



THE STATUTES OF THE REPUBLIC OF SINGAPORE

GAS ACT 2001

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Gas Act 2001

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation

PART 2

ADMINISTRATION

3. Authority to administer Act
4. Power to obtain information
5. Restriction on disclosure of confidential information

PART 3

LICENSING OF ACTIVITIES RELATING TO GAS

6. Prohibition on unauthorised activities relating to gas
7. Application for gas licence, etc.
8. Exemption
9. Conditions of gas licences
10. Prohibition on transfer of gas licence without consent of Authority
11. Licensing of gas service worker
12. Application for gas service worker licence
13. Engagement of unlicensed gas service worker prohibited

PART 4

MODIFICATION AND ENFORCEMENT OF GAS LICENCES

14. Power to modify gas licences
15. Notice of proposal to modify
16. Modification
17. Appeal against modification
18. Power to revoke or suspend gas licence

Section

- 19. Enforcement
- 20. [Repealed]

PART 5

GAS TRANSPORTERS

- 21. General duties of gas transporter
- 22. Duty to connect
- 23. Power to require security
- 24. Power to recover expenditure
- 25. Prices
- 26. Power to fell trees, etc.
- 27. Works
- 28. Provision of convenient ways, etc.
- 29. Maintenance, etc., of gas service pipes and gas installations
- 30. Relocation of gas main or gas service pipe
- 31. Removal of obstruction over existing gas main, etc.
- 32. Carrying out of earthworks within vicinity of gas plant or gas pipe
- 32A. Damage to gas plant or gas pipe
- 32B. Damage to submarine gas pipelines
- 33. Special administration order
- 34. Power to make special administration order, etc.
- 35. Remuneration and expenses of Authority and others
- 36. Savings of wayleaves or easements

PART 6

GAS RETAILERS AND GENERAL PROVISIONS

- 37. General duties of gas retailer
- 38. Rights of access to relevant facility
- 38A. Arrangements by Authority for allocation of gas
- 39. Notice of obstruction of gas main or other apparatus
- 40. Obstructing gas licensee in performance of duties
- 41. Making of false statements
- 42. Falsely pretending to be employee of Authority or gas licensee
- 43. Gas plant and gas fittings not to be subject to distress
- 44. Meters
- 45. Prices of gas retailer
- 46. Power to recover gas charges, etc.

Section

- 47. Unauthorised connection with gas pipeline network, etc.
- 48. Supply of gas illegally taken
- 49. Restoration of supply without consent
- 50. Failure to notify connection to or disconnection from gas pipeline, etc.
- 51. Proper use of gas
- 52. No obligation to restore supply where consumer in default
- 53. Entry for preventing escapes of gas, etc.
- 54. Entry during supply
- 55. Entry on discontinuance of supply
- 56. Entry following discontinuance of supply
- 57. *[Repealed]*
- 58. Entry for replacing, repairing or altering pipes
- 59. Entry into premises by gas transporter for purposes of inspection
- 60. Procedure for rights of entry on land
- 61. Provisions as to powers of entry

PART 7

GAS NETWORK CODE

- 61A. Interpretation of this Part
- 61B. Gas Network Code
- 61C. Implementation of Gas Network Code
- 61D. Gas Network Code has effect as contract
- 61E. Limitation of actions under Gas Network Code
- 61F. Directions in relation to Gas Network Code

PART 7A

CODES OF PRACTICE

- 62. Codes of practice
- 63. Directions by Authority

PART 7B

CONTROL OF GAS LICENSEES AND ENTITIES WITH
INTEREST IN GAS PIPELINE NETWORK

- 63A. Interpretation of this Part
- 63B. Control of equity interests and voting power in, and business of, designated gas licensee, designated entity and designated business trust

Section

- 63C. Approval of applications under section 63B
- 63CA. Regulations for carrying out sections 63B and 63C
- 63D. Power to exempt
- 63E. Power to issue directions
- 63F. Effect of directions
- 63G. Offences, penalties and defences
- 63H. Appointment of chief executive officer, director, etc., of designated gas licensee

PART 8

SAFETY

- 64. Safety requirements in relation to gas
- 65. Notified escapes of gas
- 66. Suspected escapes of gas
- 67. Power to disconnect and interrupt supply of gas
- 68. Power to reduce supply pressure

PART 8A

SEVERE GAS SHORTAGE

- 68A. Meaning of “severe gas shortage situation”
- 68B. Directions by Authority
- 68C. Requests for information, etc.
- 68D. Regulations for this Part, etc.
- 68E. Appeals to General Division of High Court
- 68F. Recovery of compensation

PART 9

COMPETITION

- 69. Agreements, etc., preventing, restricting or distorting competition
- 70. Abuse of dominant position
- 71. Exemption
- 72. Request for Authority to examine agreement or to consider conduct, etc.
- 72A. Guidelines
- 73. Power to investigate
- 74. Power when conducting investigation
- 75. Power to enter premises under warrant

Section

- 76. Privileged communication
- 77. Decision following investigation
- 78. Enforcement and appeal
- 79. Notification
- 80. Offences
- 81. Destroying or falsifying documents
- 82. False or misleading information

PART 10

APPEAL PANEL

- 83. Request to establish Appeal Panel
- 84. Composition and procedure of Appeal Panel
- 85. Powers of Appeal Panel

PART 11

MISCELLANEOUS

- 86. Keeping of register
- 87. Effect of direction
- 88. Jurisdiction of court
- 89. Offences by body corporate
- 90. Fee or financial penalty recoverable
- 91. General penalties
- 92. Composition of offences
- 92A. Payment into Consolidated Fund
- 93. Appeal to Minister
- 94. General exemption
- 95. Service of documents
- 96. Regulations
- 97. [*Omitted*]

PART 12

TRANSITIONAL PROVISIONS

- 98. Transfer of property, rights, obligations and liabilities for separation of gas transporting and retailing business
- 99. Existing agreements, etc.
- 100. Waiver of prohibition of transfer
- 101. Power to make regulations and issue directions, etc.

An Act to create a competitive market framework for the gas industry, to make provision for the safety, technical and economic regulation of the transportation and retail of gas, and for other matters connected therewith.

[23 July 2003: Section 1 and Part XII ;
19 December 2003: Sections 2, 3(1), (2), (3)(*e*) and (*h*),
(4) and (5), 4 and 5, Parts IX, X, sections 87 to 91 and
95 ;
11 June 2007: Sections 3(3)(*a*), (*b*), (*c*), (*d*), (*f*) and (*g*)
and (6), 8, 9, 10, 14 to 18, 21, 24, 27, 28, 30, 31, 36, 38,
40 to 44, 47, 48, 53, 54, 58, 59, 60, 61, 64 to 68, 86, 92,
96 and 97 ;
14 February 2008: Sections 12, 13, 37, 45 and 46]

PART 1

PRELIMINARY

Short title

1. This Act is the Gas Act 2001.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “Appeal Panel” means a panel established by the Minister under section 84;
 - “authorised officer” means any person authorised by the Authority under section 3(2);
 - “Authority” means the Energy Market Authority of Singapore established under the Energy Market Authority of Singapore Act 2001;
 - “check meter” means any subsidiary device used to verify the readings taken by a meter;
 - “code of practice” means a code of practice issued or modified by the Authority under section 62;

“connect”, in relation to any premises, means connect to a gas main of a gas transporter, whether directly or by means of a gas service pipe, and “disconnect” and “re-connect” have corresponding meanings except that they also include discontinuing or restoring (as the case may be) the conveyance of gas to the premises;

“consumer” means a person —

- (a) to whose premises gas is shipped; or
- (b) whose premises are connected to a gas pipeline network for the purpose of obtaining a supply of gas;

“convey” means the transmission or distribution of gas by means of gas pipes, and “conveying”, “conveyed”, and “conveyance” are to be construed accordingly;

“direct access customer” means a person who has an arrangement with —

- (a) a gas transporter for the conveyance of gas to the person’s premises through a gas pipeline network owned by, or under the management or control of, that gas transporter; or
- (b) a person other than a gas transporter for the shipping of gas to the firstmentioned person’s premises and has the benefit, under the arrangement, of identifiable rights for the conveyance of gas to the firstmentioned person’s premises through the gas pipeline network to which the firstmentioned person’s premises are connected;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

“document” includes electronic records;

“earthworks” means —

- (a) any act of excavating earth, rock or other material (by whatever means);

- (b) any act done on, in or under the ground in connection with —
- (i) any work for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, road, railway, bridge, viaduct, flyover, sewer or sewerage works;
 - (ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fitting or other apparatus;
 - (iii) any soil investigation work; or
 - (iv) such other works as are usually undertaken by a person carrying on business as a contractor in the construction industry or as a professional civil or structural engineer;
- (c) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any premises or street by any mechanical means; or
- (d) the driving or sinking of any bar, rod, pole, picket, casing or tube into the ground;

“electronic records” has the meaning given by the Electronic Transactions Act 2010;

“exempt gas transporter” means a person carrying out any activity specified in section 6(1)(a) who is granted an exemption under section 8;

“gas” means natural gas and town gas, but does not include liquefied petroleum gas;

“gas appliance” means any appliance in which gas is consumed, either for domestic requirements (including for cooking, heating or cooling purposes) or for industrial or commercial requirements (including for powering a gas engine or as feedstock in a chemical process);

“gas fitting” includes any pipe, valve, meter, regulator or other device for the control, measurement and use of gas;

- “gas importer” means a person holding a gas importer’s licence;
- “gas importer’s licence” means a licence granted under section 7(3)(h);
- “gas installation” means a discrete grouping of gas fittings linking a gas service pipe to a gas appliance;
- “gas licence” means a licence granted under section 7(3);
- “gas licensee” means a person holding a gas licence;
- “gas main” means any gas pipe used for the distribution of gas from a gas transmission pipeline to a consumer but does not include a gas service pipe or an internal pipe;
- “gas mains network” means a network of interconnected gas mains and related equipment;
- “Gas Network Code” means a code issued by the Authority or modified under section 61B;
- “gas pipeline” means a gas transmission pipeline, a gas main or a gas service pipe;
- “gas pipeline network” means a gas transmission network, a gas mains network and gas service pipes;
- “gas plant” means any valve, regulator, plant, pipe, equipment or apparatus used for, or for purposes connected with, the production, processing, conveyance, storage or shipping of gas;
- “gas retailer” means a person holding a gas retailer’s licence;
- “gas retailer’s licence” means a licence granted under section 7(3)(d);
- “gas service isolation valve” means a valve, located at or near the boundary line of any property or the apron of any building, used by a gas transporter to isolate the supply of gas to that property or building;
- “gas service pipe” means a pipe or any part thereof, other than a gas main, used for the purpose of conveying gas from a gas main to a gas service isolation valve, and includes any pipe

owned by, or under the management or control of, a gas transporter which is used for the purpose of conveying gas from the gas service isolation valve to the meter at a consumer's premises;

“gas service work” means any work carried out on any gas installation or gas appliance, in whole or in part, including any design, construction, installation, commissioning, erection, testing, repair, addition, alteration or maintenance work;

“gas service worker” means a person carrying on the activities referred to in section 11(1);

“gas shipper” means a person holding a gas shipper's licence;

“gas shipper's licence” means a licence granted under section 7(3)(c);

“gas supply system” means all gas pipeline networks, gas plants and other related equipment owned by, or under the management or control of, all gas transporters for the purpose of supplying gas to consumers;

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

“gas transmission pipeline” means a bulk transmission pipeline or interconnected transmission pipeline, together with equipment (including pressure regulating and control valves) used for the conveyance of gas to a direct access customer or a gas mains network, and “gas transmission network” is to be construed accordingly;

“gas transport agent” means a person holding a gas transport agent's licence;

“gas transport agent's licence” means a licence granted under section 7(3)(b);

“gas transporter” means a person holding a gas transporter's licence;

“gas transporter’s licence” means a licence granted under section 7(3)(a);

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

“import”, in relation to natural gas or LNG, means to bring or cause to be brought into Singapore by any means, the natural gas or LNG from any place outside Singapore, other than any such natural gas or LNG in transit or to be transhipped; but does not include the actual conveyance of such natural gas in connection therewith;

“information” includes information contained in electronic records;

“internal pipe” means any pipe, not being a gas pipeline, used for the purpose of conveying gas from a gas service pipe to a gas appliance, including a gas fitting inserted therein but excluding a meter;

“licensed gas business” means the business of a gas licensee in carrying on the activity in respect of which it holds a gas licence;

“licensed gas service worker” means a person who is licensed under section 12(3);

“liquefied natural gas” or “LNG” means natural gas in its liquefied state;

“LNG terminal” means a facility located onshore or in Singapore waters which is used to receive, store or gasify LNG that is imported into Singapore and at which all or any of the following activities are carried out in relation to any LNG received at the facility (including after it has been gasified thereat):

(a) adjustment of pressure or flow rate;

(b) adjustment of temperature;

(c) filtering;

(d) metering;

“LNG terminal operator” means a person holding an LNG terminal operator’s licence;

“LNG terminal operator’s licence” means a licence granted under section 7(3)(f);

“meter” means any device for computing the volume of gas supplied or amount of energy supplied, for charging purposes, but does not include a check meter;

“meter installation” means any meter and its associated equipment and installation, including any associated pipework, filter, valve, pressure regulating equipment, seal, housing, mounting, telemetry equipment, gas chromatograph and flow computer;

“natural gas” means any mixture of gaseous hydrocarbons which is conveyed by gas pipes and is composed of —

(a) predominantly methane; and

(b) as to the remainder, varying amounts of other hydrocarbons and other combustible and non-combustible gases;

“natural gas or LNG in transit” means any natural gas or LNG that is brought into Singapore by any means solely for the purpose of being taken out of Singapore by the same or any other means, without such natural gas or LNG being brought into an onshore receiving facility or LNG terminal, or kept at any place in Singapore, pending its being taken out of Singapore;

“occupier” means the person in occupation of any premises and includes the person having the charge, management or control of the premises either on the person’s own account or as agent for another person, but does not include a lodger;

“onshore receiving facility” means a facility located in Singapore upstream of an onshore gas transmission network owned by, or under the management or control of, a gas transporter, and at which all or any of the following activities are carried out in relation to any gas received at the facility:

- (a) adjustment of pressure or flow rate;
- (b) adjustment of temperature;
- (c) filtering;
- (d) metering;

“onshore receiving facility operator” means a person holding an onshore receiving facility operator’s licence;

“onshore receiving facility operator’s licence” means a licence granted under section 7(3)(e);

“premises” means any building, structure or other place to which gas is, or is to be, conveyed;

“production” means the production of gas from a production well or a manufacturing plant;

“public safety” means the obviation of danger to the general public and to any public place or public property;

“regulations” means regulations made under this Act;

“relevant gas main”, in relation to a gas transporter, means a gas main under the control of that gas transporter which is in the area specified in its gas transporter’s licence and is used for conveying gas to any premises;

“relevant gas retailer” means, in relation to a consumer other than a direct access customer, the gas retailer who supplies that consumer with gas conveyed to the premises of that consumer;

“relevant gas shipper” means, in relation to a consumer who is a direct access customer, the gas shipper who makes arrangements with a gas transporter for gas to be conveyed to the premises of that consumer;

- “retail” means the supply of gas to a consumer other than a direct access customer, and “retailer” and “retailing” are to be construed accordingly;
- “shipping”, in relation to gas, means arranging with a gas transporter for gas to be introduced into, conveyed by and taken out of a gas pipeline network owned by, or under the management or control of, the gas transporter for purposes connected with the supply of gas to any premises, and “ship” is to be construed accordingly;
- “standard of performance” means a standard of performance issued or modified by the Authority under section 62;
- “street” includes any road, highway, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, the way over any public bridge, and any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not; and all channels, sewers, drains, tunnels, ditches and reserves at the side of any street are deemed to be part of the street;
- “supply”, in relation to gas, means the physical delivery of gas to a consumer’s premises;
- “town gas” means any substance in a gaseous state which is conveyed in gas pipes and is manufactured from petrochemical feedstock or natural gas, and has hydrogen as one of its main constituents;
- “town gas producer” means a person holding a town gas producer’s licence;
- “town gas producer’s licence” means a licence granted under section 7(3)(g);
- “tranship”, in relation to natural gas or LNG, means to bring or cause to be brought into Singapore the natural gas or LNG by any means solely for the purpose of taking it out of Singapore by the same or any other means —

- (a) where such natural gas or LNG is brought into an onshore receiving facility or LNG terminal, or kept at any place in Singapore, pending its being taken out of Singapore; and
- (b) whether or not such natural gas or LNG is subject to any processing pending its being taken out of Singapore.

[24/2007; 43/2018]

PART 2

ADMINISTRATION

Authority to administer Act

3.—(1) The Authority is charged with the general administration of this Act and the exercise of the functions and duties imposed on the Authority by this Act.

(2) The Authority may authorise any person to assist it in the exercise of its functions and duties under this Act, either generally or in a particular case.

(3) Subject to the provisions of this Act, it is the function and duty of the Authority —

- (a) to protect the interests of consumers with regard to —
 - (i) the prices and other terms for the supply of gas;
 - (ii) the reliability, availability and continuity of the supply of gas; and
 - (iii) the quality of gas supply services provided;
- (b) to protect the public from dangers (including to health) arising from the import, production, processing, storage, conveyance, shipping, supply or use of gas;
- (c) to secure that gas licensees whose prices are controlled by the Authority are able to provide an efficient service and maintain financial viability;
- (d) to promote the efficient use of gas by consumers;

- (e) to promote competition in the supply of natural gas;
- (f) to perform the functions of economic, technical and safety regulator for the gas industry in Singapore;
- (g) to ensure security of supply of gas to consumers and to arrange for the secure operation of the gas transmission network in accordance with the Gas Network Code or other codes of practice;
- (h) to advise the Government on all matters relating to the production, processing, storage, conveyance, shipping, supply or use of gas; and
- (i) to do such other things as are required under this Act and to take such steps as are necessary or expedient for the effective discharge of its functions and duties under this Act.

[43/2018]

(4) In performing its functions and exercising its powers, the Authority must —

- (a) use its reasonable endeavours to apply principles and methodologies to gas licensees who conduct similar activities within a particular sector of the gas industry in a non-discriminatory manner; and
- (b) act in a reasonable manner in all circumstances.

(5) Nothing in this section is to be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(6) For the purposes of this section, “consumers” includes both existing and future consumers of gas.

Power to obtain information

4.—(1) The Authority or any authorised officer may by notice require any person to furnish, within a reasonable period specified in the notice, all information and documents relating to all such matters as may reasonably be required by the Authority to carry out the functions or duties assigned to the Authority by or under this Act,

which are within the knowledge of that person or in that person's custody or under that person's control.

(2) The power to require a person to furnish any information or document under subsection (1) includes the power —

- (a) to require that person, or any person who is or was an officer or employee of that person, to provide an explanation of the information or document;
- (b) if the information or document is not furnished, to require that person to state, to the best of that person's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Authority in legible form.

[24/2007]

(3) Any person who, without reasonable excuse, fails to do anything required of the person by notice under subsection (1) shall be guilty of an offence.

(4) Any person who —

- (a) intentionally alters, suppresses or destroys any information or document which the person has been required by any notice under subsection (1) to furnish; or
- (b) in furnishing any information or document required by any notice under subsection (1), makes any statement which the person knows to be false in a material particular or recklessly makes such a statement,

shall be guilty of an offence.

(5) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Authority, make such order as the court thinks fit to secure compliance with such notice.

(6) Any order referred to in subsection (5) may provide that all the costs and expenses of and incidental to the application are to be borne by such person or by any officer of a company or other association who is responsible for the failure.

(7) The Authority through an authorised officer may, at any time after the expiry of the period specified in the notice referred to in subsection (1), enter any building or place where the Authority has reason to believe that any information or document in respect of which it has given the notice may be found, and seize or take extracts or copies of any such information or document.

