

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC UTILITIES ACT
(CHAPTER 261)

Act
26 of 1995

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Public Utilities Act

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An Act to reconstitute the Public Utilities Board and to provide for the transfer of the property, rights and liabilities in respect of its electricity, gas and related undertakings to successor companies, and for matters connected therewith.

[1st October 1995]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Public Utilities Act.

Inter-pretation.

2.—(1) In this Act, unless the context otherwise requires —

“apparatus” means any water, electrical or gas apparatus, equipment or accessory and includes all apparatus, machines, consuming devices and fittings in which pipes or conductors are used or of which they form a part;

“authorised officer” means an officer of the Board or of a public licensee authorised by the Board for the purposes of this Act;

Cap. 261,
1992 Ed.

“Board” means the Public Utilities Board established under the Public Utilities Act in force before 1st October 1995 and continued by section 3;

“cable detection work” means any work of detecting or locating any electricity cable;

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

“cable detection work licence” means a licence granted under section 96;

“Chairman” means the Chairman of the Board and includes any temporary Chairman of the Board;

“Chief Executive” means the Chief Executive of the Board and includes any temporary Chief Executive of the Board;

- “conductor” means an electrical conductor arranged to be electrically connected to an electrical system;
- “consumer” means a person who is supplied with water, electricity or gas or whose premises are for the time being connected for the purpose of a supply of water, electricity or gas with any system of supply;
- “debenture” includes debenture stock;
- “Deputy Chairman” means the Deputy Chairman of the Board and includes any temporary Deputy Chairman of the Board;
- “earth works” includes any act of excavation, levelling, piling, dredging, boring or tunnelling on or under any premises or street by any mechanical means;
- “electric line” means any line which is used for carrying electricity for any purpose and includes, unless the context otherwise requires —
- (a) any support for the line, that is to say, any structure, pole or other thing in, on, by or from which the line is or may be supported, carried or suspended;
 - (b) any apparatus connected to the line for the purposes of carrying electricity;
 - (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, the line; and
 - (d) any electricity cable;
- “electrical installation” means any appliance, wire, fitting 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, a public electricity licensee or any other person, whether the appliance, wire, fitting or apparatus is or is not supplied by the person contracting or undertaking to instal the same, and includes a supply installation and any addition,

alteration, and repair to an electrical installation, but does not include —

- (a) any electric line, supply line or electrical plant of the Board or a public electricity licensee;
- (b) any appliance, wire, fitting 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; and
- (c) any appliance, wire, fitting or apparatus which is placed in, on, over or under any premises owned or occupied by the Board or a public electricity licensee which is not used for the consumption of electricity on the premises or solely for the purposes incidental to the conveyance or control of electricity so consumed;

“electrical or supply installation licence” means a licence granted under section 83;

“electrical plant” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the supply of electricity;

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

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

“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 or of 2 or more such conductors, whether or not the conductor or conductors are provided with an overall covering for mechanical protection, and all other apparatus or devices connected thereto;

- “gas” means any substance in a gaseous state supplied through pipes and used for cooking or heating purposes, but does not include gas supplied to a public gas licensee and liquefied petroleum gas;
- “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 fittings for the utilisation of gas;
- “gas main” means any pipe vested in and belonging to and under the control of a public gas licensee and used for the conveyance of gas but does not include a gas service pipe;
- “gas plant” means any valve, regulator, plant, pipe, equipment, apparatus or appliance used for, or for purposes connected with, the production, transmission or supply of gas;
- “gas service pipe” means the pipe between the gas main of a public gas licensee and a primary meter control for the use of gas on the premises of a consumer;
- “gas service work” means any work performed or 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 service worker” means any person whose trade or occupation requires or includes the personal performance by him of gas service work;
- “gas service worker licence” means a licence granted under section 100;
- “gas supply system” means the gas mains, risers, gas service pipes, gas fittings and other related 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;

“generate”, in relation to electricity, means to generate electricity for the purpose of giving a supply to any premises or enabling a supply to be so given;

“generating station” means any plant or building used for, or for purposes connected with, the generation of electricity;

Cap. 224.

“grievous hurt” and “hurt” have the same meanings as in the Penal Code;

“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;

“installation”, except for the purposes of Part VIII, includes any plant or apparatus designed for the collection, generation, production, transmission, supply or use of water, electricity or gas;

“licensed” —

(a) in relation to a cable detection worker, means a person who holds a valid cable detection work licence permitting him to perform such cable detection work as is specified in the licence;

(b) in relation to a gas service worker, means a person who holds a valid gas service worker licence permitting him to perform such gas service work as is specified in the licence;

(c) in relation to a water service worker, means a person who holds a valid water service worker licence permitting him to perform such water service work as is specified in the licence;

“main” —

(a) in relation to water or gas, means a pipe through which water or gas is or can be supplied, whether the pipe is in use or not;

(b) in relation to electricity, means a supply line through which electricity is or can be supplied, whether the line is in use or not;

- “member” means a member of the Board;
- “modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;
- “occupier” means the person in occupation of any premises and includes the person having the charge, management or control of the premises either on his own account or as agent of another person, but does not include a lodger;
- “premises” includes buildings, structures, streets, lands, waters, tenements, easements of any tenure, whether State land or not, 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;
- “produce”, in relation to gas, means to produce gas for the purpose of giving a supply to any premises or enabling a supply to be so given;
- “public electricity licensee” means a person who is authorised by a public licence to carry out all or any of the functions of generating, transmitting or supplying electricity;
- “public electricity supplier” means a person who is authorised by a public licence to supply electricity to the public and is designated by the Board under section 40;
- “public gas licensee” means a person who is authorised by a public licence to carry out the function of producing, transmitting and supplying gas;
- “public licence” means a licence granted under section 38 and “public licensee” shall be construed accordingly;
- “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;

“securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“service area” means the area within which the holder of an electrical or supply installation licence is authorised by the licence to supply electricity;

“shares”, in relation to a company, means shares in, or stock forming part of, the capital of the company;

“street” includes any road, highway, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, the way over any public bridge, and any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not; and all channels, sewers, drains, tunnels, ditches and reserves at the side of any street shall be deemed to be part of the street;

“subsidiary” has the same meaning as in the Companies Act;

Cap. 50.

“successor company” means a company nominated by the Minister under section 61 (1);

“supply” —

(a) in relation to electricity, means the supply of electricity through electric lines;

(b) in relation to gas, means the supply of gas through pipes;

(c) in relation to water, means the supply of water by the Board through pipes;

“supply installation” means the whole of any plant or apparatus under one ownership or management, designed for the supply or use, or both the 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, but does not include any electric line, supply line or electrical plant of the Board or a public licensee;

“supply line” means a conductor 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 conductor or any part thereof, or any building or apparatus connected therewith for the purpose of transforming, conveying, transmitting or distributing electricity;

“transmit” —

(a) in relation to electricity, means transmit by means of a system which consists wholly or mainly of electric lines and electrical plants and is used for conveying electricity from an electrical plant to a substation, from one electrical plant to another or from one substation to another, or from a substation or electrical plant to the electrical installation serving the premises of a consumer or, where such premises is not served by an electrical installation, from a substation or electrical plant directly to such premises;

(b) in relation to gas, means transmit by means of a delivery system which consists wholly or mainly of pipes and gas plant and is used for conveying gas from a gas plant to a gas regulator station, from one gas plant to another or from one gas regulator station to another or from a gas plant or gas regulator station to a consumer;

“undertaking”, in relation to the Board, means all lands, buildings, assets, powers, rights, interests, privileges, debts, liabilities and obligations and other property, movable or immovable, vested in or held by the Board immediately before 1st October 1995;

“utilities support services” means the performing of all or any of the following activities in connection with the supply of water, electricity or gas:

- (a) the taking of any step to start or discontinue the supply of water, electricity or gas to the premises of consumers;
- (b) the reading of the register of any water, electricity or gas meter;
- (c) the issuing of bills to, and the collection of payment from, consumers for the supply of water, electricity, gas and any other goods or services provided to such consumers in connection therewith; and
- (d) the provision of assistance or any other customer service to consumers in connection with the supply of water, electricity or gas to the premises of such consumers, but not including water service work, gas service work or work performed by an electrical worker,

whether or not such functions are performed for or on behalf of the Board, a public licensee or any other party;

“utilities support services licensee” means a person who is authorised by a public licence to provide utilities support services;

“water installation” means any water-retaining structure, pumping station, pipe, water fitting, apparatus or appliance used for the supply of water;

“water service installation” means any installation within any premises including any pipe, water fitting, apparatus or appliance, connecting a meter to the premises and used for the supply of water thereto, but does not include any 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;

“water service worker licence” means a licence granted under section 37 (2).

(2) For the purposes of this Act, a company shall be regarded as wholly owned by the Government at any time when all the issued shares in the company are held by or on behalf of the Government.

PART II

RECONSTITUTION, FUNCTIONS, DUTIES AND POWERS OF BOARD

3. As from 1st October 1995, the Board shall continue in existence and shall continue to be a body corporate with perpetual succession and capable of — Reconstitution of Board.

- (a) suing and being sued in its corporate name;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering such other acts or things as bodies corporate may lawfully do and suffer.

4. As from 1st October 1995, the Board shall continue to have a common seal and the seal may, from time to time, be broken, changed, altered and made anew as the Board thinks fit. Common seal.

5. The First Schedule shall have effect as respects the Board and its members. Constitution of Board.

6.—(1) Subject to the provisions of this Act, it shall be the function and duty of the Board — Functions and duties of Board.

- (a) to provide, construct and maintain such catchment areas, reservoirs and other works as may be required or necessary for the collection, supply and use of water for public and private purposes;

- (b) to manage and work the water installations of the Board 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 at reasonable prices;
- (d) to secure that all reasonable demands for the supply of electricity are satisfied;
- (e) to secure that any person by whom all or any of the functions of generating, transmitting or supplying electricity falls to be performed is able to generate, transmit or supply electricity whilst providing efficient service and maintaining independent financial viability;
- (f) to promote efficiency, reliability and economy on the part of public licensees in accordance with, as far as practicable, recognised international standards and public demand, and to promote the efficient use of electricity supplied to consumers;
- (g) to exercise licensing and regulatory functions in respect of the generation, production, transmission and supply of electricity and gas, including the establishment of standards of performance and codes of practice relating to any matter in connection therewith;
- (h) to protect the interests of consumers in respect of —
 - (i) the prices charged and the other terms of supply of electricity and gas;
 - (ii) the quality of the electricity and gas supply services provided; and
 - (iii) the continuity of supply of electricity;
- (i) to protect the public from dangers arising from the generation, production, transmission or supply of electricity and gas;
- (j) to secure the establishment and maintenance of machinery for promoting the health and safety of persons employed in the generation, production, transmission or supply of electricity and gas;

- (k) to promote the development of electricity systems and services;
 - (l) to create an economic regulatory framework in respect of the generation, transmission or supply of electricity which promotes and safeguards competition and fair and efficient market conduct or, in the absence of a competitive market, which prevents the misuse of monopoly or market power;
 - (m) to promote research into, and the development and use of, new techniques relating to the generation, transmission and supply of electricity by or on behalf of public licensees; and
 - (n) to advise the Government on all matters relating to the generation, production, transmission and supply of water, electricity and gas and on matters appertaining to the Board generally.
- (2) Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.
- (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.
- (4) The Board may, notwithstanding the provisions of this Act, continue to generate, produce, transmit or supply electricity or gas until such time as the public licences come into effect.
- (5) Without prejudice to the provisions of Part V, the Board may generate, produce, transmit or supply electricity or gas notwithstanding that it has granted a public licence to any person in any of the following circumstances:
- (a) if the Board is of the opinion that the person has failed to discharge or has not discharged to the Board's satisfaction the obligations imposed by the Board on the person in the public licence; or
 - (b) to give effect to any direction of the Minister given under section 8.

(6) Where the Board undertakes the generation, production, transmission or supply of electricity or gas pursuant to subsection (4) or (5), section 2 and the provisions of Parts IV and VII shall apply, with the necessary modifications, to the Board in respect of such generation, production, transmission or supply and the references to the public electricity licensee, public gas licensee, public electricity supplier or a public licensee in those provisions shall be read as references to the Board.

Powers of Board.

7.—(1) Subject to this Act, the Board may carry on such activities as appear to the Board to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Act and, in particular, the Board may exercise any of the powers specified in the Second Schedule.

