



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ENERGY CONSERVATION ACT

(CHAPTER 92C)

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Energy Conservation Act

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An Act to mandate energy efficiency requirements and energy management practices to promote energy conservation, improve energy efficiency and reduce environmental impact, and to make consequential and related amendments to certain other written laws.

[1st July 2012: Parts I, II, Divisions 1 and 3 of Part IV, sections 68 to 73, 75, 76, 81, The Schedule ;
22nd April 2013: Divisions 2 and 3 of Part III, sections 64 to 67, 74, 77, 78 and 79 ;
1st September 2013: Division 1 of Part III, section 80 ;
1st January 2014: Division 2 of Part IV]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Energy Conservation Act.

Interpretation

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

“Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

“airport service operator” means —

- (a) a person operating an airport under an airport licence or an exemption granted under the Civil Aviation Authority of Singapore Act (Cap. 41); or
- (b) a person providing any service or facility for an aircraft’s arrival at or departure from any airport referred to in paragraph (a), including any of the following:
 - (i) the storing, processing and handling of cargo carried, or to be carried, by an aircraft;
 - (ii) the provision of fuel for, and refuelling of, an aircraft;
 - (iii) flight catering services and facilities;

- (iv) the check-in and screening of aircraft passengers, including services for baggage handling and screening;

“authorised officer” means an officer appointed by the Director-General under section 6(2) to be an authorised officer;

“Civil Aviation Authority” means the Civil Aviation Authority of Singapore reconstituted under the Civil Aviation Authority of Singapore Act;

“corporation” and “related corporation” have the same meanings as in the Companies Act (Cap. 50);

“Director-General” means the Director-General of Environmental Protection appointed under the Environmental Protection and Management Act (Cap. 94A);

“energy use threshold” means the level of energy consumption specified in an order under section 22 or 45, expressed in terms of —

- (a) the total of all types of energy consumed;
- (b) a particular type of energy consumed; or
- (c) the aggregate of 2 or more different types of energy consumed;

“greenhouse gas” means any of the following:

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) sulphur hexafluoride;
- (e) nitrogen trifluoride;
- (f) a hydrofluorocarbon of a kind prescribed in regulations;
- (g) a perfluorocarbon of a kind prescribed in regulations;

(h) such other substance as may be prescribed as a greenhouse gas for the purposes of this Act;

“Land Transport Authority” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act (Cap. 158A);

“land transport operator” means a person operating —

(a) a bus service under a Class 1 bus service licence granted under the Bus Services Industry Act 2015;

[Act 30 of 2015 wef 22/01/2016]

(b) a rapid transit system within the meaning of the Rapid Transit Systems Act (Cap. 263A);

(c) a fleet of motor vehicles classified as taxis under the Second Schedule to the Road Traffic Act (Cap. 276);
or

(d) a fleet of motor vehicles as part of a business activity of passenger transport or freight transport;

“Maritime and Port Authority” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act (Cap. 170A);

“Minister”, except in Part IV, means the Minister charged with the responsibility for the environment and water resources;

“motor vehicle” means a vehicle that consumes electricity or fuel;

“port service operator” means a person providing any marine service or facility or port service or facility under a public licence or an exemption granted under the Maritime and Port Authority of Singapore Act;

“premises” means any building, plant, workplace or other premises at which electricity, fuel or any other form of energy is consumed;

“Registrar” has the same meaning as in the Road Traffic Act;

“sector regulator” means the applicable regulator responsible for the administration of the provisions of this Act, determined in accordance with section 7;

“Transport Minister” means the Minister charged with the responsibility for transport;

“transport sector authorised officer” means an officer appointed under section 7(1)(a), (2)(a) or (3)(a) by a sector regulator to be a transport sector authorised officer;

“workplace” has the same meaning as in section 5 of the Workplace Safety and Health Act (Cap. 354A).

Meaning of “business activity”

3.—(1) A business activity is an activity, or a series of activities (including ancillary activities) —

(a) that involves the emission of greenhouse gas, the production of energy or the consumption of energy; and

(b) that forms a single undertaking or enterprise.

(2) For the purposes of subsection (1)(b), the activity or activities constituting the undertaking or enterprise must not be attributable to more than one industry sector.

(3) The Minister may make regulations to prescribe —

(a) the circumstances in which an activity or activities (including ancillary activities) will form part of a single undertaking or enterprise; and

(b) activities which are attributable to particular industry sectors.

Meaning of “operational control”

4.—(1) A corporation has operational control over a business activity (including a business activity carried out wholly or partly by a related corporation of that corporation) if it has the authority to introduce and implement all or any of the following for the business activity:

(a) operating policies;

- (b) health and safety policies;
- (c) environmental policies.

(2) A corporation has operational control over premises (whether or not the premises are owned by the corporation) if it has the authority to do one or both of the following for the premises:

- (a) incur capital expenditure on the construction of any building or infrastructure on the premises;
- (b) carry out capacity expansion or other infrastructure enhancement of the premises.

(3) For the purposes of this Act, only one such corporation can have operational control over a business activity or premises at any one time.

(4) If more than one corporation satisfies subsection (1) at any one time, then the corporation that has the greatest authority to introduce and implement the policies mentioned in subsection (1)(a) and (c) shall be taken, for the purposes of this Act, to have operational control over the business activity.

(5) If more than one corporation satisfies subsection (2) at any one time, then the corporation that has the greatest authority to carry out subsection (2)(b) shall be taken, for the purposes of this Act, to have operational control over the premises.

Application of Act to Government

5.—(1) Except as provided in subsection (2), this Act shall bind the Government.

(2) Nothing in this Act shall render the Government liable to prosecution for an offence.

(3) For the avoidance of doubt, no person shall be immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.

PART II

ADMINISTRATION

Director-General and appointment of authorised officers

6.—(1) The Director-General shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act (except Part IV), and may perform such duties as are imposed and exercise such powers as are conferred upon him by this Act.

(2) The Director-General may appoint, by name or office, any public officer, any officer or employee of the Agency or any auxiliary police officer appointed as such under the Police Force Act (Cap. 235) to be an authorised officer to assist him in the administration of this Act.

(3) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed on him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the Director-General may specify.

Sector regulators and appointment of transport sector authorised officers

7.—(1) The Land Transport Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act relating to fuel economy labelling of motor vehicles and the provisions of this Act as they apply to any land transport operator, and may —

- (a) appoint, by name or office, any officer or employee of the Land Transport Authority or any auxiliary police officer appointed as such under the Police Force Act (Cap. 235) to be a transport sector authorised officer for the purposes of this Act in relation to such matters;
- (b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation to such matters; and

- (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Land Transport Authority by or under this Act in relation to such matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

(2) The Maritime and Port Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act as they apply to any port service operator, and may —

- (a) appoint, by name or office, any officer or employee of the Maritime and Port Authority or any auxiliary police officer appointed as such under the Police Force Act to be a transport sector authorised officer for the purposes of this Act in relation to such matters;
- (b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation to such matters; and
- (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Maritime and Port Authority by or under this Act in relation to such matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

(3) The Civil Aviation Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act as they apply to any airport service operator, and may —

- (a) appoint, by name or office, any officer or employee of the Civil Aviation Authority or any auxiliary police officer appointed as such under the Police Force Act to be a transport sector authorised officer for the purposes of this Act in relation to such matters;

- (b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation to such matters; and
- (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Civil Aviation Authority by or under this Act in relation to such matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

Public servants

8. Each of the following persons shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224):

- (a) the Director-General and every authorised officer appointed under section 6(2);
- (b) every transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a).

Protection from personal liability

9.—(1) No liability shall be incurred by —

- (a) the Director-General or any member, officer or employee of the Agency, or any other person acting under the direction of the Agency;
- (b) the Registrar or any member, officer or employee of the Land Transport Authority;
- (c) any authorised officer appointed under section 6(2); or
- (d) any transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a),

for anything which is done or intended to be done in good faith and with reasonable care, in the exercise or purported exercise of any power, or the performance or purported performance of any function or duty, under this Act.

(2) Where the Agency or a sector regulator provides a service to the public whereby information is supplied to the public pursuant to any provision of this Act, none of the members, officers or employees of the Agency or the sector regulator, as the case may be, involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing in the information or however caused if made in good faith and with reasonable care in the ordinary course of the discharge of the duties of such member, officer or employee.

