

**ENERGY (RESILIENCE MEASURES AND
MISCELLANEOUS AMENDMENTS) ACT
2021 MISCELLANEOUS AMENDMENTS)" ,6,4>**

No. 37 of 2021.

An Act to amend the Energy Market Authority of Singapore Act, the Electricity Act and the Gas Act, and to make related amendments to the District Cooling Act.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Energy (Resilience Measures and Miscellaneous Amendments) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of Energy Market Authority of Singapore Act

2. The Energy Market Authority of Singapore Act is amended —

(a) by repealing section 12 and substituting the following section:

“Power to borrow

12.—(1) The Authority cannot raise loans for the performance of its functions under this Act or any other Act administered by the Authority except in accordance with this section.

(2) Subject to subsection (3), the Authority may raise loans by —

(a) mortgage, overdraft or other means, with or without security;

(b) charge, whether legal or equitable, on any property vested in the Authority or on any other revenue receivable by the Authority under this Act or any other written law; or

(c) the creation and issue of debentures or bonds, or such other instrument as the Minister may approve.

(3) The Authority may raise loans under subsection (2) —

(a) from the Government; or

(b) with the approval of the Minister, from another source, whether in or outside Singapore.

(4) For the purposes of this section, the power to raise loans includes the power to enter into any financial agreement or arrangement under which credit facilities are granted to the Authority for the purchase of goods or services.”; and

(b) by inserting, immediately after paragraph 1 of the Second Schedule, the following paragraph:

“1A. To construct, acquire (whether by purchase, lease or otherwise), develop, manage (including by leasing out for use) or operate any movable or immovable property as the Authority considers necessary for the discharge of its functions and duties.”.

Amendment of Electricity Act

3. The Electricity Act is amended —

(a) by deleting the words “is, in accordance with this Act, eligible to purchase” in the definition of “contestable consumer” in section 2 and substituting the words “, in accordance with this Act, purchases”;

(b) by inserting, immediately after the definition of “generation licensee” in section 2, the following definition:

““greenhouse gas” has the meaning given by section 2(1) of the Carbon Pricing Act 2018;”;

(c) by deleting the definition of “market participant” in section 2 and substituting the following definition:

““market participant” means a person —

(a) authorised by an electricity licence;
and

(b) registered in accordance with the market rules,

to trade in any wholesale electricity market,
and includes —

(c) a transmission licensee;

- (d) the Authority (if the Authority engages in the generation, import or export of electricity);
 - (e) any entity wholly-owned by the Authority that engages in the generation of electricity but is exempt under section 8 from the requirement of a generation licence; and
 - (f) any department of the Government which generates electricity before 1 April 2001;”;
- (d) by deleting the word “and” at the end of paragraph (d) of the definition of “market support services” in section 2;
- (e) by inserting, immediately after paragraph (e) of the definition of “market support services” in section 2, the following paragraph:
 - “(f) the inspection of electrical installations to assess their safety;”;
- (f) by renumbering section 2 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:
 - “(2) For the purposes of this Act, where a transmission licensee uses any generating unit (including any energy storage system) for, or for purposes connected with, its transmission of electricity, then, despite any production of electricity from the generating unit for, or for purposes connected with, its transmission of electricity, the transmission licensee is not regarded as generating electricity to the extent of that use.”;
- (g) by inserting, immediately after paragraph (c) of section 3(3), the following paragraph:

“(ca) to implement (whether through regulation or otherwise) policies, strategies, measures, standards or any other requirements on any matter for or connected with the reduction in emission of any greenhouse gas in the generation, transmission, import, export or supply of electricity;”;

(h) by inserting, immediately after paragraph (e) of section 3(3), the following paragraph:

“(ea) in connection with any purpose under paragraph (a), to construct, acquire (whether by purchase, lease or otherwise), develop, manage (including by leasing out for use) or operate —

(i) any generating unit (including any energy storage system);

(ii) any generating station or any part of a generating station; or

(iii) any of the following (whether in or outside Singapore) for or in connection with the import of electricity to, or the export of electricity from, Singapore:

(A) any electrical installation or any part of an electrical installation;

(B) any electric line or any part of an electric line;

(C) any generating unit (including any energy storage system);

(D) any generating station or any part of a generating station;”;

(i) by inserting, immediately after subsection (1) of section 6, the following subsection:

“(1A) The requirement of an electricity licence in subsection (1) for a person that engages in the generation or transmission of electricity, imports or exports electricity, or trades in any wholesale electricity market, does not apply to the Authority.”;