(8) The Authority is entitled without payment to keep any information or document, or any copy or extract thereof, furnished to it under subsection (1) or obtained under subsection (7).

[24/2007]

(9) Except in the performance of the person's functions or duties or when required to do so by any court or under any written law, a person who is or has been a member, an officer, an employee or an agent of the Authority or a member of a committee of the Authority must not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by the firstmentioned person in the performance of the firstmentioned person's functions or duties.

(10) Any person who contravenes subsection (9) 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 12 months or to both.

Restriction on disclosure of confidential information

5.—(1) This section applies if —

- (a) any information or document is given by a person to the Authority under this Act (other than Part 9); and
- (b) at the time such information or document is given, the person giving it notifies the Authority in writing that it is of a confidential or commercially sensitive nature.

(2) The Authority must not disclose to any person the information or the contents of a document to which this section applies unless —

- (a) the Authority is of the opinion that —
 - (i) the disclosure of the information or the contents of the document would not cause detriment to the

person supplying it or to any other person who is aware of the information or document; or

- (ii) although the disclosure of the information or the contents of the document would cause detriment to the person supplying it or to any other person who is aware of the information or the contents of the document, the public benefit in disclosing outweighs that detriment;

(b) the Authority gives written notice to —

- (i) the person who supplied the information or document; and
- (ii) any other person whom the Authority is aware has supplied the information or document to the person referred to in sub-paragraph (i), where the identity of such other person is known to the Authority,

stating that the Authority wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and detailed reasons why the Authority wishes to make the disclosure and setting out a copy of this section; and

(c) no appeal is made to the Minister under subsection (3) within 7 days of the date of the giving of the notice.

(3) A person aggrieved by a notice under subsection (2)(b) may appeal to the Minister under section 93(1)(a) within 7 days of the date of the giving of the notice.

[24/2007]

(4) Subsection (2) does not prevent the Authority from disclosing any information or the contents of any document —

- (a) to any member, officer or employee of the Authority or any agent, consultant, committee or panel acting for or under the direction of the Authority;
- (b) to the Minister or any agent, consultant, committee or panel acting for or under the direction of the Minister;
- (c) to an Appeal Panel;

- (d) when required to do so by any court or under this Act or any other written law; or
- (e) for the purposes of any criminal proceedings.

[24/2007]

(5) For the purposes of this section, the disclosure of any information or the contents of a document already in the public domain at the time the Authority wishes to disclose it cannot cause detriment to any person referred to in subsection (2)(a).

PART 3

LICENSING OF ACTIVITIES RELATING TO GAS

Prohibition on unauthorised activities relating to gas

6.—(1) Subject to subsections (2), (3) and (4), no person may —

- (a) convey gas —
 - (i) through a gas pipeline or gas pipeline network to any premises; or
 - (ii) to a gas pipeline or gas pipeline network owned by, or under the management or control of, a gas transporter;
- (b) convey gas for or on behalf of a gas transporter (other than as an employee of the gas transporter);
- (c) ship gas on or after such date as the Minister may, by order in the *Gazette*, specify;
- (d) retail gas on or after such date as the Minister may, by order in the *Gazette*, specify;
- (e) manage or operate any onshore receiving facility, whether —
 - (i) for the person; or
 - (ii) as principal, or for or on behalf of any other person (other than as an employee);
- (f) manage or operate any LNG terminal;

- (g) produce town gas on or after such date as the Minister may, by order in the *Gazette*, specify;
- (h) import natural gas or liquefied natural gas; or
- (i) carry on any other activity relating to gas that the Minister may, by order in the *Gazette*, specify,

unless the person is authorised to do so by a gas licence or is exempted under section 8.

[24/2007]

(2) A person may, without a licence —

- (a) convey, in any premises or part thereof in which that person has an interest, gas supplied for use in the premises; or
- (b) sell, for use in any premises or part thereof in which that person has an interest, gas retailed for use in the premises by a gas retailer.

[24/2007]

(3) A person who is not incorporated in Singapore and does not have a place of business in Singapore may, without a licence, manage or operate an onshore receiving facility as principal if —

- (a) the person appoints a person who is incorporated in Singapore or has a place of business in Singapore to manage or operate the onshore receiving facility on the firstmentioned person's behalf (other than as an employee); and
- (b) that person is licensed for the purpose of subsection (1)(e)(ii).

[24/2007]

(4) A person may, without a licence, manage or operate an onshore receiving facility on behalf of a principal, whether or not the person is incorporated in Singapore or has a place of business in Singapore, if —

- (a) the person's principal is incorporated in Singapore or has a place of business in Singapore; and

- (b) the person's principal is licensed for the purpose of subsection (1)(e)(ii).

[24/2007]

(5) An order under subsection (1)(i) may provide for —

- (a) the application of the provisions of this Act to the activity specified in the order subject to such exceptions or modifications as may be specified in the order;
- (b) matters relating to the regulation of the activity specified, including the prescribing of fees and charges;
- (c) the conditions which may be included in a licence authorising the carrying on of the activity specified in the order; and
- (d) generally for giving full effect to or for carrying out the purposes of the order.

[24/2007]

(6) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

Application for gas licence, etc.

7.—(1) An application for a licence, an extension to a licence or an exemption under this Part must —

- (a) be made in writing to the Authority and must be in such form as may be determined by the Authority; and
- (b) be accompanied by such information, document and fee as may be determined by the Authority.

[24/2007]

(2) In determining whether to grant or extend a licence to or for a particular person, the Authority must consider the following:

- (a) the ability of that person to finance the carrying on of the particular activity;

- (b) the experience of that person in carrying on the activity, and that person's ability to perform the duties which would be imposed on that person under this Act and the licence;
 - (c) in the case of a gas retailer's licence, in relation to that person —
 - (i) the quantities of gas available, or which are anticipated to be available, to that person for retail purposes; and
 - (ii) the sufficiency of rights held, or which are anticipated to be held, by that person to ship gas to premises for retail purposes;
 - (d) in the case of a gas importer's licence, in relation to that person, the quantities of natural gas or liquefied natural gas available, or which are anticipated to be available, to that person for import;
 - (e) whether or not that person is related to any gas licensee or any person exempted under section 8; and
 - (f) the functions and duties of the Authority under section 3.
[24/2007]
- (3) The Authority may, with the approval of the Minister, grant or extend —
- (a) for any or all of the purposes referred to in section 6(1)(a), a gas transporter's licence;
 - (b) for the purpose referred to in section 6(1)(b), a gas transport agent's licence;
 - (c) for the purpose referred to in section 6(1)(c), a gas shipper's licence;
 - (d) for the purpose referred to in section 6(1)(d), a gas retailer's licence;
 - (e) for any or all of the purposes referred to in section 6(1)(e), an onshore receiving facility operator's licence;
 - (f) for any or all of the purposes referred to in section 6(1)(f), an LNG terminal operator's licence;

- (g) for the purpose referred to in section 6(1)(g), a town gas producer's licence;
- (h) for any or all of the purposes referred to in section 6(1)(h), a gas importer's licence; and
- (i) for the purpose referred to in paragraph (i) of section 6(1), a licence for such activity as may be specified in any order made under that paragraph.

[24/2007]

(4) A gas transporter's licence granted or extended for the purpose referred to in section 6(1)(a)(i) must specify the area to which the licence relates, which area may include any part of an area specified in an existing licence granted to another person under this section.

[24/2007]

(5) A gas licence must not be granted to any person, if the grant of the licence may, in the opinion of the Authority, give rise to a conflict of interest in the discharge of any duty imposed on the person under this Act, the Electricity Act 2001 or any other licence granted to the person under this section.

[24/2007]

(6) A gas transporter's licence must not be granted to —

- (a) a gas retailer, gas shipper or town gas producer; or
- (b) a person who is the holder of a licence under section 9(1)(a), (d), (e) or (g) of the Electricity Act 2001.

[24/2007]

(7) A gas transport agent's licence must not be granted to a gas retailer, gas shipper or town gas producer.

[24/2007]

(8) A gas shipper's licence must not be granted to a gas transporter or gas transport agent.

[24/2007]

(9) A gas retailer's licence must not be granted to a gas transporter or gas transport agent.

[24/2007]

(10) Without affecting the application of section 6(3) and (4), an onshore receiving facility operator's licence must not be granted to

any person who is not incorporated in Singapore and does not have a place of business in Singapore.

[24/2007]

(11) A town gas producer's licence must not be granted to a gas transporter or gas transport agent.

[24/2007]

(12) Every licence granted or extended under this Part continues in force, unless it is revoked or suspended, for such period as may be specified in the licence.

[24/2007]

Exemption

8.—(1) The Authority may, with the approval of the Minister, by order in the *Gazette*, exempt any person or class of persons from complying with section 6(1) for any specified period —

- (a) generally or to such an extent as may be specified in the order; and
- (b) unconditionally or subject to such conditions as may be specified in the order.

(2) Without limiting subsection (1)(b), the conditions of an exemption may require any person carrying on any activity in pursuance of the exemption —

- (a) to comply with any direction given by the Authority as to such matters as are specified in the exemption order or are of a description so specified;
- (b) to do or not to do such things as are specified in the exemption order or are of a description so specified, except insofar as the Authority consents to the person's doing or not doing them; and
- (c) to refer for determination by the Authority such questions arising under the exemption as are specified in the exemption order or are of a description so specified.

(3) If any condition of an exemption granted to a class of persons is not complied with by any person of that class, the Authority may give to that person a direction declaring that the exemption is revoked,

insofar as it relates to that person, to such extent and from such date as may be specified in the direction.

(4) An exemption order continues in force, unless it is revoked, for such period as may be specified in the order.

(5) In granting an exemption under this section, the Authority must act in a manner so as not to discriminate between members of a particular class.

Conditions of gas licences

9.—(1) A gas licence may include such restrictions or conditions (whether or not relating to the activities authorised by the gas licence) as appear to the Authority to be requisite or expedient having regard to the functions and duties of the Authority under section 3.

(2) Without limiting subsection (1), a gas licence may include conditions —

- (a) restricting the activities which the gas licensee is permitted to carry out;
- (b) requiring payments to be made to the Authority on the grant, or during the currency, of a gas licence or both, of such amount as may be determined by or under the gas licence;
- (c) requiring the gas licensee to furnish specified persons or the Authority in such manner and at such times as may be specified with such information as appears to the Authority to be requisite or expedient for the purpose of facilitating the exercise by those persons or the Authority of the functions or duties assigned to them or as may be reasonably required for that purpose;
- (d) requiring the gas licensee to furnish to the Authority financial information including regulatory accounts in respect of such period and on such basis as may be specified;

- (e) controlling, limiting or restricting —
 - (i) the ownership or control, directly or indirectly, of the gas licensee;
 - (ii) the creation, holding or disposal of any interest in shares in the gas licensee or in any person holding shares in the gas licensee; or
 - (iii) any other interest in the licensed gas business or undertaking of the gas licensee or any part thereof;
- (f) requiring the gas licensee to comply with any direction, determination, order or decision of the Authority as to such matters specified in its gas licence or are of a description so specified;
- (g) requiring the gas licensee to do or not to do such things as are specified in its gas licence or are of a description so specified, except insofar as the Authority consents to its doing or not doing them, as the case may be;
- (h) requiring the gas licensee to comply with any code of practice and standard of performance applicable to the gas licensee;
- (i) providing for the determination by the Authority of such questions arising under the gas licence, or under any document specified or described in the gas licence;
- (j) imposing requirements by reference to designation, acceptance or approval by the Authority;
- (k) providing for references in the conditions of the gas licence to any document specified or described in the gas licence to operate as references to that document as revised or reissued from time to time;
- (l) providing that the conditions of the gas licence have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;

- (m) requiring the gas licensee to provide a performance bond, guarantee or any other form of security on such terms and conditions as the Authority may determine; and
- (n) where the gas licensee is not incorporated or does not have a place of business in Singapore, requiring the gas licensee to appoint, and notify the Authority of, a person who has a residential address or a place of business in Singapore to accept service on behalf of the gas licensee of any notice, order or document required or authorised by this Act to be given or served on the gas licensee.

[24/2007]

(3) Without limiting subsection (1), a gas transporter's licence may include conditions —

- (a) requiring the gas transporter to enter into an arrangement with any person for —
 - (i) the conveyance of gas through a gas pipeline or gas pipeline network owned by, or under the management or control of, the gas transporter; and
 - (ii) such other purposes as may be specified in the gas transporter's licence,on such terms as may be approved by the Authority;
- (b) identifying specified agreements or classes of agreements which the gas transporter may only enter into on such terms as may be approved by the Authority;
- (c) pertaining to the transmission and distribution of gas;
- (d) requiring the gas transporter to have in place procedures to be followed in the event of a public emergency and requiring it to maintain a national gas emergency service for the gas supply system;
- (e) requiring the gas transporter to appoint, at such intervals and on such terms as the Authority may direct, an independent technical auditor for the purposes specified in any such condition;

- (f) requiring the gas transporter to interconnect one or more gas pipelines or gas pipeline networks or to convert a gas pipeline network to allow for the conveyance of natural gas through that gas pipeline network;
- (g) pertaining to the prices to be charged by the gas transporter for use of a gas pipeline or gas pipeline network owned by, or under the management or control of, the gas transporter and the methods by which such charges are to be determined; and
- (h) requiring the gas transporter to establish and maintain arrangements with respect to the provision of special services for meeting the needs of consumers who are chronically sick, disabled or elderly or as appear to the Authority to be requisite or expedient having regard to those duties.

[24/2007]

(4) Without limiting subsection (1), a gas retailer's licence may include conditions —

- (a) requiring the gas retailer to secure such rights for the conveyance of gas through a gas pipeline or gas pipeline network owned by, or under the management or control of, a gas transporter as are necessary for the purposes of complying with obligations owed by the gas retailer to consumers connected to such gas pipeline or gas pipeline network;
- (b) requiring the gas retailer to establish and maintain arrangements with respect to the provision of special services for meeting the needs of consumers who are chronically sick, disabled or elderly or as appear to the Authority to be requisite or expedient having regard to those duties;
- (c) requiring the gas retailer to act as a retailer of last resort in the event of the failure or default of another gas retailer;
- (d) pertaining to converting a gas pipeline network to allow for the conveyance of natural gas through a gas pipeline network; and

- (e) pertaining to the prices to be charged by the gas retailer for the retailing of gas and the methods by which such charges are determined.

[24/2007]

(5) Without limiting subsection (1), an onshore receiving facility operator's licence may include conditions —

- (a) requiring the onshore receiving facility operator to —
 - (i) have in place procedures for compliance by the operator in the event of a public emergency; and
 - (ii) have emergency response capabilities; and
- (b) requiring the onshore receiving facility operator to appoint, at such intervals and on such terms as the Authority may direct, an independent technical auditor for the purposes specified in any such condition.

[24/2007]

(6) Without limiting subsection (1), an LNG terminal operator's licence may include conditions —

- (a) pertaining to the type, specifications and use of the LNG terminal;
- (b) requiring the LNG terminal operator to —
 - (i) have in place procedures for compliance by the operator in the event of a public emergency; and
 - (ii) have emergency response capabilities;
- (c) pertaining to the quantities of natural gas or liquefied natural gas which may be received, stored or processed at the LNG terminal;
- (d) regulating the terms and conditions of any service provided at the LNG terminal; and
- (e) requiring the LNG terminal operator to appoint, at such intervals and on such terms as the Authority may direct, an independent technical auditor for the purposes specified in any such condition.

[24/2007]

(7) Without limiting subsection (1), a gas importer's licence may include a condition controlling the quantities of natural gas or liquefied natural gas to be imported.

[24/2007]

Prohibition on transfer of gas licence without consent of Authority

10.—(1) No gas licence may be transferred without the prior written consent of the Authority.

(2) Any purported transfer of a gas licence is void.

Licensing of gas service worker

11.—(1) No person may —

(a) carry out or offer or undertake to carry out any gas service work; or

(b) advertise or otherwise hold himself or herself out, or conduct himself or herself, in any way or by any means as a gas service worker or as a person who carries out or who is qualified by any written law to carry out gas service work,

unless he or she is registered as a professional engineer and has a valid practising certificate under the Professional Engineers Act 1991, or holds a valid gas service worker licence in respect of the specific class of work being carried out or to be carried out.

[24/2007]

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

[24/2007]

(3) This section does not apply to a gas transporter, a gas transport agent, or an employee of a gas transporter or gas transport agent.

[24/2007]

Application for gas service worker licence

12.—(1) Any person who wishes to be a licensed gas service worker must apply to the Authority.

(2) An application under subsection (1) must be made in such manner or form as the Authority may determine and must be

accompanied by the prescribed fee and such documents and particulars as the Authority may determine.

(3) The Authority may, in its discretion, license a gas service worker either unconditionally or subject to such conditions as it thinks fit, or may refuse to license him or her.

(4) The Authority may at any time vary or revoke any of the existing conditions of a gas service worker licence or impose new conditions or suspend or cancel such licence.

(5) The Authority may license gas service workers under different classes for different types of gas service work.

(6) Any person holding a gas service worker licence granted under section 100 of the Public Utilities Act (Cap. 261, 1996 Revised Edition) in force immediately before 14 February 2008 is, unless the Authority directs otherwise, deemed to be a licensed gas service worker under this Act.

Engagement of unlicensed gas service worker prohibited

13. Any person who employs or instructs any person who is not a licensed gas service worker to carry out or cause to be carried out any gas service work shall be guilty of an offence.

PART 4

MODIFICATION AND ENFORCEMENT OF GAS LICENCES

Power to modify gas licences

14.—(1) The Authority may modify any condition of any gas licence in accordance with this Part.

(2) The Authority must not modify any condition of a gas licence unless the Authority is satisfied that the modification is requisite or expedient having regard to the functions and duties of the Authority under section 3.

Notice of proposal to modify

15.—(1) Where the Authority proposes to modify any condition of a gas licence, the Authority must give notice to the gas licensee and

other gas licensees likely to be affected by the proposed modification —

- (a) stating that the Authority proposes to make a modification to the condition of the gas licence;
- (b) setting out the nature and effect of the modification;
- (c) stating the reasons why the Authority proposes to make the modification, including whether the need for the modification was the subject of a prior representation made by a third party or the affected gas licensee; and
- (d) specifying the period (not being less than 28 days from the date of the service of the notice on the gas licensee) within which representations with respect to the proposed modification may be made.

(2) Where the Authority receives any written representation under subsection (1), the Authority must consider such representation and may —

- (a) reject the representation; or
- (b) withdraw or amend the proposed modification in accordance with the representation or otherwise.

Modification

16.—(1) Upon the expiry of the period referred to in paragraph (d) of section 15(1) and upon the consideration of any representation received under that paragraph, the Authority may, by issuing a written direction to the gas licensee, modify the condition of the gas licence, and, subject to subsection (2), the modification is effective from such date as the Authority may specify in the direction.

(2) A modification made in accordance with this Part may not be effective earlier than —

- (a) the end of the period referred to in section 15(1)(d) unless the gas licensee consents to the modification being effective prior to the end of such period; or
- (b) the date of the end of the period referred to in section 17 or the date on which the Appeal Panel directs under

section 85(8) that the modification should be made, whichever is later.

Appeal against modification

17. Any gas licensee aggrieved by a decision of the Authority to modify its gas licence may, within 14 days of receipt of a direction made under section 16(1), appeal to the Appeal Panel under Part 10.

Power to revoke or suspend gas licence

18.—(1) If the Authority is satisfied that —

- (a) a gas licensee has gone into compulsory liquidation or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (b) a gas licensee has made any arrangement, compromise or composition with any of its creditors;
- (c) any circumstance specified in a gas licensee's gas licence giving rise to the Authority's power to revoke or suspend the licence exists;
- (d) a gas licensee has not complied with any direction or requirement issued by the Authority under section 19; or
- (e) the public interest or security of Singapore requires,

the Authority may, by written notice and without payment of any compensation, revoke or suspend the gas licence for such period as the Authority thinks fit.