PART III

Division 1 — Measures for goods

Subdivision (1) — Interpretation

Interpretation of this Division

10. In this Division, unless the context otherwise requires —

“effective date”, in relation to any goods, means the date on which the goods become regulated goods as specified in the order under section 11;

[Act 24 of 2017 wef 01/01/2018]

“goods” means any device, appliance, equipment, article or thing that requires electricity or fuel for its use or operation, and —

(a) includes 2 or more such devices, appliances, equipment, articles or things that are interconnected, and interdependent or interacting, so as to form a system carrying out one or more functions; but

(b) does not include any motor vehicle;

[Act 24 of 2017 wef 01/01/2018]

“label”, in relation to any regulated goods, includes marking or affixing a label to the regulated goods;

[Act 24 of 2017 wef 01/01/2018]

“manufacture” means to make, fabricate, produce or process any goods and includes —

- (a) the adapting for sale of any goods; and
- (b) the altering, ornamenting or finishing or the assembling or processing in any form of any goods;

“registered goods” means any regulated goods registered under section 13(2) as such;

[Act 24 of 2017 wef 01/01/2018]

“registered supplier” means any importer or manufacturer registered under section 13(2) as such;

[Act 24 of 2017 wef 01/01/2018]

“regulated goods” means any goods prescribed under section 11 to be such;

[Act 24 of 2017 wef 01/01/2018]

“sale” includes —

- (a) barter, exchange or import;
- (b) offering or attempting to sell, causing or allowing to be sold, or exposing for sale; and
- (c) receiving, sending or delivering for sale;

“supply”, in relation to any goods, includes —

- (a) the supply of the goods by way of sale, lease, loan, hire or hire-purchase;
- (b) the supply of the goods in connection with any agreement; and
- (c) the offer to supply the goods.

Subdivision (2) — Restrictions on supplies of regulated goods through registration, energy labelling, minimum performance standards, etc.

Regulated goods

11. The Minister may, after consulting the Agency, by order in the *Gazette*, prescribe any class, description or type of goods to be

regulated goods for the purposes of this Part from the date specified in the order.

[Act 24 of 2017 wef 01/01/2018]

Restriction on supply of regulated goods

12.—(1) Subject to this section, a person must not make a prohibited supply of regulated goods in Singapore.

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(3) For the purposes of subsection (1), a prohibited supply of regulated goods is a supply of regulated goods where —

(a) the goods do not comply, on or after the effective date for those goods, with any one or more of the requirements mentioned in subsection (4) which is prescribed as being applicable to those regulated goods and not waived under section 31B(1); and

(b) the supply is made by the person to another person —

(i) in the course or furtherance of the firstmentioned person's trade or business; or

(ii) in furtherance of the second-mentioned person's trade or business.

(4) The following are the requirements for the purpose of subsection (3):

(a) the goods must be registered;

(b) the goods must conform to either or both of the following:

(i) the minimum energy efficiency standard prescribed for the goods;

(ii) any other requirement prescribed for the goods affecting or relating to the energy efficiency standard;

- (c) the goods must be labelled with the information prescribed for the goods, in the manner prescribed or allowed by the Director-General in any particular case;
 - (d) the goods must be accompanied by the information prescribed for the goods relating to energy efficiency, in the manner prescribed or allowed by the Director-General in any particular case;
 - (e) information prescribed for the goods relating to energy efficiency must be disseminated in the manner prescribed or allowed by the Director-General in any particular case.
- (5) Without affecting section 77, subsection (1) does not apply to a supply of regulated goods in any of the following circumstances:
- (a) the goods are supplied as part of any premises by the developer of the premises, if —
 - (i) the developer did not import or manufacture the goods; and
 - (ii) the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods to the developer was entered into;
 - (b) the goods are supplied by a participant in the supply chain for the supply of the goods by the developer mentioned in paragraph (a), if the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods was entered into.
- (6) Without affecting subsection (5) or section 77, subsection (1) does not apply to a supply of regulated goods prescribed for the purposes of this subsection if —
- (a) the supply is by a participant in the supply chain for the supply of such regulated goods to a person (other than a person acting in the capacity of a developer) who is intending to construct or is constructing, or is causing to be constructed, any premises;
 - (b) the goods are to be used in the premises;

- (c) the premises are to be occupied by the person;
- (d) the person did not import or manufacture the goods; and
- (e) the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods was entered into.

(7) In this section, “developer” means a person who carries on the business of constructing or causing to be constructed any premises for sale or lease.

[Act 24 of 2017 wef 01/01/2018]

Restriction on supply by importers and manufacturers

12A.—(1) Without affecting section 12, an importer or a manufacturer must not, in the course of any trade or business, supply any regulated goods in Singapore on or after the effective date for those goods, unless the importer or manufacturer is a registered supplier of those goods.

(2) Any importer or manufacturer that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[Act 24 of 2017 wef 01/01/2018]

Subdivision (3) — Registration of suppliers and goods

Registration of suppliers and regulated goods

13.—(1) Any importer or manufacturer that intends to supply any regulated goods in Singapore may apply to the Director-General —

- (a) to be registered as a registered supplier; and
- (b) where the importer or manufacturer intends to supply any regulated goods that are required to be registered under section 12, to register those goods.

(2) The Director-General may register, subject to such conditions as the Director-General thinks fit to impose, or refuse to register —

- (a) any applicant as a registered supplier; or
- (b) any regulated goods that the applicant intends to supply in Singapore as registered goods.

(3) The registration of any registered supplier or any registered goods is not transferable without the approval in writing of the Director-General.

[Act 24 of 2017 wef 01/01/2018]

Register of registered suppliers and registered goods

14.—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the registered suppliers and the registered goods as the Director-General may determine.

(2) Where the registration of any registered supplier or any registered goods has been withdrawn or revoked or has expired, as the case may be, the Director-General may —

(a) remove the particulars of the registered supplier or the registered goods from the register; or

(b) indicate the fact of such withdrawal, revocation or expiry of registration against the particulars of the registered supplier or the registered goods in the register, as the case may be.

(3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Duration and renewal of registration

15.—(1) The registration of any registered supplier shall remain valid unless withdrawn or revoked under section 16.

(2) The registration of any registered goods, including any renewal of such registration, shall be valid for 3 years unless earlier withdrawn or revoked under section 16.

(3) An application to renew the registration of any registered goods shall be made before the expiry of the registration.

[Act 24 of 2017 wef 01/01/2018]

(4) *[Deleted by Act 24 of 2017 wef 01/01/2018]*

(5) The Director-General may, in his discretion, renew the registration of any registered goods subject to such conditions as he thinks fit to impose, or refuse to renew such registration.

Withdrawal or revocation of registration

16.—(1) The Director-General may withdraw the registration —

- (a) of any registered supplier where the registered supplier applies to the Director-General to withdraw his or its registration as such; or
- (b) of any registered goods which a registered supplier ceases to supply in Singapore, where the registered supplier applies to the Director-General to withdraw such registration.

(2) The Director-General may revoke the registration of any registered supplier after giving notice to the registered supplier and after such inquiry as the Director-General thinks fit —

- (a) if the registered supplier procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
 - (b) if the Director-General is satisfied that the registered supplier has contravened any condition of the registration;
 - (c) if the registered supplier has been convicted of —
 - (i) an offence under section 12(2) as in force before the date of commencement of section 6 of the Energy Conservation (Amendment) Act 2017 of supplying registrable goods that do not meet the minimum energy efficiency standards prescribed for those goods; or
 - (ii) an offence under section 12(2) of making a prohibited supply of regulated goods, being goods that do not meet any requirement under section 12(4)(b) applicable to the regulated goods; or
- [Act 24 of 2017 wef 01/01/2018]*
- (d) in the event of such other occurrence or in such other circumstances as may be prescribed.

(3) The Director-General may revoke the registration of any registered goods after giving notice to the registered supplier supplying those goods and after such inquiry as the Director-General thinks fit, if he is satisfied —

- (a) that the registered goods do not conform with the results of any test or examination furnished by the registered supplier to the Director-General under this Part;
- (b) that the regulated goods do not meet any requirement under section 12(4) applicable to the regulated goods and not waived under section 31B(1);

[Act 24 of 2017 wef 01/01/2018]

- (c) that a modification to the registered goods has resulted in a change that affects the energy efficiency of the registered goods;
 - (d) that the registered supplier has procured the registration of the registered goods by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
 - (e) that the registered supplier has contravened any condition of the registration of the registered goods; or
- [Act 24 of 2017 wef 01/01/2018]*
- (f) *[Deleted by Act 24 of 2017 wef 01/01/2018]*
 - (g) that the registered supplier has contravened any provision of this Act in relation to the registered goods.

(4) The Director-General shall, within 14 days after revoking any registration under subsection (2) or (3), inform the registered supplier in writing of the revocation and the grounds for the revocation.

(5) Where the registration of any registered goods has been withdrawn under subsection (1)(b) or revoked under subsection (3), it shall be the duty of every registered supplier of those goods to notify every other person —

- (a) to whom the registered supplier has supplied those goods; and

(b) who, in the course of any trade or business, supplies those goods in Singapore,
of such withdrawal or revocation of the registration of the goods.

Appeals

17.—(1) Any importer or manufacturer who is aggrieved by a decision of the Director-General —

(a) refusing to register him as a registered supplier, or refusing to register any regulated goods as registered goods, under section 13(2);

[Act 24 of 2017 wef 01/01/2018]

(b) refusing to renew the registration of any registered goods under section 15(5);

(c) to impose any condition under section 13(2) or 15(5); or

[Act 24 of 2017 wef 01/01/2018]

(d) to revoke the registration of any registered supplier under section 16(2) or the registration of any registered goods under section 16(3),

may, within 14 days after the date of receipt of the notice informing him of the decision of the Director-General, appeal in writing to the Minister against the decision.

(2) The Minister may confirm, vary or reverse the decision of the Director-General appealed against, or give such directions in the matter as the Minister thinks fit.