(2) This section shall not be construed as limiting any power of the Board conferred by or under any other written law.

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

Directions by Minister.

8.—(1) The Minister may, after consultation with a person to whom this section applies, give to that person such directions as he thinks fit as to the exercise by that person of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), if it appears to the Minister to be requisite or expedient to do so —

(a) on the occurrence of any public emergency, in the public interest or in the interests of public security, national defence, or relations with the government of another country; or

(b) in order —

(i) to discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;

- (ii) to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the Government being a member of such an organisation or a party to such an agreement; or
- (iii) to enable the Government to become a member of such an organisation or a party to such an agreement,

the Minister may, after consultation with a person to whom this section applies, give such directions to the person as are necessary in the circumstances of the case.

(3) Any direction given under subsection (1) or (2) may include provisions for —

- (a) the prohibition or regulation of any generation, production, transmission or supply of electricity or gas;
- (b) the taking, control or use for official purposes of all or any apparatus used in the generation, production, transmission or supply of electricity or gas; and
- (c) the carrying out of any other purpose which the Minister thinks necessary.

(4) A person to whom this section applies shall give effect to any direction given to that person under subsection (1) or (2) notwithstanding any other duty imposed on that person by or under this Act.

(5) A person to whom this section applies shall not disclose any direction given to that person under subsection (1) or (2) if the Minister notifies that person that the Minister is of the opinion that the disclosure of the direction is against the public interest.

(6) The Minister may —

- (a) pay compensation for any damage caused to a public licensee by reason of its compliance with the directions of the Minister under subsection (3) (b); or

(b) make grants to public licensees for defraying or contributing towards any losses which they may sustain by reason of their compliance with the directions of the Minister under any other provision of this section.

(7) Any sums required by the Minister for paying compensation or making grants under subsection (6) shall be paid out of the Consolidated Fund.

(8) This section shall apply to the Board and to every public licensee.

(9) If any doubt arises as to the existence of a public emergency or as to whether any act done under this section was in the public interest or in the interests of public security, national defence or relations with the government of another country, a certificate signed by the Minister shall be conclusive evidence of the matters stated therein.

Furnishing of information.

9.—(1) The Board or any person authorised by the Board in that behalf 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 documents or information relating to all such matters as may be required by the Board for the purposes of this Act and as are within the knowledge of that person or in his custody or under his control.

(2) Any person who, on being required by notice under subsection (1) to furnish any document or information, fails to comply with any requirement of the notice shall be guilty of an offence.

(3) Any person who —

(a) intentionally alters, suppresses or destroys any document which he has been required by any notice under subsection (1) to furnish; or

(b) in furnishing any estimate, return or other information required of him under any notice under subsection (1), makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence.

10.—(1) The Board shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Board may determine. Appointment of employees.

(2) The Chief Executive shall —

- (a) be known by such designation as the Board may determine;
- (b) be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board; 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) If the Chief Executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any other reason temporarily unable to perform his duties, a person may be appointed by the Board to act in the place of the Chief Executive during any such period of absence from duty.

(5) The Board may, from time to time, appoint and employ on such terms and conditions as the Board may determine such officers and employees as may be necessary for the effective performance of its functions.

11. All members, officers and employees of the Board shall be deemed to be public servants for the purposes of the Penal Code. Public servants. Cap. 224.

12. No suit or other legal proceedings shall lie against any member, officer or employee of the Board or other person acting under the direction of the Board for anything which is in good faith done or intended to be done in the execution or purported execution of this Act. Protection from personal liability.

13. The Board may, with the approval of the Minister, raise capital from banks and other financial institutions whether in Singapore or elsewhere by way of mortgage, overdraft or otherwise, with or without security, as it may require for the discharge of its functions under this Act. Power to borrow.

Duty of Board in financial matters.

14. It shall be the duty of the Board so to exercise and perform its functions under this Act as to secure that the total revenues of the Board are sufficient, taking one financial 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.

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

Investment of funds.

16. The Board may from time to time apply 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) for investment 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; and

(b) with the approval of the Minister, for investment in such shares, funds, securities, financial derivatives or investments as the Board thinks fit.

Financial provisions.

17. The financial provisions set out in the Third Schedule shall have effect with respect to the Board.

Annual report.

18. The Board shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Board during the preceding financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

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

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the symbol or representation thereof as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence.

PART III

WATER UNDERTAKING OF BOARD AND WATER SERVICE WORKERS

20.—(1) The prices to be charged for the supply of water by the Board and the hire of apparatus shall be in accordance with such tariffs as may from time to time be prescribed. Tariffs for supply of water and apparatus.

(2) Nothing in this section shall prevent the Board from —

- (a) 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; or
- (b) fixing, with the approval of the Minister, different tariffs for consumers similarly situated for a temporary period.

(3) The Board shall, in fixing tariffs and making agreements for the supply of water, neither show undue preference as between consumers similarly situated nor 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.

(4) The tariffs fixed by the Board under section 30 (1) of the repealed Public Utilities Act in respect of a supply of water which are effective immediately before 1st October 1995 shall continue to have effect as though determined by the Board under this section until rescinded, varied or otherwise determined by the Board. Cap. 261, 1992 Ed.

Board to
supply water.

21.—(1) Subject to the provisions of this Act, the Board may supply water to any person who undertakes to enter into an agreement with the Board for the supply of water upon such terms and conditions as the Board may determine.

(2) The Board may require any person who requires a supply of water to accept in respect of the supply —

(a) any condition requiring the person to provide sufficient premises, and to construct rooms, buildings or structures, as may be considered necessary by the Board for the purposes of the supply; and

(b) any condition giving the Board the right to use the premises, rooms, buildings or structures provided or constructed under paragraph (a) as the Board thinks fit.

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

Board may
require
security.

22.—(1) Subject to this section, the Board may require any person who requires a supply of water to give the Board reasonable security for the payment to it of all moneys which may become due to the Board —

(a) in respect of the supply; or

(b) in respect of the provision of all or any water installations,

and if that person fails to give the security, the Board may, if it thinks fit, refuse to give the supply or to provide all or any water installations for so long as the failure continues.

(2) Where any person has not given the security mentioned in subsection (1), or the security given by any person has become invalid or insufficient —

(a) the Board may by notice require that person, within 7 days after the service of the notice, to give the Board reasonable security for the payment of all moneys which may become due to the Board in respect of the supply; and

- (b) if that person fails to give the security, the Board may if it thinks fit discontinue the supply for so long as the failure continues.

23.—(1) If any person entitled to a supply of water under any agreement under section 21 makes default in payment of any sum payable by him under the agreement, the Board may discontinue the supply of water by severing or disconnecting any pipe (whether or not belonging to or under the control or management of the Board) or other work through which water is supplied and may, until any sum payable under the agreement together with the expenses incurred by the Board in so discontinuing the supply are fully paid, discontinue the supply of water to that person.

Board may cut off supply in default of payment.

(2) The Board shall not be liable for any loss or damage caused to any person by such discontinuance of the supply of water to the person or to pay compensation in connection therewith.

(3) 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 the misuse or waste continues after the expiry of that period, the Board may discontinue the supply of water to that person by severing or disconnecting the service pipe or by such other means as it thinks fit.

(4) If, at any time after the supply of water to any premises has been discontinued by the Board under this section, it is found that the supply has been reinstated without the authority of the Board and that water is being used by any person 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 \$10,000 and to a further fine not exceeding \$250 for every day during which the offence continues after conviction.

(5) Any employee of the Board duly authorised for the purpose of subsection (4) may at all reasonable times enter any premises to which water is or has been supplied by the Board in order to examine and if necessary repair, renew or

replace the pipes, meters, fittings, works or apparatus for the supply of water belonging to or which are supplied from mains belonging to the Board and for the purpose of ascertaining the quantity of water consumed or supplied or, when the Board is authorised to discontinue the supply of water from any premises, for the purpose of removing any pipe, fitting, work or apparatus belonging to the Board and repairing any damage caused by such entry, inspection or removal.

(6) Where the Board has discontinued the supply of water to any premises under subsection (3) or in consequence of any default on the part of a consumer, the Board may resume the supply within a reasonable time if the consumer in default —

(a) has made good the default; and

(b) has paid the reasonable expenses of disconnecting and re-connecting the supply.

Power to enter upon lands for survey, inspection, etc.

24.—(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 the Board without being liable to pay any person any fee, charge or expense or 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.

(2) Subject to subsection (3), 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.

(3) 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 by the Board 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.

25.—(1) If the amount of any moneys which is due from any person in respect of the supply of water by the Board 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 by the Board of any water fitting, apparatus, appliance, accessory or appurtenance 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.

Recovery of moneys due to Board.

(2) If such amount and fee are not paid within the period of 7 days, a warrant may be issued by the Board to any 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 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.

(8) 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.

Relocation
of water
installation.

26. The Board may, at the request of the owner or occupier of any premises under or upon which any water installation is situated, relocate the water installation if the Board is satisfied that such relocation is reasonable and the owner or occupier complies with such terms and conditions as the Board may impose, including terms and conditions relating to the payment by the owner or occupier of all costs and expenses necessary for such relocation.

Board may
stop or
interrupt
supply.

27.—(1) The Board may, in cases of emergency, fire, excessive drought, repairs to mains, or at any time in connection with the construction of new works, alterations to or maintenance of existing works, or the installation, changing or removal of meters, stop, turn off or divert in part or wholly the water in any mains or other works under its control or management, notwithstanding any agreement made with any person for the supply of water.

(2) The Board shall not be liable in respect of any injury, loss or damage suffered by any person by reason of —

- (a) any failure to provide or delay in providing any supply of water or any apparatus associated therewith; or
- (b) any failure, interruption, suspension or restriction of any supply of water.

Board may
reduce
supply.

28. 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, reduce as it thinks fit the quantity of water supplied in any case, if at any time it is of the opinion that its supply of water is insufficient for purposes of normal supply to the public.

Property of
Board not to
be subject to
distress or
taken in
execution.

29. When any pipe or other apparatus belonging to the Board is placed in or upon premises not being in the possession of the Board for the purpose of supplying water, the pipe or other apparatus shall not be subject to distress or be taken in execution under any process of any court or in any proceedings in bankruptcy against the person in whose possession it is.

30. Any apparatus, appliance, accessory, fitting and appurtenance 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 or be taken in execution under any process of any court or in any proceedings in bankruptcy against the person in whose possession it is.

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

31. 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 or works or any main, pipe or work 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.

32.—(1) The Board may, by its employees, agents or contractors, enter upon any premises 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 those premises any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with those works without making any previous payment, tender or deposit and doing as little damage as possible in the exercise of the powers hereby granted and making compensation for such temporary occupation or temporary damage of or to the premises 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 premises adjacent to works.

(2) If any dispute arises concerning the amount or apportionment of such compensation, it shall be settled in the manner provided by section 125.

(3) Before the Board makes any temporary use under subsection (1) of the premises adjoining or lying near to the works, it shall give 7 days' notice in writing of its intention to the owners and the occupiers of the premises and shall set apart by sufficient fences so much of the premises as is required to be used from the other premises adjoining thereto.

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

33.—(1) Whenever any pipe or other apparatus placed in or upon any premises for the use or supply of water to the occupier of the premises becomes obstructed or in any way damaged so as to cause a waste of water, the occupier shall, immediately on the same coming to his knowledge, give notice thereof to the 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 \$1,000, and the supply may be summarily discontinued by the order of the Board until the necessary repairs are effected.

Penalty or late payment charge.

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

Contribution towards capital outlay to provide water supply.

35.—(1) Where the Government considers it necessary for water supply to be provided in any area, whether for domestic or non-domestic purposes, and where the Board considers it uneconomical to provide the supply without a contribution from the Government, the Government may make such contribution towards the capital outlay necessary to provide the supply as may be estimated by the Board and agreed by the Government.

(2) Where the owner of any land proposes to erect thereon buildings for which water supply will be needed, whether for domestic or non-domestic purposes, and it is uneconomical for the Board to provide the supply, the Board may require the owner to make such contribution towards the capital outlay necessary to provide the supply as may be estimated by the Board and agreed by the owner.

(3) A supply of water for domestic purposes shall not include a supply of water —

- (a) 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;

- (b) where the supply is used substantially for watering lands or gardens or for fountains or for any ornamental purpose whatever; or
- (c) to any premises any part of which is used for the purpose of any trade, manufacture or business.

36.—(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.