(2) In the case of subsection (1)(c) or (d), the Authority may further require the payment by the gas licensee of a financial penalty, in addition to any sanction imposed under section 19, of an amount not exceeding 10% of the annual turnover of the gas licensee's licensed gas business ascertained from its latest audited accounts, or an amount not exceeding \$1 million, whichever is higher.

Enforcement

19. If the Authority is satisfied that a gas licensee is contravening, is likely to contravene or has contravened any condition of its gas licence, any provision of any code of practice or standard of

performance applicable to the gas licensee, any provision of this Act, or any direction (including a direction under paragraph (a)) issued by the Minister or the Authority to, or applicable to, the gas licensee, the Authority may by written notice to the gas licensee do one or more of the following:

- (a) direct the gas licensee to do or not to do such things as are specified in such direction;
- (b) require the gas licensee to provide a performance bond, guarantee or other form of security on such terms and conditions as the Authority may determine; and
- (c) where the gas licensee is contravening or has so contravened such condition, provision or direction, require the payment of a financial penalty of an amount not exceeding 10% of the annual turnover of the gas licensee's licensed gas business ascertained from its latest audited accounts, or an amount not exceeding \$1 million, whichever is the higher.

[24/2007]

20. [Repealed by Act 24 of 2007]

PART 5

GAS TRANSPORTERS

General duties of gas transporter

21.—(1) It is the duty of a gas transporter —

- (a) to develop and maintain a safe, efficient, reliable and economical gas pipeline or gas pipeline network for the conveyance of gas;
- (b) subject to paragraph (a), to comply, so far as it is economical to do so, with any reasonable request to connect to that gas pipeline or gas pipeline network, and convey gas by means of that gas pipeline or gas pipeline network to, any premises; and
- (c) to carry on its licensed gas business at all times in such a manner so as not to prevent, restrict or otherwise hinder the

development of competition in any gas market in Singapore.

(2) It is the duty of a gas transporter to avoid undue preference or undue discrimination —

- (a) in the terms on which it undertakes the conveyance of gas by any gas pipeline or gas pipeline network owned by, or under the management or control of, the gas transporter; or
- (b) in the connection of premises to such a gas pipeline or gas pipeline network.

[24/2007]

Duty to connect

22.—(1) Subject to the provisions of this Act, a gas transporter must, on the request of the owner or occupier of any premises, provide and install a gas service isolation valve, provide and lay a gas service pipe from the relevant gas main to the gas service isolation valve and connect such premises to the relevant gas main.

[24/2007]

(2) Where any connection is made under subsection (1), the costs of providing and installing the gas service isolation valve, providing and laying the gas service pipe and making the connection may only be recovered by the gas transporter from the owner or occupier of the premises (as the case may be) to the extent that the costs have not been previously recovered from any other person.

[24/2007]

(3) Where any premises have been connected to a relevant gas main under —

- (a) this Act;
- (b) any written law which has been repealed; or
- (c) any arrangement entered into by the owner or occupier of the premises prior to 11 June 2007,

the gas transporter must maintain the connection until such time as it is no longer required by the owner or occupier of the premises at that time.

[24/2007]

(4) Nothing in subsection (1) or (3) requires the gas transporter to connect, or maintain a connection of, a relevant gas main to any premises, if —

- (a) the gas transporter is unable to do so by circumstances beyond its control; or
- (b) there exist circumstances, which by reason of the gas transporter doing so, would involve a danger to the public.

[24/2007]

(5) If the connection, or the maintenance of the connection, of any premises to a relevant gas main under this section —

- (a) will result in a new or an increased supply of gas to those premises; and
- (b) the new or increased supply of gas cannot be made without the laying of a new, or the enlargement of an existing, gas main or the undertaking of other works related to the conveyance of gas to those premises,

the gas transporter may refuse to make or maintain the connection until such time as the owner or occupier of those premises when the new or increased supply is being required enters into an agreement with the gas transporter for the payment of a reasonable amount to the gas transporter having regard to —

- (c) the costs to be incurred by the gas transporter in laying or enlarging the relevant gas main or undertaking other works related to the conveyance of gas to those premises; and
- (d) the extent to which such costs can be recovered from other persons.

[24/2007]

(6) The owner or occupier of any premises must grant the gas transporter rights of access to lay, install, maintain, repair, alter or remove any gas service isolation valve or gas service pipe in the premises of the owner or occupier, as the case may be.

[24/2007]

Power to require security

23.—(1) Where any person requires a connection to be made under section 22(1), a gas transporter may require the person to give it reasonable security for the payment to it of all costs which may become due to it in respect of the provision and installation of the gas service isolation valve, the provision and laying of the gas service pipe and the making of the connection.

[24/2007]

(2) If the person fails to give such security, or the security given has become invalid or insufficient, the gas transporter may refuse to provide and install the gas service isolation valve, provide and lay the gas service pipe or make the connection for so long as the failure or insufficiency continues.

[24/2007]

Power to recover expenditure

24. Except as otherwise provided in section 22, where any gas main or gas plant is procured or provided by a gas transporter, the gas transporter may require any expenses reasonably incurred in procuring or providing such gas main or gas plant to be defrayed by any person requiring the connection to be made to such extent as is reasonable in all the circumstances.

Prices

25.—(1) Without affecting section 38, the prices to be charged by a gas transporter and to be paid by gas shippers for the conveyance of gas through a gas pipeline or gas pipeline network owned by, or under the management or control of, the gas transporter must be in accordance with such rates as may be established from time to time by the gas transporter in accordance with the conditions of its gas transporter's licence.

[24/2007]

(2) The prices established by a gas transporter under subsection (1) must be published in such manner as will secure adequate publicity.

[24/2007]

(3) In establishing prices under subsection (1), a gas transporter must not show undue preference or exercise undue discrimination as

between gas shippers similarly situated and having gas conveyed, or wishing to have gas conveyed, through a gas pipeline or gas pipeline network owned by, or under the management or control of, the gas transporter.

[24/2007]

Power to fell trees, etc.

26.—(1) Where, in the opinion of a gas transporter, any tree or vegetation near any part of a gas pipeline, gas pipeline network or gas plant owned by, or under the management or control of, the gas transporter or any internal pipe causes or is likely to cause damage to such pipeline, pipeline network, plant or pipe, the gas transporter may cause the tree or vegetation to be felled, lopped, cleared or dealt with in such manner as will, in its opinion, prevent the damage.

[24/2007]

(2) A gas transporter is, in the exercise of its powers under subsection (1), subject to the provisions of the National Parks Board Act 1996 and the Parks and Trees Act 2005.

[24/2007]

(3) Where any tree or vegetation which has been felled, lopped, cleared or otherwise dealt with under subsection (1) was in existence before the gas pipeline, gas pipeline network or gas plant was placed, erected or installed, the gas transporter must, subject to subsections (4) and (5), pay to any person adversely affected such sum of money as may be agreed between the gas transporter and the person by way of compensation.

[24/2007]

(4) No further compensation may be paid for the felling, lopping or clearing of any tree or vegetation where the action is necessary for the maintenance of a gas pipeline, gas pipeline network or gas plant owned by, or under the management or control of, a gas transporter and the tree or vegetation has grown or has been allowed to grow since the payment of compensation under subsection (3).

[24/2007]

(5) No compensation is payable by a gas transporter under subsection (3) in respect of any tree or vegetation within 20 metres of the centre line of any road constructed or maintained by the

Government or by any public authority unless it is proved that the tree or vegetation was in existence prior to the construction of the road.

[24/2007]

(6) The owner or occupier of any land must, before felling, lopping or clearing any tree or vegetation adjacent to a gas pipeline, gas pipeline network or gas plant owned by, or under the management or control of, a gas transporter, give the gas transporter 14 days' notice in writing of the intention of the owner or occupier (as the case may be) to do so and must take such reasonable precautions as the gas transporter may require for the protection of such pipeline, pipeline network or plant.

[24/2007]

(7) If any such owner or occupier fails to give notice under subsection (6), or having given notice fails to take any such reasonable precautions as the gas transporter may have required, the owner or occupier is liable to pay the gas transporter the reasonable cost and expense incurred by the gas transporter in respect of any damage caused to any such gas pipeline, gas pipeline network or gas plant, subject to the Authority's approval as to the amount of the cost or expense in the case of any dispute.

[24/2007]

(8) If any tree or vegetation is felled, lopped or cleared upon any land adjacent to a gas pipeline, gas pipeline network or gas plant owned by, or under the management or control of, a gas transporter, it is presumed until the contrary is proved that the tree or vegetation was felled, lopped or cleared by the owner or occupier of the land or by the employees or agents of the owner or occupier (as the case may be) acting as such.

[24/2007]

Works

27.—(1) Subject to the provisions of this Act, a gas transporter may, in order to carry out the activities which it is authorised by its gas transporter's licence to carry out —

- (a) install in, on, over, under, upon, along or across any land, premises, street or waters and inspect, maintain, adjust, repair, alter, restore, replace or remove any gas pipeline,

gas plant or gas fitting which is or is to be part of its gas pipeline network; and

- (b) carry out such activities as are necessary or incidental to the activities falling within subsection (1)(a), including —
 - (i) excavating any land, street or drain;
 - (ii) tunnelling or boring under any land, street, sewer or drain;
 - (iii) removing or using all earth and materials in or under any land, street, sewer or drain;
 - (iv) erecting or placing any gas plant in or under any land or street; and
 - (v) any other action that may be necessary to render all such pipes, plant and apparatus safe and efficient,

and must pay to any person who has suffered damage or loss of value to the person's property that may be caused by such activity such sum as may be agreed by between the gas transporter and the person by way of compensation.

(2) Any compensation payable under subsection (1) may include an annual payment for land or any immovable property used for the gas transporter's purpose.

(3) All works referred to in subsection (1), including the upper surface or covering, must be constructed of such materials and must be maintained by the gas transporter in such a manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) A gas transporter does not acquire any right other than that of a user only in respect of any land or premises in, on, over, under, upon, along or across which the gas transporter places any gas pipeline, gas pipeline network or gas plant under this section.

(5) Except in the case of an emergency arising from any fault in any gas main, gas service pipe or gas plant, no works referred to in subsection (1) may be executed without the giving of 14 days' notice to the owner or occupier of the land stating as fully and accurately as possible the nature and extent of the acts intended to be done.

(6) The owner or occupier of the land may, within 14 days of the receipt of the notice referred to in subsection (5), lodge a written objection with the Authority and the Authority must specify a date to inquire into any such objection.

(7) If no objection is lodged within the period specified in subsection (6), the gas transporter may on expiry of the period enter on the land and do all or any of the acts specified in the notice given under subsection (5).

(8) If an objection is lodged and is not withdrawn before the date fixed for the inquiry referred to in subsection (6), the Authority must hold the inquiry, giving each party an opportunity to be heard.

(9) Subject to subsection (10), upon the conclusion of the inquiry, the Authority may, either unconditionally or subject to such terms and conditions as it thinks fit, authorise any of the acts mentioned in the notice given under subsection (5) to be carried out.

(10) Any person aggrieved by any decision of the Authority under this section may, within 14 days of the conclusion of the inquiry, appeal to the Minister whose decision is final.

(11) A gas transporter must do as little damage as possible in the exercise of the powers conferred by subsection (1) and must make good any damage done in the exercise of those powers.

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

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

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

(14) A gas transporter is not, when exercising the powers conferred by subsection (1), liable for or required to pay any person any fee, charge or expense for the right to enter or use any land or premises.

(15) A gas transporter must not, without the prior written consent of a statutory board or Government authority, authorise any person to enter or use any land belonging to the statutory board or Government authority for the purpose of exercising the powers conferred by subsection (1).

Provision of convenient ways, etc.

28.—(1) A gas transporter must, in executing any works under section 27, provide and make a sufficient number of convenient ways, watercourses, drains and channels to replace those that are interrupted, damaged or rendered useless by reason of the execution of the works.

(2) A gas transporter must pay to any person who suffers damage or loss of value to the person's property as a result of the gas transporter's actions under subsection (1), such sum as may be agreed by between the gas transporter and the person by way of compensation.

Maintenance, etc., of gas service pipes and gas installations

29.—(1) A gas transporter must carry out any necessary work of maintenance, repair or renewal of —

(a) any part of a gas service pipe from a gas main up to a gas service isolation valve; and

(b) that gas service isolation valve,

by which gas is conveyed to a consumer's premises, whether or not the gas service pipe was supplied and laid at the gas transporter's expense.

[24/2007]

(2) The cost of any work carried out under subsection (1) is to be paid as follows:

- (a) in the case of work made necessary by any intentional or negligent act of the consumer, by the consumer if the gas transporter requires the consumer to pay;
- (b) in any other case, by the gas transporter.

[24/2007]

(3) The Authority may, from time to time, prescribe such person or class of persons to be responsible for the inspection, maintenance, repair or renewal 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.

[24/2007]

(4) The gas transporter must —

- (a) establish and implement a programme for the carrying out of regular and periodic inspections, by the gas transporter or the person prescribed under subsection (3) as being responsible for such 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
- (b) notify the person prescribed under subsection (3) as being responsible for the maintenance, repair or renewal of that part of the gas installation or that part of the gas service pipe linking the gas service isolation valve to the gas installation, if any such work of maintenance, repair or renewal is necessary following such inspections; and such work is to be carried out at the expense of that person.

[24/2007]

Relocation of gas main or gas service pipe

30.—(1) Where a gas main or gas service pipe has been laid in, on, over, under, upon, along or across any land by a gas transporter and the owner or occupier of the land desires to use the land in a manner which renders it necessary or convenient that such gas main or gas service pipe should be moved, the owner or occupier (as the case may be) may request the gas transporter to move the pipe accordingly.

(2) A gas transporter must, at the request of the owner or occupier under subsection (1), relocate the gas service pipe if it is satisfied that

such relocation is reasonable and the owner or occupier complies with such terms and conditions as the gas transporter may impose, including terms and conditions relating to the payment by the owner or occupier of all reasonable costs and expenses necessary for the relocation.

(3) Where a gas main or gas service pipe has been laid in, on, over, under, upon, along or across any land by a gas transporter and the gas main or gas service pipe is no longer in use by the occupier or any other person for the purposes of the supply of gas, or by the gas transporter for the conveyance of gas, the gas transporter may of its own volition or must at the reasonable request of the owner, remove the gas main or gas service pipe from the land at its own expense.

(4) For the purposes of subsection (3), “owner” includes any person having a leasehold interest with an unexpired term of not less than 7 years.

Removal of obstruction over existing gas main, etc.

31.—(1) No person may build, erect or construct anything over any existing gas transmission pipeline, gas main or gas service pipe owned by, or under the management or control of, a gas transporter without the approval of the gas transporter.

[24/2007]

(2) Any owner or occupier whose premises are found to have any building or structure built, erected or constructed over an existing gas main or gas service pipe must have the gas main or gas service pipe relocated or diverted away by the gas transporter from under the building or structure.

(3) The costs arising from such relocation or diversion is to be borne —

- (a) by the owner or occupier to the extent that the owner or occupier benefits from such diversion or relocation, or where the building or structure was built, erected or constructed by the owner or occupier in contravention of subsection (1); and
- (b) by the gas transporter in all other circumstances.

(4) Any person who contravenes subsection (1) shall be guilty of an offence.

Carrying out of earthworks within vicinity of gas plant or gas pipe

32.—(1) Subject to this section, no person may commence or carry out, or cause or permit the commencement or carrying out of, any earthworks within the vicinity of any gas plant or gas pipe in a gas pipeline network owned by, or under the management or control of, a gas transporter unless the person —

- (a) has given to the gas transporter not less than 7 days' notice in writing of the date on which it is proposed to commence the earthworks;
- (b) has obtained from the gas transporter the necessary information on the location of the gas plant or gas pipe; and
- (c) has consulted the gas transporter on the steps to be taken to prevent the gas plant or gas pipe from being damaged while the earthworks are being carried out.

[24/2007; 43/2018]

(2) The Authority may, if it thinks fit in any particular case, modify the period for which a notice under subsection (1)(a) is to be given to a gas transporter.

[24/2007]

(3) It is the duty of the person who commences or carries out, or causes or permits the commencement or carrying out of, any earthworks referred to in subsection (1) —

- (a) to comply with all reasonable requirements of the gas transporter for the prevention of damage to the gas plant or gas pipe;
- (b) to ensure that reasonable precautions are taken when such earthworks are being carried out to prevent any damage to the gas plant or gas pipe; and
- (c) to allow the gas transporter reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the gas plant or gas pipe.

[24/2007]

(4) It is the duty of the gas transporter to whom a notice under subsection (1)(a) has been given —

- (a) to promptly inform the person giving the notice of the location of the gas plant or gas pipe, and to provide the person with such other information as may be necessary to enable the person to ascertain the exact location of the gas plant or gas pipe;
- (b) to advise the person on the precautions to be taken to prevent damage to the gas plant or gas pipe; and
- (c) to take all such measures at the work site as may be reasonable and necessary for the protection of the gas plant or gas pipe and, in so doing, the gas transporter must have regard to the potential risks and dangers that can arise from any damage to the gas plant or gas pipe.

[24/2007]

(5) Nothing in subsection (1) prohibits a person from commencing or carrying out, or causing or permitting the commencement or carrying out of, any earthworks where the person has reasonable cause to believe that it is necessary to do so in the interest of public or private safety.

[24/2007]

(5A) Subsection (1) does not prohibit a gas transporter from commencing or carrying out earthworks within the vicinity of any gas plant or gas pipe in a gas pipeline network owned by, or under the management or control of, the gas transporter.

[43/2018]

(6) The person referred to in subsection (5) must, as soon as practicable but not more than 24 hours after the earthworks have been commenced or carried out, give to the gas transporter written notice stating the nature and extent of those earthworks.

[24/2007]

(7) Any person who contravenes subsection (1), (3) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[24/2007]

(8) Subject to subsection (9), in any proceedings for an offence under subsection (7), it is a defence for the person charged to prove —

- (a) that the person took all reasonable steps to discharge the person's duty under subsection (1) or (3), as the case may be; or
- (b) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

[24/2007]

(9) If, in any proceedings for an offence under subsection (7), the defence involves acting on information supplied by a gas transporter, the person charged is not, without leave of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.

[24/2007]

Damage to gas plant or gas pipe

32A.—(1) Any person who —

- (a) removes, destroys or damages 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;
- (b) causes or permits the removal, destruction or damage of such gas plant or gas pipe; or
- (c) in any way other than by paragraph (a) or (b), wilfully or recklessly hinders or prevents such gas plant or gas pipe from being used or operated in the manner in which it is intended to be used or operated,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term not exceeding 5 years or to both.

[43/2018]

(2) *[Deleted by Act 43 of 2018]*

(3) *[Deleted by Act 43 of 2018]*

(4) In any proceedings for an offence under subsection (1)(a) or (b), it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

[24/2007; 43/2018]

(5) If in any proceedings for an offence under subsection (1)(a) or (b), the defence involves acting on information supplied by a gas transporter, the person charged is not, without leave of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.

[24/2007; 43/2018]

(6) A person (*A*) may apprehend any other person (*B*) if *B* within *A*'s view commits an offence under this section and must, on such apprehension, hand over *B* so apprehended to a police officer without unreasonable delay.

[24/2007]

Damage to submarine gas pipelines

32B. Any person who wilfully, recklessly or negligently —

- (a) does any act, or permits or causes any act to be done, which damages or is likely to damage 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
- (b) omits to do anything required to prevent any damage to such submarine gas pipeline,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2 million or to imprisonment for a term not exceeding 5 years or to both.

[43/2018]

Special administration order

33.—(1) A special administration order is an order of the Minister made under section 34(1) in relation to a gas licensee directing that,

during the period for which the order is in force, all or any of the affairs, business and property of that gas licensee is to be managed directly or indirectly by the Authority —

- (a) for securing one or more of the purposes of such an order set out in subsection (2); and
- (b) in a manner which protects the respective interests of the shareholders and creditors of that gas licensee.