- (j) by deleting the words “, with the approval of the Minister,” in section 9(1);
- (k) by inserting, immediately after subsection (2) of section 16, the following subsection:

“(2A) A code of practice issued or approved under this section may require the reduction of any emission of any greenhouse gas in the generation, transmission, import, export or supply of electricity, whether through importing from any source, or the use of any resource, methodology or technology, or the imposition of any emission standard, or otherwise.”;

- (l) by deleting the words “Part 7” in section 28(3)(b) and substituting the words “Parts 7 and 9”;
- (m) by repealing section 53A;
- (n) by inserting, immediately after subsection (10) of section 80, the following subsections:

“(11) This section (except subsection (1)(c)) applies to any infrastructure (including cable pipe-blocks and tunnels) housing or intended to house any transmission electricity cable, as it applies to any high voltage electricity cable which belongs to or which is under the management or control of an electricity licensee, and for this purpose, a reference to an electricity licensee in this section is a reference to the person to whom the infrastructure belongs or that manages or controls the infrastructure.

(12) In this section, “transmission electricity cable” means an electricity cable used for the transmission of electricity at 66 kilovolts or higher.”;

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- (o) by inserting, immediately after subsection (6) of section 85, the following subsections:

“(7) This section applies to any infrastructure (including cable pipe-blocks and tunnels) housing or intended to house any transmission electricity cable, as it applies to any electrical plant or electricity cable which is part of a transmission system that belongs to or that is under the management or control of an electricity licensee.

(8) In this section, “transmission electricity cable” has the meaning given by section 80(12).”;

- (p) by inserting, immediately after section 94, the following section:

“Effect of winding up

94A.—(1) This section applies where a winding up order has been made or a provisional liquidator has been appointed under the Insolvency, Restructuring and Dissolution Act 2018 in respect of an electricity licensee or an entity wholly-owned by the Authority (each called in this section *E*) that is a market participant.

(2) Where *E* has provided the Market Company, a transmission licensee or a market support services licensee any payment security or other security deposit in respect of services provided to *E* by the Market Company or licensee (as the case may be), the Market Company or licensee may, despite section 133 of the Insolvency, Restructuring and Dissolution Act 2018, draw down on the payment security or other security deposit for any services provided by it to *E* and that are not paid.

(3) Subsection (2) does not affect the applicability or otherwise of any other provision of the Insolvency, Restructuring and Dissolution Act 2018 (including

section 219 of that Act), or any other written law or rule of law relating to insolvency.”; and

(q) by inserting, immediately after section 103, the following sections:

“Incorporation by reference

103A.—(1) The regulations made under this Act may apply, adopt or incorporate by reference —

- (a) wholly or partially;
- (b) with or without any addition, omission or substitution; or
- (c) specifically or by reference,

any code of practice, standard, requirement, specification or other document that relates to any subject matter of any regulations made under this Act (called in this section the material), as in force or published at a particular time or as in force or published from time to time.

(2) The material mentioned in subsection (1) may be material issued by the Authority, or material issued by any standards setting organisation, or other organisation or person.

(3) Any material applied, adopted or incorporated by reference in the regulations under subsection (1) is to be treated for all purposes as forming part of the regulations.

(4) Unless otherwise provided in the regulations, where the material is applied, adopted or incorporated by reference as in force or published from time to time, every amendment to the material that is made by the organisation or person that issued the material is to be treated as being a part of those regulations.

(5) Where any material is applied, adopted or incorporated by reference in any provision of any

regulations, the Authority must give notice in the *Gazette* stating —

- (a) that the material is applied, adopted or incorporated in the regulations, and the date from which the material is so applied, adopted or incorporated;
- (b) that the material is available for inspection, free of charge, and the place at which such material may be inspected;
- (c) that copies of the material can be purchased, and the place where the material can be purchased; and
- (d) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

(6) In addition, the Authority must cause a copy of every material applied, adopted or incorporated by reference in the regulations under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

(7) To avoid doubt, any part of the material that is not applied, adopted or incorporated by reference in the regulations under subsection (1) has no legislative effect.

Advisory guidelines

103B.—(1) The Authority may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of any one or more requirements imposed by or under this Act.

(2) The Authority may consult with such person as the Authority thinks fit for the purpose of preparing any advisory guidelines under subsection (1).

(3) The advisory guidelines may —

- (a) be of general or specific application; or
- (b) specify that different provisions of the advisory guidelines apply to different circumstances, or are applicable to different persons or classes of persons.

