

PUBLIC UTILITIES ACT 2001

(No. 8 of 2001)

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An Act to reconstitute the Public Utilities Board and for matters connected therewith, to repeal the Public Utilities Act (Chapter 261 of the 1996 Revised Edition) and to make consequential amendments to the Sewerage and Drainage Act (Chapter 293A of the 2000 Revised Edition).

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

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Public Utilities Act 2001 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

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

“appointed day” means the date of commencement of this Act;

“approved person” means a person given written approval under section 41 to supply piped water for human consumption;

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

“Board” means the Public Utilities Board reconstituted under the Public Utilities Act (Cap. 261) in force before the appointed day and continued by section 3;

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

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

“consumer” means a person who is supplied with water or whose premises are for the time being connected for the purpose of a supply of water with any system of supply;

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

“installation” includes any plant or apparatus designed for the collection, production, supply or use of water;

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- “licensed water service worker” means a person who holds a valid water service worker licence permitting him to perform such water service work as is specified in the licence;
- “main” means a pipe through which water is or can be supplied, whether the pipe is in use or not;
- “master meter” means a meter registering water, all or part of which is subsequently registered by one or more sub-meters;
- “member” means any member of the Board;
- “occupier” means the person in occupation of any premises and includes the person having the charge, management or control of the premises either on his own account or as agent of another person, but does not include a lodger;
- “premises” includes buildings, structures, streets, lands, waters, tenements, easements of any tenure, whether State land or not, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- “sewage” and “sewerage system” have the same meanings as in the Sewerage and Drainage Act (Cap. 293A);
- “street” includes —
- (a) 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;
 - (b) any road, footway or passage, open court or open alley, used or intended to be used as a means to access to 2 or more holdings, whether the public has a right of way thereover or not; and
 - (c) all channels, sewers, drains, tunnels, ditches and reserves at the side of a street;
- “water installation” means any water-retaining structure, pumping station, pipe, water fitting, apparatus or appliance used for the supply of water;

“water service installation” —

- (a) in relation to water supplied by the Board, means any installation within any premises including any pipe, water fitting, apparatus or appliance, connecting a meter to the premises and used for the supply of the Board’s water thereto, but does not include any installation for the disposal of any waste, sullage water or sewage;
- (b) in relation to water supplied by an approved person, means —
 - (i) any installation within any premises including any pipe, water fitting, apparatus or appliance used for the supply of the approved person’s water thereto; or
 - (ii) if a meter is provided, any installation within any premises including any pipe, water fitting, apparatus or appliance, connecting the meter to the premises and used for the supply of the approved person’s water thereto,

but does not include any installation for the disposal of any waste, sullage water or sewage, or any installation or water installation of the Board;

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

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

“water service worker licence” means a licence granted under section 40(2).

PART II
RECONSTITUTION, FUNCTIONS, DUTIES AND POWERS OF
BOARD

Reconstitution of Board

3. As from the appointed day, the Board shall continue in existence and shall continue to be a body corporate with perpetual succession and capable of —

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

Common seal

4.—(1) As from the appointed day, the Board shall continue to have a common seal and the seal may, from time to time, be broken, altered or made anew as the Board thinks fit.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

Constitution of Board

5.—(1) The Board shall consist of the following members:

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

(2) The First Schedule shall have effect as respects the Board, its members and proceedings.

Functions and duties of Board

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

- (a) provide, construct and maintain such catchment areas, reservoirs and other works as may be required or necessary for the collection, supply and use of water for public and private purposes;
- (b) manage and work the water installations of the Board and such other installations as may be acquired by the Board under the provisions of this Act;
- (c) secure and provide an adequate supply of water at reasonable prices;
- (d) regulate the supply of piped water for human consumption;
- (e) promote water conservation;
- (f) act as an agent of the Government in the management and maintenance of —
 - (i) public sewerage systems;
 - (ii) public sewers;
 - (iii) storm water drainage systems, drains and drainage reserves belonging to the Government;
- (g) regulate the construction, maintenance and improvement of sewerage and land drainage systems;
- (h) regulate the discharge of sewage and trade effluent;
- (i) advise the Government on all matters —
 - (i) relating to the collection, production and supply of water;
 - (ii) relating to sewerage and drainage; and
 - (iii) appertaining to the Board generally;
- (j) whether by itself or in association with any other person or organisation, provide to any person in Singapore or elsewhere consultancy, advisory, technical, managerial or other specialist services relating to sewerage, drainage, or the collection, production and supply of water; and
- (k) carry out such other functions as are imposed upon the Board by or under this Act or any other written law.

(2) In addition to the functions and duties imposed by this section, the Board may undertake such other functions as the Minister may assign to the Board and, in so doing —

- (a) the Board shall be deemed to be fulfilling the purposes of this Act; and
- (b) the provisions of this Act shall apply to the Board in respect of such functions.

(3) Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(4) In this section, “public sewerage system”, “public sewers”, “storm water drainage system”, “drain” and “drainage reserve” have the same meanings as in the Sewerage and Drainage Act (Cap. 293A).

Powers of Board

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

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

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

Directions by Minister

8.—(1) The Minister may, after consultation with the Board, give the Board such directions as he thinks fit as to the exercise by the Board of its functions under this Act or other written law.

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

- (a) on the occurrence of any public emergency, in the public interest or in the interests of public security, national defence, or relations with the government of another country; or
- (b) in order —
 - (i) to discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;
 - (ii) to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the Government being a member of such an organisation or a party to such an agreement; or
 - (iii) to enable the Government to become a member of such an organisation or a party to such an agreement,

the Minister may, after consultation with the Board, give such directions to the Board as are necessary in the circumstances of the case.

(3) The Board shall give effect to any direction given to it under subsection (1) or (2) notwithstanding any other duty imposed on the Board by or under this Act or other written law.

(4) The Board shall not disclose any direction given to it under subsection (1) or (2) if the Minister notifies the Board that the Minister is of the opinion that the disclosure of the direction is against the public interest.