Board in executing works to provide convenient ways, etc.

(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 125.

37.—(1) Subject to subsection (3), no person other than an employee of the Board shall —

Licensing of water service worker.

- (a) perform or carry out personally any water service work or offer or undertake to perform or carry out personally any such work; or
- (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.

(2) The Board may —

- (a) grant, suspend, cancel, alter, extend, renew or replace any water service worker licence granted under this section;
- (b) classify any water service worker licence in such manner as it determines;
- (c) specify the nature of the water service work in respect of which a water service worker licence is granted and restrict such work to any type or class of water service work or any type or class of water service installation;

- (d) specify the circumstances or manner in which the holder of a water service worker licence may perform or carry out water service work; or
- (e) attach any exemptions to any water service worker licence or impose any terms, conditions or restrictions thereon.

(3) 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 water service worker licence granted under this section.

(4) Any person who contravenes subsection (1) (a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

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

PART IV

LICENSING OF GENERATION, PRODUCTION, TRANSMISSION AND SUPPLY OF ELECTRICITY AND GAS

Licences
authorising
generation,
production,
transmission
and supply of
electricity
and gas.

38.—(1) No person shall —

- (a) generate, transmit or supply any electricity;
- (b) produce, transmit or supply any gas; or
- (c) provide any utilities support services,

unless he is authorised to do so by a public licence or electrical or supply installation licence or an exemption granted by the Board.

(2) Every public licence granted under this section shall be in such form and for such period and may contain such terms and conditions as the Board may determine.

(3) The Board may, with the consent of or in accordance with the terms of a general authority given by the Minister,

grant a public licence, either unconditionally or subject to such conditions as the Board may impose and specify in the licence and either irrevocably or subject to revocation as therein specified, authorising any person —

- (a) to generate electricity for the purpose of giving a supply to any premises or enabling a supply to be so given;
- (b) to transmit electricity for that purpose;
- (c) to supply electricity to any premises;
- (d) to produce, transmit and supply gas for the purpose of giving a supply to any premises or enabling a supply to be so given; or
- (e) to provide any utilities support services.

(4) Without prejudice to the generality of subsection (2), a public licence may be granted either to any person, class of persons or a particular person, and may include conditions requiring the public licensee —

- (a) to enter into agreements or arrangements with any person, class of persons or another public licensee for —
 - (i) the interconnection with, access to and use of any installation of the licensee (wherever situated and whether or not used for the purpose of carrying on the activities authorised by the licence); and
 - (ii) such other purpose as may be specified in the licence,and on such terms and conditions as may be agreed to by the licensee and such other persons or, in default of agreement, as may be determined by the Board;
- (b) to prepare itself to deal with any public emergency;
- (c) to pay to the Board a fee on the grant of the licence or to pay to it periodic fees during the currency of the licence or both, of such amount as may be determined by or under the licence;
- (d) to comply with any direction given by the Board as to such matters as are specified in the licence or are of a description so specified;

- (e) to comply with codes of practice and standards of performance that are applicable to the licensee; and
 - (f) to do or not to do such things as are specified in the licence or are of a description so specified.
- (5) Conditions included in a public licence may contain —
- (a) controls and restrictions, directly or indirectly, on the creation, holding or disposal of shares in the public licensee or its shareholders or interests in the undertaking of the licensee or any part thereof;
 - (b) restrictions on the carrying on by the public licensee of any trade or business which is not related to the activity which the licensee is authorised by its public licence to carry on;
 - (c) provision for the conditions to cease to have effect or be modified at such times, in such manner and in such circumstances as may be specified in or determined by or under the conditions; and
 - (d) provision controlling or fixing the prices to be charged by the public licensee including —
 - (i) the fixing of prices or the rate of increase or decrease in prices;
 - (ii) the fixing of a maximum price or maximum rate of increase or minimum rate of decrease in the maximum price;
 - (iii) the fixing of an average price or an average rate of increase or decrease in the average price;
 - (iv) the setting of pricing policies or principles;
 - (v) the setting of prices with reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factors; and
 - (vi) the setting of prices with reference to the quantity, location, period or other specified factors relevant to the rate of supply of electricity, gas or other services.

(6) Any provision included by virtue of subsection (5) (c) in a public licence shall have effect in addition to the provision made by this Part with respect to the modification of the conditions of a public licence.

(7) Any fee required by subsection (4) (c) to be paid to the Board may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

(8) No person shall question whether the grant of a public licence under this section was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a public licence granted under this section shall not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

(9) The grant and renewal of public licences under this section shall be at the discretion of the Board.

(10) Nothing in this section shall —

- (a) prevent the Minister from directing the Board to grant a public licence in any specific case; or
- (b) be construed as requiring the Board to obtain a licence where it undertakes any activity mentioned in subsection (1).

(11) Any person who is aggrieved by a refusal of the Board to grant a public licence may, within 14 days of the refusal, appeal to the Minister whose decision shall be final.

39.—(1) No public licence shall be transferable to any other person without the prior consent in writing of the Board to the transfer to that person.

Restriction on transfer of public licence.

(2) Any purported transfer of any public licence shall for all purposes be void and of no effect.

40. The Board may, with the approval of the Minister, designate any person who has been granted a public licence as a public electricity supplier to perform the function of supplying electricity under this Act.

Designation of public electricity supplier.

Modification
of conditions
of public
licence.

41.—(1) Subject to this section, the Board may modify the conditions of a public licence.

(2) Before making any modification to the conditions of a public licence under this section, the Board shall give notice to the public licensee concerned and other interested public licensees —

(a) stating that it proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (not being less than 28 days from the date of service of notice on the public licensees) within which written representations with respect to the proposed modification may be made.

(3) Upon receipt of any written representation referred to in subsection (2) (b), the Board shall consider such representation and may —

(a) reject the representation; or

(b) amend the proposed modification in accordance with the representation or otherwise,

and, in either event, it shall thereupon issue a direction in writing to the public licensee concerned requiring that effect be given to the proposed modification specified in the notice or to such modification as subsequently amended by the Board within a reasonable time.

(4) Any public licensee who is aggrieved by the decision of the Board under subsection (3) may, within 14 days of the receipt by it of the direction, appeal to the Minister whose decision shall be final.

(5) The Board shall not enforce a direction given under subsection (3) (b) —

(a) during the period referred to in subsection (4); and

(b) whilst the appeal of any public licensee is under consideration by the Minister.

(6) If no written representation is received by the Board within the time specified in subsection (2) or if any written representation made under that subsection is subsequently withdrawn, the Board may forthwith carry out the modification as specified in the notice given under that subsection.

42.—(1) If the Board is satisfied that —

- (a) a public licensee is contravening, or is likely to contravene or has contravened, any of the conditions of its public licence, any code of practice or other standard of performance applicable to the licensee, any of the provisions of this Act or the regulations or any direction issued by the Minister or the Board to, or applicable to, that licensee;
- (b) a public licensee has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) a public licensee has made any assignment to, or composition with, its creditors; or
- (d) the public interest or security of Singapore requires,

Suspension
or
cancellation
of public
licence.

the Board may, by notice in writing and without any compensation, do either or both of the following:

- (i) cancel its public licence or suspend its licence for such period as the Board thinks fit;
- (ii) require the payment of a fine in such amount as the Board thinks fit.

(2) Any person who is aggrieved by any decision of the Board under this section may, within 14 days after the person has been given the notice in writing referred to in subsection (1), appeal to the Minister whose decision shall be final.

43.—(1) The Board may issue or approve and from time to time review codes of practice and other standards of performance in connection with the generation, production, transmission or supply of electricity or gas or the provision of utilities support services.

Codes of
practice.

(2) If any provision in any code of practice or other standard of performance issued or approved by the Board is inconsistent with the regulations, such provision shall, to the extent of the inconsistency, either have effect subject to such regulations or, where appropriate, having regard to such regulations, shall not have effect.

(3) The Board may in any public licence exempt any public licensee from any provision in any code of practice or other standard of performance issued or approved by the Board generally or for such time as the Board may specify.

Directions affecting public licensee.

44.—(1) The Board may give directions for or with respect to standards of performance and procedures to be observed by public licensees and other persons —

- (a) to ensure the reliability of the supply of electricity to the public;
- (b) to ensure the security of the electricity supply system;
- (c) to maintain the voltage or reactive flow of power through the electricity supply system; or
- (d) in the interests of public safety.

(2) Any person who fails to comply with any direction given under this section shall be guilty of an offence.

Compliance with codes of practice and directions of Board.

45.—(1) Every public licensee shall comply with the codes of practice and other standards of performance issued or approved under section 43 and directions given under section 44 in connection with the generation, production, transmission or supply of electricity and gas.

(2) No public licensee shall allow to be generated, produced, transmitted or supplied electricity or gas otherwise than in accordance with any standards specified in the conditions of its public licence, the regulations, any code of practice or other standard of performance issued or approved, or directions given, by the Board.

Exclusion of liability for Board.

46.—(1) Notwithstanding the grant of any public licence, the Board shall not be liable in any circumstances for any loss, damage or costs sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any public licensee or any agent or employee of the licensee.

(2) The Board shall not be liable in respect of any injury, loss or damage suffered by any person by reason of —

- (a) any failure or delay in carrying out approval tests on any apparatus;

- (b) any loss of or damage to any apparatus whilst the apparatus is in the care, custody or control of the Board; or
- (c) any failure or malfunction of any apparatus notwithstanding that the apparatus has been approved for use by the Board.

47.—(1) It shall be the duty of a public electricity licensee authorised to generate electricity to develop and maintain a reliable, efficient, co-ordinated and economical system of electricity generation in accordance with such codes of practice or other standards of performance as may be issued or approved by the Board under section 43.

General duties of public electricity licensee.

(2) It shall be the duty of a public electricity licensee authorised to transmit electricity —

- (a) to develop and maintain a reliable, efficient, co-ordinated and economical system of electricity transmission in accordance with such codes of practice or other standards of performance as may be issued or approved by the Board under section 43; and
- (b) to facilitate competition in the generation and supply of electricity by making its system of electricity transmission available to persons authorised to generate or supply electricity on terms which neither prevent nor restrict such competition.

(3) It shall be the duty of a public electricity supplier to develop and maintain a reliable, efficient, co-ordinated and economical service to consumers in accordance with such codes of practice or other standards of performance as may be issued or approved by the Board under section 43.

(4) A utilities support services licensee shall comply with such codes of practice or other standards of performance as may be issued or approved by the Board under section 43.

48.—(1) Subject to this Part and the regulations, a public electricity supplier shall, upon being requested to do so by any person who desires electricity to be supplied to any premises —

Duty to supply on request.

- (a) procure a supply of electricity to the electrical installation serving those premises or, in the case of premises which are not served by an electrical installation, directly to those premises; and
 - (b) so far as may be necessary for that purpose, procure the provision of building, land, mains or electrical plant or all of them.
- (2) In this Part, any reference to —
- (a) procuring a supply of electricity includes a reference to continuing to procure such a supply;
 - (b) requiring a supply of electricity includes a reference to requiring such a supply to continue to be given; and
 - (c) the provision of a main or an item of electrical plant is a reference to the provision of such a main or an item either by the installation of a new one or by the modification of an existing one.

Exceptions
from duty to
supply.

49.—(1) Nothing in section 48 shall be taken as requiring a public electricity supplier to procure a supply of electricity to any premises if —

- (a) it is prevented from doing so by circumstances not within its control;
- (b) circumstances exist by reason of which its doing so would or might involve the supplier or any other public licensee being in breach of the regulations, and the supplier or other licensee has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect;
- (c) any building on the premises has been erected in contravention of any written law or is in a ruinous or dangerous condition; or
- (d) it is not reasonable in all the circumstances for it to be required to do so.

(2) Nothing in section 48 shall be taken as requiring a public electricity supplier to procure a supply of electricity to any premises if the supply is being given to the premises by a private electricity supplier through (wholly or partly) a public licensee's electric line and electrical plant.

(3) Where such premises shall cease for any reason to be supplied in the manner specified in subsection (2), the public electricity supplier shall be obliged to procure a supply of electricity to such premises under section 48 if so requested by any person requiring such a supply to such premises.

(4) In this section, “private electricity supplier” means a person, other than a public electricity supplier, who is authorised by a public licence to supply electricity.

50.—(1) Subject to this section and section 54, the prices to be charged by a public electricity supplier and a public gas licensee and to be paid by consumers for the supply of electricity or gas shall be in accordance with such tariffs as may be fixed from time to time by the supplier or licensee in accordance with the conditions of its public licence and with the approval of the Board.