(4) The Authority may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(5) Advisory guidelines issued or amended under this section do not have any legislative effect.

(6) Where, in any administrative proceedings commenced in connection with this Act, any provision in this Act to which any advisory guidelines issued under subsection (1) relate is alleged to have been contravened, then —

- (a) compliance with such guidelines; or
- (b) a contravention of or failure to comply with, whether by act or omission, such guidelines,

may be relied upon by any party to those proceedings as tending to negative or establish the contravention which is in question in those proceedings.”.

Amendment of Gas Act

4. The Gas Act is amended —

- (a) by deleting the words “, with the approval of the Minister,” in section 7(3);
- (b) by deleting subsection (4) of section 29 and substituting the following subsections:

“(4) The gas transporter must —

- (a) establish and implement a programme for regular and periodic inspections of any part of a gas installation or any part of a gas service pipe linking a gas service isolation valve to the gas installation, and provide in the programme, in relation to each such inspection, whether this is the responsibility of the gas transporter or a person prescribed under subsection (3);
- (b) where any inspection is the responsibility of any person prescribed under subsection (3), notify the person of the person’s responsibility to ensure that the inspection is carried out; and
- (c) where any maintenance, repair or renewal is necessary following any inspection by the gas transporter or the person notified under paragraph (b), require the person to be responsible for ensuring that the maintenance, repair or renewal is carried out.

(5) Where any person prescribed under subsection (3) is responsible under subsection (4)(b) or (c) for ensuring that any inspection, maintenance, repair or renewal is carried out, the inspection, maintenance, repair or renewal is to be carried out at the expense of the person.

(6) Any person prescribed under subsection (3) who fails to carry out the person’s responsibility under subsection (4)(b) or (c) shall be guilty of an offence.”;

- (c) by inserting, immediately after subsection (9) of section 32, the following subsection:

“(10) This section applies to any infrastructure (including valve chambers, pipe jacking sleeves, concrete casings and rock armour) housing or intended to house any gas transmission pipeline, as it applies to any gas plant or gas pipe in a gas pipeline network owned by, or under the management or control of, a gas transporter, and for this purpose, a reference to a gas transporter in this section is a reference to the person to whom the infrastructure belongs or that manages or controls the infrastructure.”;

- (d) by inserting, immediately after subsection (6) of section 32A, the following subsection:

“(7) This section applies to any infrastructure (including valve chambers, pipe jacking sleeves, concrete casings and rock armour) housing or intended to house any gas transmission pipeline, as it applies to any gas plant or gas pipe which is part of a gas pipeline network owned by, or under the management or control of, a gas licensee.”;

- (e) by deleting paragraphs (a) and (b) of section 32B and substituting the following paragraphs:

“(a) does any act, or permits or causes any act to be done, which damages or is likely to damage —

- (i) any submarine gas pipeline in the territorial waters of Singapore that is owned by, or under the management or control of, a gas licensee; or
- (ii) any infrastructure (including valve chambers, pipe jacking sleeves, concrete casings and rock armour) housing or intended to house any submarine gas pipeline in the territorial waters of Singapore; or

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- (b) omits to do anything required to prevent any damage to such submarine gas pipeline or infrastructure;”;
- (f) by deleting the words “Part 7” in section 33(3) and substituting the words “Parts 7 and 9”;
- (g) by repealing section 72A;
- (h) by deleting sub-paragraph (ii) of section 96(2)(r) and substituting the following sub-paragraph:
- “(ii) gas installations or gas service pipes, including —
- (A) the person that a gas transporter or person prescribed under section 29(3) must engage to carry out the inspection, maintenance, repair or renewal; and
- (B) any information or document to be submitted in connection with the inspection, maintenance, repair or renewal, by whom and to whom the information or document must be submitted and the time for the submission,
- and the recovery of costs incurred by a gas transporter in connection with the inspection, maintenance, repair or renewal;”;
- and
- (i) by inserting, immediately after section 96, the following sections:

“Incorporation by reference

96A.—(1) The regulations made under this Act may apply, adopt or incorporate by reference —

- (a) wholly or partially;
- (b) with or without any addition, omission or substitution; or
- (c) specifically or by reference,

any code of practice, standard, requirement, specification or other document that relates to any subject matter of any regulations made under this Act (called in this section the material), as in force or published at a particular time or as in force or published from time to time.

(2) The material mentioned in subsection (1) may be material issued by the Authority, or material issued by any standards setting organisation, or other organisation or person.