(3) The decision of the Minister under subsection (2) shall be final.

(4) Notwithstanding that any appeal under subsection (1) is pending —

(a) any condition imposed by the Director-General under section 13(2) or 15(5);

[Act 24 of 2017 wef 01/01/2018]

(b) any revocation of the registration of any registered supplier under section 16(2); or

(c) any revocation of the registration of any registered goods under section 16(3),

as the case may be, shall take effect from the date specified by the Director-General in his decision, unless the Minister otherwise directs.

Maintenance of records

18.—(1) A registered supplier must keep and maintain complete and accurate records containing such information and in accordance with such requirements, as may be prescribed under section 78.

(2) The registered supplier mentioned in subsection (1) must —

- (a) retain the records mentioned in that subsection for at least the prescribed period;
- (b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records mentioned in that subsection when so requested by the Director-General or any authorised officer; and
- (c) submit to the Director-General the records mentioned in subsection (1), and such other record, document or information, as the Director-General may require, in the time specified by the Director-General.

(3) Any registered supplier that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2017 wef 01/01/2018]

Power of Director-General to require regulated goods for testing or analysis and furnishing of information

19.—(1) The Director-General may require any person carrying on a trade or business which consists of or includes the supply of any regulated goods —

- (a) to provide free of charge to the Director-General samples of the regulated goods for the purpose of testing or analysis; and

- (b) to furnish to the Director-General such documents or information as he may require in respect of those regulated goods or the supply of those regulated goods.

[Act 24 of 2017 wef 01/01/2018]

(2) Any person who contravenes any requirement of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Act 24 of 2017 wef 01/01/2018]

False statements, forging of documentation, etc.

20. Any person who —

- (a) in relation to an application for registration made under section 13(1) or to renew the registration made under section 15(3), makes or causes to be made any statement or declaration which is false or misleading in any material particular;

[Act 24 of 2017 wef 01/01/2018]

- (b) makes or causes to be made any entry in a record, register or other document required to be kept under this Part which to his knowledge is false or misleading in any material particular; or

- (c) in response to any request of the Director-General under section 19, furnishes any document or information which to his knowledge is false or misleading in any material particular,

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 3 months or to both.

[Act 24 of 2017 wef 01/01/2018]

Division 2 — Measures for business activities and premises

Subdivision (1) — Interpretation

Interpretation of this Division

21. In this Division, unless the context otherwise requires —

“registered corporation” means any registrable corporation registered under section 23 as such;

“registrable corporation” means any corporation declared, or which qualifies, by an order under section 22 to be such, but does not include a transport facility operator under Part IV.

Subdivision (2) — Registration of corporations

Registrable corporation

22.—(1) The Minister may, after consultation with the Agency, by order published in the *Gazette* —

(a) declare any qualifications by which a corporation qualifies as a registrable corporation; and

(b) specify a period within which a registrable corporation must apply to be registered under section 23.

(2) The order under subsection (1) may describe the class, description or type of registrable corporation, or the qualifications of a registrable corporation, in terms of one or more of the following:

(a) a particular industry or industry sector;

(b) a type of business activity or type of premises over which a corporation has operational control;

(c) an energy use threshold attained by a business activity, or by one or more premises, over which a corporation has operational control.

Registration of registrable corporation

23.—(1) Any corporation which qualifies as a registrable corporation shall, within the period specified in the order under section 22(1), apply to the Director-General to be registered.

[Act 24 of 2017 wef 01/01/2018]

(2) *[Deleted by Act 24 of 2017 wef 01/01/2018]*

(3) The Director-General shall register a corporation if the Director-General is satisfied that —

- (a) the corporation is a registrable corporation; and
- (b) the application for registration is in order.

(4) The registration of any registered corporation shall remain valid until it is cancelled under section 25.

(5) A registrable corporation which fails to apply to the Director-General to be registered within the time specified in the order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Register of registered corporations

24.—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the registered corporations as the Director-General may determine.

(2) Where the registration of any registered corporation has been cancelled under section 25, or the Director-General is satisfied that any registered corporation has been wound up or dissolved, the Director-General may —

- (a) remove the particulars of the registered corporation from the register; or
- (b) indicate the fact of such cancellation against the particulars of the registered corporation in the register.

[Act 24 of 2017 wef 01/01/2018]

(3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Corporation may apply to cancel registration

25.—(1) A registered corporation may apply to the Director-General to cancel its registration —

- (a) subject to paragraph (b), if the registered corporation no longer qualifies as a registrable corporation;

- (b) in the case where the registered corporation had qualified as a registrable corporation by reason of any business activity or premises under its operational control having attained an energy use threshold, if that business activity or premises (as the case may be) of the registered corporation ceased to attain the energy use threshold for a continuous period of at least 3 years immediately preceding the application; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

(2) The Director-General shall cancel the registration of any registered corporation if he is satisfied that any of the grounds for cancellation in subsection (1) are made out.

(3) The Director-General shall, within 14 days after cancelling the registration of any corporation under subsection (2), inform the corporation in writing of the cancellation.

Power of Director-General to ascertain if corporation is registrable

26.—(1) The Director-General may, for the purpose of ascertaining whether any corporation qualifies as a registrable corporation, do all or any of the following:

- (a) by notice in writing, require the corporation to —
 - (i) carry out such tests or inspections as the Director-General may specify; or
 - (ii) furnish to the Director-General such reports, documents or information as he may require in respect of any business activity or premises of the corporation;
- (b) enter the premises of the corporation during normal business hours and carry out such tests or inspections as the Director-General may think necessary.

[Act 23 of 2018 wef 01/01/2019]

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the Director-General under subsection (1)(a)

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2017 wef 01/01/2018]

Subdivision (3) — Energy management practices

Energy efficiency opportunities assessments for new ventures

26A.—(1) Where a new venture of any person (whether or not a registered corporation) will have an energy use (determined in accordance with the prescribed method or a method that satisfies the prescribed criteria) that equals or exceeds the prescribed threshold, the person must, before applying for a clearance certificate for the new venture under section 33 of the Environmental Protection and Management Act (Cap. 94A) —

- (a) ensure that the design of the new venture facility is energy efficient, by conducting an energy efficiency opportunities assessment that satisfies the prescribed requirements; and
 - (b) submit a report of the assessment to the Director-General for the approval of the Director-General.
- (2) The report mentioned in subsection (1)(b) must —
- (a) be submitted through the qualified person appointed under section 8 or 11 of the Building Control Act (Cap. 29) in respect of the building works for the facility mentioned in subsection (1)(a), or any person who satisfies the prescribed criteria; and
 - (b) without affecting section 78(2)(d), include information on the proposed implementation by the person mentioned in subsection (1) of any part of the energy efficiency opportunities assessment.
- (3) Any person that contravenes subsection (1) shall be guilty of an offence.
- (4) In this section —
- “energy efficiency opportunities assessment” has the same meaning as in section 27B(3);

“new venture”, in relation to any person, means —

- (a) any new business activity or any premises of the person; or
- (b) any expansion of any existing business activity or any premises of the person,

where the new business activity or premises or expansion of the business activity or premises will be a prescribed business activity or premises, and in respect of which the person has not, as at the date of commencement of section 15 of the Energy Conservation (Amendment) Act 2017, applied to the competent authority for planning permission under the Planning Act (Cap. 232);

“new venture facility” means the facility at which a new venture is to be carried out.

[Act 24 of 2017 wef 01/01/2018]

Minimum energy efficiency standards for energy-consuming systems

26B.—(1) This section applies only to a person (whether or not a registered corporation) prescribed (called in this section a relevant person).

(2) Where a person commences or causes to be commenced the conduct, on or after the day the person becomes a relevant person under subsection (1), of installation and retrofitting works on any prescribed energy-consuming system in any business activity or premises, or any part of any business activity or premises, under the operational control of the person, the relevant person must —

- (a) within the prescribed period after installation and retrofitting works on the system are completed, assess in the prescribed manner the as-built energy efficiency of the system using the prescribed permanent measuring instruments; and
- (b) submit a report of the assessment to the Director-General.

(3) If the as-built energy efficiency of the prescribed energy-consuming system does not meet the prescribed minimum

energy efficiency standards, the Director-General may in writing direct the relevant person concerned to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

(a) carry out such maintenance work or take such other measures in relation to the system to ensure that it meets the prescribed minimum energy efficiency standards, and carry out again an assessment described in subsection (1)(a); and

(b) submit a report of the assessment to the Director-General, and the person must comply with the direction.

(4) Any person that contravenes subsection (2) or (3) shall be guilty of an offence.

(5) In this section —

“as-built energy efficiency”, in relation to a prescribed energy-consuming system, means the energy efficiency of the system upon the completion of the installation and retrofitting works conducted on the system;

“installation and retrofitting works”, in relation to a prescribed energy-consuming system, means —

(a) the installation, substantial alteration or replacement of the system; or

(b) such other change to the energy requirements of the system as may be prescribed.