Tariffs fixed by public electricity supplier and public gas licensee.

(2) A tariff fixed by a public electricity supplier or a public gas licensee under subsection (1) shall be published in such manner as will secure adequate publicity for it.

(3) In fixing tariffs under subsection (1), a public electricity supplier or a public gas licensee shall neither show undue preference as between consumers similarly situated nor exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply and the quantity supplied.

(4) Nothing in this section shall prevent a public electricity supplier or a public gas licensee from fixing different tariffs for consumers similarly situated for such temporary period as may be approved by the Board.

(5) Until such time when tariffs are fixed by a public electricity supplier or a public gas licensee under subsection (1), any tariff fixed under section 30 (1) of the repealed Public Utilities Act in respect of a supply of electricity or gas which is effective immediately before 1st October 1995 shall have effect as if fixed under subsection (1); and the provisions of this Part and Part VII shall apply accordingly.

Cap. 261, 1992 Ed.

51.—(1) Where any main, building, land, electrical plant or gas plant is procured to be provided by a public electricity supplier or provided by a public gas licensee, the supplier or licensee may require any expenses reasonably incurred in

Power to recover expenditure.

procuring it or providing it, as the case may be, to be defrayed by any person requiring the supply of electricity or gas to such extent as is reasonable in all the circumstances.

(2) The Minister may, after consultation with the Board, make provision by regulations for entitling a public electricity supplier or a public gas licensee to require any person requiring a supply of electricity or gas to pay to the supplier or licensee, in respect of any expenses reasonably incurred in providing or procuring the provision of any main, building, land, electrical plant or gas plant for the purpose of giving that supply, such amount as may be reasonable in all the circumstances.

Power to
require
security.

52.—(1) Subject to this section, a public electricity supplier or a public gas licensee may require any person who requires a supply of electricity or gas to give it reasonable security for the payment to it of all money which may become due to it in respect of —

- (a) the supply of electricity or gas; or
- (b) the provision of all or any main, electrical plant or gas plant,

and if that person fails to give such security, the supplier or licensee may if it thinks fit refuse to give the supply or to provide or procure the provision of all or any mains, electrical plants or gas plants for so long as the failure continues.

(2) Where any person has not given the security mentioned in subsection (1), or the security given by any person has become invalid or insufficient —

- (a) the public electricity supplier or public gas licensee may by notice require that person, within 7 days after the service of the notice, to give it reasonable security for the payment of all money which may become due to it in respect of the supply; and
- (b) if that person fails to give the security, the public electricity supplier or public gas licensee may if it thinks fit discontinue the supply for so long as the failure continues.

53. Any public electricity licensee may require any person who requires a supply of electricity to accept in respect of the supply —

Additional terms of supply of electricity.

- (a) any condition requiring the person to provide sufficient premises and to construct rooms, buildings or structures as may be considered necessary by the licensee to accommodate and house the electrical plant required for the purposes of the supply;
- (b) any condition giving the licensee or a public licensee authorised to transmit electricity the right to use the premises, rooms, buildings or structures provided or constructed under paragraph (a) as the licensee or the public licensee thinks fit; and
- (c) any restriction which must be imposed for the purpose of enabling the licensee or a public licensee authorised to transmit electricity to comply with the regulations.

54.—(1) Notwithstanding anything in sections 48 to 53, a person who requires a supply of electricity under section 48 may enter into a special agreement with a public electricity supplier for the supply on such terms as may be specified in the agreement in any case where the maximum power to be made available to the person at any time exceeds such wattage as may be determined and notified by the Board in the *Gazette*.

Special agreement with respect to supply of electricity.

(2) So long as any agreement mentioned in subsection (1) is effective, the rights and liabilities of the parties to the agreement shall be those arising under the agreement and not those provided for by sections 48 to 53.

55.—(1) Any dispute arising between a consumer and a public electricity supplier on whether a supply should be given to that consumer —

Determination of disputes by Board.

- (a) may be referred to the Board by either party; and
- (b) on such a reference, shall be determined by the Board whose decision shall be final and conclusive between the parties.

(2) Notwithstanding that a dispute between a consumer and a public electricity supplier has been referred to the Board, the supplier shall, subject to section 49, procure a supply of electricity to the consumer until the dispute is determined by the Board.

Fuel stocks
at generating
stations.

56.—(1) In respect of any generating station, the Board may give a direction requiring the public licensee who operates it —

- (a) to make such arrangements with respect to stocks of fuel held at or near that generating station for the purposes of its operation as will —
 - (i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level; and
 - (ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by a direction under subsection (2); and
- (b) to create such stocks and make such arrangements with respect to them,

and the amount of any stocks may be specified by reference to the period for which it would enable the generating station to be maintained in operation.

(2) In respect of any generating station, the Board may give a direction —

- (a) authorising or requiring the public licensee who operates it to make such use as may be specified of any stocks held at or near that generating station; and
- (b) requiring that public licensee to operate, or not to operate, that generating station for specified periods, at specified levels of capacity or using specified fuels.

(3) In this section, “specified” means specified by or under the Board’s direction; and a direction may —

- (a) specify the cases and circumstances in which any stocks are to be treated as held at or near any generating station;

- (b) specify the extent to which the direction may be treated as complied with;
- (c) specify the manner in which any period mentioned in subsection (1) or (2) is to be determined;
- (d) require anything falling to be specified under the direction to be specified by such person and by reference to such matters as may be specified.

(4) A direction under subsection (1) or (2) which confers on any person the function of specifying anything falling to be specified under the direction may require that person to exercise that function in such manner as may be specified by the direction.

57.—(1) The Board shall, at such premises and in such form as it may determine, maintain a register for the purposes of this Part. Keeping of register by Board.

(2) Subject to any direction given under subsection (3), the Board shall cause to be entered in the register the provisions of every —

- (a) public licence granted to a particular person;
- (b) modification or revocation of a public licence; and
- (c) other matter as the Board may think fit.

(3) If it appears to the Minister that the entry of any provision in the register would be against the public interest, he may direct the Board not to enter that provision in the register.

(4) The register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified by the Board.

PART V

CONTROL OF RELEVANT PUBLIC LICENSEES

58.—(1) A special administration order is an order of the Minister made in accordance with section 59 in relation to a company which is a relevant public licensee and directing that, during the period for which the order is in force, the affairs, business and property of the company shall be managed by the Board — Meaning and effect of special administration order.

- (a) for the achievement of all or any of the purposes of such an order; and
 - (b) in a manner which protects the respective interests of the members, creditors and customers of the company.
- (2) The purposes of a special administration order made in relation to any company shall be —
- (a) the security and reliability of the supply of electricity to the public;
 - (b) the survival of the company, or the whole or part of its undertaking as a going concern;
 - (c) the transfer to another company, or (as respects different parts of the area to which the company's public licence relates, or different parts of its undertaking) to 2 or more different companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its public licence may be properly carried out; and
 - (d) the carrying out of those functions pending the making of the transfer and the vesting of those functions in the other company or companies (whether by virtue of the transfer or of an authorisation or variation which replaces the former company as public licensee).

(3) The Minister may make regulations for giving effect to this Part, including making provision for applying, omitting or modifying provisions of Part VIIIA of the Companies Act where a special administration order is made.

(4) For the purposes of this Part, "relevant public licensee" means any public licensee authorised to generate, transmit or supply electricity and such other public licensee as may be prescribed.

59.—(1) If, on an application made to the Minister by the Board, the Minister is satisfied in relation to any company which is a relevant public licensee that any one or more of

Special
administra-
tion order
made on
application
by Board.

Cap. 50.

the grounds specified in subsection (2) is satisfied in relation to that company, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that company;
- (b) an order requiring the company forthwith to take any action or to do or not to do any act or thing in relation to its business as the Minister may consider necessary;
- (c) an order appointing a person to advise the company in the proper conduct of its business.

(2) The grounds mentioned in subsection (1) are, in relation to any company —

- (a) that the company is or is likely to be unable to pay its debts;
- (b) that the Minister considers it in the interest of the security and reliability of the supply of electricity to the public; or
- (c) that the Minister otherwise considers it in the public interest.

(3) Notice of any application under subsection (1) shall be given forthwith by the Board to such persons and in such manner as may be prescribed.

(4) Where a company is a relevant public licensee —

- (a) the company shall not be wound up voluntarily without the consent of the Board;
- (b) no judicial management order under Part VIIIA of the Companies Act shall be made in relation to the company; and Cap. 50.
- (c) no step shall be taken by any person to enforce any security over the company's property except where that person has served 14 days' notice of his intention to take that step on the Board.

(5) The Board shall be a party to any proceedings under the Companies Act relating to the winding up of the affairs of a company which is a relevant public licensee.

(6) Any decision of the Minister under subsection (1) shall be final.

(7) For the purposes of this section, a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254 (2) of the Companies Act.

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Remuneration and expenses of Board and others.

60.—(1) The Board may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a company which is a relevant public licensee to any person appointed by the Minister under section 59 (1) (c) to advise the company in the proper conduct of its business.

(2) Where a special administration order has been made under section 59 (1) (a) in relation to a company which is a relevant public licensee, the Board may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the company to the Board.

PART VI

TRANSFER OF UNDERTAKING

Vesting of undertaking of Board in successor companies.

61.—(1) On 1st October 1995, such property, rights and liabilities comprised in the undertaking of the Board as may be determined by the Minister and agreed to by the Minister for Finance shall become, by virtue of this section and without further assurance, the property, rights and liabilities of companies nominated for the purposes of this section by the Minister (referred to in this Act as the successor companies), in such manner of distribution and allocation as determined by the Minister and agreed to by the Minister for Finance, including any division or sharing between the successor companies of any one or more items of such property, rights or liabilities.

(2) Any immovable property to be transferred to and vested in a successor company under subsection (1) shall be held by the company upon such tenure and subject to such terms and conditions as the President may determine.

(3) The Board shall grant, as from 1st October 1995, public licences in respect of the generation, production, transmission or supply of electricity or gas as may be appropriate to each successor company according to the property, rights and liabilities so vested in the company, and the successor company by which the function of supplying

electricity to the public falls to be provided by determination of the Minister under subsection (1) shall be designated in accordance with section 40 as a public electricity supplier.

(4) If any question arises as to whether any particular property, right or liability of the Board has been transferred to or vested in any successor company under this Act, a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, right or liability was or was not so transferred or vested.

(5) It is hereby declared for the avoidance of doubt that —

(a) any reference in this Act to property comprised in the Board's undertaking is a reference to such property of the Board whether situated in Singapore or elsewhere; and

(b) any such reference to rights and liabilities comprised in the Board's undertaking is a reference to such rights to which the Board is entitled or, as the case may be, such liabilities to which the Board is subject, whether under the laws of Singapore or any country outside Singapore and includes rights and liabilities arising under loans raised in relation to the Board's undertaking.

(6) It shall be the duty of the Board and of each successor company to take all such steps as may be requisite to secure that the vesting in each such company by virtue of this section of any foreign property, right or liability is effective under the relevant foreign law and until such time it shall be the duty of the Board to hold that property or right for the benefit of, or to discharge that liability on behalf of, each such company.

(7) Nothing in subsection (6) shall be taken as prejudicing the effect under the laws of Singapore of the vesting in any successor company by virtue of this section of any foreign property, right or liability.

(8) Any expenses incurred and liabilities discharged by the Board under subsection (6) shall be paid by the relevant successor company.

(9) In subsections (6) and (7), references to any foreign property, right or liability are references, respectively, to any property, right or liability comprised in the Board's undertaking in respect of which any issue arising in any proceedings would have been determined (in accordance with the rules of conflict of laws) by reference to the law of a country or territory outside Singapore.

Initial
Government
holding in
successor
companies.

62.—(1) As a consequence of the vesting in the successor companies by virtue of section 61 (1) of the property, rights and liabilities comprised in the Board's undertaking, each successor company shall issue such securities of the company as the Minister for Finance may from time to time direct to any company wholly owned by the Government.

(2) The Minister for Finance shall not give a direction under subsection (1) in relation to any successor company at a time when that company has ceased to be wholly owned by the Government.

(3) Securities required to be issued in pursuance of this section shall be issued or allotted at such time and on such terms as to allotment as the Minister for Finance may direct.