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

Furnishing of documents and information to Board

9.—(1) The Board or any person authorised by the Board may by notice require any person to furnish to the Board or the person so authorised, within such period as specified in the notice, all such

documents or information relating to all such matters as may be required by the Board for the purposes of this Act and as are within the knowledge of that person or in his custody or under his control.

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

(3) Any person who —

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

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

shall be guilty of an offence.

Appointment of Chief Executive and other employees

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

(2) The Chief Executive shall —

(a) be known by such designation as the Board may determine;

(b) be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board; and

(c) not be removed from office without the consent of the Minister.

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

(4) If the Chief Executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any other reason temporarily unable to perform his duties, a person may be appointed by the Board to act in the place of the Chief Executive during any such period of absence from duty.

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

Public servants

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

Protection from personal liability

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

Power to borrow

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

Duty of Board in financial matters

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

Annual estimates

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

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

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

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

Investments

16. The Board may, with the approval of the Minister —

(a) invest its moneys in such manner as it thinks fit; and

(b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.

Financial provisions

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

Annual report

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

Symbol or representation of Board

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

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

PART III

WATER UNDERTAKING OF BOARD AND WATER SERVICE WORKERS

Tariffs for supply of water and apparatus

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

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

- (a) charging other prices by special agreement which need not be prescribed; or
- (b) fixing, with the approval of the Minister, different tariffs for consumers similarly situated for a temporary period.

(3) The Board shall, in fixing tariffs and making agreements for the supply of water, neither show undue preference as between consumers similarly situated nor exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity supplied, and the purpose for which the supply is taken.

Board to supply water for human consumption

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

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

- (a) any condition requiring the person to provide sufficient premises, and to construct rooms, buildings or structures, as

may be considered necessary by the Board for the purposes of the supply; and

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

(3) The Board may, in its discretion, refuse to give, or may discontinue, a supply of water for human consumption to any building which —

- (a) has been erected in contravention of any written law;
- (b) is in a ruinous or dangerous condition; or
- (c) has a water service installation that is in an unsatisfactory condition.

(4) The Board shall not be liable for any loss or damage caused to any person by such refusal or discontinuance of the supply of water to the person under subsection (3).

Board may require security

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

- (a) in respect of the supply; or
- (b) in respect of the provision of any water installation.

(2) If that person fails to give the security, the Board may, if it thinks fit, refuse to give the supply or to provide any water installation for so long as the failure continues.

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

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

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

(4) The Board shall not be liable for any loss or damage caused to any person by the discontinuance of the supply of water to the person under subsection (3).

Board may cut off supply of water in default of payment

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

(2) If, in the opinion of the Board, any person is responsible for the misuse or waste of any water supplied by the Board, the Board may give notice in writing to that person calling upon him to cause the misuse or waste to be discontinued within a period to be specified in the notice and, if the misuse or waste continues after the expiry of that period, the Board may discontinue the supply of water to that person by severing or disconnecting the service pipe or by such other means as it thinks fit.

(3) The Board shall not be liable for any loss or damage caused to any person by the discontinuance of the supply of water to the person under subsection (1) or (2).

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

24.—(1) The Board may, for the purposes of this Act, by its employees, agents or contractors, enter at all reasonable hours in the day time any premises for the purpose of making any survey or inspection and for the purpose of executing any work authorised by this Act to be executed by the Board without being liable to pay any person any fee, charge or expense or to any legal proceedings or

molestation on account of such entry or of anything done in any part of the premises under this Act.

(2) Subject to subsection (3), the Board shall not by its employees, agents or contractors enter any dwelling-house in actual occupation, except with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

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

Recovery of moneys due to Board

25.—(1) If the amount of any moneys which is due from any person for —

- (a) the supply of water by the Board to any premises owned or occupied by him;
- (b) work done or materials provided in connection therewith; or
- (c) the supply or hire by the Board of any water fitting, apparatus, appliance, accessory or appurtenance thereof,

is not paid within the time allowed for such payment to be made, a notice may be issued requiring the defaulter to pay the same, together with a fee of such amount as may be prescribed for the cost of issuing the notice, within 7 days from the date thereof.

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

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

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

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

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

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

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

Relocation of water installation

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

Board may stop or interrupt supply of water

27.—(1) The Board may, notwithstanding any agreement made with any consumer for the supply of water, stop, turn off or divert in part or wholly the water in any main or other works under its control or management —

- (a) upon the occurrence of an emergency, fire, or excessive drought;

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- (b) if this is necessary to facilitate the repair to any main, construction of new works, alteration to or maintenance of existing works, or the installation, changing or removal of any meter;
 - (c) if this is necessary to avoid inconvenience to other consumers or undue interference with the water supply to other consumers;
 - (d) if this is necessary to conserve water supply; or
 - (e) if it is in the interests of public safety or in the public interest to do so.
- (2) The Board shall not be liable in respect of any loss or damage caused to any person by reason of —
- (a) any failure to provide or delay in providing any supply of water or any apparatus associated therewith; or
 - (b) any failure, interruption, suspension or restriction of any supply of water.

Board may reduce supply of water

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

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

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

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

30. Any apparatus, appliance, accessory, fitting and appurtenance let for hire by the Board and placed in or upon any premises not being in the possession of the Board shall not be subject to distress or be taken in execution under any process of any court or in any proceedings in bankruptcy against the person in whose possession it is.

Power to enter premises to examine pipes, etc.

31.—(1) The Board may by its employees at all reasonable hours in the day time enter any premises to which water is or has been supplied by the Board for all or any of the following purposes:

- (a) to examine and if necessary repair, renew or replace the pipes, meters, fittings, works or apparatus for the supply of water belonging to or which are supplied from mains belonging to the Board;
- (b) to ascertain the quantity of water consumed or supplied;
- (c) when the Board is authorised to discontinue the supply of water from any premises, to remove any pipe, fitting, work or apparatus belonging to the Board;
- (d) to repair any damage caused by such entry, inspection or removal.

