas or electrical fittings, apparatus, appliances, accessories or appurtenances thereof, is not paid within the time allowed for such payment to be made, a notice may be issued requiring the defaulter to pay the same, together with a fee of such amount as may be prescribed for the cost of issuing the notice, within 7 days from the date thereof.

(2) If such amount and fee are not paid within the period of 7 days, a warrant may be issued by the Board to some employee of the Board named therein, directing him to levy the same and the costs of recovery by seizure and sale of the movable property of the defaulter.

(3) The person to whom any such warrant is addressed may break open in the daytime any house or building for the purpose of seizing property in pursuance of the warrant.

(4) Such fees as may be prescribed shall be payable by way of costs in the case of the issue of a warrant for the recovery of any debts under this section.

(5) The person to whom any such warrant is addressed shall make an inventory of the property seized under the warrant and shall at the same time give notice in writing to the person in possession thereof at the time of seizure that that property will be sold.

(6) The property seized by virtue of any such warrant shall be sold by public auction by the person to whom the warrant is addressed or by some other person appointed by the Board at any time after the expiration of 7 days from the date of the seizure, unless in the meantime the amount of the debt and the costs mentioned in the warrant have been paid.

(7) The surplus, if any, accruing from such sale, after deducting the amount of the debt and the costs, shall be paid to the owner of the property so sold:

Provided that any surplus remaining unclaimed for a period of 12 months from the date of the sale shall be paid to the credit of the Board's fund and no person thereafter shall be entitled to demand and receive it.

Penalty or
late payment
charge.
28/91.

85A. The Board may, with the approval of the Minister, prescribe a penalty or late payment charge (such penalty or late payment charge, if unpaid, to constitute a debt due to the Board and be recoverable as such) to be paid by the

consumer of the Board for late payment of any fee or charge payable under this Act.

Apparatus and appliances let for hire by Board not to be subject to distress or taken in execution.

86. Any electric motors and any gas pipe or electric line, meter, gas or electrical apparatus, appliances, accessories, fittings and appurtenances let for hire by the Board and placed in or upon any premises not being in the possession of the Board shall not be subject to distress and shall not be taken in execution under any process of any court or in any proceedings in bankruptcy.

Presumption against consumer. 28/91.

87. In any prosecution for an offence under section 81, the existence of —

(a) any device for altering the index of any meter or for preventing any meter from duly registering the quantity of water, gas or electricity supplied by the Board; or

(b) any hole on the meter cover of any meter supplied by the Board,

when the meter is under the custody or control of the consumer, shall be prima facie evidence that the consumer has altered, tampered with or wilfully damaged the meter.

Board in executing works to provide convenient ways, etc.

88.—(1) The Board in executing any works directed or authorised to be made shall provide and make a sufficient number of convenient ways, watercourses, drains and channels in the place of such as are interrupted, damaged or rendered useless by reason of the execution of the works.

(2) The Board shall make reasonable compensation to any person who suffers damage by reason of the same, the amount of the compensation in case of dispute to be ascertained and determined in the manner provided by section 89.

Compensation, damages and costs to be determined by Magistrate's Court or District Court. 16/88.

89.—(1) Except as expressly provided in this Act, in all cases when compensation, damages, costs or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds \$10,000, by a District Court.

16/88.

(2) If the amount of compensation, damages, costs or expenses determined under subsection (1) is not paid by

the party liable to pay the same within 7 days after demand, the amount may be reported to a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code shall mutatis mutandis apply to all such appeals.

Cap. 68.

Penalty for obstructing Board in performance of its duty.
34/72
14/74
11/83.

90. Any person who at any time hinders, obstructs or molests any of the Board's employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Fraud.
14/74
11/83.

91. Any person who wilfully or fraudulently procures or attempts to procure for himself or for any other person a licence under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing and any person who knowingly aids or assists therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

Evidentiary provision.
14/74
16/88.

92. In any proceedings for an offence under this Act, a certificate purporting to be signed by the chief executive officer of the Board, or by the person performing the duties of the chief executive officer for the time being, and stating that any person described in the certificate is or is not licensed under this Act, shall be sufficient evidence of the matters stated in the certificate.

Jurisdiction of courts.
Cap. 68.
16/88.

93. Notwithstanding any provision to the contrary in the Criminal Procedure Code, a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act or the regulations and to impose the full penalty or punishment in respect of any such offence.

94.—(1) Any police officer or employee of the Board who reasonably believes that any person has committed an offence under this Act or the regulations may require that person to furnish evidence of his identity and the person shall thereupon furnish such evidence of his identity as may be required by the police officer or employee of the Board.

Employee of Board may require evidence of identity in certain cases.

(2) The occupier of any premises shall, if required by any police officer or any employee of the Board, furnish his name and the name and address of the owner of the premises, if known.

(3) Any person who refuses to furnish any information required of him by any police officer or any employee of the Board under this section or wilfully mis-states such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

16/88.

95.—(1) Any police officer or any employee of the Board authorised in writing by the chief executive officer generally or in any particular case may arrest any person committing within his view or who he has reason to believe has committed any offence punishable under this Act or the regulations —

Powers of arrest. 16/88.

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his continued detention is obtained.

96. Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as

Offences committed by a body corporate. 16/88.

the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Duty to enquire before excavation. 28/91.

96A.—(1) No person shall dig, bore, trench, grade, excavate or break any ground with any mechanical equipment or explosives or allow his servant or agent to do so without first ascertaining the location of any main, cable or pipe belonging to or under the management or control of the Board that may be interfered with.

(2) Any person who fails to comply with or contravenes subsection (1) shall be guilty of an offence.

Returns and information. 28/91.

96B.—(1) The Board or any officer of the Board authorised in that behalf by the Director of Finance, the Director for the Electricity Department, the Director for the Water Department or the Director for the Gas Department may, by notice, require any person to furnish to the Board or the person so authorised, within such period as shall be specified in the notice, all such returns or information relating to all such matters as may be necessary for the Board under this Act and as are within the knowledge of that person or in his custody or under his control.

(2) Any person who fails to comply with any requirement of the notice given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Saving of prosecutions under other laws.

97. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or the regulations, or from being liable under that other written law to any punishment or penalty, higher or other than that provided by this Act or the regulations:

Provided that no person shall be punished twice for the same offence.

General penalties. 14/74 11/83.

98. Any person guilty of an offence under this Act or the regulations for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

99.—(1) The Board may, in its discretion, compound any offence under this Act or the regulations which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200. Compound-
ing of
offences.
32/86.

(2) The Board may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

(3) All sums collected under this section shall be paid to the Board. 16/88.

100.—(1) The Board may, with the approval of the Minister, make regulations for or in respect of every purpose which is considered by the Board necessary for carrying out the provisions of this Act, for the prescribing of any matter which is authorised or required under this Act to be prescribed, and in particular and without prejudice to the generality of the foregoing, for or in respect of all or any of the matters specified in the Schedule. Power
to make
regulations.

(2) The Minister may, from time to time, by notification in the *Gazette*, add to, alter or amend the Schedule.

(3) Any regulations may, where the circumstances of the case require, empower the Board —

(a) to require the owner or occupier of premises, or any other person having a duty under a regulation, to execute any work or perform any act necessary in the opinion of the Board to secure compliance with the regulation or any other regulation and in default of compliance with such requirement on the part of the owner or occupier or other person, to execute the work or perform the act itself and to recover the expenses and costs incurred by it in or about the execution of the work or the performance of any such act, from the owner, occupier or other person, as the case may be; or

(b) in case of emergency or where the owner or occupier or other person having such duty cannot after due inquiry be found, to execute such work or perform such act itself without first requiring the owner, occupier or such other

person to do so, and to recover the expenses and costs incurred by it in or about the execution of the work or the performance of the act from the owner, occupier or other person.

16/88.

(4) The Board may in making any regulations provide that any person who contravenes or fails to comply with the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

11/83.

(5) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Exemption.
11/83.

101. The Board may, with the approval of the Minister, either permanently or for such period or periods as it may think fit, exempt any person or premises or any class of persons or premises from any of the provisions of this Act or the regulations.

Section
100 (1), (2).
14/74
S 212/89.

THE SCHEDULE

MATTERS IN RESPECT OF WHICH BOARD MAY MAKE REGULATIONS

1. The prescribing of purposes for which water, gas or electricity supplied by the Board may be used.

2. The prevention and suppression of pollution or contamination of water intended for supply by the Board to consumers, and the prevention and suppression of pollution, contamination, waste, misuse or use, contrary to the terms and conditions upon which it is supplied, of water, gas or electricity.

3. The prevention of misuse of, or damage or injury to, apparatus and works belonging to the Board in connection with the accumulation, manufacture, generation, distribution or supply of water, gas or electricity.

4. The regulation and use of water, gas or electricity meters and the prohibition of interference with or damage to such meters or seals affixed thereto.

5. The prohibition of interference with, or damage to, water, gas or electric appliances supplied by the Board and plates or marks thereon.

6. The protection, preservation and conservation of water catchment areas and of any property therein.
7. The prescribing of forms for licences and for other purposes for use in connection with this Act.
8. The regulation of the installation of water, gas and electricity supplies and alterations thereto and the submission of plans and specifications in respect thereof.
9. The prescribing of materials of which conduits, pipes, cables and other apparatus and fittings for use in connection with water, gas or electricity supplies shall be made, and of the size, shape, fitting, arrangement, connections, workmanship, examination, testing, position and methods of cleaning of them.
10. The prescribing of the types of water, gas or electric appliances to be used and the prohibition of the use of certain types thereof.
11. The regulation of the installation of water, gas or electric appliances and the removal or transfer thereof.
12. The prescribing of the methods of charging consumers for water, gas or electricity consumed in the event of any meter becoming out of order.
13. The class or classes of licences to be issued under Part VII, the duration of those licences and the terms and conditions upon, and the circumstances in, which those licenses may be issued, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof.
14. The qualifications and other requirements of applicants for licences under Part VII, the examination or testing of licensed cable detection workers and the fees payable in respect of such examination or testing.
15. The keeping of a register of all licensed cable detection workers and the particulars to be entered in the register.
16. The duties and responsibilities of licensed cable detection workers.
17. The prescribing of fees to be charged for testing water, gas or electricity meters.
18. The prescribing of fees and charges for the purposes of this Act.