(4) Shares in the successor companies issued in pursuance of this section —

(a) shall be of such nominal value as the Minister for Finance may direct; and

(b) shall be issued as fully paid and treated for the purposes of the Companies Act as if they had been paid up by virtue of the payment to the issuing successor company of their nominal value.

Cap. 50.

(5) Section 69 of the Companies Act (which provides that where a company issues shares for which a premium is received by the company whether in cash or in the form of other valuable consideration a sum equal to the aggregate amount or value of the premiums on those shares shall be transferred to a share premium account) shall not apply in relation to the issue of shares by a successor company in pursuance of this section, notwithstanding that such shares may be regarded as having been issued by the company at a premium.

63.—(1) If the Minister for Finance so directs at any time before a successor company ceases to be wholly owned by the Government, such sum (not exceeding the accumulated realised profits of the Board in connection with its undertaking) as may be specified in the direction shall be carried by that successor company to a reserve (referred to in this section as the statutory reserve).

Financial
structure of
successor
companies.

(2) The statutory reserve may only be applied by a successor company in paying up unissued shares of the company to be allotted to members of the company as fully-paid bonus shares.

(3) For the purposes of any statutory accounts of a successor company —

(a) the vesting effected by virtue of subsection (1) of section 61 shall be taken to have been a vesting of the property, rights and liabilities comprised in the Board's undertaking to which the Board was entitled or subject on 1st October 1995 and which was allocated to the company by determination of the Minister under that subsection; and

(b) the value of any asset and the amount of any liability of the Board taken to have been vested in a successor company by virtue of paragraph (a) shall be taken to be the value or, as the case may be, the amount assigned to that asset or liability in the statement of accounts of the Board as at 1st October 1995.

(4) For the purposes of any statutory accounts of a successor company, the amount to be included in respect of any item shall be determined as if anything done by the Board (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the company.

(5) Without prejudice to the generality of subsection (4), the amount to be included in any reserves of a successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the Board in connection with that part of its undertaking vested in the company had been realised and retained by the company.

(6) References in this section to the statutory accounts of a successor company are references to any accounts prepared by the company for the purposes of any provision of the Companies Act.

Cap. 50.

Application
of
Companies
Act in
relation to
offer of
shares or
debentures
of successor
companies.

64.—(1) This section shall apply where —

- (a) the Minister for Finance;
- (b) the company to which securities of any successor company are issued at the direction of the Minister for Finance under section 62; or
- (c) a company to which such securities are transferred at the direction of the Minister for Finance,

offers for sale to the public shares or debentures of the successor company.

(2) If the offer of shares or debentures is accompanied by a full prospectus in respect of which the conditions mentioned in subsection (3) are fulfilled (referred to in this section as the offer prospectus), any form of application for the shares or debentures may (instead of being issued with a full prospectus) be issued with a notice given by the Minister for Finance which includes —

- (a) a brief description of the shares or debentures offered, the terms of the offer, the nature of the successor company's business and its financial position;
- (b) an indication of the places in Singapore where copies of the offer prospectus are to be available to members of the public; and
- (c) a statement of the effect of subsection (4).

(3) The conditions referred to in subsection (2) are that —

- (a) a copy of the prospectus has been registered with the Registrar of Companies in pursuance of section 50 of the Companies Act; and
- (b) arrangements have been made with a view to securing that on or before the date of receipt of the form of application by a member of the public, copies of the prospectus are generally available in Singapore to members of the public.

(4) Where a form of application is issued without a full prospectus but with a notice given by the Minister for Finance under subsection (2), then, for the purposes of any enactment or any rule of law —

- (a) the notice shall be taken to have incorporated the offer prospectus; and
- (b) any application for the shares or debentures which is made in pursuance of the notice shall be taken to have been made in pursuance of that prospectus.

(5) Section 48 of the Companies Act shall not apply to any advertisement offering or calling attention to any offer or intended offer of shares or debentures of the successor company to the public for subscription or purchase if the advertisement is published or disseminated by or on behalf of any Minister. Cap. 50.

(6) In this section, “full prospectus” means a prospectus which complies, or is deemed to comply, with the requirements of a prospectus under the Companies Act.

65.—(1) For the purpose of applying paragraph 1 (1) (b), (c) and (d) of Part IV of the First Schedule to the Trustees Act (which provide that securities of a company shall not count as authorised investments within the meaning of that Act unless the company has a shareholders equity of not less than \$30 million and has paid dividends in each of the 3 financial years, and has reported a profit in the financial year immediately preceding that in which the investment is made) in relation to investment in securities of a successor company during the financial year in which 1st October 1995 falls (referred to in this section as the first investment year) or during any financial year following that year, the company shall be deemed —

Application of Trustees Act in relation to investment in successor companies. Cap. 337.

- (a) to have paid a dividend as mentioned in the said paragraph 1 (1) (b) in each financial year preceding the first investment year which is included in the relevant 3 years, and in the first investment year, if that year is included in the relevant 3 years and the company does not in fact pay such a dividend in that year;

(b) to have had a shareholders equity of not less than \$30 million as mentioned in the said paragraph 1 (1) (c); and

(c) to have reported a profit as mentioned in the said paragraph 1 (1) (d) in the financial year preceding the first investment year, and in the first investment year, if the company does not in fact report such a profit in that year.

(2) In subsection (1), “the relevant 3 years” means the 3 financial years immediately preceding the financial year in which the investment in question is made or proposed to be made.

Transfer of employees of Board to successor companies.

66.—(1) As from 1st October 1995, such persons employed immediately before that date by the Board as the Board may determine shall be transferred to the service of such successor company as the Board may determine on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as contracts of service are drawn up by the successor companies, the schemes and terms and conditions of service in the Board shall continue to apply to every person transferred to the service of the companies under subsection (1) as if he were still in the service of the Board.

Continuation and completion of disciplinary proceedings.

67.—(1) Where on 1st October 1995 —

(a) any disciplinary proceedings have been initiated against any employee of the Board transferred to a successor company under section 66 (1) by the issue of a charge or charges to such employee under the relevant regulations in force immediately before that date, and such proceedings are pending before the Board or in the course of being heard or investigated by the Board or had been heard or investigated by the Board and no order or decision had been rendered thereon; or

(b) any such employee has been interdicted,
the Board shall —

- (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
- (ii) in the case of paragraph (b), deal with such employee in such manner as it thinks appropriate having regard to the evidence against him, including the institution and completion of disciplinary proceedings and the making of an order or the rendering of a decision, as the case may be.

(2) Until such time any such employee shall not be transferred to any successor company under section 66 (1) but may, at the discretion of the Board, be so transferred by an instrument in writing under the hand of the Chief Executive if he is acquitted of the charges or allegations brought in such disciplinary proceedings or where no disciplinary proceedings are initiated against him, as the case may be.

(3) Where on 1st October 1995, any penalty (other than dismissal) has been imposed on any employee of the Board transferred to a successor company under subsection (1) of section 66 pursuant to disciplinary proceedings against him and the penalty has not been, or remains to be, served by such employee, he shall, on his transfer to the company under that subsection, serve or continue to serve such penalty to its full term as if it had been imposed by the company, and the penalty shall remain valid against the employee on his transfer and shall continue in full force and effect until he has served the penalty in full.

68.—(1) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 1st October 1995 affecting the portion of the undertaking transferred to a successor company under section 61 (1) or affecting any employee of the Board transferred to the service of the company under section 66 (1) shall continue in full force and effect on and after that date and shall be enforceable by or against the company as if instead of the Board or any person acting on behalf of the Board, the company had been named therein or had been a party thereto.

Existing
agreements
and pending
proceedings.

(2) All agreements and working arrangements between the Board and consumers for the supply of water, electricity or gas and which are contained in one or more written contracts and which are subsisting immediately before 1st October 1995, shall —

(a) continue in full force and effect on and after that date and shall —

(i) in relation to the supply of water, continue to be enforceable by or against the Board; and

(ii) in relation to the supply of electricity or gas, be enforceable by or against the successor company to whom such agreements or working arrangements were allocated by determination of the Minister under section 61 (1) as if instead of the Board, the company had been named therein or had been a party thereto; and

(b) be governed, on and after that date, by such terms and conditions as may be determined by the company with the approval of the Board and published in such manner as will secure adequate publicity for them.

(3) Any proceedings or cause of action relating to the undertaking transferred to a successor company under section 61 (1) or to any employee of the Board transferred to the service of the company under section 66 (1) pending or existing immediately before 1st October 1995 by or against the Board or any person acting on its behalf may be continued and shall be enforced by or against the company.

PART VII

MATTERS RELATING TO PUBLIC LICENSEES

Works of
public
electricity
licensee.

69.—(1) Notwithstanding any written law but subject to this section, for any purpose connected with the carrying on of the activities which it is authorised by its public licence to carry on, a public electricity licensee may execute —

- (a) the following kinds of works, that is to say, installing under, over, in, on, along or across any premises, street or bridge and from time to time inspecting, maintaining, adjusting, repairing, altering, replacing or removing —
- (i) any electric line or electrical plant;
 - (ii) any structure for housing or covering any such line or plant; and
 - (iii) any meter, switch and any other suitable and proper apparatus for the purpose of leading off service lines and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of electricity or of testing the conditions of the mains and other portions of the works; and
- (b) any work requisite for or incidental to the purposes of any works falling within paragraph (a), including for those purposes —
- (i) excavating any land, street or drain;
 - (ii) tunnelling or boring under any land, street, sewer or drain;
 - (iii) removing or using all earth and materials in or under any land, street, sewer or drain;
 - (iv) erecting, placing or installing equipment, apparatus and other electrical plant in or under any land, building, street or bridge; and
 - (v) erecting, placing or installing poles on any land or street.

(2) All such works, including the upper surface or covering thereof, shall be constructed of such materials and shall be maintained by the public electricity licensee in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise; and when the licensee lays any electric line or crossing or liable to touch any main, pipe, line or other service, the conducting portion of the electric line shall be effectually insulated.

(3) Except in cases of emergency arising from faults in any electric line or electrical plant, no works falling within subsection (1) shall be executed without the giving of reasonable notice.

(4) A public electricity licensee shall do as little damage as possible in the exercise of the powers conferred by subsection (1) and shall make good any damage done in the exercise of those powers.

(5) Where any dispute arises as to whether a public electricity licensee has sufficiently made good any damage done in the exercise of the powers conferred by subsection (1), the dispute —

- (a) may be referred to the Board by either party; and
- (b) on such a reference, shall be determined by the Board whose decision shall be final and conclusive between the parties.

(6) A public electricity licensee shall exercise the powers conferred by subsection (1) in such manner as will secure that nothing which it installs or keeps installed under, over, in, on, along or across any premises or street becomes a source of danger to the public.

(7) A public electricity licensee shall not, when exercising the powers conferred by subsection (1), be liable for or required to pay any person any fee, charge or expense whatsoever for the right to enter or use any land or premises.

Works of
public gas
licensee.

70.—(1) Notwithstanding any written law but subject to this section, for any purpose connected with the carrying on of the activities which it is authorised by its public licence to carry on, a public gas licensee may execute —

- (a) the following kinds of works, that is to say, installing under, over, in, on, along or across any premises, street or bridge and from time to time inspecting, maintaining, adjusting, repairing, altering, replacing or removing —
 - (i) any pipe, main, conduit or gas plant;
 - (ii) any structure for housing or covering any such pipe, main, conduit or plant; and

- (iii) any meter, valve and any other suitable and proper apparatus for the purpose of leading off gas service pipes or of examining, testing, measuring, directing or controlling the supply of gas or of testing the conditions of the mains and other portions of the works; and
- (b) any work requisite for or incidental to the purposes of any works falling within paragraph (a), including for those purposes —
 - (i) excavating any land or street;
 - (ii) tunnelling or boring under any land, street, sewer or drain;
 - (iii) removing or using all earth and materials in or under any land, street, sewer or drain; and
 - (iv) erecting, placing or installing any gas plant in or under any land, street or bridge.

(2) All such works, including the upper surface or covering thereof, shall be constructed of such materials and shall be maintained by the public gas licensee in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(3) Except in cases of emergency arising from faults in any pipe, main, conduit or gas plant, no works falling within subsection (1) shall be executed without the giving of reasonable notice.

(4) A public gas licensee shall do as little damage as possible in the exercise of the powers conferred by subsection (1) and shall make good any damage done in the exercise of those powers.