(2) The Board may by its employees at all reasonable hours in the day time enter upon or pass through any premises into, through, by, along or under which any of its mains, pipes or other works or any main, pipe or work connected therewith passes or is located —

- (a) to inspect and, if necessary, to repair, alter, take up, relay, rearrange or otherwise deal with them as the circumstances may require; and
- (b) to repair any damage caused by such entry or anything done under paragraph (a).

(3) The Board shall not be liable to pay any person any fee, charge or expense or to any legal proceedings or molestation on account of such entry or of anything done to the premises under this section.

Power to enter upon premises adjacent to works

32.—(1) The Board may, by its employees, agents or contractors, enter any premises adjoining to or being within the distance of 100 metres of any works by this Act authorised to be made —

- (a) for the purpose of depositing upon the premises any soil, gravel, sand, lime, brick, stone or other materials; or
- (b) for any other purpose connected with those works,

without making any previous payment, tender or deposit.

(2) The Board shall cause as little damage as possible in the exercise of its power under subsection (1) and shall make compensation —

- (a) to the owner and the occupier for such temporary occupation or temporary damage of the land from time to time and as often as such temporary occupation is taken or any such temporary damage is done; and
- (b) to the owner for the permanent damage, if any, to the premises.

(3) Before the Board exercises its power under subsection (1), it shall give 7 days' notice in writing of its intention to the owner and occupier of the premises and shall set apart by sufficient fences so much of the premises as is required to be used from the other premises adjoining thereto.

Removal of obstruction over existing water main or connecting pipe

33.—(1) Where the Board is of the opinion that any structure, object or any accumulation of any substance that exists above or in the vicinity of any main or connecting pipe belonging to the Board hinders or obstructs or is likely to hinder or obstruct access to such water main or connecting pipe, the Board may, by notice in writing direct —

- (a) the person to whom the structure, object or accumulation of substance belongs;
- (b) the person who caused the structure, object or accumulation of substance to be where it exists; or
- (c) the owner or occupier of the premises on which the structure, object or accumulation of substance exists,

to remove the structure, object or accumulation of substance within such time as may be specified in the notice.

(2) Where the person on whom a notice under subsection (1) has been served fails to comply with it —

- (a) he 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
- (b) the Board may —
 - (i) take all steps as it thinks necessary to secure the removal of the structure, object or accumulation of substance; or
 - (ii) relocate or divert the water main or connecting pipe, and recover any costs reasonably incurred by it from such person.

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

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

(2) Any such occupier who neglects to give such notice after acquiring such knowledge shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and the supply may be summarily discontinued by the order of the Board until the necessary repairs are effected.

Penalty or late payment charge

35. The Board may, with the approval of the Minister, prescribe a penalty or late payment charge (such penalty or late payment charge, if unpaid, to constitute a debt due to the Board and be recoverable as such) to be paid by a consumer to the Board for late payment of any fee or charge payable under this Act.

Contribution towards capital outlay to provide water supply

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

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

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

- (a) for cattle or horses or for washing vehicles where the cattle, horses or vehicles are kept for sale or hire or kept by a common carrier;
- (b) where the supply is used substantially for watering lands or gardens or for fountains or for any ornamental purpose whatever; or
- (c) to any premises any part of which is used for the purpose of any trade, manufacture or business.

General provisions relating to discontinuation of supply of water

37.—(1) If, at any time after the supply of water to any premises has been discontinued by the Board under any provision of this Act, it is found that the supply has been reinstated without the authority of the Board and the water is being used by any person on the premises, the occupier of the premises shall be deemed, until the contrary is proved, to have authorised such user and shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

(2) Where the Board has discontinued the supply of water to any premises under this Act, the Board may resume the supply within a reasonable time if the person in default —

- (a) has made good the default; and
- (b) has paid the reasonable expenses of disconnecting and re-connecting the supply.

Board in executing works to provide convenient ways, etc.

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

(2) The Board shall make reasonable compensation to any person who suffers damage by reason of the same.

Entry into Board's premises without consent, etc.

39.—(1) Notwithstanding any written law, no person shall enter or use any premises belonging to the Board, or reserved for the Board for laying of a main, without the prior consent in writing of the Board.

(2) The Board may, by notice in writing, require any person whose cable, pipe, main or other property of whatever description is located under, over, in, on, along or across the premises mentioned in

subsection (1) to remove the cable, pipe, main or property from the premises within the period specified in the notice.

(3) All costs and expenses incurred by the person in complying with such notice shall be borne by him.

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

Licensing of water service worker

40.—(1) Subject to subsection (3), no person shall —

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

unless he is licensed as a water service worker in respect of that water service work.

(2) The Board may —

- (a) grant, suspend, cancel, alter, extend, renew or replace any water service worker licence granted under this section;
- (b) classify any water service worker licence in such manner as it determines;
- (c) specify the nature of the water service work in respect of which a water service worker licence is granted and restrict such work to any type or class of water service work or any type or class of water service installation;
- (d) specify the circumstances or manner in which the holder of a water service worker licence may perform or carry out water service work; or
- (e) attach any exemptions to any water service worker licence or impose any terms, conditions or restrictions thereon.

(3) The Board may, from time to time, by notification in the *Gazette*, specify any water service work which may be carried out by any person without a water service worker licence granted under this section.

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

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

(6) This section shall not apply to any employee of the Board in the performance of his duties or any professional engineer registered under the Professional Engineers Act (Cap. 253).

PART IV

SUPPLY OF PIPED WATER FOR HUMAN CONSUMPTION

Supply of piped water for human consumption with approval of Board

41.—(1) No person other than the Board shall supply piped water for human consumption except with the written approval of the Board.

(2) Any person who contravenes subsection (1) 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.

(3) Every written approval given by the Board shall be in such form and for such period and may contain such terms and conditions as the Board may determine.

(4) No written approval given by the Board shall be transferable without the prior consent in writing of the Board.