[Act 24 of 2017 wef 01/01/2018]

26C. *[Repealed by Act 23 of 2018 wef 01/01/2019]*

Periodic reporting of energy use and production by registered corporations

27.—(1) A registered corporation must submit to the Director-General a report for each prescribed period specifying —

(a) the energy consumption; and

[Act 23 of 2018 wef 01/01/2019]

(b) the energy production,

[Act 23 of 2018 wef 01/01/2019]

(c) *[Deleted by Act 23 of 2018 wef 01/01/2019]*

in that period from the operation of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

(2) *[Deleted by Act 23 of 2018 wef 01/01/2019]*

(3) *[Deleted by Act 23 of 2018 wef 01/01/2019]*

(4) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[Act 24 of 2017 wef 01/01/2018]

[Act 23 of 2018 wef 01/01/2019]

[Act 23 of 2018 wef 01/01/2019]

Energy management systems of registered corporations

27A.—(1) A registered corporation must —

- (a) implement an energy management system in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation;
- (b) ensure that every energy management system mentioned in paragraph (a) satisfies the prescribed requirements; and
- (c) submit a report on every such energy management system to the Director-General.

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

(3) In this section, “energy management system” means a set of interrelated or interacting elements of the registered corporation to establish an energy policy, energy objectives, energy targets, action plans and processes to achieve the energy objectives and energy targets.

[Act 24 of 2017 wef 01/01/2018]

Energy efficiency opportunities assessments by registered corporations

27B.—(1) A registered corporation must —

- (a) conduct an energy efficiency opportunities assessment on each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation;
- (b) ensure that the energy efficiency opportunities assessment in paragraph (a) —
 - (i) is conducted at the prescribed times; and
 - (ii) satisfies the prescribed requirements; and
- (c) submit a report of every such energy efficiency opportunities assessment to the Director-General.

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

(3) In this section, “energy efficiency opportunities assessment” means a systematic procedure by which adequate knowledge of the energy consumption profile of any business activities or premises, and cost-effective energy efficiency opportunities are identified and quantified.

[Act 24 of 2017 wef 01/01/2018]

Energy efficiency improvement plans of registered corporations

28.—(1) A registered corporation must submit to the Director-General an energy efficiency improvement plan for each prescribed period in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

(2) Without affecting section 78(2)(d), an energy efficiency improvement plan under subsection (1) must include information on the implementation of any part of the plan.

(3) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[Act 24 of 2017 wef 01/01/2018]

Records to be kept

29.—(1) A person that is required under this Division to submit any report or plan to the Director-General must keep and maintain complete and accurate records containing such information, and in accordance with such other requirements, as may be prescribed under section 78, relating to —

- (a) those reports and plans, including the preparation and submission of the reports and plans; and
 - (b) monitoring and evaluation undertaken by the person to ensure compliance with this Act (except Part IV).
- (2) The person mentioned in subsection (1) must —
- (a) retain the records mentioned in that subsection for at least the prescribed period;
 - (b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records mentioned in subsection (1) when so requested by the Director-General or any authorised officer; and
 - (c) submit to the Director-General the records mentioned in subsection (1), and such other record, document or information, as the Director-General may require, in the time specified by the Director-General.

(3) Any person that contravenes subsection (1) or (2) shall be guilty of an offence.

[Act 24 of 2017 wef 01/01/2018]

Appointment of energy manager

30.—(1) Unless granted a waiver under section 31B, every registered corporation shall appoint from among its employees such number of energy managers as may be prescribed for that class, description or type of registered corporation, each being an employee

who has the prescribed qualifications and training to carry out all of the following functions:

- (a) assist the registered corporation —
 - (i) to prepare the report for submission under section 27(1);
[Act 24 of 2017 wef 01/01/2018]
 - (ii) to maintain the records required under section 29;
[Act 24 of 2017 wef 01/01/2018]
 - (iii) to prepare the energy efficiency improvement plan for submission under section 28 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and
[Act 24 of 2017 wef 01/01/2018]
 - (iv) generally to comply with the provisions of this Act;
- (b) train and educate employees of the registered corporation as to the energy conservation practices of the registered corporation;
- (c) encourage energy conservation efforts by the registered corporation;
- (d) carry out such other duties as may be prescribed.
[Act 24 of 2017 wef 01/01/2018]

(2) A registered corporation shall notify the Director-General of every appointment of an energy manager within such period as may be prescribed.

(3) Where the Director-General is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the Director-General may direct the registered corporation to appoint another suitably qualified energy manager in place of the first-mentioned energy manager within a specified time, and the registered corporation shall comply with such direction.

(4) If any energy manager appointed under subsection (1) for any reason vacates his appointment —

- (a) both the registered corporation and the energy manager shall each, within such period as may be prescribed, notify the Director-General of that fact; and
 - (b) if the energy manager who vacates his office is the only energy manager of the registered corporation, the registered corporation shall —
 - (i) without delay appoint under subsection (1) another energy manager in substitution of the first-mentioned energy manager; and
 - (ii) within such period as may be prescribed, notify the Director-General of that substitute appointment.
- (5) *[Deleted by Act 24 of 2017 wef 01/01/2018]*
- (6) Any registered corporation which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence.

Data not to be falsified, etc.

31. Any person that —

- (a) makes any statement in any report or plan required for submission to the Director-General under this Act, knowing it to be false or misleading;
- (b) provides any statement, information or document in connection with a report or plan mentioned in paragraph (a) to the Director-General, knowing it to be false or misleading;
- (c) falsifies any data required for a report or plan mentioned in paragraph (a) or otherwise required to be submitted to the Director-General under this Act; or
- (d) makes any entry or omission in any record required to be kept under this Act, knowing it to be false or misleading, or makes any record containing a statement knowing it to be false or misleading,

shall be guilty of an offence.

[Act 24 of 2017 wef 01/01/2018]

Division 3 — General provisions for this Part

Subdivision (1) — Reports, waivers, penalties, etc.

Reports and plans

31A.—(1) A requirement to submit a report or a plan under this Part to the Director-General is a requirement to do so in accordance with any requirements prescribed under section 78 for the report or plan, including its preparation and submission.

(2) The Director-General may, in respect of any incomplete or inaccurate report or plan submitted, in writing direct the person required to submit the report or plan to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

(a) carry out such rectification or re-computation as the Director-General may require; and

(b) resubmit the report or plan,

and the person must comply with the direction.

(3) Any person that contravenes subsection (2) shall be guilty of an offence.

[Act 24 of 2017 wef 01/01/2018]

Power of Director-General to waive requirements

31B.—(1) A person that, in any particular case, is unable to comply with any requirement under section 12 for any regulated goods that the person intends to supply, may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the requirement for any of those goods.

(2) A person who, in any particular case, is unable to comply with section 26A, 26B, 27A, 27B or 28 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision —

(a) generally or for a specified period of time; and

(b) for any specified business activity or premises, or a part of any specified business activity or premises.

(3) Without affecting subsection (2), a person that, in any particular case, is unable to comply with a prescribed minimum energy efficiency standard under section 26B for a prescribed energy-consuming system, may apply in writing to the Director-General for a modification of the standard and the Director-General may, upon being satisfied that there are good reasons to do so, modify the standard, subject to such conditions as the Director-General may impose; and the modified standard applies to the person in lieu of the prescribed standard accordingly.

(4) A person that, in any particular case, is unable to comply with section 27 or 30 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision for a specified period of time.

[Act 24 of 2017 wef 01/01/2018]

[Act 23 of 2018 wef 01/01/2019]

Penalties for non-compliance

32.—(1) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(b)), 26B(4) (in relation to a contravention of section 26B(2)(b) or (3)(b)), 27(4), 27A(2), 27B(2), 28(3), 29(3), 30(6) or 31A(3) shall be liable —

(a) on the first conviction of that offence, to a fine not exceeding \$10,000; and

(b) on a second or subsequent conviction of an offence under the same provision (and the same contravention where applicable) or if the person was previously convicted of an offence under a related provision, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

[Act 23 of 2018 wef 01/01/2019]

- (2) The following apply for the purpose of subsection (1)(b):
- (a) for an offence under section 27(4) (in relation to a contravention of section 27(1)), a related provision is section 27(1) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017;
 - (b) for an offence under section 28(3), a related provision is section 29(1) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017;
 - (c) for an offence under section 29(3), a related provision is section 28(1), (2) or (3) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017;
 - (d) for an offence under section 31A(3), a related provision is section 27(4)(a) (in relation to a resubmission of a report) or (b) or 29(4), as the case may be, as in force immediately before the date of commencement of section 18 of the Energy Conservation (Amendment) Act 2017.
- (3) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(a)) shall be liable on conviction to a fine not exceeding \$100,000.
- (4) Any person guilty of an offence under section 26B(4) (in relation to a contravention of section 26B(2)(a) or (3)(a)) shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.
- (5) Any person guilty of an offence under section 31 shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[Act 24 of 2017 wef 01/01/2018]

Subdivision (2) — Powers of enforcement

Entering premises, etc., to monitor compliance

33. For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised officer may, upon declaring his office and producing to an occupier of premises such identification card as the Director-General may direct to be carried by authorised officers, do all or any of the following:

- (a) enter any premises —
 - (i) during normal business hours without notice; or
 - (ii) at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice);
- (b) exercise any of the powers set out in sections 34, 35 and 36.