[24/2007; 43/2018]

(2) The purposes referred to in subsection (1)(a) are —

- (a) the security or reliability of the supply of gas to the public;
- (b) the survival of the gas licensee, or the whole or part of its business or undertaking for which it is authorised by its licence to carry on, as a going concern;
- (c) the transfer to another company, or (with respect to different parts of the area to which the gas licensee's licence relates, or different parts of its business or undertaking) to 2 or more different companies, as a going concern, of such of the gas licensee's undertakings as is necessary to transfer in order to ensure that the functions and duties which have been vested in the gas licensee by virtue of its licence may be properly carried out; or
- (d) the carrying out of the functions and duties which have been vested in the gas licensee pending the making of the transfer and the vesting of those functions and duties in the other company or companies.

[24/2007; 43/2018]

(3) The Minister may make regulations for giving effect to this section and section 34, including regulations governing the transfer of the gas licensee's business or undertaking referred to in subsection (2)(c), and making provision for applying, omitting or modifying provisions of Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 where a special administration order is made.

[24/2007; 40/2018; 43/2018]

Power to make special administration order, etc.

34.—(1) If, on an application made to the Minister by the Authority, the Minister is satisfied that any one or more of the grounds specified in subsection (2) are satisfied in relation to a gas licensee, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to the gas licensee;
- (b) an order requiring the gas licensee to immediately take any action or do or not do any act or thing in relation to that part of its business or undertaking to which its gas licence relates as the Minister may consider necessary;
- (c) an order appointing a person to advise the gas licensee on the proper conduct of that part of its business or undertaking to which its gas licence relates.

[24/2007; 43/2018]

(2) The grounds referred to in subsection (1) are —

- (a) the gas licensee is or is likely to be unable to pay its debts;
- (b) the occurrence of a public emergency;
- (c) the Minister considers it in the interest of the security or reliability of the supply of gas to the public; or
- (d) the Minister otherwise considers it in the public interest.

[24/2007; 43/2018]

(3) Notice of any application under subsection (1) must be given immediately by the Authority to such persons and in such manner as may be determined by the Authority.

[24/2007]

(4) Any order made by the Minister under subsection (1) must be published in such manner as will secure adequate publicity.

[43/2018]

(5) Any decision of the Minister under subsection (1) is final.

[24/2007]

(6) For the purposes of this section, a gas licensee is unable to pay its debts if —

- (a) where the gas licensee is a company incorporated under the Companies Act 1967 — it is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018; or
 - (b) where the gas licensee is a variable capital company incorporated under the VCC Act — it is deemed to be unable to pay its debts under —
 - (i) the repealed section 254(2) of the Companies Act 1967 as applied by section 130 of the VCC Act as in force before the operative date; or
 - (ii) section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018, as applied by section 130 of the VCC Act as in force on the operative date).
- [S 26/2022 wef 13/01/2022]*
- (7) Despite any written law —
 - (a) a gas licensee must not be wound up voluntarily without the consent of the Authority;
 - (b) no judicial manager may be appointed under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a gas licensee without the consent of the Authority;
 - (c) no step may be taken by any person to enforce any security over a gas licensee's property except where that person has served 14 days' notice in writing of that person's intention to take that step on the Authority;
 - (d) no step may be taken by any person to execute or enforce a judgment or order of court obtained against a gas licensee, except where that person has served 14 days' notice in writing of that person's intention to take that step on the Authority; and
 - (e) no application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 may be made by any person in relation to a gas licensee, unless that person has served

14 days' notice in writing of that person's intention to make the application on the Authority.

[24/2007; 40/2018; 43/2018]

(8) The Authority must be a party to —

(a) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 or Part 11 of the VCC Act relating to the winding up of the affairs of a gas licensee; or

[S 26/2022 wef 13/01/2022]

(b) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a gas licensee.

[40/2018]

(9) In this section, unless the context otherwise requires —

“operative date” means the date of commencement of section 48 of the Variable Capital Companies (Miscellaneous Amendments) Act 2019;

“VCC” has the meaning given by section 2(1) of the VCC Act;

“VCC Act” means the Variable Capital Companies Act 2018.

[S 26/2022 wef 13/01/2022]

Remuneration and expenses of Authority and others

35.—(1) Where a special administration order has been made under section 34(1)(a), the Authority may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the gas licensee to the Authority.

[24/2007; 43/2018]

(2) The Authority may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a gas licensee to any person appointed by the Minister under section 34(1)(c) to advise the gas licensee on the proper conduct of its licensed gas business.

[24/2007; 43/2018]

Savings of wayleaves or easements**36. Nothing in this Part —**

- (a) affects the right of a gas transporter to enter into an agreement, commonly known as a wayleave agreement, or obtain a grant of an easement with or from the owner or occupier of any land for the purpose of laying, placing, carrying or erecting any gas pipeline or gas pipeline network or gas plant;
- (b) affects any such wayleave agreement or easement subsisting immediately before the date of commencement of this Act; or
- (c) affects the right of a gas transporter to negotiate the use of land or facilities belonging to the State or any other person.

PART 6**GAS RETAILERS AND GENERAL PROVISIONS****General duties of gas retailer****37. It is the duty of a gas retailer —**

- (a) to develop and maintain a safe, efficient, reliable and economical service for the retailing of gas; and
- (b) to carry on its licensed gas business at all times in such manner so as not to prevent, restrict or otherwise hinder the development of competition in any gas market in Singapore.

Rights of access to relevant facility

38.—(1) Subject to subsection (8), an owner of a relevant facility must provide access to the relevant facility without undue discrimination.

(2) If a person is unable to negotiate access to a relevant facility, the person may, after giving the owner of the facility not less than 28 days' notice, apply to the Authority for directions under this section in order to secure rights of access to that facility.

(3) Where an application is made under subsection (2), it is the duty of the Authority —

- (a) to decide whether the application should be adjourned to enable negotiations or further negotiations to take place;
- (b) to decide whether the application should be considered further or rejected;
- (c) to give the applicant and the owner of the relevant facility or any other person whom the Authority considers has an interest an opportunity to be heard; and
- (d) to inform such persons of its decision.

(4) Where, after considering an application under subsection (2), the Authority is satisfied that the efficient operation of the relevant facility or compliance by the owner of the relevant facility with this Act or the conditions of a gas licence would not be prejudiced by the giving of directions, the Authority may give directions —

- (a) specifying the terms on which the Authority considers the owner of the relevant facility should enter into an access agreement with the applicant in order to —
 - (i) secure to the applicant an appropriate access right for the quantities and quality of gas specified in the directions for the duration specified in the directions;
 - (ii) secure that the exercise of that access right is not prevented or impeded;
 - (iii) regulate the charges which may be imposed by the owner of the relevant facility for that access right; and
 - (iv) secure to the applicant any ancillary or incidental rights that the Authority considers necessary or expedient, including connections rights;
- (b) specifying the sums or the method of determining the sums which the Authority considers should be paid by the applicant to the owner of the relevant facility in consideration of that access right;

- (c) requiring the owner of the relevant facility, if the applicant pays or agrees to pay those sums within a period specified in the directions, to enter into an agreement with the applicant on the terms so specified; and
- (d) requiring the owner of the relevant facility to make such adjustments to charges imposed by the owner on existing users of the relevant facility, as the Authority considers appropriate.

[24/2007]

(5) To avoid doubt, the Authority may give directions under subsection (4) notwithstanding that such directions may prejudice the performance of any contractual obligation of the owner of the relevant facility, whether such obligation relates to a contract made before, on or after 11 June 2007.

[24/2007]

(6) In giving any directions under this section, the Authority must apply the principle that the owner of the relevant facility providing access to the facility should be entitled to receive —

- (a) the appropriate proportion of its capital value and operating costs incurred in respect of the facility; and
- (b) a reasonable rate of return on the appropriate proportion of the capital value of the facility.

(7) The Authority may require any person who requires access to a gas pipeline or gas pipeline network or who is undertaking the trading of gas at any point (whether actual or notional) in a gas pipeline or gas pipeline network to enter into any agreement designated by the Authority for the purposes of this section.

(8) The Authority may exempt a relevant facility from the requirements set out in this section unconditionally or subject to such conditions as may be specified.

(9) Any person who fails to comply with a direction of the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for

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

[24/2007]

(10) Any person who does any act which has or is likely to have the effect of obstructing, hindering or otherwise preventing any other person from complying with a direction of the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(11) No action, suit or other legal proceedings shall lie against any party to a contract made before 11 June 2007 for, or in relation to, any breach of that contract, where such breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Authority under this section.

[24/2007]

(12) Nothing in subsection (11) affects the operation of the Frustrated Contracts Act 1959.

[24/2007]

(13) In this section —

“appropriate proportion” means a proportion which properly —

- (a) reflects the use made of the relevant facility by virtue of the access right as compared with the use made of that facility for other purposes; and
- (b) takes into account sums paid previously in consideration for the access right;

“owner”, in relation to a relevant facility, means any person legally occupying or having control of the relevant facility;

“relevant facility” means any one or all of the following:

- (a) a gas pipeline or a gas pipeline network;
- (b) a gas processing or production facility which carries out any of the following operations:
 - (i) synthesising, manufacturing, purifying, blending, odourising or compressing gas for

the purpose of enabling it to be introduced into or conveyed through a gas pipeline network owned by, or under the management or control of, a gas transporter or an exempt gas transporter;

- (ii) removing from gas for that purpose any of its constituent gas, or separating from gas for that purpose any liquids;
 - (iii) determining the quantity or quality of gas which is or is to be introduced, or so conveyed;
- (c) such onshore receiving facility, LNG terminal, gas storage or landing facility (other than a gas pipeline), as may be designated by the Authority to be a relevant facility for the purposes of this section for such time as the Authority considers appropriate.

[24/2007]

Arrangements by Authority for allocation of gas

38A.—(1) Upon the application of any person who is unable to enter into an arrangement for the allocation of gas in any offshore gas pipeline, the Authority may give directions to —

- (a) the applicant; and
- (b) every person whose gas is being conveyed through the offshore gas pipeline,

requiring the persons referred to in paragraphs (a) and (b) to enter into such arrangement for the allocation of gas in the offshore gas pipeline on such terms, and to take such steps to ensure that the arrangement is given effect to, as the Authority may specify.

[24/2007]

(2) Where the Authority has given directions for an arrangement for the allocation of gas in an offshore gas pipeline under subsection (1) as between the persons referred to in paragraphs (a) and (b) of that subsection —

- (a) so much of any arrangement as between the persons referred to in subsection (1)(b) for the allocation of gas in

that offshore gas pipeline in force immediately prior to the arrangement so directed by the Authority must thereupon cease to apply; and

- (b) the arrangement directed by the Authority must cease to apply as between the persons referred to in paragraphs (a) and (b) of subsection (1) upon those persons thereafter entering into an arrangement as between themselves for the allocation of gas in the offshore gas pipeline.

[24/2007]

(3) Any person who fails to comply with a direction of the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(4) Any person who does any act which has or is likely to have the effect of obstructing, hindering or otherwise preventing any other person from complying with a direction of the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(5) No action, suit or other legal proceedings shall lie against any party to a contract made before 11 June 2007 for, or in relation to, any breach of that contract, where such breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Authority under this section.

[24/2007]

(6) Nothing in subsection (5) affects the operation of the Frustrated Contracts Act 1959.

[24/2007]

(7) In this section, “offshore gas pipeline” means any gas pipeline in Singapore waters used for the conveyance of gas to any onshore receiving facility.

[24/2007]

Notice of obstruction of gas main or other apparatus

39.—(1) Where any gas pipeline, internal pipe or other apparatus placed in, on, over, under, upon, along or across any premises becomes obstructed or in any way damaged, the occupier of the premises must, immediately on the obstruction or damage coming to the occupier's knowledge, give notice thereof to the gas transporter, relevant gas shipper or relevant gas retailer.

[24/2007]

(2) Any occupier who neglects to give notice under subsection (1) after acquiring such knowledge shall be guilty of an offence and the occupier's premises may be disconnected by the gas transporter or the supply of gas to the occupier's premises may be discontinued by the relevant gas shipper or relevant gas retailer until the necessary repairs are effected or the obstruction is removed.

[24/2007]

Obstructing gas licensee in performance of duties

40. Any person who at any time molests, or without cause, hinders or obstructs, any employee, agent or contractor of a gas licensee in the performance of the duties of the employee, agent or contractor (as the case may be) or anything which the employee, agent or contractor is respectively authorised, empowered or required to do under this Act shall be guilty of an offence.

Making of false statements

41.—(1) Any person who —

- (a) when giving any information to the Authority or when making any application under or for the purposes of any provision of this Act, makes any statement which the person knows to be false in a material particular; or
- (b) when giving any information to the Authority or a gas licensee, recklessly makes any statement which is false in a material particular the effect of which is to endanger the safety of any gas pipeline or gas pipeline network,

shall be guilty of an offence.

(2) Any person who —

- (a) wilfully or fraudulently procures or attempts to procure for the person or for any other person any gas licence under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration verbally or in writing; or
- (b) knowingly aids or assists therein,

shall be guilty of an offence.

Falsely pretending to be employee of Authority or gas licensee

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

Gas plant and gas fittings not to be subject to distress

43. Any gas fitting which is connected to a gas service pipe, and any gas plant in a consumer's premises which is owned by a gas licensee and is marked or impressed with a sufficient mark, plate or brand indicating its owner —

- (a) continues to remain the property of its owner and is deemed not to be a fixture, notwithstanding that it may be fixed or fastened to any part of the premises in which it may be situated; and
- (b) is not to be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it may be.

Meters

44.—(1) Every consumer must take the consumer's supply of gas through a meter the use of which does not contravene the regulations.

(2) In default of the consumer doing so —

- (a) the gas transporter may disconnect or refuse to connect the consumer's premises; or

- (b) the relevant gas shipper or relevant gas retailer may authorise the supply of gas to the consumer's premises to be discontinued and any gas shipper or gas retailer may refuse to supply gas to the consumer's premises.

[24/2007]

(3) Any meter —

- (a) owned by, or under the management or control of, a gas transporter or owned by a relevant gas shipper; and
- (b) lent or hired to a consumer by the gas transporter or relevant gas shipper, as the case may be,

must, at all times and without charge to that consumer, be kept by the gas transporter or relevant gas shipper, as the case may be, in proper order for correctly registering the quantity of gas supplied to that consumer.

[24/2007]

(4) A consumer must at all times keep a meter which belongs to the consumer in proper order for correctly registering the quantity of gas supplied to the consumer.

(5) Subject to the regulations, where a consumer is supplied with gas through a meter, the index of the meter is prima facie evidence of the quantity of gas supplied to the consumer.

Prices of gas retailer

45.—(1) The prices to be charged by a gas retailer and to be paid by a person to whom the gas retailer retails gas must be in accordance with such rates as may be established from time to time by the gas retailer in accordance with the conditions of its gas retailer's licence.

(2) The prices established by a gas retailer under subsection (1) must be published in such manner as to ensure adequate publicity unless the Authority otherwise directs.

(3) In establishing prices under subsection (1), a gas retailer may neither show undue preference as between persons or any class of persons, nor exercise undue discrimination as between persons or any class of persons.

Power to recover gas charges, etc.**46.—(1) Where —**

- (a) a demand in writing is made by a gas retailer for the payment of any of the charges due to it from a consumer in respect of the supply of gas to the consumer's premises; and
- (b) the consumer does not pay those charges within 28 days after the making of the demand,

subsections (3) and (4) apply.

(2) Where —

- (a) a written request is made by a gas retailer for the provision of a deposit by way of reasonable security for the payment of the charges due to it from a consumer in respect of the supply of gas to the consumer's premises; and
- (b) the consumer does not provide such a deposit within 7 days after the making of the request,

subsection (3) applies.

(3) If the gas retailer is a relevant gas retailer, it may, after giving not less than 7 days' notice of its intention —

- (a) discontinue the supply to the consumer's premises or any other premises occupied by the consumer; and
- (b) recover any expenses incurred in so doing from the consumer.

(4) If —

- (a) the gas retailer is not a relevant gas retailer but another gas retailer (the new gas retailer) is such a gas retailer; and
- (b) the gas retailer has assigned to the new gas retailer its right to recover any of the charges due to it from the consumer,

subsection (3) applies as if any reference to the gas retailer were a reference to the new gas retailer.

(5) The powers conferred by subsections (3) and (4) are not exercisable in respect of any charges or deposit the amount of which is genuinely in dispute.

Unauthorised connection with gas pipeline network, etc.

47.—(1) Any person who —

- (a) intentionally lays or causes to be laid a pipe or a gas fitting to connect with any gas pipeline or gas pipeline network owned by, or under the management or control of, a gas transporter without the consent of the gas transporter;
- (b) dishonestly or fraudulently abstracts, uses, consumes or diverts any gas supplied by a gas licensee;
- (c) alters or tampers with any part of any meter or meter installation for registering the quantity of gas supplied to any person or premises;
- (d) does any thing that compromises or adversely affects the ability or proper operation of any meter or meter installation in duly registering the quantity of gas supplied to any person or premises; or
- (e) causes or permits any other person to engage in conduct mentioned in paragraph (b), (c) or (d),

shall be guilty of an offence.

[43/2018]

(2) A person who is guilty of an offence under subsection (1)(a), (b), (c), (d) or (e) shall be liable on conviction to one or both of the following:

(a) a fine that is the total of —

- (i) an amount not exceeding \$50,000; and
- (ii) an amount equal to 3 times the value of gas —

(A) diverted, abstracted, used or consumed in the commission of the offence under subsection (1)(a) or (b), or caused or permitted to be so diverted, abstracted, used

or consumed in the commission of the offence under subsection (1)(e), as the case may be; or

- (B) supplied as a result of the commission of the offence under subsection (1)(c), (d) or (e), as the case may be;

(b) imprisonment for a term not exceeding 5 years,

and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

[43/2018]

(3) The value of the gas diverted, abstracted, used, consumed or supplied as mentioned in subsection (2)(a)(ii), may be determined based on the amount of such gas fairly and reasonably estimated after comparing records (as are appropriate and available) of gas usage before, during and after the diversion, abstraction, use, consumption or supply.

[43/2018]

(4) If, in any proceedings before a court for an offence under subsection (1)(c) or (e), it is alleged that a person altered or tampered with any part of any meter or meter installation mentioned in subsection (1)(c), and it is proved —

(a) that, at the time of the alleged conduct —

- (i) a device was attached to, or was in the vicinity of, the meter or meter installation (or any part of the meter or meter installation) for the purpose of altering the index of the meter or meter installation or preventing the meter or meter installation from duly registering the quantity of gas supplied;
- (ii) the covering of the meter or meter installation had a hole which is not a result of ordinary wear and tear;
- (iii) any seal or lock fastened by a gas licensee to or on any part of the meter or meter installation was damaged, removed or changed; or
- (iv) any paint or other chemical compound applied by a gas licensee to or on any screw, component or

mechanism of any part of the meter or meter installation was damaged or removed or altered in its chemical composition; and

- (b) that the person had, at the time of the alleged conduct, custody or control of the meter or meter installation,

then the person is presumed, until the contrary is proved, to have so altered or tampered with the meter or meter installation.

[43/2018]

(5) In the case of any offence under subsection (1), the gas transporter may disconnect the premises of, or the relevant gas shipper or relevant gas retailer may discontinue the supply of gas to the premises of, the person referred to in that subsection.

[24/2007]

Supply of gas illegally taken

48.—(1) Where any person is guilty of an offence under section 47 or otherwise takes a supply of gas which is in the course of being conveyed by a gas transporter, the gas transporter is entitled to recover from that person the value of gas so taken.

(2) Where —

- (a) any person at premises which have been re-connected in contravention of section 49(1) takes a supply of gas which has been conveyed to those premises by the gas transporter; and
- (b) the supply is taken otherwise than in pursuance of a contract,

the gas transporter is entitled to recover from that person the value of the gas so taken.