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- (5) Any purported transfer of any written approval shall be void.
- (6) If a person who has been given written approval contravenes any of the terms and conditions of such approval or section 42, the Board may require that person to show cause in writing why the Board should not do any of the following:
- (a) require that person to provide security in such form and of such amount as the Board considers appropriate for securing compliance with the terms and conditions of the approval or section 42;
 - (b) impose on him a financial penalty not exceeding \$50,000; or
 - (c) revoke the approval or suspend it for such period as the Board considers appropriate.
- (7) If the Board is not satisfied with any written representation or explanation of the person required to show cause under subsection (6), the Board may —
- (a) require that person to provide security in such form and of such amount as the Board considers appropriate for securing compliance with the terms and conditions of the approval or section 42;
 - (b) impose on him a financial penalty not exceeding \$50,000; or
 - (c) revoke the approval or suspend it for such period as the Board considers appropriate.
- (8) The financial penalty imposed under subsection (7) shall be recoverable as a debt due to the Board.
- (9) Any person who is aggrieved by a decision of the Board under subsection (7) may, within 14 days of the receipt by him of the decision, appeal to the Minister whose decision shall be final.
- (10) This section shall not apply to the supply of piped water for human consumption solely to the Board.

Compliance with requirements by approved person

- 42.** Every person given written approval under section 41 shall —
- (a) ensure that the water supplied by him complies with the prescribed guidelines relating to the quality of water for human consumption;
 - (b) ensure that the installation, water installation, water service installation and water fitting used by him for the supply of water are in compliance with the regulations made under this Act and the applicable standards and codes of practice specified by the Board;
 - (c) take all reasonable steps to safeguard the health and safety of persons employed by him in carrying out the supply of water;
 - (d) ensure that consumers of the water supplied by him are protected against dangers of contamination or pollution in the water;
 - (e) not do any act which renders the water supplied by him injurious to the health of the consumers; and
 - (f) in carrying out the supply of water, take all reasonable steps to safeguard the health and interests of the consumers.

Suspension of approval

43.—(1) The Board may suspend any approval given under section 41 for such period as it considers reasonable if it is of the opinion that the suspension is in the public interest or in the interests of public safety.

(2) The Board shall not be liable for any loss or damage caused to any person by such suspension.

Exclusion of liability for Board

44. Notwithstanding any written approval given by the Board under section 41, the Board shall not be liable in any circumstances for any loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any approved person or any agent or employee of the approved person.

PART V
OFFENCES

Maintenance of water service installation

45.—(1) Any person responsible for the maintenance of any water service installation shall ensure that the water service installation is properly maintained, kept in a fit and safe condition, and free from any defect.

(2) Any person responsible for the maintenance of any water service installation in any residential, commercial or industrial premises having any master meter and water storage cistern shall engage, once in every 60 months, a water service worker who is a professional engineer registered under the Professional Engineers Act (Cap. 253) to inspect and certify that —

- (a) the water service installation is fit and safe to use;
- (b) the water service installation is properly maintained and there is no contamination or pollution or likelihood of such contamination or pollution to the water in the water service installation; and
- (c) there is no leakage and no likelihood of leakage in the water service installation.

(3) Every professional engineer engaged under subsection (2) shall ensure that the requirements set out in that subsection are complied with.

(4) If any of the requirements set out in subsection (2) is not complied with, the professional engineer shall immediately notify —

- (a) the person responsible for the maintenance of the water service installation; and
- (b) the Board,

of such non-compliance and the remedial measures that have to be taken by that person.

(5) Upon notification by the professional engineer, the person referred to in subsection (4)(a) shall immediately take the remedial measures.

(6) The professional engineer shall issue a certificate of inspection and fitness to the person responsible for the maintenance of the water service installation if he is satisfied that the water service installation complies with all the requirements set out in subsection (2).

(7) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Duties of person laying pipes

46.—(1) Any person who lays any pipe in the vicinity of another pipe shall, if one of the pipes is or is to be used to convey water for human consumption and the other pipe is or is to be used to convey water for any other purpose, or any other substance or thing, clearly mark the pipes such that they can be distinguished from each other.

(2) A person who lays, repairs, modifies or replaces any pipe in the vicinity of another pipe shall, if one of the pipes is or is to be used to convey water for human consumption and the other pipe is or is to be used to convey water for any other purpose, or any other substance or thing, ensure that the pipes do not become connected or cross-connected to each other.

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

Damage to property of Board

47. Any person who wilfully removes, destroys or damages any property belonging to or under the management or control of the Board or hinders or prevents the property from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Compensation for damaging property of Board

48.—(1) Any person who removes, destroys or damages, whether wilfully or otherwise, any property belonging to the Board or hinders or prevents the property from being used or operated in the manner in which it is intended to be used or operated shall, in addition to any

penalty for which he is liable for an offence under this Act, be liable to pay compensation for the damage he has done and the compensation shall be recoverable by civil action before any court of competent jurisdiction.

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

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

Falsely pretending to be employee of Board

49. Any person who seeks to obtain entry to any premises by falsely pretending to be an employee of the Board shall be guilty of an offence.

Unauthorised connection with main, contamination, wastage, etc.

50.—(1) Any person who —

- (a) lays or causes to be laid any pipe or line to communicate with any main, pipe, standpipe, hydrant or line belonging to or under the management or control of the Board without the consent of the Board;
- (b) wastes any water;
- (c) causes contamination to water supplied by the Board; or
- (d) wilfully does any act which interferes with or disrupts the supply of the water of the Board,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(2) Any person who —

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

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

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

- (a) the possession by him of any device for altering the index of any meter or for preventing any meter from duly registering the quantity of water supplied by the Board;
- (b) the existence of any hole on the meter cover of any meter supplied by the Board; or
- (c) the existence of any damage to the seal of any meter,

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

Penalty for obstructing Board in performance of duties

51. Any person who at any time hinders, obstructs or molests any employee, agent or contractor of the Board in the performance and execution of his duty under this Act shall be guilty of an offence.

Making of false statements, etc.

52.—(1) Any person who, when giving any information to the Board or making any application under or for the purposes of any provision of this Act, makes any statement which he knows to be false

in a material particular, or who recklessly makes any statement which is false in a material particular, shall be guilty of an offence.