[Act 24 of 2017 wef 01/01/2018]

Powers of authorised officers in monitoring compliance

34.—(1) An authorised officer may exercise all or any of the following powers in relation to premises under section 33:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;

- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;
- (i) seize any thing found during the exercise of monitoring powers on the premises which the authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

(2) An authorised officer may, in addition to the powers in subsection (1) —

- (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and
- (b) if such information is found in exercise of the power in paragraph (a) —
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Authorised officer may require persons to furnish information and produce documents

35.—(1) For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised officer may (in connection with section 33 or otherwise) —

- (a) require any person to furnish to the authorised officer any information within the knowledge of that person; and

- (b) require any person to produce to the authorised officer any document in the person's custody or under the person's control in connection with the matter.

[Act 24 of 2017 wef 01/01/2018]

(1A) The authorised officer may —

- (a) specify a time and place at which a person must furnish the information or produce the document under subsection (1); and

(b) without payment —

- (i) inspect, keep, copy, or make extracts from, a document produced or made available to the authorised officer under this section; and

- (ii) in relation to a document kept in electronic form, inspect, copy, or make extracts from, the document in legible form.

[Act 24 of 2017 wef 01/01/2018]

(1B) Where a document is kept in electronic form, the power of the authorised officer to require the document to be produced includes the power to require the document to be made available to the authorised officer in legible form.

[Act 24 of 2017 wef 01/01/2018]

(1C) To avoid doubt and without affecting the generality of subsection (1), that subsection applies to a person who supplies any energy-consuming system prescribed under section 26B, or any equipment relating to such system, or both, in respect of information and documents relating to such supplies.

[Act 24 of 2017 wef 01/01/2018]

(2) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power to demand names and addresses

36.—(1) An authorised officer may require any person found on the premises under section 33 to —

- (a) give his name and address and such other proof of identity; and
- (b) furnish such other particulars,

as the authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the authorised officer to give his name and address or other proof of identity or to furnish any particulars under subsection (1) —

- (a) refuses to do so;
- (b) wilfully mis-states his name and address or proof of identity; or
- (c) furnishes false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Authorised officers to be provided with all facilities and assistance

37. Where the Director-General or any authorised officer exercises a power under this Part, the person against whom the power is exercised or sought to be exercised must provide the Director-General, authorised officer or any person assisting the Director-General or authorised officer, as the case may be, with all reasonable facilities and assistance for the effective exercise of the power.

[Act 24 of 2017 wef 01/01/2018]

Penalty for obstructing Director-General or authorised officer in his duty

38. Any person who at any time hinders or obstructs the Director-General or any authorised officer in the performance or execution of his duty or of any thing which he is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

PART IV

ENERGY CONSERVATION MEASURES FOR TRANSPORT SECTOR

Division 1 — Fuel economy labelling, etc., of motor vehicles

Interpretation of this Division

39. In this Division, unless the context otherwise requires —

“authorised dealer” means a person who is appointed to sell a vehicle in Singapore under a distributorship agreement with the manufacturer of the vehicle;

“batch type-approval”, “modified type-approval” and “type-approval” have the same meanings as in rule 3D of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5);

“FEL effective date” or “fuel economy and vehicular emissions labelling effective date”, in relation to any motor vehicle, means the date on which the motor vehicle becomes one of a class, description or type of motor vehicle specified in an order under section 40;

[Act 24 of 2017 wef 01/01/2018]

“sale” includes attempting to sell, causing or allowing to be sold, or displaying for sale;

[Act 24 of 2017 wef 01/01/2018]

“vehicular emission”, in relation to a motor vehicle, means any vehicular emission that is a prescribed vehicular emission under section 11AA of the Road Traffic Act (Cap. 276).

[Act 24 of 2017 wef 01/01/2018]

Motor vehicles subject to requirements on fuel economy and vehicular emissions

40. The Transport Minister may, after consultation with the Land Transport Authority, by order published in the *Gazette*, declare any class, description or type of motor vehicle to be subject to the requirements on fuel economy and vehicular emissions in this Division from the date specified in the order.

[Act 24 of 2017 wef 01/01/2018]

Fuel economy and vehicular emissions certificate, data and testing

41.—(1) Any authorised dealer, manufacturer or importer of motor vehicles intending to sell or offer for sale any motor vehicle of a class, description or type specified in an order under section 40 in Singapore on or after the FEL effective date in respect of that motor vehicle shall —

- (a) when applying for type-approval, batch type-approval or modified type-approval in respect of motor vehicles of that class, description or type, submit to the Registrar all of the following documents relating to the class, description or type of motor vehicle, in accordance with the prescribed requirements:
- (i) a certificate relating to fuel economy issued by a standards organisation or an international authority recognised by the Registrar;
 - (ii) data on fuel consumption and vehicular emissions (including vehicular emissions levels) measured or determined in accordance with such method or any method which meets such criteria as may be provided for in regulations made under section 62;
 - (iii) such other information and documents relating to fuel economy and vehicular emissions as may be prescribed; and

[Act 24 of 2017 wef 01/01/2018]

(b) if required by the Registrar —

- (i) send one or more of the motor vehicles for such tests or inspections as the Registrar may specify; or
- (ii) furnish to the Registrar such further documents or information as he may require in respect of those motor vehicles.

[Act 24 of 2017 wef 01/01/2018]

(2) The data required under subsection (1)(a)(ii) may be issued by a vehicle emission testing laboratory recognised by the Registrar.

[Act 24 of 2017 wef 01/01/2018]

(3) The Registrar may publish, in such form and manner as the Registrar deems appropriate, the data submitted to the Registrar under subsection (1)(a)(ii).

[Act 24 of 2017 wef 01/01/2018]

[Act 24 of 2017 wef 01/01/2018]

Labelling of fuel economy and vehicular emissions

42.—(1) No person shall, in the course of any trade or business, sell or offer for sale any motor vehicle of a class, description or type specified in an order under section 40 in Singapore on or after the FEL effective date for that motor vehicle, unless —

- (a) throughout the period that the motor vehicle is displayed for sale, the motor vehicle bears the label on fuel economy and vehicular emissions, approved by the Registrar for that class, description or type of motor vehicle, in the prescribed manner; and

[Act 24 of 2017 wef 01/01/2018]

- (b) any printed promotional material or advertisement distributed by him relating to the class, description or type of motor vehicle contains such information on fuel economy and vehicular emissions of the motor vehicle, in such form and manner, as may be prescribed for the type of material or advertisement being distributed.

[Act 24 of 2017 wef 01/01/2018]

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

[Act 24 of 2017 wef 01/01/2018]

False statements, forging of documentation, etc.

43. Any person who —

- (a) in relation to any submission to the Registrar under section 41, makes or causes to be made any statement or declaration which is false or misleading in any material particular;
- (b) makes or causes to be made any entry or omission in the information or documents submitted to the Registrar, which to his knowledge is false or misleading in any material particular; or
- (c) forges any approval, certificate or data required to be submitted to the Registrar or any label on fuel economy and vehicular emissions mentioned in section 42,

[Act 24 of 2017 wef 01/01/2018]

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Division 2 — Energy management practices for transport facility operators

Interpretation of this Division

44. In this Division, unless the context otherwise requires, “transport facility operator” means any transport facility operator declared, or which qualifies, by an order under section 45 to be such.

Transport facility operators

45.—(1) The Transport Minister may, by order published in the *Gazette* —

- (a) declare any airport service operator, land transport operator or port service operator to be a transport facility operator from the date specified in the order; or
 - (b) declare any qualifications by which any airport service operator, land transport operator or port service operator qualifies as a transport facility operator.
- (2) The order under subsection (1) may describe the qualifications of a transport facility operator, in terms of one or both of the following:
- (a) a type of business activity or type of premises over which an airport service operator, a land transport operator or a port service operator has operational control;
 - (b) an energy use threshold attained by a business activity, or by one or more premises, over which an airport service operator, a land transport operator or a port service operator has operational control.

Power of sector regulator to ascertain if entity is transport facility operator

46.—(1) The appropriate sector regulator may, for the purpose of ascertaining whether any airport service operator, land transport operator or port service operator qualifies as a transport facility operator, do all or any of the following:

- (a) by notice in writing, require the airport service operator, land transport operator or port service operator, as the case may be, to —
 - (i) carry out such tests or inspections as the sector regulator may specify; or
 - (ii) furnish to the sector regulator such reports, documents or information as it may require in respect of any business activity or premises of the airport service operator, land transport operator or port service operator;
- (b) enter the premises of the airport service operator, land transport operator or port service operator, as the case may

be, during normal business hours and carry out such tests or inspections as a transport sector authorised officer of the sector regulator may think necessary.

[Act 23 of 2018 wef 01/01/2019]

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the sector regulator under subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Periodic reporting of energy use, etc.

47.—(1) Every transport facility operator shall, within the period and in the manner prescribed, prepare and submit to the appropriate sector regulator in accordance with subsection (2), a report relating to the —

- (a) energy consumption;
- (b) energy production; and
- (c) greenhouse gas emissions,

from the operation of any business activity or premises or part thereof under the operational control of the transport facility operator during a prescribed period.