(5) Where any dispute arises as to whether a public gas licensee has sufficiently made good any damage done in the exercise of the powers conferred by subsection (1), the dispute —

- (a) may be referred to the Board by either party; and
- (b) on such a reference, shall be determined by the Board whose decision shall be final and conclusive between the parties.

(6) A public gas licensee shall exercise the powers conferred by subsection (1) in such manner as will secure that nothing which it installs or keeps installed under, over, in, on, along or across any premises or street becomes a source of danger to the public.

(7) A public gas licensee shall not, when exercising the powers conferred by subsection (1), be liable for or required to pay any person any fee, charge or expense whatsoever for the right to enter or use any land or premises.

Felling of trees.

71.—(1) Where, in the opinion of a public licensee, there is at any time danger or suspected danger that any tree (which term in this section includes undergrowth) near the licensee's installation or plant may obstruct or interfere with the supply of electricity or gas or cause damage to such installation or plant, the licensee may cause the tree to be felled or dealt with in such other manner as will, in its opinion, avert the danger.

Cap. 198A.
Cap. 216.

(2) A public licensee shall, in the exercise of its powers under subsection (1), be subject to the provisions of the National Parks Act and the Parks and Trees Act.

(3) Where a tree, which has been felled under subsection (1), was in existence before the public licensee's installation or plant was placed, erected or installed, the licensee may, subject to subsections (4) and (5), pay to any person adversely affected such sum as may be agreed between the licensee and the person, or in the event that no agreement is reached, such sum as may be determined by the Board, by way of compensation.

(4) No further compensation shall be paid for the felling or lopping of any tree or the removal of any vegetation where the action is necessary for the maintenance of a public licensee's installation or plant and the tree or vegetation has grown or been allowed to grow since the payment of compensation under subsection (3).

(5) No compensation shall be payable by a public licensee under subsection (3) in respect of any tree within 20 metres of the centre line of any road constructed or maintained by the Government or by any public authority unless it is proved that the tree was in existence prior to the construction of the road.

(6) Where the owner or occupier of any land fells, lops or clears any tree or vegetation adjacent to a public licensee's installation or plant, the owner or occupier shall give the licensee 14 days' notice in writing of his intention to do so and shall take all such reasonable precautions as the licensee may require for the protection of such installation or plant.

(7) If any such owner or occupier fails to give notice as provided under subsection (6) or having given notice fails to take any such precautions as the public licensee may have required, he shall be liable to pay the licensee any cost and expense incurred by the licensee for any damage caused to any such installation or plant, and a certificate purporting to be under the hand of the chief executive of the licensee stating the amount of the cost and expense incurred by the licensee shall be prima facie evidence of the amount due from the owner or occupier.

(8) If the amount due for the cost and expense under subsection (7) is not paid within 7 days after demand, the amount may be recovered in the same manner as if it were a simple contract debt.

(9) If any tree or vegetation is felled or cleared upon land adjacent to a public licensee's installation or plant, it shall be presumed until the contrary is proved that the tree or vegetation was felled or cleared by the owner or occupier of the land or by his employees or agents acting as such.

72.—(1) Subject to this section and without prejudice to any other right of entry, a person authorised in writing by a public licensee may, at any reasonable time, enter upon and survey any premises for the purpose of ascertaining whether the premises would be suitable for use for any purpose connected with the carrying on of the activities which the licensee is authorised by its public licence to carry on.

Entry into premises by public licensee for purposes of exploration.

(2) A person authorised to enter upon any premises under this section shall not demand to do so as of right unless —

- (a) 6 hours' notice of the intended entry has been given to the occupier; and
- (b) if required to do so, he has produced evidence of his authority.

(3) The power to survey premises conferred by this section includes the power to search and bore for the purposes of ascertaining the nature of the subsoil; but works may not be carried out on the premises for this purpose unless —

- (a) notice of the proposed works is included in the notice given under subsection (2); and
- (b) where premises are held by any statutory board which objects to the works on the ground that the carrying out of the works would be seriously detrimental to the carrying on of its undertaking, the Minister gives his consent.

(4) Where any person exercises any power conferred by this section, the public licensee by whom he was authorised shall make good any damage done to the premises.

Recovery of charges.

73.—(1) If a consumer has not, on the due date, paid all charges due from him to a public electricity supplier or public gas licensee in respect of the supply of electricity or gas to any premises, the supplier or licensee may —

- (a) discontinue the supply to the premises, or any other premises occupied by the consumer by such other means as it thinks fit; and
- (b) recover any expenses incurred in so doing from the consumer.

(2) Where a public electricity supplier or public gas licensee has discontinued the supply of electricity or gas to any premises in consequence of any default on the part of a consumer, the supplier or licensee may resume the supply within a reasonable time if the consumer in default has —

- (a) made good the default;
- (b) paid the reasonable expenses of disconnecting and re-connecting the supply; and
- (c) given such security as the supplier or licensee may require.

(3) Where a utilities support services licensee receives any payment from a consumer and the consumer has not, in making the payment, indicated to the licensee which charges

the payment is to be made, the licensee may apportion the payment so received to pay such charges in such proportion and manner as may be prescribed.

74. Any person authorised by a public licensee may, at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises to which a supply of electricity or gas is being given for any of the following purposes, namely —

Entry during continuance of supply.

- (a) inspecting any electric line, electrical plant or gas plant belonging to the licensee;
- (b) ascertaining the register of any electricity meter or gas meter;
- (c) removing, inspecting or re-installing any such meter or installing any substitute meter; and
- (d) carrying out all other works necessary to maintain the supply of electricity or gas.

75.—(1) Where —

- (a) a public licensee is authorised by any provision of this Act or the regulations (including any such provision as applied by such an agreement as is mentioned in section 54) to cut off or discontinue the supply of electricity or gas to any premises;
- (b) a person occupying premises supplied with electricity or gas by a public licensee ceases to require such a supply; or
- (c) a person entering into occupation of any premises previously supplied with electricity or gas by a public licensee does not require such a supply,

Entry during dis-continuance of supply.

any person authorised by the licensee may at all reasonable hours in the daytime, on production of some duly authenticated document showing his authority, enter the premises for the purpose of disconnecting the supply or removing any electrical plant, electric line, electricity meter, gas plant or gas meter, as the case may be.

(2) The person so authorised by a public licensee shall not enter any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

Entry for replacing, repairing or altering electric line, electrical plant or gas plant.

76.—(1) Any person authorised by a public licensee may, after 5 working days' notice to the occupier of any premises or to the owner of any premises which are unoccupied, at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of —

- (a) placing a new electric line, electrical plant or gas plant in the place of or in addition to any existing line or plant which has already been lawfully placed and which belongs to that licensee; or
- (b) maintaining, inspecting, repairing, removing or altering any such existing line or plant.

(2) In the case of an emergency arising from faults in any electric line, electrical plant or gas plant, entry may be made under subsection (1) without the notice required to be given by that subsection, but the notice shall then be given as soon as possible after the occurrence of the emergency.

Relocation of installations of public licensee.

77. A public licensee may, at the request of the owner or occupier of any premises under or upon which any installation of the licensee is situated, relocate the installation if the licensee is satisfied that such relocation is reasonable and the owner or occupier complies with such terms and conditions as the licensee may impose, including terms and conditions relating to the payment by the owner or occupier of all costs and expenses necessary for the relocation.

Electrical plant, gas plant, etc., not fixtures and not subject to distress.

78. Any electrical plant, electric line, electricity meter, item of gas plant, gas meter, appliance, accessory, fitting and appurtenance owned or let for hire or lent to a consumer by a public licensee and which has been affixed or fastened to any part of the premises —

- (a) shall continue to remain the property of that public licensee and shall be deemed not to be a fixture, and shall not vest in the owner of the premises; and
- (b) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it is.

79. If any person supplied with gas by a public gas licensee improperly uses or deals with the gas so as to interfere with the efficient supply of gas by the licensee (whether to that person or to any other person), the licensee may, if it thinks fit, discontinue the supply of gas to that person.

Improper use of gas.

80.—(1) Where a public gas licensee has reasonable cause to suspect that gas supplied by it is escaping, or may escape, in any premises, any person authorised by the licensee may, on production of some duly authenticated document showing his authority, enter the premises, inspect any item of gas plant, carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.

Prevention of escape of gas.

(2) Where a public gas licensee has reasonable cause to suspect that gas supplied or conveyed by it which has escaped has entered, or may enter any premises, any person authorised by the licensee may, on production of some duly authenticated document showing his authority, enter the premises and take any steps necessary to avert danger to life or property.

81.—(1) Where a public licensee is of the opinion that immediate action is necessary on the occurrence of any emergency, in the interests of public safety or in order to avoid undue interference with the efficient supply of electricity or gas to other consumers or for the conservation of electricity or gas supply or for such other reasons affecting the public interest, the licensee may forthwith discontinue the supply of electricity or gas to any person; and the licensee shall immediately thereafter give notice in writing of the discontinuance to the person.

Power to discontinue supply of electricity or gas in emergency, etc.

(2) A public licensee shall not be liable for any loss or damage caused to any person by such discontinuance of the supply of electricity or gas to the person.

82. Sections 27, 28, 32, 33 and 36 shall apply, with the necessary modifications, to a public licensee as they apply to the Board, and the references in those sections to —

Application of provisions of Part III to public licensee.

(a) the Board shall be read as references to a public licensee;

- (b) water shall be read as references to electricity or gas, as the case may be;
- (c) the supply of water shall be read as references to the supply of electricity or gas, as the case may be;
- (d) any pipe shall be read to include references to any line for the use or supply of electricity; and
- (e) a supply of water for domestic purposes shall be read as references to a supply of electricity or gas for domestic purposes, which supply would exclude a supply of electricity or gas for any trade, manufacture or business.

PART VIII

ELECTRICAL AND SUPPLY INSTALLATIONS, CABLE DETECTION WORK AND GAS WORKERS

Licence
required for
use or
operation of
electrical or
supply
installation.

83.—(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 an electrical or supply installation licence granted by the Board under this section authorising such use, work, operation or supply.

(2) An electrical or supply installation licence may be granted under this section on the payment of such fee, if any, as may be prescribed.

(3) An electrical or supply installation licence shall not be transferred without the consent of the Board.

(4) An electrical or supply installation 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) An electrical or supply installation licence may be for such period as the Board may approve.

(6) In every electrical or supply installation licence, there shall be set out as may be appropriate —

- (a) the service area;
- (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.

(7) An electrical or supply installation licence may 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.

84.—(1) Where any person operates an electrical or supply installation without an electrical or supply installation licence, the Board may by written notice direct any public electricity licensee to forthwith cut off the supply of electricity to that electrical or supply installation and such licensee shall, upon receipt of the notice, immediately comply with the notice.

Notice to public electricity licensee to cut off supply.

(2) Where the Board has directed a public electricity licensee to discontinue a supply of electricity under subsection (1), the licensee may discontinue the supply until all expenses incurred by the licensee are fully paid.

85.—(1) Subject to the approval of the Commissioner of Lands and to such conditions as he may impose, an electrical or supply installation licence 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 electrical or 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.

(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.

Existing electrical or supply installations.

86. All electrical and supply installations which have been operated or the construction of which has been completed or begun before 1st October 1995 shall be subject to this Act and the regulations.

Exemption of certain electrical or supply installations.

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

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

Control by electrical worker.

88.—(1) A person granted an electrical or supply installation licence 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 the electrical or supply installation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years 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.

Inspection of electrical or supply installation.

89.—(1) A person granted an electrical or supply installation licence shall cause all electrical or supply installations owned or operated by him 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.

90.—(1) A person granted an electrical or supply installation licence 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.

Restriction of use to specified purpose.

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

91.—(1) Every electrical worker appointed to operate or to be in charge of or to control any electrical or supply installation and every person granted an electrical or supply installation licence who become aware of a defect in any electrical or supply installation shall forthwith make good or remove the defect or make a report thereon to the Board.

Procedure in case of defect in electrical or supply installation.

(2) Where a report is made to the Board under subsection (1), the Board may by notice posted on the premises where the electrical or supply installation is installed or working, or served upon the person granted an electrical or supply installation licence or the electrical worker who is appointed to operate or to be in charge of or to control the electrical or supply installation, as the case may be, require the defect to be made good or removed within such period as may be specified in the notice, and 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.

(3) If the Board is of the opinion that the defect is likely to cause immediate danger, the Board may, by notice posted or served as mentioned in subsection (2), forthwith suspend the operation and use of the electrical or supply installation until the defect is made good or removed, and the electrical or supply installation shall not be operated or used so long as the notice of suspension remains in force.