(3) A gas transporter must make, and from time to time revise, a scheme providing for the manner in which the quantity of gas taken in such circumstances as are mentioned in subsection (1) or (2) is to be determined.

(4) A scheme under this section may make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.

(5) As soon as practicable after a gas transporter makes a scheme under this section or a revision of such a scheme it must —

- (a) publish, in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
- (b) send a copy of the scheme or revision to the Authority; and
- (c) if so requested by any other person, send such a copy to that person without charge to that person.

(6) For the purposes of subsections (1) and (2), “value”, in relation to any gas taken in the circumstances referred to in those subsections, means the amount which could reasonably be expected to have been payable by a consumer in respect of the gas.

Restoration of supply without consent

49.—(1) Where any premises have been disconnected by a gas transporter in exercise of the powers under this Act or pursuant to a valid and enforceable contractual right —

- (a) any person who, without the consent of the gas transporter, re-connects the supply of gas to those premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) the gas transporter may again disconnect the premises.

[24/2007]

(2) Where the supply of gas to any premises has been discontinued by a gas shipper or gas retailer in exercise of the powers under this Act or pursuant to a valid and enforceable contractual right —

- (a) any person who, without the consent of the gas shipper or gas retailer (as the case may be) restores the supply of gas to those premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) the gas transporter whose pipeline is connected to those premises (whether such pipeline is owned by, or under the

management or control of, the gas transporter) may disconnect the premises.

[24/2007]

Failure to notify connection to or disconnection from gas pipeline, etc.

50.—(1) No person may —

(a) connect —

(i) any meter with a gas pipeline;

(ii) any meter with an internal pipe connected to a gas pipeline; or

(iii) any internal pipe to a gas pipeline,

through which gas is conveyed to any premises by a gas transporter; or

(b) disconnect such meter or internal pipe,

unless the person has given 48 hours' notice in the prescribed form of the person's intention to do so —

(c) in a case where gas is supplied to the premises by a relevant gas shipper or relevant gas retailer, to the gas shipper or gas retailer; and

(d) in any other case, to the gas transporter.

[24/2007]

(2) Subject to subsection (3), a notice under subsection (1) must contain —

(a) details of the time and place of the proposed connection or disconnection; and

(b) any other information that may be prescribed.

[24/2007]

(3) Insofar as it is not reasonably practicable for a notice under subsection (1) to contain any information required by subsection (2)(b), it is a sufficient compliance with that requirement under subsection (2)(b) if the information is given to the relevant gas shipper, relevant gas retailer or gas transporter (as the

case may be) within 48 hours after the connection or disconnection is effected.

[24/2007]

(4) Where under this section any meter through which gas has been supplied to any premises is completely disconnected, that is to say, is disconnected both from the gas pipeline and from all other pipes within the premises, the person making the disconnection must, except insofar as it is not reasonably practicable for the person to do so —

- (a) ascertain the name and address of the owner of the meter; and
- (b) inform that owner of the disconnection and of the address at which the meter will be available for collection.

[24/2007]

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

[24/2007]

Proper use of gas

51. If any consumer supplied with gas improperly uses or deals with the gas so as to interfere with the efficient conveyance or supply of gas (whether to that person or to any other person) —

- (a) the consumer's premises may be disconnected by the gas transporter; or
- (b) the supply of gas to the consumer's premises may be discontinued by the relevant gas shipper or relevant gas retailer.

[24/2007]

No obligation to restore supply where consumer in default

52.—(1) This section applies where —

- (a) a consumer's premises have been disconnected by a gas transporter under this Act; or

- (b) the supply of gas to a consumer's premises has been discontinued by a gas shipper or gas retailer under this Act.

[24/2007]

(2) The gas transporter is not under any obligation to re-connect the consumer's premises, or the gas shipper or gas retailer is not under any obligation to restore the supply of gas to the consumer's premises (as the case may be) until —

- (a) the consumer is no longer the owner or occupier of the premises; or
- (b) the consumer —
 - (i) has made good the default, or remedied the matter, in consequence of which the premises were disconnected or the supply of gas to such premises was discontinued; and
 - (ii) has paid the reasonable expenses of disconnecting and re-connecting the premises or of discontinuing and restoring the supply of gas to the premises, as the case may be.

[24/2007]

Entry for preventing escapes of gas, etc.

53.—(1) Where a gas transporter has reasonable cause to suspect that —

- (a) gas conveyed by it is escaping, or may escape, in any premises; or
- (b) gas so conveyed which has escaped has entered, or may enter, any premises,

any person authorised by the gas transporter may immediately and without notice enter the premises, inspect the gas fittings or gas plant, carry out any work or other steps necessary to avert danger to life or property.

- (2) Where a gas transporter has reasonable cause to suspect that —
- (a) gas conveyed through gas mains by some other person is escaping, or may escape, in any premises within the area specified in its gas transporter's licence; or
 - (b) gas so conveyed which has escaped has entered, or may enter, any premises in such an area,

any person authorised by the gas transporter may immediately and without notice enter the premises and take any steps necessary to avert danger to life or property.

Entry during supply

54.—(1) Subject to section 60, any person authorised by a gas transporter may enter a consumer's premises for the purpose of —

- (a) exercising the gas transporter's rights under section 29;
- (b) ascertaining the quantity of gas conveyed to the premises; or
- (c) exercising such other powers as may be specified in the Act.

(2) Subject to section 60, any person authorised by a relevant gas shipper or relevant gas retailer may enter a consumer's premises for the purpose of —

- (a) inspecting gas fittings; or
- (b) ascertaining the quantity of gas supplied or conveyed to the premises.

[24/2007]

Entry on discontinuance of supply

55.—(1) This section applies where —

- (a) a gas transporter is authorised by this Act to disconnect any premises or a gas shipper or gas retailer is authorised by this Act to discontinue the supply of gas to any premises;
- (b) a person occupying any premises supplied with gas by a gas shipper or gas retailer ceases to require a supply of gas; or

- (c) a person entering into occupation of any premises previously supplied with gas by a gas shipper or gas retailer does not take a supply of gas.

[24/2007]

(2) Subject to section 60 —

- (a) any person authorised by a gas transporter may, after 7 days' notice to the occupier of any premises, or to the owner of the premises if they are unoccupied, enter the premises for the purpose of —
 - (i) disconnecting the premises; or
 - (ii) removing any meter or other gas fitting owned by, or under the management or control of, the gas transporter;
- (b) any person authorised by a gas shipper may, after 7 days' notice to the occupier of any premises, or to the owner of the premises if they are unoccupied, enter the premises for the purpose of —
 - (i) discontinuing the supply of gas to the premises; or
 - (ii) removing any meter or other gas fitting owned by the gas shipper; and
- (c) any person authorised by a gas retailer may, after 7 days' notice to the occupier of any premises, or to the owner of the premises if they are unoccupied, enter the premises for the purpose of discontinuing the supply of gas to the premises.

[24/2007]

Entry following discontinuance of supply

56.—(1) This section applies where a consumer's premises have been disconnected by a gas transporter, or the supply of gas to a consumer's premises has been discontinued by a gas shipper or gas retailer, otherwise than in the exercise of a power conferred by section 53 or 65 or the regulations.

[24/2007]

(2) Subject to section 60 —

- (a) any person authorised by the gas transporter may enter the premises for the purpose of ascertaining whether the premises have been re-connected without the consent of the gas transporter; and
- (b) any person authorised by the gas shipper or gas retailer may enter the premises for the purpose of ascertaining whether the supply of gas has been restored without the consent of the gas shipper or gas retailer, as the case may be.

[24/2007]

57. [Repealed by Act 24 of 2007]

Entry for replacing, repairing or altering pipes

58.—(1) Subject to section 60, any person authorised by a gas transporter may, after 7 days' notice to the occupier of any premises, or to the owner of the premises if they are unoccupied, enter the premises for the purpose of —

- (a) placing a new gas plant in the place of any existing gas plant which has already been lawfully placed; or
- (b) maintaining, inspecting, repairing, removing or altering any existing gas fitting.

(2) Despite subsection (1), in the case of an emergency arising from any defect in a gas plant or gas fitting, the person authorised by the gas transporter may immediately and without notice enter any premises for the purposes referred to in that subsection, but notice of the entry and the justification for it must then be given as soon as possible after the occurrence of the emergency.

Entry into premises by gas transporter for purposes of inspection

59. Subject to section 60, a person authorised by a gas transporter may, after 7 days' notice to the occupier of any premises, or to the owner of the premises if they are unoccupied, enter upon and survey the premises for the purpose of ascertaining whether the premises would be suitable for use for any purpose connected with the carrying

on of the activities which the gas transporter is authorised by its gas transporter's licence to carry on.

Procedure for rights of entry on land

60.—(1) Except as otherwise provided in this Act and subject to the provisions of this section, a gas transporter, gas shipper or gas retailer authorised to enter upon any land or premises under this Act must not do so unless —

- (a) it has given the required notice in accordance with this Act, or where no particular requirement is made, 14 days' notice of the intended entry, such notice to be in accordance with subsection (3) and stating as fully and accurately as possible the acts intended to be done; and
- (b) it, or any person authorised by it, has produced a duly authenticated document as evidence of its authority.

[24/2007]

(2) Where a gas transporter, gas shipper or gas retailer is authorised to enter upon any land or premises under this Act, it must do so at a reasonable time.

[24/2007]

(3) Any notice referred to in subsection (1)(a) must —

- (a) where the land is occupied, be given to the occupier;
- (b) where the land is not occupied, be given to the owner if the owner's name and address are known or can with reasonable diligence be ascertained;
- (c) where the land is not occupied and the name and address of the owner cannot be ascertained with reasonable diligence, be exhibited in some conspicuous part of the premises not less than 48 hours before the premises are entered; and
- (d) where the land is used or reserved for any public purpose, be given to the officer or other person in charge of the execution of that purpose.

(4) For the purpose of giving a notice referred to in subsection (1)(a), the gas licensee or person authorised by the gas licensee is entitled to enter the premises.

(5) Where, in the exercise of any right of entry conferred by or under this Part, any damage is caused to any premises or to any movable property, any person interested in the premises or movable property may recover reasonable compensation as may be agreed in respect of that damage from the gas licensee on whose behalf the power is exercised.

(6) For the purposes of this Part, “premises”, where the context requires, includes a building or structure or other place in which gas is escaping or suspected to be escaping.

Provisions as to powers of entry

61.—(1) No person authorised by a gas transporter, gas shipper or gas retailer may exercise any powers of entry conferred by this Part or the regulations and no licensed gas service worker may exercise any powers of entry under the regulations unless —

- (a) the person so authorised or the licensed gas service worker (as the case may be) is a fit and proper person to exercise those powers; or
- (b) in cases of emergency, those powers are powers conferred by section 53.

[24/2007]

(2) Where, in pursuance of any powers of entry conferred by this Part or the regulations, entry is made on any premises by a person authorised by a gas transporter, gas shipper or gas retailer, or by a licensed gas service worker —

- (a) the person so authorised or the licensed gas service worker must ensure that the premises are left no less secure by reason of the entry; and
- (b) if, in taking any action therein authorised by this Part or the regulations, or in making the premises secure —
 - (i) the person so authorised or the licensed gas service worker; or
 - (ii) any person accompanying the person so authorised or the licensed gas service worker in entering the premises,

causes any damage to the premises or to any movable property, the gas transporter, gas shipper, gas retailer or licensed gas service worker (as the case may be) must —

- (iii) make good that damage; or
- (iv) pay any person interested in the premises or movable property such reasonable compensation as may be agreed in respect of that damage.

[24/2007]

(3) Any person authorised by a gas transporter, gas shipper or gas retailer or any licensed gas service worker exercising the powers of entry conferred by this Part or the regulations may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of subsection (2).

[24/2007]

(4) If any person intentionally obstructs any other person exercising powers of entry conferred by this Part or the regulations, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both, or in a case where the obstruction endangers life or property, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

(5) The Authority may by regulations made under section 96 make provision for empowering a person authorised by a gas transporter —

- (a) to enter any premises in which there is a gas service pipe connected with a gas main for the purpose of inspecting any gas fitting or gas appliance on the premises, any flue or means of ventilation used in connection with any such gas fitting or gas appliance or any part of the gas pipeline network on the premises, that is to say, any gas service pipe or other apparatus (not being a gas fitting) which is on the premises and is used for the conveyance or supply of gas or is connected with a gas main; and
- (b) where the person so enters such premises, to examine or apply any test to any such object as is mentioned in paragraph (a) and, where the object is a gas fitting, to verify what supply of air is available for it.

PART 7

GAS NETWORK CODE

Interpretation of this Part

61A. In this Part, unless the context otherwise requires —

“designated gas transporter” means a gas transporter declared by the Authority, by notification in the *Gazette*, to be a designated gas transporter for the purposes of this Part;

“gas” means natural gas;

“gas pipeline network” means any gas pipeline network which is used by the designated gas transporter for the conveyance of gas from any onshore receiving facility;

“relevant gas shipper” means a gas shipper who ships gas by means of a gas pipeline network.

[24/2007]

Gas Network Code

61B.—(1) The Authority must issue a Gas Network Code for the use and operation of a gas pipeline network, which must include the following:

- (a) the governing of arrangements between the designated gas transporter and the relevant gas shippers for the purpose of enabling or ensuring that —
 - (i) no person is prevented from gaining access to the gas pipeline network; and
 - (ii) there is no undue discrimination for or against —
 - (A) the designated gas transporter; or
 - (B) any person’s access to the gas pipeline network;
- (b) the governing of the activities of the designated gas transporter and the relevant gas shippers;

- (c) the establishing and governing of the principles and methodologies relating to the operation of the gas pipeline network;
- (d) the establishing and governing of the charges payable by, and other liabilities to be discharged by, the designated gas transporter and the relevant gas shippers.

[24/2007]

(2) The designated gas transporter —

- (a) may modify the Gas Network Code in such manner as is provided in the Gas Network Code; and
- (b) must modify the Gas Network Code if directed to do so by the Authority.

[24/2007]

(3) Any modification to the Gas Network Code under subsection (2) is subject to approval by the Authority, which approval must be granted unless the Authority determines that the modification —

- (a) being a modification made under subsection (2)(a) —
 - (i) prevents any person from gaining access to any gas pipeline network; or
 - (ii) unduly discriminates in favour of or against —
 - (A) the designated gas transporter; or
 - (B) any person's access to the gas pipeline network; or
- (b) is inconsistent with any function or duty of the Authority under section 3(3).

[24/2007]

(4) The Gas Network Code issued or modified in accordance with this section must be published by the designated gas transporter in such manner as will secure adequate publicity.

[24/2007]

(5) The designated gas transporter or any relevant gas shipper must not do any thing which, or must not omit to do any thing the omission

of which, has or is likely to have an adverse effect on or compromise —

- (a) the safety or efficiency (including economic efficiency) of a gas pipeline network or any of its operations; or
- (b) the security or reliability of the conveyance of gas by means of a gas pipeline network.

[24/2007]

(6) The Gas Network Code is deemed not to be subsidiary legislation.

[24/2007]

Implementation of Gas Network Code

61C.—(1) The designated gas transporter must devise such tests or trials as are required for the implementation of a Gas Network Code proposed to be issued by the Authority under section 61B.

[24/2007]

(2) The designated gas transporter and every relevant gas shipper must participate in any test or trial devised under subsection (1).

[24/2007]

Gas Network Code has effect as contract

61D.—(1) The Gas Network Code is deemed to be, and operates as, a binding contract between the designated gas transporter and each relevant gas shipper.

[24/2007]

(2) The designated gas transporter and each relevant gas shipper are deemed to have agreed to observe and perform the provisions of the Gas Network Code as far as they are applicable to the designated gas transporter or the relevant gas shipper, as the case may be.

[24/2007]

Limitation of actions under Gas Network Code

61E.—(1) If the Gas Network Code —

- (a) regulates the manner in which disputes under the Gas Network Code are to be resolved; and

- (b) restricts recourse to the courts until such time as the dispute resolution process in the Gas Network Code has been exhausted,

recourse to the courts is to be limited in accordance with the Gas Network Code except in relation to matters of law and jurisdiction.

[24/2007]

(2) Nothing in this section is to be construed as —

- (a) sanctioning the absolute limitation of appeals to the courts except in relation to matters of facts; or
- (b) limiting the right of any person to seek interim injunctive relief from the courts.

[24/2007]

Directions in relation to Gas Network Code

61F.—(1) The Authority may, on an application by any relevant gas shipper, direct any relevant direct access customer to do or not to do such things, including to pay to the relevant gas shipper such charges, as may be determined by the Authority —

- (a) in relation to any obligation or liability of the relevant gas shipper under the Gas Network Code; and
- (b) for the purpose of ensuring the security or reliability of the conveyance of gas by the designated gas transporter.

[24/2007]

(2) An application under subsection (1) must be made in such form and manner as the Authority may determine and must be accompanied by such information and documents as the Authority may require.

[24/2007]

(3) Any person who fails to comply with any direction given by the Authority under subsection (1) shall be guilty of an offence.

[24/2007]

(4) In this section, “relevant direct access customer” means any direct access customer to whose premises a relevant gas shipper ships gas.

[24/2007]

PART 7A

CODES OF PRACTICE

Codes of practice

62.—(1) The Authority may issue one or more codes of practice for the regulation of activities and conduct in the gas industry.

[24/2007]

(2) The Authority may at any time modify any code of practice issued under subsection (1) in such manner as may be specified in that code of practice.

[24/2007]

(3) For the purposes of subsection (1) or (2), the Authority may require any gas licensee to prepare for its consideration such code of practice or such modification to any code of practice as the Authority may determine.

[24/2007]

(4) Any code of practice issued or modified by the Authority under this section must be published by the Authority in such manner as will secure adequate publicity.

[24/2007]

(5) If any provision in any code of practice issued by the Authority is inconsistent with any regulations made under this Act, such provision shall, to the extent of the inconsistency, either have effect subject to such regulations or, where appropriate, having regard to such regulations, shall not have effect.

[24/2007]

(6) The Authority is to specify the codes of practice which are applicable to a gas licensee or a class of gas licensees and each gas licensee must, subject to subsection (7), comply with such codes of practice as are applicable to it.

[24/2007]

(7) The Authority may exempt, either generally or subject to such conditions as the Authority may determine, any gas licensee or class of gas licensees from any provision in any code of practice which is applicable to that gas licensee or class of gas licensees.

[24/2007]

(8) Any code of practice issued by the Authority under this section is deemed not to be subsidiary legislation.

[24/2007]

(9) In this section, a reference to a code of practice includes a reference to a standard of performance.

[24/2007]

Directions by Authority

63.—(1) The Authority may give directions to a gas licensee or any other person for or with respect to any code of practice, standard of performance or other procedures —

- (a) to ensure the security or reliability of the conveyance of gas to consumers' premises;
- (b) in the interests of public safety; or
- (c) as may be necessary to enable the Authority to carry out its functions and duties under section 3(3).

[24/2007]

(2) Any person who fails to comply with any direction given by the Authority under subsection (1) shall be guilty of an offence.