(2) A report under subsection (1) shall —

- (a) be in such form as may be provided by the sector regulator;
- (b) contain data on the required information computed in accordance with such method as may be prescribed or any method which meets such criteria as may be prescribed; and
- (c) contain such other information as may be prescribed.

(3) The sector regulator may, in respect of any incomplete or inaccurate report from a transport facility operator, in writing direct the transport facility operator to do all of the following within the period specified in the direction:

- (a) to carry out such rectifications or re-computation as the sector regulator may require;

(b) to re-submit the report.

(4) Any transport facility operator which —

(a) fails to submit or re-submit a report under this section within the period delimited under this section or within such extended time as the sector regulator may allow in any particular case;

(b) fails to comply with any direction given by the sector regulator under subsection (3)(a); or

(c) submits a false or misleading report,

shall be guilty of an offence.

Records to be kept

48.—(1) Every transport facility operator shall keep and maintain complete and accurate records in the prescribed form and manner containing such information as may be prescribed —

(a) where the records are relevant to the preparation by the transport facility operator of complete and accurate reports under section 47 or energy efficiency improvement plans under section 49; and

(b) where the records are relevant to monitoring and evaluating compliance by the transport facility operator with this Act.

(2) A transport facility operator shall —

(a) retain the records referred to in subsection (1) for such period as may be prescribed; and

(b) during that prescribed period, make available to any transport sector authorised officer of the sector regulator the records referred to in subsection (1) for inspection whenever requested to do so by the transport sector authorised officer.

(3) A transport facility operator shall submit such records, or furnish such other documents or information, as may be required by the sector regulator within the time specified by the sector regulator.

(4) Any transport facility operator which contravenes subsection (1), (2) or (3) shall be guilty of an offence.

Energy efficiency improvement plans

49.—(1) Unless granted a waiver under subsection (3), a transport facility operator shall prepare and submit to the appropriate sector regulator, in accordance with subsection (2) and such other requirements as may be prescribed, an energy efficiency improvement plan for a prescribed period in respect of any business activity or premises over which the transport facility operator has operational control.

(2) An energy efficiency improvement plan shall —

(a) contain such information (including information on the implementation of any part of the plan) as may be prescribed; and

(b) be submitted at the prescribed intervals and within the prescribed period.

(3) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time or in respect of a specified business activity or specified premises or part thereof of the transport facility operator.

(4) The sector regulator may, in respect of any incomplete energy efficiency improvement plan, in writing direct the transport facility operator, within the time specified in the direction —

(a) to carry out such rectifications or re-computation as the sector regulator may require; and

(b) to re-submit the energy efficiency improvement plan.

(5) Any transport facility operator which contravenes subsection (1) or fails to comply with a direction under subsection (4) shall be guilty of an offence.

Appointment of energy manager

50.—(1) Unless granted a waiver under subsection (5), every transport facility operator shall appoint from among its employees such number of energy managers as may be prescribed for that class, description or type of transport facility operator, each being an employee who has the prescribed qualifications and training to carry out all of the following functions:

- (a) assist the transport facility operator —
 - (i) to prepare the report for submission under section 47;
 - (ii) to maintain the records required under section 48;
 - (iii) to prepare the energy efficiency improvement plan for submission under section 49 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and
 - (iv) generally to comply with the provisions of this Act;
- (b) train and educate employees of the transport facility operator as to the energy conservation practices of the transport facility operator;
- (c) encourage energy conservation efforts by the transport facility operator;
- (d) carry out such other duties as may be prescribed.

(2) A transport facility operator shall notify the appropriate sector regulator of every appointment of an energy manager within such period as may be prescribed.

(3) Where the sector regulator is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the sector regulator may direct the transport facility operator to appoint another suitably qualified energy manager in place of the first-mentioned energy manager within a specified time, and the transport facility operator shall comply with such direction.

(4) If any energy manager appointed under subsection (1) for any reason vacates his appointment —

- (a) both the transport facility operator and the energy manager shall each, within such period as may be prescribed, notify the sector regulator of that fact; and
- (b) if the energy manager who vacates his office is the only energy manager of the transport facility operator, the transport facility operator shall —
 - (i) without delay appoint under subsection (1) another energy manager in substitution of the first-mentioned energy manager; and
 - (ii) within such period as may be prescribed, notify the sector regulator of that substitute appointment.

(5) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time.

(6) Any transport facility operator which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence.

Energy manager not to falsify data

51. Any energy manager appointed under section 50 who —

- (a) in any report or energy efficiency improvement plan prepared for submission to the appropriate sector regulator under this Act, makes any statement which he knows to be false or misleading;
- (b) makes any entry or omission in any record required to be kept under this Act, which he knows to be false or misleading, or makes any record containing a statement which he knows to be false or misleading; or
- (c) falsifies any data required to be submitted to the appropriate sector regulator under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Penalties for non-compliance

52. A transport facility operator which is guilty of an offence under section 47, 48, 49 or 50 shall be liable —

- (a) on the first conviction to a fine not exceeding \$10,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after that second or subsequent conviction.

Division 3 — Powers of enforcement

Entering premises, etc., to monitor compliance

53. For the purposes of determining whether this Part has been complied with, a transport sector authorised officer of the appropriate sector regulator may, on declaration of his office and production to the person against whom he is acting of such identification card as the sector regulator may direct to be carried by its transport sector authorised officers —

- (a) enter any premises owned or occupied by —
 - (i) an authorised dealer, manufacturer or importer of motor vehicles; or
 - (ii) a transport facility operator,
during normal business hours without notice, or at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice); and
- (b) exercise the powers set out in sections 54, 55 and 56.

Powers of transport sector authorised officers in monitoring compliance

54.—(1) A transport sector authorised officer of the appropriate sector regulator may exercise all or any of the following powers in relation to premises under section 53:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;
- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the transport sector authorised officer requires for the purpose of exercising powers in relation to the premises;
- (i) seize any thing found during the exercise of monitoring powers on the premises which the transport sector authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

(2) A transport sector authorised officer of the sector regulator may, in addition to the powers in subsection (1) —

- (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the transport sector authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can

be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and

- (b) if such information is found in exercise of the power in paragraph (a) —
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Transport sector authorised officer may require persons to furnish information and produce documents

55.—(1) A transport sector authorised officer of the appropriate sector regulator may require —

- (a) any authorised dealer, manufacturer or importer of motor vehicles;
- (b) any transport facility operator;
- (c) any person who apparently represents a person referred to in paragraph (a) or (b);
- (d) an energy manager of a transport facility operator; or
- (e) any person who is on the premises of a person referred to in paragraph (a) or (b) when the transport sector authorised officer exercises his powers under section 53 or 54,

to furnish any information within the knowledge of that person or produce any document in his custody or under his control in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document.

(2) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power to demand names and addresses

56.—(1) A transport sector authorised officer of the appropriate sector regulator may require any person found on the premises under section 53 to —

- (a) give his name and address and such other proof of identity; and
- (b) furnish such other particulars,

as the transport sector authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the transport sector authorised officer to give his name and address or other proof of identity or to furnish any particulars under subsection (1) —

- (a) refuses to do so;
- (b) wilfully mis-states his name and address or proof of identity; or
- (c) furnishes false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Powers to examine and secure attendance, etc.

57.—(1) For the purpose of investigating any offence under this Part, a transport sector authorised officer of the appropriate sector regulator may do all or any of the following:

- (a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Part —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;

- (b) require by notice in writing the attendance before himself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Part, and that person shall attend as required;
- (c) require any person to furnish any information or produce any book, document or copy of such book or document in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

(2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Part, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section shall —

- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and
- (d) after correction, if necessary, be signed by him.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the transport sector authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Authorised dealer, etc., and transport facility operator to provide transport sector authorised officer with all facilities and assistance

58. Any authorised dealer, manufacturer or importer of motor vehicles and any transport facility operator shall provide any transport sector authorised officer exercising his powers under this Part, and any person assisting that officer, all reasonable facilities and assistance for the effective exercise of their powers.

Penalty for obstructing transport sector authorised officer in his duty

59. Any person who at any time hinders or obstructs any transport sector authorised officer in the performance or execution of his duty or of any thing which the transport sector authorised officer is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Composition of offences

60.—(1) The appropriate sector regulator or an officer authorised by the sector regulator to compound offences may, in its or his discretion, compound any offence under this Part which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Transport Minister may make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid to the Consolidated Fund.

Exemption

61. The Transport Minister may, by order published in the *Gazette* and with or without conditions, exempt —

- (a) any class, description or type of motor vehicles, business activity or premises from all or any of the provisions of this Part; or
- (b) any class or description of persons from compliance with all or any of the provisions of this Part.

Regulations

62.—(1) The Transport Minister may make such regulations as he may consider necessary or expedient for carrying out the purposes and provisions of this Part.