(2) Any person who —

(a) wilfully or fraudulently procures or attempts to procure for himself or for any other person any licence or approval under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing; or

(b) knowingly aids or assists therein,

shall be guilty of an offence.

Certificate of Chief Executive to be evidence of certain facts

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

Jurisdiction of courts

54. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act and to impose the full penalty or punishment in respect of any such offence.

Police officer or authorised officer may require evidence of identity in certain cases

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

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

(3) Any person who —

- (a) refuses to furnish any information required of him by any police officer or authorised officer under this section; or
- (b) wilfully mis-states such information,

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

Offences committed by bodies corporate, etc.

56. Where an offence under this Act has been committed by a company, firm, society or other body of persons, and that offence is proved to have been committed with the authority, consent or connivance of 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, that person shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Duty to enquire before excavation

57. Any person who digs, bores, trenches, grades, excavates or breaks any ground with any mechanical equipment or explosive or allows his employee or agent to do so without first ascertaining the location of any main or pipe belonging to or under the management or control of the Board that may be interfered with shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

General penalties

58. 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 thereof during which the offence continues after conviction.

Composition of offences

59.—(1) The Board 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 or, in the case of a compoundable offence under paragraph 10 of the Third Schedule, a sum not exceeding \$500.

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

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

PART VI**TRANSFER TO BOARD OF PROPERTY, LIABILITIES AND EMPLOYEES****Transfer to Board of property, assets and liabilities**

60.—(1) As from the appointed day, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by the Sewerage Department and the Drainage Department and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to the Sewerage Department and the Drainage Department shall be transferred to and shall vest in the Board without further assurance, act or deed.

(2) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

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

(4) Every proceedings by or against the Government relating to the Sewerage Department or the Drainage Department which are pending on the appointed day may be continued, completed and enforced by or against the Board.

(5) Every agreement relating to any of the transferred properties to which the Sewerage Department or the Drainage Department was a party immediately before the appointed day, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that day as if —

- (a) the Board had been a party to such an agreement; and
- (b) for any reference to the Sewerage Department or the Drainage Department there were substituted in respect of anything to be done on or after the appointed day a reference to the Board.

Transfer of employees

61.—(1) As from the appointed day, all persons employed immediately before that day by the Sewerage Department and the Drainage Department shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

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

Pension rights, etc., of Government employees to be preserved

62.—(1) The terms and conditions to be drawn up by the Board shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Board under section 61 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Board shall provide for the recognition of service of the persons so

transferred while in the employment of the Government to be service with the Board.

(3) Nothing in the terms and conditions to be drawn up by the Board shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Board under section 61, the Government shall be liable to pay to the Board such portion of any gratuity, pension or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Board.

(5) Where any person in the service of the Board, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Board or is discharged from such service, the Board may grant to him or to such other person or persons wholly or partly dependent on him, as the Board thinks fit, such allowance or gratuity as the Board may determine.

No benefits in respect of abolition or reorganisation of office

63. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Board under section 61 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the reconstitution of the Board.

Existing contracts

64. All deeds, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the Government is a party and relating to the Sewerage Department or the Drainage Department or to any person transferred

to the service of the Board under section 61 shall continue in force on and after that day and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary proceedings

65.—(1) Where on the appointed day any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Board under section 61, the proceedings shall be carried on and completed by the Board.

(2) Where on the appointed day any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that day.

(3) Any order, ruling or direction made or given by a committee under this section shall be treated as an order, a ruling or a direction of the Board and have the same force or effect as if it had been made or given by the Board pursuant to the authority vested in the Board under this Act.

Misconduct or neglect of duty by employee before transfer

66. The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

PART VII
MISCELLANEOUS

Property of Board not fixtures

67. All works, apparatus, fixtures and fittings executed, erected on or affixed to any premises by the Board shall continue to remain the property of the Board and shall not vest in the owner of the premises.

Powers of arrest

68.—(1) Any police officer or any person authorised in writing by the Chief Executive generally or in any particular case may arrest any person committing within his view or who he has reason to believe has committed any offence punishable under this Act if —

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

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

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

General exemption

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

Service of documents

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

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

Evidence

71.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under this Act shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

(2) All records, registers and other documents kept by the Board or by any authorised officer for the purposes of this Act shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer

with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

Regulations

72.—(1) The Board may, with the approval of the Minister, make regulations for or in respect of every purpose which is considered by the Board necessary or convenient to be prescribed for carrying out the provisions of this Act.

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

- (a) the prescribing of anything that is required or permitted to be prescribed under this Act;
- (b) the prescribing of purposes for which the supply of water may be used;
- (c) the prevention and suppression of pollution, contamination, waste, misuse or use of water;
- (d) the prevention of misuse of, or damage to, apparatus and works belonging to the Board in connection with the collection, production or supply of water;
- (e) the regulation and use of water meters and the prohibition of interference with or damage to such meters or seals affixed thereon;
- (f) the prohibition of interference with, or damage to, water appliances supplied by the Board and plates or marks thereon;
- (g) the protection, preservation and conservation of water catchment areas and of any property therein;
- (h) the regulation of the installation of water supplies and alterations thereto and the submission of plans and specifications in respect thereof;
- (i) the prescribing of materials of which pipes and other apparatus and fittings for use in connection with the supply of water, shall be made, and of the size, shape,

fitting, arrangement, connection, workmanship, examination, testing, position and method of cleaning them;

- (j) the prescribing of the types of apparatus or water appliances to be used and the prohibition of the use of certain types thereof;
- (k) the regulation of the installation of apparatus or water appliances and the maintenance, removal or transfer thereof;
- (l) the prescribing of the methods of charging consumers for water consumed in the event of any meter becoming out of order;
- (m) in relation to water service worker licences —
 - (i) the class or classes of licences to be granted, the form and duration of those licences, the terms and conditions upon which, and the circumstances in which, those licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
 - (ii) the qualifications and other requirements for applicants for such licences, the examination or testing of such applicants, the fees payable in respect of such examination or testing and the circumstances in and conditions on which an applicant may be exempted from such examination or testing; and
 - (iii) the duties and responsibilities of licensed water service workers;
- (n) the prescribing of fees and charges for the purposes of this Act or any other written law administered by the Board.