[24/2007]

PART 7B

CONTROL OF GAS LICENSEES AND ENTITIES WITH INTEREST IN GAS PIPELINE NETWORK

Interpretation of this Part

63A. In this Part, unless the context otherwise requires —

“12% controller”, in relation to a designated gas licensee, designated entity or designated business trust, means a person, not being a 30% controller, who, alone or together with the person's associates —

- (a) holds 12% or more of the total equity interests in; or
- (b) is in a position to control 12% or more of the voting power in,

the designated gas licensee, designated entity or designated business trust;

“30% controller”, in relation to a designated gas licensee, designated entity or designated business trust, means a person who, alone or together with the person’s associates —

(a) holds 30% or more of the total equity interests in; or

(b) is in a position to control 30% or more of the voting power in,

the designated gas licensee, designated entity or designated business trust;

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“associate” has the meaning given to that expression in regulations made under section 63CA;

“business trust” has the meaning given by section 2 of the Business Trusts Act 2004;

“chief executive officer”, in relation to a designated gas licensee, means any person, by whatever name described, who —

(a) is in the direct employment of, or acting for or by arrangement with, the designated gas licensee; and

(b) is principally responsible for the management and conduct of any type of business of the designated gas licensee,

and includes any person for the time being performing all or any of the functions or duties of a chief executive officer;

“corporation” has the meaning given by section 4(1) of the Companies Act 1967;

“designated business trust” means a business trust that is established wholly or partly in respect of a gas pipeline network (or any part thereof) and which has been declared by the Minister to be a designated business trust for the purposes of this Part;

“designated entity” means an entity, not being a gas licensee, that —

- (a) owns a gas pipeline network (or any part of the network); and
- (b) is declared by the Minister to be a designated entity for the purposes of this Part;

“designated gas licensee” means any of the following:

- (a) a gas transporter;
- (b) a gas transport agent;
- (c) an LNG terminal operator;
- (d) any other gas licensee declared by the Minister to be a designated gas licensee for the purposes of this Part;

“entity” includes a corporation and a limited liability partnership;

“equity interest” has the meaning given to that expression in regulations made under section 63CA;

“indirect controller”, in relation to a designated gas licensee, designated entity or designated business trust, means any person, whether acting alone or together with any other person, and whether with or without holding equity interests or controlling the voting power in the designated gas licensee, designated entity or designated business trust —

- (a) in accordance with whose directions, instructions or wishes the directors or other officers of the licensee, the entity or the trustee-manager of the business trust (as the case may be) are accustomed or under an obligation, whether formal or informal, to act; or
- (b) who is in a position to determine the policy of the licensee, the entity or the trustee-manager of the business trust,

but does not include —

- (c) in the case of the licensee, any person who is a director or other officer of the licensee and whose appointment as such has been approved by the Authority under section 63H; or
- (d) any person in accordance with whose directions, instructions or wishes the directors or other officers of the licensee, the entity or the trustee-manager of the business trust (as the case may be) are accustomed to act by reason only that they act on advice given by the person in the person's professional capacity;

“limited liability partnership” has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“trustee-manager” has the meaning given by section 2 of the Business Trusts Act 2004.

[24/2007; 43/2018]

Control of equity interests and voting power in, and business of, designated gas licensee, designated entity and designated business trust

63B.—(1) A designated gas licensee, a designated entity or the trustee-manager of a designated business trust must each give written notice to the Authority if any person acquires equity interest in the licensee, the entity or the business trust (as the case may be) whether through a series of transactions over a period of time or otherwise, that would result in that person holding 5% or more but less than 12% of the total equity interest in the licensee, the entity or the business trust, respectively.

[43/2018]

(2) The notice under subsection (1) must be given within 5 days after the designated gas licensee, the designated entity or the trustee-manager of the designated business trust (as the case may be) becomes aware of the acquisition mentioned in that subsection.

[43/2018]

(3) No person may, whether through a series of transactions over a period of time or otherwise, become a 12% controller, a 30% controller or an indirect controller of a designated gas licensee, a designated entity or a designated business trust without obtaining the prior written approval of the Authority.

[43/2018]

(4) No person may acquire as a going concern —

- (a) the business (or any part thereof) of a designated gas licensee conducted pursuant to its licence;
- (b) the business (or any part thereof) of a designated entity relating to a gas pipeline network or any part thereof owned by the entity; or
- (c) the business (or any part thereof) of a designated business trust relating to a gas pipeline network or any part thereof in respect of which, wholly or in part, the business trust is established,

unless the person, and the licensee, the entity or the trustee-manager of the business trust (as the case may be) obtain the prior written approval of the Authority.

[24/2007; 43/2018]

Approval of applications under section 63B

63C.—(1) The Authority may approve an application of a person for the Authority’s approval under section 63B(3) if the Authority is satisfied that —

- (a) the person is a fit and proper person;
- (b) having regard to the person’s likely influence —
 - (i) the designated gas licensee or designated entity (as the case may be) will continue to conduct its business prudently and comply with the provisions of this Act; or
 - (ii) the trustee-manager of the designated business trust will continue to conduct the business of the business trust prudently and comply with the provisions of this Act; and

(c) it is in the public interest to do so.

[24/2007]

(2) The Authority may approve an application for the Authority's approval under section 63B(4) if the Authority is satisfied that —

- (a) the person acquiring the business is a fit and proper person;
- (b) the acquisition will not affect the security or reliability of the conveyance of gas to consumers' premises; and
- (c) it is in the public interest to do so.

[24/2007]

(3) Any approval granted by the Authority under this section is without prejudice to the operation of Part 9.

[24/2007]

(4) Any approval by the Authority under this section may be granted subject to such conditions as the Authority may determine, including but not limited to any condition —

- (a) restricting the disposal or further acquisition of equity interests or voting power in the designated gas licensee, designated entity or designated business trust; or
- (b) restricting the exercise of voting power in the designated gas licensee, designated entity or designated business trust.

[24/2007]

(5) The Authority may at any time add to, vary or revoke any condition imposed under this section.

[24/2007]

(6) Any condition imposed under this section has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the designated gas licensee, designated entity or designated business trust.

[24/2007; 43/2018]

Regulations for carrying out sections 63B and 63C

63CA.—(1) The Authority may, with the approval of the Minister, make such regulations under section 96 as are necessary or expedient for carrying out the purposes of sections 63B and 63C.

[43/2018]

(2) Without limiting subsection (1), the regulations may prescribe —

- (a) the meaning of equity interest and the circumstances under which a person is treated as holding a percentage of the total equity interest in a designated gas licensee, a designated entity or a designated business trust;
- (b) the circumstances under which a person is treated as being in a position to control a percentage of the voting power in a designated gas licensee, a designated entity or a designated business trust;
- (c) the circumstances under which a person is treated as having acquired as a going concern a business mentioned in section 63B(4);
- (d) the circumstances under which a person is treated as being an associate for the purposes of sections 63A, 63E and 63G; and
- (e) the manner in which any notice or application under section 63B must be given or made, and the person or persons who must give the notice or make the application.

[43/2018]

Power to exempt

63D. The Authority may, by order in the *Gazette*, exempt —

- (a) any person or class of persons; or
- (b) any class or description of equity interests,

from section 63B(1), (3) or (4), subject to such conditions as may be specified in the order.

[24/2007]

Power to issue directions

63E.—(1) The Authority may issue any direction under subsection (2) or (3) (as the case may be) to a person if the Authority is satisfied that —

- (a) the person has contravened section 63B(3) or (4);

- (b) in the case of a person who has obtained the Authority's approval under section 63B(3) or who has been exempted from section 63B(3) under section 63D —
 - (i) the person is not or ceases to be a fit and proper person;
 - (ii) having regard to the person's likely influence —
 - (A) the designated gas licensee or designated entity (as the case may be) is not, or is no longer, likely to conduct its business prudently or to comply with the provisions of this Act; or
 - (B) the trustee-manager of the designated business trust is not, or is no longer, likely to conduct the business of the business trust prudently or to comply with the provisions of this Act; or
 - (iii) it is not, or is no longer, in the public interest to allow the person to continue to be a 12% controller, a 30% controller or an indirect controller, as the case may be;
- (c) in the case of a person who has obtained the Authority's approval under section 63B(4) or who has been exempted from section 63B(4) under section 63D, and who has acquired as a going concern a business referred to in section 63B(4) —
 - (i) the person is not or ceases to be a fit and proper person; or
 - (ii) it is not, or is no longer, in the public interest to allow the person to continue to own or manage that business;
- (d) the person has furnished false or misleading information or documents to the Authority in connection with the person's application for the Authority's approval under section 63B(3) or (4);
- (e) the Authority would not have approved the person's application for its approval under section 63B(3) or (4)

had it been aware, at that time, of circumstances relevant to the application; or

- (f) any condition imposed on the person under section 63C or 63D has not been complied with.

[24/2007]

(2) Where the person is a 12% controller, a 30% controller or an indirect controller of a designated gas licensee, designated entity or designated business trust, the Authority may, by written notice —

- (a) direct the person to take such steps as are necessary, within such period as may be specified by the Authority, to ensure that the person ceases to be a 12% controller, a 30% controller or an indirect controller of the licensee, entity or business trust;
- (b) direct the person or any of the person's associates to transfer or dispose of all or any of the equity interests in the licensee, entity or business trust held by the person or the person's associate (called in this section and section 63F the specified equity interests) within such time and subject to such conditions as the Authority considers appropriate;
- (c) restrict the transfer or disposal of the specified equity interests; or
- (d) make any other direction that the Authority considers appropriate.

[24/2007]

(3) Where the person has acquired as a going concern a business referred to in section 63B(4), the Authority may, by written notice —

- (a) direct the person to transfer or dispose of the business or any part thereof within such time and subject to such conditions as the Authority considers appropriate;
- (b) restrict the transfer or disposal of the business or any part thereof; or
- (c) make such other direction as the Authority considers appropriate.

[24/2007]

(4) Before issuing any direction to any person under subsection (2) or (3), the Authority must, unless the Authority decides that it is not practicable or desirable to do so, give to that person notice in writing of the Authority's intention to issue the direction and specifying a date by which the person may make written representations with regard to the proposed direction.

[24/2007]

(5) Upon receipt of any written representation referred to in subsection (4), the Authority must consider it for the purpose of determining whether to issue the direction.

[24/2007]

(6) Any person to whom a direction is issued under this section must comply with the direction.

[24/2007]

(7) The Authority may at any time vary or revoke any direction issued under this section.

[24/2007]

Effect of directions

63F.—(1) Any direction issued by the Authority to any person under section 63E takes effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the designated gas licensee, designated entity or designated business trust, as the case may be.

[24/2007; 43/2018]

(2) Where any direction is issued under section 63E(2)(b) or (c), despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution, of the designated gas licensee, designated entity or designated business trust (as the case may be) —

- (a) no voting rights are exercisable in respect of the specified equity interests unless the Authority expressly permits such rights to be exercised;
- (b) no equity interests in the licensee, entity or business trust may be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified equity interests

unless the Authority expressly permits such issue or offer;
and

- (c) except in a winding up of the licensee, entity or business trust, payments must not be made by the licensee, entity or trustee-manager of the business trust of any amount (whether by way of dividends or otherwise) in respect of the specified equity interests unless the Authority expressly authorises such payment,

until the transfer or disposal is effected in accordance with the direction or until the restriction on the transfer or disposal is removed, as the case may be.

[24/2007; 43/2018]

Offences, penalties and defences

63G.—(1) Any person who contravenes section 63B(1), (3) or (4) or 63E(6) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$50,000 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(2) Where a person is charged with an offence in respect of a contravention of section 63B(3), it is a defence for the person to prove that —

- (a) the person was not aware that the person had contravened section 63B(3); and
- (b) the person has, within 14 days of becoming aware that the person had contravened section 63B(3), notified the Authority of the contravention and, within such time as

may be determined by the Authority, taken such actions in relation to the person's holding of equity interests or control of the voting power in the designated gas licensee, designated entity or designated business trust as the Authority may direct.

[24/2007]

(3) Where a person is charged with an offence in respect of a contravention of section 63B(3), it is also a defence for the person to prove that, even though the person was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the holding of equity interests, or in the voting power controlled, by any of the person's associates;
- (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interests or other interests in, or under which they act together in exercising their voting power in relation to, the designated gas licensee, designated entity or designated business trust; and
- (c) the person has, within 14 days of the date of the contravention, notified the Authority of the contravention and, within such time as may be determined by the Authority, taken such actions in relation to the person's holding of equity interests or control of the voting power in the designated gas licensee, designated entity or designated business trust as the Authority may direct.

[24/2007; 43/2018]

(4) Except as provided in subsections (2) and (3), it is not a defence for a person charged with an offence in respect of a contravention of section 63B(1) or (3) to prove that the person did not intend to or did not knowingly contravene section 63B(1) or (3).

[24/2007; 43/2018]

Appointment of chief executive officer, director, etc., of designated gas licensee

63H.—(1) No designated gas licensee may appoint a person as its chief executive officer, its director or the chairperson of its board of

directors unless it has obtained the prior written approval of the Authority.

[24/2007]

(2) Where a person has been appointed by a designated gas licensee as its chief executive officer, its director or the chairperson of its board of directors in contravention of subsection (1), the Authority may issue a direction to the licensee to remove that person as its chief executive officer, its director or the chairperson of its board of directors, as the case may be.

[24/2007]

(3) This section has effect despite the Companies Act 1967 or anything contained in the memorandum or articles of association, or other constitution, of the designated gas licensee.

[24/2007]

PART 8

SAFETY

Safety requirements in relation to gas

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

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

(3) Where a person carries out any work in relation to a gas fitting which might affect the gas tightness of a gas installation, a gas pipeline or gas pipeline network, the person must immediately thereafter test the system for gas tightness.

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

(5) No person carrying out work in relation to a gas fitting which involves exposing any part of the gas installation which contains or contained flammable gas may smoke or use any source of ignition

unless the gas installation has been purged so as to remove all such gas or has otherwise been made safe from risk of fire or explosion.

(6) No person searching for an escape of gas from a gas fitting may use any source of ignition unless the source of ignition is incorporated as part of an instrument designed for the detection of gas.

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

(8) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

Notified escapes of gas

65.—(1) Where any gas escapes from any gas pipeline owned by, or under the management or control of a gas transporter, or from any internal pipe, gas fitting or gas appliance used by a consumer to whose premises gas is conveyed by the gas transporter, the gas transporter must —

- (a) immediately take steps necessary to prevent the gas from escaping (whether by disconnecting any premises or otherwise); and
- (b) take any other steps necessary to avert danger to life or property.

[24/2007]

(2) A gas transporter who —

- (a) fails within a reasonable time to effectively prevent the gas from escaping; or
- (b) fails to comply with subsection (1)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(3) In any proceedings for an offence under subsection (2)(a), it is a defence for the gas transporter to prove that —

- (a) it was not reasonably practicable for it to effectively prevent the gas from escaping; and
- (b) it did effectively prevent the escape as soon as it was reasonably practicable for it to do so.

(4) In any proceedings for an offence under subsection (2)(b), it is a defence for the gas transporter to prove that it took all such steps to avert danger to life or property as were reasonably practicable.

(5) It is the duty of any gas transporter, gas shipper or gas retailer to take all steps necessary to ensure that, if it is informed by any person (the informant) or otherwise knows of an escape of gas (other than one, in the case of a gas transporter, that it is required by subsection (1) to prevent), it passes the information on, without avoidable delay —

- (a) to a responsible person, that is to say, a person appearing to it —
 - (i) to be responsible (whether under this section or otherwise) for preventing the escape; or
 - (ii) to be the gas transporter from whose gas pipeline network the gas is escaping; or
- (b) to a person nominated by a responsible person to receive information on the responsible person's behalf about escaping of gas.

[24/2007]

(6) For the purposes of subsection (5)(b), there is sufficient compliance if the gas transporter, gas shipper or gas retailer is reasonably satisfied that the informant has passed on the information, without avoidable delay, to the nominated person.

[24/2007]

(7) For the purposes of subsections (5) and (6), references to the passing on of information to a nominated person are references to the passing on of information to that person in such manner (if any) as may be specified by the responsible person by whom that person was nominated.

Suspected escapes of gas

66.—(1) Where a gas transporter has reasonable cause to suspect that gas conveyed by the gas transporter which has escaped, has entered, or may enter any premises, the gas transporter must take all steps necessary to avert danger to life or property.

(2) If a gas transporter fails to comply with subsection (1), it shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

(3) In any proceedings for an offence under subsection (2), it is a defence for the gas transporter to prove that it took all such steps to avert danger to life or property as were reasonably practicable.

Power to disconnect and interrupt supply of gas

67.—(1) Where, on the occurrence of a fire or on the reasonable expectation or occurrence of an operational emergency, a gas transporter, a licensed gas service worker or an authorised officer is of the opinion that immediate action is necessary —

- (a) in the interests of public safety;
- (b) in order to repair damaged gas pipelines;
- (c) in order to avoid undue interference with the efficient conveyance of gas and shipping of gas to consumers;
- (d) for the construction of any new work, alteration to or the maintenance of any existing work;
- (e) for the installation, change or removal of any meter; or
- (f) for the conservation of the supply of gas,

the gas transporter or licensed gas service worker or authorised officer (as the case may be) may immediately disconnect or divert the supply of gas to any premises and must immediately thereafter give written notice of the disconnection or diversion to the owner or occupier of the premises.

[24/2007]

(2) A gas transporter, licensed gas service worker or authorised officer shall not be liable under this section in respect of any injury, loss or damage suffered by any person by reason of —

- (a) any failure to provide or delay in providing any supply of gas or any associated gas fitting or gas appliance; or
- (b) any failure, interruption, suspension or restriction of any supply of gas which has not been caused by the negligence of the gas transporter, licensed gas service worker or authorised officer, as the case may be.

Power to reduce supply pressure

68. A gas transporter may, for operational reasons without incurring any liability for so doing, reduce as it thinks fit the pressure of gas supplied in any case, if at any time it is of the opinion that its gas supply pressure is insufficient for the purposes of maintaining a normal supply of gas, and such pressure must be restored as soon as reasonably practicable.

PART 8A

SEVERE GAS SHORTAGE

Meaning of “severe gas shortage situation”

68A. A severe gas shortage situation is a situation in which —

- (a) there is a shortage of natural gas imported into Singapore resulting in any gas importer providing less of such gas to any of its customers than is required under its arrangement with that customer (without taking into consideration any such gas to be provided on a reasonable endeavours basis under that arrangement); and
- (b) given the extent, and the likely period or the uncertainty of the period, of the shortage, the shortage will or is likely to —
 - (i) threaten the security or stability of the supply of gas or electricity in Singapore; or
 - (ii) result in a severe loss of output from any industry sector that uses natural gas as feedstock or fuel stock.

[43/2018]

Directions by Authority

68B.—(1) Where the Authority considers that there is an imminent or actual severe gas shortage situation, the Authority may, with the approval of the Minister, give to any person or persons such directions specified in subsection (2) as the Authority considers necessary.

[43/2018]

(2) The directions for the purpose of subsection (1) are for the purpose of addressing or alleviating the severe gas shortage situation, or preventing the severe gas shortage situation from occurring or continuing, and may be issued at any one or more times before the severe gas shortage situation occurs or during the severe gas shortage situation.

[43/2018]

(3) For the purposes of subsection (2), a direction may require any person to whom the direction is given to do or not to do any thing, including a direction to —

- (a) enter into or modify any agreement between the person directed and any other person;
- (b) terminate any agreement between the person directed and any other person;
- (c) give any consent or withhold the giving of any consent required under any agreement between the person directed and any other person; or
- (d) provide security for any compensation that the person directed may be liable to pay pursuant to section 68D.

[43/2018]

(4) A direction under this section remains in force until revoked by the Authority.

[43/2018]

(5) Any person to whom a direction is given under this section who fails to comply with the direction shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1 million; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction,

and section 19 does not apply to the direction.

[43/2018]

(6) Any person who does any act which the person knows or ought reasonably to know is or is likely to obstruct, hinder or otherwise prevent a person to whom a direction is given under this section from complying with the direction shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1 million; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[43/2018]

(7) No action, suit or other legal proceedings shall lie against any party to a contract or arrangement made before 3 May 2019, or in relation to, any breach of that contract or arrangement, where such breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Authority issued under this Part.

[43/2018]

Requests for information, etc.

68C.—(1) For the purpose of making a determination on any matter under this Part (including whether or not a direction should be given under this Part), the Authority or the Minister may, by written notice, request for such information and document from such person (including a person likely to be affected by a direction issued under this Part) as the Authority or the Minister considers necessary.