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

- (a) providing for additional fuel economy and vehicular emissions testing, labelling or reporting requirements in relation to any class, description or type of motor vehicle specified in an order under section 40;
[Act 24 of 2017 wef 01/01/2018]
- (b) specifying a minimum fuel economy standard with which any class, description or type of motor vehicle specified in an order under section 40 must comply;
- (c) establishing a register of transport facility operators;
- (d) specifying any energy efficiency standards or energy management standards with which any class or description of transport facility operators must comply;
- (e) in relation to reports under section 47 —
 - (i) specifying the methods, or criteria for methods, by which the amounts of emissions, reduction, removal, offsets, energy production or energy consumption are to be measured, including specifying —
 - (A) different methods or criteria for different transport facility operators;
 - (B) different methods or criteria depending on the circumstances in which the emissions,

- reduction, removal, offsets, production or consumption occurred;
- (C) conditions relating to the use of different methods or criteria;
 - (D) rating systems for those methods (including different rating systems for different circumstances); and
 - (E) the particular rating given to each of those methods; and
- (ii) specifying different requirements in relation to the information to be supplied in the report for different circumstances;
- (f) requirements for the preparation and submission of a report under section 47 or an energy efficiency improvement plan under section 49;
 - (g) requirements relating to the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 49;
 - (h) in relation to an energy manager under this Part —
 - (i) the requirements for the appointment, training and qualification of an energy manager;
 - (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of his functions and duties;
 - (i) prescribing any forms for use under this Part;
 - (j) prescribing any fees and charges payable for the purposes of this Part;
 - (k) prescribing any other matter which is required or permitted to be prescribed to give effect to this Part.
- (3) The Transport Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not

exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes and standards

63.—(1) Any regulations made under section 62 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the appropriate sector regulator; or
- (b) is considered by the appropriate sector regulator to be appropriate for adoption for the purposes of this Part.

(2) The sector regulator shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the sector regulator during normal office hours.

(3) In any proceedings, a copy certified by the appropriate sector regulator as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) shall be evidence of the code, standard, rule, specification or provision so adopted.

PART V

MISCELLANEOUS

Power to obtain energy consumption data from energy suppliers

64.—(1) For the purpose of carrying out his duties and functions under this Act, or obtaining information to assist a sector regulator in carrying out its duties and functions under Part IV, the Director-General may, by a notice in writing to any of the following persons (referred to in this section as an energy supplier), require the energy supplier to furnish to him data relating to the energy consumption of any person, business activity or premises specified in the notice:

- (a) any electricity licensee under the Electricity Act (Cap. 89A);
- (b) any gas licensee under the Gas Act (Cap. 116A);
- (c) any other supplier of steam, oil, fuel, district cooling services or other types of energy.

(2) An energy supplier to whom a notice is directed under subsection (1) shall provide the data required in the form and manner and within the time specified in the notice.

(3) An energy supplier which, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Energy and environment impact surveys

65.—(1) The Director-General may, from time to time, undertake investigations or surveys of the levels of energy consumption, energy production or greenhouse gas emissions for the purposes of —

- (a) assessing the impact on the environment of certain industries or activities; or
- (b) advising the Minister or other public bodies concerning energy or environmental policies.

(2) For the purpose of any investigation or survey under subsection (1), the Director-General may by notice in writing require any person to furnish him, within such time and in such form and manner as he may specify, such information relating to the energy consumption, energy production or greenhouse gas emissions of that person as the Director-General may require.

(3) Any person to whom a notice under subsection (2) is directed who fails, without reasonable excuse, to comply with the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Powers to examine and secure attendance, etc.

66.—(1) For the purpose of investigating any offence under this Act (except Part IV), an authorised officer may do all or any of the following:

- (a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;
- (b) require by notice in writing the attendance before himself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Act, and that person shall attend as required;
- (c) require any person to furnish any information or produce any book, document or copy of such book or document in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

(2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Act, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section shall —

- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and

(d) after correction, if necessary, be signed by him.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Notices and other documents may be given by authorised officer or transport sector authorised officer

67.—(1) All notices and other documents of any nature which —

- (a) the Director-General is empowered to give under this Act may, subject to the direction of the Director-General, be given by any authorised officer on behalf of the Director-General; and
- (b) a sector regulator is empowered to give under this Act may, subject to the direction of the sector regulator, be given by any transport sector authorised officer appointed by that sector regulator on its behalf.

(2) Where any such notice or document referred to in subsection (1)(a) requires authentication, the signature or an official facsimile of the signature of the Director-General or an authorised officer affixed to the notice or document shall be sufficient authentication.

(3) Where any such notice or document referred to in subsection (1)(b) requires authentication, the signature or an official facsimile of the signature of the Chief Executive, or a transport sector authorised officer, of the sector regulator affixed to the notice or document shall be sufficient authentication.

Service of documents, etc.

68.—(1) Every notice or document required or authorised by this Act to be served on any person may be served —

- (a) in the case of an individual —
 - (i) by delivering it to the individual personally;

- (ii) by leaving it with an adult person apparently resident at, or by sending it by post to, the usual or last known address of the place of residence of the individual;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by post to, the usual or last known address of the place of business of the individual;
 - (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or business of the individual; or
 - (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to an authorised officer or a transport sector authorised officer by the individual as the facsimile transmission number for the service of documents on the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by post to, the principal or last known place of business of the partnership in Singapore; or
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and
- (c) in the case of a body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager of the limited liability partnership;

- (ii) by leaving it at, or by sending it by post to, the registered office or principal office of the body corporate in Singapore; or
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the body corporate in Singapore.
- (2) Where any notice or other document to be served on any person is —
- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be; and
 - (b) sent by post, it shall be deemed to have been duly served on the person to whom it is addressed by the time at which it would have been delivered in the ordinary course of post.
- (3) A notice or other document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.
- (4) This section shall not apply to notices and other documents to be served in proceedings in court.
- (5) In this section, “body corporate” includes a limited liability partnership.

Inaccuracies in document

69.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any

document prepared, issued or served under, by virtue of or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

Evidence

70.—(1) The contents of any document prepared, issued or served by the Agency, a sector regulator or any authorised officer or transport sector authorised officer under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct.

(2) All records, registers and other documents kept by the Agency or a sector regulator or by any authorised officer or transport sector authorised officer for the purposes of this Act shall be deemed to be public documents, and copies of or extracts from such documents certified by an officer or employee of the Agency or sector regulator responsible for the custody of such documents to be true copies or extracts, as the case may be, and subscribed by such officer or employee with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts from the documents.

Disclosure of information

71. Notwithstanding section 47 of the National Environment Agency Act (Cap. 195), section 14 of the Civil Aviation Authority of Singapore Act (Cap. 41), section 41 of the Land Transport Authority of Singapore Act (Cap. 158A) and section 98 of the Maritime and Port Authority of Singapore Act (Cap. 170A) —

- (a) the Director-General, and any authorised officer with the approval of the Director-General; and
- (b) each of the sector regulators, and any transport sector authorised officer with the approval of the appropriate sector regulator,

may furnish any information, report or document obtained in the performance of their duties or in the exercise of their functions under

this Act to any of the public officers or statutory bodies set out in the Schedule for the purpose of enabling the performance or discharge by that public officer or statutory body of his or its functions or duties.

Offences by bodies corporate, etc.

72.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any act or default on his part,

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

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any act or default on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Power of court to order cause of contravention to be remedied

73.—(1) Where any person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him to take, within the time specified in the order (or within such further time as the court may allow), such steps as may be so specified for remedying the matters in respect of which the contravention occurred.

(2) Subject to subsection (3), where an order is made under subsection (1), the convicted person shall not be liable under this Act in respect of the continuation of the contravention during the time specified in the order or allowed by the court to remedy the matters in respect of which the contravention occurred.

(3) If, after the expiration of the time specified in the order or allowed by the court under subsection (1) following a conviction of an offence, the order is not complied with, the person referred to in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day during which the non-compliance continues after the date of conviction for that first-mentioned offence.

Composition of offences

74.—(1) The Director-General or any officer of the Agency authorised by the Director-General to compound offences may, in his discretion, compound any offence under this Act (except Part IV) which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded, including offences under the provisions of this Act which have been repealed.

[Act 24 of 2017 wef 01/01/2018]

(4) All sums collected under this section shall be paid to the Consolidated Fund.

Saving of prosecutions under other laws

75. 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 from being liable under that other law to any other or higher punishment or penalty than that provided by this Act, except that no person shall be punished twice for the same offence.

Amendment of Schedule

76.—(1) The Minister may, from time to time, by order published in the *Gazette*, amend, add to or vary the Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

(3) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Exemption

77. The Minister may, by order published in the *Gazette* and with or without conditions, exempt —

- (a) any class or description of goods, business activity or premises from all or any of the provisions of this Act (except Part IV); or
- (b) any class or description of persons from compliance with all or any of the provisions of this Act (except Part IV).

Regulations

78.—(1) The Minister may make such regulations as he may consider necessary or expedient for carrying out the purposes and provisions of this Act (except Part IV).