(3) The Board 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 thereof during which the offence continues after conviction.

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

Repeal and transitional provisions

73.—(1) The Public Utilities Act (Cap. 261) is repealed.

(2) All acts done by the Board before the appointed day shall continue to remain valid and applicable as though done by the Board under this Act, until such time as invalidated, revoked, cancelled or otherwise determined by the Board.

(3) Where anything has been commenced by or on behalf of the Board before the appointed day, such thing may be carried on and completed by or under the authority of the Board.

(4) Subject to subsection (6), any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved by the Board under the repealed Public Utilities Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

(5) Any subsidiary legislation made under the repealed Public Utilities Act (Cap. 261) and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

(6) Notwithstanding the repeal of the Public Utilities Act, as from the appointed day —

- (a) for such period as the Minister may determine, all licences granted under section 38 and Part VIII of that Act shall continue to be valid and in force and during such period section 2, Parts IV, V, VII, VIII, IX and X of that Act, and the subsidiary legislation made under section 130 of that Act for or in relation to the supply or use of electricity and gas shall, with the necessary modifications, continue in force as if that Act has not been repealed; and

(b) sections 62 to 65 of that Act shall continue in force and to apply to the successor companies mentioned in those sections as if that Act has not been repealed.

(7) All acts done by or on behalf of the Director of Sewerage and Drainage before the appointed day under the Sewerage and Drainage Act (Cap. 293A) in force before that day shall continue to remain valid and applicable as though done by the Board under that Act, until such time as invalidated, revoked, cancelled or otherwise determined by the Board.

(8) Where anything has been commenced by or on behalf of the Director of Sewerage and Drainage before the appointed day, such thing may be carried on and completed by or under the authority of the Board.

(9) Any notice, order, decision, direction, certificate or approval made or granted by the Director of Sewerage and Drainage before the appointed day under the Sewerage and Drainage Act in force before that day shall continue and be deemed to have been made or granted by the Board under that Act, until such time as invalidated, revoked, cancelled or otherwise determined by the Board.

(10) The Minister may make regulations to provide for any other transitional, incidental and consequential matters arising from the repeal of the Public Utilities Act.

References in other written law

74. In any written law —

- (a) a reference to the repealed Public Utilities Act (Cap. 261) shall be read as a reference to this Act;
- (b) a reference to the Director of Sewerage and Drainage, the Sewerage Department or the Drainage Department shall be read as a reference to the Board.

Consequential amendments to Sewerage and Drainage Act

75. The Sewerage and Drainage Act (Cap. 293A) is amended in the manner set out in the Fourth Schedule.

FIRST SCHEDULE

Section 5

CONSTITUTION AND PROCEEDINGS OF BOARD**Appointment of Chairman and members**

1.—(1) The Chairman and other members of the Board shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may determine.

(2) The Minister may appoint the Chief Executive as a member.

Appointment of Deputy Chairman

2.—(1) The Minister may, in his discretion, appoint any member of the Board to be Deputy Chairman of the Board.

(2) If for any reason the Chairman is unable to act or the office of Chairman is vacant, the Deputy Chairman may exercise all or any of the powers conferred, or the duties imposed, on the Chairman under this Act.

Temporary Chairman, Deputy Chairman or member

3. The Minister may appoint any person to be a temporary Chairman, Deputy Chairman or member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman, Deputy Chairman or any member, as the case may be.

Revocation of appointment

4. The Minister may, at any time, revoke the appointment of the Chairman, Deputy Chairman or any member if he considers such revocation necessary in the interest of the effective and economical performance of the functions of the Board under this Act or in the public interest.

Resignation

5. A member may resign his office at any time by giving not less than one month's notice to the Minister.

Vacation of office

6. The office of a member shall become vacant —

(a) on his death;

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

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

FIRST SCHEDULE — *continued*

- (d) if he is adjudicated a bankrupt;
- (e) if he resigns his office; or
- (f) if his appointment is revoked.

Filling of vacancies

7. If a vacancy occurs in the membership of the Board, the Minister may, subject to paragraphs 1 and 8, appoint any person to fill the vacancy and the person so appointed shall hold office for the remainder of the term for which the vacating member was appointed.

Disqualification from membership

8. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is an undischarged bankrupt or has made any arrangement with his creditors;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (c) is incapacitated by physical or mental illness.

Disclosure of interest by members

9.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

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

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

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

(4) For the purposes of this paragraph, a member whose spouse, parent, son, adopted son, daughter or adopted daughter has an interest in the transaction or project referred to in sub-paragraph (1) shall be deemed to be interested in such transaction or project.

FIRST SCHEDULE — *continued***Sealing of documents**

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

(2) Such signing shall be sufficient evidence that the common seal of the Board has been duly and properly affixed and that the seal is the lawful common seal of the Board.

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

(4) Section 12 of the Registration of Deeds Act (Cap. 269) shall not apply to any instrument purporting to have been executed under sub-paragraph (1).

Salaries and fees payable to members of Board

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

Quorum

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

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

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

Vacancies

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

Procedure at meetings

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

FIRST SCHEDULE — *continued*

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

Appointment of committees and delegation of powers

15.—(1) The Board may, in its discretion, appoint from among its own members or persons who are not members such number of committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the Chairman, all or any of the powers, functions and duties vested in the Board by this Act or other written law, except the powers to make regulations, prescribe or levy dues and rates and borrow money.

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

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

SECOND SCHEDULE

Section 7(1)

POWERS OF BOARD

1. To cause to be laid such mains, pipes and aqueducts as the Board considers necessary for purposes of supplying water and, if necessary, may carry such mains, pipes and aqueducts on, through, over, across or under any street or any place laid out or intended for a street, and, after reasonable notice in writing in that behalf, on, through, over, across or under any enclosed or other premises whatsoever, doing as little damage as may be and making full compensation for any damage done.