(3) Any material applied, adopted or incorporated by reference in the regulations under subsection (1) is to be treated for all purposes as forming part of the regulations.

(4) Unless otherwise provided in the regulations, where the material is applied, adopted or incorporated by reference as in force or published from time to time, every amendment to the material that is made by the organisation or person that issued the material is to be treated as being a part of those regulations.

(5) Where any material is applied, adopted or incorporated by reference in any provision of any regulations, the Authority must give notice in the *Gazette* stating —

- (a) that the material is applied, adopted or incorporated in the regulations, and the date from which the material is so applied, adopted or incorporated;

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- (b) that the material is available for inspection, free of charge, and the place at which such material may be inspected;
 - (c) that copies of the material can be purchased, and the place where the material can be purchased; and
 - (d) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

(6) In addition, the Authority must cause a copy of every material applied, adopted or incorporated by reference in the regulations under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

(7) To avoid doubt, any part of the material that is not applied, adopted or incorporated by reference in the regulations under subsection (1) has no legislative effect.

Advisory guidelines

96B.—(1) The Authority may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of any one or more requirements imposed by or under this Act.

(2) The Authority may consult with such person as the Authority thinks fit for the purpose of preparing any advisory guidelines under subsection (1).

(3) The advisory guidelines may —

- (a) be of general or specific application; or
- (b) specify that different provisions of the advisory guidelines apply to different circumstances, or are applicable to different persons or classes of persons.

(4) The Authority may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(5) Advisory guidelines issued or amended under this section do not have any legislative effect.

(6) Where, in any administrative proceedings commenced in connection with this Act, any provision in this Act to which any advisory guidelines issued under subsection (1) relate is alleged to have been contravened, then —

(a) compliance with such guidelines; or

(b) a contravention of or failure to comply with, whether by act or omission, such guidelines,

may be relied upon by any party to those proceedings as tending to negative or establish the contravention which is in question in those proceedings.”.

Related amendments to District Cooling Act

5. The District Cooling Act is amended —

(a) by deleting the words “Part 7” in section 21(3) and substituting the words “Parts 7 and 9”; and

(b) by inserting, immediately after section 45, the following sections:

“Incorporation by reference

46.—(1) The regulations made under this Act may apply, adopt or incorporate by reference —

(a) wholly or partially;

(b) with or without any addition, omission or substitution; or

(c) specifically or by reference,

any code of practice, standard, requirement, specification or other document that relates to any

subject matter of any regulations made under this Act (called in this section the material), as in force or published at a particular time or as in force or published from time to time.

(2) The material mentioned in subsection (1) may be material issued by the Authority, or material issued by any standards setting organisation, or other organisation or person.

(3) Any material applied, adopted or incorporated by reference in the regulations under subsection (1) is to be treated for all purposes as forming part of the regulations.

(4) Unless otherwise provided in the regulations, where the material is applied, adopted or incorporated by reference as in force or published from time to time, every amendment to the material that is made by the organisation or person that issued the material is to be treated as being a part of those regulations.

(5) Where any material is applied, adopted or incorporated by reference in any provision of any regulations, the Authority must give notice in the *Gazette* stating —

- (a) that the material is applied, adopted or incorporated in the regulations, and the date from which the material is so applied, adopted or incorporated;
- (b) that the material is available for inspection, free of charge, and the place at which such material may be inspected;
- (c) that copies of the material can be purchased, and the place where the material can be purchased; and
- (d) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

(6) In addition, the Authority must cause a copy of every material applied, adopted or incorporated by reference in the regulations under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

(7) To avoid doubt, any part of the material that is not applied, adopted or incorporated by reference in the regulations under subsection (1) has no legislative effect.

Advisory guidelines

47.—(1) The Authority may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of any one or more requirements imposed by or under this Act.

(2) The Authority may consult with such person as the Authority thinks fit for the purpose of preparing any advisory guidelines under subsection (1).

(3) The advisory guidelines may —

(a) be of general or specific application; or

(b) specify that different provisions of the advisory guidelines apply to different circumstances, or are applicable to different persons or classes of persons.

(4) The Authority may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(5) Advisory guidelines issued or amended under this section do not have any legislative effect.

(6) Where, in any administrative proceedings commenced in connection with this Act, any provision in this Act to which any advisory guidelines issued under subsection (1) relate is alleged to have been contravened, then —

- (a) compliance with such guidelines; or
- (b) a contravention of or failure to comply with, whether by act or omission, such guidelines,

may be relied upon by any party to those proceedings as tending to negative or establish the contravention which is in question in those proceedings.”.