(4) The Board shall not be liable for the loss or damage caused to any person by the suspension of the operation and use of any electrical or supply installation under this section or by the suspension or revocation of an electrical or supply installation licence under section 92.

(5) Any person who contravenes or fails to comply with any of the provisions of subsection (1), (2) or (3) shall be guilty of an offence.

Suspension and revocation of electrical or supply installation licence.

92.—(1) The Board may, in its discretion, require that, before the grant of any electrical or supply installation 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.

Cap. 89.

(2) An electrical or supply installation 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.

Entry into premises.

93.—(1) Subject to subsection (2), an authorised officer may, in the performance of his functions and duties under this Act, 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 subsection (1) shall carry and 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.

Board not liable for operation of electrical or supply installation.

94. Notwithstanding the grant of an electrical or supply installation licence, the Board shall not be responsible for the operation or maintenance of any electrical or supply installation or for any injury to any person or damage to any thing whatsoever by reason of operating or omitting to

operate or maintaining or omitting to maintain any electrical or supply installation.

95.—(1) Subject to subsection (2), no person other than an employee of the Board or a public electricity licensee 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 or the licensee 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.

(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 or the public electricity licensee notice in writing stating the nature and extent of those earth works.

(3) No person other than a licensed cable detection worker or an employee of the Board or a public electricity licensee 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 or the licensee 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 and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

96. The Board may —

- (a) grant a cable detection work 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 cable detection work licence in such manner as it determines;

Powers of Board in relation to cable detection work.

- (c) specify the nature of the cable detection work in respect of which a cable detection work licence is granted and restrict such work to any type or class of cable detection work;
- (d) specify the circumstances or manner in which licensed cable detection workers may perform or carry out cable detection work;
- (e) impose any terms, conditions or restrictions on any cable detection work licence;
- (f) require any public electricity licensee to conduct approved courses of training, including refresher courses, and provide for examinations for cable detection workers;
- (g) keep a register of licensed cable detection workers; and
- (h) do any act or thing which is necessary or convenient to carrying out the objects of this Part or is incidental thereto.

Safety requirements in relation to gas.

97.—(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 gas 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.

(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 \$10,000 or to imprisonment for a term not exceeding 3 years 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.

98.—(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 belonging to a public gas licensee. Building or structure over gas main or gas service pipe prohibited.

(2) 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 main or service pipe relocated or diverted away by the public gas licensee from under the building or structure at the expense of the owner or occupier.

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

99.—(1) Subject to subsection (2), no person shall, unless he holds a valid gas service worker licence — Licensing of gas service worker.

(a) perform or cause to be carried out or offer or undertake to carry out any gas service work; or

(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 gas service worker licence.

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

Application
for gas
service
worker
licence.

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

(2) An application for a gas service worker 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 grant a gas service worker licence either unconditionally or subject to such conditions as it thinks fit or may refuse to grant such a licence.

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

(5) The Board may vary or revoke any of the existing conditions of a gas service worker licence or impose new conditions or vary, suspend or cancel such a licence or replace any such licence which has been lost, destroyed or defaced.

Exemption
of Board,
public gas
licensee,
employees
and agents.

101. Sections 98, 99 and 100 shall not apply to the acts of the Board or a public gas licensee in connection with the supply of gas in accordance with its public licence, or their respective employees or agents.

PART IX

OFFENCES

Prohibition
of unlicensed
generation,
production,
transmission
or supply of
electricity or
gas, etc.

102.—(1) Any person who —

- (a) generates electricity for the purpose of giving a supply to any premises or enabling a supply to be so given;
- (b) transmits electricity for that purpose; or
- (c) supplies electricity to any premises,

without a relevant public electricity licence or an electrical or supply installation licence, as the case may be, shall be guilty of an offence.

(2) Any person who —

- (a) produces gas for the purpose of giving a supply to any premises or enabling a supply to be so given;
- (b) transmits gas for that purpose;
- (c) supplies gas through pipes to any premises; or
- (d) provides any utilities support services,

without a public licence shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

103.—(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 damage to any property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

Offences relating to electrical or supply installations.

(2) Any person who by rash or negligent act or omission committed or omitted in respect of any electrical or supply installation or any part thereof, 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 \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Any person who contravenes or fails to comply with section 83 (1) (a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.

(4) Any 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 service area specified in his licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both, 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 licensee of an electrical or supply installation who, without lawful excuse, fails to comply with any condition in his licence shall be guilty of an offence.

Engagement of unlicensed gas service worker prohibited.

104. Any person who —

(a) engages any person who is not a licensed gas service worker to perform or cause to be carried out; or

(b) offers or undertakes to carry out, any gas service work (other than the gas service work specified under section 99 (2)) shall be guilty of an offence.

Licensed cable detection workers.

105.—(1) Any person who, not being an employee of the Board or a public licensee, or a licensed cable detection worker, advertises or holds himself out or conducts himself in any way or by any means as a person who is a licensed cable detection worker shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) 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.

Restoration of supply without consent.

106. Any person who, without the consent of a public licensee, restores a supply of electricity or gas to any premises where such supply has been discontinued by the public licensee in the exercise of its powers under this Act or the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day during which the offence continues after conviction.

Damage to property of Board or public licensee.

107.—(1) Any person who wilfully removes, destroys or damages any property belonging to or under the management or control of 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 be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any person who wilfully removes, destroys or damages any electrical plant or electricity cable in the transmission network or any gas plant or gas pipe in the gas network belonging to or under the management or control of a public licensee or hinders or prevents the electrical plant, electricity cable, gas plant or gas pipe from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Notwithstanding subsection (2), any person who damages or suffers to be damaged any electricity cable in the transmission network belonging to or under the management or control of a public electricity licensee 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 5 years or to both.

(4) Where an offence under subsection (3) 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 he proves 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.

(5) 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.

(6) In any proceedings for an offence under subsection (3), 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.

(7) If in any proceedings for an offence under subsection (3) 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.

Compensation for damaging property of Board.

108.—(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 and the compensation shall be recoverable by civil action or suit before 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 action or suit.

Falsely pretending to be employee of Board or public licensee.

109. Any person who seeks to obtain entry to any premises by falsely pretending to be an employee of the Board or a public licensee shall be guilty of an offence.

Unauthorised connection with main, pipe, etc., of Board or public licensee.

110.—(1) Any person who —

(a) 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

(b) wastes any water,

shall be guilty of an offence.

(2) Any person who —

(a) dishonestly or fraudulently abstracts, uses or consumes, or dishonestly or fraudulently diverts or causes to be diverted, any water, electricity or gas supplied by the Board or a public licensee;

- (b) without the written consent of the Board or a public licensee, supplies for consideration any other person with any water, electricity or gas supplied to him for any purpose by the Board or the licensee; or
- (c) alters or tampers with any meter supplied by the Board or a public licensee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both 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.

(3) Where any person is prosecuted for an offence under subsection (2) (c) —

- (a) the possession by him of any device for altering the index of any meter or for preventing any meter from duly registering the quantity of water, electricity or gas supplied by the Board or a public licensee;
- (b) the existence of any hole on the meter cover of any meter supplied by the Board or a public licensee;
- (c) the existence of any damage to, removal of or change to the chemical composition of any paint or other chemical compound applied by a public licensee over any screw, or other component or mechanism of any meter; or
- (d) the existence of any damage to the seal which is fastened to the outer cover of any meter to ensure that the cover is not removed, opened, dislodged or otherwise tampered with,

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

111. Any person who at any time hinders, obstructs or molests any employee, agent or contractor of the Board or a public licensee in the performance and execution of its duty or of anything which they are respectively authorised, empowered or required to do under this Act, the Electrical Workers and Contractors Licensing Act or any regulations

Penalty for obstructing Board or public licensee in performance of duties. Cap. 89.

made thereunder, respectively, 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.

Making of false statements, etc.

112.—(1) Any person, when giving any information to the Board or making any application under or for the purposes of any provision of this Act or the regulations, who makes any statement which he knows to be false in a material particular, or who recklessly makes any statement which is false in a material particular, shall be guilty of an offence.

(2) Any person who —

(a) wilfully or fraudulently procures or attempts to procure for himself or for any other person any 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; or

(b) knowingly aids or assists therein,

shall be guilty of an offence.

Certificate of Chief Executive to be evidence of certain facts.

113. In any proceedings for an offence under this Act or the regulations, a certificate purporting to be signed by the Chief Executive and stating that any person described in the certificate is or is not granted a licence under this Act, shall be sufficient evidence of the matters stated in the certificate.

Jurisdiction of Courts. Cap. 68.

114. 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.

Person authorised by Board may require evidence of identity in certain cases.

115.—(1) Any police officer or authorised officer 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 authorised officer.

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

(3) Any person who —

(a) refuses to furnish any information required of him by any police officer or authorised officer under this section; or

(b) wilfully mis-states such information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

116. Where an offence under this Act or the regulations has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his consent or connivance and that he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Offences by
body
corporate.

117. Any person who digs, bores, trenches, grades, excavates or breaks any ground with any mechanical equipment or explosive or allows his employee 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 or a public licensee that may be interfered with shall be guilty of an offence.

Duty to
enquire
before
excavation.

118. 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, except that no person shall be punished twice for the same offence.

Saving of
prosecutions
under other
laws.

General
penalties.

119. 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 or to imprisonment for a term not exceeding 12 months 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.

Composition
of offences.

120.—(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 \$1,000.

(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.

PART X

MISCELLANEOUS AND GENERAL

Appeal to
Minister.

121.—(1) Any public licensee aggrieved by —

- (a) any decision of the Board in the exercise of any discretion vested in it by or under this Act; or
- (b) anything contained in any code of practice or other standard of performance issued or approved by the Board or direction given by the Board,

may appeal to the Minister.

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision, direction or other thing appealed against shall be complied with until the determination of the appeal.

(3) The Minister may determine an appeal under this section by confirming, varying or reversing any decision or direction of the Board or by amending any code of practice or other standard of performance issued or approved by the Board.

(4) The decision of the Minister in any appeal shall be final.

122.—(1) All works, apparatus, fixtures and fittings executed, erected on or affixed to any land or building by the Board shall, subject to subsection (2), continue to remain the property of the Board and shall not vest in the owner of the land or building.

Property of Board and successor companies not fixtures.

(2) All works, apparatus, fixtures and fittings executed, erected on or affixed to any land or building by, or transferred under section 61 to, any successor company shall be the property of the company and shall not vest in the owner of the land or building.

123.—(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, or any other installation, the owner of the premises concerned and the person granted a licence under Part VIII for the installation 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.

Serious accidents to be reported and investigated.

(2) Any authorised officer shall as soon as practicable after receipt of the first report —

- (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 the Public Prosecutor.

(3) 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 or other installation, no alteration or addition shall, without the consent of the Board, be made to any part of the 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.

(4) Nothing in subsection (3) shall operate to interfere with rescue work or other work necessary for the general safety of life or property.

(5) If upon a preliminary investigation under subsection (1) —

(a) it appears to the Board 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 due to neglect to obey any lawful order given by the Board; or

(b) the authorised officer investigating the accident is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the operation or working of the electrical or supply installation or other 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 or experience to be nominated by the Board as assessors.

(6) At the conclusion of the inquiry held under subsection (5), a copy of the findings taken at the inquiry together with the opinion of the Board shall be forwarded to the Public Prosecutor.

(7) Any person who, without lawful excuse, contravenes or fails to comply with subsection (1) or (3) shall be guilty of an offence.

Power to
administer
oaths, etc.

124. For the purpose of holding any inquiry 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 inquiry, and any person summoned to attend any such inquiry shall be legally bound so to attend.

125.—(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 amount 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 the Magistrate's Court limit, by a District Court.

Determination of compensation, damages and costs by Magistrate's Court or District Court.

(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 apply, with the necessary modifications, to all such appeals.

Cap. 68.

126.—(1) Any police officer or any person authorised in writing by the Chief Executive 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 if —

Powers of arrest.

- (a) the name and address of the person are unknown to him;
- (b) the person declines to give his name and address; or
- (c) 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.

(3) A person arrested under this section shall not be detained longer than is necessary for bringing him before a court unless the order of a court for his continued detention is obtained.

127. Proceedings in respect of any offence under this Act or the regulations may be conducted by an officer of the Board or an officer of the Government authorised in writing in that behalf by the Chief Executive.