2. To construct in any street or place such works as are necessary for purposes connected with the supply of water and may place therein meters, switches, cocks and any other suitable and proper apparatus for the purpose of leading off service

SECOND SCHEDULE — *continued*

lines or pipes or of examining, testing, measuring, directing or controlling the supply of water or of testing the conditions of the mains and other portions of the works.

3. To operate every installation or plant for the production and supply of water.
4. To levy and regulate charges and fees.
5. To form or participate —
 - (a) in the formation of any company for the purpose of carrying out all or any of the functions of the Board;
 - (b) with the approval of the Minister, in the formation of any company for such other purposes as may be approved by the Minister; and
 - (c) in any joint venture or partnership.
6. To sell, with the approval of the Minister, any immovable property which the Board thinks necessary or expedient for the purpose of carrying out its functions under this Act.
7. To carry out all or any of the functions and powers of the Board by or through trustees, agents or attorneys as the Board may appoint from time to time.
8. To make provision for the training of employees and to award scholarships, bursaries and study grants to such persons as the Board considers fit.
9. To grant loans to employees of the Board for purposes specifically approved by the Board.
10. To make provision for welfare benefits, gratuities, pensions, provident funds, allowances or other superannuation benefits for employees or former employees (or their dependants) of the Board.
11. To issue and approve standards and codes of practice for compliance by persons granted approval to supply piped water for human consumption.
12. To do anything incidental to any of its duties and functions.

THIRD SCHEDULE

Section 17

FINANCIAL PROVISIONS

Financial year

1. The financial year of the Board shall begin on 1st January and end on 31st December of each year.

THIRD SCHEDULE — *continued*

Accounts of Board

2.—(1) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

(2) The Board shall keep separate accounts in respect of the water undertaking, sewerage function and drainage function of the Board.

Auditor

3. The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General.

Appointment of auditor

4. A person shall not be qualified for appointment as an auditor under paragraph 3 unless he is an approved company auditor under the Companies Act (Cap. 50).

Remuneration of auditor

5. The remuneration of the auditor shall be paid out of the funds of the Board.

Annual financial statements

6. The Board shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

Duties of auditor

7. The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
- (b) whether proper accounting and other records have been kept including records of all assets of the Board whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the year have been in accordance with this Act; and

THIRD SCHEDULE — *continued*

- (d) such other matters arising from the audit as he considers should be reported.

Auditor's report

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

Powers of auditor

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

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

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

Penalty for obstructing auditor

10. Any person who fails, without any reasonable cause, to comply with any requirement of the auditor or authorised person under paragraph 9 or who otherwise hinders, obstructs or delays the auditor or authorised person in the performance of his functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

Presentation of audited financial statements and auditor's report

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

Copy of auditor's report for Auditor-General

12. Where the Auditor-General is not appointed as the auditor, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.

THIRD SCHEDULE — *continued***Presentation to Parliament**

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

FOURTH SCHEDULE

Section 75

CONSEQUENTIAL AMENDMENTS TO SEWERAGE AND DRAINAGE
ACT

The Sewerage and Drainage Act (Cap. 293A) is amended —

- (a) by deleting the definition of “authorised officer” in section 2 and substituting the following definitions:

““authorised officer” means any person appointed as an authorised officer under section 3(2);

“Board” means the Public Utilities Board reconstituted under section 3 of the Public Utilities Act 2001;”;

- (b) by deleting the definition of “Director” in section 2;
- (c) by deleting paragraphs (c) and (d) of the definition of “public sewerage system” in section 2 and substituting the following paragraphs:

“(c) sewerage systems constructed by the Government or the Board on behalf of the Government on any private property at the expense of the Government or acquired by the Government;

(d) sewerage systems constructed on any private property and maintained by the Board;”;

- (d) by deleting paragraphs (c) and (d) of the definition of “public sewers” in section 2 and substituting the following paragraphs:

“(c) sewers constructed by the Government or the Board on behalf of the Government on any private property at the expense of the Government or acquired by the Government;

(d) sewers constructed on any private property and maintained by the Board;”;

- (e) by repealing sections 3 and 4 and substituting the following section:

FOURTH SCHEDULE — *continued***“Administration of Act**

3.—(1) The Board shall be responsible for the administration of this Act subject to the general and special directions of the Minister.

(2) The Board may in writing appoint any public officer or any officer of the Board or of any other statutory authority to be an authorised officer for the purposes of this Act.

(3) The functions, duties and powers which are imposed or conferred upon the Board under this Act may be performed or exercised by any authorised officer subject to the direction and control of the Board.

(4) Every authorised officer shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).”;

(f) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Board”:

Sections 5(1), (4), (5) (1st and penultimate lines) and (6) (1st and penultimate lines), 6, 7 (1) (1st line), (2) (1st line) and (3), 8 (1) and (2) and section heading, 9 (1) (5th line), (2) (1st line), (3) and (8), 10 (1), (2), (3), (4), (5), (6) (2nd and last lines) and (7) (penultimate line), 11 (2) (1st and last lines) and (3) (1st line), 12 (1) and (2) (3rd line), 13 (1) (1st, 4th and 7th lines) and (2), 15 (1) (last line) and (2) (2nd line), 16 (1) (1st and last lines) and (2), 17 (1) (penultimate line) and (5) (penultimate line), 18 (1) (1st line), (3), (6) and (7), 19 (1) (2nd line), 20 (3) (2nd line), 21 (2), 22 (1) and section heading, 23 (1), (2), (3), (4), (5), (6) (2nd and last lines) and (7) (3rd line), 24 (1) and (2) (3rd line), 25 (1) (last line) and (2) (2nd line), 26, 27 (1) (4th line) and (2) (2nd and penultimate lines), 28 (1) (1st and last lines), (2), (3) (2nd line) and (4) (2nd and penultimate lines), 29 (1) (1st and 2nd lines) and (2), 30 (1), (2) (1st line), (3) and (8), 31 (2), 32 (1), (2), (3) and (4), 33 (1) (1st line), (2) (2nd line) and (3) (1st and 2nd lines), 34 (1) (2nd and penultimate lines), (3) (2nd, penultimate and last lines), (4) (1st and penultimate lines), (5) (2nd line), (6) (1st line), (7) (2nd and last lines), (8), (9) (2nd and penultimate lines) and (10) (1st line), 36 (1)(a) (last line), (b), (d), (e) and (f) (penultimate and last lines), (4) (2nd and 5th lines) and (5) (penultimate line), 37 (1), (3), (4) (1st and last lines) and (5), 38 (1) (3rd line), (3) (1st and 2nd lines) and (4), 40 (4) and section heading, 41 (1) (1st and 2nd lines), 42 (2) and (3) (2nd line), 43 (3) (penultimate line), (4) and (5) (1st line), 44