[43/2018]

- (2) Any person who, upon a request mentioned in subsection (1) —
 - (a) fails to comply with the request;
 - (b) intentionally alters, suppresses or destroys any information or document required by the request; or
 - (c) provides to the Authority or the Minister (as the case may be) any information or document that is false, misleading

or inaccurate in a material particular, or recklessly provides any such information or document,

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 12 months or to both.

[43/2018]

(3) Section 5 applies (with the necessary modifications) to information and documents provided under this section to the Authority or the Minister as it applies to information and documents provided to the Authority under section 4.

[43/2018]

Regulations for this Part, etc.

68D.—(1) The Minister may make regulations prescribing —

- (a) the circumstances in which any direction issued under section 68B may be modified;
- (b) the circumstances in which compensation is payable for any loss or damage suffered by any person as a result of a direction of the Authority given under section 68B, and for matters relating to the determination and payment of the compensation, including the following:
 - (i) the constitution and appointment of the members of a panel (called in this Part a Pricing Panel) to determine matters concerning the compensation (including the amount), the qualifications of any of the members, the period of tenure of any of the members, and the circumstance in which a member may be disqualified from so acting;
 - (ii) the remuneration and allowances of members of the Pricing Panel;
 - (iii) the procedure to be adopted by the Pricing Panel in its proceedings and the records to be kept by the Pricing Panel;
 - (iv) compelling the attendance of witnesses to give evidence to the Pricing Panel and the examination

of witnesses under oath, and compelling the production of documents;

(v) the treatment and usage of confidential information and documents received by the Pricing Panel;

(vi) matters which the Pricing Panel must —

(A) take into account in reckoning the compensation to be paid (including any quantifiable loss or damage suffered by any person as a result of any direction issued by the Authority under section 68B); or

(B) disregard in reckoning the compensation (including any quantifiable amount received or recoverable by any person who has suffered loss or damage mentioned in sub-paragraph (A), that has the effect of compensating the person, in whole or in part, for that loss or damage),

and to provide for such other principles as the Minister considers appropriate for the purpose of determining the compensation;

(vii) the person or persons by whom the compensation (or any part of the compensation) is payable and the person or persons to whom the compensation (or any part of the compensation) is to be paid, and the manner of payment, as determined by the Pricing Panel;

(viii) the circumstances in which the Pricing Panel may review its determination of the compensation;

(c) fees or charges for any thing done under this Part; and

(d) anything which is required to be prescribed under this Part or which is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Part.

[43/2018]

(2) The Minister may, in making regulations under this Part, provide that any person who contravenes any regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[43/2018]

(3) Every member of a Pricing Panel, when and for so long as the member acts as such, is taken to be a public servant within the meaning of the Penal Code 1871, and enjoys the same judicial immunity as is enjoyed by a District Judge.

[43/2018]

Appeals to General Division of High Court

68E.—(1) The person by whom and the person to whom compensation is payable under section 68D may appeal to the General Division of the High Court against a decision of a Pricing Panel in relation to that compensation, upon any question of law or of mixed law and fact.

[43/2018; 40/2019]

(2) The procedure governing and the costs of such appeal to the General Division of the High Court are as provided for in the Rules of Court.

[43/2018; 40/2019]

(3) The General Division of the High Court may hear and determine any such appeal and may confirm, reduce, increase or annul the decision of the Pricing Panel, and make such further or other order on such appeal, whether as to costs or otherwise, as the General Division of the High Court thinks fit.

[43/2018; 40/2019]

(4) There is to be such further right of appeal from decisions of the General Division of the High Court under this section as exists in the case of decisions made by the General Division of the High Court in the exercise of its original civil jurisdiction.

[43/2018; 40/2019]

Recovery of compensation

68F. Compensation determined by a Pricing Panel under section 68D as being payable by a person to another person, is a debt due from the person to the other person.

[43/2018]

PART 9**COMPETITION****Agreements, etc., preventing, restricting or distorting competition**

69.—(1) Subject to section 71, agreements, decisions or concerted practices by persons which have as their object or effect the prevention, restriction or distortion of competition in any gas market in Singapore are prohibited.

(2) Subsection (1) applies, in particular, to agreements, decisions or concerted practices which —

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions of gas in Singapore;
- (b) limit or control production, markets, technical development or investment in the gas industry in Singapore;
- (c) share markets or sources of supply of gas in Singapore;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts; or
- (f) provide for the acquisition, directly or indirectly, of shares in or the assets of a gas licensee.

(3) Subsection (1) applies only if the agreement, decision or practice is, or is intended to be, implemented in Singapore.

(4) Subject to section 71, an agreement or a decision which is prohibited by subsection (1) is void.

(5) Unless the context otherwise requires, a provision of this Part which is expressed to apply to, or in relation to, an agreement is to be read as applying, with the necessary modifications, equally to, or in relation to, a decision by any person or a concerted practice.

(6) Subsection (1) applies to agreements, decisions and concerted practices implemented before, on or after 19 December 2003.

Abuse of dominant position

70.—(1) Subject to section 71, any conduct on the part of one or more persons which amounts to the abuse of a dominant position in any gas market in Singapore is prohibited if it may affect trade within Singapore.

(2) Conduct may, in particular, constitute such an abuse if it consists in —

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions of gas in Singapore;
- (b) limiting production, markets or technical developments in the gas industry in Singapore to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; or
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

(3) In this section, “dominant position” means a dominant position within Singapore.

Exemption

71.—(1) The Authority may, with the approval of the Minister, on the application of any person or on its own initiative, grant an exemption from section 69(1) or 70(1) to any agreement or conduct.

(2) An exemption under subsection (1) —

- (a) may be granted subject to such conditions or obligations as the Authority considers appropriate;
- (b) has effect for such period as the Authority considers appropriate; and
- (c) must be in writing and sent by the Authority to the person to whom the exemption is granted.

(3) The Authority must notify any applicant in writing of its decision under subsection (1) not to grant an exemption.

(4) An exemption under this section, unless previously revoked in accordance with the terms of such exemption, continues in force for such period as is specified in such exemption.

(5) The Authority may, with the approval of the Minister, on the application of any person or on its own initiative —

- (a) extend the period for which an exemption granted under subsection (1) has effect;
- (b) vary or remove any condition or obligation specified in an exemption; or
- (c) impose additional conditions or obligations in an exemption.

Request for Authority to examine agreement or to consider conduct, etc.

72. The Authority may, with the approval of the Minister, make regulations —

- (a) to provide for persons who are parties to any agreement or conduct to apply to the Authority for guidance as to whether or not the agreement or conduct is likely to infringe section 69(1) or 70(1);

- (b) to provide for the procedure for an application under paragraph (a);
- (c) to prescribe any decision which the Authority may make and the effect of the decision; and
- (d) generally for giving full effect to the objective of this Part.

Guidelines

72A.—(1) The Authority may issue guidelines with a view to providing practical guidance or certainty in respect of any one or more of the provisions in this Part.

[43/2018]

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

[43/2018]

(3) Where, in any administrative proceedings commenced in connection with this Part, any provision in this Part to which any guideline issued under subsection (1) relates is alleged to have been contravened, then —

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

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.

[43/2018]

Power to investigate

73. The Authority may conduct an investigation if there are reasonable grounds for suspecting that section 69(1) or 70(1) has been infringed.

Power when conducting investigation

74.—(1) For the purposes of an investigation under section 73, the Authority may, by written notice to any person, require that person to produce to the Authority a specified document, or to provide the

Authority with specified information, which the Authority considers relates to any matter relevant to the investigation.

(2) A notice under subsection (1) must indicate —

- (a) the subject matter and purpose of the investigation; and
- (b) the nature of the offences created by sections 80, 81 and 82.

(3) The Authority may also specify in the notice —

- (a) the time and place at which any document is to be produced or any information is to be provided; and
- (b) the manner and form in which it is to be produced or provided.

(4) The power under this section to require a person to produce a document includes the power —

(a) if the document is produced —

- (i) to take copies of it or extracts from it; and
- (ii) to require such person, or any person who is a present or past officer of the firstmentioned person, or is or was at any time employed by the firstmentioned person, to provide an explanation of the document; and

(b) if the document is not produced, to require such person to state, to the best of such person's knowledge and belief, where it is.

(5) In subsection (1), "specified" means —

- (a) specified, or described, in the notice; or
- (b) falling within a category which is specified, or described, in the notice.

Power to enter premises under warrant

75.—(1) The Authority may apply to a District Court for a warrant and the Court may issue such a warrant if it is satisfied that —

- (a) there are reasonable grounds for suspecting that there are on any premises documents which are required to be produced under section 74; or
 - (b) there are reasonable grounds for suspecting that —
 - (i) there are on any premises documents which the Authority has power under section 74 to require to be produced; and
 - (ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed.
- (2) A warrant under this section authorises a named officer of the Authority, and any other of its officers whom the Authority has authorised in writing to accompany the named officer —
- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;
 - (b) to search the premises and take copies of, or extracts from, any document appearing to be of a kind in respect of which the application under subsection (1) was granted (the relevant kind);
 - (c) to take possession of any document appearing to be of the relevant kind if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
 - (d) to take any other steps which appear to be necessary for the purpose mentioned in paragraph (c)(i);
 - (e) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of the person's knowledge and belief, where it may be found; and
 - (f) to require any information which is held in a computer and is accessible from the premises and which the named

officer considers relates to any matter relevant to the investigation, to be produced in a form —

- (i) in which it can be taken away; and
- (ii) in which it is visible and legible.

(3) If, in the case of a warrant issued under subsection (1)(b), the District Court is satisfied that it is reasonable to suspect that there are also on the premises other documents relating to the investigation concerned, the warrant also authorises the action mentioned in subsection (2) to be taken in relation to any such document.

(4) If there is no one at the premises when the named officer proposes to execute such a warrant, he or she must, before executing it —

- (a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and
- (b) if the occupier is so informed, afford the occupier, or the legal or other representative of the occupier, a reasonable opportunity to be present when the warrant is executed.

(5) If the named officer is unable to inform the occupier of the intended entry, the named officer must, when executing the warrant, leave a copy of it in a prominent place on the premises.

(6) On leaving any premises which the named officer has entered by virtue of a warrant under this section, the named officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as the named officer found them.

(7) A warrant under this section continues in force until the end of the period of one month beginning from the day on which it is issued.

(8) Any document of which possession is taken under subsection (2)(c) may be retained for a period of 3 months.

(9) In this section —

“named officer” means the officer named in the warrant;

“occupier”, in relation to any premises, means a person whom the named officer reasonably believes is the occupier of those premises.

Privileged communication

76. A person is not required, under any provision of this Part, to produce or disclose a communication —

- (a) between a professional legal adviser and his or her client;
or
- (b) made in connection with, or in contemplation of, legal proceedings and for the purposes of those proceedings,

which in proceedings in a court would be protected from disclosure on grounds of privilege.

Decision following investigation

77. Where, following an investigation conducted under section 73, the Authority considers that section 69(1) or 70(1) has been infringed and the Authority proposes to make a direction under section 78, the Authority must —

- (a) give written notice to the person likely to be affected by such direction; and
- (b) give such person an opportunity to make representations to the Authority.

Enforcement and appeal

78.—(1) Where the Authority has made a decision that section 69(1) or 70(1) has been infringed, the Authority may give directions to such person as the Authority considers appropriate to bring the infringement to an end.

(2) A direction referred to in subsection (1) may, in particular, include provisions —

- (a) where the decision is that any agreement infringes section 69(1) —
 - (i) requiring the person to modify or terminate the agreement; and
 - (ii) in the case of an agreement referred to in section 69(2)(f), requiring the person to dispose of all or any of the relevant shares or assets, otherwise

than to an associated person, within a period specified in the direction, being not less than 3 months after service of the direction; and

(b) where the decision is that any conduct infringes section 70(1) —

(i) requiring the person to modify the conduct in question; or

(ii) requiring the person to cease that conduct; and

(c) in either case, requiring the person —

(i) to pay to the Authority a financial penalty in respect of the infringement of an amount not exceeding \$1 million or 10% of the annual turnover of such person's business in Singapore, ascertained from its latest audited accounts, whichever is the higher; and

(ii) to provide a performance bond, guarantee or other form of security on such terms and conditions as the Authority may determine.

(3) Where a person fails to comply with a direction referred to in subsection (2)(a)(ii), the shares last registered in the name of that person or the assets (as the case may be) that are the subject of the acquisition and specified by the Authority by written notice served on the person, are forfeited to the Government.

(4) Any shares or assets forfeited to the Government under subsection (3) must be sold by the Government as soon as practicable and the proceeds of sale, after deduction of the reasonable costs of the forfeiture and sale, must be paid to the person from whom the shares or assets were forfeited.

(5) Any person who is aggrieved by any decision or direction of the Authority under this Part may, within 14 days after receipt of the notice referred to in section 79, appeal to the Appeal Panel under Part 10.

(6) An appeal under subsection (5) does not suspend the effect of a decision or direction to which the appeal relates unless —

(a) otherwise allowed by the Minister; or

- (b) the appeal is against the imposition or the amount of a financial penalty.

[24/2007]

(7) In this section —

“associated person” has the meaning given by section 76D(14) of the Companies Act 1967;

“relevant shares or assets” means any shares or assets of a gas licensee held by the person that would need to be disposed of in order to cause the acquisition to cease to have the object or effect of preventing, restricting or distorting competition in the gas market in Singapore.

Notification

79. The Authority must, within 14 days of the Authority making any decision or direction under this Part, notify any person affected by such decision or direction.

Offences

80.—(1) A person who fails to comply with a requirement imposed on the person under section 74 or 75 shall be guilty of an offence.

(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it is a defence for the person to prove that —

- (a) the document was not in the person’s possession or under the person’s control; and
- (b) it was not reasonably practicable for the person to comply with the requirement.

(3) If a person is charged with an offence under subsection (1) in respect of a requirement —

- (a) to provide information;
- (b) to provide an explanation of a document; or
- (c) to state where a document is to be found,

it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.

(4) Failure to comply with a requirement imposed under section 74 is not an offence if the person imposing the requirement has failed to act in accordance with that section.

(5) Any person who intentionally obstructs an officer in the exercise of the officer's powers under a warrant issued under section 75 shall be guilty of an offence.

Destroying or falsifying documents

81. Any person who, having been required to produce a document under section 74 or 75 —

- (a) intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it; or
- (b) causes or permits its destruction, disposal, falsification or concealment,

shall be guilty of an offence.

False or misleading information

82. Any person who provides information to the Authority or an authorised officer in connection with any function or duty of the Authority under this Part which is false or misleading in a material particular shall be guilty of an offence.

PART 10

APPEAL PANEL

Request to establish Appeal Panel

83.—(1) This section applies to —

- (a) a gas licensee who wishes to appeal against a decision of the Authority to modify any condition of its gas licence under section 16; and
- (b) any person who is aggrieved by a direction or decision of the Authority under Part 9.

- (2) A person to whom this section applies may, within 14 days —
- (a) of the receipt of a direction under section 16 to modify any condition of a gas licence; or
 - (b) of the receipt of a notification by the Authority of a direction or decision under Part 9,

notify the Minister that the person wishes to make an appeal, providing adequate details of the grounds for the appeal and requesting the Minister to establish an Appeal Panel to consider and determine the appeal.

[43/2018]

(3) When requested to establish an Appeal Panel, the Minister must, upon consultation with the Authority, unless the request is in the Minister's opinion of a frivolous, trivial or vexatious nature, establish an Appeal Panel within 30 days after the request to consider and determine the appeal in question.

[43/2018]

Composition and procedure of Appeal Panel

84.—(1) An Appeal Panel established by the Minister must consist of at least 3 persons, one of whom is to be appointed by the Minister to be the chairperson of the Appeal Panel.

[24/2007; 43/2018]

(2) The Minister may, in establishing the Appeal Panel, provide for —

- (a) the terms and conditions of the membership of the Appeal Panel as the Minister considers appropriate;
- (b) the procedure to be adopted by the Appeal Panel in considering any matter referred to it; and
- (c) any other matters which the Minister considers incidental or expedient for the proper and efficient conduct of an appeal by the Appeal Panel.

[24/2007; 43/2018]

(3) The remuneration and allowances (if any) of a member of an Appeal Panel are to be determined by the Minister and form part of the expenses of the Authority.

(4) An Appeal Panel must be independent in the performance of its functions.

Powers of Appeal Panel

85.—(1) An Appeal Panel is to, by notice to the Authority and the appellant, specify the date on and the place at which the appeal is to be heard.

(2) An Appeal Panel has all the powers and duties of the Authority that are necessary to carry out its functions and duties under this Act.

(3) An Appeal Panel has the powers, rights and privileges vested in a District Court on the hearing of an action, including —

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise;
- (b) the compelling of the production of documents; and
- (c) the award of costs and expenses of and incidental to any proceedings before the Appeal Panel.

[24/2007]

(4) A summons signed by any member of the Appeal Panel as may be authorised by the Appeal Panel is equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where any person being duly summoned to attend before an Appeal Panel does not so attend, that person shall be guilty of an offence.

(6) A witness before an Appeal Panel is entitled to the same immunities and privileges as if he or she were a witness before a District Court.

(7) All appeals under this section are to be determined, having regard to the nature and complexity of the appeal, as soon as reasonably practicable.

(8) In the case of a modification of any condition of a gas licence, the Appeal Panel may either confirm the modification or direct the Authority not to make the modification, and the decision of the Appeal Panel is final.

(9) In the case of a direction or decision of the Authority under Part 9, the Appeal Panel may either confirm, vary or reverse the direction or decision of the Authority or direct the Authority to reconsider the direction or decision, and the Appeal Panel's decision is final.

(10) An Appeal Panel established by the Minister to consider and determine an appeal under section 93(3) may determine the appeal by —

- (a) confirming, varying or reversing any decision or direction of the Authority; or
- (b) directing the Authority to reconsider its decision or direction,

and the decision of the Appeal Panel is final.

[24/2007]

(11) The Appeal Panel must notify the appellant of its decision in respect of the appellant's appeal and the reasons for its decision.

PART 11

MISCELLANEOUS

Keeping of register

86.—(1) The Authority must, at such location and in such form as it may determine, maintain a register for the purposes of this section.

(2) Subject to any direction under subsection (3), the Authority must cause to be entered in the register —

- (a) the provisions of every licence or exemption granted to any person under Part 3 and the details of every licence or exemption revoked;
- (b) the details of a relevant facility in respect of which the Authority has granted an exemption under section 38(8);
- (c) the details of every licensed gas service worker;
- (d) the provisions of an exemption granted under section 71 and the details of any exemption revoked;

- (e) the provisions of an exemption granted under section 94;
- (f) the details of every modification made to a gas licence; and
- (g) any other matters as the Authority thinks fit.

(3) If it appears to the Minister that the entry of any provision or detail in the register would be against the public interest, he or she may direct the Authority not to make the entry in the register.

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

Effect of direction

87.—(1) The obligation to comply with any direction made by the Authority is a duty owed to any person who may be affected by a contravention of it.

(2) Where a duty is owed by virtue of subsection (1) to any person, any breach of the duty which causes that person to sustain loss or damage is actionable at the suit or instance of that person.

(3) In any proceedings brought against any person under subsection (2), it is a defence for the person to prove that the person took all reasonable steps and exercised all due diligence to avoid contravening the relevant direction.

(4) Without prejudice to any right which any person may have under subsection (2) to bring civil proceedings in respect of any contravention of any relevant direction, compliance with any such direction is enforceable by civil proceedings by the Authority for an injunction or for any other appropriate relief.

Jurisdiction of court

88. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court and a Magistrate's Court have jurisdiction to try any offence under this Act and have power to impose the full penalty or punishment in respect of any offence under this Act.

Offences by body corporate

89. Where an offence under this Act has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless the person proves that —

- (a) the offence was committed without the person's consent or connivance; and
- (b) the person had exercised all such due diligence to prevent the commission of the offence as the person ought to have exercised, having regard to the nature of the person's functions in that capacity and to all the circumstances.