(2) Without affecting the generality of subsection (1), the Minister may make regulations for or with respect to, or to otherwise make provision for, all or any of the following matters:

- (a) the registration requirements in relation to —
 - (i) regulated goods;
 - (ii) suppliers of regulated goods; and
 - (iii) registrable corporations;
- (b) the form of any application, report, plan or other document mentioned in this Act (except Part IV);

[Act 23 of 2018 wef 01/01/2019]

- (c) the preparation of any application, report, plan or other document mentioned in this Act (except Part IV), including the person that should prepare the same and any criteria that the person must satisfy;
[Act 23 of 2018 wef 01/01/2019]
- (d) the information and documents to be included in or to accompany any application, report, plan or other document mentioned in this Act (except Part IV);
[Act 23 of 2018 wef 01/01/2019]
- (e) without affecting paragraph (d), in relation to any report or plan mentioned in this Act (except Part IV), the methods, or criteria for the methods, by which the amounts of reductions, removals, offsets, energy production, energy consumption or any other matters are to be measured or determined, including any one or more of the following:
- (i) conditions relating to the use of different methods or criteria;
 - (ii) rating systems for those methods;
 - (iii) the particular rating given to each of those methods;
[Act 23 of 2018 wef 01/01/2019]
- (f) the period within which any application, report, plan or other document mentioned in this Act (except Part IV) is to be submitted (including at prescribed intervals);
[Act 23 of 2018 wef 01/01/2019]
- (g) the manner in which any application, report, plan or other document mentioned in this Act (except Part IV) is to be submitted, including the person that should submit the same and any criteria that the person must satisfy;
[Act 23 of 2018 wef 01/01/2019]
- (h) the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 28;
- (i) the criteria which any person carrying out any assessment required under this Act (except Part IV) must satisfy;
[Act 23 of 2018 wef 01/01/2019]

- (j) in relation to an energy manager under Part III —
- (i) the appointment, training and qualification of an energy manager;
 - (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of the energy manager's functions and duties;
- (k) any fees and charges payable for an application under, or for any purpose of, this Act (except Part IV);
- (l) any other matter that is required or permitted to be prescribed to give effect to this Act (except Part IV).

[Act 24 of 2017 wef 01/01/2018]

(2A) Regulations made under this section may make different provision —

- (a) for different classes, descriptions or types of goods, persons or industry sectors; and
- (b) for different circumstances (including, in relation to subsection (2)(e), the circumstances in which the reductions, removals, offsets, energy production, energy consumption or other matters occur).

[Act 24 of 2017 wef 01/01/2018]

[Act 23 of 2018 wef 01/01/2019]

(3) The Minister may make regulations for the purpose of coordinating the exercise of powers by the Director-General under this Act and the exercise of powers by any other sector regulator referred to in Part IV, and may, in particular, make regulations to provide for the procedure to be followed —

- (a) in determining, in a particular case or category of cases, whether the Director-General (or an authorised officer) should exercise his powers or whether a sector regulator (or a transport sector authorised officer) should exercise his or its powers; and
- (b) where the Director-General and a sector regulator, or their respective authorised officers or transport sector

authorised officers, may exercise their respective powers concurrently or conjunctively.

(4) The Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes and standards

79.—(1) Any regulations made under section 78 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the Director-General; or
- (b) is considered by the Director-General to be appropriate for adoption for the purposes of this Act.

(2) The Director-General shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the Agency during normal office hours.

(3) In any proceedings, a copy certified by the Director-General as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) shall be evidence of the code, standard, rule, specification or provision so adopted.

Savings and transitional provisions in relation to Part III

80.—(1) Any person who, immediately before 1st September 2013¹, was a registered supplier under the repealed provisions shall be deemed to be a registered supplier under this Act.

(2) Any registered goods registered under the repealed provisions immediately before 1st September 2013¹ shall be deemed to be

¹ Date of commencement of Division 1 of Part III of the Energy Conservation Act 2012 (Act 11 of 2012).

registered goods under this Act, and the registration shall expire on the date it would have expired if Part XA of the Environmental Protection and Management Act (Cap. 94A) had not been repealed, unless earlier withdrawn or revoked under this Act.

(3) Any application for registration of a registered supplier or registered goods under the repealed provisions before 1st September 2013¹ which application was not dealt with before that date shall be deemed to be an application for registration under the corresponding provisions of this Act.

(4) Where an appeal has been made to the Minister under the repealed provisions and the appeal has not been dealt with or disposed of immediately before 1st September 2013¹, the appeal may be dealt with in accordance with the repealed provisions as if those provisions had not been repealed.

(5) For a period of 2 years after 1st September 2013¹, the Minister may, by regulations, prescribe such other transitional, incidental and consequential matters as he may consider necessary or expedient.

(6) In this section, “repealed provisions” means the repealed Part XA of the Environmental Protection and Management Act (Cap. 94A)².

Savings and transitional provisions in relation to Part IV

81.—(1) No registration of any class, description or type of motor vehicles as registered goods under the EPMA provisions shall be valid after 31st December 2012.

(2) Subject to subsections (3) and (4), an authorised dealer, manufacturer or importer of motor vehicles of a class, description or type which, immediately before 1st July 2012³, were registered goods registered under the EPMA provisions, may continue to sell or offer for sale those motor vehicles on or after that date in accordance with the EPMA provisions until —

¹ Date of commencement of Division 1 of Part III of the Energy Conservation Act 2012 (Act 11 of 2012).

² Part XA of the Environmental Protection and Management Act (Cap. 94A) was repealed by section 80(1) of the Energy Conservation Act 2012.

³ Date of commencement of Division 1 of Part IV of the Energy Conservation Act 2012.

(a) the date on which the registration of those motor vehicles under the EPMA provisions expires (or is deemed by subsection (4) to expire), or is withdrawn or revoked under the EPMA provisions; or

(b) 31st December 2012,

whichever occurs first, and sections 41 and 42 of this Act shall not apply until then.

(3) Subsection (2) shall apply on the condition that the motor vehicles referred to in that subsection are sold or offered for sale bearing the label in the manner required under the EPMA provisions.

(4) Notwithstanding subsection (2), the registration of any class, description or type of motor vehicles as registered goods under the EPMA provisions shall be deemed to expire when any type-approval, batch type-approval or modified type-approval referred to in section 41 of this Act is obtained in respect of that class, description or type of motor vehicles.

(5) For a period of 2 years after 1st July 2012³, the Transport Minister may, by regulations, prescribe such other transitional, incidental and consequential matters as he may consider necessary or expedient.

(6) In this section, “EPMA provisions” means Part XA of the Environmental Protection and Management Act (Cap. 94A) in force before 1st September 2013⁴.

THE SCHEDULE

Sections 71 and 76(1)

PERSONS TO WHOM INFORMATION MAY BE DISCLOSED

1. The Minister charged with the responsibility for the environment and water resources, and any member, officer or employee of the Agency.

2. The Minister charged with the responsibility for transport and any member, officer or employee of the sector regulators.

³ Date of commencement of Division 1 of Part IV of the Energy Conservation Act 2012 (Act 11 of 2012).

⁴ Date of commencement of section 80(1) of the Energy Conservation Act 2012.

THE SCHEDULE — *continued*

3. The Energy Market Authority of Singapore established under the Energy Market Authority of Singapore Act (Cap. 92B), and any officer or employee of that Authority authorised by the Chief Executive of that Authority for the purposes of section 71.

4. The Economic Development Board established under the Economic Development Board Act (Cap. 85), and any officer or employee of that Board authorised by the chief executive officer of that Board for the purposes of section 71.

5. The Public Utilities Board continued under section 3 of the Public Utilities Act (Cap. 261), and any officer or employee of that Board authorised by the Chief Executive of that Board for the purposes of section 71.

LEGISLATIVE HISTORY
ENERGY CONSERVATION ACT
(CHAPTER 92C)

This Legislative History is provided for the convenience of users of the Energy Conservation Act. It is not part of the Act.

1. Act 11 of 2012 — Energy Conservation Act 2012

Date of First Reading	: 8 March 2012 (Bill No. 8/2012 published on 8 March 2012)
Date of Second and Third Readings	: 9 April 2012
Dates of commencement	: 1 July 2012 (Parts I, II, Divisions 1 and 3 of Part IV, sections 68 to 73, 75, 76, 80(2), 82, First and Second Schedule) 22 April 2013 (Division 2 and 3 of Part III, sections 64 to 67, 74, 77, 78 and 79) 1 September 2013 (Division 1 of Part III, sections 80(1) and 81) 1 January 2014 (Division 2 of Part IV)

2. 2014 Revised Edition — Energy Conservation Act (Chapter 92C)

Date of operation	: 31 May 2014
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3. Act 30 of 2015 — Bus Services Industry Act 2015

Date of First Reading	: 13 July 2015 (Bill No. 26/2015 published on 13 July 2015)
Date of Second and Third Readings	: 18 August 2015
Date of commencement	: 22 January 2016

4. Act 24 of 2017 — Energy Conservation (Amendment) Act 2017

Date of First Reading	: 9 March 2017 (Bill No. 17/2017 published on 9 March 2017)
Date of Second and Third Readings	: 3 April 2017
Date of commencement	: 1 January 2018

5. Act 23 of 2018 — Carbon Pricing Act 2018

Date of First Reading	:	2 March 2018 (Bill No. 17/2018 published on 2 March 2018)
Date of Second and Third Readings	:	20 March 2018
Date of commencement	:	1 January 2019