FOURTH SCHEDULE — *continued*

(1st line and section heading), 46 (2) and (3), 47 (section heading), 48 (1) (2nd line) and (3) (4th line), 49 (2)(c), 50 (1) (penultimate line), 51 (4) (3rd line), (5) and (8) (2nd line), 52 (1) (1st and 4th lines), 53 (1) (1st line), (1)(a) (1st line) and (b) (1st and 6th lines), (2) (1st and penultimate lines), (6) (4th and 5th lines), (7) and (8) (2nd line), 54 (1), 55 (2), 56 (1) (penultimate line), (2) and section heading, 58 (2nd and penultimate lines), 59 (2), 60 (2) (3rd line), 62 (1) (2nd, penultimate and last lines), 64 (b), 65 (1) (2nd and 3rd lines) and (2), 71 (1) (1st line) and (3) and 72 (1) (penultimate line), (2) (2nd line) and (4) (1st and last lines);

- (g) by deleting the word “he” wherever it appears in the following provisions and substituting in each case the word “it”:

Sections 5(1)(c), 7 (1) (2nd and last lines) and (3), 8 (1), 10 (2) and (6) (3rd and penultimate lines), 13 (1) (2nd line), 16 (2), 23 (2) and (6) (3rd and penultimate lines), 26, 29 (1) and (2), 32 (3) and (4), 34 (5)(a) and (b), (6) (penultimate line), (7) (2nd line), (9) (penultimate and last lines) and (10) (3rd line), 37 (3), 43 (4) and (5) (1st line), 44 (2nd line), 46 (3), 52 (1)(b), 53 (1)(b) (penultimate line), 65 (2) and 74;

- (h) by deleting the words “Director or any authorised officer” wherever they appear in the following provisions and substituting in each case the word “Board”:

Sections 5(2) and (3) and 22 (2) and (4);

- (i) by deleting the word “Government” in the 3rd line of section 5(7) and substituting the word “Board”;

- (j) by deleting the word “his” wherever it appears in the following provisions and substituting in each case the word “its”:

Sections 10(2), 23 (2), 34 (5)(b), (6) (2nd line) and (7) (1st line), 38 (4), 44 (penultimate line), 46 (3), 47 (section heading), 53 (1)(b) (2nd line) and 71 (1) (1st line);

- (k) by deleting the words “the Director or” in the following provisions:

Sections 11(3) (4th and 5th lines), 18 (5) (3rd line), 39 (2) (4th line), 42 (1)(b) and 45 (2) (2nd line);

- (l) by deleting the word “Director’s” wherever it appears in the section heading of the following provisions and substituting in each case the word “Board’s”:

FOURTH SCHEDULE — *continued*

Sections 12, 15, 17 and 24;

- (m) by deleting the words “The Director or any” in the following provisions and substituting in each case the word “Any”:

Sections 14(1), 22 (3), 39 (1) (1st line), 40 (1) and 45 (1) (1st line);

- (n) by deleting the words “Director or any” in section 14(2);
- (o) by deleting the words “Public Utilities” in section 32(6);
- (p) by deleting the word “him” in sections 33(3), 37 (1) and 75 (1) (2nd line) and substituting in each case the word “it”;
- (q) by deleting the words “Director or” in the 4th line of section 39(1);
- (r) by deleting the word “him” in the 5th line of section 41(1) and substituting the words “the Board or officer”;
- (s) by deleting the words “the Director and” in the 3rd and 4th lines of section 45(4);
- (t) by deleting the words “The Director and any” in the 1st line of section 46(1) and substituting the word “Any”;
- (u) by deleting paragraph (a) of section 47 and substituting the following paragraph:

“(a) hinders or obstructs the Board or any authorised officer in the performance or execution of its or his duty or of any thing which it or he is empowered or required to do under this Act; or”;

- (v) by deleting the word “Government” in the following provisions and substituting in each case the word “Board”:

Sections 51(1) (3rd and 6th lines) and 60 (1) (3rd line);

- (w) by deleting the words “any public officer duly authorised in writing by the Director in that behalf” in section 53(5) and substituting the words “any authorised officer”;
- (x) by deleting the words “Consolidated Fund” in section 55(3) and substituting the words “funds of the Board”;
- (y) by deleting subsection (2) of section 62;
- (z) by deleting the words “The Director may, by instrument in writing under his hand, appoint persons who in his opinion” in section 67(1) and substituting the words “The Board may appoint persons who in its opinion”;

FOURTH SCHEDULE — *continued*

- (za) by inserting, immediately after the word “Government” in the 1st line of section 72(1), the words “, the Board”;
- (zb) by deleting the word “him” in the last line of section 72(2) and substituting the words “the Board”;
- (zc) by deleting the words “by the Director or” in the 1st line of section 72(3);
- (zd) by deleting the words “or such person” in the penultimate line of section 72(3);
- (ze) by deleting the words “Government, the Director” in the 3rd line of section 72(4) and substituting the word “Board”;
- (zf) by inserting, immediately after subsection (3) of section 73, the following subsection:
“(4) All fees, charges and composition fines collected under this Act shall be paid into the funds of the Board.”; and
- (zg) by deleting the words “Minister may” wherever they appear in the following provisions and substituting in each case the words “Board may, with the approval of the Minister,”:

Sections 73(1), 74 and 75 (1).