Fee or financial penalty recoverable

90. Any fee or financial penalty required to be paid to the Authority under this Act may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

General penalties

91. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

Composition of offences

92.—(1) The Authority may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$3,000.

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

Payment into Consolidated Fund

92A. All composition sums collected by the Authority under section 92 and all financial penalties collected by the Authority under this Act, must be paid into the Consolidated Fund.

[43/2018]

Appeal to Minister

93.—(1) A person aggrieved by —

(a) any decision of the Authority in the exercise of any discretion vested in it by or under this Act, except for section 27(12); or

(b) any direction issued by the Authority under this Act,

may, except where provision has been made under this Act for an appeal to be made to an Appeal Panel, appeal to the Minister.

[24/2007; 43/2018]

(2) An appeal under subsection (1) does not suspend the effect of a decision or direction to which the appeal relates unless —

(a) otherwise provided in this Act or allowed by the Minister; or

(b) the appeal is against the imposition or the amount of a financial penalty.

[24/2007]

(3) Where the Minister considers that an appeal made to the Minister involves issues of such nature or complexity that it ought to be considered and determined by persons with particular technical or other specialised knowledge, the Minister may establish by direction an Appeal Panel, comprising one or more of such persons with particular technical or other specialised knowledge and such other persons as the Minister considers appropriate, to consider and determine the appeal.

[24/2007; 43/2018]

(4) Any person who has made an appeal to the Minister must provide such information and documents as may be required by the Minister (whether for the purpose of deciding if an Appeal Panel

should be established or for determining the appeal) in such manner and within such period as may be specified by the Minister.

[24/2007; 43/2018]

(5) The Minister may determine an appeal under this section by —

- (a) confirming, varying or reversing any decision or direction of the Authority; or
- (b) directing the Authority to reconsider its decision or direction,

and the decision of the Minister is final.

[24/2007]

(6) The Minister may make regulations prescribing —

- (a) the time and manner in which an appeal must be made under this section; and
- (b) the procedure to be adopted in determining any appeal by the Minister under this section.

[43/2018]

General exemption

94. The Authority may, with the approval of the Minister and by order in the *Gazette*, exempt any person or premises or any class of persons or premises, subject to such conditions or restrictions as may be specified in the order, from any or all of the provisions of this Act other than sections 6 to 10 and 63B.

[24/2007]

Service of documents

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

- (a) by delivering it to the person or to some adult member or employee of his or her family at his or her last known place of residence;

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

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

Regulations

96.—(1) The Authority may, with the approval of the Minister, make regulations for or in respect of every purpose which it considers necessary or convenient to be prescribed for carrying out its functions and duties under, and implementing the provisions of, this Act.

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

- (a) the prevention and suppression of pollution, contamination or waste of gas;
- (b) the prevention of misuse of, or damage to, apparatus and works owned by, or under the control or management of, a

gas transporter or used for the purposes of conveying or supplying gas;

- (c) the prescribing of materials of which conduits, pipes, and other apparatus and fittings for use in connection with the supply of gas must be made, and in respect of their size, shape, fitting, arrangement, connection, quality and workmanship, testing and inspection and cleaning;
- (d) the protection of the public from dangers arising from the conveyance, supply and use of gas or from any gas plant or gas appliance and the elimination, reduction or prevention of risks of personal injury, damage to property or the interference with the use thereof;
- (e) the regulation of matters relating to the charging in of gas to the premises of consumers by any gas transporter;
- (f) the release of a gas retailer from any obligation owed to a consumer;
- (g) the regulation of the construction, laying or placing of a gas pipeline in, on, over, upon, under, across or along any land and the submission and approval of plans relating thereto;
- (h) the prescribing of standards of quality and pressure of gas to be complied with by a gas transporter conveying gas to premises and standards with respect to the properties, composition and other characteristics of gas, including the odourisation of gas so conveyed;
- (i) the regulation of the appointment of independent and impartial persons to carry out tests of gas conveyed by a gas transporter, and all matters relating thereto;
- (j) the regulation of the construction, pattern, type, specification and other characteristics of meters and the appointment of independent and impartial persons to examine meters and to carry out the stamping of meters where appropriate and all matters relating thereto;
- (k) the prescribing of requirements regarding the maintenance, inspection, repair, removal and replacement and

repositioning of a meter at a consumer's premises and for the keeping in proper order, for the purposes of recording the quantity of gas supplied, of a meter made available or owned by a gas licensee or belonging to a consumer or other person;

- (l) the installation and use of meters, and the prohibition of interference with or damage to a meter or any seal or stamp affixed to or made to a meter;
- (m) the prescribing of methods for determining the charges payable by a consumer in the event a meter is found to be defective or otherwise registering erroneously;
- (n) the conversion of a gas pipeline network and gas appliances so as to allow for the conveyance of natural gas in the gas pipeline network and supply to such gas appliance, including —
 - (i) regulating the manner of the conversion;
 - (ii) the interconnection of gas pipeline networks;
 - (iii) conferring on any person authorised by a gas transporter or gas retailer —
 - (A) the power to obtain information and documents from any person necessary for the purposes of the conversion and interconnection; and
 - (B) the power to enter any premises to carry out any inspection or perform any work relating to such conversion and interconnection; and
 - (iv) the circumstances and the manner in which the supply of gas to any premises may be terminated (despite any agreement for such supply), if the conversion is not or if it appears that the conversion cannot be carried out successfully for the premises or any part of the premises;
- (o) the regulation of the introduction of competition in the natural gas industry and the timing of such introduction;

- (p) the regulation of the installation, use, maintenance and repair of any gas plant by a consumer where required for the purpose of —
 - (i) avoiding pressure fluctuation in a gas pipeline or gas pipeline network owned by, or under the management or control of, a gas transporter; or
 - (ii) preventing the admission of gas into a gas main or gas service pipe,and for the removal, testing and replacing of any such gas plant by a gas transporter;
- (q) the regulation of the inspection, maintenance, repair and renewal of —
 - (i) onshore receiving facilities or LNG terminals; or
 - (ii) gas installations or gas service pipes, and the recovery of costs incurred by a gas transporter in connection with such inspection, maintenance, repair and renewal;
- (r) the prescribing of technical and standards of performance in connection with the provision of gas supply services by a gas retailer to consumers and the conveyance of gas by a gas transporter and for the publication of the levels of performance achieved;
- (s) the prescribing of terms that will be held to apply as between a gas retailer and a consumer where the gas retailer supplies gas to a consumer other than in accordance with the terms of a contract and for such terms to be approved by the Authority;
- (t) the safety, technical or economic regulation of any gas pipeline or gas pipeline network whether located onshore or offshore;
- (u) the governing of the exercise of the power of the gas transporter to recover expenditure under section 24;
- (v) the conferring on any authorised person of the relevant power, where it is in the authorised person's opinion

necessary to do so, for the purpose of averting danger to life or property, and to disconnect and seal off any gas fitting or any part of the gas pipeline network on the premises, or disconnect the premises or, if the premises are not connected, to signify the refusal of the relevant person to convey gas or (as the case may be) allow gas to be conveyed to the premises and the making of provision for —

- (i) securing that, where any such power is exercised, the consumer will be notified as to the cause of the exercise of power;
 - (ii) enabling any consumer so notified to appeal to the Authority on grounds that the exercise of the power was unjustified;
 - (iii) enabling the Authority to give such directions in consequence of any such appeal; and
 - (iv) prohibiting any person, subject to such conditions as the Authority may prescribe, from re-connecting any gas fitting or any part of any gas pipeline network or any premises which have been disconnected or causing gas from a gas main to be conveyed to any premises;
- (w) the regulation of gas service work and the licensing of gas service workers, including —
- (i) the approval and control of the standards and safety requirements for gas installations, gas fittings, gas appliances and any other associated equipment;
 - (ii) the regulation of the installation, removal and modification of gas appliances; and
 - (iii) the prohibition of the use, sale or hire of gas appliances and other associated equipment and materials;
- (x) the safety, technical or economic regulation of any LNG terminal or onshore receiving facility;

- (y) the regulation of matters relating to the import of gas, including the quantity of gas that may be imported and the mode of such import;
- (z) the prescribing of fees and charges and their method of payment for the purposes of this Act;
- (za) the prescribing of any service provided in connection with the performance of any function or duty of the Authority, for which the Authority may charge a price by way of agreement with the person to whom the service is provided (instead of prescribing the price).

[24/2007; 43/2018]

(3) The Authority may, in making any regulations, provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

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

(5) For the purpose of subsection (2)(v), “relevant person” means —

- (a) in relation to dangers arising from the conveyance of gas by a gas transporter, or from the use of gas conveyed by such a gas transporter, that gas transporter; and
- (b) in relation to dangers arising from the conveyance of gas by a person other than a gas transporter, or from the use of gas conveyed by such a person, the Authority.

97. *[Omitted as having had effect]*

PART 12

TRANSITIONAL PROVISIONS

Transfer of property, rights, obligations and liabilities for separation of gas transporting and retailing business

98.—(1) On such date as the Minister may determine, such property (whether movable or immovable and whether tangible or intangible), rights, obligations and liabilities comprised in any gas company specified by the Minister —

(a) in which the Government has an interest; and

(b) which is agreed to by the Minister for Finance for the purposes of this section,

(transferor undertaking) are to become, by virtue of this section and without further assurance, the property, rights, obligations and liabilities of such other gas company specified by the Minister —

(c) in which the Government has an interest; and

(d) which is agreed to by the Minister for Finance for the purposes of this section,

(transferee undertaking) in such manner of distribution or allocation and on such terms as to compensation or otherwise, as determined by the Minister and agreed to by the Minister for Finance and set out in a scheme under regulations made by the Minister for the purposes of this section.

[24/2007]

(2) Any immovable property to be transferred to a transferee undertaking under subsection (1) is to be held by such transferee undertaking upon such tenure and subject to such terms and conditions as the Minister may determine.

(3) If any question arises as to whether any particular property, right, obligation or liability of any transferor undertaking has been transferred to a transferee undertaking, a certificate signed by the Minister for Finance is conclusive evidence that the property, right, obligation or liability was or was not so transferred.

(4) For the purposes of subsection (1) and section 99, the Minister may determine one or more dates on which the provisions of this Part

may have effect and where the Minister does so determine, the provisions of this Part are to be construed accordingly and have effect on each such date.

(5) For the purpose of subsection (1), the Minister may direct that an undertaking be incorporated for such purposes as the Minister may determine for furthering the objectives of this Part.

(6) No claim for any loss may be brought against the Government in relation to any act or thing done for the purposes of this Part.

(7) The Minister may at any time vary the terms of any transfer of property, rights, obligations or liabilities under this section.

(8) In this section, a reference to the Government having an interest in a gas company is to be read as a reference to the Government having an interest in any share in the gas company, whether directly or through one or more other persons.

[24/2007]

Existing agreements, etc.

99.—(1) Except as may be prescribed by the Minister, all deeds, bonds, agreements and other arrangements subsisting immediately prior to the date determined by the Minister under section 98(1) affecting any property, rights, obligations and liabilities transferred under that section are to continue in full force and effect on and after that date and are enforceable by or against the transferee undertaking to which the transfer was made as if instead of the transferor undertaking the transferee undertaking was named therein or had been a party thereto.

[24/2007]

(2) Despite subsection (1), any right, obligation or liability as may have accrued under any deed, bond, agreement or other arrangement to which subsection (1) applies prior to the date determined by the Minister under section 98(1) continues to be enforceable by or against the transferor undertaking and not by or against the transferee undertaking.

[24/2007]

(3) For the purpose of subsection (2), any proceedings, or any cause of action, relating to property, rights, obligations or liabilities

transferred under section 98 pending or existing prior to the date determined by the Minister under section 98(1) by or against the transferor undertaking from which such property, rights, obligations or liabilities were transferred are to be continued, or are to be enforced, by or against the transferor undertaking, as the case may be.

[24/2007]

Waiver of prohibition of transfer

100.—(1) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the transferor undertaking is a party or may be bound prohibiting or having the effect of prohibiting the transfer of the property, rights, obligations or liabilities under this Part is deemed by this Act to have been waived.

(2) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the transferor undertaking is a party or may be bound conferring on the other party or parties thereto any right of first refusal or pre-emption rights in respect of any property, right, obligation or liability comprised in the undertakings to be transferred by reason of or arising from, or to the effect that a default occurs or is deemed to occur as a result of, the transfer or intended transfer of the property, right, obligation or liability under this Part is deemed by this Act to have been waived.

Power to make regulations and issue directions, etc.

101.—(1) The Minister may make regulations and may issue directions for such purposes as the Minister may determine for the purposes of giving effect to, or furthering the objectives of, this Part.

(2) The Minister may, in making regulations —

- (a) provide that any person who contravenes any regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 10% of the annual turnover of the person's gas business ascertained from that person's latest audited accounts, or an amount not exceeding \$1 million, whichever is the higher, or to imprisonment for a term not exceeding 12 months or to

both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction;

- (b) where any regulations require the transferor undertaking to do or not to do any thing, provide that the obligation of the transferor undertaking to comply with such regulations is a duty owed to the transferee undertaking and any breach of such duty is actionable at the suit or instance of the transferee undertaking who has a right of action for relief in civil proceedings in a court under the relevant regulation against the transferor undertaking, subject to such limitations as the Minister may prescribe; and
- (c) where any regulations require the transferee undertaking to do or not to do any thing, provide that the obligation of the transferee undertaking to comply with such regulations is a duty owed to the transferor undertaking and any breach of such duty is actionable at the suit or instance of the transferor undertaking who has a right of action for relief in civil proceedings in a court under the relevant regulation against the transferee undertaking, subject to such limitations as the Minister may prescribe.

[24/2007]

(3) Where the Minister issues any direction requiring any person to do or not to do any thing and the person contravenes such direction, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 10% of the annual turnover of the person's gas business ascertained from that person's latest audited accounts, or an amount not exceeding \$1 million, whichever is the higher, or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[24/2007]

(4) Where the Minister issues any direction —

- (a) requiring the transferor undertaking to provide to the transferee undertaking any information, warranty or other statement; or

- (b) requiring the transferee undertaking to provide to the transferor undertaking any information, warranty or other statement,

the undertaking required to provide the information, warranty or other statement (the firstmentioned undertaking) is under an obligation to ensure that such information, warranty or other statement provided to the other undertaking (the second-mentioned undertaking) is not false, inaccurate, incomplete or misleading.

[24/2007]

(5) The obligation of the firstmentioned undertaking referred to in subsection (4) is a duty owed to the second-mentioned undertaking and any breach of such duty which causes the second-mentioned undertaking to sustain any loss or damage is actionable at the suit or instance of the second-mentioned undertaking who has a right of action for relief in civil proceedings in a court under this subsection against the firstmentioned undertaking, subject to such limitations as the Minister may prescribe.

[24/2007]

(6) The court may grant to the plaintiff in an action under the relevant regulation referred to in subsection (2) or under subsection (4) (as the case may be) all or any of the following reliefs:

- (a) relief by way of injunction or declaration;
- (b) damages;
- (c) any other relief that the court thinks fit.

[24/2007]

(7) No contravention by any party of any regulations or directions made under this Part avoids the transfer of any property, rights, obligations or liabilities effected under section 98(1).

[24/2007]

LEGISLATIVE HISTORY

GAS ACT 2001

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 11 of 2001 — Gas Act 2001

Date of First Reading	:	22 February 2001 (Bill No. 10/2001 published on 23 February 2001)
Date of Second and Third Readings	:	16 March 2001
Date of commencement	:	23 July 2003

2. Act 11 of 2001 — Gas Act 2001

Date of First Reading	:	22 February 2001 (Bill No. 10/2001 published on 23 February 2001)
Date of Second and Third Readings	:	16 March 2001
Date of commencement	:	19 December 2003

3. Act 24 of 2007 — Gas (Amendment) Act 2007

Date of First Reading	:	10 April 2007 (Bill No. 18/2007 published on 11 April 2007)
Date of Second and Third Readings	:	21 May 2007
Dates of commencement	:	8 June 2007 (Section 36)

4. Act 11 of 2001 — Gas Act 2001

Date of First Reading	:	22 February 2001 (Bill No. 10/2001 published on 23 February 2001)
Date of Second and Third Readings	:	16 March 2001
Date of commencement	:	11 June 2007

5. Act 24 of 2007 — Gas (Amendment) Act 2007

Date of First Reading	:	10 April 2007 (Bill No. 18/2007 published on 11 April 2007)
Date of Second and Third Readings	:	21 May 2007
Dates of commencement	:	11 June 2007 (Sections 2 to 6, 8 to 13, 15 to 35 and 37)

6. Act 24 of 2007 — Gas (Amendment) Act 2007

Date of First Reading	:	10 April 2007 (Bill No. 18/2007 published on 11 April 2007)
Date of Second and Third Readings	:	21 May 2007
Dates of commencement	:	14th February 2008 (Sections 7 and 14)

7. Act 11 of 2001 — Gas Act 2001

Date of First Reading	:	22 February 2001 (Bill No. 10/2001 published on 23 February 2001)
Date of Second and Third Readings	:	16 March 2001
Date of commencement	:	14 February 2008

8. Act 43 of 2018 — Gas (Amendment) Act 2018

Date of First Reading	:	10 September 2018 (Bill No. 36/2018 published on 10 September 2018)
Date of Second and Third Readings	:	1 October 2018
Date of commencement	:	3 May 2019

9. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

Date of First Reading	:	10 September 2018 (Bill No. 32/2018 published on 10 September 2018)
Date of Second and Third Readings	:	1 October 2018
Date of commencement	:	30 July 2020

10. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading : 7 October 2019
(Bill No. 32/2019)

Date of Second and Third : 5 November 2019
Readings

Date of commencement : 2 January 2021

11. Act 4 of 2021 — Statute Law Reform Act 2021

Date of First Reading : 3 November 2020 (Bill No. 45/2020
published on 3 November 2020)

Date of Second and Third : 5 January 2021
Readings

Date of commencement : 1 March 2021

12. 2020 Revised Edition — Gas Act 2001

Date of operation : 31 December 2021

**13. G.N. No. S 26/2022 — Variable Capital Companies (Consequential
Amendments to Other Acts) Order 2022**

Date of Commencement : 13 January 2022

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE

GAS ACT 2001

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2002 Ed.
4—(2)	4—(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(6A)
(9)	(7)
(10)	(8)
—	33—(4) [<i>Deleted by Act 43 of 2018</i>]
34—(4)	34—(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
38—(5)	38—(4A)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
(13)	(12)

2020 Ed.	2002 Ed.
47—(2)	47—(1A)
(3)	(1B)
(4)	(2)
(5)	(3)
63A	63A—(1)
—	(2) <i>[Deleted by Act 43 of 2018]</i>
—	(3) <i>[Deleted by Act 43 of 2018]</i>
—	(4) <i>[Deleted by Act 43 of 2018]</i>
—	(5) <i>[Deleted by Act 43 of 2018]</i>
63B—(2)	63B—(1A)
(3)	(2)
(4)	(3)
—	(4) <i>[Deleted by Act 43 of 2018]</i>
—	(5) <i>[Deleted by Act 43 of 2018]</i>
—	63G—(2) <i>[Deleted by Act 43 of 2018]</i>
63G—(2)	(3)
(3)	(4)
(4)	(5)
78—(6)	78—(5A)
(7)	(6)
85—(10)	85—(9A)
(11)	(10)
—	92—(3) <i>[Deleted by Act 43 of 2018]</i>
—	93—(2) <i>[Deleted by Act 43 of 2018]</i>
93—(2)	(3)
(3)	(4)
(4)	(5)
(5)	(6)

2020 Ed.	2002 Ed.
(6)	(7)
99—(2)	99—(1A)
(3)	(2)
—	101—(2) [<i>Deleted by Act 4 of 2021</i>]
101—(2)	(3)
(3)	(4)
(4)	(5)
(5)	(6)
(6)	(7)
(7)	(8)