Conduct of proceedings by officers.

General
exemption.

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

Service of
documents.

129.—(1) Any notice, order or document required or authorised by this Act or the regulations to be given or served on any person, and any summons issued by a court in connection with any offence under this Act or the regulations may be served on the person —

- (a) by delivering it to him or to some adult member or employee of his family at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or business in an envelope addressed to him;
- (c) by affixing it to some conspicuous part of his last known place of residence;
- (d) by sending it by registered post addressed to him at his usual or last known place of residence or business; or
- (e) where the person to be served is a body corporate —
 - (i) by delivering it to the secretary or other like officer of the body corporate at its registered or principal office; or
 - (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order, document or summons would, in the ordinary course of post, be delivered and in proving service of the notice, order, document or summons, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

130.—(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 or convenient to be prescribed for carrying out the provisions of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, make regulations for or in respect of all or any of the following matters:

- (a) the prescribing of purposes for which the supply of water, electricity or gas may be used;
- (b) the prevention and suppression of pollution, contamination, waste, misuse or use of water, electricity or gas;
- (c) the prevention of misuse of, or damage to, apparatus and works belonging to the Board or a public licensee in connection with the accumulation, production, generation, transmission or supply of water, electricity or gas;
- (d) the regulation and use of water, electricity or gas meters and the prohibition of interference with or damage to such meters or seals affixed thereto;
- (e) the prohibition of interference with, or damage to, water, gas or electric appliances supplied by the Board or a public licensee and plates or marks thereon;
- (f) the protection, preservation and conservation of water catchment areas and of any property therein;
- (g) the regulation of the installation of water, electricity or gas supplies and alterations thereto and the submission of plans and specifications in respect thereof;
- (h) the prescribing of materials of which conduits, pipes, cables and other apparatus and fittings for use in connection with the supply of water, electricity or gas shall be made, and of the size, shape, fitting, arrangement, connection, workmanship, examination, testing, position and method of cleaning them;

- (i) the prescribing of the types of water, gas or electric appliances to be used and the prohibition of the use of certain types thereof;
- (j) the regulation of the installation of water, gas or electric appliances and the removal or transfer thereof;
- (k) the prescribing of the methods of charging consumers for water, electricity or gas consumed in the event of any meter becoming out of order;
- (l) in relation to water service worker licences and cable detection work licences —
 - (i) the class or classes of licences to be granted, the form and duration of those licences, the terms and conditions upon, and the circumstances in, which those licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
 - (ii) the qualifications and other requirements for applicants for such licences, the examination or testing of such applicants, 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; and
 - (iii) the duties and responsibilities of licensed water service workers or cable detection workers;
- (m) in relation to electrical or supply installations —
 - (i) 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 of such installations and the management for such inspections;
 - (ii) the control of standards for electrical machinery, electric lines, wiring, fittings,

- accessories, appliances, consuming devices, control and protective gears associated with the generation, transmission, distribution and application of energy and the manner in which such machines, lines, wiring, fittings and apparatus shall be erected, fixed, protected, inspected, tested and maintained;
- (iii) 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 materials which are in the opinion of the Board unsafe;
 - (iv) the fees to be paid for electrical or supply installation licences and any other fees which require to be prescribed;
 - (v) the forms and contents of, and the conditions to be prescribed in, electricity or supply installation licences and the conditions for suspension, extension and revocation of such licences and the manner in which applications for such licences shall be made;
 - (vi) the manner of holding inquiries under Part VIII; and
 - (vii) 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;
- (n) in relation to gas service work and gas service worker licences —
- (i) 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 a public gas licensee;
- (ii) 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 a public gas licensee and the prohibition of use, sale or hire of all gas apparatus, appliances, equipment and materials which are in the opinion of the Board unsafe for use with gas supplied by a public gas licensee;
 - (iii) the prescribing of the types of gas service worker licences which may be granted, the form and duration of such licences, the terms and conditions upon which and the circumstances in which such licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof; and
 - (iv) the prescribing of the qualifications and other requirements required of applicants of gas service worker 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;
 - (o) the protection of the public from dangers arising from the generation, production, transmission or supply of electricity or gas, from the use of electricity or gas supplied or from the installation, maintenance or use of any electric line, electrical plant or gas plant; and the elimination or reduction of risks of personal injury, or damage to property or interference with its use arising therefrom;

- (p) the prohibition of the supply or transmission of electricity or gas except by means of a system approved by the Board;
- (q) the prescribing of the form of notice to be given to the Board of accidents and of failures of the supply or transmission of electricity or gas;
- (r) the relieving of public licensees from any obligation to supply electricity or gas in such cases as may be prescribed; and
- (s) the prescribing of fees and charges for the purposes of this Act.

(3) 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.

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

131.—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the repealed Public Utilities Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

Savings and transitional provisions.
Cap. 261,
1992 Ed.

(2) In any written law —

- (a) “public electricity licensee” and “public gas licensee” have the same meanings as in section 2 of this Act; and
- (b) any reference to the repealed Public Utilities Act shall be read as a reference to this Act.

(3) The Minister may, by order published in the *Gazette*, repeal or amend any written law which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.

Cap. 261,
1992 Ed.

(4) It is hereby declared for the avoidance of doubt that on 1st October 1995, the water undertaking of the former City Council transferred to and vested in the Board under the repealed Public Utilities Act and not transferred to any successor company under section 61 (1) shall continue to be vested in the Board.

(5) In this section —

“water undertaking of the former City Council” means the installations of the Water Department of the City Council and all lands, buildings and other property, movable or immovable, vested in and held by the City Council for the purpose of that Department, including all assets, powers, rights, interests and privileges as well as debts, liabilities and obligations of the City Council in connection therewith or appertaining thereto;

“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.

FIRST SCHEDULE

Section 5

CONSTITUTION AND PROCEEDINGS OF BOARD

Constitution
of Board.

1.—(1) The Board shall consist of —

- (a) a Chairman;
- (b) the Chief Executive; and
- (c) such other members, not being less than 5 or more than 10, as the Minister may from time to time determine.

(2) The Chairman and other members of the Board shall be appointed by the Minister on such terms and conditions as the Minister may determine.

Appointment
of Deputy
Chairman.

2. The Minister may, in his discretion, appoint any member of the Board to be 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.

FIRST SCHEDULE — *continued*

3. The Minister may appoint any person to be a temporary member of the Board during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member. Temporary members.
4. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member without assigning any reason. Revocation of appointment.
5. A member of the Board may resign his office at any time by giving not less than one month's notice to the Minister. Resignation.
6. The office of a member shall become vacant — Vacation of office.
- (a) on his death;
- (b) if he, without sufficient cause (the sufficiency thereof 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;
- (e) if he resigns his office; or
- (f) if his appointment is revoked.
7. If a vacancy occurs in the membership of the Board, the Minister may, subject to paragraph 1, appoint any person to fill the vacancy and the person so appointed shall hold office for so long as the member in whose place he is appointed would have held office. Filling of vacancies.
8. No person shall be appointed or shall continue to hold office as a member if he — Disqualification from membership.
- (a) is an undischarged bankrupt or has made any arrangement with his creditors;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (c) is incapacitated by physical or mental illness.
- 9.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge. Member's interest to be made known.

FIRST SCHEDULE — *continued*

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

(3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this paragraph.

Sealing of documents.

10.—(1) All deeds, documents and other instruments requiring the seal of the Board shall be sealed with the common seal of the Board in the presence of any 2 officers of the Board duly authorised by the Board to act in that behalf and shall be signed by those officers 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.

(2) The Board may by resolution or otherwise appoint an employee 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.

(3) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under sub-paragraph (1).

Salaries and fees payable to members of Board.

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

Quorum.

12.—(1) At every meeting of the Board, 3 members shall constitute a quorum and no business shall be transacted unless a quorum is present.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Board, and if both the Chairman and Deputy Chairman are absent from any meeting or part thereof, such member as the members present shall elect shall preside at that meeting or part thereof.

(3) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that, in the case of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his original vote.

FIRST SCHEDULE — *continued*

13. The Board may act notwithstanding any vacancy in its membership. Vacancies.

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

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

15.—(1) The Board may, in its discretion, appoint from among its own members such number of committees as it thinks fit for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees. Appointment of committees and delegation of powers.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the Chairman, all or any of the powers, functions and duties vested in the Board by this Act, except the powers 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 of the Board or any person all or any of its powers, functions and duties vested in the Board by this Act, except the powers to make regulations, prescribe or levy dues and rates and borrow money; and any power, function or duty so delegated may be exercised or performed by the employee or person in the name and on behalf of the Board.

(4) The Board may continue to exercise a power conferred upon it, or perform a function or duty under this Act, notwithstanding the delegation of the power, function or duty under this paragraph.

SECOND SCHEDULE

Section 7 (1)

POWERS OF BOARD

1. To cause to be laid such mains, pipes, aqueducts and conduits and electric lines as the Board considers necessary for purposes of supplying water, electricity and gas and, if necessary, may carry such mains, pipes, aqueducts and conduits and electric lines on, through, over, across or under any street or any place laid out or intended for a street, and, after reasonable notice in writing in that behalf, on, through, over, across or under any enclosed or other premises whatsoever, doing as little damage as may be and making full compensation for any damage done.
2. To construct in any street or place such works as are necessary for purposes connected with the supply of water, electricity or gas 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, electricity or gas or of testing the conditions of the mains and other portions of the works.
3. To operate every installation or plant for the generation, production, transmission and supply of water, electricity or gas.
4. To levy and regulate charges and fees.
5. To form or participate —
 - (a) 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, in the formation of any company for such other purposes as may be approved by the Minister; and
 - (c) in any joint venture or partnership.
6. To sell, with the approval of the Minister, any immovable property which the Board thinks necessary or expedient for the purpose of carrying out its functions under this Act.
7. To carry out all or any of the functions and powers of the Board by or through trustees, agents or attorneys as the Board may appoint from time to time.
8. To make provision for the training of employees and to award scholarships, bursaries and study grants to such persons as the Board considers fit.

SECOND SCHEDULE — *continued*

9. To grant loans to employees of the Board for purposes approved by the Board.
10. To make provision for welfare benefits, gratuities, pensions, provident funds, allowances or other superannuation benefits for employees or former employees (or their dependants) of the Board.
11. To issue and approve standards and codes of practice for compliance by licensees.
12. To do anything incidental to any of its duties and functions.

THIRD SCHEDULE

Section 17

FINANCIAL PROVISIONS

1. The financial year of the Board shall begin on 1st January and end on 31st December of each year.
2. The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its 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.
3. The Board shall keep separate accounts in respect of the water undertaking and the regulatory functions of the Board.
4. The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General.
5. A person shall not be qualified for appointment as an auditor under paragraph 4 unless he is an approved company auditor under the Companies Act. Cap. 50.
6. The remuneration of the auditor shall be paid out of the funds of the Board.
7. The Board shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

THIRD SCHEDULE — *continued*

8. The auditor shall in his report state —
- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
 - (b) whether proper accounting and other records have been kept including records of all assets of the Board whether purchased, donated or otherwise;
 - (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the year have been in accordance with this Act; and
 - (d) such other matters arising from the audit as he considers should be reported.

9. The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Minister and to the Board, and shall also submit such periodical and special reports to the Minister and to the Board as may appear to him to be necessary or as the Minister or the Board may require.

10. The auditor or any person authorised by him is entitled at any reasonable time to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Board.

11. The auditor or a person authorised by him may make copies of or make extracts from any such accounting and other records.

12. The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor or any duly authorised person considers necessary for the purposes of his functions under this Act.

13. Any person who fails, without any reasonable cause, to comply with any requirement of the auditor or authorised person under paragraph 12 or who otherwise hinders, obstructs or delays the auditor or authorised person in the performance of his functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 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.

14. As soon as the accounts of the Board and the financial statements have been audited in accordance with this Act, a copy of the audited financial statements signed by the Chairman and the Chief Executive, together with a copy of any report made by the auditor, shall be submitted to the Minister.

THIRD SCHEDULE — *continued*

15. Where the Auditor-General is not appointed as 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.

16. The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

LEGISLATIVE HISTORY
PUBLIC UTILITIES ACT
(CHAPTER 261)

Act 26 of 1995 — Public Utilities Act 1995

Date of First Reading	:	25.5.95 (Bill No. 20/95 published on 26.5.95)
Date of Second and Third Readings	:	7.7.95
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